BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
May 15, 2015
9:00 a.m.
Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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APPEARANCES

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. VINCE BERGMAN, Vice Chair
MR. GILBERT PERALTA, Secretary
MS. KARYL ANN ARMBRUSTER
MS. ELEANOR CHAVEZ
MR. JAMES CONYERS
MS. PATRICIA GIPSON
MS. CARMIE TOULOUSE

STAFF:

MS. KATIE POULOS, Director, Charter School Division
MS. JULIE LUCERO, General Manager, Options for Parents

MR. JOSHUA GRANATA, Assistant Attorney General, Counsel to the PEC

MS. BEVERLY FRIEDMAN, Custodian of Records and PED Liaison to the PEC

MR. PAUL AGUILAR, Deputy Secretary, Finance & Operations, PED
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THE CHAIR: Good morning, everyone. I call into session this regularly scheduled meeting of the New Mexico Public Education Commission. I would ask Secretary Peralta for a roll call, please.

COMMISSIONER PERALTA: Commissioner Pogna?
(No response.)

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Present.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Here.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Here.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Here.

COMMISSIONER PERALTA: Commissioner Carr?
(No response.)

COMMISSIONER PERALTA: Commissioner
Bergman?

COMMISSIONER BERGMAN: Here.

COMMISSIONER PERALTA: Commissioner

Peralta is here.

Commissioner Shearman?

THE CHAIR: Here.

COMMISSIONER PERALTA: Madam Chair, you have eight members present.

THE CHAIR: Thank you, Mr. Secretary. I declare we do have a quorum with seven Commissioners present.

COMMISSIONER GIPSON: Eight.

THE CHAIR: I'm sorry. I missed writing one down.

Commissioner Peralta, did you say eight?

COMMISSIONER PERALTA: Yes.

THE CHAIR: Correct. We have eight Commissioners present. Not a good start to the day.

I would ask -- since Commissioner Pogna is not here and Commissioner Carr is not here, I would ask Commissioner Chavez and Commissioner Armbruster to lead us in the Pledge and the Salute to the New Mexico Flag, please.

(Pledge of Allegiance and Salute to the New Mexico Flag conducted.)
THE CHAIR: Thank you, Commissioners.

I'd like to deviate from the agenda just for a minute to introduce Deputy Secretary Paul Aguilar, who is with us today.

DEP. SEC. AGUILAR: Good morning, Madam Chair. Good morning, Commissioners.

THE CHAIR: Good morning. I don't think we're awake yet.

DEP. SEC. AGUILAR: So the lack of levity and awareness this morning -- I know that's not a word -- Madam Chair, is concerning; but I hope you have a good day today.

Thank you for the opportunity for allowing me to come before you just for a moment. I just want to take this opportunity to, first of all, on behalf of the Department, to welcome -- I know I haven't been here in a few of your meetings -- to welcome the new members to the Commission.

I am Paul Aguilar. Some of you know me; some of you don't. I'm the Deputy Secretary of Finance and Operations here at the Department, and I look forward to working with each and every one of you. If you need things, let me know or let our staff know, and we'll get that taken care of.

The reason I'm here this morning, Madam
Chair and members, is I want to take the opportunity to introduce our new Director of our Options for Parents Division, Ms. Katherine Poulos, Katie Poulos will be joining us today. She comes to us from Arizona, via the Vanderbilt University Law School and the University of North Carolina; so she is well qualified for this position.

She comes to us as the Director of Charter Accountability in the State of Arizona, where she managed the work of the Charter Accountability staff team and directed the development review and continuous improvement of the board accountability policies and processes.

So she brings a lot of experience to the position. She's a pretty mean basketball player; so I'd be cautious about that.

She also served as fellow on the National Association of Charter School Authorizers. She's a Teach for America fellow, and has served in Los Angeles and in Chapel Hill as an attorney.

So she brings a wide array of tools to the game. She's an amazingly pleasant person to work with, is a great addition to our senior team, and I look forward to having a good interaction with -- between she and the Commissioners in supporting the
efforts of charter schools in the State of New Mexico.

So if we could all welcome Katie Poulos, I would appreciate it.

(Applause.)

DEP. SEC. AGUILAR: With that, Madam Chair, you're done with me. I'll be upstairs if you need anything, and have a great meeting today.

THE CHAIR: Thank you. You are always welcome to our meetings, and we'd love to have you stay this morning; but I suspect you may have some work to do, so we will let you go do that.

DEP. SEC. AGUILAR: Madam Chair, not a whole lot; but we're closing out the fiscal year and opening up the new one, and budgets are starting to roll in as fast as possible. So we're moving on that.

I'll be available today if you need me. I would love to stay, but we're trying to get the money out as fast as possible; so --

THE CHAIR: All right. Thank you so much. And, Katie, we welcome you again. We've all been working with Katie, and it's just been a delightful relationship so far. We're working hard, and I think we're really -- Katie is taking on a lot of --
of work that we're asking her and her staff to do; and she's been very gracious about it.

The staff is still smiling with all these additional requests; so I think we are in great shape.

So thank you for coming by this morning. Katie, again, welcome.

DEP. SEC. AGUILAR: Thank you, Madam, Chair.

THE CHAIR: Thank you, all. Commissioners, let's move on to Item No. 2, which is Approval of the Agenda.

And I'm going to call on Commissioner Gipson, please.

COMMISSIONER GIPSON: Madam Chair, I move to approve the agenda, with the addition of adding Anthony Charter School to the Executive Session, for discussion only.

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

COMMISSIONER PERALTA: Madam Chair, second.

THE CHAIR: Thank you. We have a motion by Commissioner Gipson, second by Commissioner Peralta, to approve the agenda, with the addition of...
Anthony Charter School to the Executive Session, for discussion purposes only.

Any further discussion?

Can we do a voice vote, or would it be better --

(Chair consults with PEC counsel.)

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

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."
Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is 8 to 0 in favor of the motion.

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

Next item on the agenda is Approval of Minutes.

First, we'll consider the Work Session minutes from April 16, 2015; and those are in your binder behind Tab 3.

Do I hear a motion on the minutes from the Work Session of April 16?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I move we approve the minutes from the Work Session for the Commission on Thursday, April 16th, 2015.

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

COMMISSIONER GIPSON: Second.

COMMISSIONER BERGMAN: Second.

THE CHAIR: I hear two seconds. Thank
you.

We have a motion by Commissioner Toulouse, second by Commissioner Gipson, to approve the Work Session minutes from April 16.

Any discussion?

May we have a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.
COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The minutes of the April 16 Work Session are approved unanimously.

Let's next consider the minutes of the April 17, 2015, regular PEC meeting. Does anyone have corrections? Additions?

I just have one question.

Cindy -- if you will look a Page 70 -- let me just ask this. When I'm looking at the minutes online, and when I look at the printed minutes, there seems to be a difference.

Is there?

THE REPORTER: (Indicates.)

THE CHAIR: No.

I have Page 70 line 20. And I don't see what I'm looking for.

Never mind. It was a clarification question, and it really doesn't concern the content of the minutes; so let's move on.

Any concerns? Questions?

Hearing none, may we have a motion on the
April 17th meeting minutes?

COMMISSIONER ARMBRUSTER: I move we accept the minutes.

THE CHAIR: Commissioner Armbruster.

Do we have a second?

COMMISSIONER CONYERS: Second.

THE CHAIR: Commissioner Conyers.

Motion to approve the April 17th minutes.

May we have a roll-call vote, please, Mr. Secretary?

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

COMMISSIONER CONYERS: Yes.
COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Madam Chair, that is also an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The minutes from the April 17th, 2015, PEC meeting are unanimously approved.

Let's move to Item 4, which is Report from PED Leadership.

We have Matt Pahl down for that; but, Katie, do I assume you're going to be giving that for us?

MS. POULOS: So that was, I think, what Paul was intended to do; because Matt wasn't here today.

I don't have any more updates; but we'll make sure next month that we do.

THE CHAIR: That's the kind of report we like, short and sweet. All right.

Item No. 5, Discussion and Possible Action on Charter School Amendments.
The first school is North Valley Academy.
Do we have any representatives? Are they
the ones --

MS. POULOS: Commissioner, the first two
items, North Valley Academy Charter School and
New America School, Las Cruces, both requested to be
removed from the agenda.

THE CHAIR: Thank you.

So let's go to Item C, New Mexico
International School.

Do we have representatives from the
school?

Please come forward.

And, Katie, whenever you're ready, go
ahead.

THE CHAIR: Good morning.

MR. KNOUSE: Good morning, Commissioners.

MS. POULOS: New Mexico International
School has requested to remove language from their
contract that currently identifies the start date --
or, sorry -- the start times -- of the school days.
They would like to replace that with language in
which they confirm that they will meet all
requirements for instructional hours and will
provide those times with their annual budget, along
with the start date and end.

Their intent there is to give them the flexibility that they may need to meet the needs of their families and community with regards to school hours and dates.

THE CHAIR: Thank you. Let's give Commissioners just a minute to get to the right page so that we have the right documentation.

MS. POULOS: I'll make one addition.

Charter Schools Division did make a recommendation to approve this amendment.

COMMISSIONER ARMBRUSTER: I'm sorry. I can't even -- it's under 5?

THE CHAIR: It's 5C.

COMMISSIONER GIPSON: It's towards the middle of the pack of 5.

COMMISSIONER ARMBRUSTER: Oh, okay.

MS. POULOS: Looks like it's six pink sheets in.

THE CHAIR: I think we're about ready; if you would go ahead whenever you're ready.

MR. KNOUSE: Again, my name is Todd Knouse, K-N-O-U-S-E. I'm the newly appointed interim head administrator of the school; very excited to come to you, actually, in that capacity.
In the past, I've come to you as a representative of the head administrator; so I really look forward to establishing that relationship.

THE CHAIR: I'm sorry. We're having relationships that I don't think our microphones are working. No, I think mine is. Is that one?

MR. KNOUSE: Do I just need to get closer?

MS. FRIEDMAN: You need to push the button.

THE CHAIR: Can you hear in the back?

MR. KNOUSE: I can hold it up. I feel a little silly; but that's nothing new.

Thank you.

Again, my name is Todd Knouse, K-N-O-U-S-E. I'm the interim head administrator at the New Mexico International School, and I'm coming before you Commissioners today to ask you to entertain my request to strike language in our charter, wherein the start time and end time are actually specified in the charter.

We've just found that that -- I mean, we have to submit it annually each year with our budget; and this has locked us into certain choices that aren't normal, I guess, for other charters. So
we're just asking for that language to be stricken
and be obviously expected to follow statutory
requirements for instructional hours annually,
submitted with our budget and calendar.

THE CHAIR: Thank you.

MR. KNOUSE: Sure.

THE CHAIR: Commissioners, you heard the
presentation. You should have the amendment form in
your packet.

Are there any questions?

Has this been approved by your governing
council?

MR. KNOUSE: Yes, Madam Chair. I should
have submitted minutes along with the request.

MS. POULOS: Those are --

COMMISSIONER TOULOUSE: Yeah, they're --

THE CHAIR: I see minutes of a special
meeting. Is it --

MR. KNOUSE: Again, the date escapes me
right now; but it would be referenced on the
amendment request on what the date was.

COMMISSIONER GIPSON: March 24th.

MR. KNOUSE: That sounds about right.

THE CHAIR: G?

MR. KNOUSE: Yes, ma'am.
MS. POULOS: And it's Item H in their minutes.

COMMISSIONER TOULOUSE: I thought it was G.

MS. POULOS: Oh, I'm sorry. You're right.

COMMISSIONER GIPSON: Yeah, it's G. It's Item G on their minutes of March 24th.

COMMISSIONER BERGMAN: On the next page, I think.

COMMISSIONER GIPSON: The back -- it's in the back.

MR. KNOUSE: Is the vote not reflected?

THE CHAIR: Is that sufficient?

COMMISSIONER BERGMAN: It's on the top of the next page, separated from the --

COMMISSIONER GIPSON: Yeah, the vote is on the top of the page. Yes.

MR. KNOUSE: Oh, thanks, because I was there. I know it happened. I just need the paper there.

COMMISSIONER GIPSON: Yeah, the vote is there.

THE CHAIR: Mr. Granata is telling me that that is sufficient on the governance council.

MR. KNOUSE: Okay. Thank you.
THE CHAIR: Are there any other questions?

Hearing none, the Chair would entertain a motion.

COMMISSIONER GIPSON: Madam Chair, I move to approve the amendment presented by New Mexico International Charter School to amend Part 5, Section P, Subsection 1, "Length of School Day," on Page 34 of their charter, as described in the amendment request form.

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

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: Commissioner Armbruster?

Motion by Commissioner Gipson, second by Commissioner Armbruster, to approve the amendment, as is noted on the record.

Is there any further discussion?

Hearing none, the Chair would ask for a roll-call vote, please.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Bergman?
COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Chavez?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner

Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: I thought I already voted.

Did I vote out of turn? Do I need to fix that, or just vote now?

I'm sorry. Yes.

COMMISSIONER PERALTA: Commissioner

Shearman votes "Yes."

Madam Chair, that is 8 to 0 in favor of
the motion.

THE CHAIR: Thank you. The motion to approve the amendment request of New Mexico International School is unanimously approved.

MR. KNOUSE: Thank you. And again, I would like to say I'm very excited to work with this Commission as the new leader of the school as we go into our renewal next year.

THE CHAIR: We look forward to working with you. Thank you.

MR. KNOUSE: Thank you.

THE CHAIR: Next is Estancia Valley Classical Academy.

Do we have anyone from that school, please?

I'll ask Katie to give her presentation, and then I'll ask you gentlemen to introduce yourselves. I forgot to do that previously. I'm sorry. We need to have that for the record.

So please be seated.

Katie, whenever you're ready.

MS. POULOS: Madam Chairwoman,

Commissioners, Estancia Valley has submitted two amendment requests, both to amend goals in their charter. The first one is an amendment request to
amend the requirement with regards to NMSBA testing. They've made that request because of the change in the State assessments.

The Charter Schools Division evaluated the -- the amendment request and felt that the proposed amended goal was not as rigorous and didn't feel comfortable recommending the approval of that goal. That goal was very different from the prior goal. So the prior goal was based on a standardized assessment and achievement level.

The proposed amendment would incorporate a variety of different metrics, including student attendance, assignment completion, and then some -- a variety of classwork and class tests, as well as some of the standardized tests that are administered in the school.

Ultimately, again, CSD didn't feel comfort with the rigor level and didn't feel comfortable recommending that for approval and would be comfortable, at the Commission's direction, if the Commission doesn't feel that it's a rigorous goal, working with the school to make and work on a goal that might work in place of the NMSBA testing.

The second amendment request was with regards to character goals in their charter. And it
was a change in how the character goals were being evaluated.

Again, CSD didn't feel comfort with the rigor level and also felt that it was already a measurable goal, and that's why CSD did not recommend approval of that amendment, either.

THE CHAIR: Okay. Thank you very much. Gentlemen, if you would please introduce yourselves, and if you have anything you'd like to share with us?

MR. LENARD: Roger Lenard. I'm the president of the governance council of the Estancia Classical Academy.

Madam Chair, distinguished members of the Commission, we are pleased to be here. This is Mr. Thiery.

MR. THIERY: My name is Timothy Thiery. I'm executive director of the Estancia Valley Classical Academy; and I'm, likewise, pleased to be here. And thank you for giving us -- good morning.

(Reporter requests clarification.)

MR. LENARD: Lenard, L-E-N-A-R-D.

We'd like to take a few minutes. As you may recall, we were here once before requesting a change due to the change in assessments from the
NMSBA to PARCC. Right now in our charter, the only academic assessment is based on the New Mexico Standards Based Assessment, which, as you know, has been replaced by PARCC.

Without a change in the goal, we are at a pragmatic dislocation. It's existentially unimplementable to implement a goal for whose assessment no longer exists.

Our concern is that the PARCC is a brand new assessment. There is no baseline for the PARCC. We have no idea how students in New Mexico are going to perform on that; and therefore, using it as sole mechanism to assess students -- we have no idea if we are going to base our -- our achievement of this goal on a percentage of the number of students who are proficient or greater. We have no way of doing that without a baseline.

Since the test is new, there is no baseline. Furthermore, the PARCC results don't come in until very late. They don't come in until November; so it makes it very difficult for us to base our re-charter -- or our re-contract, in this case, which will start next year, based on the fourth year of an assessment, when the results of the assessment are going to come in well after the
time that most decisions need to be made.

So that's one problem we have with basing it on the PARCC assessment only.

Secondly, we've -- we spent a great deal of time on trying to determine a rubric for student achievement. And one of the issues is the latest studies show that standardized tests are not the best indicator of student success in college.

Mr. Thiery here will provide some inputs on that.

MR. THIERY: Over last summer and into this year, we have been doing extensive research into what -- what might be a more comprehensive and rational approach to measuring student academic success, rather than expensive standardized testing, and have uncovered what we consider considerable reliable evidence that there are better ways of measuring student academic success than standardized tests, such as the PARCC.

And just as a sample, I've brought with me a couple of graphs from a paper published in February of 2014. This was comparing GPA -- high school GPA versus standardized ACT, SAT scores. And I'm prepared to distribute those graphs to you, if you'd like, just as a quick look at the data.

THE CHAIR: Gentlemen, if I just might
interject some information here. This Commission, a
meeting or two ago, I think, made the decision not
to ask for PARCC results in next year's academic
performance indicators; so we're -- we're not
encouraging anybody to use the PARCC scores.

As you say, it's too new. We don't know
what those results are going to look like. So we
said, you know, "Don't -- don't concern yourself
with that. Let's look at other things."

One of the other things that we have
really been working with other schools on, those
schools that we've been negotiating their
performance contracts this month, last month -- and
we should finish up next week -- is to use their
Short Cycle Assessments. Some schools are already
giving those.

I notice you guys are talking about the
Discover Short Cycle Assessment, and we've had very
good success working with schools using those as a
math and a reading indicator, which would be your
two academic indicators.

I'm not telling you what you need to do.
I'm simply letting you know what this Commission has
been doing in negotiations; so just so you'll have
that information.
MR. LENARD: That is heartening news, because we were very concerned about how we were going to modify this based on a brand new standardized test.

And if you take a look at our rubric, we don't eliminate standardized testing. As a matter of fact, the DIBELS test, the Discovery tests, the End-of-Course Assessment that is provided to us by the State of New Mexico to take, all of those are part of our overall comprehensive grading evaluation.

So, I mean, you know, it's not like we're trying to throw out the baby here. We're actually trying to expand the number of items we use, most of which come from either standardized tests or from the New Mexico PED itself.

The End-of-Year tests are a very good test, actually; and so we do like using those. So that is why we're appealing to you to -- to give us some help. I mean, if you want to send us back to the PED to work this out, we can do that. But we're asking you to approve the request, as written.

THE CHAIR: I'm -- I'd like to hear Commissioner Bergman's take on this. He's -- he's led our negotiations for contract and performance
framework negotiations for the last couple of years.

MR. LENARD: Certainly.

THE CHAIR: And I'd like to hear your thoughts.

COMMISSIONER BERGMAN: Thank you, Madam Chair.

I have to state I've been battling a cold for three weeks, and I have a bad throat; so I will talk as long as I can.

Let me just say this: As a Commissioner speaking solely for myself, I would, in most cases, be just opposed to changing any indicators in the middle of the race, so to speak. I would certainly be opposed to replacing them with something that was not as rigorous as what was being replaced.

Based on what the Chair just said, who is your liaison? Who's the CSD liaison?

MR. LENARD: Ms. Christie Berg, I believe, is our direct liaison.

COMMISSIONER BERGMAN: Since -- you're saying that since -- I don't remember; I've done so many. I don't remember what your charter shows.

MR. LENARD: Sure.

COMMISSIONER BERGMAN: We -- the PARCC -- or SBA -- was the only we had? Because you have not
been negotiated with. You're not under the contract, right?

MR. LENARD: No, we're not under the contract.

COMMISSIONER BERGMAN: You'll be coming in two years is when we'll get to that.

MR. LENARD: Exactly. Exactly.

COMMISSIONER BERGMAN: My suggestion would be is that -- is that you go back and work with your CSD liaison, work with Katie and Julie, who are the leaders of the Department. And since you're going to be left this year without an indicator, in your case -- other schools have other -- we had other indicators with them -- I would suggest that we might be able to consider an amendment down the road, where you just do what the Chair just suggested.

We have been negotiating Short Cycle Assessments with all the schools, and there's a reason for that. The performance frameworks are one-year documents. They're good for one school year, and then we look at them, and then we'll go into the second school year.

If the Chair and the Commissioners agreed with this, perhaps you could get with your
liaison -- 'cause they're familiar with what we're negotiating; they've seen the goals and the indicators -- and perhaps come up with a couple of Short Cycle Assessments to replace what you're losing, the SBA and the PARCC.

I figure you're all in that boat. None -- we're not going to use PARCC, as she said, in the next year. But that's your decision. And actually, I'm just really personally opposed to changing horses in the middle of a race.

And I understand what you're trying to do, and I appreciate it. But -- and I really am going to be opposed to doing something that's not as rigorous. Everyone that's sat in these meetings with me will attest to the fact that I believe in very rigorous academic goals. The whole purpose of what we're doing now with these contracts -- and you're not there yet -- is -- and a lot of times, when the Legislature passes statutes, we don't necessarily know what their intent is.

In the performance contracts and the performance frameworks, I know exactly what their intent was. They felt that charter schools in that state were not performing to the level academically as they should be; and that's what we're trying to
cure with the contracts and with the performance frameworks.

I don't know what's going to happen here in the next minute. That's kind of the way I feel about it.

THE CHAIR: Thank you very much.

Gentlemen -- so I would -- I would offer you two options here. If you would like to withdraw both of your amendment requests and work with CSD to come up with something that would be more amenable to this Commission, and certainly that would work better for your school, I think we certainly would be glad to hear that; or if you prefer to go ahead with these amendment requests as they are today.

Gentlemen, while you're conferring, Commissioner Armbruster has a comment. So please go ahead; but she does --

MR. LENARD: Go ahead.

COMMISSIONER ARMBRUSTER: This is probably for you, Ms. Poulos, as well as the Chair.

Since we've been negotiating this and we've been basing everything on the Discovery or the MAP's or whatever test they're giving, would it be appropriate that all of the schools revise what their goals are; because if they're based, as they
said, on a test that we're not giving, that seems odd.

But we want to see something in terms of growth or proficiency. And that's what we've been doing for all of the other ones. Is it possible that they would redo theirs? Or are we measuring some people on something that doesn't exist and others on the Discovery or the growth -- you know, the growth in proficiency that we've been talking --

THE CHAIR: I'll just say, off the top of my head, not every school has got a performance indicator based on the SBA or what would be become -- what has become the PARCC. So those who do probably are going to be in this same situation and need to come forward with some change.

But I don't believe every school, because that's part of the report card. So it's really not necessary to also have it in the -- in the indicators. That's just my take on it. If anybody has a different thought?

COMMISSIONER GIPSON: No, that's --

COMMISSIONER ARMBRUSTER: So when these people -- and I'm sure you know who that is -- maybe rather than have their time to come up here and do that, they maybe should work with their liaison to
redo those and then bring them here so that we would agree on the percentage of proficients and, you know, the things that we've been doing, rather than have them come up? Because they apparently didn't know that, which I understand; I just -- looking at what is more efficient.

THE CHAIR: I think the liaisons could certainly make sure that the schools are aware of that.

MS. POULOS: Commissioners, we will make sure that we identify any schools that do have those goals in their contracts and work with them proactively to ensure we have a measurable goal.

COMMISSIONER ARMBRUSTER: It just seems, you know, to make them come up and listen, and now we're sending them back, and -- how would they know that?

THE CHAIR: Gentlemen, have you come to a consensus?

MR. LENARD: Yeah, I think so. I think we'll withdraw our request and work with our liaison and the Charter Schools Division.

THE CHAIR: And have you met Ms. Poulos?

MR. LENARD: Yes. As a matter of fact, she was gracious enough to allow us into her office
before this meeting, which is why she came in a few moments late. And so I would like to say that the Estancia Valley Classical Academy is doing an exceptional job with students on standardized testing.

For example, our kindergarten this year met end-of-year requirements in March. Our children in first grade, some of them are at a fifth-grade reading level. This is not because they're any particularly selected students. All of our students are doing very well.

We're just trying to make sure that our performance indicators actually adequately reflect the quality of work that's being done there; so we are extremely rigorous in the execution of our academic program. And we're just trying to find a way out of the hole we're in right now, you know.

THE CHAIR: And we appreciate that. And we certainly do want to work with you. And I know that CSD is willing and able, and all of that, to work with you.

MR. LENARD: Okay. We thank you for your time. Thank you, ladies and gentlemen. I hope your cold gets better -- no -- I hope you get better from your cold.
COMMISSIONER BERGMAN: Thank you. Right now, I'm a carrier, and at least one Commissioner is a little upset with me.

THE CHAIR: I'm keeping a little distance. Thank you, gentlemen, and thank you for telling us about your school. It's always good to hear.

COMMISSIONER GIPSON: I think you're not contagious any longer.

THE CHAIR: Next is Item No. 6, Report from Options for Parents and the Charter School Division. This is Discussion and Possible Action. We'll start with Schools of Concern, Katie.

MS. POULOS: On the Schools of Concern, list, Commissioners, there is, first, Southwest Learning Centers. At this time, there is no further update on that school. When we do have a further update, we will provide it.

On Dream Diné, Madam Chairwoman and Commissioners, Dream Diné is still operating out of the Hogback Head Start building. On April 13th, the Hogback Chapter voted to extend Dream Diné's current lease for the use of that Head Start building through June of 2015. The school is continuing to work on their permanent facility, which is located...
behind the Shiprock Chapter House. The school is confident that they will be able to move into this facility over the summer and accommodate their students at the permanent location in August.

THE CHAIR: And can you tell us how many students they have?

MS. POULOS: Fourteen students, currently. And I know that they are working on enrollment for the next year at this time. And we don't have those numbers.


MS. POULOS: The next school on the Schools of Concern list is La Resolana Leadership Academy. This school has been identified as a School of Concern for the following reasons:

The school has not been developing accurate IEPs, is not completing the Schedule of Services page accurately. These inaccuracies are leading to students being placed in incorrect levels.

The school reported 13 Level 4 students on their 80th day and 120th day S.T.A.R.S. reports. And they received funding accordingly.
After one monitoring visit and a special education audit, it has been confirmed that La Resolana was misreporting their Level 4 students. They have three, not 13, Level 4 students at both their 80th day and their 120th day. The school has confirmed this finding.

My recommendation would be that the Commission may consider taking action to request that CSD work with the school to create a Corrective Action Plan. But that is up to the Commission.

THE CHAIR: Okay. Is this a school that came before us last month?

MS. LUCERO: Madam Chair, yes, they did come --


(Chair consults with PEC counsel.)

THE CHAIR: Commissioners, you've heard the report and the recommendation from the CSD Director. I would also suggest to you that we do have the option of a -- of an Improvement Plan, which is a little less serious, perhaps, than a Corrective Action Plan. But whatever your thoughts are.

Does anyone have a comment or a thought on this?
COMMISSIONER GIPSON: Well, my concern is
the -- the money issue, that I -- I don't -- I think
it -- I personally think it warrants a corrective;
because it's -- you know, we're -- correct me if I'm
wrong. But I think we're bordering on fraud here,
you know, if it went on for two separate cycles,
correct?

MS. POULOS: Yes, that is correct.

COMMISSIONER GIPSON: Yeah. I -- that's a
big difference in numbers.

THE CHAIR: Good information.

COMMISSIONER ARMBRUSTER: Pardon me. I
wrinkled a paper when you were saying that. What
was the first 20- and 40-day reported level for
special ed -- or D-level?

MS. POULOS: I'm going to ask Julie to
help here. I think we have the 80th day and the
120th day.

COMMISSIONER ARMBRUSTER: Okay. Because I
know you said the numbers, and I just didn't hear
them.

MS. POULOS: So the 80th day and the
120th day, they reported 13 Level 4 students. When
the special education audit was completed, it
confirmed that both those points in time, there
were, in fact, three Level 4 students.

COMMISSIONER ARMBRUSTER: Thank you. I just couldn't hear the numbers.

MS. POULOS: Sorry.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yeah. I have a question in terms of the numbers and the issue concerning a possible fraud. Has there been a financial audit to determine what monies we're looking at?

MS. LUCERO: Madam Chair, members of the Commission, we are -- I am working with Budget currently -- we actually are -- to determine their upcoming budget and the impact those ten misrepresented Level 4 students will have on their next year's budget.

So, yes, it is ongoing, and we will keep you updated once we have the final numbers. I am working with Special Ed Bureau -- the two of us -- Charter School Division and Special Ed Bureau are working together to complete that report.

THE CHAIR: Thank for you that information. Commissioner Chavez?

COMMISSIONER CHAVEZ: Madam Chair?

So what happens once the audit is
completed? I mean -- well, first of all, let me
back up a little bit. Who's doing the audit?

MS. LUCERO: Madam Chair, Commissioner
Chavez, the first monitoring visit was by myself and
another liaison from CSD. The second audit that
took place was with myself and Special Education
Bureau. And we are currently collaborating with
Budget to determine the numbers. That occurred last
Friday; so we do not have the final budget piece.

But potentially what could happen, ten
Level 4 students could generate anywhere from
$50,000 to $80,000; and so determining exactly what
that final figure is, and if that would be a
decrease for their upcoming budget in the next
school year. And that will be determined next week,
the final numbers.

COMMISSIONER CHAVEZ: Right. So the
question that I have, then, is -- I guess I'm a
little confused. Usually, when money is misspent or
not used appropriately, it has to be returned. So
why is that not the question -- why is that not
happening with this situation?

MS. LUCERO: Madam Chair, Commissioner
Chavez, that is -- I'm not saying that that is not
going to happen. It's just that the final findings
have not come out, because we have not collaborated and written a formal statement from myself, Special Ed Bureau and Budget. So that is happening next week; so I -- I do not know exactly what's happening. It's still in process.

But realistically, if someone is spending money that they shouldn't have, that's usually the case. But the determination will be final at our meeting next week.

COMMISSIONER CHAVEZ: And is there, Madam Chair, an independent audit that takes place when situations like this come up?

MS. LUCERO: Madam Chair, Commissioner Chavez, the audit comes from us; and then that further pursues Budget to look into other things. But the numbers are final as far as misreporting. They have misreported ten Level 4 students; that is final and confirmed.

The calculations of how much money that is -- has -- is the only thing that has not been determined.

COMMISSIONER CHAVEZ: Madam Chair?

I guess my question is, is there an outside independent auditor that comes in to look at the school's books? You know, I would be concerned
that there may be other monies that are being
misallocated or not spent the way that they're
supposed to be spent.

MS. LUCERO: Madam Chair, Commissioner
Chavez, they do have an audit annually. And those
are things that are looked at. And so when CSD goes
in, and Special Ed Bureau, we find these things, and
we report them. And that could mean a more in-depth
audit.

At this time, like I said, we have -- in
fact, today, I'm meeting with Special Ed Bureau to
finalize our report, and we are meeting with School
Budget on Monday to finalize it. This is still in
process.

So what comes next, really, is -- will be
up to Budget Department. We can only report our
findings from the Charter School Division and
Special Ed Bureau. And that is, right now, that
they have ten students that they misreported under
Level 4, and that their IEPs are not in compliance,
according to their Schedule of Service pages.

COMMISSIONER CHAVEZ: And, Madam Chair --
I mean, on the Commission, when we talk about the
Budget Department, who is that?

MS. LUCERO: That would be Deputy
Director Paul Aguilar, and Eileen. She is a
director under that division. So we are meeting on
Monday.

COMMISSIONER CHAVEZ: Madam Chair?

So there isn't any independent outside
audit that's taking place at this point in time,
then?

MS. POULOS: Commissioner Chavez,

Madam Chair, there is an audit that each school must
complete annually that is completed by a certified
auditor through the State. And so they do have that
annual audit, which is separate from this, where,
through our monitoring visit, we determined there
might be additional issues that had not previously
been identified with the reporting of special
education students, which is what is prompting this
further look in that area.

But there is an overall, comprehensive
audit that's completed annually for all the schools.

COMMISSIONER CHAVEZ: And when is that
audit scheduled to be completed?

MS. POULOS: I do not have the dates of
those; but I can get that information and provide
that.

COMMISSIONER CHAVEZ: That would be great,
Madam Chair.

I would like to see the final report, a copy of the final report, once it's completed. And then I would also -- and I'm assuming that the Commission has access, or is provided with, reports of the financial audits for every single school.

MS. POULOS: Certainly, we can make that available, based on your request.

THE CHAIR: All right. Commissioners, other questions? Comments? Concerns?

What is your pleasure? The recommendation from CSD is that this school be put under a Corrective Action Plan, that CSD and the Staff collaborate on writing of that Corrective Action Plan.

Remember, it does have to come to this Commission for approval; so we certainly would be involved in that. And any help we could be in putting that together, certainly, we would be glad to do that.

Is that your pleasure?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Yes.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair,
Commissioners, I agree with Commissioner Gipson that due to the nature of these -- whatever is going on there, that a Corrective Action Plan probably would be -- which is a more detailed, more extensive process, would probably be appropriate in this particular case.

THE CHAIR: Is that a motion, Commissioner?

COMMISSIONER BERGMAN: If you want to --

COMMISSIONER GIPSON: It doesn't matter.

Madam Chair, I move to have the CSD work with La Resolana Leadership Academy to create a Corrective Action Plan.

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

COMMISSIONER TOULOUSE: Madam Chair, second.

THE CHAIR: Motion by Commissioner Gipson, seconded by Commissioner Toulouse, to work with -- to direct CSD to work with the school to put together a Corrective Action Plan, and that we would like to see that.

Katie, would that be possible by the next meeting?

MS. POULOS: Yes.
THE CHAIR: Okay. Any further discussion on the motion?

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I just wanted to clarify in my mind. So when we're doing this corrective action, that means you're looking at all the special eds to make sure that they have X amount of A's and B's and C's, as well as the D-level students? Or is it you're just looking at the D?

MS. POULOS: So that was the audit that had the findings. I think what the Corrective Action Plan will be is looking forward to ensure there's no further compliance issues and what those will be.

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Any further discussion?

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

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.
COMMISSIONER PERALTA: Commissioner
Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner
Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner
Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously.

We appreciate you being on top of this issue, bringing it to us, and we look forward to seeing the Corrective Action Plan next month.

Katie, please go ahead.

MS. POULOS: The next school on the Schools of Concern list is Anthony Charter School.
Madam Chair, Commissioners, in your materials, you
will find the updated closure protocol checklist for
the school.

However, at our -- I'm sorry -- last
Friday, Judge Matthews issued a stay on the closure
of that school, which means that the closure will
not go forward, pending appeal, currently, under
that Judge's order.

THE CHAIR: Thank you. Any questions or
comments?

COMMISSIONER CHAVEZ: Yeah. I --
Madam Chair, I have a question. So how long do we
expect that -- the legal process to take before we
know whether or not the school will close?

MS. POULOS: We met yesterday with the
General Counsel, and we do not have a good
approximation on the time period. And that's just
the nature of the courts.

THE CHAIR: If I might, I would just add
that the order -- the stay order -- or maybe I
should ask Mr. Granata to respond to this. But
there was a limit on the stay order; is that
correct?

MR. GRANATA: Madam Chair, Commissioners,
it is my understanding that there is a limit on that
order. However, I haven't seen the order myself. I've only spoken with General Counsel from PED. And it's my understanding that the Court is trying to expedite the process as quickly as possible, understanding that the -- the school has a bunch of concerns regarding what's going to happen in the future; and so the Court is well aware of the need to expedite the process.

THE CHAIR: Any other comments or questions?

Thank you very much for that report. Let's move on.

MS. POULOS: And I apologize. That was not on the School of Concern list; but that was a different item under this report. I apologize for that.

The next item we have the New Application Form.

Madam Chair and Commissioners, there are two items we would like to address with regards to the New Application Form. Specifically, with regard to instructions and time frame, found in Part 4 through 6, Part A of the New Application kit, which were provided to you in your materials.

First, on Page 5, the manner of submission
of the completed charter application, the section
currently identifies that applications may be
submitted on a CD-ROM or a flash drive by the
deadline. At this point, CSD has been planning and
working to facilitate all submissions through the
SharePoint website. CSD would like to seek clarity
on whether the Board feels it is important to
continue to allow this submission method, or whether
it would -- the Commission would be agreeable to a
revision to the instructions that removes this
language and the language at the top of Page 5 that
identifies instructions for mailing submissions to
the CSD, and that provides additional details about
submission via SharePoint.

THE CHAIR: Thank you very much.
Commissioners, do you have comments or
questions?

COMMISSIONER BERGMAN: Madam Chair?

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Katie, for your
information, because you're brand new --

MS. POULOS: Sure.

COMMISSIONER BERGMAN: -- the Staff can
tell you, I'm a non-computer person. Any changes --
I would be in line with any changes as long as it
does not make it more difficult for someone like me
to access the -- the information on the website or
the Internet, or wherever I'm going to have to go to
get it.

But I don't deal with ROMs and flash
drives and things like that. I'm too old for that
stuff; so I -- as you -- and my fellow Commissioners
know that.

THE CHAIR: Yes, we do.

COMMISSIONER BERGMAN: I'm the
non-computer geek in this group. But as long as it
does not make it more difficult for me -- because I
read everything, and I need to be able to read it.

Thank you.

MS. POULOS: And it certainly won't change
the way in which we provide the materials to the
Commissioners; but it would impact the way that
applicants are required to submit their
applications.

If we were to make the revisions, they
would all submit in the same manner. If the
application stands as it is, we'll still encourage
everyone to submit in that manner; but there is the
opportunity to -- to provide their application on
CD-ROM.
THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I agree with doing this. The technology is now there. It's now been tested; it's much easier for our folks. And it would make it easier for us, because when we get some of those other formats, we can't always read them on our screens.

So if it's all in a format we can read, it's better for us; it's easier for your staff, who don't have to upload and move them around and change them. Since we don't have a dedicated IT person for the Charter School Division -- I'm going to get those kinds of things in every chance I get on the record -- then I very much think it's time to make this change and say there's one way to submit.

THE CHAIR: Okay. Thank you.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes, Commissioner Shearman. And Katie. This does not make it more difficult to the charter schools, does it? Or does it just sort of make it easier and -- I didn't want to dump on them.

MS. POULOS: I don't believe it makes it any more difficult; because all of our training has been geared towards submission in this manner.
COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Further questions or comments? Hearing none, the Chair would entertain a motion.

COMMISSIONER BERGMAN: Do we know what -- do we know what you're recommending to replace it with? Has that been said yet?

MS. POULOS: Madam Chair and Commissioner Bergman, we would be replacing it with the instructions that identify submission through SharePoint.

THE CHAIR: And SharePoint only.

MS. POULOS: Correct.

THE CHAIR: Okay. Let me be very clear on that. Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I'll make a motion; but I want a clarification. When would this begin? What --

MS. POULOS: Madam Chair and Commissioner Toulouse, it would be for this application cycle. And, again, all of the applicants have been trained on this submission method through this application cycle, and no applicants have even been notified of an alternative application process.

COMMISSIONER TOULOUSE: So, Madam Chair, we can do it for this --
THE CHAIR: I'm asking our attorney, and
Josh tells me as long as they're given sufficient
notice that yes, it's okay.

COMMISSIONER TOULOUSE: Madam Chair, I
move that we change our instructions and our
procedure on submission of applications to be
required only through SharePoint, beginning with the
applications that are due in this current round.

THE CHAIR: Do I have a second?

COMMISSIONER ARMBRUSTER: (Indicates.)
Commissioner Armbruster, second? Okay.
Commissioner Bergman, discussion?

COMMISSIONER BERGMAN: Yes. I will just
add the caveat that when you make these changes, we,
of course, will want to see them in advance, because
we will vote on the new forms. And kind of going to
Commissioner Toulouse's question, they would -- this
form will be used again in the next year's cycle; so
it has to be done by January 1st, because people
will start --

THE CHAIR: The current cycle.

MS. POULOS: It would be for this current
cycle, and it will be a revision to -- those items
identified specifically here that say, "Here's how
you mail a CD ROM. Here's how you submit via CD
Those would be stricken, and it would be, "Identified applications shall be submitted through SharePoint only," and probably some instruction, or, "For additional guidance on using SharePoint, please contact," and be given a contact name.

COMMISSIONER BERGMAN: We won't have any new applications now till next year, the next cycle.

THE CHAIR: This is the current application cycle.

COMMISSIONER BERGMAN: We certainly have to have it done by January 1st.

COMMISSIONER TOULOUSE: I think, Mr. Bergman, this is for the actual application that they would be submitting by June 30th; am I correct?

MS. POULOS: Madam Chair, Commissioner Toulouse, that's correct. It would be for the current --

COMMISSIONER TOULOUSE: We don't actually have the application form yet; we have the intent to apply.

COMMISSIONER BERGMAN: Oh, well. Okay. So we're really not changing the application form. We're just changing how they're going to submit it then.
MS. POULOS: Madam Chair, Commissioner,
yes, that's correct.

COMMISSIONER BERGMAN: I forgot that we do
have applications coming in in a couple of months.
I've been so tied up on other things.

THE CHAIR: Negotiations?

COMMISSIONER TOULOUSE: And being sick.

That's why I tried to make the motion to say,
"Change the procedures and the method of
submission"; so...

THE CHAIR: Any further discussion?

The motion is to approve changing the
method of submission for new charter school
applications to SharePoint only; and it would be
effective for this current year, for the
applications that are submitted at the end of June,
by the 1st of July.

Are we ready to vote?

Mr. Secretary, may we have a roll-call
vote, please?

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner
Toulouse?
COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "Yes."

Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner

Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Madam Chair, that's an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously.

Katie?

MS. POULOS: Madam Chair, Commissioners,

the second item on the new application form is at

the bottom of Page 5 and the top of Page 6. In
those areas, there is information concerning the public hearings to obtain community input.

This information identifies that these hearings may be held from August 11th through 22nd, of course, with the caveat that these dates are subject to change, based on conflicts beyond the control of CSD and the PEC, and that the number of charter applications submitted to the PEC for consideration may influence these dates, as well.

The Commission's schedule currently identifies only August 17th through 21st for those hearings. CSD would like to seek guidance from the Commission concerning scheduling. Specifically, CSD wants to ensure that the Commission feels comfortable that those five days scheduled for the 12 hearings will be a sufficient amount of time.

THE CHAIR: Let me just remind everyone at the work session yesterday, we proposed to use -- pardon me -- August the 17th as a -- whatever kind of day we were calling it.

MS. POULOS: Madam Chair, I think it was a "consultation day"?

THE CHAIR: Consultation day and a day to renegotiate performance frameworks.

In the past, Katie, just as a good rule of
thumb, generally, only half of the notices actually result in applications. So if I'm hearing you correctly, you're asking do we think that one week, the 17th -- actually, the 18th through the 22nd is sufficient for those community input hearings?

MS. POULOS: Madam Chair, Commissioners, yes. We just wanted to be sure that we were comfortable with those, and that we didn't need to plan for anything additional.

THE CHAIR: I personally think it's sufficient, depending on how many applications come in and how far across the state they're spread out. But we've been able to get it done in a week before, even with more applications than this.

Commissioner Bergman?

COMMISSIONER BERGMAN: Yeah. A couple of years ago, we did 15 in five days, scattered from Taos to Carlsbad, New Mexico. And, yes, it was a grueling week and a ton of driving. But, yeah, I believe -- we have never had to use more than one week, historically.

Now, if we ever get a flood of applications, we may have to revise it or look at doing it over perhaps a two-week period. But I believe right now, the dates set aside are
MS. POULOS: Okay. Great.

THE CHAIR: Any other comments? Hearing none?

MS. POULOS: The next item, Madam Chair and Commissioners, is the Notice of Schools Looking for a New Facility.

We have -- I apologize, pull this up -- it's Explore Academy, as well as La Academia de Dolores Huerta and Taos Integrated School for the Arts, are all currently looking for new facilities.

THE CHAIR: Thank you very much. And that's just a heads-up to the Commission. They're looking. They may be moving sometime.

Any questions, comments there?

All right. Thank you. Let's move on.

MS. POULOS: The next item is CSD Collaboration with PED's Priority Schools Bureau.

We have been working on identifying where some of the work that Priority Schools Bureau is doing may help inform some of the work that we can do, or maybe overlap.

Currently, we know that the Priority Schools Bureau works with schools that have been identified as Priority Schools to implement an
instructional audit. I do know that the Commission currently has improvement plans for schools that are -- have earned a letter grade of a C or a D -- or an F; so any of those three.

And I believe that there is room to work with the Priority Schools Bureau, not only on the submission method, but also the elements of what they use in those instructional audits to inform the improvement plan for those schools that may have those letter grades.

And we would like to explore that a little bit more in depth to see if that's something that the Commission thinks might be valuable.

THE CHAIR: Thank you.

Comments? Questions?

COMMISSIONER BERGMAN: I would just note, in case someone doesn't know why this happened, we imposed improvement plans on a number of schools this year. And it was only after the fact that we found out, as a Commission, that the Priority Schools Bureau had also imposed a different improvement plan on these same schools.

And it did seem like a double whammy for the schools. And so that's why this is being
considered. If the Priority Schools Bureau, which
we have no -- they're not a part of us; we're not a
part of them -- are going to do an improvement plan,
then we probably should be able to work with their
improvement plan, would just be my personal -- but
that's why we're talking about this. That's why.

THE CHAIR: And I do think, Katie, as you
all work through this issue with the Priority
Schools Bureau, that it might be helpful if we were
able to see that improvement plan. We have not
been, you know, provided that in the past. And if
we did, it might give us a better idea if there's
anything that we feel very strongly about that
perhaps is not on there that we could either
encourage them to put on, or that we would need to
somehow enforce our -- through our own Commission.

MS. POULOS: Certainly, Madam Chair and
Commissioners. We'd be happy to do that. If you'd
like me to add this or continue to report on this as
an agenda item next meeting, I can prepare to
present that information to you and have that
instructional audit so that we can move forward with
that discussion.

THE CHAIR: Commissioner?

COMMISSIONER CHAVEZ: Madam Chair? It
would be helpful to have a list of those schools.

THE CHAIR: The schools that are on the Priority School Bureau target?

COMMISSIONER CHAVEZ: Right.

THE CHAIR: Katie, would that be possible?

MS. POULOS: We can work on getting that list and providing it as part of the next report for the next meeting to identify which schools are already in that process. And I know there is some change in what Priority Schools Bureau is going to be doing as far as the schools that they address.

But currently, we can get the list of our -- of the charter schools that are under that right now.

THE CHAIR: Okay. Thank you. Just refresh my memory, Katie. Do they not -- do the Priority Schools Bureau primarily work with those schools that have D and F grades on their school report cards?

MS. POULOS: The classification, I think, is a little more complicated than that; but I think that's a rough approximation.

THE CHAIR: Okay, good. Thank you. Any other questions?

All right.
MS. POULOS: The next item on the agenda is the Enrollment and PARCC Issues. This was an agenda item that was requested to be addressed because of some reports that students who were not taking the PARCC were being disenrolled.

PED has investigated this information and has found that, really, the issue is that if a student has more than 10 absences, they can be disenrolled, based on those more than 10 unexcused absences.

Because the PARCC assessment has a very long window, students who are choosing not to take that PARCC assessment are accruing those absences at a point where there would be an enrollment issue.

What CSD is planning on doing, moving forward, is implementing a more laid-out complaint process, so that any complaints that are received in writing will be forwarded to the school, and the school will be required to respond and provide information about how they are in compliance with not only federal and State law, but also with their policies.

And any school that does not reply or who replies in a way that indicates that there may be compliance issues, we would be able, then, to bring...
those to the Commission with very specific
information.

THE CHAIR: Thank you. And I think that
would be a really good policy to follow up on.

My question is, for a student who opts out
of the PARCC whose parents agree that they do not
want their child to take the test, the child has to
physically not attend school during those days in
order not to take the test. If a child went to
school on a day that the PARCC was being
administered, and they simply said, "I don't want --
I'm not going to take the PARCC; I'm -- I've been --
I've opted out," what -- what is the -- what's the
process then? Does the child go to the library, or
do they -- if they're in school, they have to take
the test?

Or -- because if absences are the issue,
then it would seem to me the child goes to school,
but just doesn't take the test. I -- I don't know.

COMMISSIONER CHAVEZ: That makes sense.
Madam Chair, that makes sense to me. You know, I
don't know who decides what an excused absence is.
And it seems to me if a parent decides that they
want to opt out of the PARCC, they don't want that
student to take that test. Then the child should
still be allowed to go to school and given work separate, maybe in the library or something like that.

To me, that seems that's an additional pressure on the child, or the parent, to force them to do something that they decided they're not interested in doing.

THE CHAIR: Well -- and I just want to make it clear. This Commission is not taking a position on whether or not students should take the PARCC exam; that's not our business at all.

But we have been approached by parents whose child is caught in this situation, that they are not being allowed to reenroll in school or whatever, because they opted out of the PARCC. And we're simply trying to do our due diligence to follow up on those complaints.

But it does seem like, to me -- and if a -- if a parent has the child out of school, is that an unexcused absence?

MS. POULOS: Madam Chair and Commissioners, certainly -- again, I think the written complaint policy will help with this, because we will be able to require schools to identify how they are in compliance with both their
policies and federal and State laws, where if that part of that is a question about excused or unexcused absences, they would certainly have to identify how they are in compliance with, again, their own policies, but also federal and State law with regards to that issue.

So certainly, going forward, I think that will help us clarify this issue and bring that clear information to the Commission, so that you can understand any compliance issues and address those.

THE CHAIR:  Sure. And I certainly appreciate that. I think going forward, that's a great way to deal with it; but we have issues right now. We have -- I know the complaint that was brought to me is that a school -- pardon me -- a student is not being allowed to enroll for the next school year because they did not take the PARCC.

And I think -- I don't know who we refer that to; I don't know how we handle it. But I think it's something that just shouldn't be -- "Oh, well," you know. That's a big issue.

MS. POULOS: Madam Chair and Commissioners -- and I believe that was one of the issues that the PED did determine it was an attendance issue. Certainly, I think if we would
like to pursue that, I think there could be value in encouraging the school to submit that written complaint -- or the parent to submit that written complaint -- and then we can have the school respond.

So then, again, I can bring that information to you, based on school policies, as well as State and federal law.

THE CHAIR: Okay, thank you.

Commissioner?

COMMISSIONER TOLUSE: Madam Chair, I think, too, depending on the grades the kids are in, the testing was done differently. And I know I have two third-graders who were eligible to test. One of them, who has an IEP, his mother chose to let him test, because he had a reader and additional time. My daughter chose not to have her third-grader do it, and their school gave them only the first several hours of the morning.

So the school told them, "Do not bring them to school until 'X' time, and then bring them to school."

I know -- you know, my grandson in high school said some took longer than others. And if there were -- if the schools let people know that if
you come back in to school, and you don't just take
the whole day off, for most of them, for next year,
I think that could help. But I do know that my
grandson's -- third grade -- was very careful to
work with parents. And I know my grandson spent,
you know, several hours at the Albuquerque Museum,
along with another classmate whose parent happened
to be a judge -- the two of them were, you know,
doing something educational.

But I don't -- another school, I talked to
the head of the school who said, "We simply told
parents they could not opt out, or they could leave
the school now."

You know, I didn't -- it was the head
telling me that, not any parent; so I didn't bring
it forward. But I think we have plenty of time now
that I would like PED -- because it isn't something
we can do -- to look at any test and how you opt out
and how it counts and what else you're going to do,
as long as parents are allowed to opt a student out.

One group can't say, "No, you couldn't,"
and another helps people and works with them.

I had a head of another school who said,
"I had four students who didn't choose to take it,
and while I encouraged them to, my job is to be here
to support my students, and, you know, I welcomed them back as soon as the test was over," you know.

And so we -- PED needs to help us provide something to all of our students, whether they're in a charter school or any other kind of school, when it comes to any sort of testing. Thank you.

THE CHAIR: Okay, thank you.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I fear this is probably my making, perhaps. Being a new Commissioner, I had a parent in Los Alamos who contacted me, because she had a child in the virtual school that's in Farmington. And apparently, when she enrolled her daughter, it did say, "You must take the test," which is somewhat of a meaningless -- you know, you just sign it; and so she did.

And then a number of things came out in the newspaper and in the press that you were -- parents were allowed to opt out their children. So the issue for this parent was, when she contacted the school, that if she did -- if the daughter opted out of the test, that that child could -- was then immediately disenrolled from the school.

So when you have a brick-and-mortar
school, you can go to the school half-day or whatever, you know, as Commissioner Toulouse was talking about; but if you're at a virtual school, and they're not doing anything online, it's hard to be in attendance.

And I think the issue was, are some schools having different rules than others, or do we, as a State, and particularly as a Charter School Division, have rules that everybody has a uniform expectation of — you know? Can you disenroll because you can't be there, because it's virtual; but you can opt out of the test because you can go to school?

It's not -- I think that was part of the issue.

Does that make sense what I'm saying to you?

THE CHAIR: It would seem to me -- certainly, we can ask CSD to help us with this issue. But I think this is a PED issue for all school kids in the State, because it has been an issue across the State. And so I would hope that PED will give us some guidance, give the schools and some parents some guidance on this.

But in the meantime, we're asking CSD to
follow up on these particular complaints. And I will return to the person that I received the complaint from and ask them to write a letter of complaint, or contact you directly, Katie, whatever they choose to do; but -- so that they know we are interested in their students and feel this issue needs to be resolved.

So, all right.

Commissioner?

COMMISSIONER ARMBRUSTER: Yes. Could you tell me to whom would one write this letter?

THE CHAIR: To you would be fine.

MS. POULOS: Certainly, Madam Chair, and Commissioner Armbruster. They can direct those complaints to me. I think we will try to figure out what we can do to get a centralized location. But at this point, if we could have written complaints that come to me, I will be happy to route them through that process.

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Anything else, Commissioners?

All right. Katie?

MS. POULOS: Madam Chair, Commissioners, the last item on this item -- part of this item is the Cien Aguas Future Plans. The director of this
school has approached CSD for the opportunity to communicate with the Commission with regards to plans to change from -- from the PEC as their authorizer to Albuquerque Public Schools.

THE CHAIR: Good morning.

MR. MARKS: Good morning.

THE CHAIR: If you would please press the button on the microphone? Hold it down. Nothing complicated about us. And if you would give your name, please, to the recorder.

MR. MARKS: Allen Marks.

Madam Chair, members of the Commission, Director Poulos, my name is Allen Marks. I serve on the Governing Council of Cien Aguas International School. I want to thank you, and particularly the Charter School Division, for all you do to support the charter schools in New Mexico.

It was this Commission that granted our original charter, as well as our authorization. Today we're a strong charter school with a "B" school grade, with solid financials, and an enthusiastic community of parents and supporters.

Over the past year, we have realized how much we share with APS and how much more effectively we can do that by working with them directly as our
charter authorizer. We're one of several
dual-language elementary schools in Albuquerque. It
behooves us to do professional development together.
Our dual-language students transition into APS
schools. We would like to be part of the process of
determining some of those options.

In short, there are multiple systems that
we share with APS, and it makes sense for us to work
with them as our charter authorizer. Our governing
council is eager to begin this partnership as soon
as the next fiscal year, which begins July 1st. I
come before you today to ask that the PEC agree with
us to terminate our existing contract, if APS agrees
to authorize us.

THE CHAIR: Okay.

MR. MARKS: Thank you.

THE CHAIR: Thank you very much.

Josh, could I ask you to respond to that?

Do you have an idea of the process that needs to be
undertaken here? And then I'll ask Katie to follow
up.

MR. GRANATA: Madam Chair, Commissioners,
my response is the same response that I responded to
Mr. Marks, is that an amendment would need to be
brought before the Commission, to the charter. I
guess it would be an amendment in terms of the term of the charter.

And I can't really advise Mr. Marks about the legality of that or not; but I think that's the procedure in which to go about doing this.

THE CHAIR: Okay, thank you.

Katie?

MS. POULOS: Madam Chair, Commissioners, you know, currently, I do not know of a process that's been created to -- to facilitate such a -- an action; so I think that's kind of where everyone is.

And so I think, you know, you have to rely on your counsel, Mr. Granata. I don't have anything further to add to that right now.

THE CHAIR: Thank you. I see Mark Tolley is in the back of the room; so I'm going to put him on the spot.

Mark, does APS have any particular procedure in place for this type situation?

MR. TOLLEY: No, ma'am. The way I understand it, there's nothing in statute that governs this. I'll only say that we will not become involved until some type of application or renewal is brought from the school to us, which would require release from you; so we won't be involved in
it until after everything is done.

THE CHAIR: Okay. Thank you.

So if that is the wish of your school, I would recommend that you work with the CSD to cover all your bases. I would also urge you to work with Mr. Tolley to ensure that you coordinate with any requirements from APS.

Does the school need an attorney? So is that a good idea? My question was, should the school seek the services of an attorney to help them in this process. I would only say it seems like a good idea to me; but I don't give legal advice, either; so that's up to the school, so.

MR. MARKS: Thank you, Madam Chair. We have, in fact, consulted our attorney, and we'll be working with her.

COMMISSIONER TOULOUSE: Madam Chair, since I would not be able to vote on this if it came up, I just want to make a statement now. I've looked at the law; I've looked at the memo that went out to all of the parents. And I found inconsistencies and problems in that, which I reported to my daughter.

I think it's fine, whichever school -- my concern is we're doing this now, with the new funding year starting in July. I want my grandson
to still have a school that's functional for him to
go to fourth grade in.

MR. MARKS: Absolutely.

COMMISSIONER TOULOUSE: And I think this
procedure should have come to us in January at the
latest, to get -- you know, get ready for a July 1st
switchover; because I -- everything I understand
about this is as soon as we basically say, "You're
no longer ours," you no longer have a school until
they authorize you.

And I don't want my grandson to have to
find another school for a year because you don't
have it; so I want this to be done very carefully
and very legally and so all the funding is there.

I think either way is fine. It just
leaves one school less I have to recuse myself from;
because I know it's a good school. I'm concerned
about your traffic and your parents out there in the
middle of the street who are going to get hit at
some point, or -- if the parents get hit, it's their
fault. It's the students I worry about, because
they're not following the rules.

But that's a whole "grandmother" separate
thing when I go to pick up my grandson. I just
think this has got to be done very carefully, or
you're going to have my grandson and a whole school full of students that won't have a school to go to in August.

    MR. MARKS: Madam Chair, Commissioner Toulouse, Mr. Granata, precisely directing myself to that -- to that comment, that is why we were asking for a mutual release, as Mr. Tolley indicated, subject to APS granting an authorization; so there would not be a period of no charter whatsoever. That makes no sense.

    So it would have to be a conditional thing, and we would work closely with Ms. Poulos and Mr. Granata and our counsel to make sure that we do that, we make that request in the appropriate way.

    THE CHAIR: And I think we appreciate you bringing this to us to let us know your intention. Certainly, we've enjoyed having you as one of our schools; but whatever you think is best for your school and your students, that's what you should do.

    So I encourage you to work with the resources that are available to you. And we're always here for you to come back with whatever request you may have.

    MR. MARKS: Thank you so much.

    THE CHAIR: Thank you very much.
MR. MARKS: Thank you.

THE CHAIR: Katie, is that it?

MS. POULOS: Madam Chair, Commissioners,
that is it for that.

THE CHAIR: Commissioners, are you ready
for a break? Let's come back -- is ten minutes
enough?

COMMISSIONER BERGMAN: Let's make it a
short break.

THE CHAIR: Let's come back at 20 till,
please.

(Recess taken, 10:28 a.m. to 10:41 a.m.)

THE CHAIR: Ladies and gentlemen, I call
back into session this meeting of the Public
Education Commission. We have now reached Item
No. 7 on the agenda.

And, Commissioners, please notice you have
a totally separate binder -- there are several trees
here -- for Item No. 7. I'll give everybody a
minute to get their papers lined out.

Is everyone back?

COMMISSIONER GIPSON: Carmie is not back.

THE CHAIR: Please let the record show
that Commissioner Toulouse has not yet joined us.

Please note that Commissioner Toulouse has
rejoined us.

COMMISSIONER TOULOUSE: And, Madam Chair?

THE CHAIR: Yes.

COMMISSIONER TOULOUSE: On this agenda item, I need to recuse myself from voting on La Promesa and on Tierra Adentro.

THE CHAIR: Mr. Secretary, did you get that?

COMMISSIONER PERALTA: I did, Madam Chair.

THE CHAIR: Commissioners, we've had a request to move Tierra Adentro up to earlier on the list. They have a school recital tonight that they would like to be able to attend; so I suggest -- why don't we just go ahead and move them up to the first school that we consider, and then we'll be sure that they have plenty of time.

COMMISSIONER ARMBRUSTER: Are you going to give life instruction, where that is?

COMMISSIONER GIPSON: It will be the last one.

COMMISSIONER ARMBRUSTER: Okay. That's a help.

COMMISSIONER BERGMAN: There are yellow dividers between each one of them. Look for the yellow dividers.
COMMISSIONER ARMBRUSTER: The last yellow divider. Got it.

COMMISSIONER GIPSON: Does that mean we're going to be here till 9:00 tonight?

COMMISSIONER BERGMAN: If we're here till 9:00 tonight, we're in trouble, I assure you.

THE CHAIR: Ladies and gentlemen, let's begin our discussion with Tierra Adentro. Remember, in this item, we are looking at the performance frameworks and the contracts for each of these schools. They have each been negotiated with a subcommittee of the PEC; so those people who were on that subcommittee are asked to be prepared to answer questions or make comments on each one of these schools.

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I would like to request that I make some general comments before we get into the individual schools --

THE CHAIR: Okay.

COMMISSIONER BERGMAN: -- and you've already handled it -- that I believe if the Commissioners -- any of the Commissioners that were present at the various individual schools, if they...
wish to make some comments, they should certainly be
given that opportunity.

I wanted to note that in the case of all
ten of these schools, that I am comfortable with the
academic performance indicators and goals that we
negotiated with each of the schools.

I hope all the Commissioners had the
opportunity -- as you can see, to read it is --
what? -- 1,000 pages, or whatever it was -- to make
themselves familiar with it.

But I did want to note that the process
was the same for all the schools. Everyone can
attest to the fact that there was extensive
give-and-take, particularly in the area of the
performance indicators and what thresholds we should
be using with the schools.

And I think it's important to note that
there's -- that there are several of these schools
that you may have noticed have performance
indicators that are somewhat lower than you are
accustomed to seeing. That's not an accident; and
it's not me, necessarily, becoming soft in my old
age.

I will state that those schools -- and
we'll be getting to them later -- brought a lot of
data to their session. And we, as I said, had an extensive discussion with them, with myself and the others, trying to get the highest thresholds that we could. And the schools had what they considered to be legitimate reasons why those numbers probably should be a little lower. I am comfortable that even in those two or three cases, that the goals are reasonable and that they are challenging to the schools.

I wanted to further note -- and I don't see Julia here today; she's quite busy. We just finished another four negotiations yesterday; so she's finalizing all their paperwork. But Julia Barnes has been our facilitator. From the very beginning, the very first one, she and I were there together. And so she's been involved in the process from the very beginning.

Julie Lucero, the general manager at the CSD, this has been her first spring, her first go-round; but she's been to many of them in this cycle.

And I wanted to -- both my fellow Commissioners and the audience to know that both of those individuals, Julia and Julie, are strong advocates for higher numbers. They believe firmly,
as I do, that we must challenge the charter schools
in this state in the area of academic performance.

    I firmly believe that was the intent of
the Legislature in setting this process up, that
they wanted to see the schools improve over the
course of years.

    I think it's also important, though, that
we all understand we've just finished two years of
this. It'll be another three years before we get
everybody under this contract umbrella. So it's an
ongoing process; it's a learning process.

    And to my knowledge, there's very few
states in this country that have come to this
performance contract and performance framework
procedure. And I'm actually proud of the fact that
we here in New Mexico are one of the few that are
doing it.

    Normally, as we all know, New Mexico is
always at the back of the pack. We're bringing up
the rear no matter what you're talking about. In
this particular case, we may not be leading the
pack, but we're running right neck-and-neck with the
leader of the pack, and I believe we're establishing
some processes and procedures that other states are
ultimately going to start copying, because I firmly
believe we've got a good process and good procedures in place.

But I wanted to note that Julia and Julie, after those particular schools that we used the lower numbers, they did come to me and let me know that they were disappointed that I did not push.

And that is their right. And I told them at that time to please continue to do that, because I'm not perfect; I'm not infallible. And frankly, I hope they're right, and I'm wrong. I hope these schools will meet those lower numbers easily and immediately, because then we will go back to those schools and we'll say, "Look, did you it. You found out you could do it; but you did do it. And now we're going to talk to you about raising those numbers, these thresholds."

And that's also an important point I want people to understand. These performance frameworks are one-year documents. They're only good for the upcoming academic year. At the end of that year, the process will be that the schools will tabulate their data. They will of course check themselves to see if they made their indicators. Then they're going to give all that information to the CSD, to Katie and Julie. They will then do their own checks.
on it, and they're going to give it to us.

And then we will see -- we will then have a fairly extensive amount of paperwork, again, that's going to tell us whether the schools are making these indicators or whether they're not.

And it is a learning process for us. Like I say, we're out in front on this, and it is a learning process.

But I want you to know -- I was actually happy that they felt comfortable enough -- I didn't get upset. As I say, I'm not perfect. I very well could be wrong. The process, we had extensive discussions; we started going in circles. I finally felt like I had to say, "Okay, we've discussed this as far as we're going to go. We have to find some acceptable numbers," and we did, that both parties would sign off on.

So I want you to know why those numbers are not what we're used to seeing. You missed some of those, Commissioner Shearman. I'm sure you noticed those lower numbers. I'm almost certain you did.

She probably will not agree with me, either. But I do believe they are reasonable goals. I do believe
they will challenge the schools, based on the data
that they brought to our meetings and showed to us.
And I did want all of you to know that. I fully
intend to vote for all of these ten contracts.

I also want you to know that you're not
done -- we're not done. We have eleven more, I
believe, next month. So you're going to spend the
next month reading another 1,000 or 1,200 pages. Be
prepared for that. We are almost done with the
process -- I'm going to give that report now.

Next week, some of us are coming back to
Santa Fe. We have three more negotiations. And
that will end this cycle, unless some unexpected
ones turn up down the road.

So we're almost at the end. I appreciate
both the cooperation of the charter schools and
their approach to this. I particularly appreciate
the dedication and the professionalism displayed by
Julie and all the liaisons. They are dedicated to
the process, as I say. They want the charter school
academic performance to increase, as does this
Commission. It has been a pleasure to work with
them, and I thank them. And I know Katie is going
to be right in there with them, and we're going to
have the same kind of relationship.
But the folks at CSD, in my personal opinion, are understaffed. They're at the top of their table based on PED standards and legislative standards. But as this thing grows -- and it's going to grow every year -- they're going to have to have some more staff. I always make that point to anybody that might be listening. They are understaffed and overworked. But they are professional; they are dedicated; and I really enjoy working with them.

Madam Chair, thank you for letting me digress a little bit.

THE CHAIR: Thank you. Appreciate that update and that information before we get started.

I just want to point out that as soon as Katie was hired and came on board, she immediately became part of this negotiation.

And we appreciate the time that you put in. I know that getting started in a new job is pretty overwhelming anyway. And to take that kind of time-out is certainly appreciated, and you contributed greatly.

I want to reiterate what Commissioner Bergman said, that Julie was in on almost every one of these negotiations. So I think we're going to be
calling on you, perhaps, for some information.

        Katie, do you think it might be better if we moved a chair for Julie up beside you so that she can have access to the microphone?

        Let's get this one right here. I know people in the back have trouble hearing if we don't use a mic. Sometimes they have trouble hearing if we do use a mic.

        Julie, if you wouldn't mind, move up here, please.

        All right. The first school we're looking at today is Tierra Adentro. And what I would like to do, Commissioners -- and if this meets your approval, fine. Let's know that in your binder, you start out with the first page for each school and a Certificate of Resolution from the governing council. It should be signed by the governing council chair.

        Then I also have the Notice of Special Meeting for this school, where they met just to approve this -- this contract and performance framework.

        Then the next document is the actual contract itself. And that contract is populated; a lot of boilerplate is in it. But also, the things
that were negotiated are then put into the contract.

So I think maybe our time would be better spent if we turn on over, then, to the actual performance framework itself. And that's quite a few pages over.

COMMISSIONER ARMBRUSTER: Is there a number on that page?

THE CHAIR: It's not numbered; but it does start with a cover page for the performance framework. And it has the school name and the school year on it.

COMMISSIONER GIPSON: Probably about 30 pages in from the back.

THE CHAIR: And what I'm going to ask of the school representatives here today is to first identify themselves. Welcome. We're glad you're here.

Identify yourselves, and then we're going to walk through some pages of this performance framework and some of the things I'm going to ask you to explain, okay?

MS. TORRES: Okay.

THE CHAIR: All right. Is everybody with the performance framework document?

All right. If you'll notice, what is
actually numbered as Page 3 of the performance framework is entitled, up at the top, "Academic Performance Framework," okay? And at the bottom of that page -- or the second half of that page, it says, "Required Academic Performance Indicators."

Then it starts off with the school received an A on the report card, blah, blah, blah. This information is not filled in yet, because the State Report Card has not been issued yet. And that's going to be late this year, because of the PARCC exam. But you'll see we will get that information later this year.

So let's move on in this case to the next page, where, on Page 4, it begins with No. 1, "State and Federal Accountability System."

Then No. 2, this is where their actual academic indicators begin. And the first one for them is a Short Cycle Assessment in math. Are we there?

COMMISSIONER CHAVEZ: Madam Chair, can you hold up just a --

THE CHAIR: Yes. (Indicates.)

COMMISSIONER ARMBRUSTER: It's me; it is not this thing.

THE CHAIR: It's a lot of pages.
COMMISSIONER ARMBRUSTER: I know.

THE CHAIR: Got it? Okay. At this point, what I'd like to do is ask the school representatives to identify themselves, and then to quickly walk us through this indicator, if you agree with it, and why you think this is going to help your students, if you would.

MS. TORRES: Madam Chair, members of the Commission, my name is Veronica Torres, and I'm the executive director of the school.

MS. ARCHULETA: Good morning, Madam Chair, members of the Commission. My name is Teresa Archuleta, and I'm the principal at Tierra Adentro.

MR. SANCHEZ: Madam Chair, Commissioners, good morning. My name is Leroy Sanchez, and I'm a high school math teacher at Tierra Adentro.

THE CHAIR: Thank you.

MS. TORRES: And, Madam Chair, members of the Commission, we do agree with this goal. I'm going to actually pass the microphone over to Mr. Sanchez to explain our data and why we reached the terms of this goal.

THE CHAIR: Okay. And I will just ask -- we certainly want to hear everything you have to say; but we have a lot of schools.
COMMISSIONER BERGMAN: Brief.

THE CHAIR: What we need to know, please.

MR. SANCHEZ: Sure, thank you.

Madam Chair, Commissioners, this has been a very enlightening process, and especially the subcommittee meeting with Commissioner Bergman's guidance.

Our scores had been low over the last couple of years. And the last Short Cycle Assessment, or the -- the last couple of Short Cycle Assessments indicated that we were scoring in approximately the 30 percent range of students being proficient. So I was tasked with jumping into the numbers to find out what does that 30 percent mean.

And what we found is our greatest challenge is that the students coming to our school are coming with very low performance levels of math. If we looked at the data, we saw that our eighth, ninth, tenth grade, eleventh grade were starting to perform much better and, in fact, exceeding that 50 percent, closing in on the 60 percent.

Yesterday was our closing date of the Short Cycle Assessment, the Discovery Education. And our ninth-graders scored at the 61 percent, and our tenth-graders scored at the 69 percent.
But on the other extreme, our sixth-graders are still scoring very low; so that's where our challenge is.

So to come up with a number that fit for the overall score -- I'm sorry -- school -- we started settling in on -- we tried to settle in on something less than 50 percent; but Commissioner Bergman let us know that just doesn't sound right.

So we started at that 51 percent level. And we came up -- we've come up with a plan, initiatives beginning the next school year, in order to begin to move forward on that challenge.

So we feel good. We feel that we have a plan in place, where next year, we get our students into that 50 to 60 percent. And certainly, our goal is to meet the State standards that have been advertised for the next, I believe, three years from now, something in the 70 percent. That's our goal, that we should be performing in line with PED/PEC recommendations as far as performance in math.

THE CHAIR: Thank you.

Commissioners, I would just point out to you, please, that this is -- this goal is for full academic year seventh- through eleventh-grade students. And I nearly fell out of my chair that
Commissioner Bergman would negotiate an "Exceeds" that's 61 percent. But after the explanation --

COMMISSIONER GIPSON: I was shocked.

THE CHAIR: Do you have questions?

Comments?

COMMISSIONER GIPSON: You might ask if the Commissioners that were there, do we want to say something?

THE CHAIR: Who else was on that negotiating team? Commissioner Armbruster?

COMMISSIONER GIPSON: That's it.

THE CHAIR: Who else? Just you two?

COMMISSIONER BERGMAN: Was it just the two of us? I thought we were going to have the list -- the sign-in list or something.

COMMISSIONER GIPSON: It's there.

COMMISSIONER BERGMAN: Did I miss it?

COMMISSIONER GIPSON: Yeah, it's there.

THE CHAIR: At any rate, do you have a comment, Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I do, of course, recall this, because I do believe it was my first one. Thanks, guys.

And it was tough. It was tough because you think, "Wow, why aren't they doing this?"
My educational experience, which is why I went along with this in the classroom, is that once you get the kids to a certain point, they'll take off. And you're not to that point, and they're not to that point. And so my acquiescence in accepting these lower scores were for that, to say, "Okay, you know that you are going to be asked to do more the next time; but you have a year to get those kids to that" — it's kind of like that critical point. And once you get to that point, then you just get it, and you can go farther.

But you're not there yet, and that's why they're not going any farther. So that's kind of where we were. But we used your name many times, but never in vain.

THE CHAIR: Any other comments or questions?

Julie, whenever you're ready, jump in.

Please do.

MS. LUCERO: Madam Chair, members of the Commission, this is the only school that I will not respond or answer questions to, since this is a school that I just came from.

But I will let Ms. Poulos respond or answer any questions.
MS. POULOS: And I apologize, Madam Chair and Commissioners. I had to address a question. I don't have any feedback on this school. If there are -- there is another school we want to address; but at this time, I don't have any comments.

THE CHAIR: Thank you. We appreciate that.

Any other comments or concerns?

Commissioner Chavez?

COMMISSIONER CHAVEZ: I guess the only question that I have -- well, a couple of questions: One, where do you -- where are you located?

MS. ARCHULETA: Madam Chair, Commissioner Chavez, we are located in Albuquerque, by Central -- 1511 Central Avenue, just a couple of blocks west of the University of New Mexico.

COMMISSIONER CHAVEZ: And what are the demographics? You're a high school?

MS. ARCHULETA: We are sixth through twelfth grade, 71 percent Free and Reduced Lunch students. Primarily, about 90 percent of our students are Hispanic. And we do have students that come from all over the city that come to our school.
And we're about 233 students right now.

COMMISSIONER CHAVEZ: Okay. Thank you.

THE CHAIR: Any other comments? All right. Let's move on to the school -- let's move on to the school's second academic indicator, Short Cycle Assessment in reading.

MS. TORRES: Madam Chair, members of the Commission, I believe this school is closer to the standards that you would like to be seeing with 70 percent or more being the "exceeds" standard and 60 to 69 percent meeting the standard. We do kind of the opposite of what Mr. Sanchez was saying. Our kids do come in a little bit higher in reading. We are able to grab them and take them, as you said. And we are comfortable with this goal.

THE CHAIR: Thank you very much.

Questions or comments?

I think certainly, it's been my experience in working with these negotiation sessions that many schools do negotiate a somewhat lower academic indicator in math than they do in reading. That seems to be a fairly common occurrence.

Any other comments or questions?

All right. To my reading of this document, that is the last -- we've asked that they
have two academic indicators. Some schools choose
to have more; but we ask that they have at least
those two. This school has covered that situation.

The next page in your binder is the
financial performance framework. And that data is
also not available until, I believe -- is it, like,
the 1st of July, or perhaps even later than that?
So as soon as it's received, it will be populated in
here.

So I think, Commissioners, what we're
really approving or making a decision on today is
the performance framework and the contract
containing the academic -- or the performance
indicators, as negotiated.

Ms. Poulos?

MS. POULOS: Madam Chair, Commissioners, I
apologize. This was the school that I did want to
make one note on.

CSD wanted to make the Commissioners aware
of a change that Tierra Adentro's board made to the
contract after negotiations. They deleted one of
the material terms concerning professional
development for their teachers. Specifically, they
deleted the requirements that the dance department
teachers will continue to receive professional
development on an ongoing basis. And that was on Page 34 of the contract.

The reason for that deletion was that that was actually a program that was provided -- sorry -- as part of a grant from UNM, which could expire. It's still currently in effect; but they didn't want to have one of those contract terms in there that was reliant on a grant that may or may not be funded again.

We just wanted to make all of the Commissioners aware that that was done; but CSD does believe that that's a reasonable amendment.

THE CHAIR: Thank you. Commissioner Bergman?

COMMISSIONER BERGMAN: Thank you. Let me just state for the record and for future reference, if something like that does come up in the future, I would appreciate at least receiving an e-mail just pointing it out to me; because I think -- I'm not sure. Did you guys notify me and I've already forgotten?

MS. POULOS: We did. I'm sorry, Commissioner Bergman.

COMMISSIONER BERGMAN: I apologize.

MS. POULOS: The two Commissioners that
were there for negotiations, we wanted to let them
know, and also bring it up to the Commission.

COMMISSIONER BERGMAN: Thank you. I'm
sorry. I apologize.

THE CHAIR: With the amount of paper we're
looking at, we could forget almost anything.

If everyone is -- Commissioner Chavez?

COMMISSIONER CHAVEZ: Thank you,
Madam Chair. I do have a question in terms of the
financial performance framework piece of this.

If -- did you say the audits were not
going to be available until July of this year? Or
when are they going to be available?

THE CHAIR: Is that what was said
yesterday? The audit results won't be available
until July 1 or later?

MS. POULOS: Madam Chair, Commissioners --
so one thing I did want to point out is that this is
a contract that will begin at the beginning of July;
so fiscal year 2016, July 1, 2015, on. And so it
won't be reporting until the following year.

This year's audits and financial data will
be available, we anticipate, early to late
September? Is that -- so in September, we
anticipate receiving that data; but, again, this is
a contract that will not begin until July 1.

THE CHAIR: And, Commissioner Chavez, one of the things that was discussed yesterday in the work session is because this is not complete until we get the report card and the audit information, that once that information is included in this document, that it will be reviewed by CSD and will come to us for our review. And if there's any of these items that we feel uncomfortable about or whatever, we can bring those up and revisit the whole thing.

COMMISSIONER CHAVEZ: Uh-huh. So, Madam Chair, I just want to make sure I have it clear in my head. So then the Commission will receive all of the pertinent information with regards to the financial audit, findings, anything of that sort.

THE CHAIR: Well, not all of that goes in here. You can see the information that's required in the -- in the financial section; but I think Katie has agreed to provide that audit and information to us.

MS. POULOS: As you requested specifically for the one school that we were addressing. I think additionally, as part of the work session yesterday,
we did discuss what items might be relevant to those renewal applications.

    If the Commission is requesting that that be something we review annually, I think a work session on that to help clarify for CSD how you'd like us to provide that information or report that, we would certainly appreciate to work on that.

    THE CHAIR: Okay.

    COMMISSIONER CHAVEZ: I would actually certainly appreciate that, because I -- in terms of looking at what my role and responsibilities as a Commissioner are, it includes the financial piece, right? And I think we need to have access to all of the information, not just pieces of it, so we can make an informed decision and ask questions that we need to ask.

    THE CHAIR: And, Katie, I think we talked about this yesterday; but let me just clarify.

    Once this document is totally populated, then you all will review it and provide -- send them on to us for our review.

    MS. POULOS: Madam Chair -- so as soon as the contracts and the performance frameworks are populated, we will review them and present that information to the Commission. Just -- I want to be
clear that on -- with regards to these that we're
discussing today, they won't go into effect until
July 1. And so the first report on those will be at
the end of the 2016 fiscal year.


All right. So, Commissioners, I think
we're ready for a motion. And I believe what we're
being asked to approve today is the performance
contract and the performance framework, as
presented.

I said that. The performance contract and
the performance frameworks, as presented.

COMMISSIONER BERGMAN: I don't see a
sample resolution. Do we not have one?

COMMISSIONER GIPSON: I don't believe so.

MS. LUCERO: Madam Chair, members of the
Commission, that is the first page. Oh, no. Sorry.
I apologize. We do not have a sample.

COMMISSIONER CHAVEZ: Madam Chair, I have
a question about that. Is it -- we're talking about
the academic performance contract; right?

COMMISSIONER GIPSON: The performance
framework.

COMMISSIONER BERGMAN: The performance
contract is one document. It includes three
performance frameworks: Academic, financial, and
organizational.

COMMISSIONER CHAVEZ: But right now, we're
doing the academic. I just want to be really clear
in terms of what that motion is.

THE CHAIR: Performance contract and the
performance frameworks, as presented.

MS. POULOS: Madam Chair and Commissioner
Chavez, the performance framework is not only the
academic, but it is the academic, the operational,
and the -- sorry? -- and financial; so it is all
three of those.

COMMISSIONER CHAVEZ: Right. So my
question then is, in terms of the motion, I'd like
the motion to be very specific in terms of which one
of those we are voting on today, since we can't vote
on all three of them because we don't have all the
information.

THE CHAIR: We can vote on them, as
presented.

MS. POULOS: Madam Chair, Commissioner,
just to be clear, what we're voting on is the
frameworks themselves have been negotiated and are
finalized.

What -- the information that will be
populated later is actually their performance under those frameworks and whether they have met the standards that are established in the framework or not. That's the information that will be populated once it's available. That will be the opportunity to check in and evaluate their performance under the framework.

But as presented today, these materials include the contract, as well as the performance framework, which includes all three of those areas, the standards for all of them; so the school standards for academic performance, for financial performance, and for organizational performance.

COMMISSIONER CHAVEZ: Okay. Got it.
THE CHAIR: Okay. Are we okay?
All right. The Chair is ready to entertain a motion on Tierra Adentro.
Commissioner Bergman?
COMMISSIONER BERGMAN: Let me take a stab at it and see if we get this in one take here.
Madam Chair, Commissioners, I would move that the Public Education Commission approve the 2015 and 2016 academic school year performance contract with the associated performance frameworks, as presented today.
THE CHAIR: Thank you.

COMMISSIONER GIPSON: Does that sound sufficient?

THE CHAIR: Josh?

MR. GRANATA: Yes.

THE CHAIR: Josh is saying "yes." All right?

Do we have a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: I'm looking at Commissioner Peralta for the second. Commissioner Bergman made the motion, Commissioner Peralta seconded, to approve the documents for Tierra Adentro.

COMMISSIONER BERGMAN: Actually, I believe I didn't say the words "Tierra Adentro." So let's insert the words "Tierra Adentro" in there.

THE CHAIR: Cindy, can you verify?

(Reporter clarifies the record.)

COMMISSIONER BERGMAN: Please insert the words. Or do I need to restate it?

MR. GRANATA: Just if you amend it to add the words "Tierra Adentro."

COMMISSIONER BERGMAN: I so amend it to add the words "Tierra Adentro."

THE CHAIR: Do you agree to the amendment,
Commissioner Peralta?

COMMISSIONER PERALTA: I do.

THE CHAIR: Thank you. All right. We have an amended motion, as stated by Commissioner Bergman, seconded by Commissioner Peralta, to approve the documents from Tierra Adentro, as noted on the official record.

Further discussion, Commissioners?

May we have a roll-call vote, Mr. Secretary?

COMMISSIONER PERALTA: Commissioner Toulouse abstains.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Madam Chair, with seven votes voting "yes" and one abstention, that is in favor of the motion.

THE CHAIR: Thank you very much. Motion passes unanimously for the contract -- for the performance contract and performance framework, as presented, for Tierra Adentro.

Have a wonderful year. Thank you.

MS. TORRES: Thank you, Madam Commissioner and members of the Commission. And, again, please come to our recital tonight.

THE CHAIR: All right. Ladies and gentlemen, let's go back to the beginning of the notebook. And I've just been handed a note to ask that we please move the Albuquerque Sign Language Academy to the end of the list. They've had a family issue come up, and they are not here yet.

So if you're -- if everyone's amenable to that, we'll move Albuquerque Sign Language to the end of our list. But for right now, we are to
Academy of Trades and Technology.

Is anyone here from that school?
All right. Seeing none, let's move ahead.
Again, you will see the Certificate of
Resolution from the school's governing council
signed by the chair, and the school's contract. And
we'll keep moving.

COMMISSIONER BERGMAN: While we're all
looking, might I suggest to Katie and Julie that in
the future, could you put a little tab on these
things to make it easier for everyone to find them?

THE CHAIR: It's Beverly.

COMMISSIONER BERGMAN: I know you're
already overworked; but --

MS. FRIEDMAN: We'll work together.

COMMISSIONER BERGMAN: -- hopefully,
you'll work it out without a great deal. I know
you're already overworked.

Thank you, Madam Chair.

THE CHAIR: You're welcome.

There are 61 pages to the contract, and
then right after that begins the performance
framework for Academy of Trades and Technology.
Those page numbers are kind of hard to
find. They're down in the lower left-hand corner of
the contract. Everything is set up the same.

Everyone ready? All right. Let's go to
their first academic indicator, Reading Proficiency.
And rather than my reading it to you, I'll let
everybody read that on their own. You may have
already read it.

Please notice that they are using Short
Cycle Assessment and they are using the NWEA MAP's
testing for their Short Cycle.

Julie or Katie, would either of you want
to speak to this school?

MS. LUCERO: Madam Chair, members of the
Commission, CSD believes that the school has set
very rigorous goals for themselves and feels very
strong that the performance framework is a good one.

THE CHAIR: Thank you. So they're using
80 percent or more for their "exceeds standards," 70
to 79 for "meets," and so forth. They're pretty
much in the ballpark with other schools, just a tad
lower.

Anyone have a concern with that indicator?
I'm not seeing anything.

On the next page, on Page 5 is their
indicator for math proficiency. Again, they're
using the NWEA MAP's Short Cycle Assessment.
COMMISSIONER BERGMAN: You jumped over one. Go to the bottom of Page 4. There's another one at the bottom of Page 4.

THE CHAIR: That's math.

COMMISSIONER BERGMAN: They have two math indicators. See?

THE CHAIR: Thank you very much. Thank you.

Commissioner Bergman is reminding me they have two math indicators. The first one is where they're using 75 percent or more students for their "exceeds."

Commissioner Bergman, would you care to talk about that third indicator there, since it's not Short Cycle? It's a little bit different.

COMMISSIONER BERGMAN: It's just more of a mission-specific indicator, even though it says math. It -- it --

THE CHAIR: On here, it says --

COMMISSIONER BERGMAN: Yeah, everybody can read -- I think, read the description there. It pretty well lays it out. As Commissioner Shearman noted earlier, some schools, we never discourage them from putting in indicators, unless the list gets so long.
We haven't had that problem yet; but I do encourage them, if they have -- if their mission is -- depending on the specificity of their mission, if they have a unique mission, it makes sense to me that they have a mission-specific indicator or something to help them achieve that mission. And so when -- so this is in addition to the other two academic ones.

THE CHAIR: And I will note further that it's a "Work Learning Mock Business Program." And they're very specific in that they do have a rubric that they use to evaluate the students' performance. So it's not simply participation or show up or whatever. They do have a rigorous rubric, they've assured us.

Any questions or concerns?

COMMISSIONER CHAVEZ: I have a question.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: Do we know where they're at right now in terms of the student performance?

THE CHAIR: I'm sorry. I can't hear you.

COMMISSIONER CHAVEZ: Do we know where they're at right now in terms of student performance?
COMMISSIONER BERGMAN: Well, it will be on their student report card. And it will also be --

COMMISSIONER CHAVEZ: Is it in here?

COMMISSIONER BERGMAN: -- in the snapshot.

But the snapshot is not in here.

COMMISSIONER GIPSON: We had that information when we were doing the negotiations. That, I do remember.

COMMISSIONER CHAVEZ: It's not in here.

COMMISSIONER GIPSON: I don't remember what it was.

MS. LUCERO: Madam Chair, members of the Commission, this school, in particular, is struggling with academics. They are one of our schools -- very low proficiency rates in both reading and math, and, therefore, their goals that they've set for themselves are very rigorous.

And, Madam Chair, members of the Commission, I also want to note on Page 18, they have set a goal to retain staff. That is also something unique that we don't always include in these, noting that you want to look at that piece, as well.

THE CHAIR: Julie, why did they choose to put this goal here?
MS. LUCERO: Madam Chair, members of the Commission, they have had a very large turnover in their staff over the last two years. They recently just added a new director to the school. She started in January; and so she felt this was important to set a goal, and, along with the negotiation team, that we monitor that for the next year.

THE CHAIR: Thank you. Any other questions?

Seeing none, the Chair would entertain a motion on Academy of Trades and Technology.

(Chair consults with PEC counsel.)

THE CHAIR: Mr. Granata is bringing to my attention the dates on the signatures. Look at the very front of Tierra -- pardon me -- Academy of Trades and Technology, right after the yellow page with the school's name, where they have a Certificate of Resolution with a signature of the governing council chair. That's dated April the 8th, 2015; and then the minutes are dated 4/30/15.

So it would appear that the Certificate of Resolution of the governance council was signed prior to the meeting.
Thank you for catching that, Mr. Granata.

What's your recommendation?

(Chair consults with PEC counsel.)

THE CHAIR: Mr. Granata is recommending

that we can do a conditional approval requiring a
new Certificate of Resolution with a corrected date,
if, in fact, that was the problem. These two
documents need to be verified and brought to CSD
with correct dates on them.

MS. LUCERO: Madam Chair, members of the
Commission, yes, I will verify as soon as that does
happen.

THE CHAIR: Do you feel comfortable moving
ahead with a motion stipulating that these documents
must be corrected and validated?

MR. GRANATA: Madam Chair, Commissioners,
this just seems to be a discrepancy between the
dates of those two documents. In reviewing the
minutes themselves, the minutes are adequate. And
so I would just suggest having a motion to approve,
or whatever the case may be, with that one condition
that the documents are looked into and corrected, if
need be.

COMMISSIONER TOULOUSE: Madam Chair, it
does appear to me that the date is the date the
administrator signed this, as opposed to the meeting. If you look further, the next governing council meeting will be on April 16th.

THE CHAIR: Whatever it is, we've got to have a correct date on it.

COMMISSIONER TOULOUSE: I'm just saying, I think their time limit was in place. I think the document needs a new date on it.

MR. GRANATA: The first page of the minutes is missing; it doesn't say when the meeting occurred.

COMMISSIONER TOULOUSE: I think it's just cleaning up the documents, rather than there's any discrepancy in times.

THE CHAIR: Who is ready to make the motion? Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I would move that the Public Education Commission approve, for the 2015-2016 academic school year, the performance contracts with associated performance frameworks, as presented, for the Academy of Trades and Technology, subject to the condition that we just discussed, that there may be a date discrepancy on the Certificate of Resolution and the minutes, and that that discrepancy be corrected and the
correct dates, if they are incorrect, submitted to CSD Staff.

COMMISSIONER ARMBRUSTER: Did you say the name of the school?

THE CHAIR: Yes. Okay, he did.

All right. You've heard the motion. Do I hear a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: From Commissioner Gipson.

Motion by Commissioner Bergman, second by Commissioner Gipson, to approve the documents and the performance framework and the performance contract of Academy of Trades and Technology, with the corrected documentation, as needed, on the resolution and minutes.

Any further discussion?

Mr. Secretary, may we have a roll-call vote?

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner
Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "yes."

Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: And Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Madam Chair, that

is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes

unanimously for Academy of Trades and Technology.

Thank you.

The next school is ACE Leadership High

School. Do we have anyone here from the school?

Julie or Katie, do you have any remarks on

this school?

MS. POULOS: Madam Chair, Commissioners,
at this time, I don't believe we have any comments on this school.

THE CHAIR: Okay. Please introduce yourselves, and if you have any short information on your -- on your performance indicators, we'd like to hear it.

MS. STEPHENS-SHAUGER: Good morning, Commissioners. My name is Tori Stephens-Shauger. I'm the executive director and principal of ACE Leadership High School. And we're very pleased with how the negotiations went. This year was our first time through this new process, and we're really looking forward to sharing our data for our new mission-specific indicators with you in the spring of next year.

THE CHAIR: Thank you.

MR. BOWER: Madam Chair, Commissioners, I'm David Bower. I'm a member of the ACE Leadership High School Governing Board. I was part of the negotiations. I echo our principal's vote of support. We were very pleased with the process and with the outcome.

THE CHAIR: Thank you.

MR. IVEY-SOTO: Madam Chair, Daniel Ivey-Soto, legal counsel to the school. And I --
what she said.


Would you care to speak to your performance indicators?

MS. STEPHENS-SHAUGER: Yes, thank you. Our first performance indicator is an exciting one for us to get to share with the Commission, because it is very, very much anchored in our mission and our collaborative work with the architecture, construction, and engineering industries.

And it's really kind of bringing the level of expectation and community accountability up a level for our school and our students, in that we're really looking for them to not only be transitioned, but accepted into a post-secondary program aligned within that industry. It doesn't have to be within that industry; but ideally, it would be.

And in order to do so, their core academic skills, in addition to their 21st Century skills, have to be at a level that's acceptable by those programs. So we feel that it's an external accountability that just simply Short Cycle
Assessments may not hold us to; but yet, the programs, whether it's UNM, CNM, apprenticeships, or employers are holding us to, which is much higher.

Do you want me to go to the next one?

THE CHAIR: Yes.

MS. STEPHENS-SHAUGER: Thank you. If you turn the page, the next mission indicator is kind of the step before the first. It's the "demonstrating readiness to transition." And our -- unlike, I think, some high school experiences for kids -- as they get to their final year in high school, it becomes a little bit easier -- it's actually the opposite with us. Their final year is very, very rigorous, very public, very much out in the industry, meeting with professionals, completing projects with professionals, and really demonstrating that they are able -- developmentally, you know, at their age -- able to go out and enter this profession in a way that they can move forward and do -- and reach their fullest potential and do the things that they really want to do in the industry.

THE CHAIR: Commissioners, any questions on either of these mission-specific indicators?

Okay. Let's go ahead, please.
MS. STEPHENS-SHAUGER: Okay? The last two are Short Cycle Assessment goals. We use the Discovery Education assessment, which we have found to be very helpful, in a holistic way, with our students.

So we are looking for at least a year's growth in reading and at least a year's growth in math for every student. They do show growth on this assessment, and I think expecting a year's growth from every student is raising the bar for every single one of them; so I'm excited to share that data with you in the spring.

And that's all, Madam Chair.

THE CHAIR: Any questions on their Short Cycle?

I have to say I like your numbers. They're ambitious. I praise the school on that.

Any questions?

Does CSD have a recommendation or anything they'd like to say?

MS. LUCERO: Madam Chair, members of the Commission, CSD feels very comfortable with the framework and contract and feels that they have set very rigorous goals.

THE CHAIR: Thank you very much.
Anything else?

Hearing nothing, the Chair would entertain a motion.

Oh. Josh brings to my attention that we have a Certificate of Resolution, but we don't have minutes. Did we just miss those?

MS. STEPHENS-SHAUGER: I did send those. They do need to be approved. Our next board meeting is May 19th.

THE CHAIR: Okay.

MS. STEPHENS-SHAUGER: And so they're, right now, in draft. I did send them. I can resend them. I can send the approved and signed.

MS. LUCERO: Madam Chair, members of the Commission, I will look for those. I don't recall receiving them; but we will look -- Julia may have forgotten to send those to us.

THE CHAIR: Well, I do think we do need signed minutes, though, official minutes; so perhaps what we could do is just include in the motion that we receive a copy of the signed minutes?

MS. STEPHENS-SHAUGER: Yes.

MR. IVEY-SOTO: And, Madam Chair, our next meeting is on Tuesday; so we can get that to you by Wednesday.
THE CHAIR: That's fine. There is not a huge rush.

All right. Everything else in place?

Do we have a motion, please?

COMMISSIONER BERGMAN: I'm losing my voice. I hope somebody else would like to jump in.

COMMISSIONER CONYERS: Madam Chair, I can do that, please.

THE CHAIR: Thank you, Commissioner Conyers.

COMMISSIONER CONYERS: I recommend that the Public Education Commission approve the performance contract and performance framework for the 2015-2016 year, as presented, for ACE Leadership High School, with the understanding that the approved minutes will be submitted later.

THE CHAIR: Thank you very much. Do I hear a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: Motion by Commissioner Conyers, seconded by Commissioner Gipson, to approve the documents, as submitted, by ACE Leadership High School, with the condition that their official board minutes will be supplied to the Commission in a timely fashion.
Did I say it wrong?

MR. IVEY-SOTO: Madam Chair, excuse me. Before you all vote, the motion, as I heard it was to approve for this next year. And -- and I believe we have the contract before you, as well -- the charter contract, in addition to the mission-specific indicators before you right now. Is that --

COMMISSIONER BERGMAN: His point is that the contract is a five-year document, and it's the frameworks that are a one-year document. So we don't want to say just for the next year.

THE CHAIR: I see. I see.

MS. POULOS: Madam Chair, Commissioner Bergman, I just want to be clear that for this school, the contract term is not a five-year contract.

MR. IVEY-SOTO: A three-year.

COMMISSIONER BERGMAN: Whatever it is.

MR. IVEY-SOTO: Right.

THE CHAIR: So do we need to correct the motion? We're hearing that -- okay. Let's go ahead.

MR. GRANATA: Madam Chair, Commissioners, the motion, as I heard it, added the terms, "as the
contract is presented today." And so the terms of
the contract would include that; so I don't
necessarily think it's an issue.

MR. IVEY-SOTO: And that's fine, as long
as it's clear that the charter contract is being
approved for the three-year term.

Thank you.

THE CHAIR: And just for the record, our
copy of the contract says July 1, 2015, through
June 30, 2018. So it is correct in our binders.

Any other comments?

COMMISSIONER TOULOUSE: Madam Chair, I
just want to do an aside.

I didn't get to your opening for your new
facility; but I was driving with family the other
day and drove by it. And that certainly looks like
they've got a really nice facility there.

So maybe you'll invite me again, and I can
get down there and see the inside of it. It's nice
to see one of our schools with what looks like a
really adequate building and traffic pattern and
parking and everything for the students. So I think
that's important for how the students are going to
do in class, too, to come into that kind of
arrangement.
THE CHAIR: Thank you for that. Any other comments?

Secretary Bergman -- Secretary Peralta, may we have a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "yes."

Commissioner Shearman?
THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you very much. The motion passes unanimously. Have a great year.

MS. STEPHENS-SHAUGER: Thank you, Madam --

Commissioners.

THE CHAIR: The next school is Albuquerque School of Excellence.

I'll call on CSD first.

Ms. Fox, could I ask you and the school representative -- the copy of the minutes we're looking at are not signed.

MS. FOX: Right. It's my understanding that the Board did vote and pass the resolution at its last meeting; but because it hasn't had its subsequent meeting, it hasn't had a chance to approve the minutes yet. So I guess the same thing would apply as with the last go-round.

THE CHAIR: Okay.

COMMISSIONER TOULOUSE: Madam Chair, I would like to comment. These are good, precise minutes that say exactly what we need them to say.

Thank you.

THE CHAIR: CSD?
MS. LUCERO: Madam Chair, members of the Commission, CSD feels that the negotiated contract and framework are very rigorous and very appropriate, and approves -- recommends approval of these.

THE CHAIR: Thank you very much. We do have the signed resolution, signed by the governing council chair. We do have draft minutes. And so we will need to ask for the final -- a copy of the final minutes in the motion.

And the framework -- Julie, would you care to comment further on their framework, or are you comfortable?

MS. LUCERO: Madam Chair, members of the Commission, no, we are comfortable.

THE CHAIR: Thank you very much. If you all would please introduce yourselves, and if you'd like to bring us any remarks on your framework document?

MR. ANDEROGLU: Thank you. Madam Chair, my name is Osman Anderoglu. I am the current president of the governing council.

MS. FOX: And I'm Sue Fox, legal counsel for the -- for the school.

We apologize. We're sort of pinch-hitting
today. Julia wanted to get this school on this --
this month's agenda. And it happens to be the very
last day of school for the school administration;
and so they were unable to be here.
So we've got -- you're going to have to
make do with the two of us today.

THE CHAIR: I believe we can handle that.

Thank you.

MR. ANDEROGLU: Just an additional
comment. Our school is having our first graduation
ceremony tomorrow, and the staff is preparing for
that. It's part of the reason --

THE CHAIR: How many?

MR. ANDEROGLU: Seven, seven seniors.

They are all accepted to colleges.

THE CHAIR: Wonderful, wonderful.

Commissioners, I would direct your
attention to their indicators, beginning on Page 4.
They do a reading and a math Short Cycle indicator
and a couple of mission-specific indicators. I will
comment, their numbers are high. And I think
that's -- speaks very well for the school.

Any comments?

COMMISSIONER TOULOUSE: Madam Chair, I
rather enjoyed negotiating this one, because the
fact that the founders are Turkish, and they
speak -- they teach Turkish in their school. I'm
used to teaching all the Spanish and, you know, the
Native languages. And it was really nice to see
students being taught a very different kind of
language.

But this was an easy -- it really was an
easy negotiation. It's a good school, and they were
prepared. And I -- this was an enjoyable one; so
thank you.

THE CHAIR: That's nice to hear. Any
other comments or questions? Commissioner Bergman?

COMMISSIONER BERGMAN: I would just note
also that, as he noted, he has seven -- they -- this
was a school that was willing to put in these
mission-specific indicators. You will see that
they're STEM goals, because they want to graduate
all their kids every year, and they want them all to
go to college, if that's -- we know some kids don't
necessarily want to go to college. But they want
all kids that want to go to college, they want to
prepare them to be able to do that. And so that's
why they were willing to put these additional
indicators, and I applaud them for doing it. Thank
you.
THE CHAIR: Thank you. Any other comments?

Hearing none, the Chair would entertain a motion.

MS. FOX: Madam Chair, if I could just interject for just -- just one second. We noticed just a minute ago that under goals -- under the Short Cycle goals, 4A and 4B, there's a reference in there to an attached sample report that isn't attached. And so if that's something that still needs to be attached, we would need to have that attached. I'm not exactly sure what that report looks like, to be honest; but...

COMMISSIONER BERGMAN: What page are you looking at?

MS. FOX: I'm looking at --

COMMISSIONER GIPSON: Page 6?

MS. FOX: Well, mine -- yes, Page 6, Goal 4A and 4B. Under "Growth," there's a reference to an "attached sample report." I'm not exactly sure what that's referring to; but if that needs to be attached, then that would be great.

MS. POULOS: Madam Chair, Commissioners, it's at the very end of the materials for this school. We can bring that over and share that.
MS. FOX: As long as you guys have it and it's attached, that's great.

COMMISSIONER BERGMAN: Katie and Julie, you will make sure whatever that document you just handed them will be made a part of this package?

COMMISSIONER TOULOUSE: It's just before our signature page.

COMMISSIONER BERGMAN: Oh, it's before the signature page. It's way at the back before the signature page.

MS. FOX: We just don't have it in our copy; so we didn't want to screw everything up for administration who's not here.

THE CHAIR: Okay. It's this document? (indicates.) This is the document that we have in our binder. Is that the document that Julie just handed you?

MS. FOX: This is the document we were just handed. (Indicates.)

THE CHAIR: Or is it something different?

COMMISSIONER BERGMAN: Here, I have this one. That's the one that was just handed to her. At least some of the packages have them.

COMMISSIONER TOULOUSE: Yeah.

COMMISSIONER GIPSON: Which one were you
looking at?

COMMISSIONER TOULOUSE: The ones they gave us.

COMMISSIONER GIPSON: Oh, yeah, got that.

Yeah.

MS. FOX: It's a STAR Reading report, called "Instructional Planning Report"? Okay. Then we're on the same page.

COMMISSIONER BERGMAN: Yeah, we did have these documents.

THE CHAIR: It's right before the yellow page for Albuquerque Sign Language Academy. I just want to be sure we are all looking at the same --

COMMISSIONER ARMBRUSTER: "Instructional Planning Report"?

COMMISSIONER GIPSON: Right.

THE CHAIR: All right. So if we're okay the documents, Sue --

MS. FOX: Yes.

THE CHAIR: Okay. Any further questions? Concerns?

Then the Chair would entertain a motion, please.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner Toulouse?
COMMISSIONER TOULOUSE: I will do my best to get the wording correct. It's getting toward the noon hour; so I'm waking up but, you know, the blood sugar goes low.

I -- Madam Chair, I move that the Public Education Commission approve the performance contract and performance indicators for the Albuquerque School of Excellence, with the caveat that we need to receive the signed minutes after they're approved by their governance council.

THE CHAIR: Performance frameworks?

COMMISSIONER BERGMAN: I would suggest you use the word "performance frameworks" instead of "indicators."

COMMISSIONER TOULOUSE: Okay. Then I will correct that to the "performance framework" before "as presented."

THE CHAIR: Thank you.

COMMISSIONER TOULOUSE: I just don't write fast enough.

THE CHAIR: You heard the motion. Do we have a second?

COMMISSIONER BERGMAN: Second.

THE CHAIR: Motion by Commissioner Toulouse, second by Commissioner Bergman, to approve
the performance contract and performance framework,
as submitted by Albuquerque Sign Language Academy.

COMMISSIONER BERGMAN: No.

THE CHAIR: -- Albuquerque School of
Excellence -- with the condition that the official
minutes are provided.

Any discussion? Hearing none, may we have
a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner

Peralta votes "yes."

Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner

Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner
Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you very much. The motion passes unanimously. Thank you very much. Have a great school year.

Commissioners, if it's all right with you, we're going to take lunch starting at a quarter of 1:00, because our reporter has something she must attend to at a quarter after 1:00. Or would you rather take it earlier than that?

Do you want to leave at 12:30 and come back at 1:30?

COMMISSIONER BERGMAN: Madam Chair, that will exclude me. I need to be gone by then.

THE CHAIR: Okay. So if it's all right --

COMMISSIONER BERGMAN: Do whatever is best for the Commission.

THE CHAIR: Is it all right if we go to quarter of 1:00 before we break?

COMMISSIONER GIPSON: That's fine.
THE CHAIR: Okay?

Friends, I don't know what you all are going to do; but I'm going to take Albuquerque Sign Language out of my binder so I don't have to be trying to find it when we come back to it. Because, remember, we moved them to the end.

Okay. The next school is Amy Biehl High School. Mr. Ivey-Soto, I don't know if you heard me say earlier, but Albuquerque Sign Language Academy asked to be moved to the end of the list.

MR. IVEY-SOTO: I was just going to let you know that Mr. Martinez had something that came up this morning, and he's about 15 minutes away; so...

THE CHAIR: All right. We'll move ahead. Amy Biehl High School. Looking at the minutes, I think the minutes are in order.

Okay. The resolution and the minutes look sufficient?

(Chair consults with PEC counsel.)

THE CHAIR: Yeah. There is no signature on the minutes.

COMMISSIONER BERGMAN: We're probably going to have that problem with all of them.

THE CHAIR: Your minutes are in draft
form?

MR. McCULLOCH: They are, yes. Yes,

Madam --

THE CHAIR: We'll need final minutes.

Okay.

CSD, do you have a recommendation?

MS. LUCERO: Madam Chair, members of the
Commission, CSD approves -- recommends approval of
both framework and contract. The school is a high
performing school and has set rigorous goals for
themselves for the upcoming year and term of their
contract.

THE CHAIR: Thank you.

COMMISSIONER TOULOUSE: How many trees do
we kill?

THE CHAIR: If you would like to introduce
yourselves and speak to the performance indicators,
if you would care to?

MR. McCULLOCH: Thank you. Madam Chair,
members of the Commission. My name is Frank
McCulloch. I am the executive director, slash,
principal of Amy Biehl High School. Good morning.
Thanks for allowing me to speak.

We have two performance indicators. They
are based on the ACT Aspire assessment, and they are
in both math and reading. Amy Biehl High School has
used the NWEA MAP's assessment as a Short Cycle
Assessment over the last few years, and we are
transitioning to the ACT Aspire Short Cycle
Assessment.

We have also administered the ACT plan to
our ninth-, tenth-, and eleventh-grade students over
the last several years. So this is in order for us
just to focus on a college-aligned assessment for
all of our students.

THE CHAIR: Thank you very much. Is
everyone to the indicators pages? You've heard the
presentation. Do you have any questions?

Commissioner Bergman?

COMMISSIONER BERGMAN: Not a question, but
I wanted to comment. You mentioned ACT Aspire. I'm
not sure that we have any other schools -- we have
one other? And this is -- here again, this is this
new frontier that we're venturing into. So I hope
you read the note under the 2A, because it's a new
frontier; all of them are going to be renegotiated,
all the schools. But we're going to be particularly
interested in looking at this one to see how the
first year works out.

And as we discussed it in our meeting,
because nobody knows, these numbers could prove to
be too high. They -- so we're certainly going to
talk with the school again when they have more data.
I just wanted everybody to be aware of that.

THE CHAIR: Absolutely. We do a lot of
frontiers. Sometimes I feel like Star Wars.

Any questions? Any comments? Any
concerns?

Remembering that we need a final signed
copy of their minutes, would anyone care to make the
motion?

I'm looking at Commissioner Gipson.

COMMISSIONER GIPSON: I'll take a stab at
it.

Madam Chair, I recommend that the Public
Education Commission approve the performance
framework and performance contract, pending signed
minutes for Amy Biehl.

THE CHAIR: As presented?

COMMISSIONER GIPSON: As presented.

Sorry. Darn, I thought I had it.

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: I'm sorry. Who seconded?

COMMISSIONER ARMBRUSTER: I did.

THE CHAIR: Motion by Commissioner Gipson,
second by Commissioner Armbruster, to approve the
documents, as presented, by Amy Biehl High School,
as are in our binder, with the caveat that the
minutes, official minutes, will be provided.

Any further discussion?

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

COMMISSIONER PERALTA: Commissioner

Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "yes."

Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?
COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously. Thank you very much for being here.

MR. McCULLOCH: Madam Chair, Commissioners, if I could take just a moment more of your time?

During our negotiation, I had shared with the much smaller committee that we were looking at potentially offering one or two technology-based classes at the Epicenter, which is just two or three blocks from our school. Currently, our students have just met with the Mayor at the Epicenter, really looking at their technology offerings.

So I agreed with the Commission that as this moved forward, I would come up and share that with you; so this is really just following through on what I had said I would do.

THE CHAIR: Thank you. We look forward to hearing more.

MR. McCULLOCH: Thank you very much.
THE CHAIR: Thank you very much. I hope you have a good year.

Next school is La Promesa Early Learning Center. Good morning.

DR. MAESTAS: Good morning.

THE CHAIR: CSD?

MS. LUCERO: Madam Chair, members of the Commission, CSD recommends approval of both framework and contract, but wants to note that the goals that were set, the percentages, were lower than we would normally like to see.

THE CHAIR: Thank you. I will note that we have a signed resolution, signed by the governance council chair.

However, I don't see any signature on the governance council minutes; so -- it says they're draft. So we will need final.

DR. MAESTAS: Yes.

THE CHAIR: Let's just get to the right page. If you would care to introduce yourself, please, and speak to these indicators?

DR. MAESTAS: Good morning, Madam Chair, members of the Commission, and welcome to Ms. Katie, new executive director of the Charter School Bureau.

First of all, I would like to thank the
Commission for the negotiations. I thought they were very helpful to us in looking at determining our goals and being aggressive in terms of how we move forward in addressing the needs of our students.

I will mention that we were just a few points away from reaching a letter grade of C; and so we expect that this year, we'll continue to make progress in that direction.

We have taken our -- our lead from the Charter School Bureau, as well as from the Commission, at looking at our data very seriously. Yesterday, we held our first meeting with all of our staff to look at our assessment data. And next Wednesday, Thursday, and Friday, we will continue to do that with our DIBELS and our Discovery and develop action plans for each of our students. So we take very seriously the need to increase our letter grade, as well as to increase the proficiency of our students.

I thought the negotiations were very fair. They did push us to continue to look at aggressive goals in addressing the needs of our students; so I do thank the Department for their support, and also for their help in looking at these goals.
I think that overall, the assessments and the -- the goals that we set forth were aggressive. I think based on the population that we do see in our schools, many of our students do come to our school not proficient in either language, either English or Spanish. We can see that we need to make headway, as we have been recognized for meeting AMOA for the last five years.

We just received our ACCESS scores last week, and once again, we did meet the AMOA 1 and 2, indicating that our students are moving from ELL to English proficiency at a good rate. We are currently completing all of our other assessments and will share that information with our board on Monday.

And once again, the board is also looking at each of our assessments and how we progress with our students in ensuring that we have aggressive plans in place.

So with that, I stand for any questions from the Commission.

THE CHAIR: Commissioners, Page 4 of the performance framework, where they start with the Short Cycle Assessment in reading begins, I have to say I did not attend this negotiation. I wasn't
part of the team that was in on this discussion.

But I would have to say that 62 percent of
students -- when you use a 62 percent of students
making one full year's growth in reading is "exceeds
standards," that is something I cannot accept.
That, to my mind, is not a number that exceeds.

In this state, it is the expectation that
every student will make one year's growth; so if
almost half of the students don't have to make one
year's growth, and they're exceeding the standard, I
can't -- I can't work with that.

Does anyone else have a --

COMMISSIONER GIPSON: Madam Chair, I have
to agree with you that these are -- these are -- I
unfortunately also was not there; but these are
numbers that I am not at all comfortable with.

THE CHAIR: I think particularly when you
get down into "meets standards," 55 to 61 percent,
half of the students can fail, and you're meeting
standard. I -- I know we can't set unreasonable
goals, and I know the students don't want that. But
I think we've got to at least set reasonable goals
that stretch the school that help get the students
where they need to be.

If they're already behind, these sorts of
percentages aren't going to catch them up, in my
mind.

Anyone else? Commissioner Bergman?

COMMISSIONER BERGMAN: Let me address
this, because this is one of them I was referring
to. And while I do not speak for you, Madam Chair,
I did tell the school that you would have a very
difficult time accepting these numbers.

They -- is Carlos -- am I remembering
right? Carlos is your data guy. He brought a
fairly thick binder with all their data. And this
is a school that is having proficiency problems.
Based on these num- -- their proficiency levels are
substantially below these numbers. I will offer
that.

On the one hand, as I said in our
negotiation, I agree that I didn't -- I am not
totally comfortable with these particular numbers.
But I believe for this coming year, that this is one
that I said I hope I am wrong and that they will
achieve these numbers so we can then talk about any
follow-up, getting higher numbers.

So I believe in this particular case,
while these are low numbers, that -- I understand.
And I've sat next to you while we've defined the
"exceeds standard" many times; so I understand your feelings on that. I believe that these are a stretch for this school.

Are they an extreme stretch? Perhaps not. But I believe based on the data I saw at the negotiation, that it is a stretch; so I'm going to vote for it.

And everybody else is going to vote the way they're going to vote. But I wanted to offer that, because, as you well know, Madam Chair, I do -- I did not idly just arbitrarily accept these numbers. There was a substantial amount of discussion on these numbers.

And, yes, you just look at them, and you do cringe a little bit. I understand my fellow Commissioners' feeling on that. But this school is struggling pretty good. So remember to keep that in mind. Thank you, Madam Chair.

THE CHAIR: Thank you, Mr. Commissioner.

Any other comments?

COMMISSIONER ARMBRUSTER: I will add to that, since I'm --

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I recall it being very difficult because of the reasons that you
can understand. I remember listening to -- to
Carlos, right --

DR. MAESTAS: Yes, Dr. Abeyta.

COMMISSIONER ARMBRUSTER: -- Dr. Abeyta --
that it takes five to seven years to become
proficient. And the ongoing other problem with the
school was that the students, a majority of them,
were not proficient in English or Spanish. My
concern was that the English-speaking children might
have -- I don't know if you can divide those goals.
But if you're an English-speaking child, one might
expect those children to be higher, because they're
taking the test in English. The Spanish-speaking
children was more problematic, because they are
learning English to take the test. And then some of
them had neither -- strength in either language; and
that was even more difficult.

So, really, Commissioner Bergman, wasn't
that how we got into, like, "Okay, but we're going
to get hit over the head with this," that that was
part of the issue? And I think I mentioned that my
bigger concern was that the English-speaking
children were not doing even -- were not doing
better.

And I don't know if we could have made a
separate goal for them.

Ms. Lucero, is there two? Right?

THE CHAIR: Well, I think, Commissioner, at this point, we cannot renegotiate. We either accept what's here, or we don't. So I think if you'll look at the math Short Cycle Assessment, "56 percent exceeds," that's letting too many kids fail. I just can't do that.

There is another goal on English language assessment that has higher percentages.

Anyone else wish to speak on -- Commissioner?

COMMISSIONER BERGMAN: Actually, I was thinking -- I know in one or more of these, we discussed that PED is releasing new proficiency standards.

Julie, do you remember, is this one of those that we talked about those new proficiency standards? And are these numbers not actually what the PED's proficiency standards were going to be? Is that how we arrived at these numbers?

MS. LUCERO: Madam Chair, Commissioner Bergman, no, these are the same standards we're using in all cases. This school just brought data to support the -- these percentages, and that's
where -- why we ended here.

COMMISSIONER BERGMAN: Okay. So like I say, they did have some data that showed that the -- while, in our minds, these are not up to our standards, I believe for this school -- I'll just -- I think they're correct. So I'll shut up. Thank you.

DR. MAESTAS: Madam Chair, could I address the Commission?

THE CHAIR: Yes. Please go ahead.

DR. MAESTAS: And for the record, my name is Analee Maestas, and I'm the executive director of La Promesa.

We did provide a lot of data, because we did dig very deeply into our data. And we were able to disaggregate where our kids were on each of the assessments.

And so our -- the students, once again, that we do get in our school are very low when they enter our schools. We do see them progressively increase as they move up in the grade levels, both in English and Spanish. And so I think our data supports that, and also really acknowledges that taking them to the next level is something that we definitely want to do.
And we are, you know, absolutely willing to come back and relook at this again; but I think the primary thing was that right now, we are being asked, across the state, to look at our data and to use that data as we develop our -- as we develop our curriculum and how we address the needs of our students.

And that is what we did. And we thought that that was the intent of us, with these negotiations, is for you to look at our data and for you to understand where we are in the English proficiency framework that we're using.

We used the "dual language" model, which is the 50/50 model. So in that regard, we are taking students from primarily Spanish speakers into the English language. And certainly, they do increase their social language much faster than they do their academic language. But we can support, and we do see how students continue to make gains over the years as they continue in our program.

THE CHAIR: Thank you. Could I just ask what "identified students" means? I know we had one negotiation that I sat in on. We removed the word "identified" and actually indicated what it meant. I see that word is still here.
COMMISSIONER ARMBRUSTER: Where are you reading that? Where are you reading that?

THE CHAIR: It's in both the Short Cycle Assessments. Look under "Exceeds." It's in every one of the "Exceeds," "Meets," "Does not meet; "62 percent of identified students made at least one full year's growth."

COMMISSIONER ARMBRUSTER: I see that.

THE CHAIR: What are identified students?

MS. POULOS: Madam Chair, Commissioners, as you read the information above about the Short Cycle Assessment, it specifically references full-academic-year students. I think that maybe the reference to "identified" students is full-academic-year students.

THE CHAIR: Is that full-academic-year fourth-grade through eighth-grade students?

MS. POULOS: Yes, Madam Chair.

THE CHAIR: Are those all the grades you serve?

DR. MAESTAS: No, we do not. We serve kindergarten through eighth grade.

THE CHAIR: Do you have any indicators for your kindergarten through third-grade students?

DR. MAESTAS: We -- Madam Chair, members
of the Commission, in the negotiations we did talk about that. And we talked about the modeling, which we use, and the amount of time that it takes for proficiency. We are using the data.

But in regards to our -- our goals, we really thought that by that grade level, they should be proficient enough to be really able to -- to meet these goals. So we did look specifically at students four through eight.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: We did extensively discuss that, Madam Chair. And here again, with his data, they're coming in so low in those grades, K through 3, that they asked for the opportunity that they needed one -- they needed that long -- Carlos particularly, their data guy, said, "We need those four years to bring -- to" -- if we'd have set goal indicators, you would have cried on those indicators, based on the performance of those really young kids. And I knew you wouldn't accept those.

So I -- I came down on the side of let's give them those three years to bring those kids up from the level -- and they're really low -- and give them that time to get them ready for the fourth grade. Here, again, is that our preferred way of
doing things? Absolutely not. But we certainly
discussed having indicators. And it just didn't
look like it would be fair, in my estimation.

THE CHAIR: So, really, are we looking at
students who have been in the school since
kindergarten and are beginning to test for the
purposes of these indicators in fourth grade?
They've been in your school three years for
kindergarten, first, second, and third -- four
years. And we still have these low numbers.

MS. POULOS: Madam Chair, Commissioners,
as I read the -- the goals, it doesn't indicate only
the students that have been there for those years,
but only students who are full-academic-year
students; so they may have come in in the fourth
grade.

THE CHAIR: But there's an assumption
there, from what Commissioner Bergman said. I
realize that wouldn't hold true for all students.

DR. MAESTAS: Madam Chair, members of the
Commission, I would say that our students do remain
with us. And that is one of the -- you know, one of
the high points of our school is that we do begin to
see that progress, because they do stay with us. At
this point, we have no openings in our intermediate
grades anywhere from first grade through eighth.
Our openings are all in our incoming kindergarten.
But they do remain with us consistently throughout
the years. Thank you.

THE CHAIR: Thank you. Commissioner

Chavez?

COMMISSIONER CHAVEZ: Madam Chair? Yeah.

Thank you, Madam Chair. I have a couple of
questions:

One, do we have any sense, or did you guys
talk about it in the negotiations, in terms of the
history, the performance history of this school? I
don't know how long La Promesa has been open. But
was there an opportunity to look at that to sort of
get a sense of whether or not the school has been,
you know, performing at the same level? Have there
been ups and downs, you know, just what that might
look like?

And then the other question that I have --
I have three questions. The other question that I
have is a couple of times, basically, there was a
question that the kids were not proficient in either
English or Spanish. I'd like to get a little more
explanation about that in terms of what you mean.

And then, also, what is the school doing
that's unique that basically looks at where the kids need to be? I mean, my understanding of the charter schools is that they're different from public schools; they have the ability to provide that, you know, unique instruction or whatever you call it. So what is it that you all are doing, or have been doing, or plan to do, to basically get the kids up to proficiency?

I'm a little concerned, as well, in terms of, you know, what's contained in this -- in the document. Thank you.

THE CHAIR: Would you care to respond?

DR. MAESTAS: Okay, certainly.

Madam Chair, Ms. Chavez -- Commissioner Chavez -- members of the Commission, our students have -- our enrollment has increased over the years. In our initial years, we did meet AYP, which was the standard then. As we continued to add our grade levels, then that's where we did begin to see some -- some of the kids that were coming in that were specifically very low in both English and Spanish.

We have been in existence for ten years. We started with 27 students and currently have 375 students. And the need for the school was
really based on community need, in which many of our students are ELL students. Many of the families really did not feel that the public school settings were meeting the needs of our students. And specifically in our area, we had very few dual language schools.

We did have a dual language school that was pretty close to us. And over the course of the last four years, that school has changed in its direction in terms of the dual language school concept; and, therefore, our numbers have increased in the number of students wanting to come to our school, because of that dual language program.

The strategies that we do use are those that are best practices in the area of ELL. In the area of ELL, we know that the best model to move our students from ELL is the dual language program. And that is the program that we have chosen to implement school-wide. So we do have a 50/50 model, in which students do receive English instruction for half a day and Spanish instruction the other half of the day.

The other important strategy that we use is the involvement of parents, in which we involve our parents in the instructional setting, as well as...
helping them connect with how they can support their children at home.

And we also are looking at all of our data, both the assessments that we give in English, as well as those that we give in Spanish. And we are really able to disaggregate that data to really show where it is our students have needs and where their gaps are. As I mentioned earlier, that is the process in which we are taking now.

We have looked at the strategies that are used within the UVA model and feel that those are certainly strategies that we would like to move forward with, including the support systems that are in that area.

In terms of where our grade has been, we were an F school. We moved the following year into a D school, a low D. This last year, we did move into the high D area with only missing by a .2 -- approximately that much -- into moving into a C.

What will happen next year? That's a very good question in regards to what will the PARCC look like, and -- because we are now assessing Common Core as opposed to our State standards.

So how does that all align? We don't know.
We did feel that the Discovery and the DIBELS and the ACCESS, the LAS Links, were all indicators of how our students were continuing to perform and that we have to continue to look at something until we have some determination in terms of how the PARCC will align with Common Core, and, you know, how the results will look.

I think that's a question statewide in all of our schools.

COMMISSIONER CHAVEZ: So you've been using the 50/50 model the entire time that your school has been open?

DR. MAESTAS: Yes, we have. Yes, we have, Commissioner.

COMMISSIONER CHAVEZ: Okay. I guess I'm just remembering somewhere that that may not be -- I know that you mentioned that, you know, that was the best practice; but I'm not so sure that it is. But, anyway, I'll leave it at that.

THE CHAIR: Did that answer your questions?

COMMISSIONER CHAVEZ: Yeah, it did. Well, no. No. The issue about proficiency, when you spoke about kids are not proficient in either language, can you expand on that a little bit more?
DR. MAESTAS: Madam Chair, Commissioner Chavez, members of the Commission, when we -- when our students enter our school, we do assess them with the WIDA Assessment with ACCESS to place them. And when we do that assessment, we determine the number of students that we have that are ELL and where the proficiency levels are.

And that's what I mean. We do assess them both in English, and we assess them in Spanish. And their proficiency rates are consistent in both English and Spanish.

And, you know, one of the -- one of the issues that we look at is ongoing progress monitoring, which we do with the DIBELS and with the -- so, again, we continue to monitor that throughout the year in terms of how they progress. And we look at those assessments and the results of those assessments to determine an education plan for those students.

COMMISSIONER CHAVEZ: Thank you.

THE CHAIR: All right. Any other questions?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, this is just for my information, since I can't vote on
this school.

Dr. Maestas, how many of your students come from a primarily English-speaking family to begin with?

DR. MAESTAS: I would have to -- from an English only?

COMMISSIONER TOULOUSE: Primarily English-speaking.

DR. MAESTAS: Madam Chair, members of the Commission, Carmie, I think pretty much most of our students are ELL. So I would say about 68 percent of our students are ELL students. And we also have a small percentage of Native American and also African-American students. The majority are ELL, Spanish-speaking students, that come into our school; so I would say probably about 35 percent.

COMMISSIONER TOULOUSE: Okay. Thank you I was just curious.

DR. MAESTAS: And actually, that percentage has increased. When we first started the school, our primary population was immigrant Spanish only. And that mix has certainly increased, as well as our economic diversity, as well. We see more parents that are wanting to have their students learn a second language.
COMMISSIONER TOULOUSE: Thank you.

THE CHAIR: Thank you. Any other comments or questions?

DR. MAESTAS: Could I make one more comment? I'm sorry.

THE CHAIR: Yes.

DR. MAESTAS: I would also like to mention that, you know, as we continue to look at our assessments, in 2012-'13, La Promesa was recognized by the Secretary, as well as the Governor, for being the third-grade class that had made the most improvement on SBA. And that was across the state.

And, again, it was primarily due to the fact that we are looking at them in kinder and really looking at what their needs are and moving them forward. We continue to have really good scores in third grade in reading and math. And I do believe that that is a part of the documentation in regards to the benefit of a dual language program and the use of that best practice model.

THE CHAIR: Thank you. Any other comments?

Hearing none, the Chair would entertain a motion.

COMMISSIONER GIPSON: I don't want to make
this motion.

    COMMISSIONER TOULOUSE: I can't.

    COMMISSIONER BERGMAN: I guess I'm probably going to be the one to make the motion, because I'm the one that got us here.

    Madam Chair and Commissioners, I would move that the Public Education Commission approve the performance contract with the associated 2015-2016 academic school year, associated performance frameworks, as presented today, for La Promesa Early Learning Center, with the condition about the signed minutes.

    THE CHAIR: Okay.

    COMMISSIONER BERGMAN: That they need to be provided when they are available.

    THE CHAIR: Thank you. We have a motion. Do we have a second?

    COMMISSIONER CONYERS: Second.

    THE CHAIR: Commissioner Conyers. Motion by Commissioner Bergman, second by Commissioner Conyers, to approve the documents, as submitted by La Promesa, with the condition that the official minutes be provided as soon as they are available.

    Any comments?

    Mr. Secretary, may we have a roll-call
vote?

COMMISSIONER PERALTA: Commissioner Toulouse abstains.

Commissioner Gipson?

COMMISSIONER GIPSON: No.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: No.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "no."

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: No.

COMMISSIONER PERALTA: Let me check my counts, please.

Madam Chair, I believe that is a 4-to-3 vote opposing the motion.
THE CHAIR: Thank you. The motion fails on a 4-to-3 vote, with one abstention.

Mr. Granata, would you speak to the process that happens now, if you would care to?

MR. GRANATA: Madam Chair, Commissioners, pursuant to the Charter School Act, 22-8B-9, certainly, if the chartering authority and the applicant charter school fail to agree on the terms, which has just happened now, there's basically an appeals process.

I would advise the school to go ahead and look at the Act and see what the appeal process is. If -- if the school does not appeal, essentially what happens is there's no contract for the school; and so the school needs to look into how to go about appealing the process that just happened today.

THE CHAIR: Thank you.

DR. MAESTAS: Okay. Thank you.

THE CHAIR: Thank you.

Next school is South Valley Preparatory School. Good afternoon.

MS. ALDERETE-TRUJILLO: Good afternoon.

THE CHAIR: I would remind everyone in the audience we are going to break for lunch at a quarter of 1:00 and be back in an hour, just so you
know.

CSD, South Valley Prep?

MS. LUCERO: Sorry, Madam Chair. Let me -- I'm just getting to that page.

Madam Chair, members of the Commission, CSD recommends approval of the framework and contract, but also would like to note that the metrics in two of the goals is especially low.

THE CHAIR: Okay. Thank you.

Please introduce yourself, and if you would have any comments on your indicators.

MS. ALDERETE-TRUJILLO: Madam Chair and Commissioners, thank you for having me today. Good afternoon. My name is Charlotte Alderete-Trujillo. I'm the principal at South Valley Preparatory School.

Madam Chair and Commissioners, I do have one metric that I believe is a little bit lower than your expectations. For our goal in math, we did set our "meets standards" at 50 to 55 percent. We are currently at 30 percent. And we had the conversation regarding the 25 percent increase as a stretch for us.

I do also want you to know that we had an extensive conversation. Vince -- Commissioner
Bergman -- was very adamant about pushing us;
Commissioner Toulouse, as well; and Commissioner
Armbruster was there, as well. We had a long
conversation regarding the performance expectations
for our kids.

Our data shows that 87 percent of our
sixth-graders that enter our school enter below
grade level in mathematics. Of that 87 percent, 53
of them are at least two to three years behind. So
we set the goal between 50 and 55 percent.

We have, in essence, agreed to move our
kids from sixth grade to eighth grade, almost six
years of growth, the 55 percent.

That is also the case in reading. Our
incoming sixth-graders are not -- we don't have as
large of a percentage coming in below grade level;
but we do meet and sometimes exceed the State
standard in reading. We have a very efficient and
well-defined framework in reading. And we are
currently in the process of defining that same type
of framework for mathematics.

We have struggled keeping a quality math
teacher on staff. We have had one math teacher that
has stayed with us throughout the -- throughout the
five years that we've been in existence. She
currently has done very well in terms of her
performance with our kids; but she is only also
doing, you know, the math teaching for half of our
kids; so we have another half of our kids that have
gone through several math teachers.

It is a position that has been very hard
for us to staff, in addition to science. We had a
very difficult time keeping a science -- quality
science teacher.

When I came to the table during
negotiations, we talked a lot about having this
percentage. And I was not comfortable having the
percentage that we had for math; but I will not come
to the table and say that my kids cannot do it. I
don't teach our kids to say, "I can't." And we're
going to do everything in our power to make sure
that we meet our goal and exceed our goal.

And I guess that's it.

THE CHAIR: Thank you very much. I would
note, before we get into discussing the indicators,
we do have a signed Certificate of Resolution,
signed by their governing council chair; though I'm
not sure -- did someone sign for that person? Is
that why there's another name?

MS. ALDERETE-TRUJILLO: That is correct.
I think one of the papers, it was our vice chair that signed one of them, because our chair was not present at the time.

THE CHAIR: And then we have draft minutes; so we will need the finals.

MS. ALDERETE-TRUJILLO: That's fine. We have our next governing council meeting next Tuesday; so I'll get them to you as soon as we're done.

THE CHAIR: Commissioners, just a couple of things I noticed. On Page 4, with their Short Cycle Assessment for reading, they have the caveat that their full-academic-year students, for the purpose of this indicator, must have attended South Valley Prep for at least two semesters prior to the beginning of the school year.

So they -- the student has been a student of the school a year prior to when they start taking the assessments. And that goes for both math and reading.

And I'm sorry. But I have to make the same comment on the numbers for these Short Cycle Assessments that I did for the previous school, particularly in the math. If you look at "meets standards" in math, 50 to 55 percent make one full
year's growth. If you're behind, and half of the
students cannot make one full year's academic growth
and you still meet standards, how are those kids
ever going to catch up? They've got to do more than
one year in a year, or they'll never, never catch
up.

56 percent or more of identified students
will make one full year's growth to exceed in math,
and 62 percent or more to exceed in reading. Those
numbers aren't going to move anybody forward.
They're just -- I'm sorry, they're just too low,
particularly, I think, when you have the disclaimer
in here that they have been your student for the
previous year.

I mean, they're not just coming to you new
and behind; you've had them for a while. You've had
them for at least a year. That's what it says.

COMMISSIONER TOULOUSE: I know. But,
Madam Chair, can I explain a little on this, having
been in on this?

This is one of those schools that's a
really difficult school, because it's only sixth,
seventh and eighth. So when they get them at sixth,
they have absolutely no control of these kids that
come in, many of them very, very deficient. And I
think that's why what they're looking for is getting them deficient to move them into high school; because they don't have them for -- you know, they aren't a K-through-8 school. They're only 6 through 8.

That was a good part of our discussion, that what we were looking at is the purpose of this is to get them from eighth grade into high school. And you make it up in sixth grade and seventh grade. And we all know what kids those ages are like to corral, as they're entering puberty and other things are going on.

And so I felt that was why this, as a different standard was okay, that I would not have felt was okay if this was a K-through-8 school.

THE CHAIR: Thank you for that.

MS. ALDERETE-TRUJILLO: Madam Chair, Commissioners, if I may?

THE CHAIR: Yes.

MS. ALDERETE-TRUJILLO: That was a big part of our conversation. Commissioner Toulouse. We did discuss the performance level in which our sixth-graders enter our school. Traditionally, and if you look at our cohort data, we are able to move almost 50 to 60 percent of our kids up to grade
level by the time they get to eighth grade. Most of the growth that we see happens in eighth grade.

It's almost like the light bulb turns on. The -- the year of -- the roller-coaster hormones in seventh grade is finally over, and we see a lot of -- a lot of -- growth in eighth grade. And that was part of the discussion.

THE CHAIR: A thought just occurs to me. Did it come up in the discussion during the negotiation to set out cohort groups? The sixth grade was a cohort? The seventh-grade cohort? Eighth-grade?

Commissioner Bergman?

COMMISSIONER BERGMAN: We didn't get into that much of depth. And the reason why the sixth grade is not in there, we normally don't put that -- I'm one of those that normally says, "I don't want -- like having the kids there a year before."

But in this case, because the kids in the sixth grade that are coming to this school are so underperforming, we discussed it extensively. And I felt it was fair to this school to give them that sixth-grade year to try to bring these kids up.

And I've just got one other comment, and I'm going to let it go. You heard her say her
current proficiency is only 30 percent. So for --
in my estimation, when I set a 62 percent for
"exceeds," if they were to achieve that, that means
they actually attained 100 percent growth for those
kids. They went from 30 percent to 60 percent; and
in my estimation, that does exceed.

We have no schools, that I'm aware of,
that are achieving 100 percent growth on their kids.
They may have individual students that they're able
to do that. But as far as a school, or a whole
class, that is nothing that we've ever even really
talked about. I just want to say that.

Sometimes we have to go past these
numbers. We have to dig a little into them. And if
the proficiency is only 30 percent, yeah, I could
have said, "No, we're going to put 80 percent in
there," like we do with everybody else.

Would that have been fair? No. Would it
have been attainable? No. Would it have been a
waste of time to do that? Yes.

And so that's why I did it. I just wanted
everybody to understand how -- we didn't just reach
up and just say -- and laugh and say, "These are the
numbers we're going to present."

I told each of these schools, "This is
going to be a difficult sell, because these are not numbers" -- but we have to look at the proficiency rate. And when it's only 30 percent, yeah, I could say, "I want you to do 70."

Is that realistic? No.

And I've had this with Julie and Julia. And -- but -- and keep in mind, it's one year. One year. And after this next academic year, I can assure you -- I told them that we were going to go back and look very closely at these and that my hope was that they met them; and if they did, then I would be asking them -- I said, "Now it's time to kick these thresholds up to higher levels to make everybody happy."

I just want you to understand it. We didn't just arrive at this on a whim. A whole lot of discussion and thought went into it. I just wanted to share that. Keep in mind that 30 percent proficiency rate.

THE CHAIR: Could you or you clarify who is 30 percent proficient? Is that an average across all the grades? Or can you break it down by grade?

MS. ALDERETE-TRUJILLO: I -- at this point right here, I could not break it down by grades, other than probably off the top of my head. And
we're in the middle of our final window of Short Cycle. I know that we have made significant growth in seventh grade this year. I know that we have made decent growth in sixth grade this year, just off of the kids that have completed the test at this point.

And I don't ever worry about the growth that we make in eighth grade, because it always is there. It's always there. We -- our kids always, for whatever reason, do well.

I think at the beginning of the year, we were -- or at the middle of the year, when we took the NWEA, 30 percent of our kids at that point were proficient, based on the cut scores that NWEA identifies.

THE CHAIR: Tell me that time line again?

MS. ALDERETE-TRUJILLO: The time line for our Short Cycle Assessment.

THE CHAIR: When they took it and they were 30 percent proficient? Was that the first test?

MS. ALDERETE-TRUJILLO: That was the first test, yes.

THE CHAIR: Of this year?

MS. ALDERETE-TRUJILLO: Of this year, yes.
THE CHAIR: So we expect -- that's the lowest. So we expect much higher numbers by the end of the year.

MS. ALDERETE-TRUJILLO: That's correct.

THE CHAIR: So we're basing these numbers on the very absolute lowest point the students achieved in their testing, across the board, generally speaking.

MS. ALDERETE-TRUJILLO: That is not my expectation. That is the goal that we negotiated. And that was based on where our students were at at that point.

THE CHAIR: The very first test.

MS. ALDERETE-TRUJILLO: And you know what, Commissioner -- Madam Chair? It might have been the December test that we took. It was -- when was our negotiation? Was it in January?

COMMISSIONER TOULOUSE: No.

COMMISSIONER BERGMAN: Oh, no. It was March, I believe.

MS. ALDERETE-TRUJILLO: Then I need to correct myself. Then the current data that I had taken was the winter test, which was -- which happened in December.

THE CHAIR: Any other -- Commissioner
COMMISSIONER CHAVEZ: Madam Chair? Thank you, Madam Chair.

How long has the school been open?

MS. ALDERETE-TRUJILLO: Commissioner Chavez, this is our fifth year. So we've been open for five years.

COMMISSIONER CHAVEZ: And what's the history in terms of performance for those five years?

MS. ALDERETE-TRUJILLO: The history of performance has been in decline for the last two years. Probably 90 percent of the reason that we have declined in our school grade has been attributed to our math score. Our reading scores have always met or exceeded the State standard.

Again, it's part due to the fact that I have been unable to keep or find a quality math teacher. But we've gone initially from a D to a B to a C, and then a D again this year, this last year.

COMMISSIONER CHAVEZ: And so what are the issues with not being able to find a math teacher, or the math teacher not staying?

MS. ALDERETE-TRUJILLO: There's been a
couple. Some are personnel reasons. So I think that this year, we had found a very high quality math teacher who was -- had every intention to stay, and has now been diagnosed with a terminal illness.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

THE CHAIR: Thank you. Anyone else? Any other comments?

COMMISSIONER ARMBRUSTER: I can kind of go back with --

THE CHAIR: You do have a comment.

COMMISSIONER ARMBRUSTER: Because I was there, Commissioner Bergman. I've actually taught sixth, seventh, and eighth grade since 1984; so I do know of what you speak. Sixth graders kind of do make some progress once you get them. And seventh grade, if they live and you live, that's an accomplishment. And then in eighth grade, they do; they just sort of get it, which is the positive of having a three-year middle school.

And I recall, you know, that we talked about this. But you can only set a goal that's a reasonable goal. And I agree. I mean, of course, you know that. Why would you want the scores that low? But it was like asking for something that we
weren't going to get.

So to make it higher didn't seem any more logical. I remember discussing this.

THE CHAIR: Any other comments?

Commissioners, let me just bring it to your attention -- Josh just brought it to mine -- that on the minutes for this school, on the -- at the bottom of the front page, Item No. 6, I don't see where a vote was ever taken.

MS. ALDERETE-TRUJILLO: Oh. I have the -- Commission-- Madam Chair, Commissioners, I have the voice recording. It might have just been my trying to get the minutes to Julia. But there was a vote that was taken. We had the meeting, and Julia asked for the minutes almost the very next day, which we usually don't -- usually, my office manager is the person that's present and does those.

She was not present that night. But I -- I did the minutes, and I probably inadvertently put that there -- or omitted that, for some strange reason.

THE CHAIR: Let me just ask you one other thing. There's an item at the very end of the agenda with an asterisk, and it says -- indicates "Action items"? No. 6, where you're discussing
"Resolution for charter contract and performance" -- oh, there's the asterisk. I see it. I thought maybe it hadn't been marked. So do we just ask for official minutes, corrected minutes that show there was a vote taken?

MR. GRANATA: (Indicates.)

MS. ALDERETE-TRUJILLO: Yes, ma'am.

THE CHAIR: Okay. All right. So we'll need corrected minutes with action showing. Anything else, Commissioners?

COMMISSIONER CHAVEZ: I have one more question.

THE CHAIR: I'm sorry?

COMMISSIONER CHAVEZ: I have one more question.

Has there, in addition to the math teacher, has there been turnover in any other personnel from -- you know, from all the way to the top to the teachers?

MS. ALDERETE-TRUJILLO: The only other turnover we've had were one special ed teacher and one science teacher. One of them was married -- is married to Air Force personnel. And they had -- were transferred.

And the second one was our science
teacher, who was fantastic, whose husband received a
professor job in California; so she left. Other
than that, no.

THE CHAIR: Any other comments or
questions?

COMMISSIONER TOULOUSE: I think it's
hailing.

THE CHAIR: Hearing no further discussion,
the Chair would entertain a motion.

COMMISSIONER BERGMAN: I presume that I
get --

COMMISSIONER TOULOUSE: I'll -- I'll do
it.

COMMISSIONER BERGMAN: You'll do it?
Thank you.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I
move that the Public Education Commission approve
the performance contract and performance framework
of the South Valley Academy.

COMMISSIONER BERGMAN: Prep School.

COMMISSIONER TOULOUSE: Prep. You all
have so many similar names. Do we have any
"South Valley" that we don't -- South Valley
Preparatory School.
COMMISSIONER BERGMAN: As presented.

COMMISSIONER TOULOUSE: As presented, with the caveat that we require minutes that show the vote and that are the final minutes.

COMMISSIONER BERGMAN: And the performance framework is for 2015 and 20--

COMMISSIONER TOULOUSE: I said the performance framework; so...

COMMISSIONER BERGMAN: Okay. Second.

THE CHAIR: All right. You've heard the motion and second.

Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: No.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: No.

COMMISSIONER PERALTA: Commissioner Armbruster?
COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: No.

COMMISSIONER PERALTA: Commissioner Peralta votes "no."

Madam Chair, that is a 4-to-4 vote.

THE CHAIR: We are tied. We have a tie vote. We're asking our attorney to give us some advice.

COMMISSIONER BERGMAN: And while that is going on, I would like to note that we've reached the deadline that you've set for lunch. I've been on this Commission for six-and-a-half years, and I've always been able to avoid scheduling conflicts, except for today, unfortunately.

I have business I have to be at in Albuquerque; so I'm going to be leaving. I will note, for the record, that these other three
schools, had I been able to vote, I would have voted "yes" on these remaining three schools, just to put that on the record.

THE CHAIR: Leave, and let us do what Josh says.

(A discussion was held off the record.)

MR. GRANATA: Madame Commissioner and Commissioners, I was just reviewing the Rules of Order, which were adopted just recently by the Commission. And there's nothing to indicate what should be done in the case of a tie.

I've told the Chair that what could happen procedurally is that the vote is opened back up for discussion to see if anyone decides to change their mind.

If the tie remains 4-4, then my interpretation of the Charter School Act would be that it goes to the Secretary, if the school decides to appeal, or if the PEC decides to appeal. And so I would suggest that the Commission opens it back up for further discussion.

COMMISSIONER TOULOUSE: Madam Chair, may I suggest that we think on this a little ourselves, just think and then come back after a lunch period and have a further discussion?
THE CHAIR: The only problem with that, Commissioner, is that Commissioner Bergman will be gone, and that will skew the vote. Just looking at -- it's 4-4 now, if he leaves.

COMMISSIONER TOULOUSE: Could we bring this up at the next meeting? A tie vote should be able -- it's a table.

MR. GRANATA: Madam Chair, Commissioners, I have problems tabling this till the next meeting regarding the waiver that was signed and the statute requiring certain actions to be taken within the times.

COMMISSIONER TOULOUSE: I was looking at Rules of Order. It normally is a tabled motion, either a failed or a tabled.

THE CHAIR: Could I suggest that we leave the vote the way it is, declare an impasse, and let this go to the Secretary?

COMMISSIONER TOULOUSE: Madam Chair, then I want to point out one thing on the record here. Considering the population that she serves and the previous school serves, I see bias. I'm sorry; but I do. And that's why I would like us to think about it and consider it, because I know these populations. I represented them on the CNM Board.
I've worked with them.
And I think -- especially this particular school does a very good job of getting their kids into high school. And I really am advocating that there is some bias here. Thank you.

THE CHAIR: Madame Commissioner, I must take exception to your comment that this Commission is biased. I know I'm not. I don't believe anyone here is. I believe we're truly voting with our conscience, with our hearts and our minds, thinking of what's best for students.

I've worked as a teacher for many years, and I know some of the rest of you have. I'm voting for what I think is best for kids.

My suggestion would be that we declare an impasse and allow this to go to the Secretary for resolution.

COMMISSIONER GIPSON: Madam Chair, I think that's the fairest thing to do at this point in time, considering that Commissioner Bergman will be leaving so that the vote would be skewed at that point in time.

THE CHAIR: Do we need to vote on that, Josh, or just -- we'll just leave it the way that it is. It'll go to the Secretary.
MS. ALDERETE-TRUJILLO: Madam Chair,
Commissioners, may I make a comment just for the record? I understand the situation. I am disheartened. I would like to say if -- in negotiations, if Commissioner Bergman had said, "You have to have 70 percent," I would have said, "Okay."

I don't feel like -- I feel it is a little bit unfair, because if I had been told that, "You're not going to get the vote -- you're not going to be able to keep your school open for your kids if you come to the table with 50 to 55 percent," I would have said, "Okay, I'll set my goal at 80 percent."

I will never come to the table and deny my kids an opportunity to succeed. I just wanted to say that for the record.

THE CHAIR: I want to assure you that this does not close your school.

COMMISSIONER BERGMAN: No, it does not.

No.

THE CHAIR: This simply goes to the Secretary to come to resolution on these numbers. It in no way causes your school to close.

The other thing is, Commissioner Bergman, nor anyone else, can tell you what this Commission was going to do. I think he could suggest to you
that we like higher numbers; but he could not tell
you that they had to be, or this Commission would
vote you down. He can't really predict that.

MR. GRANATA: Madam Chair, Commissioners,
I just want to clarify the record, just so that the
school is kind of put on notice. I'd recommend that
the school does look at the Charter School Act
22-8B-9. There's a process in which the school
needs to appeal. And if the school fails to appeal,
then there is no contract.

And so just to give you notice that you --
to take a look at the Charter School Act and see
what the school needs to do so that you guys can
have a contract.

THE CHAIR: Thank you. Let me just say,
in light of the discussion that's gone on, does
anyone choose to change their vote?

All right. Then I am declaring an impasse
on this particular performance contract and
performance framework and leave you to work with the
Secretary through the appeal process.

Ladies and gentlemen, we need to close
this session. And we will be back at five minutes
till 2:00. Thank you very much. We are in recess.

(A recess was taken at 12:55 p.m., and
reconvened at 2:05 p.m., as follows:)

THE CHAIR: Ladies and gentlemen, we are back in session. We are on agenda item 7H, Southwest Secondary Learning Center. Commissioner Toulouse is coming. Everybody else is here.

Please let the record show that Commissioner Bergman did have to leave.

Is anyone here from Southwest Secondary Learning school? Okay. I see no one; so let's move ahead.

I notice that we have the Certificate of Resolution signed by the governing council chair. I notice that we have minutes from a governance council meeting.

However, I would ask that you look at the second page of the actual minutes themselves, under the side heading, "Administration." Is everybody there?

COMMISSIONER ARMBRUSTER: No.

THE CHAIR: If you look at the second paragraph, where the group talked about the performance framework, I don't see where any vote was taken.

Now, below that, below those bulleted items, it says there was a motion to approve the
Certificate of Resolution of the Southwest Learning Center character-- no, I'm sorry -- charter contract. And that was seconded and voted on. But it doesn't mention the performance framework. So I'm thinking -- Josh, are you with me? -- that their minutes are insufficient?

MR. GRANATA: Yeah.

THE CHAIR: So we need to have that corrected.

I would also ask, in that second paragraph underneath the side heading "Administration," about in the middle, there's a sentence that begins, "If we don't meet these standards, the Public Education Department is going to want a reason why."

Might I suggest someone remind them that they are authorized by the Public Education Commission, please? And maybe that could be corrected at the same time we get their formal minutes.

Okay. CSD, could we hear your recommendation on Southwest Secondary?

MS. LUCERO: Madam Chair, members of the Commission, CSD has reviewed all the documents and recommends approval of both the framework and contract. They have set rigorous goals, and they
are a high performing school.

THE CHAIR: You have heard the
recommendations from -- so, Commissioners, do you
have -- do you have questions, Commissioners, on
their academic indicators?

I would just point out that their first
one is a math goal, and that they're using the STARS
Assessment. They're using "80 percent or more will
achieve a full year's growth to exceed standards."
And then their reading assessment also uses STARS,
and they've upped their percentages 5 percent.

COMMISSIONER CHAVEZ: So, Madam Chair, I'm
just looking at the minutes, and it seems like they
had some questions during that meeting in terms of
wanting to know who set -- who set such high goals,
and what if we don't make the percent. It's too bad
that somebody's not here from the school for us to
ask questions.

THE CHAIR: A lot of people ask that
question generally during the negotiations. And,
remember, this is a one-year document. So when they
come back at the end of the year that this document
covers, there will be a renegotiation.

COMMISSIONER CHHAVEZ: Right. I'm just
saying that someone had some concerns; so I'm not
sure if their concerns were answered during the
board meeting or not. The minutes don't reflect
that. So it's too bad that someone's not here to
speak to that or for us to ask questions.

THE CHAIR: Right. And I'm sure if they
wanted a more direct answer quickly, they could
contact CSD and get information there.

Any comments or questions on their
academic indicators?

COMMISSIONER GIPSON: Those are good
numbers.

THE CHAIR: Good numbers.

All right. Hearing no discussion, the
Chair would entertain a motion.

COMMISSIONER GIPSON: Madam Chair -- see
if I can get this right this time -- I move that the
Public Education Commission accept the performance
framework and performance contract, as presented,
for Southwest Secondary Learning Center -- oh -- and
pending corrected minutes.

COMMISSIONER ARMBRUSTER: I would second
that, but for the year 2015-'16.


All right. You've heard the motion by Commissioner
Gipson, second by Commissioner Armbruster.
Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: I suppose, yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: That is 7 to 0 in favor of the motion.

THE CHAIR: Thank you very much. The
motion to accept the documents from Southwest Secondary Learning Center, as presented in the notebook, with the condition of receiving official approved, corrected minutes, has passed.

The next school on the agenda is the Montessori Elementary School.

Do we have anyone from that school? Please come down to the table. Good afternoon.

MS. BESANTE: Good afternoon.

THE CHAIR: CSD?

MS. LUCERO: Madam Chair and members of the Commission, CSD has reviewed the documents and participated in negotiations with this school and recommends approval of both framework and contract. Their percentages are also rigorous.

THE CHAIR: Thank you.

COMMISSIONER GIPSON: These minutes say the same thing as the previous one, the -- for the -- approve the Certificate of Resolution. If you look on your "Discussion, Action, Charter negotiated contract," it's on the back.

THE CHAIR: Yeah.

COMMISSIONER GIPSON: Yeah.

THE CHAIR: It's just not signed.
COMMISSIONER GIPSON: But it's only for the Certificate of Resolution. It doesn't say performance.

COMMISSIONER TOULOUSE: Well, Madam Chair, I think the Certificate of Resolution says what it resolves, that the charter contract -- that it approves the following charter contract, charter waivers, performance framework.

THE CHAIR: Then it says, "approves the following."

COMMISSIONER GIPSON: Oh, it does. I'm sorry. You're right. I'm sorry.

COMMISSIONER TOULOUSE: It's getting into the afternoon.

COMMISSIONER GIPSON: I didn't look far enough, yeah.

THE CHAIR: If you would introduce yourself, please, and let us know anything you would like to tell us about these indicators that were negotiated.

MS. BESANTE: My name is Mary Jane Besante, the director and principal, the one and only, at the Montessori Elementary and Middle School.

Thank you for having us here today --
me -- here. And the negotiations, I felt, were
really productive, and I felt supported, and I still
do. So thank you so much.

THE CHAIR: Thank you. Just give us a
minute to read through these.

Commissioners, do you have questions?
Comments?

Are we ready for a motion?

Commissioner Armbruster, would you like to
make the motion?

COMMISSIONER ARMBRUSTER: I knew you were
going to call me. I don't think I can do it; but
we'll --

COMMISSIONER TOULOUSE: I would be willing
to try it again. And you can second it. Do you
want to do that? You can go ahead.

COMMISSIONER ARMBRUSTER: I've been
writing things down; but every time, somebody
changes it.

COMMISSIONER TOULOUSE: Let me do it
again, more or less.

I move that the Public Education
Commission approve the performance contract and
performance framework for the first year, not the --
the contract is for the full term; the performance
framework is for one year -- for the Montessori Elementary School, contingent on all minutes and whatever we may or may not have be properly signed by the time this goes in effect July 1st.

THE CHAIR: Okay. Do we hear a second?

COMMISSIONER ARMBRUSTER: Oh, yes, of course.

THE CHAIR: Thank you very much. Motion by Commissioner Toulouse, second by Commissioner Armbruster.

Any discussion?

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

COMMISSIONER PERALTA: Commissioner Peralta votes "yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?


COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Madam Chair, that is a 7-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously. Thank you very much. Have a good year.

MS. BESANTE: Thank you so much. Our meeting is on Monday, our board meeting. I'll send the signed minutes right afterwards. Thank you.

THE CHAIR: Thank you.

And now we're going to circle back to Albuquerque Sign Language Academy.

CSD, we'll hear your recommendation, please?

MS. LUCERO: Madam Chair, members of the Commission, CSD recommends approval of both framework and contract for Albuquerque Sign Language Academy. If you'll notice, they have a number of goals, and they are including every -- all of their
students; so you will see they've done a really
great job of doing that. They have set very
reasonable percentages and set reasonable goals, as
well.

THE CHAIR: Thank you very much.

Hi. Would you like to introduce yourself
and let us hear from you, please?

MR. MARTINEZ: I'm Raphael Martinez. I'm
executive director of the Albuquerque Sign Language
Academy.

THE CHAIR: You're the -- the document is
going to stand for itself, or do you care to address
it?

MR. MARTINEZ: The document will stand for
itself. And I would just like to say, I think we're
a great little school. I invite everyone to come
visit, see for yourself.

I will say, as far as just our trajectory,
programmatic trajectory, we're -- I think if people
don't know, we are doing some things that are
currently being recognized nationally as being
unique, something that's not being attempted
anywhere in the country.

And because of that, we've been getting
more and more calls about replication, not just
from -- not from in-state, but from out of state,
groups out of -- there's a group out of Minnesota, a
group out of Arizona; and, actually,
internationally, a group out of Haiti.

So people are paying attention to what
we're trying to do. It matters to us, and it
matters to the state.

THE CHAIR: Thank you. Appreciate it.

(Chair consults with PEC counsel.)

THE CHAIR: All right. I am told by
Mr. Granata that the minutes are fine, except
they're not signed. So when you get a signed copy,
would you get those to CSD, please?

MR. MARTINEZ: Commissioner -- Chair --
yes.

THE CHAIR: Thank you. Let's go -- as
Julie said, and has been repeated, the goals that
this school has set are unique to the school because
of their unique, unique mission. So if you want to
spend a couple of minutes looking over those?

Tell me your grade levels.

MR. MARTINEZ: Madam Chair, members of the
Commission, right now, we have students from
kindergarten to ninth grade. We're approved to
twelfth grade.
THE CHAIR: Okay. But I notice your reading and your math proficiency goals are only ninth through eleventh grade. Have I just not gotten to some of the other grades?

MR. MARTINEZ: Well, members of the Commission, we don't -- well, we don't have tenth-through twelfth-graders in our building.

THE CHAIR: But you said from kindergarten.

MR. MARTINEZ: To ninth-graders, now. But our high school cohort exists primarily, or only, of students with high special needs.

THE CHAIR: If I look further, will I see goals for your younger children?

MR. MARTINEZ: Absolutely. That's where most of our goals are directed.

THE CHAIR: I don't see them.

COMMISSIONER GIPSON: I think --

THE CHAIR: Are they somewhere else?

COMMISSIONER GIPSON: I think you're missing pages.

MS. LUCERO: Their Page 6 addresses K-through-8 students.

COMMISSIONER GIPSON: See, my Page 6 is the financial performance framework.
THE CHAIR: I think I'm looking at the wrong -- no, Albuquerque Sign Language.

MS. LUCERO: You may be looking at the --

COMMISSIONER GIPSON: I was looking at the wrong school. I thought I had the right school.

THE CHAIR: I'm sorry. I turned too many pages.

COMMISSIONER GIPSON: I did, too.

THE CHAIR: I apologize. I'm looking at your goals.

MS. LUCERO: Madam Chair, members of the Commission, they actually have eleven goals that they've proposed.

THE CHAIR: I turned to the wrong school.

MR. MARTINEZ: Madam Chair, members of the Commission -- so I probably should clarify as to why we have so many. So as some of you may know, we're one of the only -- I think we are the only TBD school in the state when it comes to school grades; so we don't get a grade.

The reason is, is because our unique population and our unique program. So in working with the PED Assessment Bureau, we're validating and norming a battery of tests that can better fit the needs of our students. And so we are committed to
being accountable -- I think we are accountable --

to our families, to our students, to our community.

We're just -- what we're trying to do is
work with PED to help them understand how to better
measure our students in a formula that fits their
kind of systematic thinking. So because we have --
because we -- that's the reason we have eleven
separate goals is because we don't have a formula
grade right now from the PED. We're helping PED
formulate that for our kids.

When we come to agreement that some type
of academic formula fits our student and our
population and our school, then all of those goals
will then be pushed back into our school grade, and
then our mission-specific goals will be the primary
two indicators that are -- that will sit on the
chart.

I hope that clarifies things.

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

Hearing none, the Chair would entertain a
motion.

COMMISSIONER ARMBRUSTER: Okay, I'll try
it.

I move that the PEC approve the
performance contract and performance framework for 2015-'16 for the -- what's the name of this place? -- Albuquerque Sign Language Academy of Excellence, pending signature on the minutes.

Is that right? The minutes; right? I think that's it.

THE CHAIR: Okay. Thank you.

COMMISSIONER ARMBRUSTER: As presented today.

THE CHAIR: Thank you very much.

Now, do we have a second to the motion?

COMMISSIONER GIPSON: I'll second.

THE CHAIR: You've heard the motion, I think, by Commissioner Armbruster -- thank you -- second by Commissioner Toulouse.

Any further discussion?

COMMISSIONER TOULOUSE: Gipson.

THE CHAIR: What?

COMMISSIONER GIPSON: I'm guilty of this second.

COMMISSIONER TOULOUSE: She jumped in before I could.

THE CHAIR: Well, somebody over there seconded.

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

COMMISSIONER PERALTA: Commissioner

Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "yes."

That is a 7-to-0 vote in favor of the motion.

THE CHAIR: Thank you very much. The motion carries unanimously for Albuquerque Sign
Language Academy.

   Congratulations. Hope you have a great year.

   MR. MARTINEZ: Thank you.

   THE CHAIR: I believe we're ready to go back to our regular meeting notebook at this point.

   Boy, it sure seems a lot smaller, doesn't it?

   And we will move to Item No. 8, which is Discussion and Possible Action on PEC Statutory Requirements. This was requested by Commissioner Carr.

   But since he is not here today, we will skip over this item and go to No. 9, Discussion and Possible Action on Joint Resolution HJR4. And I understand this was also requested by Commissioner Carr. And I understand that Commissioner Peralta is going to speak to that item.

   COMMISSIONER PERALTA: Just to let you know, I received the e-mail from him that he wasn't going to be here; so I asked him to share what he wanted me to share with the Commission.

   His response to that was that he would ask that to be tabled, as well.

   THE CHAIR: Ask it to be?
COMMISSIONER PERALTA: Tabled.

THE CHAIR: So "table" is a formal motion.

Would you care to make that -- no? It's not a formal motion. We'll move right on.

Okay. How about item No. 10, which is Report from the Chair?

And I hope I remember all the things that I wanted to bring to you all today.

I wanted to let you all know -- remember last meeting, we decided to send a letter to the Attorney General asking for formal opinion on whether Notices of Intent for statewide online virtual schools should have to be sent to every district and State-chartered school in the state?

There's a question, you know, where are they located? If they're statewide, then they need to notify everyone.

We, also -- at the request of Commissioner Carr, I put in the letter asking whether State-chartered charter schools were, in fact, considered stand-alone districts. And I wrote the letter; Josh looked at it, did some editing. And it has been sent, and I'll let you know when I hear something. Okay?

The next thing I wanted to bring to you is
I visited with Deputy Secretary Aguilar, who was here this morning. And he has made the offer to extend -- the plan is -- these are his words -- the plan is to extend the contract of Julia Barnes, who is working as our contract negotiation facilitator this year -- he has offered, in his plan, to extend her contract so that it will include her representing the PEC in appeals.

He also said if that was agreeable to the Commission, that he would plan to make that same contract available next year, so that she could facilitate contract negotiations and represent the Commission in appeals.

I told him I thought it was a wonderful idea. I don't think we need to vote on it. It's certainly not an action item that I see; but I wanted to bring that to you. And if anyone was opposed for whatever reason, I think now would be the time to say so.

Okay. Deputy Secretary Aguilar also told me -- those of you who have been on the Commission for a while recall that he made the offer about a year ago, or maybe longer than that, that the Public Education Department would hire the PEC a full-time attorney. At that time, we had an attorney who was
able to do everything and whose time was not as limited.

The AG's office now -- and we visited with them about this -- has become very, very busy and have fewer attorneys than they need. So Josh, as you know, is not able to represent us in appeals before the Secretary.

Deputy Secretary Aguilar has renewed his offer to hire us a full-time secretary -- a full-time attorney on a Request for Proposal basis that goes year to year.

And I told him I would bring it to the Commission, let us all think about it for a while, and that we would get back to him on it.

So please think about it and let Josh know what you think. That way, it won't be a rolling quorum. You won't be responding to me, okay?

All right. The next thing that I have on my list that I wanted to ask about and bring up, just for continuity's sake, is if you'll recall, we put a condition on the Southwest Intermediate and Secondary schools' conditions for their renewal that they look at combining two of their Southwest Schools. I haven't heard anything about that since those renewal documents were signed; and I didn't
think to ask anything about it, quite frankly, in
the negotiations for contracts.

So I would appreciate it, Katie, if your
office would follow up on that and perhaps make it
part of your Director's Report or -- in some place,
keep us apprised of that.

COMMISSIONER TOULOUSE: Madam Chair, we
did discuss it in the negotiations, and they
understood they were to come back -- since we only
gave them the two years -- with Intermediate put one
direction or the other.

THE CHAIR: I'm asking for a progress
report.

COMMISSIONER TOULOUSE: No, I know. I'm
just -- but you said you didn't remember
discussing -- I wanted to make sure --

THE CHAIR: You're right.

COMMISSIONER TOULOUSE: It was discussed
with them, and their approach. They could either
make -- there's K through 8 or 6 through 12; but
they couldn't have the 6, 7, and 8 separate was what
we told them.

THE CHAIR: Or 7th and 8th.

COMMISSIONER TOULOUSE: Yeah.

THE CHAIR: And the last thing I wanted to
bring up is also in last month's meeting, we discussed asking CSD to send either a letter or an e-mail to all of the districts and charter schools in the state letting them know that we do have application -- Notices of Intent from two online schools.

I know that's been something that Katie and the other people in the Division and PED have been working on. I don't know if that's been resolved.

Katie?

MS. POULOS: Madam Chair, Commissioners, that is not an issue that's been resolved at this point. I know there's still discussions between -- Matt and Josh have had some e-mail exchanges. And that's where I am aware things are at this point in time.

THE CHAIR: Do you have anything to add, Josh?

MR. GRANATA: Not really.

THE CHAIR: Not really? Okay. I would ask that you follow up on that with us.

MS. POULOS: Yes.

THE CHAIR: Okay. And I believe that's everything I had to bring to you. Does anybody
think of anything that I've forgotten?

COMMISSIONER ARMBRUSTER: I do. I think we should just -- maybe, just for the minutes, have our parking issue put in there; because I know that that -- you forgot it, because you have a parking place.

We -- I think Beverly's been working on that with unsuccessful answers. Am I correct, Beverly?

THE CHAIR: Commissioner Armbruster, would you like to hold that until Comments from PEC Commissioners?

COMMISSIONER ARMBRUSTER: I will do that.

THE CHAIR: Are we okay on that?

COMMISSIONER ARMBRUSTER: It's fine.

THE CHAIR: Moving forward, the next item on the agenda is the Charter School Committee. Since Mr. Bergman is not here, I don't believe he had a report, other than just to remind everyone that next week's negotiations will be in Santa Fe. They were originally scheduled for Albuquerque, and they will be in Santa Fe, okay?

Next item, 12, Report, Discussion, Possible Action on PSCOC Meeting Information.

Commissioner Peralta, have you got
anything new for us?

COMMISSIONER PERALTA: Nothing of real significance, Madam Chair. We met -- on May 5th was our last meeting with the Capital Outlay Council. We finally, over the last few months, have been toying with various scenarios on a final financial plan, and finally agreed to -- it was finally agreed upon, on the 5th, that the financial plan was approved.

As far as facility goes and projects, it's looking like they're going to be delaying some projects that might be affecting about eleven school districts. And that certainly means that those school districts might be delayed up to five quarters, depending on where they're at with construction or planning or whatever it is.

But that's really the biggest item that has been, you know, talked about in the Council meeting; other than that, nothing of real significance. Thank you.

THE CHAIR: Thank you. Any questions for Commissioner Bergman? He's not "Bergman"; he's "Peralta." I'm sorry, Commissioner Peralta.

Okay. Let's move on. Item 14 is Old Business. I don't have any. Does anyone else?
Did I skip one?

Oh. I want this meeting over, don't I?

I'm sorry. I skipped 13, Committee and Liaison Reports.

Does anyone have reports from any committees?

COMMISSIONER TOULOUSE: Madam Chair -- well, I just want to report that the Legislative Education Study Committee will hold its organizational meeting May 28th. And I do intend to attend, but more in my role as spectator than a Commission member, because as you know, part of my entertainment is watching the legislative process.

COMMISSIONER CHAVEZ: Do they know that?

COMMISSIONER TOULOUSE: Madam Chair, I doubt it.

THE CHAIR: Anything else?

All right. Let's move on, again, Item 14, Old Business. Anything?

Item 15, PEC Comments.

Commissioner Chavez, do you have anything?

COMMISSIONER CHAVEZ: Let's see. Well, I think the only thing that I wanted to just kind of circle back to and make sure -- you know, I had made some comments earlier about receiving of the audits
of the schools, and just want to make sure that --
that it's understood that I'm not talking about the
form that gets filled out, but the actual audit.
So...

MS. POULOS: Madam Chair, Commissioners, I
certainly will do that. And I think what I may do
is work to kind of figure out when that would be a
good time, when -- you know, when they come in, when
we would have time to maybe do a little bit of
evaluation and overview for you, in addition to the
findings, and then be able to present those to you.

If that sounds amenable, I will put that
on my agenda piece for next month to report out to
you.

THE CHAIR: Commissioner Chavez, is that
essentially what you're asking for?

COMMISSIONER CHAVEZ: Yes.

THE CHAIR: Thank you. Thank you, both.

Commissioner Armbruster, let's talk about
parking.

COMMISSIONER ARMBRUSTER: Oh, well. Now
that it's raining and hailing, it's a more relevant
comment.

I think Beverly and I -- since I started
this, and Beverly's taken over for that, finding
information, that we need to negotiate with the State, or the City, whomever it is; because I understand that -- and I don't know if they pay for it; but lobbyists --

MS. FRIEDMAN: Not lobbyists, the legislators.

COMMISSIONER ARMBRUSTER: The lobbyists, I was told, also get those hooded things during the legislative session. They may be paying for it; I don't know that.

But I was saying that, first of all, one of our Commissioners already has parking, and one has handicapped parking; so that really leaves us with eight. And since I've only been here since January, and we weren't here January, February, and March, and I don't know if that would continue in the -- like, next year in the short session, that we may not be here January and February because of the Legislative Session. So now we're down to eight people for ten months, as opposed to ten people for 12 months.

COMMISSIONER GIPSON: I followed your lead, and I just parked at the parking meter with the -- with the license plate. So...

COMMISSIONER ARMBRUSTER: And you haven't
looked today.

COMMISSIONER GIPSON: Hopefully, my car is still out there.

COMMISSIONER CHAVEZ: But not all of us have license plates.

COMMISSIONER GIPSON: But if you talk to Beverly, you can get a plate.

I have just one comment, and I don't know whether this affects it or not. But I know NMSU used to give parking passes to elected officials. They can no longer do it, because there's limitations on gifts.

So the value of that, you have to -- that's an area that I'm not all that familiar with. But there is a monetary value to it, and they said they could no longer do or -- or it could no longer be accepted because of the value of it.

So I think that's something that you need to look at. You know, what they have done for us is as long as we have a plate, they won't give us a --

THE CHAIR: I've never had a ticket with that plate.

COMMISSIONER GIPSON: At the University.

But they said it can no longer be accepted, because it exceeds the gift limit that is placed. So that's
just -- I'm just throwing it out there.

COMMISSIONER CHAVEZ: Yeah, we'll figure it out.

COMMISSIONER ARMBRUSTER: The only thing I would say is we're going to continue to pursue it just for a little while to see -- just because it's --

THE CHAIR: Beverly?

MS. FRIEDMAN: Madam Chair, Commissioners, I might just add that the actual amount for each Commissioner would be $63 per month, which would add up to $756 per year. And multiplied by the ten Commissioners, would be $7,650 for the year for a parking place. My comment to the head of Parking was that you were here for one to two days a month, and if we could work something out for that, we could certainly pay for parking on those days.

I have not heard from the last person I wrote to; but as I was mentioning to a couple of the Commissioners this morning, I wanted to talk to the person who is in charge of the legislators' parking arrangements with the City and see if we could maybe work with them and have 10 more elected officials added to their -- to their -- you know, contract with the City. And so we could check into that.
I think today is a unique day, because of the weather, you know, for parking and everything, too; so...

THE CHAIR: We'll see. Okay. Thank you for pursuing that.

Commissioner Conyers?

COMMISSIONER CONYERS: I have no comment.

THE CHAIR: Okay. Commissioner Peralta?

COMMISSIONER PERALTA: None here.

THE CHAIR: I have none.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I have just one comment to pass along during the break. The ACE Leadership Academy, in their high school -- rather, in their new facilities, have a room -- have room available, if we need a space for a work session in Albuquerque.

THE CHAIR: Okay.

COMMISSIONER TOULOUSE: Since we were talking about trying to find someplace that wouldn't cost anything, I was told by a representative from them that they would be willing to host us in a work session.

MS. FRIEDMAN: I'm sorry?

COMMISSIONER TOULOUSE: The ACE Leadership
1 High School would be willing to host a work session
2 in Albuquerque, if we needed space, in their
3 beautiful new facility.
4
5 MS. FRIEDMAN: Terrific. Thank you very
6 much.
7
8 THE CHAIR: Commissioner Gipson?
9 COMMISSIONER GIPSON: I'm fine.
10 THE CHAIR: Okay. That ends public
11 comment -- PEC Comments.
12
13 Next item on the agenda is No. 16, Open
14 Forum. Before we get started on that, I'm going to
15 turn the floor over to our attorney and ask that he
16 give us some information.
17
18 MR. GRANATA: Madam Chair, Commissioners,
19 I've been looking through the Rules of Order. The
20 Chair asked me to, I guess, give the Commission this
21 information, that according to the -- to the
22 policies that the Commission has adopted regarding
23 public comment, the Chair should allow for public
24 comments under the following parameters:
25
26 Item C says that the Chair has the
27 discretion to rule out of order presentations that
28 are a matter of pending litigation.
29 Today, I was served a copy of a Notice of
30 Appeal from Health Sciences Academy. I would
suggest to the Commission -- I understand that
there's a lot of members here from the school, and
Mr. Ivey-Soto and various representatives from the
school, who wish to address the Commission. So if
it's the Commission's will, they can limit the
discussion in terms of what has been presented in
the appeal in terms of discussing matters that are
going to be litigated.

So it's up to the Chair in terms of how to
limit the public comment.

THE CHAIR: I would appreciate some
guidance from the Commission. My thought is to
follow our Rules of Order and not to allow -- may I
see that, please? -- and not to allow any public
comment or any presentations that are a matter of
pending litigation. To my mind, that would be just
about anything to do with Health Sciences Academy.

Does anyone disagree with that?

MR. GRANATA: Madam Chair, I think I
disagree just a little bit.

THE CHAIR: You just told me that.

MR. GRANATA: I would ask the Commission
to err on the side of allowing for more comment than
less. I would suggest that comments that are --
anything that's related directly to the appeal, to
arguments that are made in the appeal, not be made
before the Commission at this point in time.

However -- I mean, I would allow -- I think the Commission should allow comments regarding
the school itself, perhaps just being careful about
the reasons that the Public Education Commission
decided to revoke the charter and the closure of the
school. It's a fine line to balance; but I would
suggest that the PEC allows more comment than not.

THE CHAIR: Okay. Is that all right with
everybody?

Okay. So --

COMMISSIONER GIPSON: I just have --

THE CHAIR: I'm sorry?

COMMISSIONER GIPSON: I guess my concern
is everything that's in the appeal -- are we going
to get some guidance there as to when the line is
being crossed?

MR. GRANATA: Madam Chair, Commissioners,
I -- I guess I'm assuming that you haven't had the
opportunity to look at the appeal.

COMMISSIONER GIPSON: Unh-unh.

MR. GRANATA: In terms of liability from
the Commission, I don't think there is much
liability concerns for the Commission. I expressed
my concerns earlier to the Commission in an
attorney-client-privileged memo. And so I suggest
you just refer to that earlier communication.

I would think that more liability would
lie on the school itself in terms of making a bigger
record. And I think that their counsel can -- can
decide how to balance that fine line.

COMMISSIONER GIPSON: Okay.

THE CHAIR: Okay. So I'm going to ask
that the people who have signed up to speak in Open
Forum self-police; if your comments were going to be
directed to anything that's in the litigation, that
you either not speak or don't say those things. I'm
going to ask Mr. Granata to help me keep an eye on
those comments.

I also remind you that there is a
four-minute time limit, and it is so stated on the
agenda. So each speaker may have four minutes.

I would also ask, as it states on the
agenda, that if there are several people here who
have chosen to speak or who have signed up to speak
who have the same view and are going to express the
same concerns or issues or opinions, that you please
choose a spokesperson, so that we may have one
speaker speaking for the group.
Is that agreeable with those of you who have signed up to speak?

All right. Mrs. Friedman is going to be our official timer. Your time will begin when you're at the table, when you press the button on the microphone, and you begin to speak. Okay.

THE CHAIR: All right. The first name I have on the list is Raphael Nevins. And I remind -- I remind Commissioners, this is a comment session only. We hear what they say. We don't debate. We don't ask questions, and we don't answer questions.

MR. NEVINS: Madam Chairman, members of the Public Education Commission, Ms. Poulos, welcome. I'm not privy to what the litigation before you is, and so I can't comment on any of that. I just want to let you know my name is Raphael Nevins, founding member and first governing board president of Health Sciences Academy.

I have created a blog with documents which I sent to you in advance of this meeting: hsaportal.blogspot.com. And if you decide to look at that during your closed session, I would appreciate it.

I'm not going to address any issues related to the appeal, since I don't know what they
are.

I only ask you to do two things:

One, to look at the requirements in the SB 446 to see if you can confirm or dispute whether Mr. Pahl ever noticed the governing board of his concerns. And I only say this. Credible evidence means that all available facts, when viewed in the light of surrounding circumstances, would cause a reasonable person to believe that the HSA charter merits termination.

You now have additional information, and I hope you will agree the school merits an opportunity to remedy the problems and put to rest all remaining concerns.

Further, in order to address any governing board decisions that may have violated the Open Meetings Act in HSA bylaws taken at a special meeting on April 23rd, 2015, I shall tender my resignation to the HSA board effective May 16th, 2015.

I have asked board members Pearl Castillo and Nancy Duigg to do the same. In closing, I urge you to discard any biases you may have toward me, toward our dedicated governing board, and do the right thing for teachers and the 14,000 students,
parents, and citizens in Anthony, Chaparral, Santa Teresa, and Sunland Park. They deserve options of school choice and a chance to prepare for promising health careers.

Both day and evening students are dedicated, and they don't deserve to be denied options for choice.

Thank you.

THE CHAIR: Thank you, sir. Next on the list is Jacob Montaño.

MR. IVEY-SOTO: And, Madam Chair, if we may be given the parameters that you just provided for us, if we may be given a little bit of leeway to reorder who speaks --

THE CHAIR: Certainly.

MR. IVEY-SOTO: -- we would appreciate that.

This is -- and he'll be actually speaking in a few minutes -- this is the head administrator of the school, Mr. Jacob Montaño. We have two students from the day program that we'd like to introduce; one of them will speak.

THE CHAIR: Okay. Is that going to be part of your presentation? There are introductions. I realize they get separate time.
MS. MONTOYA: Yes, ma'am, it will be.

THE CHAIR: All right. Please go ahead when you're ready.

MS. MONTOYA: Madam Chair, Commissioners, first and foremost, thank you very much for lending me an audience. The last time I was here, I spoke very highly of the students and the staff at my school. I've brought them with me to speak on their own behalf, and also their peers.

So at this time, I would like to introduce to you Ms. Ruby Sandoval, an eighth-grade student from the Health and Sciences Academy.

Ruby, could you come down to the microphone, please?

MR. IVEY-SOTO: Would you introduce the other student, as well, even though Ruby will be the one speaking?

Go ahead and introduce him, too, just to let them know who he is.

MS. MONTOYA: We also have another student that is with us. He's one of our daytime students. He's up in the audience in the bright turquoise shirt with the matching tie.

MR. IVEY-SOTO: Right behind you.

MS. MONTOYA: Oh, he's right behind me.
And that is Manny Alvidrez. Thank you.

MS. SANDOVAL: Good afternoon -- this is this working?

Good afternoon, Honorary Commissioners [verbatim], Madam Chair. My name is Ruby. I'm a daughter, a friend, and a Health Science Academy student.

First, I'd like to thank you for taking the time to listen. I understand that Health Science Academy underwent some difficult times at the beginning; but we have grown, not only with the help of our principal, Mr. Montaño, and the financial support, but with our teachers.

Those teachers, they -- they see things in us that we never seen in ourselves, and they allow us to be ourselves. They support everything that we want to do. They give us opportunities that we need. And they -- they show us a whole other way of teaching. They show us a whole other way of learning. They show us how we can learn and have fun at the same time.

There is not any opportunity like this from where I come from. And -- and this is the only chance --

THE CHAIR: Just take a deep breath. We
want to hear what you have to say.

MS. SANDOVAL: I'm sorry. Excuse me. I'm sorry.

When I think of Health Science Academy, I think of the future. And I've never experienced or felt that before. This -- this is the only program that will take an hour to take me -- I know in my heart that this -- this opportunity, educational gifts and family, new home, will not be taken away from me.

And I just -- it's -- it's so important to all of us there, because that's the only chance we have. I'm sorry; but it is. And they're the only ones that support what we really want to do; because we've heard a lot that we couldn't do it; but they're the ones that say we can. And it's really important to me that this school stays.

So if you'd please take that into consideration. And thank you. And I'm sorry I'm, like, a mess. I'm sorry.

THE CHAIR: We appreciate you. Thank you very much.

MS. SANDOVAL: And one last thing, if you allow it, Madam Chair. We put together something to show you the importance of our school and what it
means to everybody there, if you'll be -- and just
allow --

THE CHAIR: What is it?

MS. SANDOVAL: It's just a lot of letters
and petitions that want -- stay the school. It's
just a variety of information of how important the
school is, if you'll allow it.

THE CHAIR: Yes. Just right here, and
it'll get sent all around to us. You did a fine
job. Thank you for being here.

MR. IVEY-SOTO: Madam Chair, we also have
two students from the night program who are here, as
this school has a night program in addition to a day
program. And they are distinct.

THE CHAIR: How are we on time,
Mrs. Friedman?

MS. FRIEDMAN: Yes, we're fine.

MR. IVEY-SOTO: If we could have students
from the night program come on down?

MS. MONTOYA: We have two of our nighttime
students, Ms. Gabby Nuñez and Luz Salcedo. And they
would like to speak on behalf of the school, as
well. Thank you.

THE CHAIR: May I just ask. Is this --
you signed up to speak. Is this that time?
MR. IVEY-SOTO: She signed up to speak separately yes, as did --

THE CHAIR: And Ruby, also? And Manny?

MR. IVEY-SOTO: Correct.

THE CHAIR: So they have spoken. Okay. Please.

MS. SALCEDO: Good evening. My name is Luz Salcedo, and I'm a current student -- night student at Health Science Academy. And I would like to tell you that, for me, it's been a good opportunity to continue my education, because before, I was a [incomprehensible] woman; and now I, know that I'm learning, because the teachers have the time to dedicate it to us, to tell us that we can, and we will do it.

And before, I was a student that felt like I wasn't learning; and now, I'm learning. And I'm happy because I'm learning. And I really don't want my school to be closed.

I know it's -- wasn't my time; but now I know it's my time, that I really want to learn. I want to keep on going, hopefully, with the help -- and you guys listen to me. You know, take it into consideration that we do need our school, night school.
Thank you for taking -- thank you for taking the time to listen to us.

THE CHAIR: Thank you.

MR. IVEY-SOTO: We have a teacher with us --

MS. DELGADO: May I?

THE CHAIR: Please do.

MR. IVEY-SOTO: -- who had also signed up to speak.

THE CHAIR: And what is the name, please?

MS. DELGADO: Marta Delgado.

THE CHAIR: Thank you very much.

MS. DELGADO: Good afternoon, Commissioners and Chair. I'm the math and science teacher in the morning. I'm a high school teacher. And this is -- I started with the school on January, and I was hired by Mr. Montaño.

And I was hired -- he called me because he -- he told me that he has a plan for this school. And when I hear that, and when I hear the plan and -- I fell in love with this plan. And if you know, we're close to Mexico. So we -- our population is almost 80 percent Hispanic, English Learner -- English Language Learners.

So that's one of the reasons why he -- he
wanted me to be there, because I am -- I speak Spanish, and I speak English.

So his goal was to empower these kids. As you know, for them, it's difficult to learn English and learn the academic thing at the same time.

So when I heard that, I said, "Yes."

And when he -- he didn't tell me anything about the problems that the school have. And I say, "Yes, yes, because I believe in you."

And two weeks ago, I said the same thing to him. "I believe in you. I'm here for you."

And I'm here -- we're going to stay here because of the students. They deserve this program that we have. And this is for myself; and this is for the teachers that are working there.

[Verbatim.]

So thank you for listening to us. And thank you. I hope that you understand our situation and understand that these kids need us. This is the only place around this area that is offering this -- this kind of school.

Thank you.

Oh, yeah. I'm sorry. I just -- and also I wanted to let you know that the assessment -- the Discovery assessment that we applied to the
students, the percentage of students that passed --
that are passing this -- this test increased; so
this is a fact. These students are getting this
information that we're giving to them.
So this is a fact; this is our numbers.
And this is a result that -- this is fact.
Thank you.
THE CHAIR: Thank you.
MR. IVEY-SOTO: And I will just point out
to the Commission that there -- we have the
Discovery Short Cycle Assessment results in that
notebook, as well, so you can see those.
THE CHAIR: Thank you. Thank you very
much.
MR. IVEY-SOTO: So, Mr. Montaño?
MR. MONTAÑO: Madam Chair and
Commissioners, I know I'm on the clock.
THE CHAIR: I'm asking how much time you
have left. Beverly?
MS. FRIEDMAN: A minute and a half.
MR. IVEY-SOTO: Of his time?
MR. MONTAÑO: If you'll please excuse me,
I'm going to speak rather quickly, if I might. The
last time I was here, which was actually the first
time I was here, I left very dejected and very hurt.
And I met my wife in the parking lot, and we cried about it, and then realized that we had to take some sort of good affirmative action for the students that we represent and the parents and the community.

Thereafter, I sought legal advice and counsel from Mr. Daniel Ivey-Soto and Ms. Abby Lewis. And they have been just terrific in helping us take affirmative action in getting our school back.

The last time I was here, in layman terms, I talked about a snake. And if the neighbor had all the poison in its head, could you not just cut the head out and take the poison out and help us and support us. But when I left, I realized that was my obligation; that was my responsibility, to my students, to my parents, my community, and to my governing board.

I took that information back to the governing board. Thereafter, we have reorganized our governing board, have a new governing board president. We've moved forward with just a number of things.

And I'm sorry, I guess I'm not privy to tell you all of the things that we've done. But please note that in less than a month, my goodness,
we've done so many things on the behalf of our students. And I beseech you to really rethink the choice that you made earlier, please.

I didn't run away, and I stood up. And believe me, it took an awful lot to stand up. And I guess I'm asking you to do the same and support the wonderful students that you just heard from.

Our program is unique. It offers something that I believe is second to none. And I stand by it 100 percent. And I'm very proud to be that school's director.

So thank you very much, Madam Chair, Honorary Commissioners. Thank you so much for your time.

THE CHAIR: Thank you, Mr. Montaño.

I have next on the list Adriana Romero?

MS. ROMERO: Good afternoon, Commissioners.

THE CHAIR: Good afternoon.

MS. ROMERO: Madam Chair, I'm the -- let me -- let me -- again, my name is Adriana Romero. I'm the new governing board president. I would like to add -- I mean, not add -- but on my terms -- we came in blindly into this. And as of now, we have been trained. We know what's going on. We want to
change -- we have changed.

In the -- as Mr. Montaño said, in less than a month, we've done so many changes. And I just want to add to that if given the opportunity, we can give -- we can make so many more changes.

And we've -- my -- I'm not only the board president; but I'm also a mother of one of the children there. And it's made a great amount of change to him.

And he said, "Mom, go save the school," and I'm here. And it's been sad. We've been sad; we've been happy. And we just want -- we just want to save this school. That's our main concern.

Thank you.

THE CHAIR: Thank you. Next on the list, Daniel Ivey-Soto.

MR. IVEY-SOTO: Thank you, Madam Chair. And I -- I will not go into the issues that are listed in the appeal that Josh has.

I want to relate to you all my experience in going down to Santa Teresa to be at the school for a couple of meetings and to -- to see the school firsthand.

The first thing is I was shocked, going down to the school; because if you go the way the
GPS tells you to go, you end up driving, I think, eight miles into Texas, and then you end up coming back into New Mexico in order to get to the school.

The -- the location of the school is right near the Santa Teresa Port of Entry. And so the school is in an area of the state that is -- that is growing, and an area of the state where -- where there is a lot of economic activity that is starting to happen.

When we went down for -- for the first meeting, and -- and the governing board members recognized the need to take matters into their own hands -- and I will tell you that I was so moved when -- when Ms. Romero, whom you just heard from, was elected the new president of the governing board.

The room was packed, and there was spontaneous applause, and people gave her a standing ovation. And -- because -- because what I realized when I got down there is that -- is that for all the adult problems that are happening with the school, which we've been working hard to work on, that are listed -- and I won't go into -- there is a community down here -- down there.

There are 300 families affected at this
school, in addition to the teachers, in addition
to -- to the -- the -- these students who are active
and vibrant in this school.

The nighttime program is, I think, really
a relatively unique program in the state, in that it
is -- there are a couple of other places that have
something similar; but certainly, in this area, they
are working with adult students who have never
graduated from high school.

And they're not just simply saying, "Get
your GED, check this box"; they're saying, "Come in,
sit for a class, learn, spend the time to work a
curriculum."

And the students are responding.

And so this is -- these are my
observations of this community. And -- and -- and
while -- the last thing that I would say is that --
is that -- you know, it's -- we get paid to lawyer;
but we'd much prefer to educate. And we'd much
prefer to collaborate.

So, thank you.

THE CHAIR: Thank you, sir.

Now, according to the list I have in front
of me, those are the last folks who signed up to
speak citing Health Science Academy.
I have a Joanne Johnson, EVCA. I'm not sure what that stands for. Is Joanne here?

Manny, were you going to speak? Did he want to speak?

I'm sorry. I thought you said he was not going to speak. And that's why I --

MR. ALVIDREZ: Well, hi. There's a strong community at my school, and, like, you feel it, like, you feel it, like, as soon as you walk through the door. And it helped me so much, because you don't feel that at a regular school.

And I don't -- I can ask for help from my peers, from the teacher. And I'm not ashamed of it because we help each other. And I -- I don't -- I don't know what I would do without that school.

And, yeah, I'm a higher A student; but still, it's something that's grown on me. And everybody there, like, is just amazing. And when I found out that the school might be shutting down, I didn't take it as, "Oh, I'm going to lose my education," or, "I'm just going to go to another regular school," or, "I'm just going to leave"; no, I took it as if I was going to leave my family, because that's how close we are now.

And I just hope you take everything that
we just told you, and my family doesn't get taken
away. That's all I want. So, please.

THE CHAIR: Thank you. We thank you for
being here.

Have we got everyone that was signed up to
speak?

Okay. We thank you all for being here.

Manny, did you and Mr. Montaño coordinate
your wardrobes together, because he has on your tie.
It's lovely; but it certainly matches your shirt.

Thank you all for being here.

COMMISSIONER TOULOUSE: Please drive
carefully on the way home. There's been hail and
snow.

MR. MONTAÑO: Yes, ma'am. Thank you.

COMMISSIONER ARMBRUSTER: Pardon me,

Madam Chair. Will we keep this?

THE CHAIR: Yes, that's for us.

All right. Commissioners, next item on
our agenda is Item No. 17, Executive Session.

I need someone to make the motion. And
please remember, you need to read it exactly as it's
listed on our agenda.

Can someone do that for us, please?

COMMISSIONER TOULOUSE: I move that the
PEC go into Executive Session, under 10-15-1(H)(7),
Regarding Threatened or Pending Litigation.

THE CHAIR: You've heard the motion. Do I have a second?

COMMISSIONER PERALTA: Second.

THE CHAIR: Commissioner Peralta?

Motion by Commissioner Toulouse, second by Commissioner Peralta, to go into Executive Session, as was listed in the official record.

All those -- no, we must have a roll-call vote.

Mr. Secretary?

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commission Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Madam Chair, it's a unanimous vote to go into Executive Session.

THE CHAIR: We have a unanimous vote to go into Executive Session. That means we have to ask everyone in the audience to please step out of the room. If you care to hang out, we'll let you know when we're out of Executive Session.

Thank you.

(Executive Session conducted off the record.)

THE CHAIR: All right. We are out of Executive Session. Nothing was discussed that was not on the agenda. No decisions were made; no votes were taken.

Let's move on, unless anyone has something else.

Next item on the agenda is "Adjourn."

May I hear a motion?

COMMISSIONER CHAVEZ: So moved.

THE CHAIR: Do I hear a second?
COMMISSIONER TOULOUSE: Second.

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

(Commissioners so indicate.)

THE CHAIR: We're adjourned. Thank you, all.

(Proceedings concluded at 4:07 p.m.)
BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

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 26, 2015.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 1946L (CC)
## VISITORS ATTENDING PUBLIC EDUCATION MEETING

**May 15, 2015**

**Please Sign-in**

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<td>Justin Montoya</td>
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*Note: Some names and representing organizations have been marked with initials or brackets.*