

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

10 PUBLIC MEETING

May 15, 2015

9:00 a.m.

11 Jerry Apodaca Education Building - Mabry Hall

12 300 Don Gaspar

13 Santa Fe, New Mexico

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20 REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

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## A P P E A R A N C E S

## COMMISSIONERS:

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

## STAFF:

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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

1	I N D E X      T O      P R O C E E D I N G S	
2	1	Call to Order, Roll Call, Pledge of Allegiance and Salute to the New Mexico Flag 5
3	2	Approval of Agenda 10
4	3	Approval of Minutes for PEC Work Session on 4/16/15 and PEC Meeting on 4/17/15 12
5	5	Report from PED Leadership 16
6	5	Discussion and Possible Action on Charter School Amendments 16
7	5B	North Valley Academy Charter School- Enrollment - Removed from Agenda 17
8	5B	New America School (Las Cruces)- Goal Revision - Removed from Agenda 17
9	5C	New Mexico International School-Calendar 17
10	6A	Report from Options for Parents and the Charter School Division - Discussion and Possible Action 38
11	6A	Schools of Concern 38
12	6B	Anthony Charter School 50
13	6C	New Application Form 52
14	6D	Notice of Charters Looking for a New Facility 63
15	6E	CSD Collaboration with PED Priority Schools Bureau 63
16	6F	Enrollment and PARCC Issues 67
17	6G	Cien Aguas Future Plans 75
18	7	Discussion and Possible Action on Performance Frameworks and Contracts 82
19	7A	Academy of Trades and Technology 113
20	7B	ACE Leadership High School 122

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1	I N D E X     T O     P R O C E E D I N G S, Continued	
2	7C     Albuquerque School of Excellence	132
3	7D     Albuquerque Sign Language Academy	204
4	7E     Amy Biehl High School	142
5	7F     La Promesa Early Learning Center	148
6	7G     South Valley Preparatory School	171
7	7H     Southwest Secondary Learning Center	195
8	7I     The Montessori Elementary School	200
9	7J     Tierra Adentro	92
10	8     Discussion and Possible Action on PEC Statutory Requirements - Tabled	212
11	9     Discussion and Possible Action on Joint Resolution HJR4 - Creating a 13-Member State Board of Education - Tabled	212
12		
13	10     Report from the Chair	213
14	11     Report from the Charter School Committee: Discussion and Possible Action	218
15		
16	12     Report, Discussion and Possible Action on PSCOC Meeting Information	218
17		
18	13     PEC Committee and Liaison Reports and Possible Action	220
19	14     Old Business	219
20	15     PEC Comments	220
21	16     Open Forum	230
22	17     Executive Session Under 10-15-1(H) (7) Regarding Threatened or Pending Litigation	247
23		
24	18     Adjourn	249
25	REPORTER'S CERTIFICATE	251
	Attachment - Visitor Sign-In Sheet	

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1 THE CHAIR: Good morning, everyone. I  
2 call into session this regularly scheduled meeting  
3 of the New Mexico Public Education Commission.

4 I would ask Secretary Peralta for a roll  
5 call, please.

6 COMMISSIONER PERALTA: Commissioner Pogna?

7 (No response.)

8 COMMISSIONER PERALTA: Commissioner  
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER PERALTA: Commissioner  
12 Armbruster?

13 COMMISSIONER ARMBRUSTER: Present.

14 COMMISSIONER PERALTA: Commissioner  
15 Conyers?

16 COMMISSIONER CONYERS: Here.

17 COMMISSIONER PERALTA: Commissioner  
18 Gipson?

19 COMMISSIONER GIPSON: Here.

20 COMMISSIONER PERALTA: Commissioner  
21 Chavez?

22 COMMISSIONER CHAVEZ: Here.

23 COMMISSIONER PERALTA: Commissioner Carr?  
24 (No response.)

25 COMMISSIONER PERALTA: Commissioner

1 Bergman?

2 COMMISSIONER BERGMAN: Here.

3 COMMISSIONER PERALTA: Commissioner

4 Peralta is here.

5 Commissioner Shearman?

6 THE CHAIR: Here.

7 COMMISSIONER PERALTA: Madam Chair, you

8 have eight members present.

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

12 COMMISSIONER GIPSON: Eight.

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

15 Commissioner Peralta, did you say eight?

16 COMMISSIONER PERALTA: Yes.

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

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

24 (Pledge of Allegiance and Salute to the  
25 New Mexico Flag conducted.)

1 THE CHAIR: Thank you, Commissioners.

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

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

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

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

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

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

25 The reason I'm here this morning, Madam

1 Chair and members, is I want to take the opportunity  
2 to introduce our new Director of our Options for  
3 Parents Division, Ms. Katherine Poulos, Katie Poulos  
4 will be joining us today. She comes to us from  
5 Arizona, via the Vanderbilt University Law School  
6 and the University of North Carolina; so she is well  
7 qualified for this position.

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

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

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

21 So she brings a wide array of tools to the  
22 game. She's an amazingly pleasant person to work  
23 with, is a great addition to our senior team, and I  
24 look forward to having a good interaction with --  
25 between she and the Commissioners in supporting the



1 efforts of charter schools in the State of New  
2 Mexico.

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

5 (Applause.)

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

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

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

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

21 THE CHAIR: All right. Thank you so much.  
22 And, Katie, we welcome you again. We've all been  
23 working with Katie, and it's just been a delightful  
24 relationship so far. We're working hard, and I  
25 think we're really -- Katie is taking on a lot of --

1 of work that we're asking her and her staff to do;  
2 and she's been very gracious about it.

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

6 So thank you for coming by this morning.

7 Katie, again, welcome.

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

10 THE CHAIR: Thank you, all.

11 Commissioners, let's move on to Item  
12 No. 2, which is Approval of the Agenda.

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

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

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

21 COMMISSIONER PERALTA: Madam Chair,  
22 second.

23 THE CHAIR: Thank you. We have a motion  
24 by Commissioner Gipson, second by Commissioner  
25 Peralta, to approve the agenda, with the addition of

1 Anthony Charter School to the Executive Session, for  
2 discussion purposes only.

3 Any further discussion?

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

6 (Chair consults with PEC counsel.)

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

9 COMMISSIONER PERALTA: Commissioner  
10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER PERALTA: Commissioner  
13 Conyers?

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Gipson?

17 COMMISSIONER GIPSON: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Chavez?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Peralta votes "Yes."

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Shearman?

5 THE CHAIR: Yes.

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

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

10 Next item on the agenda is Approval of  
11 Minutes.

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

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

17 Commissioner Toulouse?

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

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

23 COMMISSIONER GIPSON: Second.

24 COMMISSIONER BERGMAN: Second.

25 THE CHAIR: I hear two seconds. Thank

1     you.

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

5                 Any discussion?

6                 May we have a roll-call vote, please?

7                 COMMISSIONER PERALTA:   Commissioner  
8     Chavez?

9                 COMMISSIONER CHAVEZ:   Yes.

10                COMMISSIONER PERALTA:   Commissioner  
11     Armbruster?

12                COMMISSIONER ARMBRUSTER:   Yes.

13                COMMISSIONER PERALTA:   Commissioner

14     Conyers?

15                COMMISSIONER CONYERS:   Yes.

16                COMMISSIONER PERALTA:   Commissioner

17     Toulouse?

18                COMMISSIONER TOULOUSE:   Yes.

19                COMMISSIONER PERALTA:   Commissioner

20     Peralta votes "Yes."

21                Commissioner Gipson?

22                COMMISSIONER GIPSON:   Yes.

23                COMMISSIONER PERALTA:   Commissioner

24     Bergman?

25                COMMISSIONER BERGMAN:   Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Shearman?

3 THE CHAIR: Yes.

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

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

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

11 I just have one question.

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

16 Is there?

17 THE REPORTER: (Indicates.)

18 THE CHAIR: No.

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

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

24 Any concerns? Questions?

25 Hearing none, may we have a motion on the

1 April 17th meeting minutes?

2 COMMISSIONER ARMBRUSTER: I move we accept  
3 the minutes.

4 THE CHAIR: Commissioner Armbruster.  
5 Do we have a second?

6 COMMISSIONER CONYERS: Second.

7 THE CHAIR: Commissioner Conyers.

8 Motion to approve the April 17th minutes.

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

10 COMMISSIONER PERALTA: Commissioner  
11 Chavez?

12 COMMISSIONER CHAVEZ: Yes.

13 COMMISSIONER PERALTA: Commissioner  
14 Shearman?

15 THE CHAIR: Yes.

16 COMMISSIONER PERALTA: Commissioner  
17 Bergman?

18 COMMISSIONER BERGMAN: Yes.

19 COMMISSIONER PERALTA: Commissioner  
20 Gipson?

21 COMMISSIONER GIPSON: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Armbruster?

3 COMMISSIONER ARMBRUSTER: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

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

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

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

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

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

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

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

24 Item No. 5, Discussion and Possible Action  
25 on Charter School Amendments.



1           The first school is North Valley Academy.

2           Do we have any representatives? Are they  
3 the ones --

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

8           THE CHAIR: Thank you.

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

11           Do we have representatives from the  
12 school?

13           Please come forward.

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

16           THE CHAIR: Good morning.

17           MR. KNOUSE: Good morning, Commissioners.

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

1 with the start date and end.

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

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

9 MS. POULOS: I'll make one addition.  
10 Charter Schools Division did make a recommendation  
11 to approve this amendment.

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

14 THE CHAIR: It's 5C.

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

17 COMMISSIONER ARMBRUSTER: Oh, okay.

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

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

22 MR. KNOUSE: Again, my name is Todd  
23 Knouse, K-N-O-U-S-E. I'm the newly appointed  
24 interim head administrator of the school; very  
25 excited to come to you, actually, in that capacity.

1           In the past, I've come to you as a  
2   representative of the head administrator; so I  
3   really look forward to establishing that  
4   relationship.

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

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

9           MS. FRIEDMAN: You need to push the  
10   button.

11          THE CHAIR: Can you hear in the back?

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

14          Thank you.

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

22          We've just found that that -- I mean, we  
23   have to submit it annually each year with our  
24   budget; and this has locked us into certain choices  
25   that aren't normal, I guess, for other charters. So

1 we're just asking for that language to be stricken  
2 and be obviously expected to follow statutory  
3 requirements for instructional hours annually,  
4 submitted with our budget and calendar.

5 THE CHAIR: Thank you.

6 MR. KNOUSE: Sure.

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

10 Are there any questions?

11 Has this been approved by your governing  
12 council?

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

15 MS. POULOS: Those are --

16 COMMISSIONER TOULOUSE: Yeah, they're --

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

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

22 COMMISSIONER GIPSON: March 24th.

23 MR. KNOUSE: That sounds about right.

24 THE CHAIR: G?

25 MR. KNOUSE: Yes, ma'am.

1 MS. POULOS: And it's Item H in their  
2 minutes.

3 COMMISSIONER TOULOUSE: I thought it was  
4 G.

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

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

8 COMMISSIONER BERGMAN: On the next page, I  
9 think.

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

12 MR. KNOUSE: Is the vote not reflected?

13 THE CHAIR: Is that sufficient?

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

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

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

21 COMMISSIONER GIPSON: Yeah, the vote is  
22 there.

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

25 MR. KNOUSE: Okay. Thank you.

1 THE CHAIR: Are there any other questions?  
2 Hearing none, the Chair would entertain a  
3 motion.

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

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

12 COMMISSIONER ARMBRUSTER: Second.

13 THE CHAIR: Commissioner Armbruster?  
14 Motion by Commissioner Gipson, second by  
15 Commissioner Armbruster, to approve the amendment,  
16 as is noted on the record.

17 Is there any further discussion?  
18 Hearing none, the Chair would ask for a  
19 roll-call vote, please.

20 COMMISSIONER PERALTA: Commissioner  
21 Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Peralta votes "Yes."

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Yes.  
2 COMMISSIONER PERALTA: Commissioner  
3 Gipson?  
4 COMMISSIONER GIPSON: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Chavez?  
7 THE CHAIR: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Chavez?  
10 COMMISSIONER CHAVEZ: Yes.  
11 COMMISSIONER PERALTA: Commissioner  
12 Toulouse?  
13 COMMISSIONER TOULOUSE: Yes.  
14 COMMISSIONER PERALTA: Commissioner  
15 Armbruster?  
16 COMMISSIONER ARMBRUSTER: Yes.  
17 COMMISSIONER PERALTA: Commissioner  
18 Shearman?  
19 THE CHAIR: I thought I already voted.  
20 Did I vote out of turn? Do I need to fix that, or  
21 just vote now?  
22 I'm sorry. Yes.  
23 COMMISSIONER PERALTA: Commissioner  
24 Shearman votes "Yes."  
25 Madam Chair, that is 8 to 0 in favor of

1 the motion.

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

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

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

11 MR. KNOUSE: Thank you.

12 THE CHAIR: Next is Estancia Valley  
13 Classical Academy.

14 Do we have anyone from that school,  
15 please?

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

20 So please be seated.

21 Katie, whenever you're ready.

22 MS. POULOS: Madam Chairwoman,  
23 Commissioners, Estancia Valley has submitted two  
24 amendment requests, both to amend goals in their  
25 charter. The first one is an amendment request to



1 amend the requirement with regards to NMSBA testing.  
2 They've made that request because of the change in  
3 the State assessments.

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

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

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

24 The second amendment request was with  
25 regards to character goals in their charter. And it

1 was a change in how the character goals were being  
2 evaluated.

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

7 THE CHAIR: Okay. Thank you very much.

8 Gentlemen, if you would please introduce  
9 yourselves, and if you have anything you'd like to  
10 share with us?

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

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

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

21 (Reporter requests clarification.)

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

23 We'd like to take a few minutes. As you  
24 may recall, we were here once before requesting a  
25 change due to the change in assessments from the

1 NMSBA to PARCC. Right now in our charter, the only  
2 academic assessment is based on the New Mexico  
3 Standards Based Assessment, which, as you know, has  
4 been replaced by PARCC.

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

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

18 Since the test is new, there is no  
19 baseline. Furthermore, the PARCC results don't come  
20 in until very late. They don't come in until  
21 November; so it makes it very difficult for us to  
22 base our re-charter -- or our re-contract, in this  
23 case, which will start next year, based on the  
24 fourth year of an assessment, when the results of  
25 the assessment are going to come in well after the

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1 time that most decisions need to be made.

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

4 Secondly, we've -- we spent a great deal  
5 of time on trying to determine a rubric for student  
6 achievement. And one of the issues is the latest  
7 studies show that standardized tests are not the  
8 best indicator of student success in college.  
9 Mr. Thiery here will provide some inputs on that.

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

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

25 THE CHAIR: Gentlemen, if I just might

1 interject some information here. This Commission, a  
2 meeting or two ago, I think, made the decision not  
3 to ask for PARCC results in next year's academic  
4 performance indicators; so we're -- we're not  
5 encouraging anybody to use the PARCC scores.

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

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

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

22 I'm not telling you what you need to do.  
23 I'm simply letting you know what this Commission has  
24 been doing in negotiations; so just so you'll have  
25 that information.

1 MR. LENARD: That is heartening news,  
2 because we were very concerned about how we were  
3 going to modify this based on a brand new  
4 standardized test.

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

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

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

23 THE CHAIR: I'm -- I'd like to hear  
24 Commissioner Bergman's take on this. He's -- he's  
25 led our negotiations for contract and performance

1 framework negotiations for the last couple of years.

2 MR. LENARD: Certainly.

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

5 COMMISSIONER BERGMAN: Thank you,  
6 Madam Chair.

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

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

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

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

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

23 MR. LENARD: Sure.

24 COMMISSIONER BERGMAN: We -- the PARCC --  
25 or SBA -- was the only we had? Because you have not

1     been negotiated with.  You're not under the  
2     contract, right?

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

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

7             MR. LENARD:  Exactly.  Exactly.

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

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

24            If the Chair and the Commissioners agreed  
25    with this, perhaps you could get with your



1 liaison -- 'cause they're familiar with what we're  
2 negotiating; they've seen the goals and the  
3 indicators -- and perhaps come up with a couple of  
4 Short Cycle Assessments to replace what you're  
5 losing, the SBA and the PARCC.

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

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

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

1     cure with the contracts and with the performance  
2     frameworks.

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

6             THE CHAIR: Thank you very much.

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

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

18            MR. LENARD: Go ahead.

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

21            Since we've been negotiating this and  
22    we've been basing everything on the Discovery or the  
23    MAP's or whatever test they're giving, would it be  
24    appropriate that all of the schools revise what  
25    their goals are; because if they're based, as they

1 said, on a test that we're not giving, that seems  
2 odd.

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

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

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

21 COMMISSIONER GIPSON: No, that's --

22 COMMISSIONER ARMBRUSTER: So when these  
23 people -- and I'm sure you know who that is -- maybe  
24 rather than have their time to come up here and do  
25 that, they maybe should work with their liaison to

1 redo those and then bring them here so that we would  
2 agree on the percentage of proficient and, you  
3 know, the things that we've been doing, rather than  
4 have them come up? Because they apparently didn't  
5 know that, which I understand; I just -- looking at  
6 what is more efficient.

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

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

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

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

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

23 THE CHAIR: And have you met Ms. Poulos?

24 MR. LENARD: Yes. As a matter of fact,  
25 she was gracious enough to allow us into her office

1 before this meeting, which is why she came in a few  
2 moments late. And so I would like to say that the  
3 Estancia Valley Classical Academy is doing an  
4 exceptional job with students on standardized  
5 testing.

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

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

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

22 MR. LENARD: Okay. We thank you for your  
23 time. Thank you, ladies and gentlemen. I hope your  
24 cold gets better -- no -- I hope you get better from  
25 your cold.

1 COMMISSIONER BERGMAN: Thank you. Right  
2 now, I'm a carrier, and at least one Commissioner is  
3 a little upset with me.

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

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

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

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

19 On Dream Diné, Madam Chairwoman and  
20 Commissioners, Dream Diné is still operating out of  
21 the Hogback Head Start building. On April 13th, the  
22 Hogback Chapter voted to extend Dream Diné's current  
23 lease for the use of that Head Start building  
24 through June of 2015. The school is continuing to  
25 work on their permanent facility, which is located

1 behind the Shiprock Chapter House. The school is  
2 confident that they will be able to move into this  
3 facility over the summer and accommodate their  
4 students at the permanent location in August.

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

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

11 THE CHAIR: Okay. Thank you.

12 Any questions, Commissioners?

13 Please go ahead.

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

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

23 The school reported 13 Level 4 students on  
24 their 80th day and 120th day S.T.A.R.S. reports.  
25 And they received funding accordingly.

1           After one monitoring visit and a special  
2           education audit, it has been confirmed that  
3           La Resolana was misreporting their Level 4 students.  
4           They have three, not 13, Level 4 students at both  
5           their 80th day and their 120th day. The school has  
6           confirmed this finding.

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

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

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

15          THE CHAIR: Yes? Okay.

16          (Chair consults with PEC counsel.)

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

24          Does anyone have a comment or a thought on  
25          this?



1 COMMISSIONER GIPSON: Well, my concern is  
2 the -- the money issue, that I -- I don't -- I think  
3 it -- I personally think it warrants a corrective;  
4 because it's -- you know, we're -- correct me if I'm  
5 wrong. But I think we're bordering on fraud here,  
6 you know, if it went on for two separate cycles,  
7 correct?

8 MS. POULOS: Yes, that is correct.

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

11 THE CHAIR: Good information.

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

16 MS. POULOS: I'm going to ask Julie to  
17 help here. I think we have the 80th day and the  
18 120th day.

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

22 MS. POULOS: So the 80th day and the  
23 120th day, they reported 13 Level 4 students. When  
24 the special education audit was completed, it  
25 confirmed that both those points in time, there

1       were, in fact, three Level 4 students.

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

4               MS. POULOS:   Sorry.

5               THE CHAIR:   Commissioner Chavez?

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

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

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

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

24              COMMISSIONER CHAVEZ:   Madam Chair?

25              So what happens once the audit is

1 completed? I mean -- well, first of all, let me  
2 back up a little bit. Who's doing the audit?

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

10 But potentially what could happen, ten  
11 Level 4 students could generate anywhere from  
12 \$50,000 to \$80,000; and so determining exactly what  
13 that final figure is, and if that would be a  
14 decrease for their upcoming budget in the next  
15 school year. And that will be determined next week,  
16 the final numbers.

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

23 MS. LUCERO: Madam Chair, Commissioner  
24 Chavez, that is -- I'm not saying that that is not  
25 going to happen. It's just that the final findings

1 have not come out, because we have not collaborated  
2 and written a formal statement from myself, Special  
3 Ed Bureau and Budget. So that is happening next  
4 week; so I -- I do not know exactly what's  
5 happening. It's still in process.

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

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

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

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

22 COMMISSIONER CHAVEZ: Madam Chair?

23 I guess my question is, is there an  
24 outside independent auditor that comes in to look at  
25 the school's books? You know, I would be concerned

1     that there may be other monies that are being  
2     misallocated or not spent the way that they're  
3     supposed to be spent.

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

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

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

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

25            MS. LUCERO:  That would be Deputy

1 Director Paul Aguilar, and Eileen. She is a  
2 director under that division. So we are meeting on  
3 Monday.

4 COMMISSIONER CHAVEZ: Madam Chair?

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

8 MS. POULOS: Commissioner Chavez,  
9 Madam Chair, there is an audit that each school must  
10 complete annually that is completed by a certified  
11 auditor through the State. And so they do have that  
12 annual audit, which is separate from this, where,  
13 through our monitoring visit, we determined there  
14 might be additional issues that had not previously  
15 been identified with the reporting of special  
16 education students, which is what is prompting this  
17 further look in that area.

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

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

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

25 COMMISSIONER CHAVEZ: That would be great,

1 Madam Chair.

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

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

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

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

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

21 Is that your pleasure?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER BERGMAN: Yes.

24 THE CHAIR: Commissioner Bergman?

25 COMMISSIONER BERGMAN: Madam Chair,

1 Commissioners, I agree with Commissioner Gipson that  
2 due to the nature of these -- whatever is going on  
3 there, that a Corrective Action Plan probably would  
4 be -- which is a more detailed, more extensive  
5 process, would probably be appropriate in this  
6 particular case.

7 THE CHAIR: Is that a motion,  
8 Commissioner?

9 COMMISSIONER BERGMAN: If you want to --

10 COMMISSIONER GIPSON: It doesn't matter.

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

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

16 COMMISSIONER TOULOUSE: Madam Chair,  
17 second.

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

23 Katie, would that be possible by the next  
24 meeting?

25 MS. POULOS: Yes.



1 THE CHAIR: Okay. Any further discussion  
2 on the motion?

3 Commissioner Armbruster?

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

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

15 COMMISSIONER ARMBRUSTER: Thank you.

16 THE CHAIR: Any further discussion?

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

19 COMMISSIONER PERALTA: Commissioner  
20 Peralta votes "Yes."

21 Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Armbruster?

3 COMMISSIONER ARMBRUSTER: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER PERALTA: Commissioner  
8 Conyers?

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER PERALTA: Commissioner  
11 Gipson?

12 COMMISSIONER GIPSON: Yes.

13 COMMISSIONER PERALTA: Commissioner  
14 Bergman?

15 COMMISSIONER BERGMAN: Yes.

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

18 THE CHAIR: Thank you. The motion passes  
19 unanimously.

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

23 Katie, please go ahead.

24 MS. POULOS: The next school on the  
25 Schools of Concern list is Anthony Charter School.

1 Madam Chair, Commissioners, in your materials, you  
2 will find the updated closure protocol checklist for  
3 the school.

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

9 THE CHAIR: Thank you. Any questions or  
10 comments?

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

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

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

24 MR. GRANATA: Madam Chair, Commissioners,  
25 it is my understanding that there is a limit on that

1 order. However, I haven't seen the order myself.  
2 I've only spoken with General Counsel from PED. And  
3 it's my understanding that the Court is trying to  
4 expedite the process as quickly as possible,  
5 understanding that the -- the school has a bunch of  
6 concerns regarding what's going to happen in the  
7 future; and so the Court is well aware of the need  
8 to expedite the process.

9 THE CHAIR: Any other comments or  
10 questions?

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

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

17 The next item we have the New Application  
18 Form.

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

25 First, on Page 5, the manner of submission

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

15 THE CHAIR: Thank you very much.

16 Commissioners, do you have comments or  
17 questions?

18 COMMISSIONER BERGMAN: Madam Chair?

19 THE CHAIR: Commissioner Bergman?

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

22 MS. POULOS: Sure.

23 COMMISSIONER BERGMAN: -- the Staff can  
24 tell you, I'm a non-computer person. Any changes --  
25 I would be in line with any changes as long as it

1 does not make it more difficult for someone like me  
2 to access the -- the information on the website or  
3 the Internet, or wherever I'm going to have to go to  
4 get it.

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

9 THE CHAIR: Yes, we do.

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

14 Thank you.

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

20 If we were to make the revisions, they  
21 would all submit in the same manner. If the  
22 application stands as it is, we'll still encourage  
23 everyone to submit in that manner; but there is the  
24 opportunity to -- to provide their application on  
25 CD-ROM.

1 THE CHAIR: Commissioner Toulouse?

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

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

16 THE CHAIR: Okay. Thank you.  
17 Commissioner Armbruster?

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

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

1 COMMISSIONER ARMBRUSTER: Thank you.

2 THE CHAIR: Further questions or comments?

3 Hearing none, the Chair would entertain a motion.

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

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

11 THE CHAIR: And SharePoint only.

12 MS. POULOS: Correct.

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

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

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

24 COMMISSIONER TOULOUSE: So, Madam Chair,  
25 we can do it for this --



1 THE CHAIR: I'm asking our attorney, and  
2 Josh tells me as long as they're given sufficient  
3 notice that yes, it's okay.

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

9 THE CHAIR: Do I have a second?

10 COMMISSIONER ARMBRUSTER: (Indicates.)

11 Commissioner Armbruster, second? Okay.

12 Commissioner Bergman, discussion?

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

21 THE CHAIR: The current cycle.

22 MS. POULOS: It would be for this current  
23 cycle, and it will be a revision to -- those items  
24 identified specifically here that say, "Here's how  
25 you mail a CD ROM. Here's how you submit via CD

1 ROM."

2 Those would be stricken, and it would be,  
3 "Identified applications shall be submitted through  
4 SharePoint only," and probably some instruction, or,  
5 "For additional guidance on using SharePoint, please  
6 contact," and be given a contact name.

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

9 THE CHAIR: This is the current  
10 application cycle.

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

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

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

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

22 COMMISSIONER BERGMAN: Oh, well. Okay.  
23 So we're really not changing the application form.  
24 We're just changing how they're going to submit it  
25 then.

1 MS. POULOS: Madam Chair, Commissioner,  
2 yes, that's correct.

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

6 THE CHAIR: Negotiations?

7 COMMISSIONER TOULOUSE: And being sick.  
8 That's why I tried to make the motion to say,  
9 "Change the procedures and the method of  
10 submission"; so...

11 THE CHAIR: Any further discussion?

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

18 Are we ready to vote?

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

21 COMMISSIONER PERALTA: Commissioner  
22 Shearman?

23 THE CHAIR: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.  
2 COMMISSIONER PERALTA: Commissioner  
3 Gipson?  
4 COMMISSIONER GIPSON: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Peralta votes "Yes."  
7 Commissioner Chavez?  
8 COMMISSIONER CHAVEZ: Yes.  
9 COMMISSIONER PERALTA: Commissioner  
10 Bergman?  
11 COMMISSIONER BERGMAN: Yes.  
12 COMMISSIONER PERALTA: Commissioner  
13 Conyers?  
14 COMMISSIONER CONYERS: Yes.  
15 COMMISSIONER PERALTA: Commissioner  
16 Armbruster?  
17 COMMISSIONER ARMBRUSTER: Yes.  
18 COMMISSIONER PERALTA: Madam Chair, that's  
19 an 8-to-0 vote in favor of the motion.  
20 THE CHAIR: Thank you. The motion passes  
21 unanimously.  
22 Katie?  
23 MS. POULOS: Madam Chair, Commissioners,  
24 the second item on the new application form is at  
25 the bottom of Page 5 and the top of Page 6. In

1     those areas, there is information concerning the  
2     public hearings to obtain community input.

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

10            The Commission's schedule currently  
11     identifies only August 17th through 21st for those  
12     hearings. CSD would like to seek guidance from the  
13     Commission concerning scheduling. Specifically, CSD  
14     wants to ensure that the Commission feels  
15     comfortable that those five days scheduled for the  
16     12 hearings will be a sufficient amount of time.

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

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

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

25            In the past, Katie, just as a good rule of

1 thumb, generally, only half of the notices actually  
2 result in applications. So if I'm hearing you  
3 correctly, you're asking do we think that one week,  
4 the 17th -- actually, the 18th through the 22nd is  
5 sufficient for those community input hearings?

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

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

15 Commissioner Bergman?

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

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

1 appropriate.

2 MS. POULOS: Okay. Great.

3 THE CHAIR: Any other comments? Hearing  
4 none?

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

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

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

15 Any questions, comments there?

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

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

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

23 Currently, we know that the Priority  
24 Schools Bureau works with schools that have been  
25 identified as Priority Schools to implement an

1 instructional audit. I do know that the Commission  
2 currently has improvement plans for schools that  
3 are -- have earned a letter grade of a C or a D --  
4 or an F; so any of those three.

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

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

14 THE CHAIR: Thank you.

15 Comments? Questions?

16 Commissioner Bergman?

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

24 And it did seem like a double whammy for  
25 the schools. And so that's why this is being



1 considered. If the Priority Schools Bureau, which  
2 we have no -- they're not a part of us; we're not a  
3 part of them -- are going to do an improvement plan,  
4 then we probably should be able to work with their  
5 improvement plan, would just be my personal -- but  
6 that's why we're talking about this. That's why.

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

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

24 THE CHAIR: Commissioner?

25 COMMISSIONER CHAVEZ: Madam Chair? It

1 would be helpful to have a list of those schools.

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

4 COMMISSIONER CHAVEZ: Right.

5 THE CHAIR: Katie, would that be possible?

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

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

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

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

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

25 All right.

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

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

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

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

23 And any school that does not reply or who  
24 replies in a way that indicates that there may be  
25 compliance issues, we would be able, then, to bring

1     those to the Commission with very specific  
2     information.

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

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

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

20            COMMISSIONER CHAVEZ:   That makes sense.  
21    Madam Chair, that makes sense to me.   You know, I  
22    don't know who decides what an excused absence is.  
23    And it seems to me if a parent decides that they  
24    want to opt out of the PARCC, they don't want that  
25    student to take that test.   Then the child should

1 still be allowed to go to school and given work  
2 separate, maybe in the library or something like  
3 that.

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

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

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

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

21 MS. POULOS: Madam Chair and  
22 Commissioners, certainly -- again, I think the  
23 written complaint policy will help with this,  
24 because we will be able to require schools to  
25 identify how they are in compliance with both their

1 policies and federal and State laws, where if that  
2 part of that is a question about excused or  
3 unexcused absences, they would certainly have to  
4 identify how they are in compliance with, again,  
5 their own policies, but also federal and State law  
6 with regards to that issue.

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

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

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

22 MS. POULOS: Madam Chair and  
23 Commissioners -- and I believe that was one of the  
24 issues that the PED did determine it was an  
25 attendance issue. Certainly, I think if we would

1     like to pursue that, I think there could be value in  
2     encouraging the school to submit that written  
3     complaint -- or the parent to submit that written  
4     complaint -- and then we can have the school  
5     respond.

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

9                 THE CHAIR: Okay, thank you.

10                Commissioner?

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

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

23                I know -- you know, my grandson in high  
24     school said some took longer than others. And if  
25     there were -- if the schools let people know that if

1 you come back in to school, and you don't just take  
2 the whole day off, for most of them, for next year,  
3 I think that could help. But I do know that my  
4 grandson's -- third grade -- was very careful to  
5 work with parents. And I know my grandson spent,  
6 you know, several hours at the Albuquerque Museum,  
7 along with another classmate whose parent happened  
8 to be a judge -- the two of them were, you know,  
9 doing something educational.

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

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

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

23 I had a head of another school who said,  
24 "I had four students who didn't choose to take it,  
25 and while I encouraged them to, my job is to be here



1 to support my students, and, you know, I welcomed  
2 them back as soon as the test was over," you know.

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

7 THE CHAIR: Okay, thank you.

8 Commissioner Armbruster?

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

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

25 So when you have a brick-and-mortar

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

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

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

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

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

25 But in the meantime, we're asking CSD to

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

8 So, all right.

9 Commissioner?

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

12 THE CHAIR: To you would be fine.

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

20 COMMISSIONER ARMBRUSTER: Thank you.

21 THE CHAIR: Anything else, Commissioners?

22 All right. Katie?

23 MS. POULOS: Madam Chair, Commissioners,  
24 the last item on this item -- part of this item is  
25 the Cien Aguas Future Plans. The director of this

1 school has approached CSD for the opportunity to  
2 communicate with the Commission with regards to  
3 plans to change from -- from the PEC as their  
4 authorizer to Albuquerque Public Schools.

5 THE CHAIR: Good morning.

6 MR. MARKS: Good morning.

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

11 MR. MARKS: Allen Marks.

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

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

23 Over the past year, we have realized how  
24 much we share with APS and how much more effectively  
25 we can do that by working with them directly as our

1 charter authorizer. We're one of several  
2 dual-language elementary schools in Albuquerque. It  
3 behooves us to do professional development together.  
4 Our dual-language students transition into APS  
5 schools. We would like to be part of the process of  
6 determining some of those options.

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

15 THE CHAIR: Okay.

16 MR. MARKS: Thank you.

17 THE CHAIR: Thank you very much.

18 Josh, could I ask you to respond to that?  
19 Do you have an idea of the process that needs to be  
20 undertaken here? And then I'll ask Katie to follow  
21 up.

22 MR. GRANATA: Madam Chair, Commissioners,  
23 my response is the same response that I responded to  
24 Mr. Marks, is that an amendment would need to be  
25 brought before the Commission, to the charter. I

1 guess it would be an amendment in terms of the term  
2 of the charter.

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

6 THE CHAIR: Okay, thank you.

7 Katie?

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

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

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

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

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

1     it until after everything is done.

2             THE CHAIR:   Okay.   Thank you.

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

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

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

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

23            I think it's fine, whichever school -- my  
24    concern is we're doing this now, with the new  
25    funding year starting in July.   I want my grandson

1 to still have a school that's functional for him to  
2 go to fourth grade in.

3 MR. MARKS: Absolutely.

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

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

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

23 But that's a whole "grandmother" separate  
24 thing when I go to pick up my grandson. I just  
25 think this has got to be done very carefully, or



1     you're going to have my grandson and a whole school  
2     full of students that won't have a school to go to  
3     in August.

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

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

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

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

24            MR. MARKS:   Thank you so much.

25            THE CHAIR:   Thank you very much.

1 MR. MARKS: Thank you.

2 THE CHAIR: Katie, is that it?

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

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

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

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

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

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

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

21 Is everyone back?

22 COMMISSIONER GIPSON: Carmie is not back.

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

25 Please note that Commissioner Toulouse has

1       rejoined us.

2               COMMISSIONER TOULOUSE:   And, Madam Chair?

3               THE CHAIR:   Yes.

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

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

9               COMMISSIONER PERALTA:   I did, Madam Chair.

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

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

19              COMMISSIONER GIPSON:   It will be the last  
20       one.

21              COMMISSIONER ARMBRUSTER:   Okay.   That's a  
22       help.

23              COMMISSIONER BERGMAN:   There are yellow  
24       dividers between each one of them.   Look for the  
25       yellow dividers.

1 COMMISSIONER ARMBRUSTER: The last yellow  
2 divider. Got it.

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

5 COMMISSIONER BERGMAN: If we're here till  
6 9:00 tonight, we're in trouble, I assure you.

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

16 Commissioner Bergman?

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

21 THE CHAIR: Okay.

22 COMMISSIONER BERGMAN: -- and you've  
23 already handled it -- that I believe if the  
24 Commissioners -- any of the Commissioners that were  
25 present at the various individual schools, if they

1 wish to make some comments, they should certainly be  
2 given that opportunity.

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

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

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

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

24 I will state that those schools -- and  
25 we'll be getting to them later -- brought a lot of

1 data to their session. And we, as I said, had an  
2 extensive discussion with them, with myself and the  
3 others, trying to get the highest thresholds that we  
4 could. And the schools had what they considered to  
5 be legitimate reasons why those numbers probably  
6 should be a little lower. I am comfortable that  
7 even in those two or three cases, that the goals are  
8 reasonable and that they are challenging to the  
9 schools.

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

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

22 And I wanted to -- both my fellow  
23 Commissioners and the audience to know that both of  
24 those individuals, Julia and Julie, are strong  
25 advocates for higher numbers. They believe firmly,

1 as I do, that we must challenge the charter schools  
2 in this state in the area of academic performance.

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

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

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

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

1 believe we've got a good process and good procedures  
2 in place.

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

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

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



1 on it, and they're going to give it to us.

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

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

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

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

23 She probably will not agree with me,  
24 either. But I do believe they are reasonable goals.  
25 I do believe that they are attainable; I do believe

1 they will challenge the schools, based on the data  
2 that they brought to our meetings and showed to us.  
3 And I did want all of you to know that. I fully  
4 intend to vote for all of these ten contracts.

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

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

15 So we're almost at the end. I appreciate  
16 both the cooperation of the charter schools and  
17 their approach to this. I particularly appreciate  
18 the dedication and the professionalism displayed by  
19 Julie and all the liaisons. They are dedicated to  
20 the process, as I say. They want the charter school  
21 academic performance to increase, as does this  
22 Commission. It has been a pleasure to work with  
23 them, and I thank them. And I know Katie is going  
24 to be right in there with them, and we're going to  
25 have the same kind of relationship.

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1           But the folks at CSD, in my personal  
2           opinion, are understaffed. They're at the top of  
3           their table based on PED standards and legislative  
4           standards. But as this thing grows -- and it's  
5           going to grow every year -- they're going to have to  
6           have some more staff. I always make that point to  
7           anybody that might be listening. They are  
8           understaffed and overworked. But they are  
9           professional; they are dedicated; and I really enjoy  
10          working with them.

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

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

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

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

23           I want to reiterate what Commissioner  
24          Bergman said, that Julie was in on almost every one  
25          of these negotiations. So I think we're going to be

1 calling on you, perhaps, for some information.

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

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

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

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

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

23 Then the next document is the actual  
24 contract itself. And that contract is populated; a  
25 lot of boilerplate is in it. But also, the things

1       that were negotiated are then put into the contract.

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

6               COMMISSIONER ARMBRUSTER: Is there a  
7       number on that page?

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

12              COMMISSIONER GIPSON: Probably about  
13      30 pages in from the back.

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

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

22              MS. TORRES: Okay.

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

25              All right. If you'll notice, what is

1 actually numbered as Page 3 of the performance  
2 framework is entitled, up at the top, "Academic  
3 Performance Framework," okay? And at the bottom of  
4 that page -- or the second half of that page, it  
5 says, "Required Academic Performance Indicators."

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

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

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

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

22 THE CHAIR: Yes. (Indicates.)

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

25 THE CHAIR: It's a lot of pages.

1 COMMISSIONER ARMBRUSTER: I know.

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

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

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

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

17 THE CHAIR: Thank you.

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

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

1 COMMISSIONER BERGMAN: Brief.

2 THE CHAIR: What we need to know, please.

3 MR. SANCHEZ: Sure, thank you.

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

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

15 And what we found is our greatest  
16 challenge is that the students coming to our school  
17 are coming with very low performance levels of math.  
18 If we looked at the data, we saw that our eighth,  
19 ninth, tenth grade, eleventh grade were starting to  
20 perform much better and, in fact, exceeding that  
21 50 percent, closing in on the 60 percent.

22 Yesterday was our closing date of the  
23 Short Cycle Assessment, the Discovery Education.  
24 And our ninth-graders scored at the 61 percent, and  
25 our tenth-graders scored at the 69 percent.



1 But on the other extreme, our  
2 sixth-graders are still scoring very low; so that's  
3 where our challenge is.

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

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

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

21 THE CHAIR: Thank you.

22 Commissioners, I would just point out to  
23 you, please, that this is -- this goal is for full  
24 academic year seventh- through eleventh-grade  
25 students. And I nearly fell out of my chair that

1 Commissioner Bergman would negotiate an "Exceeds"  
2 that's 61 percent. But after the explanation --

3 COMMISSIONER GIPSON: I was shocked.

4 THE CHAIR: Do you have questions?  
5 Comments?

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

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

11 COMMISSIONER GIPSON: That's it.

12 THE CHAIR: Who else? Just you two?

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

16 COMMISSIONER GIPSON: It's there.

17 COMMISSIONER BERGMAN: Did I miss it?

18 COMMISSIONER GIPSON: Yeah, it's there.

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

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

24 And it was tough. It was tough because  
25 you think, "Wow, why aren't they doing this?"

1           My educational experience, which is why I  
2   went along with this in the classroom, is that once  
3   you get the kids to a certain point, they'll take  
4   off. And you're not to that point, and they're not  
5   to that point. And so my acquiescence in accepting  
6   these lower scores were for that, to say, "Okay, you  
7   know that you are going to be asked to do more the  
8   next time; but you have a year to get those kids to  
9   that" -- it's kind of like that critical point. And  
10  once you get to that point, then you just get it,  
11  and you can go farther.

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

16           THE CHAIR: Any other comments or  
17  questions?

18           Julie, whenever you're ready, jump in.  
19  Please do.

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

24           But I will let Ms. Poulos respond or  
25  answer any questions.

1 MS. POULOS: And I apologize, Madam Chair  
2 and Commissioners. I had to address a question.

3 I don't have any feedback on this school.  
4 If there are -- there is another school we want to  
5 address; but at this time, I don't have any  
6 comments.

7 THE CHAIR: Thank you. We appreciate  
8 that.

9 Any other comments or concerns?  
10 Commissioner Chavez?

11 COMMISSIONER CHAVEZ: I guess the only  
12 question that I have -- well, a couple of questions:

13 One, where do you -- where are you  
14 located?

15 MS. ARCHULETA: Madam Chair, Commissioner  
16 Chavez, we are located in Albuquerque, by Central --  
17 1511 Central Avenue, just a couple of blocks west of  
18 the University of New Mexico.

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

21 MS. ARCHULETA: We are sixth through  
22 twelfth grade, 71 percent Free and Reduced Lunch  
23 students. Primarily, about 90 percent of our  
24 students are Hispanic. And we do have students that  
25 come from all over the city that come to our school.

1 And we're about 233 students right now.

2 COMMISSIONER CHAVEZ: Okay. Thank you.

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

7 MS. TORRES: Madam Chair, members of the  
8 Commission, I believe this school is closer to the  
9 standards that you would like to be seeing with  
10 70 percent or more being the "exceeds" standard and  
11 60 to 69 percent meeting the standard. We do kind  
12 of the opposite of what Mr. Sanchez was saying. Our  
13 kids do come in a little bit higher in reading. We  
14 are able to grab them and take them, as you said.  
15 And we are comfortable with this goal.

16 THE CHAIR: Thank you very much.

17 Questions or comments?

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

23 Any other comments or questions?

24 All right. To my reading of this  
25 document, that is the last -- we've asked that they

1 have two academic indicators. Some schools choose  
2 to have more; but we ask that they have at least  
3 those two. This school has covered that situation.

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

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

15 Ms. Poulos?

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

19 CSD wanted to make the Commissioners aware  
20 of a change that Tierra Adentro's board made to the  
21 contract after negotiations. They deleted one of  
22 the material terms concerning professional  
23 development for their teachers. Specifically, they  
24 deleted the requirements that the dance department  
25 teachers will continue to receive professional

1 development on an ongoing basis. And that was on  
2 Page 34 of the contract.

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

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

13 THE CHAIR: Thank you. Commissioner  
14 Bergman?

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

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

24 COMMISSIONER BERGMAN: I apologize.

25 MS. POULOS: The two Commissioners that

1 were there for negotiations, we wanted to let them  
2 know, and also bring it up to the Commission.

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

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

7 If everyone is -- Commissioner Chavez?

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

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

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

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

22 This year's audits and financial data will  
23 be available, we anticipate, early to late  
24 September? Is that -- so in September, we  
25 anticipate receiving that data; but, again, this is



1 a contract that will not begin until July 1.

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

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

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

23 MS. POULOS: As you requested specifically  
24 for the one school that we were addressing. I think  
25 additionally, as part of the work session yesterday,

1 we did discuss what items might be relevant to those  
2 renewal applications.

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

8 THE CHAIR: Okay.

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

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

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

22 MS. POULOS: Madam Chair -- so as soon as  
23 the contracts and the performance frameworks are  
24 populated, we will review them and present that  
25 information to the Commission. Just -- I want to be

1 clear that on -- with regards to these that we're  
2 discussing today, they won't go into effect until  
3 July 1. And so the first report on those will be at  
4 the end of the 2016 fiscal year.

5 THE CHAIR: Okay. Very good.

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

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

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

15 COMMISSIONER GIPSON: I don't believe so.

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

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

22 COMMISSIONER GIPSON: The performance  
23 framework.

24 COMMISSIONER BERGMAN: The performance  
25 contract is one document. It includes three

1 performance frameworks: Academic, financial, and  
2 organizational.

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

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

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

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

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

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

25 What -- the information that will be

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

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

14 COMMISSIONER CHAVEZ: Okay. Got it.

15 THE CHAIR: Okay. Are we okay?

16 All right. The Chair is ready to  
17 entertain a motion on Tierra Adentro.

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Let me take a stab  
20 at it and see if we get this in one take here.

21 Madam Chair, Commissioners, I would move  
22 that the Public Education Commission approve the  
23 2015 and 2016 academic school year performance  
24 contract with the associated performance frameworks,  
25 as presented today.

1 THE CHAIR: Thank you.

2 COMMISSIONER GIPSON: Does that sound  
3 sufficient?

4 THE CHAIR: Josh?

5 MR. GRANATA: Yes.

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

8 Do we have a second?

9 COMMISSIONER GIPSON: Second.

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

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

17 THE CHAIR: Cindy, can you verify?  
18 (Reporter clarifies the record.)

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

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

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

25 THE CHAIR: Do you agree to the amendment,

1 Commissioner Peralta?

2 COMMISSIONER PERALTA: I do.

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

8 Further discussion, Commissioners?

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

11 COMMISSIONER PERALTA: Commissioner  
12 Toulouse abstains.

13 Commissioner Armbruster?

14 COMMISSIONER ARMBRUSTER: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Conyers?

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Peralta votes "yes."

20 Commissioner Gipson?

21 COMMISSIONER GIPSON: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Bergman?

24 COMMISSIONER BERGMAN: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Chavez?

5 COMMISSIONER CHAVEZ: Yes.

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

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

13 Have a wonderful year. Thank you.

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

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

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



1 Academy of Trades and Technology.

2 Is anyone here from that school?

3 All right. Seeing none, let's move ahead.

4 Again, you will see the Certificate of  
5 Resolution from the school's governing council  
6 signed by the chair, and the school's contract. And  
7 we'll keep moving.

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

12 THE CHAIR: It's Beverly.

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

15 MS. FRIEDMAN: We'll work together.

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

19 Thank you, Madam Chair.

20 THE CHAIR: You're welcome.

21 There are 61 pages to the contract, and  
22 then right after that begins the performance  
23 framework for Academy of Trades and Technology.

24 Those page numbers are kind of hard to  
25 find. They're down in the lower left-hand corner of

1 the contract. Everything is set up the same.

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

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

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

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

16 THE CHAIR: Thank you. So they're using  
17 80 percent or more for their "exceeds standards," 70  
18 to 79 for "meets," and so forth. They're pretty  
19 much in the ballpark with other schools, just a tad  
20 lower.

21 Anyone have a concern with that indicator?

22 I'm not seeing anything.

23 On the next page, on Page 5 is their  
24 indicator for math proficiency. Again, they're  
25 using the NWEA MAP's Short Cycle Assessment.

1 COMMISSIONER BERGMAN: You jumped over  
2 one. Go to the bottom of Page 4. There's another  
3 one at the bottom of Page 4.

4 THE CHAIR: That's math.

5 COMMISSIONER BERGMAN: They have two math  
6 indicators. See?

7 THE CHAIR: Thank you very much. Thank  
8 you.

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

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

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

19 THE CHAIR: On here, it says --

20 COMMISSIONER BERGMAN: Yeah, everybody can  
21 read -- I think, read the description there. It  
22 pretty well lays it out. As Commissioner Shearman  
23 noted earlier, some schools, we never discourage  
24 them from putting in indicators, unless the list  
25 gets so long.

1           We haven't had that problem yet; but I do  
2 encourage them, if they have -- if their mission  
3 is -- depending on the specificity of their mission,  
4 if they have a unique mission, it makes sense to me  
5 that they have a mission-specific indicator or  
6 something to help them achieve that mission. And so  
7 when -- so this is in addition to the other two  
8 academic ones.

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

16           Any questions or concerns?

17           COMMISSIONER CHAVEZ: I have a question.

18           THE CHAIR: Commissioner Chavez?

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

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

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

1 COMMISSIONER BERGMAN: Well, it will be on  
2 their student report card. And it will also be --

3 COMMISSIONER CHAVEZ: Is it in here?

4 COMMISSIONER BERGMAN: -- in the snapshot.  
5 But the snapshot is not in here.

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

9 COMMISSIONER CHAVEZ: It's not in here.

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

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

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

24 THE CHAIR: Julie, why did they choose to  
25 put this goal here?

1 MS. LUCERO: Madam Chair, members of the  
2 Commission, they have had a very large turnover in  
3 their staff over the last two years. They recently  
4 just added a new director to the school. She  
5 started in January; and so she felt this was  
6 important to set a goal, and, along with the  
7 negotiation team, that we monitor that for the next  
8 year.

9 THE CHAIR: Thank you. Any other  
10 questions?

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

13 (Chair consults with PEC counsel.)

14 THE CHAIR: Mr. Granata is bringing to my  
15 attention the dates on the signatures. Look at the  
16 very front of Tierra -- pardon me -- Academy of  
17 Trades and Technology, right after the yellow page  
18 with the school's name, where they have a  
19 Certificate of Resolution with a signature of the  
20 governing council chair. That's dated April  
21 the 8th, 2015; and then the minutes are dated  
22 4/30/15.

23 So it would appear that the Certificate of  
24 Resolution of the governance council was signed  
25 prior to the meeting.

1 Thank you for catching that, Mr. Granata.  
2 What's your recommendation?

3 (Chair consults with PEC counsel.)

4 THE CHAIR: Mr. Granata is recommending  
5 that we can do a conditional approval requiring a  
6 new Certificate of Resolution with a corrected date,  
7 if, in fact, that was the problem. These two  
8 documents need to be verified and brought to CSD  
9 with correct dates on them.

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

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

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

24 COMMISSIONER TOULOUSE: Madam Chair, it  
25 does appear to me that the date is the date the

1 administrator signed this, as opposed to the  
2 meeting. If you look further, the next governing  
3 council meeting will be on April 16th.

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

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

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

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

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

17 COMMISSIONER BERGMAN: Madam Chair, I  
18 would move that the Public Education Commission  
19 approve, for the 2015-2016 academic school year, the  
20 performance contracts with associated performance  
21 frameworks, as presented, for the Academy of Trades  
22 and Technology, subject to the condition that we  
23 just discussed, that there may be a date discrepancy  
24 on the Certificate of Resolution and the minutes,  
25 and that that discrepancy be corrected and the



1 correct dates, if they are incorrect, submitted to  
2 CSD Staff.

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

5 THE CHAIR: Yes. Okay, he did.

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

8 COMMISSIONER GIPSON: Second.

9 THE CHAIR: From Commissioner Gipson.  
10 Motion by Commissioner Bergman, second by  
11 Commissioner Gipson, to approve the documents and  
12 the performance framework and the performance  
13 contract of Academy of Trades and Technology, with  
14 the corrected documentation, as needed, on the  
15 resolution and minutes.

16 Any further discussion?

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

19 COMMISSIONER PERALTA: Commissioner  
20 Chavez?

21 COMMISSIONER CHAVEZ: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Bergman?

2 COMMISSIONER BERGMAN: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Gipson?

5 COMMISSIONER GIPSON: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Peralta votes "yes."

8 Commissioner Conyers?

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 COMMISSIONER PERALTA: And Commissioner

14 Toulouse?

15 COMMISSIONER TOULOUSE: Yes.

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

18 THE CHAIR: Thank you. The motion passes  
19 unanimously for Academy of Trades and Technology.

20 Thank you.

21 The next school is ACE Leadership High  
22 School. Do we have anyone here from the school?

23 Julie or Katie, do you have any remarks on  
24 this school?

25 MS. POULOS: Madam Chair, Commissioners,

1 at this time, I don't believe we have any comments  
2 on this school.

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

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

16 THE CHAIR: Thank you.

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

23 THE CHAIR: Thank you.

24 MR. IVEY-SOTO: Madam Chair, Daniel  
25 Ivey-Soto, legal counsel to the school. And I --

1     what she said.

2                 THE CHAIR: Ladies and gentlemen, I am on  
3     Page 3 of the performance framework, where the  
4     academic performance framework begins. Next page  
5     begins their indicators, performance indicators.

6                 Would you care to speak to your  
7     performance indicators?

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

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

21                And in order to do so, their core academic  
22    skills, in addition to their 21st Century skills,  
23    have to be at a level that's acceptable by those  
24    programs. So we feel that it's an external  
25    accountability that just simply Short Cycle

1 Assessments may not hold us to; but yet, the  
2 programs, whether it's UNM, CNM, apprenticeships, or  
3 employers are holding us to, which is much higher.

4 Do you want me to go to the next one?

5 THE CHAIR: Yes.

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

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

25 Okay. Let's go ahead, please.

1 MS. STEPHENS-SHAUGER: Okay? The last two  
2 are Short Cycle Assessment goals. We use the  
3 Discovery Education assessment, which we have found  
4 to be very helpful, in a holistic way, with our  
5 students.

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

13 And that's all, Madam Chair.

14 THE CHAIR: Any questions on their Short  
15 Cycle?

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

18 Any questions?

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

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

25 THE CHAIR: Thank you very much.

1 Anything else?

2 Hearing nothing, the Chair would entertain  
3 a motion.

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

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

10 THE CHAIR: Okay.

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

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

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

22 MS. STEPHENS-SHAUGER: Yes.

23 MR. IVEY-SOTO: And, Madam Chair, our next  
24 meeting is on Tuesday; so we can get that to you by  
25 Wednesday.

1 THE CHAIR: That's fine. There is not a  
2 huge rush.

3 All right. Everything else in place?

4 Do we have a motion, please?

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

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

9 THE CHAIR: Thank you, Commissioner  
10 Conyers.

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

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

19 COMMISSIONER GIPSON: Second.

20 THE CHAIR: Motion by Commissioner  
21 Conyers, seconded by Commissioner Gipson, to approve  
22 the documents, as submitted, by ACE Leadership High  
23 School, with the condition that their official board  
24 minutes will be supplied to the Commission in a  
25 timely fashion.



1 Did I say it wrong?

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

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

13 THE CHAIR: I see. I see.

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

18 MR. IVEY-SOTO: A three-year.

19 COMMISSIONER BERGMAN: Whatever it is.

20 MR. IVEY-SOTO: Right.

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

24 MR. GRANATA: Madam Chair, Commissioners,  
25 the motion, as I heard it, added the terms, "as the

1 contract is presented today." And so the terms of  
2 the contract would include that; so I don't  
3 necessarily think it's an issue.

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

7 Thank you.

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

11 Any other comments?

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

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

18 So maybe you'll invite me again, and I can  
19 get down there and see the inside of it. It's nice  
20 to see one of our schools with what looks like a  
21 really adequate building and traffic pattern and  
22 parking and everything for the students. So I think  
23 that's important for how the students are going to  
24 do in class, too, to come into that kind of  
25 arrangement.

1 THE CHAIR: Thank you for that. Any other  
2 comments?

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

5 COMMISSIONER PERALTA: Commissioner  
6 Bergman?

7 COMMISSIONER BERGMAN: Yes.

8 COMMISSIONER PERALTA: Commissioner  
9 Toulouse?

10 COMMISSIONER TOULOUSE: Yes.

11 COMMISSIONER PERALTA: Commissioner  
12 Conyers?

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Chavez?

16 COMMISSIONER CHAVEZ: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Armbruster?

22 COMMISSIONER ARMBRUSTER: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Peralta votes "yes."

25 Commissioner Shearman?

1 THE CHAIR: Yes.

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

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

6 MS. STEPHENS-SHAUGER: Thank you, Madam --  
7 Commissioners.

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

10 I'll call on CSD first.

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

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

20 THE CHAIR: Okay.

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

24 Thank you.

25 THE CHAIR: CSD?

1 MS. LUCERO: Madam Chair, members of the  
2 Commission, CSD feels that the negotiated contract  
3 and framework are very rigorous and very  
4 appropriate, and approves -- recommends approval of  
5 these.

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

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

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

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

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

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

25 We apologize. We're sort of pinch-hitting

1 today. Julia wanted to get this school on this --  
2 this month's agenda. And it happens to be the very  
3 last day of school for the school administration;  
4 and so they were unable to be here.

5 So we've got -- you're going to have to  
6 make do with the two of us today.

7 THE CHAIR: I believe we can handle that.  
8 Thank you.

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

13 THE CHAIR: How many?

14 MR. ANDEROGLU: Seven, seven seniors.  
15 They are all accepted to colleges.

16 THE CHAIR: Wonderful, wonderful.

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

23 Any comments?

24 COMMISSIONER TOULOUSE: Madam Chair, I  
25 rather enjoyed negotiating this one, because the

1 fact that the founders are Turkish, and they  
2 speak -- they teach Turkish in their school. I'm  
3 used to teaching all the Spanish and, you know, the  
4 Native languages. And it was really nice to see  
5 students being taught a very different kind of  
6 language.

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

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

13 COMMISSIONER BERGMAN: I would just note  
14 also that, as he noted, he has seven -- they -- this  
15 was a school that was willing to put in these  
16 mission-specific indicators. You will see that  
17 they're STEM goals, because they want to graduate  
18 all their kids every year, and they want them all to  
19 go to college, if that's -- we know some kids don't  
20 necessarily want to go to college. But they want  
21 all kids that want to go to college, they want to  
22 prepare them to be able to do that. And so that's  
23 why they were willing to put these additional  
24 indicators, and I applaud them for doing it. Thank  
25 you.

1 THE CHAIR: Thank you. Any other  
2 comments?

3 Hearing none, the Chair would entertain a  
4 motion.

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

14 COMMISSIONER BERGMAN: What page are you  
15 looking at?

16 MS. FOX: I'm looking at --

17 COMMISSIONER GIPSON: Page 6?

18 MS. FOX: Well, mine -- yes, Page 6, Goal  
19 4A and 4B. Under "Growth," there's a reference to  
20 an "attached sample report." I'm not exactly sure  
21 what that's referring to; but if that needs to be  
22 attached, then that would be great.

23 MS. POULOS: Madam Chair, Commissioners,  
24 it's at the very end of the materials for this  
25 school. We can bring that over and share that.



1 MS. FOX: As long as you guys have it and  
2 it's attached, that's great.

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

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

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

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

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

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

20 THE CHAIR: Or is it something different?

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

24 COMMISSIONER TOULOUSE: Yeah.

25 COMMISSIONER GIPSON: Which one were you

1 looking at?

2 COMMISSIONER TOULOUSE: The ones they gave  
3 us.

4 COMMISSIONER GIPSON: Oh, yeah, got that.  
5 Yeah.

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

9 COMMISSIONER BERGMAN: Yeah, we did have  
10 these documents.

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

14 COMMISSIONER ARMBRUSTER: "Instructional  
15 Planning Report"?

16 COMMISSIONER GIPSON: Right.

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

19 MS. FOX: Yes.

20 THE CHAIR: Okay. Any further questions?  
21 Concerns?

22 Then the Chair would entertain a motion,  
23 please.

24 COMMISSIONER TOULOUSE: Madam Chair?

25 THE CHAIR: Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: I will do my best  
2 to get the wording correct. It's getting toward the  
3 noon hour; so I'm waking up but, you know, the blood  
4 sugar goes low.

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

11 THE CHAIR: Performance frameworks?

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

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

18 THE CHAIR: Thank you.

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

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

23 COMMISSIONER BERGMAN: Second.

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

1 the performance contract and performance framework,  
2 as submitted by Albuquerque Sign Language Academy.

3 COMMISSIONER BERGMAN: No.

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

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

9 COMMISSIONER PERALTA: Commissioner  
10 Peralta votes "yes."

11 Commissioner Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner  
14 Gipson?

15 COMMISSIONER GIPSON: Yes.

16 COMMISSIONER PERALTA: Commissioner  
17 Armbruster?

18 COMMISSIONER ARMBRUSTER: Yes.

19 COMMISSIONER PERALTA: Commissioner  
20 Shearman?

21 THE CHAIR: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Bergman?

24 COMMISSIONER BERGMAN: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Chavez?

5 COMMISSIONER CHAVEZ: Yes.

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

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

11 Commissioners, if it's all right with you,  
12 we're going to take lunch starting at a quarter of  
13 1:00, because our reporter has something she must  
14 attend to at a quarter after 1:00. Or would you  
15 rather take it earlier than that?

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

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

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

21 COMMISSIONER BERGMAN: Do whatever is best  
22 for the Commission.

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

25 COMMISSIONER GIPSON: That's fine.

1 THE CHAIR: Okay?

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

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

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

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

18 Okay. The resolution and the minutes look  
19 sufficient?

20 (Chair consults with PEC counsel.)

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

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

25 THE CHAIR: Your minutes are in draft

1 form?

2 MR. McCULLOCH: They are, yes. Yes,

3 Madam --

4 THE CHAIR: We'll need final minutes.

5 Okay.

6 CSD, do you have a recommendation?

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

13 THE CHAIR: Thank you.

14 COMMISSIONER TOULOUSE: How many trees do  
15 we kill?

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

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

24 We have two performance indicators. They  
25 are based on the ACT Aspire assessment, and they are

1 in both math and reading. Amy Biehl High School has  
2 used the NWEA MAP's assessment as a Short Cycle  
3 Assessment over the last few years, and we are  
4 transitioning to the ACT Aspire Short Cycle  
5 Assessment.

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

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

14 Commissioner Bergman?

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

25 And as we discussed it in our meeting,



1 because nobody knows, these numbers could prove to  
2 be too high. They -- so we're certainly going to  
3 talk with the school again when they have more data.  
4 I just wanted everybody to be aware of that.

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

7 Any questions? Any comments? Any  
8 concerns?

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

12 I'm looking at Commissioner Gipson.

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

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

19 THE CHAIR: As presented?

20 COMMISSIONER GIPSON: As presented.

21 Sorry. Darn, I thought I had it.

22 COMMISSIONER ARMBRUSTER: Second.

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

24 COMMISSIONER ARMBRUSTER: I did.

25 THE CHAIR: Motion by Commissioner Gipson,

1 second by Commissioner Armbruster, to approve the  
2 documents, as presented, by Amy Biehl High School,  
3 as are in our binder, with the caveat that the  
4 minutes, official minutes, will be provided.

5 Any further discussion?

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

8 COMMISSIONER PERALTA: Commissioner  
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner  
12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner  
15 Peralta votes "yes."

16 Commissioner Bergman?

17 COMMISSIONER BERGMAN: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Gipson?

1 COMMISSIONER GIPSON: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Shearman?

4 THE CHAIR: Yes.

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

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

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

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

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

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

25 MR. McCULLOCH: Thank you very much.

1 THE CHAIR: Thank you very much. I hope  
2 you have a good year.

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

5 DR. MAESTAS: Good morning.

6 THE CHAIR: CSD?

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

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

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

18 DR. MAESTAS: Yes.

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

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

25 First of all, I would like to thank the

1 Commission for the negotiations. I thought they  
2 were very helpful to us in looking at determining  
3 our goals and being aggressive in terms of how we  
4 move forward in addressing the needs of our  
5 students.

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

10 We have taken our -- our lead from the  
11 Charter School Bureau, as well as from the  
12 Commission, at looking at our data very seriously.

13 Yesterday, we held our first meeting with  
14 all of our staff to look at our assessment data.  
15 And next Wednesday, Thursday, and Friday, we will  
16 continue to do that with our DIBELS and our  
17 Discovery and develop action plans for each of our  
18 students. So we take very seriously the need to  
19 increase our letter grade, as well as to increase  
20 the proficiency of our students.

21 I thought the negotiations were very fair.  
22 They did push us to continue to look at aggressive  
23 goals in addressing the needs of our students; so I  
24 do thank the Department for their support, and also  
25 for their help in looking at these goals.

1 I think that overall, the assessments and  
2 the -- the goals that we set forth were aggressive.  
3 I think based on the population that we do see in  
4 our schools, many of our students do come to our  
5 school not proficient in either language, either  
6 English or Spanish. We can see that we need to make  
7 headway, as we have been recognized for meeting AMOA  
8 for the last five years.

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

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

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

22 THE CHAIR: Commissioners, Page 4 of the  
23 performance framework, where they start with the  
24 Short Cycle Assessment in reading begins, I have to  
25 say I did not attend this negotiation. I wasn't

1 part of the team that was in on this discussion.  
2 But I would have to say that 62 percent of  
3 students -- when you use a 62 percent of students  
4 making one full year's growth in reading is "exceeds  
5 standards," that is something I cannot accept.  
6 That, to my mind, is not a number that exceeds.

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

12 Does anyone else have a --

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

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

25 If they're already behind, these sorts of

1 percentages aren't going to catch them up, in my  
2 mind.

3 Anyone else? Commissioner Bergman?

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

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

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

23 So I believe in this particular case,  
24 while these are low numbers, that -- I understand.  
25 And I've sat next to you while we've defined the



1 "exceeds standard" many times; so I understand your  
2 feelings on that. I believe that these are a  
3 stretch for this school.

4 Are they an extreme stretch? Perhaps not.

5 But I believe based on the data I saw at  
6 the negotiation, that it is a stretch; so I'm going  
7 to vote for it.

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

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

19 THE CHAIR: Thank you, Mr. Commissioner.

20 Any other comments?

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

23 THE CHAIR: Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: I recall it  
25 being very difficult because of the reasons that you

1 can understand. I remember listening to -- to  
2 Carlos, right --

3 DR. MAESTAS: Yes, Dr. Abeyta.

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

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

25 And I don't know if we could have made a

1 separate goal for them.

2 Ms. Lucero, is there two? Right?

3 THE CHAIR: Well, I think, Commissioner,  
4 at this point, we cannot renegotiate. We either  
5 accept what's here, or we don't. So I think if  
6 you'll look at the math Short Cycle Assessment,  
7 "56 percent exceeds," that's letting too many kids  
8 fail. I just can't do that.

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

11 Anyone else wish to speak on --  
12 Commissioner?

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

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

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

1 where -- why we ended here.

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

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

10 THE CHAIR: Yes. Please go ahead.

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

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

18 And so our -- the students, once again,  
19 that we do get in our school are very low when they  
20 enter our schools. We do see them progressively  
21 increase as they move up in the grade levels, both  
22 in English and Spanish. And so I think our data  
23 supports that, and also really acknowledges that  
24 taking them to the next level is something that we  
25 definitely want to do.

1           And we are, you know, absolutely willing  
2   to come back and relook at this again; but I think  
3   the primary thing was that right now, we are being  
4   asked, across the state, to look at our data and to  
5   use that data as we develop our -- as we develop our  
6   curriculum and how we address the needs of our  
7   students.

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

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

21           THE CHAIR: Thank you. Could I just ask  
22   what "identified students" means? I know we had one  
23   negotiation that I sat in on. We removed the word  
24   "identified" and actually indicated what it meant.  
25   I see that word is still here.

1 COMMISSIONER ARMBRUSTER: Where are you  
2 reading that? Where are you reading that?

3 THE CHAIR: It's in both the Short Cycle  
4 Assessments. Look under "Exceeds." It's in every  
5 one of the "Exceeds," "Meets," "Does not meet;  
6 "62 percent of identified students made at least one  
7 full year's growth."

8 COMMISSIONER ARMBRUSTER: I see that.

9 THE CHAIR: What are identified students?

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

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

18 MS. POULOS: Yes, Madam Chair.

19 THE CHAIR: Are those all the grades you  
20 serve?

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

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

25 DR. MAESTAS: We -- Madam Chair, members

1 of the Commission, in the negotiations we did talk  
2 about that. And we talked about the modeling, which  
3 we use, and the amount of time that it takes for  
4 proficiency. We are using the data.

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

10 THE CHAIR: Commissioner Bergman?

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

21 So I -- I came down on the side of let's  
22 give them those three years to bring those kids up  
23 from the level -- and they're really low -- and give  
24 them that time to get them ready for the fourth  
25 grade. Here, again, is that our preferred way of

1     doing things? Absolutely not. But we certainly  
2     discussed having indicators. And it just didn't  
3     look like it would be fair, in my estimation.

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

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

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

20            DR. MAESTAS: Madam Chair, members of the  
21    Commission, I would say that our students do remain  
22    with us. And that is one of the -- you know, one of  
23    the high points of our school is that we do begin to  
24    see that progress, because they do stay with us. At  
25    this point, we have no openings in our intermediate



1 grades anywhere from first grade through eighth.  
2 Our openings are all in our incoming kindergarten.  
3 But they do remain with us consistently throughout  
4 the years. Thank you.

5 THE CHAIR: Thank you. Commissioner  
6 Chavez?

7 COMMISSIONER CHAVEZ: Madam Chair? Yeah.  
8 Thank you, Madam Chair. I have a couple of  
9 questions:

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

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

25 And then, also, what is the school doing

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

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

12            THE CHAIR: Would you care to respond?

13            DR. MAESTAS: Okay, certainly.

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

23            We have been in existence for ten years.  
24    We started with 27 students and currently have  
25    375 students. And the need for the school was

1 really based on community need, in which many of our  
2 students are ELL students. Many of the families  
3 really did not feel that the public school settings  
4 were meeting the needs of our students. And  
5 specifically in our area, we had very few dual  
6 language schools.

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

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

23 The other important strategy that we use  
24 is the involvement of parents, in which we involve  
25 our parents in the instructional setting, as well as

1 helping them connect with how they can support their  
2 children at home.

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

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

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

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

24 So how does that all align? We don't  
25 know.

1           We did feel that the Discovery and the  
2   DIBELS and the ACCESS, the LAS Links, were all  
3   indicators of how our students were continuing to  
4   perform and that we have to continue to look at  
5   something until we have some determination in terms  
6   of how the PARCC will align with Common Core, and,  
7   you know, how the results will look.

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

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

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

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

20           THE CHAIR: Did that answer your  
21   questions?

22           COMMISSIONER CHAVEZ: Yeah, it did. Well,  
23   no. No. The issue about proficiency, when you  
24   spoke about kids are not proficient in either  
25   language, can you expand on that a little bit more?

1 DR. MAESTAS: Madam Chair, Commissioner  
2 Chavez, members of the Commission, when we -- when  
3 our students enter our school, we do assess them  
4 with the WIDA Assessment with ACCESS to place them.  
5 And when we do that assessment, we determine the  
6 number of students that we have that are ELL and  
7 where the proficiency levels are.

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

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

20 COMMISSIONER CHAVEZ: Thank you.

21 THE CHAIR: All right. Any other  
22 questions?

23 Commissioner Toulouse?

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

1     this school.

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

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

7                 COMMISSIONER TOULOUSE: Primarily  
8     English-speaking.

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

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

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

1 COMMISSIONER TOULOUSE: Thank you.

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

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

6 THE CHAIR: Yes.

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

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

21 THE CHAIR: Thank you. Any other  
22 comments?

23 Hearing none, the Chair would entertain a  
24 motion.

25 COMMISSIONER GIPSON: I don't want to make



1     this motion.

2                 COMMISSIONER TOULOUSE:   I can't.

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

6                 Madam Chair and Commissioners, I would  
7     move that the Public Education Commission approve  
8     the performance contract with the associated  
9     2015-2016 academic school year, associated  
10    performance frameworks, as presented today, for  
11    La Promesa Early Learning Center, with the condition  
12    about the signed minutes.

13                THE CHAIR:   Okay.

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

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

18                COMMISSIONER CONYERS:   Second.

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

24                Any comments?

25                Mr. Secretary, may we have a roll-call

1 vote?

2 COMMISSIONER PERALTA: Commissioner

3 Toulouse abstains.

4 Commissioner Gipson?

5 COMMISSIONER GIPSON: No.

6 COMMISSIONER PERALTA: Commissioner

7 Chavez?

8 COMMISSIONER CHAVEZ: No.

9 COMMISSIONER PERALTA: Commissioner

10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Bergman?

14 COMMISSIONER BERGMAN: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Peralta votes "no."

17 Commissioner Armbruster?

18 COMMISSIONER ARMBRUSTER: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Shearman?

21 THE CHAIR: No.

22 COMMISSIONER PERALTA: Let me check my

23 counts, please.

24 Madam Chair, I believe that is a 4-to-3

25 vote opposing the motion.

1 THE CHAIR: Thank you. The motion fails  
2 on a 4-to-3 vote, with one abstention.

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

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

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

17 THE CHAIR: Thank you.

18 DR. MAESTAS: Okay. Thank you.

19 THE CHAIR: Thank you.

20 Next school is South Valley Preparatory  
21 School. Good afternoon.

22 MS. ALDERETE-TRUJILLO: Good afternoon.

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

1 know.

2 CSD, South Valley Prep?

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

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

9 THE CHAIR: Okay. Thank you.

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

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

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

24 I do also want you to know that we had an  
25 extensive conversation. Vince -- Commissioner

1 Bergman -- was very adamant about pushing us;  
2 Commissioner Toulouse, as well; and Commissioner  
3 Armbruster was there, as well. We had a long  
4 conversation regarding the performance expectations  
5 for our kids.

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

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

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

22 We have struggled keeping a quality math  
23 teacher on staff. We have had one math teacher that  
24 has stayed with us throughout the -- throughout the  
25 five years that we've been in existence. She

1 currently has done very well in terms of her  
2 performance with our kids; but she is only also  
3 doing, you know, the math teaching for half of our  
4 kids; so we have another half of our kids that have  
5 gone through several math teachers.

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

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

18 And I guess that's it.

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

25 MS. ALDERETE-TRUJILLO: That is correct.

1 I think one of the papers, it was our vice chair  
2 that signed one of them, because our chair was not  
3 present at the time.

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

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

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

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

21 And I'm sorry. But I have to make the  
22 same comment on the numbers for these Short Cycle  
23 Assessments that I did for the previous school,  
24 particularly in the math. If you look at "meets  
25 standards" in math, 50 to 55 percent make one full

1 year's growth. If you're behind, and half of the  
2 students cannot make one full year's academic growth  
3 and you still meet standards, how are those kids  
4 ever going to catch up? They've got to do more than  
5 one year in a year, or they'll never, never catch  
6 up.

7 56 percent or more of identified students  
8 will make one full year's growth to exceed in math,  
9 and 62 percent or more to exceed in reading. Those  
10 numbers aren't going to move anybody forward.  
11 They're just -- I'm sorry, they're just too low,  
12 particularly, I think, when you have the disclaimer  
13 in here that they have been your student for the  
14 previous year.

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

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

21 This is one of those schools that's a  
22 really difficult school, because it's only sixth,  
23 seventh and eighth. So when they get them at sixth,  
24 they have absolutely no control of these kids that  
25 come in, many of them very, very deficient. And I



1 think that's why what they're looking for is getting  
2 them deficient to move them into high school;  
3 because they don't have them for -- you know, they  
4 aren't a K-through-8 school. They're only 6 through  
5 8.

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

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

16 THE CHAIR: Thank you for that.

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

19 THE CHAIR: Yes.

20 MS. ALDERETE-TRUJILLO: That was a big  
21 part of our conversation. Commissioner Toulouse.  
22 We did discuss the performance level in which our  
23 sixth-graders enter our school. Traditionally, and  
24 if you look at our cohort data, we are able to move  
25 almost 50 to 60 percent of our kids up to grade

1 level by the time they get to eighth grade. Most of  
2 the growth that we see happens in eighth grade.

3 It's almost like the light bulb turns on.  
4 The -- the year of -- the roller-coaster hormones in  
5 seventh grade is finally over, and we see a lot  
6 of -- a lot of -- growth in eighth grade. And that  
7 was part of the discussion.

8 THE CHAIR: A thought just occurs to me.  
9 Did it come up in the discussion during the  
10 negotiation to set out cohort groups? The sixth  
11 grade was a cohort? The seventh-grade cohort?  
12 Eighth-grade?

13 Commissioner Bergman?

14 COMMISSIONER BERGMAN: We didn't get into  
15 that much of depth. And the reason why the sixth  
16 grade is not in there, we normally don't put that --  
17 I'm one of those that normally says, "I don't  
18 want -- like having the kids there a year before."

19 But in this case, because the kids in the  
20 sixth grade that are coming to this school are so  
21 underperforming, we discussed it extensively. And I  
22 felt it was fair to this school to give them that  
23 sixth-grade year to try to bring these kids up.

24 And I've just got one other comment, and  
25 I'm going to let it go. You heard her say her

1 current proficiency is only 30 percent. So for --  
2 in my estimation, when I set a 62 percent for  
3 "exceeds," if they were to achieve that, that means  
4 they actually attained 100 percent growth for those  
5 kids. They went from 30 percent to 60 percent; and  
6 in my estimation, that does exceed.

7 We have no schools, that I'm aware of,  
8 that are achieving 100 percent growth on their kids.  
9 They may have individual students that they're able  
10 to do that. But as far as a school, or a whole  
11 class, that is nothing that we've ever even really  
12 talked about. I just want to say that.

13 Sometimes we have to go past these  
14 numbers. We have to dig a little into them. And if  
15 the proficiency is only 30 percent, yeah, I could  
16 have said, "No, we're going to put 80 percent in  
17 there," like we do with everybody else.

18 Would that have been fair? No. Would it  
19 have been attainable? No. Would it have been a  
20 waste of time to do that? Yes.

21 And so that's why I did it. I just wanted  
22 everybody to understand how -- we didn't just reach  
23 up and just say -- and laugh and say, "These are the  
24 numbers we're going to present."

25 I told each of these schools, "This is

1 going to be a difficult sell, because these are not  
2 numbers" -- but we have to look at the proficiency  
3 rate. And when it's only 30 percent, yeah, I could  
4 say, "I want you to do 70."

5 Is that realistic? No.

6 And I've had this with Julie and Julia.  
7 And -- but -- and keep in mind, it's one year. One  
8 year. And after this next academic year, I can  
9 assure you -- I told them that we were going to go  
10 back and look very closely at these and that my hope  
11 was that they met them; and if they did, then I  
12 would be asking them -- I said, "Now it's time to  
13 kick these thresholds up to higher levels to make  
14 everybody happy."

15 I just want you to understand it. We  
16 didn't just arrive at this on a whim. A whole lot  
17 of discussion and thought went into it. I just  
18 wanted to share that. Keep in mind that 30 percent  
19 proficiency rate.

20 THE CHAIR: Could you or you clarify who  
21 is 30 percent proficient? Is that an average across  
22 all the grades? Or can you break it down by grade?

23 MS. ALDERETE-TRUJILLO: I -- at this point  
24 right here, I could not break it down by grades,  
25 other than probably off the top of my head. And

1 we're in the middle of our final window of Short  
2 Cycle. I know that we have made significant growth  
3 in seventh grade this year. I know that we have  
4 made decent growth in sixth grade this year, just  
5 off of the kids that have completed the test at this  
6 point.

7 And I don't ever worry about the growth  
8 that we make in eighth grade, because it always is  
9 there. It's always there. We -- our kids always,  
10 for whatever reason, do well.

11 I think at the beginning of the year, we  
12 were -- or at the middle of the year, when we took  
13 the NWEA, 30 percent of our kids at that point were  
14 proficient, based on the cut scores that NWEA  
15 identifies.

16 THE CHAIR: Tell me that time line again?

17 MS. ALDERETE-TRUJILLO: The time line for  
18 our Short Cycle Assessment.

19 THE CHAIR: When they took it and they  
20 were 30 percent proficient? Was that the first  
21 test?

22 MS. ALDERETE-TRUJILLO: That was the first  
23 test, yes.

24 THE CHAIR: Of this year?

25 MS. ALDERETE-TRUJILLO: Of this year, yes.

1 THE CHAIR: So we expect -- that's the  
2 lowest. So we expect much higher numbers by the end  
3 of the year.

4 MS. ALDERETE-TRUJILLO: That's correct.

5 THE CHAIR: So we're basing these numbers  
6 on the very absolute lowest point the students  
7 achieved in their testing, across the board,  
8 generally speaking.

9 MS. ALDERETE-TRUJILLO: That is not my  
10 expectation. That is the goal that we negotiated.  
11 And that was based on where our students were at at  
12 that point.

13 THE CHAIR: The very first test.

14 MS. ALDERETE-TRUJILLO: And you know what,  
15 Commissioner -- Madam Chair? It might have been the  
16 December test that we took. It was -- when was our  
17 negotiation? Was it in January?

18 COMMISSIONER TOULOUSE: No.

19 COMMISSIONER BERGMAN: Oh, no. It was  
20 March, I believe.

21 MS. ALDERETE-TRUJILLO: Then I need to  
22 correct myself. Then the current data that I had  
23 taken was the winter test, which was -- which  
24 happened in December.

25 THE CHAIR: Any other -- Commissioner

1 Chavez?

2 COMMISSIONER CHAVEZ: Madam Chair? Thank  
3 you, Madam Chair.

4 How long has the school been open?

5 MS. ALDERETE-TRUJILLO: Commissioner  
6 Chavez, this is our fifth year. So we've been open  
7 for five years.

8 COMMISSIONER CHAVEZ: And what's the  
9 history in terms of performance for those five  
10 years?

11 MS. ALDERETE-TRUJILLO: The history of  
12 performance has been in decline for the last two  
13 years. Probably 90 percent of the reason that we  
14 have declined in our school grade has been  
15 attributed to our math score. Our reading scores  
16 have always met or exceeded the State standard.

17 Again, it's part due to the fact that I  
18 have been unable to keep or find a quality math  
19 teacher. But we've gone initially from a D to a B  
20 to a C, and then a D again this year, this last  
21 year.

22 COMMISSIONER CHAVEZ: And so what are the  
23 issues with not being able to find a math teacher,  
24 or the math teacher not staying?

25 MS. ALDERETE-TRUJILLO: There's been a

1 couple. Some are personnel reasons. So I think  
2 that this year, we had found a very high quality  
3 math teacher who was -- had every intention to stay,  
4 and has now been diagnosed with a terminal illness.

5 COMMISSIONER CHAVEZ: Okay. Thank you,  
6 Madam Chair.

7 THE CHAIR: Thank you. Anyone else? Any  
8 other comments?

9 COMMISSIONER ARMBRUSTER: I can kind of go  
10 back with --

11 THE CHAIR: You do have a comment.

12 COMMISSIONER ARMBRUSTER: Because I was  
13 there, Commissioner Bergman. I've actually taught  
14 sixth, seventh, and eighth grade since 1984; so I do  
15 know of what you speak. Sixth graders kind of do  
16 make some progress once you get them. And seventh  
17 grade, if they live and you live, that's an  
18 accomplishment. And then in eighth grade, they do;  
19 they just sort of get it, which is the positive of  
20 having a three-year middle school.

21 And I recall, you know, that we talked  
22 about this. But you can only set a goal that's a  
23 reasonable goal. And I agree. I mean, of course,  
24 you know that. Why would you want the scores that  
25 low? But it was like asking for something that we



1 weren't going to get.

2 So to make it higher didn't seem any more  
3 logical. I remember discussing this.

4 THE CHAIR: Any other comments?  
5 Commissioners, let me just bring it to your  
6 attention -- Josh just brought it to mine -- that on  
7 the minutes for this school, on the -- at the bottom  
8 of the front page, Item No. 6, I don't see where a  
9 vote was ever taken.

10 MS. ALDERETE-TRUJILLO: Oh. I have the --  
11 Commission- -- Madam Chair, Commissioners, I have  
12 the voice recording. It might have just been my  
13 trying to get the minutes to Julia. But there was a  
14 vote that was taken. We had the meeting, and Julia  
15 asked for the minutes almost the very next day,  
16 which we usually don't -- usually, my office manager  
17 is the person that's present and does those.

18 She was not present that night. But I --  
19 I did the minutes, and I probably inadvertently put  
20 that there -- or omitted that, for some strange  
21 reason.

22 THE CHAIR: Let me just ask you one other  
23 thing. There's an item at the very end of the  
24 agenda with an asterisk, and it says -- indicates  
25 "Action items"? No. 6, where you're discussing

1 "Resolution for charter contract and performance" --  
2 oh, there's the asterisk. I see it. I thought  
3 maybe it hadn't been marked.

4 So do we just ask for official minutes,  
5 corrected minutes that show there was a vote taken?

6 MR. GRANATA: (Indicates.)

7 MS. ALDERETE-TRUJILLO: Yes, ma'am.

8 THE CHAIR: Okay. All right. So we'll  
9 need corrected minutes with action showing.

10 Anything else, Commissioners?

11 COMMISSIONER CHAVEZ: I have one more  
12 question.

13 THE CHAIR: I'm sorry?

14 COMMISSIONER CHAVEZ: I have one more  
15 question.

16 Has there, in addition to the math  
17 teacher, has there been turnover in any other  
18 personnel from -- you know, from all the way to the  
19 top to the teachers?

20 MS. ALDERETE-TRUJILLO: The only other  
21 turnover we've had were one special ed teacher and  
22 one science teacher. One of them was married -- is  
23 married to Air Force personnel. And they had --  
24 were transferred.

25 And the second one was our science

1 teacher, who was fantastic, whose husband received a  
2 professor job in California; so she left. Other  
3 than that, no.

4 THE CHAIR: Any other comments or  
5 questions?

6 COMMISSIONER TOULOUSE: I think it's  
7 hailing.

8 THE CHAIR: Hearing no further discussion,  
9 the Chair would entertain a motion.

10 COMMISSIONER BERGMAN: I presume that I  
11 get --

12 COMMISSIONER TOULOUSE: I'll -- I'll do  
13 it.

14 COMMISSIONER BERGMAN: You'll do it?  
15 Thank you.

16 THE CHAIR: Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Madam Chair, I  
18 move that the Public Education Commission approve  
19 the performance contract and performance framework  
20 of the South Valley Academy.

21 COMMISSIONER BERGMAN: Prep School.

22 COMMISSIONER TOULOUSE: Prep. You all  
23 have so many similar names. Do we have any  
24 "South Valley" that we don't -- South Valley  
25 Preparatory School.

1 COMMISSIONER BERGMAN: As presented.

2 COMMISSIONER TOULOUSE: As presented, with  
3 the caveat that we require minutes that show the  
4 vote and that are the final minutes.

5 COMMISSIONER BERGMAN: And the performance  
6 framework is for 2015 and 20- --

7 COMMISSIONER TOULOUSE: I said the  
8 performance framework; so...

9 COMMISSIONER BERGMAN: Okay. Second.

10 THE CHAIR: All right. You've heard the  
11 motion and second.

12 Is there further discussion?

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

15 COMMISSIONER PERALTA: Commissioner  
16 Chavez?

17 COMMISSIONER CHAVEZ: No.

18 COMMISSIONER PERALTA: Commissioner  
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Shearman?

23 THE CHAIR: No.

24 COMMISSIONER PERALTA: Commissioner  
25 Armbruster?

1 COMMISSIONER ARMBRUSTER: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Bergman?

4 COMMISSIONER BERGMAN: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Gipson?

10 COMMISSIONER GIPSON: No.

11 COMMISSIONER PERALTA: Commissioner

12 Peralta votes "no."

13 Madam Chair, that is a 4-to-4 vote.

14 THE CHAIR: We are tied. We have a tie  
15 vote. We're asking our attorney to give us some  
16 advice.

17 COMMISSIONER BERGMAN: And while that is  
18 going on, I would like to note that we've reached  
19 the deadline that you've set for lunch. I've been  
20 on this Commission for six-and-a-half years, and  
21 I've always been able to avoid scheduling conflicts,  
22 except for today, unfortunately.

23 I have business I have to be at in  
24 Albuquerque; so I'm going to be leaving. I will  
25 note, for the record, that these other three

1 schools, had I been able to vote, I would have voted  
2 "yes" on these remaining three schools, just to put  
3 that on the record.

4 THE CHAIR: Leave, and let us do what Josh  
5 says.

6 (A discussion was held off the record.)

7 MR. GRANATA: Madame Commissioner and  
8 Commissioners, I was just reviewing the Rules of  
9 Order, which were adopted just recently by the  
10 Commission. And there's nothing to indicate what  
11 should be done in the case of a tie.

12 I've told the Chair that what could happen  
13 procedurally is that the vote is opened back up for  
14 discussion to see if anyone decides to change their  
15 mind.

16 If the tie remains 4-4, then my  
17 interpretation of the Charter School Act would be  
18 that it goes to the Secretary, if the school decides  
19 to appeal, or if the PEC decides to appeal. And so  
20 I would suggest that the Commission opens it back up  
21 for further discussion.

22 COMMISSIONER TOULOUSE: Madam Chair, may I  
23 suggest that we think on this a little ourselves,  
24 just think and then come back after a lunch period  
25 and have a further discussion?

1 THE CHAIR: The only problem with that,  
2 Commissioner, is that Commissioner Bergman will be  
3 gone, and that will skew the vote. Just looking  
4 at -- it's 4-4 now, if he leaves.

5 COMMISSIONER TOULOUSE: Could we bring  
6 this up at the next meeting? A tie vote should be  
7 able -- it's a table.

8 MR. GRANATA: Madam Chair, Commissioners,  
9 I have problems tabling this till the next meeting  
10 regarding the waiver that was signed and the statute  
11 requiring certain actions to be taken within the  
12 times.

13 COMMISSIONER TOULOUSE: I was looking at  
14 Rules of Order. It normally is a tabled motion,  
15 either a failed or a tabled.

16 THE CHAIR: Could I suggest that we leave  
17 the vote the way it is, declare an impasse, and let  
18 this go to the Secretary?

19 COMMISSIONER TOULOUSE: Madam Chair, then  
20 I want to point out one thing on the record here.  
21 Considering the population that she serves and the  
22 previous school serves, I see bias. I'm sorry; but  
23 I do. And that's why I would like us to think about  
24 it and consider it, because I know these  
25 populations. I represented them on the CNM Board.

1 I've worked with them.

2 And I think -- especially this particular  
3 school does a very good job of getting their kids  
4 into high school. And I really am advocating that  
5 there is some bias here. Thank you.

6 THE CHAIR: Madame Commissioner, I must  
7 take exception to your comment that this Commission  
8 is biased. I know I'm not. I don't believe anyone  
9 here is. I believe we're truly voting with our  
10 conscience, with our hearts and our minds, thinking  
11 of what's best for students.

12 I've worked as a teacher for many years,  
13 and I know some of the rest of you have. I'm voting  
14 for what I think is best for kids.

15 My suggestion would be that we declare an  
16 impasse and allow this to go to the Secretary for  
17 resolution.

18 COMMISSIONER GIPSON: Madam Chair, I think  
19 that's the fairest thing to do at this point in  
20 time, considering that Commissioner Bergman will be  
21 leaving so that the vote would be skewed at that  
22 point in time.

23 THE CHAIR: Do we need to vote on that,  
24 Josh, or just -- we'll just leave it the way that it  
25 is. It'll go to the Secretary.



1 MS. ALDERETE-TRUJILLO: Madam Chair,  
2 Commissioners, may I make a comment just for the  
3 record? I understand the situation. I am  
4 disheartened. I would like to say if -- in  
5 negotiations, if Commissioner Bergman had said, "You  
6 have to have 70 percent," I would have said, "Okay."

7 I don't feel like -- I feel it is a little  
8 bit unfair, because if I had been told that, "You're  
9 not going to get the vote -- you're not going to be  
10 able to keep your school open for your kids if you  
11 come to the table with 50 to 55 percent," I would  
12 have said, "Okay, I'll set my goal at 80 percent."

13 I will never come to the table and deny my  
14 kids an opportunity to succeed. I just wanted to  
15 say that for the record.

16 THE CHAIR: I want to assure you that this  
17 does not close your school.

18 COMMISSIONER BERGMAN: No, it does not.  
19 No.

20 THE CHAIR: This simply goes to the  
21 Secretary to come to resolution on these numbers.  
22 It in no way causes your school to close.

23 The other thing is, Commissioner Bergman,  
24 nor anyone else, can tell you what this Commission  
25 was going to do. I think he could suggest to you

1     that we like higher numbers; but he could not tell  
2     you that they had to be, or this Commission would  
3     vote you down. He can't really predict that.

4             MR. GRANATA: Madam Chair, Commissioners,  
5     I just want to clarify the record, just so that the  
6     school is kind of put on notice. I'd recommend that  
7     the school does look at the Charter School Act  
8     22-8B-9. There's a process in which the school  
9     needs to appeal. And if the school fails to appeal,  
10    then there is no contract.

11            And so just to give you notice that you --  
12    to take a look at the Charter School Act and see  
13    what the school needs to do so that you guys can  
14    have a contract.

15            THE CHAIR: Thank you. Let me just say,  
16    in light of the discussion that's gone on, does  
17    anyone choose to change their vote?

18            All right. Then I am declaring an impasse  
19    on this particular performance contract and  
20    performance framework and leave you to work with the  
21    Secretary through the appeal process.

22            Ladies and gentlemen, we need to close  
23    this session. And we will be back at five minutes  
24    till 2:00. Thank you very much. We are in recess.

25            (A recess was taken at 12:55 p.m., and

1 reconvened at 2:05 p.m., as follows:)

2 THE CHAIR: Ladies and gentlemen, we are  
3 back in session. We are on agenda item 7H,  
4 Southwest Secondary Learning Center. Commissioner  
5 Toulouse is coming. Everybody else is here.

6 Please let the record show that  
7 Commissioner Bergman did have to leave.

8 Is anyone here from Southwest Secondary  
9 Learning school? Okay. I see no one; so let's move  
10 ahead.

11 I notice that we have the Certificate of  
12 Resolution signed by the governing council chair. I  
13 notice that we have minutes from a governance  
14 council meeting.

15 However, I would ask that you look at the  
16 second page of the actual minutes themselves, under  
17 the side heading, "Administration." Is everybody  
18 there?

19 COMMISSIONER ARMBRUSTER: No.

20 THE CHAIR: If you look at the second  
21 paragraph, where the group talked about the  
22 performance framework, I don't see where any vote  
23 was taken.

24 Now, below that, below those bulleted  
25 items, it says there was a motion to approve the

1 Certificate of Resolution of the Southwest Learning  
2 Center character- -- no, I'm sorry -- charter  
3 contract. And that was seconded and voted on. But  
4 it doesn't mention the performance framework. So  
5 I'm thinking -- Josh, are you with me? -- that their  
6 minutes are insufficient?

7 MR. GRANATA: Yeah.

8 THE CHAIR: So we need to have that  
9 corrected.

10 I would also ask, in that second paragraph  
11 underneath the side heading "Administration," about  
12 in the middle, there's a sentence that begins, "If  
13 we don't meet these standards, the Public Education  
14 Department is going to want a reason why."

15 Might I suggest someone remind them that  
16 they are authorized by the Public Education  
17 Commission, please? And maybe that could be  
18 corrected at the same time we get their formal  
19 minutes.

20 Okay. CSD, could we hear your  
21 recommendation on Southwest Secondary?

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, CSD has reviewed all the documents and  
24 recommends approval of both the framework and  
25 contract. They have set rigorous goals, and they

1 are a high performing school.

2 THE CHAIR: You have heard the  
3 recommendations from -- so, Commissioners, do you  
4 have -- do you have questions, Commissioners, on  
5 their academic indicators?

6 I would just point out that their first  
7 one is a math goal, and that they're using the STARS  
8 Assessment. They're using "80 percent or more will  
9 achieve a full year's growth to exceed standards."  
10 And then their reading assessment also uses STARS,  
11 and they've upped their percentages 5 percent.

12 COMMISSIONER CHAVEZ: So, Madam Chair, I'm  
13 just looking at the minutes, and it seems like they  
14 had some questions during that meeting in terms of  
15 wanting to know who set -- who set such high goals,  
16 and what if we don't make the percent. It's too bad  
17 that somebody's not here from the school for us to  
18 ask questions.

19 THE CHAIR: A lot of people ask that  
20 question generally during the negotiations. And,  
21 remember, this is a one-year document. So when they  
22 come back at the end of the year that this document  
23 covers, there will be a renegotiation.

24 COMMISSIONER CHAVEZ: Right. I'm just  
25 saying that someone had some concerns; so I'm not

1 sure if their concerns were answered during the  
2 board meeting or not. The minutes don't reflect  
3 that. So it's too bad that someone's not here to  
4 speak to that or for us to ask questions.

5 THE CHAIR: Right. And I'm sure if they  
6 wanted a more direct answer quickly, they could  
7 contact CSD and get information there.

8 Any comments or questions on their  
9 academic indicators?

10 COMMISSIONER GIPSON: Those are good  
11 numbers.

12 THE CHAIR: Good numbers.

13 All right. Hearing no discussion, the  
14 Chair would entertain a motion.

15 COMMISSIONER GIPSON: Madam Chair -- see  
16 if I can get this right this time -- I move that the  
17 Public Education Commission accept the performance  
18 framework and performance contract, as presented,  
19 for Southwest Secondary Learning Center -- oh -- and  
20 pending corrected minutes.

21 COMMISSIONER ARMBRUSTER: I would second  
22 that, but for the year 2015-'16.

23 THE CHAIR: I think what's in the book.  
24 All right. You've heard the motion by Commissioner  
25 Gipson, second by Commissioner Armbruster.

1           Is there further discussion?

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

3 roll-call vote?

4           COMMISSIONER PERALTA: Commissioner

5 Toulouse?

6           COMMISSIONER TOULOUSE: I suppose, yes.

7           COMMISSIONER PERALTA: Commissioner

8 Armbruster?

9           COMMISSIONER ARMBRUSTER: Yes.

10          COMMISSIONER PERALTA: Commissioner

11 Conyers?

12          COMMISSIONER CONYERS: Yes.

13          COMMISSIONER PERALTA: Commissioner

14 Peralta votes "yes."

15          Commissioner Gipson?

16          COMMISSIONER GIPSON: Yes.

17          COMMISSIONER PERALTA: Commissioner

18 Chavez?

19          COMMISSIONER CHAVEZ: Yes.

20          COMMISSIONER PERALTA: Commissioner

21 Shearman?

22          THE CHAIR: Yes.

23          COMMISSIONER PERALTA: That is 7 to 0 in

24 favor of the motion.

25          THE CHAIR: Thank you very much. The

1 motion to accept the documents from Southwest  
2 Secondary Learning Center, as presented in the  
3 notebook, with the condition of receiving official  
4 approved, corrected minutes, has passed.

5 The next school on the agenda is the  
6 Montessori Elementary School.

7 Do we have anyone from that school?

8 Please come down to the table. Good  
9 afternoon.

10 MS. BESANTE: Good afternoon.

11 THE CHAIR: CSD?

12 MS. LUCERO: Madam Chair and members of  
13 the Commission, CSD has reviewed the documents and  
14 participated in negotiations with this school and  
15 recommends approval of both framework and contract.  
16 Their percentages are also rigorous.

17 THE CHAIR: Thank you.

18 COMMISSIONER GIPSON: These minutes say  
19 the same thing as the previous one, the -- for  
20 the -- approve the Certificate of Resolution. If  
21 you look on your "Discussion, Action, Charter  
22 negotiated contract," it's on the back.

23 THE CHAIR: Yeah.

24 COMMISSIONER GIPSON: Yeah.

25 THE CHAIR: It's just not signed.



1 COMMISSIONER GIPSON: But it's only for  
2 the Certificate of Resolution. It doesn't say  
3 performance.

4 COMMISSIONER TOULOUSE: Well, Madam Chair,  
5 I think the Certificate of Resolution says what it  
6 resolves, that the charter contract -- that it  
7 approves the following charter contract, charter  
8 waivers, performance framework.

9 THE CHAIR: Then it says, "approves the  
10 following."

11 COMMISSIONER GIPSON: Oh, it does. I'm  
12 sorry. You're right. I'm sorry.

13 COMMISSIONER TOULOUSE: It's getting into  
14 the afternoon.

15 COMMISSIONER GIPSON: I didn't look far  
16 enough, yeah.

17 THE CHAIR: If you would introduce  
18 yourself, please, and let us know anything you would  
19 like to tell us about these indicators that were  
20 negotiated.

21 MS. BESANTE: My name is Mary Jane  
22 Besante, the director and principal, the one and  
23 only, at the Montessori Elementary and Middle  
24 School.

25 Thank you for having us here today --

1 me -- here. And the negotiations, I felt, were  
2 really productive, and I felt supported, and I still  
3 do. So thank you so much.

4 THE CHAIR: Thank you. Just give us a  
5 minute to read through these.

6 Commissioners, do you have questions?  
7 Comments?

8 Are we ready for a motion?

9 Commissioner Armbruster, would you like to  
10 make the motion?

11 COMMISSIONER ARMBRUSTER: I knew you were  
12 going to call me. I don't think I can do it; but  
13 we'll --

14 COMMISSIONER TOULOUSE: I would be willing  
15 to try it again. And you can second it. Do you  
16 want to do that? You can go ahead.

17 COMMISSIONER ARMBRUSTER: I've been  
18 writing things down; but every time, somebody  
19 changes it.

20 COMMISSIONER TOULOUSE: Let me do it  
21 again, more or less.

22 I move that the Public Education  
23 Commission approve the performance contract and  
24 performance framework for the first year, not the --  
25 the contract is for the full term; the performance

1 framework is for one year -- for the Montessori  
2 Elementary School, contingent on all minutes and  
3 whatever we may or may not have be properly signed  
4 by the time this goes in effect July 1st.

5 THE CHAIR: Okay. Do we hear a second?

6 COMMISSIONER ARMBRUSTER: Oh, yes, of  
7 course.

8 THE CHAIR: Thank you very much. Motion  
9 by Commissioner Toulouse, second by Commissioner  
10 Armbruster.

11 Any discussion?

12 Hearing none, may we have a roll-call  
13 vote?

14 COMMISSIONER PERALTA: Commissioner  
15 Peralta votes "yes."

16 Commissioner Gipson?

17 COMMISSIONER GIPSON: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Chavez?

1 COMMISSIONER CHAVEZ: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Shearman?

4 THE CHAIR: Yes.

5 COMMISSIONER PERALTA: Commissioner  
6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Madam Chair, that  
9 is a 7-to-0 vote in favor of the motion.

10 THE CHAIR: Thank you. The motion passes  
11 unanimously. Thank you very much. Have a good  
12 year.

13 MS. BESANTE: Thank you so much. Our  
14 meeting is on Monday, our board meeting. I'll send  
15 the signed minutes right afterwards. Thank you.

16 THE CHAIR: Thank you.

17 And now we're going to circle back to  
18 Albuquerque Sign Language Academy.

19 CSD, we'll hear your recommendation,  
20 please?

21 MS. LUCERO: Madam Chair, members of the  
22 Commission, CSD recommends approval of both  
23 framework and contract for Albuquerque Sign Language  
24 Academy. If you'll notice, they have a number of  
25 goals, and they are including every -- all of their

1 students; so you will see they've done a really  
2 great job of doing that. They have set very  
3 reasonable percentages and set reasonable goals, as  
4 well.

5 THE CHAIR: Thank you very much.

6 Hi. Would you like to introduce yourself  
7 and let us hear from you, please?

8 MR. MARTINEZ: I'm Raphael Martinez. I'm  
9 executive director of the Albuquerque Sign Language  
10 Academy.

11 THE CHAIR: You're the -- the document is  
12 going to stand for itself, or do you care to address  
13 it?

14 MR. MARTINEZ: The document will stand for  
15 itself. And I would just like to say, I think we're  
16 a great little school. I invite everyone to come  
17 visit, see for yourself.

18 I will say, as far as just our trajectory,  
19 programmatic trajectory, we're -- I think if people  
20 don't know, we are doing some things that are  
21 currently being recognized nationally as being  
22 unique, something that's not being attempted  
23 anywhere in the country.

24 And because of that, we've been getting  
25 more and more calls about replication, not just

1 from -- not from in-state, but from out of state,  
2 groups out of -- there's a group out of Minnesota, a  
3 group out of Arizona; and, actually,  
4 internationally, a group out of Haiti.

5 So people are paying attention to what  
6 we're trying to do. It matters to us, and it  
7 matters to the state.

8 THE CHAIR: Thank you. Appreciate it.

9 (Chair consults with PEC counsel.)

10 THE CHAIR: All right. I am told by  
11 Mr. Granata that the minutes are fine, except  
12 they're not signed. So when you get a signed copy,  
13 would you get those to CSD, please?

14 MR. MARTINEZ: Commissioner -- Chair --  
15 yes.

16 THE CHAIR: Thank you. Let's go -- as  
17 Julie said, and has been repeated, the goals that  
18 this school has set are unique to the school because  
19 of their unique, unique mission. So if you want to  
20 spend a couple of minutes looking over those?

21 Tell me your grade levels.

22 MR. MARTINEZ: Madam Chair, members of the  
23 Commission, right now, we have students from  
24 kindergarten to ninth grade. We're approved to  
25 twelfth grade.

1 THE CHAIR: Okay. But I notice your  
2 reading and your math proficiency goals are only  
3 ninth through eleventh grade. Have I just not  
4 gotten to some of the other grades?

5 MR. MARTINEZ: Well, members of the  
6 Commission, we don't -- well, we don't have tenth-  
7 through twelfth-graders in our building.

8 THE CHAIR: But you said from  
9 kindergarten.

10 MR. MARTINEZ: To ninth-graders, now. But  
11 our high school cohort exists primarily, or only, of  
12 students with high special needs.

13 THE CHAIR: If I look further, will I see  
14 goals for your younger children?

15 MR. MARTINEZ: Absolutely. That's where  
16 most of our goals are directed.

17 THE CHAIR: I don't see them.

18 COMMISSIONER GIPSON: I think --

19 THE CHAIR: Are they somewhere else?

20 COMMISSIONER GIPSON: I think you're  
21 missing pages.

22 MS. LUCERO: Their Page 6 addresses  
23 K-through-8 students.

24 COMMISSIONER GIPSON: See, my Page 6 is  
25 the financial performance framework.

1 THE CHAIR: I think I'm looking at the  
2 wrong -- no, Albuquerque Sign Language.

3 MS. LUCERO: You may be looking at the --

4 COMMISSIONER GIPSON: I was looking at the  
5 wrong school. I thought I had the right school.

6 THE CHAIR: I'm sorry. I turned too many  
7 pages.

8 COMMISSIONER GIPSON: I did, too.

9 THE CHAIR: I apologize. I'm looking at  
10 your goals.

11 MS. LUCERO: Madam Chair, members of the  
12 Commission, they actually have eleven goals that  
13 they've proposed.

14 THE CHAIR: I turned to the wrong school.

15 MR. MARTINEZ: Madam Chair, members of the  
16 Commission -- so I probably should clarify as to why  
17 we have so many. So as some of you may know, we're  
18 one of the only -- I think we are the only TBD  
19 school in the state when it comes to school grades;  
20 so we don't get a grade.

21 The reason is, is because our unique  
22 population and our unique program. So in working  
23 with the PED Assessment Bureau, we're validating and  
24 norming a battery of tests that can better fit the  
25 needs of our students. And so we are committed to



1     being accountable -- I think we are accountable --  
2     to our families, to our students, to our community.

3             We're just -- what we're trying to do is  
4     work with PED to help them understand how to better  
5     measure our students in a formula that fits their  
6     kind of systematic thinking. So because we have --  
7     because we -- that's the reason we have eleven  
8     separate goals is because we don't have a formula  
9     grade right now from the PED. We're helping PED  
10    formulate that for our kids.

11            When we come to agreement that some type  
12    of academic formula fits our student and our  
13    population and our school, then all of those goals  
14    will then be pushed back into our school grade, and  
15    then our mission-specific goals will be the primary  
16    two indicators that are -- that will sit on the  
17    chart.

18            I hope that clarifies things.

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

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

23            COMMISSIONER ARMBRUSTER: Okay, I'll try  
24    it.

25            I move that the PEC approve the

1 performance contract and performance framework for  
2 2015-'16 for the -- what's the name of this  
3 place? -- Albuquerque Sign Language Academy of  
4 Excellence, pending signature on the minutes.

5 Is that right? The minutes; right? I  
6 think that's it.

7 THE CHAIR: Okay. Thank you.

8 COMMISSIONER ARMBRUSTER: As presented  
9 today.

10 THE CHAIR: Thank you very much.

11 Now, do we have a second to the motion?

12 COMMISSIONER GIPSON: I'll second.

13 THE CHAIR: You've heard the motion, I  
14 think, by Commissioner Armbruster -- thank you --  
15 second by Commissioner Toulouse.

16 Any further discussion?

17 COMMISSIONER TOULOUSE: Gipson.

18 THE CHAIR: What?

19 COMMISSIONER GIPSON: I'm guilty of this  
20 second.

21 COMMISSIONER TOULOUSE: She jumped in  
22 before I could.

23 THE CHAIR: Well, somebody over there  
24 seconded.

25 Okay. Any further discussion? Hearing

1 none, Mr. Secretary, may we have a roll-call vote?  
2 COMMISSIONER PERALTA: Commissioner  
3 Conyers?  
4 COMMISSIONER CONYERS: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Gipson?  
7 COMMISSIONER GIPSON: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Chavez?  
10 COMMISSIONER CHAVEZ: Yes.  
11 COMMISSIONER PERALTA: Commissioner  
12 Toulouse?  
13 COMMISSIONER TOULOUSE: Yes.  
14 COMMISSIONER PERALTA: Commissioner  
15 Armbruster?  
16 COMMISSIONER ARMBRUSTER: Yes.  
17 COMMISSIONER PERALTA: Commissioner  
18 Shearman?  
19 THE CHAIR: Yes.  
20 COMMISSIONER PERALTA: Commissioner  
21 Peralta votes "yes."  
22 That is a 7-to-0 vote in favor of the  
23 motion.  
24 THE CHAIR: Thank you very much. The  
25 motion carries unanimously for Albuquerque Sign

1 Language Academy.

2 Congratulations. Hope you have a great  
3 year.

4 MR. MARTINEZ: Thank you.

5 THE CHAIR: I believe we're ready to go  
6 back to our regular meeting notebook at this point.

7 Boy, it sure seems a lot smaller, doesn't  
8 it?

9 And we will move to Item No. 8, which is  
10 Discussion and Possible Action on PEC Statutory  
11 Requirements. This was requested by  
12 Commissioner Carr.

13 But since he is not here today, we will  
14 skip over this item and go to No. 9, Discussion and  
15 Possible Action on Joint Resolution HJR4. And I  
16 understand this was also requested by Commissioner  
17 Carr. And I understand that Commissioner Peralta is  
18 going to speak to that item.

19 COMMISSIONER PERALTA: Just to let you  
20 know, I received the e-mail from him that he wasn't  
21 going to be here; so I asked him to share what he  
22 wanted me to share with the Commission.

23 His response to that was that he would ask  
24 that to be tabled, as well.

25 THE CHAIR: Ask it to be?

1 COMMISSIONER PERALTA: Tabled.

2 THE CHAIR: So "table" is a formal motion.

3 Would you care to make that -- no? It's not a

4 formal motion. We'll move right on.

5 Okay. How about item No. 10, which is

6 Report from the Chair?

7 And I hope I remember all the things that

8 I wanted to bring to you all today.

9 I wanted to let you all know -- remember

10 last meeting, we decided to send a letter to the

11 Attorney General asking for formal opinion on

12 whether Notices of Intent for statewide online

13 virtual schools should have to be sent to every

14 district and State-chartered school in the state?

15 There's a question, you know, where are

16 they located? If they're statewide, then they need

17 to notify everyone.

18 We, also -- at the request of

19 Commissioner Carr, I put in the letter asking

20 whether State-chartered charter schools were, in

21 fact, considered stand-alone districts. And I wrote

22 the letter; Josh looked at it, did some editing.

23 And it has been sent, and I'll let you know when I

24 hear something. Okay?

25 The next thing I wanted to bring to you is

1 I visited with Deputy Secretary Aguilar, who was  
2 here this morning. And he has made the offer to  
3 extend -- the plan is -- these are his words -- the  
4 plan is to extend the contract of Julia Barnes, who  
5 is working as our contract negotiation facilitator  
6 this year -- he has offered, in his plan, to extend  
7 her contract so that it will include her  
8 representing the PEC in appeals.

9 He also said if that was agreeable to the  
10 Commission, that he would plan to make that same  
11 contract available next year, so that she could  
12 facilitate contract negotiations and represent the  
13 Commission in appeals.

14 I told him I thought it was a wonderful  
15 idea. I don't think we need to vote on it. It's  
16 certainly not an action item that I see; but I  
17 wanted to bring that to you. And if anyone was  
18 opposed for whatever reason, I think now would be  
19 the time to say so.

20 Okay. Deputy Secretary Aguilar also told  
21 me -- those of you who have been on the Commission  
22 for a while recall that he made the offer about a  
23 year ago, or maybe longer than that, that the Public  
24 Education Department would hire the PEC a full-time  
25 attorney. At that time, we had an attorney who was

1     able to do everything and whose time was not as  
2     limited.

3             The AG's office now -- and we visited with  
4     them about this -- has become very, very busy and  
5     have fewer attorneys than they need. So Josh, as  
6     you know, is not able to represent us in appeals  
7     before the Secretary.

8             Deputy Secretary Aguilar has renewed his  
9     offer to hire us a full-time secretary -- a  
10    full-time attorney on a Request for Proposal basis  
11    that goes year to year.

12            And I told him I would bring it to the  
13    Commission, let us all think about it for a while,  
14    and that we would get back to him on it.

15            So please think about it and let Josh know  
16    what you think. That way, it won't be a rolling  
17    quorum. You won't be responding to me, okay?

18            All right. The next thing that I have on  
19    my list that I wanted to ask about and bring up,  
20    just for continuity's sake, is if you'll recall, we  
21    put a condition on the Southwest Intermediate and  
22    Secondary schools' conditions for their renewal that  
23    they look at combining two of their Southwest  
24    Schools. I haven't heard anything about that since  
25    those renewal documents were signed; and I didn't

1 think to ask anything about it, quite frankly, in  
2 the negotiations for contracts.

3 So I would appreciate it, Katie, if your  
4 office would follow up on that and perhaps make it  
5 part of your Director's Report or -- in some place,  
6 keep us apprised of that.

7 COMMISSIONER TOULOUSE: Madam Chair, we  
8 did discuss it in the negotiations, and they  
9 understood they were to come back -- since we only  
10 gave them the two years -- with Intermediate put one  
11 direction or the other.

12 THE CHAIR: I'm asking for a progress  
13 report.

14 COMMISSIONER TOULOUSE: No, I know. I'm  
15 just -- but you said you didn't remember  
16 discussing -- I wanted to make sure --

17 THE CHAIR: You're right.

18 COMMISSIONER TOULOUSE: It was discussed  
19 with them, and their approach. They could either  
20 make -- there's K through 8 or 6 through 12; but  
21 they couldn't have the 6, 7, and 8 separate was what  
22 we told them.

23 THE CHAIR: Or 7th and 8th.

24 COMMISSIONER TOULOUSE: Yeah.

25 THE CHAIR: And the last thing I wanted to



1 bring up is also in last month's meeting, we  
2 discussed asking CSD to send either a letter or an  
3 e-mail to all of the districts and charter schools  
4 in the state letting them know that we do have  
5 application -- Notices of Intent from two online  
6 schools.

7 I know that's been something that Katie  
8 and the other people in the Division and PED have  
9 been working on. I don't know if that's been  
10 resolved.

11 Katie?

12 MS. POULOS: Madam Chair, Commissioners,  
13 that is not an issue that's been resolved at this  
14 point. I know there's still discussions between --  
15 Matt and Josh have had some e-mail exchanges. And  
16 that's where I am aware things are at this point in  
17 time.

18 THE CHAIR: Do you have anything to add,  
19 Josh?

20 MR. GRANATA: Not really.

21 THE CHAIR: Not really? Okay. I would  
22 ask that you follow up on that with us.

23 MS. POULOS: Yes.

24 THE CHAIR: Okay. And I believe that's  
25 everything I had to bring to you. Does anybody

1 think of anything that I've forgotten?

2 COMMISSIONER ARMBRUSTER: I do. I think  
3 we should just -- maybe, just for the minutes, have  
4 our parking issue put in there; because I know that  
5 that -- you forgot it, because you have a parking  
6 place.

7 We -- I think Beverly's been working on  
8 that with unsuccessful answers. Am I correct,  
9 Beverly?

10 THE CHAIR: Commissioner Armbruster, would  
11 you like to hold that until Comments from PEC  
12 Commissioners?

13 COMMISSIONER ARMBRUSTER: I will do that.

14 THE CHAIR: Are we okay on that?

15 COMMISSIONER ARMBRUSTER: It's fine.

16 THE CHAIR: Moving forward, the next item  
17 on the agenda is the Charter School Committee.  
18 Since Mr. Bergman is not here, I don't believe he  
19 had a report, other than just to remind everyone  
20 that next week's negotiations will be in Santa Fe.  
21 They were originally scheduled for Albuquerque, and  
22 they will be in Santa Fe, okay?

23 Next item, 12, Report, Discussion,  
24 Possible Action on PSCOC Meeting Information.

25 Commissioner Peralta, have you got

1 anything new for us?

2 COMMISSIONER PERALTA: Nothing of real  
3 significance, Madam Chair. We met -- on May 5th was  
4 our last meeting with the Capital Outlay Council.  
5 We finally, over the last few months, have been  
6 toying with various scenarios on a final financial  
7 plan, and finally agreed to -- it was finally agreed  
8 upon, on the 5th, that the financial plan was  
9 approved.

10 As far as facility goes and projects, it's  
11 looking like they're going to be delaying some  
12 projects that might be affecting about eleven school  
13 districts. And that certainly means that those  
14 school districts might be delayed up to five  
15 quarters, depending on where they're at with  
16 construction or planning or whatever it is.

17 But that's really the biggest item that  
18 has been, you know, talked about in the Council  
19 meeting; other than that, nothing of real  
20 significance. Thank you.

21 THE CHAIR: Thank you. Any questions for  
22 Commissioner Bergman? He's not "Bergman"; he's  
23 "Peralta." I'm sorry, Commissioner Peralta.

24 Okay. Let's move on. Item 14 is Old  
25 Business. I don't have any. Does anyone else?

1 Did I skip one?

2 Oh. I want this meeting over, don't I?

3 I'm sorry. I skipped 13, Committee and Liaison

4 Reports.

5 Does anyone have reports from any

6 committees?

7 COMMISSIONER TOULOUSE: Madam Chair --

8 well, I just want to report that the Legislative

9 Education Study Committee will hold its

10 organizational meeting May 28th. And I do intend to

11 attend, but more in my role as spectator than a

12 Commission member, because as you know, part of my

13 entertainment is watching the legislative process.

14 COMMISSIONER CHAVEZ: Do they know that?

15 COMMISSIONER TOULOUSE: Madam Chair, I

16 doubt it.

17 THE CHAIR: Anything else?

18 All right. Let's move on, again, Item 14,

19 Old Business. Anything?

20 Item 15, PEC Comments.

21 Commissioner Chavez, do you have anything?

22 COMMISSIONER CHAVEZ: Let's see. Well, I

23 think the only thing that I wanted to just kind of

24 circle back to and make sure -- you know, I had made

25 some comments earlier about receiving of the audits

1 of the schools, and just want to make sure that --  
2 that it's understood that I'm not talking about the  
3 form that gets filled out, but the actual audit.

4 So...

5 MS. POULOS: Madam Chair, Commissioners, I  
6 certainly will do that. And I think what I may do  
7 is work to kind of figure out when that would be a  
8 good time, when -- you know, when they come in, when  
9 we would have time to maybe do a little bit of  
10 evaluation and overview for you, in addition to the  
11 findings, and then be able to present those to you.

12 If that sounds amenable, I will put that  
13 on my agenda piece for next month to report out to  
14 you.

15 THE CHAIR: Commissioner Chavez, is that  
16 essentially what you're asking for?

17 COMMISSIONER CHAVEZ: Yes.

18 THE CHAIR: Thank you. Thank you, both.  
19 Commissioner Armbruster, let's talk about  
20 parking.

21 COMMISSIONER ARMBRUSTER: Oh, well. Now  
22 that it's raining and hailing, it's a more relevant  
23 comment.

24 I think Beverly and I -- since I started  
25 this, and Beverly's taken over for that, finding

1 information, that we need to negotiate with the  
2 State, or the City, whomever it is; because I  
3 understand that -- and I don't know if they pay for  
4 it; but lobbyists --

5 MS. FRIEDMAN: Not lobbyists, the  
6 legislators.

7 COMMISSIONER ARMBRUSTER: The lobbyists, I  
8 was told, also get those hooded things during the  
9 legislative session. They may be paying for it; I  
10 don't know that.

11 But I was saying that, first of all, one  
12 of our Commissioners already has parking, and one  
13 has handicapped parking; so that really leaves us  
14 with eight. And since I've only been here since  
15 January, and we weren't here January, February, and  
16 March, and I don't know if that would continue in  
17 the -- like, next year in the short session, that we  
18 may not be here January and February because of the  
19 Legislative Session. So now we're down to eight  
20 people for ten months, as opposed to ten people for  
21 12 months.

22 COMMISSIONER GIPSON: I followed your  
23 lead, and I just parked at the parking meter with  
24 the -- with the license plate. So...

25 COMMISSIONER ARMBRUSTER: And you haven't

1 looked today.

2 COMMISSIONER GIPSON: Hopefully, my car is  
3 still out there.

4 COMMISSIONER CHAVEZ: But not all of us  
5 have license plates.

6 COMMISSIONER GIPSON: But if you talk to  
7 Beverly, you can get a plate.

8 I have just one comment, and I don't know  
9 whether this affects it or not. But I know NMSU  
10 used to give parking passes to elected officials.  
11 They can no longer do it, because there's  
12 limitations on gifts.

13 So the value of that, you have to --  
14 that's an area that I'm not all that familiar with.  
15 But there is a monetary value to it, and they said  
16 they could no longer do or -- or it could no longer  
17 be accepted because of the value of it.

18 So I think that's something that you need  
19 to look at. You know, what they have done for us is  
20 as long as we have a plate, they won't give us a --

21 THE CHAIR: I've never had a ticket with  
22 that plate.

23 COMMISSIONER GIPSON: At the University.  
24 But they said it can no longer be accepted, because  
25 it exceeds the gift limit that is placed. So that's

1 just -- I'm just throwing it out there.

2 COMMISSIONER CHAVEZ: Yeah, we'll figure  
3 it out.

4 COMMISSIONER ARMBRUSTER: The only thing I  
5 would say is we're going to continue to pursue it  
6 just for a little while to see -- just because  
7 it's --

8 THE CHAIR: Beverly?

9 MS. FRIEDMAN: Madam Chair, Commissioners,  
10 I might just add that the actual amount for each  
11 Commissioner would be \$63 per month, which would add  
12 up to \$756 per year. And multiplied by the ten  
13 Commissioners, would be \$7,650 for the year for a  
14 parking place. My comment to the head of Parking  
15 was that you were here for one to two days a month,  
16 and if we could work something out for that, we  
17 could certainly pay for parking on those days.

18 I have not heard from the last person I  
19 wrote to; but as I was mentioning to a couple of the  
20 Commissioners this morning, I wanted to talk to the  
21 person who is in charge of the legislators' parking  
22 arrangements with the City and see if we could maybe  
23 work with them and have 10 more elected officials  
24 added to their -- to their -- you know, contract  
25 with the City. And so we could check into that.



1 I think today is a unique day, because of  
2 the weather, you know, for parking and everything,  
3 too; so...

4 THE CHAIR: We'll see. Okay. Thank you  
5 for pursuing that.

6 Commissioner Conyers?

7 COMMISSIONER CONYERS: I have no comment.

8 THE CHAIR: Okay. Commissioner Peralta?

9 COMMISSIONER PERALTA: None here.

10 THE CHAIR: I have none.

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, I  
13 have just one comment to pass along during the  
14 break. The ACE Leadership Academy, in their high  
15 school -- rather, in their new facilities, have a  
16 room -- have room available, if we need a space for  
17 a work session in Albuquerque.

18 THE CHAIR: Okay.

19 COMMISSIONER TOULOUSE: Since we were  
20 talking about trying to find someplace that wouldn't  
21 cost anything, I was told by a representative from  
22 them that they would be willing to host us in a work  
23 session.

24 MS. FRIEDMAN: I'm sorry?

25 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 MS. FRIEDMAN: Terrific. Thank you very  
5 much.

6 THE CHAIR: Commissioner Gipson?

7 COMMISSIONER GIPSON: I'm fine.

8 THE CHAIR: Okay. That ends public  
9 comment -- PEC Comments.

10 Next item on the agenda is No. 16, Open  
11 Forum. Before we get started on that, I'm going to  
12 turn the floor over to our attorney and ask that he  
13 give us some information.

14 MR. GRANATA: Madam Chair, Commissioners,  
15 I've been looking through the Rules of Order. The  
16 Chair asked me to, I guess, give the Commission this  
17 information, that according to the -- to the  
18 policies that the Commission has adopted regarding  
19 public comment, the Chair should allow for public  
20 comments under the following parameters:

21 Item C says that the Chair has the  
22 discretion to rule out of order presentations that  
23 are a matter of pending litigation.

24 Today, I was served a copy of a Notice of  
25 Appeal from Health Sciences Academy. I would

1 suggest to the Commission -- I understand that  
2 there's a lot of members here from the school, and  
3 Mr. Ivey-Soto and various representatives from the  
4 school, who wish to address the Commission. So if  
5 it's the Commission's will, they can limit the  
6 discussion in terms of what has been presented in  
7 the appeal in terms of discussing matters that are  
8 going to be litigated.

9 So it's up to the Chair in terms of how to  
10 limit the public comment.

11 THE CHAIR: I would appreciate some  
12 guidance from the Commission. My thought is to  
13 follow our Rules of Order and not to allow -- may I  
14 see that, please? -- and not to allow any public  
15 comment or any presentations that are a matter of  
16 pending litigation. To my mind, that would be just  
17 about anything to do with Health Sciences Academy.

18 Does anyone disagree with that?

19 MR. GRANATA: Madam Chair, I think I  
20 disagree just a little bit.

21 THE CHAIR: You just told me that.

22 MR. GRANATA: I would ask the Commission  
23 to err on the side of allowing for more comment than  
24 less. I would suggest that comments that are --  
25 anything that's related directly to the appeal, to

1 arguments that are made in the appeal, not be made  
2 before the Commission at this point in time.

3           However -- I mean, I would allow -- I  
4 think the Commission should allow comments regarding  
5 the school itself, perhaps just being careful about  
6 the reasons that the Public Education Commission  
7 decided to revoke the charter and the closure of the  
8 school. It's a fine line to balance; but I would  
9 suggest that the PEC allows more comment than not.

10           THE CHAIR: Okay. Is that all right with  
11 everybody?

12           Okay. So --

13           COMMISSIONER GIPSON: I just have --

14           THE CHAIR: I'm sorry?

15           COMMISSIONER GIPSON: I guess my concern  
16 is everything that's in the appeal -- are we going  
17 to get some guidance there as to when the line is  
18 being crossed?

19           MR. GRANATA: Madam Chair, Commissioners,  
20 I -- I guess I'm assuming that you haven't had the  
21 opportunity to look at the appeal.

22           COMMISSIONER GIPSON: Unh-unh.

23           MR. GRANATA: In terms of liability from  
24 the Commission, I don't think there is much  
25 liability concerns for the Commission. I expressed

1 my concerns earlier to the Commission in an  
2 attorney-client-privileged memo. And so I suggest  
3 you just refer to that earlier communication.

4 I would think that more liability would  
5 lie on the school itself in terms of making a bigger  
6 record. And I think that their counsel can -- can  
7 decide how to balance that fine line.

8 COMMISSIONER GIPSON: Okay.

9 THE CHAIR: Okay. So I'm going to ask  
10 that the people who have signed up to speak in Open  
11 Forum self-police; if your comments were going to be  
12 directed to anything that's in the litigation, that  
13 you either not speak or don't say those things. I'm  
14 going to ask Mr. Granata to help me keep an eye on  
15 those comments.

16 I also remind you that there is a  
17 four-minute time limit, and it is so stated on the  
18 agenda. So each speaker may have four minutes.

19 I would also ask, as it states on the  
20 agenda, that if there are several people here who  
21 have chosen to speak or who have signed up to speak  
22 who have the same view and are going to express the  
23 same concerns or issues or opinions, that you please  
24 choose a spokesperson, so that we may have one  
25 speaker speaking for the group.

1           Is that agreeable with those of you who  
2   have signed up to speak?

3           All right. Mrs. Friedman is going to be  
4   our official timer. Your time will begin when  
5   you're at the table, when you press the button on  
6   the microphone, and you begin to speak. Okay.

7           THE CHAIR: All right. The first name I  
8   have on the list is Raphael Nevins. And I remind --  
9   I remind Commissioners, this is a comment session  
10   only. We hear what they say. We don't debate. We  
11   don't ask questions, and we don't answer questions.

12          MR. NEVINS: Madam Chairman, members of  
13   the Public Education Commission, Ms. Poulos,  
14   welcome. I'm not privy to what the litigation  
15   before you is, and so I can't comment on any of  
16   that. I just want to let you know my name is  
17   Raphael Nevins, founding member and first governing  
18   board president of Health Sciences Academy.

19          I have created a blog with documents which  
20   I sent to you in advance of this meeting:  
21   hsaportal.blogspot.com. And if you decide to look  
22   at that during your closed session, I would  
23   appreciate it.

24          I'm not going to address any issues  
25   related to the appeal, since I don't know what they

1 are.

2 I only ask you to do two things:

3 One, to look at the requirements in the  
4 SB 446 to see if you can confirm or dispute whether  
5 Mr. Pahl ever noticed the governing board of his  
6 concerns. And I only say this. Credible evidence  
7 means that all available facts, when viewed in the  
8 light of surrounding circumstances, would cause a  
9 reasonable person to believe that the HSA charter  
10 merited termination.

11 You now have additional information, and I  
12 hope you will agree the school merits an opportunity  
13 to remedy the problems and put to rest all remaining  
14 concerns.

15 Further, in order to address any governing  
16 board decisions that may have violated the Open  
17 Meetings Act in HSA bylaws taken at a special  
18 meeting on April 23rd, 2015, I shall tender my  
19 resignation to the HSA board effective May 16th,  
20 2015.

21 I have asked board members Pearl Castillo  
22 and Nancy Duhigg to do the same. In closing, I urge  
23 you to discard any biases you may have toward me,  
24 toward our dedicated governing board, and do the  
25 right thing for teachers and the 14,000 students,

1 parents, and citizens in Anthony, Chaparral, Santa  
2 Teresa, and Sunland Park. They deserve options of  
3 school choice and a chance to prepare for promising  
4 health careers.

5 Both day and evening students are  
6 dedicated, and they don't deserve to be denied  
7 options for choice.

8 Thank you.

9 THE CHAIR: Thank you, sir. Next on the  
10 list is Jacob Montaño.

11 MR. IVEY-SOTO: And, Madam Chair, if we  
12 may be given the parameters that you just provided  
13 for us, if we may be given a little bit of leeway to  
14 reorder who speaks --

15 THE CHAIR: Certainly.

16 MR. IVEY-SOTO: -- we would appreciate  
17 that.

18 This is -- and he'll be actually speaking  
19 in a few minutes -- this is the head administrator  
20 of the school, Mr. Jacob Montaño. We have two  
21 students from the day program that we'd like to  
22 introduce; one of them will speak.

23 THE CHAIR: Okay. Is that going to be  
24 part of your presentation? There are introductions.  
25 I realize they get separate time.



1 MS. MONTOYA: Yes, ma'am, it will be.

2 THE CHAIR: All right. Please go ahead  
3 when you're ready.

4 MS. MONTOYA: Madam Chair, Commissioners,  
5 first and foremost, thank you very much for lending  
6 me an audience. The last time I was here, I spoke  
7 very highly of the students and the staff at my  
8 school. I've brought them with me to speak on their  
9 own behalf, and also their peers.

10 So at this time, I would like to introduce  
11 to you Ms. Ruby Sandoval, an eighth-grade student  
12 from the Health and Sciences Academy.

13 Ruby, could you come down to the  
14 microphone, please?

15 MR. IVEY-SOTO: Would you introduce the  
16 other student, as well, even though Ruby will be the  
17 one speaking?

18 Go ahead and introduce him, too, just to  
19 let them know who he is.

20 MS. MONTOYA: We also have another student  
21 that is with us. He's one of our daytime students.  
22 He's up in the audience in the bright turquoise  
23 shirt with the matching tie.

24 MR. IVEY-SOTO: Right behind you.

25 MS. MONTOYA: Oh, he's right behind me.

1 And that is Manny Alvidrez. Thank you.

2 MS. SANDOVAL: Good afternoon -- this is  
3 this working?

4 Good afternoon, Honorary Commissioners  
5 [verbatim], Madam Chair. My name is Ruby. I'm a  
6 daughter, a friend, and a Health Science Academy  
7 student.

8 First, I'd like to thank you for taking  
9 the time to listen. I understand that Health  
10 Science Academy underwent some difficult times at  
11 the beginning; but we have grown, not only with the  
12 help of our principal, Mr. Montaña, and the  
13 financial support, but with our teachers.

14 Those teachers, they -- they see things in  
15 us that we never seen in ourselves, and they allow  
16 us to be ourselves. They support everything that we  
17 want to do. They give us opportunities that we  
18 need. And they -- they show us a whole other way of  
19 teaching. They show us a whole other way of  
20 learning. They show us how we can learn and have  
21 fun at the same time.

22 There is not any opportunity like this  
23 from where I come from. And -- and this is the only  
24 chance --

25 THE CHAIR: Just take a deep breath. We

1 want to hear what you have to say.

2 MS. SANDOVAL: I'm sorry. Excuse me. I'm  
3 sorry.

4 When I think of Health Science Academy, I  
5 think of the future. And I've never experienced or  
6 felt that before. This -- this is the only program  
7 that will take an hour to take me -- I know in my  
8 heart that this -- this opportunity, educational  
9 gifts and family, new home, will not be taken away  
10 from me.

11 And I just -- it's -- it's so important to  
12 all of us there, because that's the only chance we  
13 have. I'm sorry; but it is. And they're the only  
14 ones that support what we really want to do; because  
15 we've heard a lot that we couldn't do it; but  
16 they're the ones that say we can. And it's really  
17 important to me that this school stays.

18 So if you'd please take that into  
19 consideration. And thank you. And I'm sorry I'm,  
20 like, a mess. I'm sorry.

21 THE CHAIR: We appreciate you. Thank you  
22 very much.

23 MS. SANDOVAL: And one last thing, if you  
24 allow it, Madam Chair. We put together something to  
25 show you the importance of our school and what it

1 means to everybody there, if you'll be -- and just  
2 allow --

3 THE CHAIR: What is it?

4 MS. SANDOVAL: It's just a lot of letters  
5 and petitions that want -- stay the school. It's  
6 just a variety of information of how important the  
7 school is, if you'll allow it.

8 THE CHAIR: Yes. Just right here, and  
9 it'll get sent all around to us. You did a fine  
10 job. Thank you for being here.

11 MR. IVEY-SOTO: Madam Chair, we also have  
12 two students from the night program who are here, as  
13 this school has a night program in addition to a day  
14 program. And they are distinct.

15 THE CHAIR: How are we on time,  
16 Mrs. Friedman?

17 MS. FRIEDMAN: Yes, we're fine.

18 MR. IVEY-SOTO: If we could have students  
19 from the night program come on down?

20 MS. MONTROYA: We have two of our nighttime  
21 students, Ms. Gabby Nuñez and Luz Salcedo. And they  
22 would like to speak on behalf of the school, as  
23 well. Thank you.

24 THE CHAIR: May I just ask. Is this --  
25 you signed up to speak. Is this that time?

1 MR. IVEY-SOTO: She signed up to speak  
2 separately yes, as did --

3 THE CHAIR: And Ruby, also? And Manny?

4 MR. IVEY-SOTO: Correct.

5 THE CHAIR: So they have spoken. Okay.  
6 Please.

7 MS. SALCEDO: Good evening. My name is  
8 Luz Salcedo, and I'm a current student -- night  
9 student at Health Science Academy. And I would like  
10 to tell you that, for me, it's been a good  
11 opportunity to continue my education, because  
12 before, I was a [incomprehensible] woman; and now I,  
13 know that I'm learning, because the teachers have  
14 the time to dedicate it to us, to tell us that we  
15 can, and we will do it.

16 And before, I was a student that felt like  
17 I wasn't learning; and now, I'm learning. And I'm  
18 happy because I'm learning. And I really don't want  
19 my school to be closed.

20 I know it's -- wasn't my time; but now I  
21 know it's my time, that I really want to learn. I  
22 want to keep on going, hopefully, with the help --  
23 and you guys listen to me. You know, take it into  
24 consideration that we do need our school, night  
25 school.

1           Thank you for taking -- thank you for  
2           taking the time to listen to us.

3           THE CHAIR: Thank you.

4           MR. IVEY-SOTO: We have a teacher with  
5           us --

6           MS. DELGADO: May I?

7           THE CHAIR: Please do.

8           MR. IVEY-SOTO: -- who had also signed up  
9           to speak.

10          THE CHAIR: And what is the name, please?

11          MS. DELGADO: Marta Delgado.

12          THE CHAIR: Thank you very much.

13          MS. DELGADO: Good afternoon,  
14          Commissioners and Chair. I'm the math and science  
15          teacher in the morning. I'm a high school teacher.  
16          And this is -- I started with the school on January,  
17          and I was hired by Mr. Montaña.

18                 And I was hired -- he called me because  
19          he -- he told me that he has a plan for this school.  
20          And when I hear that, and when I hear the plan  
21          and -- I fell in love with this plan. And if you  
22          know, we're close to Mexico. So we -- our  
23          population is almost 80 percent Hispanic, English  
24          Learner -- English Language Learners.

25                 So that's one of the reasons why he -- he

1 wanted me to be there, because I am -- I speak  
2 Spanish, and I speak English.

3 So his goal was to empower these kids. As  
4 you know, for them, it's difficult to learn English  
5 and learn the academic thing at the same time.

6 So when I heard that, I said, "Yes."

7 And when he -- he didn't tell me anything  
8 about the problems that the school have. And I say,  
9 "Yes, yes, because I believe in you."

10 And two weeks ago, I said the same thing  
11 to him. "I believe in you. I'm here for you."

12 And I'm here -- we're going to stay here  
13 because of the students. They deserve this program  
14 that we have. And this is for myself; and this is  
15 for the teachers that are working there.

16 [Verbatim.]

17 So thank you for listening to us. And  
18 thank you. I hope that you understand our situation  
19 and understand that these kids need us. This is the  
20 only place around this area that is offering this --  
21 this kind of school.

22 Thank you.

23 Oh, yeah. I'm sorry. I just -- and also  
24 I wanted to let you know that the assessment -- the  
25 Discovery assessment that we applied to the

1 students, the percentage of students that passed --  
2 that are passing this -- this test increased; so  
3 this is a fact. These students are getting this  
4 information that we're giving to them.

5 So this is a fact; this is our numbers.  
6 And this is a result that -- this is fact.

7 Thank you.

8 THE CHAIR: Thank you.

9 MR. IVEY-SOTO: And I will just point out  
10 to the Commission that there -- we have the  
11 Discovery Short Cycle Assessment results in that  
12 notebook, as well, so you can see those.

13 THE CHAIR: Thank you. Thank you very  
14 much.

15 MR. IVEY-SOTO: So, Mr. Montaña?

16 MR. MONTAÑO: Madam Chair and  
17 Commissioners, I know I'm on the clock.

18 THE CHAIR: I'm asking how much time you  
19 have left. Beverly?

20 MS. FRIEDMAN: A minute and a half.

21 MR. IVEY-SOTO: Of his time?

22 MR. MONTAÑO: If you'll please excuse me,  
23 I'm going to speak rather quickly, if I might. The  
24 last time I was here, which was actually the first  
25 time I was here, I left very dejected and very hurt.



1 And I met my wife in the parking lot, and we cried  
2 about it, and then realized that we had to take some  
3 sort of good affirmative action for the students  
4 that we represent and the parents and the community.

5 Thereafter, I sought legal advice and  
6 counsel from Mr. Daniel Ivey-Soto and Ms. Abby  
7 Lewis. And they have been just terrific in helping  
8 us take affirmative action in getting our school  
9 back.

10 The last time I was here, in layman terms,  
11 I talked about a snake. And if the neighbor had all  
12 the poison in its head, could you not just cut the  
13 head out and take the poison out and help us and  
14 support us. But when I left, I realized that was my  
15 obligation; that was my responsibility, to my  
16 students, to my parents, my community, and to my  
17 governing board.

18 I took that information back to the  
19 governing board. Thereafter, we have reorganized  
20 our governing board, have a new governing board  
21 president. We've moved forward with just a number  
22 of things.

23 And I'm sorry, I guess I'm not privy to  
24 tell you all of the things that we've done. But  
25 please note that in less than a month, my goodness,

1 we've done so many things on the behalf of our  
2 students. And I beseech you to really rethink the  
3 choice that you made earlier, please.

4 I didn't run away, and I stood up. And  
5 believe me, it took an awful lot to stand up. And I  
6 guess I'm asking you to do the same and support the  
7 wonderful students that you just heard from.

8 Our program is unique. It offers  
9 something that I believe is second to none. And I  
10 stand by it 100 percent. And I'm very proud to be  
11 that school's director.

12 So thank you very much, Madam Chair,  
13 Honorary Commissioners. Thank you so much for your  
14 time.

15 THE CHAIR: Thank you, Mr. Montaña.

16 I have next on the list Adriana Romero?

17 MS. ROMERO: Good afternoon,  
18 Commissioners.

19 THE CHAIR: Good afternoon.

20 MS. ROMERO: Madam Chair, I'm the -- let  
21 me -- let me -- again, my name is Adriana Romero.  
22 I'm the new governing board president. I would like  
23 to add -- I mean, not add -- but on my terms -- we  
24 came in blindly into this. And as of now, we have  
25 been trained. We know what's going on. We want to

1 change -- we have changed.

2 In the -- as Mr. Montaño said, in less  
3 than a month, we've done so many changes. And I  
4 just want to add to that if given the opportunity,  
5 we can give -- we can make so many more changes.

6 And we've -- my -- I'm not only the board  
7 president; but I'm also a mother of one of the  
8 children there. And it's made a great amount of  
9 change to him.

10 And he said, "Mom, go save the school,"  
11 and I'm here. And it's been sad. We've been sad;  
12 we've been happy. And we just want -- we just want  
13 to save this school. That's our main concern.

14 Thank you.

15 THE CHAIR: Thank you. Next on the list,  
16 Daniel Ivey-Soto.

17 MR. IVEY-SOTO: Thank you, Madam Chair.  
18 And I -- I will not go into the issues that are  
19 listed in the appeal that Josh has.

20 I want to relate to you all my experience  
21 in going down to Santa Teresa to be at the school  
22 for a couple of meetings and to -- to see the school  
23 firsthand.

24 The first thing is I was shocked, going  
25 down to the school; because if you go the way the

1 GPS tells you to go, you end up driving, I think,  
2 eight miles into Texas, and then you end up coming  
3 back into New Mexico in order to get to the school.

4 The -- the location of the school is right  
5 near the Santa Teresa Port of Entry. And so the  
6 school is in a -- an area of the state that is --  
7 that is growing, and an area of the state where --  
8 where there is a lot of economic activity that is  
9 starting to happen.

10 When we went down for -- for the first  
11 meeting, and -- and the governing board members  
12 recognized the need to take matters into their own  
13 hands -- and I will tell you that I was so moved  
14 when -- when Ms. Romero, whom you just heard from,  
15 was elected the new president of the governing  
16 board.

17 The room was packed, and there was  
18 spontaneous applause, and people gave her a standing  
19 ovation. And -- because -- because what I realized  
20 when I got down there is that -- is that for all the  
21 adult problems that are happening with the school,  
22 which we've been working hard to work on, that are  
23 listed -- and I won't go into -- there is a  
24 community down here -- down there.

25 There are 300 families affected at this

1 school, in addition to the teachers, in addition  
2 to -- to the -- the -- these students who are active  
3 and vibrant in this school.

4 The nighttime program is, I think, really  
5 a relatively unique program in the state, in that it  
6 is -- there are a couple of other places that have  
7 something similar; but certainly, in this area, they  
8 are working with adult students who have never  
9 graduated from high school.

10 And they're not just simply saying, "Get  
11 your GED, check this box"; they're saying, "Come in,  
12 sit for a class, learn, spend the time to work a  
13 curriculum."

14 And the students are responding.

15 And so this is -- these are my  
16 observations of this community. And -- and -- and  
17 while -- the last thing that I would say is that --  
18 is that -- you know, it's -- we get paid to lawyer;  
19 but we'd much prefer to educate. And we'd much  
20 prefer to collaborate.

21 So, thank you.

22 THE CHAIR: Thank you, sir.

23 Now, according to the list I have in front  
24 of me, those are the last folks who signed up to  
25 speak citing Health Science Academy.

1 I have a Joanne Johnson, EVCA. I'm not  
2 sure what that stands for. Is Joanne here?

3 Manny, were you going to speak? Did he  
4 want to speak?

5 I'm sorry. I thought you said he was not  
6 going to speak. And that's why I --

7 MR. ALVIDREZ: Well, hi. There's a strong  
8 community at my school, and, like, you feel it,  
9 like, you feel it, like, as soon as you walk through  
10 the door. And it helped me so much, because you  
11 don't feel that at a regular school.

12 And I don't -- I can ask for help from my  
13 peers, from the teacher. And I'm not ashamed of it  
14 because we help each other. And I -- I don't -- I  
15 don't know what I would do without that school.

16 And, yeah, I'm a higher A student; but  
17 still, it's something that's grown on me. And  
18 everybody there, like, is just amazing. And when I  
19 found out that the school might be shutting down, I  
20 didn't take it as, "Oh, I'm going to lose my  
21 education," or, "I'm just going to go to another  
22 regular school," or, "I'm just going to leave"; no,  
23 I took it as if I was going to leave my family,  
24 because that's how close we are now.

25 And I just hope you take everything that

1 we just told you, and my family doesn't get taken  
2 away. That's all I want. So, please.

3 THE CHAIR: Thank you. We thank you for  
4 being here.

5 Have we got everyone that was signed up to  
6 speak?

7 Okay. We thank you all for being here.

8 Manny, did you and Mr. Montaña coordinate  
9 your wardrobes together, because he has on your tie.  
10 It's lovely; but it certainly matches your shirt.

11 Thank you all for being here.

12 COMMISSIONER TOULOUSE: Please drive  
13 carefully on the way home. There's been hail and  
14 snow.

15 MR. MONTAÑO: Yes, ma'am. Thank you.

16 COMMISSIONER ARMBRUSTER: Pardon me,  
17 Madam Chair. Will we keep this?

18 THE CHAIR: Yes, that's for us.

19 All right. Commissioners, next item on  
20 our agenda is Item No. 17, Executive Session.

21 I need someone to make the motion. And  
22 please remember, you need to read it exactly as it's  
23 listed on our agenda.

24 Can someone do that for us, please?

25 COMMISSIONER TOULOUSE: I move that the

1     PEC go into Executive Session, under 10-15-1(H)(7),  
2     Regarding Threatened or Pending Litigation.

3             THE CHAIR:   You've heard the motion.   Do I  
4     have a second?

5             COMMISSIONER PERALTA:   Second.

6             THE CHAIR:   Commissioner Peralta?

7             Motion by Commissioner Toulouse, second by  
8     Commissioner Peralta, to go into Executive Session,  
9     as was listed in the official record.

10            All those -- no, we must have a roll-call  
11   vote.

12            Mr. Secretary?

13            COMMISSIONER PERALTA:   Commissioner  
14   Toulouse?

15            COMMISSIONER TOULOUSE:   Yes.

16            COMMISSIONER PERALTA:   Commissioner  
17   Armbruster?

18            COMMISSIONER ARMBRUSTER:   Yes.

19            COMMISSIONER PERALTA:   Commission Conyers?

20            COMMISSIONER CONYERS:   Yes.

21            COMMISSIONER PERALTA:   Commissioner  
22   Peralta votes "Yes."

23            Commissioner Gipson?

24            COMMISSIONER GIPSON:   Yes.

25            COMMISSIONER PERALTA:   Commissioner



1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Chavez?

5 COMMISSIONER CHAVEZ: Yes.

6 COMMISSIONER PERALTA: Madam Chair, it's a  
7 unanimous vote to go into Executive Session.

8 THE CHAIR: We have a unanimous vote to go  
9 into Executive Session. That means we have to ask  
10 everyone in the audience to please step out of the  
11 room. If you care to hang out, we'll let you know  
12 when we're out of Executive Session.

13 Thank you.

14 (Executive Session conducted  
15 off the record.)

16 THE CHAIR: All right. We are out of  
17 Executive Session. Nothing was discussed that was  
18 not on the agenda. No decisions were made; no votes  
19 were taken.

20 Let's move on, unless anyone has something  
21 else.

22 Next item on the agenda is "Adjourn."

23 May I hear a motion?

24 COMMISSIONER CHAVEZ: So moved.

25 THE CHAIR: Do I hear a second?

1 COMMISSIONER TOULOUSE: Second.

2 THE CHAIR: All those in favor, please say

3 "Aye."

4 (Commissioners so indicate.)

5 THE CHAIR: We're adjourned. Thank you,

6 all.

7 (Proceedings concluded at 4:07 p.m.)

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STATE OF NEW MEXICO

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matter therein stated.

In testimony whereof, I have hereunto set my  
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*Cynthia Chapman*

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HANNA SKANDERA  
SECRETARY OF EDUCATION

SUSANA MARTINEZ  
Governor

## VISITORS ATTENDING PUBLIC EDUCATION MEETING

May 15, 2015

Please Sign-in

Name (Print)	Representing
Mark Casavantes	Academic Opportunities Academy
Raphael Neovins	HSA Community
BRIAN HEGNER, ET.D	ACES
Cindy Arsenault	La Jicarilla Community Sch.
Alan Marks	Cien Aguas International School
Clint Elkins	LFC
Mack Webb	TVC
Todd Krouse	NMIS
Susan Fox	Matthews Fox, P.C.
Mark Tolley	APS
Sandy Beech	community member
Osman Anderoglu	Albuquerque School of Excellence
Andrea Maestas	Amelias@tpelc.com
Justina Montoya	La Resolana Leadership Academy
John Rodarte	La Resolana Leadership Academy
Christine Rizo	" "
Adana Rojas	" "
Charlotte Trujillo	South Valley Preparatory
Joni Shauger	ACE Leadership HS
Daniel Navarro	NACA WISN
Mary Jane Besante	Mary Jane B.
Arlene Trujillo	Academy of Trades & Tech.
Airred Ortiz	Academy of Trades & Tech.
DAVID BOWER	ACE HIGH SCHOOL
Rachel Abot	Alb. Sierra Language Academy
Walter Feltz	MCHS Gallup
Larry Surrency	HSA
Abby Lewis	