

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

VOLUME ONE

September 24, 2015

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

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

## COMMISSIONERS:

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

## STAFF:

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1 THE CHAIR: I call to meeting -- to order  
2 this regular meeting of the New Mexico Public  
3 Education Commission. Mr. Secretary, may we have  
4 roll call?

5 COMMISSIONER PERALTA: Commissioner Pogna?

6 COMMISSIONER POGNA: Here.

7 COMMISSIONER PERALTA: Commissioner  
8 Toulouse?

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER PERALTA: Commissioner  
11 Ambruster?

12 COMMISSIONER ARMBRUSTER: Here.

13 COMMISSIONER PERALTA: Commissioner  
14 Conyers?

15 COMMISSIONER CONYERS: Here.

16 COMMISSIONER PERALTA: Commissioner  
17 Gipson?

18 COMMISSIONER GIPSON: Here.

19 COMMISSIONER PERALTA: Commissioner  
20 Chavez?

21 Commissioner Carr?

22 COMMISSIONER CARR: Here.

23 COMMISSIONER PERALTA: Commissioner  
24 Peralta is here.

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Here.

2 COMMISSIONER PERALTA: Commissioner  
3 Shearman?

4 THE CHAIR: Here.

5 COMMISSIONER PERALTA: Madam Chair, you  
6 have nine Commissioners present today.

7 THE CHAIR: Thank you very much.

8 Commissioners, I did hear from  
9 Commissioner Chavez earlier. Her husband is quite  
10 ill, and that's why she is not able to be here. But  
11 she did let me know that she would not be able to  
12 attend.

13 Let's move on to the Pledge and the Salute  
14 to the New Mexico Flag.

15 Commissioners Pogna and Carr.  
16 (Pledge of Allegiance and Salute to the  
17 New Mexico Flag conducted.)

18 THE CHAIR: Thank you, all.

19 Item No. 2 is Approval of the Agenda. And  
20 I need to let everyone know that we had a request  
21 from Katie, Director of CSD, and from  
22 Secretary Skandera, that the Secretary would like to  
23 meet with us tomorrow at 9:00 a.m. to discuss the  
24 proposed new Strategic Plan for CSD.

25 So I would suggest -- I got ahead of

1 myself. I'm awfully sorry. No, I'm sorry. I  
2 didn't.

3 I would suggest that we move Report from  
4 PED Leadership, which is Item No. 5 on the agenda --  
5 that we move that to Friday.

6 Are there any other changes or corrections  
7 to the agenda?

8 COMMISSIONER CARR: Madam Chair?

9 THE CHAIR: Commissioner Carr?

10 COMMISSIONER CARR: I move we accept the  
11 agenda, as amended.

12 THE CHAIR: Thank you very much.

13 COMMISSIONER POGNA: Second.

14 THE CHAIR: Motion by Commissioner Carr,  
15 second by Commissioner Pogna, to approve the agenda,  
16 as amended, moving Item No. 5 to Friday.

17 And I don't really know what number on the  
18 agenda we would move it to know that it was Friday.

19 Is it legal for us just to say we're  
20 moving it to Friday?

21 MR. GRANATA: Yes.

22 THE CHAIR: Yes? Okay.

23 Any discussion?

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

1 (Commissioners so indicate.)

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

3 (No response.)

4 THE CHAIR: Motion carries unanimously.

5 Thank you very much.

6 Item No. 3 is Approval of PEC Hearing  
7 Transcripts and Minutes.

8 The transcripts are of the Community Input  
9 hearings, which I missed all of, and I was sorry to  
10 have to miss those. But I've read them. They  
11 sounded like to me they went very well. And I  
12 appreciate Commissioner Bergman leading those so  
13 well and explaining my absence.

14 Let's first consider Six Directions  
15 Indigenous School, the transcript from that  
16 community hearing. Are there any corrections to  
17 that transcript?

18 Seeing none, the Chair would entertain a  
19 motion to approve that transcript.

20 COMMISSIONER AMBRUSTER: I so move.

21 THE CHAIR: Commissioner Ambruster?

22 COMMISSIONER CARR: Second.

23 THE CHAIR: Motion by Commissioner  
24 Ambruster, second by Commissioner Carr to approve  
25 the transcript of the Six Directions Indigenous

1 School Community Input hearing.

2 Any discussion?

3 Josh tells me we can have a voice vote.

4 So all those in favor of approving that  
5 transcript, please say "Aye."

6 (Commissioners so indicate.)

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

8 (No response.)

9 THE CHAIR: The transcript of that  
10 Community Input hearing is approved.

11 Next is the STEAM Academy transcript. Any  
12 corrections, additions, or concerns?

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

15 COMMISSIONER GIPSON: So moved.

16 COMMISSIONER TOULOUSE: Second.

17 THE CHAIR: Motion by Commissioner Gipson,  
18 second by Commissioner Toulouse for approval of that  
19 transcript. Any further discussion?

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

21 (Commissioners so indicate.)

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

23 (No response.)

24 THE CHAIR: The transcript of the STEAM  
25 Academy Community Input hearing is approved.



1           Next is the SAHQ, S-A-H-Q, Academy input  
2     hearing.

3           Any corrections or concerns?

4           Hearing none, the Chair would entertain a  
5     motion for approval.

6           COMMISSIONER BERGMAN: I would so move.

7           THE CHAIR: Commissioner Bergman moves to  
8     approve. Do I hear a second?

9           COMMISSIONER PERALTA: Second.

10          THE CHAIR: Commissioner Peralta seconds.  
11     Any discussion?

12          All those in favor, please say yes --

13     "Aye."

14          (Commissioners so indicate.)

15          THE CHAIR: All those opposed, please say  
16     "No."

17          (No response.)

18          THE CHAIR: The transcript of the SAHQ  
19     Academy input hearing is approved.

20          I just said that to see if you all were  
21     paying attention.

22          Next is the transcript for the New Mexico  
23     Gateway Academy Community Input hearing.

24          Any corrections or concerns?

25          Hearing none -- is that -- they didn't

1 withdraw?

2 COMMISSIONER BERGMAN: No, we had the  
3 hearing. They withdrew after.

4 THE CHAIR: And then they withdrew. Okay.  
5 Hearing no corrections, the Chair would  
6 entertain a motion for the New Mexico Gateway  
7 Academy transcript.

8 COMMISSIONER TOULOUSE: So move.

9 COMMISSIONER ARMBRUSTER: Second.

10 THE CHAIR: Commissioner Toulouse moves  
11 for approval. Do I hear a second?

12 Commissioner Ambruster?

13 Any further discussion? All those in  
14 favor of approving the transcript, please say "Aye."  
15 (Commissioners so indicate.)

16 THE CHAIR: Any opposed, please say "No."  
17 (No response.)

18 THE CHAIR: The transcript is approved.  
19 Next is Academic Opportunities Academy  
20 Community Input hearing transcript.

21 Any corrections?

22 Hearing none, the Chair would entertain a  
23 motion for approval.

24 COMMISSIONER CONYERS: (Indicates.)

25 THE CHAIR: Commissioner Conyers?

1 Do I hear a second?

2 COMMISSIONER GIPSON: Second.

3 THE CHAIR: Commissioner Gipson seconds.

4 Any further discussion?

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

7 (Commissioners so indicate.)

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

9 (No response.)

10 THE CHAIR: The transcript of Academic  
11 Opportunities Academy Community Input hearing is  
12 approved.

13 Next is Desert Willow transcript. Any  
14 corrections?

15 Hearing none, may we have a motion for  
16 approval?

17 COMMISSIONER TOULOUSE: So move.

18 THE CHAIR: Commissioner Toulouse moves  
19 for approval.

20 COMMISSIONER PERALTA: Second.

21 THE CHAIR: Commissioner Peralta seconds.

22 Any discussion?

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

25 (Commissioners so indicate.)

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

2 (No response.)

3 THE CHAIR: The transcript of Desert

4 Willow is approved.

5 Last is Community -- pardon me -- Columbus

6 Community School transcript.

7 Any corrections?

8 The Chair would entertain a motion to

9 approve.

10 COMMISSIONER PERALTA: So move.

11 THE CHAIR: Commissioner Peralta moves for

12 approval.

13 COMMISSIONER CARR: Second.

14 THE CHAIR: Commissioner Carr seconds.

15 Any further discussion?

16 Hearing none, all those in favor, please

17 say "Aye."

18 (Commissioners so indicate.)

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

20 (No response.)

21 THE CHAIR: The transcript is approved.

22 Lastly, we have the minutes for the PEC

23 meeting of August 19th, 2015.

24 Are there any corrections or additions,

25 mark-ups of any kind?

1 COMMISSIONER GIPSON: You don't have any?

2 COMMISSIONER TOULOUSE: She wasn't there.

3 COMMISSIONER GIPSON: But she always goes  
4 through the minutes and finds corrections.

5 THE CHAIR: That was very well done. I  
6 read every word of it, I assure you.

7 Any corrections?

8 Hearing none, the Chair would entertain a  
9 motion for approval.

10 COMMISSIONER BERGMAN: So move.

11 THE CHAIR: Commissioner --

12 COMMISSIONER BERGMAN: Bergman.

13 THE CHAIR: Bergman. Boy, I'm just really  
14 having a breakdown today.

15 COMMISSIONER ARMBRUSTER: Second.

16 THE CHAIR: Commissioner Bergman moves for  
17 approval. Commissioner Ambruster moves to second.

18 Any further discussion?

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

20 (Commissioners so indicate.)

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

22 (No response.)

23 THE CHAIR: The minutes of the August 19,  
24 2015, meeting are approval.

25 We're to Item No. 4, which is

1 Approval/Disapproval of New Charter School  
2 Applications.

3 The first is Community Charter School.

4 COMMISSIONER GIPSON: Columbus.

5 THE CHAIR: Columbus Community School.

6 Will everyone please look at the agenda,  
7 and let's all be aware of the time limits that are  
8 imposed for this section of the meeting.

9 The Charter School Division will have ten  
10 minutes to make their recommendation. The applicant  
11 has 15 minutes for their comments. The time is  
12 unlimited for PEC questions or comments to the  
13 applicant or to the CSD. And then there be a final  
14 determination vote.

15 I have asked Mrs. Friedman to be our  
16 timekeeper, and she has signs that she will let you  
17 know how much time you have left so that we're  
18 upfront and fair with everyone, okay?

19 Do we have representatives from Columbus  
20 Community School here today?

21 MR. SKINNER: Yes, ma'am.

22 THE CHAIR: Good morning.

23 MR. SKINNER: Good morning.

24 THE CHAIR: Katie, whenever you're ready,  
25 please go ahead.

1 MS. POULOS: Madam Chair, Commissioners,  
2 in its final analysis and recommendation, CSD  
3 recommended the denial of the application for  
4 Columbus Community School.

5 CSD had made the following findings and  
6 believes they support the denial of this  
7 application:

8 90 percent of the responses in the  
9 education plan were rated "partially meets" or "does  
10 not meet."

11 97 percent of the responses in the  
12 organizational and governance plan were rated  
13 "partially meets" or "does not meet."

14 90 percent of the responses in the  
15 business plan were rated "partially meets" or "does  
16 not meet."

17 100 percent of the responses in the  
18 evidences of support were rated "partially meets" or  
19 "does not meet."

20 CSD found that many of the responses were  
21 lacking essential details to fully understand the  
22 applicant's plan or ability to meet the requirements  
23 of operating a charter school.

24 CSD also found that several of the  
25 applicant's responses violated provisions of the

1 Charter School Act.

2 The applicant's various responses  
3 contained contradictory information, which did not  
4 allow the readers to understand a clear plan for  
5 implementation of the proposed school.

6 There were other specific findings in  
7 CSD's analysis that included the following:

8 The applicant did not provide specific,  
9 measurable, obtainable, rigorous, or time-bound  
10 goals that aligned to the mission, and did not  
11 adequately describe how the goals would be measured.

12 The applicant did not adequately describe  
13 a curriculum or plan for developing a curriculum  
14 aligned with the New Mexico Common Core State  
15 Standards.

16 The applicant did not adequately describe  
17 instructional methods that would improve student  
18 achievement.

19 The applicant did not adequately describe  
20 how the proposed school would address the needs of  
21 all special population students, including students  
22 with IEPs, ELLs, and students who qualify for 504  
23 plans.

24 The applicant did not adequately describe  
25 an assessment plan that identified appropriate



1 assessments or how the assessments would be used to  
2 inform instruction.

3 The applicant did not adequately describe  
4 how corrective actions would be implemented if the  
5 proposed school's academic performance fell short of  
6 expectations.

7 The applicant did not adequately describe  
8 a process that would ensure a skilled and capable  
9 governing body.

10 The applicant did not provide an adequate  
11 plan for governing body training or evaluation.

12 The applicant did not adequately describe  
13 how the governing body will monitor school outcomes.

14 The applicant did not adequately describe  
15 a staffing or recruitment plan that would ensure the  
16 school hires a skilled and capable administrator.

17 The applicant did not adequately describe  
18 a professional development plan that will ensure  
19 teachers are able to implement the curriculum and  
20 improve student achievement.

21 The applicant did not provide adequate  
22 information to demonstrate the capacity to develop  
23 appropriate and legally compliant policies.

24 The applicant did not adequately describe  
25 a school schedule and calendar.

1           The applicant did not provide adequate  
2     information to demonstrate the capacity to implement  
3     New Mexico school funding and budget for long-term  
4     sustainability.

5           The applicant did not provide adequate  
6     evidence of community and student support for the  
7     proposed school.

8           In addition, the applicant's responses  
9     included a conflict-of-interest policy that violated  
10    the statutory requirements of 22-8B-5.2.

11          For these reasons, CSD made the  
12    recommendation to deny the application for Columbus  
13    Community School.

14          After that final analysis and  
15    recommendation was submitted to the PEC and to the  
16    applicants, the applicants were given an  
17    opportunity -- an opportunity to provide a response  
18    and additional information to help the PEC  
19    understand the applicant's original responses. This  
20    applicant did not provide any additional  
21    information.

22           THE CHAIR: Thank you very much.

23           Good morning.

24           MR. SKINNER: Good morning.

25           THE CHAIR: You have 15 minutes. Please

1 identify yourself, too, for the record.

2 MR. SKINNER: Madam Chairman -- is this --  
3 and Commissioners, thank you for the opportunity to  
4 be here and address you this morning.

5 My name is Philip Skinner. I'm with  
6 Columbus Community School from Columbus, New Mexico.  
7 And my only comments this morning is if we're denied  
8 our charter school this time, we plan to come back  
9 again next time, and we plan to do better.

10 And so we -- we understand that we -- we  
11 need to continue to try to do better.

12 My only appeal to this Commission would be  
13 to find -- try to find ways within -- within the  
14 law, within the statute, to -- to help the charter  
15 schools that are applying. There's a few of us, two  
16 or three of us, that have been here many times.  
17 We're -- we're -- obviously, we're failing. We're  
18 not doing, you know, the job that we need to do.  
19 But we need some help. And so if there's a way  
20 within the system that this -- this body can provide  
21 that help, additional training, opportunities to  
22 apply and then correct, or something, that would  
23 help us to be successful.

24 So that's our only comments today. Thank  
25 you, Madam Chair.

1 THE CHAIR: Thank you, Mr. Skinner.

2 Commissioners, do you have questions,  
3 concerns, comments?

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: Madam Chair and  
6 Commissioners, thank you.

7 Madam Chair, I did read and study this  
8 application of Columbus Community School. I also  
9 read and studied the preliminary analysis that was  
10 presented by the Charter School Division and their  
11 staff. I did attend the Community Input hearing. I  
12 did read and study the final recommendation and  
13 analysis, here, again, for this application.

14 And I just, at this time, cannot support  
15 this application. In general, I believe the  
16 application was inadequate and incomplete. And  
17 because of that aspect, it was -- in many of the  
18 sections, if not all of the sections, I believe at  
19 this time that this application would be contrary to  
20 the best interests of the local community and the  
21 students that the school would propose to serve.

22 But I also have some specific reasons for  
23 feeling like I do, and I'm going to bring those into  
24 the record at this time, also.

25 One, the applicant chose to not submit

1 proposed academic performance indicators and goals  
2 in the S.M.A.R.T. format, as presented as example in  
3 the application instructions.

4 The goals applicant did submit were  
5 therefore not specific, not time-bound, difficult to  
6 determine that if the goals were rigorous and  
7 attainable.

8 The applicant did not provide adequate  
9 plans and methods to assess each of its proposed  
10 goals. When I asked at the Community Input hearing  
11 why the applicants chose to not take into account  
12 the suggested format to follow with goals, they said  
13 that they did not see how they could provide  
14 specific goals.

15 Number two, the applicant did not provide  
16 a description of a developed curriculum. Instead,  
17 applicant stated at one point in the application  
18 that it will be developed by the students as the  
19 year progresses. Now, their proposed start-up was  
20 to be with sixth-, seventh-, and eighth-graders, who  
21 would be -- consist in the first year of operation.  
22 I feel that sixth-, seventh-, and eighth-graders do  
23 not have the knowledge, nor the experience, to  
24 design their own curriculum. Starting a school year  
25 with no curriculum in place, I believe, would be a

1 recipe for disaster.

2 Number three, the applicant further stated  
3 that the students would design their own  
4 assessments. And at that point -- I actually have  
5 the page here from the application, and this is what  
6 they stated:

7 "Students will simultaneously be designing  
8 curriculum, creating course material, and designing  
9 assessments as they work on their projects."

10 One of the projects that they were  
11 discussing there is they intend for these students  
12 to build their own school buildings. And, here,  
13 again, I -- I do not believe that students have the  
14 knowledge or experience to successfully accomplish  
15 such a vital and complex task. I sometimes wonder  
16 if the people that are designing assessments perhaps  
17 have missed a few points here and there. So I was  
18 concerned about that.

19 Item number four, the applicant further  
20 proposed that students would build their own school  
21 facilities by the end of the fourth year. Since  
22 this construction would essentially be a full-time  
23 situation, I did ask the applicants again in the  
24 Community Input hearing, "When would the students  
25 actually be in classrooms learning reading, math,

1 science, et cetera?"

2 And their answer was that the students  
3 would be learning those things while they were doing  
4 the projects and doing the construction.

5 Number five, the applicant again proposes  
6 to use a facility for this school that was abandoned  
7 by the Deming Public Schools some years ago. And  
8 when they -- what Deming did, they built a new  
9 facility there for the elementary school in  
10 Columbus, and then they abandoned that property.

11 In an earlier Community Input hearing some  
12 years ago, the applicants, at that time, also  
13 proposed to use that facility. And at that time,  
14 there was a representative from the Deming Schools  
15 there that shared with the Commissioners that were  
16 there at that time that the reason that they chose  
17 to build a new school and abandon that property was  
18 that the building needed so many renovations and  
19 such substantial renovations to bring it up to Code  
20 and to make it suitable to have students in it that  
21 their estimate at that time was \$4 million to do  
22 that.

23 That -- so we discussed that briefly, and  
24 I did ask the applicants about that. And his -- I  
25 would note that Mr. Skinner said he thought that the

1 PSFA had an E-occupancy rating on that building.  
2 And I'm not sure how a building that's been  
3 abandoned for years -- that may apply to it when it  
4 was in service. But I think what we finally decided  
5 is that Mr. Skinner and I would agree to disagree on  
6 that one.

7 Number six, CSD, in both their preliminary  
8 analysis and their final recommendation analysis,  
9 highlighted, as has been previously stated by the  
10 director, a number of substantial shortcomings and  
11 deficiencies in every section of the application.

12 Just, for example, when the applicant was  
13 asked to provide a professional development plan,  
14 they did not furnish any plan.

15 Finally, the applicant indicated that most  
16 of its proposed students will be U.S. citizens who  
17 don't actually live in New Mexico, but, actually,  
18 live in Mexico. This suggests that there may be  
19 some legal requirements that would need to be  
20 addressed that were not discussed in the  
21 application.

22 Further, number seven, the applicants  
23 stated, in one part of their application, that it  
24 will hold family meetings throughout the year where  
25 parents and students will meet with school faculty



1 to work together on behalf of the students. That,  
2 of course, is a great idea. But throughout the  
3 application, the applicant also noted that many of  
4 these same parents that do reside in Mexico will not  
5 cross into the United States. So I would question  
6 how they will attend these parental meetings if they  
7 won't come into the United States. That was not  
8 addressed in the application; so that concerned me,  
9 too.

10 Anyway, like I say, I just feel, because  
11 of all the shortcomings that I saw in that  
12 application, that I cannot support that application.

13 Thank you, Madam Chair and Commissioners.

14 THE CHAIR: Thank you, Commissioner.

15 Further comments or questions?

16 COMMISSIONER CARR: Madam Chair?

17 THE CHAIR: Commissioner Carr?

18 COMMISSIONER CARR: I'll try to be brief.

19 I -- I -- every time you guys have come before us --  
20 and there were a lot of different faces there when  
21 you first did -- it's always tugged at my heart a  
22 bit, because I believe there should be a school  
23 there.

24 Unfortunately, I have to vote "No" again.

25 I have to give you an "A" for perseverance. And I

1 think that -- you know, I think Deming School  
2 District will say, "Well, we're meeting all the  
3 needs of those children."

4 I don't think we're meeting all the needs,  
5 as best we can, for those children.

6 And financially, yeah, maybe that's the  
7 best they can do. And that's a problem for the  
8 State, that we're not -- maybe we're not funding the  
9 schools adequately.

10 We need education professionals to come in  
11 to plan a school. Starting a school from scratch is  
12 extremely difficult. And people who have started  
13 this charter process have come to realize how  
14 difficult it is to start a school. It's another  
15 thing to take an established school and make it  
16 better.

17 I just want to put a call out there -- we  
18 can't put a public school. And I hope there are  
19 people out there who would feel the call to  
20 either -- to build a charter school there, or -- or  
21 a traditional public school there. Probably a  
22 traditional public school is the only thing that  
23 will end up working there.

24 I'll continue to -- whatever, you know, I  
25 can do, even though you're clear on the other end of

1 the state from me, I will tell people that I think  
2 you need a K-through-12 school there. I know you  
3 have K through 8 now; but I just want to say that I  
4 would like to vote "Yes"; but I can't. And I hope  
5 someday that this will be different.

6 MR. SKINNER: Thank you.

7 COMMISSIONER CARR: Thank you.

8 THE CHAIR: Thank you, Commissioner.

9 Other comments?

10 Commissioner Peralta?

11 COMMISSIONER PERALTA: Thank you,  
12 Madam Chair. This being my fifth year on the  
13 Commission, I believe, I think I've seen your  
14 application each year that I've been on this  
15 Commission. And I could say that each coming year,  
16 there hasn't really been much of a change in the  
17 applications. I haven't seen much of an improvement  
18 or a different spin on the application about  
19 additional needs, since you're sincere in starting  
20 up a charter school.

21 I believe that the reasons stated by  
22 Director Poulos, in my opinion, are applicable. I  
23 think they have solid reason for not accepting your  
24 application; but I do want to just point out some  
25 things that stick out to me, personally, as a

1 Commissioner.

2 And these are the ones that pretty much  
3 weigh heavily on my decision in not to approve your  
4 application. One, being the curriculum, and that  
5 being student-driven and not aligning with  
6 New Mexico Common Core Standards is a big concern of  
7 mine.

8 This has always weighed heavily on my  
9 mind, is how do we attract highly qualified teachers  
10 to that area? It's a very rural area that's way in  
11 the southwest corner of the state. And I just don't  
12 feel like you'll be successful like that in bringing  
13 highly qualified teachers to the area.

14 The facility lease. Still, in my opinion,  
15 I still feel like there's a conflict in that -- in  
16 that situation. I've never really been able to get  
17 a real solid answer to whether there is or not. But  
18 in my opinion, I still feel like there is -- with  
19 the position of the mayor and founder and the  
20 facilities that are going to be used for this  
21 school, there's still some conflict.

22 The academic goals, as Mr. Bergman stated,  
23 lack specificity, rigor, et cetera. And all those  
24 areas were pointed out in the letter from Director  
25 Poulos.

1           Mostly, I think, again, I reiterate what  
2 Commissioner Bergman said, as well. I believe  
3 students are not part of an economic development  
4 plan, in the idea that these students are going to  
5 be building their own school. I feel like they're  
6 to be in school to learn and not to be construction  
7 workers or architects or whatever in that case.

8           And so those are the specific reasons why  
9 I am choosing to deny your application.

10          Thank you.

11          THE CHAIR: Thank you. Other comments?

12          Commissioner Ambruster?

13          COMMISSIONER ARMBRUSTER: I, too, admire  
14 your persistence. I know it's a dream, and I  
15 certainly understand that.

16          I think our responsibility is to make sure  
17 that when we divert public funds from public  
18 schools, that this school has to be the best. And I  
19 know that it's a long drive, and I appreciate that.  
20 I think that that's probably part of being a rural  
21 community, that I understood that the people -- or  
22 the students -- in Columbus actually don't travel as  
23 far as some other students who are also going to  
24 Deming Schools. It's clearly an issue to which I  
25 have no answer, if you're in a rural community.

1           My concern was also in special education,  
2     since that is my background. And I find that they  
3     probably are even better than what everyone would  
4     call normal children without disabilities in being  
5     able to do construction and doing hands-on kinds of  
6     things. I think that's a strength that they  
7     generally have.

8           But at the same time, I didn't see any  
9     specific plan to have an IEP and to give direct  
10    instruction. My 39 years of experience in the  
11    classroom with special education children is that  
12    they don't learn incidentally. They have to be  
13    taught exactly what you want them to do.

14          So I would suggest, because you asked for  
15    that, that you make sure that you develop a plan  
16    where students with disabilities have direct  
17    instruction in reading and math and writing, because  
18    those are generally the areas that -- that they are  
19    qualifying in; because if you don't have that,  
20    there -- if you can't read and write in America, you  
21    really don't have a chance, even if you're the best  
22    builder or architect or whatever you are.

23                 So that would be my suggestion.

24                 MR. SKINNER: Thanks.

25                 THE CHAIR: Thank you, Commissioner.

1 Commissioner Gipson?

2 COMMISSIONER GIPSON: Yes. I would  
3 also -- this is my first year here, so I have not  
4 seen you before. But I certainly appreciate your  
5 persistence in this matter.

6 But I do have similar concerns with the  
7 curriculum and the lack of any clarity in terms of  
8 the curriculum that is going to be offered.

9 And I do appreciate your comments with  
10 needing some more direction. But in the parts of  
11 the application where there are specific examples  
12 given, like the S.M.A.R.T. goals, you chose not to  
13 answer them.

14 And in the public input hearing,  
15 Mrs. Armendariz even said that we're asking more of  
16 you to do that than we are a traditional public  
17 school. And I truly don't think that's the case.

18 So I have significant concerns with the  
19 parts of the application where there were directions  
20 given, like the lack of S.M.A.R.T. goals, the lack  
21 of clarity with your -- with your curriculum, that  
22 those were just completely ignored.

23 And I do have -- and I expressed concerns  
24 about the construction aspect, the lack of budgeting  
25 for many of your plans with teaching the students

1 the construction aspect, that I don't think there  
2 was really adequate planning that was given.

3 And I also expressed a concern over the  
4 lack of an E-Occupancy. And you did tell me that  
5 you had one, and I don't think we have any support  
6 for that.

7 And, in addition -- and I do appreciate  
8 the fact that it was a long drive for many of the  
9 community members to come up to offer support. But  
10 after the fact, there was no additional support for  
11 the school. When the opportunity was there to add  
12 input and send it to the PED, there was no  
13 additional community support.

14 And the Superintendent of the Deming  
15 School District, I think, provided an adequate --  
16 reasons for the Deming school system not supporting  
17 the schools.

18 Thank you.

19 THE CHAIR: Thank you, Commissioner.

20 Other comments?

21 Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair, only  
23 briefly. I miss your partner. We missed him at the  
24 hearing, too. Please send the regards.

25 MR. SKINNER: Thank you.



1 COMMISSIONER TOULOUSE: We know his health  
2 keeps him from being here.

3 I voted for your school the last two  
4 years. I'm going to reluctantly say, at this time,  
5 I can't, but I would like to. I would say if you're  
6 going to build -- it's hard when you're working with  
7 middle school kids to do the building. If you're  
8 doing high school kids, that becomes a different  
9 issue in how they can learn.

10 I think your community needs at least a  
11 middle school. I mean, I think you need to  
12 continue. But I also am concerned without any  
13 curriculum or whatever.

14 But I would welcome you back. And this is  
15 only my third year; but I've been there -- I know  
16 your community down there on the border. I know it  
17 has its particular needs. And I think they really  
18 aren't being met.

19 So I, reluctantly this time, am going to  
20 say "No," but not because -- my heart's down there  
21 with you. And I hope you can somehow find a way to  
22 come up with a curriculum that will work for  
23 mid-school that then can take your concept of  
24 building -- ACE High School in Albuquerque does a  
25 real good job with the high school kids. But their

1 academics have slipped a little lately. But they've  
2 been building for a while; so they might be somebody  
3 you could talk to.

4 But I do have a problem with 12-, 13-,  
5 14-year-olds having to do that kind of building.  
6 But certainly not 16, 17-year-olds. So I'd  
7 encourage you to keep it up.

8 MR. SKINNER: Thank you.

9 COMMISSIONER TOULOUSE: Thank you.

10 THE CHAIR: Thank you. Other comments,  
11 Commissioners?

12 I see no other comments.

13 Before we move on to a vote, I've asked  
14 Josh for a statement for all of us before we  
15 consider the vote of any of these applications.  
16 This applies to all.

17 MR. GRANATA: Madam Chair, Commissioners,  
18 the Chair has asked me just to remind the Commission  
19 that pursuant to the Charter School Act, that if any  
20 of the -- the members of the PEC were not present at  
21 the hearing, that they should be familiar with the  
22 record in terms of all the documents provided and  
23 the transcripts.

24 So if any Commissioner feels uncomfortable  
25 with voting today, just make sure to abstain from

1 voting for any of these schools.

2 And also, if there are any conflicts for  
3 any of the schools, to just go ahead and state that  
4 conflict prior to the vote.

5 Thanks.

6 THE CHAIR: Thank you, Josh. And I just  
7 want to say, since I was not able to attend any of  
8 the community input hearings, I want to assure  
9 everyone that I have thoroughly read and studied all  
10 of the applications. I've thoroughly studied and  
11 read the transcripts, the preliminary  
12 recommendations, the final recommendations, all of  
13 the additional information that might have been  
14 supplied.

15 I do feel comfortable in voting on all of  
16 the applicants today; so I just want to assure  
17 everyone of that.

18 Commissioners, are we ready to move on to  
19 a motion concerning Columbus Community School?  
20 Would someone care to make that motion?

21 Commissioner Peralta?

22 COMMISSIONER PERALTA: Madam Chair, I move  
23 that the Public Education Commission deny the 2015  
24 New Charter School Application submitted by Columbus  
25 Community School, based on the Charter School

1 Division's recommendations stated on the record, as  
2 well as the reasons stated by the Commissioners on  
3 the record.

4 THE CHAIR: Thank you. You've heard  
5 Commissioner Peralta's motion.

6 Do I have a second?

7 COMMISSIONER ARMBRUSTER: Second.

8 THE CHAIR: Commissioner Ambruster  
9 seconds.

10 The motion is to deny the application of  
11 Columbus Community School for the reasons stated on  
12 the official record.

13 Is there any further discussion?

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

16 COMMISSIONER PERALTA: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER PERALTA: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Peralta votes "Yes."  
3 Commissioner Ambruster?  
4 COMMISSIONER ARMBRUSTER: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Conyers.  
7 COMMISSIONER CONYERS: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Bergman?  
10 COMMISSIONER BERGMAN: Yes.  
11 COMMISSIONER PERALTA: Commissioner  
12 Shearman?  
13 THE CHAIR: Yes.  
14 COMMISSIONER PERALTA: Madam Chair, that  
15 is nine to zero in favor of that motion.  
16 THE CHAIR: Thank you. The motion to deny  
17 the application is unanimous.  
18 Thank you, sir.  
19 MR. SKINNER: Thank you, Madam Chair and  
20 Commissioners.  
21 THE CHAIR: The next application is  
22 Academic Opportunities Academy. Is there anyone  
23 from that school here today?  
24 Seeing none, Katie, would you give us the  
25 CSD recommendation, please?

1 MS. POULOS: Madam Chair, Commissioners,  
2 in CSD's final analysis and recommendation, CSD  
3 recommended that the application for Academic  
4 Opportunities Academy be denied.

5 The application analysis had the following  
6 findings:

7 The application was inadequate because  
8 100 percent of the responses in the education plan  
9 were rated "partially meets" or "does not meet."

10 100 percent of the responses in the  
11 organizational and governance plan were rated  
12 "partially meets" or "does not meet."

13 90 percent of the responses in the  
14 business plan were rated "partially meets" or "does  
15 not meet."

16 100 percent of the responses in the  
17 evidence of support were rated "partially meets" or  
18 "does not meet."

19 Many of the responses lacked essential  
20 details to fully understand the applicant's plan and  
21 ability to meet the requirements of operating a  
22 charter school.

23 Some responses contained policies or  
24 statements that would violate provisions of the  
25 Charter School Act.

1           The applicant's various responses  
2           contained contradictory information which did not  
3           allow the reader to understand a clear plan for  
4           implementation of the proposed school.

5           The applicant did not adequately identify  
6           a clear mission for the proposed school, and the  
7           application contains two conflicting potential  
8           mission statements. One of the proposed mission  
9           statements did not align with the grade levels to be  
10          served.

11          The applicant did not provide specific,  
12          measurable, attainable, rigorous, or time-bound  
13          goals that align to the mission, and the applicant  
14          did not adequately describe how the goals would be  
15          measured.

16          The applicant did not adequately describe  
17          a curriculum or a plan for developing a curriculum  
18          aligned with the New Mexico Common Core State  
19          Standards.

20          The applicant did not identify any  
21          curriculum, but, rather, a variety of potential  
22          resources and materials that would need to be  
23          created.

24          The applicant did not adequately describe  
25          instructional methods that would have improved

1 student achievement.

2 The applicant did not adequately describe  
3 how the proposed school would address the needs of  
4 all special population students, including students  
5 with IEPs, ELLs, and students who qualify for 504  
6 plans.

7 The applicant did not adequately describe  
8 an assessment plan that identified appropriate  
9 assessments or how the assessments would be used to  
10 inform instruction.

11 Several of the assessments identified in  
12 the application were not appropriate for the grade  
13 levels proposed to be served, and several of the  
14 assessments identified did not exist.

15 The applicant did not adequately describe  
16 how corrective actions would be implemented if the  
17 proposed school's academic performance fell short of  
18 expectations.

19 The applicant did not adequately describe  
20 a process that would ensure a skilled and capable  
21 governing body.

22 The applicant did not provide an adequate  
23 plan for governing body training or evaluation.

24 The applicant did not adequately describe  
25 how the governing body will monitor school outcomes.



1           The applicant did not adequately describe  
2   a staffing or recruitment plan that would ensure the  
3   school hired a qualified, skilled, and capable  
4   administrator.

5           The applicant did not adequately describe  
6   a professional development plan that would ensure  
7   teachers are able to implement the curriculum and  
8   improve student achievement.

9           The applicant did not provide adequate  
10   information to demonstrate the capacity to develop  
11   appropriate and legally compliant policies.

12           The applicant did not adequately describe  
13   a school schedule or calendar.

14           The applicant did not provide adequate  
15   information to demonstrate the capacity to implement  
16   the New Mexico funding and budget for long-term  
17   sustainability.

18           The applicant did not provide adequate  
19   evidence of community and student support for the  
20   proposed school.

21           The application also did not propose to  
22   offer an educational program consistent with the  
23   requirements and purposes of the Charter School Act,  
24   because the response in the application included  
25   proposed lottery preferences that did not comply

1 with NMSA 22-8B-4.1.

2 The applicant's proposed  
3 conflict-of-interest policy violates the statutory  
4 requirements in 22-8B-5.2.

5 The applicant's proposed governance  
6 structure violates the requirements of 22-8B-4B,  
7 which requires the governing body of a charter  
8 school to have at least five members.

9 The applicant's responses did not  
10 demonstrate an understanding of New Mexico charter  
11 school laws; rather, the applicant's responses  
12 appear to be geared toward the requirement of Texas  
13 charter school laws.

14 Lastly, CSD found that the application was  
15 otherwise contrary to the best interests of the  
16 charter school's projected students, the local  
17 community, or the school district in whose  
18 geographic boundaries the charter school applied to  
19 operate.

20 Because the applicant's responses in the  
21 application raised serious concerns about the  
22 applicant's ownership over the information in the  
23 application and its intention to be faithful to that  
24 information. [Verbatim.]

25 Specifically, the applicant's responses

1       consisted of a substantial amount of information  
2       taken directly from other organizations' websites  
3       and promotional materials, statute, and various  
4       government or agency program compliance guides.

5               The applicant did not demonstrate an  
6       understanding of this information or a coherent  
7       program that would utilize this publicly sourced  
8       information.

9               The applicant was provided, as all  
10      applicants were, an opportunity to respond to CSD's  
11      final analysis and recommendation. CSD did not  
12      receive a response from that application.

13              THE CHAIR: Thank you. I ask again if  
14      there is anyone from Academic Opportunities Academy  
15      here that would care to speak today.

16              Okay. I see no one.

17              Let's move on to PEC questions and  
18      comments.

19              I'm sorry. No? No?

20              Commissioner Bergman?

21              COMMISSIONER BERGMAN: High-tech sound  
22      system gets me every time.

23              Thank you, Madam Chair, and fellow  
24      Commissioners.

25              Director Poulos, I believe, did an

1     excellent job in her remarks, highlighting a number  
2     of the shortcomings on this particular application  
3     of the Academic Opportunities Academy. She actually  
4     covered a number of the specific areas that I wanted  
5     to speak to; so I'm going to skip over those.

6             But I still have a few that I perhaps want  
7     to expand on.

8             I wanted to note that under the  
9     curriculum, in the application, the applicant had  
10    identified a computer programming curriculum and a  
11    curriculum mapping database and software that does  
12    not even currently exist. And they proposed that  
13    they would somehow do that while they were doing  
14    their curriculum; they would come up with their  
15    database. And that certainly concerned me.

16            Under their governing body section -- the  
17    Director briefly mentioned this -- but the applicant  
18    included bylaws for a Texas nonprofit corporation,  
19    which provides for no members and three officers of  
20    the board of directors.

21            In the capacity interview that they had  
22    with the Charter School Division Staff, the  
23    applicant indicated that their board would receive  
24    at least some of their training in Texas, with no  
25    indication of how training in Texas would be

1 relevant or appropriate for New Mexico governing  
2 board members. Further, no plan was provided for  
3 evaluations of the board members.

4 And I'm not suggesting that our friends in  
5 Texas don't have the capability to do these kind of  
6 things; but they wouldn't be familiar with  
7 New Mexico charter school law, I don't believe.

8 Here, again, the applicant did not provide  
9 an organizational chart that identifies appropriate  
10 relationships between governance, administrators,  
11 teaching, support staff, and external agencies. In  
12 fact, they provided some inadequate job  
13 descriptions, in some cases that aligned more with  
14 Texas requirements rather than New Mexico  
15 requirements.

16 The applicant also indicated that the  
17 business manager candidate must be familiar with the  
18 Texas student reporting system, rather than the  
19 New Mexico reporting system. That certainly  
20 concerned me.

21 One thing that they put in their  
22 application is they proposed that they would  
23 actually use curriculum and teachers from a  
24 currently existing charter school in New Mexico,  
25 which happens to be New Mexico Connections.

1           And that certainly raised serious  
2       questions in my mind about their understanding of  
3       what financial consequences could ensue from such an  
4       arrangement and having students simultaneously  
5       enrolled in two separate charter schools; because I  
6       don't believe New Mexico Connections would teach  
7       their students without counting them in their  
8       student base. That certainly concerned me.

9           And for all the reasons that have been  
10      stated so far, I certainly don't believe I can  
11      support this application.

12           Thank you, Madam Chair.

13           THE CHAIR: Thank you. Other comments?

14           COMMISSIONER GIPSON: Madam Chair?

15           THE CHAIR: Commissioner Gipson?

16           COMMISSIONER GIPSON: I would just like to  
17      thank CSD for that thorough evaluation. And I  
18      certainly cannot support this application.

19           There was clearly difficulties with,  
20      number one, the governing board of the charter  
21      school, the proposed governing board. In fact,  
22      stated in the application and in the input hearing,  
23      there was -- there was no governing board that  
24      really was willing to serve.

25           In fact, the applicant stated, if you

1 remember, that he had posted on Craigslist to try to  
2 find governance council members. So that is an  
3 indication that there is not much of a community  
4 support for the -- for the applicant, in addition to  
5 the concerns with the curriculum.

6 He stated, as has been stated, the  
7 curriculum that was supposed to be teaching students  
8 to learn programming; but there is no curriculum  
9 that provides for that. He had spoken to someone  
10 from NMSU; but there clearly was not agreement that  
11 that NMSU professor was going to help in creating  
12 that curriculum, and that it was a curriculum that  
13 really was not appropriate for middle-school  
14 students.

15 And I will, once again, reiterate my  
16 admiration for anyone who's willing to work with  
17 middle-school students. So I appreciate that. But  
18 I think something more appropriate needs to be  
19 offered for the students there.

20 And, once again, the Deming Superintendent  
21 provided very clear reasons why they were not in  
22 support. And a number of the comments in the  
23 application by the applicant in regards to  
24 statistics that he used referencing the Deming  
25 Public Schools, he had no supporting documentation

1 for that. And the Superintendent clearly disagreed  
2 and challenged him to show him those supporting  
3 statistics.

4 Thanks.

5 THE CHAIR: Thank you. Let me just say a  
6 couple of things that jumped out to me, and then if  
7 anyone else -- I didn't see any hands. But let me  
8 just mention a couple of things.

9 Budget is one of my big areas. And I -- I  
10 couldn't find anywhere that this budget supported  
11 the educational program or educational programs that  
12 it seemed to me that this school was proposing.

13 It seemed to me that a lot of money was  
14 being shuffled off to various areas that then left  
15 very little money for teaching positions, because a  
16 40-to-1 teacher-student ratio was being proposed,  
17 which I think is completely unworkable for any kind  
18 of school, but particularly for a middle school with  
19 very intense programs that were described within  
20 this budget and within this educational programming.

21 So I thought that was very unreasonable.

22 They talked about an extended school day  
23 that was never supported in the budget. There was  
24 no money for it.

25 I question whether or not they can



1 actually find the highly qualified people to teach  
2 the programming classes in Deming. Deming is a nice  
3 town; but those type of people have lots of job  
4 opportunities and make a lot of money, and most of  
5 them are in larger metropolitan areas or in  
6 university areas, in my experience. So I think  
7 particularly with the proposed salary schedule that  
8 they have, they would have a very difficult time  
9 providing that instruction.

10 And to take 300 hours out of a student's  
11 instructional year and devote it to computer  
12 programming with no plan on how you're going to make  
13 up for your other courses -- there was no mention of  
14 what's going to happen to math and science and  
15 English and all of those kinds of things. Just  
16 300 hours a year devoted to computer programming  
17 was -- was very troubling to me.

18 And I think to promote a program that is  
19 so focused as computer programming that then does  
20 not have a comparable program for those students to  
21 move into in the high school -- what are sixth- and  
22 seventh- and eighth-graders going to do with  
23 computer programming knowledge if they can't  
24 continue with it?

25 It's sort of -- they missed the mark, I

1 believe.

2 I thought their facilities were completely  
3 unreasonable. He had lots of ideas, but no plans,  
4 nothing concrete. He wanted to build a building for  
5 the -- and have it ready for the first year, but he  
6 had no money. That's really tough. And we have to  
7 know more than -- we have to know that these  
8 students are going to have a school when the thing  
9 starts.

10 So things like that really bothered me in  
11 the application. And that's -- I cannot support it  
12 for those and the other reasons that were listed.  
13 "Computer" Armbruster. You see, I've got computers  
14 on the brain?

15 Commissioner Ambruster, please.

16 COMMISSIONER ARMBRUSTER: I answer to  
17 anything.

18 I had other concerns, too. Since I am --  
19 or was, I should say -- a middle-school teacher --  
20 wearing my little princess crown here today -- but,  
21 again, there were no clear plans or practices of how  
22 special education was going to be delivered.

23 I also have a huge concern on how you  
24 would even find a special education teacher, or a  
25 teacher with certification for special education, to

1       come to an additional school.

2               Again, special education students need  
3       direct instruction. Computers may be somewhat  
4       helpful; but I don't think that they would solve all  
5       of the issues and prepare these students for high  
6       school or for life.

7               Also a concern of mine was the discipline  
8       policy for teachers and other employees was not  
9       clear. The time lines or protection of employee  
10      rights or how issues might be resolved were not  
11      addressed. And there was actually not a way to  
12      describe -- that I saw, anyway, or heard -- to  
13      evaluate administrators.

14              So the entire program seemed like it would  
15      just collapse, because there weren't these things in  
16      place.

17              THE CHAIR: Thank you. All right.

18              Commissioner Toulouse?

19              COMMISSIONER TOULOUSE: Madam Chair, my  
20      concerns are that this didn't even really look like  
21      an application. It just wasn't there. It wasn't  
22      even a rough draft of one. And there was no filling  
23      it out at all in the public hearing.

24              I think most of it came out of El Paso,  
25      out of a tutoring center, not even a school, in

1 El Paso. And I don't know whether it's an intent to  
2 move into New Mexico and then expand, which it may  
3 well be, or whether it's -- there -- for some  
4 reason, they thought it would be easier to set up a  
5 school in New Mexico than in El Paso. But I  
6 couldn't figure out why, if they really wanted a  
7 school, they weren't doing it in the much larger  
8 urban area of El Paso.

9 THE CHAIR: Thank you very much.

10 Commissioner Peralta?

11 COMMISSIONER PERALTA: Madam Chair, I just  
12 wanted to affirm the compliments that some of the  
13 Commissioners had towards the Charter School  
14 Division and their thorough evaluation of this  
15 application.

16 The fact that the founders or stakeholders  
17 did not respond to the analysis and recommendation  
18 from the CSD and that we have no one here present  
19 from this proposed school demonstrates that this  
20 school really is not ready to begin. And so,  
21 therefore, I cannot support this application.

22 Thank you.

23 THE CHAIR: Thank you.

24 Other comments?

25 Hearing no further comments or discussion,

1 the Chair would entertain a motion.

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: Madam Chair, I  
4 would move that the Public Education Commission deny  
5 the 2015 New Charter School Application submitted by  
6 Academic Opportunities Academy, based on all these  
7 specific reasons read into the record by Director  
8 Poulos, and because also the very specific reasons  
9 that were read into the record by the various  
10 Commissioners today.

11 COMMISSIONER TOULOUSE: Second.

12 THE CHAIR: Thank you.

13 You've heard the motion by Commissioner  
14 Bergman, seconded by Commissioner Toulouse.

15 Is there further discussion?

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

18 COMMISSIONER PERALTA: Commissioner  
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Ambruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Conyers?  
3 COMMISSIONER CONYERS: Yes.  
4 COMMISSIONER PERALTA: Commissioner  
5 Peralta votes "Yes."  
6 Commissioner Carr?  
7 COMMISSIONER CARR: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Gipson?  
10 COMMISSIONER GIPSON: Yes.  
11 COMMISSIONER PERALTA: Commissioner  
12 Bergman?  
13 COMMISSIONER BERGMAN: Yes.  
14 COMMISSIONER PERALTA: Commissioner  
15 Shearman?  
16 THE CHAIR: Yes.  
17 COMMISSIONER PERALTA: Madam Chair, that  
18 is a nine-to-zero vote in favor of the motion.  
19 THE CHAIR: Thank you, Mr. Secretary.  
20 The motion to deny the application of  
21 Academic Opportunities Academy has passed  
22 unanimously.  
23 Thank you, all.  
24 Commissioners, are you ready for a break?  
25 It's a little after 10:00. Shall we take ten

1 minutes and come back at a quarter after, according  
2 to that clock right up there?

3 Okay?

4 All right. We're on break.

5 (Recess taken, 10:00 a.m. to 10:15 a.m.)

6 THE CHAIR: We are back in session, ladies  
7 and gentlemen.

8 Let's move on to the application of Desert  
9 Willow. If anyone is here from that school, I would  
10 ask them to come forward, please.

11 Good morning.

12 Katie, whenever you're ready.

13 MS. POULOS: Madam Chair, Commissioners,  
14 in its final analysis and recommendation, CSD  
15 recommended the denial of the application for Desert  
16 Willow School, based on the following findings:

17 The application is inadequate because  
18 68 percent of the responses in the education plan  
19 were rated "partially meets" or "does not meet."

20 81 percent of the responses in the  
21 organizational and governance plan were rated  
22 "partially meets" or "does not meet."

23 90 percent of the responses in the  
24 business plan were rated "partially meets" or "does  
25 not meet."

1           50 percent of the responses in the  
2 evidence of support were rated "partially meets" or  
3 "does not meet."

4           Many of the responses lacked essential  
5 details to fully understand the applicant's plan and  
6 ability to meet the requirements of operating a  
7 charter school.

8           Some responses contained policies or  
9 statements that would violate the provisions of the  
10 Charter School Act.

11           The applicant did not adequately describe  
12 a curriculum or plan for developing a curriculum  
13 aligned with the New Mexico Common Core State  
14 Standards.

15           The applicant did not adequately describe  
16 instructional methods that would improve student  
17 achievement.

18           The applicant did not adequately describe  
19 how the proposed school would address the needs of  
20 all special population students, including ELLs and  
21 students who qualify for 504 plans.

22           The applicant did not adequately describe  
23 how corrective actions would be implemented if the  
24 proposed school's academic performance fell short of  
25 expectations.



1           The applicant provided an inadequate  
2 description of an organizational structure and did  
3 not provide an adequate organizational chart or  
4 narrative of the relationships between governance,  
5 administration, teaching, support staff, and  
6 external agencies essential to the proposed school.

7           The applicant did not adequately describe  
8 a process that would ensure a skilled and capable  
9 governing body.

10           The applicant did not provide an adequate  
11 plan for governing body training or evaluation.

12           The applicant did not adequately describe  
13 how the governing body will monitor school outcomes.

14           The applicant did not adequately describe  
15 a staffing or recruitment plan that would ensure the  
16 school hires a skilled and capable administrator.

17           The applicant did not adequately describe  
18 a professional development plan that would ensure  
19 teachers are able to implement the curriculum and  
20 improve student achievement.

21           The applicant did not provide adequate  
22 information to demonstrate the capacity to develop  
23 appropriate and legally compliant policies.

24           The applicant did not adequately describe  
25 a school schedule and calendar.

1           The applicant did not provide adequate  
2           information to demonstrate capacity to implement  
3           New Mexico school funding and budget for long-term  
4           sustainability.

5           The application was also found to be  
6           incomplete, because, as the applicant stated in  
7           their response to the final analysis, the  
8           application did not contain the required Appendix B  
9           organizational chart.

10           The application was found not to propose  
11           to offer an educational program consistent with the  
12           requirements and purposes of the Charter School Act  
13           because the applicant's responses do not comply with  
14           open enrollment requirements; specifically, the  
15           applicant's responses indicate an unlawful policy  
16           that would control enrollment to increase enrollment  
17           around the date of budget counts, specifically for  
18           the purposes of increasing SEG funding, and would  
19           close all enrollment after the 120th day.

20           The applicant's proposed laundry  
21           preferences do not comply with NMSA 12-8B-4.1.

22           The applicant's proposed  
23           conflict-of-interest policy violates the statutory  
24           requirements in NMSA 22-8B-5.2.

25           Additionally, CSD found that the

1 application was otherwise contrary to the best  
2 interests of the charter school's projected  
3 students, the local community, or the school  
4 district in whose geographic boundaries the charter  
5 school is applying to operate, because the  
6 applicant's responses to questions at the Community  
7 Input hearing raised serious concerns about the  
8 applicant's ownership over the information in the  
9 application and its intention to be faithful to that  
10 information.

11 Specifically, the applicant stated on more  
12 than one occasion that it was unaware of information  
13 that was contained in its application.

14 After the final analysis and  
15 recommendation was provided to the applicant and to  
16 the Commissioners, the applicant was provided the  
17 opportunity to provide a response. The applicant  
18 did provide the response.

19 From that response, CSD felt that the  
20 information in that response may have provided  
21 additional information to help the Commissioners  
22 understand the need and community support for the  
23 proposed school. The information also recognized  
24 the need for the applicant to complete substantial  
25 additional work to develop policies and plans in

1 order to prepare to commence operations of the  
2 proposed school.

3 And, finally, the information demonstrated  
4 the applicant's continued willingness to continue to  
5 work with CSD to ensure the proposed school is able  
6 to open timely and effectively.

7 THE CHAIR: Thank you.

8 If you will please introduce yourselves,  
9 please, give us your association with the school,  
10 your position, and then after that, you'll have  
11 15 minutes.

12 MS. AVERSA: Thank you.

13 THE CHAIR: Push the lever down.

14 COMMISSIONER BERGMAN: You have to hold  
15 it, unfortunately.

16 MS. AVERSA: Good morning. My name is  
17 Emily Aversa, and I am one of the cofounders.

18 MS. BAILEY: I'm Fiona Bailey, one of the  
19 cofounders.

20 MS. EDWARDS: I'm Alicia Edwards,  
21 governing board.

22 MS. AVERSA: Good morning, Commissioners,  
23 and Secretary Shearman. [Verbatim.]

24 We of the Desert Willow School founding  
25 board are here to demonstrate that we do have the

1 capacity to open and successfully maintain  
2 excellence in a charter school.

3 We will begin by outlining our experience,  
4 both within and outside of the charter writing  
5 process, our knowledge of education, and our  
6 competence as responsible community leaders.

7 My name is Emily Aversa. I graduated cum  
8 laude with a master's degree in special education.  
9 I have taught students in kindergarten through  
10 seventh grades, with twelve of the thirteen  
11 educational exceptionalities recognized in  
12 New Mexico, in all service placements, from full  
13 inclusion to homebound, for 15 years, plus one more  
14 year teaching typically developing first- and  
15 second-graders in a private school.

16 My colleagues in special education and  
17 general education at the three schools at which I  
18 have taught look to me for pedagogical advice and  
19 resources. I mentor two new teachers, and I have  
20 consistently received marks of "Effective" and  
21 "Highly Effective" on my performance reviews.

22 This year, I have decided not to teach so  
23 that I can give my time and attention to this  
24 charter school effort and to taking several  
25 master's-level classes to further my educational

1 skills. I am a dedicated and hard worker and am  
2 committed to meeting high standards.

3 Besides leadership in the workplace, I  
4 have at least five years' experience organizing  
5 committees and action groups within the civic,  
6 educational, and church circles of which I am a  
7 member.

8 MS. BAILEY: Good morning. I am Fiona  
9 Bailey, and I decided when I was five years old that  
10 I wanted to be a teacher. Counting only my official  
11 years teaching, that means I have taught 25 of my 50  
12 years.

13 I graduated summa cum laude with my  
14 elementary education degree and a minor in biology.  
15 After teaching for four years at my ideal position,  
16 teaching kindergarten, I then went to receive my --  
17 went on to receive my master's degree with high  
18 honors in outdoor education.

19 Outdoor education, in the broadest  
20 definition, is teaching outside the classroom, be it  
21 the woods, a museum, or the school garden.

22 In my 25 years, I have taught  
23 kindergarten, first grade, fourth grade, and fifth  
24 grade, in three different states. I have served on  
25 multiple curriculum committees. In a district who

1 prided themselves on their rigor of their academics,  
2 I helped write the science, social studies, and math  
3 curricula, producing well-developed curriculum both  
4 longitudinally and horizontally, all aligned to the  
5 Illinois standards and student need.

6 Unfortunately, in Silver City, the  
7 language arts curriculum committee on which I was  
8 asked to serve was disbanded by the Associate  
9 Superintendent before any new curriculum could be  
10 written.

11 In total, I have mentored nine student  
12 teachers and numerous new teachers. I have acted as  
13 SAT chair and conducted dyslexia training for our  
14 staff. And I have worked collaboratively with my  
15 colleagues to perfect our skills at teaching reading  
16 through balanced literacy.

17 My evaluations show me to be "Highly  
18 Effective" or "Exemplary" in all areas as an  
19 educational professional. I am now taking classes  
20 towards getting my administrative certification.

21 As a parent, I became acutely aware of the  
22 limitations of our district schools. When I  
23 recognized the signs of dyslexia in my daughter and  
24 then realized she wasn't even on her second-grade  
25 teacher's watch list for struggling students, even

1     though she had not progressed in reading since  
2     mid-first grade, her teachers were not concerned,  
3     because so many students were even lower than my  
4     daughter.

5             I found the specific reading program that  
6     she needed outside of school. And now that she is a  
7     successful high school student, I am able to  
8     dedicate my attention to creating a school that will  
9     meet the needs of all students, allowing none to  
10    fall through the cracks.

11            At the end of last year, I left my job to  
12    give full attention to the creation of Desert Willow  
13    School.

14            MS. EDWARDS: My name is Alicia Edwards.  
15    I am the Executive Director of the Volunteer Center  
16    in Grant County. We serve an average of 1,000  
17    low-income families a month.

18            Our purpose, the purpose of our  
19    organization, is to end hunger and poverty in  
20    Grant County.

21            I'm a member of the Community Health  
22    Council, founding member of our local Food Policy  
23    Council, board member of the Community Foundation,  
24    and a member of the New Mexico Strategic Leadership  
25    Institute. I have over 25 years of for-profit and



1 non-profit management experience.

2 I will speak for the other two members of  
3 our team that are not present today. William  
4 Knuttinen, a CPA, licensed in New Mexico and  
5 Arizona, and a partner in the accounting firm of  
6 Morones & Knuttinen. William is a member of Rotary,  
7 the president of the Rotary Foundation, a board  
8 member of the Chamber of Commerce and LifeQuest. He  
9 has also been a Big Brother for the last eight  
10 years.

11 George Lundy retired from the U.S. Forest  
12 Service, where he designed and built campgrounds and  
13 recreational facilities, as well as coordinated  
14 legislative initiatives and provided strategic  
15 planning, leadership training, meeting facilitation,  
16 and management for the 20-state eastern region.

17 George is a board member for the Habitat  
18 for Humanity, a member of the Land Use Code Revision  
19 Tax Force -- Task Force -- Commissioner on the  
20 Silver City Planning & Zoning Commission, a member  
21 of the Silver City Masonic Lodge, chairman of the  
22 board and founder of the Learning Center for  
23 Dyslexia and Academic Success.

24 I'm supposed to keep going, am I not?

25 All right. So we know -- all of us know

1     that children in New Mexico are in crisis. In 2013,  
2     the Annie E. Casey Foundation rated New Mexico the  
3     worst for child well-being. And education is one of  
4     the measures they used to rate that well-being.

5             New Mexico's high school graduation rate  
6     is only 70 percent. Nearly 200 children live in  
7     households that don't have secure employment.  
8     346,000 children qualify for Free and Reduced Lunch.  
9     Studies show there is a direct correlation between  
10    poverty and a lack of educational attainment.

11            Historically, we have seen education as a  
12    one-size-fits-all model, a model that is less and  
13    less viable as we try to address the monumental  
14    challenges of poverty in a rapidly changing world  
15    that will continue to demand more highly educated  
16    people, not fewer.

17            George, William, and I are active, engaged  
18    members of our community who have, between us, given  
19    hundreds of hours of volunteer time in service to  
20    the idea that every single person, children  
21    included, deserve equitable access to everything  
22    they need to have the very best quality of life.

23            Each of us is experts in our chosen  
24    fields, have given hours and hours of our precious  
25    time and expertise to this charter proposal in

1 support of two of the finest teachers you'll ever  
2 meet. We do this because we believe with all of our  
3 hearts that it's time to listen to teachers when  
4 they tell us how to best teach children.

5 Emily and Fiona have dedicated an  
6 incredible amount of time, energy, and research  
7 towards this charter. Beth Sutton, the creator of  
8 Enki, has dedicated her entire adult life to  
9 figuring out what's best for children. I was the  
10 only non-educator at Beth Sutton's weekend workshop,  
11 "Rousing Intuition," that was held in July in  
12 Silver City, the first part of training for Enki  
13 teachers. I left that workshop wishing that every  
14 child in New Mexico could have the opportunity to be  
15 Enki-educated.

16 Enki has the power to change the world one  
17 child at a time. Emily and Fiona both left  
18 teachings jobs to dedicate themselves full-time to  
19 making Desert Willow School happen.

20 Why? Because they know children. They  
21 know what children aren't getting, and they know  
22 what children need to succeed. Most of all, they  
23 want children to have the opportunity to be lifelong  
24 learners and to prepare them to change the world.

25 I believe very strongly that this charter

1 actually does support that mission.

2 I know that each of you cares deeply about  
3 children, or you wouldn't be here today. We also  
4 care deeply about children, or we would not be here  
5 today.

6 We are prepared to do what it takes to  
7 make Desert Willow School happen. I personally  
8 believe very strongly that this is the answer to a  
9 significant number of problems that are happening in  
10 our community.

11 We thank you for the incredible amount of  
12 time and attention that you have given to this  
13 process and to our application, and provided us a  
14 roadmap to create a very successful charter school.

15 MS. AVERSA: The facts demonstrate that  
16 children need something different than what they're  
17 receiving in education today. Our vision is a  
18 school where children are empowered to learn, value  
19 themselves as learners, and are met with a  
20 well-conceived and developed educational plan.

21 Unlike in the traditional education  
22 system, Desert Willow School is for everyone,  
23 whether you arrive with all the early experiences  
24 necessary to learn, or with none.

25 Our charter provides a unique and

1 comprehensive curriculum that has the potential to  
2 raise student achievement by aligning lessons not  
3 only with standards, but to children's developmental  
4 needs. It engages children through story, allows  
5 them to express their learning through the arts, and  
6 motivates them to learn through movement.

7 Using story, humanity's oldest educational  
8 tool, and the arts, humanity's oldest means of  
9 expression, Enki provides an integrated educational  
10 experience that fully embraces who each child is and  
11 who they are becoming. Enki allows children to own  
12 what they learn through their classroom experience.  
13 Without ownership, learning is meaningless.

14 In addition to this wholly unique  
15 curriculum, we have a plan and a budget in place to  
16 meet the needs of children who struggle that  
17 fulfills the mandate of House Bill 230 and goes  
18 above and beyond what our local school district  
19 provides for children in special education.

20 Just as House Bill 230 was written to  
21 ensure high-quality reading instruction for all  
22 students, through special ed, Title I, and the  
23 regular education classroom, Desert Willow's  
24 curriculum is designed for all students and  
25 instructional levels through an

1     Orton-Gillingham-based phonics program and  
2     integrated Enki curriculum.

3             The Charter School Division found places  
4     where detail is lacking in our charter at this  
5     point. And I'd like to briefly say that when we  
6     were meeting on a weekly basis, or biweekly basis,  
7     to determine what exactly we would need to do so  
8     that we would have a clear plan, we looked to active  
9     charters to see the extent of planning that they  
10    gave. We were trying to navigate what sort of  
11    details one provides in a charter, versus what sorts  
12    of details are worked out in a planning year.

13            And so what we included in our charter is  
14    at least as much, if not more, than what active  
15    charters provided.

16            MS. BAILEY: For example, the comments  
17    made by the Charter School Division about our  
18    lottery process are valid ones, as I admitted at the  
19    Community Input hearing. However, the comment made  
20    that these missteps show lack of ownership is simply  
21    not true.

22            As recommended at one of our charter  
23    school trainings, as Emily just said, we looked at  
24    approved charters, especially those of active  
25    schools in our similar demographics. I primarily

1 looked at the lottery processes of three different  
2 charter schools, two elementary and the one in  
3 Silver City. As I read through their proposals, I  
4 selected, modified -- and modified what I thought  
5 would work best for us.

6 For example, when I read that a school  
7 gave priority to children of their employees, I was  
8 trusting that this followed State statute, since it  
9 was in their approved charter. I thought it would  
10 be a nice benefit for our employees, since,  
11 initially, our pay will be slightly lower than the  
12 district schools.

13 When I read that a school stopped  
14 enrolling new students after the 120th day, I did  
15 not put this in our charter for monetary reasons,  
16 but because I know, as a teacher, how difficult it  
17 is for a child to begin in an already established  
18 classroom.

19 MS. EDWARDS: We do have an organizational  
20 chart for our school. I do not have an explanation  
21 for why it was not transmitted electronically. This  
22 was created at the time we created our charter, not  
23 after we knew that the charter -- that CSD did not  
24 receive our org chart. It was clearly in the  
25 instructions that we could not submit documents

1 after the charter had been submitted; so we did not.

2 And there is, in fact, text in the charter  
3 application that describes the organizational chart.

4 MS. FRIEDMAN: Excuse me.

5 MS. AVERSA: Okay.

6 MS. EDWARDS: Really fast.

7 MS. AVERSA: Okay. While we acknowledge  
8 that we made some missteps in the organizational  
9 framework, these mechanics are fixable, and we are  
10 willing to do the work, especially given the level  
11 of expertise we have to call upon. We ask that  
12 rather than deny our application, you approve it  
13 with conditions, giving us the opportunity to  
14 correct our missteps, add the details, as needed,  
15 and have the official designation to begin  
16 fundraising.

17 MS. BAILEY: Thank you.

18 THE CHAIR: Thank you.

19 Commissioners, do you have questions?

20 Comments?

21 Commissioner Carr?

22 COMMISSIONER CARR: I would like to -- to  
23 say that I see and feel your passion. I see your  
24 experience. Passion usually never gets so high as  
25 when we're doing something in regards to children.



1 I'm guilty of being overly passionate all the time,  
2 I'm sure. And I justify it because I'm speaking for  
3 children. Sometimes I probably go too far.

4 I -- passion is not always enough. We  
5 have to hear -- look at the applications in this  
6 Commission. They have to be excellent. They have  
7 to be complete. And we've had to close schools --  
8 opening a school and closing a school is much worse  
9 than denying a school the first time around.

10 Now, I can't predict the future. But I  
11 would also like to say, at this time, for the  
12 record, that I have looked at -- thoroughly looked  
13 at all the applications, the minutes from all the  
14 meetings that I was not able to attend. And I  
15 probably should have said this for the other  
16 schools, but I guess I'm just now getting used to  
17 Director Poulos' thoroughness.

18 And I -- I'm quite often just left --  
19 besides making the statements that I make, personal  
20 statements, that I'm left with just saying that I  
21 concur with CSD in their -- in their analysis, and  
22 I'll leave it at that.

23 THE CHAIR: Thank you, Commissioner Carr.  
24 Commissioner Peralta?

25 COMMISSIONER PERALTA: Thank you,

1 Madam Chair, and welcome. I know it was a far trip  
2 for you to make it up here to Santa Fe.

3 I can say that in reading your transcripts  
4 from the hearings, that I have to tout that you  
5 guys -- the people that are involved in starting --  
6 in trying to start this charter school in  
7 Silver City, all vested stakeholders, I'm very  
8 impressed with your background and all the resources  
9 that you've mentioned in your -- in the hearing that  
10 was stated, in your presentations in Silver City.

11 I commend you on that, and you seemed to  
12 have very good ideas in how to support curriculum  
13 and how to support instruction and the direction you  
14 want to take your kids and what-have-you.

15 Looking at your application, I have to say  
16 that there are some items that I want to mention.  
17 But the last one I really want to mention is  
18 probably the most deciding factor in why I cannot  
19 support the application for your school.

20 I saw -- I noticed there was a number of  
21 holes in your budget. I know that you mentioned you  
22 thought \$150,000 was sufficient enough for you to  
23 start your school. I think, in my experience, it  
24 takes about double that. You probably need about  
25 \$300,000 just to get your school started up.

1 I saw that there were no projected costs  
2 for technology, legal fees, professional services,  
3 et cetera. I think those things need to be  
4 addressed and identified.

5 You mentioned that some of the funding  
6 sources that you were looking at were some grants  
7 that you were looking to write up and what-have-you.  
8 And I have to mention to you that in my experience,  
9 grants are very competitive and a lot of times often  
10 don't find their pathway to start-up schools. They  
11 really want to look at schools that have been  
12 established and have a history of success and  
13 what-have-you. So I wouldn't rely totally on grants  
14 to support your financial base.

15 Facilities. I know you mentioned that you  
16 were looking at some land. I know the Montessori  
17 school and land they had available was mentioned and  
18 what-have-you. I didn't see a definite plan on  
19 where you're going to be. You mentioned land use,  
20 purchase of portables. This is one area where I  
21 really think you need to have a definite plan of how  
22 you're going to purchase those portables, if that's  
23 what you're going to use to start up your school.

24 Again, this all points back to it's really  
25 not a very good idea that start-up schools start out

1 with a debt. I think you really need to make sure  
2 that you're financially ready to start your school  
3 and what-have-you.

4 And as I said earlier, the one and most  
5 deciding factor in looking in how I was going to  
6 determine whether I was going to approve this  
7 application or not was, you know, our public  
8 schools, in most recent years, have had a lot of --  
9 have had to face a lot of financial burdens. And I  
10 know, in my school particularly this past year, we  
11 had to shave off \$300,000 in our budget. That meant  
12 cutting programs, cutting teachers, et cetera, and  
13 so forth.

14 You know, that's very impactful to the  
15 kids and the losses in support they're going to have  
16 when the district has to, you know, look in areas to  
17 cut in order to -- to plan their budget.

18 And so I'm concerned that in supporting  
19 this school, in establishing the school, my guess is  
20 that there are other schools that are in the same  
21 situation. And from what I hear, the Silver City  
22 Public Schools is, you know, experiencing that  
23 financial burden currently.

24 And so, in my opinion, I think by  
25 establishing the school, I'm concerned that this can

1 create a greater financial burden to the Silver City  
2 Public Schools, because by taking 120 kids away from  
3 their public schools and moving them over to your  
4 charter, that is going to lose hundreds of thousands  
5 of dollars, close to \$700,000 in the next year.

6 That means cutting teachers, losing programs,  
7 et cetera, valuable resources that are important to  
8 those kids that are in public schools.

9 I think the impact of that possibility in  
10 impacting those kids in the Silver Public Schools,  
11 I'm concerned about that. And that weighed heavily  
12 on my decision not to support this application.

13 Thank you, Madam Chair.

14 THE CHAIR: Thank you, Commissioner.

15 Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I'm  
17 going to disagree with my colleagues, because I was  
18 one of only three of us who were there at their  
19 public hearing. We were in the Grant County  
20 Commission Chambers. And that room had standing  
21 room only. And I think if a fire marshal had come  
22 in, they probably would have shooed an awful lot of  
23 the people out. There was a tremendous amount of  
24 community support there.

25 And while not being an educator, I got a

1 good explanation from them on their curriculum and  
2 how they planned to use it and what they plan to do.

3 I have an overall concern, as we're  
4 getting into the rest of these schools, that while  
5 there is a very thorough analysis by the Charter  
6 School Division, I'm not exactly sure who did it or  
7 how they did it, which is my problem. But I also  
8 see there's a fine line between what you need to  
9 have at application time and what can be developed  
10 during your planning year. And I think sometimes  
11 we've stepped over into concerns that come up during  
12 the planning year on how you get the details.

13 If the overall plan and approach is  
14 clearly there, I don't think the details can be  
15 there until you're actually sitting down and seeing  
16 what you have.

17 As to the facility, I heard the Montessori  
18 School folks tell us that the space would be  
19 available. I heard Aldo Leopold say, "We want this  
20 school to be the feeder school for us."

21 And I think Aldo Leopold is one of our  
22 very good charter schools that we have.

23 I wish you had made a little more point of  
24 your working with Aldo Leopold, because I think our  
25 mid-school kids are some of the most difficult to

1 reach. And they're also the kids who are most in  
2 danger of dropping out. And yet we don't have many  
3 of our charter schools that specifically deal with  
4 only mid-school kids, because they are difficult,  
5 because it is difficult to get your school ratings  
6 what they need to be to meet all the bureaucratic  
7 stuff now.

8 And I think these people with their plans  
9 are ready to go.

10 I understand Mr. Peralta's approach,  
11 because he is a school bureaucrat, to knowing --  
12 no -- and I know. I know every one of the  
13 superintendents who gets up and speaks. I'm not  
14 going to look at the individual district's budget,  
15 necessarily, except for some very tiny school  
16 districts. And there's -- the Charter School Act  
17 takes care of that.

18 I'm going to look at what's in the best  
19 interests of those schools, because that money may  
20 leave the school district; but it does not leave the  
21 community. It does not leave those children. And  
22 if the need is there, then it needs to go to those  
23 kids in need.

24 And that's the me who is a bureaucrat in  
25 Human Services and who has been raised in New Mexico

1 and spent some of my happiest years as a little kid  
2 down in Silver City, when it was a much, much  
3 smaller place and my uncle had the Presbyterian  
4 church there, and I was allowed to roam the town.

5 And I just -- I'm still overwhelmed and  
6 wish the rest of you had been able to see the  
7 community that turned out for this school.

8 Thank you.

9 THE CHAIR: Thank you.

10 Other comments?

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: High technology.

13 Madam Chair, Commissioners, I did, of  
14 course, read and study the application. I had the  
15 preliminary analysis presented by the -- and  
16 prepared by the CSD Staff and their final  
17 recommendation.

18 And I also -- and I did attend the  
19 Community Input hearing in Silver City. And I also  
20 did -- there was a fairly good amount of follow-up  
21 materials that did come in: The local  
22 superintendent, Silver City superintendent and a  
23 couple of his administrators actually filed fairly  
24 lengthy documents than -- giving us their take on  
25 this.



1           And one reason they did that is because  
2           the Superintendent had signed up on the Community  
3           Input part of the hearing. And all he did was stand  
4           up and say he would submit his comments later in  
5           written form. And that's what they did.

6           Doing all that brought me to the point  
7           that I did not feel that I could support this  
8           application.

9           In general, I did believe it was  
10          inadequate and incomplete in a number of key areas.  
11          While they are certainly focusing on a targeted  
12          community, I am not sure, in taking a look at the  
13          overall picture, that this proposed school would be  
14          in the best interests of the community that it would  
15          be located in. But I also have some specific  
16          reasons that I wanted to share as to how I've  
17          arrived at my decision.

18          Number one, the proposed Enki  
19          curriculum -- and that's spelled E-N-K-I, if you  
20          didn't already know that -- apparently had not been  
21          aligned to the Common Core State Standards or  
22          New Mexico Content Standards. Some observers stated  
23          that the Enki curriculum was a home-school  
24          curriculum.

25          The applicant did indicate in their

1 application and in the Community Input hearing that  
2 two founders would work to align that Enki  
3 curriculum to those standards and that they hoped to  
4 be done by December.

5 Well, perhaps they -- that's a very  
6 complex and time-consuming process, as most  
7 educators know. They might make it; they might not.  
8 So that certainly concerned me.

9 Considering that the school's proposed  
10 target population would consist of students with  
11 dyslexia and other brain-based learning differences.

12 I felt that the applicant did not provide  
13 a clear description of how instruction would be  
14 differentiated based on identified student needs,  
15 and, further, considering that the applicant  
16 indicated what the target population would be, what  
17 it would consist of, that that population may  
18 present a higher proportion of need than in a  
19 traditional public school.

20 I felt their proposed budget did not  
21 reflect the higher costs that might be associated  
22 with that specific population.

23 Two, in the area of IEPs, 504 plans, and  
24 ELLs, I did not feel that the applicant clearly  
25 described how the school would serve, evaluate and

1 monitor the success of those students. For ELLs in  
2 particular, I did not see how the applicant  
3 described how the school will budget and staff  
4 itself to meet, here, again, those perhaps higher  
5 needs.

6 And number three, in the area of  
7 leadership, applicant did not address how the  
8 governing board would monitor organizational and  
9 academic performance. Further, the applicant did  
10 not address a plan to evaluate a head administrator.

11 In the applicant's -- four, in the  
12 applicant's hiring plan, the following statement was  
13 made twice, referring to candidates. And I quote,  
14 "Discuss whether, for political reasons, these  
15 candidates should be added to the pool."

16 And I think they were talking about  
17 candidates for their head administrator's job.

18 I actually asked about that statement in  
19 the Community Input hearing, because it concerned  
20 me. And the applicants stated -- their answer was  
21 they did not remember that being in the application.

22 Well, it was in there twice. And they did  
23 indicate that they would remove them. They did  
24 indicate that, because we all have different  
25 political beliefs; but we all work together to --

1 sometimes, at least in this country -- to come to  
2 common solutions for things. And I was never aware  
3 that that was -- at least in most jurisdictions, it  
4 wouldn't be -- a requirement if you wanted to serve  
5 in some capacity for a good organization. So that's  
6 why I asked about that.

7 In the capacity interview, CSD apparently  
8 asked them also about that, and they were told that  
9 this hiring plan was actually created by a "Fred  
10 Nolan" from Minnesota, and applicants apparently did  
11 not have a clear understanding or a knowledge of  
12 what he had in his plan. I think that's probably  
13 what led to the director making the comment about  
14 perhaps not having full ownership of their  
15 application. Some of it was apparently prepared by  
16 others.

17 Five -- and I'm going to explain this -- I  
18 question whether this school is unique and  
19 innovative. They're targeting the dyslexic  
20 population in Silver City. In one regard, that  
21 would be a unique and innovative approach to it.  
22 The message came through in the application, I  
23 thought, and in the Community Input hearing, that  
24 they felt that the dyslexic community was being  
25 underserved in the Silver City Schools.

1           Now, in their responses, Silver City  
2       Schools indicated that -- submitted after the  
3       Community Input hearing -- that they quite naturally  
4       disagreed with that assertion. They felt that --  
5       they indicated that they felt they had a very strong  
6       program serving the dyslexic community in the  
7       Silver City area.

8           Now, they're not using the proposed  
9       programs that this school was; but they said they  
10      had a very -- what they considered a very strong  
11      program of their own. So that concerned me.

12           Actually, I -- under number six, I found a  
13      chart in there called an "organizational chart" that  
14      they called the "Enki Web." And I thought that that  
15      Enki Web did not necessarily provide an adequate  
16      narrative of the relationships between governance,  
17      administration, teaching, support staff, and  
18      external agencies. That chart did not identify any  
19      clear reporting lines and did not identify the  
20      appropriate relationships between all those groups.

21           Number seven, I felt that the applicant  
22      did not provide clear student discipline policies.  
23      The policy provided failed to address due process  
24      requirements for all students and specifically for  
25      students with disabilities, their target population.

1 No plan was provided for addressing alternative  
2 educational settings and did not identify or address  
3 the legal protections that are required in those  
4 circumstances.

5 I had a reason there, talking about the  
6 enrollment; but I think that's probably been  
7 addressed. Here again, the next one also was on  
8 enrollment. I believe the Director had addressed  
9 that one.

10 The next specific area, I thought, in the  
11 area of Open Meetings Act, the applicant cut and  
12 pasted an Attorney General's Open Meeting compliance  
13 checklist; but apparently, that checklist was out of  
14 date, and there was a more current version available  
15 that had some changes to that. And that concerned  
16 me a little bit.

17 The applicant identified third-party  
18 relationships that would seem to be essential to  
19 their model; but I felt they did not provide a clear  
20 description of those relationships or discuss what  
21 legal implications, if any, might be.

22 They mentioned the Learning Center for  
23 Dyslexia and Academic Success, and they apparently  
24 have an MOU with this Enki organization. There was  
25 also a general description of a potential

1 relationship with the Guadalupe Montessori School.

2 I also felt that the applicant's proposed  
3 budget did not demonstrate the capacity to implement  
4 New Mexico school funding and budget for long-term  
5 sustainability. The budget did not address  
6 facilities, start-up costs, business software, and a  
7 student information system.

8 And apparently, I missed something that  
9 Mr. Peralta saw, they were talking about \$150,000.  
10 Apparently, I missed that reference.

11 I felt the applicant did not provide  
12 adequate long-range goals and strategies that would  
13 build the school's capacity to ensure that the  
14 school would be sustainable.

15 Here again, because of those general and  
16 specific reasons, I do not feel I can support this  
17 application at this time.

18 Thank you, Madam Chair.

19 THE CHAIR: Thank you, Mr. Commissioner.  
20 Any other comments?

21 Hearing none, the Chair would entertain a  
22 motion.

23 I'm sorry. No?

24 Okay. Would someone care to make the  
25 motion?

1 Commissioner Peralta?

2 COMMISSIONER PERALTA: I move that the  
3 Public Education Commission deny the 2015 New  
4 Charter School Application submitted by Desert  
5 Willow School, based on the Charter School  
6 Division's recommendation stated on the record, as  
7 well as the reasons stated by the Commissioners,  
8 also on the record.

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

11 Do we have a second?

12 COMMISSIONER GIPSON: Second.

13 COMMISSIONER BERGMAN: Commissioner  
14 Conyers.

15 THE CHAIR: Commissioner Conyers? Thank  
16 you.

17 Motion by Commissioner Peralta, second by  
18 Commissioner Conyers.

19 Is there any further discussion?

20 COMMISSIONER GIPSON: I must be his little  
21 puppet.

22 COMMISSIONER TOULOUSE: Patti seconded it.

23 COMMISSIONER BERGMAN: I thought I heard  
24 Commissioner Conyers. I thought it was his voice.

25 THE CHAIR: Let's correct it, please. The



1 motion was by Commissioner Peralta; the second was  
2 by Commissioner Gipson. Thank you very much.

3 Further discussion?

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

6 COMMISSIONER PERALTA: Commissioner  
7 Ambruster?

8 COMMISSIONER ARMBRUSTER: Yes.

9 COMMISSIONER PERALTA: Commissioner  
10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Peralta votes "Yes."

14 Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner

17 Gipson?

18 COMMISSIONER GIPSON: Yes.

19 COMMISSIONER PERALTA: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Toulouse?

23 COMMISSIONER TOULOUSE: No.

24 COMMISSIONER PERALTA: Commissioner

25 Bergman?

1 COMMISSIONER BERGMAN: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Shearman?

4 THE CHAIR: Yes.

5 COMMISSIONER PERALTA: Madam Chair, that  
6 is eight to one in favor of the motion.

7 THE CHAIR: Thank you very much. By a  
8 vote of eight to one, the application of Desert  
9 Willow Charter School is denied.

10 Thank you, all.

11 Next is the Six Directions Indigenous  
12 School.

13 Do we have representatives from that  
14 school?

15 Good morning to you all.

16 MR. TOWERY: Good morning.

17 THE CHAIR: Katie, would you start when  
18 you're ready, please?

19 MS. POULOS: Madam Chair, Commissioners,  
20 in its final analysis and recommendation, CSD  
21 recommended the denial of the application for Six  
22 Directions Indigenous School, based on the following  
23 findings:

24 The application was inadequate because  
25 62 percent of the responses in the education plan

1 were rated "partially meets" or "does not meet."

2 78 percent of the responses in the  
3 organizational and governance plan were rated  
4 "partially meets" or "does not meet."

5 70 percent of the responses in the  
6 business plan were rated "partially meets" or "does  
7 not meet."

8 50 percent of responses in the evidence of  
9 support were rated "partially meets" or "does not  
10 meet."

11 Many of the responses lacked essential  
12 details to fully understand the applicant's plan and  
13 ability to meet the requirements of operating a  
14 charter school.

15 The applicant did not adequately describe  
16 how the proposed school would address the needs of  
17 all special population students, including students  
18 with IEPs, ELLs, and students who qualify for 504  
19 plans.

20 The applicant did not adequately describe  
21 how corrective actions would be implemented if the  
22 proposed school's academic performance fell short of  
23 expectations.

24 The applicant did not provide an adequate  
25 plan for governing body training or evaluation.

1           The applicant did not adequately describe  
2           how the governing body will monitor school outcomes.

3           The applicant did not adequately describe  
4           a staffing or recruitment plan that would ensure the  
5           school hires a skilled and capable administrator.

6           The applicant did not adequately describe  
7           a professional development plan that will ensure  
8           teachers are able to implement the curriculum and  
9           improve student achievement.

10          The applicant did not provide adequate  
11          information to demonstrate the capacity to develop  
12          appropriate and legally compliant policies.

13          After CSD provided the applicants and the  
14          Commissioners with the final analysis and  
15          recommendation, these applicants were given an  
16          opportunity to provide additional information in a  
17          response. The applicant's response, CSD believes,  
18          demonstrated the following:

19          Strong support from the NACA-Inspired  
20          School Network. Need and community support for the  
21          proposed school. Additional clarity to the  
22          applicant's original responses that demonstrates an  
23          understanding of the requirements for serving  
24          special populations, and a capacity to meet these  
25          requirements. The need for the applicant to

1 complete substantial additional work to develop  
2 policies and plans in order to prepare to commence  
3 operations of the proposed school.

4 The applicant team has the resources and  
5 support sufficient to complete this required work.  
6 The applicant is willing to continue to work with  
7 CSD to ensure the proposed school is able to open  
8 timely and effectively.

9 THE CHAIR: Thank you, Katie.

10 Good morning to all of you. Those of you  
11 who are going to speak -- and if the others would  
12 care to be identified, that's fine. But please give  
13 us your name, spelling, if it is unique, and your  
14 position with the school, please.

15 And you need to press down the button on  
16 the microphone so that we can hear everyone.

17 SPEAKER: Good morning. Can you hear me?

18 THE CHAIR: Just barely.

19 SPEAKER: Good morning. My name is Anpao  
20 Duta Flying Earth, A-N-P-A-O, D-U-T-A, F-L-Y-I-N-G,  
21 E-A-R-T-H.

22 And I'm the current Head of School of NACA  
23 and also representative of the NACA-Inspired Schools  
24 Network.

25 MR. SOCE: Good morning. My name is Ben

1 Soce, S-O-C-E. I'm a cofounder of Six Directions,  
2 and also an educator with the National Indian Youth  
3 Leadership Project.

4 MR. TOWERY: Good morning. My name is  
5 Lane Towy, L-A-N-E, T-O-W-E-R-Y. I'm going to try  
6 to not talk too fast today.

7 I am sort of the original organizer and  
8 cofounder of Six Directions Indigenous School.

9 THE CHAIR: Thank you.

10 MR. BLUEHOUSE: Madam Chair and members of  
11 this committee, I appreciate being here. My name is  
12 Philmer Bluehouse. First name spelling is  
13 P-H-I-L-M-E-R. Last name is "Bluehouse,"  
14 B-L-U-E-H-O-U-S-E, member of the governing  
15 committee -- I'm sorry -- governing council.

16 THE CHAIR: Thank you.

17 MR. TOWERY: Should we have someone  
18 identify anyone else who's in support or do that  
19 later?

20 THE CHAIR: Do they have a role with the  
21 school?

22 MR. TOWERY: Through the NACA-Inspired  
23 Schools Network, some of them do.

24 THE CHAIR: Yes, let's introduce them,  
25 please.

1 MR. TOWERY: Thank you. Go ahead.

2 MR. ULIBARRI: My name is Daniel Ulibarri.  
3 U-L-I-B-A-R-R-I. I'm the Director of Operations and  
4 Facilities for the NACA-Inspired Schools Network.

5 MS. CHAVEZ: Hi. My name is Corinna  
6 Chavez. I work with the NACA-Inspired Schools  
7 Network as a School Development and Evaluation  
8 Director. And there are several of us from the  
9 NACA-Inspired Schools Network. So would it be  
10 sufficient if we ask people who are here  
11 representing support for the school through that  
12 network to stand up?

13 THE CHAIR: That would be fine.

14 MS. CHAVEZ: Or do you want to hear from  
15 each one individually?

16 THE CHAIR: No, that would be fine. Just  
17 ask them to stand, please.

18 Full house. Thank you very much.

19 Whenever you are ready, you have 15  
20 minutes. Thank you, ma'am.

21 MR. SOCE: First of all, it's good to be  
22 here. It's good to see everybody here. Again, my  
23 name is Ben Soce. I'm actually a product of the  
24 Gallup-McKinley County School District. I graduated  
25 in 1991. I almost didn't graduate. My high school

1 years were not as good as I would have liked it to  
2 be.

3 Same goes with my mid-school year. In  
4 1984-'85 school year, I came to Gallup-McKinley  
5 County School District, the mid-school portion,  
6 Gallup Mid School. I was separated from my  
7 classmates, from my elementary school, which was  
8 mostly non- -- mostly Native population students and  
9 teachers. When I got to the mid-school, I was  
10 tracked differently from my classmates and my peers  
11 and my friends. My academic performance in the  
12 elementary separated me from them.

13 The first three quarters of the first  
14 year, sixth grade, I made the honor roll. Towards  
15 the end of my sixth-grade year, things started  
16 changing. I started lacking support. I started  
17 feeling unwelcome, and I started feeling  
18 disconnected from the class and the school. I was  
19 the only Native in all my advanced classes at Gallup  
20 Mid School.

21 By the time I started seventh grade and  
22 eighth grade, I started deliberately not doing so  
23 well in class and in school. I wanted to be with my  
24 friends. I wanted that feeling of, you know,  
25 belonging with people, belonging to the school. I



1     felt like the school didn't provide me with  
2     something like that.

3             So I didn't do so well academically. In  
4     sports and everything else, I excel. But with the  
5     way the school was set up, I felt like I was not  
6     supported properly. I wasn't challenged properly.

7             I think back on it, and in -- in real  
8     life, there was a lot of wasted opportunity. The  
9     school district could have done a lot more to  
10    support students like me.

11            Now, 30 years later, we still have that  
12    problem. We have young people going to mid-schools  
13    and high school, and they feel like they don't  
14    belong, that they don't -- they're not challenged;  
15    they're not supported. And I feel like I've come  
16    full circle now, and I have a chance to offer  
17    something back to the community of Gallup and the  
18    surrounding communities there.

19            So hopefully, Six Directions School will  
20    get started there. That way, we can address some of  
21    the needs that are lacking with the Gallup-McKinley  
22    County School District.

23            Thank you.

24            MR. TOWERY: Thank you all very much.  
25    We're really excited to be here this morning and to

1 be able to describe our school for you all. We're  
2 excited about our school, and we hope you are, too.

3 I'm going to spend a few minutes talking  
4 about our idea and why we think it's a really  
5 important idea. Then we're going to spend a few  
6 minutes getting into our team and our team's  
7 capacity and some of the support we have.

8 And then we'll finish up back with our  
9 mission and vision, and that's how we want to spend  
10 the next few minutes that we have together.

11 Our work together really started a year  
12 ago when a group of folks in Gallup came together  
13 with a shared concern over the historical failings  
14 of the public education system serving Native youth,  
15 especially in our area of the state. And we spent,  
16 really, the last year asking amongst ourselves, and  
17 with many of our community members, what it would  
18 take to provide a really excellent education to  
19 youth in Gallup, in particular, that does mean  
20 Native youth, because they're the majority of the  
21 students in the district, and they also suffer  
22 disproportionately low outcomes compared to other  
23 students.

24 Our answer about the ways to provide  
25 really excellent education to Native youth, and to

1 all youth in Gallup, really coalesced around three  
2 big ideas, the first being culturally responsive  
3 teaching or culturally responsive schooling; the  
4 second being frameworks of positive youth  
5 development and holistic health and wellness; and  
6 the third being really rigorous project-based  
7 learning.

8 Culturally responsive teaching, in  
9 particular, is important to us because a wealth of  
10 research shows that when Native youth feels safe and  
11 they feel their identity and community are affirmed  
12 and welcomed in the school, that their performance  
13 improves markedly. This improvement is captured in  
14 both attendance rates, graduation rates, and test  
15 scores.

16 Different local schools in the Southwest,  
17 schools like the Native American Community Academy,  
18 or NACA, or schools like Puente de Hozho in  
19 Flagstaff, are schools that have demonstrated  
20 success with culturally responsive models.

21 NACA has had nearly 100 percent of its  
22 senior class admitted to college and has been named  
23 a School to Learn from by the LESC last year.

24 Puente de Hozho students in Arizona have  
25 outperformed their Native peers on Arizona State

1 tests, which are given in English, even though they  
2 attend a Navajo emergent school model.

3 Positive youth development and holistic  
4 health and wellness are also incredibly important,  
5 because we feel like there's evidence that when a  
6 school focuses on relationships and social and  
7 emotional wellness, that it can fuel improved  
8 learning. We address this directly through systems  
9 like our advisory, and through restorative justice  
10 process.

11 I think it's important to note that this  
12 last idea, in particular, came from talking to  
13 parents in our community who told too many stories  
14 and too many frustrations of students being  
15 suspended and expelled. Our goal, specifically, is  
16 to keep students in school and happy in school and  
17 highly functioning in school.

18 Finally, the process that we articulate  
19 around rigorous project-based learning, combined  
20 with the skills labs, is important to us for its  
21 rigor, for its high engagement levels, and for its  
22 ability to allow our local youth to explore their  
23 learning and apply their learning to their  
24 community, while still focusing on Common Core  
25 Standards and State Content Standards to dictate the

1 content of students' learning.

2 We believe explicitly that this is a very  
3 innovative model, different than anything that has  
4 been tried before in the northwest corner of our  
5 state. We feel confident that it will lead to an  
6 excellent school and improve outcomes by meeting the  
7 needs and the values of our community. We feel  
8 strongly this idea is very credible and important.

9 Talking about our team and our support,  
10 part of culturally responsive schooling is close  
11 engagement of your community and allowing community  
12 input into the model of schooling that you provide.  
13 Over the course of the last year, we've done over  
14 70 one-on-one meetings of parents, educators,  
15 policy-makers from within Gallup and from tribal  
16 government around Gallup.

17 These meetings have fueled our design by  
18 hearing people's stories, values, and aspirations  
19 for the youth in our community. We've hosted public  
20 planning meetings weekly. We've worked with local  
21 chapters. Coming out of that, we have the support  
22 of two chapters, Tsayatoh and Mariana Lake,  
23 specifically through Resolutions of Support, which  
24 is something I'm particularly proud of. It's not  
25 always easy to get Resolutions of Support from

1 chapter houses.

2 We also have the explicit support of  
3 places like University of New Mexico/Gallup, the  
4 National Indian Youth Leadership Project, who is  
5 also represented here today, and through the  
6 NACA-Inspired Schools Network.

7 I want to mention just a few things that  
8 come with that partnership with the NACA-Inspired  
9 Schools Network. One is that through folks like  
10 Carmen, who didn't introduce herself specifically,  
11 we have a business manager, licensed business  
12 manager and business support with our budgeting  
13 processes.

14 Through Josh Krause, who has taught at  
15 Central New Mexico, we have support with designing  
16 curriculum through the Understanding by Design  
17 process.

18 Through Daniel and his team, we have  
19 support with finding and preparing facilities for  
20 our school.

21 One update is that recently, a building  
22 downtown in Gallup just very, very recently became  
23 open. And we met with the owner of it, who happens  
24 to also be the family that provides the land for  
25 Uplift Community School, the other charter school in

1 Gallup, and who expressed -- we just met yesterday,  
2 and he had great excitement with working together  
3 and finding a way for us to use this building. It's  
4 really beautiful and in great condition right in  
5 downtown Gallup.

6 Nothing is a given, but we're excited  
7 about that update and wanted to share it with you  
8 all. Of course, we also are provided start-up  
9 funding through the NACA-Inspired Schools Network.  
10 At this time, I want to give Duta a chance to  
11 provide information about the financial support NACA  
12 Inspired Schools Network offers.

13 MR. FLYING EARTH: Thanks for having us.  
14 It is with great excitement we talk about our  
15 schools. A year ago, we were in this room deciding  
16 whether or not to authorize the DEAP School. Good  
17 news is they opened their doors last week and are  
18 serving over 20 families in a community that is  
19 transforming as we speak.

20 Dream Diné is currently in its second  
21 year, with 100 percent of their students coming  
22 back, and also adding an additional eight to ten  
23 families to their -- to their enrollment, as well.

24 So I started with this context, because I  
25 think about New Mexico as a place of -- of great

1 educational promise. And I have some good news to  
2 share with you, as well.

3 And the reason why Director Bobroff  
4 couldn't be here, she'll be on a call in probably  
5 about 40 minutes with Secretary Duncan and Secretary  
6 Jewell to announce that the NACA-Inspired Schools  
7 Network was selected as 12 awardees of the  
8 Department of Education, nationally, for our work  
9 around college-and-career readiness for Native  
10 American communities. And so we feel like we have a  
11 proven track record, and it's being supported  
12 externally.

13 And so the supports that Mr. Towery, that  
14 Lane talks about, are real. And ten years in as the  
15 head of school, we have graduated four classes, and  
16 we've refined our approach and have a very  
17 systematic and calculated way of supporting, like  
18 Lane was saying, with finance, with facilities.

19 And I know that there was a question of  
20 special education, as well, and so something that we  
21 take very seriously in transforming education in  
22 this network.

23 Part of the support that -- that  
24 Mr. Towery will receive is -- is the -- the \$50,000  
25 that he receives in the first two years, as well as



1 some start-up funding, and then three years in, also  
2 supporting initiatives like we've seen in Dream Diné  
3 and DEAP.

4 So that is something that will not go  
5 away. And that is something that we have been  
6 leveraging support around.

7 So with that, I just want to acknowledge  
8 you and say thank you for the choices you've made as  
9 a representative of the network, and to let you know  
10 that your communities are feeling it. Our  
11 communities are feeling the impact, just like in  
12 Shiprock and Navajo.

13 Thank you.

14 MR. TOWERY: Thanks, Duta. I also feel  
15 really strongly about our governing council, about  
16 the ways they represent our local community and the  
17 many different funds of knowledge they bring to our  
18 work.

19 So Philmer wanted to speak briefly about  
20 their preparation to offer oversight of our school.

21 MR. BLUEHOUSE: Currently, I personally  
22 feel that we're in the process of getting approved,  
23 and we want to be approved. We want to become an  
24 approved Board of Finance. We also want to have and  
25 elect officers. We want to contact the Attorney

1 General's Office to request for Open Meeting Act  
2 training.

3 We plan for five committees to help manage  
4 all the work this year, which includes curriculum,  
5 wellness, family engagement, staff hiring, family  
6 engagement, as I think I mentioned earlier. And  
7 those are areas that we want to work on specifically  
8 to develop them.

9 We have asked Lane to be our person in  
10 charge of posting agendas and minutes, notifying the  
11 paper and other things, to let folks know in our  
12 community about the meetings we want to hold with  
13 them.

14 MR. TOWERY: Thanks, Philmer.

15 We're really excited about our school this  
16 year. One person that we have in attendance here in  
17 support of us is an attorney who's here. And we  
18 have a statement we'd just like to read briefly,  
19 which is, "Our team has done our best, we believe,  
20 to respond to meet the standards required under what  
21 appears to be a shift in the Charter Schools  
22 Division's overall evaluation process. And we fully  
23 participated and adhered to the information and  
24 guidance provided by the trainings we attended, by  
25 the application tool kit, and the additional

1 requests for more information.

2 "And if anything, we believe that our  
3 persistence in the charter process is further  
4 evidence of our full commitment to the success of  
5 our students, our school, and our community."

6 To close, I want to bring this back  
7 briefly to New Mexico. I think one of the best  
8 parts about working in New Mexico is that we have a  
9 really strong Indian Education Act, which is  
10 something I'm really proud of.

11 The Indian Education Act states, in the  
12 very beginning, that its purpose is to, A, ensure  
13 equitable and culturally relevant learning  
14 environments, educational opportunities, and  
15 culturally relevant instructional materials for  
16 American Indian students enrolled in public schools.

17 To ensure maintenance of native languages.

18 And to provide the study, development, and  
19 implementation of educational systems that  
20 positively affect the educational success of  
21 American Indian students.

22 The strength of that language, I think,  
23 belies the truth in places like Gallup that serve  
24 mostly Native students. Right now, in the city of  
25 Gallup, specifically 65 percent, give or take, are

1 Native. And each public middle school, in the last  
2 year that their rankings are available -- in the  
3 '13-'14 school year -- each public school was rated  
4 with a "D," and all the public high schools were  
5 rated with a "C."

6 Right now, we don't believe that students  
7 have access to options that are focused, in  
8 particular, on affirming their identities. Local  
9 public schools continue, we believe, to pursue  
10 similar strategies as they've pursued in the past.  
11 And we sit before you today offering what we believe  
12 is an innovative model, aimed at getting to the root  
13 of historic failures, a combination of persistent  
14 low expectations for Native youth and youth of  
15 color, and a wide chasm between students' cultural  
16 identities and the identities they're asked to have  
17 in their classrooms.

18 Thank you.

19 We offer a model focused on culturally  
20 responsive education, positive youth development,  
21 and rigorous, project-based learning, all intended  
22 to ensure that students and families alike feel safe  
23 and affirmed in their school and that students are  
24 held to the highest expectations for their  
25 performance in school.

1           We're here today to ask your support and  
2           your approval for offering a new model of education  
3           in Gallup. We believe that together, the  
4           opportunity to do something that's different that's  
5           never been done, something that provides really  
6           excellent education to youth in our community.

7           Thank you very much.

8           THE CHAIR: Thank you very much.

9           Commissioners, do you have questions or  
10          concerns?

11          COMMISSIONER BERGMAN: Yes, ma'am.

12          THE CHAIR: Commissioner Bergman?

13          COMMISSIONER BERGMAN: Thank you,  
14          Madam Chair and Commissioners. Before I get into  
15          the other remarks that I wish to make, I think it  
16          would be important for me to note that, particularly  
17          in my case, I've been doing this for seven years  
18          now. This is the seventh class of applications that  
19          I've worked through.

20          Commissioner Shearman has been with me in  
21          that process. Commissioner Carr has, too. I  
22          believe we're the -- and Commissioner Pogna, because  
23          she's served longer than all of us.

24          But I wanted to note that it may appear to  
25          the audience each year, as we deal with these

1 applications, that somehow -- and I'm speaking  
2 solely for myself -- that when I arrive at a "yes"  
3 or "no" answer, that it must have been an easy  
4 process.

5 I can assure you, it is never an easy  
6 process. I have agonized over decisions each and  
7 every year. There are no perfect applications. I  
8 have never seen a perfect application. I have only  
9 seen one or two that even came close, and it wasn't  
10 particularly close.

11 So then the question becomes, if all  
12 applications have deficiencies and shortcomings, how  
13 do you decide which one you feel you can support,  
14 and how do you decide? And that's where the agony  
15 comes in.

16 It is -- I assure you it is not an easy  
17 process for us. And there have actually been a  
18 couple of occasions when my name was called to vote,  
19 and I still had not decided whether I should vote  
20 "yes" or "no." And I actually hesitate. And I  
21 think everybody thought I had missed my name or  
22 something. That's how tough the decisions are  
23 sometimes.

24 In the case of this particular  
25 application, I -- have really wavered on it. But I

1 think I'm going to decide -- I have some specific  
2 comments I want to put into the record. But I'm  
3 putting them in there for a reason, because I  
4 actually think I'm going to support this application  
5 at this time, even though it is not a perfect  
6 application and has some significant shortcomings.

7 Part of what has propelled me to that  
8 decision is they have the support of the NACA  
9 Network. For those that don't know, I don't know  
10 when that school opened. As they know, the N-A- --  
11 NACA school, is that in Albuquerque? I believe  
12 that's in Albuquerque.

13 MR. FLYING EARTH: Yes.

14 COMMISSIONER BERGMAN: That is, from  
15 everything I can hear -- because I don't believe  
16 it's one of our schools -- but I understand it is a  
17 successful school that is accomplishing successful  
18 things.

19 I also was impressed -- one of the  
20 panelists there is from a group called the National  
21 Indian Youth Leadership Project. They had a  
22 trademark thing that they called Project Venture,  
23 and their motto for that is it's about "Empowering  
24 Native youth for the future, starting today."

25 So in this case, I believe this school has

1 the potential to have a supporting network that is  
2 already operating a successful school; and,  
3 therefore, they should be able to overcome some of  
4 my specific concerns and the concerns perhaps of the  
5 Charter School Division.

6 So in this case, I am going to  
7 respectfully disagree with the Charter School  
8 Division recommendation. I do want these voted into  
9 the -- or noted -- my concerns noted in the record.  
10 I never know how my fellow Commissioners are going  
11 to vote; I never tell my fellow Commissioners how  
12 I'm going to vote. It should always come as a  
13 surprise to them, because sometimes, as I've said,  
14 it's a surprise to me. And I mean that in a good  
15 way.

16 I -- I am here for the same reason that  
17 everyone else is here. I want every school that  
18 this body authorizes to be a successful school, not  
19 because it's important for us, or even important,  
20 necessarily, for the founders, but because it's  
21 important for the kids, to give them a running start  
22 in life. And so I want to read these into the  
23 record.

24 One, I felt that the applicant's  
25 assessment plan failed to identify how the



1 assessments will be used to inform instruction, with  
2 one exception. They're going to do the NWEA MAP.

3 They provid- -- the applicant provided a  
4 limited response regarding what corrective actions  
5 would be taken if the school falls short of student  
6 academic achievement.

7 There was a lack of meaningful detail as  
8 to how collective -- corrective actions -- excuse  
9 me -- would be implemented, what would trigger those  
10 actions, who would implement them -- those  
11 corrective actions, and how their effectiveness will  
12 be assessed.

13 Two, the applicant did not provide, in my  
14 opinion, an adequate plan for governing body  
15 training. They just cited the legal requirements.  
16 Applicant also failed to provide meaningful detail  
17 about how the governing body will evaluate its  
18 performance further. There was no clear plan for  
19 how the governing body will monitor student outcome.  
20 Applicant failed to provide a plan for how the  
21 governing body will convey and delineate the roles  
22 and responsibilities of the head administrator and  
23 the executive director.

24 I'm sure my colleagues notice that they're  
25 going to have a two-tiered thing there. And I had

1 some concerns about how that might work in real  
2 life.

3 I also felt that the applicant's  
4 organizational chart did not address governing body  
5 committees, a licensed business manager, or any  
6 external agencies that are essential to the school.

7 And, actually, I'm not sure why I wrote  
8 that, because as even I just said, they have some  
9 external agencies that probably, I felt, will be.  
10 So I -- I did some of these at midnight, sometimes,  
11 at night; so perhaps I can give myself an excuse for  
12 that.

13 Applicant indicated that they will provide  
14 transportation and food services to their students;  
15 but I thought they provided only the limited detail  
16 of how these needs would be met. And they did  
17 not -- and he just answered that -- their projected  
18 facilities needs.

19 They may -- now, keep in mind the way the  
20 process works, by the time actually had the funding  
21 for the facility, the facility they think they had  
22 may have disappeared somewhere else. So it's --  
23 facilities are probably the most important thing  
24 that any new school faces anymore. And yet, because  
25 of the way the funding works from the State, they

1 can't really do anything about their facilities  
2 until we've already approved them and they've  
3 already gotten into their planning year. So it  
4 makes it tough for them and tough for us to try to  
5 pin down what kind of facilities they're going to  
6 have.

7 I offer those thoughts. I wanted them on  
8 the record. I'll state later why I wanted them on  
9 the record. But, actually, I think I'm going to  
10 vote in favor of this application.

11 Thank you, Madam Chair.

12 THE CHAIR: Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: Madam Chair, I  
14 also want to say hopefully, on this one, I'll have  
15 more people voting with me. I am absolutely in  
16 support of this group. And the one thing you didn't  
17 mention, but I think is important, is that there is  
18 an agreement here between not just the Navajo Tribe  
19 and the people who are Navajo in the McKinley County  
20 School system, but also with Zuni. And I think  
21 that's, for us New Mexicans who know all of the  
22 different feelings between different groups of  
23 people in different areas of this state, I think  
24 that's a major accomplishment.

25 And at the public hearing, there was a lot

1 of support from Zuni there, and Zuni students will  
2 be included in this. And I just want that on the  
3 record, because I also am going to support just  
4 about anything that the NACA-Inspired School group  
5 is doing, because they are well-organized; they are  
6 well-staffed; they plan well, and they have a track  
7 record.

8 So it's going to take a lot for me not to  
9 support one of their groups.

10 But I'm just very impressed with the  
11 inclusion of Zuni in this school.

12 So thank you.

13 THE CHAIR: Thank you, Commissioner.

14 Commissioner Carr?

15 COMMISSIONER CARR: It's been rare that  
16 we've gone against the recommendation of CSD. I  
17 think the last one, I believe -- and I don't even  
18 remember for sure; there's been about two -- was  
19 also a school that was serving Native American  
20 students.

21 And I think I kind of led that. And  
22 people started -- and quite often, what happens in  
23 these meetings -- had no idea; I was surprised --  
24 Commissioner Bergman was going to vote. I had no  
25 idea. Most of the time he and I agree, you know,

1     when -- on matters before this Commission. We may  
2     not agree on some other things; but we agree on  
3     matters before this Commission most of the time.

4             I'm a history teacher. I taught in Taos.  
5     This is my 15 years. And I work with Taos Pueblo  
6     children. And unfortunately, I have seen,  
7     repeatedly, Native American children treated with  
8     disrespect, treated with ill regard in regards to  
9     their culture. And I strive continuously to serve  
10    those children and support those children as best as  
11    I could, circumstances not always being good.

12            I've seen educators not come up to what  
13    they should have been, caring for some children more  
14    than others because of who they were, who they came  
15    from. And that has always been a terrible thing for  
16    me to witness.

17            I can imagine what it would be for a  
18    Native American child coming through a system that  
19    doesn't always support.

20            I -- my feelings are, we don't do enough  
21    for all of our children. We don't do enough for our  
22    minority children. We certainly have never done  
23    enough for Native American children.

24            Matter of fact, in some cases, going back  
25    to the Indian schools, we've gone too far in trying

1 to strip their culture away.

2 I don't know that it's ignorance or what  
3 the cause is. People don't want to learn, don't  
4 want to -- to know what it means to be a Native  
5 American. I can't say that I do. But I can say  
6 that I've worked very diligently to try to  
7 understand.

8 I am very impressed with the -- with the  
9 support that's here today. And I -- I know we're  
10 going -- if the rest of the Commission -- I don't  
11 know how -- just like Commissioner Bergman said, I  
12 don't know how everyone else is going to vote unless  
13 they've already said it before I talk.

14 I know if we do accept you, I know there  
15 will be conditions. You've got a lot of support. I  
16 can see that. And I hope that -- I guess I wish you  
17 great success. I -- I will vote in favor of this  
18 application.

19 THE CHAIR: Thank you, Commissioner.

20 If I could just ask a couple of questions  
21 before I forget them?

22 Mr. Towery and Mr. Soce, you are the  
23 co-founders? Is that -- did I hear you correctly?

24 MR. TOWERY: There have been a number of  
25 different people who have been involved in the

1 school throughout the course of this year. I would  
2 say the three people who probably most identify as  
3 co-founders would be me, Mr. Soce, and then a young  
4 woman who's a teacher, Masika Sweetwyne, who's also  
5 on our governing council, who's not here today,  
6 who's teaching in her classroom. She's from Zuni.

7 Our group has grown and changed. We have  
8 a lot of people involved. We three most identify as  
9 the earliest people involved.

10 THE CHAIR: I'm just curious what your  
11 involvement would be -- should this school be  
12 approved, what your involvement would be going  
13 forward. It's been my strong belief that if the  
14 founders continue with the school going forward,  
15 it's stronger. When the founders leave, for  
16 whatever reason, the school has many problems.

17 So would you address that, please.

18 MR. TOWERY: Absolutely. And that's a  
19 lesson I've definitely learned, especially talking  
20 with folks from the Uplift school in Gallup, trying  
21 to learn lessons from their history. That's one  
22 thing they expressed with us.

23 Part of the plan that Mr. Bergman brought  
24 up about the sort of two leaders, the principal and  
25 head administrator and executive director. In part,

1     that was created in order to simply allow for a  
2     principal to be an instructional leader, and an  
3     executive director to play more of the  
4     superintendent organizational role.

5             It was also done that way so that as we  
6     move forward, like you said, the founders can  
7     continue to be involved.

8             Mr. Soce has committed to being on our  
9     governing council. Ms. Sweetwyne is committed to  
10    being on our governing council. And the intent for  
11    me is to play the role of executive director at  
12    least for the first three to five years, so that  
13    there's continuity in the planning and the  
14    relationship-building that has been done, and the  
15    philosophies that have been built, and then the  
16    school opening.

17            THE CHAIR: Thank you. That answers my  
18    question.

19            My other concern, or question, is on your  
20    application. On school size, you start out with  
21    Year One, 50, and go through Year Five,  
22    190 students. And then it says, "At capacity  
23    enrollment, 300."

24            This Commission has -- has a problem with  
25    that. We need to know what's the capacity. And the



1 way I read it, the enrollment cap would be 190 for  
2 the first five years, for the five-year contract of  
3 this school.

4 If the school then wanted to move up to a  
5 higher number, it would require either an amendment  
6 to their charter or a change when they -- when the  
7 next contract was negotiated.

8 But there is a disconnect between those  
9 numbers. And I would like for it to be clarified at  
10 this moment.

11 Katie, has CSD looked at that, and have  
12 you all visited with it, and has that been clarified  
13 in discussion?

14 MS. POULOS: It hasn't. I think the  
15 challenge, certainly with past applications was that  
16 the charter became the contract. And that's where  
17 some of that lack of clarity would come in.

18 I think now that that cap is clearly  
19 stated in the contract, that would be a place where  
20 that could be very clearly settled at the contract  
21 negotiations, or at this point, if that's what  
22 you're asking.

23 THE CHAIR: Okay. But at this moment, the  
24 way I read it, the enrollment cap for this five  
25 years would be 190, okay, just so there's no

1 confusion?

2 MR. TOWERY: Okay.

3 THE CHAIR: Okay? Any other comments?

4 Commissioner Conyers -- I'm sorry.

5 COMMISSIONER BERGMAN: Shouldn't you ask  
6 them, is there an agreement with that, or -- with  
7 the 190?

8 THE CHAIR: They wrote it.

9 COMMISSIONER BERGMAN: Well, he kind of  
10 hesitated.

11 MR. TOWERY: Can we offer a comment or a  
12 response?

13 Thank you.

14 This might be my naivete in writing  
15 certain aspects. Our hope is to write an enrollment  
16 cap for a six-through-twelve school with  
17 300 students, which would leave us with about 40 per  
18 grade. By our fifth year, we still wouldn't even be  
19 all of our grades. It would be six through  
20 eleventh.

21 The numbers written there were written,  
22 for me, were written with a conservative estimate of  
23 our growth, so that as we wrote our budget for  
24 five-year projections, it was conservative. If we  
25 had more students than that enroll over the first

1 five years, I would be thrilled for it.

2 And so my idea would be to have the  
3 enrollment cap at 300. I know there's confusion.

4 THE CHAIR: The way I read this, 190; but  
5 if your school is successful, at contract  
6 negotiation, that could always be a negotiation  
7 point.

8 MR. TOWERY: Great. Thank you.

9 THE CHAIR: I would say to my fellow  
10 Commissioners, I am leaning towards approval with  
11 conditions. I -- I hear what you all have said  
12 today. I even hear what Katie -- or see what Katie  
13 has written as suggested conditions and the  
14 rationale for those conditions. And I agree with  
15 that. I think the school has answered most of the  
16 concerns that were brought forward.

17 So, Commissioner Conyers?

18 COMMISSIONER CONYERS: Madam Chairman,  
19 members of the Commission, I want to add my  
20 compliments to CSD for their analysis. Certainly,  
21 it's been very thorough, and a lot of things that I  
22 would not have been aware of or noticed came as a  
23 part of that.

24 And I know on this particular application,  
25 while they did not receive your -- your

1 recommendation, they, I think, scored very high,  
2 compared to the other applications.

3 And also, I kind of agree with what  
4 Commissioner Toulouse said earlier, that some of  
5 these details are worked out during the planning  
6 year and can be addressed during that time.

7 And I did attend the public input hearing.  
8 And I'm -- my memory isn't always great; but I don't  
9 remember anyone from the Gallup-McKinley District  
10 speaking against it --

11 COMMISSIONER GIPSON: No.

12 COMMISSIONER CONYERS: -- for whatever  
13 reason. And so I feel like I can support this  
14 application.

15 THE CHAIR: Thank you.

16 Other comments?

17 Commissioner Peralta?

18 COMMISSIONER PERALTA: Thank you,  
19 Madam Chair. I must say that I'm very much  
20 impressed with the network of support that you've  
21 got here today, and, of course, the presentation  
22 that you've had before the Commission here.

23 I have to share that the reason for my  
24 "no" vote on this application are two reasons:

25 One is that my "no" vote would be based on

1 the merits of the evaluation by the Charter School  
2 Division, first of all.

3 And secondly, I always remind myself about  
4 being consistent. If I voted for other schools  
5 because of inadequacies in the application, I want  
6 to be consistent and fair to all the rest of the  
7 applications that come before me, personally, on  
8 this Commission.

9 Based on those two reasons, I have to --  
10 it looks like I may be the only "no" vote. But,  
11 again, thank you for coming. And, again, best of  
12 luck.

13 THE CHAIR: Thank you, Commissioner.

14 Other comments?

15 Commissioner Ambruster?

16 COMMISSIONER ARMBRUSTER: Thank you,  
17 Madam Chair, Commissioners.

18 I am where Commissioner Bergner [ph] is --  
19 Bergman is -- in terms of, "Wow, what should I do?"  
20 It will come at the very last moment.

21 I'm impressed by what NACA has done, the  
22 support that you offer.

23 My concern is that, although it may not be  
24 exactly that we're creating a segregated school,  
25 where Native Americans would be at least the

1 majority, as they already are the majority in the  
2 Gallup-McKinley School districts. And from a person  
3 from a civil rights background, that, in a sense,  
4 does bother me.

5 I don't know that it's a good or bad  
6 bother. But it's sort of like saying, "We're taking  
7 charter schools, which were originally designed to  
8 help all students, and not segregate them" -- if you  
9 think particularly of New York, and what's happened  
10 is, they're all segregated.

11 So the -- not necessarily Native Americans  
12 and New York City, but certainly Hispanic, or Puerto  
13 Rican, or whatever, Black students, that we've  
14 segregated them, and then they're not assimilating  
15 and being part of the environment. Because we would  
16 hope that to be successful -- I think we could  
17 agree -- that you do need to assimilate into -- you  
18 have to be part of the melting pot to be there.

19 And you guys were here first.

20 But to be successful, as you all have  
21 been, takes being a part of that. And so that's  
22 just an issue for me.

23 On the other hand, Gallup's apparent  
24 failure to address the Native American needs also  
25 bothers me. I have not been there; so I can't

1 speak -- you know, have experience. I can only  
2 speak from what I've heard.

3 They -- why aren't they being culturally  
4 responsible? How have you -- or has anybody tried  
5 to intervene in their situation? Because you're  
6 talking about helping 190 to 300 and -- it doesn't  
7 really matter what the number is -- students.  
8 Wonderful.

9 But there's a whole lot of more people  
10 there. So I'm concerned that Gallup is not  
11 responsive, and, equally, that they didn't even  
12 attend the hearing where I was in attendance.

13 And so that makes me think, like, well,  
14 they just want you to do this because they're not  
15 willing to do it.

16 And I don't know how you would, or under  
17 what conditions you even are, allowed to expand your  
18 ideas and what's successful for you to make it  
19 successful for all students; because I see my job as  
20 not just helping charter schools and that small  
21 group of students be successful, but to have all of  
22 New Mexico students be successful. It would be hard  
23 to say, "Just you six." No, that's wrong.

24 So -- so I'm disconflicted on that, and I  
25 wanted to share that.

1 I think that's enough. Thank you.

2 THE CHAIR: Thank you, Commissioner.

3 Do we have further comments?

4 Let me just take a minute.

5 (A discussion was held off the record.)

6 THE CHAIR: Ladies and gentlemen, I'd like  
7 to take about a five-minute break so we can confer  
8 with our attorney before we go any further, please?  
9 Okay?

10 (Recess taken, 11:47 a.m. to 11:52 a.m.)

11 THE CHAIR: Let's come back in session  
12 again, please. Thank you for letting us take that  
13 break.

14 COMMISSIONER TOULOUSE: Madam Chair?

15 THE CHAIR: Commissioners, if we're ready,  
16 I will call on Commissioner Toulouse to make a  
17 motion.

18 COMMISSIONER TOULOUSE: Madam Chair, I  
19 move -- I'd move that the Public Education  
20 Commission approve, with conditions, the 2015 New  
21 Charter School Application for Six Directions  
22 Indigenous School, through a combination of capacity  
23 interview, the Community Input hearing, and the  
24 written response to the final analysis and  
25 recommendation. The applicant has addressed the



1 concerns identified in the analysis of the written  
2 application.

3 The conditions that we propose are, and  
4 are subject to, the following conditions on this  
5 approval:

6 Let's see. These should be able to  
7 sufficiently address all concerns identified in the  
8 analysis of the application and are prepared to  
9 begin operating a charter school that will meet the  
10 purposes of the Charter School Act.

11 These conditions require that the  
12 applicants must:

13 1. Timely obtain standing as an approved  
14 Board of Finance no more than 120 days after  
15 receiving written notification of the approval of  
16 this application;

17 2. Timely secure a facility that meets  
18 PSFA approval, including E-Occupancy, no less than  
19 two weeks prior to the scheduled first day of  
20 school;

21 3. Complete the Planning Year Checklist  
22 with any revisions approved by the PEC at the  
23 November meeting, including correcting all findings  
24 by the deadlines identified by CSD, when materials  
25 submitted as part of the Planning Year Checklist are

1 evaluated for completeness and statutory and  
2 regulatory compliance;

3 4. Attend all planning year training and  
4 technical assistance sessions hosted by CSD;

5 5. As part of the contract and framework  
6 negotiation and approval process, obtain the Public  
7 Education Commission's approval of any substantial  
8 proposed changes to the educational model, staffing,  
9 organizational, and governance plan, or finance plan  
10 that are presented in the application. And;

11 6. That the applicant will address the  
12 deficiencies that were noted by both the CSD and the  
13 Commissioners during the planning year.

14 THE CHAIR: Thank you, Commissioner.  
15 You've heard the motion.

16 Do we have a second?

17 COMMISSIONER BERGMAN: Second.

18 THE CHAIR: Motion by Commissioner  
19 Toulouse, second by Commissioner Bergman, to approve  
20 the application, with conditions, as stated on the  
21 official record.

22 Is there any further discussion?

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

25 And I would remind you that a "yes" vote

1 is for approval, with conditions.

2 COMMISSIONER PERALTA: Commissioner

3 Conyers?

4 COMMISSIONER CONYERS: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Gipson?

7 COMMISSIONER GIPSON: Yes.

8 COMMISSIONER PERALTA: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Peralta votes "No."

12 Commissioner Armbruster?

13 COMMISSIONER ARMBRUSTER: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Bergman?

16 COMMISSIONER BERGMAN: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER PERALTA: Madam Chair, that

1 is an eight-to-one, in favor of the motion.

2 THE CHAIR: Pardon me, Mr. Secretary? I  
3 was coughing when you gave the numbers.

4 COMMISSIONER PERALTA: Eight to one.

5 THE CHAIR: Eight to one. Thank you very  
6 much.

7 The motion to approve the application of  
8 Six Directions Indigenous School, with conditions,  
9 as stated on the official record, is approved by a  
10 vote of eight to one.

11 Congratulations.

12 (Applause.)

13 THE CHAIR: We look forward to you --

14 MR. TOWERY: Thank you, all. Thank you  
15 very much. We know it's been a lot of work on your  
16 part; so thank you very much.

17 THE CHAIR: Commissioners, I suggest we  
18 take a lunch break. But before we do, Mrs. Friedman  
19 has some information for us.

20 MS. FRIEDMAN: Commissioners, I just  
21 received an e-mail that the south-side doors of the  
22 PED building that lead to the coffee shop in the  
23 next building are closed due to construction. And  
24 so if you want to go to the coffee shop, you will  
25 have to go through their Don Gaspar entrance or the

1 main entrance on the right here. Go out this  
2 building and go into the main entrance of the next  
3 building.

4 THE CHAIR: Thank you very much.  
5 Commissioners.

6 How much time would you like to take for  
7 lunch? It's now 12:00.

8 COMMISSIONER CARR: We can do an hour  
9 today.

10 COMMISSIONER BERGMAN: Let's do an hour.

11 THE CHAIR: An hour? Okay. Sounds good  
12 to me.

13 All right. We'll be back at 1:00. Thank  
14 you, all.

15 (A recess was taken at 11:57 a.m., and  
16 reconvened at 1:04 p.m., as follows:)

17 THE CHAIR: I call back into session this  
18 meeting of the Public Education Commission. I would  
19 ask the representatives from The STEAM Academy to  
20 please come forward.

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

22 MS. POULOS: Madam Chair, Commissioners,  
23 in its final analysis and recommendation, CSD  
24 recommended denial of the application by The STEAM  
25 Academy, based on the following findings:

1           The application was inadequate because  
2   67 percent of the responses in the educational plan  
3   were rated "partially meets" or "does not meet."

4           75 percent of the responses in  
5   organizational or governance plan were rated  
6   "partially meets" or "does not meet."

7           80 percent of the responses in the  
8   business plan were rated "partially meets" or "does  
9   not meet."

10          25 percent of the responses in the  
11   evidence of support were rated "partially meets" or  
12   "does not meet."

13          Many of the responses lacked essential  
14   details to fully understand the applicant's plan and  
15   ability to meet the requirements of operating a  
16   charter school.

17          The applicant provided academic  
18   performance goals that rely on averages, which can  
19   hide the poor performance of some students.

20          The applicant did not adequately describe  
21   how the proposed school would address the needs of  
22   all special population students, including ELLs and  
23   students who qualify for 504 plans.

24          The applicant did not adequately describe  
25   how corrective actions would be implemented if the

1 proposed school's academic performance fell short of  
2 expectations.

3 The applicant did not adequately describe  
4 a process that would ensure a skilled and capable  
5 governing body.

6 The applicant did not provide an adequate  
7 plan for governing body training or evaluation.

8 The applicant did not adequately describe  
9 how the governing body will monitor school outcomes.

10 The applicant did not adequately describe  
11 a professional development plan that will ensure  
12 teachers are able to implement the curriculum and  
13 improve student achievement.

14 The applicant did not provide adequate  
15 information to demonstrate the capacity to develop  
16 appropriate and legally compliant policies.

17 The applicant did not adequately  
18 demonstrate the capacity to implement New Mexico  
19 school funding and budget for long-term  
20 sustainability.

21 The applicant did not adequately  
22 demonstrate broad based support for the school in  
23 the community, and there's clearly a substantial  
24 sector of the community that does not support the  
25 proposed school.

1           After CSD's final recommendation -- final  
2           analysis and recommendation was provided to the PEC  
3           and to the applicant, the applicant was provided the  
4           opportunity to provide an additional response to  
5           that final analysis.

6           In that response, the applicant provided  
7           information that demonstrates strong support from  
8           partner organizations, including the NACA Inspired  
9           Schools Network, Google, UC-Berkeley, and  
10          St. Joseph's Elementary School.

11          The applicant provided information that  
12          demonstrates the need and community support for the  
13          proposed school.

14          The applicant provided information that  
15          provides additional clarity to the applicant's  
16          original responses and demonstrates an understanding  
17          of the requirements for serving special populations  
18          and a capacity to meet these requirements.

19          The applicant provided information that  
20          recognizes the need for the applicant to complete  
21          substantial additional work to develop policies and  
22          plans in order to prepare to commence operations of  
23          the proposed school and demonstrates the applicant  
24          team has the resources and support sufficient to  
25          complete this required work, and demonstrates the



1 applicant's willingness to continue to work with CSD  
2 to ensure the proposed school is able to open timely  
3 and effectively.

4 THE CHAIR: Thank you very much. Good  
5 afternoon.

6 If you all would introduce yourselves,  
7 please, spell your name if it's unique, and after  
8 introductions, you'll have 15 minutes.

9 MR. ULIBARRI: Hi. My name is Daniel  
10 Ulibarri. I'm with the NACA-Inspired Schools  
11 Network. I'm the Director of Operations and  
12 Facilities.

13 MR. FLYING EARTH: Anpao Duta Flying  
14 Earth. I'm the Head of School at the Native  
15 American Community Academy and a representative of  
16 the NACA-Inspired Schools Network.

17 DR. FRANCIS: Good afternoon. My name is  
18 Dr. Lee Francis, IV, F-R-A-N-C-I-S. And I am one of  
19 the co-founders for The STEAM Academy.

20 MS. DOUMA: Hi. Good afternoon. My name  
21 is Shannon Douma. I'm from the Pueblo of Laguna and  
22 a co-founder of The STEAM Academy.

23 MR. FLYING EARTH: And we just wanted to  
24 introduce our NACA-Inspired Schools Network support  
25 back here, as well.

1 THE CHAIR: Can we do as we did before and  
2 just ask them to stand, please?

3 Thank you very much.

4 DR. FRANCIS: Thank you. Well, good  
5 afternoon, again, Madam Chair, Commissioners,  
6 colleagues, and guests. Thank you very much for  
7 your time today in hearing about The STEAM Academy.

8 There were a number of things, positive  
9 and negative, that were cited by the PED as to why  
10 The STEAM Academy was not recommended initially; but  
11 I believe we have responded to these issues over the  
12 past three months and have demonstrated how much of  
13 these issues cited were indeed addressed in our  
14 application.

15 But right now, we're going to focus on two  
16 particular areas that we want to look at, which is  
17 what we think is the most important in terms of the  
18 decision-making, which is the need and the readiness  
19 of this -- of this application and The STEAM  
20 Academy, in and of itself.

21 For those of you, we've told the history a  
22 lot. This is something that began about 20 years  
23 ago within that community, within Laguna and Eastern  
24 Cibola County. There were a lot of folks that  
25 wanted some different type of educational

1 opportunities for their students within there. Some  
2 could say it even goes farther back than that, with  
3 the establishment of the local high school in the  
4 area. But we focus on this nearby time.

5 We know political intent can shift over  
6 time; but the demographics tell a different tale.  
7 Students are leaving the area. They're choosing to  
8 go to different schools. They're ending up here in  
9 Albuquerque, where a number of schools we have from  
10 Laguna and Acoma are at the Native American  
11 Community Academy. We know that there are a number  
12 of students that commute from that same area in  
13 Eastern Cibola County to go to school in Grants.  
14 They're choosing school like Santa Fe Indian School.

15 This is not work that's dependent --  
16 necessarily, these kinds of choices are not  
17 necessarily dependent upon governments or anyone  
18 else in those realms; but also, because of the  
19 people.

20 And this is one of the reasons why the  
21 Tribal Council at the time, in its wisdom, moved  
22 this under an independent body, when we began this  
23 initial exploration into a charter school under the  
24 Laguna Community Foundation, which was a way that we  
25 could address and engage with the community that

1 would not be -- that would be separate; because the  
2 Tribe saw that that was important, which is one of  
3 the reasons why we've continued and why we've tried  
4 to open this up to a number of other schools.

5 We go back to this concept of choice and  
6 need and necessity. We know that rural students in  
7 New Mexico have very few options, and especially  
8 options around STEM or STEAM or technology. And  
9 it's curious, because Eastern Cibola County has five  
10 choices for elementary choices. There are five  
11 choices parents can choose from within that area,  
12 all with a different type of educational approach.  
13 This is something that's important.

14 There are three middle schools within the  
15 area. Each one of them highlights a different  
16 educational choice.

17 Only one choice for high school, or else  
18 the family has to take on an economic burden to be  
19 able to drive sometimes 30, 50, 90 miles to be able  
20 to attend a school where their student will have a  
21 different type of choice and a different type of  
22 education.

23 A number we talk to within our work want  
24 to be at home, want to be a part of their community  
25 and want to be able to work with their community.

1 So it's about connecting community, but it's also  
2 about equity. The idea that parents have to spend  
3 out of their own pocket to make a choice within  
4 rural schools is something that puts a burden on  
5 them and economic strain.

6 So as we begin to think about this, it's  
7 not only about academic excellence for students; but  
8 it's also about equity for communities and families.

9 As we were working with our community, we  
10 developed our mission statement. And our mission  
11 statement is, "To provide engaging, project-based  
12 STEAM experiences -- and that's Science, Technology,  
13 Engineering, Arts, and Mathematics -- which  
14 challenge and inspire students to be academically  
15 advanced, technologically proficient, and, most  
16 importantly, community-minded, to enable  
17 post-secondary success.

18 This was developed over multiple  
19 conversations with community members. We had direct  
20 surveys, and also my ten years and the number of  
21 years that Shannon has been in the community, of  
22 working with our communities and the conversations  
23 that we heard during that time.

24 We believe that STEAM is this big -- it  
25 has a potential to engage students, their curiosity.

1 We also know that this is something that is  
2 well-needed here in the State of New Mexico. We  
3 know that 1.5 percent of Native students are the  
4 ones that graduate from New Mexico Tech, this with a  
5 population of 10 percent of Native Americans within  
6 the state of New Mexico, and New Mexico Tech being  
7 the premier tech school in the state.

8 We know that Native American students  
9 entering the University of New Mexico choosing to  
10 pursue a STEM career, that out of 100, only eight  
11 complete this. This speaks to a couple of things:  
12 One is their lack of preparation in the schools in a  
13 number of these rural areas; two, the lack of  
14 persistence in completing all this type of work;  
15 and, three, the fact of the outreach that needs to  
16 go on with Native American students to be able to  
17 complete these degrees in STEM.

18 We also cite that over the past four  
19 years, math proficiency in the State of New Mexico  
20 has decreased by 3 percent, and science proficiency,  
21 in that same amount of time, has decreased by almost  
22 4 percent.

23 So we know that this is what -- a type of  
24 school like this has the ability to offer something  
25 and be a model for rural schools within New Mexico.

1           But we know that this isn't the only  
2    thing. Our school is not dependent solely on  
3    technology. We built our school around being a  
4    project-based school, a school that would be able to  
5    engage in the community. And so our first efforts  
6    are focusing on the methodology, not the technology.  
7    We want to ground students in the process, in the  
8    scientific inquiry, and then the technology becomes  
9    a way that they can express that, utilize that, and  
10   be able to give back to their community.

11           We know that when we had you all out to  
12   San Fidel, that technology was mentioned as maybe  
13   one of the big hurdles in that particular area. We  
14   know that it seems like a big challenge. But as we  
15   illuminated this, our plan around mobile devices,  
16   because we know that high-speed cellular access  
17   means that anything on the web can be accessed by  
18   this mobile technology.

19           We know that the LTE network, which is the  
20   highest and fastest cellular network that's out in  
21   that area, blankets the area from Laguna all the way  
22   out to San Fidel. And we've checked that. We don't  
23   need T1 lines or hard lines anymore. This is A  
24   mobile world, and the young people that are growing  
25   up in this are mobile students. We want to make

1 sure they use these things in service to their  
2 communities in the capacity that they have in order  
3 to make their communities better in a way that is  
4 not only respectful, but ethical, and that we want  
5 to make sure that they are using those for these  
6 particular goals.

7 One of our great advisers in this is  
8 Dr. Shelly Valdez, who's been a part of this. She  
9 is very well-regarded in the United States as an  
10 indigenous science scholar, has given us a lot of  
11 direction. We know that the Native Education  
12 Department in the State of Washington is exploring  
13 STEAM possibilities. And the STEAM component, the  
14 part we left out is the "A," which is the "Arts,"  
15 because we believe that also allows that creativity  
16 for our students to come out. As this supports the  
17 project-based learning action, this is something  
18 that moves forward.

19 We know Zuni Pueblo has been having great  
20 success with project-based learning, and we know  
21 that this is something we continue to work forward  
22 on this.

23 I'd like to ask Shannon to talk a little  
24 bit about our outreach efforts and something we want  
25 to make sure that all of our students are supported.



1 MS. DOUMA: Okay. My name is Shannon.  
2 And I have a little over 15 --

3 THE CHAIR: Pardon me. Would you please  
4 press down the button on that so we can hear you  
5 better, and hold it down?

6 MS. DUMAS: Okay. So I have a little over  
7 15 years of working in public education through  
8 Albuquerque Public Schools and developing the Native  
9 American Community Academy as a founding wellness  
10 adviser. Specifically, my role has been in youth  
11 development programming, developing and implementing  
12 enrollment policies, and cultivating family  
13 relationships through student recruitment and  
14 outreach, and creating a pipeline for college-age  
15 individuals to serve in an educational setting by  
16 overseeing staffing and professional development  
17 with organizations such as Community Engagement  
18 Center, through the University of New Mexico, and  
19 Southwest Youth Services, through the  
20 AmeriCorps/VISTA program.

21 I have worked hard in developing and  
22 implementing a wellness philosophy, much like the  
23 Mentoring Circle of Care model proposed through The  
24 STEAM Academy. This model looks at the child as a  
25 whole person, understanding that each student comes

1 with a unique background, culture, and lived  
2 experience.

3 With that, my experience and my work has  
4 been to meet the needs of the individual and their  
5 family in order to successfully and effectively  
6 support a student's academic learning and the needs  
7 that they may have.

8 As we have worked to gain input from  
9 families, we have talked with young and single  
10 parents, grandparents raising grandchildren, and  
11 working families, parents, who are making great  
12 sacrifices to support their students' choice in  
13 education, and sometimes this takes them away from  
14 their home community.

15 As a parent of a potential student  
16 attending The STEAM Academy, I support the school  
17 and its innovation and hands-on learning and what it  
18 provides the students in terms of real-life and  
19 hands-on skills that they can apply towards their  
20 college-and-career readiness.

21 I believe this STEAM Academy provides an  
22 opportunity for our students to stay within our  
23 community, but also to give back to our community.

24 DR. FRANCIS: When we were approaching  
25 these students, the idea is that we catch them even

1 before they get in the door, and that we'll be  
2 working within the community, with the parents, to  
3 be able to talk, to assess the needs that these  
4 students will have. Whether it's their 504, whether  
5 it's special education, ELL, all of our students  
6 will benefit from this type of approach and this  
7 type of access.

8 So one of the things that we know is that  
9 now we've talked about the need; so we'll talk a  
10 little bit about readiness.

11 I'll have Mr. Flying Earth to talk a  
12 little more about the network.

13 MR. FLYING EARTH: Good afternoon, once  
14 again, Commissioners.

15 One of -- one of the measures by which we  
16 recruit fellows into the NACA-Inspired Schools  
17 Network is community support. We wouldn't stand  
18 behind a school that doesn't have community support,  
19 that doesn't have the support of the people whom --  
20 of whom we'll be affected.

21 One of the conversations that we had very  
22 recently was actually with some of the -- the  
23 political leadership of Laguna and of Acoma. And as  
24 a network, have received support from the Pueblo of  
25 Laguna Governor. So I just wanted that to be out

1     there in terms of the concern that -- that the  
2     Pueblo may or may not be standing behind this  
3     school. I think it gets into the piece about who  
4     will be affected and do the -- and are the students  
5     and are the parents behind what's being proposed in  
6     that community.

7             And something that we've nurtured a  
8     relationship over time with and whom our current  
9     director, Kara Bobroff, sits on the Department of  
10    Education -- their education board for the Pueblo of  
11    Laguna.

12            And so our relationship is deep. Our  
13    relationship isn't superficial. And so speaking to  
14    the long-standing kind of buy-in that we're  
15    committed to is that over time, we want to change  
16    education in this community.

17            We recruit a number of students from The  
18    Pueblo of Laguna, and I've seen the concern over  
19    time of having a local school.

20            And so Dr. Francis alluded to this being a  
21    20-year, and some may say 30-, 40-, or 50-year.  
22    Some say it's existed since colonization.

23            So as a network we're prepared to offer  
24    many supports. And the exciting announcement that I  
25    gave you this morning about the support of Secretary

1 Jewell and Secretary Duncan also carries with it  
2 financial stipulations that we can -- we are  
3 committed to helping communities like the Pueblo of  
4 Laguna support the initiatives around -- around  
5 STEAM and technology.

6 The last thing that I want to say is that  
7 as the Native American Community Academy, we have  
8 some of these very questions at the center of our  
9 curriculum development and the idea of innovation.  
10 How do we integrate technology? And so there's  
11 really some exciting cutting-edge findings that  
12 we're having regarding language retention and  
13 teaching, as well as the integration of relevancy  
14 into science curriculum, which we're really excited  
15 Dr. Francis will lead into.

16 With that, I'll conclude, and I want to  
17 say "thank you" once again.

18 DR. FRANCIS: Mr. Ulibarri will speak a  
19 little bit about our facilities in terms of the  
20 readiness, as well.

21 MS. ULIBARRI: Yeah. With regard to  
22 facilities, there's a piece of property in the  
23 Village of San Fidel, right next to the St. Joseph's  
24 School, I think where the hearings were at. We  
25 really feel confident that we can place some

1     modulars there.   There's utilities nearby.   And we  
2     have contractors that are willing and ready to -- to  
3     be enacted upon approval.

4             And so we're really confident about that.

5             We've also received a letter from the U.S.  
6     Department of Agriculture, who are willing to  
7     provide resources and support in regard to  
8     facilities.   And our mission aligns a lot with their  
9     funding priorities regarding rural communities.   And  
10    so we're excited about this next step and stage in  
11    this process.

12            DR. FRANCIS:   So we realize that when we  
13    kind of come back, we know that any application, as  
14    mentioned, will have issues and concerns.   And we  
15    know that goes with establishing a new school.   It's  
16    part of an organic process to create a strong  
17    school.

18            When we talk about readiness, we know that  
19    readiness is acknowledged a little bit in the fact  
20    that we had the score that was second only to our  
21    colleague, who just was approved with conditions, as  
22    well, our good friend, Mr. Towery.   So we know that  
23    we also have the ability to be able to pursue this  
24    type of a school.

25            When we look at raising academic

1 achievement, always the question, or providing  
2 academic excellence and support for students, the  
3 question is how. We believe that everything we've  
4 laid out over this past three months, starting from  
5 our application, to our responses, to our public  
6 hearing, to where we are now, is to be able to give  
7 a whole sense of how we will be able to operate the  
8 school and raise the academic achievement and levels  
9 for students, bringing those students home,  
10 reengaging those number of students that we have,  
11 and that we are ready to have high expectations and  
12 holistic support for all the students, both from  
13 Laguna, from Acoma, from Cubero, from Seboyeta.

14 This is the kind of education that's  
15 needed for New Mexico for Native students and rural  
16 students alike.

17 We would like to state our team has done  
18 our best to respond to meet those standards required  
19 in what appears to be a shift in the charter school  
20 evaluation overall process. We also have continued  
21 to fully participate. We've adhered to this  
22 information and guidance provided by the training  
23 application and tool kit, and additional requests  
24 for information.

25 We believe that our persistence in the

1 charter process is further evidence of our full  
2 commitment to the success of our students, school,  
3 and community, much like Mr. Towery existed  
4 [verbatim]. And we hope that we're able to continue  
5 our work with this school, moving forward.

6 Thank you.

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

9 Commissioners, we're down to the point  
10 where you may ask questions or voice your concerns.

11 Does anyone have questions or concerns?

12 Commissioner Bergman?

13 COMMISSIONER BERGMAN: I'm looking at -- I  
14 always want to go first. People shouldn't be  
15 reluctant to be the first one.

16 I do have a brief question first. As was  
17 noted, we did have our Community Input hearing in a  
18 facility of the St. Joseph's School. And I probably  
19 should have asked while I was there, but I didn't.

20 And I -- when we get to my comments on  
21 facilities you'll see why I asked the question.

22 Is that a private school affiliated with  
23 the Catholic Church?

24 DR. FRANCIS: Yes, that is private school  
25 associated with the Catholic Church.



1 COMMISSIONER BERGMAN: I think the  
2 headmaster was the local priest; is that correct?

3 DR. FRANCIS: He's secular. But he -- he  
4 was the local priest. He transitioned out of that  
5 to be a head of school.

6 COMMISSIONER BERGMAN: That's why I asked  
7 that question.

8 DR. FRANCIS: Absolutely.

9 COMMISSIONER BERGMAN: Here, again, this  
10 is one that I'm having difficulty. And I've been  
11 wavering on it. In this case -- I'll offer some  
12 specific reasons here in a minute -- I probably  
13 don't feel like I can support this application at  
14 this time.

15 And everybody is sitting there saying,  
16 "Wait a second, Mr. Bergman, Commissioner Bergman.  
17 You just supported the previous one that had some  
18 deficiencies."

19 I'll explain why I can't support this one  
20 at this time.

21 I believe that your application was weaker  
22 than the previous application. I know you've worked  
23 very hard to try and answer those weaknesses, and  
24 you -- and you did that.

25 And I'm fully cognizant of what

1 Commissioner Peralta said on the other one about  
2 being consistent. I feel I'm fully consistent when  
3 I read and study the applications. I'm fully  
4 consistent when I read and study the preliminary  
5 analyses. And I'm fully consistent when I read and  
6 study the final -- final recommendation and the  
7 analysis.

8 I believe I've always been fully  
9 consistent in how I approach the Community Input  
10 hearings, and I've always been consistent as I've  
11 studied whatever comments come in after the  
12 Community Input hearing.

13 But, here, again, I just believe that this  
14 application is a little weaker than the other one.  
15 And because of that, I believe that they would have  
16 a really uphill battle, if they were approved,  
17 trying to correct all the deficiencies in the  
18 planning year.

19 I'll cite some specific reasons here why  
20 I'm kind of feeling this way.

21 The first one is the applicant proposed  
22 academic performance goals for math and reading that  
23 were based solely on cohort averages. And you  
24 remember I asked about that in the hearing, and you  
25 answered it. You answered it again in your

1 follow-up, that you -- because of the nature of your  
2 school and the students that are going to go there,  
3 you felt you wanted to do an overall goal that lumps  
4 everybody together.

5 I expressed my concerns then about that,  
6 and I will again. As we all know, I favor  
7 individual goals for the students. With a cohort  
8 goal of just one average for a school -- I'll just  
9 give you an example: Two students. One gets a 100;  
10 one gets a 50. Well, the average is 75 on the  
11 surface. That may sound like a good average; but  
12 one of those students got a 50, and he's failing.

13 I'm afraid kids in a cohort goal like that  
14 may fall through the cracks. Now, I know they will  
15 work very hard to ensure that doesn't happen. But  
16 I'm never comfortable with a cohort goal. In fact,  
17 I don't think we have any students with cohort  
18 goals. So I express my concern. And I'm still  
19 concerned about that.

20 As I said, you answered that. You do --  
21 we do agree to disagree on that.

22 Your -- the technology goal that you  
23 offered only requires students to earn certificates  
24 in Word, Excel, PowerPoint -- they have to type  
25 50 words per minute, and you will allow them to get

1 a certification in one additional software program.  
2 I presume, of their own choice.

3 Well, this will certainly help your  
4 students with computer skills and navigating the  
5 Internet and all that. But I have a hard time  
6 seeing how those additional computer skills are  
7 going to necessarily help the students increase  
8 their academic proficiency.

9 You have a community education -- excuse  
10 me -- community engagement goal, which, while  
11 certainly commendable, here, again, I had a hard  
12 time seeing what effect that would have on academic  
13 proficiency. And yes, I fully understand, if  
14 parents are not engaged with their kids in their  
15 education, if you can get them engaged, that it  
16 could be a positive effect there.

17 But the fly in that ointment is everybody  
18 has great ambitions and great ideals; but getting  
19 the parents to actually commit and come and help you  
20 guys, that's going to be a struggle. And I suspect  
21 you know that. I suspect you know that. So I'm a  
22 little concerned about that.

23 Some of the goals were not specific. They  
24 were not time-bound. And you didn't really give us  
25 information to understand if goals are rigorous or

1     attainable.

2             I happen to be somewhat the goals "guru"  
3     for this Commission. I have been to almost every  
4     negotiation performance contract that's been done.  
5     Of the 48, I've been at 45 of them. So I'm fully  
6     conversant of the goals that we ask and the goals  
7     that schools have offered and the goals we  
8     ultimately end up with when we get to a contract  
9     stage. That just happens to be one of my personal  
10    interests.

11            I thought your assessment plan did not  
12    adequately explain how assessment data would inform  
13    instruction and provide accountability. There was a  
14    limited response describing what corrective actions  
15    would be taken if the school falls short of  
16    achieving student academic success.

17            There was not a good explanation, I  
18    thought, of how corrective actions would be  
19    implemented, what would trigger those actions, who  
20    would implement those actions, and how effectiveness  
21    would be assessed, once the actions were completed.

22            And I put a sentence here, "The applicants  
23    indicated that you hope to appeal to struggling,  
24    at-risk students."

25            It is imperative, then, that this

1 corrective action plan be robust to be successful,  
2 because that's your target. We have a number of  
3 charter schools that fall under our oversight, and  
4 that's exactly what they're doing. They're going  
5 after the dropouts, the highly at-risk kids. And it  
6 is a struggle for them to get that academic  
7 achievement. So I have some concerns there.

8 I thought you provided a limited response  
9 for creating a governing body, provided a limited  
10 process for selecting new members, with the  
11 identified skills necessary to govern the proposed  
12 school, and only briefly identified relevant areas  
13 of expertise, with no meaningful description of  
14 desired qualifications.

15 Further, applicant did not provide an  
16 adequate plan for governing body training or  
17 evaluation. Applicant did not provide a clear plan  
18 for how the governing body would monitor school  
19 outcomes. And, of course, here again, based on my  
20 previous comments and your goals, that's going to be  
21 a very key component of your school with at-risk  
22 students. That is very important for those  
23 struggling students.

24 I felt you provided a limited  
25 organizational chart. One of the basic cornerstones

1 of your school is your "Core Care Teams," which you  
2 mention frequently in your application. And yet  
3 that was not even listed on your organizational  
4 chart, where the Core Care Team would fit into the  
5 organizational framework and all that.

6 I also did not see that you addressed the  
7 governing body committees that are necessary to  
8 successfully implement a school. You propose to  
9 provide transportation to students, but provided  
10 limited information as to how this would be  
11 accomplished.

12 And this is very important -- because I'm  
13 going to describe for you that didn't go -- didn't  
14 get the opportunity to come to the Community Input  
15 hearing. They are in a remote area. They're about  
16 25 miles east of Grants, which means they're --  
17 what? -- 35 miles west of Albuquerque. You get off  
18 I-40. You go across three cattle guards; I remember  
19 that. You hit the Old Highway 66, I think. You  
20 turn left. We went down a little ways. We turned  
21 right on a narrow, paved road that turned into a  
22 dirt road before we got to the St. Joseph's School.

23 So it is remote. And they did host us and  
24 did a great job, made us feel very welcome there.  
25 But it is a remote area.

1 I know you've indicated, even today,  
2 you've identified some land; probably, I guess, can  
3 put some portables on there until you can build a  
4 building or something. I'm very concerned about the  
5 facilities.

6 You indicated in the Community Input  
7 hearing that you might be able to share these  
8 facilities with the St. Joseph's Church. That's why  
9 I asked the question. You know, under the Charter  
10 School Act, there can be no religious affiliation.  
11 I believe, at the best, if you were sharing  
12 facilities with a private religious school, there  
13 could be some legal implications involved there. So  
14 that makes me uncomfortable.

15 So if you didn't use those facilities,  
16 what facilities would you use?

17 As I left that location, as we were done,  
18 as I was driving down on I-40 again, I made a point,  
19 looking along there for a while, looking for  
20 potential places. There's not a lot out there. I'm  
21 sorry. You come to the pueblos that are along the  
22 highway there -- as I was coming back to  
23 Albuquerque, I didn't see a surplus of facilities  
24 that you might use if you can't get in with -- and  
25 it wasn't legally possible to get into the



1 St. Joseph's School. So I would be very concerned  
2 about your potential facility.

3 I say that, because as these folks know,  
4 Dream Diné, particularly, just now, after two years,  
5 solved their facility problem. And DEAP's having a  
6 little problem, I think, too, with a facility.

7 COMMISSIONER TOULOUSE: No.

8 COMMISSIONER BERGMAN: Did they get their  
9 facility? Did they? Okay.

10 COMMISSIONER TOULOUSE: I was out there.

11 COMMISSIONER BERGMAN: I was wrong then.  
12 Okay. But they just now are getting it.

13 COMMISSIONER TOULOUSE: They're in it.

14 COMMISSIONER BERGMAN: They're in it.

15 Okay.

16 So I'm just a little concerned about your  
17 ability to get your school into a facility if you  
18 were approved.

19 I understand your dream, that this is a  
20 dream, as they point out, for something like 20 or  
21 25 years. Folks want a school in Eastern  
22 Cibola County. I'm certainly sympathetic to that.

23 But because of the nature -- that's why  
24 I'm concerned about your transportation, too, how  
25 you're going to get your -- up to your cap, you have

1 to accept students. If the kids in Grants want to  
2 come out to your school, if you're not at your cap,  
3 you have to accept them. If you go over the cap,  
4 then you have to do the lottery.

5 You could get kids from all over that  
6 area. If you're going to transport them, I would  
7 have liked to have seen a more fleshed-out plan,  
8 because of the remote nature there.

9 You also propose to offer food services  
10 for the kids. I understand that. But in your  
11 proposed budget, you had no funding for food  
12 services. Obviously, that speaks for itself. How  
13 are you going to feed them if you can't pay for it?  
14 I would be concerned about that.

15 Discussed the facility. Discussed the  
16 mission. Okay.

17 Oh. And because you don't have a lot of  
18 options right there identifying the facilities, you  
19 didn't really address your capital outlay needs in  
20 your proposed budget. I know it's hard. You don't  
21 know what facility you're going to be in. But I  
22 think you could have explained a little more in that  
23 area.

24 I thought you had some weakness in your  
25 financial policies and internal controls. You

1     stated they would be developed on through the  
2     planning year. And that is common to most  
3     applicants. And I'm never comfortable with that.  
4     Most of them say, "Well, we'll develop that in the  
5     planning year."

6             Well, each of these Commissioners,  
7     including myself -- I have to vote on the  
8     application that's in front of me. What are they  
9     going to develop in their planning year? That's  
10    down the road. And I've never been comfortable with  
11    schools telling me, "I'll develop that in my  
12    planning year."

13            I wish they would develop it and tell me  
14    what they're going to do before I vote on their  
15    application. So I'm a little uncomfortable with  
16    that.

17            I think everything else has been covered.  
18    So I believe I'm being consistent. I think this  
19    application is -- I don't know if the word  
20    "significant" would apply -- but I think it's  
21    certainly weaker than the one we just saw, and I  
22    believe it would be more difficult to correct during  
23    a planning year, even if we approved them with  
24    conditions.

25            So I'm reluctantly going to not support

1     this application. And I use the word "reluctantly,"  
2     because you have the same support network, I  
3     believe, to some extent, that the previous school  
4     had. But I think that is outweighed by the  
5     additional deficiencies I saw on the application.

6             I believe I'm being consistent. I  
7     certainly hope so.

8             Thank you, Madam Chair.

9             THE CHAIR: Thank you, Commissioner.

10            Further comments?

11            Commissioner Carr?

12            COMMISSIONER CARR: Well, I don't think I  
13     can add or subtract anything that hasn't been said  
14     by CSD or Commissioner Bergman. I think it was  
15     pretty extensive. But I do have -- I do have a  
16     question.

17            I have a couple of questions. One  
18     question maybe is for CSD. I -- I heard -- there  
19     was a -- was there a letter from the Superintendent?

20            COMMISSIONER BERGMAN: He was at the  
21     hearing. He spoke at the hearing.

22            COMMISSIONER CARR: I thought he -- but  
23     did he --

24            COMMISSIONER BERGMAN: He felt he had no  
25     notice. He had received the -- their letter way

1 back in January, and it must have gotten lost in the  
2 pile of letters on his desk or something. And the  
3 executive director of the Superintendent's group,  
4 Joe Guillen, he actually mentioned to the  
5 Superintendent just a few days before, "Are you  
6 going out to San Fidel?"

7 And he said, "What?"

8 So, yeah, he was there, and he spoke.

9 COMMISSIONER CARR: My question -- I knew  
10 he was there and that he spoke. Did I hear it right  
11 that he submitted an additional letter afterward or  
12 not? Because I couldn't find one.

13 COMMISSIONER BERGMAN: I don't remember  
14 seeing one.

15 COMMISSIONER CARR: That didn't happen.  
16 Good. That was just in my mind then.

17 So I have one question, and -- in regards  
18 to the private school. And it's -- and I guess it  
19 has to do with the other schools, too. So one thing  
20 that we have to look at, too, are the local schools  
21 providing the same thing that you're going to offer  
22 as one of the things that we need to look at. Does  
23 a private school give scholarships to children,  
24 and -- you know, so that -- you know, because I know  
25 there's not a lot of people that have a lot of

1 income -- I know Catholic schools, quite often, give  
2 scholarships for kids. I just wonder what it costs  
3 to go to that school and if there are scholarships  
4 available for poor children, which there are many in  
5 that area.

6 DR. FRANCIS: Unfortunately, I'm not able  
7 to speak to that. We didn't inquire about their  
8 scholarships or their finances. The most we were  
9 looking at, sort of in response to Commissioner  
10 Bergman's point, was the fact of trying to separate  
11 out -- which is why we were looking at property over  
12 there, and moving in modulars instead. So that was  
13 the extent of our discussions with the school board  
14 over there.

15 COMMISSIONER CARR: So you're not  
16 considering sharing facilities with them?

17 DR. FRANCIS: No. Both on one of their --  
18 as we spoke with their board, because they have  
19 younger students; but they did offer us the  
20 property, and also because of things we've seen  
21 legally, as well. So if we are separated from the  
22 building and the facility itself, it makes things a  
23 lot easier, because there is a lot of available land  
24 on both sides of that little road.

25 So you see the school; but the Diocese

1     also has a lot of land on the other side, as well,  
2     which is -- would be available -- it's powered.  
3     It's watered, it's got all the ability to be able to  
4     put down portables.

5             And we're going to be meeting, in theory,  
6     with the Archdiocese about that here within the next  
7     month --

8             COMMISSIONER CARR:   What grades does that  
9     private school cover?

10            DR. FRANCIS:   They run K-through-6  
11     currently.   And then they're going to -- I believe  
12     they said they were going to add 7 and 8.

13            COMMISSIONER CARR:   All right.   One thing  
14     that I guess I'm not sure if it was mentioned by the  
15     CSD or any of the Commissioners, was the lack of  
16     some community support, lack -- and most concerning,  
17     lack of support from the Pueblo.   And that's of  
18     great concern to me.

19            And I don't -- you know, I understand he  
20     didn't say a whole lot.   But in the other school  
21     that we looked at, there was a great deal of support  
22     and/or no opposition from anybody.

23            So that's a concern of mine, plus all the  
24     other things that were brought up.

25            THE CHAIR:   Thank you, Commissioner.

1 Further questions or comments?

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, I  
4 know this is one I've had a harder time with. I  
5 think part of it, because it is such a technical  
6 approach to education. And I can look at it and  
7 think of lots of ways you can do your technical  
8 teaching.

9 For instance, I mean, within pueblos and  
10 the ancestors of Acoma and Laguna, you're looking at  
11 outliers of Chaco Canyon. They engineered all kinds  
12 of stuff. I can see pulling that in.

13 But I can also see how it is much harder  
14 to take the descendants of those people and teach  
15 them that your ancestors did this, when it hasn't  
16 been taught to them before.

17 But I can see a lot of room to do, within  
18 the history of the cultures, a lot of your technical  
19 types of training, whether it's astronomy, whether  
20 it is engineering, whether it is construction,  
21 whether it is calculations in math.

22 And I had some concerns about the two  
23 pueblos being able to work together. And I -- I  
24 think that it's very hard, in any of these groups,  
25 when you have the farming villages out around both



1       pueblos, too, you have a different little component  
2       in each area.

3               And I think the best you can do is get a  
4       majority support in any of those areas than when you  
5       have one group living all in one place; or if we  
6       were up in, you know, Northern New Mexico, and you  
7       have one little community and then another little  
8       community.

9               I would like to approve this; but I also  
10      can see where another year's worth of work would  
11      really solidify a lot of the planning and the  
12      budgeting and the building. And I'm not sure at  
13      this point how I'm going to go. I am leaning toward  
14      you; but I could also go the other way.

15              And, again, I -- if I voted for you, it  
16      was because I have absolute belief in your  
17      supporting group. If I vote against it, it's  
18      because, while I have a belief in that, I'm not sure  
19      you're quite ready, and I would hate to have the  
20      school start up and then have to be closed, as we've  
21      had to do one in this past year, that probably would  
22      have benefited with longer time in us having a  
23      closer picture of it.

24              So I'm not even taking a stand right now.  
25      I'm honestly thinking of where my vote is going to

1 go.

2 But I think this school has a future. I  
3 think this area needs this kind -- you know, you're  
4 close to Albuquerque, but you're not a part of it;  
5 and yet people are there. They see it.

6 You need to find a way for students to  
7 grow in that area, be able to be educated, go get  
8 jobs, come back and live in that area and commute to  
9 those jobs with the skills that this kind of school  
10 would start them toward, and let them work their way  
11 through from a baccalaureate degree at UNM to them  
12 working somewhere else, to go get advanced degrees,  
13 to even starting with CNM and some classes that  
14 they're prepared for.

15 Because I can guarantee you, after my  
16 12 years on the CNM Board, most of the students  
17 coming in from the surrounding school districts are  
18 not prepared even for community college, much less  
19 for the other.

20 So I see such a future for this kind of a  
21 program in a rural setting in New Mexico that's also  
22 close enough to an urban setting.

23 I know I'm rambling a little bit. I'm  
24 already getting tired. These meetings are intense,  
25 and I want to give everybody a fair shake. But I

1 want our Native students, and I want the Hispanic  
2 communities out there to have the same access to the  
3 kind of education you can get in more urban areas.

4 So even if I vote "no," I want to  
5 encourage you to continue with this and bring it  
6 back next year with something much more fleshed out  
7 in those areas that we've been looking at; because I  
8 also know we're tightening up each year as we go.  
9 This is a learning process for all of us, too, and  
10 trying to see who will be successful and who won't  
11 be successful.

12 As an aside, Madam Chair, I was out at the  
13 opening of DEAP. And they have their facilities.  
14 They have their facilities up. I went in and looked  
15 at them. They've got all the supplies in there.  
16 They were ready to go on the 3rd of September when  
17 we were out there.

18 And my grandsons loved the mud from the  
19 rain before. And I thoroughly enjoyed all of the  
20 community support.

21 So -- but they are up. They're in a --  
22 everything's going.

23 So thank you.

24 THE CHAIR: Glad to hear that.

25 Thank you.

1 Other comments?

2 COMMISSIONER GIPSON: Madam Chair, I'm  
3 joining the ranks of the conflicted; all right?

4 I really see this more in the concept  
5 stages, still, than in the -- in the stage that I'm  
6 ready to vote on it; although I know I have to.

7 I have deep concerns about the facilities,  
8 as I think many of us did when we went out there.

9 I appreciate the -- the time that you  
10 spent in answering the -- the concerns that were  
11 addressed in the application. But the greatest  
12 concern with the goals wasn't answered, as I hoped  
13 it would be answered. I know -- I know I expressed  
14 out there at the input hearing that it was not  
15 addressed in the manner that had been suggested and  
16 the example in the application. And the response  
17 didn't come back with anything that mirrored that at  
18 all. So I do have concerns about that. And I have  
19 concerns about the -- what the curriculum is really  
20 going to look like.

21 I saw this application as specifically  
22 weaker than the other application that we accepted,  
23 so that I truly hope if this does not go forward,  
24 that you do come back, because I support the concept  
25 of this. But I just -- right now, I don't feel it's

1 ready to go at this point.

2 THE CHAIR: Thank you, Commissioner.

3 Other comments?

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

6 I see Commissioner Gipson was putting on  
7 her glasses.

8 COMMISSIONER GIPSON: I was.

9 THE CHAIR: Does that mean you're ready to  
10 make a motion?

11 COMMISSIONER GIPSON: I guess.

12 Madam Chair, I move that the Public  
13 Education Commission deny the 2015 New Charter  
14 School Application submitted by The STEAM Academy,  
15 based on the findings of CSD and comments made by  
16 Commissioners in this hearing.

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

19 Do I have a second?

20 COMMISSIONER CARR: Second.

21 THE CHAIR: Motion by Commissioner Gipson,  
22 second by Commissioner Carr.

23 Is there any further discussion?

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: I don't know about

1 discussion. Since I don't know how that vote is  
2 going to go, I share my colleague's comments  
3 about -- I really hope you guys go back, answer  
4 those, particularly in the area of the  
5 transportation -- try and flesh out facilities and  
6 transportation, answer those questions.

7 If a child from Grants wants to go to your  
8 school -- that's one of your complaints is your kids  
9 are having to go into Grants. Are they bussed in  
10 from Grants, or do they have to get there on their  
11 own?

12 DR. FRANCIS: Yeah. They usually have to  
13 get there on their own.

14 COMMISSIONER BERGMAN: Those are the kinds  
15 of questions I would like for you guys to answer.  
16 How are you going to handle that? How are you going  
17 to handle the food service? I used the word  
18 "reluctantly" earlier. I do hope you will take that  
19 step and take what you've heard in all the various  
20 papers, flesh them out, strengthen them, make them  
21 more robust, and I hope you will come back next  
22 year.

23 That's my personal opinion now. It's not  
24 my Commissioner opinion. That's my personal  
25 opinion.

1 Thank you, Madam Chair.

2 THE CHAIR: Thank you. Any further  
3 discussion?

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

6 COMMISSIONER PERALTA: Commissioner  
7 Toulouse?

8 COMMISSIONER TOULOUSE: No. Had to think  
9 on that one.

10 COMMISSIONER PERALTA: Commissioner  
11 Bergman?

12 COMMISSIONER BERGMAN: Yes.

13 COMMISSIONER PERALTA: Commissioner Pogna?

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Ambruster?

17 COMMISSIONER ARMBRUSTER: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Peralta votes "Yes."

23 Commissioner Gipson?

24 COMMISSIONER GIPSON: Yes.

25 COMMISSIONER PERALTA: Commissioner Carr?

1 COMMISSIONER CARR: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Shearman?

4 THE CHAIR: Yes.

5 COMMISSIONER PERALTA: Madam Chair, that  
6 is eight to one in favor of the motion.

7 THE CHAIR: Thank you. By a vote of eight  
8 to one, the application of The STEAM Academy is  
9 denied.

10 We hope we'll see you next year.

11 DR. FRANCIS: Thank you very much.

12 THE CHAIR: Could we take about five  
13 minutes? If I don't go feed the parking meter, I  
14 think I'm going to get one of those \$16 parking  
15 tickets.

16 So let's reconvene at 2:00, if that's all  
17 right with everybody.

18 (Recess taken, 1:53 p.m. to 2:00 p.m.)

19 THE CHAIR: Let's come back into session,  
20 please. The last school on the list is the SAHQ  
21 Academy. Are you by yourself?

22 MS. RODE: I am today.

23 THE CHAIR: Katie, whenever you're ready,  
24 please.

25 MS. POULOS: Close those doors. I think



1 the sound --

2 THE CHAIR: Whenever you're ready.

3 MS. POULOS: Madam Chair, Commissioners,  
4 in its final analysis and recommendation, CSD  
5 recommended that the application for SAHQ Academy be  
6 denied, for the following reasons:

7 The application was inadequate because  
8 90 percent of the responses in the education plan  
9 were rated "partially meets" or "does not meet."

10 83 percent of the responses in the  
11 organizational and governance plan were rated  
12 "partially meets" or "does not meet."

13 70 percent of the responses in the  
14 business plan were rated "partially meets" or "does  
15 not meet."

16 75 percent of the responses in the  
17 evidence of support were rated "partially meets" or  
18 "does not meet."

19 Many of the responses lacked essential  
20 details to fully understand the applicant's plan and  
21 ability to meet the requirements of operating a  
22 charter school.

23 Some responses contained policies or  
24 statements that would violate the provisions of the  
25 Charter Schools Act.

1           The applicant did not provide specific,  
2           measurable, attainable, rigorous, or time-bound  
3           goals that aligned to the mission, and did not  
4           adequately describe how the goals would be measured.

5           The applicant did not adequately describe  
6           a curriculum or plan for developing a curriculum  
7           aligned with the New Mexico Common Core State  
8           Standards.

9           The applicant did not adequately describe  
10          instructional methods that would improve student  
11          achievement.

12          The applicant did not adequately  
13          demonstrate knowledge or understanding of current  
14          graduation requirements.

15          The applicant did not adequately describe  
16          how the proposed school would address the needs of  
17          all special population students, including students  
18          with IEPs, ELLs, and students who qualify for  
19          504 plans.

20          The applicant did not adequately describe  
21          how corrective actions would be implemented if the  
22          proposed school's academic performance fell short of  
23          expectations.

24          The applicant did not adequately describe  
25          a process that would ensure a skilled and capable

1 governing body.

2 The applicant did not provide an adequate  
3 plan for governing body training or evaluation.

4 The applicant did not adequately describe  
5 how the governing body will monitor school outcomes.

6 The applicant did not adequately describe  
7 a staffing or recruitment plan that would ensure the  
8 school hires a skilled and capable administrator.

9 The applicant did not adequately describe  
10 a professional development plan that would ensure  
11 teachers are able to implement the curriculum and  
12 improve student achievement.

13 The applicant did not provide adequate  
14 information to demonstrate the capacity to develop  
15 appropriate and legally compliant policies.

16 The applicant does not provide adequate  
17 information to understand the relationships between  
18 SAHQ Academy, SAHQ, and SAHQ Backers, three  
19 different organizations.

20 The applicant did not adequately describe  
21 a school schedule that will improve student  
22 achievement and ensure appropriate time for  
23 implementation of a New Mexico Common Core-aligned  
24 State Standard curriculum.

25 In addition, the application does not

1 propose to offer an educational program consistent  
2 with the requirements and purposes of the Charter  
3 Schools Act, because the applicant's responses raise  
4 concerns about the applicant's willingness and  
5 ability to comply with open enrollment requirements.

6 The applicant's proposed lottery  
7 preferences do not comply with NMSA 22-8B-4.1, and  
8 the applicant's proposed conflict-of-interest policy  
9 violates the statutory requirements in NMSA  
10 22-8B-5.2.

11 After the final analysis and  
12 recommendation was provided to the Commissioners and  
13 the applicant, the applicant was provided an  
14 opportunity to provide a writing -- written  
15 response. The applicant did provide the written  
16 response.

17 CSD evaluated the written response to  
18 determine if there was information that would help  
19 address the concerns identified in the analysis of  
20 the written application.

21 CSD did not identify any potential  
22 statements to support addressing those concerns.

23 THE CHAIR: Thank for you that. If you  
24 would, please, identify yourself and tell us your  
25 position with the school, and then you'll have

1 15 minutes.

2 MS. RODE: Thank you very much. My name  
3 is Charlotte Rode.

4 COMMISSIONER BERGMAN: Unfortunately, you  
5 have to press that button and hold it down.

6 MS. RODE: That's okay. It's held. I  
7 think they found a trick.

8 COMMISSIONER BERGMAN: Oh, great.

9 MS. RODE: My name is Charlotte Rode, and  
10 I am a founder of SAHQ Academy. We have, over the  
11 years, had many people involved in the founding of  
12 this school. And as you know last year, we had the  
13 honor of being here with Chairman Shearman and the  
14 rest of the Commission, some of you who are new this  
15 year. And we have had dozens of educators, coaches,  
16 trainers, businessmen and women over the years  
17 contribute to the writing and establishment of our  
18 school.

19 The ones that are involved with the board  
20 are Richard Luarkie, who is the former Governor of  
21 Laguna Pueblo, and also the former head of Santa Fe  
22 Indian School Board of Directors. We also have  
23 Michael Madonia, who is working with the Labs at  
24 Sandia as a huge project manager, who deals with  
25 billion-dollar projects and is willing to come in

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1 and help us to establish our systems and our project  
2 management within the school.

3 We also have Lindsey Kerwin, who is a math  
4 department head at her charter school; and as well  
5 as many public and private educators who have  
6 contributed to the establishment of our curriculum  
7 and our educational plan.

8 Michael Vigil of the Vigil Group is also  
9 on our board, and he has established and worked very  
10 hard with our financial plan.

11 And I would have to respectfully disagree  
12 with the evaluation of this year's Charter School  
13 Division when it comes to our application.

14 I started in 2011 with an interest in  
15 education and as a concerned parent. I have seven  
16 children, two grandchildren. And I came to Santa Fe  
17 in 2011 and worked with Senator Mark Boitano as an  
18 assistant through the 60-day Legislative Session to  
19 understand and educate myself as to how the  
20 government interacts with education and what things  
21 could be done in order to improve the outcomes for  
22 our state; because education has always been  
23 something that's been very important to me.

24 That started the process of the charter  
25 application. I attended every training since 2011

1 and have been through many people within the Charter  
2 School Division. I'm curious as to whether or not  
3 every member of the Commission received my response  
4 to evaluation.

5 MS. POULOS: Madam Chair, Commissioners,  
6 that material was provided on the link on the  
7 website, which is publicly available, which -- as  
8 well as on the disks that all the Commissioners were  
9 provided with materials for today's meeting.

10 MS. RODE: I bring that up, because she  
11 said that -- the Director had said that there was no  
12 information on that response to evaluation that  
13 would have assisted in helping to determine the  
14 areas of concern within our application.

15 And it's interesting to me, because what I  
16 had stated within that response to evaluation was  
17 that last year's application and this year's  
18 application were identical, along with the rubric  
19 being identical.

20 Last year, they gave us a step-by-step  
21 evaluation and score based on every single question.  
22 This year, they gave us a composite score and a long  
23 paragraph, or sometimes a page worth of evaluation  
24 for that segment. So they didn't dig down into each  
25 actual question within the rubric. They gave a

1 composite score. And the rubric was the same, and  
2 the questions were the same; however, our scores  
3 were very different.

4 So we, on certain segments of our  
5 application, like our academic plan, are addressing  
6 special needs. Last year, we had large segments of  
7 that, that scored as "exceeds" or "meets." And with  
8 the same answers to the same questions with the same  
9 rubric, this year, we "did not meet."

10 And so it's interesting to me the  
11 arbitrary nature of the evaluation, in the sense  
12 that she may be establishing her competency in being  
13 able to evaluate these applications; but from an  
14 applicant's standpoint, if an answer is correct,  
15 there should be no reason to change the answer. And  
16 if the answer is the same, to the same question with  
17 the same rubric, then that answer cannot possibly be  
18 wrong or insufficient or lacking this year, when it  
19 was "exceeding" last year.

20 And so, from my position, we have an  
21 organization -- we've been -- we have our own  
22 building. We have all volunteers who work seven  
23 days a week, year-round, working with children, as  
24 volunteers.

25 And so our program, along with this



1 charter application, has been in development for  
2 many years. So to have a moving target is very  
3 difficult for us to invest that energy and time into  
4 a process that we don't know where it stands from  
5 one year to the next.

6 But I can tell you what we're seeking is  
7 that we are very proud of our application. We're  
8 very proud of our processes. We know the target:  
9 kids that we're trying to meet their needs. We have  
10 based it off of other programs who are using blended  
11 models who have "A" ratings across the state and are  
12 meeting New Mexico kids where they are at with  
13 quality education.

14 And we're taking that model of blended  
15 education, applying it to athletes, applying it to  
16 people who have an interest in sports. Maybe  
17 there's -- they have a statistics mind; maybe they  
18 just want to get well as far as their health and  
19 their well-being.

20 But we're applying that to interest kids  
21 in showing up to school, and we're using a proven  
22 model. And we're taking every single kid -- not  
23 just those who need IEPs -- but we're taking every  
24 single individual who comes to our school and  
25 providing them an individualized plan, as you've

1     seen last year and this year.

2             Now, last year, we filled the hall at  
3     our -- our community hearing. Last year, we had  
4     about ten educators who came up here and took the  
5     day off in order to support this.

6             But we really felt as though this year,  
7     that the evaluation was so condemning and so  
8     demeaning that I was here to take the hits, if need  
9     be, and to answer the questions.

10            But our purpose survives. Our purpose  
11    today will be the same as it is tomorrow and is the  
12    same as it was four years ago when we opened, and  
13    for the past 30 years that I've been serving my  
14    community as a volunteer.

15            So what we're here to ask is not that you  
16    validate us, because our validation comes from the  
17    kids that we serve on a daily basis, and we're doing  
18    a pretty good job of that.

19            Our validation comes through the efforts  
20    and the combined unity and purpose of the teachers  
21    and the business people that have put our  
22    application together. And we'll proceed to a  
23    school, regardless of who those partners might be.

24            But we are here to ask respectfully and  
25    humbly that we partner with you, and we partner with

1 APS, and we partner with the Charter School Division  
2 to create a better opportunity for kids in  
3 New Mexico.

4 And maybe it's just for those few kids  
5 that we serve; but what we're hoping is that we  
6 create a model that serves children better and that  
7 we can then share our best practices, that we can  
8 share our things that we've learned, our facilities.  
9 We can put our kids out there, our teachers out  
10 there, and make education for New Mexicans better.

11 We are from here. The ones that have  
12 founded SAHQ Academy are New Mexicans. We don't  
13 have a national company with lawyers and with people  
14 who are staffed to write the application.

15 But we have teachers; we have business  
16 people; we have volunteers; we have people who have  
17 dedicated their lives to the community who have  
18 written a very fine application and who want to  
19 partner with you to provide a great education for  
20 the children that we come in contact with.

21 We have set ourself up for success. We  
22 have a building with low overhead. We have  
23 equipment; we have furniture; we have supporters.  
24 We already have a 501(c)(3) that we applied well in  
25 advance so we could get that recognition from the

1 federal government in advance so we could hit the  
2 ground running and start raising funds for our  
3 school.

4 But we want to partner with you. If  
5 that's not possible, I understand. You have a huge  
6 responsibility. But last year, we were recommended  
7 by the CSD to be approved with conditions. Last  
8 year, we were denied that opportunity on a five-four  
9 vote. Understandably, there were some questions.  
10 We addressed those questions. Much of them had to  
11 do with our goals. We took those goals and turned  
12 them into academic goals, and we actually mirrored  
13 some of the very successful schools, and we mirrored  
14 their goals to accommodate the questions and  
15 concerns that this body had of us last year.

16 And a part of what we provided in the  
17 response that she said was not -- there was nothing  
18 of value in our response -- was a -- a document that  
19 shows how those goals are -- are connected to our  
20 academic plan and our outcomes. And it shows, very  
21 technically, each set of goals and how they align  
22 with our -- our mission and our academic plan, and  
23 how those, together, produce the outcomes.

24 And so I find it very interesting that  
25 they would say that there was no value in that

1 document to address the concerns that they had.

2 But I don't want -- I know you all are  
3 tired, and it's been a long day. And I know that I  
4 represent a large body of people who are in support  
5 of what we're doing.

6 But tomorrow, they'll be in support of  
7 what we're doing. And -- and we will -- we will  
8 still have a building. We will still be serving  
9 children, and we will still wake up and make our  
10 plans for a school.

11 So we hope that tomorrow, when we wake up,  
12 we are now partners with the State in extending our  
13 reach and to be able to impact the lives of our  
14 children.

15 Thank you.

16 THE CHAIR: Thank you very much.

17 Commissioner Pogna?

18 COMMISSIONER POGNA: Madam Chair, you  
19 mentioned -- there's something you mentioned. Last  
20 year, we received the application with the  
21 recommendation to accept with.

22 THE CHAIR: Conditions.

23 COMMISSIONER POGNA: Yes. And so what  
24 happened between last year and this year, when this  
25 application was -- said "Denial" -- to "Deny" --

1 when the application last year was, "Accept with  
2 reservations"?

3 Can anybody tell me? Was it the scoring  
4 situation?

5 MS. POULOS: Madam Chair, Commissioners,  
6 this year, the scoring, I believe, more accurately  
7 reflects the standards that were set by the  
8 Commissioners in the application.

9 During the scoring process, as an  
10 example -- and the easiest example to provide --  
11 last year and in prior years, policies that directly  
12 demonstrated non-compliance with statute were  
13 evaluated as "meets," were evaluated as "exceeds."  
14 I don't know why. I can't speak to that. I wasn't  
15 here in years past. I didn't go back and look at  
16 and study all of last year's applications.

17 I worked with my teams this year and  
18 ensured that the standards that were written in the  
19 application to evaluate the responses were utilized.  
20 If they weren't, I asked questions, I provided  
21 feedback, and I gave guidance.

22 If they hadn't clearly identified the  
23 statutory provisions that were identified in the  
24 application in their analysis, if they didn't  
25 reference that, if they didn't cite it, if they

1 didn't ensure that the response complied with that,  
2 I directed them to do that, and I gave them that  
3 information, and I ensured that the work that was  
4 provided to the Commissioners met the standards that  
5 had been set by the Commissioners.

6 THE CHAIR: Thank you.

7 Other comments? Concerns?

8 Let me -- let me just say, from my  
9 perspective, I intend to support this application,  
10 just like I did last year.

11 I think this application is stronger,  
12 even, than it was last year when it was recommended,  
13 in that the goals have been fleshed out even more.  
14 I think their unique aspect of this application is  
15 the fact that they do focus on athletes.

16 One of the things I believe about charter  
17 schools is that they are supposed to be unique. I  
18 don't think they're supposed to do the same thing  
19 that every other school in town does.

20 This one proposes a team approach to kids  
21 who respond to that type of approach, who are, in  
22 their own minds anyway, athletes. Some of them may  
23 be superb athletes; some may want to become an  
24 athlete; and some may simply want to participate.

25 But in their own minds, they respond to

1     that team approach, to that coach having that really  
2     personal interaction with students.

3             I support that. I think it's strong, and  
4     I think it's worthwhile.

5             I think the one drawback I see to this  
6     entire approach is the lack of competition. I said  
7     that last year. I think athletes need competition.  
8     However, I think this school, through their program  
9     that's already going on, is finding a way to meet  
10    the needs of those kids in competition. And  
11    certainly, a place as big as Albuquerque, there are  
12    many teams that those students could compete with.

13            As far as this application being  
14    recommended for approval last year and not being  
15    approv- -- recommended for approval this year, I  
16    think that's unfortunate. And if we have been more  
17    rigorous in looking at this application this year,  
18    that's probably a good thing. We want to be  
19    rigorous. But we also should make the applicants  
20    aware of it. And if they didn't know this was  
21    happening to their application that came to us last  
22    year, and then again this year, perhaps we have  
23    stumbled in not making sure they're aware of it.

24            So even if I didn't have that concern --  
25    and I'm not absolutely sure in my own mind that it



1 is totally valid. But even if I didn't have that  
2 concern, I am supporting this school. They are  
3 targeting a group of students that nobody else has  
4 targeted.

5 We've done a school for flamenco dance.  
6 We've done schools for arts and sciences and all  
7 manner of things that target unique kids and their  
8 unique needs. Why would we not want to offer that  
9 same opportunity to our sports-minded kids? I think  
10 they deserve it. They're our kids. We should serve  
11 their needs.

12 So I intend to support this school for  
13 those reasons.

14 Commissioner Pogna?

15 COMMISSIONER POGNA: Madam Chair, I would  
16 like to make some comments, if I remember to hold  
17 this.

18 The concept of this academy accords with  
19 my strong beliefs in teaching children in academics  
20 and sports. The academy represents our family  
21 philosophy in raising our children and how we raised  
22 our three little girls.

23 We had a strong, solid core belief in  
24 sports and academics. When the babies were born, we  
25 refused to read books on parenting by specialists.

1 I always believed that you used your good common  
2 sense. And one of the common senses is later, we  
3 believed that if you involved your children in  
4 sports and music, they would be too tired to get  
5 into trouble. And that's what we really believed  
6 all through their high school and college years.

7 And I believe that we have been very  
8 blessed, because our beliefs have worked out very  
9 well.

10 When the girls were little toddlers --  
11 they were all very close in age -- we spent -- our  
12 recreation was hiking, because it didn't cost any  
13 money, except for gas. And that was about \$.25 a  
14 gallon. And so we -- we just hiked everywhere, the  
15 foothills, Sandia Mountains, Jemez Mountains; and we  
16 continued hiking forever.

17 In the wintertime, we did tubing and  
18 tobogganing.

19 Later on, as they were growing up, they  
20 became more involved in, I guess, competitive  
21 sports. And they belonged to the Olympic Track  
22 Club, which was coached by a young man who was at  
23 Sandia Labs and spent his evenings and his weekends  
24 coaching the girls. And we had mobs of parents,  
25 voluntary parents, who kept it going.

1           And then they had diving club, which they  
2      also participated in, and which was also a volunteer  
3      coach and a lot of parent volunteers.

4           The -- the, I guess, toward the end of my  
5      story is that our three little girls are now in  
6      their 50s, and they have continued very strongly in  
7      sports involvement and activities. And they are  
8      still -- it's a very important part of their lives.  
9      They have successful careers; but they always -- are  
10     always involved in running or jogging, bicycling.

11           My youngest daughter is a middle school  
12     principal who doesn't get home before dark; so  
13     she -- her main thing is kickboxing. But they're  
14     all involved in sports.

15           But that's from their very early childhood  
16     that we involved them in sports and activity of all  
17     types. And I just think it's very important. In  
18     those days, we did not have computers; but they  
19     would rush -- one daughter would rush to diving,  
20     which we had to find swimming pools to schedule  
21     diving classes. And often it was at the University  
22     of New Mexico, which is very far from us.

23           And on frigid, cold winter mornings at  
24     6:00 a.m., it was not much fun. But she would go --  
25     she would practice her diving, run home, change

1 clothes, and run to catch the bus to get to Eldorado  
2 High School.

3 But it wasn't easy; but it was a part of  
4 their lives. And it has been wonderful for them,  
5 even for their 50s. That's it. I just believe in  
6 it very strongly. I believe it's a place for a lot  
7 of kids. Our girls would have loved it because it  
8 would have combined everything in their lives,  
9 instead of segregated. But I just hope that you  
10 continue.

11 THE CHAIR: Thank you, Commissioner.  
12 Further comments or questions?

13 COMMISSIONER BERGMAN: I will have  
14 comments, Madam Chair, but I'd kind of like to hear,  
15 for a change, from some of my fellow Commissioners  
16 before I make my comments. So I'm going to defer  
17 for a bit.

18 TRIAL OFFICER: Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Ms. Rode, I think  
20 you have done a much better job of presenting to us  
21 this year than last year. You've come close to  
22 selling me. I don't know which way I'm going yet,  
23 which is better than last year, because I do agree  
24 with the Chair that we need a place for the athletic  
25 kids, and because I saw a different emphasis in your

1 presentation and how you have structured it.

2 I certainly am much closer to making my  
3 decision; but I do want to congratulate you for  
4 approaching this very differently this year. It  
5 made it easier for me.

6 Thank you.

7 MS. RODE: Thank you, uh-huh.

8 THE CHAIR: Commissioner Gipson?

9 COMMISSIONER GIPSON: I want to thank you.  
10 I attended your packed house last year; so I  
11 certainly appreciate the enthusiasm. As I mentioned  
12 at the public input hearing, I spent more years than  
13 I want to admit at this point in time coaching  
14 varsity soccer, and basketball, as well. So I've  
15 got a lot of appreciation for the mind-body  
16 relationship, and I understand the importance that  
17 sports places in those individuals that -- that are  
18 leaning in that manner. And I fully support the  
19 concept that you have.

20 I do have -- and I think I expressed it at  
21 the input hearing -- I've got problems with the way  
22 you wrote the goals. And I did read your response.

23 MS. RODE: Thank you.

24 COMMISSIONER GIPSON: And, for me, it  
25 didn't answer --

1 MS. RODE: Okay.

2 COMMISSIONER GIPSON: -- the concern that  
3 I had. But I don't think that's going to sway me at  
4 this point in time. I'm leaning towards supporting.

5 MS. RODE: Thank you.

6 COMMISSIONER GIPSON: But I'm still on  
7 that -- you know, the fence is being constructed as  
8 we -- as we speak. But I think I'm willing to  
9 support.

10 MS. RODE: Can I make a comment? In  
11 regards --

12 THE CHAIR: Unless she asks you a  
13 question, no.

14 MS. RODE: Okay. No comment.

15 THE CHAIR: I just wanted to say,  
16 Commissioners -- let me clarify what I said. I  
17 support approving this school with conditions as are  
18 listed here, as we would do any school.

19 Commissioner Bergman, are you ready? Are  
20 you --

21 COMMISSIONER CARR: He wants to hear from  
22 us. I got to hear from him first.

23 COMMISSIONER BERGMAN: I'm putting it off  
24 as long as I can.

25 COMMISSIONER CARR: You know, I -- I don't

1 think -- the question is whether sports are a viable  
2 part of a young person's life. That's un- --  
3 unquestionable. Obviously, that's, you know, true.  
4 All the data supports that.

5 I'm a former coach. My daughter  
6 participated in sports all throughout her school  
7 years. And I fully -- my wife and I fully supported  
8 her in all those efforts.

9 I do have concerns on the academics. When  
10 I was there for the public hearing, I know you're  
11 using Edgenuity, which I'm very familiar with, and  
12 it is an excellent program. But I was -- I was not  
13 impressed by the knowledge of the program. And  
14 maybe that's a kind of a built-in bias, because I  
15 know so much about it now.

16 But also, we heard from the Albuquerque  
17 Public Schools. They were not supportive of it.  
18 And I -- I'm not -- you know, I -- you have a great  
19 after-school program, and you're -- you know. And I  
20 want to commend you on your public service. And you  
21 are respected on both sides of the aisle  
22 politically -- I know this -- for your integrity.

23 And so there's definitely no question  
24 about that. If you're respected by both sides,  
25 probably a pretty good chance that you have some

1 integrity.

2 The -- I don't feel like you're really  
3 offering anything that the public schools aren't  
4 already offering. And I am concerned about the  
5 academics. I feel like there's too much stress on  
6 the sports-related part.

7 It seems that it -- you know, that could  
8 change. I don't know. If it looks like people are  
9 leaning -- well, we haven't heard from everybody. I  
10 don't know where, for sure, everybody's leaning;  
11 but, you know, I'm going to -- I'm going to vote  
12 "no."

13 But I won't feel bad if it goes the way of  
14 we accept you with conditions; but -- but I will  
15 vote "no."

16 THE CHAIR: Thank you, Commissioner.

17 Anyone else before we get to Commissioner  
18 Bergman?

19 COMMISSIONER ARMBRUSTER: Does that  
20 eliminate us later?

21 COMMISSIONER BERGMAN: "Eliminate." Boy,  
22 that sounds ominous.

23 COMMISSIONER ARMBRUSTER: I know.

24 THE CHAIR: Go ahead, Commissioner  
25 Ambruster.



1 COMMISSIONER BERGMAN: She wants to wait.

2 THE CHAIR: Okay. Then go ahead,

3 Commissioner Bergman.

4 COMMISSIONER BERGMAN: Here, again,  
5 let's -- I'll wrestle with this. Hopefully, this  
6 time -- okay. I, too, am ambivalent on this one.  
7 I'm having -- as I noted earlier in the day, some of  
8 these, I do agonize over. I actually have to  
9 confess, I do not even remember how I voted last  
10 year. I don't remember whether I voted to approve  
11 or deny last year, which is irrelevant, of course.

12 I certainly do have concerns about this  
13 application. I have no problem with the athletic  
14 component, as long as it doesn't interfere with the  
15 academic component; because, as with every one of  
16 those schools that the Chair mentioned, we have a  
17 lot of specialized schools. But I have told each  
18 one of them the same thing: "you're in business to  
19 teach academics. Your side stuff is great; but  
20 that's not why your school exists. You have to  
21 teach the kids. They have to learn to read, write,  
22 and all that stuff."

23 You people have heard me say that to  
24 applicants before. That is the primary purpose for  
25 every school.

1           So I do have some concerns. I'm not going  
2   to say what -- which way I'm going right now,  
3   because I'm not even sure. But I am going to read  
4   my concerns, as I have with the others. I want them  
5   on the record, should the final vote on this be --  
6   because I have no idea how it's going to go.

7           Either -- I will certainly want -- my  
8   concerns are certainly included in those conditions,  
9   that they be addressed, because I do have some  
10   serious concerns. The Director has talked about the  
11   goals, so I won't say a lot there. I will say even  
12   though they looked like some good goals, each one of  
13   them had some weakness. They all had a deficiency  
14   in some area or other.

15          You were asked about that -- as you  
16   remember, I asked you about goals. And I always ask  
17   about goals to the applicants. So we had a  
18   discussion about that at the Community Input  
19   hearing. The Staff, in their capacity interview,  
20   asked you again about it. And your answer in that  
21   part was that you hoped to see a year's worth of  
22   growth in your students.

23          Well, that -- here, again, this group has  
24   heard me say this a hundred times, I bet. The  
25   Public Education Department operates on the basic

1 assumption that all students in this state will show  
2 a year's worth of growth every year. The  
3 presumption is if you are in the fourth grade this  
4 year, you will be adequate to be in the fifth grade  
5 next year. So to me, that is not a rigorous goal.

6 The question that I always follow that up  
7 with when I say that is, you will undoubtedly have  
8 some students that are one or two grade levels  
9 behind. If your philosophy for your school is  
10 you're only going to grow one year a year, how do  
11 you catch up those kids that are one or two grades  
12 below grade level?

13 MS. RODE: That's a question; right?

14 COMMISSIONER BERGMAN: That's not a  
15 question. That's a statement. Sorry.

16 And, yes, your enthusiasm came through  
17 every time you've been in front of us.

18 MS. RODE: I would love to answer that.

19 COMMISSIONER BERGMAN: So that -- if --  
20 should this go forward, I would certainly want to  
21 say that be addressed. That would then be your  
22 opportunity to address that.

23 And I wanted to read something here right  
24 out of your application, here, again, in that area.  
25 You put the statement in there that, "Therefore,

1     if..." -- I don't now how you pronounce this --  
2     "...SAHQ Academy falls short of achieving student  
3     academic goals or growth expectations as a school,  
4     all staff will demonstrate a sense of personal  
5     accountability for the professional role in school  
6     improvement."

7             That's a great statement. It's a very  
8     ideal statement. But unfortunately, that does not  
9     constitute a plan for how you will do that.

10            And that was the concern I saw in that  
11     area. What is the plan to get those kids that are  
12     below grade level up to --

13            MS. RODE: And we have --

14            COMMISSIONER BERGMAN: And at the proper  
15     time, you might be allowed to address that.

16            MS. RODE: Thanks.

17            COMMISSIONER BERGMAN: I understand. But  
18     I didn't ask a question there.

19            Here, again, the curriculum has been  
20     mentioned. Edgenuity has been mentioned. All those  
21     things. But I thought there was a little weakness  
22     in the -- it was a limited description of your  
23     provided curriculum. And I understand how difficult  
24     it is to put together a curriculum for any school.  
25     Even though I'm not an educator, I've looked at

1     them, and I guarantee you I can see how they are  
2     difficult to put together. I understand that.

3             I thought you did not adequately describe  
4     your instructional strategies, the methods that  
5     would be used, or how they would be effective with  
6     that target population, your athletes.

7             Here, again, should this thing go forward,  
8     I would want something in the planning year that  
9     would address that concern of mine.

10            That -- one thing that did concern me that  
11     has been mentioned, under the graduation  
12     requirements, you stated -- the applicant stated  
13     that students must pass all components of the  
14     New Mexico Competency Exam, which you apparently  
15     were not aware was no longer used.

16            MS. RODE: Yeah, that was unfortunate.

17            COMMISSIONER BERGMAN: There were some  
18     other assessment requirements, including the EOC  
19     exams in the PARCC which you didn't address. So I  
20     would be concerned about that.

21            Here, again, in that capacity interview,  
22     you were given an opportunity to clarify those  
23     issues. But what I saw, I didn't see a  
24     clarification. Maybe I missed something there.

25            I think corrective actions have been

1 mentioned, but I do have a little concern there.  
2 Here, again, it goes back to what if they fall  
3 short? What if your school falls short? Everybody  
4 wants to have a great school. Sometimes reality  
5 intrudes, and it turns out you didn't do quite as  
6 well. If that occurs, you have to have a corrective  
7 action plan. And here, again, I didn't see a  
8 totally fleshed out one there that made me totally  
9 comfortable.

10 Oh. And this was mentioned, but I am real  
11 concerned about those three party -- your SAHQ  
12 Backers, your current SAHQ, or however you pronounce  
13 that, and then your school. You've got three  
14 entities there. And they're all intertwined right  
15 now, or could be intertwined.

16 All I will say about that is we've had  
17 other schools with those kind of relationships, and  
18 there were some problems. So I would want some  
19 clarity, somehow -- I would want some more clarity  
20 and more explanation of how the relationships  
21 between your school, the entity currently called  
22 SAHQ, and a separate 501(c)(3) called the "SAHQ  
23 Backers."

24 Your organizational charter depicted the  
25 SAHQ Backers as part of the school to be overseen by

1 the principal. And this group was shown to have  
2 responsibility for operations, including facilities,  
3 maintenance, and security. And I'm not sure how a  
4 separate fundraising foundation, or whatever they  
5 are for your school, can be intimately involved in  
6 the operation of the school.

7 Perhaps I am wrong. I'm not a lawyer, of  
8 course. So I would certainly want that clarified in  
9 any kind of a program -- conditions, should this go  
10 forward, because that really does concern me.

11 And I turned it over, and that's the last  
12 thing I see; so I must be done.

13 I -- thank you, Madam Chair.

14 THE CHAIR: Thank you, Mr. Commissioner.

15 Now, Commissioner Ambruster.

16 COMMISSIONER ARMBRUSTER: I have a number  
17 of comments that are not necessarily connected to  
18 one another.

19 In a sense, it's kind of a win-win for  
20 you. You win if we approve the charter, and I guess  
21 for kids, it's a win-win, because you would continue  
22 with the wonderful job that you are currently doing.

23 My concerns are I think Albuquerque has  
24 over 70 openings right now for special education.  
25 And I'm not willing to go back, I might add. I

1 think that every school has sports. And like the  
2 other people have mentioned, all of our children  
3 were in sports -- our child, first time the girls  
4 won a track meet in the history of Los Alamos. But  
5 I do think it's important. I think they still have  
6 that opportunity.

7 I think that the special education part  
8 concerns me. It's fine with a blended education.  
9 It's fine for the -- to be in a classroom.

10 You stated that you are not going to -- at  
11 least, as I understood it -- not going to take them  
12 out of an inclusion setting. Personally, I think  
13 that they should be, all of them, for remediation,  
14 because I don't think that actually generally occurs  
15 in a classroom. But you may have a way of doing  
16 that; although, I didn't see that.

17 You did mention that there would be an  
18 additional layer of support with a coordinator; but  
19 I didn't know what would be done or what programs  
20 would be instituted or how special education could  
21 be brought up.

22 I honestly don't suspect that special  
23 education students are going to be on grade level.  
24 That's why they're called "special." So that is not  
25 my concern that you wouldn't make two years' growth.



1 You would see growth, and they do hit a ceiling  
2 earlier than others.

3 I -- you did talk about the -- about  
4 graduation; but I'm not sure exactly how they were  
5 going to get on each of those pathways. A concern I  
6 know in ELL about which I'm not an expert -- but I  
7 know you can't just release them, that even though  
8 when they meet that criteria, you still have to  
9 monitor them for a few more years to make sure they  
10 maintain on an academic level.

11 And I'm not sure how you are going to  
12 identify special education students in the classroom  
13 who are not already identified, obviously. If they  
14 come with an IEP, you know and how that will be.

15 And the last thing, just as a concern for  
16 me, is this project-based learning. I know that's  
17 the new buzz word. I think it takes an enormous  
18 amount of energy and extremely talented teachers to  
19 really do project-based learning.

20 I'm also not sure how that reflects a  
21 reading program or a math program or a remediation  
22 program of language, writing, whatever. It's not  
23 that the project itself is such a concern; but I'm  
24 not sure that that always teaches students,  
25 particularly those who are struggling -- and that

1 could be special ed or not -- to learn to read and  
2 write; because at the end of the day, all students  
3 need to be able to have a certain level of reading  
4 and writing literacy and math, to be able to  
5 function in 2000- -- whatever year you want --  
6 whenever they're going to graduate; but certainly,  
7 in 2015.

8 But on the other hand, I love your spirit,  
9 and I love the concern, and I love all that you have  
10 done, which is an immense amount. But I, too, am on  
11 the fence.

12 So those are my concerns.

13 THE CHAIR: Any other comments or  
14 questions from Commissioners?

15 COMMISSIONER GIPSON: I want to go last.

16 THE CHAIR: I'm sorry?

17 COMMISSIONER GIPSON: I want to go last.

18 THE CHAIR: You want to go last. Well,  
19 somebody's got to be first.

20 COMMISSIONER GIPSON: I know.

21 THE CHAIR: I hear no more comments. I  
22 see no one's hand up. So I'm ready for a motion.

23 COMMISSIONER BERGMAN: I would think it's  
24 going to depend on which motion it's going to be.  
25 So if someone wants to make a motion to approve,

1     they should be the ones working with you and Josh to  
2     establish conditions that would be a part of the  
3     motion.

4                 COMMISSIONER ARMBRUSTER: I think we need  
5     to take a break to do that. Didn't we the last  
6     time?

7                 COMMISSIONER GIPSON: We can't do that.  
8     We can't take a break to decide what the motion --

9                 THE CHAIR: Let's take about five minutes,  
10    and I will visit with Josh. And if anyone else  
11    wants to visit with Josh about this motion, you are  
12    welcome to do so.

13                (Recess taken, 2:46 p.m. to 2:52 p.m.)

14                THE CHAIR: All right. I think we have  
15    all returned. If everyone is ready, I believe  
16    Commissioner Gipson has a motion for us.

17                COMMISSIONER GIPSON: Madam Chair --  
18    Madam Chair, I move that the Public Education  
19    Commission approve, with conditions, the 2015 New  
20    Charter School Application for SAHQ Academy --

21                COMMISSIONER POGNA: Second.

22                COMMISSIONER GIPSON: -- with the  
23    following conditions:

24                The approval is subject to the following  
25    conditions, which are intended to ensure the

1 applicant is able to sufficiently address all  
2 concerns identified in the analysis of the  
3 application and prepared to begin operating a  
4 charter school that will meet the purposes of the  
5 Charter School Act.

6 These conditions require that the  
7 application -- that the applicant must:

8 1. Timely obtain standing as an approved  
9 Board of Finance no more than 120 days after  
10 receiving a written notice of approval of this  
11 application;

12 2. Timely secure a facility that meets  
13 PSFA approval, including E-Occupancy, no less than  
14 two weeks prior to the scheduled first day of  
15 school;

16 3. Complete the Planning Year Checklist  
17 with any revisions approved by the PEC at the  
18 November meeting, including correcting all findings  
19 by the deadlines identified by CSD when materials  
20 submitted as part of the Planning Year Checklist are  
21 evaluated for completeness and statutory and  
22 regulatory compliance;

23 4. Attend all planning year training and  
24 technical assistance sessions hosted by CSD;

25 5. As part of the contract and framework

1 negotiation and approval process, obtain the Public  
2 Education Commission's approval of any substantial  
3 proposed changes to the educational model, staffing,  
4 organizational and government plan, or financial  
5 plan, that was presented in the application;

6 And, 6. Applicant will address the  
7 deficiencies that were noted by both the CSD and the  
8 Commissioners during the planning year.

9 THE CHAIR: Thank you. You've heard the  
10 motion by Commissioner Gipson, second by  
11 Commissioner Pogna.

12 Is there further discussion?

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

15 And I will remind you that a "yes" vote is  
16 for approval with conditions.

17 COMMISSIONER PERALTA: Commissioner  
18 Bergman?

19 COMMISSIONER BERGMAN: I will come down  
20 off my fence and I will vote "yes" in favor of this  
21 application, with my concerns that have been noted.  
22 And I will expect them to be fully addressed during  
23 the planning year. I will vote "yes" on this  
24 motion.

25 COMMISSIONER PERALTA: Commissioner

1 Gipson?

2 COMMISSIONER GIPSON: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Peralta votes "No."

5 Commissioner Conyers?

6 COMMISSIONER CONYERS: Yes.

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Ambruster?

13 COMMISSIONER ARMBRUSTER: No.

14 COMMISSIONER PERALTA: Commissioner

15 Toulouse?

16 COMMISSIONER TOULOUSE: No.

17 COMMISSIONER PERALTA: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER PERALTA: Commissioner Carr?

20 COMMISSIONER CARR: No.

21 COMMISSIONER PERALTA: Commissioner

22 Shearman?

23 THE CHAIR: Yes.

24 COMMISSIONER PERALTA: Madam Chair, that

25 is five to four in favor of the motion.

1 THE CHAIR: Thank you very much. The  
2 motion passes on a five-to-four vote. It's the same  
3 vote we had last year, wasn't it, and a different  
4 result?

5 MS. RODE: And I just appreciate it very  
6 much. And I'm looking forward to being a partner  
7 with you to create a good school.

8 THE CHAIR: We wish you very much success.

9 MS. RODE: Thank you.

10 THE CHAIR: All right.

11 Commissioners, that finishes Item No. 4.  
12 Item No. 5, we chose to move to tomorrow at  
13 9:00 a.m.

14 That takes us down to Item 6. And it is  
15 3:00. Do you want to move forward today, or do you  
16 want to adjourn for today and take it up again  
17 tomorrow morning?

18 MS. POULOS: Madam Chair, Commissioners, I  
19 do have two individuals here that have traveled long  
20 distances that I think it would be good to at least  
21 get to their items. That is the amendment request  
22 by J. Paul Taylor -- as well as he just stepped out  
23 of the room. Mr. Martinez from Albuquerque Sign  
24 Language Academy was here to address the Commission.

25 THE CHAIR: Commission, would you like to

1 address those two items? Just those two items?

2 COMMISSIONER PERALTA: Personally, I would  
3 like to get as far as we can. I need to leave  
4 tomorrow by 2:00.

5 THE CHAIR: I think we'll be finished by  
6 noon.

7 COMMISSIONER PERALTA: You think so? You  
8 guarantee that?

9 THE CHAIR: I guarantee it. I guarantee  
10 it.

11 Okay. Then let's move ahead with Item  
12 No. 6.

13 COMMISSIONER GIPSON: I'd rather get as  
14 far as we can today -- and.

15 THE CHAIR: Item 6, Discussion and  
16 Possible Action on Charter School Amendments.

17 And the first is J. Paul Taylor.

18 Good afternoon.

19 Katie, would you please go ahead?

20 MS. POULOS: Madam Chair, Commissioners,  
21 Item 6A1 is a request from J. Paul Taylor Academy to  
22 increase their enrollment cap. This was an issue  
23 that was addressed earlier by Commissioner Shearman,  
24 where, in the application, and as that became part  
25 of the contract in prior years, the applicant had



1 many opportunities to identify a phase-in plan, as  
2 well as, separately, to identify capacity at full  
3 enrollment.

4 There is conflict within that information  
5 for J. Paul Taylor Academy. It's unclear whether  
6 that should be 180 students or 200. Because, in the  
7 phase-in plan in the fifth year, it does identify  
8 180 students, we believe that's the appropriate cap,  
9 because there's a lack of clarity, and also, because  
10 J. Paul Taylor's three-year school grade average is  
11 a B, CSD does recommend the approval of this  
12 enrollment cap increase to establish the enrollment  
13 cap at 200 students.

14 THE CHAIR: Would you care to make a  
15 presentation on that issue?

16 MS. GARCIA-POST: No, I just --  
17 Madam Chair?

18 THE CHAIR: Let me ask you to identify  
19 yourself first.

20 MS. GARCIA-POST: Madam Chair and  
21 Commissioners, my name is Aine Garcia-Post, and I'm  
22 the new head administrator at J. Paul Taylor  
23 Academy, starting in July. I'm thankful that you're  
24 willing to hear this today. That's all.

25 THE CHAIR: Thank you very much. Is there

1 any discussion?

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: Just a question.

4 And you're new, so I don't know if -- why are you  
5 limiting -- if you're going into a new building,  
6 which I know you're going into, why are you limiting  
7 your request at this time to just 200? Wouldn't it  
8 make some sense to go a little higher and give  
9 yourself more room.

10 MS. GARCIA-POST: Right. Well, part of  
11 the charter and the way the school is set up is to  
12 have one class per grade level at this time. And so  
13 if we adhere to New Mexico Administrative Code at  
14 those levels, for the class-load caps, that would  
15 put us right at around 100; so I don't anticipate  
16 ever exceeding 200 at this point.

17 COMMISSIONER BERGMAN: Thank you for that  
18 clarification.

19 THE CHAIR: Anything else?

20 Hearing no further discussion, I see we  
21 have the request -- Josh, are you looking for the  
22 minutes?

23 MR. GRANATA: Yeah, I am.

24 MS. POULOS: Those are at the very back.

25 So those are three amendments -- all three

1 amendments are included in the minutes. And so the  
2 minutes, in order to allow them to apply to all  
3 three, are in the very back of this item.

4 COMMISSIONER BERGMAN: In the last three  
5 pages.

6 MS. POULOS: Directly before the tab for  
7 Item 7.

8 COMMISSIONER BERGMAN: Actually, there's  
9 more than three. I'm still finding J. Paul Taylor  
10 pages. I'm still -- I see some holes.

11 THE CHAIR: Keep going. It's beyond that.

12 COMMISSIONER BERGMAN: Somewhere in the  
13 middle of that area, I see a vote on something.

14 THE CHAIR: If you know exactly where in  
15 these minutes these amendments are referred to,  
16 please point them out to us.

17 COMMISSIONER GIPSON: It's on the -- if  
18 you go to the very end, it's on the first to the  
19 last page [verbatim] in the third paragraph, I  
20 believe.

21 "Move to approve the charter amendment..  
22 class size and potential enrollment."

23 THE CHAIR: That's the 200 students. I  
24 see that.

25 Okay. Josh says we have adequate minutes

1 to support this amendment request.

2 Anything further?

3 Hearing nothing, the Chair would entertain  
4 a motion to approve this amendment request.

5 Commissioner Gipson?

6 COMMISSIONER GIPSON: Madam Chair, I move  
7 to approve the amendment presented by J. Paul Taylor  
8 Academy to increase the enrollment cap from 180 to  
9 200, because the school has maintained a three year  
10 average of a "B," which maintains a high level of  
11 student achievement.

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

14 COMMISSIONER BERGMAN: Second.

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

17 Any further discussion?

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

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Conyers?

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER PERALTA: Commissioner Pogna?

1 COMMISSIONER POGNA: Yes.  
2 COMMISSIONER PERALTA: Commissioner  
3 Gipson?  
4 COMMISSIONER GIPSON: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Toulouse?  
7 COMMISSIONER TOULOUSE: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Peralta votes "Yes."  
10 Commissioner Armbruster?  
11 COMMISSIONER ARMBRUSTER: Yes.  
12 COMMISSIONER PERALTA: Commissioner  
13 Bergman?  
14 COMMISSIONER BERGMAN: Yes.  
15 COMMISSIONER PERALTA: Commissioner  
16 Shearman?  
17 THE CHAIR: Yes.  
18 COMMISSIONER PERALTA: Madam Chair, that  
19 is a nine-to-zero vote in favor of the motion.  
20 THE CHAIR: Thank you. The motion passes  
21 unanimously to approve the first amendment on  
22 enrollment cap for J. Paul Taylor.  
23 MS. POULOS: Madam Chair and  
24 Commissioners, Item 6A2 is a motion by J. Paul  
25 Taylor Academy to amend the class size provisions on

1 Page 47 of the charter.

2 The amendment seeks to follow the NM PED  
3 guidelines for State class size. That includes  
4 class loads that allow 20 students in kindergarten,  
5 in first grade; 22 students in second grade; 22  
6 students in third grade; 24 students in fourth  
7 grade; 24 students in fifth grade; and 25 students  
8 in sixth-, seventh-, and eighth-grade classes.

9 CSD recommends approval of this amendment  
10 request.

11 THE CHAIR: Josh tells me the minutes are  
12 sufficient.

13 Any discussion?

14 Hearing none, may we have a motion?

15 Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I  
17 move that the PEC approve the amendment presented by  
18 J. Paul Taylor Academy to amend class size on  
19 Page 47 of their charter.

20 COMMISSIONER PERALTA: Second.

21 THE CHAIR: Thank you. Motion by  
22 Commissioner Toulouse, seconded by Commissioner  
23 Peralta.

24 Do we have further discussion?

25 COMMISSIONER BERGMAN: Should the number

1 "20," which is what they asked for -- should that be  
2 in the motion, or is that necessary?

3 MS. POULOS: Madam Chair and Commissioner,  
4 they're not asking for 20 students. They're asking  
5 to remove the language that limited them to  
6 20 students, and simply comply with state class-load  
7 requirements.

8 THE CHAIR: Any further discussion?

9 Hearing none, may we have a motion?

10 COMMISSIONER PERALTA: We did.

11 THE CHAIR: Do we have a motion? We do  
12 have a motion. We certainly did. And it was a  
13 lovely motion, too.

14 COMMISSIONER TOULOUSE: Thank you.

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

17 COMMISSIONER PERALTA: Commissioner  
18 Shearman?

19 THE CHAIR: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Bergman?

22 COMMISSIONER BERGMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Peralta votes "yes."  
3 Commissioner Conyers?  
4 COMMISSIONER CONYERS: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Ambruster?  
7 COMMISSIONER ARMBRUSTER: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Toulouse?  
10 COMMISSIONER TOULOUSE: Yes.  
11 COMMISSIONER PERALTA: Commissioner Pogna?  
12 COMMISSIONER POGNA: Yes.  
13 COMMISSIONER PERALTA: Commissioner Carr?  
14 COMMISSIONER CARR: Yes.  
15 COMMISSIONER PERALTA: Madam Chair, that  
16 is nine to zero in favor.  
17 THE CHAIR: Thank you. The motion to  
18 approve the amendment for the grade level cap for J.  
19 Paul Taylor is approved unanimously.  
20 Their third amendment request has to do  
21 with governance board responsibilities.  
22 MS. POULOS: Madam Chair and  
23 Commissioners, Item 6A3 is a request from J. Paul  
24 Taylor Academy to amend the contract section of  
25 their -- which is part of their original application



1 that identified the governing body's responsibility  
2 to approve all contracts. The school is seeking to  
3 amend that provision that was originally in the  
4 application, which does not exist in our current  
5 contracts -- but this is a holdover -- to allow that  
6 the governance council would approve only contracts  
7 that exceed \$25,000.

8 CSD is recommending approval of this  
9 amendment request.

10 THE CHAIR: Thank you.

11 Any questions? Concerns?

12 Hearing none, may we have a motion?

13 Commissioner Peralta?

14 COMMISSIONER PERALTA: I move that the PEC  
15 approve the amendment presented by J. Paul Taylor  
16 Academy to amend Section B, "Description of the  
17 Governing Body," 7, "Confidential matters of the  
18 governing council," 3, "Financial matters," Page 72  
19 of the charter.

20 THE CHAIR: Thank you.

21 Do we have a second?

22 COMMISSIONER TOULOUSE: (Indicates.)

23 THE CHAIR: Commissioner Toulouse?

24 And the minutes are sufficient, Josh is  
25 telling me.

1 Further discussion?

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

3 roll-call vote?

4 COMMISSIONER PERALTA: Commissioner

5 Peralta votes "Yes."

6 Commissioner Gipson?

7 COMMISSIONER GIPSON: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Bergman?

10 COMMISSIONER BERGMAN: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Shearman?

13 THE CHAIR: Yes.

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner Pogna?

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner

25 Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER PERALTA: Madam Chair, that  
3 is nine to zero in favor.

4 THE CHAIR: Thank you. The amendment  
5 request for J. Paul Taylor for governance council  
6 responsibilities is approved.

7 COMMISSIONER BERGMAN: And thank you very  
8 much. That is a long way to come for such a short  
9 amount of business.

10 MS. GARCIA-POST: Well, I appreciate your  
11 time. Thank you very much.

12 MS. POULOS: Madam Chair, Item 6B1 and 2,  
13 both were withdrawn from the agenda after the last  
14 amendment -- we didn't want to make another one --  
15 because the school did not timely submit all the  
16 required documents.

17 Next, I think we can just --

18 THE CHAIR: Let's move on to Item No. 7,  
19 which is Report from Options for Parents.

20 We'll start with the Schools of Concern.

21 MS. POULOS: On the Schools of Concern, as  
22 we've been doing the past several months, CSD has  
23 provided an ongoing "actions and monitoring"  
24 document that identifies the status of all ongoing  
25 monitoring and/or actions.

1           If there are any updates, that's provided  
2       on the form. But only if there are updates that  
3       would require action by the Commission would that be  
4       put on the agenda.

5           And so that's just for the Commissioners  
6       to have the opportunity to review. If you have any  
7       questions on that, I'm always happy to answer them.

8           THE CHAIR: Any questions on the Schools  
9       of Concern?

10          Yes. Commissioner Toulouse?

11          COMMISSIONER TOULOUSE: Madam Chair, I  
12       have a legal question on the Anthony school. With  
13       PED negotiating an extension to the contract, are  
14       they allowed -- despite whatever the Court orders,  
15       are they allowed to actually do an extension to the  
16       contract? I thought that was up to us, rather than  
17       to PED, to enter into a contract extension.

18          And so it's a legal question. I don't  
19       care what they've done. I mean, we're messed up  
20       with dealing with Anthony for quite a while now,  
21       anyway, because of the Court decision and PED not  
22       having even been there to defend it when the order  
23       was issued.

24          But I'm worried about the legal -- our  
25       legal status in regard to the extension of that

1 contract.

2 MS. POULOS: Madam Chair, Commissioners, I  
3 think we're moving on to Item 7B. So I just wanted  
4 to acknowledge that, because that is separated as an  
5 item, because we don't believe there's -- so I can  
6 address the conversations that I've had with Dan  
7 Hill, the Office of General Counsel.

8 He was part of the settlement negotiations  
9 with the school as a result of the appeal of the  
10 Secretary's decision to uphold the non-renewal. As  
11 a result of those settlement negotiations -- which,  
12 my understanding from Mr. Hill was that he did give  
13 the PEC the opportunity to be part of those  
14 settlement negotiations and was told that they  
15 didn't want to. That was the information that was  
16 passed on to me.

17 THE CHAIR: I don't want that on the  
18 record. It is not correct. PEC had an opportunity  
19 to submit some possible conditions that would be  
20 brought forward during those settlement  
21 negotiations; but we were not invited to the table  
22 for those negotiations.

23 MS. POULOS: Again, that was the  
24 information that was presented to me. What he did  
25 then tell me was that based on those settlement

1 negotiations, a settlement agreement had -- they had  
2 come to terms on a settlement agreement that  
3 included the extension of the contract of Anthony  
4 Charter School, that same contract -- not the same  
5 performance framework, but the same contract -- for  
6 an additional three years.

7 As a result, CSD is recommending that  
8 the -- and I have to get to the right page -- that  
9 the Commissioners require -- that CSD recommends  
10 that a subcommittee of the PEC engage in a  
11 negotiation process with the school to establish a  
12 2015-2016 framework and framework goals for that  
13 school, because that school is currently in  
14 operation, and my understanding is, based on that  
15 settlement agreement, will be, under the terms of  
16 the current contract for the next three years.

17 COMMISSIONER TOULOUSE: Madam Chair,  
18 that's good background information. But I would  
19 like our legal counsel to give me -- because I don't  
20 want us to have any more legal problems with this  
21 school or whether -- I don't know that we're even  
22 authorized at this point to go into those  
23 negotiations, because I -- my understanding of the  
24 law is we're still the ones who do the terms of  
25 contracts and the length of contract.

1           So I just want to be clear -- I want to be  
2 clear on this.

3           MS. POULOS: Anthony's attorney is here.  
4 I don't know if you want to hear from her.

5           THE CHAIR: Josh?

6           MR. GRANATA: Madam Chair, Commissioner  
7 Toulouse, it's a very good question that you've  
8 asked, and I don't -- I can't really give you a very  
9 good answer, unfortunately. I mean, the question is  
10 whether or not the Judge could extend the contract  
11 of Anthony. And, like I said, it's a very good  
12 question. It's one of those legal questions where  
13 the answer could be "yes," could be "no."

14           At this point in time, I think if the  
15 Commission would like to discuss this further, I  
16 think the best thing to do would be put it on the  
17 agenda and we can discuss it during an executive  
18 session. I think that's really the best that I can  
19 say at this point in time.

20           COMMISSIONER TOULOUSE: Thank you.

21           THE CHAIR: Patti, I saw your hand up.  
22 Did you have something to add?

23           MS. MATTHEWS: Madam Chair, members of the  
24 Commission, Patricia Matthews, for the record.

25           That's news to me (indicates). So I

1 just -- I will tell you, I have not had any  
2 communications with Mr. Hill, other than to present  
3 him with a proposed resolution. And since the  
4 proposed resolution went to his desk, I have not  
5 heard whether or not it was acceptable to the  
6 Department.

7 But, Commissioner Toulouse, to your  
8 question, the Judge stayed any further action on the  
9 appeal and kept the school open until further  
10 determination of the Court. In the interim, the  
11 Department and the school have -- are in discussions  
12 to negotiate a resolution. And the resolution,  
13 we've been discussing, although it's not finalized,  
14 was the concept that the request would be to extend  
15 through the full five years of the -- you know, they  
16 were a two-year charter -- to extend to the full  
17 five.

18 That's where we are, and I have no -- I  
19 have no response back from General Counsel that we  
20 have a deal. So my client absolutely would be  
21 willing to come and meet with the Commissioners and  
22 talk about annual performance targets and that whole  
23 process that they would be in normally for the next  
24 three years. But I'm as clueless as you are; so...

25 COMMISSIONER TOULOUSE: Madam Chair, my



1 question still is, then, I think we have a legal  
2 question. I'm not opposed to your settlement. It's  
3 just who can -- whether PED can agree to the  
4 settlement on behalf of us, without our involvement,  
5 or whether we need to approve it after PED's done  
6 it.

7 I'm -- because to me, the only person who  
8 can do anything with a charter contract is the  
9 Commission, not PED. I can see the Court having  
10 some orders; but -- I'm confused.

11 MS. MATTHEWS: Madam Chair, members of the  
12 Commission, I'll take a stab at that, if you would  
13 like. Much like the other appeals that you've had  
14 before, which is if it goes to the Secretary on  
15 appeal, and she -- and in this instance, what she  
16 would effectively be doing would be agreeing to  
17 resolve the appeal by settling the appeal and  
18 approving, or reversing -- right? -- her own  
19 decision.

20 And then it would be much like the other  
21 charters -- or the other decisions. It would come  
22 back to the Commission with her directive to approve  
23 the charter.

24 Now, I'm not sure that's exactly how she's  
25 done it in the past. I think she might have

1 actually gone ahead and said, "On appeal, this  
2 charter is granted a..." three-year, or a five year,  
3 or whatever it is she does. So...

4 THE CHAIR: The contract that that school  
5 was operating under, we gave them a two-year -- we  
6 renewed them for two years; and then when they came  
7 back, we denied it. But they were under a two-year  
8 contract.

9 So that contract has expired; am I  
10 correct?

11 MS. MATTHEWS: No. The Judge has entered  
12 a restraining order or a temporary injunction to  
13 keep the school open, pending a resolution of the  
14 appeal that's before him right now. Nothing has  
15 happened on that appeal.

16 THE CHAIR: Yes, I realize that. But how  
17 does that affect the contract that was for two  
18 years?

19 MS. MATTHEWS: He said -- and I apologize.  
20 I don't have my pleadings file with me today. And  
21 because I hadn't heard anything, I thought we  
22 wouldn't be talking about Anthony today.

23 So if I recall correctly, the injunction  
24 is that the school will continue under the same  
25 terms and conditions of the existing contract until

1 a final resolution of the appeal.

2 THE CHAIR: So can PED extend an expired  
3 contract or issue a new contract? Because that  
4 contract was for two years. So if there's a  
5 settlement, does that not satisfy the Judge's  
6 injunction, and that would no longer be in force,  
7 and the school would then be operating under the  
8 settlement agreement, which does not include a  
9 contract?

10 MS. MATTHEWS: That's not how we see it.  
11 We see it that the settlement is an extended  
12 contract. That's how the negotiations have gone.

13 THE CHAIR: Does PED have the authority to  
14 extend a contract that is, by law, extended by us?

15 MS. MATTHEWS: She has the right, on  
16 appeal, to tell you whether or not that contract  
17 should continue or not.

18 THE CHAIR: Which hasn't been done.

19 MS. MATTHEWS: But right now, we're under  
20 the injunctive directive of the Court to continue  
21 that school in its place, under the terms and  
22 conditions of the -- of the contract.

23 COMMISSIONER TOULOUSE: It would seem to  
24 me that we have no contract, that we would need to  
25 negotiate a three-year contract to finish this,

1     because this one --

2                 COMMISSIONER BERGMAN:   Not according to  
3     the Judge, apparently.   I'm saying "apparently."

4                 COMMISSIONER TOULOUSE:   I'm thinking this  
5     is PED, and the Judge hasn't signed off on anything.  
6     Because, remember, we have -- the rules were  
7     changed, and the Secretary no longer sends us back  
8     anything with direction to do any action.   She  
9     changed the procedures and did a rule-making so that  
10    she can make that decision for us; but it doesn't  
11    come back to us with directions telling us.

12                THE CHAIR:   I don't think that's right.

13                COMMISSIONER TOULOUSE:   Well, that was  
14    part of the settlement, when we all --

15                THE CHAIR:   The settlement said it did not  
16    have to come back to us for a vote.

17                COMMISSIONER TOULOUSE:   No.   I'm saying  
18    that she approves it, though.   It's on her head.   It  
19    does not come back to us with instructions to  
20    approve it.

21                THE CHAIR:   Let me put it this way:   We  
22    can't settle this today, anyway.   We don't know the  
23    answers.   We hardly even know the questions.

24                Can we ask that everybody that might be  
25    able to find an answer, please do so?

1 MS. MATTHEWS: I've been doing my best,  
2 Commissioner Shearman.

3 COMMISSIONER BERGMAN: I'm waving my hand  
4 here. At some point, I want --

5 THE CHAIR: Okay.

6 COMMISSIONER BERGMAN: I have a couple of  
7 comments. One, that in the event it turns out that  
8 this contract has been extended by three years, then  
9 this Commission has two options is all we have left.

10 Like I say, we're in the water. We either  
11 will then negotiate some goals, academic performance  
12 goals, with this group to fit that contract, or we  
13 will not negotiate any goals, and then they will  
14 operate for three years without any goals.

15 My second observation is -- and I'm  
16 speaking personally as Vince Bergman now -- I am  
17 astounded that a school that we revoked for abysmal  
18 performance now has an extra three more years to  
19 operate. That's a personal opinion, not a  
20 Commission opinion.

21 That's all I will say. I'm astounded.

22 Thank you, Madam Chair.

23 THE CHAIR: Let us just ask -- and I  
24 agree. We don't have any options, really. If this  
25 school is being allowed to operate, then we need to

1 meet with them and negotiate a framework and get  
2 some academic and mission-specific indicators  
3 specific to this school and get them on board with  
4 some accountability.

5 So, Katie, could we ask you to facilitate  
6 that, please?

7 MS. POULOS: And there is motion language  
8 for the Commissioners on Page 7 of Item 7.

9 THE CHAIR: Okay. Thank you, Patti.

10 Has everyone found that language? Would  
11 someone care to make that motion?

12 COMMISSIONER BERGMAN: I'm going to note,  
13 before you make the motion, that my calendar is  
14 already booked for October. I say that, because I  
15 am at most of those. So if this ends up scheduling  
16 in October, I won't be there. I have a full  
17 calendar in October right now.

18 THE CHAIR: Does it say a date in here?

19 COMMISSIONER BERGMAN: No. But it says  
20 that the -- somebody's going to require Anthony  
21 Charter School to work with CSD "and contract  
22 attorney."

23 MS. POULOS: That would be Julia.

24 THE CHAIR: Yeah.

25 COMMISSIONER BERGMAN: Well, I would --

1       somebody from the PEC has got to be involved in  
2       that.

3               MS. POULOS:   Just to prepare for  
4       negotiations and schedule the time for the  
5       subcommittee.

6               COMMISSIONER BERGMAN:   We're always  
7       involved in the time for the negotiations and where  
8       they are and when and everything else.   In fact, we  
9       normally suggest the times and the places and all  
10      that.

11              And that's the only point I'm going to  
12      make.   Keep that in mind.

13              THE CHAIR:   Okay.   Are we prepared for  
14      this motion?

15              COMMISSIONER TOULOUSE:   Madam Chair, I'm  
16      not sure that we are, because we don't know what the  
17      status of the settlement is.

18              THE CHAIR:   The thing about it is we  
19      don't -- I almost think it doesn't matter.

20              MS. POULOS:   And this motion is not --

21              THE CHAIR:   We've got to get this school  
22      under a performance frame, so there's some  
23      accountability.   The rest of it can just float  
24      around out there.

25              COMMISSIONER TOULOUSE:   Okay.

1 THE CHAIR: The school is going, really.

2 COMMISSIONER TOULOUSE: I agree,

3 Madam Chair. Let's go.

4 THE CHAIR: So would you like to make a  
5 motion?

6 COMMISSIONER TOULOUSE: Okay.

7 Madam Chair, I will move to require  
8 Anthony Charter School to work with CSD and the  
9 contract attorney to prepare for negotiations and  
10 schedule a time for a subcommittee of the PEC, with  
11 PEC involvement in that scheduling, to engage in a  
12 negotiation process to establish 2015-2016 framework  
13 goals.

14 THE CHAIR: Thank you very much.

15 Do we have a second?

16 COMMISSIONER GIPSON: Sure.

17 THE CHAIR: Did you second?

18 COMMISSIONER GIPSON: Yes, I did.

19 COMMISSIONER BERGMAN: The puppet down  
20 there.

21 THE CHAIR: Motion by Commissioner  
22 Toulouse, second by Commissioner Gipson, as you  
23 heard, as noted on the official record.

24 Is there further discussion?

25 Hearing none, may we have a roll-call



1 vote, please?

2 COMMISSIONER PERALTA: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER PERALTA: Commissioner

5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Ambruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Peralta votes "yes."

15 Commissioner Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Bergman?

21 COMMISSIONER BERGMAN: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Shearman?

24 THE CHAIR: Yes.

25 COMMISSIONER PERALTA: Madam Chair, that

1 is nine to zero in favor of the motion.

2 THE CHAIR: Thank you very much. The  
3 motion passes unanimously. Patti, I think sooner  
4 rather than later on that.

5 COMMISSIONER CARR: Madam Chair, we moved  
6 so quickly, I didn't realize we were done on "A" and  
7 we went right to "B." And I had just had a question  
8 about Item A.

9 THE CHAIR: Oh, I'm sorry. Let's go back  
10 to it then. It's just I -- Southwest -- Southwest  
11 Schools, are they no longer a School of Concern?

12 MS. POULOS: They are. And they're on the  
13 list.

14 COMMISSIONER GIPSON: They're on the  
15 chart.

16 MS. POULOS: It's because of the way it  
17 printed. And I apologize. I'll be more careful  
18 about that in the future. They're at the bottom of  
19 the second page, top of the -- bottom of the second  
20 page.

21 And it's just -- there's an ongoing  
22 investigation. At this point, we have no update.

23 COMMISSIONER CARR: Okay.

24 MS. POULOS: If we do, we will, of course,  
25 bring that information.

1 COMMISSIONER CARR: Thank you.

2 THE CHAIR: Anything else?

3 All right. If you're ready, then, let's  
4 move on to Item C, Katie.

5 MS. POULOS: Item C is the notice of  
6 charters looking for a new facility. CSD has been  
7 notified that Tierra Adentro, New Mexico School of  
8 Academics, Art, and Artesania, that is looking for a  
9 new facility. CSD will continue to provide updates  
10 to the Commissioners through the ongoing actions and  
11 monitoring document, as they're available.

12 And you can see on that one that on the  
13 last page, we've added that item. And you can see  
14 that we still know that Taos Integrated School for  
15 the Arts and South Valley Preparatory School are  
16 looking for facilities.

17 As we get any others, we will add those.

18 THE CHAIR: Commissioner Bergman?

19 COMMISSIONER BERGMAN: For those of you  
20 who saw the front page of the Santa Fe paper this  
21 morning, New Mexico School for the Arts has closed  
22 in Sanbusco Center. It's going to take them a while  
23 to finalize it and get all the tenants out. That  
24 was in the paper this morning. It closed. That was  
25 in the --

1 COMMISSIONER TOULOUSE: Madam Chair, I  
2 think we also have Mr. Martinez from the Sign  
3 Language Academy.

4 THE CHAIR: That's next, yeah.

5 COMMISSIONER TOULOUSE: I keep turning the  
6 pages and reading what's on the page. I'm sorry.

7 THE CHAIR: All right.

8 If we're finished with Item C, let's go to  
9 D.

10 Please come on down.

11 MR. MARTINEZ: Should I put these just out  
12 on the table? Will that work, or --

13 MS. POULOS: Yeah. I'll help you set up.

14 MR. MARTINEZ: Thank you.

15 Madam Chair, members of the Commission, my  
16 name is Rafe Martinez, Raphael Martinez,  
17 R-A-P-H-A-E-L, Martinez.

18 We just -- thank you for having me today.  
19 I want to update you on our quest for a new  
20 building.

21 We're aggressively working -- we've  
22 launched a capital campaign to build our own  
23 building. So we've gone through a few processes.  
24 Starting last year, when we -- when we -- we were  
25 connected with the Sawmill Community Land Trust

1 development, the community, about the possibility of  
2 stepping into a 4.8-acre piece of -- plot of land  
3 that they have in Albuquerque. So it's very close  
4 to the Hotel Albuquerque, Old Town area, close  
5 access to the museums.

6 So we went through a pretty arduous  
7 process of meeting with them, going to the board,  
8 going to community meetings, and then being somewhat  
9 scrutinized by the neighborhood. And it was  
10 awesome, by the way. So it worked. It worked well  
11 for us, because I think a lot of people were able to  
12 see the potential of a school like ours sitting in a  
13 smaller community inside the Albuquerque area.

14 And so we're excited to say that they've  
15 voted us -- they welcomed us to the community, which  
16 then started the process of us going to the  
17 different legalities around RFP, meeting with PSFA,  
18 Martica Casias, particularly, and others, to start  
19 the RFP process, with the idea that through the RFP  
20 process and choosing a design-build team, the  
21 construction wouldn't happen until funding is  
22 secured.

23 So everything is on -- is transparent  
24 around all the processes, knowing that we're  
25 starting now to be able to access funding, both

1 capital funds, private funds, if possible,  
2 federal -- whatever it takes to get the building  
3 constructed.

4 And the reason we did choose to -- to go  
5 this route about building our own building was  
6 because of the needs of our students, knowing that  
7 we could tailor something to our kids, both -- not  
8 just DHH -- Deaf, Hard of Hearing -- but also the  
9 high special needs that we have in our building. So  
10 that's where we sit.

11 THE CHAIR: Looks super. Questions,  
12 Commissioners?

13 COMMISSIONER BERGMAN: Not necessarily --  
14 maybe it is a question. You may have addressed this  
15 before, but refresh my memory.

16 What are you contemplating building, Rafe?  
17 Do you have a size yet in mind and --

18 MR. MARTINEZ: Good question. And that's  
19 what's throwing everybody off. So, yes, we have an  
20 idea. But we constructed the RFP -- and we went  
21 through all the proper legal channels to get  
22 opinions -- and I think we're good with this.

23 We constructed the RFP in a kind of  
24 general fashion and non-specific, so that we would  
25 allow design-build teams to be creative, but with

1 the confines knowing that these are students, these  
2 are the number of students that we're able to serve  
3 as far as our charter cap, and these are the  
4 programs that we have committed to serving our  
5 community with.

6 So we -- we anticipate somewhere around a  
7 30,000-square-foot building. We're in a  
8 10,000-square-foot building now, and on top of each  
9 other. So we're going to 30,000 square feet, with,  
10 you know, like, a gym that can have, like,  
11 wheelchair facility basketball, that kind of thing,  
12 you know, those type of -- of ideals -- or those --  
13 kind of that vision is out there. And we want the  
14 design teams to step up to the plate and be  
15 creative.

16 And just so you know, when we published  
17 the RFP, we were hoping to get three or four  
18 participants. We had 24 step up. So I think  
19 there's some excitement in the community about the  
20 school, about the prospect of the building itself  
21 and being not just -- not just another building --  
22 right? -- but somewhat -- especially in that  
23 community, something that's integrated and integral  
24 to that community and serves just the need of the  
25 entire metro; so...

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1 COMMISSIONER BERGMAN: I'm presuming,  
2 since you're always on top of these things, anyway,  
3 your building will be state-of-the-art to fit the  
4 special needs of your population, I would presume.

5 MR. MARTINEZ: Yes, Madam Chair, members  
6 of the Commission, absolutely. That's one of the  
7 biggest things is we fit the adequacy standards for  
8 our students. But we want them to be visionary,  
9 too, in their conceptual design; so...

10 COMMISSIONER BERGMAN: Thank you very much  
11 for that clarification and explanation.

12 Thank you, Madam Chair.

13 THE CHAIR: That is an exciting, exciting  
14 time for you all, I'm sure. And it's very exciting  
15 for us, too, to know that we authorized such a  
16 unique school, and, I think you said, the only one  
17 in the United States.

18 MR. MARTINEZ: That's correct.

19 THE CHAIR: That's a pretty big star for  
20 New Mexico.

21 MR. MARTINEZ: Yes, thank you.

22 THE CHAIR: I am thrilled that you all are  
23 having this opportunity to have a building that  
24 absolutely meets your needs.

25 Do you have any idea about when you will



1 be able to get it started?

2 MR. MARTINEZ: Well, Madam Chair, members  
3 of the Commission, very good question.

4 So we're hoping, ideally, if all goes  
5 well -- and if I could dream my own dream on this  
6 and the money comes like we're hoping it will --  
7 after the Legislative Session, we'll know what we  
8 have and the amount that we have to work with.

9 So then it would be just the legal process  
10 of getting the money transferred into the places  
11 that we can actually start construction. So our  
12 hope is we break ground this year or early next  
13 year. And it will probably take a year to build.

14 So we're okay with the idea that we're  
15 going to be in our facility for at least one more  
16 year, but with hopes that we'll be in a brand new  
17 facility next year or the year after.

18 THE CHAIR: We thank you for being here.  
19 We thank you for staying all day to bring us this  
20 good news.

21 MR. MARTINEZ: Yeah.

22 THE CHAIR: Commissioners, we are now to  
23 Item No. 8.

24 Shall we adjourn -- it's 25 till 4:00 --  
25 and start with -- well, we'll actually start with

1 Item No. 5 in the morning and go to Item 18; all  
2 right?

3 We are adjourned. See you all in the  
4 morning.

5 (Proceedings in recess at 3:35 p.m.)  
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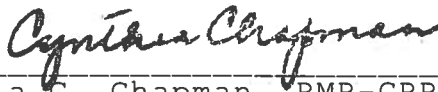
## BEFORE THE PUBLIC EDUCATION COMMISSION

## STATE OF NEW MEXICO

## REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on September 30, 2015.



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