

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

10 WORK SESSION

11 October 16, 2014

12 9:00 a.m.

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15 Santa Fe, New Mexico

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

21 Bean & Associates, Inc.

22 Professional Court Reporting Service

23 201 Third Street, NW, Suite 1630

24 Albuquerque, New Mexico 87102

25 JOB NO.: 1500L(CC)

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



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

A P P E A R A N C E S

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. EUGENE GANT, Vice Chair
MR. VINCE BERGMAN, Secretary
MR. JAMES CONYERS
MR. J. TYSON PARKER
MS. MILLIE POGNA
MS. CARMIE TOULOUSE

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division
MR. JOSHUA R. GRANATA, Assistant Attorney General,
Counsel to the PEC
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
MS. JULIE LUCERO, Charter School Division

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
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e-mail: info@litsupport.com

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119 East Marcy, Suite 110
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FAX (505) 820-6349



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FAX (505) 843-9492
1-800-669-9492
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1 THE CHAIR: I call to order this work
2 session of the New Mexico Public Education
3 Commission. First, I would ask for a roll call from
4 Secretary Bergman.

5 COMMISSIONER BERGMAN: Commissioner Pogna?

6 COMMISSIONER POGNA: Here.

7 COMMISSIONER BERGMAN: Commissioner
8 Toulouse?

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER BERGMAN: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Here.

13 COMMISSIONER BERGMAN: Commissioner Gant.

14 COMMISSIONER GANT: Here.

15 COMMISSIONER BERGMAN: Commissioner
16 Shearman?

17 THE CHAIR: Here.

18 COMMISSIONER BERGMAN: Commissioner
19 Bergman is here.

20 Madam Chair, you have six members here, so
21 we do have a quorum for this meeting today.

22 THE CHAIR: Thank you, Mr. Secretary. I
23 declare we do have a quorum for this work session.

24 Next is the Pledge of Allegiance and
25 Salute to the New Mexico Flag. Since

1 Commissioner Carr is not here, I will ask
2 Commissioner Pogna to lead us in both, please.

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

5 THE CHAIR: One item before we move
6 further, we did not put on this agenda a motion --
7 or an item to approve the agenda. And since it's
8 not on here, Mr. Granata, I assume we can't do that.

9 MR. GRANATA: I think we can go ahead and
10 do that.

11 THE CHAIR: Then I would ask for all of us
12 to look at the agenda. And do we have corrections
13 or additions -- or changes? Move things around on
14 the agenda?

15 The only one I see that really jumps out
16 at me is the date and the header. It says, "Friday,
17 October 16th." Now, underneath that, it says
18 "Thursday, October 16th." But I think we need to
19 correct the "Friday."

20 Does anyone see anything else?

21 All right. The Chair would entertain a
22 motion to accept the corrected agenda.

23 COMMISSIONER TOULOUSE: Madam Chair?

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: I move approval of

1 the agenda, as corrected.

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

4 COMMISSIONER POGNA: Second.

5 THE CHAIR: Commissioner Pogna?

6 Motion and second to approve the corrected
7 agenda. All those in favor, please say "Aye."

8 (Commissioners so indicate.)

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

10 (No response.)

11 THE CHAIR: The agenda is approved, as
12 corrected.

13 Item No. 4 is Work Session, where we
14 actually get started. And I think on this one, it's
15 certainly not just going to be me. We're going to
16 talk about a lot of different things.

17 First item, A., is New Charter
18 Applications. Item "i." under that -- and please
19 let the record note that we now -- Commissioner
20 Parker is joining us -- "a.1". is "Application Time
21 Lines, including time lines for renewals."

22 Commissioners, let me just throw this all
23 out here, and then we'll pick and choose what we
24 want to talk about.

25 Budgets, Curriculum, Expected Goals,

1 Guidance given to applicants regarding the
2 applications, and Briefing for new applicants prior
3 to January 1, 2015.

4 I will first start with Item i., Time
5 lines, including time lines for renewal. What
6 discussion would you like on that?

7 Commissioner Gant?

8 COMMISSIONER GANT: Madam Chair, members,
9 this has been ongoing since the passage of Senate
10 Bill 446. And as you remember, at that time, the
11 discussion that was in the bill at that time was to
12 put the renewal and the new applications right on
13 top of each other.

14 Well, we got that out of there. We also
15 discussed, at that time, with the folks that put the
16 bill together -- I think it was Senator Sapien
17 and -- can't -- Patti Matthews and Julia -- whatever
18 her name was -- anyway, at that time we -- at that
19 time, we talked about the -- having an 18-month new
20 application process.

21 And that process, off the top of my head,
22 was where the applicant would put their letter of
23 notification in for a new charter school in around
24 June, the 1st of June. And come 1 January, they
25 would put in their application, with the decision in

1 June, to approve or disapprove.

2 Basically, what that does is give the new
3 applicant a whole year from June till the next year
4 to get everything in place before the school needs
5 to open. It also gives the CSD more time to look at
6 the applications -- right now, they have very few
7 months. They have from July till August to look at
8 the applications, which isn't very long., when you
9 think about it. So they're rushed to do the
10 evaluations; the PEC Commissioners are rushed to do
11 the evaluations. A lot of times we miss things.

12 The applicant needs more time to put their
13 application together. They would have six months to
14 put their application together and plan ahead. And,
15 of course, the year-plus to get everything in place
16 on the certificate -- on the time -- on the
17 checklist that they have. So everything backs up to
18 the time line for the new charter schools.

19 Now, for the renewal process, the idea was
20 to start the renewal -- drop the application for
21 renewal back in June. Right now, they drop it in
22 October. They've got a month and a half, the CSD --
23 the PEC has a month and a half to review it before a
24 decision is made. I realize that sometimes the
25 grades, or whatever you want to call them -- the

1 evaluations for the schools don't come out till
2 later. But the majority of the work in the
3 evaluation of what the -- of the renewals can happen
4 prior to the final grades coming out.

5 Also, the renewals are based upon four
6 years, not one year; not the last year, but what
7 they've done over the whole time of the charter.

8 So I think there needs to be serious
9 discussion. And this impacts a lot of the things
10 that's down below this item on the -- on the new
11 charter application, on Item A. It affects all that
12 stuff.

13 This is going to take legislation, because
14 I have no doubt in my mind that the PED will not
15 bother to put a rule together to make this happen.
16 And I know there are people, including some
17 attorneys out there, that don't want this to happen,
18 because it will impact upon their appeal process.
19 Well, you change the appeal process.

20 And I'm thinking of the betterment of the
21 students. Think of what's going on right now in
22 several schools and what has happened in the past in
23 several schools. They get down to June. They've
24 got to get their Certificate of Completion, which
25 they haven't finished all the items on. They have

1 to open up the doors for the kids. And it's all
2 done in a very short amount of time.

3 If you add some time to it, it gives the
4 PEC Commissioners more time to do their work, the
5 CSD to do their work -- and they're already
6 understaffed most of the time anyway, and they've
7 got to go out and hire people to do it.

8 I think we need to look at how things are
9 being done, time-wise. We're crowding everything.
10 It's like Commissioner Bergman says, we could have
11 50 performance frameworks that have to be done in
12 the same time. All this stacks up. And it all
13 started with Senate Bill 446. Thank you.

14 THE CHAIR: Thank you. And I apologize.
15 That was an important phone call that I needed to
16 take, but I have now turned my phone off.

17 Let me circle the wagons and just ask.
18 Are these time lines not pretty well set in statute?

19 COMMISSIONER BERGMAN: Yes. Yeah,
20 specifically the one that I asked the LESC yesterday
21 to change, the one on the new applications. It
22 states right here in the Charter School Act, which
23 is here, where we actually have to approve new
24 applications by September the 1st. It's always been
25 that way, and we have never done that -- we've

1 talked in the past about compressing the time line,
2 and we can't do it.

3 There needs to be steps throughout the
4 process that have to be done. And that's why our
5 approval meeting has always been at the end of
6 September. What I asked the LESC yesterday was
7 quite simply change that from September the 1st, on
8 that particular part of the Charter School Act, to
9 September 30th. I think they will do it; I don't
10 know.

11 The other thing that I specifically talked
12 to the LESC yesterday about is also, in the Charter
13 School Act, it states clearly that as far as the
14 contract negotiations and the performance framework,
15 we have only 30 days after they are approved. Same
16 problem. Only, I told them -- the Chair called that
17 problematic. I said, "That's impossible." I was --
18 I'm a little more direct than the Chair, even when
19 I'm talking to legislators. That's an
20 impossibility. Can't be done.

21 We have 23 renewal applications right now.
22 There is no way we would negotiate 23 contracts and
23 performance frameworks in 30 days from December the
24 12th, when we're going to vote on these things this
25 year; that means we would have to do it by about

1 January the 12th. And that would ignore the fact
2 that the Christmas and New Year's holidays are in
3 there.

4 There's no way. That's an impossibility.
5 Plus, it would be a disaster, because you'd have to
6 rush all of them. They would have to rush all the
7 paperwork and everything. It's an impossibility.

8 So I explained to them how we're doing it,
9 that we go through the spring -- normally, January
10 through May -- although, we did one -- you may
11 remember, we did one in June this year. And so I'm
12 hopeful -- what I asked, I just asked them to either
13 leave it open-ended, to just leave it to the PEC, at
14 their discretion, as to when they would negotiate
15 these performance contracts and frameworks; or, at
16 least give us adequate time -- here, again, give us
17 to the end of June or something to do them.

18 So those were discussed with the LESC.
19 Those are the only time lines that I think we can
20 change.

21 As to Commissioner Gant's comments,
22 they're great comments. But right now, I haven't
23 been convinced that we wouldn't have just as many
24 problems if we extended that to an 18-month or a
25 two-year period for new applications. I think it

1 would all run together somewhere in the middle.

2 And even moving up the renewal
3 applications, yes, there are certainly positives on
4 that. But then we're going to have a stack of
5 renewal applications sitting here in June. We're
6 going to have a stack of new applications sitting
7 here in June, unless you anticipate maybe changing
8 when the new applications come in.

9 But, here again, we can't change that. I
10 don't believe the Secretary can even change that.
11 The Legislature set those due dates for the
12 applications. I believe they would have to change
13 it. I'm not sure the Secretary, even with
14 rule-making authority, could do that, Matt.

15 MR. PAHL: I'm sorry.

16 COMMISSIONER BERGMAN: I'm joking. Go
17 ahead.

18 MR. PAHL: Madam Chair, members of the
19 Commission. I think that's right, Commissioner
20 Bergman. And I wonder if, given the LESC's
21 subcommittee's -- their direction right now, that
22 this presents an opportunity for us to
23 collaboratively look at the dates. I think, from
24 what I understand, they have one cleanup bill that,
25 to them, is literally cleanup. It's moving some of

1 these dates, defining a few things.

2 And maybe if we were -- I could work with
3 Josh and with the Executive Committee and the whole
4 Commission to create a proposal for where these
5 dates should lie to even out the work flow, so it's
6 more consistent throughout the year. If that
7 pleases the Commission.

8 THE CHAIR: You know, I think -- we've all
9 thought about this a lot, because of the struggle to
10 get everything done in the time frames. And we do
11 have a few lulls during the year, but not very many.
12 I think if a better plan were developed to look at
13 the whole thing, not just take one item and fix
14 it -- I think we need a plan for the entire thing.
15 But I don't think it's a plan that we can work on
16 any length of time at all.

17 The LESC subcommittee is doing that bill
18 right now, from the impression I got yesterday. So
19 my thought is, is there some way that we could ask a
20 group to work on this this evening? Tomorrow? This
21 coming week? I -- how can we do that and come up
22 with a whole new time line, a two-year application
23 process that starts here, and these are the steps,
24 and an 18 month renewal?

25 I don't know. But I just think what's

1 going on now is not working. Does that make sense
2 to anybody? Is that something we can do? Is it
3 even something we want to take on right now?
4 Because I think if we asked Matt and Josh to do it,
5 I'm sure they would. But I'm not sure they know all
6 the pitfalls that we know. So I think that somebody
7 that's been bloodied in the trenches needs to have
8 part of it.

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: Here again, valid
11 points. But I just -- I would be concerned that
12 with a -- what we're trying -- other things we're
13 trying to do, which is why we're going to the LESC
14 meetings, I'm not sure I want to complicate the
15 issues right now. I think the changing of the time
16 lines is something that probably -- because, like I
17 say, I'm still not convinced it's necessary. I
18 haven't become convinced.

19 I know you and Commissioner Gant are
20 convinced; but I am not yet, at this time. I think
21 that's something that could have such far-ranging
22 impacts that we really need to be absolutely certain
23 before we -- I would rather we get the things we
24 want that we've been trying to get for the last
25 three years without complicating the situation.

1 My thinking is we probably should hold off
2 another -- at least go through this year with our --
3 and probably next year -- we can probably just have
4 great discussion during the coming year, and along
5 with -- by then, the Staff will be more grounded and
6 have more experience.

7 And I actually would respectfully disagree
8 with you about your statement that we have some
9 lulls. Right now, I don't think we have any more
10 lulls.

11 THE CHAIR: I talk about a day with not a
12 whole day's work to be done a lull.

13 COMMISSIONER BERGMAN: Yeah, because come
14 January 1st, we've got three new schools that will
15 have to have negotiations. And with 23 renewals,
16 we're probably -- we could renew all 23 of them -- I
17 have no idea what the future holds on those. So
18 theoretically, the number I keep in my mind right
19 now, we probably could have 26 negotiations to
20 accomplish in the first six months of the year.
21 There are going to be no lulls with that for
22 anybody, for the Staff.

23 This past spring, we did about four a
24 month, and that seemed to work really well for the
25 Staff and for us. But with 26, like I say, I don't

1 want to be going into June doing negotiations. The
2 time I have in my own mind for negotiations is we've
3 got to get them done by the end of May every year.
4 That means we probably may need to do as many as six
5 negotiations each month. And that's 50 percent more
6 than we did this spring, if you stop and think about
7 it. We did four; now, we're talking six. That's
8 going to stretch the Staff; it's going to stretch
9 us.

10 It's just -- and then the following month,
11 we have to go through the whole process of getting
12 their boards to approve what was negotiated, and
13 then we have to vote on them at the following
14 meeting.

15 So I don't see any lull in there, really.
16 I know what you're trying to say now after you
17 clarified it there. But it's just -- and it's just
18 going to get worse. It really is.

19 THE CHAIR: Commissioner Bergman, at the
20 last meeting, we talked about this a little bit.
21 And I asked you and Matt, I believe, to get started
22 on a negotiation schedule.

23 COMMISSIONER BERGMAN: He and I are going
24 to get together this evening, whenever we're done
25 here. Yeah, we're going to look at this list. My

1 thinking right now, my recommendation to this
2 Commission would be that we do the three new ones in
3 January. That should be enough preparation time,
4 since there's only three of them. We do the three
5 new ones separate from the renewals, because, here
6 again, we approved the renewals in December. If we
7 start negotiating them in February, that gives two
8 months for the Staff and us to get prepared, both
9 mentally and physically.

10 So I'm looking at doing the -- my
11 recommendation would be do the three new ones in
12 January, get them out of the way. Then get them
13 approved, get through all that approval process.
14 And then in February, we start -- like I say, that's
15 why I used the number "six"; if we just have
16 February, March, April, May, we've got to do six a
17 month if we have 26. We may not have 26. It may be
18 20 or 22. It's still going to be a big number.

19 THE CHAIR: Don't forget the
20 renegotiations.

21 COMMISSIONER BERGMAN: And we'll move
22 immediately from that to then, we'll have the seven
23 renegotiations we just did in June -- or July --
24 actually, we did them in August, really. We should
25 have done them. They probably should be done in

1 July before school starts.

2 But then we have the 16 that we negotiated
3 this spring. They will come up in the next cycle.
4 So we actually will have 23 performance framework
5 negotiations in the next cycle. If we then add --

6 THE CHAIR: And that's got to be done
7 preferably before the beginning of school.

8 COMMISSIONER BERGMAN: That's why I said
9 July, yeah.

10 THE CHAIR: Which brings up the question,
11 when are school report cards going to be out? Any
12 earlier than they were this year, do you think?

13 MR. PAHL: No.

14 COMMISSIONER BERGMAN: That's probably why
15 we can't do them in July.

16 MR. PAHL: In fact, it will be later for
17 this one year, because of the new PARCC assessment.

18 THE CHAIR: So it will be even later.

19 COMMISSIONER GANT: October.

20 MR. PAHL: I'm thinking -- and we don't
21 have a firm date on this -- that it's October,
22 potentially, or early November.

23 COMMISSIONER BERGMAN: I mentioned that at
24 the Hobbs meeting, when I gave my little report at
25 the last meeting. The indications are that the

1 PARCC results are not going to be available in the
2 summer. They could be two or three months later.
3 And that's going to affect, here, again, everything.
4 It really is.

5 THE CHAIR: I think, then, probably what
6 we need to do is ask you, Commissioner Bergman, and
7 as Chair of the Charter School Committee, to come
8 back tomorrow with a recommendation on how we handle
9 the first- and second-year schools' renegotiations
10 of their frameworks.

11 Do we wait till October, when the grades
12 are out, and go into November, December? Or do we
13 go ahead and do them early in the summer, and then
14 plug in the grades when they're available?

15 I'm just asking you, come back with a
16 recommendation.

17 COMMISSIONER BERGMAN: Oh, I can do that.
18 But here, again, we might as well kick that around.
19 We've got all day here. We're here all day.

20 THE CHAIR: Well, we've got a lot of stuff
21 to get to.

22 COMMISSIONER BERGMAN: I know. Let's say
23 we waited until October to do those performance
24 frameworks. Then we're doing those on top of the
25 renewal applications. And it doesn't matter how --

1 if we extended to an 18-month renewal cycle and a
2 two-year application cycle, there's going to be
3 conflicts, no matter where we set the dates and
4 everything.

5 So if we do that, then we're competing
6 with the renewal applications. If we do them in
7 July, we won't have the grades.

8 And my rhetorical question to everybody
9 would be, I understand doing these negotiations
10 without the grades. But if we don't know the grades
11 and if we don't know what areas -- particularly on
12 the problem schools -- they fell short, how can we
13 do an adequate and a successful negotiation on that
14 performance framework without -- I'm just asking you
15 to think about that for a while. How can we do an
16 adequate and a successful and a professional
17 evaluation, performance framework, without those
18 grades?

19 To me, everything ties to the grades,
20 unfortunately. So I just -- here, again, you guys
21 can think about that tonight or something. But,
22 yeah, Matt had already asked me to sit down after
23 this meeting, and we're going to look at that. I'm
24 still not sure how we can do the negotiations on the
25 performance framework, or when it would even be a

1 proper time to do them, because of the concerns
2 you've raised and that I've raised and that others
3 have raised.

4 THE CHAIR: Just come back and let us
5 know.

6 COMMISSIONER BERGMAN: And my thinking --
7 I would like you all to think about, then -- we did
8 the seven that we did here back in -- just a couple
9 of months ago; we did them all on the phone. See,
10 here, again, I'm speaking personally now. I think
11 it's more important -- my personal feeling is that
12 we do them in person. I like to see people's faces
13 when I'm discussing their information. I like to
14 see how they react when certain things are said or
15 certain questions are asked.

16 You can't get that on the phone; you get
17 no sense of that on the phone. And it just seems so
18 impersonal to me to do it on the phone. And yet I
19 then ask myself, next year, when there's 23 of them,
20 how on earth can we do 23 face-to-face meetings on
21 top of all of the rest of it?

22 So these are -- like I say, there are some
23 really weighty issues when we're talking about time
24 lines and how we're going to do all this. It's just
25 not a simple thing of looking on a calendar and

1 saying, "We're going to do this," because there's so
2 many implications attached to any decisions we make
3 in any of these areas. It's going to require a
4 great deal of thought, I think, and we have to be
5 extremely careful that we don't settle on something
6 and find out a year later that we made a really bad
7 mistake.

8 So I'm being conservative on that. I think
9 we need to be very careful. But, yeah, I'll visit
10 with Matt after this meeting is over and come back
11 with something tomorrow. I don't know quite yet
12 what it would be.

13 COMMISSIONER TOULOUSE: Madam Chair?

14 THE CHAIR: Commissioner?

15 COMMISSIONER TOULOUSE: May I comment on
16 that, though? I don't think we can afford to add
17 very much to the cleanup bill that the LESC is going
18 to do this year, because we want to make sure it
19 gets passed and signed.

20 But I think they intend to keep the
21 subcommittee going. So we have another year or
22 two -- I would suggest, knowing that they want data,
23 is that we track very carefully the amount of time
24 we each spend on this and how long it takes through
25 this whole process now.

1 And that way, we will have data to go back
2 to them, when they start in again in June next year,
3 to say, "This is what they need, because here's what
4 it took. Here's what we couldn't do. Here's how we
5 had to compromise."

6 That would just be my suggestion, so that
7 we have this year to gather data, because that's
8 what they want. They want that. They don't want us
9 to give them anecdotal information; they want the
10 data. And I think we're very -- that's very easy
11 for us to capture, I think, if we start out right
12 now.

13 THE CHAIR: Okay. Thank you for that.

14 Commissioners, do we need to just work
15 through the application and the frameworks? Is that
16 a good way to get to all these issues that we have
17 on here?

18 COMMISSIONER BERGMAN: I would suggest
19 that. That's -- I've got my application sitting
20 open right here. I brought my form book.

21 COMMISSIONER TOULOUSE: I didn't bring
22 mine.

23 THE CHAIR: So if we get to one of your
24 areas of concern, and we don't get on the topic you
25 had, well, please bring it up.

1 COMMISSIONER BERGMAN: Problem is, not
2 everybody is going to have the form in front of
3 them.

4 COMMISSIONER TOULOUSE: I didn't realize
5 we needed to bring the forms book, or I would have,
6 so --

7 THE CHAIR: Well, let's see if we can just
8 talk about it. And if we need to share around
9 forms, we can. Is that all right with everybody?
10 Because I -- there are some typos in here, if
11 nothing else, that need to be fixed, and some dates
12 that need to be fixed. Can we do that?

13 COMMISSIONER BERGMAN: Yeah, let's do
14 that, because I'm interested in what you found that
15 I didn't. So let's find out what you're talking
16 about.

17 THE CHAIR: I wish Matt was in here,
18 but -- Julie, can you keep up with this, would you,
19 and share it with Matt?

20 MS. LUCERO: Yes.

21 THE CHAIR: I'm looking at the very first
22 Notice of Intent. I want to go all the way back,
23 because one of the first things we had trouble with
24 this year was I believe we had three different
25 documents, or documents going out with three

1 different due dates on them, as far as when the
2 Notices of Intent were -- had to be submitted, not
3 only to the PEC but to the local superintendent, as
4 well.

5 There were three different dates, as I
6 recall. And we made -- I ended up calling every
7 school district just to make sure that they did
8 receive the Notice of Intent on time, and found that
9 one was not.

10 So what I would suggest -- Matt, we're
11 just going to go through the application --

12 MR. PAHL: Okay.

13 THE CHAIR: -- process. I'm looking at
14 the Notice of Intent document.

15 I'm looking at the second paragraph. It
16 says, "This year the NOI must be submitted by
17 5:00 p.m. Mountain time on Monday, January 13th,
18 2014. If it's not received by the PEC and the
19 superintendents by January..." -- "by the January
20 13th deadline..." blah, blah, blah.

21 The law says the second Tuesday in
22 January. I think we would be smart to change this
23 document to say "the second Tuesday in January of
24 the current year." Then we'll never be wrong.

25 If, somewhere else, you want to make a

1 note and tell them, The "second Tuesday in January
2 of this year..." -- or of '15 -- "...is so-and-so,"
3 by all means, do. But this document needs to not be
4 changing every year. There's too many opportunities
5 for error when you keep changing things.

6 I would suggest it goes --

7 COMMISSIONER BERGMAN: So you're talking
8 about just having that sentence open-ended with no
9 actual date there, just saying "second Tuesday in
10 January," like the statute states, if that's what
11 the statute, in fact, states? Yeah, I'm with that.

12 Matt, you stepped out there.

13 MR. PAHL: Yeah, I'm sorry.

14 COMMISSIONER BERGMAN: The Chair and I
15 also were concerned about the fact that this year,
16 we had three different Notices of Intent with
17 different dates. That made us, I thought -- as I
18 noted previously -- look unprofessional, if nothing
19 else.

20 And so you need to get -- we need to
21 change -- you're right. We need to change this
22 document right now, then, because this is what you,
23 as the CSD, need to have in the hands -- it's got to
24 be on the website, so people that are thinking about
25 putting in a Notice of Intent this January have it

1 with plenty of time to make sure they get the right
2 document. So that should be a priority, changing
3 that wording and getting it up as quickly as
4 possible.

5 THE CHAIR: And, Matt, you might want to
6 check the wording -- you've already done it, checked
7 the statute? Please tell us what it says.

8 COMMISSIONER BERGMAN: Is Linda Olivas
9 still the one that we -- is that still a correct
10 name, because that's typically in the document?

11 MR. GRANATA: Madam Chair, Commissioners,
12 the statute says, "No later than the second Tuesday
13 of January of the year in which the application will
14 be filed, the organizers of the proposed charter
15 shall provide written notification to the
16 Commission."

17 That's the very last day. It may be
18 beneficial if the language indicates that the
19 application can be submitted earlier, or the Notice
20 of Intent submitted earlier, just so that these
21 schools don't wait till the very last minute as a
22 deadline.

23 COMMISSIONER BERGMAN: Isn't that implied,
24 where it says "no later than"? Doesn't that kind of
25 leave it open-ended like that anyway? When you said

1 that, that was how I would take it. That means I
2 could do it on January -- do we want them coming in
3 in December, if we left it open-ended like that? I
4 would say no, we don't want these letters.

5 So somehow, it's -- yeah, I just don't
6 want them coming in in November -- I mean, December.

7 THE CHAIR: I don't think we can rewrite
8 the statute, can we?

9 MR. GRANATA: No.

10 COMMISSIONER BERGMAN: How about putting
11 that sentence from the statute in?

12 THE CHAIR: May I ask Josh that you work
13 with Matt to get the wording correct in this part of
14 the Notice?

15 COMMISSIONER BERGMAN: I would ask that we
16 get that up on the website as quickly as possible.

17 THE CHAIR: Do we need to vote on these
18 when we get through, or just vote on everything at
19 the end? What's your plan?

20 COMMISSIONER TOULOUSE: We don't vote in a
21 work session.

22 THE CHAIR: Do we not vote?

23 MR. GRANATA: That's correct, Madam Chair.

24 THE CHAIR: Wonderful. We can really keep
25 going.

1 COMMISSIONER BERGMAN: We have to approve
2 the documents at some subsequent meeting.

3 THE CHAIR: They come back to us, once
4 they're changed.

5 COMMISSIONER BERGMAN: Every time we do a
6 document, the next meeting, we have a vote that the
7 PEC accepts that document, as amended or revised, or
8 whatever.

9 THE CHAIR: So, Matt, we'll rely on you to
10 bring these corrected documents back to us for
11 approval.

12 MR. PAHL: At a work session or a regular
13 meeting?

14 COMMISSIONER BERGMAN: At a regular
15 meeting, because they do have to have an official
16 vote, yes.

17 MR. PAHL: That's just fine.

18 THE CHAIR: That was my only concern with
19 the Notice of Intent.

20 Anybody have anything else?

21 COMMISSIONER BERGMAN: I -- I would just
22 advise, it wouldn't hurt to have everybody on the
23 Commission to sit down and look at these documents
24 again. I was looking at it earlier. To me, I don't
25 understand why the applicants would ever say, "Well,

1 we didn't really understand the process."

2 This document that we revised in the
3 spring, I think, is pretty clear. It's
4 straightforward, asks a number of prompt questions,
5 tells all the important parts. But, no, other than
6 that, I didn't see anything that I would have
7 changed.

8 We talked about the vision statement, the
9 ELL. They have to provide the local evidence of
10 interest and all that. I think, other than that,
11 I'm satisfied with that document. I think it's a
12 pretty good document.

13 THE CHAIR: Anyone else?

14 All right. Let's move on, then.

15 The next item I have in my notebook is the
16 initial application itself.

17 COMMISSIONER BERGMAN: Well, no, you
18 jumped -- let's do the -- actually, Part A is where
19 the application is introduced to the applicants and
20 has the instructions; so we probably ought to take a
21 quick look at that. It's a short document.

22 THE CHAIR: Introduction to the
23 Application Kit. I'm just going through the
24 documents as they are here.

25 COMMISSIONER GANT: I've got a comment.

1 THE CHAIR: Commissioner Gant?

2 COMMISSIONER GANT: All right. When I
3 look at this -- what we're going to talk about --

4 THE CHAIR: Matt, do we have any
5 additional copies of these documents that we can --

6 MR. PAHL: We're just actually getting
7 them run off right now. So sorry about that. I
8 didn't realize we needed to do that. That's --

9 THE CHAIR: I think it would help if
10 everybody has --

11 COMMISSIONER TOULOUSE: Madam Chair, next
12 time we do this, can we send out a little note,
13 besides the agenda? Because when I read this
14 agenda, it didn't make it clear I needed to lug that
15 booklet up, or I would have.

16 THE CHAIR: Well, maybe we just need to
17 make a blanket statement, anytime we're looking at
18 forms and documents.

19 COMMISSIONER TOULOUSE: I was -- but it
20 doesn't say, really, except for the start-up
21 checklist and all. I thought we were looking at
22 processes, not forms.

23 THE CHAIR: Well, we're going to.

24 COMMISSIONER TOULOUSE: But I'm saying,
25 just in reading it. So if we had a little cover

1 notice, to some of us who don't -- and I admit; I
2 got this yesterday at the LESC meeting, glanced at
3 it, and didn't try to read between the lines. But
4 if -- you know.

5 THE CHAIR: Okay, yeah. Sure.

6 COMMISSIONER TOULOUSE: My brain's getting
7 old.

8 THE CHAIR: Beverly, if you'll bear that
9 in mind, please?

10 MS. FRIEDMAN: Yes, ma'am. Do you want --

11 THE CHAIR: "Anytime we're going to work
12 on forms and documents, bring your notebook."

13 MS. FRIEDMAN: We were just -- James has
14 his computer, and it's all on the website.

15 THE CHAIR: I don't think everybody has
16 their computer here.

17 MS. FRIEDMAN: Okay. Do you want me to
18 go -- do you want me to go get copies?

19 COMMISSIONER TOULOUSE: Matt's --

20 MR. PAHL: We're getting them run. How
21 many copies?

22 THE CHAIR: Mr. Gant, please go ahead.

23 COMMISSIONER GANT: One of the issues
24 that's on your -- is guidance to the new applicants
25 prior to 1 January -- maybe 1 January isn't a good

1 date. But now you're stepping into what -- the
2 early part of the application, the instructions and
3 all that.

4 My concern is that the CSD has
5 their training sessions for the new applicants, if
6 they choose to do so. Some don't, for some reason.
7 But then I get the feeling when you talk to the
8 applicant at the community meetings, or you read
9 what they have, and you read between the lines, they
10 get directions from different agencies or
11 organizations within the PED; or, when it comes to
12 the budget -- and I'll use the name -- well, I won't
13 use the name -- financial managers outside the PED,
14 who are making a living at this, tell them something
15 else.

16 So when they show up here -- "Well, this
17 is what this guy told me, and this is what I was
18 told at CSD, and this is what the budget people tell
19 me"; so they come in with different information in
20 all the applications.

21 There should be one source, and only one
22 source, to fill out the application. And that's the
23 CSD and the PEC, not somebody from the outside, and
24 not somebody from down the hall.

25 We're the PEC that's judging it; the CSD

1 is judging it. So if you've got different people
2 telling these applicants what to do, they're
3 confused, and we end up being confused. And then we
4 have to judge on what other people have told them to
5 do. And that's not right. There should be one
6 source of information.

7 And I -- that's the opinion I get. You
8 hear it out here. "Well, this gentleman said I
9 didn't have to put that in the budget." And so they
10 don't.

11 So we're asking them why they didn't.

12 "Well, we were told not to."

13 Who tells them what to put in the
14 application? Should be one source. Thank you.

15 THE CHAIR: Matt, who does the training
16 for CSD?

17 MR. PAHL: Staff conducts the training.
18 So prior to my arrival, it would have been the prior
19 director, along with -- I think Brad Richardson was
20 the point on new applicant training.

21 And that's how it's been done in the past.

22 THE CHAIR: So only CSD staff?

23 MR. PAHL: Yes.

24 THE CHAIR: Not Coalition, not anybody
25 from the outside?

1 MR. PAHL: No.

2 THE CHAIR: Okay. Commissioner Bergman?

3 COMMISSIONER BERGMAN: Commissioner Gant
4 makes a very valid point. But unfortunately, I
5 don't see how we can tell private individuals or
6 private groups, "You can't go to the Budget Bureau
7 in PED, and you can't talk to outside" -- we still
8 have free-speech issues in this country. And I
9 don't know how we could control that, how we could
10 say, "You only talk to CSD or PEC."

11 That's a great point, but I don't see how
12 we put a stop to that, unless it was in statute.

13 THE CHAIR: I wonder -- the thought that
14 occurred to me is can we make the training required
15 of applicants?

16 COMMISSIONER BERGMAN: That would be a
17 "Josh" question.

18 MR. GRANATA: I'll look at it.

19 COMMISSIONER GANT: Madam Chair?

20 THE CHAIR: Let's let Josh look this up.

21 COMMISSIONER GANT: While he's doing that,
22 why not? Why not say, "CSD is the trainer," and
23 that's the end of it. "And if you listen to anybody
24 else, and you don't do it the way it was trained,
25 you're wrong, see the door"?

1 It's our application. It's not the
2 Finance Bureau's application. It's not these guys
3 out here in the woods who are making money off of
4 their application. They're only there to make
5 money. That's the only reason they're there. If
6 they give them the wrong information, it's on the
7 person who put the application in that he's not
8 following the directions.

9 I realize we've got Freedom of Speech and
10 all that good stuff. But these are applications
11 that say what to do, okay? It gets real old when
12 you've got three different answers out here.
13 There's got to be one answer.

14 COMMISSIONER TOULOUSE: I think, couldn't
15 we get around that by simply making the statement
16 that any information received from parties other
17 than the CSD may not be valid and could -- you need
18 to check before you use it without doing --
19 something like that? A disclaimer that, "This is
20 the valid information; you're free to check with
21 somebody else, but make sure it matches"?

22 That way, they can go to other people; but
23 they'd better make sure it matches what we expect,
24 or they're not going to get the points they need.

25 MR. PAHL: And, Madam Chair, I'd just like

1 to say that I think -- I agree with
2 Commissioner Gant and Commissioner Toulouse, that,
3 you know, if we have the expectation of what's
4 supposed to be in the application, they can get
5 training from wherever they like. But if it doesn't
6 meet our expectations and your expectations, as the
7 Commission, then, "Sorry you got bad advice, but we
8 give you a forum to get good advice," might be the
9 route to address this.

10 THE CHAIR: I think if -- to my mind, if
11 Josh can find an avenue that lets us require the
12 training of all applicants, then we can always put a
13 disclaimer at the bottom, or whatever word you call
14 it, that says, "If you get advice or training or
15 whatever from entities other than CSD, that's at
16 your own risk."

17 I'm sure you could word it nicer than
18 that.

19 MR. GRANATA: Sure.

20 THE CHAIR: What have you found?

21 MR. GRANATA: Just looking briefly at the
22 statute, I think that the PEC does have the
23 authority to ask -- I mean, basically, to direct
24 these entities to follow certain procedures. In
25 particular, "The Commission is required to develop

1 and maintain chartering policies and practices
2 consistent with nationally recognized principles and
3 standards for quality charter authorizing in all
4 major areas of authorizing."

5 So I would think that, just in terms of
6 policy development, that the Commission could
7 require the schools.

8 THE CHAIR: To participate in the
9 training?

10 MR. GRANATA: To participate in the
11 training.

12 THE CHAIR: Okay. Then is everyone -- can
13 we do this? Can we decide to put this in
14 introduction and instructions? Can we put that
15 instruction here?

16 MR. PAHL: I think I have -- one idea I
17 have on how to do it is not only the instructions,
18 but if -- you know, you must have a complete
19 application to be able to move forward in the
20 process. If one of the elements of the application
21 is attendance at the trainings, that would be an
22 element of the application that they must complete
23 to be able to move forward in the process.

24 So if we were to add a section to the
25 application that said, "You must attend Training X,

1 Y, and Z," and if they weren't there, then we can't
2 accept their application, that might be our path to
3 making these mandatory.

4 COMMISSIONER BERGMAN: And keep in mind
5 that if we change something here in Part A, which we
6 just discussed doing, then it's going to impact B,
7 C -- the Parts B, C, and D. And we may have to be
8 sure that we don't put something in Part A that
9 doesn't get carried over in B and C and D.

10 Here, again, that's how we did it in the
11 spring. You may remember. We're working on a draft
12 document right now. And so, yeah, I think we can
13 put all this stuff, and then we can ask Josh and
14 Matt to sit down and flesh out the language. That's
15 just what we did with Julia -- Abby and Julia,
16 remember, worked very closely on that at that time.
17 So this time, it would be Josh and Matt.

18 But we have to also consider we're here
19 in -- what? -- middle of October, November, and
20 December. Everything we change on this is going to
21 affect that application. We've got to get it done
22 mucho fast, because it's going to have to be
23 available then January 1st for all those
24 applicants -- that was the battle we fought in the
25 spring. We were behind the curve then, and people

1 had to actually wait till February before we could
2 give them a new application draft. That's why we
3 did the application in January.

4 So whatever changes we make now will have
5 a ripple effect.

6 THE CHAIR: Sure, they will. Let me just
7 ask for clarity, Matt.

8 MR. PAHL: Yeah.

9 THE CHAIR: Are -- the last time we met,
10 we were working on a 2013 application, with all the
11 parts. We made lots of changes to it. Are those
12 changes incorporated in the document that you're
13 having duplicated for Commissioners?

14 MR. PAHL: Madam Chair, yes. My document
15 that I asked them to copy off was approved in
16 February 2014.

17 COMMISSIONER BERGMAN: Yeah, that's --

18 MR. PAHL: February 2014.

19 COMMISSIONER BERGMAN: See at the very
20 bottom there? Look at your document. It says,
21 "Approved by the Commission, 2/28/14."

22 THE CHAIR: I realize I'm not just sure
23 what document he is -- there are so many documents
24 floating around. I just want to be sure we get the
25 right one copied.

1 Again, Matt and Josh are going to work on
2 including that attendance at all training sessions
3 is required for new applicants for their application
4 to be accepted as complete. Is that -- is that what
5 we said?

6 COMMISSIONER BERGMAN: Are we mandating,
7 again, that they take the training from CSD? That
8 they can go to a private source?

9 THE CHAIR: They can go to anybody they
10 want to, but they have to attend the CSD trainings.

11 COMMISSIONER BERGMAN: So we're mandating
12 that they all come, universally.

13 THE CHAIR: Yes. If they want to get
14 other instruction or other information from somebody
15 else, have at it.

16 COMMISSIONER BERGMAN: What is our
17 recourse if one of them doesn't choose to do the CSD
18 training? That's a question for Josh again.

19 MR. GRANATA: Well, that's what I'll be
20 doing my research on.

21 COMMISSIONER BERGMAN: So what do we do,
22 because we've never had a universal -- where they
23 all went to the CSD training. In fact, I think in
24 some of the years, less than half of them took
25 advantage of the CSD trainings.

1 THE CHAIR: And their applications reflect
2 it, too.

3 MR. PAHL: Josh and I will work on it.
4 But I do think, if it's possible, it's an incomplete
5 application. I really think that's the best lever
6 we have to make that a mandatory requirement.

7 THE CHAIR: Does everyone agree with that?

8 COMMISSIONER BERGMAN: Then where are we
9 going to put that disclaimer, then, or whatever
10 we're going to call it? Should it be right up near
11 the top here, then, on the first page?

12 That way, they can't say, "I didn't know
13 that," they can't see it. Don't bury it in the back
14 of the document.

15 THE CHAIR: Ignorance is no excuse. I
16 remember hearing that somewhere.

17 All right. If we're ready to move on from
18 Pages 1 and 2 --

19 COMMISSIONER BERGMAN: Actually, there's a
20 big item on Page 2 that I guess if that's where
21 we're at, let's discuss it right now. Up at the
22 top, the evaluation rubric.

23 And this is where I am going to state,
24 before we discuss it, the evaluat- -- for those of
25 you that weren't involved, when we did this

1 document, when we revised the evaluation rubric,
2 that evaluation rubric was never meant to be a
3 stand-alone, one item. If you got 90 percent, you
4 got -- you're "In like Flynn," and if you got
5 10 percent, you're not in. It was never meant to be
6 evaluated in our process by itself.

7 I understand the confusion when one
8 school's got a 65; another one got 80. But the
9 evaluation rubric is just one tool in our process.
10 There's a bunch of other tools in it. The overall
11 application, the evaluation by the Charter School
12 Division, the public hearings we had, that's a part
13 of the process.

14 And I've been thinking about that ever
15 since Commissioner Conyers and Commissioner Parker
16 raised those issues. I don't want -- at this time,
17 at least, virtually speaking, again -- we spent a
18 lot of time on that evaluation rubric. The numbers
19 that are on those various categories were chosen
20 with great specificity. We wanted certain
21 categories to be heavily weighted, and we hoped that
22 the applicants would look at that and say, "Now, why
23 did they put all that weight on this particular
24 category," and we wanted the light bulb to go off
25 and them say, "They must mean this is a real

1 important section of this application. We better
2 put a lot of details." And that was our thinking
3 for those that were in it.

4 And a lot of us were at that work session
5 when we did that document. And we spent several
6 hours going over that. So this wasn't something we
7 stuck together in 15 minutes, said, "Okay, CSD, run
8 with it."

9 We discussed numbers; we discussed
10 mathematical probabilities: If we gave it this
11 number, what would happen? Did that send the wrong
12 message?

13 So it's not meant to be just -- it wasn't
14 ever meant to be, "You get 80 percent, you're good."
15 That was certainly never my intent.

16 Admittedly, I didn't unfortunately think
17 of that aspect. That's not one part of it we did
18 talk about. So maybe let's talk about it now.

19 What about this? Because, to me, I could
20 see where one of those schools had an 80 could be
21 denied, and I could see where another school with a
22 70 could be approved, based on the strength of the
23 other areas.

24 So I'll throw that open for everybody else
25 and the Chair, throw that open to -- what about

1 that? How do we handle that? How do we ease that
2 without getting rid of the rubric? I think the
3 rubric is good; I think the numbers are good.

4 THE CHAIR: Well, I think -- Matt and I
5 talked about this briefly yesterday during a break
6 in the LESC meeting. And his take on it was that
7 there is some question, some ambiguity in the
8 wording that's in that rubric. If, for instance --
9 I just turned to a page -- and under "Exceeds," it
10 says, "The school provides a clear, comprehensive,
11 and cohesive overview of the instructional
12 strategies and methods to be implemented that
13 clearly support and align with the school's mission,
14 curriculum..." blah, blah, blah, blah, blah.

15 And he thinks that the teams are getting
16 hung up on saying, "Yeah, they gave us a clear
17 answer; yeah, it was a cohesive answer; it was a
18 comprehensive answer." But they never get into
19 saying, "Did the application give us the information
20 that should have been in that section of the
21 application?"

22 I thought we covered that by putting in a
23 "Comments" section. We asked that the reviewers
24 give us the rationale for their -- for their score,
25 particularly if it was a really high score or a

1 really low score. You always do that when you're
2 grading something.

3 So I think those words are the ones that
4 are -- that are the question. I don't know how we
5 could say it any better, though, to trained charter
6 school people who are reviewers. Do we have to say,
7 'Did they really tell you everything about the
8 curriculum that we need to know?'

9 Can we -- you know, what wording could we
10 use that would be better, Matt?

11 MR. PAHL: So thank you, Madam Chair. And
12 that is a good characterization of what we found was
13 the problem.

14 Most of the rubric language has to do with
15 the completeness and clarity of their answers. It
16 doesn't -- oftentimes, it isn't every time --
17 oftentimes, it doesn't ask us to evaluate the
18 quality of their proposal. And so, you know, there
19 were some times when, yes, it was a clear,
20 comprehensive answer; but in the reviewer's head --
21 and our reviewers are people running charter
22 schools, people who have founded charter schools --
23 they say, "I don't know how this is going to work
24 for them."

25 But the question that we asked them -- the

1 questions are great. What we want to be able to do,
2 and what we -- what we found in our scores, was,
3 okay, we had complete answers that were clear; but
4 then in that capacity interview, and even while
5 we're reading the application, we're thinking, "Can
6 they get this done?" Or, "Is this a good plan? Is
7 it rooted in something that says, A, this is
8 something that a community wants?" Or, "B, is this
9 something that research backs it up will help you
10 get to your outcome that you want to get to?"

11 And so that's -- we got hung up on that a
12 little bit. And so why -- that is -- oh, and I'll
13 add another factor into this, is that our highest
14 scoring applicants paid people to help them with
15 their application. And so that would -- getting the
16 outside help allowed them to clearly articulate what
17 they wanted.

18 THE CHAIR: I still have to disagree with
19 you there. And I've disagreed on that application
20 since the day I saw the scoring come out from the
21 teams.

22 It was a good application; it was not a
23 great application. But it was scored great. Do we
24 not train our teams to know how to evaluate an
25 application? Do they really say, "Well, they gave a

1 clear answer, so, yeah, they get 'Exceeds'?"

2 I mean, if we grade that way, every
3 application should have gotten a 94 percent, because
4 every applicant answered every question in some form
5 or another.

6 It's an evaluation of that answer that is
7 important. And our team, on some of the applicants,
8 missed that very important step. And we got
9 grades -- we got scores all over the place.

10 And I -- frankly, I am surprised that we
11 haven't had appeals. And frankly, I'm surprised
12 that we haven't been sued. If I was one of those
13 schools that was denied, you bet. I'd be with an
14 attorney the next day, because of the (indicates).

15 Commissioner Toulouse has been waiting to
16 talk all the time I've been shooting off my mouth.

17 COMMISSIONER TOULOUSE: Madam Chair, I
18 wanted to say, having spent years and years and
19 years with forms, you can do only so much with your
20 form. I do think you hit on the issue; that is, the
21 training of the people who are the reviewers. And I
22 think what we need to do, as a Commission, is sit
23 down and come up with -- and maybe ourselves even do
24 the training of those individuals, to say, "This is
25 what is meant and expected in your process of

1 reviewing," because I have found the more times you
2 put words in, and the more words you add, and the
3 more times you change things, the bigger the
4 loopholes tend to become.

5 And so we can wordsmith all we want, and
6 somebody's going to find, because there's a change,
7 another loophole. And I just think we ought to be
8 able to tell and expect, then, the reviewers to
9 follow the instructions that we have given them
10 specifically. And if they don't, they no longer
11 become a reviewer.

12 MR. PAHL: What I would say, I think that
13 process starts here. And to answer your question
14 earlier, yes, that is what we did. We looked at
15 what the words were in the rubric and did it as
16 objectively as possible, based on that rubric.

17 However, with our -- with our -- with
18 Cindy taking minutes right now, this gives us
19 something to lean on for we to have a discussion
20 right now, so you can tell us how to better
21 interpret that, so we can incorporate that into the
22 training.

23 I think -- that was something we hadn't
24 done prior to the application process. We went
25 verbatim by the rubric. But if there's some

1 guidance from the Commission as far as how to
2 interpret that rubric and apply it to the
3 applications, we'd be happy to take that in; because
4 we found problems with the application, as well. We
5 didn't -- we -- but we went with the rubric and what
6 was said there and how it was applied to the
7 answers.

8 THE CHAIR: But I think we're getting into
9 an interpretation of the rubric, and I think that's
10 where the problem may be.

11 COMMISSIONER BERGMAN: Commissioner
12 Toulouse, do you want us to take on another job of
13 training people? We don't have time for that. We
14 really -- but I think the wording is good. I
15 understand what the Chair said. But my feeling,
16 when I finish the process -- and I always evaluate
17 what I'm doing -- is we had all those "Comment"
18 boxes there, and we hardly had any comments from the
19 teams.

20 That's why those "Comment" boxes are
21 there. That would be my suggestion and would be a
22 part of your training is your teams need to
23 understand that they should be able to justify, in a
24 "Comments" section why, or how, they arrived at that
25 "Exceeds" or "Meets" or "Didn't Meet" or was "Wholly

1 Inadequate."

2 That's what this Commission needs is an
3 explanation of what the review team was thinking at
4 that point.

5 So that would be my suggestion is that,
6 one, that -- put that on your mental list. The box
7 may be that big, and it may take the team a
8 half-page to explain, really, how they got to that
9 point. So make -- that's part of it I'd like to see
10 changed.

11 THE CHAIR: I think what we're looking at
12 is if the answer is "Yes," then our question is
13 "How?"

14 MR. PAHL: Okay.

15 THE CHAIR: If the answer is "No," the
16 answer is "Why?" -- or the question is "Why?" We
17 need details. I still am unhappy with that highly
18 graded school, because the rationale said, "They
19 gave a clear answer. They gave a clear answer."

20 COMMISSIONER BERGMAN: And that's not what
21 we want to see in that box. "They gave us a clear
22 answer." We want to see a real rationale.

23 THE CHAIR: That's why I sent it back to
24 you.

25 MR. PAHL: We have reviewed it. We

1 reviewed it with another Staff member, and we felt
2 like it was still --

3 COMMISSIONER PARKER: Madam Chair,
4 Commissioners, I think also what you were saying
5 about how they would grade, or assign values, for
6 the rubric, that, yes, it does meet all these
7 qualifications. But in the back of their mind,
8 they're saying, "Yeah, it's great, but I have real
9 concerns of how they're going to accomplish it."

10 So that should be in the comments.

11 COMMISSIONER BERGMAN: When it comes to
12 wordsmithing, I just saw something. For instance,
13 this document has Julia Barnes' name in there.
14 Since Julia's not with us right now, I think that
15 name needs to come out of that document and I guess
16 Matt's name needs to go in, as far as who to
17 contact.

18 So watch for that kind of stuff. And I'm
19 just going to remind the Chair, remember, back in
20 the spring, you said we didn't want to make
21 wholesale changes to these documents. The Chair
22 didn't want us to be doing that. And I said, "We'll
23 have to do something, probably," but --

24 THE CHAIR: But wholesale changes, oh, my.

25 Let me tell you what came to me in the

1 middle of the night last night. On review teams,
2 rather than having a team look at -- how many
3 applications do they look at? Three? Five?

4 MR. PAHL: Between two and three.

5 THE CHAIR: We read them all, but -- oh,
6 well. Instead of having the entire team read two
7 applications. And you have specialists on there,
8 you have financial people; you have curriculum
9 people, all of that sort of thing. Why don't we
10 reconfigure our team?

11 We have a financial team. We have a
12 curriculum team. We have a mission and goals team.
13 And that financial team looks at every single
14 application, the financial part of it, the financial
15 narrative. They look at the budget, everything that
16 has to do with finances, and that's where their
17 recommendations come in.

18 The curriculum team does the same thing.
19 The mission and goals team does the same thing. And
20 those, then -- those two, three, four sections,
21 whatever, would all come together as part of a final
22 recommendation.

23 Because one of the things I saw reading
24 through, particularly these last applications and
25 the rationales that were given, there were -- there

1 was at least one application where the rationale in
2 the -- in the mission and goals section, the
3 information there was tremendous. They knew what
4 they were talking about. Other applications, they
5 sort of had a clue, but, you know, wandering around.

6 Others, same thing in the business
7 section, same in the curriculum. Some knew exactly
8 what they were talking about; others in curriculum
9 (indicates) you know. Think about that. Would that
10 solve any of our consistency problems? Matt?

11 MR. PAHL: I think it would, and I think
12 that's a good idea. Coming in this May, I really
13 just went with the same process we went with in the
14 past.

15 And I like that idea, for the sake of
16 consistency. I would make two requests from the PEC
17 as a result of that. Those applications where you
18 really felt like the comments were fulfilling your
19 needs, if you can just alert us of which
20 applications those were, we can use those as
21 exemplars moving forward, so people know what the
22 expectation is. Because this should be driven by
23 you and the information you need.

24 The second thing that I would ask is if we
25 can, potentially, next meeting, have a work session

1 and do what we're doing now with the new
2 applications for the renewals, what are your
3 expectations for the renewals? We'll be midway
4 through the process, but we can -- we just want to
5 make sure we're serving you the way that you need to
6 be served, so you can make the good choices that you
7 need to make.

8 And so I think it would be worth touching
9 on the renewals and what your expectations are,
10 whether it's today or at a future work session, so
11 we can think about that, as well.

12 THE CHAIR: At what point in the renewal
13 process will we be at next month's meeting? I don't
14 have my time line in front of me.

15 MR. PAHL: We will have just completed our
16 site visits. And we will be -- we've already
17 started requesting data from our other bureaus. So
18 it actually may be a good time -- well, we could
19 make a nuanced change as to how we're interpreting
20 things at that point in time, if we were to visit
21 this, just like we're doing now, at that point in
22 time, and think about what your expectations are for
23 how we are analyzing the renewal applications.

24 THE CHAIR: Do you have teams that read
25 the renewal applications, as well, outside readers?

1 Or are they all -- you don't have enough Staff to do
2 them all.

3 MR. PAHL: They are all Staff for this.
4 And so right now, we -- correct me if I'm wrong,
5 Julie. It's all Staff? Yeah, we're "all hands on
6 deck."

7 THE CHAIR: So how many people does that
8 actually put reading these and evaluating these
9 applications?

10 MR. PAHL: It puts -- one, two, three,
11 four -- five Staff members.

12 THE CHAIR: For 22, 23?

13 MR. PAHL: For 22, uh-huh. So it's a
14 heavy load. But as I told Commissioner Toulouse, we
15 just completed some interviews yesterday for some
16 new candidates. Now, they'd be new, but they could
17 provide those kind of support roles in this process.

18 So we're confident -- we were confident in
19 the time line we presented to the Commission, and
20 we -- with the Staff we have.

21 COMMISSIONER TOULOUSE: How's the mental
22 health of your Staff you have?

23 MR. PAHL: We can talk about that after
24 the work session.

25 COMMISSIONER TOULOUSE: Okay. I just --

1 MR. PAHL: No. Things are good.

2 COMMISSIONER TOULOUSE: When you're
3 short-staffed, I know what happens when you get to a
4 certain point.

5 THE CHAIR: Anyone else have a thought or
6 a comment on reconfiguring those reading teams?
7 It's a brand new idea to me. We may need to think
8 about it for a while.

9 MR. PAHL: Okay.

10 THE CHAIR: But --

11 COMMISSIONER GANT: Madam Chair?

12 THE CHAIR: Commissioner Gant?

13 COMMISSIONER GANT: I would recommend --
14 and it's just a recommendation, and you don't have
15 to do it -- consideration -- and it's another
16 task -- but the training is important that the CSD
17 gives to the charter school applicant. I would
18 almost suggest that at some point, maybe
19 Commissioners need to sit in on a session to see
20 what they're learning, to see what they're being
21 told, so you fully understand -- we fully understand
22 what they're being told.

23 Because you get the information
24 afterwards. And to understand the training they get
25 will help you understand what's in the application.

1 Just a suggestion.

2 THE CHAIR: That's a pretty good idea.

3 Again, I'm like Commissioner Bergman. You want me
4 to do what? But I think it's a good idea. I really
5 do.

6 How long is the training, like, each
7 session?

8 MR. PAHL: It depends on the session. I
9 wasn't here for some of the earlier trainings on the
10 new applications. But oftentimes, they are a
11 morning's worth of training, four hours, with some
12 technical assistance there afterwards, you know, to
13 address those specific questions that somebody may
14 have that doesn't benefit the whole group.

15 THE CHAIR: And how many are there?

16 MR. PAHL: I am unsure, again, because it
17 was before -- before I started. But my -- I'm
18 thinking I saw a document with three sessions.
19 We'll be revisiting that before the -- the -- the
20 January deadline to make sure we have our plan to
21 move forward in the spring.

22 THE CHAIR: Okay. If you could just tell
23 us tomorrow --

24 MR. PAHL: Uh-huh.

25 THE CHAIR: -- just for our information,

1 if it's three or four? I was thinking, like, four
2 or five, but that may have been something in the
3 past.

4 COMMISSIONER TOULOUSE: Madam Chair, I
5 would find it very interesting, and possibly some of
6 our newly elected Commissioners would find it
7 educational. Because, you know, when Mr. Conyers
8 and I came on, we really didn't have any
9 introduction to this at all. And you pick it up on
10 the fly.

11 THE CHAIR: None of us did.

12 COMMISSIONER TOULOUSE: Well, I'm just --
13 and as this has become more and more complex, at
14 least it might be something to offer to them, just
15 as a way, also, to figure out what the job is, you
16 know.

17 THE CHAIR: Absolutely. There is an
18 absolute lack of training for new members on this
19 Commission. It's just, "Come in and sink for a
20 while, and then start swimming."

21 COMMISSIONER BERGMAN: Well, it takes a
22 new Commissioner a year, because you have to see the
23 whole cycle. You have to see it from January 1st to
24 December 31st before you even begin to get the
25 knowledge. So it's hard for that first-year

1 Commissioner to make valuable input, because they
2 don't know what their inputting on.

3 But here, again, I think we're -- that we
4 probably really need to visit this in January, if we
5 do have a dull moment in January, at least. But
6 that has been long a concern of mine about what
7 training CSD was giving to the applicants. And I
8 base that on what I saw when I saw their
9 applications.

10 I think one of the things we need to talk
11 about is some of the important critical components
12 of the application definitely need to be covered in
13 the trainings. We have these problems every year
14 with the goals, for instance. If there's a solid
15 hour spent on goals in the training -- and, I mean,
16 you take some of the newest goals we did in this
17 cycle that we just finished, all those -- you know,
18 where we -- where the Chair particularly wanted to
19 see those "Exceeds" categories with two different
20 requirements, your trainers should go to those
21 applicants, and they should have a document -- a
22 page -- a one-page document -- that, "Here's goals
23 that have recently been negotiated with existing
24 charter schools. This is the kind of goal that we
25 expect to see in your application for your proposed

1 school."

2 And it should be trained. And it should
3 be explained to the applicants, "There's a reason
4 for this. The PEC cares about your academics. And
5 if you don't have goals, you don't have academics;
6 or at least you don't have proof of your academics."

7 So that's the things we need to talk
8 about, I think. That's --

9 THE CHAIR: Before I lose the word, Matt,
10 let me ask that at our -- I've made myself a note --
11 at our January meeting, we need to talk about CSD
12 training for new applications. And we need a
13 syllabus for each of those training sessions, okay?

14 MR. PAHL: Yeah.

15 THE CHAIR: An outline, a detailed
16 outline, if you would prefer -- that would be easier
17 to call it that -- something that if we -- and
18 that's the other thing I need to ask.

19 Josh, is there any reason why a
20 Commissioner could not attend one of those training
21 sessions? Is there any kind of conflict?

22 MR. GRANATA: I don't think so.

23 MR. PAHL: And we welcome that.

24 THE CHAIR: Can you think of any kind of
25 reason? No? No?

1 Okay. If you could be prepared at our
2 January meeting, we'll talk about the training.
3 You'll give us the outline of each training session
4 and when it's scheduled.

5 MR. PAHL: When it is, yeah.

6 THE CHAIR: And at that time, we can
7 decide if we can attend any of them.

8 MR. PAHL: That sounds great. I think
9 it's great to be on the public record, as well, for
10 new applicants to refer to, when these trainings
11 are, and everything should say the same thing,
12 so....

13 COMMISSIONER GANT: Put it on the website?

14 MR. PAHL: That sounds good.

15 THE CHAIR: That would be good, too.
16 Commissioner Gant?

17 COMMISSIONER GANT: Commissioner
18 Bergman -- Commissioner Bergman brought up this
19 issue of the goals. And I had made myself notes on
20 that. One thing I don't think the applicants
21 understand -- and many of them are educators, so I
22 don't understand why they don't understand -- is the
23 metrics that go with the goals. They don't know how
24 to set up metrics to evaluate the goals that they
25 want -- they want, okay?

1 So I think that needs to be part of the
2 training.

3 MR. PAHL: I -- if I may?

4 THE CHAIR: Sure. As a matter of fact,
5 now is a good time to take a break. Let's come back
6 at about 20 after.

7 MR. PAHL: Actually, can I make one quick
8 comment on that? Sorry.

9 That's what I wanted to do. I agree with
10 you, Commissioner Gant. We find that from a lot of
11 charters that were working pre- -- that are under a
12 charter and are not in the performance framework.
13 And in my head, it is a little surprising that they
14 are not as fluent as they -- as we would expect them
15 to be.

16 THE CHAIR: Not at all.

17 MR. PAHL: So in one way, yeah, that's a
18 deficit we have to fill. But I think it also speaks
19 to the power of the performance frameworks and what
20 it's forcing people to do. We agree that's a
21 deficit and one we need to address through training
22 that we learned over the course of this year.

23 COMMISSIONER GANT: Thank you.

24 THE CHAIR: Let's take a break. Come,
25 back at 25 after.

1 (Recess taken, 10:13 a.m. to 10:28 a.m.)

2 THE CHAIR: Let's go ahead and get
3 started.

4 Did we finish with training? We've been
5 talking about the rubric for scoring. Are we still
6 there, or are we ready for something different?

7 COMMISSIONER BERGMAN: I think I've said
8 everything I wanted to say.

9 COMMISSIONER GANT: Madam Chair?

10 THE CHAIR: Commissioner Gant?

11 COMMISSIONER GANT: Madam Chair, I was
12 thinking about something while you all were out
13 while you were talking about the scoring and the
14 goals. That all comes after the mission. And, you
15 know, we've all read these mission statements. And
16 some of them are good, and some of them are so
17 vague, they wouldn't hold water if they had to.

18 And I think they need training on mission
19 statements when they do this. I really -- these
20 folks really don't know how to write mission
21 statements; most of us don't. I mean, that's a hard
22 thing to do, to do a good vision statement.

23 So I think, in thinking about putting
24 goals together, you have to have a good mission
25 statement as the foundation. And I think part of it

1 is they -- we don't know how to write a good mission
2 statement. So that's just my input on that subject.
3 Thank you.

4 THE CHAIR: Thank you. Matt, if you would
5 make a note of that?

6 MR. PAHL: Yes, I have.

7 COMMISSIONER BERGMAN: And let me add to
8 that. As I just listened to Commissioner Gant, his
9 point earlier about the metrics of all of it, as we
10 see with a lot of these applications, when the
11 application, here, again, is completed, they have
12 not chosen their metrics yet. They don't know
13 whether they want to do Discovery or any of whatever
14 else is out there.

15 And of course, that, to me, raises the
16 valid point, if you don't know how you're going to
17 evaluate your students, how do you write a credible
18 goal? And so we have to kind of think about how
19 we're going to address that in training and things
20 like that, too.

21 They make -- right now, I don't believe,
22 in our application, that there is any point in there
23 where we state, "You need to, at least, initially,
24 choose your short-term assessment."

25 THE CHAIR: Your short-cycle assessment?

1 COMMISSIONER BERGMAN: And if you find
2 that they don't work for you, we'd be more than
3 happy to come back and talk to us about changing
4 that. So maybe when we get to the application,
5 maybe there needs to be an additional sentence in
6 the goals section on that. "You need to make an
7 initial commitment to some kind of short-term
8 assessment system, so that you can then write your
9 goals off that choice."

10 THE CHAIR: Well, since it's now mandated
11 by PED -- and paid for by PED?

12 MR. PAHL: What is?

13 THE CHAIR: The Short-Cycle Assessment?

14 MR. PAHL: Yeah, the approved Short-Cycle
15 Assessments are.

16 THE CHAIR: Paid for and mandated?

17 MR. PAHL: Not necessarily mandated.
18 They're incentivized, so it makes sense for schools
19 to use them.

20 THE CHAIR: They have to do Short-Cycle
21 Assessment.

22 MR. PAHL: In statute, yes, for grades K
23 through 3, yes.

24 THE CHAIR: Beyond that?

25 MR. PAHL: There might be a couple of high

1 school grades; I can't remember off the top of my
2 head. But it's not across the board for K through
3 12 that it's mandated.

4 THE CHAIR: That's interesting. I thought
5 it was.

6 Okay. Can I ask that we go to Page 2 --
7 I'm still in the introduction and the
8 instructions -- where it talks about the application
9 will be evaluated and scored using the evaluation
10 rubric, blah, blah, blah. A team will review your
11 evaluation independently, blah, blah, blah. Okay.

12 Nowhere in here, that I found -- and I've
13 just skimmed over it again now. Nowhere in this
14 description of the application does it very plainly
15 say, "PEC Commissioners read and evaluate your
16 application, as well."

17 Am I missing it?

18 COMMISSIONER BERGMAN: I'm reading it. I
19 don't see that specific language. I don't remember
20 any other point where we would have put that
21 specific language in there.

22 THE CHAIR: If you will remember, there
23 are times, as has come up through the years, that
24 applicants have questioned whether or not
25 Commissioners have ever read their application. And

1 I think it needs to say, right here, first sentence,
2 "The application will be evaluated -- read and
3 evaluated by -- by the Commissioners of the Public
4 Education Commission."

5 Then it needs to go on and talk about the
6 things that the CSD does, that our Staff does. And
7 I think when it says "CSD," it needs to say that
8 they are our Staff. We have people think that the
9 CSD runs -- is the overall entity here that's making
10 decisions.

11 CSD is doing a lot of work, but they're
12 doing work as Staff, not as the Commission. And so
13 I think it would be nice if we made two distinctions
14 here.

15 COMMISSIONER BERGMAN: Well, I have no
16 problem with adding a sentence along that, and then
17 it's still up to the Commissioners to read and
18 evaluate those applications.

19 I thought I might -- that allows me now --
20 prompts me to explain something to Matt. You may
21 have noticed that when I was talking to one of those
22 schools, the hearing on DEAP that I missed -- that
23 was the one hearing I missed -- I went through a
24 little thing about I have read.

25 MR. PAHL: Yes.

1 COMMISSIONER BERGMAN: There's a reason
2 for that, believe it or not. In one of the appeals
3 that we lost in our early years, it was put in that
4 appeal that there was nowhere in the minutes was
5 there any indication that any Commissioners had read
6 the applications; and, therefore, they must not have
7 read the applications.

8 MR. PAHL: Oh, wow.

9 COMMISSIONER BERGMAN: Specific language.
10 And that's now why I make that statement to every
11 school whose hearing I miss, because I want it in
12 the record that I read those applications; so they
13 can't use that against us in the future. That is
14 exactly why I did it that way. There was a reason
15 for that.

16 Believe it or not, I couldn't -- when I --
17 when we lost that appeal, and that was a part of
18 that -- I was flabbergasted that somebody would say,
19 "Because nobody had said, overtly, that they had
20 read the application, that they must not have read
21 the application."

22 I've never seen that kind of legal logic
23 before.

24 So thank you, Madam Chair.

25 THE CHAIR: May I suggest wording for the

1 paragraph that begins, "The application will be
2 evaluated...", I suggest wording that says, "The
3 Public Education Commission reads and evaluates all
4 applications," period, and then goes on to say, "The
5 CSD Staff also evaluates" applica- -- "...reads and
6 evaluates applications and uses the evaluation
7 rubric, which is embedded...", blah, blah, blah, to
8 finish out that sentence.

9 COMMISSIONER BERGMAN: I would say,
10 specifically there, if we're going to say that, that
11 "uses the evaluation rubric as one part of their
12 overall evaluation."

13 Maybe that would answer those questions
14 that we had a little earlier. Did you guys get that
15 wording? "Uses the evaluation rubric as one part of
16 their evaluation process."

17 THE CHAIR: Okay. I'm just reading
18 through the rest of it to see if -- is everybody
19 doing okay with the Application paragraph?

20 Let's go to the capacity interview
21 paragraph.

22 COMMISSIONER POGNA: What page is that on?

23 COMMISSIONER BERGMAN: 2. We're still on
24 Page 2, right below what we were just discussing.

25 THE CHAIR: Okay. I'm looking at the last

1 sentence in the capacity interview paragraph. "The
2 application score and analysis, along with the score
3 and analysis of the capacity interview, will form
4 the basis for the CSD's recommendation to the PEC."

5 Now, we've said for years, as long as I've
6 been on this Commission, that the Commission makes
7 the decision on whether or not to grant the
8 application based on the application, period, the
9 application as it is presented, not as it -- they'd
10 like to change it or whatever.

11 So I think this last sentence needs to be
12 changed to indicate that the capacity interview
13 information is forwarded to the Commissioners; but
14 it's not part of -- do we leave it part of the CSD's
15 recommendation to the PEC? Because if it is, then
16 it becomes part of what CSD -- what PEC considers
17 when they're evaluating the application.

18 COMMISSIONER BERGMAN: Well, it's a true
19 statement. It does form a part of their
20 recommendation.

21 THE CHAIR: But we say --

22 COMMISSIONER BERGMAN: But then we take
23 their recommendation, and we may agree with their
24 recommendation, or as we've seen, we may disagree
25 with their recommendation.

1 THE CHAIR: But we say all we look at is
2 the application. When we look at a -- when we vote,
3 we're voting on the application.

4 COMMISSIONER BERGMAN: I don't know why
5 anybody else votes. I don't just look at the
6 application. I look at the capacity interview and
7 whatever other information we're provided, anyway.
8 I evaluate what I heard in the community hearing,
9 because I was fortunate to be at most of them. The
10 application, of course, is the basic part of why any
11 of us votes, I guess; but it's never the only part
12 of my analysis, anyway. I look at a lot of things.
13 I assume everybody else does, too.

14 THE CHAIR: But it's -- if there's
15 something that comes out in the community input
16 hearing that you say, "This is lacking in the
17 application," and they say, at the community input
18 hearing, "Oh, but here's that information, and now
19 you know everything you need to know about that
20 section," is that section of the application now
21 complete, as far as you're concerned?

22 COMMISSIONER BERGMAN: I know what you're
23 saying. And, yes, we tell them that that's -- on
24 the date you submit that application, that's fine.
25 We're not rewriting the application. We have said

1 that verbally many, many, many times. And that's
2 why we don't accept material at the -- at our
3 approval meeting for the same reason. One, I don't
4 know how we would read it.

5 But I'm trying to figure out how we would
6 handle your concern, Madam Chair. It's a valid
7 concern, yeah, whether we should add any other --
8 I'm looking at the other pages, too.

9 THE CHAIR: Commissioner Gant?

10 COMMISSIONER GANT: Madam Chair, just
11 sitting here with our attorney sitting next to us,
12 and when we go -- when we say at the meetings, "Our
13 decision is based upon the application you gave us
14 on the 1st of July," and we don't approve it, can
15 some attorney come back and say, "Well, you had the
16 community input, you had capacity interviews, you
17 had da-da-da-da-da, stuff from CSD, but you're only
18 doing it on the application," that we have legal
19 grounds to stand on to just say we're basing it on
20 the application alone? Because we say that.

21 THE CHAIR: Yes, we do.

22 COMMISSIONER GANT: Do we have legal
23 grounds, with all these inputs, can an attorney come
24 back and say, "You got all these inputs, and they
25 told you the right answer from those inputs, and

1 you're not -- we got letters, we got e-mails and all
2 this other stuff, and you're not accepting that,"
3 can we say that?

4 MR. GRANATA: Madam Chair, Commissioners,
5 I guess the first thing that I would ask the
6 Commission to maybe clarify for me is, I guess, what
7 are the point -- what's the point of having this
8 different input provided to the Commission after the
9 application?

10 COMMISSIONER GANT: Madam Chair, for one,
11 I think the statute says we have to have community
12 input. We have to have that. Now, whether it says
13 we -- we accept the capacity interviews, it doesn't
14 say that.

15 THE CHAIR: Those are not required.

16 COMMISSIONER GANT: And it doesn't say
17 anything about the CSD Interview and Analysis,
18 either. We only do that because they are our Staff.
19 And in most organizations, you would depend upon
20 your Staff to evaluate something as complicated as
21 this.

22 COMMISSIONER BERGMAN: And yet at the end
23 of each public hearing on our August tour, we allow
24 the public to send -- three full days to send in any
25 more additional information, or their thoughts or

1 whatever.

2 So to me, it would be an insult to me, if
3 I wanted to send the Commission some more
4 information during that three-day period, for them
5 to say, "But I'm not" -- the PEC -- "You're wasting
6 your time; PEC doesn't consider that."

7 THE CHAIR: Is that in statute?

8 COMMISSIONER GANT: No, Madam Chair. That
9 is not in statute, that you receive additional
10 information after the application.

11 THE CHAIR: No, after the community input
12 hearing.

13 COMMISSIONER GANT: It is not in there.

14 COMMISSIONER BERGMAN: For some reason,
15 somebody must have decided at some point -- and we
16 would have been involved in that -- that it was
17 necessary -- I don't know if it came from legal
18 advice we've had in the past.

19 THE CHAIR: And I don't know where
20 capacity interviews came in. A few years?

21 MR. PAHL: I couldn't tell you that.
22 Sorry.

23 THE CHAIR: Does anybody remember when
24 they started doing capacity interviews?

25 COMMISSIONER BERGMAN: I can't remember

1 when we started them. I think we've been doing them
2 maybe since the beginning.

3 THE CHAIR: It may have started with Tony
4 Gerlicz.

5 COMMISSIONER BERGMAN: It may very well
6 have, yes.

7 THE CHAIR: And the PEC had nothing to do
8 with capacity interview questions, nothing to do
9 with the capacity interview. If you will remember,
10 it's only been in the last year, or maybe two, that
11 we've even seen the questions that were asked in the
12 capacity interview.

13 So it's a real new process, I believe.

14 Matt?

15 MR. PAHL: I want to put a note of caution
16 in about the application, versus the capacity
17 interview part here.

18 There are a lot of consultants out there
19 that are being paid to write an application. And if
20 we are only to judge a school's -- a potential new
21 school on the merits of an application that was
22 written by someone else, and then we sit down with
23 the core group who's going to run that school, and
24 we say, "They don't have it together," if it's only
25 those words written on the application, it really

1 could be somebody else's work.

2 And so there's an important role for
3 the -- I think there's an important role for the
4 community input hearing and the capacity interview,
5 in just hearing what these people are going to be
6 running a school have to say.

7 So it's a note of caution, because I do
8 think it's going to happen more and more. And we
9 want to be careful of entering a system of kind of a
10 pay -- if you pay, you can get chartered, you know,
11 if you pay some outside help to help you with it.

12 Just a note of caution. I don't know
13 where that takes us from here. But it's something
14 that's been on my mind the last couple of months,
15 yeah.

16 THE CHAIR: Commissioner Gant, and then
17 Commissioner Parker.

18 COMMISSIONER GANT: Madam Chair?

19 THE CHAIR: But let me just ask this one
20 question, before you get started. Who is allowed to
21 come to the capacity interview from the applicant
22 side?

23 MR. PAHL: From the applicant side, it's
24 the founders of the school. Now, we did have -- in
25 this past year, they would bring in, if they had a

1 finance person who was helping them. So maybe we
2 need to say it can only be the founders in the room,
3 and that's who we're talking to. But it was not --
4 to my knowledge, we didn't have any of the
5 application -- those consultants that were writing
6 applications.

7 But that would be something we would be
8 happy to say. "We don't want those -- we only want
9 the founders who are listed on the application
10 there."

11 THE CHAIR: Commissioner Gant?

12 COMMISSIONER GANT: Madam Chair, I believe
13 I understand the purpose of the capacity interview,
14 because in many ways, you -- dealing with contracts
15 in the past, we would put out the RFP, and we'd get
16 the results, and we'd go back and forth. And then
17 we'd have the interview with the people that put it
18 in. It would be to see -- like you have said --
19 eyeball to eyeball. Can they really talk it, or
20 they've just got a bunch of words that they don't
21 understand?

22 So I can understand the capacity
23 interview. But how do you weave that into your
24 final decision? That's the hard part. How do you
25 weave that capacity interview into your final

1 decision? If you don't --

2 THE CHAIR: Well, it's already there,
3 because they use it as part of the analysis when
4 they make their recommendation. So it's already
5 there.

6 COMMISSIONER GANT: So actually, what
7 you're doing, you're not -- you are -- the
8 Commission is not making the decision on the
9 capacity interview. You're making it on the
10 recommendation. And part of that is the capacity
11 interview.

12 THE CHAIR: Their -- their analysis of the
13 application and the scoring from it and their
14 capacity interview scoring, all of that is rolled
15 into their recommendation to the PEC.

16 COMMISSIONER GANT: I like the piece where
17 Matt said only the founders; because I have become,
18 you know, upset, because the founders could not
19 answer the questions, when they sit in the community
20 meetings. They need to be answering the questions,
21 not these financial people, not anybody else, but
22 just them.

23 THE CHAIR: Right. And I know both of you
24 all want to speak. Let me ask Josh to put one more
25 question on his list for whenever you can look it

1 up. Can we say who may come to the table to answer
2 questions during the community input hearing and on
3 the day of the decision?

4 Can we say, "No, your finance guy can't
5 come with you"? "You have to be able to answer the
6 finance questions"? "You, founder, must be able
7 to"?

8 If we can do that, yeah. Commissioner
9 Parker, then Commissioner Toulouse.

10 COMMISSIONER PARKER: As far as what we
11 consider being part of the application when we're
12 making our final decision on there, it's pretty --
13 in my eyes, it's pretty clear on the -- it's listed
14 as parts of the Application Kit that the capacity
15 interview questions are in there. So when you say
16 "application," in my mind, the capacity interview is
17 part of that application. So I don't think it's
18 something that we negate, like Commissioner Gant was
19 not proposing, but just speaking about.

20 THE CHAIR: Thank you. Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: I have two parts:

23 One is, I understand why we have to make
24 our judgment on the application. You can't have
25 people continuing to amend and amend and amend as

1 they go through. But I think the capacity interview
2 is really our internal process. It's what our Staff
3 does to give us the advice we need.

4 The community input is in statute, and it,
5 again, helps us make the subjective part of our
6 decisions.

7 The objective part is what comes to us in
8 the evaluations, the community input. And that's
9 why I think anybody can send us information. But it
10 isn't an official part of an application, but it's
11 things to let us decide.

12 But I'd also like to go back and ask
13 Millie, who's been here from the beginning, what did
14 you do when you first started these?

15 COMMISSIONER POGNA: Do about what?

16 COMMISSIONER TOULOUSE: The new
17 applications. How did you handle them?

18 COMMISSIONER POGNA: They were submitted
19 to us, and we tried to read them.

20 COMMISSIONER TOULOUSE: And so you had no
21 Staff going through them? It was just all of you.

22 COMMISSIONER POGNA: It was all of us.

23 COMMISSIONER TOULOUSE: When did that
24 process change, do you know?

25 COMMISSIONER POGNA: I have no idea.

1 COMMISSIONER BERGMAN: That process
2 changed when this Commission, in the last six years,
3 took ahold of it by the throat and started changing
4 the process. That's --

5 COMMISSIONER TOULOUSE: That was a
6 curiosity on my part, having been doing higher ed at
7 that point in my career and not looking down below.

8 COMMISSIONER BERGMAN: I've been on the
9 Commission six years now. When Commissioner Carr,
10 Commissioner Shearman, and myself came on at the
11 same time, there was no process. Essentially,
12 Dr. Duran was the director of the Charter School
13 Division. Whatever he said, we were supposed to do.
14 He stood right there and told us that we couldn't
15 ask questions. We couldn't do this. We couldn't do
16 that.

17 And that's when the fun began, because
18 we're elected officials, and we can do that. And so
19 that's what started the process. That's when we
20 figured out you had to have a process. You had to
21 have good forms to get it done. And it took us six
22 years. We're still working on it. As you see right
23 now, we're working on it.

24 COMMISSIONER TOULOUSE: I wanted the
25 historical perspective. Thank you.

1 COMMISSIONER POGNA: But it was such a new
2 project. And we hadn't really gotten into it. It
3 was -- there weren't many questions.

4 COMMISSIONER TOULOUSE: That's why I was
5 interested in how it developed over time. And I
6 also know there were enough turnover -- when it
7 became, you know, the Secretary after Secretary --
8 at least we had one Secretary Designee here, even
9 though she's not usually present in the building.
10 But before that, I know there was some churning, and
11 that's hard, too, then.

12 THE CHAIR: Matt says he has the answer
13 for us. Your name is "Josh."

14 MR. GRANATA: It is, indeed.

15 THE CHAIR: Why do I -- all the years I
16 taught, I renamed every student, just about,
17 every -- I'm sorry. Josh, please go ahead.

18 MR. GRANATA: Madame Commissioner and
19 Commissioners, just to give you guys some clarity
20 regarding the law. In particular, for the community
21 public hearing, it's -- the statute says that, "A
22 chartering authority shall hold at least one public
23 hearing in the school district" -- you guys
24 obviously know this -- "in which the charter school
25 is proposed to be located to obtain information and

1 community input to assist it in its decision whether
2 to grant a charter school application."

3 So I tend to agreed with Commissioner
4 Bergman, that all of this information needs to be
5 looked at in total -- all the information that comes
6 to the Commission in order to reach the decision.

7 However, if an application is inadequate
8 or incomplete at the time that it is submitted to
9 the Commission, then the Commission can deny it.
10 The law does give the Commission that power. But
11 that's when this Commission does have discretion
12 about where to use this -- this power to deny or to
13 approve the charter.

14 And then I think it's important to
15 consider everything that is submitted to the
16 Commission besides just the application. I'll look
17 into the issue regarding the capacity interview.

18 Also back to the public hearing, the Chair
19 asked about excluding certain people from that
20 hearing. And I would suggest that by all means, no.
21 Everyone in the public hearing should be allowed an
22 opportunity to provide their input. I think the
23 Commission can limit that input in terms of saying,
24 "Okay, everybody has two minutes; everybody has five
25 minutes." But you cannot simply say, "No, you guys

1 cannot address -- cannot get your community -- your
2 input at that hearing."

3 MR. PAHL: Josh, I have a question right
4 there.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: Madam Chair, Josh, the
7 only issue I have is input versus information. If I
8 ask the founders sitting there, wherever we are,
9 community meeting, "What about this part of your
10 application, please explain it," and the applicant
11 turns around to Joe Blow and says, "Would you
12 explain that, please," at that point, it's different
13 than public input.

14 At that point, an expert is speaking for
15 the founder. And that is where I have a problem.
16 It's different than public input.

17 MR. GRANATA: Okay.

18 COMMISSIONER GANT: See what I'm saying?

19 MR. GRANATA: I do.

20 THE CHAIR: Absolutely. And it's the
21 public input hearing, and it's also the decision
22 meeting, because we have been told by various
23 directors that whoever the applicant brings to the
24 table with them is allowed to speak. Because I've
25 questioned that. So I don't know where that came

1 from. But -- anyway, Matt?

2 MR. PAHL: I just wanted -- it's another
3 note of caution, and I don't know if it changes
4 anything. But, you know, the finance -- or the
5 business managers that we have at most charter
6 schools are doing it at a few charter schools; there
7 is one that's doing it at many charter schools.

8 THE CHAIR: Many charter schools.

9 MR. PAHL: And so I -- we -- I guess I
10 want to be careful about that, because the reason
11 why we have business manager licenses is because you
12 do need someone with that specific expertise.

13 Now, whether they're at the table or not,
14 or if -- as Commissioner Gant noted, if they're
15 really leaning on that person, and they really can't
16 answer anything themselves, I see two things there:

17 One, it's part of that subjective data, of
18 this person can't even answer simple questions on
19 this before relying on the business manager that
20 they're beginning to start that relationship with,
21 that they would, you know, be in their school -- or
22 be serving their school.

23 The second piece is, is there a way for us
24 to, you know, direct our questions, as well, to ask
25 somebody very specifically, you know, if --

1 Madam Chair, if you were up here presenting your
2 school, asking specifically of you, you know, "I'd
3 like to know what your thoughts are on your budget."

4 I don't know if those are ways around it.
5 But I'm a little wary -- in my head, there's a
6 difference between the people that are helping write
7 the applications and someone who they are developing
8 a partnership with to serve them as the school moves
9 on. But I'm not sure.

10 THE CHAIR: Then how would you exclude
11 them from your capacity interviews?

12 MR. PAHL: I mean, that's where I'm --
13 where the first thought came from, because I
14 thought, "Boy, what" -- I mean, "How much are
15 they" -- some of the questions -- like, for example,
16 one question in the capacity interview is, you're --
17 a hypothetical question about a school's enrollment
18 being half of what it -- what they anticipated it to
19 be. "What are you going to do, as the leader of
20 this school?"

21 That's a question that I think should be
22 able to be answered by the leader of a school. You
23 know, "Well, here are the things that I would look
24 at. Here are the things I think I would have to
25 cut."

1 That's more than just the finance arena.
2 So I guess I'm bringing this up to say I'm not sure,
3 I guess.

4 THE CHAIR: But is the leader of the
5 school one of the founders? Or -- because some of
6 these schools have already gone out and hired their
7 head administrator, or the head administrator is
8 volunteering their time, or whatever the word is.
9 So if -- if the head administrator is not a founder,
10 but they're there --

11 MR. PAHL: Yeah, exactly.

12 COMMISSIONER TOULOUSE: Madam Chair,
13 that's -- I've found a problem here in -- on Page 5
14 in this -- you know, the Application Kit, where it
15 says "Capacity Interviews."

16 Because it says, "The capacity interview
17 is a critical component of the review process, and
18 the founder's key spokesperson must be available.
19 In addition, if a particular person drafted a
20 section in its entirety, that person should also be
21 available to answer."

22 Right there, if somebody has written it,
23 then that's the person you're asking to be there.
24 And then it says, you know, it's designed to
25 demonstrate the founding group's capacity, but it

1 doesn't say anywhere you need your group of --

2 THE CHAIR: Where did you find that?

3 COMMISSIONER TOULOUSE: It's on Page 5 in
4 the --

5 COMMISSIONER GANT: It's in the squares.

6 THE CHAIR: Of what section?

7 COMMISSIONER TOULOUSE: The New Charter
8 School Application Kit, Part A.

9 COMMISSIONER BERGMAN: While you're
10 turning there, let me read to you from Page 2. Here
11 again -- we've addressed this.

12 "The applicants may have the personnel
13 with the technical expertise with them at the
14 table." And then, in parentheses, we put in there,
15 "and should have these people with them, if these
16 people were primarily responsible for drafting a
17 section," period.

18 Then we say, next, "However, the
19 applicants themselves" -- in other words, the
20 founders -- "should demonstrate knowledge and
21 understanding in all areas of the application."

22 We've already addressed that, I think,
23 yeah, in at least two different places, you know.

24 So I can understand, if I wanted to do a
25 charter school application, I don't have expertise

1 in all these areas. I'd certainly need help with
2 the budget. So I have no problem with hearing from
3 anybody. In fact, I have no problem with the
4 capacity interview.

5 I became more comfortable with the
6 capacity interview when, as the Chair already noted,
7 we were told initially, "You don't need to know what
8 questions we're asking." And we were all, "Oh, yes,
9 we do need to know what questions."

10 Now that we are provided with the
11 questions as a part of the form you fill out, which
12 we kind of insisted on, I want to see those
13 questions, because here, again, I want to see how
14 the applicants answer those questions. And I want
15 to know, did they show that technical expertise and
16 knowledge in their answers?

17 MR. PAHL: And who answered those.

18 COMMISSIONER BERGMAN: And who answered
19 the question, that is correct.

20 COMMISSIONER GANT: Madam Chair, my issue,
21 though, is okay, the experts there can answer. But
22 when you have a meeting -- and we had one of them
23 there in Taos, as I remember very well -- and we
24 were asking questions of the charter founders. And
25 I asked a question on the budget. And the answer

1 was, "I don't know. The person that put this
2 together is not here, and I can't tell you."

3 COMMISSIONER BERGMAN: I agree that's a
4 valid concern, yeah.

5 COMMISSIONER GANT: The vote was no, at
6 that point. But, you know, that, we cannot put up
7 with, or should not put up with.

8 THE CHAIR: I'm marking this in my
9 section. Okay.

10 So I think what I'm hearing is that we
11 don't just rely on the application. We don't take
12 new information and plug it into the application
13 where it was insufficient or incomplete. We won't
14 do that.

15 But we do hear and give weight to the
16 community input hearing, to the capacity interviews,
17 and to the application, as submitted in January.

18 So if the statement made -- and I think it
19 should be part of that statement that's made at the
20 beginning of every community input hearing -- if we
21 said, "The PEC makes their decision for approval or
22 denial based on the application, as submitted in
23 January, and the capacity interview, and the
24 community input hearings," would that get us in a
25 better spot, Josh?

1 MR. GRANATA: Madam Chairman -- and what
2 about the CSD's recommendation?

3 THE CHAIR: Okay.

4 COMMISSIONER BERGMAN: I call your
5 attention, again, to Page 2, the very top two
6 sentences. There are four major steps to consider:
7 The application, the capacity interview, the
8 community input hearing, and the CSD review. There,
9 again, it's covered right there.

10 THE CHAIR: Okay. But, again, the PEC is
11 not in there anywhere.

12 COMMISSIONER BERGMAN: Well, I think it's
13 understood that anybody that's an elected official
14 makes a decision on anything before them based on a
15 wealth of information before them, hopefully. The
16 problem I -- I don't want to get into Obamacare
17 here. But I was really distressed when a whole herd
18 of Senators said, "We didn't even read the bill
19 before we voted on it."

20 That's why it's important that we read all
21 this stuff. I assume it should be -- it should be
22 understood that anybody elected -- who's an elected
23 official uses as much information as they can obtain
24 to arrive at their own personal conviction for their
25 vote, whether it's yay or nay.

1 THE CHAIR: But that's my point. It
2 doesn't even say the PEC is involved at this point.
3 I'm saying let's make it five major steps: The
4 application, the capacity interview, the community
5 input hearings, the PEC review, and the CSD review.

6 COMMISSIONER TOULOUSE: Why don't we just
7 say, "The PEC makes their decisions based on the
8 following"?

9 COMMISSIONER BERGMAN: Keep in mind,
10 anytime we put something in print, if we overlook
11 something, then somebody could come back and say,
12 "You didn't specifically mention this in that
13 sentence; therefore, you can't consider it."

14 That's what lawyers do; lawyers do things
15 like that.

16 COMMISSIONER TOULOUSE: I know what
17 lawyers do. So do you. We were both raised in
18 those households.

19 THE CHAIR: The four major steps to
20 getting an application approved, the PEC is not
21 included. We don't -- if that's all you read, then
22 somebody besides the PEC makes the decision.

23 MS. FRIEDMAN: Madam Chair?

24 THE CHAIR: Again, I think the PEC should
25 be included, as -- however we want to put it -- a

1 reviewer, a decider, a -- whatever.

2 Josh, help me with some wording here. But
3 I think, somehow, we're one of the major steps that
4 just got left out.

5 MR. PAHL: Shouldn't the beginning of that
6 be, "The PEC uses four major sources" -- or
7 "considers" -- "four major sources when making a
8 decision regarding a charter school"?

9 And then the application, the capacity
10 interview, community -- I mean, we defer -- we tell
11 our applicants while they're going through the
12 process, you know, that the decision ends up being
13 the PEC's. And so we make that clear verbally.

14 THE CHAIR: What do you think of that
15 wording?

16 COMMISSIONER BERGMAN: Beverly was trying
17 to get our attention here a second ago.

18 MS. FRIEDMAN: Madam Chair, Commissioners,
19 I just wanted to make a comment. You said the
20 application in January. And the applications come
21 in in July.

22 THE CHAIR: Say it again?

23 MS. FRIEDMAN: The applications come in in
24 July.

25 THE CHAIR: Oh, that's right. The -- the

1 notices come in in January.

2 MS. FRIEDMAN: Right. The Notice of
3 Intent.

4 THE CHAIR: Thank you.

5 COMMISSIONER BERGMAN: I still think it's
6 understood that we are the authorizer. We're an
7 elected body. And we do -- we are the ones that
8 conduct the vote. We don't say, "Now, audience, how
9 many of you want to approve this application? How
10 many of you want to deny it?"

11 To me, it's just understood that we make
12 the final decision.

13 THE CHAIR: Read how many of them put in
14 their notices and their documentation that they're
15 applying to the PED.

16 COMMISSIONER BERGMAN: I know. And that's
17 what -- that's -- when we talk about training again,
18 Matt and his Staff need to make a clar- -- because
19 that is disconcerting when they're saying, "We're
20 sending this to the PED."

21 They're not sending it to the PED. The
22 PED has -- they are not in those steps of who
23 approves an application.

24 So, yeah, and the Chair is right. We
25 still have people doing that. Your news media

1 interview the other day, the reporter that was doing
2 that, he kept saying, "The PED decides this," and --
3 he was mistaken. The PED -- but that's something
4 neither here nor there; so even the media doesn't
5 understand the process.

6 THE CHAIR: Well, they don't understand
7 much.

8 I like Matt's wording. Would you repeat
9 that, please?

10 "The PEC uses four major sources to make
11 their decision."

12 MR. PAHL: To make -- yeah.

13 THE CHAIR: "The application, the capacity
14 interview, the community input hearings, and the CSD
15 review."

16 That allays my concerns. Does that --

17 COMMISSIONER BERGMAN: Let me ask Matt a
18 question -- or not Matt -- Josh. By saying "four
19 major steps," does that mean there could be some
20 minor steps that aren't listed specifically, but we
21 would still --

22 THE CHAIR: Sources. Sources.

23 MR. GRANATA: Madam Chair, Commissioner
24 Bergman, I would suggest removing the word "major"
25 and have something to the effect of, "The Commission

1 evaluates the applications based on the following
2 criteria."

3 However, I would add a sentence before
4 that, saying, "The Commission, or the PEC, makes the
5 ultimate decision. And the PEC considers the
6 following," as Matt suggested.

7 THE CHAIR: I like that even better.

8 MR. GRANATA: I think -- while I agree
9 with Commissioner Bergman that everyone should
10 understand who makes the ultimate decision, I don't
11 think it is understood throughout the community.
12 And so I would make it very clear, just upfront.

13 I think it's important in terms of
14 appeals, as well. I think a lot of the schools that
15 have been denied, for instance, are unsure of why
16 they were denied, and they look at the motion that
17 was drafted at the meeting, and they think it was
18 denied because one Commissioner made this one
19 remark.

20 And it's important for them to know that
21 the decision is made based on not only the
22 application, but everything before the Commission.

23 MR. PAHL: So should we modify four
24 sources, then, to say "many sources, primarily
25 these"?

1 COMMISSIONER BERGMAN: That was the
2 purpose of my question to Josh a second ago. If we
3 list four things, then are we tied to those four.
4 For instance, not on that list is that three days'
5 worth of input, if citizens make that input. If
6 they make input, and it comes to my attention, I
7 read it. Whether or not it affects my decision, I
8 don't know.

9 That's why I just want to say we want to
10 be very careful how we word this, so somebody can't
11 come back in the future saying, "You didn't mention
12 this specifically, so you can't -- why, for
13 instance, would you ask us to send in input if you
14 don't consider it?"

15 THE CHAIR: It's been asked.

16 COMMISSIONER BERGMAN: We have
17 occasionally gotten those major barrages of e-mails
18 and testimonial letters from supporters of this
19 school or that school. I tend to read those.

20 Does it enter into my decision? I
21 certainly think about them. Some of those letters
22 actually make pretty valid points sometimes. Some
23 of them don't.

24 But -- so I consider a wealth of -- as I
25 said, a wealth of things before I make decisions to

1 vote yes or no.

2 THE CHAIR: In the interest of time, could
3 we leave that top part of Page 2 to Josh, in working
4 with Matt, to provide us some wording? And also to
5 Josh, let me give him this to work on the wording
6 for the announcement at the beginning of the
7 community input hearings.

8 We've got a whole four-page thing, but I'd
9 like to add this to it for a little clarification,
10 okay?

11 MR. GRANATA: Sure.

12 THE CHAIR: All right? If that's all
13 right with you all, I believe those are all my
14 concerns on Page 2.

15 Anything on Page 3?

16 Page 4?

17 5 or 6?

18 I notice in -- on Page 6, under "Public
19 Education Commission Decision-Making Meeting," there
20 is an actual date in here. There's -- well, there
21 are several dates in here. This -- I know this is
22 for 2004.

23 COMMISSIONER GANT: '14.

24 THE CHAIR: Let's just remember, each year
25 you've got to come in and change those dates.

1 COMMISSIONER BERGMAN: And I would suggest
2 that since we're putting it into the form that's
3 going on out -- it's going to be starting to be used
4 in January -- that maybe the word "Tentative" should
5 be put under those dates, Matt. Because we
6 sometimes do -- because of various contingencies,
7 we've sometimes had to change that. Here, again, I
8 don't want to just tie us to specific dates.

9 THE CHAIR: These are the 2014 dates.
10 They're past already.

11 COMMISSIONER BERGMAN: We have changed
12 those dates sometimes.

13 THE CHAIR: They're past.

14 COMMISSIONER BERGMAN: Just put the word
15 "Tentative" in there. That gives us the option to
16 change them if we want to.

17 THE CHAIR: It's there. At least it is on
18 the public hearing.

19 MR. PAHL: I think that the --

20 THE CHAIR: There's an asterisk.

21 COMMISSIONER BERGMAN: Oh. "These dates
22 are subject to change."

23 That takes care of it. All right. Yeah.

24 THE CHAIR: Okay. Let's move on now to
25 Glossary of Terms, then. On Page 8, we get into

1 Sample Mission-Specific Indicators.

2 And I just wonder if, at this point, in
3 using this particular form, if these examples really
4 are -- or if this example is really necessary, if
5 this couldn't better be covered in the training.

6 MR. PAHL: It could be better in the
7 training. I wonder if we replace it with one of
8 the -- the Commission has been doing some -- not
9 uniform, but pretty uniform language around the
10 short-cycle assessments, and maybe that's a better
11 example to have in here, and then cover it more
12 thoroughly at the training.

13 COMMISSIONER BERGMAN: Madam Chair, you
14 may remember, we put this in here for a specific
15 reason, because of our concern -- we wanted, again,
16 to get back to that we wanted the applicants to see
17 a sample goal, and that's why this was specifically
18 put in here. Now we have changed -- the goals are
19 always going to change from school to school. I --
20 frankly, I'd just as soon we cover it under the
21 training, but we also leave a sample in here.

22 Why would we want to remove the sample?
23 We had a lengthy discussion of that when we put that
24 in here in the first place. I would like to leave
25 it in there myself, just as -- it says it's an

1 example. "Sample Mission-Specific Indicator."

2 It just gets them -- in my thinking, gets
3 the applicants starting to think about those goals
4 and how they might be written. And, yeah, most of
5 these applications this year, we saw, again, they
6 either didn't read this, or they ignored it, because
7 their goals didn't look like this. And that's got
8 to be covered in the training. That's where we get
9 the training aspect of it.

10 Matt and his staff need to tell these
11 people when they first sit down with these
12 applicants in these trainings, The PEC is a bear on
13 these things. You guys got to follow these -- you
14 got to do this, or you're -- you take a risk that
15 your application will not -- may not be favorably
16 received," or something.

17 THE CHAIR: And I agree. And I think
18 using one of the more recently developed indicators
19 would be helpful.

20 COMMISSIONER BERGMAN: I have no problem
21 with that, just something that we're -- gives them a
22 fair idea of the example and sample of what we're
23 thinking.

24 THE CHAIR: Let me just throw this out to
25 you. Now, most applicants -- or a lot of

1 applicants -- say to us, "Why do you have us write
2 these goals in our application, because when we
3 get -- if we're approved, and we get to the contract
4 negotiation, it says right there we're going to
5 negotiate new goals? So why do we have to put them
6 in the application?"

7 They're sort of right, too. I'm
8 wondering -- now, by statute, it says we have to
9 have -- what? -- one or two mission-specific
10 indicators --

11 MR. GRANATA: I'm not sure.

12 THE CHAIR: -- in the application?

13 MR. GRANATA: I haven't found that in the
14 statute.

15 THE CHAIR: I think, Vince, you were the
16 one that said you found it.

17 COMMISSIONER BERGMAN: I would think that
18 would be a mistake. Here, again, if there are no
19 goals in the application, how do we know if they
20 even understand it? That's what you said: "No
21 goals in the application."

22 THE CHAIR: Stay with me where I'm going.
23 I'm asking, in the statute, does it say you have to
24 have two or one mission-specific goal? What does it
25 say in statute? I thought you were looking at it a

1 few minutes ago.

2 COMMISSIONER BERGMAN: I'm not sure it
3 covers that, to tell you truth. That's one of those
4 open-ended things.

5 THE CHAIR: While Vince is looking for
6 that, let me just say, applicants say, "Why do you
7 make us put them in the application? You don't use
8 them. We renegotiate them as part of the contract
9 process." I'm saying let's follow statute.
10 Whatever it says, as far as the goals in the
11 application, let's require it, but knowing that when
12 we get to the application and the performance
13 framework each year after that, we are looking at
14 one-year goals. That's all that are in the
15 application -- pardon me -- that are in the contract
16 and in the frameworks. It says, "Annual Performance
17 Indicators"; "Annual," to me, is one year.

18 So why could we not change the application
19 to say, "If your application is successful and your
20 school is approved, tell us what your goal is for
21 the school at the end of the fifth year? What is
22 your goal, your overall goal, to meet your mission
23 at the -- in the fifth year?"

24 Then we write the yearly goals -- or we
25 negotiate the yearly goals -- with that end goal in

1 mind of how are they going to get there. That would
2 take away the problem of them saying, "The goals we
3 write are worthless in the application." It would
4 also give us an overall picture of the school of
5 where they think they're going and a means to get
6 there.

7 Does it make sense?

8 COMMISSIONER BERGMAN: Madam Chair, I've
9 now read this. And the word "goal" doesn't even
10 appear in the Charter School Act, at least under the
11 new application guideline. And I would be -- I'm
12 not going to rely on the fact that the Legislature
13 didn't put the word "goal" in here.

14 They didn't put the word "goal" in here
15 because they don't understand the process. They
16 don't understand what they're talking about half the
17 time when they do legislation.

18 And I know that's going to be in the
19 minutes, but I don't think they read minutes,
20 either; so I don't care.

21 But, see, that's the thing. You've heard
22 me argue that. The goals in the application are not
23 meaningless; they have meaning. And I tell each of
24 those groups in those negotiations, "These goals do
25 have meaning."

1 I had that debate with Julia; I may have
2 it with Matt.

3 THE CHAIR: What does it say?

4 COMMISSIONER BERGMAN: But we put it in.
5 That's why you heard me argue with Julia -- not
6 argue, debate with Julia -- that we had to have
7 language in the contracts and the performance
8 frameworks that specifically incorporated the entire
9 application as a part of the performance contract
10 and the performance framework.

11 Those goals do have meaning. They do have
12 meaning. And for us to then say, "Well, let's don't
13 have them put goals," I cannot honestly evaluate an
14 application if I can't see what goals they're
15 putting forward. I don't care how well they did on
16 the rest of it.

17 If they don't have a goal in that
18 application or goals -- and that's -- I'm going to
19 have a great -- here it goes back to what
20 Commissioner Gant said. How do I know they know
21 what they're talking about in the area of academics
22 if they don't give me some goals? It goes back to
23 that question, also: Do they have the knowledge and
24 the expertise to operate a successful charter
25 school? So --

1 THE CHAIR: What does it say, though, in
2 the statute?

3 COMMISSIONER BERGMAN: As I said, there's
4 no mention of goals in this section here under
5 22-8B-6, which is "Charter School Requirements,
6 Application Process and Authorization." See, this
7 is just one page -- one-and-a-half pages of
8 legislation talking about a process that takes us a
9 whole year to do.

10 The Legislature didn't know what they were
11 talking about. If they had -- if we hadn't gotten
12 bypassed on Senate Bill 446 -- which this Commission
13 was bypassed; we didn't even find out about it until
14 three or four weeks until it ultimately passed -- if
15 I would have read this section, that would have been
16 the first thing I said to my legislator, or
17 somebody's legislator: "You don't say anything
18 about goals in here. It's got to be a part of the
19 statute." And that would answer all that.

20 But, no, just on this page and a half, the
21 word -- like I say, the word "goal" does not -- it
22 talks about grades. It talks about the Board of
23 Finance, the public hearing aspect of it; but, no,
24 nothing about -- it's actually kind of vague,
25 actually, of what really goes into the application.

1 So we, therefore, decided what was -- went
2 into the application.

3 THE CHAIR: Let me just direct everyone's
4 attention to Page 7 of the application, which is
5 Part A, Introduction and Instructions, Page 7, about
6 halfway down the page, in bold, "Mission-Specific
7 Indicators/Goals. The Amended Charter School Act
8 requires schools to identify at least two
9 mission-specific indicators/goals in the application
10 that set targets for the implementation of the
11 school mission. Mission-specific indicators/goals
12 must be provided within the application. If the
13 application is approved, these indicators/goals will
14 be used as the initial draft indicators during the
15 negotiations with the Authorizer."

16 So according to this, there are two
17 mission-specific indicators that are required in the
18 application.

19 COMMISSIONER BERGMAN: And I -- let me --
20 while you were reading that, I did find another
21 section. Let me read that to you. 22-8B-8, Charter
22 Application Contents. I did not know there was a
23 separate -- under B, 22-8B -- 8B -- "The application
24 shall include the goals..." -- it's got an "S" on
25 it, "goals"; that implies multiple goals --

1 "...objectives, and student performance outcomes to
2 be achieved by the charter school," period.

3 So, yes, "goals" is mentioned in here.
4 It's open-ended. Based on that sentence I just
5 read, we could require a hundred goals if we wanted
6 them. The word "goals" is there. That implies
7 multiple -- more than one, anyway.

8 So -- so my interpretation, we could put
9 any number in there we want. We could put a
10 five-year goal; we could put a one-year goal,
11 whatever we want to do.

12 THE CHAIR: Thank you for that. Now, back
13 to my suggestion, the reason that I was thinking
14 about that is we've all just read applications.
15 We've read the goals in those applications. They're
16 mission-specific goals, so they're tied to -- I
17 can't even think of one right off the top of my
18 head. But think of the Media Arts school that's
19 already going and things like that. Their goals are
20 tied to stuff they're doing in media, stuff they're
21 doing in the community, public service, all those
22 kinds of things, okay? So those are the goals that
23 they're meeting this requirement by putting those
24 goals in their application.

25 So those goals become, as

1 Commissioner Gant said, that whole application then
2 becomes part of the -- of the contract. That's
3 fine.

4 But when we sit down to negotiate that
5 contract, I look at it, and I think, "Well, they've
6 got -- they're going to do media stuff, and they're
7 going to do -- they're going to produce this, and
8 they're going to do that," and whatever. This is a
9 school. They have no academic goals whatsoever.
10 And so then we start in with them in saying, "Okay,
11 let's come up with some short-cycle assessment
12 goals," and blah-blah-blah.

13 They're -- but their overall mission
14 goals, I think, kind of should be overriding
15 everything and be an end goal: "This is where we're
16 going to be. This is where" -- nobody ever tells
17 us, you know, "In five years, our students are going
18 to be doing this and this and this and this."

19 They just say -- well, I don't know what
20 they say.

21 But, anyway, I just throw it out there for
22 consideration. We're taking way too much time on it
23 today.

24 Do we need, though, to ever say "Academic
25 Goals," or do we just wait until we get to the

1 negotiation part and then negotiate academic goals?

2 COMMISSIONER GANT: No.

3 THE CHAIR: Matt?

4 MR. PAHL: It's not addressing your
5 question. Sorry. But what we've been telling
6 people -- and it hasn't been part of our trainings.
7 But, just, if they have a question, that question
8 you posed here, you know, we tell them, "The goal
9 you set in your application is -- it can serve as an
10 important litmus test to see how the Commission
11 feels about what you're thinking about your goals.
12 So prior to going into that negotiation, here's an
13 idea of whether that goal is in the right place or
14 not."

15 So that's how we've been communicating it
16 to them, with the knowledge that, yes, it would move
17 into the -- the negotiation process.

18 THE CHAIR: See -- and they're not at all
19 the goals that Commissioner Bergman and I are
20 looking for.

21 COMMISSIONER BERGMAN: And, yet, you --
22 your point about each school is different, we always
23 take that into consideration in our negotiation.
24 And that's why we can't come up with, as we've
25 discussed, a standard goal. There is no such thing

1 as a standardized goal, because every school is
2 different, and the goals for that particular school
3 have to be tailored to that particular school and
4 its student body.

5 And that's what we do. That's the way
6 we've been doing it since the beginning; so then we
7 come back and talk about it again, and we
8 reevaluate.

9 MR. PAHL: I wonder if the -- if we just
10 need to change how we're communicating this, that,
11 yes, provide us with a mission-specific, but know
12 that you will have academic goals, as well, that you
13 will be negotiating. Here's what they often -- here
14 are some samples to look at.

15 COMMISSIONER BERGMAN: Yeah, so, you know,
16 my earlier discussion about having -- that's a good
17 point, Matt. You should have a template there of
18 a -- of some good mission-specific goals and some --
19 what -- quote, whoever decides what a good
20 academic -- so -- in various areas. And there
21 probably should be a good sample graduation goal.
22 Because every time I see people talking about it,
23 everybody seems to want to fixate on 70 percent are
24 graduating.

25 There's more than just that 70 percent

1 number. You should have a sample of goals in your
2 training somewhere buried in there, yeah. And it
3 should be extensively covered with the applicants,
4 because we've got to answer their --

5 THE CHAIR: Let me just throw another
6 little cutie into the mix here. Josh is reading
7 from the Administrative Rules. Would you go ahead
8 with that, please?

9 MR. GRANATA: Sure. And so the rules,
10 which were developed by PED, kind of bring life to
11 the statute, which is fairly vague. 6.80.4.9,
12 "Contents of Application for Start-Up Charter
13 Schools."

14 When it discusses the mission statement,
15 it states that, "The mission statement must answer
16 the following questions: Who do you serve? What do
17 you seek to accomplish? What methods will you use?
18 How will we know if you are achieving your mission?"

19 And then Section B, right beneath it, "The
20 goals, objectives, and student performance standards
21 to be achieved by the charter school which address
22 how the charter school will comply with the
23 Department's required content standards, benchmarks,
24 and performance standards, State accreditation,
25 standardized testing, and school report card, in

1 accordance with..." -- and it lists the statute
2 number -- "...the goals and objectives must be
3 measurable and student-centered."

4 COMMISSIONER BERGMAN: Seems to me like
5 there must be a way for us to incorporate most of
6 that language, again, into a paragraph in our
7 instructions and in the application itself, then.

8 I like that. I don't like the fact that
9 it was generated outside of us, but --

10 THE CHAIR: Now, this whole section, then,
11 on mission-specific indicators, goals, that starts
12 on Page 7, and continues, really, through Page 10,
13 needs a critical look, I think. And it needs to
14 have the actual regulations, rules, included.

15 It may need a rewrite of some of the
16 sections that are already here that don't sound like
17 to me they sound exactly like the rule; some of the
18 wording is different.

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 note the rule dates from June of 2007.

21 COMMISSIONER BERGMAN: Yeah, see, they
22 were done before we ever even started this process;
23 so those rules --

24 THE CHAIR: So, Josh, could we just put
25 one more thing on you, to ask that -- now, we're in

1 a glossary of terms. I wonder if that differs
2 anything at all from the actual content in this the
3 application itself.

4 Starts on Page 4 of the actual application
5 itself, which is Part C-F.

6 COMMISSIONER BERGMAN: See, there's
7 conflicting language. I see that right there.
8 Hearing what you just referenced, "The amended
9 Charter School Act requires schools to identify two
10 mission-specific indicators," that specifies, too.
11 Back here in the glossary, where you were reading
12 from earlier, under "mission-specific indicators,"
13 the sentence there reads, "The Amended Charter
14 School Act requires schools to identify at least two
15 mission-specific indicators."

16 And I have -- and I know Julia put that in
17 there, because of -- I kept saying that that should
18 be a minimum number. The word, at least there, to
19 me, as a nonlawyer, means that we could put 2,500
20 there if we wanted to. So that's a conflict between
21 the two pages right there. We either need to change
22 Page 4 in the application to read "at least two," or
23 we need to change this glossary back here, where
24 it's just -- see, what I read to you there, I don't
25 believe there's any specificity that it's two.

1 Actually, I debated that with Julia. I
2 don't know where she came up with that. I can't
3 find it in any of the documents I have. I don't
4 believe it was in Senate Bill 446; but I don't have
5 a copy of that bill anymore. It seems to have
6 disappeared.

7 Here, again, Josh, since you don't have
8 anything better to do with your time, maybe you can
9 find a copy of the final, approved and signed Senate
10 Bill 446. And I know it was about 60 pages or
11 something. It was a bunch of stuff.

12 THE CHAIR: I think the glossary,
13 beginning on Page 7, that section, and then the
14 actual application itself, beginning on Page 3 with
15 the mission, need to be verified and coordinated
16 with what the rule says.

17 COMMISSIONER BERGMAN: That's why I think
18 Josh needs to read Senate Bill 446 and see if it
19 specifically mentions mission-specific goals and
20 indicators.

21 MR. GRANATA: I don't believe it does.

22 COMMISSIONER BERGMAN: I never could
23 understand where Julia came up with that. I never
24 could. Like I say, we debated it.

25 THE CHAIR: Can we leave that with you?

1 MR. GRANATA: Yes.

2 THE CHAIR: Let's pile that one on Josh,
3 as well.

4 Are we ready for the actual Application
5 itself? Okay.

6 COMMISSIONER BERGMAN: I am, yes.

7 THE CHAIR: And that's under Tab 3, if
8 you're working in the notebook. Okay.

9 The Application itself, Pages 1 and 2,
10 just general information.

11 Starting on Page 3 with the mission, going
12 over to 4, Josh is going to look into that for us.

13 MR. GRANATA: What was that?

14 THE CHAIR: This is in Part C, Application
15 and Rubric. Mission and Goals, Pages 3 and 4. And
16 those same two items on Page 7 and 8 of part A.

17 Okay. We're okay so far?

18 Pages 5 and 6?

19 I'm just going to go until I hear somebody
20 say something.

21 COMMISSIONER BERGMAN: I'm just reading
22 here real fast.

23 THE CHAIR: And, Josh, I think we may --
24 pardon me -- Matt -- I think we made the statement
25 clear enough, that the "Comments" section -- maybe

1 the word there needs to be changed to "Rationale."
2 I don't know. But what we're looking for there is a
3 very clear rationale of the score that was given.

4 MR. PAHL: If the wording is not changed
5 we will interpret it as such, and treat it as a
6 "Rationale" box.

7 THE CHAIR: What would be more meaningful
8 to your readers, do you think, in the future?
9 "Rationale" or "Comments"?

10 MR. PAHL: Either way is okay. We know
11 what we need to do now, based on our conversations.
12 And we do our training, so, yeah.

13 THE CHAIR: And you've asked for anyone
14 who found, in the past -- in the previous set of
15 applications, a section that the comments or the
16 rationale were really good, to send those to you.

17 MR. PAHL: Yes, please.

18 THE CHAIR: Okay. So, please, everybody
19 do that.

20 Vince?

21 COMMISSIONER BERGMAN: Madam Chair, on
22 Page 5, in the middle of it, there is a box on
23 mission-specific indicators. And,
24 Commissioner Gant, the wording on the third bar
25 there says, "Include measures and metrics in your

1 mission-specific indicators or goals."

2 So it's kind of buried in the application;
3 but it's in there. Maybe it can be highlighted,
4 here again, in the training. But that -- of course,
5 it doesn't specifically state it, but it certainly
6 implies they should know something about the
7 metrics.

8 THE CHAIR: Well, it says specifically
9 determine what percentage it consists, exceeds
10 standards, what constitutes, meets standards, so
11 forth.

12 COMMISSIONER BERGMAN: So there's
13 certainly some coverage of metrics in our document.

14 THE CHAIR: 7-8?

15 9-10?

16 COMMISSIONER BERGMAN: Let's look at the
17 bottom of 6, just very quickly, because we discussed
18 curriculum, or the lack thereof, that some of the
19 applications state. We do state at the bottom there
20 that they should provide a description of a
21 curriculum, or -- we have an another "or" box -- we
22 say, "provide a clear, comprehensive, and reasonable
23 time line, and plan for the development of a
24 curriculum."

25 THE CHAIR: Is that what it says in the

1 statute?

2 COMMISSIONER BERGMAN: Unfortunately, that
3 little paragraph there does let them opt out of
4 putting a curriculum in there.

5 THE CHAIR: Earlier, you were saying
6 that's not what it says in statute. Does anyone
7 know?

8 COMMISSIONER BERGMAN: Okay. Here, where
9 I just read to you from, paragraph B, paragraph C,
10 this is right in the Charter School Act. "A
11 description of the charter school's educational
12 program, student performance standards, and
13 curriculum that must meet or exceed the Department's
14 educational standards and must be designed to enable
15 each student to achieve these standards."

16 So I guess we would need an attorney like
17 Josh to tell us, does that mean they actually have
18 to have a planned curriculum in the application?

19 MR. GRANATA: Well, with the -- I got it.
20 The way that the word "description of the charter
21 school" -- well, there's a comma after that -- I
22 suppose it's something that could be debated. But I
23 would say that "a description of the curriculum that
24 must meet those -- the Department's educational
25 standards."

1 So it doesn't look like the actual -- the
2 whole curriculum needs to be finalized, but rather a
3 description of the curriculum.

4 COMMISSIONER BERGMAN: So what we have
5 there under D, at the bottom of Page 6, is probably
6 accurate, and we should probably leave it in there,
7 then.

8 MR. GRANATA: I think so.

9 COMMISSIONER BERGMAN: So they do have the
10 option of not putting a full curriculum in their
11 application.

12 COMMISSIONER GANT: Madam Chair?

13 THE CHAIR: Commissioner Gant?

14 COMMISSIONER GANT: I would change one
15 word, the word "or" between the two paragraphs --
16 "and provide a clear description of the
17 comprehensive time line."

18 COMMISSIONER BERGMAN: That's wonderful.
19 Can we do that? That changes the whole meaning of
20 it.

21 THE CHAIR: Yeah, it changes the meaning
22 of it, completely.

23 COMMISSIONER BERGMAN: One three-letter
24 word, yeah.

25 MR. GRANATA: Can you repeat that, please?

1 COMMISSIONER GANT: Madam Chair. What I'm
2 saying, on Page 6 in that box, it says "or." I
3 would just change that word "or" to "and." Because
4 I go back to the checklist, and item -- it looks
5 like I'm going off it, but I'm not -- they need to
6 have a time line that shows how they're going to
7 produce the curriculum.

8 So even with the checklist, they need a
9 schedule of production for a curriculum.

10 COMMISSIONER BERGMAN: Are you going to
11 look at mine? Yeah.

12 COMMISSIONER TOULOUSE: Madam Chair, you
13 might want to look at the rule.

14 THE CHAIR: Are you looking at rule or
15 statute?

16 COMMISSIONER TOULOUSE: At the rule,
17 because they developed that off the statute. Until
18 it's changed, it actually is the rule.

19 COMMISSIONER BERGMAN: Have you got the
20 rule there? Read it to us.

21 COMMISSIONER TOULOUSE: Well, it's in --
22 if you're reading out of this, you've got them.
23 It's at the back. It's after -- it's "A description
24 of the charter school's educational program and
25 curriculum that meets or exceeds the department's

1 educational standard and must be designed to enable
2 each student to achieve those standards and
3 addresses the following:

4 "1. Documentation, research, or rationale
5 that supports a particular curriculum approach;

6 "2. A description of the curriculum,
7 including scope and sequence, in student performance
8 standards;

9 "3. A time line for alignment of the
10 curriculum with the department's content, standards,
11 benchmarks, and performance standards, if alignment
12 has not been completed at the time the application
13 is submitted;

14 "4. Strategies and methods to be used in
15 delivering the curriculum and how the curriculum
16 will address student needs and assist each student
17 in reaching these standards;

18 "5. Length of school day and school year;

19 "6. Total number of grades the charter
20 school proposes to provide, either immediately or in
21 phases, class size, and total projected student
22 enrollment, and, if the charter school will be
23 located in a school district that has a total
24 enrollment of not more than 1,300 students, a
25 statement that the proposed charter school's

1 proposed enrollment for all grades, in combination
2 with any other charter school's enrollment for all
3 grades, will neither equal nor exceed 10 percent of
4 the total MEM of that school district;

5 "And, 7. Proposed requirements for
6 graduation and -- if applicable."

7 So it's very specific on what they wanted
8 in the application.

9 THE CHAIR: Some of those are covered in
10 other sections of the application, though; but just
11 the curriculum piece.

12 COMMISSIONER TOULOUSE: Uh-huh.

13 COMMISSIONER BERGMAN: So do we want to
14 just change that one word for now, and -- change
15 "or" to "and"?

16 MR. PAHL: We had this discussion. And
17 you'll note our recommendation was to, you know,
18 develop that curriculum. And that was a term that
19 we recommended, or a condition on any that we
20 approved, for this exact reason. Apparently, in the
21 past, some of our staff had remembered that we asked
22 for more on the curriculum side of things. And
23 that's at the heart of, you know, delivering what
24 you want to do with your mission, so -- and
25 educating students. So we're hitting a lot here.

1 And I think Commissioner Gant's proposal
2 does start to begin to take care of that, from our
3 perspective.

4 COMMISSIONER BERGMAN: Yeah. See, my
5 personal preference would be that we have a full
6 curriculum in those applications. So whatever we
7 can do legally to at least encourage them to do that
8 is what we should do, yes.

9 MR. PAHL: And just as a -- I know you
10 didn't ask for it, Commissioner Bergman. But just
11 as a response, I think that's really -- that
12 planning year is what it's really for, is fleshing
13 out that curriculum.

14 COMMISSIONER BERGMAN: That's true, yeah.

15 THE CHAIR: Yeah. Because the rule says a
16 description of the educational program and
17 curriculum. "A description." It doesn't say --

18 COMMISSIONER BERGMAN: That's right.

19 THE CHAIR: -- "full-blown curriculum."

20 COMMISSIONER BERGMAN: It does limit it;
21 it does.

22 THE CHAIR: So, Josh, what have you found?

23 MR. GRANATA: Just that the term
24 "description" is, I guess, clarified by that
25 "description of the curriculum must meet or exceed

1 the Department's educational standards." So, I
2 mean, there is some discretion within, like looking
3 at the description of the curriculum itself.

4 COMMISSIONER GANT: Madam Chair?

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: I'm dense and simple,
7 not too bright. But if you have a description of
8 your curriculum, seems to me you have the curriculum
9 written. See what I'm saying? How can you describe
10 a curriculum unless you've got it written.

11 MR. PAHL: I can try and clarify that, if
12 you don't mind.

13 THE CHAIR: Please go ahead.

14 MR. PAHL: You know, when we talk about a
15 description of the curriculum, it's what we want to
16 do with it. The next step would be the scope and
17 sequence. "Here are major units and the things we
18 want to tackle within these units. And those things
19 we want to tackle are the State standards, and it
20 shows how we teach them."

21 Then a full-blown curriculum is
22 week-to-week, day-to-day, "Here's what happens in
23 the classroom over those hours."

24 And I think if we ask for what's in that
25 box with "and," we get -- we get a description that

1 is pretty close to having that scope and sequence,
2 you know, "By September, our students will have
3 addressed these things," you know, those kind of
4 things.

5 So that's from -- from the education
6 standpoint, how we think -- we think of that, and
7 maybe, you know, for us here, how we would, as well.

8 COMMISSIONER GANT: Madam Chair. I
9 understand what you're saying, Matt. But my issue
10 is we come down in June, usually around the middle
11 of June. We want to do a Certificate of Completion.
12 And they will say to us, "We will have the
13 curriculum when school starts."

14 Back that off, and say, "All right. Fine.
15 How are you doing professional development for the
16 teachers if you don't have the curriculum in place?
17 How are you preparing all your supplies, all your
18 staffing, everything needed to support the
19 curriculum if you don't have it in place before we
20 start giving you SEG," which means -- that's what
21 we're going to say. "You get the SEG starting
22 1 July. But you don't have the curriculum."

23 See what I'm saying? How do you get all
24 the pieces in place if you don't have that main
25 thing to support the education of the kids in place

1 come 1 June?

2 THE CHAIR: I think you have a really,
3 really valid point. And I wonder, if we change the
4 "or" to "and" and then look at that sentence -- it
5 says "Provide and describe a clear, comprehensive,
6 and reasonable time line and plan for the
7 development," if, instead, we said a "one-year time
8 line"; in other words, "You have the planning year
9 to get the whole curriculum developed, and then
10 before we start" -- before we approve commence
11 operation and they start getting any money, they've
12 got to have a complete curriculum.

13 And then we can take out that last
14 sentence that says, "If you plan to develop your
15 curriculum fully with the staff that you hire,
16 please describe here."

17 If we set a one-year time line or a time
18 line matching the planning year -- what's a good way
19 to say that? In other words, it's done in the
20 planning year. Matt?

21 MR. PAHL: One potential modification to
22 make there would be to say -- to have the first
23 90 days of instruction completed; because it's not
24 uncommon for teachers to have -- "All right. I have
25 my first three months ready. And as we move

1 forward -- and now I can pay people to stay here
2 that afternoon to develop the curriculum for the
3 back half of the year."

4 THE CHAIR: I think that's a lousy way to
5 do it. I've worked with a lot of people who stayed
6 a chapter ahead of their students. I think every
7 one of them should have been fired.

8 COMMISSIONER GANT: Tell us how you feel.

9 COMMISSIONER BERGMAN: I wish you wouldn't
10 be quite so wishy-washy, Madam Chair.

11 THE CHAIR: In Artesia, you bring us
12 your -- your principal, you take them your --

13 MR. GRANATA: Lesson plans?

14 THE CHAIR: -- lesson plans. And it's not
15 tomorrow's lesson plans, either. It's, "Bring us
16 your year's lesson plans."

17 Maybe that's a little extreme. But I
18 think they need to have -- I really do. They need
19 to have more than 90 days. If we say, "All you need
20 to have is 90 days, that's all they'll have."

21 COMMISSIONER GANT: Madam Chair, may I
22 suggest a semester? It's just a suggestion; it's a
23 compromise, if you will. But we've got to get them
24 off centerline. And right now, they're sitting on
25 the fence.

1 THE CHAIR: Because most of them chose the
2 "or," and they'll do the curriculum later, you know.
3 "After we hire people."

4 If you think about it, they don't start
5 getting money until July. School starts in August.

6 COMMISSIONER GANT: May I make a point?

7 THE CHAIR: Please do.

8 COMMISSIONER GANT: I go back to my time
9 line change requests, the discussion I had starting
10 this thing. Part of that would be in getting the --
11 they used to have start-up money provided by the
12 feds. With that start-up money they could hire
13 curriculum developers, if they so choose, or
14 whatever they wanted to do with it, as long as it
15 was legal.

16 Maybe we need to get the Legislature off
17 the fence and say, "You want quality charter
18 schools; the Governor and the lady here wants
19 charter schools quality, but you're not financing
20 the start of them. They need the start-up money to
21 make it happen and write the curriculum."

22 We're asking them to do something, which
23 they should do. It's another unfunded mandate.

24 THE CHAIR: Everybody has them.

25 COMMISSIONER GANT: We need to get the

1 subcommittee of the Legislature to say, "We need
2 some money for these charter schools to start." I
3 don't like spending it like that, but we're asking
4 them to do something that they should do. And
5 they're not going to do it unless they've got the
6 money to do it with.

7 THE CHAIR: Well, some of them have
8 curriculum people on their founders group; the smart
9 ones do. And then they could handle it that way.

10 James, you're in the education business.
11 What's your take on this? Put you on the spot.

12 COMMISSIONER CONYERS: Make me wake up
13 here. I guess I'm a little -- I understand that
14 curriculums grow and change over time, and that -- I
15 mean, to me, the thought of a new organization
16 having it a year in advance sounds pretty tough, you
17 know, just -- the 90 days, I think, is workable.

18 THE CHAIR: What about Commissioner Gant's
19 discussion of a semester? That's almost 90 days,
20 isn't it?

21 COMMISSIONER CONYERS: Yeah, 45 -- yeah, I
22 think you could work with that. But it's -- as I
23 say it involv- -- it's -- you know, it's a living
24 curriculum. It's not just -- you could buy a
25 curriculum and turn it in; but I think you need to

1 develop it as you go, to some degree.

2 THE CHAIR: I just think we're trying to
3 avoid those ones that are going to come in, and the
4 first day, the kids are going to work with the
5 teachers, and they're going to start writing the
6 curriculum, or some off-the-wall, you know, approach
7 like that, that just -- really, they start out
8 behind the 8-ball, I think.

9 COMMISSIONER BERGMAN: Can we not just add
10 a sentence in this box right here, change the word
11 to "and" and add a sentence -- if it's legal,
12 again -- that the Commission expects each
13 application to have at least the first semester's
14 curriculum as a part of the application?

15 THE CHAIR: Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I
17 think it's a good idea to have money in the budget
18 for the start-up schools. But I think you and
19 Commissioner Bergman and I heard Representative
20 Miera say, "Well, what's the LFC think of your
21 budget?"

22 And I think until we can get either the
23 ability to do our separate budget presented to them,
24 we're going to have to go --

25 THE CHAIR: It wouldn't be our budget.

1 COMMISSIONER TOULOUSE: No. But I'm
2 saying at this point, it's still -- it's charter
3 school money. If we're going to ask for it to be
4 provided, it's got to go through some budgeting
5 process; so it would have to go through PED right
6 now. But we could ask it if they give us our own
7 budget.

8 THE CHAIR: There may be federal money
9 coming. I keep hearing that.

10 COMMISSIONER CONYERS: Commissioner Gant's
11 point is, again, a great point. As he knows, as we
12 all well know, sitting in that -- they can't even
13 agree amongst themselves, Commissioner Gant, on
14 money issues. Some of them thought our -- the
15 budget we gave to them was fine; some of them
16 thought we were trying to rob the Treasury. They
17 can't even agree amongst themselves, so...

18 THE CHAIR: Well, let's see if we can't
19 come up with a sentence that says they've got the
20 planning year to -- oh --

21 COMMISSIONER GANT: Planning year.

22 THE CHAIR: Yeah, the planning year to
23 develop at least the first semester's curriculum.

24 COMMISSIONER BERGMAN: And that has to be
25 finished before we vote to -- for them to commence

1 operations. If you don't have the first semester's
2 curriculum ready, we don't vote for you to
3 commence -- I see a head shaking yes there, and
4 Commissioner Toulouse shaking yes. Does that not
5 satisfy what we've been talking about, then?

6 COMMISSIONER CONYERS: I have a question
7 on that. What's the determination on that going to
8 be? Who's -- would that be CSD that's going to say
9 that?

10 COMMISSIONER BERGMAN: They would have to
11 confirm that they have a curriculum, yes.

12 MR. PAHL: Yes.

13 COMMISSIONER BERGMAN: And assure us that
14 they do, yeah.

15 MR. PAHL: It's going to be -- we'll have
16 some challenges in the review of ensuring that it
17 is -- that it is aligned to educational standards.
18 We don't want to get in every charter school and
19 say, "That's a good curriculum," "That's a bad" --
20 you know, the -- part of the charter is the freedom
21 of teaching in a different way. And so not to say
22 we shouldn't move forward with this, but that will
23 be a challenge; but I think that would be our task.

24 COMMISSIONER BERGMAN: And that's why
25 we're advocating so strongly for you to have more

1 staff, because there are so many things that aren't
2 being done right now that need to be done. And if
3 you don't have the staff, they can't be done.

4 COMMISSIONER GANT: Madam Chair, I think
5 the CSD, again, as I understand it, do have
6 benchmarks, standards, and metrics to measure
7 against to ensure that the charter schools have
8 their curriculum laid out. So there are already
9 established standards to do it.

10 COMMISSIONER BERGMAN: Doesn't PED have a
11 "curriculum" bureau?

12 MR. PAHL: We do. And we'd probably
13 outsource -- not "outsource" -- in-source with them
14 to get some help on it. And Commissioner Gant is
15 right. We have the standards -- 90-day or a
16 semester of curriculum. You just have to make sure
17 they're on pace to be able to complete all the
18 standards that are -- they need.

19 THE CHAIR: Let's just say something like,
20 "The first semester of the school's curriculum must
21 be completed during the planning year and approved
22 before commence operations is granted."

23 MR. GRANATA: Madam Chair, may I say a
24 little bit?

25 THE CHAIR: Oh, please do.

1 MR. GRANATA: Considering we're talking
2 about the charter school application, I think -- I'm
3 hesitant to suggest that you can add words saying
4 that they must have their curriculum done prior to
5 the school -- in the charter school application
6 itself. Perhaps you might get around it by saying
7 that one of the conditions in the charter school
8 contract will be that, for instance, the first
9 90 days of the curriculum will be ready at the
10 commencement of school.

11 However, just the language of the Charter
12 School Act regarding the application itself
13 basically states that they just need to have the
14 description of the curriculum.

15 THE CHAIR: Okay.

16 MR. GRANATA: Is that clear, or unclear?

17 MR. PAHL: I need some help on wording.

18 THE CHAIR: So it would be a condition of
19 an approved school.

20 COMMISSIONER BERGMAN: On Josh's
21 statement, then we probably can't say -- add that
22 sentence that we wanted to add there.

23 MR. PAHL: Would we just add it to the
24 Planning Year Checklist then? And then -- you know,
25 that's something they get right after their -- and

1 they'd have it, and say, "Oh, I have to do this if
2 I'm going to be open." And I just -- that's just
3 based on what I just heard.

4 THE CHAIR: Do you think that would be
5 better than having it as a condition of approval?

6 MR. PAHL: I think so. And, you know, it
7 would either be in both documents -- we'd want to
8 put this in the Planning Year Checklist, because
9 that's what we use for -- you know. So it could be
10 in both, as far as I'm concerned. But I'm hearing
11 Josh saying that probably not the application.

12 MR. GRANATA: Perhaps a way to get around
13 it is to say that the Commission recommends that the
14 first 90 days is ready to go at the beginning of
15 school; instead of "must," "recommends."

16 COMMISSIONER BERGMAN: Add the word
17 "recommends" to your sentence there. "The PEC
18 recommends," then do your sentence.

19 MR. GRANATA: Then once the Commission
20 enters into a contract, they can determine the term
21 of the contract and whatever -- however the
22 Commission wants to determine the completeness of
23 the curriculum at that point in time.

24 COMMISSIONER BERGMAN: That suggestion is
25 good. I'm certain we covered curriculum in the

1 Planning Year Checklist. So we just, then, put that
2 sentence in there. Make it specific. Not
3 "recommend." Now you "have to have."

4 MR. PAHL: Can I try something now? "If
5 approved, the PEC recommends one semester's
6 curriculum to be fully completed by the charter
7 school during the planning year and approved before
8 commencement of operations is approved."

9 THE CHAIR: Not "recommends,"
10 "requires" --

11 MR. PAHL: Oh, "requires," okay.

12 THE CHAIR: -- would be a word that I
13 would think is more appropriate.

14 COMMISSIONER BERGMAN: We're going to put
15 "recommends" in the application; but in the Planning
16 Year Checklist, it is going to be a "required" --

17 MR. PAHL: So I think that was okay for
18 the application. We'll change it to "requires" in
19 the --

20 THE CHAIR: Okay. Read the sentence again
21 for the application.

22 MR. PAHL: For the application, then, this
23 is why I put "If approved" in the beginning. "If
24 approved, the PEC recommends" -- "If approved, the
25 PEC recommends one semester's curriculum to be fully

1 complete during the planning year and approved
2 before commencement of operations is approved." Too
3 many "approvals."

4 COMMISSIONER TOULOUSE: Madam Chair -- but
5 if it says "we recommend," how can we change that in
6 the checklist? Because we've already said in the
7 application, we're recommending you do this. How
8 can we say, "Okay, we've now approved it; we're
9 changing what we recommended to we're 'requiring.'"

10 MR. GRANATA: Does the checklist come
11 after the approval of the application?

12 THE CHAIR: Yes, uh-huh.

13 MR. GRANATA: So I think that it's fine.
14 I think -- just because once the application is --
15 is done with, then there -- it kind of enters into a
16 new phase. There's the year of planning, and then
17 ultimately, the contract between the Commission and
18 the school.

19 COMMISSIONER GANT: Josh, I think you're
20 right. Just think about it. We're all -- in the
21 application, it says, "Describe." We can take that
22 next step and say, "Do it."

23 MR. GRANATA: Yeah, in the contract
24 itself.

25 COMMISSIONER GANT: Well, I'm saying

1 during the planning year.

2 MR. GRANATA: I agree.

3 COMMISSIONER GANT: See what I'm saying?

4 MR. PAHL: Yes.

5 COMMISSIONER GANT: There is a difference.

6 MR. PAHL: So it would be reflected in the
7 contract; the Planning Year Checklist will reflect
8 what's in the contract.

9 COMMISSIONER GANT: Yes, there you go.

10 THE CHAIR: Did you say 90 days or first
11 semester?

12 MR. PAHL: I said "semester" in this one.
13 I know we've been going back and forth.

14 THE CHAIR: I like "semester" myself.

15 MR. PAHL: Okay.

16 THE CHAIR: Are we -- everybody okay with
17 that? Isn't this wonderful timing? It's 12:00
18 noon. We've just finished a section. Let's go to
19 lunch. What do you say? How long do we want to
20 take for lunch?

21 COMMISSIONER GANT: 45 minutes.

22 THE CHAIR: 45 minutes? Is that enough?

23 COMMISSIONER GANT: That's what everybody
24 else used to say. So I'm saying 45 minutes.

25 THE CHAIR: Okay. We'll come back at a

1 quarter of 1:00, please.

2 (A recess was taken at 12:00 p.m., and
3 reconvened at 12:45 p.m., as follows:)

4 THE CHAIR: We're back in session. Matt,
5 I just wanted to make a note on all the changes we
6 make today. Do you think you could get the revised
7 documents back to us -- pardon me -- for approval,
8 at the November meeting?

9 MR. PAHL: Yes, absolutely.

10 THE CHAIR: And then we'll approve them
11 and get them up on the website, and we'll be done.

12 COMMISSIONER BERGMAN: Matt, you did
13 notice the dates on the -- make sure you change the
14 dates, too, on any documents that we change, because
15 that's actually a useful tool to see what document
16 we're working from.

17 MR. PAHL: You mean the approved date on
18 the right-hand --

19 COMMISSIONER BERGMAN: Yeah, it's on the
20 bottom of every page.

21 THE CHAIR: I think we just finished
22 Page 6. So let's flip on over to Pages 7 and 8, see
23 if you have any interest in those pages.

24 9 and 10?

25 11 and 12?

1 COMMISSIONER BERGMAN: I see, on 11, the
2 special ed is -- did anything jump up, Matt, on the
3 cycle about special ed that was -- I didn't see
4 anything on all our stuff.

5 MR. PAHL: Yeah. You know, we have a few
6 sections where the language is really -- you know,
7 it refers to special education law. And that's a --
8 that encompasses a lot of things there. So even
9 just a small amount of language is really
10 all-encompassing in the special ed. So when we had
11 conversations, it hadn't come up.

12 COMMISSIONER BERGMAN: We're probably okay
13 here.

14 MR. PAHL: Yeah, I think so.

15 COMMISSIONER GANT: Madam Chair, my only
16 comments on special ed -- special ed is -- when you
17 look at our budget, forget it. They talk -- they
18 put the magic words in the narrative that they have
19 to have by law. But then when you go out to the
20 budget -- and sometimes staffing and all that
21 other -- they don't know what they're talking about;
22 they really don't.

23 So until you compare all of it together,
24 they really -- most of them don't meet the needs for
25 special needs students. That's my opinion. Thank

1 you.

2 THE CHAIR: The only thing I wanted to say
3 on special ed -- and I really don't know what page
4 it's on, because I don't see it -- I just remember
5 we changed the instruction and told applicants to
6 use the statewide average of 15 percent special
7 education students for budgeting purposes. And I
8 don't know if it's here, or if it's in the financial
9 section. Some did; some completely missed it; some
10 used another number.

11 So probably in the training, if you could
12 stress that just a little bit, that they need to use
13 15 percent -- we didn't say, you know, "Choose a
14 number or 15 percent." We're trying to level the
15 playing field, so everybody has pretty much the same
16 chance at funding, or at least projected funding.

17 MR. PAHL: And, Madam Chair, I think
18 that's right. And we will highlight that. If there
19 is a school, like Albuquerque Sign Language, if we
20 all agree here, you know, that they would have a
21 much higher rate or something like that, we'll just
22 make that exception.

23 THE CHAIR: I'm just thinking of
24 Technology Leadership. They choose to use 17 or
25 18 percent.

1 MR. PAHL: Yeah. I think you're --

2 THE CHAIR: I understand it's not a big
3 deal. But it kind of irritates me when people read
4 the directions and then choose to do what they want
5 to do.

6 MR. PAHL: Yes, I agree.

7 THE CHAIR: Of course, Tony does that a
8 lot, anyway, so...

9 COMMISSIONER GANT: On the 504 section,
10 which is G on Page -- whatever it was.

11 COMMISSIONER BERGMAN: 13.

12 COMMISSIONER GANT: 13? Several of the
13 applications were not even clear as they understood
14 what that really means and staffing is required to
15 meet the accommodation plan.

16 You know, I asked questions about nurses.
17 Deer-in-the-headlight look. And there was
18 nothing -- they didn't have anything in the budget.
19 Then they all tended to say, "We'll contract."

20 Then you ask, "With who?"

21 Again, the deer in the headlights. So
22 they really don't understand 504.

23 MR. PAHL: Can I ask Julie to speak a
24 little bit to this? She's a former special ed
25 director. My question kind of feeds into what

1 you're saying, Commissioner Gant.

2 I'm sorry I'm talking a lot right now.

3 I'm just wondering, how much can you prepare for
4 without IEPs that would actually delineate which
5 services -- what are we really asking them to do
6 without knowing what services their students would
7 need, from a budgeting perspective?

8 MS. LUCERO: So with special ed, it's --
9 you know, every individual case is very specific to
10 the needs of the student. So it's really hard to
11 prepare for what those might be. And 504s kind of
12 function in the same manner, but the law is not as
13 stringent with 504s.

14 So realistically, there's no way to know
15 exactly what you need for those specific IEPs.
16 Every student comes in, and then depending on your
17 program, they may require more services.

18 For example, I had a student that came in
19 with OT and RT, and then we added two additional
20 services. We added SLP. And so there's no way of
21 knowing until a student enters the school day how
22 they fit your system. So you're really trying to
23 meet their needs, is really the case.

24 COMMISSIONER GANT: Madam Chair, I
25 understand that. But when they're so vague that

1 they don't even hint that they understand, based on
2 IEPs and based upon this and based upon -- when they
3 don't even hint that they understand a 504, then I
4 really question. Then they'll say, in the
5 narrative, "We'll have a nurse here, and we'll have
6 this, and we'll have" -- then you go to the budget
7 and say, "Yeah? Then how are you paying for it?"

8 They say they're going to do something,
9 and then they don't say how they're going to pay for
10 it.

11 And I've got to go back. Sometimes you
12 don't get a hint. It's just -- the magic words
13 that's written in some document somewhere, they just
14 cut and paste, and "This is how we'll meet it."
15 That's not telling me how they're going to do it.
16 It's just telling me, "Yeah, we know we have to do
17 it."

18 That's all.

19 COMMISSIONER TOULOUSE: I just --
20 Madam Chair, if I may, I'd like to revert a minute
21 to the special ed, because my understanding is
22 special ed also includes gifted students. And
23 that's a 3 percent number. So that would bring your
24 special ed budget, if you were planning to have
25 gifted students, to 18 percent.

1 THE CHAIR: Thank you.

2 COMMISSIONER GANT: Madam Chair, is it
3 rolled into the 15 percent, as whether they're C's,
4 D's, or whatever?

5 MR. PAHL: So the 15 percent that I think
6 we're accounting for when we say it's a statewide
7 average is the 15 percent who receive non-gifted
8 special education services. In our state, there's
9 another 3 percent average that are gifted. And
10 those are funded the same way. To your question
11 about A, B, C, and D, there are those different
12 levels of giftedness, as well.

13 COMMISSIONER GANT: Oh, sorry.

14 COMMISSIONER PARKER: Madam Chair,
15 Commissioners, just a question. Do you know if
16 there's an effort to separate the gifted from the
17 special ed in terms of that funding stuff?

18 MR. PAHL: There are -- since I have been
19 working with the Legislature and PED, there's always
20 been some people who have talked about it. But I
21 haven't seen any real traction about separating
22 those. I haven't -- I don't know of any movement
23 right now that has traction; but I've heard about it
24 for the last four legislative sessions.

25 THE CHAIR: Thank you. Julie, if you'd

1 like to stay at that table, just in case we might
2 have other questions for you, I know it would be
3 easier to work with your computer, too.

4 MS. LUCERO: Okay.

5 COMMISSIONER CONYERS: Madam Chair?
6 Madam Chair?

7 THE CHAIR: Yes, sir.

8 COMMISSIONER CONYERS: I know there used
9 to be a requirement that all schools, including
10 charter schools, have a comprehensive counseling
11 program for all students. Is that reflected in here
12 anywhere?

13 MR. PAHL: Not that I know of.

14 THE CHAIR: The only place I can remember
15 seeing counselors is in the budget, and sometimes in
16 the budget narrative. I think -- isn't there
17 someplace in here, though, that it talks about
18 required ancillary services? Or maybe I'm just --

19 COMMISSIONER CONYERS: Yeah, but that's
20 not ancillary. We're not talking about ancillary.

21 THE CHAIR: That's true; it's not. It's
22 required.

23 COMMISSIONER BERGMAN: I don't know
24 anywhere specifically there's a statute that
25 specifically states they have to require -- provide

1 extensive counseling. While we're discussing, let
2 me do a little more reading and see if I can find
3 anything.

4 THE CHAIR: I think it would be in the
5 Public School Code, not in the Charter School Act,
6 because it's for all schools.

7 COMMISSIONER CONYERS: But I believe it
8 refers to charter schools.

9 THE CHAIR: Also?

10 COMMISSIONER CONYERS: Maybe I can
11 research that.

12 THE CHAIR: Would you? Okay.

13 If that's all right with you all, let's
14 move on, then, to Pages 15-16.

15 COMMISSIONER BERGMAN: Actually, here,
16 again, on Page 15, I did see something that went to
17 what some of our previous discussion. It clearly
18 states, in the next to the last paragraph there, "A
19 clear explanation of the types of assessments and
20 frequency of administration should be included
21 reflecting thoughtfulness given to tracking student
22 progress."

23 So there's another example that pretty
24 much states that they really should have some
25 determination in that application as to the

1 assessments that they are at least thinking of
2 using.

3 And then in the next paragraph, it goes on
4 to say, "A quality assessment plan will include
5 summative" -- and then, in parentheses, "end-of-year
6 assessments, as well as formative, more frequent
7 assessments."

8 So there, again, it specifically states
9 you should have an annual goal, or something that
10 would address that, and it states that you should
11 also have the short-cycle assessment, an annual
12 assessment and a short cycle assessment. It's
13 specifically here in our instructions on the
14 application.

15 THE CHAIR: And I don't frankly think I
16 have seen very many that have included that.

17 COMMISSIONER BERGMAN: Here, again, on
18 your list of what you need to be training on is
19 getting longer by the minute. But those are some
20 areas you may need to highlight in that training.
21 Maybe that will answer that, and maybe we'll start
22 getting those assessments mentioned in the
23 application.

24 THE CHAIR: Anything else on Page 15?
25 16?

1 17-18?

2 All right. Let's go to Page 19, which
3 starts the organizational framework, Pages 19 and
4 20.

5 COMMISSIONER BERGMAN: I think we're
6 getting much better information in that area because
7 of the completeness of the form right here. But
8 there is still a little weakness in that area on
9 some of the applications, too. That's what I
10 remember. Nothing really jumped out at me. But I
11 think this is pretty clear.

12 THE CHAIR: I'm on 20, 21, 22.
13 23-24.

14 COMMISSIONER BERGMAN: Let's go back to
15 21, because there has been at least a little
16 discussion in some of our past meetings about the
17 governing body training.

18 I've heard some people say they should
19 have to do more than those five hours. Is there any
20 awareness that the Legislature is going to act in
21 that area or have heard anything?

22 COMMISSIONER GANT: Madam Chair?

23 THE CHAIR: Yes, Commissioner Gant.

24 COMMISSIONER GANT: I agree there -- to
25 me, their training is minimal. But I would also --

1 correct me if I'm wrong, school board members -- but
2 I think school boards only require five hours.

3 COMMISSIONER BERGMAN: Do they? Probably
4 should be some consistency there, yeah.

5 COMMISSIONER GANT: Yeah. But they -- the
6 charter school boards, they get theirs through the
7 Association. And we don't know what they really get
8 over there.

9 And I was at a meeting yesterday before I
10 drove up here. And there was some discussion by
11 educators about charter school governance councils
12 and what they're getting in the way of training.
13 And they were kind of laughing at it and stuff like
14 that, you know, that it really -- and if you think
15 about what has happened in many of the charter
16 schools that we've had problems with, it's based on
17 training, their lack of it, et cetera, et cetera.

18 And in the right areas, they may get some
19 training. We don't know what it is. It would be
20 nice to know what training they're getting. Then we
21 can better judge if they know what they're doing or
22 if they don't, and if we can really hold their feet
23 to the fire. They can say, "We don't know and we
24 never learned it."

25 "Well, did you receive training on it?"

1 COMMISSIONER BERGMAN: Let me make this
2 observation, because those are very valid points.
3 The training, in the Chair's situation serving on
4 the Artesia board, the school districts have staff
5 for all the -- I don't know how many assistant
6 superintendents you've got in Artesia, but there
7 must be about 400 in Roswell.

8 THE CHAIR: Two in Artesia.

9 COMMISSIONER BERGMAN: And they've got
10 every category. And then my observation is, so
11 they -- the school board people have a lot of
12 support from their school district.

13 The little old charter school, with
14 200 students and only 14 staff members, they don't
15 have all that staff support. So I think I could use
16 that as a -- at least to have a solid debate on
17 maybe why charter school board members should get
18 more training than public school board members did,
19 because I agree. I don't think five hours is
20 sufficient. I really don't.

21 THE CHAIR: It's not very much.

22 I wonder -- I wonder if we could include,
23 in the Planning Year Checklist, that governance
24 council members must, at the very least, get Open
25 Meetings Act training. Maybe that is provided

1 through the AG's Office or whatever, because they're
2 always talking about how much things cost, how much
3 their training costs. And I don't think there's a
4 charge for that, is there?

5 MR. GRANATA: No, there's not.

6 COMMISSIONER BERGMAN: Actually, that just
7 prompted me to think of a question. Does anybody
8 actually specify what that five hours of training is
9 supposed to consist of?

10 MR. PAHL: Yeah. And -- in rule, it
11 specifies topics of training; but it also defers the
12 ability to -- or the approval of training to the
13 Charter School Coalition, which is something we're
14 looking into changing and making the system a little
15 more robust and knowing what's in those trainings.

16 So we'll keep you up-to-date on that as we
17 make progress there. But it was something I was
18 alerted to this summer, and we're working on now.

19 THE CHAIR: I think they definitely need
20 some more options. At the very least, they should
21 be able to attend the New Mexico School Boards
22 Association, get that training. I know there's at
23 least one private company that provides that. I
24 know Shelly Cherrin does it. There are some options
25 out there.

1 But at the very least, if they could get
2 Open Meetings Act training, we might see a few less
3 problems.

4 MR. PAHL: I agree with that. I think
5 that we're open to putting that in the -- in the
6 Planning Year Checklist. My question -- I have a
7 question for Josh.

8 Is the Open Meetings Act training the same
9 for everyone? Because I feel like if we even just
10 nuanced it a bit to show them what good minutes look
11 like, if that's not already included -- you know,
12 we've had some -- we all know up here how much
13 variation there is between minutes, because that
14 just helps in some of the other things that we do
15 here.

16 But is that part of the training? And is
17 that something we could add to the training if we
18 were to do one charter-specific? And "we," I guess
19 I mean the AG's Office.

20 MR. GRANATA: Sure. And typically, what
21 the AG's Office does is two of the attorneys travel
22 throughout the state in something called a "road
23 show."

24 THE CHAIR: We have one of those, too.

25 MR. GRANATA: And so I -- they're kind of

1 general, for any kind of agency that's -- that Open
2 Meetings Act pertains to. So perhaps there might be
3 a way to have an Open Meetings Act for specific
4 schools or for charter schools, in general.

5 However, the schools themselves in the
6 audience are welcome to ask questions at the road
7 shows, so --

8 COMMISSIONER BERGMAN: I would suggest --
9 here, again, based on what was just said, what we're
10 particularly seeing in their minutes, they don't
11 know how to word their resolutions. There's a
12 specific -- you might think about, for those guys
13 that are going around, there probably needs to be at
14 least a little segment on how -- that they should be
15 very specific -- or in their motions -- I said
16 "resolutions" -- "motions" for virtually anything,
17 it should be really specific.

18 That's an area where I think we still fall
19 a little short here on this Commission when we're
20 just taking -- making our motions off the top of our
21 head. I wonder about that sometimes. It could come
22 back down the road on an appeal or something and
23 really get us.

24 THE CHAIR: I think the minutes, too, are
25 sometimes so poorly done that you can't be sure what

1 they were trying to do.

2 COMMISSIONER TOULOUSE: Madam Chair, don't
3 you think if we're going to provide them with, for
4 instance, sample goals, we ought to provide them
5 with a sample format for minutes, spelling out that,
6 "You need to record these things this way"?

7 THE CHAIR: Anything that gets close to
8 being legal, I would rather the legal people --

9 COMMISSIONER TOULOUSE: Well, I'm
10 saying -- no, but just when we provide a package of
11 stuff, whether they do it or somebody -- that it's a
12 document that we --

13 THE CHAIR: I would rather they went to
14 the AG's training, my personal self.

15 COMMISSIONER TOULOUSE: I don't think it's
16 appropriate for the AG to teach people how to take
17 minutes.

18 THE CHAIR: No. But I think you can say,
19 when you're writing -- when you're recording a
20 motion in the minutes --

21 MR. GRANATA: Madam Chair, I don't think
22 that the meeting will get that specific regarding
23 the minutes. I think they just point out what's the
24 minimum, as required by the law. The statute says,
25 "A" policymaker -- "A" policymaking body shall keep

1 written minutes of all its meetings. The minutes
2 shall include, at the minimum, the date, time, and
3 place of the meeting, the name of the members in
4 attendance and those absent, the substance of the
5 proposals."

6 So it's very vague. It sounds like what
7 the Commission is asking is for specific things that
8 are, I guess, specific towards this industry.

9 THE CHAIR: So as far as how you word a
10 motion and how you record it in the minutes are not
11 part of the Open Meetings Act training?

12 MR. GRANATA: Not necessarily. I mean, I
13 would agree with Commissioner Toulouse that there
14 could be an example of minutes and, like, a motion
15 that the governing body voted upon at their meeting
16 and something that would be sufficient for the
17 Commission.

18 THE CHAIR: Okay. All right. And you're
19 right.

20 COMMISSIONER TOULOUSE: Madam Chair, I
21 have another concern that isn't necessarily on this.
22 But as you know, at least I've noticed in two years,
23 the schools getting in trouble -- in general, not
24 all of them -- but are the ones that have the
25 rolling membership on boards. And there isn't

1 anything that addresses, once you've trained your
2 board, when you train the new people, how they need
3 to be trained before they really can become a part.

4 So I think we have some boards that
5 probably have changed so completely within a time
6 period, because I doubt if the training is given
7 every month so you could send somebody to it every
8 month.

9 I'm uncomfortable, and down the road, I
10 think we need to look at that when -- that there
11 needs to be something that when a new member is put
12 on a governance council, there has to be certain
13 steps they go through, including the financial piece
14 and these other -- the Open Meetings stuff -- for
15 them to understand, so that you don't end up with a
16 board where nobody knows anymore, or only one out of
17 four or five do, or whatever.

18 THE CHAIR: Matt, what kind of training,
19 or assistance, do you give a charter school, perhaps
20 during the planning year, on these topics?

21 MR. PAHL: Madam Chair, members of the
22 Commission, I -- I am unaware of the training that
23 we provide during the planning year for that. But
24 as we plan that out for this upcoming year, we'll be
25 sure to do it; because it's just making -- it's

1 making everything difficult for us when we don't
2 know what they've passed in their minutes. And I've
3 been trying to make a point of it while I'm up here,
4 praising the schools when we do have good minutes
5 that are clear, and just kind of trying to always
6 mention it when there's an opportunity.

7 But we'll make sure there's a formal time
8 for talking about minutes during the planning year.

9 THE CHAIR: As Commissioner Toulouse said,
10 even a written handout with examples. And please
11 ask them not to use the word "motioned."

12 COMMISSIONER TOULOUSE: Madam Chair, is
13 that a word?

14 THE CHAIR: They put it in their minutes.

15 COMMISSIONER BERGMAN: Just sitting here
16 thinking, again, how it could be easily
17 accomplished. Just use the term "site visits."
18 Perhaps you should look at your site visit protocol,
19 and when the liaisons, or whoever's going out doing
20 these site visits, you could put a ten-minute block
21 in there or a five-minute block in there to talk
22 about minutes and motions, and then just incorporate
23 it in your routine. That wouldn't extend your site
24 visit much, and maybe we could handle it that way.

25 THE CHAIR: And membership in your

1 governance council. And that might need to be a
2 longer discussion, but just a reminder, you know,
3 "New governance council members need to be trained,
4 and they need to become part of your Board of
5 Finance with proper documentation."

6 COMMISSIONER BERGMAN: I'm not aware of
7 any statute that says for a new board member, they
8 get 90 days or 180 days or 14 years, or -- maybe
9 Josh can find something to talk about for a new
10 board member, when -- should they be trained.

11 THE CHAIR: The Secretary has 45 days to
12 appoint one. So unless you want the Secretary to do
13 it, you've got 45 days, I would think, is my
14 understanding.

15 MR. PAHL: For a charter school
16 governing --

17 THE CHAIR: That's my understanding.

18 MR. PAHL: I think that is correct. I'm
19 not sure. But I think the only requirement is the
20 annual requirement for -- for training for governing
21 council members. And so, you know, you could start
22 and be on the job for a while before you receive
23 any -- any training, at this point in time.

24 THE CHAIR: Absolutely.

25 MR. PAHL: So that's something we should

1 start --

2 THE CHAIR: But the Board of Finance
3 requirement is fairly immediate, is it not?

4 MR. PAHL: Yes, that's accurate.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: That was the point I
7 was going to bring up, Madam Chair: The Board of
8 Finance. Because there's been a couple of
9 charters -- and you're going to go visit one here
10 shortly -- that I'm not sure they have a legal Board
11 of Finance. And I would check that real close down
12 there. That is one item -- because they had such a
13 big changeover that -- you know, just an interesting
14 point. Because if you don't have the right Board of
15 Finance that's duly appointed and trained, then
16 should that not be a problem with budgets and paying
17 bills and all this other good stuff?

18 MR. PAHL: Absolutely.

19 COMMISSIONER GANT: Thank you.

20 THE CHAIR: Thank you. A question just
21 comes to my mind. Might as well ask it now. Is it
22 mandated somewhere that this -- the time from the --
23 when a school is approved until the time that the
24 school is authorized to begin operation, where does
25 it say that has to be called the planning year?

1 MR. GRANATA: I believe it's statute. Let
2 me check.

3 THE CHAIR: Is it statute? And while Josh
4 is looking that up, could I also ask Matt that you
5 present the updated Planning Year Checklist in
6 November, as well?

7 MR. PAHL: Yeah. I think we'll be adding
8 to it throughout today. So, yeah, I'm --

9 THE CHAIR: There have been a few changes
10 or additions so far, but probably not too many more.

11 I just think the words "planning year"
12 mislead so many applicants. They really think that
13 anything that is not complete or already set out the
14 way it should be, as far as I'm concerned, can be
15 then changed or worked on during the planning year.

16 I think the SH'Weef school was a big
17 example of that. "We can fix that during the
18 planning year." "We can fix that during the
19 planning year."

20 That is not what that planning year is
21 for, and I really don't think they understand it,
22 and the name is very misleading.

23 COMMISSIONER BERGMAN: If we don't move
24 along, we're not even going to get to the planning
25 year.

1 THE CHAIR: All right. That's 21-22.

2 23-24.

3 25-26.

4 27-28.

5 BY :

6 Q. 29-30.

7 30-31.

8 33-34.

9 35-36.

10 COMMISSIONER TOULOUSE: Madam Chair, can
11 we go back to Page 31, where it has the F section?
12 I have concerns that we keep seeing ones that say,
13 "The parents are required to," or "will do."

14 THE CHAIR: They can't require them.

15 COMMISSIONER TOULOUSE: You can't require
16 a parent --

17 THE CHAIR: I have asked this question a
18 thousand times. And they say, "Once a child is a
19 student at that school, they can require the parents
20 to do (indicates) so-and-so."

21 COMMISSIONER GANT: No.

22 COMMISSIONER TOULOUSE: Josh, what do you
23 think? I mean, if you have a single-parent family,
24 where the mother works, you know, two jobs --

25 THE CHAIR: But this is a school of

1 choice. If knowing -- knowing when you came in that
2 you were going to have to do so-and-so and
3 such-and-such as a parent if your student was a
4 child at this school, yes, you can require. That's
5 what we've been told in the past.

6 MR. GRANATA: What page are we on, on the
7 application?

8 THE CHAIR: 31.

9 COMMISSIONER TOULOUSE: It's just asking
10 for their plan. And I'm -- because it says, "May
11 not require community or parental support or
12 involvement as grounds for accepting or not
13 accepting a student."

14 And that's why I'm saying, though, once
15 you go beyond that, family circumstances change.
16 All kinds of things change.

17 THE CHAIR: But it says "they may not
18 require."

19 COMMISSIONER TOULOUSE: That says "for
20 acceptance."

21 THE CHAIR: But I swear, haven't we been
22 told through the years that they could require it?

23 COMMISSIONER BERGMAN: I've always thought
24 that we can't require it. And I'm sitting here
25 thinking, as we're talking about that, where -- if

1 you can require it, there would have to be a statute
2 that says how you punish a parent that does not,
3 quote, "the required community service." You kick a
4 kid out of school because of that?

5 COMMISSIONER TOULOUSE: I mean, I can
6 think of one school we've dealt with a number of
7 times recently who were saying that their parents
8 were required to do so many hours.

9 COMMISSIONER BERGMAN: Oh, yeah, we've
10 debated this many times.

11 THE CHAIR: But sure enough, it says, "may
12 not require community or parental support."

13 COMMISSIONER BERGMAN: "As grounds for
14 accepting or not accepting a student."

15 THE CHAIR: So --

16 COMMISSIONER BERGMAN: Doesn't say what
17 you can require after you accept that student.

18 THE CHAIR: Maybe that's the exception or
19 the disclaimer there. Maybe that's why they said
20 that, "Yes, you could require it."

21 COMMISSIONER BERGMAN: Here, again, just
22 speaking personally, if I had a son or a daughter in
23 a charter school, and they came to me and said,
24 "Mr. Bergman, you have to volunteer 25 hours," I'd
25 say, "Good luck enforcing that."

1 That would be my personal response to --
2 COMMISSIONER TOULOUSE: If there had been
3 charter schools, especially for my daughter, she
4 would have done better in a charter school, I think;
5 for instance, PAPA in Albuquerque, or whatever, or
6 Tierra Adentro. If my daughter was young enough for
7 those programs, she would have done much better, and
8 I would have opted for a school like that.

9 However, I commuted most of my children's
10 education. I commuted to Estancia, then to Belen
11 and then up here. I was a single parent. And I
12 don't see how -- I mean, I had enough lawyers in the
13 family, I would have taken it to a lawyer if one of
14 the schools told me, for my child to continue to be
15 enrolled there, I had to provide X amount of time
16 when I didn't -- I can't see a single court, at
17 least in state district court, just -- you know,
18 District 2 -- that would uphold that.

19 COMMISSIONER BERGMAN: Just personally, I
20 would prefer that the public schools could require
21 parents -- but so many of the parents of the kids in
22 public schools are that; they're single parents.
23 Some of them are working two jobs. How do they
24 volunteer at a school when they're working two jobs
25 already?

1 MR. PAHL: And it may not be volunteer
2 hours. There are several schools outside of our
3 state that they sign, like, a homework contract,
4 that the student and the parent sign, that they will
5 have their homework done. You know, that could be
6 another form of involvement.

7 THE CHAIR: I don't think that's it,
8 though. What does Mesa Del Sol require?

9 MR. PAHL: Oh, no, I'm not saying it
10 happens here, but just thinking of ways it's done.

11 COMMISSIONER TOULOUSE: They were
12 requiring a certain number of hours of volunteer
13 work. And I think we had that discussion with them
14 probably once, if not twice.

15 THE CHAIR: Would you please research
16 that?

17 MR. GRANATA: I'll look into it. I
18 think -- yeah, I'll research it.

19 COMMISSIONER TOULOUSE: And I don't think
20 they were able to hold them to it, but that was in
21 their requirements, that they were telling people
22 what they presented that they were required to do.

23 MR. GRANATA: I know district attorneys
24 don't enforce truancy law. I can't imagine if
25 you're not going to go after truancy, then going

1 after a parent not volunteering for the carnival or
2 whatnot.

3 COMMISSIONER TOULOUSE: What I would be
4 afraid of is kicking the kid out of school and
5 saying, "Fine, you go over to the public school."
6 And I would think that would be a problem then.

7 THE CHAIR: Will you look into that,
8 please?

9 All right. I believe we were on 37-38.

10 MR. GRANATA: Madam Chair, if I can
11 interrupt, going back to the question you posed
12 earlier about the -- okay. The first year is a
13 planning year. Then the statute says, 22-8B-12,
14 subsection A says that, "The first year shall be
15 used exclusively for planning and not for completing
16 the application."

17 Subsection B: "During the planning year,
18 the charter school shall file a minimum of three
19 status reports with the chartering authority and the
20 department."

21 So, essentially, it is a planning year.

22 THE CHAIR: Okay. All right.

23 COMMISSIONER BERGMAN: And I like that it
24 states that it doesn't specifically -- that you
25 don't use it to change the application.

1 THE CHAIR: Right. Right.

2 COMMISSIONER BERGMAN: That reinforces
3 what we discussed earlier.

4 THE CHAIR: Good deal.

5 COMMISSIONER GANT: Madam Chair, that was
6 one of my issues, the status reports for the
7 planning year. When was the last time we got one?

8 COMMISSIONER BERGMAN: Well --

9 COMMISSIONER GANT: When was the first
10 time we got one?

11 Okay, I'll tell you when it was: When
12 they come in for the Certificate of Completion.
13 That is the only time.

14 And I was going to bring it up, that we
15 have this planning year document, or checklist. And
16 I think there should be a time line that says, "This
17 is done by this time."

18 The only thing that's required on a
19 checklist to be done by a specific time is the
20 establishment of the Board of Finance. That is the
21 only one. And I think we, as a -- as a Commission,
22 and the Charter School Division -- because then
23 they -- just like these schools that showed up this
24 year, with all the stuff -- Dream Diné -- they knew
25 in March they would not have a building, come

1 August. Did they bother to tell us? No.

2 Health Science, Santa Teresa, they blamed
3 the CSD and everybody else when they didn't have
4 their checklist done. Who owns the school? The
5 principal and the governance council. They're
6 responsible for everything that happens if it fails
7 to happen, okay?

8 So I think we need to establish a time
9 line: "On this date, this is done, this is done,
10 this is done, including the curriculum."

11 That's my opinion. Thank you.

12 MR. GRANATA: Madam Chair, I just wanted
13 to address Commissioner Gant's suggestions. The
14 statute says that, "The report content, format, and
15 schedule for submission shall be agreed to by the
16 chartering authority and the charter school." So at
17 the time that the parties enter into a contract,
18 those terms are negotiated.

19 COMMISSIONER GANT: 22-8B-12B.

20 THE CHAIR: Is that in the contract?

21 COMMISSIONER GANT: It should be.

22 MR. PAHL: Not that I know of.

23 THE CHAIR: I don't believe it is, Vince.

24 COMMISSIONER BERGMAN: No. And keep in
25 mind that a number of these schools we're going to

1 be negotiating in April and May, their planning year
2 is almost over by then. So I don't remember if
3 there's any specific dates in the Planning Year
4 Checklist. But we'll see what dates we might put in
5 there. So let's keep going.

6 THE CHAIR: Are you saying keep going?

7 All right. You're in charge of the
8 Planning Year Checklist, when we get to it.

9 All right. Pages 39 and 40.

10 COMMISSIONER GANT: Thank you very much.

11 THE CHAIR: On Page 40, it talks about
12 waivers. This is where the school is going to tell
13 us which waivers they're asking for. Please
14 remember, by State law, it says they have to tell us
15 how they're going to use it.

16 We've -- there has been some standard
17 language developed, and it gets plugged into a lot
18 of these places. And maybe it's sufficient; but I
19 would like for us to start looking at that a little
20 bit more closely, because I'm not sure that in all
21 the cases -- sometimes I'm not even sure what
22 they're saying.

23 So let's just be a little bit more in tune
24 to what waivers should be telling us.

25 COMMISSIONER BERGMAN: And I'm all for

1 that, but let's don't debate that again. Because
2 some would say you don't have any say in the
3 waivers, so you don't need to know what they're --

4 THE CHAIR: The law says they have to tell
5 us.

6 COMMISSIONER BERGMAN: Does it really say
7 that?

8 COMMISSIONER GANT: Madam Chair, on top of
9 that, whether we have authority over the waivers or
10 not is immaterial. How they use the waivers impacts
11 how they're going to be evaluated in years to come.
12 And if we don't know how they're going to use the
13 waivers, then we don't know how it's going to impact
14 in years to come.

15 THE CHAIR: And it says, "Ensure that the
16 rationale clearly demonstrates how requested waivers
17 align with the school's proposed autonomy, its
18 mission, its educational program and curriculum."

19 So I don't need to know that, "State law
20 gives us permission to buy our educational materials
21 somewhere else." That doesn't tell me a thing.

22 So they need to be a lot more -- a better
23 explanation.

24 Page 41 and 42, transportation and food.

25 On Page 43, at the very bottom, M-1, the

1 very last line talks about, "Approved form as
2 appendix" -- I don't know what it says there.

3 COMMISSIONER PARKER: J.

4 THE CHAIR: J, I believe. It should be I.

5 COMMISSIONER GANT: Yeah, you're right.

6 THE CHAIR: Let me ask you to turn over to
7 Page 58, because on Page 58, there is a list of all
8 appendices and attachments. And if you'll notice,
9 this is -- "Describe in detail the charter school's
10 projected facilities needs and the desired school
11 environment."

12 And Appendix I says, "PSFA-approved
13 projected facility plan demonstration."

14 So -- and J is the 910B5 computation for
15 SEG; so it's obviously wrong.

16 Okay? I'm looking at Pages 45 and 46.

17 46 starts, "Finance." Here's where it
18 says, use -- special ed, "Please budget the State
19 average of 15 percent." It's in that first gray
20 box. Okay?

21 And then A(2), Provide and attach as
22 Appendix K a proposed five-year budget plan... ."
23 And they're all over the place on this one. They
24 change them from Excel spreadsheets into some -- who
25 knows what they are? You can't move them; you can't

1 read them. Some of them shade everything; so I
2 think they're trying to hide it. Just use the form
3 as it's provided, if you can please get that across
4 to them.

5 Okay. Pages 47 and 48.

6 And on Page 48, the gray box, Item No. B,
7 it reminds applicants that they have to provide a
8 narrative description of how the school will modify
9 the budget when there are students with special
10 needs currently attending the school, but knowing
11 that funding will not happen until the next year.

12 So you're going to be providing these
13 expensive services with no extra funding. So let's
14 please be sure they understand that. I think
15 Mesa Del Sol got in a ton of trouble with special ed
16 and not enough money.

17 COMMISSIONER BERGMAN: Along those lines,
18 let me throw in here at this point that one of the
19 capacity interview questions that they were asking
20 was -- was, "What is your plan, if your enrollment
21 is only half of what you thought you were going to
22 get?"

23 So I like that question. What I didn't
24 like -- a lot of the answers were, "Oh, we'll just
25 cut our budget."

1 They had no plan, other than, "We'll just
2 cut our expenditures."

3 Think about how you might address that in
4 the training, too. To me, that's not a
5 satisfactory -- certainly, that's not comprehensive.

6 THE CHAIR: Considering that 80 to
7 90 percent of your budget is salaries.

8 COMMISSIONER BERGMAN: We've had two or
9 three schools, the Dorn school, for instance, that
10 had that problem. Boy, it just raised problems --
11 it rippled right out from there. And we had to deal
12 with that for two years, I believe, after that.

13 It's -- they need to have a comprehensive
14 answer to that question, or I think they've maybe
15 failed a little bit or something. Yeah.

16 COMMISSIONER GANT: Madam Chair, on that
17 subject, part of it, some said staff. The staff is
18 a big problem. But they've got to remember, the
19 facilities they're renting. Now, with Dorn, I guess
20 they were given the property, or --

21 THE CHAIR: Yeah.

22 COMMISSIONER GANT: -- volunteered -- but
23 for most of them, it's either the number of students
24 or the lease itself, which is of the least. But if
25 you don't have enough students to pay that lease

1 that's coming out of your general fund, which most
2 of them end up paying, anyway. Charter schools,
3 guys -- I'm sorry -- Commissioners -- are paying
4 almost \$6 million out of their pockets above lease
5 assistance in this state.

6 THE CHAIR: For facilities.

7 COMMISSIONER GANT: Just for facilities.
8 So if they don't have enough students even to cover
9 their lease, they've got a problem.

10 THE CHAIR: Okay.

11 49-50.

12 50-51.

13 53-54.

14 Evidence of support starts on 55.

15 56.

16 Page 57, lower half, box that says,
17 "Uniqueness and innovation." E, "Provide clear
18 evidence... ." That E should be a D.

19 COMMISSIONER BERGMAN: Actually,
20 Madam Chair, can we go back to Page 53 for a second?
21 I just noticed something there.

22 THE CHAIR: Matt, did you get that change?

23 MR. PAHL: Yes, I'm just -- yes, uh-huh.

24 THE CHAIR: Page 53.

25 COMMISSIONER BERGMAN: There down at the

1 bottom, B(5), the last box, "Provide a clear
2 comprehensive and cohesive description of long-range
3 goals and strategies that will help build the
4 school's capacity in areas such as government,
5 finance, budget, facilities, community
6 relationships, student enrollment, charter
7 compliance, 501(c)(3) mission and performance
8 objectives."

9 So that goes back to one of our earlier
10 discussions, too. So there's another reference
11 there to long-term goals. So you might want to make
12 a mental note on that one. That's the thing when
13 you have a document like this that's 60 pages long,
14 some of what we need is over on Page 20, and some's
15 on 54, and some is on 60, and sometimes getting it
16 all correlated in our own mind can be a chore.
17 Yeah.

18 COMMISSIONER GANT: Madam Chair, if I may?

19 THE CHAIR: Yes.

20 COMMISSIONER GANT: I passed this over.
21 51 at the bottom.

22 THE CHAIR: 51?

23 COMMISSIONER GANT: Yeah. B bowlegs (3)
24 says, "Identify appropriate staff to perform
25 financial tasks and ensure the staff positions are

1 completely supported."

2 Well, in several of ours, they've talked
3 about volunteers doing the financials and all that.
4 That doesn't meet this one, not at all.

5 So they've got to understand -- I guess,
6 even if they hire someone to do their financials,
7 someone needs to be on the staff to at least monitor
8 and understand what's going on.

9 And that's just my opinion on it. But two
10 or three of them lately have just kind of flopped
11 this one off, you know, "We'll take care of it
12 later" business.

13 THE CHAIR: During the planning year.

14 COMMISSIONER GANT: Yeah, during the
15 planning year. Thank you.

16 THE CHAIR: Okay. 57-58?

17 59?

18 Is that it?

19 COMMISSIONER BERGMAN: I'm not sure.

20 Looking at Page 57 there, the uniqueness and
21 innovation, I'm not sure that that's always shining
22 through in the application process. Even though we
23 state it a number of places, I'm not sure how we
24 could make it shine through more. Maybe more
25 discussion in the future.

1 But charter schools are supposed to be
2 unique, and they're supposed to be innovative.
3 That's right in the Act. And I'm not sure if we're
4 totally getting the answer in that area. So let's
5 just think about that in the future, too. How can
6 we get that uniqueness to shine more in these
7 applications, because if they're not convinced that
8 they're unique and innovative, then why are we going
9 to put them in business?

10 THE CHAIR: Good point.

11 COMMISSIONER TOULOUSE: Madam Chair, maybe
12 we start out as one of the -- on the introduction,
13 that, "Please be aware that the final item you're
14 going to have to do is sum up how all of this leads
15 to your uniqueness and your innovation in
16 education," so that their aware, as they go through
17 it, and then we get to the end, too. So they're --

18 COMMISSIONER BERGMAN: We'll keep that
19 thought in mind for how -- as we discussed -- all
20 this stuff, we end up discussing again, but --

21 COMMISSIONER TOULOUSE: It does sum up,
22 because I looked at this at first and thought, "This
23 ought to be first." And then I realized, "No, it
24 really needs to flow out of everything that comes
25 before it."

1 But if you're not aware of that -- and by
2 the time -- you know, when you've filled out
3 something long enough, even though you've worked
4 with it for months, you get to the end of it, and
5 you tend to slide a little.

6 COMMISSIONER GANT: Madam Chair?

7 THE CHAIR: Commissioner?

8 COMMISSIONER GANT: 58.

9 THE CHAIR: 58?

10 COMMISSIONER GANT: The blocks at the
11 bottom of Page 58, of course, they've got an
12 asterisk in there for required appendices. But then
13 Item B and E -- first of all, I don't know what B
14 is. "Governing documents." I don't know what they
15 mean by that. And aren't we required some kind of
16 personnel policies? That's No. E?

17 So I don't understand the lack of a
18 proposed -- well, one, proposed contract, I
19 understand that one. But those other two, I don't
20 understand what a governing document is, to begin
21 with. And don't we need governing body personnel
22 policies?

23 THE CHAIR: I don't think they do
24 personnel policies for governing body, do they? I
25 don't recall seeing any.

1 COMMISSIONER BERGMAN: And the note for
2 the asterisk says -- it just indicates it is a
3 required appendix. So I guess -- I don't know why
4 we didn't require it. I have no memory of how we
5 arrived at that.

6 COMMISSIONER TOULOUSE: Wouldn't the
7 governing documents be their bylaws, which are a
8 required document when you look at the law, the
9 statute?

10 COMMISSIONER BERGMAN: Actually, see, the
11 governing body is not paid, see? So why would you
12 have a personnel policy for somebody that's not
13 paid?

14 COMMISSIONER TOULOUSE: I think maybe it
15 means the policy established by the governance
16 council for the personnel.

17 COMMISSIONER BERGMAN: For the hired or
18 employed staff.

19 COMMISSIONER TOULOUSE: Right.

20 COMMISSIONER BERGMAN: Maybe it's not
21 worded the best way.

22 COMMISSIONER TOULOUSE: To me, that's what
23 I thought it meant. But I'm pretty sure the second
24 one would be bylaws. And the statute does say that
25 bylaws -- if it isn't the statute, it's the policy,

1 the rules, that say, "Bylaws must be provided."

2 COMMISSIONER BERGMAN: Certainly, charter
3 schools should be required to have personnel
4 policies. Every business has to have personnel
5 policies, don't they?

6 THE CHAIR: If "E" said "Governing
7 bodies'," apostrophe S, "personnel policies," would
8 that be more meaningful? The school's personnel
9 policies. We're getting a little punchy here.

10 COMMISSIONER BERGMAN: Do we make it
11 required? I would have thought, like I say, that it
12 was already required.

13 MR. PAHL: Could we revisit this? I don't
14 have complete clarification of what we need on those
15 documents. And if you give us a little bit of time
16 to revisit it, we can grab Amy Chacon, who is
17 working with us. She can explain what the
18 expectations are surrounding those appendices.
19 Would you mind?

20 COMMISSIONER GANT: Madam Chair, do you
21 know -- on top of Page 59, one of the items is
22 "Founders' names and descriptions." Well, they do
23 give that to us all the time. So I don't know if
24 it's required or not, you know? And I don't know
25 what "other waivers" are, the one above it.

1 THE CHAIR: Those -- remember the waivers
2 that we looked at on Page -- whatever it was -- are
3 the automatic waivers. Then there are discretionary
4 waivers, which is everything else. So if they're
5 going to ask for any discretionary waivers, it has
6 to be listed.

7 COMMISSIONER GANT: All right. Waive the
8 world, I guess.

9 THE CHAIR: There you go. So Items B and
10 E, Matt, you're going to check?

11 MR. PAHL: Yes.

12 THE CHAIR: Is that right?

13 MR. PAHL: Yes, sorry.

14 THE CHAIR: And you'll bring it back to us
15 in November, if not sooner?

16 Okay. We have just finished the
17 application itself. Woo-hoo. I bet it took us less
18 time than it takes the applicants. Maybe not.

19 COMMISSIONER TOULOUSE: I was going to say
20 some of them don't appear that way.

21 THE CHAIR: Okay. Friends, are we ready
22 for a break? Let's take a few minutes. Let's
23 take -- can we take ten minutes, come back at about
24 10 till 2:00, and we'll start on the next section?

25 COMMISSIONER BERGMAN: Next one is for

1 capacity interview. I'm thinking for right now, we
2 can jump over the capacity interview, because I
3 don't think we need to discuss this particular
4 document at this time. That's something we can do.

5 THE CHAIR: I started to say that.

6 COMMISSIONER BERGMAN: In one of our
7 documents, all those dull moments we have.

8 THE CHAIR: You're not going to let me
9 forget that, are you?

10 (Recess taken, 1:40 p.m. to 1:55 p.m.)

11 THE CHAIR: Commissioners, I noticed, as I
12 was walking out, that Janette Archuleta, with
13 McCurdy School, is sitting in the back. And she
14 gave me a quick explanation of governing documents
15 and governing body policy -- personnel policies.
16 And I would ask Janette if she would come up to the
17 table and share that with everyone, and that will be
18 one less thing.

19 COMMISSIONER BERGMAN: I'm surprised she
20 didn't go home from our last meeting and just sat
21 there.

22 MS. ANDERSON: It just feels so good when
23 I stop beating my head against the wall.

24 THE CHAIR: Made you walk so far, next
25 time you won't.

1 MS. ANDERSON: For the record, I'm Deborah
2 Bennett Anderson. Janette is the director of the
3 school, McCurdy Charter School.

4 THE CHAIR: I'm sorry.

5 MS. ANDERSON: That's quite all right. In
6 your conversation a bit ago, you were talking about
7 governing documents. For that, that was the bylaws,
8 the "conflict of interest" policy. There are about
9 ten policies that Charter School Division, you know,
10 we have to have in place before we can go very far
11 at all. But those are the governing body documents.

12 The personnel piece has to do with staff.
13 We get involved in writing the initial document.
14 But then when school starts, you know, we go through
15 and we totally refine that. So just a point of
16 clarification.

17 THE CHAIR: Everybody got that? We thank
18 you very much. A long walk.

19 MR. PAHL: Madam Chair, members of the
20 Commission, Staff came down -- Amy Chacon informed
21 me that we had been strongly encouraging our
22 applicants to include both Items B and E, even
23 though they weren't required; we had been doing
24 that.

25 So I don't know if we want to -- really,

1 it should be flipped around. We should have an
2 asterisk on the ones that aren't required; but those
3 should probably be required documents for the
4 application.

5 THE CHAIR: Does everyone agree we need to
6 make those required? Let's do it? Okay.

7 MR. PAHL: Thank you.

8 THE CHAIR: Thank you. All right. We
9 have completed Section 4, which is the application.

10 Section -- pardon me -- the next section
11 is Section 4. And it is the capacity interview
12 questions. It has been recommended we move on
13 without going through those. We've read them fairly
14 recently.

15 All right. The next section is the
16 910B5s, which the schools, or the applicants, fill
17 out to arrive at their purported -- their
18 recommended -- their probable SEG funding. So we
19 should get five of these with every application, one
20 for each year of the budget.

21 COMMISSIONER BERGMAN: Actually, there's a
22 Section 5 in my book that is my book from home. And
23 there's just a piece of paper there that says "SED
24 Worksheet." There's nothing there.

25 THE CHAIR: How about an "SEG" worksheet?

1 COMMISSIONER BERGMAN: SED worksheet.

2 THE CHAIR: Well, that's a mistake.

3 COMMISSIONER BERGMAN: So forget No. 5.

4 THE CHAIR: Five is the 910B5, which is
5 the worksheet for SEG funding.

6 COMMISSIONER BERGMAN: Mine's No. 6, the
7 Five-Year Budget Plan?

8 THE CHAIR: No, that's the actual budget
9 itself. Those are the -- the 910B5s are the actual
10 forms they fill out to find out how much money
11 they're getting.

12 COMMISSIONER BERGMAN: I don't know that
13 we have to discuss those. I know that's your
14 special area of concern, but --

15 THE CHAIR: Oh, yeah. It looks like this.
16 You don't have anything like that?

17 COMMISSIONER BERGMAN: No. This is -- the
18 book I'm working from is a book that Julia prepared
19 for me. I said I wanted a copy of all the new
20 forms. You may have a little bit different book
21 than what I have.

22 THE CHAIR: Apparently, something's been
23 left out of yours: 6 is the charter's five-year
24 budget.

25 Okay. We've all seen that.

1 Okay. 7 is the PEC minutes, where we
2 approved these back in January.

3 And then the renewal application starts.

4 COMMISSIONER BERGMAN: I would recommend,
5 since we're all in that process, all the renewal
6 stuff could probably be put off to the spring,
7 because I always want to look at it after we've gone
8 through the process to see what has popped up in the
9 process to see what I want to talk about.

10 It would be counterproductive to talk
11 about these. Just my personal opinion.

12 THE CHAIR: That's fine. Anyone else have
13 an opinion? Do you want to skip over the renewal,
14 or do you want to go through it?

15 Matt, is there anything in this renewal
16 you need to bring to us?

17 MR. PAHL: Not at this point in time.

18 THE CHAIR: Okay. Everybody is all right
19 with moving on? Okay.

20 Tab 2, we're still in renewal. I guess we
21 need to get to -- in my book, it's the orange tab
22 that says, "Charter School Contract and Performance
23 Framework."

24 And then the first one is the contract.
25 Everybody has that?

1 COMMISSIONER TOULOUSE: No, we have the
2 application copies. And then I have the performance
3 framework stuff and negotiation stuff.

4 THE CHAIR: I believe the contract
5 document itself contains the frameworks. So if you
6 don't have the contracts, but you have the
7 frameworks, let's see how much you're missing.

8 COMMISSIONER TOULOUSE: These are the --

9 COMMISSIONER BERGMAN: The performance
10 frameworks start on Page 26 of the contract
11 template.

12 THE CHAIR: Yeah. I'm just -- if they
13 don't have those first several pages, what are they
14 missing?

15 COMMISSIONER TOULOUSE: Well, I have -- it
16 starts out Page 1 about their performance framework.

17 THE CHAIR: The contract has 27 pages
18 before that. Can we move on without everyone having
19 those first several pages?

20 All right. Then let's let it be noted
21 that we're looking at the performance frameworks,
22 not the contract in its entirety. Is that fair to
23 say? Okay.

24 Okay. So the performance framework begins
25 on a -- now I've lost it -- is it 27, did we say?

1 Okay. Article 5, Performance Frameworks,
2 Section 5.01. There's an overview. Those of you
3 that are looking at copies -- Carmie, what page
4 number?

5 COMMISSIONER TOULOUSE: Well, these start
6 with Page 1. Here, let me show you what I have.

7 THE CHAIR: Okay. You're working with
8 what we actually negotiate from.

9 COMMISSIONER TOULOUSE: Uh-huh. So that's
10 what we have, which I find very nice to have.

11 THE CHAIR: Okay. This is just an
12 explanation of the frameworks.

13 So the contract that I've got in my book
14 is just that. That's the contract that talks about
15 the performance -- and all the frameworks, but does
16 not contain them.

17 COMMISSIONER BERGMAN: That's correct,
18 yeah. This is just the contract template.

19 THE CHAIR: Because not everybody has that
20 contract template, I don't think we can discuss that
21 today. I think we can, though, discuss the
22 frameworks.

23 So if that's all right with everybody,
24 let's just move on to the academic performance
25 framework.

1 And, Vince, for you and me, that's Tab 4.

2 Okay. Everybody there? Okay.

3 Tab 4, Academic Performance Framework.

4 I'm noting, right above the gray bar that
5 says, "Required Academic Performance Indicators,"
6 the second line says, "...that cohort must include
7 at least 70 percent of the students... ."

8 If you'll remember when we first started
9 doing this, we were talking about some schools
10 probably would want to be breaking out student
11 groups. Say, all third-graders -- this bunch of
12 third-graders and that bunch of third-graders -- I
13 don't even know -- but make it Cohort 1 and
14 Cohort 2. I don't think we're using that so much
15 now; we've found another way to deal with it.

16 But this is simply saying that the cohort
17 must contain 70 percent of all of the students that
18 would have been included in the total group to have
19 been considered. Just a clarification.

20 Section 1, then, is "State and Federal
21 Accountability." This is where the school report
22 card grade is placed. Please notice, if the school
23 makes an A or a B, they meet or exceed. If they
24 make a C or below, over on the right-hand side, "The
25 PEC and the school" -- "and the school have agreed

1 on an improvement plan... ."

2 I think we need to change that wording.
3 The school and the PEC have not agreed on -- on an
4 improvement plan at this point. They will agree, or
5 they should agree, or they need to agree, on an
6 improvement plan; or, an improvement plan needs to
7 be written that both the school and the PEC agree
8 on. And a deadline date needs to be put in there,
9 in my opinion.

10 I throw that out for your consideration.

11 COMMISSIONER BERGMAN: I'm not sure how we
12 would address that. That's -- the hangup, in my own
13 mind, is how we would do it. I agree with the
14 premise that the -- that -- I'm not sure why we -- I
15 can't remember why we did that with C schools. To
16 me, a C school just means -- C is average. That's
17 what C is supposed to mean. I'm not sure why we
18 would think an average school would need an
19 improvement plan.

20 I understand why a D school and an
21 F school would need an improvement plan. So I don't
22 remember how we came to -- when we did this form in
23 the spring, how we either put that language in there
24 or left it in there. I'm not sure how we did that.
25 I don't have any memory of it.

1 THE CHAIR: Matt, on the schools' grading
2 report card, a C is average, or is that some unique
3 connotation, that the report card gives a C, that
4 it's less than acceptable? Did we get it from that?

5 MR. PAHL: I can't imagine it would be
6 taken from that. C is the -- you know, the average
7 score, you know, it's based off of that. We don't,
8 in any other place, call it, like, an average grade.
9 But, yeah, it does -- it does stem from an average
10 score is where a C would sit.

11 But I would note, something that we talked
12 about yesterday is that, you know, when we -- these
13 performance plans and the improvement plans are a
14 way to drive performance in our charter schools.

15 And, you know, I agree with your comments,
16 Commissioner Bergman. But if there's any way we can
17 keep driving towards A's and B's in all of our
18 schools, I'm in favor of it. But the Commissioners
19 should consider that.

20 THE CHAIR: Maybe that was the thought.

21 COMMISSIONER BERGMAN: Well, I think this
22 is also the place where we need to have the
23 discussion -- for those Commissioners that weren't
24 involved in the renegotiations of the performance
25 framework, we did the first seven -- like I say, we

1 did it, I guess, in August -- part of what really
2 hung us up on that was some Charter School Staff had
3 downgraded schools based on, I guess, their own
4 personal criteria or something.

5 And that's something that we can't solve
6 today, but I think Matt needs to think about that.
7 I think the Staff needs to pay particular attention
8 and be very careful before they downgrade a school.
9 Here, again, we've used the term "rationale." Just
10 like the review teams, the Staff should have a
11 really good rationale for why they said a school
12 didn't meet a standard in a particular -- do you get
13 what I'm saying?

14 MR. PAHL: I do. I feel confident that
15 we've been solid in our rationale for why we've
16 downgraded schools. But what we're doing now in all
17 performance contract negotiations is once the PEC
18 and the school has agreed upon a measure, we are
19 going to be there. And you guys are going to get
20 sick of it, I'm sure. But we are going to ask every
21 time, "How are you going to show us that? What data
22 will you show us so we all have a universal
23 expectation of how you show that you met that item?
24 And the PEC heard it; we heard it; the school heard
25 it. So we want to have a universal expectation of

1 what meets and what doesn't meet.

2 THE CHAIR: We may get sick of it, but
3 more information is better than less.

4 (Cell phone call notification sound.)

5 THE CHAIR: Back to the school grade --
6 that is Vince's phone, and it quacks.

7 COMMISSIONER BERGMAN: And I assure you,
8 it's turned off. And I've asked my wife, "Why is it
9 quacking at me when I've turned it off?"

10 And she, so far, hasn't answered me. And
11 she's my phone guru. I don't understand computers
12 or phones, either one.

13 Thank you. I'm embarrassed. And it --
14 I'm turning it off again, and it won't go off. I'd
15 break it if it wasn't so expensive.

16 THE CHAIR: Well, that's your
17 entertainment for the day.

18 COMMISSIONER BERGMAN: Brought tears to my
19 eyes.

20 COMMISSIONER TOULOUSE: If it didn't hurt
21 to laugh at this point.

22 THE CHAIR: All right, back to business.
23 Do we want to keep "meets standards" as a school
24 that receives a C on the State's grading system and
25 that they do need to write an improvement plan,

1 along with D and F schools? I'm specifically asking
2 about the C-grade schools.

3 COMMISSIONER BERGMAN: That makes a valid
4 point. But I would say -- under our current
5 circumstances, I would say no, because of the lack
6 of Staff. There is just so much to do. And I know
7 it's hard to make decisions just based on because
8 somebody's understaffed, but --

9 THE CHAIR: But if this would help a
10 school to improve --

11 COMMISSIONER BERGMAN: I can go either way
12 right now, whatever Matt and the Commission want to
13 do.

14 THE CHAIR: Commissioners, what do you
15 think?

16 COMMISSIONER CONYERS: I had a question on
17 that. What do the other public schools -- do they
18 require anything with C? I know D and F --

19 THE CHAIR: I think a public school is a D
20 and an F.

21 MR. PAHL: That's right. D's and F's
22 are -- work with the Priority Schools Bureau.

23 COMMISSIONER CONYERS: But does C have
24 anything?

25 MR. PAHL: No.

1 COMMISSIONER BERGMAN: So could we
2 potentially be accused by a charter school that
3 we're holding them to a higher standard?

4 THE CHAIR: Probably.

5 COMMISSIONER BERGMAN: They should be
6 held -- that's my personal opinion.

7 THE CHAIR: Do our D and F schools also
8 work with the Priority Schools division?

9 COMMISSIONER BERGMAN: I think that's in
10 the statute.

11 MR. PAHL: Yes, Madam Chair. Yeah.

12 THE CHAIR: I want to be sure.

13 MR. PAHL: That's part of the federal
14 requirements for schools that are rated as such.

15 THE CHAIR: Okay. All right. Again, I
16 ask you, do we want to keep the C schools?

17 Commissioner Parker?

18 COMMISSIONER PARKER: Madam Chair,
19 Commissioners, it seems like the system, the
20 A-through-F grading, is so everyone can relate to it
21 in terms of what their grades were when they were in
22 school. If you were a C student, when you were in
23 school, you were an average student, and you met the
24 standards. If you were a B or an A student, you
25 were exceeding the standards of the school. So that

1 would be my interpretation of it.

2 THE CHAIR: So your recommendation,
3 Commissioner Parker?

4 COMMISSIONER PARKER: My recommendation
5 would be that the C meets the standards; B and A
6 exceed the standards.

7 THE CHAIR: Thank you. Anyone -- and the
8 C school should not have to do an improvement plan;
9 right?

10 COMMISSIONER PARKER: My interpretation of
11 it, if you're meeting the standard, then you would
12 not need to have an improvement plan.

13 THE CHAIR: Thank you. Anybody else have
14 an opinion on this? Commissioner?

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 have some concerns for the first- and second-year
17 schools, that because it's a three-year average,
18 always look D and F, as opposed to a school that's
19 had three or more years to have that score.

20 I mean, I think everybody here probably
21 has some -- at least some agreement with me, that I
22 think until I can understand how these scores come
23 out, I have problems holding anybody to them. But
24 that's what we're stuck with at the moment, in law.

25 But I don't think it's fair for the

1 schools, where it's a three-year average -- so they
2 basically do a three-year average out of one year.
3 And there's no way, when you divide it by three,
4 you're going to come out with anything but an F for
5 a first-year school and a D for a second-year
6 school.

7 THE CHAIR: Matt, do you have any words of
8 wisdom on that?

9 MR. PAHL: Not words of wisdom. I -- I
10 don't think -- I want to -- I want to do an analysis
11 on that, because I don't think that's the case, that
12 all first- and second-year schools have D's and F's.
13 But we should be aware of any shortfalls in the
14 system for new schools and take those into account.

15 But I will note that, you know, in our
16 interpretation of this at CSD, if a school had a
17 "does not meet" standard in their first year, or
18 "falls far below," but in the subsequent years, kept
19 moving up, we -- that's exactly what we love to see
20 over the course of a five-year charter.

21 So we don't want to do that if it's
22 systematically doing that with the school grades.
23 But I don't see -- I don't see a problem with the
24 school having a low grade early on, unless it's
25 unfairly biased towards them. But I don't think it

1 is.

2 COMMISSIONER TOULOUSE: And it may be
3 anecdotal, but when we were getting, in the past,
4 this -- the whole profile of the school each time,
5 and I would look, and I would see ones that hadn't
6 been there, and the first year would be an F. And I
7 would see a progression. But I just don't think --
8 and I saw that on some new schools in their first
9 year. So every one I have seen, it was just a
10 first-year school.

11 It may not be all of them, because, of
12 course, I haven't seen all of them. But it was
13 enough to make me concerned with the F's and D's for
14 first- and second-year schools.

15 THE CHAIR: Let's let Matt do the
16 analysis. In the meantime, let's remove the
17 requirement to do an improvement plan for the
18 C schools.

19 COMMISSIONER BERGMAN: We could always
20 come back to that. I wouldn't necessarily have a
21 problem with leaving it in there. The fact that we
22 call it, quote, "an improvement plan," it doesn't
23 have to be a 100-page document. It could be as
24 simple as we ask the school, "How do you plan to
25 improve?"

1 THE CHAIR: It's a one-page document that
2 the school uses.

3 COMMISSIONER BERGMAN: I don't want it to
4 be a 100-page document.

5 MR. PAHL: The school writes it.

6 COMMISSIONER BERGMAN: As long as we
7 understand, "How do you plan" -- in one page -- "How
8 do you plan to improve from this C grade," And
9 whatever brought them to that C grade.

10 THE CHAIR: Well -- and because they've
11 got the report card, it says on there the items
12 where they did poorly. They need to address each of
13 those items and say, "Here's what it is. Here's the
14 score we made, and here's how we're going to fix
15 it."

16 COMMISSIONER BERGMAN: And specific to
17 that shortcoming area, or short area, yeah.

18 THE CHAIR: Absolutely. And as far as I'm
19 concerned, that's all it takes. But we need to do
20 those early on in order for them to know what
21 they've got to do to meet the requirements of that
22 improvement plan, because if they wait too late,
23 sometimes they won't be able to get their job done,
24 and the school report card will come out again, and
25 they'll still have a poor grade, and we'll really be

1 after them then.

2 COMMISSIONER BERGMAN: Then we're talking
3 about the mechanism, then. Will it be as simple as
4 just CSD Staff -- Matt and his staff would
5 automatically take any of the schools that have a C
6 and just -- I don't know; that's why I say the
7 "mechanism" -- contact them either formally or
8 informally and say, "The PEC now wants to see a
9 short improvement plan on how you're going to do
10 it"?

11 THE CHAIR: I think if we're not going to
12 do -- please come up. You might as well stay up
13 here, too.

14 Let me just clarify that before we go too
15 much farther. What Tyson said was C schools meet
16 standards, and they should not have to do an
17 improvement plan.

18 COMMISSIONER BERGMAN: Says it right
19 there, "Meets standards."

20 THE CHAIR: Under "Does not meet
21 standards," it still says it's a C school. Do we
22 want to change that to a D?

23 MR. PAHL: Yeah. Sorry.

24 COMMISSIONER BERGMAN: That is
25 contradictory.

1 THE CHAIR: Because the next one says D
2 and F, "Falls far below."

3 MR. PAHL: So, you know, what I'm seeing
4 is, just to clarify -- and maybe this is just for
5 myself -- a C school that has an improvement plan,
6 or is recognized by an accredited organization,
7 meets standards.

8 THE CHAIR: These schools are not going to
9 do improvement plans.

10 MR. PAHL: I'm just reading it as-is right
11 now. If a C school decides not to do an improvement
12 plan or get accredited by an outside organization,
13 then they would not meet standard. I think what
14 we're -- what I'm reading.

15 And I wasn't here when we formulated this
16 document. What I'm seeing is if you're a C school,
17 and you're making an effort and saying, "These are
18 the things that we're going to improve," in a
19 one-page document, then you meet standards. If
20 you're a C school and you're okay with that and
21 you're not going to write that down on paper, or
22 you're not going to get accredited by a nationally
23 recognized accreditation organization -- which I'm
24 not sure where that is -- what that is meaning to
25 address, but that's a separate question -- then I

1 think we're getting an effort there.

2 And, you know, if we have a school with a
3 C grade, "Okay, are you recognizing that you could
4 be an A or a B school, and how are you going to get
5 there?"

6 Or are you saying, "That's good enough."

7 That's how I'm reading this right now.

8 And that is not meant to bring us down to a
9 recommendation or anything like that. That's how
10 I'm seeing this on the sheet right now.

11 THE CHAIR: I think what I heard
12 Commissioner Parker say -- and what I am thinking --
13 is that a C school meets standards, period. The
14 line underneath it comes out. Both of the boxes to
15 the right come out. It looks just like "Exceeds
16 standards" -- oh, wait. We can't have two "Meets
17 standards." That's what the problem is.

18 COMMISSIONER BERGMAN: Well, there's also
19 the problem -- as you put your finger on it -- I'm
20 really confused now, because we do have a box that
21 says "Meets standards, school received a C."

22 But right below that, we have a box, "Does
23 not meet standards, school received a C."

24 That is certainly contradictory. It's
25 really confusing. I don't know how we ended up with

1 that. Over here, we did cover the D school. "Falls
2 far below standard" is the school received a D or an
3 F. I agree with that.

4 We have to take out this whole, "Does not
5 meet standard" that refers to a C as "Does not meet
6 standard." I don't know why that's in there. I'm
7 just really confused.

8 THE CHAIR: So what are we going to do
9 with a C that "Does not meet standard"?

10 COMMISSIONER BERGMAN: Take the
11 improvement plan out of the C. You could argue it
12 either way, I think.

13 COMMISSIONER PARKER: Madam Chair?

14 THE CHAIR: Tyson?

15 COMMISSIONER PARKER: Madam Chair,
16 Commissioners, so how this thing was set up was if
17 you're a C, and you're doing one of those two
18 things, you meet the standard. If you're a C and
19 you do not do one of those two things, you're not
20 meeting the standard. That's how the two Cs are in
21 that -- the way it is right now.

22 COMMISSIONER BERGMAN: The qualifier and
23 did not provide an improvement plan.

24 COMMISSIONER PARKER: And the other one it
25 is, if you did do that, that's how you got bumped

1 into the "Meets standard." If we're looking at C,
2 and my interpretation of the grading system is that
3 a C is meeting the standard, than the B and the A
4 would go up to "Exceed the standard." We wouldn't
5 have the two.

6 COMMISSIONER BERGMAN: Apparently, we
7 didn't put a deadline on the improvement plan. It
8 says there, "Did not provide" -- when are they
9 supposed to provide that improvement plan would be
10 my first question?

11 THE CHAIR: Could we get the C or D
12 business straightened out first, because I'm still
13 not there?

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 don't see how -- if a C is meeting it, we can say it
16 doesn't, just because they haven't done something.
17 I would like to see us encourage every single school
18 to do an improvement plan. And for the ones with an
19 A, a sustainability plan, saying, "How are you going
20 to stay at this level"; B, "How are you going to get
21 to an A"; C, "How are you going to get" -- rather
22 than just tell certain people they -- because isn't
23 the idea of these systems that they're supposed to
24 be improving?

25 I know part of that is No Child Left

1 Behind. But I think that's a part of some of this
2 other, too, or as we used to say, at the community
3 college level when they were trying to impose it on
4 the colleges, too, is "Every Child Left Behind."

5 But isn't the intent of people to improve
6 until they're at the very best they can be?

7 THE CHAIR: How can you be better than an
8 A?

9 COMMISSIONER TOULOUSE: Then you want to
10 plan how you're going to stay here, because in these
11 small schools, it's easy to drop.

12 THE CHAIR: My problem is I don't know
13 who's going to read and monitor all of those
14 requirements.

15 COMMISSIONER TOULOUSE: I don't say we
16 require them, but we recommend them.

17 THE CHAIR: Matt?

18 MR. PAHL: Just a couple of thoughts here.

19 Madam Chair, you expressed to me -- you
20 pointed this out to me recently. And we've
21 requested improvement plans for schools on
22 performance frameworks that received a C, D, or an
23 F; so they're currently formulating those. So
24 that's -- to answer Commissioner Bergman's question,
25 that's how we've done it up to this point.

1 THE CHAIR: The one time.

2 MR. PAHL: The one time, yeah. So plenty
3 of room to be changed.

4 But I do just want to -- this, I think --
5 you know, I think we're getting -- I feel like this
6 is a part of the performance framework that is a
7 very good one, and I'd hate to see it thrown out.

8 But it's your decision. And the reason
9 why I say that is -- it's actually -- it's something
10 that Commissioner Parker uses often, which is the
11 minimum standard, you know, for facilities. You
12 know, if we're going to say that this is the minimum
13 standard to meet expectations, I like the dichotomy
14 of saying, "Okay, you've met expectations."

15 Now, maybe "Does not meet standard" isn't
16 fair. But it's almost like saying a C, versus a
17 C-plus. Because you get a C-plus by showing that
18 you intend to make some changes to become an A or a
19 B school.

20 But, again, that's just my point of view.
21 But I do feel like this is one of the unique things
22 with our performance frameworks that brings us to
23 pushing schools to achieve higher.

24 THE CHAIR: Are you recommending C stay in
25 the category of those schools that write improvement

1 plans?

2 MR. PAHL: I guess I'm advocating for it
3 to stay the way it is, that C is a "Meets" and "Does
4 not meets" standard, depending on how the school
5 reacts to getting a C grade.

6 THE CHAIR: What do you mean?

7 MR. PAHL: So we have a C. You can either
8 meet standard or not meet standard if you received a
9 C grade, right now, as it's written.

10 THE CHAIR: I don't like that, at all.

11 MR. PAHL: So I am saying that I do. And
12 the reason why I like it is that, you know, a C is a
13 C. And it's the minimum standard. But for us to
14 really incentivize and push schools to get better,
15 to get to "Meets standard," you're showing that you
16 have a plan to get better. By saying "Do not meet
17 standard," you're not participating in that way.

18 THE CHAIR: So I cannot see us having two
19 "Meets standards" here, one for a B and one for a C,
20 unless that's what the Commission wants. Perhaps we
21 do.

22 But for a C -- let's leave it as it is. A
23 C meets standards, and you don't have to write an
24 improvement plan.

25 COMMISSIONER BERGMAN: There are no

1 qualifiers?

2 THE CHAIR: If you get a C, that sentence
3 right underneath there comes out. At least one of
4 the boxes on -- that sentence comes out. And the
5 only box that remains on the right-hand side is
6 "improvement plan." I don't care who they're
7 accredited by.

8 COMMISSIONER BERGMAN: And most of them
9 don't seek accreditation anyway.

10 THE CHAIR: Even if they are, if they
11 still had a C, D, or F, it doesn't help them a lot.

12 COMMISSIONER BERGMAN: Let's take out the
13 accreditation then.

14 THE CHAIR: Commissioners, what's your
15 pleasure? Two "Meets standards," one for a B with
16 an improvement plan, and one with an improvement
17 plan required. And I know we need to work on that
18 wording. Commissioner Parker?

19 COMMISSIONER PARKER: Madam Chair,
20 Commissioners -- and I don't know if this is a typo
21 in the system on there. But if you look at the
22 "Meets standards" with the C over on the right-hand
23 side, there is a "working to meet standard" above
24 that. And I'm wondering if when this was originally
25 set up, if this school received a C, and at least

1 one of the boxes to the right were checked, that
2 that means that it is working to meet the standards.

3 THE CHAIR: Thank you very much. That's
4 what we were missing. That's what we were missing.

5 Commissioner Bergman, that's your fault.
6 You're supposed to have all this memorized.

7 COMMISSIONER BERGMAN: Probably, probably.

8 THE CHAIR: All right. It's "Working to
9 meet standards" is what a C grade is.

10 MR. PAHL: With the improvement plan.

11 COMMISSIONER BERGMAN: With the
12 conditions.

13 THE CHAIR: The header needs to come over
14 to "Working to meet standards." And then "Working
15 to meet standards."

16 School receives a grade. They must write
17 an improvement plan that is acceptable to the Public
18 Education Commission within 30 days of this
19 performance -- this academic performance framework
20 being renegotiated. I'm trying to put a time limit
21 on there. Look how long these schools have taken.
22 And we still have no performance -- improvement
23 plan.

24 MR. PAHL: Well, I'll say now, in defense
25 of the schools, we haven't asked until recently. I

1 think that this was -- this was more of an --

2 THE CHAIR: This will take care of that?

3 MR. PAHL: Yes, I believe so.

4 COMMISSIONER BERGMAN: Our discussion
5 should be is 30 days reasonable, or should it be
6 60 days?

7 COMMISSIONER TOULOUSE: We have at least
8 one representative of a school.

9 THE CHAIR: You did come down here to say
10 something, and then I forgot.

11 COMMISSIONER TOULOUSE: And then you asked
12 her to stay.

13 THE CHAIR: And I asked her to stay, yes.

14 MS. ANDERSON: Just some anecdotal
15 comments. McCurdy got a B the first year, even
16 though we didn't have any data for the college and
17 career readiness. We don't quite understand that.

18 We got a C the second year, last year.
19 But our average -- our three-year average is
20 intended to be a B.

21 What I would caution you about is making
22 sure that all the schools understand how critical
23 putting in the correct S.T.A.R.S. data is. Now that
24 we've had, you know, a lot more training in
25 S.T.A.R.S., we know why we got a C.

1 But, I mean, it's one thing to say we want
2 everybody to be better than a C; but we've got to
3 make sure that they understand how to get better
4 than just a C.

5 THE CHAIR: Thank you for that. And that
6 might be something in your training --

7 MS. ANDERSON: And 60 days.

8 THE CHAIR: Because, you know, we've had
9 applications in the past where we've had volunteers
10 doing S.T.A.R.S. and all that other stuff, and they
11 obviously don't understand.

12 COMMISSIONER BERGMAN: Madam Chair, I
13 don't know if you heard her. She said 60 days is
14 probably more reasonable, from a charter school's --

15 THE CHAIR: And I appreciate that. Thank
16 you very much. But is 60 days long enough that they
17 get the improvement plan in? How much is that going
18 to cut into their school year? Are they still going
19 to have enough time to implement and complete the
20 improvement plan in that school year?

21 And they're saying yes. Okay.

22 MR. PAHL: Madam Chair, the exception to
23 that would be just this year, when the report card
24 comes out late. But even then, they'd have the
25 second half of winter and spring to implement the

1 program.

2 THE CHAIR: Okay. So are we okay changing
3 the wording in that? Did you get that suggested
4 wording that I sort of stumbled around with?

5 MR. PAHL: Can I give a quick overview for
6 the changes I heard here?

7 THE CHAIR: If you would listen, Josh, and
8 make sure we're legal?

9 MR. GRANATA: Cindy is typing away, too.

10 MR. PAHL: So for No. 1, "Is the school
11 meeting acceptable standards, according to
12 New Mexico's A-through-F grading system," the
13 "exceeds standards" remains the same.

14 "Meets standards" remains the same.

15 A new category, "Working to meet
16 standards," where the school receives a C grade on
17 the State grading system, and the PEC and school
18 agree to an improvement plan which the parties
19 believe will result in improved results for students
20 at a school within 60 days?

21 THE CHAIR: I want -- I prefer, myself,
22 that it says, "The school writes an improvement
23 plan..." --

24 MR. PAHL: Okay.

25 THE CHAIR: -- "...which will..." --

1 "...which they believe will result in improved
2 results for the students of the school. This must
3 be presented to the PEC within 60 days of approval
4 of this performance framework for approval by the
5 PEC."

6 COMMISSIONER BERGMAN: I like the use of
7 the term "within 60 days," because that, at least --
8 if they can get it done in 30 days, and they want to
9 submit it -- I think most will look at the number
10 "60" and say, "Well, we'll submit it on the 60th
11 day. I think that's how most people do things like
12 that."

13 If we say "within 60 days," maybe we'll
14 get lucky and, they'll give it to us earlier, so we
15 can evaluate it earlier.

16 MR. PAHL: I got that. What I would like
17 to do is include "within 60 days of certified school
18 grades." That's the finalized school grade. And
19 just ensure we all know when we start counting from
20 the 60 days.

21 COMMISSIONER BERGMAN: That raises a great
22 point. What if a school appeals that grade? They
23 may not hear for -- what's the -- how are those
24 appeals working? Does the Secretary, or whoever
25 gets those appeals -- do they have 30 days to

1 respond, or 60 days, or 90 days?

2 MR. PAHL: I don't know the number of
3 days. But "certified" is when they're finalized.
4 So we --

5 COMMISSIONER BERGMAN: So is that after
6 appeals?

7 MR. PAHL: Yes, that's post-appeals.

8 THE CHAIR: As opposed to when the grades
9 are first issued.

10 MR. PAHL: Yeah.

11 THE CHAIR: But, see, all of this is when
12 the grades are first issued.

13 MR. PAHL: Okay.

14 THE CHAIR: Because if we wait until some
15 of those grades are certified, it could be
16 Christmas.

17 MR. PAHL: Uh-huh. So the first release
18 of school grades.

19 THE CHAIR: I think so. And then if the
20 grade changes, the improvement plan, if it has been
21 turned in, can be done away with. If the grade
22 doesn't change, we're still on track.

23 MR. PAHL: That sounds good.

24 COMMISSIONER BERGMAN: Because we've
25 talked -- we've got to do these negotiations at the

1 start of the school year, so that they have the
2 school year to implement them, to know what we're
3 imposing on them, correct. We can't wait till it's
4 90 days or 60 -- to do a renegotiation.

5 THE CHAIR: Until it's finally discovered,
6 they don't have time enough to do the work.

7 Okay. So we've got the C grade for
8 "Working to meet standards."

9 Then let's go down to the "Does not meet
10 standards." And that also says it's a grade of C.
11 I think that should change to a grade of D.

12 COMMISSIONER BERGMAN: Well, if we do
13 that, then we say they have to just do an
14 improvement plan. State statute is covered in the
15 other one. If they do a D, if they're --

16 THE CHAIR: What's the difference?

17 COMMISSIONER BERGMAN: I thought if they
18 were a D and F school, they had to do a corrective
19 action plan. That does not say that in here.

20 THE CHAIR: It does in the new wording.
21 No, it says "improvement plan," not "corrective
22 action."

23 COMMISSIONER BERGMAN: Like I say, there's
24 a difference between an improvement plan and a
25 specified corrective action plan. A corrective

1 action plan is very in-depth. That comes out of PED
2 somewhere.

3 THE CHAIR: No. We don't want corrective
4 action plans on these. We want to stick with
5 improvement plans, because knowing these D and F
6 schools are also going to be working with --

7 MR. PAHL: Yes, Priority Schools Bureau.

8 THE CHAIR: -- Priority Schools Bureau,
9 they've got a lot to do. So "Does not meet
10 standards," the grade changes to a D. So the
11 sentence underneath that comes out. The "or" comes
12 out. And it's the same wording for the improvement
13 plan as we had in "Meeting" -- "Working to meet
14 standards."

15 COMMISSIONER BERGMAN: Well, if you do
16 that, you're going to have to change "Falls far
17 below standard," aren't you?

18 THE CHAIR: Is everybody all right on the
19 D?

20 All right. Then on the next page, "Falls
21 far below standards" is only an F. Okay?

22 And then the wording over on the right,
23 "or" comes out, and, the second box comes out, and
24 the new wording goes in.

25 Oh. And notice, that says "Working to

1 meet standards." They've got lots of weird things
2 around here.

3 COMMISSIONER BERGMAN: Well, I have a
4 feeling there's a reason that Julia put that in
5 there. I have a feeling she is the one that put
6 that in there. And she had a lawyerly reason why
7 she put that in here.

8 THE CHAIR: Either that, or it moved on
9 her.

10 COMMISSIONER BERGMAN: Wish she was here
11 to ask why. But she's not, so...

12 THE CHAIR: All right. Are we okay?

13 Then let's go to Page 3, No. 2:

14 "Did the school meet its mission-specific
15 indicators?"

16 And I have, "Exceeds: The target
17 surpassed the targets of its mission-specific
18 indicators."

19 Isn't this where we've been adding the new
20 goals?

21 Yes, this is where we've been adding new
22 goals. And, really, this wording needs to come out.

23 COMMISSIONER BERGMAN: You're talking
24 about making major changes to this entire form,
25 then. Keep in mind, here, again, on the last page,

1 the reason this form was like it was is because it
2 came from NACSA. That's why there's a credit here.
3 This is a copyright-protected document. I'm not
4 sure how many changes we can make to this document.

5 I'm not a lawyer. But that's why a lot of
6 this wording was here, because it came from NACSA.
7 You can read the disclaimer on the very last page.
8 No. 19. I'm not so sure we can change a lot of that
9 document.

10 THE CHAIR: Well, if it doesn't fit us and
11 the work that we're doing and the way we negotiate
12 this with schools, then it's got to change.

13 COMMISSIONER BERGMAN: I suspect if we
14 want, we can do our own academic performance
15 framework and cut NACSA out of the loop; but we
16 can't do that in this meeting today, I guarantee
17 you.

18 THE CHAIR: Let's remember, on Item No. 2,
19 when we sit down with these schools and negotiate
20 the contract and renegotiate the frameworks, we
21 change this section right here. This is where we
22 put in those two academic goals, one for reading and
23 one for math.

24 So these descriptors of "Meets standards,"
25 "Does not meet" and so forth do not fit those goals

1 that we put in this section.

2 MR. PAHL: Madam Chair, I think the
3 current practice right now on No. 2 is that we do
4 delete what's in there, because depending on what
5 their interim assessment is, how they're measuring
6 growth, that we put in that information as it is.

7 So as I look at this as a template, I
8 think it does -- it does what we want it to do. It
9 gives that framework of, "Okay, you're surpassing
10 it. You're substantially meeting it." You know, it
11 gives the foundation for what we're looking for,
12 even though in the negotiations, it takes on a new
13 life.

14 THE CHAIR: So are you saying leave the
15 wording there or take the wording out?

16 MR. PAHL: No. I'm sorry. Yes. I'm
17 saying leave the wording there, as this is a
18 template, with the knowledge that it will be
19 replaced with a -- as it states here, a mission
20 specific indicator. Because something that is
21 mission-specific, we couldn't write as something
22 that applies to everyone.

23 THE CHAIR: It should come from their
24 application.

25 MR. PAHL: It should. Exactly.

1 THE CHAIR: But these -- these measures
2 that are here --

3 COMMISSIONER BERGMAN: What Matt's saying,
4 we're going to take those out when we do the
5 negotiations. That wording will disappear. We'll
6 put our own wording in there then, the original goal
7 or whatever.

8 THE CHAIR: And add the academic goals.

9 COMMISSIONER BERGMAN: And add the other.

10 THE CHAIR: Okay. If that suits
11 everybody, that suits me. Okay.

12 COMMISSIONER BERGMAN: We may find out
13 that poses more problems than we're anticipating
14 right this minute. But like I say, that's why we
15 always evaluate after the process.

16 THE CHAIR: All right. So that's going to
17 be, I suppose, the same on Page 4.

18 COMMISSIONER BERGMAN: The various
19 indicators, you know.

20 THE CHAIR: The optional supplemental
21 indicators? Okay.

22 Let's go to the financial framework.
23 Matt, this is the new financial framework that's in
24 here?

25 MR. PAHL: That's correct, Madam Chair.

1 THE CHAIR: This is the new one that was
2 negotiated and agreed to last year. So this will be
3 the first time that schools have actually used this.

4 COMMISSIONER BERGMAN: I wonder if this
5 document that I have here is the new one. I don't
6 remember when I got this book. I know I got it
7 before that brouhaha came up, or after. I'll have
8 to do some of my own research on that to see if this
9 form is correct.

10 THE CHAIR: Matt, when you -- never mind.
11 Carmie, may I see your financial framework? I just
12 want to be sure what I've got in my book is, in
13 fact, the new one, because nothing is dated.

14 COMMISSIONER BERGMAN: I know the original
15 ones had some percentages in it, 1 percent,
16 2 percent. I don't see some percentages in my
17 document here. So I think my document may be the
18 new one.

19 THE CHAIR: It just looks different.
20 Yeah.

21 COMMISSIONER BERGMAN: It talks about and
22 expenditures, reimbursements, audit reviews,
23 meals -- oh, that's -- like I say, we're doing
24 meals --

25 THE CHAIR: I think it is the same. So

1 what we've got is the same.

2 COMMISSIONER TOULOUSE: Mine's prettier.

3 THE CHAIR: It is. So we have the
4 financial framework. And I would suspect we don't
5 want to even touch that until at least we've used it
6 once. All right?

7 Let's go to Tab No. 5. Did I skip
8 something?

9 COMMISSIONER BERGMAN: You skipped the
10 organizational part of the framework, but I don't
11 think there's anything we need to do there, either.

12 THE CHAIR: Yes, there is something we
13 need to change, I think.

14 COMMISSIONER BERGMAN: Okay.

15 THE CHAIR: My organizational performance
16 framework starts on Page 11. I'm not sure where
17 yours is.

18 COMMISSIONER TOULOUSE: Madam Chair,
19 before we leave the performance, there is this
20 section on audit reviews.

21 THE CHAIR: Uh-huh.

22 COMMISSIONER TOULOUSE: And I think it
23 would be nice if we would also take time to request
24 that PED's audit folks forward us copies that they
25 get and just sit there, anyway, of audits of the

1 charter schools, so they already come to us before
2 we have to go get them at the school.

3 COMMISSIONER BERGMAN: Actually, we have
4 made that request before, and it was denied or
5 overlooked, or just passed off or something.

6 COMMISSIONER TOULOUSE: I'm just
7 requesting that we try it again, because of this --
8 and it doesn't make any sense for us only to see an
9 audit at the time we -- somebody goes out there.
10 You can have a year or two years or more of audit
11 findings that haven't been dealt with. And if we
12 got a copy of it, these folks could work it as soon
13 as it arrived.

14 COMMISSIONER BERGMAN: I think we should
15 be specific in what we ask for, too. I don't think
16 I, personally, as a Commissioner, need to see the
17 whole audit. What I'm interested in, what were the
18 findings on the last page, or whatever. What was
19 wrong with the school? That's all I'm interested
20 in. That's all.

21 THE CHAIR: Matt, do you think that would
22 be possible?

23 MR. PAHL: I think it would be. I have to
24 bring that back to Deputy Secretary Aguilar and find
25 out when the audit is completed and available. But

1 the charter school -- State charter school audits
2 are part of our audit. So once it's complete, we'll
3 have a time line and know what we can provide.

4 COMMISSIONER TOULOUSE: Madam Chair, I
5 understood they were not a part of your audit.

6 MR. PAHL: I guess I understand
7 differently.

8 COMMISSIONER TOULOUSE: I don't know. I
9 remember a discussion --

10 THE CHAIR: I thought they said yesterday
11 that State charter schools are a component part of
12 PED.

13 COMMISSIONER BERGMAN: Well, they had a
14 nice discussion of that, and I don't think they ever
15 answered the question, who's part of whom, who's a
16 part of whom?

17 MS. ANDERSON: We are part of the
18 State's -- or the PED's audit.

19 THE CHAIR: They're part of the PED audit?
20 That's what I thought.

21 MR. PAHL: Yeah.

22 THE CHAIR: So if you will work real hard
23 to get us those audit findings? You'll see about
24 getting those audit findings to us?

25 MR. PAHL: Yes. Yeah. I'll speak with

1 Deputy Secretary Aguilar.

2 COMMISSIONER BERGMAN: And, Matt, if the
3 answer is "no," for some reason, we'd like to hear
4 that, too, and why it's "no," why audit findings on
5 particular charter schools are none of our business,
6 because that's part of our financial framework.

7 Thank you.

8 THE CHAIR: Okay. Anything else on the
9 financial framework?

10 Okay. Thank you all very much.

11 Let's go on, then, to the organizational
12 performance frameworks. I do not have any changes
13 till we get over to Item 1.g. "Did the school meet
14 the following recruitment goals?"

15 And I remember -- I put it in here, but I
16 didn't write what it was -- Items E and F had it set
17 out 85 percent of those eligible to return to the
18 school next year would be -- and then the schools
19 would fill that in. And I can't remember what the
20 next one was.

21 Matt, do you have, by any chance, one of
22 those performance frameworks we renegotiated this
23 year?

24 MR. PAHL: I do. If you give me one
25 moment, I can pull that up.

1 THE CHAIR: 85 percent was the target goal
2 for re-enrollment or retention of students, eligible
3 students.

4 COMMISSIONER BERGMAN: And you may
5 remember, Madam Chair, that some schools have asked
6 us, "How did you arrive at that 85 percent, because
7 I don't believe it's in the statute?"

8 And we have never had a satisfactory
9 answer for those schools. I just try to look
10 confused and dumb and hope they don't expect me to
11 answer, because I don't believe it is in statute.
12 We just did that one. We just reached up and
13 plucked out a figure.

14 THE CHAIR: It's a good number.

15 COMMISSIONER BERGMAN: I like the number,
16 but --

17 THE CHAIR: Look at Cottonwood, Cottonwood
18 Classical.

19 COMMISSIONER BERGMAN: I have a vague
20 recollection of being there, but I don't remember
21 it, either.

22 THE CHAIR: I should have written it down,
23 rather than thinking I might remember.

24 MR. PAHL: Madam Chair, I'm going to have
25 to request that. Can I have somebody run it down in

1 the next 10, 15 minutes? Sorry. I'm just not able
2 to find it.

3 THE CHAIR: If you don't find it, I know I
4 have it in my computer, where I do it at home.

5 COMMISSIONER BERGMAN: Let's just leave
6 it. When you do find it, it apparently needs to be
7 put into this document.

8 THE CHAIR: Yes, it does. It's not really
9 a qualifier or a requirement. It simply sets out
10 what that 85 percent is, and what the 50 -- that's
11 it. What's 50 percent. Because 85 percent meets
12 the standards. 50 percent is working to meet the
13 standards. And then less than 50 percent falls far
14 below.

15 So those two lines, the first one says,
16 you know, "85 percent of" the eligible -- "of those
17 students eligible to return is," with a blank where
18 the school can put in that number. And then F would
19 be the same thing.

20 And then I think we -- that sentence is
21 gone, "or other methods for assessing recurrent
22 enrollment goals." I think that was --

23 MR. PAHL: Stricken.

24 THE CHAIR: -- gone in the last version
25 that I saw. So if you would check that out, please?

1 MR. PAHL: Yes. Yeah.

2 THE CHAIR: And get that correction back
3 to us?

4 MR. PAHL: Uh-huh.

5 THE CHAIR: Does anyone have anything else
6 in the organizational framework?

7 Matt?

8 MR. PAHL: Madam Chair, there's no
9 potential change to the document. But I did want to
10 let the Commission know that in 4.b., "Is the school
11 respecting employee rights," this was something that
12 we found out from the Anthony Charter School in
13 going through this. Apparently, in -- last year,
14 one of the rights, which is "does not interfere in
15 employees' rights to organize collectively," our
16 staff had been looking for some sort of document or
17 something printed that said that the school
18 committed to not interfering. The lawyer --

19 THE CHAIR: Patti Matthews.

20 MR. PAHL: -- yeah -- Patti Matthews and
21 our lawyer both agreed that you don't need to have
22 an affirmative statement saying that you're
23 following the law. It's -- what we would look for
24 in the meantime is if they are doing something that
25 is inhibiting the right to collectively bargain for

1 their -- for their employees. So it's a change of
2 interpretation of how we'll look for that. But it
3 was just something that we learned from that first
4 period.

5 Josh, did that make sense, and do you
6 agree with that?

7 MR. GRANATA: Yeah, I suppose I agree. It
8 makes sense to me.

9 THE CHAIR: So should we take that out?

10 MR. PAHL: No need to take it out. It's
11 just that, now, in our interpretation of how we look
12 for that, it -- it will -- it will make -- so that
13 was one of those that they had a "Working to meets
14 standard," because we didn't see that document.

15 Now, we know -- we don't need to go
16 searching for a document, "We don't inhibit our
17 employees' rights to collectively bargain."

18 I'm not sure why that was the way we were
19 operating before. But I wanted to let you know,
20 we'll be looking at that in a different way, and we
21 won't have the conflict that we had with Anthony.

22 THE CHAIR: Would it be better, then, to
23 move that sentence up to the previous section rather
24 than leaving it underneath, "The school develops and
25 adheres to policies that demonstrate that the

1 school..." -- Patti's going to question you on that
2 every single time.

3 MR. PAHL: I think you may be right there.
4 And that's actually -- you're answering the question
5 on why we were looking for something.

6 THE CHAIR: So let's move that line up to,
7 "The school demonstrates compliance with applicable
8 laws," blah, blah, blah. Just move it.

9 MR. PAHL: Yeah.

10 THE CHAIR: Okay?

11 COMMISSIONER BERGMAN: Make that a fifth
12 bulleted item there, under Americans With
13 Disabilities Act, I assume that's what you're
14 saying?

15 THE CHAIR: Uh-huh, or somewhere up there.
16 Okay?

17 Thank you for that.

18 Anything else? All right.

19 Ladies and gentlemen, next, I have the
20 worksheet for renewing contract negotiations. Do we
21 want to go through that?

22 COMMISSIONER BERGMAN: I think not at this
23 time. I think -- I -- based on -- we used this one
24 in this round of negotiations, and nothing jumped
25 out at me. I thought the form worked very well.

1 And I -- like I say, nothing comes to mind that I
2 would have wanted to change.

3 THE CHAIR: Good. Okay. Everybody all
4 right?

5 Matt, do you have any input on that one?

6 MR. PAHL: Not at this time, Madam Chair.

7 THE CHAIR: Thank you. Conflict Of
8 Interest Questionnaire. Private Landlord. This is
9 based on a PSFA form. Never seen it before.

10 COMMISSIONER BERGMAN: Did that come from
11 you, Gene?

12 COMMISSIONER GANT: No. The PSFA has to
13 get the Conflict of Interest form so that they can
14 properly pay the lease assistance.

15 THE CHAIR: So this is PSFA's form?

16 COMMISSIONER GANT: Yeah, they have to go
17 out -- that's part of their checklist for -- they
18 have to have -- correct me if I'm wrong -- you have
19 to have a lease, a signed lease. You have to have
20 E-Occupancy, and a Conflict of Interest statement.

21 COMMISSIONER BERGMAN: So this is a
22 document that would be signed by the governing
23 council, if they're getting lease assistance. And I
24 assume they all are.

25 COMMISSIONER GANT: If they're smart.

1 THE CHAIR: Thank you. That made me think
2 of something.

3 Back on the previous document, the
4 Renewing Contract Negotiation worksheet, if you'll
5 remember, Commissioner Bergman, I sent you a note
6 during the last meeting that said, "Let's ask
7 negotiators to sign that document so that if there
8 are questions, we're going to know who to ask, who
9 negotiated this"?

10 COMMISSIONER BERGMAN: Are you talking
11 about the negotiation worksheet?

12 THE CHAIR: Yeah.

13 COMMISSIONER BERGMAN: So you want us to
14 sign it?

15 THE CHAIR: I just throw it out there.

16 MR. PAHL: Madam Chair?

17 THE CHAIR: We had questions on one of
18 them, and we said, "I never heard of this before.
19 Who did this?"

20 And, of course, we've gotten that all
21 worked out since then. But is it an idea we want to
22 pursue, or is it necessary?

23 COMMISSIONER BERGMAN: I don't know if we
24 have to have them sign it. I would think -- I do
25 know there's no list of who's at the meeting. And

1 maybe there should be a page that says, "This is who
2 was here from the school, this is who was here from
3 CSD Staff, and this is who was here from the PEC, on
4 the PEC side."

5 So, yeah, maybe we need a roster page or
6 something, whatever you want to call it.

7 MR. PAHL: I think that makes sense. And
8 that was something you just made me remember, is
9 that on the bottom of the performance framework, we
10 had thought about having signature lines on the
11 bottom there that -- that whoever was representing
12 the PEC would be there, as well as the school. And
13 that way, we know we have one final document that we
14 agreed to at that negotiation.

15 COMMISSIONER BERGMAN: And I would -- from
16 the standpoint that that would then obvi- -- or keep
17 the school's negotiators from saying, "Well, gee,
18 that's not what we agreed to."

19 Well, if somebody signed it, we could say,
20 "Well, whoever signed this document agreed to it."

21 Maybe we should have some signature lines.

22 THE CHAIR: Let's remember, we don't have
23 a printer in that room.

24 COMMISSIONER BERGMAN: We don't have a
25 what?

1 THE CHAIR: A printer. So if you'll
2 remember, the way we've done these negotiations, the
3 facilitator is sitting there typing, making changes.
4 It's all up on the wall -- or on the screen --
5 they're making changes as we go. When we get
6 finished, everybody says, "Okay. I made my changes
7 according to what was up on the wall."

8 Now, you, who are running the computer,
9 e-mail this to everybody, and --

10 COMMISSIONER BERGMAN: Well, maybe we
11 should have a document at the meeting that is in
12 paper, just a signature document, where we all sign
13 it and incorporate it into the framework, then.

14 MR. PAHL: The way we do this for other
15 contracts of this nature, where we're typing it up
16 while we're negotiating is, once we've finalized it,
17 we put it into a PDF, so it can't be manipulated.
18 We send it via e-mail to the charter. Then the
19 charter would send it back to us with a signature,
20 and then we'd have the members who were at the
21 meeting sign it at the next PEC meeting.

22 COMMISSIONER BERGMAN: That would work,
23 yeah.

24 THE CHAIR: Let's do that. Just some way
25 to have a record of who was there that we might ask

1 questions of.

2 COMMISSIONER BERGMAN: But I think we
3 should still have a roster of everybody that was
4 sitting -- because, you know, we've had business
5 managers from some of these schools; they bring
6 these contract business managers. We should
7 probably have their names on there, going back to
8 who actually provided all this information.

9 COMMISSIONER TOULOUSE: Madam Chair, just
10 a simple sign-in sheet, when you --

11 COMMISSIONER BERGMAN: Just a roster or
12 something, yeah. And make sure everybody signs it.

13 COMMISSIONER TOULOUSE: Signs it legibly.

14 COMMISSIONER BERGMAN: Oh, come on now.

15 COMMISSIONER TOULOUSE: Well, you print it
16 after you sign it, then.

17 COMMISSIONER BERGMAN: Well, that's what
18 you have to do on your candidate petitions. You
19 sign it and print it.

20 COMMISSIONER GANT: Madam Chair, if I may,
21 I might want to step back a little bit from what I
22 said on conflict of interest. I think what I stated
23 was it has to do with the buildings, the facilities,
24 leases, et cetera. I believe there's a conflict of
25 interest that governance councils have to sign in

1 reference to the schools, just like a school board
2 member cannot have a conflict of interest for
3 business that's carried out with the school. It's
4 the same thing with the governance council. I think
5 that's the one you're referring to.

6 THE CHAIR: This one has to do with
7 leases.

8 COMMISSIONER GANT: Leases? Then that's
9 up to PSFA.

10 THE CHAIR: Okay. I'm just going to go
11 through the rest of these quickly and see if there's
12 anything that anyone wants to bring up.

13 The next one I have is Waiver Request
14 Form. Site Visit Form. Planning Year Checklist.
15 Ah-ha. It's here.

16 MR. PAHL: Now we're here.

17 COMMISSIONER BERGMAN: Where do you see
18 that? Tab No. 2 down there near the bottom, okay.

19 THE CHAIR: But Matt's going to bring us
20 back the changes that we have suggested today to
21 that, so we'll have those in November.

22 COMMISSIONER BERGMAN: I wanted to look --
23 did we -- now, the template doesn't have dates on
24 it.

25 COMMISSIONER GANT: Yes, it does.

1 COMMISSIONER BERGMAN: Where?

2 COMMISSIONER GANT: The one I'm looking at
3 does, Madam Chair.

4 THE CHAIR: On the --

5 COMMISSIONER GANT: It's got a list in
6 here that says -- and I'm looking at it. I got it
7 off the website. And it says, like, on
8 January 31st, you have to have a list of governing
9 boards. And bylaws have to be completed for the
10 governance board, public notices, and all that kind
11 of good stuff.

12 COMMISSIONER BERGMAN: What's in my book
13 is just the template. It doesn't have dates. It's
14 totally blank.

15 THE CHAIR: Take a look up in this black
16 bar on the top. There's a date. There's also
17 "School Year '13-'14, Planning Year Checklist."

18 COMMISSIONER BERGMAN: "Items due by
19 January 31st," okay. I see what you're saying now,
20 okay.

21 THE CHAIR: Okay. Closure protocol.
22 Heaven knows, we've seen that.

23 COMMISSIONER GANT: Madam Chair, on
24 that -- I've been looking at it. And it gets into
25 here, if I may -- like, Item 1-3-31.5.

1 THE CHAIR: Tell me what you're talking
2 at.

3 COMMISSIONER GANT: The checklist.

4 THE CHAIR: The checklist, okay.

5 COMMISSIONER GANT: It says they have to
6 establish the necessary tax identification numbers,
7 bank accounts, et cetera.

8 Well, if the -- maybe I'm wrong. But if
9 the school is spending any money at all to do their
10 work during the planning year, should they not have
11 tax ID numbers and bank accounts and all that other
12 kind of stuff, or are they paying this out-of-pocket
13 something? And if they do have someone hired, don't
14 they have to have W-9s and W-2s and all that other
15 good stuff?

16 In this one, it says you don't have to
17 have that stuff done until January 31st.

18 So I'm just looking at each individual
19 piece and saying, "Are the time lines right for
20 completion?"

21 And maybe we need to sit down sometime.
22 This doesn't have to be done tonight; but at some
23 time look at it and say, "Are these time lines right
24 to meet that quarterly report that we never see?"

25 Okay?

1 MR. PAHL: Three interim reports; is that
2 right?

3 COMMISSIONER GANT: Three reports. I'm
4 just -- and they gave you all the sections out of
5 the Administrative Code and the statutes. We should
6 marry that up to make sure it's right.

7 THE CHAIR: Are the three reports on here?

8 COMMISSIONER GANT: Well, I think there
9 are three reports. One is in January, one is March,
10 and one is in June. That's your three reports.

11 COMMISSIONER BERGMAN: I know we have
12 gotten some reports in the past, because I can
13 remember the red letters in there and the green
14 letters. I think Julia or Tony or somebody gave
15 us -- at some point, gave us some reports on these
16 Planning Year Checklists. But I don't know that it
17 was universal and it was being done all the time.

18 COMMISSIONER GANT: I think that report
19 was on the closure.

20 COMMISSIONER BERGMAN: That's also how the
21 closures were done, yes.

22 THE CHAIR: I don't see those reports
23 particularly set out in here, so --

24 MR. PAHL: I think what the document seems
25 to plan for -- and, again, I wasn't there when it

1 was created -- you know, is we have the deadline of
2 January 31st. We can bring to you, in the February
3 meeting, then, did they complete all the items
4 before January 31st? And then subsequently, the
5 March deadline that it has there, we can do that at
6 the March meeting. And then -- so the PEC would
7 then have the ability to know whether they're on
8 track from the beginning.

9 THE CHAIR: That sounds reasonable. Okay.
10 All right.

11 We were to the closure tab, on to blank
12 pieces of paper after that. Is there anything?

13 COMMISSIONER BERGMAN: You have to go down
14 to another tab, yeah. There's a closure document
15 under No. 1, yeah.

16 THE CHAIR: Yeah. Closure tab, and then
17 PEC minutes where those were approved.

18 MR. PAHL: Madam Chair, for the closure
19 document, I'm working closely with the PED General
20 Counsel, as well as Sandy Beery, who went through
21 the process this last year, to bring you a proposal
22 of some changes that will make sure the closure
23 process runs more smoothly, based on what we've
24 learned this year.

25 So if it pleases the Commission, I would

1 like to bring that up as a separate work session
2 item at a different date. We're just starting to go
3 into this, and there are -- there were many things
4 that I think just need small modifications, just
5 based on the past year of experience of closing the
6 two schools.

7 COMMISSIONER BERGMAN: Just a draft
8 document. If you'll remember, I specifically asked
9 Sandy if she had recommendations. So we actually --
10 I at least requested it. So, yeah, that's fine with
11 me.

12 THE CHAIR: Sounds like a good idea.

13 Anything else? Anyone? Any other
14 documents we need to talk about?

15 Can't think of anything?

16 Anything else from any of the
17 Commissioners?

18 COMMISSIONER BERGMAN: Let's -- what
19 was -- let's see -- let me look at the agenda, just
20 to make sure we covered it.

21 THE CHAIR: Have we covered everything --
22 you.

23 COMMISSIONER BERGMAN: We didn't have a
24 discussion on 18-month facility issues. I don't
25 know if we want to get into that.

1 And, actually, Commissioner Gant, in an
2 e-mail he sent, which I tried to print and couldn't
3 print, he made a number of suggestions.

4 We've got -- it's -- I don't know -- see,
5 the Legislature is the one that mandated the 18
6 months; that's where that number came from. And
7 we've had to make accommodations for McCurdy and
8 other people, particularly.

9 And here, again, when the Legislature does
10 something, sometimes their laws, when they meet the
11 real world, don't always work, as we certainly saw
12 with McCurdy; and yet we're in a bind where we're
13 saying, "Well, we gave you 18 months, and now we're
14 giving you 24, and now we're on the third 24."

15 I don't know how we can address it; I
16 don't know how can change it. I guess I can only
17 hope that we don't have to do that very many times.

18 THE CHAIR: It would seem to me, until we
19 can work with the Legislature and maybe get that
20 changed some way or defined differently, we can't
21 really do anything. And it's the same issue we've
22 looked at before. Once a school is 18 months in,
23 it's going to be really hard for us to say, "No,
24 you're not getting any more time, just close up and
25 go on down the street." So...

1 COMMISSIONER BERGMAN: I don't think the
2 Legislature even knows, or is aware, of the
3 difficulties now that charter schools are having
4 finding -- I know they passed that bill that, "By
5 2015, they're all going to be in these facilities,
6 and we took care of it, so they're all going to be
7 in facilities." They didn't understand that when
8 real world meets ideal world, it doesn't always work
9 out.

10 THE CHAIR: Those facilities aren't always
11 there.

12 COMMISSIONER GANT: Madam Chair, on that
13 subject, when this was first discussed a long time
14 ago, 18 months, at one time, they were not going to
15 allow 18 months. If you didn't have a facility,
16 sorry about that, okay?

17 And now we got it where we're trapped; the
18 Commission is trapped. Once the doors are open,
19 that's it. They can go forever. They can go
20 forever till they're right. You know, that's
21 irritating to me.

22 But the next piece on there was that we've
23 got to work with the Subcommittee and somebody else
24 to change it, because if a charter school is given
25 the option to move into a public school facility,

1 they can turn it down. But the traditional public
2 district cannot. They have to invite the charter
3 school to fill the facility. But the charter
4 schools can say no. And that's wrong. That's
5 wrong.

6 And you've got one of them right down
7 there in Cruces was going to give a brand new
8 building. And they turned it down. And that's
9 wrong.

10 COMMISSIONER BERGMAN: And as you pointed
11 out, we can only rely on the information we're given
12 by the applicants and the charter schools. We find
13 out, after school is supposed to start, that the
14 folks up in Shiprock don't have a building. What do
15 we do then? We're between a rock and a hard place
16 there. We're only as good, sometimes, as the
17 information we're given.

18 I see she's come down front again. I
19 assume she has more wisdom for us.

20 COMMISSIONER GANT: Madam Chair, we could
21 have said, just like we did -- asked the PED for
22 La Jicarita -- or whoever they are over there -- we
23 put them on a hold, sent the kids home.

24 THE CHAIR: Please come up.

25 MS. ANDERSON: Seeing as how this is a

1 subject that is near and dear to my heart, please be
2 assured, all of the Commission, that under no
3 circumstances were we trying to put you in an
4 awkward position, you know, a couple of weeks ago.
5 But I think one of the real dilemmas in the whole
6 18-month piece is, if you read the legal words, it
7 says, "Within 18 months, the school will provide a
8 plan for how they're going to meet the weighted
9 New Mexico Condition Index."

10 But if you go to PSFA, Director Gorrell
11 has told me specifically that we had to meet the
12 weighted New Mexico Condition Index within
13 18 months, and we had to have the plan and an
14 established funding stream on how we were going to
15 do it before we could even open the doors that very
16 first year.

17 That's a huge discrepancy in how the words
18 are being interpreted. And I think, from our
19 perspective, we probably would not have approached
20 the facility issue quite the same way if that
21 pressure had not been put on us to meet -- you know,
22 when the HighMark contract -- if we had not been
23 told we had to do it within 18 months, we probably
24 would have come to you with a much more reasonable
25 plan.

1 You know, within 18 months, you know,
2 we'll give you a plan that says we're going to
3 renovate these two buildings, and then we're going
4 to add a building here, and we're going to do this.

5 But the way it was interpreted and told to
6 me, specifically, was that we had to meet the
7 weighted New Mexico Condition Index within
8 18 months. We had to have an established funding
9 stream and an approved plan before we could even
10 open up the doors in August of '12. To me, that's a
11 real discrepancy, because it puts the school in a
12 real difficult position.

13 THE CHAIR: Thank you for that
14 clarification.

15 COMMISSIONER GANT: I might as well say
16 it. The traditional public school would not be able
17 to be allowed to be open unless they're in a
18 building that meets the standards. They're not
19 given 18 months. If you can open a building, you
20 have to have met the standards. And here we've got
21 a double standard for charter schools.

22 We'll let you play along. Whether Gorrell
23 is right or somebody else is right is immaterial.
24 Charter schools should, in my view, meet the
25 facility requirements of all other schools. And

1 they don't want to hear that; charter schools do not
2 want to hear that. Their lawyers will stand up and
3 scream and holler, et cetera, et cetera. The people
4 in the building and the one on the fourth floor will
5 say the same thing. And I think it's wrong to have
6 two standards.

7 MS. ANDERSON: If I may?

8 THE CHAIR: But the reality is, I guess,
9 that's the way it is. So we're going to have to
10 deal with it. You all have to deal with it.

11 COMMISSIONER GANT: I don't have to agree
12 to it.

13 THE CHAIR: But I do think we need to work
14 with the Legislature and get some of these items
15 straightened out.

16 Just like transportation. The
17 Transportation Bureau won't talk to a school until
18 they have approval from us to offer transportation.
19 And we're not going to let them offer transportation
20 until we have a plan. And they, really -- the
21 schools really get put in the middle. So it's
22 unfortunate, and we're working on it.

23 COMMISSIONER BERGMAN: I wanted to note
24 for the record that the thrust of my comments were
25 not directed at McCurdy, because you guys were

1 caught in an impossible situation. And, therefore,
2 we got caught in a -- nobody did anything. It was a
3 real sad set of circumstances, yeah.

4 THE CHAIR: And we hope unusual, too.

5 COMMISSIONER BERGMAN: And unusual, yeah.

6 THE CHAIR: All right.

7 Commissioners, we've talked about
8 performance frameworks, facilities issues,
9 transportation, and food services.

10 Is there -- I don't -- I'm not sure what
11 we need to talk about there.

12 New applications. Food service and
13 transportation. Current charter schools.

14 Anybody want to jump in on that one?

15 COMMISSIONER BERGMAN: Well, the LESC
16 yesterday, they did devote some of their time to
17 transportation issues. So they're looking at it.
18 They recognize some of the conundrums that are
19 involved in that and the funding problems and
20 everything else; so I don't think there's anything
21 we can accomplish.

22 COMMISSIONER TOULOUSE: Madam Chair, it
23 does look to me like the wish of the -- at least
24 Subcommittee -- is they're going to eliminate
25 transportation for State-chartered charter schools

1 and leave it for district-chartered schools, only,
2 because they do it through their schools. And
3 they're going to -- that's the thrust of what I
4 heard yesterday after we went back.

5 And I went up in the elevator; you didn't
6 have to climb back up.

7 THE CHAIR: After the fire drill, huh?

8 COMMISSIONER TOULOUSE: There was a fire
9 alarm in the middle of the meeting in the Capitol
10 Building yesterday. We had to all walk downstairs.
11 There's a couple of us who don't do it well.

12 COMMISSIONER BERGMAN: Yeah, I don't want
13 to debate that here today on our time. That strikes
14 me as unfair. But that would just be my personal
15 opinion.

16 COMMISSIONER TOULOUSE: It did me, too.
17 And I'm not sure it's another one of those that
18 would stand up. I think they're going to have to
19 find a way. I'm just saying, that is the wish of
20 the majority of that Subcommittee right now; so
21 we're going to at least see it coming.

22 So -- and their example they have used --
23 and were talking around, again -- is the New Mexico
24 Academy of the Arts. And we have a school with
25 people from all over the state, and are we going to

1 pay for them to -- no, we're not going to -- we
2 don't have that kind of money.

3 And so I just -- no. Something is
4 coming -- hopefully, there will be some compromise,
5 because they're still convinced that we are -- or
6 that schools are asking for money to take people
7 across from other districts into the district with
8 where the school is.

9 Sometimes -- one of them talked about,
10 "What if they're taking them across a district, you
11 know, to get to that district?"

12 And I don't know about the more rural
13 areas or some of the ones down south; but I know in
14 the Albuquerque schools that I know about who have
15 transportation, not a one of them transports from
16 outside the APS district. And they still negotiate
17 with the APS contractors, and they don't get nearly
18 the service other people do.

19 But the Commission -- the Subcommittee --
20 doesn't want to hear that information. So I'm
21 just -- this may not be an issue that we're going to
22 be able to deal with easily until we see what they
23 do and then how it shakes out legally.

24 THE CHAIR: Matt?

25 MR. PAHL: Just a follow-up to that. You

1 know, the reasons why they addressed transportation
2 in the beginning were twofold:

3 One, that giving transportation funds to
4 charter schools dilutes the pool for all other
5 schools.

6 The second -- and bless you again -- and
7 the second is that charter schools have, in the past
8 left a lot of money on the table, because the -- the
9 allocation mechanism was imprecise.

10 The changes that they're proposing right
11 now do not address the issues that they brought up
12 on why they want to change transportation.

13 We have done something -- "we," meaning
14 the PED and the PEC -- have done -- we've taken one
15 step to fixing this. The first one was, in
16 November -- November is the last time you can ask
17 for transportation for the following school year.
18 That helps PED, so we can incorporate that into the
19 budget, and they do not dilute the transportation
20 fund.

21 And I know I'm preaching to the choir. I
22 just want to make sure I'm stating this, because you
23 all will be approached with it.

24 The second piece is the money that's left
25 on the table. There is no legislation that needs to

1 be introduced to change why they have so much money
2 on the table. We're working on that right now.
3 We've -- you know, like a lot of things, charters
4 get treated like districts, and it just doesn't
5 quite work out. But we can make that change to the
6 formula, and we are already thinking about it, and
7 we want to have a solution for the next school year.

8 So I just want to note that, that they
9 brought up two reasons why they wanted to talk about
10 transportation. And the bills, as they've been set
11 forth, are not addressing those problems. So I just
12 want to lay that out there for all of us.

13 THE CHAIR: Okay. I appreciate that
14 information very much.

15 Anything else?

16 COMMISSIONER GANT: Yes.

17 THE CHAIR: Commissioner Gant?

18 COMMISSIONER GANT: Matt brought up the
19 issue about charters leaving money on the table.

20 Just for your information, the last report
21 from the PSCOC for lease assistance, charters are
22 leaving money on the table. They're not writing --
23 sending the bills -- total bills in to collect all
24 the lease. And one of them had \$34,000 they hadn't
25 collected for last year.

1 THE CHAIR: Goodness' sake.

2 COMMISSIONER GANT: And it doesn't make
3 sense to me, because they're claiming they don't
4 have any money. And to pay off the lease -- in
5 fact, the amount of money for that -- that was left
6 on the table at that time was equal to the amount of
7 money of the lease for a year. So I don't
8 understand that, at all. But that's just a point,
9 leaving money on the table.

10 COMMISSIONER BERGMAN: Well, that leads me
11 to a question. Gene, what can we do about that?
12 How can we get them to not leave that money? Is
13 there something we can put in the financial part of
14 the performance framework?

15 COMMISSIONER GANT: No.

16 COMMISSIONER BERGMAN: "Did you get all
17 your money off the table?"

18 THE CHAIR: "Did you spend all your
19 money?"

20 COMMISSIONER BERGMAN: "Did you spend all
21 the money you could have spent?"

22 COMMISSIONER GANT: Well, one of my issues
23 is -- Madam Chair -- is when they do their audits,
24 they're -- most of them are billed monthly for their
25 leases, or they pay, as you know, first of the

1 month, mid-month, or whatever it is, for their
2 lease. So when you come down to the audit, you've
3 been billed for something, but you should have been
4 paying for it. Where is that money coming from?
5 It's coming out of other accounts that may not be
6 legal to use to pay the lease. And then you're
7 going back and getting the money later. And you may
8 be trying to get it in the next fiscal year. Well,
9 that -- those are audit findings, okay?

10 And then they're taking money out of the
11 general account, which takes it out of the classroom
12 for the students. Now, PSFA is going out there and
13 sending them notes and letters and saying, "Come get
14 your money." But there's a certain cutoff that
15 says, "Sorry, that's being reverted," and put back
16 in the account.

17 COMMISSIONER BERGMAN: Well, there, if the
18 governing body is ignoring those kind of letters,
19 then that's poor management. That's -- that would
20 be like the IRS saying, "Mr. Bergman, you've got
21 \$1,000 sitting here. You need to ask us for it."

22 I can guarantee you, I would ask
23 immediately for my \$1,000.

24 COMMISSIONER GANT: Madam Chair, I don't
25 think this body can do anything about it.

1 THE CHAIR: I hope PSFA will stay on top
2 of it, perhaps track how it's happening and who's
3 doing it.

4 Anything else? Anything else?

5 The Chair would entertain a motion to
6 adjourn.

7 COMMISSIONER TOULOUSE: So move.

8 THE CHAIR: Is there a second?

9 COMMISSIONER POGNA: Second.

10 THE CHAIR: All in favor, please say
11 "Aye."

12 (Commissioners so indicate.)

13 THE CHAIR: Don't anybody say "No."

14 (No response.)

15 THE CHAIR: Adjourned.

16 (Proceedings concluded at 3:20 p.m.)
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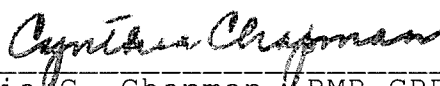
BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

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In testimony whereof, I have hereunto set my hand on October 27, 2014.



Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 1500L

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

BEAN & ASSOCIATES, Inc.
PROFESSIONAL COURT
REPORTING SERVICE

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