BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
November 13, 2015
9:00 a.m.
Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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APPEARANCES

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. VINCE BERGMAN, Vice Chair
MR. GILBERT PERALTA, Secretary
MS. KARYL ANN ARMBRUSTER
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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1  Signed Visitor Attendance Sheets
THE CHAIR: I call to order this regularly scheduled meeting of the New Mexico Public Education Commission. I would ask Secretary Peralta for a roll call.

COMMISSIONER PERALTA: Commissioner Pogna?

(Commissioner Pogna not present.)

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER PERALTA: Commissioner Ambruster?

COMMISSIONER ARMBRUSTER: Here.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Here.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Here.

COMMISSIONER PERALTA: Commissioner Chavez?

(Commissioner Chavez not present.)

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Here.

COMMISSIONER PERALTA: Commissioner Peralta is here.
Commissioner Bergman?

COMMISSIONER BERGMAN: Here.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Here.

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

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

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

THE CHAIR: Thank you very much.

Commissioner Chavez is now here. We have nine Commissioners in attendance.

Next item on the agenda is Pledge of Allegiance and the Salute to the New Mexico Flag.

Commissioner Conyers and Commissioner Peralta?

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

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

Does anyone have any items or any discussion on the agenda?
Hearing none, may I have a motion on

approval of the agenda?

COMMISSIONER CARR: So move.

THE CHAIR: Motion by Commissioner Carr to

approve the agenda. Second by --

COMMISSIONER PERALTA: Second.

THE CHAIR: -- Commissioner Peralta.

All those in favor, please say "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: The agenda is approved

unanimously.

Item 3 is the approval of the minutes --
pardon me -- of the September 24th-25th meeting.
And I believe that was one continuous meeting; so we
will address those as one set of minutes.

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

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

May we have a motion to approve the

minutes?

Commissioner Carr --

COMMISSIONER CARR: So moved.
THE CHAIR: -- moves to approve the minutes.

COMMISSIONER TOULOUSE: Second.

THE CHAIR: Second by Commissioner Toulouse.

Any discussion?

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

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: The minutes are unanimously approved.

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

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

MR. SPENCER: Good morning. Thank you.

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

MR. SPENCER: Good morning, Madam Chair, members of the Commission. It's always a pleasure to be here and share some of the results that we see
with regard to the implementation of the Carl D.
Perkins Career and Technical Education Improvement
Act.

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

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

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

I provided for you a copy of the
introduction PowerPoint that was provided to the federal representatives of the U.S. Department of Education that provided just a brief overview of how the Public Education Commission is the authorized agent to receive these Perkins dollars, and then, through statute, delegates the responsibility to the PED, who then, in turn, delegates the responsibility to the College and Career Readiness Bureau within the Public Education Department.

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

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

78 percent of all of those school
districts are recipients of the Carl Perkins grant, either as a direct grant recipient or through a consortia application, like a Regional Education Cooperative. So it gives you a sense for how many schools and students are benefiting from the resource.

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

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

And this certainly highlights a focal point for us, because as we're driving career pathways and programs-of-study implementation in schools for students to lead to post-secondary engagement and industry credentials for work-readiness, that we really have to think about the unique nature of the state, what would be
working in Albuquerque would not be working in Santa Fe, New Mexico; and so we certainly have to be cognizant of the fact that when we drive schools to participate in career pathways programs of study, that perhaps we need to take broader approach in rural communities; maybe have a cluster-level framework, rather than a pathway-level framework. So just a little bit of information.

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

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

So when you think about the fact that the federal investment has been reduced by about 12 cents on the dollar, inflation over the period of time is about 15 cents on the dollar, we're really looking at a 27-cent spread between what we used to
have as an investment for Career Technical Education
and what we have today, factoring in the fact that
goods and services have increased in cost.

So the Perkins dollars don't go as far as
they used to; and, therefore, we have to be a little
bit more strategic about the investments we make.
And some of the efforts that we're making are to
ensure that when schools are applying for these
dollars, they target the program implementation
around those priority industry sectors, either in
the region or at a state level, depending on where
they see their students residing. Are they
place-bound in Southeast New Mexico, or do they
transition to Central New Mexico? But really
anchoring program study development in schools that
lead to occupational skill sets of high-wage,
high-demand, and high-growth industries for our
state.

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

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

But in the preliminary exit conference
with the fed, what they indicated is that the State
would likely be receiving two findings, one in the
area of Accountability, and then the other area in
Program of Study.

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

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

And so the federal representative visited
those sites and they're working with teachers,
faculty, and administrators in trying to really
understand, are they truly implementing the Program
of Study in the grant application that they said they would.

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

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

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

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

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

And where you might have students who are identified in the numerator, but not the -- sorry -- the denominator, but not the numerator, would then give the school the information to say, "Well, this is the sub-population we need to provide additional services for"; for example, maybe tutoring in
language arts or tutoring in math in the academic performance target; so us already kind of trying to get ahead of the ballgame there and provide that information to the schools.

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

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

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

So at this point in time, we don't know when we will be getting that, because it seems that
they perhaps might be behind in issuing those formal correspondence for us to develop action plans and address the issues.

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

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

So when the State doesn't meet the performance target, we have to turn in a Corrective Action Plan, implement the plan, monitor the progress, and come into compliance with the performance targets set forth.
Well, we took a look at the preliminary data, and it identified that we met the performance target in safe harbor; so that mitigated the action plan requirement, if you will. We still have to turn them in on a quarterly basis; but what we've done is we've come into compliance.

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

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

MS. FRIEDMAN: They're back to back.

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

So on the post-secondary indicators, if you take a look at that 5P1 target, and take a look at the second to last column, in yellow, you would have a 33.27 percent level of performance.
That 33.27 is above the 32.40, which means we met the target in Safe Harbor. The target we should have hit should have been 36 percent. So just to give you a reminder on that, the targets are set, and that's the first number you see; in this case, 36 percent. The State has to meet that target or at least meet it within 90 percent.

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

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

And the post-secondary non-traditional participation target really centers on engaging more females in male-dominated career paths and programs of study; and vice versa, more females in
male-dominated -- and male in female-dominated;
right? So it's still work we have to do around that
area. So when we've come into compliance, we're
still looking at that as an area of continuous
improvement.

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

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

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

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

So with that, that concludes my report,

Madam Chair, members of the Commission.

THE CHAIR: Thank you, Mr. Spencer.

Commissioners, do you have questions?

Comments?

COMMISSIONER CARR: I do.

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: I had to plug my

microphone in. I think somebody was trying to cut

me off. The -- it was a plot.

The -- one of them is with this request

for data from individual school districts. Is any

of the grant money allocated to them -- any extra

administrative money allocated for them to come up

with these numbers?

MR. SPENCER: Based on the -- the Act,

with regard to funding to schools, and

post-secondary institutions, they place a cap of

5 percent administration. So if there's any

administrative actions, such as pulling the data,

developing the data system, filling in the grant

application, things of that sort, it has to be

covered within the 5 percent administration.

Typically, what we do, on the back end, is
that we work with our Information Technology bureau
to develop, enhance, or refine, maybe, some of the
student tables in S.T.A.R.S., or the course table in
S.T.A.R.S. So this way, when you have, at a local
level, data being put into their local school --
SIS, the school information system, and then
transitioning up into S.T.A.R.S., that we would be
able to help them collect that level of data.

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

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

COMMISSIONER CARR: And I have one more.
And it -- in regards to all this data that drives --
some people thrive on it; it drives me crazy half
the time. But, the -- you know, there's so many
variables out there that we have no control over,
and that the grant has no control over. And are the
particulars of -- of our state, the demographics of
our state, taken into consideration when they -- our
cultural differences, all those things -- are they
taken into consideration when you set these goals?

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

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

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

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

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

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

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

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

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

And I hope we do everything we can to
continue this program and support this program. And
I hope the State and the Legislature address --
continues to add funds to this type of program. And
I really appreciate the work you do.
THE CHAIR: Thank you, Commissioner.

Commissioner Toulouse?

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

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

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

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

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

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

COMMISSIONER TOULOUSE: Thank you.

MR. SPENCER: Uh-huh.

THE CHAIR: Any other comments,
Commissioners?

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

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

MR. SPENCER: Madam Chair, that is correct.

THE CHAIR: Thank you very much.

Commissioners, I ask you again. Any further questions?

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

MR. SPENCER: Thank you.

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

Beverly, I wonder if we could ask the building people to maybe get us a little heat in here. It's not -- not a whole lot. We don't need
to open the door or get the fans going. But people
still have their coats on. And it's pretty nippy.

    Thank you.

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

    Katie?

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

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

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

    What did PARCC do? What did the PARCC
assessment do?

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

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

    It's easier to address the needs early on
so students can receive the support they need to be
on track. And these standards, and the standard
setting actually occurred with -- in conjunction
with individuals from the higher ed community to
really talk about, as they set those proficiency
targets, if a student scores this level, yes, we at
higher ed agree and believe they're going to be ready and on track when they come to college.

So just a little bit of detail about the PARCC administration in the '14-'15 year.

New Mexico administered the PARCC for the first time in the spring of 2015. 207,955 thousand [verbatim] students participated in PARCC in New Mexico; approximately 5 million across the full consortium participated in the PARCC assessment.

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

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

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

And, you know, as we stated, there is a
new proficiency baseline. Because PARCC is more challenging than the prior test, the results are lower across the board. As students and teachers gain the skills and knowledge needed, we do expect to see that performance improve.

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

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

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

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

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

In language arts, for the charter schools at performance level 4 and 5, 37 percent of our students scored at that performance level. For all schools statewide, it was 26 percent. So, again, there we see a little bit higher of a difference, about 11 percentage points difference in the performance of charter school students.
THE CHAIR: Thank you very much.

Questions?

Commissioner Ambruster?

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

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

COMMISSIONER ARMBRUSTER: Oh, okay.

That's fine.

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

COMMISSIONER GIPSON: No.

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

COMMISSIONER ARMBRUSTER: I think they
used paper and pencil.

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

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

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

COMMISSIONER CARR: Yeah, I remember that.

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

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

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

So that's why I just asked if there was any difference. But I could be wrong. I just understood they had taken it with paper and pencil.
COMMISSIONER GIPSON: At least some of them, I know she said they had set up locations where they could come and take it on the computer. You're right. It would have been easier to sit down with pencil and paper and taken the test, as opposed to dealing with the distractions of a computer not functioning properly, which I think was a concern, I know, with a number of charters that had to kind of dig out old equipment to try to get enough computers operating, that it was a challenge, to say the least, and frustrating, I'm sure, for students sitting there trying to get this test done and not being able to do it properly because of mechanical errors.

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

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

THE CHAIR: Commissioner Carr?

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

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

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

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

MS. POULOS: So, actually -- and I can get
the report. I will find that and send it out to the
Commissioners. In, I believe, that report, or some
other report around that same time, New Mexico was -- Public Education Department was praised for the amount of testing that's done and required as part of PED policy. So it is one of the states that's doing a great job on decreasing testing requirements.

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

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

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

COMMISSIONER CARR: The statement that I -- that you repeated that I heard from the PED on
many occasions, that testing time has been reduced, is pretty hard to swallow, considering the fact that every grade is tested now. We have EOCs for almost every class out there. We are also doing, of course, Short Cycle Assessments, which actually help my students. I actually -- the MAP scores have been very helpful.

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

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

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

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

COMMISSIONER CARR: Thank you.

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

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

So I am pleased that PED is being realistic in helping the students reach graduation.

So that's my comment.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair,

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

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

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

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

So there's all these added expenses and added disruption to kids that are not taking the
test, or even to the kids who are. And it just seems to me that there's got to be a better way to do this.

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

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

MS. POULOS: And I think to address that, the Common Core -- New Mexico Common Core state standards were implemented prior to this previous year. And the assessment is new; but they certainly did have the requirement of teaching these standards. And so these students have had exposure to the standards for more than that one year.
And, again, I do think, you know, again, PED has addressed -- you know, not just -- the Level 3 will count for graduation for these next two years; but additionally, there is the Alternate Demonstration of Competency. And PED is working with schools on that.

COMMISSIONER TOULOUSE: Madam Chair?

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

And again, I don't need you to speak for them. You weren't here; it's not your decision. I just want, on the record, if anybody ever reads it, that I am presenting these concerns for posterity, if anybody wants to check on me.

Thank you.

THE CHAIR: Thank you very much. Other comments?

COMMISSIONER GIPSON: Well, I'm hoping
that we can alleviate some concerns that were
addressed last year when the test was being rolled
out; because there were schools -- I know there were
charter schools that told students that they were
expelled if they didn't take the test. And there
was a lot of confusion about whether -- there were
districts that had opt-out letters.

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

COMMISSIONER TOULOUSE: The law lets you
opt out.

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

THE CHAIR: Okay. Are we good?

Commissioner Bergman?

COMMISSIONER BERGMAN: Just a question.

Excuse me, Katie.

Now that the results have come in this
year, as we start to think about next year and all
the things we have to do to resolve around PARCC, do you or the powers that be at PED in the Assessment Bureau, or wherever they might be -- do you have -- are you starting to form a sense yet -- are we going to get the results earlier next year?

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

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

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

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

THE CHAIR: Thank you. Anything else?

All right.

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

MS. POULOS: He had a family hunting trip
and so could not join us. And I apologize for that.

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

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

The first is Item A, Academic Improvement Plans.

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

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

What we found was there was no consistency in expectations or in what would be provided by the schools and could not provide a report to the PEC. And what we did propose instead was that we would come forward with a proposal for what an improvement plan could consistently look like, a template for creation, as well as evaluation standards.
In your materials today, you'll see three items. The first is a draft improvement plan guide. It is about 30 pages. It's very detailed on what an improvement plan would look like, what the process for creating that would be, and is intended to take a school that would be assigned an improvement plan step by step through the process.

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

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

The next areas would all utilize that data. And that would be processes to evaluate and
understand your curriculum that were data-driven and
to make curriculum decisions.

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

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

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

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

    And so it's really a continuous
improvement process, and that's what it's intended,
to guide schools in developing that continuous improvement process in their school.

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

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

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

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

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

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

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

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

THE CHAIR: Okay. Thank you, Katie. Let me just summarize, briefly -- and those of you who were at the work session yesterday, please -- please
chime in, as well.

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

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

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

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

I would ask you to, if you would, look at the second page of that packet, where there are
proposed motions. And Katie alluded to this.

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

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

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

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

Commissioner Bergman?

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

THE CHAIR: Oh, I am sorry.
COMMISSIONER BERGMAN: Yeah. I --

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

MS. ROUBIDOUX: Thank you, Madam Chair.

My name is Susanne Rubidoux. And I am an Assistant Attorney General, and I am replacing Josh Granata, who was your previous counsel. And he is transferred to another division within the Office of the Attorney General. And I recently acquired this representation. I'm happy to be here, and thank you for having me.

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

Thank you, Commissioner.

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

So I would ask our legal counsel, in this interim, whether -- and I actually support your -- I think December 4th is probably a little early. I think we'd be better off pushing that into January. And that would give our legal counsel -- because there's other things she's going to need to look at.
also, as we go forward. But I -- I certainly agree
that we need to put this improvement plan into a
more concrete form.

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

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

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

THE CHAIR: Thank you very much.

Other comments?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I
want to agree with it. I think we need a January
return date, because I know when you send busy
people stuff to review, and there's this much of it,
you're going to get one of two responses: "I don't
have time to bother with this," or, "What is this
doing to me," and immediately sending back, "I don't
like it, I don't want it," rather than looking at
it.

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

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

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

THE CHAIR: Thank you.

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

THE CHAIR: Thank you very much.

Other comments?

May we have a --
MS. POULOS: Madam Chair?

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

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

THE CHAIR: Katie, did you have a comment?

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

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

THE CHAIR: Thank you.

Commissioner Bergman?

COMMISSIONER BERGMAN: With that thought in mind, I would remind you, when we get to the calendar at the end of our day today, the date that I will propose for our January meeting, it was for the 14th and the 15th. I actually submitted two
days to Beverly for every month, in case we needed work sessions or days to do things like this.

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

Thank you.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Commissioner Armbruster?

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

Because we want everyone's input, not just the schools who are really struggling. I think we would want everyone's. And by sending it out, they have time to look at that before the grades come out. I mean -- and that, I agree with in terms of what time it needs to be back.
But, again, Commissioner Bergman, you were thinking that we could look at this again at the January meeting? Is that -- did I understand it correctly?

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

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

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

COMMISSIONER ARMBRUSTER: Right. I just wanted to be sure I understood.
COMMISSIONER BERGMAN: That would be my --

COMMISSIONER ARMBRUSTER: Mine, too.

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

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

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

MS. Poulos: The following Monday would be
the Monday of the meeting. And I think that would
be challenging.

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

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

THE CHAIR: I see people shaking their
heads.

COMMISSIONER ARMBRUSTER: If they don't
turn it in until the 8th, was your intent, Katie, to somehow put this together for a presentation on the 9th?

THE CHAIR: It would be a week.

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

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

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

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

COMMISSIONER GIPSON: Well, do we have dates?

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: Do we have dates?

Are we -- what date in December -- or January -- are we leaving as the cutoff date?

THE CHAIR: I believe we said the 8th?
COMMISSIONER GIPSON: The 8th? I was going to suggest the end of December, like around the 15th.

THE CHAIR: Schools may be closed for the holidays.

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

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

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

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

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Well, then, perhaps

Katie, in her communication, in whatever form, whether she uses old faxed, paper-mail stuff, or uses really high-technology stuff, could give the deadline, but could encourage early responses.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner?

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

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

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

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

MS. ROSKOM: I've got it now. I think this is a really important document. We want to give them plenty of opportunity to look this over.
As you already mentioned, they have a document from Priority Schools that they use. Many of them are accredited by Advanced Ed, which also has a school improvement plan document that they use.

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

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

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

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

THE REPORTER: (Indicates.)

MS. FOX: It's Sue.

Madam Chair, members of the Commission, I
agree. I -- especially if this is a lengthy
document, which I understand it is, I think the
schools need as much time as possible. I think
having those extra two weeks -- some administrators
will actually work over the holidays. I know Patti
and I will be working during that time. So having
that additional time, I think, would be necessary.

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

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

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

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

If it's due in December, I think it forces
you to get it done before the holiday, and you take
the time to look at it. For me, as an elementary
school.

THE CHAIR: So your suggested date is.

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

THE CHAIR: Of January?

MS. ARSENAULT: Of December.

THE CHAIR: December.

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

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

MR. HOTCHKISS: Christopher Hotchkiss, CEO
of CEpi Charter School.

I agree with Greta and Sue. January 8th
would be good. I would like to see it go through
the Coalition of Charter Schools and let them look
at it, and then, you know, bring it to us with some recommendation. If it's that big of a document this time of year and everything going on, we really do kind of need it broken down so we can look at it.

THE CHAIR: Thank you very much.

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

THE CHAIR: Mark?

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

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

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

MR. TOLLEY: And I'll be looking at it.

We'll get it done before. I think the 18th is fair.
That's when we're out. All of the APS charter
schools and most of all of our charters, if not just
a little earlier. So I think the 18th of December
is fair. That first week back is a nightmare to
look at anything besides what's going on at the
schools.

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

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

THE CHAIR: It's a week later.
COMMISSIONER ARMBRUSTER: It's a week
later?

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

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

COMMISSIONER PERALTA: Madam Chair?

THE CHAIR: Commissioner?

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

THE CHAIR: Use the --

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

COMMISSIONER BERGMAN: That sounds like --

THE CHAIR: Use that wording, please.

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

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

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

COMMISSIONER PERALTA: All right. I would move to present the Policy Improvement Plan documents provided in today's materials to the
charter school community for public comment, which must be submitted no later than December 18th, and consider adoption of the materials at the January PEC meeting.

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

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: And a second.

Motion by Commissioner Peralta, second by Commissioner Armbruster.

Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "yes."

Commissioner Conyers?

COMMISSIONER CONYERS: Yes.
COMMISSIONER Peralta: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER Peralta: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER Peralta: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER Peralta: Commissioner Shearman?

THE CHAIR: Yes.

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

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

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

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

MS. POULOS: It will go out today.

COMMISSIONER TOULOUSE: Madam Chair, can we suggest to Katie, though, she give herself some
breathing time and not do it on the weekends and
send us stuff later on Sunday night? We don't want
to burn her out. So I would like to suggest that
you do a little holiday time, please?

THE CHAIR: As soon as possible, okay?
Commissioners, it's a quarter after 10:00.
Are we ready to take a break or keep going?
Take a break?
All right. Let's be back at 10:30.
(Recess taken, 10:17 a.m. to 10:33 a.m.)
THE CHAIR: I call back into session this
meeting of the New Mexico Public Education
Commission. We are to Item 6B, Planning Year
Checklist.

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

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

COMMISSIONER GIPSON: It's what she gave
us yesterday at the work session.

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

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

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

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

    Anti-nepotism, background check, FERPA, enrollment, policy and process for receiving and resolving community parental and other public complaints. Those were addressed at this time, because we felt that those were very important items.
to have, as they began their initial applications
and began recruiting students and holding board
meetings for their governing body.

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

Formatting changes.

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

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

Also removed was a status report on the
acquisition of facilities at the end of January. We
felt that that might be more appropriate as they
move further down in the year, that they may not have much of an update at that point in time.

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

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

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

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

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

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

Did add a couple that were not there, but,
I think, are important. There's a statutory
requirement to ensure parents understand that they
have access to the professional qualifications of
their teachers. The statutory requirement is
60 days prior to the start of the school year for
these new schools, I think we want to see evidence
that they've done that.

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

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

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

    We did run into a challenge with one of
our schools this year that planned and negotiated a
goal for a certain Short Cycle Assessment, and learned after that contract was signed that they could not enter into that contract with the Short Cycle Assessment company. And so wanting to get them, early on, engaged in the process with that -- that chosen Short Cycle Assessment to ensure that they are able to do that and have that ready at the beginning of the year, and, as well as ensure that they are administering and have a plan for administering WIDA W-APT.

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

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

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

We've also asked them to provide information on a mentorship program and plan for new
teachers. Again, we've seen many of our new schools end up hiring first-year provisional licensed teachers and have not met the requirements as of the -- the site visit that we did in the past couple of weeks, to provide the mentorship and training for those teachers.

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

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

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

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

Then what's been added is what we utilized
this year as the conditions, two weeks prior to the
start of the school year, ensuring that they have
the curriculum for the first 90 days, that they have
a plan to ensure the implementation of their written
curriculum, a status report on the continued
development of their curriculum, and additionally,
the resources necessary for the implementation of
their curriculum. That's another area that we've
seen some pretty substantial weaknesses in our newer
schools.

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

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

And then the last item is student
enrollment; for the minimum number of students, in
order to start the school year, which is eight, but also asking that if they have less than 95 percent of their budgeted enrollment, that they provide a plan to adjust their spending and budget to account for lower enrollment, because, again, we've seen some pretty substantial issues with that in our new schools.

THE CHAIR: Thank for you that presentation.

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

I hear none.

Hearing none, the Chair would entertain a motion.

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

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

COMMISSIONER BERGMAN: This is -- while we're looking, this is an extensive rewrite of the Planning Year Checklist. The nice thing about this document, two schools will be doing it. And as
we've done in the past, if we find there's problems
with it, we can always change it again next year.

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

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

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

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

COMMISSIONER TOULOUSE: Madam Chair?

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: Commissioner Armbruster?

Motion by Commissioner Bergman, second by
Commissioner Armbruster.

Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.
COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

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

THE CHAIR: Thank you very much. The motion to approve the Revised 2015-'16 Planning Year
Checklist is approved.

Did I say that right?

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

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

First, I, again, apologize for not including any track changes of the Notice of Intent.

The changes -- I did e-mail that to you last night. The changes include a change of the e-mail address to which they should submit that for CSD's receipt, to a general "charter.schools@state.nm.us" e-mail box, as well as removing the name of the person whose attention to put it at, and making it the Division.

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

MS. POULOS: Yes, sir, we are.

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

THE CHAIR: It's all together in this item.
MS. POULOS: In addition, the other changes that you will see is --

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

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

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

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

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

THE CHAIR: Thank you very much. One
thing I would like to point out that we noticed
yesterday in the work session is Item No. 6 on the
notice document itself. I have to say I had never
seen this before. I understand that this is an
ongoing item.

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

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

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

THE CHAIR: Okay. Thank you.

Any other comments?

Okay. Yes, Commissioner?

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

Because of the problem we had in this
cycle -- there were seven or eight schools -- the
number seems to vary from time to time -- that did
not notify the local school districts when they filed this Notice of Intent. And you'll notice in the very first paragraph, it is very explicit that this Notice of Intent must go to this Commission through the CSD and must also go to the local school district in wherever the school intends to locate itself or is applying from.

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

COMMISSIONER ARMBRUSTER: "Rejected," you mean.

COMMISSIONER BERGMAN: What?

COMMISSIONER ARMBRUSTER: "Rejected."

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

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

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

Thoughts?

COMMISSIONER GIPSON: I'm perfectly fine
with that. I think it would alleviate some issues; so I'm fine with changing the wording.

THE CHAIR: Rather than "may"?

COMMISSIONER GIPSON: It will be "will."

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

COMMISSIONER BERGMAN: The Legislature always uses "shall."

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

COMMISSIONER PERALTA: I prefer "will."

It seems a little more forceful.

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

THE CHAIR: Commissioner?

COMMISSIONER CARR: I was remembering the discussion we had. I was remembering when Josh was here, too. It wasn't necessarily wiggle room for them; it was wiggle room for us; because if they actually came up -- I mean, if there was -- there could be a legitimate excuse, you know, of some kind, that, you know, that everybody didn't get notified. Something, you know, that -- and I think this was also in regards to getting the application in on time, as well.
So -- and it sounds like our attorney is going to chime in here. I don't want to give people wiggle room, necessarily, either; but also -- but I do want to give us wiggle room, in case there's a situation that comes up where there is an excuse.

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

COMMISSIONER CARR: Like a mandatory sentence.

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

COMMISSIONER BERGMAN: I'll second that. My memory is the same. And also, I'll just note there is a sentence on what you just said. "notices of Intent that are not received by the PEC and the
superintendent of the local school district by the
deadline may result in your application being..." --
so I think that's probably -- it was probably Josh
that weighed in on that, and we probably decided to
leave "shall" -- or use the word "may."

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

THE CHAIR: Commissioner Armbruster?

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

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

But still, I just don't know. In terms of
procedure, do they get confirmation that the
district got it, and then they proceed writing their charter?

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

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

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

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

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

MS. POULOS: And that is -- that is in there. They are strongly encouraged to send it by certified mail. That's the very end of that
first -- or second paragraph.

COMMISSIONER CARR: Yeah.

COMMISSIONER ARMBRUSTER: Oh, okay. Thank you.

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

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

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

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

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

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

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

Anything else?

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

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

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

Commissioner Gipson, I'm looking at you.

COMMISSIONER GIPSON: Sure, sure.

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

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

COMMISSIONER TOULOUSE: Second.

THE CHAIR: Commissioner Toulouse seconds.
Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Yes.

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

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

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

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

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

So yesterday, the Commissioners who were in attendance decided to not deal with this document until we had more time to adequately review it and
perhaps even have a work session just dealing with this document.

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

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

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

Commissioner Bergman?

COMMISSIONER BERGMAN: Well, I would just note that that has been our process in the past, in the spring, each year, evaluated all of our documents and our processes based on what we experienced in the previous year. For at least the last three years, that's what we have done. We
rewrote this application in a work session two years ago, based on the previous year's experience with it.

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

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

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

Thank you, Madam Chair.

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

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
11 Commissioner Toulouse?
12
13 COMMISSIONER TOULOUSE: Madam Chair, I
14 think I said yesterday that I agree with
15 Commissioner Bergman. I think we all need to look
16 at this; because I know the effort that's gone into
17 these. And I hate sitting down and revising forms.
18 But I think it is important that I sit
19 down and do it, and that we all do it. And if it's
20 an all-day -- I mean, I think we have the whole
21 spring to work on documents and to go through, and,
22 if we have to, word by word by word, as we did the
23 first time; and the second time, go through and make
24 sure what we want and what Katie and her folks can
25 work with, so that it's a joint process, so when we
26 put our stamp on it, it is our work product.

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

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

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

So, Commissioners? Commissioner Gipson?

COMMISSIONER GIPSON: I think if we start looking at it in January, and we see that we need additional time, we can then decide if we're going to stick with the same application that we have now. Or, if we think we can do this in a timely fashion and do it well, we can roll this out for this coming cycle, that we can -- I would prefer to hold off till January so that we can really dive into it; but I think January is a good time to do it.
THE CHAIR: And do it in a working session on January the 14th.

COMMISSIONER GIPSON: Absolutely, yeah.

Yeah, I think we're putting a lot into January 14th.

THE CHAIR: Commissioner, would you make a motion?

COMMISSIONER GIPSON: Okay, sure.

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

THE CHAIR: Is that motion sufficient?

Have we covered everything?

Okay. May we have a second to the motion?

COMMISSIONER CONYERS: Second.

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

Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?
COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "Yes."

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: Yes.

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

THE CHAIR: Thank you very much. The motion passes unanimously. We will deal with -- we will begin to look at this revised application at the January 14th work session.
All right. Let's move on to the next item on the agenda, Investigation and Complaint Policies. Katie, please?

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

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

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

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

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

Here, we have proposed that that amount of time would be 30 days after the notice before the...
complaint is sent to the school. If the school does not timely provide CSD notification of its response, CSD is to provide a reminder and notify the school that if, prior to the release of the agenda for the next PEC meeting, that information is not received, they may be added to the schools of concern list, which would enable the PEC to monitor the schools to ensure they are following their grievance policies and responding appropriately to family and community complaints.

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

The school would be required to respond to CSD within ten business days of receiving notice of an investigation, which would come out of this. If the school was not able to respond within those ten days, they could request a five-day extension. And if they did not respond, CSD -- timely, CSD would
provide them notice of that, and provide them notice
that if they did not timely submit prior to the
release of the next agenda, they would be on the
agenda as a School of Concern.

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

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

The school would have 15 calendar days to
respond with information to support that their --
the findings are inappropriate. If their
findings -- if the response did not change the
findings, then the school would be added to the
Schools of Concern list for consideration by the
Commission to take action with regards to those findings.

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

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

THE CHAIR: Thank you. Commissioners, you have the document in front of you. Do you have
questions or comments?

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

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

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

  THE CHAIR: All right.

Commissioners, questions or comments?

COMMISSIONER GIPSON: I'll yield the
floor.

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

COMMISSIONER CARR: Sure.

THE CHAIR: Please come up.

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

  It's my opinion that -- if I understand
this correctly, that this process essentially
circumvents the investigation and complaint process
that we all spent a ton of time working on, in
conjunction with our charter contracts, a couple of
years ago. That process is already set out in those
certificate contracts in Section 8.11. And as long as
those contracts are still in place, that's the
process that we all agreed would be the process for
an investigation of complaint.

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

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

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

And, you know, I would just remind the
schools -- I want to introduce myself to
Ms. Rubidoux; I haven't met her before -- but just to cut to the chase. It's -- the Charter Schools Act 8B-5, 8B-5.3, 8B-9, and particularly 8B-12, do say that your monitoring and investigation abilities through the CSD are indeed, provided that the authorizer complies with the Charter Schools Act and the charter contract and does not unduly inhibit the autonomy granted to the charter school through this process.

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

THE CHAIR: Thank you.

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

Item 8.11A addresses public complaints.
The intent of this policy is to identify the
difference between a complaint and an allegation
that a charter school is violating the law or the
terms -- the material terms of its contract, which,
I believe, would fall under 4.03(f)(iii), which
states, "Including conducting appropriate inquiries
and investigations when warranted."

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

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

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

And I would also ask that if this is going
to be the new rule, that we have the opportunity to
analyze and provide our more formalized feedback on
this, because this does seem like a new rule-making
that the PEC is undergoing. So thank you.
THE CHAIR: Susanne, I know probably this is fairly recent for you to see, too. But may I ask that you just give us some of your thoughts?

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

THE CHAIR: Okay. Commissioner Bergman?

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

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

THE CHAIR: That's true.

COMMISSIONER BERGMAN: And so I believe -- and I would also suggest that we already are going to have an extensive agenda in December, with six renewal applications to process and take care of.
So I would suggest that -- I'm not aware of any reason why we can't put this back to January would be my suggestion. But thank you, Madam Chair.

THE CHAIR: Thank you.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner Toulouse?

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

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

And I think, in those cases, we need some kind of other statement in the contract that spells those things out, that when it becomes that kind of an issue, which is this second one, which is now
beginning to come to us on a more frequent basis, that we need to look, making sure it's in the contract so it's clear to everybody, as well as having this.

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

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

But if there are legal issues, then I agree we probably need to get more input on this. One of the opportunities -- or one of options on proposed motions, again, is to allow this material to go out for public comment to the -- to the charter schools community and to get the comment and the input; also, ask our legal counsel to give us an opinion. And then we can all move forward.

But this -- this process is needed. This
protocol is very needed. So we just need to get
some kinks maybe lined out and move forward with it.

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

Commissioner Carr?

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

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

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

The other one, I anticipate if we do delay
this, the same response will happen, once we request
that additional information. I do -- I understand
the need to make sure this is the right policy and
clear. I do think it's important to understand the
urgency to do that in a timely manner.
COMMISSIONER CARR: So, Madam Chair, I --
I'm concerned. I always have been concerned -- I
think most of us have been -- that a lot of -- we
haven't had enough oversight. And we've had issues.
And I -- I think there's a bit of a matter of
urgency here.

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

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

And now we're seeing the PED and the
Charter Division taking steps, which I think are
very important. And what I would like -- I would
like to see us accept this today. And we can always
make amendments to it, as needed, after we've
studied it; it's not like -- so it's not written in
stone. We're not writing a Constitution here.

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

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

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

THE CHAIR: Thank you, Commissioners.

Other comments?

Commissioner Toulouse?

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

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

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

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

"Well, no, I haven't."

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

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

Thank you.

MS. POULOS: Madam Chair, Commissioners, I do want to note that when we receive phone calls or communications we -- about complaints, I always do,
and my team always does, you know, first send them to the school and state, "Have you communicated with the school? Have you asked the school about this? Have you had any communication with the governing body to direct them in that direction?"

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

THE CHAIR: Other comments?

Commissioner Gipson?

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

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

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

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

So I'm more comfortable with having legal
counsel look at it, have a discussion; and that way, we're -- we can move forward, and everyone is on the same page. So I would prefer to wait until after the first of the year, because December is packed, anyway.

THE CHAIR: Do we have other comments?

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

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

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

And we may -- with the few we have, we're going to start contracts earlier, and I would just like to have all of this out of the way before then. I don't think it's real complicated to look at, once we get the legal side of it down.
There are complaints. They do have to be dealt with. And I don't think the answer is, "We're not going to give you information."

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

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

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

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

Thank you.

THE CHAIR: Commissioner Chavez?

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

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

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

THE CHAIR: Thank you.

Other comments?

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

The last one is to put this out for public comment, and we could add to that, to get the legal review. The date suggested there is December the
4th.

Commissioner Bergman?

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

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

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

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

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

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

COMMISSIONER BERGMAN: Madam Chair, I move
that the Public Education Commission present the
investigation and complaint policies that has been
presented in today's material to the charter school
community for public comment, including our own
legal counsel and her input, and all the results of
that, and input, must be submitted to the CSD and
the Public Education Commission no later than
December 4th. And then the final document will be
considered for adoption at the December PEC meeting.

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

COMMISSIONER GIPSON: Second.

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

Is there further discussion?

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

COMMISSIONER PERALTA: Commissioner
Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner
Toulouse?
COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

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

THE CHAIR: Thank you. The motion passes unanimously.

MS. FOX: Thank you.

THE CHAIR: Again, I would remind you, the date for the deadline for input is the 4th of December. We are formally asking our legal counsel for her review, as well others.
Okay. Next item on the agenda is PEC Summary Minutes.

Katie?

MS. POULOS: Madam Chairwoman,

Commissioners, Item 6E in your materials today presents summary minutes as a proposal for the Commission moving forward.

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

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

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

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

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

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

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

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

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

But this, for reference sake, for quick review, those kinds of things, would certainly be
much easier to work with.

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

So Commissioner Toulouse?

COMMISSIONER TOULOUSE: May I make the motion?

THE CHAIR: Please do.

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

THE CHAIR: You've heard the motion.

Do we have a second?

COMMISSIONER PERALTA: Second.

THE CHAIR: Commissioner Peralta.

Moved and seconded to approve the use of summary minutes.

COMMISSIONER CONYERS: Can I ask a question?

THE CHAIR: Commissioner Conyers?

COMMISSIONER CONYERS: I really like the idea of this. Who's doing this? Who's going to be responsible for doing it? And has this been subject
to approval as an agenda item?

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

Okay? Any further comment? Commissioner?

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

THE CHAIR: I'm assuming December.

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

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

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

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

Commissioner Peralta, may we have a roll-call vote, please?
COMMISSIONER PERALTA: Commissioner Carr?
COMMISSIONER CARR: Yes.
COMMISSIONER PERALTA: Commissioner Chavez?
COMMISSIONER CHAVEZ: Yes.
COMMISSIONER PERALTA: Commissioner Shearman?
THE CHAIR: Yes.
COMMISSIONER PERALTA: Commissioner Bergman?
COMMISSIONER BERGMAN: Yes.
COMMISSIONER PERALTA: Commissioner Gipson?
COMMISSIONER GIPSON: Yes.
COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."
Commissioner Conyers?
COMMISSIONER CONYERS: Yes.
COMMISSIONER PERALTA: Commissioner Armbruster?
COMMISSIONER ARMBRUSTER: Yes.
COMMISSIONER PERALTA: Commissioner Toulouse?
COMMISSIONER TOULOUSE: Yes.
COMMISSIONER PERALTA: Madam Chair, that
is nine to zero in favor of the motion.

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

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

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

Commissioner Bergman.

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

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

THE CHAIR: Commissioner?

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

THE CHAIR: Is that all right with
everybody?

    Okay, let's do it then.

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

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

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

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

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

    At yesterday's work session, we realized
that this needs to be, really, in three sections, like the performance frameworks are: Academic, financial, and operational.

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

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

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

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

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

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

Item A. Is there any discussion on a
final grade of a combination of nothing less than
two A's and one B in the three most recent report
cards?

Okay. I'm not seeing anything.

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

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

COMMISSIONER GIPSON: Right. You're fine.

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

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

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

We discussed that extensively and decided
that, really, what we needed was additional data
from CSD on those reading proficiency percentages
before we could really say that 80 percent were
reasonable, or 70 percent, whatever. And we talked
about the same for the math percentage.

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

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

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

So, again, we're going to ask for -- or we propose to ask for -- more information there. And the same on the career-and-college-readiness grade.

Again, we think we need more information there.

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

So any discussion on the first items?

Then we went to SAM schools, or schools serving predominantly at-risk students. And all of
those items pretty much reflect the first items we've gone through; but at this point, we decided that we need more concrete information to deal with what are those schools, overall, doing, and what are their percentages? What are their grades?

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

Any questions on the academic area?

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

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

And then Item 4, which has been researched and is what many states are doing. Item 4 is that virtual schools would not -- would be exempt or not eligible for "high performing schools" designation.
Any discussion on any of those items?

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

Any discussion?

Commissioner Toulouse?

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

THE CHAIR: Appreciate that.

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

THE CHAIR: Thank you very much.

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

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

COMMISSIONER BERGMAN: Second.

THE CHAIR: Motion by Commissioner Toulouse, seconded by Commissioner Bergman.

Any further discussion?

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

COMMISSIONER PERALTA: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.
COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

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

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

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

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

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

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

MS. POULOS: Madam Chairwoman,

Commissioners, La Jicarita has submitted five amendment requests. They fall under two categories, as identified on the agenda today. That is Mission and Educational Plan.

The requests come out of a meeting that we
had with La Jicarita and an understanding that the school has not been implementing the educational plan, as written in their contracts. Specifically, the school moved away from Expeditionary Learning to implement a Project-Based Learning program, primarily because of the financial burdens associated with Expeditionary Learning.

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

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

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

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

So the mission statement would remove
reference to Expeditionary Learning, and instead
replace that with Project-Based Learning.

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

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

And so as a result, CSD has not
recommended the approval of all amendment requests.
CSD has provided language for the approval, but has
also provided language for a conditional approval
that would require the school to provide evidence of
the rigor in student project rubrics associated with
the requested change to Goal 1, and additional
clarity regarding the summative assessment that will
be used in Goal 1, as well as the rigor of the
self-evaluation associated with Goal 1; and
additional clarity regarding the PBIS Intervention
Program associated with Goal 2, and provide
additional evidence of its capacity to provide
instruction in the heritage Spanish and pueblo
language programs.

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

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

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

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

THE CHAIR: Pull it a little closer,
please.

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

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

MS. LOVELL: I happen to be Stacy Lovell,
and I am the head teacher of La Jicarita.

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

MS. SCHOENBAUM: Good morning,

Madam Chair. My name is Maisa, M-A-I-S-A,
Schoenbaum, S-C-H-O-E-N-B-A-U-M. And I am the
governing council president of La Jicarita Community
School.

THE CHAIR: Thank you.

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

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

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

We will be -- intend to use the Buck
Institution of Education, which is where
Project-Based Learning comes from, using their rubrics, which are extremely rigorous. I also have no problem adding outside coming in to evaluate us for Project-Based Learning. I can arrange for that and making any kind of changes.

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

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

So that's our intention there.

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

THE CHAIR: That's it? Okay.

Commissioners, do you have questions?
Commissioner Bergman?

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

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

Thank you.

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

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

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

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

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

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

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

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

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

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

And for one thing, how do you evaluate a school that did this for a while, and now, they're doing this for a while?
Well, it sounds like to me you didn't do this. You didn't do it -- the school did not do Expeditionary Learning. The school did not do the bilingual, which it said it was going to do. Those are material violations of the contract. Schools are closed for material violations of their contract.

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

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

It had a very ambitious education program. I questioned that in the small community, where your
ability to hire people to come in and do the things
you need done may be lessened.

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

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

So now you know my position.

Other comments from anyone?

Commissioner Armbruster?

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

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

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

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

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

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

THE CHAIR: Thank you.

Other comments?

Commissioner Peralta?

COMMISSIONER PERALTA: Madam Chair, I just
want to concur, the fact that I don't want us to get in or to start with the middle-of-the-game changeovers and pose problems in the future if we do something like that. I do believe that they need to continue with the -- their original contract commitment, and I think that's important to do.

Also the decreasing enrollment also concerns, as well.

Thank you.

THE CHAIR: Thank you. Other comments?

Commissioner Bergman?

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

THE CHAIR: Thank you.

Other comments? Questions concerning --

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I'm sitting here divided; because if one thing isn't working, then why do we want to make them stay with
something that isn't working? On the other hand, I also understand about changing horses in midstream. However, I mean, I went through public school. My kids went through public school. My kids have been in charter schools, my grandkids in charter schools and public schools.

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

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

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

THE CHAIR: Other comments?
COMMISSIONER GIPSON: Madam Chair?

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: Just briefly. I spent my life in education. So yes, we change how we implement certain things. We change how we are approaching. But these are material violations of the contract. And to me, it's -- material violations have been discovered, and, therefore, we're asking for this change so that we can say they were -- they were approved based on these programs. And we cannot -- my opinion is we cannot change the basis of the school. It's more than just changing a small reading program or how we're going to approach math. This is what the school said it was going to do, and now they're saying, "We're not going to do that. We've found something else."

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

THE CHAIR: Thank you.

Other comments?

Hearing no further comments, the Chair would entertain a motion. And I would remind you that there are possible motions on the summary sheet.
COMMISSIONER CARR: Madam Chair?

THE CHAIR: Commissioner Carr?

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

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

COMMISSIONER ARMBRUSTER: Second.

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

Is there further discussion?

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

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

COMMISSIONER PERALTA: Commissioner Toulouse?
COMMISSIONER TOULOUSE: No.

COMMISSIONER PERALTA: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner

Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner

Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that

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

THE CHAIR: By a vote of eight-to-one, the
motion to deny all amendments presented by La
Jicarita Community School will be denied.

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

Thank you for being here today.

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

THE CHAIR: Thank you very much.

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

Okay. We are in recess until 1:00.

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

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

First item are Schools of Concern.

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

MS. POULOS: Madam Chairwoman,
Commissioners, the first school identified -- before
we go into the first question on the Schools of
Concern, just a reminder that the other schools that we have had issues with or concerns about continue to have information presented in that table of ongoing monitoring. So I did want you to know that that information is still available and being made available to you, and if you ever have any questions about that, I'm happy to answer those.

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

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

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

Those included complaints about the failure to properly take attendance, as is required
by statute, failure to implement the educational
plan and material terms that are part of the
school's charter, failure to comply with students'
rights and responsibilities regulations,
specifically with regards to search and seizure,
failur to -- let's see -- meet certain State
certification requirements, employee policies, and
the School Personnel Act.

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

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

As a result of the school's refusal to
provide CSD any information to investigate the
noncompliance that was alleged in those complaints
that have continued to come to CSD, even after the
October 7th date, CSD has brought this school forward for the PEC's consideration of how to move forward.

THE CHAIR: Thank you, Katie.

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

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

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

MS. ROMERO: Pam Romero. I'm the governance council president at CEpi.

MR. HOTCHKISS: Christopher Hotchkiss, Chief Executive Officer of CEpi.

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

Madam Chair and members of the Commission, if -- if there have been a multitude of complaints that have been submitted, we've received two from Options for Parents, and those were the ones attached to Ms. Poulos' October 7th e-mail. Those may or may not be from the same person. We don't know, because the names have been blacked out.
And we did respond within a week to that, saying, "Thank you for sending those. Pursuant to the contract, we are investigating them."

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

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

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

Well, we really can't do that until after the investigation has been completed, at which time,
according to the contract, I will make a report to
Ms. Rubidoux as to what the results of the
investigation were. And then if there is a
further -- problems or issues, I guess we'll all
take it from there; right?

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

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

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

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

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

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

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

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

But, again, I wanted the PEC to understand
that we're not -- we're not ignoring these. We are
proceeding. We just needed more than two weeks to
investigate a series of -- of investigations in
which we've brought in a independent investigator,
so as to be as -- as neutral as possible in terms of
what's really going on.
THE CHAIR: Thank you. Do you want to address the Commission at this time?

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

THE CHAIR: Okay. Thank you for that.

Katie, before we move to questions from Commissioners, do you have anything to add?

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

THE CHAIR: Thank you very much.

Commissioners, do you have questions?

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I really don't think it's up to us to ask questions at this point without any investigation or response to us. We have the letters in front of us. And having spent 30 years in State government, I know what it's like to get one-directional complaints. And there's always two sides, and usually more than that, to a story.
We have only one; but I am concerned with some of these one-way allegations, and I think it's too bad we're not hearing the other side of the issue, because some of these can lead to further problems that we would have to get involved, all the way to reviewing -- you know, revoking a charter.

And I would hate to look at that.

MS. FOX: Commissioner Toulouse and members of the Commission, I agree. One of the -- one of the reasons that schools have these complaint procedures is so that people can follow them. And it's only fair to give the school, in the first instance, the opportunity to resolve the issues at the lowest possible level without taking it up and -- you know, to the Supreme Court, et cetera, et cetera.

And so I think that's what everybody wants to do and be able to do. And I would imagine that over 90 percent of complaints can be handled effectively at that level.

So, you know, if there's -- if there are residual issues that the PEC and the CSD feel like they need to get involved with the school, the school is willing to sit down. And, again, under the contract, there's provisions for an improvement.
plan, a corrective action plan. Under the Personnel Act, there are personnel actions that can be taken. There are sanctions.

We need to sort out what is truly happening, versus what people perceive is happening. And the governing council needs to figure it out and have the opportunity to address it.

THE CHAIR: I think from the perspective of a parent, if I had made one of these complaints, I would think, "When is this ever going to be resolved?"

The earliest document I see in here is dated August. Perhaps I'm not seeing everything; but that's just the earliest I see with the complaint. It's now November, and there's still no resolution. I understand you will have a report next week, I believe you said?

MS. FOX: Madam Chair, if there's an August -- a document dated August, we didn't receive a document dated August. The ones that we received from Ms. Poulos seem to be dated in October. And we --

THE CHAIR: I'm looking at August 27th, 2015.

COMMISSIONER GIPSON: There's a letter to
Paul Aguilar.

MS. FOX: Okay. Well, that was to Mr. Aguilar -- if that was -- I don't have a date on here. Ours was redacted; so I -- I may or may not have the same one that you're looking at.

THE CHAIR: Is your date --

COMMISSIONER GIPSON: Does it start with, "We are writing..."? That's the easiest thing.

Look at the first sentence.

MS. FOX: The date has been blacked out on there.

We received this from CSD on October 7th. So if it was submitted in August, we received it October 7th.

THE CHAIR: I feel, as a parent, if I had a child at that school, and my child were having problems, real or perceived, I would be saying, "What are you doing, you know, school? Do something. CSD, do something."

I think perhaps the process is dragging on. That may be just inherent in the type of process it is; but I know, as a parent, I would like to have some resolution sooner.

MS. FOX: Madam Chair, we did not receive the complaint from -- I don't know which letter
you're referring to, because I don't have it here, what you have, apparently. But we did not receive a complaint from a parent in August, that I'm aware of. There have been some that have come in about the same time as we received this information from Ms. Poulos. And so that is what we are doing. Basically, a global investigation of -- of numerous complaints.

THE CHAIR: Okay.

MS. FOX: So that is proceeding.

THE CHAIR: And I think that kind of bothers me, too. Numerous complaints.

MS. FOX: There have been -- every school, I think if you were to have -- get -- need to be reported on every complaint that came in to a school -- some of them are small; some of them are big. I don't think you'd want to know or necessarily concern yourself with the small ones. It's the big ones that I think you guys really want to have a -- some sort of a reporting on.

But my -- I postulate that if -- if every little complaint had to come through you, you would be very surprised at the number of complaints that --

THE CHAIR: I understand.
MS. FOX: -- come in.

THE CHAIR: I was surprised at the number.

MS. FOX: A lot of schools have these processes. They have a grievance process. They have sexual harassment and harassment and bullying and those types of things they are specifically to deal with this. There is a process. And then each process says, "If you're not happy with that, you can take it up to another level," which I guess would be CSD or another level.

There's also the Fraud against Taxpayers Act. There's whistleblower laws. There's all these other things.

MS. POULOS: Madam Chairwoman, to address the questions about the date, do you see the letter from -- from -- that was addressed to Mr. Aguilar in August? That is one of the items that was forwarded to the school. Of course, it went to Mr. Aguilar. The time it takes to get to me and the time for me to --

THE CHAIR: Everything takes time.

MS. POULOS: -- to address that -- the redactions were to protect the identity of the student and the families that were complaining. I think the date was right -- is, in fact, right in
with their address, and that's what happened.

As a matter of course in what happened, when this was received, because it didn't clearly allege any statutory or contractual violations, I had a communication with the family and communicated several times with, I think, more than one family, and, in those cases, asked the question, "Have you spoken with the school? Have you spoken with the governing body? Have you gone through that process? If you have, and you feel that you have concerns about a violation of law or contract that has not been addressed, and you've addressed it with the school, you can submit a written complaint to CSD containing those."

And so, again, didn't get forwarded to the school until there was a real allegation. And so that was when the -- based on those conversations, the families submitted additional communications containing more specific information that allowed CSD to identify whether there were issues of statutory or contractual noncompliance. And then that information was forwarded to the school at that point.

I will tell you that, as of August, when we received kind of the general grievance that would
be appropriate for the school, I was not aware of
8.11A. I am. And that's why at that moment, I did
not immediately forward that general grievance-type
complaint to the school. When I became aware of
that -- and, again, I think it's great for us to
have a policy that everybody knows about, and then
it can control how CSD interacts with the
information it receives -- I -- you know, the school
did start receiving those.

There are additional ones, because based
on the response from the school, CSD just started
collecting materials for the Commissioners, rather
than -- than moving forward; because CSD did need
additional guidance from the Commissioners, based on
the school's response.

THE CHAIR: Thank you for that
clarification.

MS. FOX: Madam Chair and members of the
Commission, if there are additional ones that the
CSD has received, I think, under our contract, those
do need to be forwarded to us so that we can --
while we have this investigator going, we can get
him on any others that have come up.

I don't want -- I want to, obviously, get
this all taken -- all of these taken care of as
expeditiously as possible.

THE CHAIR: And you said an EEO --

MS. FOX: Equal Opportunity Employer,
EEO -- Opportunity Commission.

THE CHAIR: Employment?

MS. FOX: Yeah.

THE CHAIR: So I'm assuming from that, that the complaint you're investigating -- complaints you're investigating -- have to do with employment issues.

MS. FOX: We're investigating the
complaint that was given to us by the CSD, which, if you look at it broadly, has to do with a complaint about -- frankly, about the new head administrator and how -- and how he is running the school. And that comes down to ultimately, there are harassment complaints. There are issues in there, in this letter, that are appropriate for someone with this guy's level of background and expertise to take a look at.

THE CHAIR: And this investigation is supposed to be completed and a report to you next week.

MS. FOX: It is on the governing council's -- governing board's agenda for next week.
There are some more complaints that have subsequently come in that he is also investigating. We are sort of doing them one at a time, and we will report on those, as well, as those investigations are completed.

THE CHAIR: And then you will see that our counsel receives those?

MS. FOX: Yes, yes. We'll follow 8.11, just like we're asking you to do. So, again, if there are other complaints that the CSD has received, then 8.11 comes into play. Once we get them, we'll investigate them, and then we'll report to Ms. Rubidoux. Whatever she does from there, I guess, is whatever you guys do.

MS. POULOS: Commissioners -- Madam Chairwoman, Commissioners, I do want to say that the CSD's requests did not relate to a general employment complaint, but, rather, specific allegations of contractual or statutory or regulatory noncompliance.

MS. FOX: All of these are being addressed by the EEO -- by the investigator. I don't mean to say the "EEO." That's just his background. He's an investigator who investigates this. And he will report out on -- on these items.
THE CHAIR: Okay. Thank you.

Commissioner Carr?

COMMISSIONER CARR: You know, what I see here is very disturbing to me. You know, as a former local union president, I dealt with issues like this all the time. And so did my fellow Commissioner here, as well, and Commissioner Gipson.

COMMISSIONER GIPSON: Uh-huh.

COMMISSIONER CARR: One of the issues with charter schools, you know, nationwide is that the employees at charter schools are not being offered their due process and their protections. They're a small school, can be easily bullied. And I'm concerned that these employees are not fully aware of their rights, or they're possibly being bullied to the point of, you know, they're afraid that they're going to lose their jobs.

In a bigger school district, I can take people to task, and have, and we won. We've gotten rid of principals. We've gotten rid of administrators, and we've fixed the situation.

I'm concerned that these possible violations, or alleged violations -- these are major material violations that need to be investigated, not just by the person you're talking about -- and
this goes beyond an internal investigation. This is possible violations of State and federal law. And I'm very concerned.

And I think the other charter schools in this state are concerned about how they look, because every time something like this comes up, people say, "Oh, look at that school. Do you see what they do? Do you see what those charter schools do?" You know.

And there's some really good charter schools out there. I work at one of them.

And it's -- they don't -- you know, we -- and it's our job to oversee this, you know? I'm very concerned, and I -- I want you, yeah, to have an internal investigation; but I think the Charter Division needs to be doing its part. And if there's any evidence to show that some of these allegations are true, then, you know, I'll be the first to recommend the school be closed.

And I -- you know, I just -- I just want everybody to know, this is serious, serious business. And -- and our children are involved. If half of this is true, I -- you know -- I hope it's not. I hope none of it is true -- I don't want this person anywhere near any of my children, you know?
So let's -- let's make sure this is fully investigated.

Katie, I support whatever efforts you are making. If you feel like you need more help, please -- please ask the people you need to ask. And you know who you need to ask.

But I guess that's enough. I'm done.

THE CHAIR: Jeff, have you have read the Executive Summary, front and back?

COMMISSIONER CARR: Show me where -- well, I read everything. But I'm trying to think. What are you specifically referring to?

THE CHAIR: Pass that down, so he can read that.

COMMISSIONER CARR: Oh, thank you.

THE CHAIR: So -- okay. Anyone else have a comment? A question?

COMMISSIONER GIPSON: Well, I guess I have a question as to what you referred Jeff to.

THE CHAIR: I asked that he read the Executive Summary front and back with the information and the proposed motion.

COMMISSIONER GIPSON: Oh, I don't think I --

THE CHAIR: I know there's a lot of pieces
of paper.

While those of us are looking for that Executive Summary, I would ask if there are other questions, concerns, or comments.

COMMISSIONER GIPSON: I have a concern. And it's really the same as Commissioner Carr's. I was flabbergasted when I -- when I read through this material. As the grievance person for my school district for years, I'm concerned about the timeliness of all of this, that it never took -- when you're looking at some of these allegations -- and I fully understand that there's two sides to every story, so I don't like to jump and be accusatory.

But the allegations that are here are so serious, I'm concerned about the amount of time and the climate that potentially exists in that school with staff that are working under these conditions. It's a serious concern.

MS. FOX: Madam Chair and members of the Commission, the GC is similarly concerned, obviously. But, again, there have -- these complaints allege a lot of things. It's taken some time to get -- and, again, not a lot of time. We received this October 7th. It is -- you know --
it's November -- whatever it is; so -- but there's a lot.

And in order to give everybody due process, not just the people who have -- are making the complaints, who we don't even have names, but also the people who are being accused, you know, it's going to -- in order to have some faith that whatever action that's going to be taken by the governing council has -- has the weight of fact and law behind it, we have to take some amount of time to do it correctly. And that's what we're trying to do.

Again, we have indicated in our letter, we welcome Ms. Poulos and her staff onto campus at any time that she wants to come in and attend and speak to. But the way that her request was drafted, she asked us to respond to all these complaints with documentation before we could reasonably finish our investigation. We're just asking for us to be able to finish our investigation.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, again, as I said earlier, I've been on both sides of stuff and dealt with it; so I'd like the other side. But I also look -- and I see, again, there are two
kinds of allegations. One is personnel and student-related. And the other, though, is a change to the school charter and how things are done that were agreed to in the charter. And I am concerned that that part, too -- it seems to be -- seems to have happened, or be happening, without any governance council approval; or, if they've approved, do they understand that they can't make those changes without bringing them to us?

So those are two separate things. I think we have to wait on the personnel stuff. I would hate to be in Mr. Hotchkiss' position to have to sit here and have all of us sitting here looking at him. I'm glad he's sitting here.

But there are really some serious things in here. But I have your assurance now. I know you've assured me it's being investigated. Just that we need -- students -- clearly, because we have stuff from several different people here, a lot of it sounds like the same stuff.

And I know Los Lunas. I ran the welfare office years ago down there in Belen that handled all of that area and grew up in the southern part of Albuquerque, where I still have connection and friends. So I know it's a smaller community, and
people are probably talking to each other, and word is getting around. So I don't know how much of this is secondhand, third-hand, fourth-hand complaint.

But I do know the ones that specifically relate to a child -- somebody is saying "my child" or whatever, those concern me, because that's a direct knowledge. But I -- and I have your assurance -- these are just comments -- that you will get back to us. I have a continuing concern anytime you see these kind of problems coming up they have to be addressed.

MS. POULOS: Madam Chair, I know some of the complainants are here in the audience and may wish to address you, if you would like to hear their comments.

MS. FOX: I would just request that if they have to do with personnel matters, that those not be made in open session.

THE CHAIR: I --

COMMISSIONER BERGMAN: We would be very careful there.

THE CHAIR: We have to be very careful there. We certainly don't want to violate anyone's right to privacy or get into personnel issues at all.
I think what I'm hearing -- and let me see if what I'm hearing is what you're hearing -- that there are a variety of issues out there, some of which have to do with their charter. I think we'd be negligent in our duty, as the authorizer, not to ask for an investigation by our staff and the agencies that they have at their disposal, to investigate these allegations, to clarify, to say they didn't happen, to say they did happen.

Perhaps the investigator the school has employed will look into all issues; perhaps they will not. Perhaps the issues that have to do with the contract and the charter are beyond their purview.

We need to know that the issues that have to do with the areas of our responsibility have been thoroughly investigated. So I think it's incumbent upon us, at this point, to ask CSD and related departments in PED that are necessary to call in to look into these issues and to investigate for us and to bring us a detailed report.

I think that's our duty. Do you hear it that way, Commissioner Carr?

COMMISSIONER CARR: Madam Chair, I'm ready to make this motion.
THE CHAIR: Please do.

COMMISSIONER CARR: If it pleases the Commission at this time, I move to direct the Charter School Division to conduct an investigation into statutory and contractual violations that may be occurring at CEPi, which have been brought to the attention of the PEC, PED, and CSD, through complaints submitted by parents and students at CEPi.

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

Do we have a second?

COMMISSIONER CHAVEZ: Second.

THE CHAIR: Commissioner Chavez?

Motion by Commissioner Carr, second by Commissioner Chavez.

Do we have further discussion?

COMMISSIONER ARMBRUSTER: I just want to say one thing.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I actually tried earlier. I, as Commissioner Gipson and Commissioner Carr, was also a union president in my former life. And there are many positives to having union contracts, because it -- it specifies terms
and conditions of employment for which the administration has rights to ask for, as well as what they do.

I know this is not a big movement among charter schools; but it actually eliminates a number of problems getting to this point. And it makes me sad that it had to get to this point, because there would have been ways to settle it without going this far.

Having said that, I will -- I'm fine with calling the question.

THE CHAIR: Thank you very much.
Are there further comments or questions?
Hearing none, Mr. Secretary, may we have a roll-call vote?

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner
Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

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

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

MR. HOTCHKISS: Thank you, Madam Commissioner.

MS. FOX: I'm going to stay here, because I'm here for the next one, as well.

THE CHAIR: Next item on the agenda is Anthony Charter School.
Katie, would you like to start off, please?

MS. POULOS: Madam Chairwoman,

Commissioners, as you know, at the December 10, 2014, PEC meeting, the Commission voted not to renew the charter of Anthony Charter School.

On May 8th, 2015, Judge Mathew granted a stay to Anthony Charter School pending an appeal of that nonrenewal.

The PED Office of General Counsel has indicated that it has been in negotiations with a settlement with the school. My understanding from the Office of General Counsel was that their negotiations included extending the contract terms an additional three years, and, additionally, a performance framework for 2015-'16 that appears to have been created on the old performance framework template rather than the updated one.

At the September PEC meeting, the PEC voted to engage in a negotiation process with the school for a 2015-'16 framework. After the vote, the school's attorney contacted CSD and stated that the settlement agreement that had been in discussions included that performance framework, as I just referenced, and that the negotiations would
not be appropriate.

No meeting has been arranged for those negotiations to establish a framework. And so at this point, the Commissioners have asked this item to be back on the agenda, and, I think, at this point may want to decide how they would like to move forward to ensure an appropriate framework and potentially make a motion with regards to that.

THE CHAIR: Thank you.

MS. FOX: So Madam Chair and members of the Commission, this is really Patti's baby. I'm pinch hitting today for her. But she really doesn't have too much more to report, other than that the performance framework and the contract were submitted to PED General Counsel pursuant to the settlement negotiation, settlement agreement, in June. And she has been diligently trying to get some response, feedback, anything, from PED, and has not been able to do so.

Once that is received, you know, things can proceed and move forward. If it was on a different form other than the new form that the PEC may have -- may have adopted since June, maybe that can be addressed. But we work with whatever the form was when it was submitted.
So, really, that's -- it's at the PED General Counsel's office. We would love information as much as you.

THE CHAIR: So just to be clear in my mind, there is no settlement.

MS. FOX: There --

THE CHAIR: There's been work on one; but there isn't one.

MS. FOX: There -- as far as I understand, there has been a -- a tacit settlement reached. It's just the devil is in the details in getting that performance framework.

THE CHAIR: And in the meantime, we have a school that is under no performance frameworks at all.

MS. FOX: It's my understanding that the school is proceeding under its -- the performance frameworks it has submitted to -- to the PED, just as if those had been approved, because they recognize that they need to know that stuff, too.

THE CHAIR: And those are one-year documents, according to the Charter School Act, as amended. They're annual performance indicators. Am I correct?

MS. FOX: I believe, just like you do with
the others, yes.

THE CHAIR: So in my mind, they're --
they're old; they've run their course; they need to
be renegotiated.

MS. FOX: No, they were submitted in June
for this school year. So they're still under -- for
this school year; right? There's --

COMMISSIONER GIPSON: Not to us. We
haven't seen anything.

MS. FOX: Well, right. And I -- I don't
know what to tell you on that. I mean, we've done
what we need to do in terms of getting them to PED.

THE CHAIR: And my personal thought is, we
have a school out there that is operating with no --
with no frameworks, with no evaluation instruments
that we can use, with no oversight, period. And I
think it's time this Commission said, "Anthony
Charter School, we're ready to sit down with you to
negotiate -- renegotiate your frameworks for this
current school year."

We will offer a date, or two, ask Anthony
to pick one, and we'll sit down and negotiate. If
they refuse to do that, then we're in a different
legal situation that we've never been in before.

But I think this Commission is hanging out
to dry with a school that's operating without any kind of oversight. That's my personal view. I'm very concerned that the school is just out there.

COMMISSIONER GIPSON: Can I ask? Were these performance frameworks approved by the governance council? If they were submitted -- because we never voted on any. Did the governance council of Anthony Charter School -- did they vote to adopt, just as we always accept the minutes from any governance council, as part of the official record?

MS. FOX: I don't know the answer to that question. But it would seem to me, based on what you -- we do in other situations, that there would have had to have been some finality of those. And then they take them back to the governance council for -- for -- for adoption. They may have done that, Commissioner Gipson. I frankly just don't know today. I'm sorry.

COMMISSIONER GIPSON: So with the -- with the Chair, I think we just need to set the dates and proceed. And whatever comes up, we'll deal with it as it comes up.

COMMISSIONER CARR: And Madam Chair?

THE CHAIR: Commissioner Carr?
COMMISSIONER CARR: Yeah, I -- go ahead and set the dates. Right now, we're not the ones responsible. The Court is, at the present time. And we're in unchartered waters, no pun intended. And the -- anyway, yeah, set the date. But just keep in mind, for the record -- you know, I mean, really, the -- the Judge -- until an agreement is made between Anthony and the PED, then the Judge is responsible for whatever happens.

And then once that's made, then -- then they fall into -- in a category where they're like any other school. They're under our supervision. And if they're not up to par where they should be, we can vote to close them again, if we want, you know, and then they can go back to court again.

But I just wanted to -- I think just to clarify it, that's where we are right now. And I'm all for setting a date, like you said.

THE CHAIR: Commissioner?

COMMISSIONER BERGMAN: Yeah, I also agree that we need to set a date to try and exert our position, to protect our position. But as is noted, we were not part of this lawsuit. The lawsuit was between PED and the charter school.

COMMISSIONER CARR: Right.
COMMISSIONER BERGMAN: We did our part. There has been no recent negotiation with this school, because we denied their application; so there was no contract or framework to negotiate. We denied it and were going to close the school.

So whatever contract and performance framework existed goes back to -- they were probably near the front of when we got started doing that. So it's a two- or three-year-old document.

And I just -- and I'm speaking personally now -- under the Charter School Act, the PED General Counsel has no statutory authority to negotiate a performance framework with anybody. That's the -- that's the business of the Public Education -- but the Judge ordered him to, probably. I have not seen any paperwork on it. I have no idea.

But, yeah, we're in limbo here. We're in a really bad place here right now. And so, yes, I guess we should -- let's set a date. And we know that counsel is probably going to come back again and say, "PED's got this. You guys aren't involved in this." And then we're done again, yeah.

MS. FOX: We're trying. We're trying.

COMMISSIONER BERGMAN: Let's assert ourselves.
THE CHAIR: I'm just at sea on the whole thing. I agree with Commissioner Bergman, it's PEC's job to negotiate frameworks and issue contracts. I don't know that the Judge did that. It's my understanding the Judge just said, "Continue operating until otherwise" --

MS. POULOS: Madam Chair, my understanding is that, you know, as happens in lawsuits, the Judge said, "See if you can settle"; right? And so not, "Go and settle and do these things"; but, "See if you can settle." And I think that's -- that -- the clarity, I think, might be missing on what that was supposed to be.

THE CHAIR: But did the Judge ever say, "Continue under your current contract and performance frameworks until otherwise notified"?

I never heard anything that specific. So without that specificity, we've got to do our job. So let me -- let me suggest a date for that.

On Wednesday, December the 2nd, is one of -- one of CSD's applicant outreach sessions. That's December the 2nd in Albuquerque, from 5:30 to 8:30 in the evening.

Could we do this? Could we ask the Anthony Charter School folks to come to Albuquerque
and meet us, say, 1:00 in the afternoon on either
the 2nd or sometime on the 3rd? I'd be willing to
stay over to the next day to accommodate their
schedule, if that would work.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Two comments
here. One is if we're doing it on December 2, are
you foreseeing that it's going to take four hours,
or three-and-a-half hours or something, to do it?
Because I'd rather have it a little later in the
afternoon, so it's not in the middle of the day,
unless we have other things planned.

THE CHAIR: The only thing is this 5:30 --

COMMISSIONER ARMBRUSTER: Right. And I
was thinking, you know, if we did it at 3:00, even,
would that give us time? I don't know how long that
would take. And you would know more than I would
know. That's why I'm asking you.

THE CHAIR: We're in uncharted
territory.

COMMISSIONER ARMBRUSTER: So my second
comment, which is what I was going to say before you
made that one, looking at the other side, Sue, is I
could be concerned about Anthony, who may be doing
fabulous things, but we have no measure of that.
Somehow, they're going to come up for renewal, and they have nothing for us to base their renewal on.

So I'm seeing that they, themselves, are in a place where they're -- I was not going to say anything; but this is just where I'm coming from -- is just that they have nothing to show that they're doing anything. And they're in renewal, even if it's two years and the Judge has said whatever he says.

But still, they would want to be renewed, I would assume, since they fought this hard to stay. And what would they base that on? And that would be my concern.

MS. FOX: Yeah. We're moving everything we can to move this along. It's just a -- short of sitting in the office of PED General Counsel, I don't know what else to do. We want to work with you. We want to work with PED. We want to get this all put to bed as quickly as possible.

So maybe having a date would help push PED along and give us a little help in --

THE CHAIR: Even if it doesn't, as Commissioner Armbruster said, this is what we need to do our oversight as authorizers; it's what the school needs to begin their documentation for
renewal. Because they've only got -- the Judge only added two more years to their contract, as I understand. Or was it -- we gave them a two-year or a three-year contract?

MS. FOX: You initially gave them a two-year contract, and the Judge has said, "We'll pretend as if you had, originally, a five-year."

THE CHAIR: Make it three.

COMMISSIONER TOULOUSE: Half of one of those is already gone.

THE CHAIR: So they need to begin the process, too.

Like I said, I'm suggesting either December the 2nd or December the 3rd as possible dates.

COMMISSIONER GIPSON: Madam Chair, I would say, in fairness to the Anthony people, knowing how far they have to drive, if we hold it later in the afternoon, it becomes more difficult for them to get back the same day, that I'm looking at -- they -- in all likelihood. So I don't care 2nd or 3rd. But I think in fairness to them, if it could be later morning, very early afternoon, they would have a fair chance to get home at a reasonable hour.

THE CHAIR: How about the 2nd at 1:00 or
noon or 11:00?

COMMISSIONER BERGMAN: Madam Chair, since I have probably the most experience with these negotiations -- I've been on all of them -- I think based on Commissioner Ambruster's point, we may discover that it's going to be a lengthy negotiation. Sometimes -- the ones that we've already had a framework is not quite as lengthy.

If we're going to do it on the 2nd, I would suggest it be at 9:00. That way, they come up the night before and go back in the afternoon.

COMMISSIONER GIPSON: In fairness to the Anthony people, 9:00 in the morning is a tough ride up.

COMMISSIONER BERGMAN: I'm anticipating they would do what I do, is come up the night before.

COMMISSIONER GIPSON: A lot of those schools don't have a budget for that.

MS. FOX: The day before is a school day.

COMMISSIONER BERGMAN: Well, 1:00 then.

COMMISSIONER GIPSON: I think 11:00.

THE CHAIR: I'll give you an opportunity to choose. Let's say 1:00 on the 2nd or 10:00 on the 3rd. Your guess is as good as mine. What do
you think sounds reasonable?

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Yes.

COMMISSIONER TOULOUSE: I think it's a good idea to give them either of those choices. But I don't see it being that long, because we can't do the whole contract. We can only do the performance indicators. And, yeah, that's a big --

THE CHAIR: Well, I think we need to allow a lot of time.

COMMISSIONER TOULOUSE: I'm saying we have all those other pieces we're not going to do, just the performance piece. And I would hope that we would do that, as all of us are in this together, and we don't know what's happening, anyway. It's a friendly negotiation. We're all in there to see what we can do to help the school get back on its feet, because we have no idea how they're doing now. But we know they weren't doing well last year.

And so it would be a way for us to do it in a friendly way and give them the choice of either the afternoon on the 2nd or the morning -- late morning on the 3rd; because I do agree, we have to have that performance contract. And we're the only people who can do that, you know.
And if the Judge is going to basically approve whatever we've all agreed on, you know, PED isn't -- can't do it, because they can't authorize it. We do.

So -- and since none of us have seen any documents -- I'm hoping your office, at least, has something preliminary from the Judge, which we haven't seen anything. In fact, we haven't even, as a group, or even individually, talked to PED's attorney, because it was a suit against the Secretary and was not handled.

So we really have been put in a bind. And I wonder about all of our legal situation, what the Judge's legal grounds are, what the school's legal grounds are, what the PED's are, and ours, because of all the various laws that are here and all of that, that I think it's up to all of us to see if we can do the best we can to get everybody out of this mess, because I think we're the only ones that can really do it.

THE CHAIR: I think so.

Katie, does your office have any reason that you couldn't do it either on the 2nd or 3rd? We need to check with Julia Barnes to make sure she would be available, as well.
I'm saying 1:00 on Wednesday, the 2nd, or what time on Thursday, the 3rd?

COMMISSIONER ARMBRUSTER: Commissioner Gipson was indicating -- Commissioner Gipson, would you be -- if you were only coming to this, would you be here by 10:30? Because that's a long drive.

COMMISSIONER GIPSON: I've made it at 8:00. Border crossing always asks me, "Are you driving a load at this hour?"

So I'm not opposed to it. But I think, in fairness, if you really want a quality meeting, to ask somebody to come up at 4:00 in the morning and be able to think straight is -- I would think 10:00 or 11:00 is a fair and reasonable time.

COMMISSIONER ARMBRUSTER: So you said 10:30, so they can negotiate the time.

THE CHAIR: So if we're in agreement on that, would someone make that as a motion, that we ask CSD to facilitate this with Anthony and set this up, either on December the 2nd at 1:00, or December the 3rd at 10:00 or 11:00 in the morning?

COMMISSIONER BERGMAN: Madam Chair, CSD should facilitate it, working closely with Julia Barnes, who will do the documents.

THE CHAIR: Make sure we have our
facilitator there.

Okay. Anybody ready to make that motion?

COMMISSIONER ARMBRUSTER: So it's not this one. So we have to change it. It's not the one that we have here.

THE CHAIR: No, we changed it a little bit, yeah. Well, let me make the motion.

We're going to ask CSD to work with Anthony Charter School to present them with two options for renegotiating their performance frameworks with the PEC; either Wednesday, the 2nd, at 1:00 in the afternoon, or Thursday, December 3rd, at either 10:00 or 11:00 in the morning. We strongly ask Anthony to meet with us for these renegotiations.

COMMISSIONER TOULOUSE: Do you want to include Julia in your motion?

THE CHAIR: I'm sorry?

COMMISSIONER TOULOUSE: Do you want to include Julia in your motion?

THE CHAIR: I don't think we need to.

Let's just make sure we --

COMMISSIONER TOULOUSE: And I will second your motion.

MS. POULOS: I just e-mailed her to check
on these dates.

    THE CHAIR: If we hear that Julia is
absolutely unavailable either of those days, we'll
have to rethink this, okay?

    You've heard the motion. Commissioner
Toulouse has seconded.

    Is there further discussion?

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

    COMMISSIONER PERALTA: Commissioner
Peralta will vote "Yes."

    Commissioner Conyers?

    COMMISSIONER CONYERS: Yes.

    COMMISSIONER PERALTA: Commissioner
Armbruster?

    COMMISSIONER ARMBRUSTER: Yes.

    COMMISSIONER PERALTA: Commissioner
Toulouse?

    COMMISSIONER TOULOUSE: Yes.

    COMMISSIONER PERALTA: Commissioner Carr?

    COMMISSIONER CARR: Yes.

    COMMISSIONER PERALTA: Commission Chavez?

    COMMISSIONER CHAVEZ: Yes.

    COMMISSIONER PERALTA: Commissioner
Bergman?
COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that's nine to zero in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously. Kelly and Greta, with the Coalition, can we renegotiate --

MS. ROSKOM: Yes.

THE CHAIR: Let us move on now, please.

Next on the agenda is Item C, Notice of Charters Looking for a New Facility.

Katie?

MS. POULOS: Madam Chair, Commissioners, CSD was notified that Technology Leadership High School is looking for a new facility; although, upon further investigation, it appears that's a very long-term plan.

COMMISSIONER TOULOUSE: They just moved.

MS. POULOS: They just started. But they did indicate that long-term, they are looking to build their own facility.

That's it.

THE CHAIR: Is that it?
MS. POULOS: Uh-huh.

THE CHAIR: Okay. Good. Thank you very much.

Let's move on now to Item No. 9, which is Report from the Chair.

And I'll ask Commissioner Bergman to bring us up to date on the proposed calendar for 2016.

COMMISSIONER BERGMAN: Thank you, Madam Chair. Beverly, I'm going to change some of the dates; so you'll need to make some notes as we go along through this, based on what we -- what was discussed yesterday.

For the benefit of those that weren't here yesterday, if you've looked at the calendar, you will note there's been a couple of major changes to the calendar, based on what we've done over the last seven years.

The Legislature passed some amendments to the Charter School Act, and in one of those amendments, they've moved the application deadline from July the 1st to June the 1st; they moved it up one month. Along with that, there has always been a provision in the Charter School Act that said that the PEC must approve or deny new applications by September 1st of each year.
Now, that did not fit our time line under the old July 1st date. So each year, CSD had to go to every new applicant and get them to waive that statutory requirement. That may have worked for them and things like that.

So then we had to consider, well, should we just move everything up a month? And that kind of made sense, because they didn't change that September 1st date. It is still there.

So you will note that the public hearing tour, which has always been in the third week in August, will now be in the third week in July, which is a bonus for those that have been working in the past at schools and could not attend. So now, those folks, if they wish, will be able to go on the tour.

Along with that, we also then had the decision meeting always on the last Thursday and Friday in September, because that's what fit the time line, to make sure we were all well informed on the decisions we were making.

So moving everything up a month, that put our decision meeting normally on the last Thursday and Friday in August, which would have been the 24th and 25th next August.

Unfortunately, Katie has a -- already a
calendar commitment for those dates that she cannot change, cannot move them, cannot do anything with them. So she, of course, wants to be there, as the recommender.

So for next summer, I -- for a one-time deal -- we try not to do these in the middle of the week. But because of where September the 1st falls, our decision meeting that I would propose next summer would be on August the -- August the 31st and September the 1st. That's a Wednesday and a Thursday. That's what we've got to do to fit the time line, unfortunately.

And then Katie assures me this is a one-time thing for next year. So hopefully, in subsequent years, we would go back to where we were.

Now, let's go through the monthly meetings. The first one -- I proposed -- and on all of these, I sent two days each time to Beverly because I anticipated -- we saw, this morning and yesterday, we're going to need a number of work sessions in the coming year. We have some standing issues that we need to probably talk about.

So the first meeting in 2016 will be on January the 14th and the 15th. And I originally suggested that that be in Santa Fe, because we have,
I think almost with maybe one exception, have had our first meeting each year in Santa Fe.

However, that -- as Commissioner Toulouse pointed out yesterday, that has always been problematic, because even though the Legislature is not quite in session yet, the legislators are here, the staffs are here, the lobbyists are here, the hotels are packed. Parking is even more nonexistent than it is most of the rest of the time.

And I've gotten into Commissioner Armbruster's area now.

And she suggested we move to Albuquerque. And I believe actually, that's a good suggestion. So I'm going to suggest that our January 14th and 15th meeting be in Albuquerque.

Now, we have, almost always during the Legislature, gone to Albuquerque, here, again, for the aforementioned reason. It's just literally impossible for us to meet here during Legislature.

So I'm proposing we meet on September -- I mean -- February.

COMMISSIONER GIPSON: 11th and the 12th.

COMMISSIONER BERGMAN: I'm thinking we're going to need a work session, then. Actually, I'm not sure we're going to get this application deal
done in one work session, if you want to know the
thru. So, remember, we put it on the calendar; if
we don't need it, we can always take it off.

So let's consider the 11th and 12th on
your calendars right now.

Now, in March, there's a little conflict
here, because in one area, Beverly, you said that
the Spring Budget Workshop starts on 3/28. But I
noticed here on the "Important Dates" on our agenda
here today, you indicate that the Spring Budget
Workshop starts on March 30th; and that is a
Wednesday. So I assume March 30 is the correct day.

MS. FRIEDMAN: March 30-April 1st.

COMMISSIONER BERGMAN: You might want to
put that on your calendar. We have traditionally
used the Tuesday -- sometimes, anyway -- before the
Spring Budget Workshop in order to cut down on
trips. I was thinking about suggesting we have a
meeting then; but that's right at the end of the
month.

I had originally proposed that we have a
meeting on March the 11th. And I cannot remember
what I propos- -- that one would be in Santa Fe.

I think, because of where the Spring
Budget Workshop is, I think we probably should --
with all the work we have to do, that we should
consider to go ahead and have a meeting -- if we
want to go ahead and schedule the 10th and 11th
now. Like I say, we can always go ahead if we don't
need it.

COMMISSIONER ARMBRUSTER: Where is the
Budget Workshop? Where is it located?

COMMISSIONER BERGMAN: Albuquerque. At
the Hotel Albuquerque; it always has been since I've
been going to it.

COMMISSIONER ARMBRUSTER: Thank you. I
don't know where I was.

COMMISSIONER BERGMAN: In April, I had
originally scheduled a meeting for April 8th. But
obviously, that's the next week after the Spring
Budget Workshop; that is not feasible.

So we discussed yesterday just not having
a meeting in April, or moving it back a little bit.
And I think our consensus yesterday -- we were
reluctant to not schedule a meeting in April because
of all the workload. I would suggest, actually,
instead of April the 8th, that we consider April the
15th in April. And I actually scheduled that one in
Albuquerque, also.

THE CHAIR: Why is that?
COMMISSIONER BERGMAN: Just because I'm tired of the parking problem here in this town and hotels and everything else. Beverly asked me that very same question.

The Commission can do what they want. If they want to meet up here where there's no parking and outrageous prices in the hotels and lack of rooms in them. I'm down -- you can tell I'm down on them right now. They gave me a ticket here a couple of months ago, and I'm still not happy about that.

COMMISSIONER TOULOUSE: Commissioner Bergman, may I interrupt? I think -- I was told by the folks at the ACE Leadership High School, who have moved into a beautiful new facility, that we could always arrange to use their facility for stuff. We might want to look at the April meeting or something like that. It's a nice facility, and they offered it, and we could use the space.

I'm looking at Beverly as I'm suggesting that.

COMMISSIONER BERGMAN: I'm glad you said that. I will also state that Commissioner Toulouse said Former Rep Miera has indicated we would have -- he is quite sure he can arrange for us to have a meeting at the Indian Cultural Center. He says they
have a very large room, a very nice room. So she's
going to be looking -- that would give us an
opportunity to have a meeting at the Indian Cultural
Center. We'll decide when and where.

I actually talked to Mark today, and APS
has not -- they have not indicated they will not
host us. That was news to him. And so he's going
to look into that. I thought that was a convenient
place and a nice room when we met up there. And
now, what Commissioner Toulouse just said, there's
another location.

So I think we have several locations in
Albuquerque that we could investigate as we go
forward.

Anyway, back to the calendar.

Now, April 15th, of course, is the dreaded
Tax Day. But I think we'll survive that. In fact,
I think we met on that day last year, because I
remember mailing my tax forms here in Santa Fe while
I was here.

And then moving onto May, I scheduled a
meeting of -- for May the 13th. And that's in
Santa Fe.

June the 17th. And here, again, that's in
Albuquerque. And there's a reason for that. The
summer here -- as you all know what the summers are like here.

July, we're going to be on tour and won't have a meeting, and I'm going to suggest we meet here. And then for the decision meeting, we'll be here in August. I'm suggesting, for June at least, here again, we meet in Albuquerque. It's actually closer for some people, like Commissioner Gipson, a little further for some of the others.

After that, we'll be meeting in Santa Fe.

I'll suggest, here again --

COMMISSIONER GIPSON: Can I just ask how come we're doing the third week in June and not the second?

COMMISSIONER BERGMAN: Actually, Katie had some other dates; so there may have been -- I may have had to juggle some of these. I also had to juggle them around holidays.

I don't remember, to tell you the truth.

MS. POULOS: I'll be happy to tell you. Last year -- so my entry into work with charter school authorizing started as a Fellow with the National Association of Charter School Authorizers.

I completed the fellowship. I applied for a leadership program that they also do. I was
accepted into the leadership program last year; but I had a three-week vacation that had already been booked and planned.

Because that conflicted with their training dates, I could not complete the leadership program. I am in the leadership program for this year. If I miss any dates, I am not allowed in that.

It's a great professional development opportunity and will also support me in doing work here with you at the PEC. So it's a great opportunity. That is why my conflicts exist for this current year. They will not exist after this year.

THE CHAIR: Okay.

COMMISSIONER BERGMAN: But I'm not sure. But I try to juggle it to where we're about a month apart each time.

COMMISSIONER GIPSON: I have another elected position that meets every third Thursday. So that's why I have difficulty with the third Thursday, because I've got that commitment.

COMMISSIONER BERGMAN: And I understand that. We've always had those kinds of situations. Unfortunately, a number of Commissioners in the past
have had those same things. It's always hard
struggling to do this.

Let me think about that a second. What
were your dates in June, again, Katie? Is that why
I moved it that way?

MS. POULOS: The dates I have on the
calendar during June are actually the 23rd and 24th;
so those are dates I'm unavailable in June.

COMMISSIONER ARMBRUSTER: So it could have
been the 10th is what you're saying, Katie?

COMMISSIONER BERGMAN: Are you available
on the 10th?

MS. POULOS: I am, yes.

COMMISSIONER BERGMAN: Let's move it to
the 10th.

COMMISSIONER GIPSON: That would be great.

Because right now, we're set for June and July with
the third week; so I...

COMMISSIONER BERGMAN: Let's move it to
June the 10th, then. That doesn't conflict with a
holiday. I don't have the holiday list here either.

MS. FRIEDMAN: The 19th is Father's Day.

COMMISSIONER BERGMAN: You don't care
about us fathers, anyway.

COMMISSIONER CARR: May I put my two cents
in before we finish the calendar, is -- when we were
meeting a lot in Albuquerque, one of the concerns
was also the staff have to go there. And -- and
that's an issue.

COMMISSIONER BERGMAN: Absolutely, yeah.

COMMISSIONER CARR: And can I --

obviously, Santa Fe is closer to me; I like that.

But, you know, we have this permanent meeting room
to come to. I've been to the Legislative Session
many times. I've always been able to find a place
to park. We didn't even used to have meetings
during the Session before we got so busy, you know.

But -- but, also, I like being here during
the Session, because I'm close, and I can go do some
things the day before, the night before, and go talk
to members of the Legislature. So it's actually
convenient for that -- for that particular
situation.

The -- you know, and -- yeah. So, you
know, I don't know. That's just my two cents, for
what it's worth.

But there are other concerns besides
parking. There are the staff and other things. But
I -- I've never been to that parking garage when it
was full.
THE CHAIR: I've never been to the parking garage.

COMMISSIONER ARMBRUSTER: Oh, I have. I've been on the top shelf and gone around many times.

COMMISSIONER CARR: I've been on the top shelf before; but there was always parking.

COMMISSIONER GIPSON: I'll speak for myself. Fifty miles doesn't make any difference. So I'm fine coming here, you know. And I sort of agree that this is kind of the home base. And I understand there's staff concerns with having to bring staff down.

So that it doesn't matter to me. I'm fine with Santa Fe.

COMMISSIONER BERGMAN: Well, I'm presenting it. Everybody decides whether they want to do it. That's fine. We all have to travel, too. And we travel every time.

THE CHAIR: Yeah. So we don't care where we go. We're in the car.

MS. POULOS: To address the staff issue, certainly, it's easier and more convenient for staff here to access resources. Additionally, to ensure we're utilizing staff time well, having them all day
in a meeting is not as useful if they aren't -- they are to support certain items, as it would be to have them be able to come down when needed; so that is a concern, certainly, on CSD's end.

THE CHAIR: Okay.

COMMISSIONER BERGMAN: We'll finish up, and you all can discuss it.

So we changed June to the 10th.

COMMISSIONER GIPSON: Thank you.

COMMISSIONER BERGMAN: Like I said, the third week in July is set aside for the public hearing tour.

8/31 and 9/1, that's the decision meeting.

And then, again, 10/7, October the 7th, in Santa Fe.

November the 4th in Santa Fe.

And then our decision meeting on the renewals on December the 8th and 9th.

Here, again, we always do those normally on the second Thursday and Friday in December, here again, because we're -- that's -- I don't think we want to get any closer to Christmas than that, thank you, because of everybody's travel plans.

So that's the calendar. If you want to move some of these, I can assure you, I do not want
to be here during the Legislature. That's just one of ten; so --

THE CHAIR: The only thing I would ask is that when we're going to be meeting here in Santa Fe, Beverly, if you would reserve this room for two days.

MS. FRIEDMAN: Oh, I always do.

THE CHAIR: So if we do decide to have a work session, we'll have a place.

MS. FRIEDMAN: I always do.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: And, Madam Chair, Commissioner Carr did some personal stuff. I'll do some personal stuff. I can hardly walk anymore.

During Session, there is no parking for my handicapped within blocks of here. I could not make a meeting here.

I am also concerned that -- for the ones of you who need to get a room and stay over, it isn't easy for you to get one close enough for you to walk over here and do what you do, or get a decent room.

And I just -- I can't park right out in front; I really cannot do a meeting anymore if I cannot use my "Handicapped" placard. It's hard
enough for me walking down this hallway, the long
hallway, to get here. And I know Millie has a hard
time getting around when she is able to be here.
You know, I'm glad a lot of you people don't have
arthritic problems; but my knees -- and I'm not a
good candidate for knee surgery, so I am stuck
dealing with trying to walk.

Today, one of them doesn't want to hold me
up. And I'm scared to death I'm going to fall every
time I take a step. And falling is bad; but when
you're built like I am, having to have somebody else
help you up -- and it usually takes two -- is
embarrassing enough that you don't even want to have
to do it.

So it's a personal deal on my part, too.
I like being around the Legislature; but, of course,
I have a personal way I can come up and do that at
other times. But it's such a mess anymore.

COMMISSIONER ARMBRUSTER: Carmie, I'm not
arguing with you one way or the other. I just
wondered. There's, like, a parking lot back here.
Maybe people who work here can answer that.
Oftentimes, the handicapped parking spaces are not
utilized; but you have to have them, by law.

My question is if anyone knows, because I
don't, if those right there --

COMMISSIONER TOULOUSE: During Session,
yes; or at least they were last year -- or the year
before, rather.

MS. FRIEDMAN: Madam Chair?

THE CHAIR: Yes.

MS. FRIEDMAN: I have checked on that
parking. It's called "The Horseshoe." And there
are handicapped parking places there. And there are
parking with no meters. And you are eligible to
park there. The only trick is that you have to get
there early; and by "early," I mean at least by
7:30. And you may be able to get a handicapped
place if it's a little bit later.

But there are places there; they are for
free. And they're right, you know, here at the
building. And so there is that opportunity. But it
is that you have to get here early.

THE CHAIR: Just try to get one of them.

Okay. Commissioners, shall we accept this
calendar, as presented? As we go through the year,
we could make changes; though we have found that
difficult in the past. But there is always that
opportunity.

Okay. Do we need a vote -- no, I believe
in the past, we've been told we do not need to vote on this, that it's our business if we want to set how we want to set our meetings. So unless there's any -- Susanne, is that agreeable with your thinking?

MS. ROUBIDOUX: Madam Chairman, members of the Commission, I've seen -- there's a variety. There's commissions that actually vote on the proposed calendar, recognizing that events may come up and they need to change the calendar. And I've also seen commissions that don't vote on it. So I think it's at the pleasure of the Commission what they want to do.

THE CHAIR: Thank you. Commissioner?

COMMISSIONER BERGMAN: One thing I didn't want to forget. By moving everything up, we left September free, except for our meeting. We have been talking about where we were going to do the performance frameworks. Well, now, we have the month of September for us to think about to do performance frameworks. And so no dates have been -- we won't be able to set aside dates till later. But just put that on your mental calendar, that we will probably be doing some number of performance frameworks in -- in --
THE CHAIR: Negotiating, you're talking about.

COMMISSIONER BERGMAN: -- in September. And the other thing is we only approved two new applications. We have six renewals. Assuming we approve all six of those, we're only going to have eight negotiations for contracts this spring instead of the 25 we had -- or next spring. That's going to be a real bonus. We can accomplish that fairly easily, I believe. And those will be done in the spring, and we'll get those out of the way as expeditiously -- so those dates have never been set aside. We'll determine those, once we know what we have to do. So keep that in your mental calendar, though.

THE CHAIR: Is this calendar okay with everybody? Does anybody want to vote?

We won't, then.

Can I ask that we look at our current calendar? And we are scheduled to meet the 10th and 11th of December. Is everybody okay with that?

Okay. I will not be here on the 11th. I will be here on the 10th. I have to be in Dallas for a bar mitzvah; so -- so I'll be here on the 11th -- pardon me -- on the 10th.
Okay. Anything else on calendars?

COMMISSIONER BERGMAN: As we set the agenda for this meeting on the 10th and the 11th, my suggestion would be that we put the six renewals at the front of the agenda and do it as we've done the last couple of years, start with the ones that are furthest away, so that they can then proceed back to their -- we have a couple of them that are coming from somewhere else. So we will be looking at that.

So -- but that will also deal -- then we'll do all the other business after we've done those six schools. So that would be my suggestion, again.

THE CHAIR: We've sort of set a precedent to do it that way. So -- so before we get away from dates and calendars I just wanted to remind everyone of the school application outreach sessions that CSD has scheduled November the 21st, which is a Saturday, in Las Vegas. If it was Nevada, I guarantee we would all be there.

Wednesday, December the 2nd, as we've already talked about, in Albuquerque.

Saturday, December the 12th, in Roswell.

And, of course, I won't be attending that one. Katie did send out an e-mail just in the last
couple of days with the locations of those; not just
the towns but the street address. So if you can
be -- if you can attend any of those, please let her
know.

Particularly, we need to know if there's
going to be enough people attending that we get into
a quorum situation.

MS. POULOS: And Madam Chairwoman and
Commissioners, I do want to let you know, we are
scheduling those. And then if we receive sufficient
interest, they will be conducted; if not, we will
cancel. We'll try to do it the Monday before to
give you sufficient time.

We have received some interest in the
Las Vegas one, but not a lot at this point; so I am
waiting to see if we get additional interest.

We have -- if you know anybody that is
interested, please forward that notice. We've sent
it to the Coalition.

MS. CALLAHAN: It's on the website.

MS. POULOS: They've posted it. We've
sent it out to a lot of nonprofit organizations and
groups and public entities throughout the state who
may have be interested in education issues. And I'm
looking at whether we can get, you know, some other
media outlets to have that posted as a public event.

But we are trying to get interest. If we
don't, we will give you that notice in advance to
cancel.

THE CHAIR: If you would just let us know
either way: Yes, it's going to happen, or, no, it's
not? Everybody?

All right. Let's move on to the next
item, which is Commissioner Carr, Resolution on Safe
Schools Act.

COMMISSIONER ARMBRUSTER: Madam Chair, I'm
sorry. Just one quick -- it just occurred to me.
On the Anthony one, that's going to be either on the
2nd or the 3rd, those two choices that we gave them.
Did we actually tell them a time we would like to
know by? It just occurred to me we probably should
have said something. But I don't want to know on
the 1st.

MS. POULOS: I don't believe that was in
the motion. I don't know whether it needs to be.

COMMISSIONER ARMBRUSTER: It wasn't. I
know. I just thought --

MS. POULOS: I will be happy, when we send
out that notification to --

MS. FOX: We'll let you know.
COMMISSIONER ARMBRUSTER: Thank you, Sue.

I didn't see you.

MS. FOX: Quickly. We'll let you know quickly. I'll let Patti know. And I would imagine Monday or Tuesday, we'll get back to Katie.

COMMISSIONER ARMBRUSTER: That's fine. I just thought -- oh. If I don't know till December, that's a --

THE CHAIR: We should have defined that; but we didn't. We'll leave you all to work that out.

COMMISSIONER ARMBRUSTER: Thank you. I'm sorry.

Thank you, Madam Chair.

THE CHAIR: Okay. Commissioner Carr?

COMMISSIONER CARR: Could I ask -- Israel, would you like to come up and present this? I don't think -- I don't know if you need to read the whole thing. You can kind of give us an executive summary and the rationale behind it?

MR. CHAVEZ: Absolutely. Do you want me to clip this down?

COMMISSIONER CARR: Sure.

MR. CHAVEZ: Is that better?

THE CHAIR: Yes, it is. Please identify
MR. CHAVEZ: Thank you, Madam Chair. My name is Israel Chavez. I'm the Development Director of Equality New Mexico. I also handle their government affairs. And I'm here today to talk a little bit more about the Safe Schools Initiative that we're working on.

It's a statewide initiative that we have spearheaded here in New Mexico. I can talk about the bill, if that's what the Chairman of the Commission is seeking; or I can talk a little bit more about the community work that we've been doing.

COMMISSIONER CARR: I think what's at issue here is the specific resolution to support the bill; so...

MR. CHAVEZ: Sure. So the reason we wanted to come to the Commission, Madam Chair, and members of the Commission, is that this is a really, really widely needed bill in New Mexico and in the United States as a whole. Suicide is the second leading cause of death for young teens, young people; and it's been demonstrated in lots of studies and lots of scenarios that bullying is a strong piece of that.

This -- this particular advocacy work is
supported by the Public Education Department and the Secretary. It's a -- it's part of a broader work that includes a bill that was carried by Senator Bill Soules, who's from Las Cruces, and it's widely supported by numerous organizations, disability rights organizations. A similar bill was actually passed in Utah with broad support from the Mormon community, in the understanding that this bill helps protect students in schools.

And so what we're working on now -- it stalled in Committee, mostly because one of the Senators said he didn't have time to read the bill. And so we decided that we would do a lot more back-end work, that we would get the support of influential Commissions and organizations, such as yourselves, to show that this bill and this work is much needed in New Mexico.

We found, through the Youth Risk and Resiliency Survey, that over 50,000 instances of bullying go unreported. And I believe that's -- I'll tell you the exact -- instances of bullying go unreported every year, and over 10,000 students per month miss school because they feel unsafe. And this particular work seeks to change the way we handle bullying in the schools.
And like I said, the Secretary of Education is endorsing this bill, because it's in the right direction. It -- the current statute is a zero tolerance policy. And you all can stop me if I'm going for too long.

It's a zero tolerance policy that says, "If Student A engages in bullying with Student B, we have to suspend him."

Some schools, that means in-school suspension; some that, means out-of-school. And what this bill does is to repeal that zero tolerance and give more flexibility to the schools; but also give them the tools to really address the root of bullying. Right now, the schools aren't -- aren't able, and don't have the tools to adequately address bullying in schools, such as -- you know, finding out whether the student is part of a home that has substance abuse in the home or physical abuse in the home, or if that student is being bullied by another student.

So this is really a long-term approach with our students with respect to bullying. Thank you, Madam Chair.
like to add to that. You know, my years of --
26 years of teaching experience, it's -- bullying
has always been a major problem. And I'm -- I doubt
if there's a teacher around that hasn't seen it
numerous times.

I used to keep -- my classroom and other
teachers' classrooms, I've always, you know, called
them a "safe harbor" for students who were being
bullied or pushed around, for whatever reason. It's
always been a pet peeve of mine. And I -- it's --
it's just -- it's just a major issue. And, like
Israel says, the suicide as a result is just
horrible.

And I think we need to do everything we
can to protect these children, and -- you know, and
just kicking them out of school -- these kids need
to be educated. You know, I -- when you see a kid
bullying another kid, they just need -- usually,
they just need to be educated; they need to be
taught that that's not acceptable and told why it's
not acceptable and the possible harm that it does.

And we need the resources -- all the
schools need the resources to do that.

So I would, at this time, like to make a
motion that we vote, as a Public Education
Commission, to support this Resolution, supporting this bill for the State Legislature at this time.

THE CHAIR: Thank you. We have a motion on the floor.

COMMISSIONER TOULOUSE: Madam Chair, I will second his motion.

THE CHAIR: Commissioner Toulouse seconds Commissioner Carr's motion.

Further discussion?

COMMISSIONER CHAVEZ: Is it going to be introduced into this Legislative Session?

MR. CHAVEZ: So the thing we're facing right now is whether or not we can get the Executive Branch to recognize it as -- on the call; because the Secretary of Education has expressed support, and this being in line with their policy agenda, we might. We're not sort of hanging our hat on that, given the -- given the current climate of the Legislature.

We are committed to doing the groundwork, however, in the coming year to make sure that the members of the Legislature fully understand the bill, understand how the bill works, and making sure that, you know, they don't feel -- because the reality is, is it's a 30-day session or a 60-day
session. They're getting up to 1,000 bills, each
with an accompanying FIR and Committee reports -- a
few Committee reports. And part of the work we're
going to be doing in the coming year is going out to
those communities and reaching out to those
legislators about how this would impact their
community.

We have data that's district-specific to
-- to -- from the Youth Risk and Resiliency
Survey -- of how this is affecting students in their
communities.

And so we -- we don't think it's going to
come up this Session, just for the nature of a
30-day. But we want to be able to go to those --
those communities and those legislators during the
interim and say, "You know, we have broad support
from so many organizations and so many bodies that
we have to do something in our communities and our
schools."

And one of the things that I didn't get to
mention about this particular work is a lot of folks
say bullying is a part of growing up, or bullying is
part of being a student; right?

And this particular work, what we do, I
always make it a point to tell folks, "There's a
difference between teasing and bullying."

And what we do -- what we work very hard
to do is to differentiate that. Because if a
student is being bullied on the basis of race,
that's not teasing. If you're being teased, you
know, that's -- it's one of those things where you
know it when you see it.

And so part of our job is making sure that
not only our legislators understand that, but our
education professionals in the classrooms, and
administrators, really feel that they feel grounded
in defining those terms.

COMMISSIONER CHAVEZ: Uh-huh. Yeah. And
I just had one more comment. I think the other
piece, in terms of, you know, schools being given
the flexibility in terms of how to address those
incidents, I think is really a good idea. I don't
believe in the whole "zero tolerance" piece, because
that doesn't provide any education, or, you know,
give students the opportunity to really think about
what they did; right?

So I hope that we move away -- and it
sounds like you guys are doing that -- move away
from that kind of reaction to bullying. Let's use
it as an educational -- and teach these kids why
it's not the right thing to do.

MR. CHAVEZ: Thank you, Madam Chair and Commissioner. This bill would also help the schools create an anti-bullying policy that helps their school. Right now, at least 30 to 40 percent of the schools in our State copy and paste the statute, which isn't a policy; it's a statute; right? It doesn't tell them how to operate that particular policy.

And so we have committed, actually -- the nonprofits involved in this work have committed to helping schools across the state, which was one of the questions by the Public Education Department was how are we going to do this; right? So we have committed ourselves to helping also create those policies in those schools where they just don't have the capacity; they don't have the bandwidth. And so those individual schools will get to create policy that works for their districts and their communities.

THE CHAIR: And it would seem also to me that there's going to be a financial part of this. The schools are asked to counsel with students, to discover what their problems are, to educate them, to work with them. That's going to take somebody's
time, probably a counselor. So is there a financial component with this, where funding is being requested?

MR. CHAVEZ: So this particular bill is statute replacement, a repeal and replacement of the statute. It doesn't presently have a monetary association.

Part of our commitment, as the coalition, the Safe Schools Initiative, will be to help implement that. But we're seeing that most schools already have the structure to intake -- they're already intaking these -- they're already processing bullying in schools. It's about helping them use best practices, making sure they have the resources, the tools, the information guides to really address those instances of bullying.

THE CHAIR: But as you said, to make sure they have the resources and the tools? That's money.

MR. CHAVEZ: Yes, Madam Chair. And the resources and the tools, we, as an initiative, have compiled and have ready. And that's one of the reasons the Secretary of Education is kind of on board. There's not a -- there's not a heavy lift in terms of acquiring these things. And, furthermore,
the ability for the schools to do this, it's -- sort of, the statute changes the way the schools report.

So right now, if a school is reporting a high number of bullying cases, it's sort of seen negatively; whereas, what this statute helps to do is turn that around to say, "We need to address the issue here, not penalize the school."

And so they typically have the infrastructure. Most of -- what we're seeing is most of the instances of bullying are going unreported.

THE CHAIR: Let me tell you, as a long-time local school board member, everything has a price. Everything. And unfunded mandates are seen very negatively. Schools are stretched very thin.

Look at some of our smaller charter schools, particularly. Their money is so stretched. And I think if we ask them to expand their educational system, their staff responsibilities to cover -- and I agree; this issue needs to be dealt with. But it's got to have the proper resources to do it. And it's also got to have a definition. What is bullying to you may not be bullying to somebody else, just as you said. Teasing, bullying,
you know, you get that all the time.

"I wasn't teasing him. I was just -- I wasn't bullying; I was teasing."

So I think there's some work that needs to be done here. There needs to be funding with this, and there needs to be clear definitions of what really is bullying and what is needed to be dealt with and how.

MR. CHAVEZ: Absolutely, Madam Chair. And the current statute does actually already outline what bullying is. And that's not what would be changed. Under the Human Rights Act, that's already statute in law. The protected classes are already enumerated.

The bill already illustrates what bullying is. It illustrates very clearly what cyber-bullying is. It's passed sort of the test of legal and judicial review. And it's something that the CLU doesn't challenge as being -- because you do deal with on-campus versus off-campus. There's a lot of those intricacies. And I absolutely agree with you.

And we actually aren't changing the definition of what is in statute of the bullying code. We're actually making it so schools have a little more flexibility of how they handle bullying
in their respective districts, and then also
allowing them to -- giving them the tools that they
need to be able to implement a policy, as opposed to
just copying and pasting the statute.

We have model policy that's already
drafted. It's model policy that's been used
nationwide, that's used by national organizations
that schools can draw from and use so that it works
better for their district.

Right now, PED isn't a fan of just having
this policy that schools have to do this one certain
thing; and neither are the schools, frankly.

COMMISSIONER GIPSON: Madam Chair, may I,
just very briefly?

For many of those school districts that do
have zero tolerance and do in-school suspension,
they could reallocate their monies for the
babysitting that's done with the in-school
suspension and use it to better use through the
counseling.

So with a lot of school districts, I don't
think it's going to create the burden, monetary
burden, that some might see; because they've got --
they're already allocating -- really, they're
misusing the money with the in-school suspension.
MR. CHAVEZ: And to quickly clarify,

Madam Chair, this statute actually doesn't mandate
that schools offer additional counseling; but,
rather, take a more restorative approach to bullying
as it stands now. So it's not requesting that they
add an additional counselor into the mix, but just
to make sure that schools take a restorative
approach to bullying in their classrooms.

THE CHAIR: Thank you.

Commissioner Bergman?

COMMISSIONER BERGMAN: I agree. I have a
question. At one point, you state that the current
statute doesn't have reporting requirements to track
bullying and harassment. And, yet, up at the top,
you have some very specific percent of kids that are
being bullied in middle school and high school.
Where do those numbers come from?

MR. CHAVEZ: That comes from the Youth
Risk and Resiliency Survey.

Presently, individual school districts --
the way the reporting requirements are from the
school districts to PED, they're not required to
report in the way that we see as effective.

So they report aggregate numbers; right?

So they say, "We had five instances of bullying this
year."

What this does is, it digs a little deeper; so it asks -- it asks the reason for the bullying. Because if we know that there's race-based bullying happening in a particular school, then we all of a sudden know that race education needs -- race training, race education, needs to happen in that school.

And so at present, they do report the aggregate numbers; but in the way that it's used, we have a number of what -- of instances of bullying.

Oftentimes, the administration and the staff don't have a good handle on what bullying is, as it stands, in their classrooms, because they don't have the model policy.

COMMISSIONER BERGMAN: So this is a survey you did, or your organization did?

MR. CHAVEZ: The Youth and Resiliency Survey is a State survey.

COMMISSIONER BERGMAN: By PED?

MR. CHAVEZ: I don't know who performs the survey. I know that it's a State-funded survey that's -- I think it might actually be the Public Education Department.

COMMISSIONER BERGMAN: And it went to all
the districts; but you wouldn't know of them? Did all the districts cooperate and respond?

MR. CHAVEZ: Right. So what we're seeing is there's a lot of analysis around -- there's a huge under-shoot, because no school wants to be seen as the school that has the bullying problem. So I know that there's been work around finding the number.

And you'll have to forgive me. I'm not a statistician or a scientist. But there's been a lot of work to sort of analyze how bullying is happening from reports from students and the Youth Risk and Resiliency Survey.

COMMISSIONER BERGMAN: And when you're talking about this, you're just talking about physical bullying, as many of us experienced when we were young. I think the worst part now is the cyber-bullying. That's not only physical; that's mental. That's driving kids to suicide, what's being done on the Internet and social media. Are you addressing that in any way?

MR. CHAVEZ: Madam Chair and Commissioner, yes. That's actually enumerated in the present statute. When they revised the statute in 2006, the CLU was very concerned with the constitutionality of
passing a policy that regulates sort of that "cyber" aspect. That's actually really strong in the present policy in the way that it's handled.

But we've sort of left off other parts of it. The other part is, if somebody is being bullied in the bus or at the bus stop. The constitutionality, you know, calls into question. So we're going through to revise a lot of that.

But the definitions and cyber-bullying itself actually stays as it is, in accordance with constitutionality. You bring up an absolutely great point, in that this is a very complex issue, and schools need the tools to be able to do this, because it's only getting worse.

COMMISSIONER BERGMAN: Thank you for that.

Thank you, Madam Chair.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I think at the last negotiations that we had here, one of the schools who was the School for the Arts -- I don't remember the name -- and one of the particular things that the person mentioned was that not all of these people want to be in this "arts" thing; but they feel safe there. Particularly, the LGBT folks
are really bullied, but they feel safe with that type of group of people, because people in the arts tend to be way more tolerant of anything. So I think that that's -- and with it now not being in the closet, literally, and people being who they are, there's much more bullying, because now they're out there. And that's why I would support this.

THE CHAIR: Thank you. Anything else?

Any other comments?

I believe we have a motion and a second on the floor?

Any further comments before we vote?

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

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Chavez?
COMMISSIONER CHAVEZ: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: And Commissioner Shearman?

THE CHAIR: I'm going to vote "Yes"; but I'm going to say I believe this is an unfunded mandate. I believe it would be an unfunded mandate. These things take money. And I don't think there's any way to get around it.

If we want this done right, it needs to be funded. So I support the concept and I support the -- everything that you're talking about; but I think it needs money going along with it.

So my vote is "Yes."

COMMISSIONER PERALTA: Nine to zero, in favor.

THE CHAIR: Thank you. The motion passes
unanimously.

COMMISSIONER TOULOUSE: Madam Chair, may I suggest if it really is an unfunded mandate, that's your way to get it through this agenda, because it is a money issue, and then you don't have to have it on the call.

MR. CHAVEZ: Absolutely. And -- thank you.

THE CHAIR: Let's ask Kelly Callahan to come up -- she's waited patiently all through this meeting, she and Greta -- and give us an update on the New Mexico Charter School Coalition.

MS. CALLAHAN: Madam Chair, Commissioners, first of all, we want to thank you for this opportunity to present information about the New Mexico Coalition for Charter Schools. We feel like this is a great conduit for communication and information and collaboration. And we definitely appreciate the opportunity to be able to do this. And so we just have a little bit of information. We'll try to keep it short.

First of all, last -- on the 29th, 30th, and 31st of October, the Coalition held their 15th Annual State Charter School Conference.

And I want to thank Commissioners
Armbruster, Carr, Bergman, Toulouse, Conyers, and Gipson for attending the conference. And we had over 300 attendees, which is the biggest conference that has been held in many years. And we received great feedback about the quality of the training and the amazing work of the students that were presenting and performing.

And, also, I'd like to thank Katie and Secretary Skandera, who also took time out of their schedules to come down and not only just present, but also to take feedback from charter schools and charter school -- the governing boards, which I don't think that's ever happened, that the Secretary actually took a couple of sessions and spent time.

So we -- we felt like -- Greta and I -- it was our first go-round of putting on a conference. And so you -- we both looked at it like, well, we've run charter schools. So you learn a lot of things by the seat of your pants. So we did that with the conference.

And we're very, very grateful for all of the help that we received, and the presenters, and the quality of the information was outstanding.

And just so you have just a little bit of a sound bite. We are planning an instructional
conference for the spring that would be focused on leadership and instructional techniques that would focus more primarily on teachers and administrators of charter schools. And so we're very excited about that.

So we didn't get enough of the stress of doing the one conference; we're actually going to do another one. So that will be -- I think we -- we're trying to work around the testing windows.

MS. ROSKOM: Late March, early April.

MS. CALLAHAN: It will be before the testing window. So we want to do that. It will be a couple of days in Albuquerque, and we'll send invites and say -- and absolutely, you all have an open invitation, once again, to attend this conference that we're going to be putting on.

And just kind of to piggyback a little bit on the training aspect, one of the things that we -- you know, when you have 300 attendees, probably 200 to 225 were GC members, there are over 500 governing board members that need to be trained in the state who require the yearly five hours.

And so we realize that the Charter Schools Division -- and hopefully, we'll be working closely with Katie, you know, to decide what -- you know,
how is the best way to provide not only just the minimum of GC training, but quality GC training that's effective and puts information in our GC members' hands to run their schools with fidelity.

And so we have some regional trainings that we have set up for this coming fall. So we are going to be doing Santa Fe schools on the 21st. We are going to be doing Las Cruces -- a training in Las Cruces on the 4th of December. We are doing a Taos regional conference for GC training on the 5th of December.

And then we are also going to arrange an Albuquerque conference for GC members requiring training at the end of January.

And so we're -- we're really -- last year, when we came in, it was really hard for us to reconcile all of the training and trying to coordinate with the CSD. We want to make sure that governing boards do get their training; and so we are -- we are going to do our best to get everything done prior to the June 30th deadline that the CSD has put forth.

So we are well on our way with that.

So that's the training -- training update and the conference update. And then I'm going to
turn it over to Greta for the other half.

MS. ROSKOM: Members of the Commission, Madam Chair, thank you. I agree with Kelly. We really do appreciate this opportunity to speak with you once a month and to collaborate with you and CSD.

I just wanted to share a couple of updates about the membership of the Coalition. As you know, Kelly and I are relatively new; we started in April. We've brought the membership up to about 80 percent. It was at 67 when we started, I think. So we think that that's pretty significant.

And another thing that we've done is we're trying to build some infrastructure in terms of the leadership of charter schools. I mentioned it a little bit about this earlier. We've asked every one of our member schools to appoint a delegate to what we're calling our "Membership Council," which serves as a leadership body to advise us and to advise our board.

And we've asked them to appoint, among themselves, four or five members to serve on the Coalition board, our board. And so we're going to use that -- that body, that structure, to get a lot of the public comment that we've been asking for
today.

You were asking for community -- charter community input. And that's -- and we have a vehicle for doing that now. And that's not happened before with the Coalition. It's really always been intended, but actually hasn't happened.

And so we think that we've established some good lines of communication there.

And in addition, we are meeting with Katie once a month. We have a meeting next Friday. We'll be back up here. And that also gives us an opportunity to share information back and forth, for us to give her information about the needs and the concerns and whatever of the charter schools, and for her to give us information to refer back to them.

So we think that we've established some great communication channels all the way around. And, again, we appreciate this opportunity.

So thank you.

THE CHAIR: Thank you so much.

MS. CALLAHAN: Any questions for us?

COMMISSIONER CARR: I know everybody else wants to go home; so I'll be quick.

We're doing that def- -- I'm really tired
today. Sorry. The -- we're doing that definition
for -- for --

THE CHAIR: High performance schools.

COMMISSIONER CARR: -- high performance
schools. And, you know, I would like to see the
Coalition, maybe -- you know, once we actually
define those schools, it would be cool for them to
have a banner or something, you know, and the
Coalition to give it.

The -- and also, it seems like, in years
past, we used to recognize the awards that the
Coalition used to hand out here. I don't know why
we stopped doing that. I don't know what happened.
I think -- I think it's important for -- I think
there were, I think, six of us at the awards
luncheon; but everybody wasn't there.

And it would be good for everybody to know
which schools and which people got awards.

MS. ROSKOM: Would you like me to tell you
right now, get it into your record? Or do you --
yes? We're hearing "yes."

So the school we choose as the School of
the Year was the Mission Achievement and Success
Academy Charter School.

And by the way, this -- there was a press
release in the paper last Sunday, I think.

So Mission Achievement and Success was the School of the Year.

Traci Phyllis, as you know, was the Head Administrator of the Year.

The two teachers were Peter Gloyd from DATA in Albuquerque -- and this is really testing my memory -- Victoria Fisk from the New America School in Las Cruces. Governance council of the year was Turquoise Trail's governance council, with Mr. Floyd Trujillo, I believe is the president of that organization.

And the Students of the Year were Shalon [ph] from -- can't remember his last name --

MS. CALLAHAN: Chavez.

MS. ROSKOM: -- Chavez, from the Albuquerque Charter Academy, and Arianna Balderas from Tierra Adentro. I think I got them all.

COMMISSIONER CARR: I think you did.

Thank you.

COMMISSIONER BERGMAN: And the last one was the daughter of the Attorney General; so he was there.

MS. CALLAHAN: We didn't know before we gave her the award.
COMMISSIONER GIPSON: Good disclaimer.

MS. ROSKOM: And by the way, I should mention that our Legislative Champion was Representative Jim Smith. We gave him a plaque, as well.

THE CHAIR: Any other questions or comments?

It's great working with you all, and we look forward to continuing it. Let's keep up the good work.

COMMISSIONER TOULOUSE: Madam Chair, real quick. You can answer me this outside of here. But when you do your governance council training, could I sit in the back of the room?

MS. ROSKOM: You're welcome to attend any of our trainings anytime.

COMMISSIONER TOULOUSE: I don't want people necessarily to know who I am; but I really would like to know how they're trained, because I have observed in three years here that the people who run the charter schools are where the good schools and the bad schools begin.

And if you're on a bad governance council, I don't care how good your faculty and staff are, your school is no good. If you have a very good
governance council who really know how to do it, you can bring a poor group of people way up.

And so I'd like to see what their training is. I wouldn't -- being me, I'd probably have to (indicates); but I would love to, if you'd let me know.

MS. CALLAHAN: Madam Chair, Commissioner Toulouse, if you would send us an e-mail, we would be happy to let you have notice where and when the trainings are.

There is going to be one in Albuquerque. The others are going to be out of town. So if you want to just shoot us an e-mail at the Coalition -- you have our e-mail address?

COMMISSIONER TOULOUSE: I'm not sure I do; but I can check with you.

MS. CALLAHAN: I will get you a card. And then let us know what would be the most convenient. It would not only be great to have you there, but great to have input from the PEC's perspective.

COMMISSIONER TOULOUSE: I'd like to know how they're trained, because what I know about the two of you, I know you know what to tell them what they need to do. And I'm not saying the Charter School Division hasn't; but they keep changing and
turning over. And I don't know what experience they
have. I know what yours is.

COMMISSIONER GIPSON: How do people find
out about -- I have a good friend who's going on a
board in Las Cruces. I know she needs her hours.
So how do they find out about the training?

MS. CALLAHAN: Madam Chair, Commissioner
Gipson, they can e-mail us at the Coalition.

COMMISSIONER GIPSON: Okay.

MS. CALLAHAN: We will put it on the
website. We will have the training. The training
in Las Cruces is actually a one-on-one. It's one
school board that asked for some specific training.
But we are going to do another one in Las Cruces.
We are going to do another regional training in
Las Cruces.

COMMISSIONER GIPSON: So the fourth one is
not available to whoever wants to go?

MS. ROSKOM: No; but so Kelly and I are
really committed to trying to target specific
governing councils regionally and school-wide to
make it more applicable to them and their individual
needs. So we're really sort of evolving this
process this year to reach out.

And so we're going to try to provide a
plethora of opportunities, including online webinars
and those kinds of things.

So the best thing to do is either contact
us directly or check our website.

COMMISSIONER GIPSON: Okay, thanks. Okay.


We thank you guys very much for being
here. Thank you, and sorry you had to wait so long.

Hope it was worth it.

MS. CALLAHAN: We were glad to here.

THE CHAIR: Let's move on. Next item is
PEC Comments. Let's start over here. Eleanor,
we're glad you're here.

COMMISSIONER CHAVEZ: I don't have any
comments.

THE CHAIR: Thank you.

Karyl Ann?

COMMISSIONER ARMBRUSTER: I just want to
say -- I know I was supposed to get ready to talk
about the Denver conference, and I forgot. And I
could write up something with Vince or Patti. But I
think the opportunity to go was really interesting.
And I can see some directions that other states --
let me think what I'm talking about -- states are
doing.
I can see that Katie is bringing some of that into this, in terms of how we look at schools, how many times you do it, how you reward schools, that type of thing. I thought it was interesting just to hear what other states had, and also just to see if they had the same problems.

THE CHAIR: Very good. Thank you.

Commissioner Carr?

COMMISSIONER CARR: Make a quick statement. One of the reasons I'm so tired is I was the acting director for the last week. And we always -- as teachers, we always say, you know, "You want to see what it's like to teach? Come and teach for a week."

Well, you know, I was still teaching, as well.

But it's hard work. It's hard work to -- to be an administrator; right, Gilbert?

So it's a different kind of stress. So it's -- it's always an interesting experience. But I bring that up.

THE CHAIR: Thank you. Commissioner Peralta, you don't look tired.

COMMISSIONER PERALTA: I'm beyond that.

I've got nothing to add.
THE CHAIR: All right. Thank you.

Commissioner Gipson?

COMMISSIONER GIPSON: I would just like to thank Kelly and Greta for the invitation. And I thought you did a fabulous job. It was well-run. It was equally as well-run as the NACSA conference. So I thoroughly enjoyed both conferences, and I appreciated the opportunity to attend both.

THE CHAIR: Thank you very much.

COMMISSIONER CONYERS: I have no comment.

THE CHAIR: Commissioner Conyers, now, you've got to have a joke for us.

COMMISSIONER CONYERS: A joke?

THE CHAIR: We're beyond that, too.

COMMISSIONER CONYERS: I know lots of jokes; but I need a cue.

THE CHAIR: All right. Thank you.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: The only thing I have to say is yesterday, I had e-mailed Representative Miera. And he responded to me that he was out of town until next week; he'd get back to me.

But I got an e-mail during this meeting where he said he would be working on getting us the
rooms we've requested.

So I'll follow up with him next week when we're back in town.

And I sent Carolyn and Beverly a copy of this e-mail; but I will keep them informed on what I hear from Representative Miera.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: I will echo that the national conference was extremely well-run, very interesting. I always encourage my fellow Commissioners to go to that. It's an opportunity to meet people from other states and see what they're doing.

I used this conference this year, more so than I used last year, to promote New Mexico a little bit more. I was more active in the breakout sessions than I was the year before, because I -- I am proud of what we're doing here in this state.

I also thought that the Coalition conference was outstanding, and that Kelly and Greta did an outstanding job. I went to one breakout, speaking on IEPs and 504s. I have very limited knowledge. I found it to be absolutely interesting and very educational. The presenter on that one was really good.
Thank you for that.

The dates have not been announced; but the NACSA conference next year, the CEO told me was going to be in Atlanta. So if you've had a yen to go to Atlanta, put -- sometime in the latter part of October will be when that conference --

COMMISSIONER GIPSON: Yeah, they actually sent in an e-mail. They did send the dates. It's around the same time, around the 21st, yeah. Yeah.

COMMISSIONER BERGMAN: It's always around the same time, about the third week of October. Put that on your mental calendar, too. If the funds are available, Beverly would love to send us there, I'm sure.

THE CHAIR: Maybe Beverly would like to go, too.

MS. FRIEDMAN: A legal assistant?

THE CHAIR: We have two people signed up for Open Forum. The first is Catherine Bullock.

We welcome you here. You had to wait a long time.

MS. BULLOCK: Thank you. I've been watching people clip things, and I don't know how it works. Does that work?

THE CHAIR: As long as the button is
pushed down, you're okay.

MS. BULLOCK: Good afternoon, Madam Chair
and members of the Commission. I'm a little nervous
about speaking. I've never spoken to a Commission
before.

My husband and I are grandparents. We are
raising our teenage granddaughter. She was placed
with us by CYFD. She was taken away from her mother
and placed with us when she was 13. Her father, our
son, got custody; but she chose to stay with us.

She's very emotionally fragile. She's
been in hospitals several times, the last time for
four months. When she got out of the hospital, we
were trying to look for the perfect school for her.
She had lost credits; she had lost self-esteem.

And so we tried a couple of charter
schools that didn't work. And we went to CEPi
Charter School. And the moment my husband and I
walked in, we knew it was a fit. We could feel it
immediately, the warmth and generosity and caring of
the teachers, the buzz of kids busily at work. They
were all on computers; but it was a very social
setting in pods, with teachers right there to help
the kids.

So for a year and a half, our
granddaughter did amazingly well. There was no self-harm, no suicidal ideation, no attempts.

And then school started this year. And our granddaughter has been very traumatized this semester. Fortunately, she finishes her program next month.

We are among the parents who have contacted the PED to express our concerns. It won't do our granddaughter any good. As you say, the process has been extremely slow. But it may help the kids who stay at CEPi.

I want to thank you for authorizing a PED investigation, or a Charter Schools Division investigation. Ms. Fox commented that she would have liked it to be an in-house investigation using the school's grievance and harassment policy. The school doesn't have a grievance and harassment policy. I was shocked to read this; because the charter calls for it.

Apparently, in the ten-year existence of the school, it has been so great, it has not needed a grievance and harassment policy. That's how good it's been, how amazing the staff is.

This year, it needs a grievance and harassment policy.
When I sent my first letter, I got no response. On my second letter, I was asked if I wanted to be on the governance council if anybody ever resigned. I felt like that was trying to buy me off.

Finally, I think the attorney, Ms. Fox, probably said, "You need to give some kind of acknowledgment."

That's all parents have gotten is simply an acknowledgment: "We received your letter."

So this investigation is really being done under a grievance and harassment policy that doesn't exist.

I finally got a letter from the governance council chairperson, who said, "We've written a really quick grievance and harassment procedure. It's a draft. Here it is. You've got to follow it. It still has not been approved by the governance council."

So thank goodness you're not leaving it to an in-house investigation. Thank heavens you've added a more massive investigation. We are very, very grateful.

I will say we don't want the school to close. None of the parents want the school to
close. It has been amazing.

You mentioned that a school is only as good as its governance council. I believe that that is true. The teachers are trying their darndest. There are no protections for teachers. But they are really, really trying to hold that school together until something happens.

I'm sorry it won't happen in time for my granddaughter. And I truly -- all of the parents fear retaliation. All of the parents who have written you fear retaliation for their kids. The kids did a petition completely on their own complaining about harassment. 106 kids signed it. My granddaughter did not sign it. She's terrified. The stronger kids did sign it.

This is 106 or -7 out of about 175 that attend regularly. Everybody fears retaliation. If we speak up, our kids could be hurt. If the kids speak up, the kids could be hurt. If the teachers speak up, they could be fired.

So without -- you don't want me to name names; I won't. I will say it's a hostile working environment and it's a hostile learning environment. And I thank you very much for listening.

THE CHAIR: Thank you so much for being
here. We appreciate your concern, and we'll do our best to -- to follow through and fix it.

MS. BULLOCK: Thank you very much.

COMMISSIONER TOULOUSE: And I'd like to wish your granddaughter and you the very best.

MS. BULLOCK: Thank you. I appreciate it.

THE CHAIR: I have another name on the Open Forum list. And it's Thomas Crespin.

MS. BULLOCK: He said he would only stay if I don't get to speak. He is the founder of the school.

THE CHAIR: We have completed Open Forum. We are ready for adjournment, unless there is anything else to come before this group.

COMMISSIONER CARR: So moved.

THE CHAIR: All in favor of adjournment?

(Commissioners so indicate.)

THE CHAIR: Anyone opposed to adjournment?

(No response.)

THE CHAIR: Thank you. We are adjourned.

(Proceedings adjourned at 3:10 p.m.)
BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on 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)
**VISITORS ATTENDING PUBLIC EDUCATION MEETING**

November 13, 2015

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<td>Hatchkis Christopher K.</td>
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