

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

10 November 13, 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
21 Bean & Associates, Inc.
22 Professional Court Reporting Service
23 201 Third Street, NW, Suite 1630
24 Albuquerque, New Mexico 87102

25 JOB NO.: 4351L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MS. KATIE POULOS, Director, Charter Schools Division

MS. SUSANNE ROUBIDOUX, Assistant Attorney General,
Counsel to the PEC

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

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119 East Marcy, Suite 110
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1 THE CHAIR: I call to order this regularly
2 scheduled meeting of the New Mexico Public Education
3 Commission. I would ask Secretary Peralta for a
4 roll call.

5 COMMISSIONER PERALTA: Commissioner Pogna?
6 (Commissioner Pogna not present.)

7 COMMISSIONER PERALTA: Commissioner
8 Toulouse?

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER PERALTA: Commissioner
11 Ambruster?

12 COMMISSIONER ARMBRUSTER: Here.

13 COMMISSIONER PERALTA: Commissioner
14 Conyers?

15 COMMISSIONER CONYERS: Here.

16 COMMISSIONER PERALTA: Commissioner
17 Gipson?

18 COMMISSIONER GIPSON: Here.

19 COMMISSIONER PERALTA: Commissioner
20 Chavez?

21 (Commissioner Chavez not present.)

22 COMMISSIONER PERALTA: Commissioner Carr?

23 COMMISSIONER CARR: Here.

24 COMMISSIONER PERALTA: Commissioner
25 Peralta is here.

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Here.

3 COMMISSIONER PERALTA: Commissioner
4 Shearman?

5 THE CHAIR: Here.

6 COMMISSIONER PERALTA: Madam Chair, you
7 have eight Commissioners present here.

8 THE CHAIR: Thank you. I do declare that
9 we have an official quorum when we do business.

10 COMMISSIONER BERGMAN: Commissioner Chavez
11 walked in while you were calling the roll.

12 THE CHAIR: Thank you very much.
13 Commissioner Chavez is now here. We have nine
14 Commissioners in attendance.

15 Next item on the agenda is Pledge of
16 Allegiance and the Salute to the New Mexico Flag.
17 Commissioner Conyers and Commissioner Peralta?

18 (Pledge of Allegiance and Salute to
19 the New Mexico Flag conducted.)

20 THE CHAIR: Thank you. The next item is
21 the approval of the agenda. We may move items
22 around on the agenda; but we may not add items to
23 the agenda.

24 Does anyone have any items or any
25 discussion on the agenda?

1 Hearing none, may I have a motion on
2 approval of the agenda?

3 COMMISSIONER CARR: So move.

4 THE CHAIR: Motion by Commissioner Carr to
5 approve the agenda. Second by --

6 COMMISSIONER PERALTA: Second.

7 THE CHAIR: -- Commissioner Peralta.

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

9 (Commissioners so indicate.)

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

11 (No response.)

12 THE CHAIR: The agenda is approved
13 unanimously.

14 Item 3 is the approval of the minutes --
15 pardon me -- of the September 24th-25th meeting.

16 And I believe that was one continuous meeting; so we
17 will address those as one set of minutes.

18 Are there any corrections, additions, or
19 changes to the minutes?

20 I see none. I have none. Cindy, you did
21 an outstanding job again. Thank you very much.

22 May we have a motion to approve the
23 minutes?

24 Commissioner Carr --

25 COMMISSIONER CARR: So moved.

1 THE CHAIR: -- moves to approve the
2 minutes.

3 COMMISSIONER TOULOUSE: Second.

4 THE CHAIR: Second by Commissioner
5 Toulouse.

6 Any discussion?

7 Hearing none, all those in favor, please
8 say "Aye."

9 (Commissioners so indicate.)

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

11 (No response.)

12 THE CHAIR: The minutes are unanimously
13 approved.

14 Next item on the agenda is the update on
15 the Carl Perkins program. And I see Mr. Spencer is
16 in the audience.

17 Thank you very much for being here. If
18 you'd like to use that clip on the microphone, it
19 makes it a little bit easier.

20 MR. SPENCER: Good morning. Thank you.

21 THE CHAIR: Thank you. Please, whenever
22 you're ready.

23 MR. SPENCER: Good morning, Madam Chair,
24 members of the Commission. It's always a pleasure
25 to be here and share some of the results that we see

1 with regard to the implementation of the Carl D.
2 Perkins Career and Technical Education Improvement
3 Act.

4 In your packet, you were provided a number
5 of items. The first is that of the official final
6 award for school year 2015-2016. As I noted in your
7 Executive Summary, the State received a decrease in
8 funding from the anticipated amount that was
9 provided to the State in the spring by about
10 \$18,000; and this is partially due to some
11 sequestration or slicing of the budget at the
12 federal level that affected all federal programs
13 with regard to education. And where Perkins had
14 been exempt from that in a year past, they're not
15 exempt from that in the year current.

16 So you have a copy of final award for the
17 State of New Mexico.

18 As an update, several meetings ago, maybe
19 about a year ago, I informed the Commission that we
20 were going to be up for a federal monitoring visit
21 from the U.S. Department of Education's Office of
22 Vocational and Adult Career Technical Education.
23 And so that monitoring visit occurred in the state
24 during the week of September the 14th.

25 I provided for you a copy of the

1 introduction PowerPoint that was provided to the
2 federal representatives of the U.S. Department of
3 Education that provided just a brief overview of how
4 the Public Education Commission is the authorized
5 agent to receive these Perkins dollars, and then,
6 through statute, delegates the responsibility to the
7 PED, who then, in turn, delegates the responsibility
8 to the College and Career Readiness Bureau within
9 the Public Education Department.

10 I'm not going to go through all the slides
11 of the PowerPoint presentation; but I certainly
12 thought this would be useful education for you to
13 have and some knowledge for you to have,
14 particularly looking at the landscape of the State
15 of New Mexico with regard to Career Technical
16 Education students.

17 And I think what's fascinating about this
18 is that statewide, we have nearly 60,000 students
19 participating in Career Technical Education
20 programs. And that's about 60 percent of our
21 student population in Grades 9 through 12; so
22 certainly a lot of students benefiting from the
23 opportunities with regard to Career Technical
24 Education.

25 78 percent of all of those school

1 districts are recipients of the Carl Perkins grant,
2 either as a direct grant recipient or through a
3 consortia application, like a Regional Education
4 Cooperative. So it gives you a sense for how many
5 schools and students are benefiting from the
6 resource.

7 Also, of particular interest, I thought,
8 were the two data points that you see on Page No. 3
9 of your document -- or at least it's the slide
10 called "The Landscape." I'm not sure if it's "3" in
11 your packet.

12 But 24 percent of school districts serve
13 fewer than 100 students in Grades 9 through 12. If
14 you just move that threshold to about 150 students
15 in the high school, then suddenly, you're dealing
16 with almost half of your student population out
17 there. So it gives you a sense of how rural our
18 state is with regard to enrollment in schools.

19 And this certainly highlights a focal
20 point for us, because as we're driving career
21 pathways and programs-of-study implementation in
22 schools for students to lead to post-secondary
23 engagement and industry credentials for
24 work-readiness, that we really have to think about
25 the unique nature of the state, what would be

1 working in Albuquerque would not be working in
2 Santa Fe, New Mexico; and so we certainly have to be
3 cognizant of the fact that when we drive schools to
4 participate in career pathways programs of study,
5 that perhaps we need to take broader approach in
6 rural communities; maybe have a cluster-level
7 framework, rather than a pathway-level framework.
8 So just a little bit of information.

9 The other slide I want to point out to you
10 happens to be the slide with the pie charts of the
11 Carl D. Perkins Career-Technical Act of 2006. And
12 at the time, we were looking at a federal award of
13 \$8,098,622; and that was the spring estimate. So if
14 you saw a discrepancy between the final award letter
15 I gave you and this particular slide, it's that
16 \$18,000 difference.

17 But the bar graph here, in terms of
18 funding trade since 2007 to 2015, what's interesting
19 to note here is that the federal award has been
20 decreasing on an annual basis over that time.

21 So when you think about the fact that the
22 federal investment has been reduced by about
23 12 cents on the dollar, inflation over the period of
24 time is about 15 cents on the dollar, we're really
25 looking at a 27-cent spread between what we used to

1 have as an investment for Career Technical Education
2 and what we have today, factoring in the fact that
3 goods and services have increased in cost.

4 So the Perkins dollars don't go as far as
5 they used to; and, therefore, we have to be a little
6 bit more strategic about the investments we make.

7 And some of the efforts that we're making are to
8 ensure that when schools are applying for these
9 dollars, they target the program implementation
10 around those priority industry sectors, either in
11 the region or at a state level, depending on where
12 they see their students residing. Are they
13 place-bound in Southeast New Mexico, or do they
14 transition to Central New Mexico? But really
15 anchoring program study development in schools that
16 lead to occupational skill sets of high-wage,
17 high-demand, and high-growth industries for our
18 state.

19 So that's a little bit of a snapshot of
20 some of the information that was shared with the
21 feds.

22 We still don't have the outcomes of --
23 their final "letter of findings," if you will; so we
24 don't know the official outcomes.

25 But in the preliminary exit conference

1 with the fed, what they indicated is that the State
2 would likely be receiving two findings, one in the
3 area of Accountability, and then the other area in
4 Program of Study.

5 So targeting Program of Study first, in
6 the local application, every entity has to provide a
7 sequence of courses and a framework in how they're
8 going to disseminate content knowledge through
9 either a three- or four-course sequence to students,
10 either in high school; or at a college level, how
11 does that align to short-term industry training
12 credential in high-need areas, one-year certificates
13 or two-year certificates or degrees.

14 And while schools develop these programs
15 of study in course sequences and submit those to our
16 office, when the feds went out into the schools,
17 they placed a visit to Albuquerque Public Schools,
18 Central New Mexico Community College, Rio Rancho
19 High School -- it's the alternative high school in
20 Los Lunas -- Valencia High School, I think, is the
21 name -- and then also UNM-Valencia in Los Lunas.

22 And so the federal representative visited
23 those sites and they're working with teachers,
24 faculty, and administrators in trying to really
25 understand, are they truly implementing the Program

1 of Study in the grant application that they said
2 they would.

3 And they came back with a lot of
4 positive -- positive comments about what they saw in
5 those schools; but they did have an issue with one
6 of the schools, where the administration or the
7 faculty really couldn't speak to the grant that they
8 had applied for, and, thereby, potentially receiving
9 a finding of lack of implementation universally
10 within those schools.

11 So it raises the radar for us that we'll
12 have to do more about educating broader audiences
13 within schools; not just the administrator, the
14 counselor, or the CEC teacher, but all the faculty
15 in the school, about a pathway approach.

16 The other area of finding that the feds
17 had informally given us in the exit was that they
18 didn't find evidence, in annual performance reports
19 submitted by the Local Education Institution or
20 community college, or -- nor did they find evidence
21 in the grant application -- of the schools analyzing
22 their data to disaggregated levels of how did males
23 do in comparison to females. How did the race
24 ethnicity classes compare against each other? What
25 about special populations? How did they compare

1 against each other?

2 So special populations, for example, would
3 be economically disadvantaged, single-parent, et
4 cetera. It's not just your special education
5 services, but really taking a look at the data and
6 finding out how to precisely maybe identify
7 strategies to hit those populations that might not
8 be performing on the Perkins performance targets.

9 So we knew that was an issue, the
10 inability to be able to provide student-level data
11 to the school in the disaggregated fashion. So
12 rather than having schools pull their data sets and
13 have to do that, we've been able to work with their
14 IT Department to develop a framework where their
15 S.T.A.R.S. coordinator, at a local level, can go
16 right into the data system, pull that data, and
17 clearly identify for every student in the school was
18 the student identified in the numerator and/or the
19 denominator of each performance measure.

20 And where you might have students who are
21 identified in the numerator, but not the -- sorry --
22 the denominator, but not the numerator, would then
23 give the school the information to say, "Well, this
24 is the sub-population we need to provide additional
25 services for"; for example, maybe tutoring in

1 language arts or tutoring in math in the academic
2 performance target; so us already kind of trying to
3 get ahead of the ballgame there and provide that
4 information to the schools.

5 We shared with the fed that that was work
6 we had already been doing. We shared the
7 preliminary report with them during the monitoring
8 visit, and they thought that it was great; but it
9 wasn't executed by the time that got here; so,
10 therefore, they said, "You'd likely be receiving a
11 finding."

12 Just to make a side note, I keep some
13 communication with Ms. Bernadette Howard, who is the
14 State Director of Career Technical Education in the
15 State of Hawaii, I think because I always fantasize
16 about having her job and being in Hawaii. I don't
17 know.

18 But I do keep in touch with her quite
19 often, and they had recently undergone a monitoring
20 visit, as well. And so she had shared that they had
21 some similar findings in the state; but that it's
22 been about six months, and the fed still hasn't
23 provided them the official letter of finding.

24 So at this point in time, we don't know
25 when we will be getting that, because it seems that

1 they perhaps might be behind in issuing those formal
2 correspondence for us to develop action plans and
3 address the issues.

4 But overall, it was a very positive visit.
5 They did provide a lot of technical assistance and
6 sharing of resources and ideas of how we can
7 streamline and become more efficient in, maybe, you
8 know, data collection and how we calculate our
9 federal awards and things of that sort; so it was a
10 positive visit overall.

11 Next bullet on your Executive Summary is
12 the Improvement Plan for August 2015 was submitted
13 to the U.S. Department of Education. That
14 particular Improvement Plan, you have a copy of. Be
15 reminded that we have to turn in an Improvement Plan
16 every quarter, because in the non-traditional
17 participation category of post-secondary
18 institutions, last school year, we did not meet --
19 meaning '13-'14 -- the State did not meet its
20 performance target.

21 So when the State doesn't meet the
22 performance target, we have to turn in a Corrective
23 Action Plan, implement the plan, monitor the
24 progress, and come into compliance with the
25 performance targets set forth.

1 Well, we took a look at the preliminary
2 data, and it identified that we met the performance
3 target in safe harbor; so that mitigated the action
4 plan requirement, if you will. We still have to
5 turn them in on a quarterly basis; but what we've
6 done is we've come into compliance.

7 When you take a look at the data sheets
8 that I gave you -- these are the Excel spreadsheets
9 with color coding, and you should have two of them,
10 one for secondary and one for post-secondary.
11 Because on the Excel spreadsheet there's two
12 different tabs for that.

13 And the way you know the difference
14 between the two is on the very first column, if you
15 see indicators of, like, 1S1, 1S2, all of the S's
16 signify that that's a secondary target. And if you
17 see a 1P1 or 1P2, the "P" signifies that's a
18 post-secondary target.

19 MS. FRIEDMAN: They're back to back.

20 MR. SPENCER: Oh, they're back to back in
21 your target.

22 So on the post-secondary indicators, if
23 you take a look at that 5P1 target, and take a look
24 at the second to last column, in yellow, you would
25 have a 33.27 percent level of performance.

1 That 33.27 is above the 32.40, which means
2 we met the target in Safe Harbor. The target we
3 should have hit should have been 36 percent. So
4 just to give you a reminder on that, the targets are
5 set, and that's the first number you see; in this
6 case, 36 percent. The State has to meet that target
7 or at least meet it within 90 percent.

8 So we have a -- we have that 10 percent
9 Safe Harbor, if you will. And so we did achieve
10 more than 90 percent of the target in actual level
11 of performance; so, thereby, we came into compliance
12 with the federal requirement of meeting performance
13 targets. But when you take a look at where we were
14 in the prior year of actual performance at 38.62, we
15 downward-negotiated a performance target; but then
16 the outcomes of post-secondary institutions also
17 decreased.

18 So this certainly continues to be a level
19 of concern for us, to be providing more technical
20 assistance, professional development, and resources
21 to post-secondary institutions.

22 And the post-secondary non-traditional
23 participation target really centers on engaging more
24 females in male-dominated career paths and programs
25 of study; and vice versa, more females in

1 male-dominated -- and male in female-dominated;
2 right? So it's still work we have to do around that
3 area. So when we've come into compliance, we're
4 still looking at that as an area of continuous
5 improvement.

6 And so with that, that concludes the
7 report that we have thus far.

8 Just one other observation on these data
9 charts that we've provided to you. If you take a
10 look at the column, '14-'15, that's the most
11 recently concluded school year. These are the
12 performance targets that we have to report into the
13 December Consolidated Annual Report that will be
14 forthcoming.

15 The good news here is that New Mexico has
16 met, either in Safe Harbor, or exceeded the target
17 in every indicator at secondary and post-secondary
18 level.

19 Now, there is a placement indicator for
20 secondary and post-secondary, which means when
21 students exited school, were they placed in higher
22 education, or in the workforce? And we don't have
23 that data point just yet. We're still doing the
24 data crosswalks with the Department of Higher
25 Education and Department of Workforce Solutions; but

1 we anticipate having that for the December meeting.

2 So with that, that concludes my report,
3 Madam Chair, members of the Commission.

4 THE CHAIR: Thank you, Mr. Spencer.

5 Commissioners, do you have questions?
6 Comments?

7 COMMISSIONER CARR: I do.

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: I had to plug my
10 microphone in. I think somebody was trying to cut
11 me off. The -- it was a plot.

12 The -- one of them is with this request
13 for data from individual school districts. Is any
14 of the grant money allocated to them -- any extra
15 administrative money allocated for them to come up
16 with these numbers?

17 MR. SPENCER: Based on the -- the Act,
18 with regard to funding to schools, and
19 post-secondary institutions, they place a cap of
20 5 percent administration. So if there's any
21 administrative actions, such as pulling the data,
22 developing the data system, filling in the grant
23 application, things of that sort, it has to be
24 covered within the 5 percent administration.

25 Typically, what we do, on the back end, is

1 that we work with our Information Technology bureau
2 to develop, enhance, or refine, maybe, some of the
3 student tables in S.T.A.R.S., or the course table in
4 S.T.A.R.S. So this way, when you have, at a local
5 level, data being put into their local school --
6 SIS, the school information system, and then
7 transitioning up into S.T.A.R.S., that we would be
8 able to help them collect that level of data.

9 Much of the data that we're using for our
10 Perkins accountability, number one, it's all
11 required in the law. But the way we actually pull
12 it is by taking a look at maybe back-end type of
13 analyses. So we know that every school has to
14 register every student into their SIS. And they're
15 plugging in their demographics, you know, their
16 gender, things of that sort, what courses they're
17 taking.

18 And then we come in the back door and
19 identify courses that might be non-trad and identify
20 those students; so there's really not a data burden
21 on schools that's placed, in addition to what they
22 already have to do for Perkins, because we come in
23 the back door for that.

24 COMMISSIONER CARR: And I have one more.
25 And it -- in regards to all this data that drives --

1 some people thrive on it; it drives me crazy half
2 the time. But, the -- you know, there's so many
3 variables out there that we have no control over,
4 and that the grant has no control over. And are the
5 particulars of -- of our state, the demographics of
6 our state, taken into consideration when they -- our
7 cultural differences, all those things -- are they
8 taken into consideration when you set these goals?

9 MR. SPENCER: Not necessarily, because in
10 Section 113 of the Act, it specifies what the
11 performance targets would be for secondary and
12 post-secondary entities. And so, for example, it
13 indicates that you have to report the level of
14 proficiency of your Career Technical Education
15 concentrator with regard to mathematics and language
16 arts.

17 So from a State-level perspective, we have
18 the control to be able to identify what we consider
19 to be a concentrator. And so the way the State had
20 initially proposed -- and this is just me going back
21 and looking at historical information -- when the
22 State plan was submitted to the U.S. Department of
23 Education in 2008, the proposed definition of a
24 "concentrator" would be that a student took two
25 Career Technical Ed courses in a specified cluster

1 area.

2 The feds pushed back and said we really
3 need to elevate that threshold to three. And then
4 the State accepted the -- the contract proposal, if
5 you will. And that's the fed's way of trying to get
6 every state maybe looking at apples in the same way.

7 So there are some nuances within the --
8 the methodology in how we go about pulling the data;
9 but just to have something completely different than
10 the State of Ohio really isn't that unique.

11 COMMISSIONER CARR: Yeah. I just -- yeah,
12 I just -- it just seems like it's a -- kind of a
13 "one size fits all" type of thing. And we're one of
14 the poorer states in the country. Our cultural
15 makeup is different. There's -- you know, it's just
16 one of those things. I know you don't have any
17 control over that.

18 And, you know, we -- we try to meet
19 everything, because we need the money, and we know
20 it goes for a good cause. And there are statistics
21 out there that -- that show that at-risk groups, you
22 know, Hispanics, Native Americans, do better when
23 they have one great class that they can have a
24 reason to come to school for.

25 You know, the other thing I don't think we

1 take into consideration -- and I don't know if it's
2 even possible to do -- is to see what the effect is
3 on dropouts, you know. And, you know, it's hard
4 to -- hard to prove those things. But I know this
5 program has prevented students from dropping out, on
6 an anecdotal basis.

7 Maybe it would be -- you know, I don't
8 want to add bureaucracy -- but a survey, "Hey, what
9 kept you in school," you know? "Hey, was it that
10 culinary arts program?" You know, "What was it?
11 What made you decide not to drop out, because last
12 year, you were talking about it," you know, that
13 type of thing.

14 So, you know these are -- this is a great
15 program, and I -- you know, and I always want to say
16 something about it. And I want to take
17 Commissioner Gant's place, too; because he was a
18 strong proponent of this. And I know he would be --
19 always wanted to say something when the Perkins
20 grant presented.

21 And I hope we do everything we can to
22 continue this program and support this program. And
23 I hope the State and the Legislature address --
24 continues to add funds to this type of program. And
25 I really appreciate the work you do.

1 THE CHAIR: Thank you, Commissioner.
2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, Eric,
4 I think these are good figures. I -- you know, I'm
5 much more knowledgeable on the post-secondary,
6 because of my years on the CNM board. In all of my
7 years there, I lobbied in D.C to keep the Perkins
8 grant during the George W. Bush years, when they
9 were trying to stop it completely.

10 And the community colleges basically kept
11 it there. It was one of our major topics when we
12 did our push -- every year, there's a meeting in
13 D.C. at the time the budget comes out. And you take
14 1,000 people or more who are presidents and
15 governing board members of schools, and you hit
16 Capitol Hill all at the same time with the same
17 green sheet of paper with the points they want. And
18 so you've got just about every person covered. It's
19 successful.

20 So I'm concerned, even though our schools
21 that we deal with are the secondary, with the
22 post-secondary schools and the decrease in
23 enrollment -- I know that doesn't change your
24 percentages; but it does change the staffing and the
25 number of classes available to put those students

1 in.

2 Is there a problem developing in that
3 area, or are we still able to keep the
4 post-secondary up there, regardless of the reduction
5 in staff members and classes?

6 MR. SPENCER: We haven't seen a decrease
7 in the number of programs of study being proposed by
8 post-secondary institutions. One thing about
9 post-secondary institution programs of study is that
10 they more -- they more clearly align to the economic
11 need of the state. And so as you know, community
12 colleges are much more agile to be able to make
13 those shifts, because they do have to be responsive
14 to a skilled workforce in business and industry.

15 And so as such, we will see some -- some
16 shifts with regard to where they're going to be
17 making the investments. But overall, we don't see
18 a -- a regression perhaps maybe in the quality or
19 the sequence of courses, or maybe in credit hours
20 that schools are promoting, in order to obtain an
21 industry credential, a short-term training
22 credential, or an associate's degree, et cetera.

23 COMMISSIONER TOULOUSE: Thank you.

24 MR. SPENCER: Uh-huh.

25 THE CHAIR: Any other comments,

1 Commissioners?

2 Mr. Spencer, I just want to thank you and
3 your staff for being such good shepherds of this
4 money. I know if it's not accounted for correctly,
5 if it's not allocated correctly, then we probably
6 lose maybe not the whole funding, but, certainly,
7 portions of it. We appreciate your making sure that
8 doesn't happen, and appreciate you bringing us this
9 update.

10 Let me just be sure this is a report; not
11 any action that we need to take at this time?

12 MR. SPENCER: Madam Chair, that is
13 correct.

14 THE CHAIR: Thank you very much.

15 Commissioners, I ask you again. Any
16 further questions?

17 Hearing none, thank you, Mr. Spencer. We
18 look forward to meeting with you again.

19 MR. SPENCER: Thank you.

20 THE CHAIR: Commissioners, we've heard
21 from Commissioner Pogna. And she will not be here
22 today. She's not feeling well.

23 Beverly, I wonder if we could ask the
24 building people to maybe get us a little heat in
25 here. It's not -- not a whole lot. We don't need

1 to open the door or get the fans going. But people
2 still have their coats on. And it's pretty nippy.

3 Thank you.

4 Next item on the agenda is a Report from
5 PED and CSD.

6 Katie?

7 MS. POULOS: Madam Chair, Commissioners,
8 this month the report from the PED and CSD is on the
9 implementation of PARCC, changes coming in this
10 current year, and the results that we've seen from
11 the PARCC assessments.

12 As you'll see in your materials, there's
13 some points that I've given you. The first is
14 why -- why the change to PARCC? There's been lots
15 of discussion. And just to kind of clarify why that
16 decision was made, PARCC, you know, establishes
17 higher standards. New Mexico raised academic
18 standards for students in K through 12 and developed
19 a test, the PARCC assessment. It's aligned to those
20 standards for Grades 3 through 11.

21 The standards set a consistent set of
22 expectations for English and math for every student,
23 regardless of where they live. Over 40 states have
24 adopted higher similar standards.

25 What did PARCC do? What did the PARCC

1 assessment do?

2 It established a new proficiency baseline.
3 We heard a lot about the lower proficiency rates.
4 And certainly, that's a new baseline. This new year
5 sets that baseline, because the prior test was less
6 challenging than the PARCC assessment, and the
7 results are lower across the board. Students -- as
8 teachers and students gain the skills and the
9 knowledge needed to meet the higher standards, the
10 performance will improve. We expect to see that;
11 and we look forward to seeing that.

12 Additionally, we believe that the PARCC
13 standards are helping students. They provide
14 accurate information about how students are
15 performing, so that teachers, students, parents can
16 start working together to ensure their kids are
17 prepared for success from grade to grade and beyond
18 high school.

19 It's easier to address the needs early on
20 so students can receive the support they need to be
21 on track. And these standards, and the standard
22 setting actually occurred with -- in conjunction
23 with individuals from the higher ed community to
24 really talk about, as they set those proficiency
25 targets, if a student scores this level, yes, we at

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 higher ed agree and believe they're going to be
2 ready and on track when they come to college.

3 So just a little bit of detail about the
4 PARCC administration in the '14-'15 year.
5 New Mexico administered the PARCC for the first time
6 in the spring of 2015. 207,955 thousand [verbatim]
7 students participated in PARCC in New Mexico;
8 approximately 5 million across the full consortium
9 participated in the PARCC assessment.

10 93 percent of New Mexico students took the
11 assessment on computer in the spring of 2015. And
12 at the high-school level, the percentage of students
13 taking it on computer was 97 percent, which is
14 really great information and a great success.

15 In 2016, we will see some changes to the
16 PARCC testing windows. We'll move from two testing
17 windows to one, from April 4th through May 13th.
18 Most schools should be able to complete that
19 assessment in two weeks. They have a longer window
20 to make that happen.

21 Overall, there will be a reduction in
22 testing time. Students in all grades will
23 participate in two to three fewer units, and up to
24 90 minutes reduction in testing time overall.

25 And, you know, as we stated, there is a

1 new proficiency baseline. Because PARCC is more
2 challenging than the prior test, the results are
3 lower across the board. As students and teachers
4 gain the skills and knowledge needed, we do expect
5 to see that performance improve.

6 But this also means that the proficiency
7 results for PARCC are not comparable to the prior
8 statewide assessment. So as we look at those
9 different proficiency rates from year to year, just
10 keep that in mind.

11 But just to give you a little bit more
12 information, PARCC includes five performance levels.
13 The performance levels of 4 or 5 will be considered
14 proficient. For the current year and for the next
15 school year, a performance level of 3 for
16 high-school students, while not proficient, will
17 qualify for graduation credit -- count towards their
18 requirements for graduation.

19 The data below that I've provided you in
20 your materials reflects the performance of
21 approximately 200,000 students statewide and
22 800,000 students in charter schools. For schools
23 where the number of test records for any given test
24 was fewer than ten, the data is not included. It's
25 not a substantial number; but I did want you to see

1 the comparison to all schools statewide and to
2 charter schools statewide.

3 And those are only the PEC-authorized
4 charter schools. This does not take into account
5 the district-authorized charter schools. But as a
6 quick summary for you, because I know that table is
7 a little challenging to read, for students that were
8 in charter schools, in math, about 20 percent of
9 those scored at the 4 or 5 level, which is the
10 proficient level.

11 In comparison to all schools statewide,
12 approximately 17 percent of students scored at those
13 two performance levels; so about 3 percentage point
14 difference in the students in the charter schools,
15 which is great news for how well our schools are
16 serving. We'd certainly love to see those numbers
17 higher; but again, a reminder that that's that new
18 baseline.

19 In language arts, for the charter schools
20 at performance level 4 and 5, 37 percent of our
21 students scored at that performance level. For all
22 schools statewide, it was 26 percent. So, again,
23 there we see a little bit higher of a difference,
24 about 11 percentage points difference in the
25 performance of charter school students.

1 THE CHAIR: Thank you very much.

2 Questions?

3 Commissioner Ambruster?

4 COMMISSIONER ARMBRUSTER: I have two, now
5 that I read that one. I thought we kept talking
6 about the math scores being lower than the reading
7 score -- or English or language arts scores. But
8 from this it seems the opposite. Am I seeing that
9 correctly?

10 MS. POULOS: No. In math for charter
11 schools it was 27 -- or 20 percent proficient. In
12 ELA it was 37. I did them in the opposite order
13 than they're on the table.

14 COMMISSIONER ARMBRUSTER: Oh, okay.
15 That's fine.

16 And this is just a question which you may
17 not even know the answer to. But I know that the
18 two virtual schools that we have took -- the
19 children took the test with paper and pencil
20 because --

21 COMMISSIONER GIPSON: No.

22 THE CHAIR: The only one we know about is
23 Connections. It's the only one that's chartered by
24 us.

25 COMMISSIONER ARMBRUSTER: I think they

1 used paper and pencil.

2 COMMISSIONER GIPSON: She came and told us
3 that they went to -- they set up testing sites, and
4 they -- and they went to locations and took them at
5 testing site locations.

6 COMMISSIONER CARR: But not on computers;
7 it was pencil and paper.

8 COMMISSIONER GIPSON: Some places -- it
9 may not be all. But she said they had computers
10 when -- she came and gave us the report.

11 COMMISSIONER CARR: Yeah, I remember that.

12 COMMISSIONER GIPSON: She -- some of them
13 were on computers.

14 COMMISSIONER CARR: I'll have to check the
15 minutes.

16 COMMISSIONER ARMBRUSTER: My only comment,
17 it's fine, however they took it. I just wonder if
18 there was a difference. Because some of the issues
19 with the PARCC is not only did you have to know the
20 information, which, of course, is very important;
21 but you had to be able to manipulate the computer to
22 do what you wanted it to do.

23 So that's why I just asked if there was
24 any difference. But I could be wrong. I just
25 understood they had taken it with paper and pencil.

1 COMMISSIONER GIPSON: At least some of
2 them, I know she said they had set up locations
3 where they could come and take it on the computer.
4 You're right. It would have been easier to sit down
5 with pencil and paper and taken the test, as opposed
6 to dealing with the distractions of a computer not
7 functioning properly, which I think was a concern, I
8 know, with a number of charters that had to kind of
9 dig out old equipment to try to get enough computers
10 operating, that it was a challenge, to say the
11 least, and frustrating, I'm sure, for students
12 sitting there trying to get this test done and not
13 being able to do it properly because of mechanical
14 errors.

15 COMMISSIONER ARMBRUSTER: It was just a
16 curiosity. And you don't have to answer now. I
17 just wondered if there was any difference from those
18 who took it one way, as opposed to those who took it
19 another.

20 MS. POULOS: And I don't have that
21 information. I can certainly explore that with our
22 Assessment department and get some more information
23 for you.

24 THE CHAIR: Commissioner Carr?

25 COMMISSIONER CARR: I have a couple of

1 comments of my own; but then I know there were many
2 school districts that ended up taking the test on
3 paper. That would be an interesting -- interesting
4 to see if we can -- if there's any way to
5 statistically find out if there's a difference
6 between taking it on paper and on the computer.

7 MS. POULOS: And, Commissioner, to answer
8 that, I do know that that data is being evaluated
9 here in-house; and when it's available, I'd be happy
10 to report that information.

11 COMMISSIONER CARR: So I -- one of my
12 questions is U.S. Secretary Arne Duncan came out
13 pretty much apologizing for the amount of testing
14 our schools have to go through and recommended -- I
15 believe it was no more than 2 percent of our time be
16 put into testing and test preparation.

17 That's approximately -- what?
18 One-and-a-half or two school days? And I just
19 wondered if the PED was -- who has always praised
20 Arne Duncan, and vice versa, if they are going to do
21 anything, to -- you know, to maybe follow up with
22 that.

23 MS. POULOS: So, actually -- and I can get
24 the report. I will find that and send it out to the
25 Commissioners. In, I believe, that report, or some

1 other report around that same time, New Mexico
2 was -- Public Education Department was praised for
3 the amount of testing that's done and required as
4 part of PED policy. So it is one of the states
5 that's doing a great job on decreasing testing
6 requirements.

7 In addition, this year, all schools --
8 districts and charter schools were required to
9 complete a New Mexico Assessment Inventory. And
10 that gave PED the opportunity to analyze testing in
11 our schools and how it's being used.

12 And I believe feedback was given to the
13 schools. We did see schools and school districts
14 that were sometimes, on their own, double or triple
15 testing students in a way that didn't make sense.

16 And so, again, that feedback was given.
17 And certainly, PED is looking at ways to encourage
18 schools and school districts to look at their
19 practices to ensure that that's not happening and
20 that they are using their assessment programs,
21 plans, and calendars in a way that's rational and
22 drives -- drives student improvement, because it
23 drives education.

24 COMMISSIONER CARR: The statement that
25 I -- that you repeated that I heard from the PED on

1 many occasions, that testing time has been reduced,
2 is pretty hard to swallow, considering the fact that
3 every grade is tested now. We have EOCs for almost
4 every class out there. We are also doing, of
5 course, Short Cycle Assessments, which actually help
6 my students. I actually -- the MAP scores have been
7 very helpful.

8 The PARCC test scores will only end up
9 maybe helping the Public Education Commission assess
10 charter schools; but it has done nothing to help our
11 students.

12 When I get the MAP -- I get MAP scores; I
13 get them immediately -- I can reassess and change
14 their curriculum, put them in extra work, or even
15 take work away from them that they don't need to be
16 doing, because they're already at a certain level.

17 And, Katie, I know this is nothing -- you
18 know, this is maybe -- definitely beyond your pay
19 grade; but I just -- since this is brought up, I
20 just had to state some of those things for the
21 record. I certainly would like to see concrete
22 evidence that our testing time and test preparation
23 is being reduced. And I don't expect you to come up
24 with that; but I would like to see it from the --
25 from the PED.

1 Thank you.

2 MS. POULOS: I have just reached out,
3 Commissioner, to Deputy Secretary Lenti for some of
4 that concrete information, and I will provide it as
5 soon as it's provided to me.

6 COMMISSIONER CARR: Thank you.

7 THE CHAIR: Can I just say, before I
8 forget it, I was pleased to hear you say that a
9 score of "3" will qualify a student to graduate. I
10 know, because it's a new test, and it is, in some
11 ways, more difficult, simply because it is new, it's
12 taken on computer and so forth. I think, to aid
13 those students who make a "3" in graduation is fine.

14 I also want to point out that we still do
15 have the ability to offer students the Alternative
16 Demonstration of Competency as a means to graduate.
17 I don't know how much longer that's going to be
18 available to students; but it is available this
19 year.

20 So I am pleased that PED is being
21 realistic in helping the students reach graduation.
22 So that's my comment.

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair,
25 Katie, these are comments, because I went to a

1 meeting last night when I got home, where my school
2 board member held the first public meeting I've ever
3 had a school board member hold; and she wants to do
4 them monthly. And another school board member was
5 there, too. I didn't think, at 5:00 in the evening,
6 there would be anybody there. I was greatly
7 mistaken; but it was because the room was full of
8 teachers, principals, and PTA presidents.

9 And the entire thrust of the meeting was
10 PARCC. And it was not a happy or a good meeting.

11 And I think one of the things we have to
12 look at, besides the time it takes to kids, is the
13 additional burden it puts on each school that gives
14 it; because, you know, for your grade schools, only
15 some of them take it. You have to have, you know,
16 other spaces when you're using the library. You
17 have to -- kids have to have access to a library if
18 somebody is administering it. And not all the kids
19 are taking it; you have to provide substitute
20 teachers. They have to provide new equipment.

21 One middle school principal said it cost
22 her \$22,000 to buy headphones, because she didn't
23 have them and that wasn't in her budget.

24 So there's all these added expenses and
25 added disruption to kids that are not taking the

1 test, or even to the kids who are. And it just
2 seems to me that there's got to be a better way to
3 do this.

4 I also want to go on the record with the
5 concern that whether you can also do your -- at
6 least for this year, showing your proficiency
7 somewhere else, if we're taking three years and
8 changing the formula a little for teachers and for
9 schools, because PARCC is different, why are we
10 holding kids who have not had access to this
11 curriculum until one year, responsible for their
12 PARCC tests on graduation?

13 I know you can't answer that. That's my
14 rhetorical question that I don't -- I don't think
15 that those kids should be in danger of not receiving
16 a diploma because they have not had this rigorous
17 curriculum for all of the years that we're trying to
18 test them for.

19 MS. POULOS: And I think to address that,
20 the Common Core -- New Mexico Common Core state
21 standards were implemented prior to this previous
22 year. And the assessment is new; but they certainly
23 did have the requirement of teaching these
24 standards. And so these students have had exposure
25 to the standards for more than that one year.

1 And, again, I do think, you know, again,
2 PED has addressed -- you know, not just -- the
3 Level 3 will count for graduation for these next two
4 years; but additionally, there is the Alternate
5 Demonstration of Competency. And PED is working
6 with schools on that.

7 COMMISSIONER TOULOUSE: Madam Chair?

8 Katie, thank you for that comment. But I
9 really wasn't addressing it from that standpoint.
10 And these kids really only had a year of Common Core
11 instruction before they had to take this test,
12 because we're talking about the test they took last
13 year. That isn't enough time to build you up from
14 seventh, eighth, ninth grade, you know, into your
15 eleventh grade taking these tests; one year does not
16 make up for it.

17 And again, I don't need you to speak for
18 them. You weren't here; it's not your decision.

19 I just want, on the record, if anybody
20 ever reads it, that I am presenting these concerns
21 for posterity, if anybody wants to check on me.

22 Thank you.

23 THE CHAIR: Thank you very much. Other
24 comments?

25 COMMISSIONER GIPSON: Well, I'm hoping

1 that we can alleviate some concerns that were
2 addressed last year when the test was being rolled
3 out; because there were schools -- I know there were
4 charter schools that told students that they were
5 expelled if they didn't take the test. And there
6 was a lot of confusion about whether -- there were
7 districts that had opt-out letters.

8 So there has to be a clear message as to
9 what can and cannot be done; because we heard the
10 Cabinet Secretary, two weeks ago at the conference,
11 clearly state, "There is no opt-out." But school
12 districts had opt-out letters.

13 COMMISSIONER TOULOUSE: The law lets you
14 opt out.

15 MS. POULOS: It's not. And it's very
16 clear that the law does not allow the opt-outs. And
17 that is her position. And I believe the PED is
18 working very closely with the school districts to
19 assure they understand that.

20 THE CHAIR: Okay. Are we good?

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: Just a question.
23 Excuse me, Katie.

24 Now that the results have come in this
25 year, as we start to think about next year and all

1 the things we have to do to resolve around PARCC, do
2 you or the powers that be at PED in the Assessment
3 Bureau, or wherever they might be -- do you have --
4 are you starting to form a sense yet -- are we going
5 to get the results earlier next year?

6 MS. POULOS: As you heard from Deputy
7 Secretary Lenti yesterday, because the process of
8 standard setting had not happened previously,
9 because this is a new assessment, that is why the
10 assessment results were delayed this year.

11 Absolutely, PED believes and intends that
12 the results will be provided much earlier next year,
13 because the standard setting process does not have
14 to happen again. It's a very lengthy process.

15 Again, it wasn't just PED. It was
16 teachers across New Mexico. It was Higher Ed
17 throughout New Mexico, getting together and working
18 to do this standard setting.

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

21 THE CHAIR: Thank you. Anything else?

22 All right.

23 Katie, are we going to get a report from
24 Scott?

25 MS. POULOS: He had a family hunting trip

1 and so could not join us. And I apologize for that.

2 THE CHAIR: In New Mexico, we do know
3 about -- so are we ready to move on? Thank you very
4 much.

5 Let's go to Item No. 6, Discussion and
6 Possible Action on Policy Recommendations.

7 The first is Item A, Academic Improvement
8 Plans.

9 MS. POULOS: Madam Chair, Commissioners,
10 we did work to discuss a little bit about that
11 yesterday.

12 The intent on bringing in information
13 forward -- and we discussed it at several
14 meetings -- is that as part of the framework, a
15 school that receives a letter grade of a C or lower
16 is required to submit an improvement plan. This
17 year, CSD did attempt to evaluate the implementation
18 of those improvement plans and provide a report.

19 What we found was there was no consistency
20 in expectations or in what would be provided by the
21 schools and could not provide a report to the PEC.
22 And what we did propose instead was that we would
23 come forward with a proposal for what an improvement
24 plan could consistently look like, a template for
25 creation, as well as evaluation standards.

1 In your materials today, you'll see three
2 items. The first is a draft improvement plan guide.
3 It is about 30 pages. It's very detailed on what an
4 improvement plan would look like, what the process
5 for creating that would be, and is intended to take
6 a school that would be assigned an improvement plan
7 step by step through the process.

8 The next document after that is the
9 template, which, again, takes the school step by
10 step through the process to ensure they address
11 every area.

12 The areas that we have proposed for this
13 improvement plan is, first, data, where the school
14 would specifically identify the data they will be
15 collecting and utilizing and describe how they would
16 be analyzing it to understand each of the areas of
17 their report card; so that includes proficiency,
18 growth, growth within each of the subgroups, the Q3
19 as well as Q1, opportunity to learn, which is really
20 engagement and attendance, graduation for high
21 schools, college and career readiness for high
22 schools, and then, also, their mission-specific
23 goals.

24 The next areas would all utilize that
25 data. And that would be processes to evaluate and

1 understand your curriculum that were data-driven and
2 to make curriculum decisions.

3 Then after the curriculum area would be
4 processes to address -- processes for assessments;
5 really, how are they gathering their data and
6 evaluating their data and utilizing it.

7 And then, next, monitoring of instruction.
8 So how are they monitoring the instruction that's
9 going on in their classrooms, its alignment to the
10 curriculum that's been provided or planned for that
11 school, and how do they give feedback to their
12 teachers.

13 And then the last area is professional
14 development for all schools. And that would be,
15 again, how do they make data-driven decisions about
16 the professional development that's needed in their
17 school to support their teachers.

18 I apologize. The last area that would be
19 applicable in all schools would be opportunity to
20 learn, and that's what are their strategies they're
21 using for student engagement? How do they use data
22 to understand the effectiveness of those strategies
23 and make adjustments, as necessary?

24 And so it's really a continuous
25 improvement process, and that's what it's intended,

1 to guide schools in developing that continuous
2 improvement process in their school.

3 Schools that did serve high school
4 students would be required also to complete the
5 graduation rate and career and college readiness
6 level, again, to look at the strategies they're
7 using and evaluate their effectiveness.

8 The last item in the materials provided is
9 a reflection worksheet, which is another tool that
10 schools could use in reflecting on what they're
11 currently doing, the effectiveness, and any areas of
12 weakness or gaps that need to be filled in.

13 So this is PED's -- CSD's recommendation
14 to the PEC for a consistent improvement plan. What
15 it would do is provide consistent evaluation
16 criteria, so that we could report out on our schools
17 that aren't meeting the expected performance level.

18 What I think the valuable discussion that
19 we had yesterday is, would this apply to all schools
20 C and below, or would we actually think about
21 whether this should only apply to schools that have
22 a D or lower?

23 And I think the other discussion we had --
24 and I did reach back out to the Priority Schools
25 Bureau -- is how this might interact with the

1 Priority Schools Division.

2 What I would recommend, if -- you know,
3 after we have discussion here, if we believe this
4 would be a valuable process, is that this be put
5 forward to the charter school community for their
6 feedback and input, and we, again, explore any of
7 that feedback and input in these materials in the
8 December meeting.

9 I think the other thing that I did want to
10 mention is I think what I was trying to help here is
11 begin to discuss what it might mean for a school to
12 demonstrate "substantial progress," which is a
13 phrase in the statute that the PEC is required to
14 consider when it's considering renewal decisions,
15 revocation decisions, which is a school can be
16 non-renewed or revoked if it doesn't meet the
17 expected performance or demonstrate substantial
18 progress toward that.

19 I think it's very important to have a
20 definition. And I think this could be a starting
21 point if we establish that through our improvement
22 plans.

23 THE CHAIR: Okay. Thank you, Katie. Let
24 me just summarize, briefly -- and those of you who
25 were at the work session yesterday, please -- please

1 chime in, as well.

2 Yesterday, we talked a great deal about
3 this document. It's the first time we've seen it.
4 It's quite a lengthy, comprehensive document. As
5 Katie said, our goal is to do whatever we can to aid
6 a school to do better. If they're having problems,
7 we want to be part of the solution. If this
8 document can help in that way, then this is the
9 right document.

10 But we first want to know from the charter
11 school community, I believe is the sense I got
12 yesterday. We want feedback from the people who
13 would be using this document.

14 We also talked quite a bit yesterday about
15 what does the Priority Schools Bureau already do
16 with schools that have a D or F grade on their
17 school report card? And we really did not want to
18 duplicate that effort or have schools duplicate the
19 effort. So we want to be very sure that this does
20 not simply cause schools to do, again, what they're
21 doing with Priority Schools Bureau.

22 So that is a question we put to Katie to
23 ask her to bring us that information back.

24 I would ask you to, if you would, look at
25 the second page of that packet, where there are

1 proposed motions. And Katie alluded to this.

2 A third, perhaps suggested, motion is the
3 one that this would be presented to the charter
4 school community for public comment. The date
5 suggested here for the deadline on that is December
6 the 4th. In my mind, that's too soon. I think,
7 with the holidays and everything that's going on, I
8 would prefer a date in January, quite frankly.

9 But that's just my suggestion. So if it's
10 your -- you know, whatever the Commission wants to
11 do. But I did want to point that out.

12 I agree that we need a really robust, good
13 corrective action plan, improvement plan, to work
14 with our schools on. We need to decide if this is
15 it.

16 So with that having been said, I would
17 open the floor for comments.

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Thank you,
20 Madam Chair. Before I make my comments, there are
21 several Commissioners that were not here yesterday.
22 I think it would be appropriate at this time to
23 introduce our new legal counsel from the Attorney
24 General's Office.

25 THE CHAIR: Oh, I am sorry.

1 COMMISSIONER BERGMAN: Yeah. I --

2 THE CHAIR: Susanne, please pronounce your
3 last name. I will screw it up, I feel sure.

4 MS. ROUBIDOUX: Thank you, Madam Chair.
5 My name is Susanne Rubidoux. And I am an Assistant
6 Attorney General, and I am replacing Josh Granata,
7 who was your previous counsel. And he is
8 transferred to another division within the Office of
9 the Attorney General. And I recently acquired this
10 representation. I'm happy to be here, and thank you
11 for having me.

12 THE CHAIR: And we're very happy to have
13 you. And I apologize for not introducing you
14 earlier.

15 Thank you, Commissioner.

16 COMMISSIONER BERGMAN: Now, that was the
17 reason for that, too. One, I would like to note
18 that our legal counsel, when we had one, or her,
19 always reviewed these kind of things.

20 So I would ask our legal counsel, in this
21 interim, whether -- and I actually support your -- I
22 think December 4th is probably a little early. I
23 think we'd be better off pushing that into January.
24 And that would give our legal counsel -- because
25 there's other things she's going to need to look at

1 also, as we go forward. But I -- I certainly agree
2 that we need to put this improvement plan into a
3 more concrete form.

4 Katie did a very extensive remodel of it;
5 and it's probably needed. But as we discussed
6 yesterday, we certainly don't want to duplicate the
7 Priority Schools Bureau; although they have
8 different emphasis than we do. And apparently,
9 their improvement plan will not track necessarily
10 with the one we're going to put together.

11 We have to meet our own needs; but if we
12 cannot -- if we can't get it to the point where we
13 cut duplication to an absolute minimum that we can
14 do, both for us and for the school, I believe that
15 is a good thing.

16 So that's -- those are my thoughts. Thank
17 you, Madam Chair.

18 THE CHAIR: Thank you very much.

19 Other comments?

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madam Chair, I
22 want to agree with it. I think we need a January
23 return date, because I know when you send busy
24 people stuff to review, and there's this much of it,
25 you're going to get one of two responses: "I don't

1 have time to bother with this," or, "What is this
2 doing to me," and immediately sending back, "I don't
3 like it, I don't want it," rather than looking at
4 it.

5 And then when we do implement it, somebody
6 will come back and say, "I didn't have time to look
7 at it."

8 And I think it's very important that
9 people get this and have enough time, and that
10 people like the Coalition and other people have time
11 to get to their folks and say, "Look at it, be
12 honest, give those responses back, what's useful,
13 what isn't useful, do you have suggestions of
14 something instead?"

15 So if we give them until January, I think
16 we have a much better chance of getting people to
17 tell us if this is the workable document we want for
18 them, as well as for us. So that would be my
19 suggestions.

20 THE CHAIR: Thank you.

21 COMMISSIONER TOULOUSE: Sometime toward
22 the middle of January is a good response date.

23 THE CHAIR: Thank you very much.

24 Other comments?

25 May we have a --

1 MS. POULOS: Madam Chair?

2 THE CHAIR: If it's the will of the
3 Commission, then we need to be looking at a date in
4 January that will be reasonable.

5 MS. POULOS: And then we'll say --

6 THE CHAIR: Katie, did you have a comment?

7 MS. POULOS: -- the reason that I've got
8 December -- although I absolutely agree, and I think
9 January is workable -- is I do think we want this as
10 soon as possible, once school grades are released,
11 so we can give schools plenty of opportunity to work
12 on this, if this is the route we go. And I believe
13 school grades will be released in December.

14 And so if we were able to have feedback in
15 time for the January meeting, that at that point, we
16 may be able to move forward with an improvement plan
17 process, we could assign it then, and that would be
18 very valuable for our schools, I believe.

19 THE CHAIR: Thank you.

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: With that thought
22 in mind, I would remind you, when we get to the
23 calendar at the end of our day today, the date that
24 I will propose for our January meeting, it was for
25 the 14th and the 15th. I actually submitted two

1 days to Beverly for every month, in case we needed
2 work sessions or days to do things like this.

3 So if we're going to keep this schedule,
4 then I believe the deadline for all the responses
5 should be fairly soon after the new year to give CSD
6 and everybody time to look at it. That's why I
7 wanted to throw that in.

8 Thank you.

9 COMMISSIONER ARMBRUSTER: Madam Chair?

10 THE CHAIR: Commissioner Armbruster?

11 COMMISSIONER ARMBRUSTER: I think that the
12 point of sending this to people is that you actually
13 never know that -- when you might be a school who
14 needs an improvement plan. It doesn't mean that our
15 "A" schools, something might just go amiss and they
16 need it. So I think that they, anyway, could give
17 positive feedback so that the fact that they don't
18 get those grades, or whatever we're calling them,
19 until December, really won't make any difference.

20 Because we want everyone's input, not just
21 the schools who are really struggling. I think we
22 would want everyone's. And by sending it out, they
23 have time to look at that before the grades come
24 out. I mean -- and that, I agree with in terms of
25 what time it needs to be back.

1 But, again, Commissioner Bergman, you were
2 thinking that we could look at this again at the
3 January meeting? Is that -- did I understand it
4 correctly?

5 COMMISSIONER BERGMAN: If we get it in
6 early enough after the new year that we can all --
7 be able to form an opinion on it, I think. And if
8 we do have a work session, then we can have a
9 discussion on that day. And then we would have to
10 be able to be in position, perhaps, to decide it on
11 the -- at the January 15th meeting.

12 COMMISSIONER ARMBRUSTER: So were you sort
13 of thinking that Katie would send this out very
14 soon, and then they would have until the end of
15 December to do this? I don't know. That's
16 vacation -- but sometime before that or right after
17 January?

18 COMMISSIONER BERGMAN: I think that would
19 be what -- if that was the will of this Commission,
20 yes, we would tell Katie to go ahead and send the
21 document as it was presented to us. And as we all
22 know, some will respond; some will not, and we just
23 take what we get.

24 COMMISSIONER ARMBRUSTER: Right. I just
25 wanted to be sure I understood.

1 COMMISSIONER BERGMAN: That would be my --

2 COMMISSIONER ARMBRUSTER: Mine, too.

3 THE CHAIR: I think what we're hoping for
4 is the best possible response; and so by giving a
5 little extra time, maybe we will get a better
6 response. So...

7 COMMISSIONER BERGMAN: Commissioner
8 Toulouse was just showing me the calendar. And
9 January 4th happens to fall on a Monday; so that
10 might want to be the date we want to choose.

11 THE CHAIR: I'm suspecting that may be the
12 date that most schools come back from Christmas
13 holiday. I think maybe a little later than that
14 would be better, maybe the following Monday or the
15 Friday, something.

16 MS. POULOS: The following Monday would be
17 the Monday of the meeting. And I think that would
18 be challenging.

19 THE CHAIR: What about the Friday of the
20 week they come back from Christmas break?

21 COMMISSIONER BERGMAN: 4th, 5th, 6th --
22 would be January the 8th, if that's a Friday.

23 THE CHAIR: I see people shaking their
24 heads.

25 COMMISSIONER ARMBRUSTER: If they don't

1 turn it in until the 8th, was your intent, Katie, to
2 somehow put this together for a presentation on the
3 9th?

4 THE CHAIR: It would be a week.

5 MS. POULOS: It would be a very limited
6 amount of time. I hope that schools and
7 stakeholders would provide feedback earlier; so --

8 THE CHAIR: Earlier. That would be the
9 absolute deadline. There's no rule that says you
10 can't turn it in earlier.

11 COMMISSIONER BERGMAN: And we have the
12 basic document here. There may be some changes to
13 it; but we can already be studying the basic
14 recommendations that Katie has already made, and
15 then incorporate any changes that do come forth from
16 the charter school community.

17 THE CHAIR: All right. Are we ready to
18 move forward with a motion?

19 COMMISSIONER GIPSON: Well, do we have
20 dates?

21 THE CHAIR: Commissioner Gipson?

22 COMMISSIONER GIPSON: Do we have dates?
23 Are we -- what date in December -- or January -- are
24 we leaving as the cutoff date?

25 THE CHAIR: I believe we said the 8th?

1 COMMISSIONER GIPSON: The 8th? I was
2 going to suggest the end of December, like around
3 the 15th.

4 THE CHAIR: Schools may be closed for the
5 holidays.

6 COMMISSIONER GIPSON: I'm thinking most
7 close by around the 15th or later. So at least
8 they'd have that -- I think it's -- they're starting
9 back up. And it's going to be tougher to get that
10 in in January.

11 THE CHAIR: That doesn't mean they have to
12 wait till then. We're just trying to give them a
13 longer time.

14 COMMISSIONER GIPSON: I've been there;
15 I've worked there. I've filled that time space, you
16 know. I think it's -- you know. And for Katie to
17 be able to really process all this information,
18 it's -- hopefully, it is a lot of information
19 they're receiving. That's what we're hoping for,
20 that a large number of schools are going to
21 participate and want to give good feedback.

22 So we want a good report coming to us, not
23 something that had to be put together quickly. I
24 think more people -- more schools would like to
25 close it out than leave it till the beginning of the

1 school year.

2 THE CHAIR: Commissioner Bergman?

3 COMMISSIONER BERGMAN: Well, then, perhaps
4 Katie, in her communication, in whatever form,
5 whether she uses old faxed, paper-mail stuff, or
6 uses really high-technology stuff, could give the
7 deadline, but could encourage early responses.

8 COMMISSIONER TOULOUSE: Madam Chair?

9 THE CHAIR: Commissioner?

10 COMMISSIONER TOULOUSE: Could we maybe ask
11 some input from our community college -- so I'd like
12 to see if we could have input from either Kelly
13 and/or Greta.

14 THE CHAIR: Kelly, Greta, anyone from the
15 schools?

16 MS. ROSKOM: On the date issue? You want
17 input on the date issue, specifically? Madam Chair,
18 members of the Commission, Katie, I would hope that
19 we could give them as much time as possible -- are
20 you hearing me?

21 COMMISSIONER GIPSON: Now, you have to put
22 the button down. You have to hold it down.

23 MS. ROSKOM: I've got it now. I think
24 this is a really important document. We want to
25 give them plenty of opportunity to look this over.

1 As you already mentioned, they have a document from
2 Priority Schools that they use. Many of them are
3 accredited by Advanced Ed, which also has a school
4 improvement plan document that they use.

5 Then there are -- then there's the EPSS
6 and the performance frameworks. And I think what's
7 important is to look at alignment of some of these
8 documents so that we're not layering upon layering
9 upon layering more work for them to do, if some of
10 this is redundant.

11 So my recommendation would be to wait
12 until January, if possible, to give them plenty of
13 time. Kelly and I can work through our membership
14 council and ask them to look that over and give us
15 some feedback that we can then sift through and
16 present to Katie in one of our meetings with her, if
17 you would be interested in using a process like
18 that.

19 THE CHAIR: Thank you very much. I think
20 Sue, or you?

21 COMMISSIONER BERGMAN: Cindy, do you need
22 these folks to identify themselves?

23 THE REPORTER: (Indicates.)

24 MS. FOX: It's Sue.

25 Madam Chair, members of the Commission, I

1 agree. I -- especially if this is a lengthy
2 document, which I understand it is, I think the
3 schools need as much time as possible. I think
4 having those extra two weeks -- some administrators
5 will actually work over the holidays. I know Patti
6 and I will be working during that time. So having
7 that additional time, I think, would be necessary.

8 THE CHAIR: So what are you suggesting? A
9 particular date or --

10 MS. FOX: I think that I like January 8th,
11 or January 4th as a second choice, as opposed to
12 December 15th.

13 THE CHAIR: Okay. Thank you very much.
14 Do we have people here from schools that might want
15 to -- if you would, please, introduce yourself and
16 tell us what school you're with.

17 MS. ARSENAULT: My name is Cindy
18 Arsenault, A-R-S-E-N-A-U-L-T, from La Jicarita
19 Community School. I would have to agree with the
20 December date rather than the January, but pushing
21 it maybe to the 18th, which is that Friday; because
22 most administrators, when we come back, we have
23 WIDA, we have DIBELS, we have a whole bunch of other
24 things, and it'll get done really quickly.

25 If it's due in December, I think it forces

1 you to get it done before the holiday, and you take
2 the time to look at it. For me, as an elementary
3 school.

4 THE CHAIR: So your suggested date is.

5 MS. ARSENAULT: That Friday; I think it's
6 the 18th.

7 THE CHAIR: Of January?

8 MS. ARSENAULT: Of December.

9 THE CHAIR: December.

10 MS. ARSENAULT: Of December. When you
11 come back, you hit the ground running on the 4th,
12 and you go right into DIBELS and, you go right into
13 WIDA, and, for us, Short Cycle Assessment. And
14 that's going to be a busy week. And a lot of
15 administrators will just rush it, because you'll
16 think it's not due till after the holiday. I'll
17 wait, and then -- I think you'll probably get better
18 results then.

19 THE CHAIR: All right. Thank you very
20 much. We can take one more. How about two more?

21 MR. HOTCHKISS: Christopher Hotchkiss, CEO
22 of CEPi Charter School.

23 I agree with Greta and Sue. January 8th
24 would be good. I would like to see it go through
25 the Coalition of Charter Schools and let them look

1 at it, and then, you know, bring it to us with some
2 recommendation. If it's that big of a document this
3 time of year and everything going on, we really do
4 kind of need it broken down so we can look at it.

5 THE CHAIR: Thank you very much.

6 MR. HOTCHKISS: Thank you very much, Madam
7 Chairman.

8 THE CHAIR: Mark?

9 MR. TOLLEY: Just briefly, Madam Chair. I
10 would agree with the representative from one of the
11 schools. Having been a principal at all three
12 levels, I know that anybody that's going to look at
13 the document will look at it before Christmas rather
14 than come back into it.

15 I also want to be very respectful of
16 Katie, giving it to her on the 8th and expecting her
17 to turn it around by the next week may not be fair
18 to her. And I'm not too worried about the
19 Coalition. They're going to work all through
20 Christmas. They can have it done by the 18th,
21 anyway.

22 MS. CALLAHAN: Thanks, Mark. We'll send
23 you a bill.

24 MR. TOLLEY: And I'll be looking at it.
25 We'll get it done before. I think the 18th is fair.

1 That's when we're out. All of the APS charter
2 schools and most of all of our charters, if not just
3 a little earlier. So I think the 18th of December
4 is fair. That first week back is a nightmare to
5 look at anything besides what's going on at the
6 schools.

7 THE CHAIR: Okay. Thank you very much for
8 that.

9 COMMISSIONER ARMBRUSTER: Madam Chair?

10 THE CHAIR: Commissioner?

11 COMMISSIONER ARMBRUSTER: In terms of the
12 date, I'm -- you know, I'm not going to be
13 hysterical about any of them. But I think it's
14 unfair to ask Katie to look at these on the day they
15 arrive on Friday, and then to spend her entire
16 weekend getting it ready for us on Monday, or
17 whatever the date that we're meeting.

18 THE CHAIR: It's a week later.

19 COMMISSIONER ARMBRUSTER: It's a week
20 later?

21 And, you know, you could say it's due on
22 the 18th and will be accepted until the 30th. And
23 then after that, you know, if it's important to you,
24 you actually will do it, because it's going to be an
25 improvement plan that each of these schools will

1 have to accept.

2 THE CHAIR: Other comments? Well, you've
3 heard a lot of input. If there are no further
4 comments, the Chair would entertain a motion.

5 COMMISSIONER PERALTA: Madam Chair?

6 THE CHAIR: Commissioner?

7 COMMISSIONER PERALTA: I would like to
8 make a motion for the date to reflect the
9 December --

10 THE CHAIR: Use the --

11 COMMISSIONER PERALTA: I'm sorry. Yeah,
12 I'd like to make a motion that the document be
13 available, prepared, ready for the schools by
14 December 18th. Does that sound --

15 COMMISSIONER BERGMAN: That sounds like --

16 THE CHAIR: Use that wording, please.

17 COMMISSIONER PERALTA: Do you want me to
18 include the date, as well?

19 THE CHAIR: Whatever date you want, put it
20 in there.

21 COMMISSIONER GIPSON: You have to change
22 the "4th" to the "18th."

23 COMMISSIONER PERALTA: All right. I would
24 move to present the Policy Improvement Plan
25 documents provided in today's materials to the

1 charter school community for public comment, which
2 must be submitted no later than December 18th, and
3 consider adoption of the materials at the January
4 PEC meeting.

5 THE CHAIR: Thank you very much. You've
6 heard the motion.

7 COMMISSIONER ARMBRUSTER: Second.

8 THE CHAIR: And a second.

9 Motion by Commissioner Peralta, second by
10 Commissioner Armbruster.

11 Is there further discussion?

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

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner
17 Chavez?

18 COMMISSIONER CHAVEZ: 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: Commissioner
8 Bergman?

9 COMMISSIONER BERGMAN: Yes.

10 COMMISSIONER PERALTA: Commissioner
11 Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER PERALTA: Madam Chair, that
14 is nine to zero in favor of the motion.

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

17 So the deadline to review the document and
18 get your comments back to CSD is December 18th, and
19 this item will be on our January 15th agenda.

20 COMMISSIONER BERGMAN: And the
21 understanding is that Katie will send this out
22 forthwith.

23 MS. POULOS: It will go out today.

24 COMMISSIONER TOULOUSE: Madam Chair, can
25 we suggest to Katie, though, she give herself some

1 breathing time and not do it on the weekends and
2 send us stuff later on Sunday night? We don't want
3 to burn her out. So I would like to suggest that
4 you do a little holiday time, please?

5 THE CHAIR: As soon as possible, okay?

6 Commissioners, it's a quarter after 10:00.
7 Are we ready to take a break or keep going?

8 Take a break?

9 All right. Let's be back at 10:30.

10 (Recess taken, 10:17 a.m. to 10:33 a.m.)

11 THE CHAIR: I call back into session this
12 meeting of the New Mexico Public Education
13 Commission. We are to Item 6B, Planning Year
14 Checklist.

15 And, Katie, I believe you put the
16 marked-up copy on the desk; so please use that,
17 rather than the one that's in the notebook.

18 MS. POULOS: Madam Chairwoman and
19 Commissioners, as we prepare to facilitate the
20 planning year for the two schools that were approved
21 at the September meeting, CSD did do some work on
22 the Planning Year Checklist. A red-lined version
23 has been provided for each of you to identify the
24 changes that have been made. You'll --

25 COMMISSIONER GIPSON: It's what she gave

1 us yesterday at the work session.

2 COMMISSIONER TOULOUSE: But I stuck it in
3 here, and I can't find it again, 'cause -- here it
4 is.

5 MS. POULOS: Any changes that we've made
6 have been based on issues and concerns that have
7 been raised for schools this year. And so we wanted
8 to ensure that those were caught early and part of
9 this Planning Year Checklist, so that we could
10 facilitate the schools in ensuring that those
11 challenges didn't continue.

12 So in the first area, you'll see that, for
13 January reporting, we've added audit and finance
14 committee memberships comply with statute, and
15 evidence of an IPRA policy.

16 We have added, also -- we've provided some
17 specificity. So an item was the basic operating
18 policies and procedures. But not many of those were
19 listed out specifically. So we've listed them out
20 specifically.

21 Anti-nepotism, background check, FERPA,
22 enrollment, policy and process for receiving and
23 resolving community parental and other public
24 complaints. Those were addressed at this time,
25 because we felt that those were very important items

1 to have, as they began their initial applications
2 and began recruiting students and holding board
3 meetings for their governing body.

4 I think the other changes -- there's some
5 formatting changes in there and some information
6 that was repetitive; so that was removed. For the
7 "Financial standards include," that was information
8 that is already being reported elsewhere, and so
9 having it restated -- just removed it.

10 Formatting changes.

11 One of the things that was previously
12 required was -- and we discussed this yesterday --
13 only a plan to develop the curriculum in certain
14 areas; but many schools have presented not just the
15 basic curriculum, but that they would be providing
16 project-based learning or other social-emotional
17 curriculum.

18 And so here is information required for
19 their plan for how they will develop their written
20 curriculum for all areas, so that they are prepared
21 at the beginning of their school year with their
22 curriculum.

23 Also removed was a status report on the
24 acquisition of facilities at the end of January. We
25 felt that that might be more appropriate as they

1 move further down in the year, that they may not
2 have much of an update at that point in time.

3 For the reporting on March 31st, again,
4 some of those changes are simply, you can see,
5 formatting. What we did provide was an additional
6 bit of detail on what their enrollment report would
7 be at that point in time, including a detailed
8 lottery and wait-list process, an admission policy,
9 including time lines, benchmarks, responsible
10 parties, and forms -- as we discussed yesterday,
11 that word "that" should be removed, and the
12 admission policy and forms, including applications
13 for admission.

14 One of the things that was added was a
15 status report on enrollment projections as a
16 percentage of the budget in enrollment. We've seen
17 many schools have ambitious enrollment plans. And
18 those haven't been panning out. And as a result,
19 they have submitted budgets substantially larger
20 than their actual enrollment. And so I believe
21 having status reports on that will help encourage
22 them to be realistic in their projections, and also
23 to understand the amount of work they need to do to
24 ensure enrollment to meet their projections.

25 On the status of acquisition of

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 facilities, we've added the development or
2 acquisition of facility. And we've also added
3 clarity on the need to report not just on
4 E-Occupancy, but on the condition index and the
5 ownership or lease-purchase requirements that are
6 now in statute.

7 And we've asked, at the end of March, for
8 an update on the implementation of their curriculum
9 development plan to ensure continuing progress on
10 that.

11 By June 1st, again, we've made changes on
12 that curriculum development plan. So ask -- removed
13 the way that it was written there previously to
14 ensure that it is comprehensive, not just in certain
15 areas, but in all areas of their planned curriculum.

16 Added additional operational policies,
17 including the compulsory school attendance --
18 actually, I think we didn't add those. We just
19 moved those over; so those are just formatting
20 changes, also.

21 Did add a couple that were not there, but,
22 I think, are important. There's a statutory
23 requirement to ensure parents understand that they
24 have access to the professional qualifications of
25 their teachers. The statutory requirement is

1 60 days prior to the start of the school year for
2 these new schools, I think we want to see evidence
3 that they've done that.

4 Also, a staff discipline policy and staff
5 handbook, as well as a student discipline policy and
6 student handbook.

7 On the special education area, we've added
8 some clarity on what they should include in their
9 special education plan. We have seen many of our
10 new schools haven't quite understood what they need
11 to do at the beginning of the year to ensure they're
12 meeting the needs of their special education
13 students, as well as the legal requirements. And so
14 we've added some clarity there, and will be adding
15 training that will facilitate them in developing
16 those plans to ensure that they meet those needs at
17 the beginning of the year.

18 We've provided a little less -- a little
19 clarity on what the assessment plan needs to
20 include. So previously, it stated only reading
21 language arts, and mathematics; but wanted to
22 provide clarity that it's the Short Cycle
23 Assessments identified that they've had contact.

24 We did run into a challenge with one of
25 our schools this year that planned and negotiated a

1 goal for a certain Short Cycle Assessment, and
2 learned after that contract was signed that they
3 could not enter into that contract with the Short
4 Cycle Assessment company. And so wanting to get
5 them, early on, engaged in the process with that --
6 that chosen Short Cycle Assessment to ensure that
7 they are able to do that and have that ready at the
8 beginning of the year, and, as well as ensure that
9 they are administering and have a plan for
10 administering WIDA W-APT.

11 One of the things we've seen is schools,
12 again, don't quite understand their requirements
13 there, and so want to make sure that they have that
14 planned appropriately and the needs of their English
15 Language Learner students.

16 We've also asked for an update on
17 recruitment and hiring to meet their staffing plan
18 that was provided in the application. And they
19 would have the opportunity there to address any
20 changes based on their enrollment.

21 We've seen schools struggling, again, at
22 the very beginning of the year; and so getting them
23 to report earlier will help them act earlier.

24 We've also asked them to provide
25 information on a mentorship program and plan for new

1 teachers. Again, we've seen many of our new schools
2 end up hiring first-year provisional licensed
3 teachers and have not met the requirements as of
4 the -- the site visit that we did in the past couple
5 of weeks, to provide the mentorship and training for
6 those teachers.

7 And so want to make sure that they've
8 planned for that. They may not expect that they're
9 going to have that; but we've seen that that tends
10 to be the case.

11 And again, a status report on the
12 development or acquisition of the facilities that
13 meet all the requirements.

14 Status report on the implementation of
15 their curriculum development plan. Protocols and
16 policies for implementation of RTI and SAT
17 processes, again, having them plan for that, because
18 as we've seen visiting our new schools, that's an
19 area of weakness; and so students aren't getting
20 their needs met in those areas.

21 And then professional development plans
22 for the school, overall, and for individual teachers
23 in ensuring they have a plan for implementing those
24 requirements.

25 Then what's been added is what we utilized

1 this year as the conditions, two weeks prior to the
2 start of the school year, ensuring that they have
3 the curriculum for the first 90 days, that they have
4 a plan to ensure the implementation of their written
5 curriculum, a status report on the continued
6 development of their curriculum, and additionally,
7 the resources necessary for the implementation of
8 their curriculum. That's another area that we've
9 seen some pretty substantial weaknesses in our newer
10 schools.

11 Two weeks prior, expecting to see the
12 E-Occupancy certificate for a building that meets
13 the New Mexico Condition Index requirements, as well
14 as the ownership or lease-purchase requirements that
15 are in statute.

16 We would also ask at that time for
17 evidence of the recruitment and hiring of an
18 appropriate number of teachers for their enrollment.
19 That would include licenses, contracts, and criminal
20 background checks, which is an area, this year, that
21 we did see pretty substantial weaknesses in; and,
22 again, that's a pretty major safety issue for our
23 students.

24 And then the last item is student
25 enrollment; for the minimum number of students, in

1 order to start the school year, which is eight, but
2 also asking that if they have less than 95 percent
3 of their budgeted enrollment, that they provide a
4 plan to adjust their spending and budget to account
5 for lower enrollment, because, again, we've seen
6 some pretty substantial issues with that in our new
7 schools.

8 THE CHAIR: Thank for you that
9 presentation.

10 Commissioners, do you have questions or
11 concerns on the Revised Planning Year Checklist?

12 I hear none.

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

15 COMMISSIONER CARR: I don't have the
16 motion sheet. My motion sheet disappeared. I don't
17 know where it went. But surely, somebody has it and
18 can read the motion.

19 MS. POULOS: It's provided immediately
20 prior to the Planning Year Checklist, which is in
21 your binder.

22 COMMISSIONER BERGMAN: This is -- while
23 we're looking, this is an extensive rewrite of the
24 Planning Year Checklist. The nice thing about this
25 document, two schools will be doing it. And as

1 we've done in the past, if we find there's problems
2 with it, we can always change it again next year.

3 THE CHAIR: Commissioner Bergman, would
4 you care to make a motion?

5 COMMISSIONER BERGMAN: Well, let me take a
6 stab at it then, Madam Chair.

7 Madam Chair, I would move that the Public
8 Education Commission accept and put into
9 implementation the 2015-2016 Planning Year
10 Checklist, as presented today by the Charter School
11 Division, with the numerous changes, and that this
12 Commission adopt this for use this year.

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

15 COMMISSIONER TOULOUSE: Madam Chair?

16 COMMISSIONER ARMBRUSTER: Second.

17 THE CHAIR: Commissioner Armbruster?

18 Motion by Commissioner Bergman, second by
19 Commissioner Armbruster.

20 Is there further discussion?

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

23 COMMISSIONER PERALTA: Commissioner
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?
2 COMMISSIONER CARR: Yes.
3 COMMISSIONER PERALTA: Commissioner
4 Toulouse?
5 COMMISSIONER TOULOUSE: Yes.
6 COMMISSIONER PERALTA: Commissioner
7 Chavez?
8 COMMISSIONER CHAVEZ: Yes.
9 COMMISSIONER PERALTA: Commissioner
10 Armbruster?
11 COMMISSIONER ARMBRUSTER: Yes.
12 COMMISSIONER PERALTA: Commissioner
13 Gipson?
14 COMMISSIONER GIPSON: Yes.
15 COMMISSIONER PERALTA: Commissioner
16 Peralta votes "Yes."
17 Commissioner Bergman?
18 COMMISSIONER BERGMAN: Yes.
19 COMMISSIONER PERALTA: Commissioner
20 Shearman?
21 THE CHAIR: Yes.
22 COMMISSIONER PERALTA: Madam Chair, that
23 is nine to zero in favor of the motion.
24 THE CHAIR: Thank you very much. The
25 motion to approve the Revised 2015-'16 Planning Year

1 Checklist is approved.

2 Did I say that right?

3 All right. Next item on the agenda is the
4 2016 New Application.

5 MS. POULOS: Madam Chairwoman and
6 Commissioners, in your materials today, CSD has
7 provided a "track change" version of some
8 recommended changes for the 2016 New Application.

9 First, I, again, apologize for not
10 including any track changes of the Notice of Intent.
11 The changes -- I did e-mail that to you last night.
12 The changes include a change of the e-mail address
13 to which they should submit that for CSD's receipt,
14 to a general "charter.schools@state.nm.us" e-mail
15 box, as well as removing the name of the person
16 whose attention to put it at, and making it the
17 Division.

18 COMMISSIONER BERGMAN: Excuse me. Are we
19 talking about the Notice of Intent right now?

20 MS. POULOS: Yes, sir, we are.

21 COMMISSIONER BERGMAN: We're not talking
22 about the application. We're talking about the
23 Notice of Intent.

24 THE CHAIR: It's all together in this
25 item.

1 MS. POULOS: In addition, the other
2 changes that you will see is --

3 THE CHAIR: Katie, may I ask you,
4 please -- I apologize for interrupting you. Let's
5 look at the Notice of Intent to Submit an
6 Application first and deal with that, and then go to
7 the application, as a separate item, please?

8 MS. POULOS: Okay. And so as you'll see
9 in the track changes, again, that I did send to you
10 last night, the -- one of the changes is where the
11 phrase "target population" is used, some clarity on
12 that has been provided, because that was an area of
13 concern that was raised in many people's comments.

14 So the clarity that's presented there is
15 that the target population is the representative
16 population in the intended location of the school.
17 And so that, hopefully, clarifies what is meant by
18 "intended population."

19 That's been a concern, and I just thought
20 that might be some useful clarifying language; and
21 so you'll see that change marked in a couple of
22 places.

23 Otherwise, the changes are just dates and
24 the e-mail address.

25 THE CHAIR: Thank you very much. One

1 thing I would like to point out that we noticed
2 yesterday in the work session is Item No. 6 on the
3 notice document itself. I have to say I had never
4 seen this before. I understand that this is an
5 ongoing item.

6 But it deals with replication. And this
7 Commission has not defined "replication." We're
8 not -- as far as I know, not ready to deal with any
9 replicated schools, because we don't know what it
10 is.

11 So my suggestion would be that one of the
12 changes we make to this document is to remove Item
13 No. 6 until and unless we are ready to deal with
14 replication.

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 would agree with you.

17 THE CHAIR: Okay. Thank you.

18 Any other comments?

19 Okay. Yes, Commissioner?

20 COMMISSIONER BERGMAN: There was one other
21 area that I just noticed that I would -- I think
22 maybe just a very brief discussion.

23 Because of the problem we had in this
24 cycle -- there were seven or eight schools -- the
25 number seems to vary from time to time -- that did

1 not notify the local school districts when they
2 filed this Notice of Intent. And you'll notice in
3 the very first paragraph, it is very explicit that
4 this Notice of Intent must go to this Commission
5 through the CSD and must also go to the local school
6 district in wherever the school intends to locate
7 itself or is applying from.

8 They have highlighted there a little
9 sentence that says, "Failure to notify may result in
10 your application being requested." [Verbatim.]

11 COMMISSIONER ARMBRUSTER: "Rejected," you
12 mean.

13 COMMISSIONER BERGMAN: What?

14 COMMISSIONER ARMBRUSTER: "Rejected."

15 COMMISSIONER BERGMAN: That's what I'm
16 saying.

17 I wonder if we can have language in there
18 specifically saying, "It will be rejected."

19 Do we have a legal -- I'm not sure why we
20 gave them that kind of wiggle room. It would
21 simplify our results and our actions that we are
22 very explicit. "If you don't send it to the local
23 district, your application is not accepted."

24 Thoughts?

25 COMMISSIONER GIPSON: I'm perfectly fine

1 with that. I think it would alleviate some issues;
2 so I'm fine with changing the wording.

3 THE CHAIR: Rather than "may"?

4 COMMISSIONER GIPSON: It will be "will."

5 THE CHAIR: "Will" or "shall"? Which is
6 more definite?

7 COMMISSIONER BERGMAN: The Legislature
8 always uses "shall."

9 THE CHAIR: I believe legally, they use
10 "shall" more.

11 COMMISSIONER PERALTA: I prefer "will."
12 It seems a little more forceful.

13 COMMISSIONER GIPSON: "Will" seems more
14 definitive to me.

15 THE CHAIR: Commissioner?

16 COMMISSIONER CARR: I was remembering the
17 discussion we had. I was remembering when Josh was
18 here, too. It wasn't necessarily wiggle room for
19 them; it was wiggle room for us; because if they
20 actually came up -- I mean, if there was -- there
21 could be a legitimate excuse, you know, of some
22 kind, that, you know, that everybody didn't get
23 notified. Something, you know, that -- and I think
24 this was also in regards to getting the application
25 in on time, as well.

1 So -- and it sounds like our attorney is
2 going to chime in here. I don't want to give people
3 wiggle room, necessarily, either; but also -- but I
4 do want to give us wiggle room, in case there's a
5 situation that comes up where there is an excuse.

6 MS. ROUBIDOUX: Members of the Commission,
7 I would just echo what Commissioner Carr has stated,
8 is that by putting the definitive "shall" in there,
9 you have no discretion. And it could be a decision
10 where perhaps there's a delay in the mail or
11 somebody had an auto accident or something -- there
12 may be a reasonable explanation. And that's not
13 saying that you either do or do not have to accept
14 it; but if you put a "shall" in there, you have no
15 discretion, even if it's late five minutes.

16 COMMISSIONER CARR: Like a mandatory
17 sentence.

18 MS. ROUBIDOUX: So it's up to the Council.
19 Just as legal counsel, I just point out the -- the
20 legal -- the legal distinction between "may" versus
21 "shall."

22 COMMISSIONER BERGMAN: I'll second that.
23 My memory is the same. And also, I'll just note
24 there is a sentence on what you just said. "notices
25 of Intent that are not received by the PEC and the

1 superintendent of the local school district by the
2 deadline may result in your application being..." --
3 so I think that's probably -- it was probably Josh
4 that weighed in on that, and we probably decided to
5 leave "shall" -- or use the word "may."

6 Just, like I say, I wanted us to discuss
7 it. I kind of agree maybe we should leave that
8 wording as it is.

9 THE CHAIR: Commissioner Armbruster?

10 COMMISSIONER ARMBRUSTER: This is a
11 procedural question. So when someone wants to begin
12 a charter school, and they have to notify the
13 current district, or wherever it's going to be
14 located -- so do they just say -- they notify you,
15 da-da-da, and then they continue writing this? Or
16 do they get -- do we send -- do they send the Notice
17 of Intent to the school district and get it back
18 that they -- you know, a confirmation that they got
19 it, actually, and then start there?

20 Because if you send some things -- and
21 sometimes e-mail and regular mail -- you think they
22 get there, but they never did; and so that would be
23 your "may" thing, I know.

24 But still, I just don't know. In terms of
25 procedure, do they get confirmation that the

1 district got it, and then they proceed writing their
2 charter?

3 COMMISSIONER BERGMAN: That's not -- yeah,
4 we've never been involved in that aspect of it. I
5 have no way of answering that.

6 COMMISSIONER ARMBRUSTER: I just didn't
7 know if they knew that it actually arrived and they
8 got it, or they're doing all this and maybe it never
9 got there. I just don't know.

10 THE CHAIR: From a personal standpoint, if
11 I were going to send it regular mail, I'd ask for a
12 signed return receipt, so that there was an
13 assurance that it was received.

14 Other than that, whenever they began to
15 write their application is certainly up to the
16 individuals. We don't have any -- you know, no
17 input into that; so...

18 COMMISSIONER ARMBRUSTER: We should
19 mention that they should send it like that so that
20 it's -- there isn't a question and gives us less
21 hassle when someone says that. That's -- I mean,
22 it's a simple sentence.

23 MS. POULOS: And that is -- that is in
24 there. They are strongly encouraged to send it by
25 certified mail. That's the very end of that

1 first -- or second paragraph.

2 COMMISSIONER CARR: Yeah.

3 COMMISSIONER ARMBRUSTER: Oh, okay. Thank
4 you.

5 THE CHAIR: Could I also bring up one
6 other thing? If you'll look at the very last page
7 of this "notice" document, it says, "Please note,
8 should your charter be awarded, the founding
9 governing body could undergo a background check to
10 determine if it qualifies to be a Board of Public
11 Finance in the State of New Mexico."

12 And, Katie, did we ask you yesterday -- I
13 don't remember -- is this new, or is this something
14 that's been in this notice for a while?

15 MS. POULOS: The only things that have
16 changed in this notice are identified in the track
17 changes document I gave you. That is not identified
18 as a change. It is not a change.

19 THE CHAIR: Okay. I just wanted to point
20 that out, because, honestly, it's the first time
21 that I have noticed it; so...

22 COMMISSIONER BERGMAN: I suspect if it's
23 not a statutory requirement, I don't know how we
24 could require it. But that -- I'm not a lawyer.
25 That's the first time I've noticed it, too. I, for

1 some reason --

2 THE CHAIR: It says it could happen; it
3 doesn't say it will. So I guess that's our out
4 there. Certainly, we don't subject them to the
5 background checks.

6 Okay. Any other comments or questions on
7 the Notice of Intent?

8 Anything else?

9 Are we ready with a motion to accept this
10 Notice of Intent, as it has been edited?

11 COMMISSIONER BERGMAN: Well, I would
12 suggest whoever makes the motion should specifically
13 note that Item 6 should be removed, and the document
14 renumbered.

15 THE CHAIR: There you go. The Chair would
16 entertain a motion.

17 Commissioner Gipson, I'm looking at you.

18 COMMISSIONER GIPSON: Sure, sure.

19 Madam Chair, I recommend that we accept
20 the 2016 Notice of Intent Application, with the
21 deletion of Item No. 6 in the application.

22 THE CHAIR: Thank you. You've heard the
23 motion.

24 COMMISSIONER TOULOUSE: Second.

25 THE CHAIR: Commissioner Toulouse seconds.

1 Is there further discussion?

2 Mr. Secretary, may we have a roll-call

3 vote?

4 COMMISSIONER PERALTA: Commissioner

5 Peralta votes "Yes."

6 Commissioner Gipson?

7 COMMISSIONER GIPSON: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Bergman?

10 COMMISSIONER BERGMAN: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Chavez?

13 COMMISSIONER CHAVEZ: Yes.

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner

17 Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Armbruster?

21 COMMISSIONER ARMBRUSTER: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Conyers?

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Madam Chair, that
4 is also a nine-to-zero vote in favor of that motion.

5 THE CHAIR: Thank you very much. The 2016
6 Notice of Intent, as amended, is approved.

7 Next item on the agenda is the proposed
8 revisions to the new charter school application.
9 And before we get started on that, I'd like to make
10 a couple of comments.

11 We spent quite a lot of time on this
12 yesterday in the work session. We noted that this
13 is a pretty good-sized document and that there have
14 been quite a number of revisions. We also noted
15 this is the first time we've seen it.

16 Generally, the process, when we're
17 changing, or when we're considering updating a
18 document like this, is we meet in a work session
19 that's dedicated simply to this document itself;
20 because it is so large and so important. And it
21 will take a whole day, generally, to get through the
22 changes.

23 So yesterday, the Commissioners who were
24 in attendance decided to not deal with this document
25 until we had more time to adequately review it and

1 perhaps even have a work session just dealing with
2 this document.

3 So not saying anything about the proposed
4 changes; simply saying there are too many of them,
5 and we're not -- we don't feel like we've had
6 adequate time and adequate discussion to -- to deal
7 with the proposal.

8 So the consensus was, let's put this in a
9 work session, say, in January, where we can have
10 plenty of time to meet with Katie, perhaps her
11 staff, and sit down and thoroughly go through this
12 and understand what the revisions would do and what
13 we want our document to really say and do.

14 So with that having been said,
15 Commissioners, I'm going to ask, first, for your
16 input. If you have questions for Katie, I'm sure
17 she'd be happy to answer them. But I would like to
18 hear your comments or concerns first.

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: Well, I would just
21 note that that has been our process in the past, in
22 the spring, each year, evaluated all of our
23 documents and our processes based on what we
24 experienced in the previous year. For at least the
25 last three years, that's what we have done. We

1 rewrote this application in a work session two years
2 ago, based on the previous year's experience with
3 it.

4 So, yeah, my feeling is we should table
5 this at this time, and we would -- we could either
6 do a work session in January, if that was the will
7 of the Commission, or we could do one in February,
8 whatever everybody wanted to do. And I believe
9 everyone should study this, keep this document, take
10 a really close look at it; because there are some
11 real major changes Katie has suggested. She has
12 removed our evaluation process. I know --

13 MS. POULOS: I'm sorry. I do need to
14 correct that. I have not. I have not.

15 COMMISSIONER BERGMAN: Well, that's a
16 matter of opinion. But -- so I want us to look -- I
17 ask everybody to really look at this document in the
18 interim and think about how you'd want to approach
19 this.

20 Thank you, Madam Chair.

21 THE CHAIR: You know, I don't mean to
22 downplay the work that's been put into this. There
23 are some really good ideas. There's been a lot of
24 time spent on this document.

25 But as Commissioner Bergman said, we think

1 it's ours. We know it's ours. And we want to be
2 very, very involved in any changes that happen to
3 it.

4 We may end up accepting every single
5 suggestion here. But we want to be part of the
6 development, and we want to thoroughly understand it
7 before we move forward with it.

8 So, Commissioners, what's your -- what's
9 your pleasure here?

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Madam Chair, I
12 think I said yesterday that I agree with
13 Commissioner Bergman. I think we all need to look
14 at this; because I know the effort that's gone into
15 these. And I hate sitting down and revising forms.

16 But I think it is important that I sit
17 down and do it, and that we all do it. And if it's
18 an all-day -- I mean, I think we have the whole
19 spring to work on documents and to go through, and,
20 if we have to, word by word by word, as we did the
21 first time; and the second time, go through and make
22 sure what we want and what Katie and her folks can
23 work with, so that it's a joint process, so when we
24 put our stamp on it, it is our work product.

25 Thank you.

1 THE CHAIR: Now, I know this document
2 needs to be -- traditionally is put out on the
3 website for new applicants to use in the first part
4 of the year. And so we do need to deal with this
5 early on. So I don't think we want to put it off,
6 say, beyond January. But I think we do need to
7 spend some time with it.

8 COMMISSIONER BERGMAN: Well, the other
9 option would be that this Commission just keep this
10 year's document, and then we'd spend the spring --
11 making whatever major revisions need to be made for
12 the following, which would be the 2000- -- so we
13 have several options here, how we can approach that.

14 THE CHAIR: That's true. I hadn't thought
15 of that. I hadn't thought of that.

16 So, Commissioners? Commissioner Gipson?

17 COMMISSIONER GIPSON: I think if we start
18 looking at it in January, and we see that we need
19 additional time, we can then decide if we're going
20 to stick with the same application that we have now.
21 Or, if we think we can do this in a timely fashion
22 and do it well, we can roll this out for this coming
23 cycle, that we can -- I would prefer to hold off
24 till January so that we can really dive into it; but
25 I think January is a good time to do it.

1 THE CHAIR: And do it in a working session
2 on January the 14th.

3 COMMISSIONER GIPSON: Absolutely, yeah.
4 Yeah, I think we're putting a lot into January 14th.

5 THE CHAIR: Commissioner, would you make a
6 motion?

7 COMMISSIONER GIPSON: Okay, sure.

8 Madam Chair, I make a motion that we do
9 not accept the new application at this time, and we
10 hold off work on a new application until the January
11 work session, which would be January 14th.

12 THE CHAIR: Is that motion sufficient?

13 Have we covered everything?

14 Okay. May we have a second to the motion?

15 COMMISSIONER CONYERS: Second.

16 THE CHAIR: Motion by Commissioner Gipson,
17 seconded by Commissioner Conyers.

18 Is there further discussion?

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

21 COMMISSIONER PERALTA: Commissioner
22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Bergman?

1 COMMISSIONER BERGMAN: Yes.
2 COMMISSIONER PERALTA: Commissioner
3 Peralta votes "Yes."
4 Commissioner Armbruster?
5 COMMISSIONER ARMBRUSTER: Yes.
6 COMMISSIONER PERALTA: Commissioner Carr?
7 COMMISSIONER CARR: Yes.
8 COMMISSIONER PERALTA: Commissioner
9 Gipson?
10 COMMISSIONER GIPSON: Yes.
11 COMMISSIONER PERALTA: Commissioner
12 Conyers?
13 COMMISSIONER CONYERS: Yes.
14 COMMISSIONER PERALTA: Commissioner
15 Toulouse?
16 COMMISSIONER TOULOUSE: Yes.
17 COMMISSIONER PERALTA: Commissioner
18 Shearman?
19 THE CHAIR: Yes.
20 COMMISSIONER PERALTA: Madam Chair, that
21 is nine to zero in favor of the motion.
22 THE CHAIR: Thank you very much. The
23 motion passes unanimously. We will deal with -- we
24 will begin to look at this revised application at
25 the January 14th work session.

1 All right. Let's move on to the next item
2 on the agenda, Investigation and Complaint Policies.

3 Katie, please?

4 MS. POULOS: Madam Chairwoman and
5 Commissioners, in your materials today, on Item 60,
6 you'll find a proposed written investigation and
7 complaint policies.

8 I think what I've entitled it is "PEC and
9 CSD Written Complaint Policy and Protocol."

10 The intent of this proposed policy and
11 protocol is to establish the process that would be
12 followed if CSD were to receive a written complaint
13 from a public member regarding one of the
14 PEC-authorized charter schools.

15 The policy proposes to deal with these --
16 these complaints in two ways:

17 First, if the complaint does not contain
18 an allegation that there has been a statutory or
19 contractual or regulatory violation, that complaint
20 would be forwarded to the school for them to deal
21 with through their own grievance policy, and provide
22 CSD a report on that within a reasonable amount of
23 time.

24 Here, we have proposed that that amount of
25 time would be 30 days after the notice before the

1 complaint is sent to the school. If the school does
2 not timely provide CSD notification of its response,
3 CSD is to provide a reminder and notify the school
4 that if, prior to the release of the agenda for the
5 next PEC meeting, that information is not received,
6 they may be added to the schools of concern list,
7 which would enable the PEC to monitor the schools to
8 ensure they are following their grievance policies
9 and responding appropriately to family and community
10 complaints.

11 A different situation, however, would
12 arise if a complaint did contain allegations that
13 the school was not in compliance with their contract
14 or was violating some regulatory requirements or
15 statutory requirements. In that case, CSD would be
16 charged by the Commission, through this policy, with
17 conducting an investigation to determine if there is
18 a violation of the contract, regulations, or
19 statute.

20 The school would be required to respond to
21 CSD within ten business days of receiving notice of
22 an investigation, which would come out of this. If
23 the school was not able to respond within those ten
24 days, they could request a five-day extension. And
25 if they did not respond, CSD -- timely, CSD would

1 provide them notice of that, and provide them notice
2 that if they did not timely submit prior to the
3 release of the next agenda, they would be on the
4 agenda as a School of Concern.

5 Then it provides that if the school does
6 respond, and CSD receives those documents within
7 30 days, CSD must provide the school follow-up and
8 feedback to identify if more information is needed,
9 or to identify if there's been a finding, or
10 evidence, to identify that there is no violation,
11 and that the complaint was not substantiated.

12 If more information was needed, or if
13 there was a finding that the school was violating
14 its contract or statute or regulations, then CSD
15 would be required to present a report of those
16 findings to the school's head administrator, as well
17 as the president of the governing body, no later
18 than 60 days after the findings are verified -- the
19 non-compliance is verified.

20 The school would have 15 calendar days to
21 respond with information to support that their --
22 the findings are inappropriate. If their
23 findings -- if the response did not change the
24 findings, then the school would be added to the
25 Schools of Concern list for consideration by the

1 Commission to take action with regards to those
2 findings.

3 This identifies the materials that the PEC
4 would consider, including the correspondence
5 regarding the complaint and allegations, the report
6 from CSD, the report of findings, the school's
7 response, all written evidence provided to the
8 school prior to -- at least seven days prior to the
9 PEC meeting.

10 The intent of that is to ensure the school
11 understands that they may submit information up to
12 seven days prior to the PEC meeting, which would
13 give the Commissioners time to review that
14 material -- but not at the meeting, because the
15 Commissioners would not have the ability or time to
16 review that material adequately -- and then
17 identifies the actions that the PEC may take if
18 their -- if their finding is that their -- the
19 school's fiscal overall governance or legal
20 compliance is unsatisfactory, including requiring a
21 remediation of some sort or requiring a Corrective
22 Action Plan, or even issuing a Notice of Intent to
23 Revoke, depending on the severity of the findings.

24 THE CHAIR: Thank you. Commissioners, you
25 have the document in front of you. Do you have

1 questions or comments?

2 MS. FOX: I'm just sneaking up to the
3 front.

4 THE CHAIR: Hi, Sue. Are you asking to
5 speak?

6 MS. FOX: In case somebody would like to
7 recognize me.

8 THE CHAIR: All right.

9 Commissioners, questions or comments?

10 COMMISSIONER GIPSON: I'll yield the
11 floor.

12 THE CHAIR: Would we like to ask Ms. Fox
13 questions?

14 COMMISSIONER CARR: Sure.

15 THE CHAIR: Please come up.

16 MS. FOX: Madam Chair and Commissioners, I
17 apologize. I have not -- I don't have a copy of the
18 investigation and complaint policies, so I haven't
19 reviewed them; and I've only kind of caught the gist
20 of what Ms. Poulos was saying.

21 It's my opinion that -- if I understand
22 this correctly, that this process essentially
23 circumvents the investigation and complaint process
24 that we all spent a ton of time working on, in
25 conjunction with our charter contracts, a couple of

1 years ago. That process is already set out in those
2 charter contracts in Section 8.11. And as long as
3 those contracts are still in place, that's the
4 process that we all agreed would be the process for
5 an investigation of complaint.

6 What that essentially provides is that
7 when there is an -- when there is a complaint made
8 to the PED or PEC, that that complaint comes to the
9 charter school within "X" number of days, and that
10 the charter school then investigates it under its
11 own policies and procedures, okay?

12 This is in order to, I think, allow the
13 charter schools to deal with that complaint in the
14 first instance. In many instances, the charter --
15 the complaint had never been made to the charter
16 school in the first place.

17 And so we need an opportunity to be able
18 to properly investigate that complaint, in
19 accordance with our own grievance and harassment
20 policies and procedures that schools do have in
21 place. So that's what the contract says; and for
22 those schools under a contract, that's what we need
23 to follow.

24 And, you know, I would just remind the
25 schools -- I want to introduce myself to

1 Ms. Rubidoux; I haven't met her before -- but just
2 to cut to the chase. It's -- the Charter Schools
3 Act 8B-5, 8B-5.3, 8B-9, and particularly 8B-12, do
4 say that your monitoring and investigation abilities
5 through the CSD are indeed, provided that the
6 authorizer complies with the Charter Schools Act and
7 the charter contract and does not unduly inhibit the
8 autonomy granted to the charter school through this
9 process.

10 So I just wanted to remind us all of -- of
11 what the contract provides, which sets out,
12 according to the charter school [verbatim], how the
13 relationship between the PEC and each of these
14 schools is to work. So thank you.

15 THE CHAIR: Thank you.

16 MS. POULOS: Madam Chair, Commissioners,
17 Ms. Roubidoux, I would also like to point to
18 Section 4.03(f)(iii) of the charter contract, which
19 states, "The Authorizer shall conduct and/or require
20 oversight activities, according to its policies and
21 procedures, to allow the Authorizer to fulfill its
22 responsibilities under the Act, including conducting
23 appropriate inquiries and investigations when
24 warranted."

25 Item 8.11A addresses public complaints.

1 The intent of this policy is to identify the
2 difference between a complaint and an allegation
3 that a charter school is violating the law or the
4 terms -- the material terms of its contract, which,
5 I believe, would fall under 4.03(f)(iii), which
6 states, "Including conducting appropriate inquiries
7 and investigations when warranted."

8 An allegation of noncompliance certainly
9 seems like the time that that may be warranted.

10 MS. FOX: And, Madam Chair, if I could
11 just respond to that, that comes all within the
12 context of the performance review. And no one is
13 disputing that the CSD does not have abilities to
14 conduct -- in the context of the performance review,
15 the process for which is set out in the contract,
16 bring up any and all of these situations, okay?

17 But I would just ask PEC's legal counsel
18 to -- to review the Charter Schools Act in
19 conjunction with the contract prior to approving any
20 new process.

21 And I would also ask that if this is going
22 to be the new rule, that we have the opportunity to
23 analyze and provide our more formalized feedback on
24 this, because this does seem like a new rule-making
25 that the PEC is undergoing. So thank you.

1 THE CHAIR: Susanne, I know probably this
2 is fairly recent for you to see, too. But may I ask
3 that you just give us some of your thoughts?

4 MS. ROUBIDOUX: I got this document
5 yesterday, and I haven't had an opportunity to
6 review it.

7 THE CHAIR: Okay. Commissioner Bergman?

8 COMMISSIONER BERGMAN: Madam Chair, I
9 would like to suggest that we table this item, also.
10 I believe, based on these comments, and these
11 comments, and our new legal counsel and her comment
12 just now, I believe she needs sufficient time to
13 look at it and compare it to everything that's been
14 cited here.

15 I think we should include the Matthews Fox
16 Firm in this, if they wish to provide their own
17 input into it, as Attorney Fox just stated. We
18 should allow them to also do that. I initially
19 thought this would be somewhat simple. I guess
20 nothing is ever simple when contracts are involved.

21 THE CHAIR: That's true.

22 COMMISSIONER BERGMAN: And so I believe --
23 and I would also suggest that we already are going
24 to have an extensive agenda in December, with six
25 renewal applications to process and take care of.

1 So I would suggest that -- I'm not aware of any
2 reason why we can't put this back to January would
3 be my suggestion. But thank you, Madam Chair.

4 THE CHAIR: Thank you.

5 COMMISSIONER TOULOUSE: Madam Chair?

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: May I also suggest
8 we may want to look at revising the contract? Again
9 there are two kinds of complaints here: The first
10 one is what we're addressing, really, in the
11 charters -- or the contracts. And those are the
12 ones where somebody says, "My kid isn't being
13 treated well," and, "This teacher has been mean," or
14 there's a problem, and we send those through and
15 somebody checks it. And those, we don't need
16 anything but, "Okay. We've looked at it. We've
17 talked to people."

18 But there is the other that we have seen
19 now on more than one occasion, where there really is
20 malfeasance, and the school cannot investigate
21 itself.

22 And I think, in those cases, we need some
23 kind of other statement in the contract that spells
24 those things out, that when it becomes that kind of
25 an issue, which is this second one, which is now

1 beginning to come to us on a more frequent basis,
2 that we need to look, making sure it's in the
3 contract so it's clear to everybody, as well as
4 having this.

5 I basically like this. But I can also see
6 the various legal arguments. But having been in a
7 position where I had public complaints, and, you
8 know, Legislative complaints and whatever, in the
9 Human Services Department for 30 years thrown at me
10 every which way, it's nice to have a policy to know
11 what you're dealing with.

12 THE CHAIR: I have to agree with
13 Commissioner Toulouse. I think maybe the pieces are
14 out there somewhere; but I think we need a formal
15 policy put together that it's clear to everyone how
16 these issues are going to be dealt with.

17 But if there are legal issues, then I
18 agree we probably need to get more input on this.

19 One of the opportuniti- -- or one of
20 options on proposed motions, again, is to allow this
21 material to go out for public comment to the -- to
22 the charter schools community and to get the comment
23 and the input; also, ask our legal counsel to give
24 us an opinion. And then we can all move forward.

25 But this -- this process is needed. This

1 protocol is very needed. So we just need to get
2 some kinks maybe lined out and move forward with it.

3 So with that said, Commissioners, what's
4 your -- what's your pleasure?

5 Commissioner Carr?

6 COMMISSIONER CARR: I -- I did have
7 another comment. It's just -- and maybe a question
8 for Katie, too, is by us delaying this, will it
9 impede anything that's immediate?

10 MS. POULOS: I believe there are some
11 immediate issues. One is presented to you today on
12 your agenda. There is another one that I have been
13 working with CSD -- or PED legal counsel on. They
14 are pretty substantial violation issues that do need
15 to be investigated.

16 And in at least one case, we have received
17 a response that says that, "This should be handled
18 under 8.11, and we will not give you the information
19 you need right now."

20 The other one, I anticipate if we do delay
21 this, the same response will happen, once we request
22 that additional information. I do -- I understand
23 the need to make sure this is the right policy and
24 clear. I do think it's important to understand the
25 urgency to do that in a timely manner.

1 COMMISSIONER CARR: So, Madam Chair, I --
2 I'm concerned. I always have been concerned -- I
3 think most of us have been -- that a lot of -- we
4 haven't had enough oversight. And we've had issues.
5 And I -- I think there's a bit of a matter of
6 urgency here.

7 There's a -- there's a lot of
8 investigations taking place right now in our state,
9 and I think there's a matter of urgency. And I
10 think it's important that the people of New Mexico
11 know that we are trying to take steps to -- to make
12 sure people are in compliance.

13 I know there are things that we can do.
14 But, yeah, it's been tough, because we've seen
15 things. We've seen red flags. And we've waited
16 forever to get anything done. And -- and we're left
17 kind of floundering, "Oh, well, we'll turn it over
18 to the AG's Office," or, "We'll turn it over to the
19 Auditor's Office." We asked the PED to investigate.

20 And now we're seeing the PED and the
21 Charter Division taking steps, which I think are
22 very important. And what I would like -- I would
23 like to see us accept this today. And we can always
24 make amendments to it, as needed, after we've
25 studied it; it's not like -- so it's not written in

1 stone. We're not writing a Constitution here.

2 But I don't want to do anything to impede
3 pending investigations. I don't -- if -- I see the
4 Charter Division taking some steps that they've
5 never taken before -- and, granted, we have
6 oversight, and we -- if they go too far, we'll say
7 "Hey, hey, you know, you're going too far."

8 And we do want to make sure everybody has
9 due process.

10 On the other hand, I don't want to see
11 justice impeded, either. And I don't want to see
12 things delayed. So I would like to see us accept it
13 and then continue to study it and continue to get
14 input and see -- and then we can make amendments to
15 it as we go. That's just my thoughts.

16 THE CHAIR: Thank you, Commissioners.

17 Other comments?

18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 want to say that I think probably the ones of us in
21 the Albuquerque area get the most complaints. And
22 most of them are actually ones -- because about once
23 a month, I get a call or an e-mail. And most of the
24 time, it's something I can handle by just explaining
25 how systems work or how we authorize schools or

1 whatever.

2 But every now and then, I forward them on
3 through. And there really isn't a process right now
4 for me to know what goes on with some of those.

5 I think Eleanor gets them. I would assume
6 Millie does; but I know so many of the charter
7 schools are in my area. And as the word gets out,
8 "Oh, she responds," I tend to get more.

9 So I would like to see a system that I
10 really know; because I do hear -- and, again, a lot
11 of them are simple. A lot of them, we don't need
12 any time. But my time -- or to calm somebody down
13 and say, "Have you talked to them yet?"

14 "Well, no, I haven't."

15 "Well, why don't you go talk to somebody
16 first," you know.

17 And so I would like to see something that
18 lets me know, then, too, when I do send it through,
19 without me having to send an e-mail, before I hear
20 from them again, you know, "Have you dealt with it,"
21 to just a system that I know it's being dealt with.

22 Thank you.

23 MS. POULOS: Madam Chair, Commissioners, I
24 do want to note that when we receive phone calls or
25 communications we -- about complaints, I always do,

1 and my team always does, you know, first send them
2 to the school and state, "Have you communicated with
3 the school? Have you asked the school about this?
4 Have you had any communication with the governing
5 body to direct them in that direction?"

6 And these are often the complaints,
7 especially when they're going to the length of
8 submitting a written complaint, that they've not
9 received any support from the school on.

10 THE CHAIR: Other comments?

11 Commissioner Gipson?

12 COMMISSIONER GIPSON: Madam Chair, my
13 background is grievance and arbitration. And I am
14 reluctant to accept a policy and then have to go
15 back and say, "Wait a minute. We need to change
16 this. We need to change this."

17 I am so much more comfortable with a
18 policy that's clear from the beginning and that we
19 can work with.

20 And it's also very difficult, because
21 information is coming into these schools; so it's
22 like, "Okay, this is going to be the policy now."

23 But now that we've made three or four
24 amendments to it, maybe they just didn't get that.

25 So I'm more comfortable with having legal

1 counsel look at it, have a discussion; and that way,
2 we're -- we can move forward, and everyone is on the
3 same page. So I would prefer to wait until after
4 the first of the year, because December is packed,
5 anyway.

6 THE CHAIR: Do we have other comments?

7 COMMISSIONER TOULOUSE: Madam Chair, let
8 me stick this in again. If we're going to deal with
9 this, we need to do it -- I think -- sorry,
10 Commissioner Gipson -- but I think we probably need
11 to do it in December, because we're already adding
12 stuff to do in January.

13 COMMISSIONER GIPSON: No. But we've got
14 renewals. I understand. But I don't know if we
15 physically have the time in December to do it.

16 COMMISSIONER TOULOUSE: We have six
17 renewals in December, compared to what we've gone
18 through so many times, that I -- I just -- again,
19 I'd like to get this taken care of before we do
20 contracts.

21 And we may -- with the few we have, we're
22 going to start contracts earlier, and I would just
23 like to have all of this out of the way before then.
24 I don't think it's real complicated to look at, once
25 we get the legal side of it down.

1 There are complaints. They do have to be
2 dealt with. And I don't think the answer is, "We're
3 not going to give you information."

4 There does need to be some negotiations
5 and back and forth, because we're still the
6 authority; we're still the authorizing body. And a
7 contract doesn't give anybody carte blanche to go
8 five years and only do once a year with us if
9 there's something that comes up.

10 So I think we need to have an
11 understanding so we're not adversarial. I hate it
12 when we get adversarial. That's not what we're in
13 this about. Every time we do this and get
14 adversarial and say, "We're not going to give it to
15 you," and we say, "Yes, you are," that's setting a
16 tone that can hurt the teachers, can hurt the
17 students.

18 Every one of us is for these kids, not for
19 anybody else's ego, ours or anybody's. So I would
20 like to have a system that's cut and dried, and I'd
21 like to have it as soon as possible.

22 But I do think we need the legal review.
23 That's why I would suggest earlier rather than later
24 on it; because I also think we do need to do a
25 slight change to the contract that would add this in

1 there.

2 Thank you.

3 THE CHAIR: Commissioner Chavez?

4 COMMISSIONER CHAVEZ: Madam Chair, yeah, I
5 just wanted to weigh in and basically say that I
6 think we need to get this done sooner than later.
7 Don't we have two days in December? So it seems
8 like we have enough time in December to do it. And
9 that gives us time to do it.

10 THE CHAIR: It's our decision what we want
11 to put on the agenda.

12 COMMISSIONER CHAVEZ: I think we have time
13 in December to do that. I would like to see it done
14 sooner than later. It's something that needs to get
15 done, and it's important for us to get it done.

16 THE CHAIR: Thank you.

17 Other comments?

18 Commissioners, again, I direct you to
19 the -- to the Summary sheet and our three
20 possible -- there's wording for three possible
21 motions. You can go with a different one if you
22 want to.

23 The last one is to put this out for public
24 comment, and we could add to that, to get the legal
25 review. The date suggested there is December the

1 4th.

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: I'll be happy to
4 read it. And, yeah, I believe we can adjust the
5 agenda in December. I believe what we've done in
6 recent times is we'll -- I would suggest we do the
7 six renewals right on top of the agenda on Thursday,
8 start that morning, and we should be able to get
9 them out of the way. And then we have the rest of
10 the afternoon and Friday to handle all these kind of
11 issues.

12 THE CHAIR: If it's important, it needs to
13 be on the agenda.

14 COMMISSIONER BERGMAN: Do we want to send
15 this out to the charter school community? Is that
16 also the will of the --

17 COMMISSIONER TOULOUSE: Madam Chair, I
18 think it never hurts to put our policies out and let
19 people choose to comment, if they would like to do
20 so.

21 COMMISSIONER BERGMAN: Okay. The motion,
22 if you're ready, then.

23 THE CHAIR: Commissioner, if you'd like to
24 make the motion, please do.

25 COMMISSIONER BERGMAN: Madam Chair, I move

1 that the Public Education Commission present the
2 investigation and complaint policies that has been
3 presented in today's material to the charter school
4 community for public comment, including our own
5 legal counsel and her input, and all the results of
6 that, and input, must be submitted to the CSD and
7 the Public Education Commission no later than
8 December 4th. And then the final document will be
9 considered for adoption at the December PEC meeting.

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

12 COMMISSIONER GIPSON: Second.

13 THE CHAIR: Motion by Commissioner
14 Bergman, second by Commissioner Gipson.

15 Is there further discussion?

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

18 COMMISSIONER PERALTA: Commissioner
19 Gipson?

20 COMMISSIONER GIPSON: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Conyers?

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER PERALTA: Commissioner

5 Peralta votes "Yes."

6 Commissioner Armbruster?

7 COMMISSIONER ARMBRUSTER: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Bergman?

13 COMMISSIONER BERGMAN: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Shearman?

16 THE CHAIR: Yes.

17 COMMISSIONER PERALTA: Madam Chair, that

18 is nine to zero in favor of the motion.

19 THE CHAIR: Thank you. The motion passes

20 unanimously.

21 MS. FOX: Thank you.

22 THE CHAIR: Again, I would remind you, the

23 date for the deadline for input is the 4th of

24 December. We are formally asking our legal counsel

25 for her review, as well others.

1 Okay. Next item on the agenda is PEC
2 Summary Minutes.

3 Katie?

4 MS. POULOS: Madam Chairwoman,
5 Commissioners, Item 6E in your materials today
6 presents summary minutes as a proposal for the
7 Commission moving forward.

8 The intent of this proposal is to increase
9 transparency and make PEC materials more
10 user-friendly. Currently, a public member, member
11 of the media, member of the Legislature, if they
12 want to understand the actions that have occurred at
13 the PEC meetings, must either ask me and my team to
14 complete a summary, or, themselves, dig through a
15 very lengthy transcript.

16 And we have been going through the process
17 of doing that for years back to understand the PEC's
18 actions and trends and to have complete records.

19 What I'm proposing is that we begin
20 utilizing, in addition to the transcripts, summary
21 minutes. The summary minutes would identify the
22 members present, the members absent, the time that
23 the meeting began, any recesses or reconvenings,
24 each agenda item, with, if there is a motion for
25 that agenda item, when possible, the verbatim motion

1 language.

2 As I indicated yesterday, that's not
3 always possible; because sometimes the motion
4 language is, "So moved."

5 And so in that moment, we would identify
6 what that "So moved" meant and identify that as the
7 motion.

8 It would identify the individual who made
9 the motion, the individual who seconded the motion,
10 as well as the vote.

11 You can see here, when a vote is not
12 unanimous, it would identify any dissenting votes by
13 the Commissioner who voted that way.

14 For items that do not have a motion or any
15 official action, it would identify that full
16 comments are available in the transcript.

17 THE CHAIR: And as the discussion went
18 yesterday, the full transcript of our meetings would
19 still be available. We would still have our
20 meetings transcribed word-for-word. The official
21 transcript would still be available, would need to
22 be approved by this body, as well as with this
23 document, the summary minutes.

24 But this, for reference sake, for quick
25 review, those kinds of things, would certainly be

1 much easier to work with.

2 So we -- as long as we were assured that a
3 full transcript of the meeting was still going to be
4 taken and would be available, we felt really --
5 really good about liking summary minutes.

6 So Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: May I make the
8 motion?

9 THE CHAIR: Please do.

10 COMMISSIONER TOULOUSE: I move that the
11 PEC adopt the recommended process of creating and
12 approving PEC summary minutes in addition to
13 maintaining the full transcript.

14 THE CHAIR: You've heard the motion.

15 Do we have a second?

16 COMMISSIONER PERALTA: Second.

17 THE CHAIR: Commissioner Peralta.

18 Moved and seconded to approve the use of
19 summary minutes.

20 COMMISSIONER CONYERS: Can I ask a
21 question?

22 THE CHAIR: Commissioner Conyers?

23 COMMISSIONER CONYERS: I really like the
24 idea of this. Who's doing this? Who's going to be
25 responsible for doing it? And has this been subject

1 to approval as an agenda item?

2 THE CHAIR: The CSD's team would be
3 responsible for preparing the summary minutes, and
4 they would be on the agenda for approval, just like
5 the transcript.

6 Okay? Any further comment? Commissioner?

7 COMMISSIONER ARMBRUSTER: Would that begin
8 with today? Or, like, in December or January? When
9 would this begin?

10 THE CHAIR: I'm assuming December.

11 MS. POULOS: December; but we also -- we
12 have September available. It's here in your
13 materials, if you so choose to adopt that at any
14 point in time, maybe at your next meeting. And I
15 would actually begin my team doing it for this
16 meeting and would continue forward.

17 THE CHAIR: It would need to be included
18 on the agenda, the official agenda; so it would have
19 to be in December.

20 COMMISSIONER ARMBRUSTER: That's fine. I
21 was just curious when we were doing it.

22 THE CHAIR: All right. We have a motion
23 and second on the floor.

24 Commissioner Peralta, may we have a
25 roll-call vote, please?

1 COMMISSIONER PERALTA: Commissioner Carr?
2 COMMISSIONER CARR: Yes.
3 COMMISSIONER PERALTA: Commissioner
4 Chavez?
5 COMMISSIONER CHAVEZ: Yes.
6 COMMISSIONER PERALTA: Commissioner
7 Shearman?
8 THE CHAIR: Yes.
9 COMMISSIONER PERALTA: Commissioner
10 Bergman?
11 COMMISSIONER BERGMAN: Yes.
12 COMMISSIONER PERALTA: Commissioner
13 Gipson?
14 COMMISSIONER GIPSON: Yes.
15 COMMISSIONER PERALTA: Commissioner
16 Peralta votes "Yes."
17 Commissioner Conyers?
18 COMMISSIONER CONYERS: Yes.
19 COMMISSIONER PERALTA: Commissioner
20 Armbruster?
21 COMMISSIONER ARMBRUSTER: Yes.
22 COMMISSIONER PERALTA: Commissioner
23 Toulouse?
24 COMMISSIONER TOULOUSE: Yes.
25 COMMISSIONER PERALTA: Madam Chair, that

1 is nine to zero in favor of the motion.

2 THE CHAIR: Thank you. The motion passes
3 unanimously. Katie, thank you for coming up with
4 that and proposing it.

5 Next item, Commissioners, is "Definition
6 of High Performing Schools."

7 It's 20 minutes to 12:00. Do you want to
8 deal with this and then break for lunch? Or do you
9 want to break for lunch and then come back to deal
10 with it?

11 Commissioner Bergman.

12 COMMISSIONER BERGMAN: Madam Chair, I
13 would note that Item 7, we have a charter school
14 sitting here. That may take a little while. But I
15 would like for us to go through Item 7, so they can
16 get back to their school and take care of their
17 business.

18 That's just a suggestion. So it might
19 delay our lunch a little bit. If we go to lunch
20 now, they're going to be sitting here till 2:00.

21 THE CHAIR: Commissioner?

22 COMMISSIONER TOULOUSE: Madam Chair, I
23 would agree with Commissioner Bergman that we go
24 ahead.

25 THE CHAIR: Is that all right with

1 everybody?

2 Okay, let's do it then.

3 Let me present to you -- or at least my
4 thoughts on the definition of and criteria for being
5 named a "high performing school."

6 If you all remember a few months ago, we
7 were in discussion -- and I believe it was at a
8 meeting called to talk about replication. We may
9 have had some other items, as well.

10 At the time, we put together a task force
11 on school replication. One of the items that that
12 task force had to deal with, or was charged with
13 dealing with, was to define the criteria for being
14 named a "high performing school"; because in our
15 opinion, in order to replicate, you needed to be a
16 high performing school.

17 That task force did work and produce some
18 draft documents internally.

19 Then the Commission got very busy with
20 other things, new applications and so forth, and
21 that task force sort of got put on the back burner.
22 It's now come back and is proposing this discussion
23 document for defining a "high performing charter
24 school."

25 At yesterday's work session, we realized

1 that this needs to be, really, in three sections,
2 like the performance frameworks are: Academic,
3 financial, and operational.

4 So this first section would be the
5 academic section, dealing with schools serving
6 traditional students.

7 The first consideration would be schools
8 must have successfully completed at least one
9 renewal cycle and been renewed for a period of no
10 less than five years. That would be the first
11 requirement.

12 Second requirement deals with a school's
13 report card, as issued by PED; item A under that, a
14 final grade of no less than -- and yesterday's group
15 recommends a combination of two A's and a B, nothing
16 less than two A's and one B for the three most
17 recent report cards.

18 Now, let me ask. Would we rather go
19 through each item as we come to it, or did we want
20 to read through the whole section and come back for
21 discussion?

22 COMMISSIONER GIPSON: I think it's easier
23 to go as we go along.

24 THE CHAIR: Okay. As we go along. Okay.

25 Item A. Is there any discussion on a

1 final grade of a combination of nothing less than
2 two A's and one B in the three most recent report
3 cards?

4 Okay. I'm not seeing anything.

5 Let's move on to Item B: Highest
6 performing students' grade of no less than B for the
7 three most recent years.

8 Patti, I didn't know you had your computer
9 out. Make sure I'm not forgetting something.

10 COMMISSIONER GIPSON: Right. You're fine.

11 THE CHAIR: Okay. That's -- highest
12 performing students are the 75 percent of your top
13 performing -- of your student population, the
14 highest performing.

15 Item C are those 25 percent lowest
16 performing students, grade of no less than B for the
17 three most recent years.

18 Item C [verbatim]: Reading proficiency of
19 no less than 80 percent for the most -- for the
20 three most recent report cards.

21 We discussed that extensively and decided
22 that, really, what we needed was additional data
23 from CSD on those reading proficiency percentages
24 before we could really say that 80 percent were
25 reasonable, or 70 percent, whatever. And we talked

1 about the same for the math percentage.

2 So, really, those two, at this point, as
3 far as the work group was concerned, are not
4 defined. We need more data.

5 Item F: For those schools that are high
6 schools, in addition to the above requirements, a
7 charter school must have a graduation rate of no
8 less than -- as written, it says, "B for the three
9 most recent years."

10 We talked about various scenarios for
11 covering that, perhaps a percentage above the
12 statewide average, rather than simply going for a
13 grade, because that gets some translation going on.

14 So, again, we're going to ask for -- or we
15 propose to ask for -- more information there. And
16 the same on the career-and-college-readiness grade.
17 Again, we think we need more information there.

18 We simply wanted to bring this to you and
19 ask for your input and see the progress that has
20 been made; and then we'll move on to bring this back
21 to you when we have the additional information that
22 was requested.

23 So any discussion on the first items?

24 Then we went to SAM schools, or schools
25 serving predominantly at-risk students. And all of

1 those items pretty much reflect the first items
2 we've gone through; but at this point, we decided
3 that we need more concrete information to deal with
4 what are those schools, overall, doing, and what are
5 their percentages? What are their grades?

6 And so, again, we've asked for that
7 information from Katie in order to get realistic
8 numbers here. We want to get this done as soon as
9 possible; but we want to be realistic about it.

10 Any questions on the academic area?

11 Then we added Item No. -- Section No. 2,
12 which is financial. First, we said that there
13 should be no serious audit findings for the last
14 three years; secondly, no repeat audit findings for
15 the last three years.

16 Then we went to Item 3, organizational.
17 And this comes directly from their -- the schools'
18 performance frameworks. Nothing less than "Meets
19 Standards" evaluation in all organizational
20 performance frameworks categories for the three most
21 recent years.

22 And then Item 4, which has been researched
23 and is what many states are doing. Item 4 is that
24 virtual schools would not -- would be exempt or not
25 eligible for "high performing schools" designation.

1 Any discussion on any of those items?

2 I think the task force, if -- it would
3 appreciate your input. We would also like a vote
4 today, if you agree with the work that's been done
5 so far, and the proposed information that we would
6 bring back to the Commission in December to deal
7 with this issue.

8 Any discussion?

9 Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair,
11 again, if you would like, I will try to word a
12 motion.

13 THE CHAIR: Appreciate that.

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 move that the PEC accept, as our work product, what
16 was accomplished yesterday during our working
17 session, and bring it forward, with the additional
18 information we have requested to be considered
19 further at our December meeting --

20 THE CHAIR: Thank you very much.

21 COMMISSIONER TOULOUSE: -- on "high
22 performing" -- the definition of "high performing
23 schools," it would be.

24 THE CHAIR: Thank you very much. We have
25 a motion.

1 Do we have a second?

2 COMMISSIONER BERGMAN: Second.

3 THE CHAIR: Motion by Commissioner

4 Toulouse, seconded by Commissioner Bergman.

5 Any further discussion?

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

7 roll-call vote, please?

8 COMMISSIONER PERALTA: Commissioner

9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner

17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Armbruster?

21 COMMISSIONER ARMBRUSTER: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner
2 Bergman?

3 COMMISSIONER BERGMAN: Yes.

4 COMMISSIONER PERALTA: Commissioner
5 Shearman?

6 THE CHAIR: Yes.

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

9 THE CHAIR: Thank you very much. The
10 motion passes unanimously. We will have this back
11 on our December agenda, if the information is
12 received in time.

13 Okay. That is Item -- that concludes
14 Item 6.

15 Let's move on to Item No. 7, Discussion
16 and Possible Action on Charter School Amendments.

17 Would the people with La Jicarita Charter
18 School please come down to the table?

19 And, Katie, whenever you're ready, please.

20 MS. POULOS: Madam Chairwoman,
21 Commissioners, La Jicarita has submitted five
22 amendment requests. They fall under two categories,
23 as identified on the agenda today. That is Mission
24 and Educational Plan.

25 The requests come out of a meeting that we

1 had with La Jicarita and an understanding that the
2 school has not been implementing the educational
3 plan, as written in their contracts. Specifically,
4 the school moved away from Expeditionary Learning to
5 implement a Project-Based Learning program,
6 primarily because of the financial burdens
7 associated with Expeditionary Learning.

8 Additionally, the school's contract and
9 application identified that the school will offer a
10 dual language program. My understanding is the
11 school has not ever implemented a dual language
12 program.

13 So one of the amendment requests is to
14 remove the dual language program from their current
15 contract, including the application, and instead
16 implement a heritage language program as part of
17 their curriculum.

18 Additionally, one of the amendment
19 requests is to change from Expeditionary Learning to
20 Project-Based Learning throughout their contract.

21 In addition to those two requests, the
22 school requests to change its mission to reflect
23 those changes and to more concisely reflect the
24 school's ideas -- ideals and goals.

25 So the mission statement would remove

1 reference to Expeditionary Learning, and instead
2 replace that with Project-Based Learning.

3 I believe they also would reflect the
4 addition of the heritage culture and the removal of
5 the dual language.

6 In addition, there are two other requests
7 to amend the goals that are found in the educational
8 plan. CSD has provided an analysis of this -- these
9 requests. One of the things noted in CSD's analysis
10 is that along with the Expeditionary Learning
11 program, there is the rigor of an external reviewer
12 in the proposed language from the school, that is
13 replaced with internal or self-assessments, which
14 CSD is concerned about the rigor, and a decrease --
15 a potential decrease in the rigor of the program.

16 And so as a result, CSD has not
17 recommended the approval of all amendment requests.
18 CSD has provided language for the approval, but has
19 also provided language for a conditional approval
20 that would require the school to provide evidence of
21 the rigor in student project rubrics associated with
22 the requested change to Goal 1, and additional
23 clarity regarding the summative assessment that will
24 be used in Goal 1, as well as the rigor of the
25 self-evaluation associated with Goal 1; and

1 additional clarity regarding the PBIS Intervention
2 Program associated with Goal 2, and provide
3 additional evidence of its capacity to provide
4 instruction in the heritage Spanish and pueblo
5 language programs.

6 Additionally, there is language for the
7 denial, if the Commission so chooses.

8 THE CHAIR: Thank you, Ms. Poulos. If
9 you -- good morning. It's still morning.

10 Please identify yourselves and tell us
11 your position with the school, and then we'd like to
12 hear from you.

13 MS. ARSENAULT: Madam Chair, members of
14 the Commission, thank you for hearing us before
15 lunch. We appreciate it.

16 THE CHAIR: Pull it a little closer,
17 please.

18 COMMISSIONER ARMBRUSTER: If you put a
19 clip on it, then you don't have to hold it.

20 MS. ARSENAULT: It's beyond me. Again, my
21 name is Cindy Arsenault. I am the director of
22 La Jicarita Community School in Peñasco. I brought
23 with me today -- and you can introduce yourself --
24 my head teacher and my president of my board.

25 MS. LOVELL: I happen to be Stacy Lovell,

1 and I am the head teacher of La Jicarita.

2 S-T-A-C-Y; and Lovell, L-O-V-E-L-L.

3 MS. SCHOENBAUM: Good morning,
4 Madam Chair. My name is Maisa, M-A-I-S-A,
5 Schoenbaum, S-C-H-O-E-N-B-A-U-M. And I am the
6 governing council president of La Jicarita Community
7 School.

8 THE CHAIR: Thank you.

9 MS. ARSENAULT: So what we're asking -- I
10 am the relatively new director; I've only been there
11 since January. I have spent my time thoroughly
12 making sure that the school is doing what we need to
13 be doing to be successful.

14 And coming from that, I've had several
15 conversations with Charter School Division trying to
16 make sure that we are implementing our charter, as
17 it was written.

18 And that's where these goals are coming
19 from. We, in no way, want to decrease our rigor.
20 We actually are looking to increase our rigor and
21 feel that Project-Based Learning can do that. I
22 have no problem providing further information as far
23 as the rubrics go.

24 We will be -- intend to use the Buck
25 Institution of Education, which is where

1 Project-Based Learning comes from, using their
2 rubrics, which are extremely rigorous.

3 I also have no problem adding outside
4 coming in to evaluate us for Project-Based Learning.
5 I can arrange for that and making any kind of
6 changes.

7 I do believe that Project-Based Learning
8 and Expeditionary Learning are extremely similar,
9 almost identical. We would just like to let go of
10 the name. We would not like, in any way, to change
11 our programming.

12 As far as the bilingual, I have not been
13 there -- like I said, I've only been there since
14 January. Our school did not correctly implement it.
15 I do believe it's important. I also believe that
16 when we implemented it, we didn't acknowledge the
17 fact that we are on a Native American reservation,
18 and the heritage model will allow us to encompass
19 that population, which is grossly underserved where
20 we are.

21 So that's our intention there.

22 And if you have any questions, I'd be
23 delighted to answer them.

24 THE CHAIR: That's it? Okay.

25 Commissioners, do you have questions?

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: I don't have a
3 question. I have a, perhaps, procedural question.
4 And I notice, as I read the proposed motion, that
5 the motion is to accept all four of these amendments
6 as part of one motion.

7 Now, our past policy, we have always had
8 every amendment separately. I'm trying to figure
9 out what trap we might fall into if we do all of
10 these as a -- all four together. Or do we need to
11 do them separately? I just raise that for someone
12 to think about that.

13 Thank you.

14 MS. POULOS: Madam Chairwoman and
15 Commissioners, the reason they are presented
16 together is they are all kind of, as we evaluated
17 them, one thing. That is why CSD did that. Again,
18 I do think it's an important procedural question.

19 COMMISSIONER BERGMAN: And I'm not
20 uncomfortable doing them all together. I don't want
21 us to fall into some trap we haven't seen yet.

22 THE CHAIR: Let me back up and ask some
23 questions that are in my mind. How many students do
24 you have currently enrolled?

25 MS. ARSENAULT: Madam Chair, right now, we

1 have 25.

2 THE CHAIR: 25. And what's your
3 enrollment cap?

4 MS. ARSENAULT: Our cap of enrollment
5 right now is 52. It's been a rough couple of years.

6 THE CHAIR: What's the largest number that
7 your school has had?

8 MS. ARSENAULT: The largest number has
9 been 43, at the onset of the first year of our
10 charter.

11 THE CHAIR: Okay. Let me just say. My
12 overall concern with what's been presented to us
13 today, we have a contract with a school that said
14 they would do this, this, and this. Now, midway
15 through the contract, the school is proposing to
16 change everything; in essence, it would be a totally
17 different school.

18 I will say that the Commission has never
19 done that. We -- we enter into a contract for a
20 specific period of time with a school that
21 contracted for that -- those requirements and that
22 operation and on that curriculum and so forth.

23 And for one thing, how do you evaluate a
24 school that did this for a while, and now, they're
25 doing this for a while?

1 Well, it sounds like to me you didn't do
2 this. You didn't do it -- the school did not do
3 Expeditionary Learning. The school did not do the
4 bilingual, which it said it was going to do. Those
5 are material violations of the contract. Schools
6 are closed for material violations of their
7 contract.

8 I am not at all in favor of allowing a
9 school to completely change in the middle of the
10 contract. It -- my thought is a school that comes
11 to us and says, "This is what we're going to do,
12 we're capable of doing it, we're going to do it,"
13 needs to do it. And then when it comes renewal
14 time, if you need to change some things, we talk
15 about it then; but not in the middle of the
16 contract. I don't think you change a contract.

17 I was always concerned about this school.
18 When we had the community input hearing for this
19 school, I said, at the time -- and those of you who
20 were on the Commission then -- I said, "Number one,
21 this school is too small to survive. I don't think
22 it'll ever have enough students to be financially
23 viable."

24 It had a very ambitious education program.
25 I questioned that in the small community, where your

1 ability to hire people to come in and do the things
2 you need done may be lessened.

3 I live in a small community. It's a
4 struggle sometimes to hire those specialized people
5 that you need to do what you need.

6 So all of that having been said, whether
7 we deal with this as one amendment or -- and I think
8 we should; that's our procedure, if we choose to
9 deal with this at all; but I -- my personal feeling
10 about this is no, we don't change a school in the
11 middle of the contract. We never have.

12 So now you know my position.

13 Other comments from anyone?

14 Commissioner Armbruster?

15 COMMISSIONER ARMBRUSTER: I'm new. So I
16 wanted to say that.

17 My concern is if you change the basis and
18 the mission and the material terms of your original
19 charter, that we -- you all okayed, doesn't that
20 change the whole thing? And would you have approved
21 this if they originally presented this?

22 Because it seems like we -- we approved
23 the school based on A, B, and C; and now we're being
24 asked to approve X, Y, Z. And it seems like it
25 needs a new -- whole new thing; because it's, like,

1 a whole new school.

2 And also I'm concerned when we have
3 schools of 25, that it's -- it's just a very
4 difficult thing. It's taking money away from public
5 schools. Not that I don't think that your ideas are
6 good; but you have to have so many differently abled
7 teachers, because even with the Project-Based
8 Learning and with the scores that are difficult,
9 obviously, because of school grades, that someone
10 has to teach reading directly, not through a
11 project-based thing.

12 I mean, you utilize what you've learned;
13 but you have to have someone directly teaching math
14 and reading and using it on Project-Based Learning.
15 So I don't see how that's going to actually be
16 possible.

17 So it concerns me that you have a student
18 that may not be doing as well -- and I know that
19 you're new. But that puts you in a difficult
20 position. But that would be my concern -- those
21 would be my concerns.

22 THE CHAIR: Thank you.

23 Other comments?

24 Commissioner Peralta?

25 COMMISSIONER PERALTA: Madam Chair, I just

1 want to concur, the fact that I don't want us to get
2 in or to start with the middle-of-the-game
3 changeovers and pose problems in the future if we do
4 something like that. I do believe that they need to
5 continue with the -- their original contract
6 commitment, and I think that's important to do.

7 Also the decreasing enrollment also
8 concerns, as well.

9 Thank you.

10 THE CHAIR: Thank you. Other comments?
11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: I agree, also. I
13 believe -- I believe if we did go forward with this,
14 there is also the danger that, as Commissioner
15 Peralta has hinted at, that we're establishing a
16 precedent that -- opening a door that other schools
17 may then try to drive through. And so we should
18 certainly consider that, as we think about what
19 we're going to do.

20 THE CHAIR: Thank you.

21 Other comments? Questions concerning --
22 Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, I'm
24 sitting here divided; because if one thing isn't
25 working, then why do we want to make them stay with

1 something that isn't working? On the other hand, I
2 also understand about changing horses in midstream.
3 However, I mean, I went through public school. My
4 kids went through public school. My kids have been
5 in charter schools, my grandkids in charter schools
6 and public schools.

7 And basically, there isn't anybody who
8 managed to get all the way through school without
9 stuff changing on them, sometimes every year;
10 different teachers, different principals, different
11 administrations in Santa Fe, different school
12 superintendents.

13 And so I'm not concerned about changing
14 the stuff. I just want to know, are we letting kids
15 down? Because there still are 25 kids if we deny
16 this. I don't know. I -- I really don't. But I
17 do, as a non-education person, but as a parent and
18 grandparent, hate to see changes. On the other hand
19 if something isn't working, I hate even worse to see
20 people with something that isn't working.

21 So right now, I'm conflicted. If there is
22 a vote, I don't know which way I'm going to go. But
23 I do know there is more to it than just the
24 contractual issues.

25 THE CHAIR: Other comments?

1 COMMISSIONER GIPSON: Madam Chair?

2 THE CHAIR: Commissioner Gipson?

3 COMMISSIONER GIPSON: Just briefly. I
4 spent my life in education. So yes, we change how
5 we implement certain things. We change how we are
6 approaching. But these are material violations of
7 the contract. And to me, it's -- material
8 violations have been discovered, and, therefore,
9 we're asking for this change so that we can say they
10 were -- they were approved based on these programs.

11 And we cannot -- my opinion is we cannot
12 change the basis of the school. It's more than just
13 changing a small reading program or how we're going
14 to approach math. This is what the school said it
15 was going to do, and now they're saying, "We're not
16 going to do that. We've found something else."

17 And I do have a concern that regardless of
18 what program, the money's not there to continue with
19 the school with that small number.

20 THE CHAIR: Thank you.

21 Other comments?

22 Hearing no further comments, the Chair
23 would entertain a motion. And I would remind you
24 that there are possible motions on the summary
25 sheet.

1 COMMISSIONER CARR: Madam Chair?

2 THE CHAIR: Commissioner Carr?

3 COMMISSIONER CARR: I move to deny the
4 amendment presented by La Jicarita -- I can't say
5 it. I know how to say it, but I'm not able to say
6 it today -- La Jicarita Community School, for
7 change -- to change its mission, curriculum, and two
8 charter schools -- and two charter goals based on
9 the school's report card, grade of F, the decreased
10 rigor presented in each of the amendment requests,
11 and the violations of the material terms of their
12 contract, as is reflected in the analysis provided
13 by CSD.

14 THE CHAIR: Commissioners, you've heard
15 the motion. Do we have a second?

16 COMMISSIONER ARMBRUSTER: Second.

17 THE CHAIR: Motion by Commissioner Carr,
18 seconded by Commissioner Armbruster.

19 Is there further discussion?

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

22 And I would remind you, a "Yes" vote is to
23 deny these amendments.

24 COMMISSIONER PERALTA: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: No.

2 COMMISSIONER PERALTA: Commissioner

3 Armbruster?

4 COMMISSIONER ARMBRUSTER: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Peralta votes "Yes."

10 Commissioner Gipson?

11 COMMISSIONER GIPSON: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Chavez?

14 COMMISSIONER CHAVEZ: Yes.

15 COMMISSIONER PERALTA: Commissioner Carr?

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Bergman?

19 COMMISSIONER BERGMAN: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Shearman?

22 THE CHAIR: Yes.

23 COMMISSIONER PERALTA: Madam Chair, that

24 is eight to one in favor of the motion to deny.

25 THE CHAIR: By a vote of eight-to-one, the

1 motion to deny all amendments presented by La
2 Jicarita Community School will be denied.

3 I would really urge that you work with CSD
4 and see -- see where you go from here.

5 Thank you for being here today.

6 MS. ARSENAULT: Madam Chair, members of
7 the Commission, thank you for your time today.

8 THE CHAIR: Thank you very much.

9 All right. Ladies and gentlemen, it's 10
10 after 12:00. Are we ready for lunch? Can we be
11 back at 1:00?

12 Okay. We are in recess until 1:00.

13 (A recess was taken at 12:09 p.m., and
14 reconvened at 1:03 p.m., as follows:)

15 THE CHAIR: I call back into session this
16 meeting of the New Mexico Public Education
17 Commission. We are at Item No. 8 on the agenda,
18 which is Report from Options for Parents and the
19 Charter School Division for Possible Action and
20 Discussion.

21 First item are Schools of Concern.

22 Katie, I'll turn this over to you, please.

23 MS. POULOS: Madam Chairwoman,
24 Commissioners, the first school identified -- before
25 we go into the first question on the Schools of

1 Concern, just a reminder that the other schools that
2 we have had issues with or concerns about continue
3 to have information presented in that table of
4 ongoing monitoring. So I did want you to know that
5 that information is still available and being made
6 available to you, and if you ever have any questions
7 about that, I'm happy to answer those.

8 We have a school specifically identified
9 on the Schools of Concern list today. And that is
10 the Creative Education Preparatory Institute, known
11 as CEPi.

12 Since late August, CSD has received a
13 multitude of complaints concerning the operations at
14 CEPi Charter School. Those complaints are provided
15 in today's materials, along with any school
16 responses that CSD has received.

17 CSD, after receiving those complaints on
18 October 7th, forwarded the complaints to the school,
19 along with the school -- request that the school
20 provide CSD with information necessary for CSD to
21 investigate allegations of statutory and contractual
22 noncompliance found in those complaints that were
23 submitted to CSD.

24 Those included complaints about the
25 failure to properly take attendance, as is required

1 by statute, failure to implement the educational
2 plan and material terms that are part of the
3 school's charter, failure to comply with students'
4 rights and responsibilities regulations,
5 specifically with regards to search and seizure,
6 failure to -- let's see -- meet certain State
7 certification requirements, employee policies, and
8 the School Personnel Act.

9 I think those are the extent of the
10 complaints. They're all detailed for you in the
11 materials today.

12 On October 16th, the school responded for
13 CSD's request, citing Section 8.11 of the contract
14 that grievance -- or the complaint policy process
15 that we discussed earlier, which states that the
16 school be allowed to receive those complaints and
17 investigate them on their own through their own
18 grievance policy, and stated that the school would
19 be conducting their own investigation and would, as
20 part of CSD's annual monitoring, be willing to
21 provide the information at that time.

22 As a result of the school's refusal to
23 provide CSD any information to investigate the
24 noncompliance that was alleged in those complaints
25 that have continued to come to CSD, even after the

1 October 7th date, CSD has brought this school
2 forward for the PEC's consideration of how to move
3 forward.

4 THE CHAIR: Thank you, Katie.

5 Good afternoon. If you all would
6 introduce yourself, please, and state your position
7 with the school, and then we'd appreciate hearing
8 from you.

9 MS. FOX: Good afternoon. I'm Sue -- can
10 you hear me? Is this clipped?

11 I'm Sue Fox with Matthews Fox, the
12 school's legal counsel.

13 MS. ROMERO: Pam Romero. I'm the
14 governance council president at CEPi.

15 MR. HOTCHKISS: Christopher Hotchkiss,
16 Chief Executive Officer of CEPi.

17 MS. FOX: So I'm going to be making most
18 of the response to this today.

19 Madam Chair and members of the Commission,
20 if -- if there have been a multitude of complaints
21 that have been submitted, we've received two from
22 Options for Parents, and those were the ones
23 attached to Ms. Poulos' October 7th e-mail. Those
24 may or may not be from the same person. We don't
25 know, because the names have been blacked out.

1 And we did respond within a week to that,
2 saying, "Thank you for sending those. Pursuant to
3 the contract, we are investigating them."

4 And, indeed, I'm here to report to you
5 that the school has hired an independent EEO --
6 former EEO officer. He has conducted his
7 investigation, and he is going to be reporting those
8 results to me this afternoon, I hope. And then the
9 governing council does have a meeting scheduled for
10 next week, at which those results will be discussed
11 in closed session.

12 So the school has immediately acted to
13 have these rather voluminous and fairly
14 comprehensive complaints investigated. And so we
15 responded that that's what we were going to be
16 doing.

17 We also responded not with, "No, we're not
18 going to give you any information," but with, "We
19 cannot" -- if you look at -- at the request from
20 Ms. Poulos, each one of these requests says, "Please
21 respond to these with evidence of compliance that
22 specifically addresses the allegations in the
23 complaint."

24 Well, we really can't do that until after
25 the investigation has been completed, at which time,

1 according to the contract, I will make a report to
2 Ms. Rubidoux as to what the results of the
3 investigation were. And then if there is a
4 further -- problems or issues, I guess we'll all
5 take it from there; right?

6 But that's what the contract says. And so
7 under our contract, that's what we responded. The
8 intent was not to thumb our nose at anybody, but
9 simply to remind CSD of the contract and -- and give
10 assurances that we were proceeding accordingly.

11 So, you know, again, we've only received
12 copies of two contracts [verbatim] from the CSD. If
13 there are more, we would appreciate -- that have
14 been sent to the CSD, we would be happy -- happy to
15 receive them. But we will gladly receive them and
16 continue to investigate those, as well.

17 We have received some -- some complaints
18 directly through the school's own internal
19 processes, which we are also investigating.

20 The nature of these complaints, really, if
21 you look at them in the broad respect, have to do
22 with complaints about -- that are employment
23 related, okay? They're related to, and stemming
24 from, certain changes that have been implemented at
25 the school -- or trying to be implemented at the

1 school -- in terms of policies and procedures.

2 There may be one or two that -- that have
3 to do with something else; but overall, these can
4 come within employment-related issues.

5 Those are also confidential; so I can't
6 talk too much about them today in open session.

7 But rest assured that they are being
8 investigated under our grievance procedure, our
9 harassment procedure, and all the procedures that I
10 actually did provide to Ms. Poulos, that the school
11 did provide to Ms. Poulos, in conjunction with --
12 with her correspondence, indicating that we do have
13 a procedure, and we are proceeding by it.

14 So, again, I think in my earlier
15 presentation relating to the proposed policy for
16 investigations, I pretty much made my -- my points
17 there in terms of we have to follow what's in the
18 contract.

19 But, again, I wanted the PEC to understand
20 that we're not -- we're not ignoring these. We are
21 proceeding. We just needed more than two weeks to
22 investigate a series of -- of investigations in
23 which we've brought in a independent investigator,
24 so as to be as -- as neutral as possible in terms of
25 what's really going on.

1 THE CHAIR: Thank you. Do you want to
2 address the Commission at this time?

3 MR. HOTCHKISS: Whenever a complaint is
4 brought to me that I can't resolve, I refer it off
5 to the board president and to the legal counsel.
6 And they have followed through with it in this
7 regard; so --

8 THE CHAIR: Okay. Thank you for that.
9 Katie, before we move to questions from
10 Commissioners, do you have anything to add?

11 MS. POULOS: I believe I have said
12 everything, both in this opportunity and earlier, as
13 we discussed the proposed policy.

14 THE CHAIR: Thank you very much.
15 Commissioners, do you have questions?

16 COMMISSIONER TOULOUSE: Madam Chair?

17 THE CHAIR: Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Madam Chair, I
19 really don't think it's up to us to ask questions at
20 this point without any investigation or response to
21 us. We have the letters in front of us. And having
22 spent 30 years in State government, I know what it's
23 like to get one-directional complaints. And there's
24 always two sides, and usually more than that, to a
25 story.

1 We have only one; but I am concerned with
2 some of these one-way allegations, and I think it's
3 too bad we're not hearing the other side of the
4 issue, because some of these can lead to further
5 problems that we would have to get involved, all the
6 way to reviewing -- you know, revoking a charter.
7 And I would hate to look at that.

8 MS. FOX: Commissioner Toulouse and
9 members of the Commission, I agree. One of the --
10 one of the reasons that schools have these complaint
11 procedures is so that people can follow them. And
12 it's only fair to give the school, in the first
13 instance, the opportunity to resolve the issues at
14 the lowest possible level without taking it up
15 and -- you know, to the Supreme Court, et cetera,
16 et cetera.

17 And so I think that's what everybody wants
18 to do and be able to do. And I would imagine that
19 over 90 percent of complaints can be handled
20 effectively at that level.

21 So, you know, if there's -- if there are
22 residual issues that the PEC and the CSD feel like
23 they need to get involved with the school, the
24 school is willing to sit down. And, again, under
25 the contract, there's provisions for an improvement

1 plan, a corrective action plan. Under the Personnel
2 Act, there are personnel actions that can be taken.
3 There are sanctions.

4 We need to sort out what is truly
5 happening, versus what people perceive is happening.
6 And the governing council needs to figure it out and
7 have the opportunity to address it.

8 THE CHAIR: I think from the perspective
9 of a parent, if I had made one of these complaints,
10 I would think, "When is this ever going to be
11 resolved?"

12 The earliest document I see in here is
13 dated August. Perhaps I'm not seeing everything;
14 but that's just the earliest I see with the
15 complaint. It's now November, and there's still no
16 resolution. I understand you will have a report
17 next week, I believe you said?

18 MS. FOX: Madam Chair, if there's an
19 August -- a document dated August, we didn't receive
20 a document dated August. The ones that we received
21 from Ms. Poulos seem to be dated in October. And
22 we --

23 THE CHAIR: I'm looking at August 27th,
24 2015.

25 COMMISSIONER GIPSON: There's a letter to

1 Paul Aguilar.

2 MS. FOX: Okay. Well, that was to
3 Mr. Aguilar -- if that was -- I don't have a date on
4 here. Ours was redacted; so I -- I may or may not
5 have the same one that you're looking at.

6 THE CHAIR: Is your date --

7 COMMISSIONER GIPSON: Does it start with,
8 "We are writing..."? That's the easiest thing.
9 Look at the first sentence.

10 MS. FOX: The date has been blacked out on
11 there.

12 We received this from CSD on October 7th.
13 So if it was submitted in August, we received it
14 October 7th.

15 THE CHAIR: I feel, as a parent, if I had
16 a child at that school, and my child were having
17 problems, real or perceived, I would be saying,
18 "What are you doing, you know, school? Do
19 something. CSD, do something."

20 I think perhaps the process is dragging
21 on. That may be just inherent in the type of
22 process it is; but I know, as a parent, I would like
23 to have some resolution sooner.

24 MS. FOX: Madam Chair, we did not receive
25 the complaint from -- I don't know which letter

1 you're referring to, because I don't have it here,
2 what you have, apparently. But we did not receive a
3 complaint from a parent in August, that I'm aware
4 of. There have been some that have come in about
5 the same time as we received this information from
6 Ms. Poulos. And so that is what we are doing.
7 Basically, a global investigation of -- of numerous
8 complaints.

9 THE CHAIR: Okay.

10 MS. FOX: So that is proceeding.

11 THE CHAIR: And I think that kind of
12 bothers me, too. Numerous complaints.

13 MS. FOX: There have been -- every school,
14 I think if you were to have -- get -- need to be
15 reported on every complaint that came in to a
16 school -- some of them are small; some of them are
17 big. I don't think you'd want to know or
18 necessarily concern yourself with the small ones.
19 It's the big ones that I think you guys really want
20 to have a -- some sort of a reporting on.

21 But my -- I postulate that if -- if every
22 little complaint had to come through you, you would
23 be very surprised at the number of complaints
24 that --

25 THE CHAIR: I understand.

1 MS. FOX: -- come in.

2 THE CHAIR: I was surprised at the number.

3 MS. FOX: A lot of schools have these
4 processes. They have a grievance process. They
5 have sexual harassment and harassment and bullying
6 and those types of things they are specifically to
7 deal with this. There is a process. And then each
8 process says, "If you're not happy with that, you
9 can take it up to another level," which I guess
10 would be CSD or another level.

11 There's also the Fraud against Taxpayers
12 Act. There's whistleblower laws. There's all these
13 other things.

14 MS. POULOS: Madam Chairwoman, to address
15 the questions about the date, do you see the letter
16 from -- from -- that was addressed to Mr. Aguilar in
17 August? That is one of the items that was forwarded
18 to the school. Of course, it went to Mr. Aguilar.
19 The time it takes to get to me and the time for me
20 to --

21 THE CHAIR: Everything takes time.

22 MS. POULOS: -- to address that -- the
23 redactions were to protect the identity of the
24 student and the families that were complaining. I
25 think the date was right -- is, in fact, right in

1 with their address, and that's what happened.

2 As a matter of course in what happened,
3 when this was received, because it didn't clearly
4 allege any statutory or contractual violations, I
5 had a communication with the family and communicated
6 several times with, I think, more than one family,
7 and, in those cases, asked the question, "Have you
8 spoken with the school? Have you spoken with the
9 governing body? Have you gone through that process?
10 If you have, and you feel that you have concerns
11 about a violation of law or contract that has not
12 been addressed, and you've addressed it with the
13 school, you can submit a written complaint to CSD
14 containing those."

15 And so, again, didn't get forwarded to the
16 school until there was a real allegation.

17 And so that was when the -- based on those
18 conversations, the families submitted additional
19 communications containing more specific information
20 that allowed CSD to identify whether there were
21 issues of statutory or contractual noncompliance.
22 And then that information was forwarded to the
23 school at that point.

24 I will tell you that, as of August, when
25 we received kind of the general grievance that would

1 be appropriate for the school, I was not aware of
2 8.11A. I am. And that's why at that moment, I did
3 not immediately forward that general grievance-type
4 complaint to the school. When I became aware of
5 that -- and, again, I think it's great for us to
6 have a policy that everybody knows about, and then
7 it can control how CSD interacts with the
8 information it receives -- I -- you know, the school
9 did start receiving those.

10 There are additional ones, because based
11 on the response from the school, CSD just started
12 collecting materials for the Commissioners, rather
13 than -- than moving forward; because CSD did need
14 additional guidance from the Commissioners, based on
15 the school's response.

16 THE CHAIR: Thank you for that
17 clarification.

18 MS. FOX: Madam Chair and members of the
19 Commission, if there are additional ones that the
20 CSD has received, I think, under our contract, those
21 do need to be forwarded to us so that we can --
22 while we have this investigator going, we can get
23 him on any others that have come up.

24 I don't want -- I want to, obviously, get
25 this all taken -- all of these taken care of as

1 expeditiously as possible.

2 THE CHAIR: And you said an EEO --

3 MS. FOX: Equal Opportunity Employer,
4 EEO -- Opportunity Commission.

5 THE CHAIR: Employment?

6 MS. FOX: Yeah.

7 THE CHAIR: So I'm assuming from that,
8 that the complaint you're investigating --
9 complaints you're investigating -- have to do with
10 employment issues.

11 MS. FOX: We're investigating the
12 complaint that was given to us by the CSD, which, if
13 you look at it broadly, has to do with a complaint
14 about -- frankly, about the new head administrator
15 and how -- and how he is running the school. And
16 that comes down to ultimately, there are harassment
17 complaints. There are issues in there, in this
18 letter, that are appropriate for someone with this
19 guy's level of background and expertise to take a
20 look at.

21 THE CHAIR: And this investigation is
22 supposed to be completed and a report to you next
23 week.

24 MS. FOX: It is on the governing
25 council's -- governing board's agenda for next week.

1 There are some more complaints that have
2 subsequently come in that he is also investigating.
3 We are sort of doing them one at a time, and we will
4 report on those, as well, as those investigations
5 are completed.

6 THE CHAIR: And then you will see that our
7 counsel receives those?

8 MS. FOX: Yes, yes. We'll follow 8.11,
9 just like we're asking you to do. So, again, if
10 there are other complaints that the CSD has
11 received, then 8.11 comes into play. Once we get
12 them, we'll investigate them, and then we'll report
13 to Ms. Rubidoux. Whatever she does from there, I
14 guess, is whatever you guys do.

15 MS. POULOS: Commissioners --
16 Madam Chairwoman, Commissioners, I do want to say
17 that the CSD's requests did not relate to a general
18 employment complaint, but, rather, specific
19 allegations of contractual or statutory or
20 regulatory noncompliance.

21 MS. FOX: All of these are being addressed
22 by the EEO -- by the investigator. I don't mean to
23 say the "EEO." That's just his background. He's an
24 investigator who investigates this. And he will
25 report out on -- on these items.

1 THE CHAIR: Okay. Thank you.

2 Commissioner Carr?

3 COMMISSIONER CARR: You know, what I see
4 here is very disturbing to me. You know, as a
5 former local union president, I dealt with issues
6 like this all the time. And so did my fellow
7 Commissioner here, as well, and Commissioner Gipson.

8 COMMISSIONER GIPSON: Uh-huh.

9 COMMISSIONER CARR: One of the issues with
10 charter schools, you know, nationwide is that the
11 employees at charter schools are not being offered
12 their due process and their protections. They're a
13 small school, can be easily bullied. And I'm
14 concerned that these employees are not fully aware
15 of their rights, or they're possibly being bullied
16 to the point of, you know, they're afraid that
17 they're going to lose their jobs.

18 In a bigger school district, I can take
19 people to task, and have, and we won. We've gotten
20 rid of principals. We've gotten rid of
21 administrators, and we've fixed the situation.

22 I'm concerned that these possible
23 violations, or alleged violations -- these are major
24 material violations that need to be investigated,
25 not just by the person you're talking about -- and

1 this goes beyond an internal investigation. This is
2 possible violations of State and federal law. And
3 I'm very concerned.

4 And I think the other charter schools in
5 this state are concerned about how they look,
6 because every time something like this comes up,
7 people say, "Oh, look at that school. Do you see
8 what they do? Do you see what those charter schools
9 do?" You know.

10 And there's some really good charter
11 schools out there. I work at one of them.

12 And it's -- they don't -- you know, we --
13 and it's our job to oversee this, you know? I'm
14 very concerned, and I -- I want you, yeah, to have
15 an internal investigation; but I think the Charter
16 Division needs to be doing its part. And if there's
17 any evidence to show that some of these allegations
18 are true, then, you know, I'll be the first to
19 recommend the school be closed.

20 And I -- you know, I just -- I just want
21 everybody to know, this is serious, serious
22 business. And -- and our children are involved. If
23 half of this is true, I -- you know -- I hope it's
24 not. I hope none of it is true -- I don't want this
25 person anywhere near any of my children, you know?

1 So let's -- let's make sure this is fully
2 investigated.

3 Katie, I support whatever efforts you are
4 making. If you feel like you need more help,
5 please -- please ask the people you need to ask.
6 And you know who you need to ask.

7 But I guess that's enough. I'm done.

8 THE CHAIR: Jeff, have you have read the
9 Executive Summary, front and back?

10 COMMISSIONER CARR: Show me where -- well,
11 I read everything. But I'm trying to think. What
12 are you specifically referring to?

13 THE CHAIR: Pass that down, so he can read
14 that.

15 COMMISSIONER CARR: Oh, thank you.

16 THE CHAIR: So -- okay. Anyone else have
17 a comment? A question?

18 COMMISSIONER GIPSON: Well, I guess I have
19 a question as to what you referred Jeff to.

20 THE CHAIR: I asked that he read the
21 Executive Summary front and back with the
22 information and the proposed motion.

23 COMMISSIONER GIPSON: Oh, I don't think
24 I --

25 THE CHAIR: I know there's a lot of pieces

1 of paper.

2 While those of us are looking for that
3 Executive Summary, I would ask if there are other
4 questions, concerns, or comments.

5 COMMISSIONER GIPSON: I have a concern.
6 And it's really the same as Commissioner Carr's. I
7 was flabbergasted when I -- when I read through this
8 material. As the grievance person for my school
9 district for years, I'm concerned about the
10 timeliness of all of this, that it never took --
11 when you're looking at some of these allegations --
12 and I fully understand that there's two sides to
13 every story, so I don't like to jump and be
14 accusatory.

15 But the allegations that are here are so
16 serious, I'm concerned about the amount of time and
17 the climate that potentially exists in that school
18 with staff that are working under these conditions.
19 It's a serious concern.

20 MS. FOX: Madam Chair and members of the
21 Commission, the GC is similarly concerned,
22 obviously. But, again, there have -- these
23 complaints allege a lot of things. It's taken some
24 time to get -- and, again, not a lot of time. We
25 received this October 7th. It is -- you know --

1 it's November -- whatever it is; so -- but there's a
2 lot.

3 And in order to give everybody due
4 process, not just the people who have -- are making
5 the complaints, who we don't even have names, but
6 also the people who are being accused, you know,
7 it's going to -- in order to have some faith that
8 whatever action that's going to be taken by the
9 governing council has -- has the weight of fact and
10 law behind it, we have to take some amount of time
11 to do it correctly. And that's what we're trying to
12 do.

13 Again, we have indicated in our letter, we
14 welcome Ms. Poulos and her staff onto campus at any
15 time that she wants to come in and attend and speak
16 to. But the way that her request was drafted, she
17 asked us to respond to all these complaints with
18 documentation before we could reasonably finish our
19 investigation. We're just asking for us to be able
20 to finish our investigation.

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair,
23 again, as I said earlier, I've been on both sides of
24 stuff and dealt with it; so I'd like the other side.
25 But I also look -- and I see, again, there are two

1 kinds of allegations. One is personnel and
2 student-related. And the other, though, is a change
3 to the school charter and how things are done that
4 were agreed to in the charter. And I am concerned
5 that that part, too -- it seems to be -- seems to
6 have happened, or be happening, without any
7 governance council approval; or, if they've
8 approved, do they understand that they can't make
9 those changes without bringing them to us?

10 So those are two separate things. I think
11 we have to wait on the personnel stuff. I would
12 hate to be in Mr. Hotchkiss' position to have to sit
13 here and have all of us sitting here looking at him.
14 I'm glad he's sitting here.

15 But there are really some serious things
16 in here. But I have your assurance now. I know
17 you've assured me it's being investigated. Just
18 that we need -- students -- clearly, because we have
19 stuff from several different people here, a lot of
20 it sounds like the same stuff.

21 And I know Los Lunas. I ran the welfare
22 office years ago down there in Belen that handled
23 all of that area and grew up in the southern part of
24 Albuquerque, where I still have connection and
25 friends. So I know it's a smaller community, and

1 people are probably talking to each other, and word
2 is getting around. So I don't know how much of this
3 is secondhand, third-hand, fourth-hand complaint.

4 But I do know the ones that specifically
5 relate to a child -- somebody is saying "my child"
6 or whatever, those concern me, because that's a
7 direct knowledge. But I -- and I have your
8 assurance -- these are just comments -- that you
9 will get back to us. I have a continuing concern
10 anytime you see these kind of problems coming up
11 they have to be addressed.

12 MS. POULOS: Madam Chair, I know some of
13 the complainants are here in the audience and may
14 wish to address you, if you would like to hear their
15 comments.

16 MS. FOX: I would just request that if
17 they have to do with personnel matters, that those
18 not be made in open session.

19 THE CHAIR: I --

20 COMMISSIONER BERGMAN: We would be very
21 careful there.

22 THE CHAIR: We have to be very careful
23 there. We certainly don't want to violate anyone's
24 right to privacy or get into personnel issues at
25 all.

1 I think what I'm hearing -- and let me see
2 if what I'm hearing is what you're hearing -- that
3 there are a variety of issues out there, some of
4 which have to do with their charter. I think we'd
5 be negligent in our duty, as the authorizer, not to
6 ask for an investigation by our staff and the
7 agencies that they have at their disposal, to
8 investigate these allegations, to clarify, to say
9 they didn't happen, to say they did happen.

10 Perhaps the investigator the school has
11 employed will look into all issues; perhaps they
12 will not. Perhaps the issues that have to do with
13 the contract and the charter are beyond their
14 purview.

15 We need to know that the issues that have
16 to do with the areas of our responsibility have been
17 thoroughly investigated. So I think it's incumbent
18 upon us, at this point, to ask CSD and related
19 departments in PED that are necessary to call in to
20 look into these issues and to investigate for us and
21 to bring us a detailed report.

22 I think that's our duty. Do you hear it
23 that way, Commissioner Carr?

24 COMMISSIONER CARR: Madam Chair, I'm ready
25 to make this motion.

1 THE CHAIR: Please do.

2 COMMISSIONER CARR: If it pleases the
3 Commission at this time, I move to direct the
4 Charter School Division to conduct an investigation
5 into statutory and contractual violations that may
6 be occurring at CEPi, which have been brought to the
7 attention of the PEC, PED, and CSD, through
8 complaints submitted by parents and students at
9 CEPi.

10 THE CHAIR: Thank you. You've heard the
11 motion.

12 Do we have a second?

13 COMMISSIONER CHAVEZ: Second.

14 THE CHAIR: Commissioner Chavez?

15 Motion by Commissioner Carr, second by
16 Commissioner Chavez.

17 Do we have further discussion?

18 COMMISSIONER ARMBRUSTER: I just want to
19 say one thing.

20 THE CHAIR: Commissioner Armbruster?

21 COMMISSIONER ARMBRUSTER: I actually tried
22 earlier. I, as Commissioner Gipson and
23 Commissioner Carr, was also a union president in my
24 former life. And there are many positives to having
25 union contracts, because it -- it specifies terms

1 and conditions of employment for which the
2 administration has rights to ask for, as well as
3 what they do.

4 I know this is not a big movement among
5 charter schools; but it actually eliminates a number
6 of problems getting to this point. And it makes me
7 sad that it had to get to this point, because there
8 would have been ways to settle it without going this
9 far.

10 Having said that, I will -- I'm fine with
11 calling the question.

12 THE CHAIR: Thank you very much.

13 Are there further comments or questions?

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

16 COMMISSIONER PERALTA: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER PERALTA: Commissioner
20 Gipson?

21 COMMISSIONER GIPSON: Yes.

22 COMMISSIONER PERALTA: Commissioner
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Chavez?

2 COMMISSIONER CHAVEZ: Yes.

3 COMMISSIONER PERALTA: Commissioner Carr?

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Armbruster?

7 COMMISSIONER ARMBRUSTER: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Peralta votes "Yes."

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER PERALTA: Madam Chair, that
16 is a nine-to-zero vote in favor of the motion.

17 THE CHAIR: Thank you. The motion passes
18 unanimously. Thank you all very much. Thank you
19 for being here.

20 MR. HOTCHKISS: Thank you, Madam
21 Commissioner.

22 MS. FOX: I'm going to stay here, because
23 I'm here for the next one, as well.

24 THE CHAIR: Next item on the agenda is
25 Anthony Charter School.

1 Katie, would you like to start off,
2 please?

3 MS. POULOS: Madam Chairwoman,
4 Commissioners, as you know, at the December 10,
5 2014, PEC meeting, the Commission voted not to renew
6 the charter of Anthony Charter School.

7 On May 8th, 2015, Judge Mathew granted a
8 stay to Anthony Charter School pending an appeal of
9 that nonrenewal.

10 The PED Office of General Counsel has
11 indicated that it has been in negotiations with a
12 settlement with the school. My understanding from
13 the Office of General Counsel was that their
14 negotiations included extending the contract terms
15 an additional three years, and, additionally, a
16 performance framework for 2015-'16 that appears to
17 have been created on the old performance framework
18 template rather than the updated one.

19 At the September PEC meeting, the PEC
20 voted to engage in a negotiation process with the
21 school for a 2015-'16 framework. After the vote,
22 the school's attorney contacted CSD and stated that
23 the settlement agreement that had been in
24 discussions included that performance framework, as
25 I just referenced, and that the negotiations would

1 not be appropriate.

2 No meeting has been arranged for those
3 negotiations to establish a framework. And so at
4 this point, the Commissioners have asked this item
5 to be back on the agenda, and, I think, at this
6 point may want to decide how they would like to move
7 forward to ensure an appropriate framework and
8 potentially make a motion with regards to that.

9 THE CHAIR: Thank you.

10 MS. FOX: So Madam Chair and members of
11 the Commission, this is really Patti's baby. I'm
12 pinch hitting today for her. But she really doesn't
13 have too much more to report, other than that the
14 performance framework and the contract were
15 submitted to PED General Counsel pursuant to the
16 settlement negotiation, settlement agreement, in
17 June. And she has been diligently trying to get
18 some response, feedback, anything, from PED, and has
19 not been able to do so.

20 Once that is received, you know, things
21 can proceed and move forward. If it was on a
22 different form other than the new form that the PEC
23 may have -- may have adopted since June, maybe that
24 can be addressed. But we work with whatever the
25 form was when it was submitted.

1 So, really, that's -- it's at the PED
2 General Counsel's office. We would love information
3 as much as you.

4 THE CHAIR: So just to be clear in my
5 mind, there is no settlement.

6 MS. FOX: There --

7 THE CHAIR: There's been work on one; but
8 there isn't one.

9 MS. FOX: There -- as far as I understand,
10 there has been a -- a tacit settlement reached.
11 It's just the devil is in the details in getting
12 that performance framework.

13 THE CHAIR: And in the meantime, we have a
14 school that is under no performance frameworks at
15 all.

16 MS. FOX: It's my understanding that the
17 school is proceeding under its -- the performance
18 frameworks it has submitted to -- to the PED, just
19 as if those had been approved, because they
20 recognize that they need to know that stuff, too.

21 THE CHAIR: And those are one-year
22 documents, according to the Charter School Act, as
23 amended. They're annual performance indicators. Am
24 I correct?

25 MS. FOX: I believe, just like you do with

1 the others, yes.

2 THE CHAIR: So in my mind, they're --
3 they're old; they've run their course; they need to
4 be renegotiated.

5 MS. FOX: No, they were submitted in June
6 for this school year. So they're still under -- for
7 this school year; right? There's --

8 COMMISSIONER GIPSON: Not to us. We
9 haven't seen anything.

10 MS. FOX: Well, right. And I -- I don't
11 know what to tell you on that. I mean, we've done
12 what we need to do in terms of getting them to PED.

13 THE CHAIR: And my personal thought is, we
14 have a school out there that is operating with no --
15 with no frameworks, with no evaluation instruments
16 that we can use, with no oversight, period. And I
17 think it's time this Commission said, "Anthony
18 Charter School, we're ready to sit down with you to
19 negotiate -- renegotiate your frameworks for this
20 current school year."

21 We will offer a date, or two, ask Anthony
22 to pick one, and we'll sit down and negotiate. If
23 they refuse to do that, then we're in a different
24 legal situation that we've never been in before.

25 But I think this Commission is hanging out

1 to dry with a school that's operating without any
2 kind of oversight. That's my personal view. I'm
3 very concerned that the school is just out there.

4 COMMISSIONER GIPSON: Can I ask? Were
5 these performance frameworks approved by the
6 governance council? If they were submitted --
7 because we never voted on any. Did the governance
8 council of Anthony Charter School -- did they vote
9 to adopt, just as we always accept the minutes from
10 any governance council, as part of the official
11 record?

12 MS. FOX: I don't know the answer to that
13 question. But it would seem to me, based on what
14 you -- we do in other situations, that there would
15 have had to have been some finality of those. And
16 then they take them back to the governance council
17 for -- for -- for adoption. They may have done
18 that, Commissioner Gipson. I frankly just don't
19 know today. I'm sorry.

20 COMMISSIONER GIPSON: So with the -- with
21 the Chair, I think we just need to set the dates and
22 proceed. And whatever comes up, we'll deal with it
23 as it comes up.

24 COMMISSIONER CARR: And Madam Chair?

25 THE CHAIR: Commissioner Carr?

1 COMMISSIONER CARR: Yeah, I -- go ahead
2 and set the dates. Right now, we're not the ones
3 responsible. The Court is, at the present time.
4 And we're in unchartered waters, no pun intended.
5 And the -- anyway, yeah, set the date. But just
6 keep in mind, for the record -- you know, I mean,
7 really, the -- the Judge -- until an agreement is
8 made between Anthony and the PED, then the Judge is
9 responsible for whatever happens.

10 And then once that's made, then -- then
11 they fall into -- in a category where they're like
12 any other school. They're under our supervision.
13 And if they're not up to par where they should be,
14 we can vote to close them again, if we want, you
15 know, and then they can go back to court again.

16 But I just wanted to -- I think just to
17 clarify it, that's where we are right now. And I'm
18 all for setting a date, like you said.

19 THE CHAIR: Commissioner?

20 COMMISSIONER BERGMAN: Yeah, I also agree
21 that we need to set a date to try and exert our
22 position, to protect our position. But as is noted,
23 we were not part of this lawsuit. The lawsuit was
24 between PED and the charter school.

25 COMMISSIONER CARR: Right.

1 COMMISSIONER BERGMAN: We did our part.
2 There has been no recent negotiation with this
3 school, because we denied their application; so
4 there was no contract or framework to negotiate. We
5 denied it and were going to close the school.

6 So whatever contract and performance
7 framework existed goes back to -- they were probably
8 near the front of when we got started doing that.
9 So it's a two- or three-year-old document.

10 And I just -- and I'm speaking personally
11 now -- under the Charter School Act, the PED General
12 Counsel has no statutory authority to negotiate a
13 performance framework with anybody. That's the --
14 that's the business of the Public Education -- but
15 the Judge ordered him to, probably. I have not seen
16 any paperwork on it. I have no idea.

17 But, yeah, we're in limbo here. We're in
18 a really bad place here right now. And so, yes, I
19 guess we should -- let's set a date. And we know
20 that counsel is probably going to come back again
21 and say, "PED's got this. You guys aren't involved
22 in this." And then we're done again, yeah.

23 MS. FOX: We're trying. We're trying.

24 COMMISSIONER BERGMAN: Let's assert
25 ourselves.

1 THE CHAIR: I'm just at sea on the whole
2 thing. I agree with Commissioner Bergman, it's
3 PEC's job to negotiate frameworks and issue
4 contracts. I don't know that the Judge did that.
5 It's my understanding the Judge just said, "Continue
6 operating until otherwise" --

7 MS. POULOS: Madam Chair, my understanding
8 is that, you know, as happens in lawsuits, the Judge
9 said, "See if you can settle"; right? And so not,
10 "Go and settle and do these things"; but, "See if
11 you can settle." And I think that's -- that -- the
12 clarity, I think, might be missing on what that was
13 supposed to be.

14 THE CHAIR: But did the Judge ever say,
15 "Continue under your current contract and
16 performance frameworks until otherwise notified"?

17 I never heard anything that specific. So
18 without that specificity, we've got to do our job.
19 So let me -- let me suggest a date for that.

20 On Wednesday, December the 2nd, is one
21 of -- one of CSD's applicant outreach sessions.
22 That's December the 2nd in Albuquerque, from 5:30 to
23 8:30 in the evening.

24 Could we do this? Could we ask the
25 Anthony Charter School folks to come to Albuquerque

1 and meet us, say, 1:00 in the afternoon on either
2 the 2nd or sometime on the 3rd? I'd be willing to
3 stay over to the next day to accommodate their
4 schedule, if that would work.

5 Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: Two comments
7 here. One is if we're doing it on December 2, are
8 you foreseeing that it's going to take four hours,
9 or three-and-a-half hours or something, to do it?
10 Because I'd rather have it a little later in the
11 afternoon, so it's not in the middle of the day,
12 unless we have other things planned.

13 THE CHAIR: The only thing is this 5:30 --

14 COMMISSIONER ARMBRUSTER: Right. And I
15 was thinking, you know, if we did it at 3:00, even,
16 would that give us time? I don't know how long that
17 would take. And you would know more than I would
18 know. That's why I'm asking you.

19 THE CHAIR: We're in uncharted
20 territory.

21 COMMISSIONER ARMBRUSTER: So my second
22 comment, which is what I was going to say before you
23 made that one, looking at the other side, Sue, is I
24 could be concerned about Anthony, who may be doing
25 fabulous things, but we have no measure of that.

1 Somehow, they're going to come up for renewal, and
2 they have nothing for us to base their renewal on.

3 So I'm seeing that they, themselves, are
4 in a place where they're -- I was not going to say
5 anything; but this is just where I'm coming from --
6 is just that they have nothing to show that they're
7 doing anything. And they're in renewal, even if
8 it's two years and the Judge has said whatever he
9 says.

10 But still, they would want to be renewed,
11 I would assume, since they fought this hard to stay.
12 And what would they base that on? And that would be
13 my concern.

14 MS. FOX: Yeah. We're moving everything
15 we can to move this along. It's just a -- short of
16 sitting in the office of PED General Counsel, I
17 don't know what else to do. We want to work with
18 you. We want to work with PED. We want to get this
19 all put to bed as quickly as possible.

20 So maybe having a date would help push PED
21 along and give us a little help in --

22 THE CHAIR: Even if it doesn't, as
23 Commissioner Armbruster said, this is what we need
24 to do our oversight as authorizers; it's what the
25 school needs to begin their documentation for

1 renewal. Because they've only got -- the Judge only
2 added two more years to their contract, as I
3 understand. Or was it -- we gave them a two-year or
4 a three-year contract?

5 MS. FOX: You initially gave them a
6 two-year contract, and the Judge has said, "We'll
7 pretend as if you had, originally, a five-year."

8 THE CHAIR: Make it three.

9 COMMISSIONER TOULOUSE: Half of one of
10 those is already gone.

11 THE CHAIR: So they need to begin the
12 process, too.

13 Like I said, I'm suggesting either
14 December the 2nd or December the 3rd as possible
15 dates.

16 COMMISSIONER GIPSON: Madam Chair, I would
17 say, in fairness to the Anthony people, knowing how
18 far they have to drive, if we hold it later in the
19 afternoon, it becomes more difficult for them to get
20 back the same day, that I'm looking at -- they -- in
21 all likelihood. So I don't care 2nd or 3rd. But I
22 think in fairness to them, if it could be later
23 morning, very early afternoon, they would have a
24 fair chance to get home at a reasonable hour.

25 THE CHAIR: How about the 2nd at 1:00 or

1 noon or 11:00?

2 COMMISSIONER BERGMAN: Madam Chair, since
3 I have probably the most experience with these
4 negotiations -- I've been on all of them -- I think
5 based on Commissioner Ambruster's point, we may
6 discover that it's going to be a lengthy
7 negotiation. Sometimes -- the ones that we've
8 already had a framework is not quite as lengthy.

9 If we're going to do it on the 2nd, I
10 would suggest it be at 9:00. That way, they come up
11 the night before and go back in the afternoon.

12 COMMISSIONER GIPSON: In fairness to the
13 Anthony people, 9:00 in the morning is a tough ride
14 up.

15 COMMISSIONER BERGMAN: I'm anticipating
16 they would do what I do, is come up the night
17 before.

18 COMMISSIONER GIPSON: A lot of those
19 schools don't have a budget for that.

20 MS. FOX: The day before is a school day.

21 COMMISSIONER BERGMAN: Well, 1:00 then.

22 COMMISSIONER GIPSON: I think 11:00.

23 THE CHAIR: I'll give you an opportunity
24 to choose. Let's say 1:00 on the 2nd or 10:00 on
25 the 3rd. Your guess is as good as mine. What do

1 you think sounds reasonable?

2 COMMISSIONER TOULOUSE: Madam Chair?

3 THE CHAIR: Yes.

4 COMMISSIONER TOULOUSE: I think it's a
5 good idea to give them either of those choices. But
6 I don't see it being that long, because we can't do
7 the whole contract. We can only do the performance
8 indicators. And, yeah, that's a big --

9 THE CHAIR: Well, I think we need to allow
10 a lot of time.

11 COMMISSIONER TOULOUSE: I'm saying we have
12 all those other pieces we're not going to do, just
13 the performance piece. And I would hope that we
14 would do that, as all of us are in this together,
15 and we don't know what's happening, anyway. It's a
16 friendly negotiation. We're all in there to see
17 what we can do to help the school get back on its
18 feet, because we have no idea how they're doing now.
19 But we know they weren't doing well last year.

20 And so it would be a way for us to do it
21 in a friendly way and give them the choice of either
22 the afternoon on the 2nd or the morning -- late
23 morning on the 3rd; because I do agree, we have to
24 have that performance contract. And we're the only
25 people who can do that, you know.

1 And if the Judge is going to basically
2 approve whatever we've all agreed on, you know, PED
3 isn't -- can't do it, because they can't authorize
4 it. We do.

5 So -- and since none of us have seen any
6 documents -- I'm hoping your office, at least, has
7 something preliminary from the Judge, which we
8 haven't seen anything. In fact, we haven't even, as
9 a group, or even individually, talked to PED's
10 attorney, because it was a suit against the
11 Secretary and was not handled.

12 So we really have been put in a bind. And
13 I wonder about all of our legal situation, what the
14 Judge's legal grounds are, what the school's legal
15 grounds are, what the PED's are, and ours, because
16 of all the various laws that are here and all of
17 that, that I think it's up to all of us to see if we
18 can do the best we can to get everybody out of this
19 mess, because I think we're the only ones that can
20 really do it.

21 THE CHAIR: I think so.

22 Katie, does your office have any reason
23 that you couldn't do it either on the 2nd or 3rd?
24 We need to check with Julia Barnes to make sure she
25 would be available, as well.

1 I'm saying 1:00 on Wednesday, the 2nd, or
2 what time on Thursday, the 3rd?

3 COMMISSIONER ARMBRUSTER: Commissioner
4 Gipson was indicating -- Commissioner Gipson, would
5 you be -- if you were only coming to this, would you
6 be here by 10:30? Because that's a long drive.

7 COMMISSIONER GIPSON: I've made it at
8 8:00. Border crossing always asks me, "Are you
9 driving a load at this hour?"

10 So I'm not opposed to it. But I think, in
11 fairness, if you really want a quality meeting, to
12 ask somebody to come up at 4:00 in the morning and
13 be able to think straight is -- I would think 10:00
14 or 11:00 is a fair and reasonable time.

15 COMMISSIONER ARMBRUSTER: So you said
16 10:30, so they can negotiate the time.

17 THE CHAIR: So if we're in agreement on
18 that, would someone make that as a motion, that we
19 ask CSD to facilitate this with Anthony and set this
20 up, either on December the 2nd at 1:00, or December
21 the 3rd at 10:00 or 11:00 in the morning?

22 COMMISSIONER BERGMAN: Madam Chair, CSD
23 should facilitate it, working closely with Julia
24 Barnes, who will do the documents.

25 THE CHAIR: Make sure we have our

1 facilitator there.

2 Okay. Anybody ready to make that motion?

3 COMMISSIONER ARMBRUSTER: So it's not this
4 one. So we have to change it. It's not the one
5 that we have here.

6 THE CHAIR: No, we changed it a little
7 bit, yeah. Well, let me make the motion.

8 We're going to ask CSD to work with
9 Anthony Charter School to present them with two
10 options for renegotiating their performance
11 frameworks with the PEC; either Wednesday, the 2nd,
12 at 1:00 in the afternoon, or Thursday, December 3rd,
13 at either 10:00 or 11:00 in the morning. We
14 strongly ask Anthony to meet with us for these
15 renegotiations.

16 COMMISSIONER TOULOUSE: Do you want to
17 include Julia in your motion?

18 THE CHAIR: I'm sorry?

19 COMMISSIONER TOULOUSE: Do you want to
20 include Julia in your motion?

21 THE CHAIR: I don't think we need to.
22 Let's just make sure we --

23 COMMISSIONER TOULOUSE: And I will second
24 your motion.

25 MS. POULOS: I just e-mailed her to check

1 on these dates.

2 THE CHAIR: If we hear that Julia is
3 absolutely unavailable either of those days, we'll
4 have to rethink this, okay?

5 You've heard the motion. Commissioner
6 Toulouse has seconded.

7 Is there further discussion?

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

10 COMMISSIONER PERALTA: Commissioner
11 Peralta will vote "Yes."

12 Commissioner Conyers?

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER PERALTA: Commissioner
15 Armbruster?

16 COMMISSIONER ARMBRUSTER: Yes.

17 COMMISSIONER PERALTA: Commissioner
18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commission Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Bergman?

1 COMMISSIONER BERGMAN: Yes.

2 COMMISSIONER PERALTA: Commissioner
3 Shearman?

4 THE CHAIR: Yes.

5 COMMISSIONER PERALTA: Madam Chair, that's
6 nine to zero in favor of the motion.

7 THE CHAIR: Thank you. The motion passes
8 unanimously. Kelly and Greta, with the Coalition,
9 can we renegotiate --

10 MS. ROSKOM: Yes.

11 THE CHAIR: Let us move on now, please.

12 Next on the agenda is Item C, Notice of
13 Charters Looking for a New Facility.

14 Katie?

15 MS. POULOS: Madam Chair, Commissioners,
16 CSD was notified that Technology Leadership High
17 School is looking for a new facility; although, upon
18 further investigation, it appears that's a very
19 long-term plan.

20 COMMISSIONER TOULOUSE: They just moved.

21 MS. POULOS: They just started. But they
22 did indicate that long-term, they are looking to
23 build their own facility.

24 That's it.

25 THE CHAIR: Is that it?

1 MS. POULOS: Uh-huh.

2 THE CHAIR: Okay. Good. Thank you very
3 much.

4 Let's move on now to Item No. 9, which is
5 Report from the Chair.

6 And I'll ask Commissioner Bergman to bring
7 us up to date on the proposed calendar for 2016.

8 COMMISSIONER BERGMAN: Thank you,
9 Madam Chair. Beverly, I'm going to change some of
10 the dates; so you'll need to make some notes as we
11 go along through this, based on what we -- what was
12 discussed yesterday.

13 For the benefit of those that weren't here
14 yesterday, if you've looked at the calendar, you
15 will note there's been a couple of major changes to
16 the calendar, based on what we've done over the last
17 seven years.

18 The Legislature passed some amendments to
19 the Charter School Act, and in one of those
20 amendments, they've moved the application deadline
21 from July the 1st to June the 1st; they moved it up
22 one month. Along with that, there has always been a
23 provision in the Charter School Act that said that
24 the PEC must approve or deny new applications by
25 September 1st of each year.

1 Now, that did not fit our time line under
2 the old July 1st date. So each year, CSD had to go
3 to every new applicant and get them to waive that
4 statutory requirement. That may have worked for
5 them and things like that.

6 So then we had to consider, well, should
7 we just move everything up a month? And that kind
8 of made sense, because they didn't change that
9 September 1st date. It is still there.

10 So you will note that the public hearing
11 tour, which has always been in the third week in
12 August, will now be in the third week in July, which
13 is a bonus for those that have been working in the
14 past at schools and could not attend. So now, those
15 folks, if they wish, will be able to go on the tour.

16 Along with that, we also then had the
17 decision meeting always on the last Thursday and
18 Friday in September, because that's what fit the
19 time line, to make sure we were all well informed on
20 the decisions we were making.

21 So moving everything up a month, that put
22 our decision meeting normally on the last Thursday
23 and Friday in August, which would have been the 24th
24 and 25th next August.

25 Unfortunately, Katie has a -- already a

1 calendar commitment for those dates that she cannot
2 change, cannot move them, cannot do anything with
3 them. So she, of course, wants to be there, as the
4 recommender.

5 So for next summer, I -- for a one-time
6 deal -- we try not to do these in the middle of the
7 week. But because of where September the 1st falls,
8 our decision meeting that I would propose next
9 summer would be on August the -- August the 31st and
10 September the 1st. That's a Wednesday and a
11 Thursday. That's what we've got to do to fit the
12 time line, unfortunately.

13 And then Katie assures me this is a
14 one-time thing for next year. So hopefully, in
15 subsequent years, we would go back to where we were.

16 Now, let's go through the monthly
17 meetings. The first one -- I proposed -- and on all
18 of these, I sent two days each time to Beverly
19 because I anticipated -- we saw, this morning and
20 yesterday, we're going to need a number of work
21 sessions in the coming year. We have some standing
22 issues that we need to probably talk about.

23 So the first meeting in 2016 will be on
24 January the 14th and the 15th. And I originally
25 suggested that that be in Santa Fe, because we have,

1 I think almost with maybe one exception, have had
2 our first meeting each year in Santa Fe.

3 However, that -- as Commissioner Toulouse
4 pointed out yesterday, that has always been
5 problematic, because even though the Legislature is
6 not quite in session yet, the legislators are here,
7 the staffs are here, the lobbyists are here, the
8 hotels are packed. Parking is even more nonexistent
9 than it is most of the rest of the time.

10 And I've gotten into Commissioner
11 Armbruster's area now.

12 And she suggested we move to Albuquerque.
13 And I believe actually, that's a good suggestion.
14 So I'm going to suggest that our January 14th and
15 15th meeting be in Albuquerque.

16 Now, we have, almost always during the
17 Legislature, gone to Albuquerque, here, again, for
18 the aforementioned reason. It's just literally
19 impossible for us to meet here during Legislature.
20 So I'm proposing we meet on September -- I mean --
21 February.

22 COMMISSIONER GIPSON: 11th and the 12th.

23 COMMISSIONER BERGMAN: I'm thinking we're
24 going to need a work session, then. Actually, I'm
25 not sure we're going to get this application deal

1 done in one work session, if you want to know the
2 truth. So, remember, we put it on the calendar; if
3 we don't need it, we can always take it off.

4 So let's consider the 11th and 12th on
5 your calendars right now.

6 Now, in March, there's a little conflict
7 here, because in one area, Beverly, you said that
8 the Spring Budget Workshop starts on 3/28. But I
9 noticed here on the "Important Dates" on our agenda
10 here today, you indicate that the Spring Budget
11 Workshop starts on March 30th; and that is a
12 Wednesday. So I assume March 30 is the correct day.

13 MS. FRIEDMAN: March 30-April 1st.

14 COMMISSIONER BERGMAN: You might want to
15 put that on your calendar. We have traditionally
16 used the Tuesday -- sometimes, anyway -- before the
17 Spring Budget Workshop in order to cut down on
18 trips. I was thinking about suggesting we have a
19 meeting then; but that's right at the end of the
20 month.

21 I had originally proposed that we have a
22 meeting on March the 11th. And I cannot remember
23 what I propos- -- that one would be in Santa Fe.

24 I think, because of where the Spring
25 Budget Workshop is, I think we probably should --

1 with all the work we have to do, that we should
2 consider to go ahead and have a meeting -- if we
3 want to go ahead and schedule the 10th and 11th
4 now. Like I say, we can always go ahead if we don't
5 need it.

6 COMMISSIONER ARMBRUSTER: Where is the
7 Budget Workshop? Where is it located?

8 COMMISSIONER BERGMAN: Albuquerque. At
9 the Hotel Albuquerque; it always has been since I've
10 been going to it.

11 COMMISSIONER ARMBRUSTER: Thank you. I
12 don't know where I was.

13 COMMISSIONER BERGMAN: In April, I had
14 originally scheduled a meeting for April 8th. But
15 obviously, that's the next week after the Spring
16 Budget Workshop; that is not feasible.

17 So we discussed yesterday just not having
18 a meeting in April, or moving it back a little bit.
19 And I think our consensus yesterday -- we were
20 reluctant to not schedule a meeting in April because
21 of all the workload. I would suggest, actually,
22 instead of April the 8th, that we consider April the
23 15th in April. And I actually scheduled that one in
24 Albuquerque, also.

25 THE CHAIR: Why is that?

1 COMMISSIONER BERGMAN: Just because I'm
2 tired of the parking problem here in this town and
3 hotels and everything else. Beverly asked me that
4 very same question.

5 The Commission can do what they want. If
6 they want to meet up here where there's no parking
7 and outrageous prices in the hotels and lack of
8 rooms in them. I'm down -- you can tell I'm down on
9 them right now. They gave me a ticket here a couple
10 of months ago, and I'm still not happy about that.

11 COMMISSIONER TOULOUSE: Commissioner
12 Bergman, may I interrupt? I think -- I was told by
13 the folks at the ACE Leadership High School, who
14 have moved into a beautiful new facility, that we
15 could always arrange to use their facility for
16 stuff. We might want to look at the April meeting
17 or something like that. It's a nice facility, and
18 they offered it, and we could use the space.

19 I'm looking at Beverly as I'm suggesting
20 that.

21 COMMISSIONER BERGMAN: I'm glad you said
22 that. I will also state that Commissioner Toulouse
23 said Former Rep Miera has indicated we would have --
24 he is quite sure he can arrange for us to have a
25 meeting at the Indian Cultural Center. He says they

1 have a very large room, a very nice room. So she's
2 going to be looking -- that would give us an
3 opportunity to have a meeting at the Indian Cultural
4 Center. We'll decide when and where.

5 I actually talked to Mark today, and APS
6 has not -- they have not indicated they will not
7 host us. That was news to him. And so he's going
8 to look into that. I thought that was a convenient
9 place and a nice room when we met up there. And
10 now, what Commissioner Toulouse just said, there's
11 another location.

12 So I think we have several locations in
13 Albuquerque that we could investigate as we go
14 forward.

15 Anyway, back to the calendar.

16 Now, April 15th, of course, is the dreaded
17 Tax Day. But I think we'll survive that. In fact,
18 I think we met on that day last year, because I
19 remember mailing my tax forms here in Santa Fe while
20 I was here.

21 And then moving onto May, I scheduled a
22 meeting of -- for May the 13th. And that's in
23 Santa Fe.

24 June the 17th. And here, again, that's in
25 Albuquerque. And there's a reason for that. The

1 summer here -- as you all know what the summers are
2 like here.

3 July, we're going to be on tour and won't
4 have a meeting, and I'm going to suggest we meet
5 here. And then for the decision meeting, we'll be
6 here in August. I'm suggesting, for June at least,
7 here again, we meet in Albuquerque. It's actually
8 closer for some people, like Commissioner Gipson, a
9 little further for some of the others.

10 After that, we'll be meeting in Santa Fe.
11 I'll suggest, here again --

12 COMMISSIONER GIPSON: Can I just ask how
13 come we're doing the third week in June and not the
14 second?

15 COMMISSIONER BERGMAN: Actually, Katie had
16 some other dates; so there may have been -- I may
17 have had to juggle some of these. I also had to
18 juggle them around holidays.

19 I don't remember, to tell you the truth.

20 MS. POULOS: I'll be happy to tell you.

21 Last year -- so my entry into work with charter
22 school authorizing started as a Fellow with the
23 National Association of Charter School Authorizers.

24 I completed the fellowship. I applied for
25 a leadership program that they also do. I was

1 accepted into the leadership program last year; but
2 I had a three-week vacation that had already been
3 booked and planned.

4 Because that conflicted with their
5 training dates, I could not complete the leadership
6 program. I am in the leadership program for this
7 year. If I miss any dates, I am not allowed in
8 that.

9 It's a great professional development
10 opportunity and will also support me in doing work
11 here with you at the PEC. So it's a great
12 opportunity. That is why my conflicts exist for
13 this current year. They will not exist after this
14 year.

15 THE CHAIR: Okay.

16 COMMISSIONER BERGMAN: But I'm not sure.
17 But I try to juggle it to where we're about a month
18 apart each time.

19 COMMISSIONER GIPSON: I have another
20 elected position that meets every third Thursday.
21 So that's why I have difficulty with the third
22 Thursday, because I've got that commitment.

23 COMMISSIONER BERGMAN: And I understand
24 that. We've always had those kinds of situations.
25 Unfortunately, a number of Commissioners in the past

1 have had those same things. It's always hard
2 struggling to do this.

3 Let me think about that a second. What
4 were your dates in June, again, Katie? Is that why
5 I moved it that way?

6 MS. POULOS: The dates I have on the
7 calendar during June are actually the 23rd and 24th;
8 so those are dates I'm unavailable in June.

9 COMMISSIONER ARMBRUSTER: So it could have
10 been the 10th is what you're saying, Katie?

11 COMMISSIONER BERGMAN: Are you available
12 on the 10th?

13 MS. POULOS: I am, yes.

14 COMMISSIONER BERGMAN: Let's move it to
15 the 10th.

16 COMMISSIONER GIPSON: That would be great.
17 Because right now, we're set for June and July with
18 the third week; so I...

19 COMMISSIONER BERGMAN: Let's move it to
20 June the 10th, then. That doesn't conflict with a
21 holiday. I don't have the holiday list here either.

22 MS. FRIEDMAN: The 19th is Father's Day.

23 COMMISSIONER BERGMAN: You don't care
24 about us fathers, anyway.

25 COMMISSIONER CARR: May I put my two cents

1 in before we finish the calendar, is -- when we were
2 meeting a lot in Albuquerque, one of the concerns
3 was also the staff have to go there. And -- and
4 that's an issue.

5 COMMISSIONER BERGMAN: Absolutely, yeah.

6 COMMISSIONER CARR: And can I --
7 obviously, Santa Fe is closer to me; I like that.
8 But, you know, we have this permanent meeting room
9 to come to. I've been to the Legislative Session
10 many times. I've always been able to find a place
11 to park. We didn't even used to have meetings
12 during the Session before we got so busy, you know.

13 But -- but, also, I like being here during
14 the Session, because I'm close, and I can go do some
15 things the day before, the night before, and go talk
16 to members of the Legislature. So it's actually
17 convenient for that -- for that particular
18 situation.

19 The -- you know, and -- yeah. So, you
20 know, I don't know. That's just my two cents, for
21 what it's worth.

22 But there are other concerns besides
23 parking. There are the staff and other things. But
24 I -- I've never been to that parking garage when it
25 was full.

1 THE CHAIR: I've never been to the parking
2 garage.

3 COMMISSIONER ARMBRUSTER: Oh, I have.
4 I've been on the top shelf and gone around many
5 times.

6 COMMISSIONER CARR: I've been on the top
7 shelf before; but there was always parking.

8 COMMISSIONER GIPSON: I'll speak for
9 myself. Fifty miles doesn't make any difference.
10 So I'm fine coming here, you know. And I sort of
11 agree that this is kind of the home base. And I
12 understand there's staff concerns with having to
13 bring staff down.

14 So that it doesn't matter to me. I'm fine
15 with Santa Fe.

16 COMMISSIONER BERGMAN: Well, I'm
17 presenting it. Everybody decides whether they want
18 to do it. That's fine. We all have to travel, too.
19 And we travel every time.

20 THE CHAIR: Yeah. So we don't care where
21 we go. We're in the car.

22 MS. POULOS: To address the staff issue,
23 certainly, it's easier and more convenient for staff
24 here to access resources. Additionally, to ensure
25 we're utilizing staff time well, having them all day

1 in a meeting is not as useful if they aren't -- they
2 are to support certain items, as it would be to have
3 them be able to come down when needed; so that is a
4 concern, certainly, on CSD's end.

5 THE CHAIR: Okay.

6 COMMISSIONER BERGMAN: We'll finish up,
7 and you all can discuss it.

8 So we changed June to the 10th.

9 COMMISSIONER GIPSON: Thank you.

10 COMMISSIONER BERGMAN: Like I said, the
11 third week in July is set aside for the public
12 hearing tour.

13 8/31 and 9/1, that's the decision meeting.

14 And then, again, 10/7, October the 7th, in
15 Santa Fe.

16 November the 4th in Santa Fe.

17 And then our decision meeting on the
18 renewals on December the 8th and 9th.

19 Here, again, we always do those normally
20 on the second Thursday and Friday in December, here
21 again, because we're -- that's -- I don't think we
22 want to get any closer to Christmas than that, thank
23 you, because of everybody's travel plans.

24 So that's the calendar. If you want to
25 move some of these, I can assure you, I do not want

1 to be here during the Legislature. That's just one
2 of ten; so --

3 THE CHAIR: The only thing I would ask is
4 that when we're going to be meeting here in
5 Santa Fe, Beverly, if you would reserve this room
6 for two days.

7 MS. FRIEDMAN: Oh, I always do.

8 THE CHAIR: So if we do decide to have a
9 work session, we'll have a place.

10 MS. FRIEDMAN: I always do.

11 THE CHAIR: Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: And, Madam Chair,
13 Commissioner Carr did some personal stuff. I'll do
14 some personal stuff. I can hardly walk anymore.
15 During Session, there is no parking for my
16 handicapped within blocks of here. I could not make
17 a meeting here.

18 I am also concerned that -- for the ones
19 of you who need to get a room and stay over, it
20 isn't easy for you to get one close enough for you
21 to walk over here and do what you do, or get a
22 decent room.

23 And I just -- I can't park right out in
24 front; I really cannot do a meeting anymore if I
25 cannot use my "Handicapped" placard. It's hard

1 enough for me walking down this hallway, the long
2 hallway, to get here. And I know Millie has a hard
3 time getting around when she is able to be here.
4 You know, I'm glad a lot of you people don't have
5 arthritic problems; but my knees -- and I'm not a
6 good candidate for knee surgery, so I am stuck
7 dealing with trying to walk.

8 Today, one of them doesn't want to hold me
9 up. And I'm scared to death I'm going to fall every
10 time I take a step. And falling is bad; but when
11 you're built like I am, having to have somebody else
12 help you up -- and it usually takes two -- is
13 embarrassing enough that you don't even want to have
14 to do it.

15 So it's a personal deal on my part, too.
16 I like being around the Legislature; but, of course,
17 I have a personal way I can come up and do that at
18 other times. But it's such a mess anymore.

19 COMMISSIONER ARMBRUSTER: Carmie, I'm not
20 arguing with you one way or the other. I just
21 wondered. There's, like, a parking lot back here.
22 Maybe people who work here can answer that.
23 Oftentimes, the handicapped parking spaces are not
24 utilized; but you have to have them, by law.

25 My question is if anyone knows, because I

1 don't, if those right there --

2 COMMISSIONER TOULOUSE: During Session,
3 yes; or at least they were last year -- or the year
4 before, rather.

5 MS. FRIEDMAN: Madam Chair?

6 THE CHAIR: Yes.

7 MS. FRIEDMAN: I have checked on that
8 parking. It's called "The Horseshoe." And there
9 are handicapped parking places there. And there are
10 parking with no meters. And you are eligible to
11 park there. The only trick is that you have to get
12 there early; and by "early," I mean at least by
13 7:30. And you may be able to get a handicapped
14 place if it's a little bit later.

15 But there are places there; they are for
16 free. And they're right, you know, here at the
17 building. And so there is that opportunity. But it
18 is that you have to get here early.

19 THE CHAIR: Just try to get one of them.

20 Okay. Commissioners, shall we accept this
21 calendar, as presented? As we go through the year,
22 we could make changes; though we have found that
23 difficult in the past. But there is always that
24 opportunity.

25 Okay. Do we need a vote -- no, I believe

1 in the past, we've been told we do not need to vote
2 on this, that it's our business if we want to set --
3 how we want to set our meetings. So unless there's
4 any -- Susanne, is that agreeable with your
5 thinking?

6 MS. ROUBIDOUX: Madam Chairman, members of
7 the Commission, I've seen -- there's a variety.
8 There's commissions that actually vote on the
9 proposed calendar, recognizing that events may come
10 up and they need to change the calendar. And I've
11 also seen commissions that don't vote on it. So I
12 think it's at the pleasure of the Commission what
13 they want to do.

14 THE CHAIR: Thank you. Commissioner?

15 COMMISSIONER BERGMAN: One thing I didn't
16 want to forget. By moving everything up, we left
17 September free, except for our meeting. We have
18 been talking about where we were going to do the
19 performance frameworks. Well, now, we have the
20 month of September for us to think about to do
21 performance frameworks. And so no dates have
22 been -- we won't be able to set aside dates till
23 later. But just put that on your mental calendar,
24 that we will probably be doing some number of
25 performance frameworks in -- in --

1 THE CHAIR: Negotiating, you're talking
2 about.

3 COMMISSIONER BERGMAN: -- in September.
4 And the other thing is we only approved two new
5 applications. We have six renewals. Assuming we
6 approve all six of those, we're only going to have
7 eight negotiations for contracts this spring instead
8 of the 25 we had -- or next spring. That's going to
9 be a real bonus. We can accomplish that fairly
10 easily, I believe. And those will be done in the
11 spring, and we'll get those out of the way as
12 expeditiously -- so those dates have never been set
13 aside. We'll determine those, once we know what we
14 have to do. So keep that in your mental calendar,
15 though.

16 THE CHAIR: Is this calendar okay with
17 everybody? Does anybody want to vote?

18 We won't, then.

19 Can I ask that we look at our current
20 calendar? And we are scheduled to meet the 10th and
21 11th of December. Is everybody okay with that?

22 Okay. I will not be here on the 11th. I
23 will be here on the 10th. I have to be in Dallas
24 for a bar mitzvah; so -- so I'll be here on the
25 11th -- pardon me -- on the 10th.

1 Okay. Anything else on calendars?

2 COMMISSIONER BERGMAN: As we set the
3 agenda for this meeting on the 10th and the 11th, my
4 suggestion would be that we put the six renewals at
5 the front of the agenda and do it as we've done the
6 last couple of years, start with the ones that are
7 furthest away, so that they can then proceed back to
8 their -- we have a couple of them that are coming
9 from somewhere else. So we will be looking at that.

10 So -- but that will also deal -- then
11 we'll do all the other business after we've done
12 those six schools. So that would be my suggestion,
13 again.

14 THE CHAIR: We've sort of set a precedent
15 to do it that way. So -- so before we get away from
16 dates and calendars I just wanted to remind everyone
17 of the school application outreach sessions that CSD
18 has scheduled November the 21st, which is a
19 Saturday, in Las Vegas. If it was Nevada, I
20 guarantee we would all be there.

21 Wednesday, December the 2nd, as we've
22 already talked about, in Albuquerque.

23 Saturday, December the 12th, in Roswell.

24 And, of course, I won't be attending that
25 one. Katie did send out an e-mail just in the last

1 couple of days with the locations of those; not just
2 the towns but the street address. So if you can
3 be -- if you can attend any of those, please let her
4 know.

5 Particularly, we need to know if there's
6 going to be enough people attending that we get into
7 a quorum situation.

8 MS. POULOS: And Madam Chairwoman and
9 Commissioners, I do want to let you know, we are
10 scheduling those. And then if we receive sufficient
11 interest, they will be conducted; if not, we will
12 cancel. We'll try to do it the Monday before to
13 give you sufficient time.

14 We have received some interest in the
15 Las Vegas one, but not a lot at this point; so I am
16 waiting to see if we get additional interest.

17 We have -- if you know anybody that is
18 interested, please forward that notice. We've sent
19 it to the Coalition.

20 MS. CALLAHAN: It's on the website.

21 MS. POULOS: They've posted it. We've
22 sent it out to a lot of nonprofit organizations and
23 groups and public entities throughout the state who
24 may have be interested in education issues. And I'm
25 looking at whether we can get, you know, some other

1 media outlets to have that posted as a public event.

2 But we are trying to get interest. If we
3 don't, we will give you that notice in advance to
4 cancel.

5 THE CHAIR: If you would just let us know
6 either way: Yes, it's going to happen, or, no, it's
7 not? Everybody?

8 All right. Let's move on to the next
9 item, which is Commissioner Carr, Resolution on Safe
10 Schools Act.

11 COMMISSIONER ARMBRUSTER: Madam Chair, I'm
12 sorry. Just one quick -- it just occurred to me.
13 On the Anthony one, that's going to be either on the
14 2nd or the 3rd, those two choices that we gave them.
15 Did we actually tell them a time we would like to
16 know by? It just occurred to me we probably should
17 have said something. But I don't want to know on
18 the 1st.

19 MS. POULOS: I don't believe that was in
20 the motion. I don't know whether it needs to be.

21 COMMISSIONER ARMBRUSTER: It wasn't. I
22 know. I just thought --

23 MS. POULOS: I will be happy, when we send
24 out that notification to --

25 MS. FOX: We'll let you know.

1 COMMISSIONER ARMBRUSTER: Thank you, Sue.
2 I didn't see you.

3 MS. FOX: Quickly. We'll let you know
4 quickly. I'll let Patti know. And I would imagine
5 Monday or Tuesday, we'll get back to Katie.

6 COMMISSIONER ARMBRUSTER: That's fine. I
7 just thought -- oh. If I don't know till December,
8 that's a --

9 THE CHAIR: We should have defined that;
10 but we didn't. We'll leave you all to work that
11 out.

12 COMMISSIONER ARMBRUSTER: Thank you. I'm
13 sorry.

14 Thank you, Madam Chair.

15 THE CHAIR: Okay. Commissioner Carr?

16 COMMISSIONER CARR: Could I ask -- Israel,
17 would you like to come up and present this? I don't
18 think -- I don't know if you need to read the whole
19 thing. You can kind of give us an executive summary
20 and the rationale behind it?

21 MR. CHAVEZ: Absolutely. Do you want me
22 to clip this down?

23 COMMISSIONER CARR: Sure.

24 MR. CHAVEZ: Is that better?

25 THE CHAIR: Yes, it is. Please identify

1 yourself.

2 MR. CHAVEZ: Thank you, Madam Chair. My
3 name is Israel Chavez. I'm the Development Director
4 of Equality New Mexico. I also handle their
5 government affairs. And I'm here today to talk a
6 little bit more about the Safe Schools Initiative
7 that we're working on.

8 It's a statewide initiative that we have
9 spearheaded here in New Mexico. I can talk about
10 the bill, if that's what the Chairman of the
11 Commission is seeking; or I can talk a little bit
12 more about the community work that we've been doing.

13 COMMISSIONER CARR: I think what's at
14 issue here is the specific resolution to support the
15 bill; so...

16 MR. CHAVEZ: Sure. So the reason we
17 wanted to come to the Commission, Madam Chair, and
18 members of the Commission, is that this is a really,
19 really widely needed bill in New Mexico and in the
20 United States as a whole. Suicide is the second
21 leading cause of death for young teens, young
22 people; and it's been demonstrated in lots of
23 studies and lots of scenarios that bullying is a
24 strong piece of that.

25 This -- this particular advocacy work is

1 supported by the Public Education Department and the
2 Secretary. It's a -- it's part of a broader work
3 that includes a bill that was carried by Senator
4 Bill Soules, who's from Las Cruces, and it's widely
5 supported by numerous organizations, disability
6 rights organizations. A similar bill was actually
7 passed in Utah with broad support from the Mormon
8 community, in the understanding that this bill helps
9 protect students in schools.

10 And so what we're working on now -- it
11 stalled in Committee, mostly because one of the
12 Senators said he didn't have time to read the bill.

13 And so we decided that we would do a lot
14 more back-end work, that we would get the support of
15 influential Commissions and organizations, such as
16 yourselves, to show that this bill and this work is
17 much needed in New Mexico.

18 We found, through the Youth Risk and
19 Resiliency Survey, that over 50,000 instances of
20 bullying go unreported. And I believe that's --
21 I'll tell you the exact -- instances of bullying go
22 unreported every year, and over 10,000 students per
23 month miss school because they feel unsafe. And
24 this particular work seeks to change the way we
25 handle bullying in the schools.

1 And like I said, the Secretary of
2 Education is endorsing this bill, because it's in
3 the right direction. It -- the current statute is a
4 zero tolerance policy.

5 And you all can stop me if I'm going for
6 too long.

7 It's a zero tolerance policy that says,
8 "If Student A engages in bullying with Student B, we
9 have to suspend him."

10 Some schools, that means in-school
11 suspension; some that, means out-of-school.

12 And what this bill does is to repeal that
13 zero tolerance and give more flexibility to the
14 schools; but also give them the tools to really
15 address the root of bullying. Right now, the
16 schools aren't -- aren't able, and don't have the
17 tools to adequately address bullying in schools,
18 such as -- you know, finding out whether the student
19 is part of a home that has substance abuse in the
20 home or physical abuse in the home, or if that
21 student is being bullied by another student.

22 So this is really a long-term approach
23 with our students with respect to bullying.

24 Thank you, Madam Chair.

25 COMMISSIONER CARR: Yes. Madam Chair, I'd

1 like to add to that. You know, my years of --
2 26 years of teaching experience, it's -- bullying
3 has always been a major problem. And I'm -- I doubt
4 if there's a teacher around that hasn't seen it
5 numerous times.

6 I used to keep -- my classroom and other
7 teachers' classrooms, I've always, you know, called
8 them a "safe harbor" for students who were being
9 bullied or pushed around, for whatever reason. It's
10 always been a pet peeve of mine. And I -- it's --
11 it's just -- it's just a major issue. And, like
12 Israel says, the suicide as a result is just
13 horrible.

14 And I think we need to do everything we
15 can to protect these children, and -- you know, and
16 just kicking them out of school -- these kids need
17 to be educated. You know, I -- when you see a kid
18 bullying another kid, they just need -- usually,
19 they just need to be educated; they need to be
20 taught that that's not acceptable and told why it's
21 not acceptable and the possible harm that it does.

22 And we need the resources -- all the
23 schools need the resources to do that.

24 So I would, at this time, like to make a
25 motion that we vote, as a Public Education

1 Commission, to support this Resolution, supporting
2 this bill for the State Legislature at this time.

3 THE CHAIR: Thank you. We have a motion
4 on the floor.

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 will second his motion.

7 THE CHAIR: Commissioner Toulouse seconds
8 Commissioner Carr's motion.

9 Further discussion?

10 COMMISSIONER CHAVEZ: Is it going to be
11 introduced into this Legislative Session?

12 MR. CHAVEZ: So the thing we're facing
13 right now is whether or not we can get the Executive
14 Branch to recognize it as -- on the call; because
15 the Secretary of Education has expressed support,
16 and this being in line with their policy agenda, we
17 might. We're not sort of hanging our hat on that,
18 given the -- given the current climate of the
19 Legislature.

20 We are committed to doing the groundwork,
21 however, in the coming year to make sure that the
22 members of the Legislature fully understand the
23 bill, understand how the bill works, and making sure
24 that, you know, they don't feel -- because the
25 reality is, is it's a 30-day session or a 60-day

1 session. They're getting up to 1,000 bills, each
2 with an accompanying FIR and Committee reports -- a
3 few Committee reports. And part of the work we're
4 going to be doing in the coming year is going out to
5 those communities and reaching out to those
6 legislators about how this would impact their
7 community.

8 We have data that's district-specific to
9 -- to -- from the Youth Risk and Resiliency
10 Survey -- of how this is affecting students in their
11 communities.

12 And so we -- we don't think it's going to
13 come up this Session, just for the nature of a
14 30-day. But we want to be able to go to those --
15 those communities and those legislators during the
16 interim and say, "You know, we have broad support
17 from so many organizations and so many bodies that
18 we have to do something in our communities and our
19 schools."

20 And one of the things that I didn't get to
21 mention about this particular work is a lot of folks
22 say bullying is a part of growing up, or bullying is
23 part of being a student; right?

24 And this particular work, what we do, I
25 always make it a point to tell folks, "There's a

1 difference between teasing and bullying."

2 And what we do -- what we work very hard
3 to do is to differentiate that. Because if a
4 student is being bullied on the basis of race,
5 that's not teasing. If you're being teased, you
6 know, that's -- it's one of those things where you
7 know it when you see it.

8 And so part of our job is making sure that
9 not only our legislators understand that, but our
10 education professionals in the classrooms, and
11 administrators, really feel that they feel grounded
12 in defining those terms.

13 COMMISSIONER CHAVEZ: Uh-huh. Yeah. And
14 I just had one more comment. I think the other
15 piece, in terms of, you know, schools being given
16 the flexibility in terms of how to address those
17 incidents, I think is really a good idea. I don't
18 believe in the whole "zero tolerance" piece, because
19 that doesn't provide any education, or, you know,
20 give students the opportunity to really think about
21 what they did; right?

22 So I hope that we move away -- and it
23 sounds like you guys are doing that -- move away
24 from that kind of reaction to bullying. Let's use
25 it as an educational -- and teach these kids why

1 it's not the right thing to do.

2 MR. CHAVEZ: Thank you, Madam Chair and
3 Commissioner. This bill would also help the schools
4 create an anti-bullying policy that helps their
5 school. Right now, at least 30 to 40 percent of the
6 schools in our State copy and paste the statute,
7 which isn't a policy; it's a statute; right? It
8 doesn't tell them how to operate that particular
9 policy.

10 And so we have committed, actually -- the
11 nonprofits involved in this work have committed to
12 helping schools across the state, which was one of
13 the questions by the Public Education Department was
14 how are we going to do this; right? So we have
15 committed ourselves to helping also create those
16 policies in those schools where they just don't have
17 the capacity; they don't have the bandwidth. And so
18 those individual schools will get to create policy
19 that works for their districts and their
20 communities.

21 THE CHAIR: And it would seem also to me
22 that there's going to be a financial part of this.
23 The schools are asked to counsel with students, to
24 discover what their problems are, to educate them,
25 to work with them. That's going to take somebody's

1 time, probably a counselor. So is there a financial
2 component with this, where funding is being
3 requested?

4 MR. CHAVEZ: So this particular bill is
5 statute replacement, a repeal and replacement of the
6 statute. It doesn't presently have a monetary
7 association.

8 Part of our commitment, as the coalition,
9 the Safe Schools Initiative, will be to help
10 implement that. But we're seeing that most schools
11 already have the structure to intake -- they're
12 already intaking these -- they're already processing
13 bullying in schools. It's about helping them use
14 best practices, making sure they have the resources,
15 the tools, the information guides to really address
16 those instances of bullying.

17 THE CHAIR: But as you said, to make sure
18 they have the resources and the tools? That's
19 money.

20 MR. CHAVEZ: Yes, Madam Chair. And the
21 resources and the tools, we, as an initiative, have
22 compiled and have ready. And that's one of the
23 reasons the Secretary of Education is kind of on
24 board. There's not a -- there's not a heavy lift in
25 terms of acquiring these things. And, furthermore,

1 the ability for the schools to do this, it's -- sort
2 of, the statute changes the way the schools report.

3 So right now, if a school is reporting a
4 high number of bullying cases, it's sort of seen
5 negatively; whereas, what this statute helps to do
6 is turn that around to say, "We need to address the
7 issue here, not penalize the school."

8 And so they typically have the
9 infrastructure. Most of -- what we're seeing is
10 most of the instances of bullying are going
11 unreported.

12 THE CHAIR: Let me tell you, as a
13 long-time local school board member, everything has
14 a price. Everything. And unfunded mandates are
15 seen very negatively. Schools are stretched very
16 thin.

17 Look at some of our smaller charter
18 schools, particularly. Their money is so stretched.
19 And I think if we ask them to expand their
20 educational system, their staff responsibilities to
21 cover -- and I agree; this issue needs to be dealt
22 with. But it's got to have the proper resources to
23 do it. And it's also got to have a definition.
24 What is bullying to you may not be bullying to
25 somebody else, just as you said. Teasing, bullying,

1 you know, you get that all the time.

2 "I wasn't teasing him. I was just -- I
3 wasn't bullying; I was teasing."

4 So I think there's some work that needs to
5 be done here. There needs to be funding with this,
6 and there needs to be clear definitions of what
7 really is bullying and what is needed to be dealt
8 with and how.

9 MR. CHAVEZ: Absolutely, Madam Chair. And
10 the current statute does actually already outline
11 what bullying is. And that's not what would be
12 changed. Under the Human Rights Act, that's already
13 statute in law. The protected classes are already
14 enumerated.

15 The bill already illustrates what bullying
16 is. It illustrates very clearly what cyber-bullying
17 is. It's passed sort of the test of legal and
18 judicial review. And it's something that the CLU
19 doesn't challenge as being -- because you do deal
20 with on-campus versus off-campus. There's a lot of
21 those intricacies. And I absolutely agree with you.

22 And we actually aren't changing the
23 definition of what is in statute of the bullying
24 code. We're actually making it so schools have a
25 little more flexibility of how they handle bullying

1 in their respective districts, and then also
2 allowing them to -- giving them the tools that they
3 need to be able to implement a policy, as opposed to
4 just copying and pasting the statute.

5 We have model policy that's already
6 drafted. It's model policy that's been used
7 nationwide, that's used by national organizations
8 that schools can draw from and use so that it works
9 better for their district.

10 Right now, PED isn't a fan of just having
11 this policy that schools have to do this one certain
12 thing; and neither are the schools, frankly.

13 COMMISSIONER GIPSON: Madam Chair, may I,
14 just very briefly?

15 For many of those school districts that do
16 have zero tolerance and do in-school suspension,
17 they could reallocate their monies for the
18 babysitting that's done with the in-school
19 suspension and use it to better use through the
20 counseling.

21 So with a lot of school districts, I don't
22 think it's going to create the burden, monetary
23 burden, that some might see; because they've got --
24 they're already allocating -- really, they're
25 misusing the money with the in-school suspension.

1 MR. CHAVEZ: And to quickly clarify,
2 Madam Chair, this statute actually doesn't mandate
3 that schools offer additional counseling; but,
4 rather, take a more restorative approach to bullying
5 as it stands now. So it's not requesting that they
6 add an additional counselor into the mix, but just
7 to make sure that schools take a restorative
8 approach to bullying in their classrooms.

9 THE CHAIR: Thank you.

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: I agree. I have a
12 question. At one point, you state that the current
13 statute doesn't have reporting requirements to track
14 bullying and harassment. And, yet, up at the top,
15 you have some very specific percent of kids that are
16 being bullied in middle school and high school.
17 Where do those numbers come from?

18 MR. CHAVEZ: That comes from the Youth
19 Risk and Resiliency Survey.

20 Presently, individual school districts --
21 the way the reporting requirements are from the
22 school districts to PED, they're not required to
23 report in the way that we see as effective.

24 So they report aggregate numbers; right?

25 So they say, "We had five instances of bullying this

1 year."

2 What this does is, it digs a little
3 deeper; so it asks -- it asks the reason for the
4 bullying. Because if we know that there's
5 race-based bullying happening in a particular
6 school, then we all of a sudden know that race
7 education needs -- race training, race education,
8 needs to happen in that school.

9 And so at present, they do report the
10 aggregate numbers; but in the way that it's used, we
11 have a number of what -- of instances of bullying.

12 Oftentimes, the administration and the
13 staff don't have a good handle on what bullying is,
14 as it stands, in their classrooms, because they
15 don't have the model policy.

16 COMMISSIONER BERGMAN: So this is a survey
17 you did, or your organization did?

18 MR. CHAVEZ: The Youth and Resiliency
19 Survey is a State survey.

20 COMMISSIONER BERGMAN: By PED?

21 MR. CHAVEZ: I don't know who performs the
22 survey. I know that it's a State-funded survey
23 that's -- I think it might actually be the Public
24 Education Department.

25 COMMISSIONER BERGMAN: And it went to all

1 the districts; but you wouldn't know of them? Did
2 all the districts cooperate and respond?

3 MR. CHAVEZ: Right. So what we're seeing
4 is there's a lot of analysis around -- there's a
5 huge under-shoot, because no school wants to be seen
6 as the school that has the bullying problem. So I
7 know that there's been work around finding the
8 number.

9 And you'll have to forgive me. I'm not a
10 statistician or a scientist. But there's been a lot
11 of work to sort of analyze how bullying is happening
12 from reports from students and the Youth Risk and
13 Resiliency Survey.

14 COMMISSIONER BERGMAN: And when you're
15 talking about this, you're just talking about
16 physical bullying, as many of us experienced when we
17 were young. I think the worst part now is the
18 cyber-bullying. That's not only physical; that's
19 mental. That's driving kids to suicide, what's
20 being done on the Internet and social media. Are
21 you addressing that in any way?

22 MR. CHAVEZ: Madam Chair and Commissioner,
23 yes. That's actually enumerated in the present
24 statute. When they revised the statute in 2006, the
25 CLU was very concerned with the constitutionality of

1 passing a policy that regulates sort of that "cyber"
2 aspect. That's actually really strong in the
3 present policy in the way that it's handled.

4 But we've sort of left off other parts of
5 it. The other part is, if somebody is being bullied
6 in the bus or at the bus stop. The
7 constitutionality, you know, calls into question.
8 So we're going through to revise a lot of that.

9 But the definitions and cyber-bullying
10 itself actually stays as it is, in accordance with
11 constitutionality. You bring up an absolutely great
12 point, in that this is a very complex issue, and
13 schools need the tools to be able to do this,
14 because it's only getting worse.

15 COMMISSIONER BERGMAN: Thank you for that.
16 Thank you, Madam Chair.

17 COMMISSIONER ARMBRUSTER: Madam Chair?

18 THE CHAIR: Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: I think at the
20 last negotiations that we had here, one of the
21 schools who was the School for the Arts -- I don't
22 remember the name -- and one of the particular
23 things that the person mentioned was that not all of
24 these people want to be in this "arts" thing; but
25 they feel safe there. Particularly, the LGBT folks

1 are really bullied, but they feel safe with that
2 type of group of people, because people in the arts
3 tend to be way more tolerant of anything.

4 So I think that that's -- and with it now
5 not being in the closet, literally, and people being
6 who they are, there's much more bullying, because
7 now they're out there.

8 And that's why I would support this.

9 THE CHAIR: Thank you. Anything else?
10 Any other comments?

11 I believe we have a motion and a second on
12 the floor?

13 Any further comments before we vote?

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

15 COMMISSIONER PERALTA: Commissioner
16 Gipson?

17 COMMISSIONER GIPSON: Yes.

18 COMMISSIONER PERALTA: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Chavez?

1 COMMISSIONER CHAVEZ: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER PERALTA: Commissioner
5 Armbruster?

6 COMMISSIONER ARMBRUSTER: Yes.

7 COMMISSIONER PERALTA: Commissioner
8 Peralta votes "Yes."

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: Yes.

11 COMMISSIONER PERALTA: And Commissioner
12 Shearman?

13 THE CHAIR: I'm going to vote "Yes"; but
14 I'm going to say I believe this is an unfunded
15 mandate. I believe it would be an unfunded mandate.
16 These things take money. And I don't think there's
17 any way to get around it.

18 If we want this done right, it needs to be
19 funded. So I support the concept and I support
20 the -- everything that you're talking about; but I
21 think it needs money going along with it.

22 So my vote is "Yes."

23 COMMISSIONER PERALTA: Nine to zero, in
24 favor.

25 THE CHAIR: Thank you. The motion passes

1 unanimously.

2 COMMISSIONER TOULOUSE: Madam Chair, may I
3 suggest if it really is an unfunded mandate, that's
4 your way to get it through this agenda, because it
5 is a money issue, and then you don't have to have it
6 on the call.

7 MR. CHAVEZ: Absolutely. And -- thank
8 you.

9 THE CHAIR: Let's ask Kelly Callahan to
10 come up -- she's waited patiently all through this
11 meeting, she and Greta -- and give us an update on
12 the New Mexico Charter School Coalition.

13 MS. CALLAHAN: Madam Chair, Commissioners,
14 first of all, we want to thank you for this
15 opportunity to present information about the
16 New Mexico Coalition for Charter Schools. We feel
17 like this is a great conduit for communication and
18 information and collaboration. And we definitely
19 appreciate the opportunity to be able to do this.
20 And so we just have a little bit of information.
21 We'll try to keep it short.

22 First of all, last -- on the 29th, 30th,
23 and 31st of October, the Coalition held their 15th
24 Annual State Charter School Conference.

25 And I want to thank Commissioners

1 Armbruster, Carr, Bergman, Toulouse, Conyers, and
2 Gipson for attending the conference. And we had
3 over 300 attendees, which is the biggest conference
4 that has been held in many years. And we received
5 great feedback about the quality of the training and
6 the amazing work of the students that were
7 presenting and performing.

8 And, also, I'd like to thank Katie and
9 Secretary Skandera, who also took time out of their
10 schedules to come down and not only just present,
11 but also to take feedback from charter schools and
12 charter school -- the governing boards, which I
13 don't think that's ever happened, that the Secretary
14 actually took a couple of sessions and spent time.

15 So we -- we felt like -- Greta and I -- it
16 was our first go-round of putting on a conference.
17 And so you -- we both looked at it like, well, we've
18 run charter schools. So you learn a lot of things
19 by the seat of your pants. So we did that with the
20 conference.

21 And we're very, very grateful for all of
22 the help that we received, and the presenters, and
23 the quality of the information was outstanding.

24 And just so you have just a little bit of
25 a sound bite. We are planning an instructional

1 conference for the spring that would be focused on
2 leadership and instructional techniques that would
3 focus more primarily on teachers and administrators
4 of charter schools. And so we're very excited about
5 that.

6 So we didn't get enough of the stress of
7 doing the one conference; we're actually going to do
8 another one. So that will be -- I think we -- we're
9 trying to work around the testing windows.

10 MS. ROSKOM: Late March, early April.

11 MS. CALLAHAN: It will be before the
12 testing window. So we want to do that. It will be
13 a couple of days in Albuquerque, and we'll send
14 invites and say -- and absolutely, you all have an
15 open invitation, once again, to attend this
16 conference that we're going to be putting on.

17 And just kind of to piggyback a little bit
18 on the training aspect, one of the things that we --
19 you know, when you have 300 attendees, probably 200
20 to 225 were GC members, there are over 500 governing
21 board members that need to be trained in the state
22 who require the yearly five hours.

23 And so we realize that the Charter Schools
24 Division -- and hopefully, we'll be working closely
25 with Katie, you know, to decide what -- you know,

1 how is the best way to provide not only just the
2 minimum of GC training, but quality GC training
3 that's effective and puts information in our GC
4 members' hands to run their schools with fidelity.

5 And so we have some regional trainings
6 that we have set up for this coming fall. So we are
7 going to be doing Santa Fe schools on the 21st. We
8 are going to be doing Las Cruces -- a training in
9 Las Cruces on the 4th of December. We are doing a
10 Taos regional conference for GC training on the 5th
11 of December.

12 And then we are also going to arrange an
13 Albuquerque conference for GC members requiring
14 training at the end of January.

15 And so we're -- we're really -- last year,
16 when we came in, it was really hard for us to
17 reconcile all of the training and trying to
18 coordinate with the CSD. We want to make sure that
19 governing boards do get their training; and so we
20 are -- we are going to do our best to get everything
21 done prior to the June 30th deadline that the CSD
22 has put forth.

23 So we are well on our way with that.

24 So that's the training -- training update
25 and the conference update. And then I'm going to

1 turn it over to Greta for the other half.

2 MS. ROSKOM: Members of the Commission,
3 Madam Chair, thank you. I agree with Kelly. We
4 really do appreciate this opportunity to speak with
5 you once a month and to collaborate with you and
6 CSD.

7 I just wanted to share a couple of updates
8 about the membership of the Coalition. As you know,
9 Kelly and I are relatively new; we started in April.
10 We've brought the membership up to about 80 percent.
11 It was at 67 when we started, I think. So we think
12 that that's pretty significant.

13 And another thing that we've done is we're
14 trying to build some infrastructure in terms of the
15 leadership of charter schools. I mentioned it a
16 little bit about this earlier. We've asked every
17 one of our member schools to appoint a delegate to
18 what we're calling our "Membership Council," which
19 serves as a leadership body to advise us and to
20 advise our board.

21 And we've asked them to appoint, among
22 themselves, four or five members to serve on the
23 Coalition board, our board. And so we're going to
24 use that -- that body, that structure, to get a lot
25 of the public comment that we've been asking for

1 today.

2 You were asking for community -- charter
3 community input. And that's -- and we have a
4 vehicle for doing that now. And that's not happened
5 before with the Coalition. It's really always been
6 intended, but actually hasn't happened.

7 And so we think that we've established
8 some good lines of communication there.

9 And in addition, we are meeting with Katie
10 once a month. We have a meeting next Friday. We'll
11 be back up here. And that also gives us an
12 opportunity to share information back and forth, for
13 us to give her information about the needs and the
14 concerns and whatever of the charter schools, and
15 for her to give us information to refer back to
16 them.

17 So we think that we've established some
18 great communication channels all the way around.
19 And, again, we appreciate this opportunity.

20 So thank you.

21 THE CHAIR: Thank you so much.

22 MS. CALLAHAN: Any questions for us?

23 COMMISSIONER CARR: I know everybody else
24 wants to go home; so I'll be quick.

25 We're doing that def- -- I'm really tired

1 today. Sorry. The -- we're doing that definition
2 for -- for --

3 THE CHAIR: High performance schools.

4 COMMISSIONER CARR: -- high performance
5 schools. And, you know, I would like to see the
6 Coalition, maybe -- you know, once we actually
7 define those schools, it would be cool for them to
8 have a banner or something, you know, and the
9 Coalition to give it.

10 The -- and also, it seems like, in years
11 past, we used to recognize the awards that the
12 Coalition used to hand out here. I don't know why
13 we stopped doing that. I don't know what happened.
14 I think -- I think it's important for -- I think
15 there were, I think, six of us at the awards
16 luncheon; but everybody wasn't there.

17 And it would be good for everybody to know
18 which schools and which people got awards.

19 MS. ROSKOM: Would you like me to tell you
20 right now, get it into your record? Or do you --
21 yes? We're hearing "yes."

22 So the school we choose as the School of
23 the Year was the Mission Achievement and Success
24 Academy Charter School.

25 And by the way, this -- there was a press

1 release in the paper last Sunday, I think.

2 So Mission Achievement and Success was the
3 School of the Year.

4 Traci Phyllis, as you know, was the Head
5 Administrator of the Year.

6 The two teachers were Peter Gloyd from
7 DATA in Albuquerque -- and this is really testing my
8 memory -- Victoria Fisk from the New America School
9 in Las Cruces. Governance council of the year was
10 Turquoise Trail's governance council, with Mr. Floyd
11 Trujillo, I believe is the president of that
12 organization.

13 And the Students of the Year were Shalon
14 [ph] from -- can't remember his last name --

15 MS. CALLAHAN: Chavez.

16 MS. ROSKOM: -- Chavez, from the
17 Albuquerque Charter Academy, and Arianna Balderas
18 from Tierra Adentro. I think I got them all.

19 COMMISSIONER CARR: I think you did.
20 Thank you.

21 COMMISSIONER BERGMAN: And the last one
22 was the daughter of the Attorney General; so he was
23 there.

24 MS. CALLAHAN: We didn't know before we
25 gave her the award.

1 COMMISSIONER GIPSON: Good disclaimer.

2 MS. ROSKOM: And by the way, I should
3 mention that our Legislative Champion was
4 Representative Jim Smith. We gave him a plaque, as
5 well.

6 THE CHAIR: Any other questions or
7 comments?

8 It's great working with you all, and we
9 look forward to continuing it. Let's keep up the
10 good work.

11 COMMISSIONER TOULOUSE: Madam Chair, real
12 quick. You can answer me this outside of here. But
13 when you do your governance council training, could
14 I sit in the back of the room?

15 MS. ROSKOM: You're welcome to attend any
16 of our trainings anytime.

17 COMMISSIONER TOULOUSE: I don't want
18 people necessarily to know who I am; but I really
19 would like to know how they're trained, because I
20 have observed in three years here that the people
21 who run the charter schools are where the good
22 schools and the bad schools begin.

23 And if you're on a bad governance council,
24 I don't care how good your faculty and staff are,
25 your school is no good. If you have a very good

1 governance council who really know how to do it, you
2 can bring a poor group of people way up.

3 And so I'd like to see what their training
4 is. I wouldn't -- being me, I'd probably have to
5 (indicates); but I would love to, if you'd let me
6 know.

7 MS. CALLAHAN: Madam Chair, Commissioner
8 Toulouse, if you would send us an e-mail, we would
9 be happy to let you have notice where and when the
10 trainings are.

11 There is going to be one in Albuquerque.
12 The others are going to be out of town. So if you
13 want to just shoot us an e-mail at the Coalition --
14 you have our e-mail address?

15 COMMISSIONER TOULOUSE: I'm not sure I do;
16 but I can check with you.

17 MS. CALLAHAN: I will get you a card. And
18 then let us know what would be the most convenient.
19 It would not only be great to have you there, but
20 great to have input from the PEC's perspective.

21 COMMISSIONER TOULOUSE: I'd like to know
22 how they're trained, because what I know about the
23 two of you, I know you know what to tell them what
24 they need to do. And I'm not saying the Charter
25 School Division hasn't; but they keep changing and

1 turning over. And I don't know what experience they
2 have. I know what yours is.

3 COMMISSIONER GIPSON: How do people find
4 out about -- I have a good friend who's going on a
5 board in Las Cruces. I know she needs her hours.
6 So how do they find out about the training?

7 MS. CALLAHAN: Madam Chair, Commissioner
8 Gipson, they can e-mail us at the Coalition.

9 COMMISSIONER GIPSON: Okay.

10 MS. CALLAHAN: We will put it on the
11 website. We will have the training. The training
12 in Las Cruces is actually a one-on-one. It's one
13 school board that asked for some specific training.
14 But we are going to do another one in Las Cruces.
15 We are going to do another regional training in
16 Las Cruces.

17 COMMISSIONER GIPSON: So the fourth one is
18 not available to whoever wants to go?

19 MS. ROSKOM: No; but so Kelly and I are
20 really committed to trying to target specific
21 governing councils regionally and school-wide to
22 make it more applicable to them and their individual
23 needs. So we're really sort of evolving this
24 process this year to reach out.

25 And so we're going to try to provide a

1 plethora of opportunities, including online webinars
2 and those kinds of things.

3 So the best thing to do is either contact
4 us directly or check our website.

5 COMMISSIONER GIPSON: Okay, thanks. Okay.

6 THE CHAIR: Anything else? Okay.

7 We thank you guys very much for being
8 here. Thank you, and sorry you had to wait so long.
9 Hope it was worth it.

10 MS. CALLAHAN: We were glad to here.

11 THE CHAIR: Let's move on. Next item is
12 PEC Comments. Let's start over here. Eleanor,
13 we're glad you're here.

14 COMMISSIONER CHAVEZ: I don't have any
15 comments.

16 THE CHAIR: Thank you.

17 Karyl Ann?

18 COMMISSIONER ARMBRUSTER: I just want to
19 say -- I know I was supposed to get ready to talk
20 about the Denver conference, and I forgot. And I
21 could write up something with Vince or Patti. But I
22 think the opportunity to go was really interesting.
23 And I can see some directions that other states --
24 let me think what I'm talking about -- states are
25 doing.

1 I can see that Katie is bringing some of
2 that into this, in terms of how we look at schools,
3 how many times you do it, how you reward schools,
4 that type of thing. I thought it was interesting
5 just to hear what other states had, and also just to
6 see if they had the same problems.

7 THE CHAIR: Very good. Thank you.

8 Commissioner Carr?

9 COMMISSIONER CARR: Make a quick
10 statement. One of the reasons I'm so tired is I was
11 the acting director for the last week. And we
12 always -- as teachers, we always say, you know, "You
13 want to see what it's like to teach? Come and teach
14 for a week."

15 Well, you know, I was still teaching, as
16 well.

17 But it's hard work. It's hard work to --
18 to be an administrator; right, Gilbert?

19 So it's a different kind of stress. So
20 it's -- it's always an interesting experience. But
21 I bring that up.

22 THE CHAIR: Thank you. Commissioner
23 Peralta, you don't look tired.

24 COMMISSIONER PERALTA: I'm beyond that.
25 I've got nothing to add.

1 THE CHAIR: All right. Thank you.

2 Commissioner Gipson?

3 COMMISSIONER GIPSON: I would just like to
4 thank Kelly and Greta for the invitation. And I
5 thought you did a fabulous job. It was well-run.
6 It was equally as well-run as the NACSA conference.
7 So I thoroughly enjoyed both conferences, and I
8 appreciated the opportunity to attend both.

9 THE CHAIR: Thank you very much.

10 COMMISSIONER CONYERS: I have no comment.

11 THE CHAIR: Commissioner Conyers, now,
12 you've got to have a joke for us.

13 COMMISSIONER CONYERS: A joke?

14 THE CHAIR: We're beyond that, too.

15 COMMISSIONER CONYERS: I know lots of
16 jokes; but I need a cue.

17 THE CHAIR: All right. Thank you.

18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: The only thing I
20 have to say is yesterday, I had e-mailed
21 Representative Miera. And he responded to me that
22 he was out of town until next week; he'd get back to
23 me.

24 But I got an e-mail during this meeting
25 where he said he would be working on getting us the

1 rooms we've requested.

2 So I'll follow up with him next week when
3 we're back in town.

4 And I sent Carolyn and Beverly a copy of
5 this e-mail; but I will keep them informed on what I
6 hear from Representative Miera.

7 THE CHAIR: Commissioner Bergman?

8 COMMISSIONER BERGMAN: I will echo that
9 the national conference was extremely well-run, very
10 interesting. I always encourage my fellow
11 Commissioners to go to that. It's an opportunity to
12 meet people from other states and see what they're
13 doing.

14 I used this conference this year, more so
15 than I used last year, to promote New Mexico a
16 little bit more. I was more active in the breakout
17 sessions than I was the year before, because I -- I
18 am proud of what we're doing here in this state.

19 I also thought that the Coalition
20 conference was outstanding, and that Kelly and Greta
21 did an outstanding job. I went to one breakout,
22 speaking on IEPs and 504s. I have very limited
23 knowledge. I found it to be absolutely interesting
24 and very educational. The presenter on that one was
25 really good.

1 Thank you for that.

2 The dates have not been announced; but the
3 NACSA conference next year, the CEO told me was
4 going to be in Atlanta. So if you've had a yen to
5 go to Atlanta, put -- sometime in the latter part of
6 October will be when that conference --

7 COMMISSIONER GIPSON: Yeah, they actually
8 sent in an e-mail. They did send the dates. It's
9 around the same time, around the 21st, yeah. Yeah.

10 COMMISSIONER BERGMAN: It's always around
11 the same time, about the third week of October. Put
12 that on your mental calendar, too. If the funds are
13 available, Beverly would love to send us there, I'm
14 sure.

15 THE CHAIR: Maybe Beverly would like to
16 go, too.

17 MS. FRIEDMAN: A legal assistant?

18 THE CHAIR: We have two people signed up
19 for Open Forum. The first is Catherine Bullock.

20 We welcome you here. You had to wait a
21 long time.

22 MS. BULLOCK: Thank you. I've been
23 watching people clip things, and I don't know how it
24 works. Does that work?

25 THE CHAIR: As long as the button is

1 pushed down, you're okay.

2 MS. BULLOCK: Good afternoon, Madam Chair
3 and members of the Commission. I'm a little nervous
4 about speaking. I've never spoken to a Commission
5 before.

6 My husband and I are grandparents. We are
7 raising our teenage granddaughter. She was placed
8 with us by CYFD. She was taken away from her mother
9 and placed with us when she was 13. Her father, our
10 son, got custody; but she chose to stay with us.

11 She's very emotionally fragile. She's
12 been in hospitals several times, the last time for
13 four months. When she got out of the hospital, we
14 were trying to look for the perfect school for her.
15 She had lost credits; she had lost self-esteem.

16 And so we tried a couple of charter
17 schools that didn't work. And we went to CEPi
18 Charter School. And the moment my husband and I
19 walked in, we knew it was a fit. We could feel it
20 immediately, the warmth and generosity and caring of
21 the teachers, the buzz of kids busily at work. They
22 were all on computers; but it was a very social
23 setting in pods, with teachers right there to help
24 the kids.

25 So for a year and a half, our

1 granddaughter did amazingly well. There was no
2 self-harm, no suicidal ideation, no attempts.

3 And then school started this year. And
4 our granddaughter has been very traumatized this
5 semester. Fortunately, she finishes her program
6 next month.

7 We are among the parents who have
8 contacted the PED to express our concerns. It won't
9 do our granddaughter any good. As you say, the
10 process has been extremely slow. But it may help
11 the kids who stay at CEPi.

12 I want to thank you for authorizing a PED
13 investigation, or a Charter Schools Division
14 investigation. Ms. Fox commented that she would
15 have liked it to be an in-house investigation using
16 the school's grievance and harassment policy. The
17 school doesn't have a grievance and harassment
18 policy. I was shocked to read this; because the
19 charter calls for it.

20 Apparently, in the ten-year existence of
21 the school, it has been so great, it has not needed
22 a grievance and harassment policy. That's how good
23 it's been, how amazing the staff is.

24 This year, it needs a grievance and
25 harassment policy.

1 When I sent my first letter, I got no
2 response. On my second letter, I was asked if I
3 wanted to be on the governance council if anybody
4 ever resigned. I felt like that was trying to buy
5 me off.

6 Finally, I think the attorney, Ms. Fox,
7 probably said, "You need to give some kind of
8 acknowledgment."

9 That's all parents have gotten is simply
10 an acknowledgment: "We received your letter."

11 So this investigation is really being done
12 under a grievance and harassment policy that doesn't
13 exist.

14 I finally got a letter from the governance
15 council chairperson, who said, "We've written a
16 really quick grievance and harassment procedure.
17 It's a draft. Here it is. You've got to follow it.
18 It still has not been approved by the governance
19 council."

20 So thank goodness you're not leaving it to
21 an in-house investigation. Thank heavens you've
22 added a more massive investigation. We are very,
23 very grateful.

24 I will say we don't want the school to
25 close. None of the parents want the school to

1 close. It has been amazing.

2 You mentioned that a school is only as
3 good as its governance council. I believe that that
4 is true. The teachers are trying their darndest.
5 There are no protections for teachers. But they are
6 really, really trying to hold that school together
7 until something happens.

8 I'm sorry it won't happen in time for my
9 granddaughter. And I truly -- all of the parents
10 fear retaliation. All of the parents who have
11 written you fear retaliation for their kids. The
12 kids did a petition completely on their own
13 complaining about harassment. 106 kids signed it.
14 My granddaughter did not sign it. She's terrified.
15 The stronger kids did sign it.

16 This is 106 or -7 out of about 175 that
17 attend regularly. Everybody fears retaliation. If
18 we speak up, our kids could be hurt. If the kids
19 speak up, the kids could be hurt. If the teachers
20 speak up, they could be fired.

21 So without -- you don't want me to name
22 names; I won't. I will say it's a hostile working
23 environment and it's a hostile learning environment.
24 And I thank you very much for listening.

25 THE CHAIR: Thank you so much for being

1 here. We appreciate your concern, and we'll do our
2 best to -- to follow through and fix it.

3 MS. BULLOCK: Thank you very much.

4 COMMISSIONER TOULOUSE: And I'd like to
5 wish your granddaughter and you the very best.

6 MS. BULLOCK: Thank you. I appreciate it.

7 THE CHAIR: I have another name on the
8 Open Forum list. And it's Thomas Crespin.

9 MS. BULLOCK: He said he would only stay
10 if I don't get to speak. He is the founder of the
11 school.

12 THE CHAIR: We have completed Open Forum.
13 We are ready for adjournment, unless there is
14 anything else to come before this group.

15 COMMISSIONER CARR: So moved.

16 THE CHAIR: All in favor of adjournment?

17 (Commissioners so indicate.)

18 THE CHAIR: Anyone opposed to adjournment?

19 (No response.)

20 THE CHAIR: Thank you. We are adjourned.

21 (Proceedings adjourned at 3:10 p.m.)
22
23
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25

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified
Court Reporter in the State of New Mexico, do hereby
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transcript of proceedings had before the said
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State of New Mexico, County of Santa Fe, in the
matter therein stated.

In testimony whereof, I have hereunto set my
hand on November 23, 2015.



Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 4351L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

**BEAN
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PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com



