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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
DAY TWO
September 26, 2014
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. EUGENE GANT, Vice-Chair
MR. VINCE BERGMAN, Secretary
MR. JEFF CARR
MR. JAMES CONYERS
MR. J. TYSON PARKER
MR. GILBERT PERALTA
MS. MILLIE POGNA
MS. CARMIE TOULOUSE

STAFF:

MR. MATT PAHL, Interim Director, Charter School
Division
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
MR. JOSHUA R. GRANATA, Assistant Attorney General,
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1 THE CHAIR: Good morning. I call back
2 into session this meeting of the New Mexico Public
3 Education Commission. I would ask Secretary Bergman
4 to do a roll call, please.

5 COMMISSIONER BERGMAN: Commissioner
6 Toulouse.

7 COMMISSIONER TOULOUSE: Present.

8 COMMISSIONER BERGMAN: Commissioner
9 Parker.

10 COMMISSIONER PARKER: Here, and not late.

11 COMMISSIONER BERGMAN: Commissioner
12 Conyers.

13 COMMISSIONER CONYERS: Here.

14 COMMISSIONER BERGMAN: Commissioner
15 Peralta.

16 COMMISSIONER PERALTA: Here.

17 COMMISSIONER BERGMAN: Commissioner Carr.

18 COMMISSIONER CARR: Here.

19 COMMISSIONER BERGMAN: Commissioner Pogna.

20 COMMISSIONER POGNA: Here.

21 COMMISSIONER BERGMAN: Commissioner Gant.

22 COMMISSIONER GANT: Here.

23 COMMISSIONER BERGMAN: Commissioner
24 Shearman.

25 THE CHAIR: Here.

1 COMMISSIONER BERGMAN: Commissioner
2 Bergman is here.

3 Madam Chair, you have nine members
4 present. You have a quorum.

5 THE CHAIR: Thank you, Mr. Secretary. I
6 do declare that we have a quorum to do business this
7 morning, and I welcome all of you here this morning.

8 We finished Item 16 on the agenda
9 yesterday. And as advertised, we are beginning with
10 Item 17 on the agenda this morning; that's approval
11 or denial of new charter school applications.

12 The process for this is that we will ask
13 each applicant to come to the table here. We will
14 ask first for the Charter School Division to make
15 their recommendation; then the applicants will have
16 a few minutes to answer any questions or make any
17 presentation they wish.

18 Third, the PEC Commissioners will have an
19 opportunity for questions and comments of either the
20 applicant or the CSD.

21 And then fourth, and last, the Commission
22 will vote on either approval or denial of the
23 application.

24 So with that being said, the first
25 application up this morning is Columbus Community

1 School. And if the applicants would please come
2 forward. If you need some more chairs, please move
3 these chairs from around the table.

4 When you get situated, we will ask that
5 you use the microphone there, please. And each one
6 of you, please introduce yourself, spell your name
7 if it's unique. Be sure that our reporter gets your
8 names correctly.

9 And while they're doing that, if anyone
10 has an electronic device, please turn it to "silent"
11 or "off," or whatever the case may be.

12 All right. We'll ask Mr. Pahl, first, to
13 give us the CSD recommendation.

14 MR. PAHL: Madam Chair, members of the
15 Commission, first of all, I want to thank the
16 applicants of Columbus Community School both for
17 their work on the application, as well as for
18 inviting us to their community in August. Thank you
19 very much.

20 The Charter School Division has found the
21 overall application of the Columbus Community
22 Charter School to be inadequate. The CSD found the
23 mission and the major themes of the education
24 program compelling, as it appears to address some of
25 the unique learning needs of students that they

1 intend to serve in Southern New Mexico.

2 However, the Division is concerned about
3 how the multifaceted educational program and
4 instructional approaches come together to support
5 the mission and ensure high student achievement, a
6 concern that is reinforced in the analysis of the
7 school's proposed budget and selection of school
8 facilities.

9 The CSD is also concerned about the
10 applicant's proposal not to prepare curriculum until
11 after the start of the school's operations, when
12 both teachers and students together will develop a
13 curriculum for all grade levels, 6 through 12.

14 There's a role for students to engage in
15 and modify curriculum to make sure their learning is
16 appropriate for them; but we do believe that going
17 into the first school year, which is the most
18 important school year for any charter, there should
19 be a plan and a curriculum in place to begin the
20 school year.

21 While the applicants indicated during the
22 capacity interview that teachers would be trained in
23 the practice of collaborative curriculum development
24 that includes students as an integral part of that
25 collaboration, there was no clear description of how

1 that worked and the proposed school would be
2 completed. Specifically, there was not an
3 identified time frame, guidelines, expected outcome
4 or an experienced curriculum coordinator who could
5 monitor the process and ensure that the curriculum
6 is developed and aligned with the Common Core State
7 standards and support the school's chosen
8 educational programs.

9 CSD is concerned that without a clearly
10 identified set of expectations, such an approach
11 could result in a curriculum that does not support
12 high student achievement.

13 The Charter Schools Division found that
14 the application's business and financial plan was
15 inadequate, especially as it relates to the
16 development of the State Equalization Guarantee, the
17 five-year budget, the budget narrative, the salary
18 schedule, and internal control procedures.
19 Additionally, the Division had significant questions
20 about the suitability of the identified school
21 facilities throughout its application.

22 The Charter School Division recognizes the
23 meaningful ties to the community that these founders
24 have and the work they have done to develop the
25 community support that they need for this school to

1 be successful. The application, however, provided
2 inadequate evidence of support for the school among
3 residents in the targeted community.

4 The Charter School Division recommends
5 denial of this application, Madam Chair.

6 THE CHAIR: Thank you, Mr. Pahl. We'll
7 ask the representatives of the school to please,
8 again, identify yourself to the reporter, and let us
9 hear from you, whatever you would like to bring to
10 us this morning.

11 MR. SKINNER: Thank you, Madam Chair, and
12 Commissioners. My name is Philip Skinner, and I'm a
13 founder. And I'm going to let the different members
14 of our team introduce themselves this morning.

15 MR. DIAZ: Madam Chair, Commissioners, my
16 name is Alfredo Diaz. I'm the founder and CEO of
17 AptAbility. We provide business office services to
18 charter schools in California, Arizona, New Mexico,
19 Nevada, and Texas, and we've been asked to join this
20 meeting and reassure the Commissioners that should
21 you recommend approval of -- of the charter, we are
22 prepared to address any concerns with the budget and
23 running of the business office.

24 MR. LONG: I'm Jack Long. I'm a founder
25 and a board member of Columbus Community School.

1 THE CHAIR: Thank you.

2 DR. HEGWER: Madam Chair, members of the
3 Commission, my name is Dr. Bruce Hegwer. I'm
4 Executive Director of the Association of Charter
5 School Educational Services, and we helped provide
6 some of the assistance in writing the educational
7 component of the application. A member of our team
8 was instrumental in that, Sandy Davis, formerly of
9 Turquoise Trail. Thank you.

10 THE CHAIR: Thank you.

11 DR. E. ARMENDARIZ: I'm Dr. Emma
12 Armendariz. I'm a retired educator, and I -- I'm
13 Emma Armendariz, and I'm a retired educator. I
14 attended the presentation in Columbus and had the
15 privilege of working afterwards to try to address
16 some of those concerns that you had. I believe that
17 the concerns that you had are valid. But, in fact,
18 what the Columbus Community School founders are
19 proposing is something new.

20 There is a school in Las Cruces, J. Paul
21 Taylor Academy, that works on the same principle of
22 project-based education, where the curriculum is not
23 set up from the very beginning, but it develops
24 based on the Common Core standards.

25 That is exactly what this school is

1 proposing. And I, as an educator of 48 years, know
2 that to have what we consider a canned curriculum
3 ready is not what this school is proposing, because
4 it is a new concept.

5 They're also using two very important
6 concepts in our society now as the focus for
7 developing curriculum; that is alternative energy,
8 which would be wind energy and solar energy, as well
9 as using environmental products such as dirt to
10 construct buildings and homes.

11 My parents grew up in Columbus when all
12 the homes that were there were made out of adobe.
13 That process is now very valued in cities. I know
14 that in Las Cruces, adobe homes now sell for the
15 highest prices. That is what they are proposing is
16 that their students, along with learning about
17 alternative energy, also learn about alternative
18 construction methods, such as using common dirt to
19 make adobes and to use rammed earth.

20 As an educator, I know that we can use the
21 Common Core standards to guide that curriculum. You
22 just have to trust that there are many educators who
23 know how to do that, and among them, (Spanish
24 spoken).

25 I have a lot of experience in that area.

1 I piloted a dual language academy in Albuquerque for
2 this state when dual language was first started. We
3 created, out of nothing, a 90/10, very successful
4 dual language school for Albuquerque, Longfellow
5 Elementary.

6 I know that these things, for some of you,
7 may seem like they're "pie in the sky." But as an
8 educator, I know it can be done.

9 Columbus has a great need for its students
10 to have something local that they can identify with
11 and that they can continue to work in, in order to
12 graduate. Many of the Columbus students do not
13 graduate from Deming Public Schools. So I would
14 appeal to you to reconsider, knowing that we have
15 maybe something that is not common in mind, but that
16 I know is workable.

17 We have a lot of people willing to help,
18 including Edward Galindo, who is a -- an
19 architectural engineer out of Phoenix, who has
20 worked with some of the concepts that we are
21 working. We submitted his vita, as well as
22 information on how he has worked with other charter
23 schools in other states.

24 So I would hope that you all would read
25 what was submitted in the interim, between that last

1 hearing and now, and really open, you know, the door
2 to something innovative that would certainly work
3 very well in Columbus. Thank you.

4 THE CHAIR: Thank you very much.

5 COMMISSIONER GANT: Madam Chair --
6 Madam Chair, we -- if we're going by the -- the
7 agenda as set up, they have 15 minutes. They have
8 15 minutes. At this time, they've used five. So
9 we're past the introduction part, as far as I'm
10 concerned -- okay -- if we look at the agenda.

11 MR. SKINNER: We would agree. We would
12 agree.

13 THE CHAIR: And I apologize. I did not
14 mention that when I went through the agenda. And so
15 let's please just -- please do introduce yourself
16 and know we're running short on time.

17 DR. A. ARMENDARIZ: Sure. My name is
18 Dr. Abe Armendariz, Professor Emeritus from
19 New Mexico State University. Good morning to the
20 Commissioners and to Charter School Staff and the
21 audience.

22 I am willing and prepared to work with the
23 founders of the Columbus Community School as a
24 consultant during their planning year, which would
25 be starting this fall. Briefly, I would like to

1 share with the Commission members my professional
2 background. Very briefly.

3 I have a BA and an MA from Western
4 New Mexico University in Silver City. I have a
5 Ph.D. from UNM in Albuquerque. I've been a teacher
6 at all three levels, elementary, middle school, and
7 high school, and I've been an administrator, a
8 principal at all three levels, elementary, middle
9 school, and high school. I have also served as
10 Executive Director of the New Mexico Association of
11 Elementary School Principals, as well as a professor
12 at New Mexico State University.

13 I would like to address some of the
14 comments made by the PED Charter School Division
15 Staff and/or the PEC Commission members, the PEC
16 members during the 2013 hearing of the PEC regarding
17 the application of the Columbus Community Charter
18 School, and what they felt was one of the key
19 challenges of the application. And I quote:

20 "This application paints a very
21 interesting picture of a community that's in
22 desperate need for a secondary school."

23 "The Charter School Division was very
24 impressed by the founders, who demonstrated a high
25 capacity in their understanding of what's needed in

1 Columbus and for their charter school."

2 These are all comments from the 2013
3 hearing.

4 "We very much believe and hope that this
5 school would be a success, and we see the need in
6 the community for this school to be a success."

7 "We feel that the probability of success
8 is there, but if somehow the founders and the
9 community could find for themselves an educational
10 leader who could fill in the gaps in the educational
11 plan. Given all of that information and all of that
12 behind us, it's our recommendation that this will
13 not be approved this year, 2013, and that those
14 recommendations be implemented and that these
15 founders return to us again having found an
16 educational leader that can fill in the gaps that
17 were found in the application."

18 "Taking the reviewers' scores and comments
19 into consideration, and after the community input
20 hearing, the CSD's overall analysis is that in order
21 to ensure the success of the innovative and needed
22 charter school being proposed, the founders'
23 capacity must be supported and enhanced by an
24 experienced educational leader."

25 We've heard that three years now.

1 "So if you want to be successful in a
2 charter school application, go find an educator that
3 knows what they're doing."

4 "You need to figure out a way to get an
5 education person to work with you."

6 What is evident here is that many of the
7 comments made by the Charter School Division Staff
8 and the PEC centered around the application of the
9 Columbus Charter School not having an experienced
10 educational leader to take on this leadership
11 endeavor. The founders themselves realized the need
12 for a qualified educational leader and that this
13 challenge was there for them to address.

14 I believe they've addressed it.

15 COMMISSIONER GANT: Five minutes.

16 DR. A. ARMENDARIZ: I propose to you, the
17 Staff of the Charter School Division and members of
18 the PEC, that I have the necessary skills,
19 abilities, and experience to be able to fill the
20 role of this experienced educational leader that all
21 parties feel is evident from this application.

22 The community of Columbus has known for
23 years that a community school in the middle and
24 high-school grades will serve its students more
25 effectively in many ways, especially in keeping them

1 in school through high school graduation. It is my
2 hope that a decision is made in their favor at this
3 time. Thank you, ma'am.

4 THE CHAIR: Thank you very much. You have
5 a couple of minutes left, if anyone else cares to
6 address the Commission.

7 MR. SKINNER: Madam Chair, Mr. Long and I
8 have been here -- this is our fourth year, and we've
9 worked very hard to try to fill all your needs.
10 Last year, as I'm just going to reiterate what
11 Mr. Armendariz said, you told us to bring back
12 people, experienced people. We feel we've done
13 that. We've brought an educational leader. We've
14 brought our financial person, who has experience.

15 The -- we're just asking you to go ahead
16 and grant us our charter school. If you want to do
17 it with conditions, please do that, so that we can
18 prove to you that we know what we're doing, and we
19 can do a charter school in Columbus. Thank you.

20 COMMISSIONER GANT: They've got three
21 minutes.

22 THE CHAIR: You still have a couple of
23 minutes. Anyone else have anything to say?

24 MR. DIAZ: Madam Chair, Commissioners, I
25 do want to address the concerns that the Charter

1 School Division had with the initial budget. I
2 reassure the Commissioners that if this charter is
3 granted, we are 100 percent confident that we would
4 be able to manage the business office and financial
5 affairs of this charter to the full satisfaction of
6 all oversight agencies.

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

9 That -- if that concludes the applicant's
10 presentation, the floor is now open for questions or
11 comments from Commissioners. Commissioner Conyers?

12 COMMISSIONER CONYERS: Madam Chairman,
13 Commission members, I have a question for Mr. Pahl.
14 Last night I was going over the various
15 recommendations, and I was trying to understand the
16 basis for your recommendations for denial or -- or
17 approval. And one of the things I was looking at
18 was the score sheet, which I assume is a way of
19 leveling the playing field and using that.

20 I noticed that -- a couple of things: The
21 applicants' possible points varied from one to
22 another. But then I notice, on Columbus, the
23 overall score, they had achieved 71 percent of the
24 possible points; and then another school that you
25 were recommending had only gotten, like, 64 percent,

1 and yet you recommended them, and you're not
2 recommending Columbus.

3 Can you help me understand that?

4 MR. PAHL: Madam Chair, Commissioner
5 Conyers, that's a good question. When we went
6 through this process, we recognized that when we --
7 we have varying amounts of points, because certain
8 questions on the application are only applicable to
9 certain schools. So that's why you'll see the
10 denominator -- or the amount of points vary between
11 each of the applicants.

12 In this case, what we see here is that
13 many of the scores are quite good. But when we see
14 elements that are deficient to a degree that one
15 element or two elements are insufficient, then we
16 recommend for -- for a denial.

17 So in this case, you'll see that the
18 business plan and financial framework received a
19 very low score, much lower than the average that
20 you -- you mentioned. And so that was one reason.
21 And then, as mentioned earlier, the concern with the
22 curriculum and their plan for developing it.

23 COMMISSIONER CONYERS: So you're saying
24 that even though you've allocated a certain number
25 of points, but then you're giving more emphasis than

1 that in your final decision? Is that your
2 recommendation?

3 MR. PAHL: Madam Chair, Commissioner
4 Conyers, we have been told -- we have been guided
5 to -- that we don't have specific cut scores and
6 that we leave room for these flags that we feel like
7 are significant enough to -- to not approve -- or
8 not recommend -- an approval of a school.

9 COMMISSIONER CONYERS: I guess that's a
10 little confusing to me, when I see that someone has
11 71 percent, and you're denying them; but another
12 group has considerably less, and you're approving
13 them. So just a little hard to understand that.
14 Thank you.

15 THE CHAIR: Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, maybe
17 this is also for Mr. Pahl. Maybe we should have had
18 a clarification discussion. I had the same concern
19 Mr. Conyers did.

20 The other concern I have is last year, we
21 were given the names of all the reviewers, the
22 outside. I have no idea who reviewed any of these
23 and whether -- clearly, I agree; these have been
24 very subjective. And without knowing the
25 individuals who were doing it, I have a problem on

1 acting on a recommendation, having only gone through
2 this one other year, but knowing which people
3 reviewed each one.

4 THE CHAIR: Mr. Pahl?

5 MR. PAHL: Thank you. Madam Chair,
6 Commissioner Toulouse, I was unaware that that
7 information had been provided in the past. We can
8 provide that information. Also, in relation to both
9 of these comments, I'll just point you to Section 2
10 of our Final Analysis and Recommendation sheet,
11 which does refer to how we use the scoring process.

12 And there, we do note the overall score is
13 a factor; but a significantly low score in any one
14 section of the application would warrant a
15 recommendation for denial.

16 THE CHAIR: Thank you for that
17 explanation. Further comments, Commissioners?

18 COMMISSIONER GANT: Yes.

19 THE CHAIR: Commissioner Gant?

20 COMMISSIONER GANT: Madam Chair and
21 members, I agree with what a lot was put into CSD's
22 recommendation. And Dr. Armendariz mentioned that
23 the school applicant says we have a lot of need in
24 the district -- in the community of Columbus for a
25 charter -- for a school -- high school. But to me,

1 the application, after reading it, doesn't really
2 address how you're going to fix that need. That's
3 my issue.

4 I had issues with the facilities. Yes, we
5 were in a gym, and you all pointed out, Mr. Skinner,
6 how great the gym was several times. So I checked
7 with Ms. Casias, Martica Casias, for the average
8 weighted -- the NMCI for the -- that building. And
9 it had been evaluated at a 115. That's rather high.
10 And as my position on the PSCOC, I know from
11 experience over the last two or three years, that
12 takes a lot of money to bring it back down to where
13 it's supposed to be before you can even let one
14 child in the building. You need an average of 20,
15 22, to even get in the door, unless you're where
16 you're getting -- but to tell me that's a good
17 building, it's not. It really is not.

18 We know from a discussion with the
19 Superintendent that it would take \$4 million to
20 bring that school up to standards, because they were
21 in it before. I don't know where you would get that
22 money.

23 I have concerns that the curriculum is not
24 in place before school starts. I realize that
25 according to the other Dr. Armendariz, that another

1 school is J. Paul Taylor. I'm well familiar with
2 that school. They were denied, too, for some of the
3 same reasons. But they came back and answered all
4 the concerns and were given it.

5 I understand what you want to do. I have
6 a problem with saying that the reason we want the
7 school is so our kids don't have to drive to Deming.
8 Again, I've asked you several times, "What's the
9 difference between a rancher's kid who lives two
10 hours away from a school, and yours, that lives
11 30 miles away from the school on a hard-surface
12 road?"

13 So all these problems that CSD raised and
14 the ones I find in there, I just can't do it. I
15 just can't do it. It just -- I know, and I remember
16 what one of your students from that community said
17 two years ago, and it weighs heavily on my mind what
18 he said two years ago, the valedictorian, who is
19 from Deming. And he explained how -- who his
20 parents were, and he's now going to a prestigious
21 college.

22 And he said, "Don't do it, because I had
23 all the advantages of Deming."

24 And I asked you the question the other
25 day: "Do you have -- will you be able to give all

1 the advantages that students at Deming get in
2 Columbus?"

3 And I don't think I had the right answer.

4 Thank you.

5 THE CHAIR: Thank you, Commissioner.

6 Other questions? Other concerns?

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: Thank you,
9 Madam Chair. And, again, I -- as I have in the
10 past, I have serious concerns about the facility. I
11 know that you disagree with the Deming
12 superintendent about what the cost is going to be to
13 replace that -- or repair it. Could be \$4 million;
14 it could be something else.

15 But you are not unique in that regard. We
16 must have had four or five schools yesterday that we
17 devoted a great deal of time to their facilities
18 problems. That is becoming a problem for all
19 charter schools. It's -- so you're not unique
20 there; we understand that. I hope you understand
21 that.

22 It's -- you've got to have a safe and
23 proper place to put the kids. And I know you're
24 caught between a rock and a hard place, because you
25 have -- you get no money from the State to do the

1 building until you're approved and ready to go. But
2 a new school from last year was one of them we were
3 discussing yesterday. They -- the facility they
4 thought they had, it turned out they didn't have,
5 and then they started scrambling.

6 And they are still scrambling. They're
7 supposed to be already up and running, and they're
8 still scrambling to find a building. So
9 unfortunately, it is a problem for a lot of schools
10 right now.

11 I also share the concerns about the fact
12 that you want to start school without a curriculum.
13 To me, that just does not sound efficient. I worry
14 that for the month or two, which I think I remember
15 you said it would take you to get your curriculum up
16 and running to at least get you through that first
17 year, the kids are going to lose a month or two of
18 learning. It's just my personal concern on that.
19 So I am concerned about that.

20 I salute the fact that you went out -- you
21 may remember in the hearing, I noted that when I
22 read the application. I -- it just appeared to
23 me -- I saw things in that application that I
24 thought indicated you had gone and got, which, as
25 was noted, was one of the things that had been

1 suggested to you in the past. I could tell in the
2 reading of the application the improvement in the
3 application.

4 But I still think there needs to be a
5 little more improvement in there. I think -- I hope
6 if -- whatever happens here today, that we can keep
7 this thing -- of course, we did not know about
8 Mr. Diaz until about 15 minutes ago. So we didn't
9 have a chance to ask a question of him.

10 Madam Chair, can I question Mr. Diaz?

11 THE CHAIR: You certainly can.

12 COMMISSIONER BERGMAN: You mentioned that
13 you're in what? California, Arizona, New Mexico?

14 MR. DIAZ: Nevada and Texas.

15 COMMISSIONER BERGMAN: That's five
16 different states, with probably five different ways
17 of doing things. How much exposure do you have here
18 in New Mexico?

19 MR. DIAZ: Our headquarters is here in
20 Albuquerque. I should also mention that I am the
21 founder of the company that developed AptaFund,
22 which is the financial management system used by all
23 but maybe three or four charter schools in
24 New Mexico.

25 So we are the only company that has the

1 experience with the software and the knowledge of
2 the business office process in New Mexico, among the
3 other states, to be able to guarantee to the
4 Commission that as far as the running of the
5 business office and financial affairs of the school,
6 it really should not be a concern.

7 We have a lot of experience. We have a
8 long track record of success. And we really want to
9 take that concern off the table for this school.

10 COMMISSIONER BERGMAN: Thank you for that.

11 And I shared -- as I read the final
12 recommendation, there were just parts still of the
13 application that I think were just a little weak,
14 that just really need some more tweaking on it.

15 And I just wanted to share these thoughts
16 with you. I understand your concerns. I understand
17 you're way down there in the corner of the state.
18 And I understand that. And -- but I also was very
19 much touched -- I think I've mentioned this
20 before -- by the young man that was from your
21 community, but went to Deming and became a
22 valedictorian. To me, that was such an
23 accomplishment and something to be really prideful
24 about. Yes, that's what he said. He actually did
25 tell us that he thought it would be a mistake

1 because of all the advantages he had in Deming.

2 So I share what Commissioner Gant said.
3 And I thought for that young man, it took a great
4 deal of courage in his community, amongst his fellow
5 Columbus folks. So I was very much touched by that,
6 and I still remember it quite clearly.

7 So I know -- I know there's potential
8 there; I really do. I know what -- but at this
9 time, I'm just still a little uncomfortable with
10 the -- where we're standing right at this particular
11 minute.

12 Thank you. And thank you, Madam Chair.

13 THE CHAIR: Thank you. Other comments or
14 questions, Commissioners?

15 Commissioner Parker?

16 COMMISSIONER PARKER: Madam Chair,
17 Commissioners, I just want to take a brief minute
18 just to say that the time I spent down in your
19 community, what you're trying to do with the school,
20 with the green -- the alternative energy, the
21 construction, I think would be a perfect fit for
22 what's going on down there.

23 So I -- no matter what happens, I strongly
24 encourage you to do what you can to address the
25 concerns on here, because speaking as a parent, it's

1 hard to make that leap of faith or that trust to you
2 by -- nicely -- with asking us to do when there's
3 some information that's just not there.

4 But the idea of what you're trying to do
5 down there, I think is fascinating, and I strongly
6 encourage you to do what you can to make it work.

7 THE CHAIR: Thank you. Other comments?

8 COMMISSIONER CARR: Madam Chair?

9 THE CHAIR: Commissioner Carr.

10 COMMISSIONER CARR: I'm a -- you know, I'm
11 a strong believer in community schools. I think the
12 centralization of schools after World War II was a
13 huge mistake. I -- speaking for myself, I think
14 there should be a school there, you know.

15 I -- the weaknesses in the business plan
16 and the building are of great concern. And I wish I
17 could vote for this. I would like to see a public
18 school there. You know, I think, you know, based on
19 the resources and everything, your community has, to
20 me, the only answer maybe is a traditional public
21 school. But I -- I am strongly urging you to
22 continue, to please -- I don't know how people are
23 going to vote -- but try again. I admire your
24 perseverance and your tenacity. And I think there's
25 something to be said.

1 I know, yeah, Deming has all these things.
2 Big schools have things that smaller schools don't
3 have. That's typical across the country. But small
4 schools have things that big schools don't have.
5 And that's that sense of close-knit community. And
6 it's a give-and-take.

7 I live in a very small community, and it's
8 beautiful and quiet. But I have to drive a long
9 ways to go to the grocery store. And I drove an
10 hour -- I rode a bus for an hour and a half every
11 day to school. My mother walked to -- my mother
12 walked two miles to school every day in a small
13 country school. It was one-through-eight, you know.
14 And she got a fine education in that little school.

15 You know, I -- but I just wanted to
16 express that to you, that we -- we have to look at
17 this kind of hard and cold, and we have --
18 unfortunately. And like an investment, that, also,
19 this does not concern money; it concerns children.
20 And if we -- down the road, we have to close a
21 school down that you started, that's even worse
22 than -- it's worse than not doing it at all. So --
23 and we've had to do that.

24 So I just wanted to express that to you.
25 And I hope you come back.

1 THE CHAIR: Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 think one of the things that I see unique about the
4 situation here is the two nations that are involved
5 here. And I think it's too bad we have this hearing
6 up here, then, and you really can't get your people
7 from Palomas up here to also talk because I think
8 you have an awful lot of support there, and I know
9 you have resources to draw from there.

10 I don't really have a lot of concerns one
11 way or the other, knowing a lot of these small
12 communities in New Mexico and what they can do with
13 a high school or a charter school, whether it's good
14 or bad. I mean, I know some very large high schools
15 in school districts. I got a good education. My
16 son got a so-so one, and my grandson's doing enough
17 better out of a charter school and now in a public
18 high school in that particular extremely large
19 district, that I have a few concerns about the
20 quality of education he's getting from going from
21 having very low grades at the charter school to
22 making straight As at the other.

23 So I think communities have all kinds of
24 things. And, I mean, I -- I commend all of you
25 people, and I really, really like the bi-nation

1 approach to things, and I think that's something we
2 have unique here you're not going to have over in
3 Arizona, and you're not going to have over in Texas.
4 And I think that that's the strength you need to
5 play on.

6 THE CHAIR: Thank you. Commissioner Gant?

7 COMMISSIONER GANT: Madam Chair and
8 members and other, I would like to remind that based
9 upon what was said this morning, that at the meeting
10 we did say -- Commissioner Shearman said -- that we
11 base our decision on the application as it stood, as
12 we received it.

13 Now, a lot of the comments this morning
14 about, "We will fix the budget, we will come in and
15 do the budget, we will fix all this, we will make
16 this all happen," reminder: We're making the
17 decision on what we had laying in front of us, not
18 what will be. That's something to come, and we
19 don't know anything about that.

20 So -- and my last question is your
21 application, I believe, is for 500 students; is that
22 correct?

23 MR. SKINNER: Correct.

24 COMMISSIONER GANT: Where are you getting
25 500 students?

1 THE CHAIR: 480.

2 COMMISSIONER GANT: 480, okay.

3 MR. SKINNER: There are approximately
4 200 students in the Village of -- I'm sorry; that's
5 elementary -- approximately 400 students in the
6 Village of Columbus and approximately 800 students
7 that cross each day from Palomas that go to school
8 in the United States.

9 COMMISSIONER GANT: How many high school
10 students are in Columbus?

11 MR. SKINNER: I'm going to say probably
12 50 high-schoolers from Columbus and maybe a couple
13 of hundred from Palomas.

14 COMMISSIONER GANT: Thank you.

15 THE CHAIR: Thank you. Any other
16 comments, Commissioners? I'm not going to belabor
17 the point. I did say during the meeting, and I've
18 said it before -- you all have heard it -- that by
19 law, what we consider is the application, as it's
20 presented to us. If there are deficiencies in that
21 application, then telling us that they can be fixed
22 is not something we can deal with. It has to be in
23 the application.

24 And quite frankly, what I, personally, am
25 looking for -- and I really think the others, as

1 well -- but I know that I'm looking for -- I'm
2 looking for a plan that if we said "Yes, you can get
3 started," you could get started tomorrow with the
4 plan that you have, that you've presented to us.
5 And I don't feel like your plan is that ready.

6 Last year, when we said, "Your academic --
7 your educational plan is very weak, get an
8 educational professional to help you," we didn't
9 just mean get somebody on board that can put their
10 name on the application. What my thought was you
11 were going to get somebody on board that was going
12 to write the educational plan in your application,
13 that was going to make it complete, in my mind. It
14 didn't happen.

15 You have some really good people with you.
16 But you don't -- your educational plan is still
17 weak, nonexistent almost.

18 There are many other things that are not
19 complete. And I -- so I have to agree with the
20 recommendation that the application is incomplete,
21 in my mind. It's not ready to go. Those are my
22 thoughts.

23 Does anyone else have anything else to
24 say?

25 All right. Hearing no further comments or

1 questions, I have asked our attorney to come up with
2 a proposed motion, either way, for acceptance or for
3 denial. It's on his computer. Whoever chooses to
4 make the motion will have access to that computer so
5 that they may choose whichever motion they choose to
6 make and, that it will be worded correctly and
7 legally, because that's very important at this part
8 of the process.

9 So that's what I'm going to ask now.

10 Hearing no further questions, the Chair
11 would entertain a motion. Who would offer to make
12 that motion? I'm looking at Commissioner Bergman.

13 COMMISSIONER BERGMAN: Let me -- do I have
14 to move over here, or can I --

15 MR. GRANATA: And, Madam Chair, if I may
16 just address --

17 THE CHAIR: Please.

18 MR. GRANATA: And just for the record, I
19 just want to make it clear what I've been doing is
20 making notes of what all the Commissioners have said
21 and further reasons. I don't necessarily have a
22 motion drafted up, by any means. But what I would
23 encourage all the Commissioners to do is to discuss
24 and carefully consider each one of the reasons that
25 the board -- or the justifications that the board

1 has for either denying or approving the school's
2 application. So --

3 COMMISSIONER BERGMAN: Madam Chair, then I
4 would suggest, as we have done in past years, I
5 believe we need to take a brief recess. I would be
6 more comfortable with having my entire motion
7 written down on a piece of paper to be sure that I
8 get it exactly correct, the way the entire
9 Commission wants it to read. That is my suggestion.

10 THE CHAIR: That's fine. We'll take five
11 minutes to confer with our attorney.

12 DR. A. ARMENDARIZ: May I make a comment
13 or ask a question before your recess?

14 THE CHAIR: Certainly.

15 DR. A. ARMENDARIZ: You talked about the
16 motion being either denied or approved. Could it be
17 approved with conditions? Would that be another --

18 THE CHAIR: That's always an option, yes.
19 Yes, sir, it is.

20 DR. A. ARMENDARIZ: Okay. Thank you.

21 THE CHAIR: We're going to take a few
22 minutes to confer with our attorney. Then we'll
23 come back with a motion.

24 (Recess taken, 9:42 a.m. to 9:47 a.m.)

25 THE CHAIR: Ladies and gentlemen, if

1 you're ready, the Chair recognizes Commissioner
2 Bergman.

3 COMMISSIONER BERGMAN: Madam Chair --
4 well, I can't get -- I'm not sure that's working,
5 anyway.

6 Madam Chair, I move that the Public
7 Education Commission deny the 2014 charter school
8 application for Columbus Community Charter School,
9 as presented here on the record today, based on the
10 CSD recommendation, to wit:

11 Item 1: The application is incomplete and
12 inadequate.

13 No. 2: The application does not propose
14 to offer an educational program consistent with the
15 requirements and purposes of the Charter School Act.

16 No. 3: The proposed head administrator or
17 other administrative or fiscal staff was involved
18 with another charter school whose charter was denied
19 or revoked for fiscal mismanagement, or the proposed
20 head administrator or other administrative or fiscal
21 staff was discharged from a public school for fiscal
22 mismanagement.

23 No. 4: For a proposed State-chartered
24 charter school that does not request to have a
25 governing body of the charter school designated as a

1 Board of Finance or the governing body does not
2 qualify as a Board of Finance, or;

3 5: The application is otherwise contrary
4 to the best interests of the charter school's
5 projected students, the local community, or the
6 school district in whose geographic boundaries the
7 charter school applies to operate.

8 And, also, based on the following issues
9 related to the application, as discussed by the
10 members of the Commission:

11 No. 1: Concerns with the proposed
12 facility, particularly the high score, weighted NMCI
13 index, and the amount of money required to bring the
14 score closer to the average.

15 No. 2: The school curriculum is not in
16 place prior to the beginning of the school year.

17 No. 3: Concerns about whether the school
18 can provide an education comparable to the
19 traditional public high school.

20 No. 4: Concerns regarding the business
21 plan.

22 And, No. 5: Concerns with having to close
23 the school somewhere down the road.

24 THE CHAIR: Thank you, Commissioner. Do
25 we have a second?

1 COMMISSIONER BERGMAN: Oh, Madam Chair,
2 there was a gap here; so I --

3 THE CHAIR: Please continue.

4 COMMISSIONER BERGMAN: What is that?

5 No. 6: Application is not complete when
6 submitted to the Commission.

7 No. 7: Overall plan is not ready,
8 particularly the education plan.

9 Now I think we've got it. Thank you,
10 Madam Chair.

11 THE CHAIR: Thank you very much. You've
12 heard the motion. Do we have a second?

13 COMMISSIONER POGNA: (Indicates.)

14 THE CHAIR: Commissioner Pogna?

15 We have a motion by Commissioner Bergman,
16 second by Commissioner Pogna, to deny the
17 application of Columbus Community School for the
18 reasons listed on the official record.

19 Commissioners, is there discussion?
20 Questions?

21 Hearing none, the Chair would ask for a
22 roll-call vote. Commissioner Bergman?

23 COMMISSIONER BERGMAN: High-tech.

24 Commissioner Parker?

25 COMMISSIONER PARKER: This is -- a "yes"

1 is to --

2 COMMISSIONER BERGMAN: "Yes" is to deny; a

3 "no" vote is --

4 COMMISSIONER PARKER: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Peralta?

10 COMMISSIONER PERALTA: Yes.

11 COMMISSIONER BERGMAN: Commissioner Carr?

12 COMMISSIONER CARR: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna?

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Toulouse?

17 COMMISSIONER TOULOUSE: No.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman?

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "yes."

25 Madam Chair, that is an 8-to-1 vote in

1 favor of the motion to deny.

2 THE CHAIR: Thank you, Mr. Secretary. The
3 application for Columbus Community School is denied
4 by a vote of 8 to 1. Thank you, gentlemen.

5 Would the representatives of the DEAP
6 School please come forward? And I was remiss in
7 doing so earlier, and I will correct myself now.

8 The Charter School Division has ten
9 minutes to make their presentation. The applicant
10 has 15 minutes to make their presentation. And then
11 the questions and comments from the Commissioners;
12 so just to correct.

13 And good morning.

14 Everybody settled? Please introduce
15 yourselves, and once your introductions are done,
16 your time will begin.

17 MS. BEGAY: Ya-at-eeh. (Navajo spoken.)

18 Good morning, everyone, Madam Chair and
19 Commissioners. My name is Kayla Begay. I am from
20 the community of Navajo, New Mexico, and the Dzit
21 Dit Looi School of Action and Perseverance founders.
22 I want to thank everyone that has been involved in
23 this process so far.

24 I especially want to thank the PEC members
25 who made the long journey to our beautiful community

1 to listen to our community members and ask us some
2 really important questions about our application.
3 We are very excited to be in the final stages of
4 this process, and we look forward to continuing this
5 journey and bringing quality education to our
6 communities.

7 MS. GARNENEZ: Good morning. Ya-at-eeh.
8 (Navajo spoken.)

9 Good morning. My name is Prestene
10 Garnenez. I am also a member of the community of
11 Red Lake, and I am a founder of the DEAP School, and
12 I thank you for this opportunity.

13 MS. BEGAY: So I'd like to start today by
14 giving some background to the purpose of this
15 school. This, the entire process, has been very
16 reflective of our community and the realities that
17 our youth face. Our community and the surrounding
18 areas that we expect to serve have a total of
19 4,358 school-age children. Nearly 99 percent of
20 those students are Diné. Despite the variety of
21 schools that include public schools, BIA schools and
22 private schools, we still see gaps in academic
23 achievement among our youth. In fact, at the local
24 high school, 30.9 percent did not graduate in four
25 years.

1 What's even more alarming is when you look
2 at males, the graduation rate for the school is only
3 53 percent.

4 In fact, if you look at the entire Navajo
5 Nation population as a whole, only 7.1 percent of
6 Navajo people hold a bachelor's degree or higher.

7 Rather than blaming the students,
8 families, and communities for the education gaps, we
9 recognize that the current education programs are
10 not meeting the needs of our youth.

11 As we research and gather community input
12 from families, elders, recent dropouts, and
13 students, it became apparent that their ideas of
14 education were very different from what is currently
15 offered. The heart of our application is grounded
16 in those ideas. We believe that our youth are
17 completely capable of achieving high academic
18 mastery; but they need a curriculum and a learning
19 experience that matters.

20 Therefore, we took on the challenge of
21 synthesizing the education hopes and needs of our
22 community. We have developed four key focus areas
23 that we believe will not only increase academic
24 achievement for the students in our community, but
25 also provide the community with opportunities to

1 grow. The four focus areas include service
2 learning, wellness, Diné empowerment, and
3 experiential learning through agriculture education.

4 Our youth need to be engaged in ways that
5 assume they are a resource, not a problem in the
6 community.

7 Service learning and the community
8 planning curriculum will engage them in
9 opportunities to contribute to the community and
10 problem-solve. Service learning is a deep learning
11 strategy that will help students learn Common Core
12 skills through the integration of content knowledge
13 and application. So our students will be able to
14 learn these skills while building and tending to a
15 community garden, and they are -- they can do things
16 that are beyond what they have right now.

17 They won't just be sitting in a classroom.
18 We're very excited to create this curriculum. In
19 fact, our board and supporters include a variety of
20 experienced educators that are already involved in
21 curriculum design and implementation.

22 Both of us founders are fully committed to
23 creating this quality program, and we have already
24 begun the process. In fact, we are working closely
25 with NACA to understand the way they create

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1 curriculum that is relevant to students.

2 Additionally, we have developed a strong
3 partnership with the Department of Diné Education
4 and other local charter schools leading the way in
5 innovative learning.

6 We know that our application is very
7 strong, and we are ready to begin working on items
8 in the Planning Year Checklist immediately.

9 Our focus on community centered learning
10 that is infused with meaningful and relevant
11 experiences is key in closing the achievement gap
12 for our students. We believe that regardless of
13 their exceptionalities, individual goals, family
14 situations, or identities, all children and families
15 should have access to a quality education. Our
16 goals and expectations are very high, not only for
17 our students, but also for our staff.

18 We recognize that it will take much
19 dedication, expertise, and focus; however, we are
20 prepared to do whatever it takes. We believe that
21 our application is strong, and, if approved, we will
22 continue to grow and operate at the capacity
23 required to bring our mission and vision to life.

24 MS. GARNENEZ: This is true. We are
25 willing to do whatever it takes to create a school

1 that works, to place the education of our children
2 first, and by making learning relevant in their
3 daily lives, by making our communities learning
4 laboratories and offering our children a meaningful
5 way to contribute to the growth and improvement of
6 our community.

7 Over the past eight months, we
8 participated in community strategic planning with
9 our local government. In these sessions, the
10 community identified several areas that would seek
11 to revitalize our community, such as making
12 agriculture an economic driver and as a way for our
13 young people to get back in touch with nature, to
14 get back in touch with the traditional teachers and
15 roots, and as a potential way to combat -- to
16 incorporate healthy foods and physical activity as a
17 way to combat the health disparities in our
18 community.

19 We believe that areas of focus will help
20 us do this. In fact, we are already looking at a
21 way to enhance those areas. We are excited to grow
22 our agricultural component of this school. We've
23 already reached out to and had conversations with
24 the NMSU's Agricultural Extension Office in McKinley
25 County and, we are working to start a 4-H chapter in

1 our community, and we're recruiting kids right now.
2 We've already partnered and collaborated with other
3 organizations in the community. A local nonprofit
4 community organization have applied for grant
5 funding to purchase material and equipment for a
6 greenhouse. If funded, we have plans to access the
7 community to help build the greenhouse.

8 We're reaching out to the National
9 Wildlife Federation to help in converting public
10 spaces and promoting edible landscaping in our
11 community. We want to work with the local housing
12 entities in creating agri-hoods, where neighborhoods
13 work together creating community gardens, and
14 neighbors learn from each other and get to know each
15 other.

16 As a community, we believe this will give
17 our students and families plenty of opportunities to
18 learn about other sustainable concepts in community
19 development. They learn about this in school, and
20 they will see it all around in their community.

21 We know that in order to meet high
22 academic expectations we have set with additional
23 math and science credits and participation in State
24 standardized and college entrance assessments, our
25 youth need to be supported in developing wellness

1 habits, setting goals, and persevering. That is why
2 wellness is a key component of our plan.

3 Students will have an adviser that they
4 will meet with regularly, and we will develop
5 partnerships with organizations and people that
6 bring resources to the school. As you can see,
7 partnerships and collaboration are key to the
8 success of the school. We've already begun a lot of
9 it.

10 For our facilities, as you know, we were
11 looking at potential options; first, with cohabiting
12 with the local school district, which would allow us
13 to meet the requirements for E-Occupancy and other
14 State requirements.

15 Our second option was to lease a
16 chapter-owned building that was used for an adult
17 education learning center, and possibly moving
18 leased portables to the school district.

19 The third option was to look at
20 undeveloped land within the community.

21 COMMISSIONER GANT: Five minutes.

22 MS. GARNENEZ: We now have a fourth
23 option: A local day care that is having a new
24 facility constructed for them right now will be
25 vacating that building. We'll be looking to work

1 with the Navajo Nation -- actually, we've already
2 reached out to the Navajo Nation to either try and
3 lease this building or to acquire this building,
4 hopefully, for free.

5 The building currently meets the
6 requirements for a day care facility and includes a
7 commercial kitchen.

8 We're also working with Mark Tolley of
9 Albuquerque Public Schools to help guide and offer
10 best practices with facilities issues.

11 Lastingly, we have a talented and
12 committed board in place. We have Dr. Florinda
13 Jackson here, who has been an administrator for
14 many, many years with schools in Arizona. They are
15 excited about becoming a Board of Finance and
16 helping us to launch our student recruitment. All
17 our board members are from the communities and seek
18 to recognize the significance of DEAP, to honor our
19 history, revitalize our culture and community, and
20 prepare our young people to thrive in a modern
21 society.

22 THE CHAIR: Thank you very much. Any
23 other comments?

24 COMMISSIONER GANT: We didn't have Matt.

25 THE CHAIR: Thank you. I know. Mr. Pahl,

1 may we have CSD's recommendation?

2 MR. PAHL: Absolutely. Thank you,
3 Madam Chair, members of the Commission.

4 First, thank you for the effort that
5 you've put into your application, and thank you for
6 inviting us to Navajo in August. As a former
7 teacher in Church Rock, I know how beautiful the
8 northwest corner of our state is in August, and I
9 was very happy to be able to drive through there.
10 Thank you.

11 The Charter Schools Division found DEAP's
12 application to be complete and adequate. In
13 addition to it being clear and comprehensive, it has
14 a strong mission statement that is supported by a
15 sound academic framework and educational plan. So
16 we have all those arrows aligning with one another.

17 The applicants have integrated the unique
18 aspects of Navajo language and culture into the
19 instructional day. Further, the applicant's
20 understanding of governance and organization was
21 clearly demonstrated, both in the application and
22 capacity interview.

23 The members listed for the initial
24 governance council have diverse strengths to help
25 guide the proposed school in its infancy. The

1 school has gained strong community and regional
2 support, as indicated by representation at the
3 community input hearing.

4 As Commissioner Bergman mentioned, much
5 time has been spent on facilities within the last
6 24 hours, even. There are difficulties finding
7 facilities across the state, but particularly in
8 this area of the state.

9 The Charter School Division feels that --
10 that the school has a -- or the applicant -- has a
11 good plan in place and includes those three, and now
12 four, potential facilities. They've done their due
13 diligence, and we feel that they have the
14 appropriate plan in place, as we see several schools
15 move to their B and C options when they're looking
16 for facilities. It's good to know that they have at
17 least three on board.

18 The application did not provide a
19 described curriculum. However, the application does
20 include a defined time frame with assigned
21 responsibilities of who's responsible and an
22 assurance that it will be completed for Grades 6 and
23 7 by March of 2015. If approved, the Charter School
24 Division will monitor this process closely.

25 The Charter School Division recommends the

1 approval of DEAP's application, with the following
2 conditions:

3 First, to obtain standing as an approved
4 Board of Finance.

5 Second, to secure a facility that meets
6 PSFA approval and obtain E-Occupancy.

7 Third, to complete the Planning Year
8 Checklist.

9 Fourth, to provide a detailed scope and
10 sequence for all grade levels and subjects offered
11 in the first year, aligned with the charter
12 application.

13 And fifth, prior to opening, provide a
14 detailed curriculum for all grade levels and subject
15 matter offered in the first 60 instructional days,
16 aligned with the charter application.

17 Thank you.

18 THE CHAIR: Thank you, Mr. Pahl.

19 Commissioners, you've heard CSD's
20 recommendation. You've heard from the school. Do
21 you have questions or comments?

22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: I would like to
24 note for the record that due to a last second
25 unforeseen circumstance, I missed your hearing.

1 That's the only one I missed this summer. I was
2 looking forward to being up in your part of the
3 state; it's a beautiful part of the state.

4 I did want to note, for the record, I did
5 read your application. I did read the CSD's
6 preliminary analysis of that application. When they
7 became available, I did read the minutes of that
8 hearing. And I, of course, have read the CSD's
9 final recommendation.

10 I just wanted that on the record.

11 Thank you, Madam Chair.

12 THE CHAIR: Thank you. And we appreciate
13 that.

14 Just for information, any Commissioner who
15 is not able to attend a community input hearing is
16 asked to read all of the information from that
17 hearing, and, as Commissioner Bergman just
18 mentioned, all of the information following that
19 hearing.

20 So I believe all of our Commissioners that
21 were not there have followed that. And certainly,
22 that's a lot of reading; but it's worthwhile, and we
23 need that information to aid in making the decision.

24 Before anyone else asks, in all of the
25 stuff that I have written, notes that I took about

1 your application and at the community input hearing
2 and all of that, I somehow missed writing down the
3 number of proposed students. Could you give me that
4 just quickly, please?

5 MS. BEGAY: Sure. So it's on the second
6 page of -- or Page 4 of our application. In Year 1,
7 we intend to have 60 students.

8 THE CHAIR: I'm sorry. Say that again.

9 MS. BEGAY: In Year 1, we intend to have
10 60 students.

11 THE CHAIR: 60.

12 MS. BEGAY: 30 will be sixth grade, and 30
13 will be seventh grade. And then each year, we'll
14 add 30 more students. And so in Year 2, we're
15 looking at 90. In Year 3, we're looking at 120.
16 In Year 4, we're looking at 150. In Year 5, we're
17 looking at 180. And by Year 6, we will be a full
18 six-through-12 school; so our enrollment cap will be
19 180.

20 THE CHAIR: Will be 180.

21 MS. BEGAY: Yes.

22 THE CHAIR: All right. Thank you very
23 much.

24 Commissioners, do you have questions?

25 Commissioner Conyers?

1 COMMISSIONER CONYERS: Yes. My first
2 is -- let me get this -- for Mr. Pahl again. I
3 noticed, as I was evaluating this, the 95 percent of
4 possible scores, which is, I think, very good, and
5 was the highest of all the schools. And yet there's
6 still a long list of conditions placed on them.

7 Is that -- and it looks like that's just
8 standard? Is that what you're doing when you
9 recommend?

10 MR. PAHL: Thanks for that question,
11 Commissioner Conyers.

12 Madam Chair, Commissioner Conyers, there
13 is a standard list that we generally use. This year
14 we added that the curriculum needs to be ready for
15 school prior to the beginning. In some cases,
16 you'll find that the list of conditions was
17 expanded. But in this case, the conditions are
18 relatively uniform and something that we would ask
19 of all schools prior to, you know, recommending
20 approval for them to commence operations.

21 And just in relation to the score, our
22 rubrics asked for clear and comprehensive answers.
23 And so that -- when we look at the rubric, it's
24 almost a review of the amount of information they've
25 given us in the application as applicable to the

1 questions. And they did a very nice job of writing,
2 and that's why the scores were that high.

3 COMMISSIONER CONYERS: Okay. Thank you.

4 Madam Chair, I have a question for the
5 school personnel. Good morning. (Navajo spoken.)
6 Can you -- I was trying to figure out how to say the
7 name of your school in Navajo, and I'm curious as to
8 what the significance is.

9 MS. BEGAY: Okay. So the first part is
10 "Dzit." And that means "mountain" in Navajo. "Dit
11 Looi"; that means it's hairy. So if you -- for
12 those of you that visited our community, you saw the
13 mountain in the distance, and it's called "Fuzzy
14 Mountain." And it's a very sacred site. Years ago,
15 our people, they would gather many traditional
16 herbs. And my grandpa -- he was a medicine man, and
17 that's where he would do a lot of different
18 ceremonies and prayers.

19 There's a lot of sacred wildlife up there.
20 So we thought it was important to include that in
21 our community. Our community is currently called
22 "Navajo"; but that was a name that wasn't
23 necessarily given -- that we chose. It was given to
24 us. And we really want to pay homage to the legacy
25 of our ancestors and the beautiful land that it is.

1 COMMISSIONER CONYERS: Yeah. The last
2 school I worked at it was at Dzilth-Na-O-Dith-Hle.
3 And people in the area struggle with that, but it's
4 easy to say once you know how. Thank you.

5 THE CHAIR: Thank you. Other questions or
6 comments?

7 Commissioner Carr?

8 COMMISSIONER CARR: Madam Chair, members
9 of the Commission, I'd just like to compliment you
10 on your application. And your school sounds like
11 it's prepared for success, and I wish you great
12 success.

13 I thank the -- I also read the minutes.
14 And I wish I could be there. Unfortunately, it's
15 always my first week of school, because I'm a
16 teacher, and it's very difficult for me to get to
17 those. But I do read them.

18 I know the local superintendent had -- he
19 had issues. I think a lot of times, you know, the
20 local schools are struggling for resources. All the
21 schools are underfunded. And I think a lot of -- a
22 lot of those concerns from -- you know, not
23 always -- but a lot of times, people are always
24 concerned about a lack of resources, and
25 underfunding of our schools, in general. And I

1 think that's where most of that stems from.

2 And I know there was a -- they had just
3 put up a new school that was not too far, I think,
4 from --

5 THE CHAIR: Two new schools. Is it not
6 two new schools?

7 MS. BEGAY: They put in two new schools in
8 the District. But they are located in Gallup. And
9 our community is 43 miles from Gallup.

10 COMMISSIONER CARR: Oh, okay. Probably
11 evidence of support probably should have been 23,
12 just based -- but other than that, I think you've
13 got a great plan going, and I strongly support you.
14 And, again, I wish you great success.

15 THE CHAIR: Commissioner Gant?

16 COMMISSIONER GANT: Madam Chair, members,
17 you have a -- you have one of the better
18 applications we've -- I've seen over eight years.
19 And I understand what you're trying to do; I fully
20 do. And I have really worked hard with what I'm
21 going to say.

22 I read your application when we first got
23 it. And I've had a -- some bad months and bad days
24 thinking about your application. And because of
25 who -- my -- my beliefs and my thoughts and where I

1 come from and what I did years ago, starting in the
2 '60s, I'm afraid the state of New Mexico -- and it's
3 not just your school; it's others that -- charter
4 schools that we are seeing come down the road now --
5 and, please, understand, I understand what you want
6 to do, and I really, really do.

7 I understand where you live; I understand
8 the situation. And I -- and I -- my background does
9 have some of what I'm talking about in it.

10 But I'm afraid that the New Mexico -- and
11 maybe other states and I could care less about,
12 Arizona, Texas, or anybody else -- I'm afraid we are
13 developing, in the state of New Mexico, culturally
14 segregated schools. Because I worked hard in my
15 early life to desegregate schools, I have a hard
16 time.

17 With that said, if any others come before
18 us like that -- and I think there are -- I just
19 can't do it. Because kids are kids. And I believe
20 that we, as a society, until we quit segregation --
21 and we still have it -- we're never going to be a
22 true nation of people that are -- get along.

23 And I'm tired -- I -- we worked hard to
24 raise our three kids to believe quality is quality
25 across the board, regardless of who you come from

1 and where you're from and what you look like.

2 My son quit a very good master's program
3 back in Virginia because he could not deal with
4 segregation, that he saw it was in the school. He
5 had a chance to go to Notre Dame on a full ride, but
6 was told where he should live in the community
7 because of people; and he could not accept that full
8 ride to Notre Dame because of that.

9 With that said, ladies, I appreciate your
10 application. I appreciate what you're trying to do.
11 But I cannot support culturally segregated schools.
12 I hope you understand where I'm coming from. I
13 really -- and I know the rest of the Commission does
14 not agree. But I am an individual. I am -- am a
15 retired military. I fought for my rights -- for
16 democracy and for all children to live equally.
17 That was my goal.

18 Please accept I'm not apologizing. I just
19 want you to understand where I'm coming from.
20 Please. Thank you.

21 THE CHAIR: Thank you, Commissioner.
22 Other comments or questions?

23 Seeing none, I do have a couple of items I
24 want to bring up.

25 One of the reasons I ask you about your

1 proposed enrollment is there is a great deal of
2 serious talk this year, going forward into the
3 legislative session, about doing away with small
4 school supplements. For a school that would start
5 out with 60 students and max out at 180, those
6 numbers are so small to support a school in the
7 first place; then if you should lose that small
8 school supplement, could your school survive, do you
9 think?

10 MS. BEGAY: I think it could. And I think
11 that this school -- the numbers that we picked are
12 really reflective. We are looking at the schools
13 that already exist in our community. And they're
14 only at 25 percent capacity. But we know that as
15 community members, our students, our parents, our
16 families, they're choosing to go elsewhere. And
17 they want something that's in the community, and
18 they can go there their 6-through-12 experience.

19 And we feel that they're invested, and we
20 feel that those numbers are actually high for our
21 area. And we think a small school, a community
22 school, and we think it's really ideal, and I
23 believe we would be able to sustain those numbers as
24 a small subsidized school.

25 THE CHAIR: You think that, with the SEG

1 and the funding that those small numbers of students
2 would generate, your school could survive?

3 MS. BEGAY: I believe our school could
4 survive. And I think that if we do have issues with
5 funding, we'll deal with them, as necessary.

6 But this school is in partnership with the
7 Navajo Nation, too. And I think the Navajo Nation
8 is getting ready to step up and help, because they
9 realize that they have a role in funding schools, as
10 well. And so that's who we're really working with.

11 And I don't think that that's really
12 existed before. So I think that in addition to
13 having support from the State, we're looking to our
14 Nation. And we're also talking to Arizona, because
15 our school is right on the border; so we anticipate
16 that students from Arizona will come, as well.

17 So I think we're thinking about funding
18 our school, not just through SEG funding. I think
19 it would be foolish to rely completely on that.
20 We're constantly looking for other resources to make
21 sure that we have the funds to support it.

22 THE CHAIR: As you and I discussed at the
23 community input hearing, I am seriously concerned
24 about your finances; I really am. I personally
25 think that's too few students to support what, in

1 essence, is a school district. A State charter
2 school is in essence a district of its own. So I'm
3 very concerned about that.

4 As we talked at the community input
5 hearing, I'm very concerned with your staffing plan.
6 I don't think you have staff enough to do the job as
7 is set out to be done. I don't think you have
8 enough teachers. I don't think you have enough
9 support staff.

10 I'm very concerned about facilities. I
11 know you have a backup plan, other facilities that
12 could be used. But in your budget, there's no money
13 to prepare those other sites. If you bring in
14 portables, there's no money to lay the groundwork
15 for those portables and to bring in the utilities
16 and to set them up.

17 You say that the Navajo Nation may
18 contribute. Again, as we said to the school just
19 ahead of you, we can't consider anything that's not
20 in the application. We can't consider anything
21 that's not a done deal.

22 So if the survival of this school is going
23 to depend on outside sources that aren't there yet,
24 I can't consider it. And I am very concerned about
25 those things.

1 I agree with Commissioner Gant. I think
2 we're segregating our students. As we talked about
3 in your application, and I pointed out the place
4 where it said "Navajo Nation students" -- I don't
5 remember the exact wording -- and I reminded you at
6 the time, you cannot limit your enrollment.

7 Probably, the geographic area will limit it. But
8 it's still segregation, in a way. Your children are
9 being so isolated. Just a concern of mine.

10 And the other concern I raised during the
11 community input hearing was the focus on farming. I
12 realize the culture; it means very much to your
13 people. You can't make a living farming today, not
14 in my experience, unless it's a huge farm and one
15 that's paid for and all the equipment is paid for
16 and all those kinds of things.

17 I would really have been more inclined to
18 support your application if you had other vocational
19 areas for your students to learn, other ways to make
20 a living.

21 I think you have a strong application in
22 many ways; but in my mind, you have significant
23 deficiencies: The money, the financial plan, the
24 facilities, the question of -- of segregation.
25 That's an ugly word, and I don't like it, but it

1 does seem like a group of students is being grouped
2 away from others, and I don't want to see that
3 happen if we can prevent it.

4 Those are my concerns. Would you like to
5 respond?

6 MS. BEGAY: I'd like to start with the
7 agriculture portion first. In designing this
8 curriculum, we just -- we thought about what sort of
9 resources do we have. If we wanted to go into STEM,
10 really thinking about do we have the capacity to
11 bring in laboratories. And then we really thought
12 about it. Well, outside can be a laboratory.

13 So I don't think our goal is to create
14 farmers or create jobs for people to just solely
15 enter agriculture. We feel that through
16 agriculture, students will be able to master those
17 science skills, so they're taking those skills and
18 maybe they'll use them to become a doctor, to become
19 an engineer. And so I think that's something that
20 is maybe not as concise in the application.

21 But we're not trying to make just farmers.
22 We're trying to create a culinary arts program
23 experience, where they're able to access that
24 content.

25 MS. GARNENEZ: I agree. I think the last

1 time we met, I think we had -- you did raise those
2 concerns, and we did say, you know, we are not
3 looking to make farmers in our community.
4 There's -- there is a really huge potential to use
5 agriculture as a tool to learn a wide variety of
6 things. You know, we mentioned biology; we also
7 mentioned chemistry and engineering. You know, we
8 need help with the upgrade of the irrigation systems
9 in our community. There's opportunities to do that,
10 if kids wanted to go into engineering.

11 We're also thinking about, you know, the
12 plants that we use for medicinal purposes. The
13 Navajo Nation is considering, has been talking
14 about, creating a medical school that's based in
15 Navajo traditional medicine. There's another
16 opportunity to learn about chemistry and what
17 exactly is happening with those plants. We could
18 create chemists; we could create doctors, start them
19 off there in our community.

20 I also think, you know, that out in our
21 community earning a living is not the same as other
22 places in the United States. I don't think people
23 intend to become millionaires based on farming. I
24 think many of them do have small farms that they use
25 to supplement their incomes, you know. And in terms

1 of creating -- making agriculture as an economic
2 driver, there's huge potential there for people who
3 might be struggling. There's an opportunity to
4 incorporate something that's knowledge for them,
5 something they grew up doing, and a way to
6 supplement their incomes.

7 As far as the facilities are concerned, we
8 have another fourth option, which I actually am
9 really liking, the idea of accessing this vacated
10 day care facility. You know, once we know that we
11 are able to use that facility, definitely, we'll
12 ask -- we'll ask to have PSFC [verbatim] come in and
13 do the -- see where it's at, see where it rates for
14 our E-Occupancy.

15 We want to do these things. Of course, we
16 don't want to put any of our children in danger.
17 But I figure, this is a day care facility. If we're
18 putting our smallest babies in those places, it's
19 good enough to probably put high school students in
20 there, mid-school students.

21 The issue about segregation, I think
22 that's not -- I don't believe that that's what we're
23 doing. I think last time we also mentioned that,
24 you know, we're not saying no to anyone who is not
25 Native, not Navajo, that they can't come to the

1 school. We are welcoming everybody.

2 It's just that the population in our
3 community -- you heard Kayla say that the population
4 is 99 percent Native. A good majority of that, you
5 know, were Navajo. So we're trying to create a
6 school and a curriculum that is culturally relevant
7 to our community.

8 You know that Native Americans struggle.
9 We have the lowest graduation rate of any of the
10 ethnicities here in New Mexico. We're saying that
11 the standard way we do education in New Mexico is
12 not working for Native people. We want to try and
13 look at a way to -- to make it relevant to our kids.
14 Even when they're outside of school -- you talk to a
15 lot of Native Americans who live here in Albuquerque
16 or in Phoenix, what do they want to do? They all
17 eventually want to go home. They want to go home to
18 the reservation. We know this. They're comfortable
19 there.

20 And so we're trying to create a way for
21 the kids, you know, to really appreciate and
22 understand the communities that we come from and
23 that they can give back to the communities, as well,
24 once they're educated. These are things that Kayla
25 and I are trying to do.

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1 THE CHAIR: Thank you very much. I think
2 we need to move on. We're really burning time here.
3 Let's let Commissioner Carr --

4 COMMISSIONER CARR: Sorry, yeah. I wasn't
5 going to say anything more. I -- I concur with
6 Commissioner Shearman and Commissioner Gant on --
7 you know, on feelings of segregation. I lived
8 through that time period, and I understand deeply
9 their feelings. As an historian, I know that Native
10 American people have a unique position in history.
11 And they have most surely been more mistreated and
12 pushed around, probably, than almost any other
13 group; arguably, African Americans are right up
14 there, of course. And they've been -- you've been
15 pushed into boarding schools, where your culture has
16 been stripped and your language -- everything that
17 has to do with it.

18 I think you're in a unique position with
19 the history to support a school such as yourselves.

20 I -- you know, I think every situation
21 needs to be looked at on its own basis. Schools
22 were segregated and Plessy v. Ferguson backed it up
23 saying, "Okay, as long as the facilities were
24 equal"; well, of course, they never were.

25 Then Brown v. Board came along and said,

1 "No, you know, we're reversing that decision."

2 And there was nothing equal.

3 I think we've come a great -- a long way
4 in our relations with other ethnicities in this
5 country, because when you get to know other people,
6 of course, you find out that they're just people,
7 too.

8 And, yes, we have cultural differences;
9 but we have more similarities than we have
10 differences. And I think that's true.

11 But maintaining your culture is very
12 different. So I just think it's a different
13 situation.

14 I also -- and I seldom disagree with
15 Commissioner Shearman and Commissioner Gant. In
16 farming -- on the farming issue, you know, a school
17 that I teach at now, we have a relationship with a
18 local farm, and our kids learn those things. Taos
19 County has many small farms that make money. A
20 small organic farm and things like that, there's
21 still -- there's still some.

22 But nonetheless, I understand. And I
23 came -- I grew up working on a farm, and I don't do
24 that anymore. But the -- what I got out of that was
25 tremendous, working with the soil, seeing things

1 grow, working with farm animals, doing all those
2 things, it made me the person I am today, which I
3 think isn't too bad, you know. And so I understand
4 their concerns. I still support your school.

5 THE CHAIR: Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair and
7 Mr. Gant, I really want to take exception to you
8 considering Native people on their own land as being
9 segregated. If they were trying to do an all-Navajo
10 school in Gallup, then that might be a situation
11 that would deal with this. This is -- these -- the
12 federal government, although they have messed up
13 over and over and over, still recognizes sovereignty
14 of the various Indian Nations. So to me, that is
15 not segregation.

16 You know, I'm a Native New Mexican; my dad
17 was, my grandfather was. We've had relationships in
18 my family with most of the pueblos, with the Navajo
19 Nation, with the Hispanic communities in Northern
20 New Mexico, with Albuquerque -- you know, I've had
21 great experiences back and forth. But I will say
22 that when I went to an almost entirely Hispanic
23 school, I did better and felt more comfortable than
24 I did when I have dealt with people just from a
25 different part of Albuquerque from where I live.

1 I think we all have different cultural
2 experiences. And I just -- I just -- I take
3 exception to you considering -- you have your right
4 to do that, but I take exception to, on Native land,
5 in what's called the Navajo Nation, that it's
6 segregation. I might agree with you if it was off
7 reservation land.

8 Thank you.

9 THE CHAIR: Thank you. Commissioner
10 Bergman?

11 COMMISSIONER BERGMAN: Yeah, a question
12 has occurred to me, because of what we've been
13 discussing here. In the traditional public schools,
14 of course, English Language Learners are a major
15 concern. Given the nature of what your school will
16 be, primarily, as you've just noted, Navajo; so in
17 your case, we could be talking about a Navajo
18 Language Learner student. By statute you must
19 accept all -- all students, either Navajo or
20 non-Navajo.

21 Should you get that one or two non-Navajo,
22 will you be ready and prepared to accommodate a
23 non-Navajo speaker, make sure they get the
24 comparable education?

25 MS. BEGAY: So even when we look at our

1 own Navajo youth, there's a study out there that
2 says only 10 percent of Navajo people under the age
3 of 25 speak the Navajo language. And so we're very
4 prepared to make this an important thing.

5 It is something that's -- what's
6 considered a dying language. And Navajo people
7 aren't the only people who need to benefit from it.
8 I think other people would. I think that's how we
9 can create relations in our community.

10 And I think, thinking about segregation,
11 when we started this entire process, we looked at
12 our community, and we asked the people who lived
13 there. And that's where the Navajo culture, that's
14 where that came up. And so it wasn't just, like,
15 "Well, let's just do Navajo everything." We asked
16 our community. And if they felt that it wasn't a
17 need, then it wouldn't have been brought up; but it
18 did, over and over.

19 COMMISSIONER BERGMAN: Thank you. I was
20 pretty sure what you would say, but I wanted to hear
21 you say it here on the record. Thank you, Madam
22 Chair.

23 THE CHAIR: Thank you very much. Any
24 other comments from Commissioners?

25 Hearing none, the Chair would entertain a

1 motion. Commissioner Bergman?

2 COMMISSIONER BERGMAN: I just wanted to
3 note that CSD has put their standard list of
4 conditions on here. But as we have done in the
5 past, any Commissioner wanting to add a condition
6 after we discussed it, this could also be done. I
7 just wanted to make that note.

8 THE CHAIR: Thank you. For any
9 Commissioner who might want to make the motion,
10 again, our attorney has suggested wording. So if
11 someone would volunteer to make the motion, I would
12 ask that you step over here, read the wording, and
13 see if you agree with that to make the motion.

14 COMMISSIONER TOULOUSE: I'll do it. If I
15 don't cough. My cough is getting worse by the
16 minute. I hope I can last through all of these.

17 (A discussion was held off the record.)

18 COMMISSIONER TOULOUSE: Madam Chair, I
19 move that the Commission approve, with conditions,
20 the 2014 charter school application for Dzit Dit
21 Looi School of Empowerment, D-E-A-P, DEAP, as
22 presented here on the record today, with the
23 conditions recommended by -- oh, I read them off of
24 here? Okay -- having to go back and forth -- to:

25 1. Obtain standing as an approved Board

1 of Finance.

2 2. Secure facility that meets PSFA
3 approval.

4 3. Complete the Planning Year Checklist.

5 4. Provide a detailed scope and sequence
6 for all grade levels and subjects offered in the
7 first year, aligned with the charter application.

8 And, 5. Provide a detailed curriculum for
9 all grade levels and subjects matter offered for the
10 first 60 instructional days, aligned with the
11 charter application.

12 COMMISSIONER PARKER: Second.

13 THE CHAIR: You've heard the motion by
14 Commissioner Toulouse, second by Commissioner
15 Parker. The motion is to approve the application of
16 the DEAP school with conditions as have been noted
17 on the record, and in the written recommendation
18 from CSD.

19 Further discussion?

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: Actually, I would
22 like to add -- Director Pahl had added a couple of
23 words to one of the conditions. Under No. 2, he
24 had -- what he read was "Secure a facility that
25 meets PSFA approval and obtains E-Occupancy."

1 We did not state that last part.

2 COMMISSIONER TOULOUSE: No, that wasn't on
3 this.

4 COMMISSIONER BERGMAN: It wasn't on the
5 original.

6 THE CHAIR: Mr. Pahl?

7 MR. PAHL: Just so -- yeah, we can't get
8 PSFA approval without it having E-Occupancy. So my
9 comments were redundant.

10 THE CHAIR: So it's there without actually
11 being stated. All right.

12 Further discussion, Commissioners?

13 I would ask Commissioner Bergman for a
14 roll-call vote. Remember a "yes" vote is to
15 approve; a "no" vote is to deny.

16 COMMISSIONER BERGMAN: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Peralta?

21 COMMISSIONER PERALTA: No.

22 COMMISSIONER BERGMAN: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Toulouse?
3 COMMISSIONER TOULOUSE: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Parker?
6 COMMISSIONER PARKER: Yes.
7 COMMISSIONER BERGMAN: Commissioner Gant?
8 COMMISSIONER GANT: No.
9 COMMISSIONER BERGMAN: Commissioner
10 Shearman?
11 THE CHAIR: No.
12 COMMISSIONER BERGMAN: Commissioner
13 Bergman votes "yes."
14 Let me count, Madam Chair.
15 THE CHAIR: It's 5 to 4.
16 COMMISSIONER TOULOUSE: 6 to 3.
17 THE CHAIR: 5 to 4.
18 COMMISSIONER BERGMAN: Actually, it's 6 to
19 3, Madam Chair; six "yes," three "no," to approve
20 the application.
21 THE CHAIR: Is that correct? That's not
22 the way I put it down.
23 COMMISSIONER BERGMAN: Would you like me
24 to reread the list here?
25 THE CHAIR: I would. Please read it

1 again.

2 COMMISSIONER BERGMAN: Commissioner Pogna
3 voted "yes"; Commissioner Toulouse, "yes";
4 Commissioner Parker, "yes"; Commissioner Conyers,
5 "yes"; Commissioner Carr, "yes"; Commissioner
6 Bergman, "yes". Commissioner Peralta voted "no";
7 Commissioner Gant voted "no"; Commissioner Shearman
8 voted "no."

9 THE CHAIR: Thank you for that
10 clarification.

11 The motion passes by a vote of 6 to 3.
12 The application of the DEAP School, with conditions,
13 is approved. Congratulations.

14 MS. BEGAY: Thank you.
15 (Applause.)

16 THE CHAIR: If you all would wait just a
17 moment, please, we have some paperwork that needs to
18 be signed, and let's just do it while you're here.

19 MS. BEGAY: Okay. Sounds good.

20 COMMISSIONER BERGMAN: Madam Chair, I'm
21 trying to get your attention.

22 I know you all know this. You're going to
23 have a planning year. There is a Planning Year
24 Checklist provided by the PED and the CSD. I would
25 strongly encourage you to get started on that

1 planning list and get everything done as quickly as
2 you can. We have had problems in the last year with
3 schools that came right up to the end and did not
4 have their Planning Year Checklist complete, and it
5 just caused all kind of problems.

6 And as you heard discussed earlier today,
7 please get started on that facility just as quickly
8 as you can.

9 MS. BEGAY: Of course.

10 COMMISSIONER BERGMAN: Get that wrapped
11 up. Just save yourself some problems and save
12 everybody else. Thank you very much.

13 MR. PAHL: Madam Chair?

14 THE CHAIR: Yeah, let's take a ten-minute
15 break, please, and we'll get these papers signed.

16 (Recess taken, 10:40 a.m. to 10:52 a.m.)

17 THE CHAIR: Ladies and gentlemen, let's
18 resume. The next school on our list is Student
19 Athlete Headquarters. If they would please come
20 forward.

21 Mr. Pahl, while they're getting settled,
22 could we hear CSD's recommendation, please?

23 MR. PAHL: Madam Chair, members of the
24 Commission, first, thank you. Thank you for your
25 efforts in the application, and thank you for

1 inviting us to -- to Albuquerque to -- to speak more
2 with you and some of your supporters.

3 The CSD found that the Student Athlete
4 Head Quarters -- from here on out, I'll call it
5 "SAHQ"; I think that's how the school refers to
6 itself -- we found their application to be adequate.

7 During the capacity interview, they
8 demonstrated sufficient capacity to implement the
9 plans, as described in the application.

10 The applicants are a team of dedicated and
11 experienced educators with no less than 15 years of
12 classroom and sports coaching experience. They've
13 secured a building and already begun working with
14 PSFA to ensure that it will be up to code early in
15 the planning year, and currently use the building as
16 a tutoring center. The work the applicants have put
17 forward with students in the tutoring center has
18 allowed them to connect with the potential school
19 community and assess the surrounding community
20 needs.

21 In addition, the applicants present a
22 strong willingness to address areas of growth, both
23 for students and the school community overall.

24 The Charter Schools Division found that --
25 found SAHQ applicants demonstrated an innovative and

1 dedicated approach to serving high school students,
2 both in the application and capacity interview. The
3 division did note areas of concern within the
4 application that must receive significant focus
5 during the planning year.

6 The SAHQ founders must generate clarity
7 around the various instructional strategies they
8 mention in the application and indicate how these
9 strategies will be implemented into a carefully
10 prepared curriculum for all grade levels they intend
11 to serve in the first year.

12 Additionally, the Division noted that the
13 budget and the application did not completely align
14 with the narratives in the application, and those
15 adjustments must be made.

16 Should this application be approved, the
17 Charter Schools Division expects the founding team
18 to present a comprehensive budget that aligns with
19 the specifics of the program they present in the
20 application.

21 During the capacity interview, the review
22 team was given a list of potential governing council
23 members, as well as the experience and skill sets
24 required among those governing council members.
25 However, we were not provided with sufficient

1 evidence that the SAHQ founders have that show a
2 clear understanding and plan for how they will
3 recruit and select these governing council members.

4 The Division will look for a clear plan
5 for how this school intends to manage and recruit
6 and collect governing council members, if they are
7 approved today.

8 Lastly, the founders will need to align
9 their lottery policy with legal requirements of this
10 process.

11 We feel that the school, due to having
12 those facilities secured, has more capacity to
13 address these curriculum issues and other issues
14 that lie before them. As such, the Charter School
15 Division is recommending approval with conditions
16 for the SAHQ application. The following are those
17 conditions:

18 Obtain standing as an approved Board of
19 Finance.

20 Secure a facility that meets PSFA
21 approval.

22 Complete the Planning Year Checklist.

23 Ensure the budget reflects specifics of an
24 entire academic program.

25 Provide a detailed scope and sequence for

1 all grade levels and subject matter offered in the
2 first year that align with the charter application.

3 Provide a detailed curriculum for all
4 grade levels and subject matter offered in the first
5 60 days of instruction, aligned with the charter
6 application.

7 And develop a clear -- sorry not "and."

8 Develop a clear plan for recruitment and
9 selection of governing council members and ensure
10 the lottery policy is in alignment with the legal
11 requirements of the process.

12 I'll just note that that is what we're
13 using as a standard set of conditions, with the
14 addition of ensuring the budget reflects specifics
15 of the entire academic program, developing that
16 clear plan for recruiting and selecting governing
17 council members, and ensuring the lottery policy is
18 in alignment with requirements.

19 So just want to make that separation for
20 the Commission there. Thank you.

21 THE CHAIR: Thank you, Mr. Pahl.

22 Good morning. If you would please
23 identify yourself and let us hear from you.

24 MS. RODE: Madam Chair, members of the
25 Commission, my name is Charlotte Rode, and I am one

1 of the founders of SAHQ Academy. We are very
2 honored to be here. I'll let them introduce
3 themselves, and then we'll go into more explanation
4 of our application. Thank you.

5 MR. McAFEE: Madam Chair, and
6 Commissioners, I'm George McAfee. I've been in the
7 education profession for 37 years, both at
8 department heads and all types of -- and coaching;
9 so I'm one of the old guys. I'm one of the
10 founders. Thank you.

11 SPEAKER: Madam Chair and Commissioners
12 I've David Kovarik. I'm a retired educator and
13 founder.

14 THE CHAIR: And you have 15 minutes for
15 your presentation, if you choose to use all of that.

16 MS. RODE: We'll try to keep it brief. I
17 know you guys have a long day.

18 I wanted to first thank you all for what
19 you do, because as someone who's an education
20 advocate I think it's very important that we
21 establish processes and accountability measures for
22 our schools so that we can improve. If we can't
23 measure it, we can't improve it. And I just really
24 respect the fact that you're here and that you are a
25 partner; not a judge and a jury, but you're actually

1 a partner with the schools so that we can provide a
2 better education for our children in this state.

3 In our community, we call that "SAHQ
4 family." So if you do approve us and we enter into
5 that agreement with you, we will consider you to be
6 a part of that SAHQ family. And within a family,
7 it's always a benefit when you have instructive
8 criticism, when you have input, when people ask
9 questions. I've been in situations where people
10 don't want you to ask questions, and that's never a
11 healthy environment.

12 I think that the only limit to the impact
13 that we have is really our commitment to the success
14 of the school, to our children, and the amount of
15 imagination that we have in creating a culture that
16 inspires them.

17 And I think that within the process that
18 you've created with this application and process
19 that we have to go through to actually get to this
20 point, it helps us to put those processes in place
21 that no matter who's sitting here, no matter who's
22 sitting there, that our school is going to succeed.
23 And I think that's one of the most important things
24 is that we create best practices, that we create
25 processes that will withstand the test of time and

1 will withstand any kind of personnel changes within
2 our system.

3 We are an established resource within the
4 community. I have been a lifetime volunteer for
5 30 years and have been very involved with education
6 and with children throughout my entire adult life.

7 These two have been educators for over 30
8 years -- over 35 years, both of them.

9 Our program, Student Athlete Head
10 Quarters, is a nonprofit that actually has a
11 facility. And we've been in that facility for about
12 two-and-a-half years; and so we have established
13 relationship with the community. We have served as
14 an all-volunteer program. Everyone who is there
15 dedicates their time, many of them full-time, to the
16 community, both in trying to inspire kids to attain
17 their goals in academics, in athletics, and moving
18 on to college, and getting them through college. We
19 maintain that connection with them as they go to
20 higher education.

21 So I think that the dynamic population
22 that we reach already -- our facility is located
23 right by CNM and UNM right off the freeway; we're
24 very easily accessed for anybody in our area. And
25 we have a good idea of the diverse populations that

1 we -- we can reach and that are interested in and
2 have a need for our small community school.

3 The -- the type of -- of -- Coach McAfee,
4 I just wanted to mention -- because we talked about
5 the traditional schools versus the new, innovative
6 schools -- Coach McAfee called that "rock and fire."
7 And we have that kind of a diverse atmosphere within
8 our programs.

9 We have our rocks, our traditional
10 educators, people who have been around forever,
11 developing their curriculum, teaching, understand
12 how the system works and how the kids function. And
13 then we have the fire coming up. We've got the
14 young teachers, we've got the kids who are actually
15 involved in helping us to develop what works for
16 them.

17 So I think when we combine those two, we
18 have a really dynamic culture that we have already
19 established over the last couple of years, and we
20 continue to build.

21 The LFC just came out with a report that
22 says that over the lifetime of a graduating class,
23 that the State could save \$700 million per class if
24 we just graduate more kids and if they are just more
25 prepared for college and we don't have to remediate,

1 which is a huge problem in New Mexico; not only our
2 graduation rates, but also the remediation in
3 college.

4 And I think that, you know, some of the
5 things that they mentioned there were addressing
6 truancy, creating an early warning system, and being
7 able to establish -- being able to keep track of
8 those kids throughout their system within the
9 K-through-12 environment.

10 I think that you have something like
11 the -- you know, the third-grade type of reading
12 system that they want to hold back kids when they're
13 in the third grade. Well, what's going to be
14 different their second year of third grade than
15 their first year of third grade, if you don't have a
16 system in place that really tracks them in real time
17 and monitors them throughout?

18 And I think through our educational plan
19 is that we've developed a system that's real time,
20 that we are actually addressing kids' needs on a
21 day-to-day basis so that we're not waiting until the
22 third grade or the eighth grade or the tenth grade
23 or the time that they graduate, saying, "Oh, wait a
24 minute, you're not ready for college," that we have
25 established an early warning system that is actually

1 daily for our program, and it creates that
2 accountability that the LFC is stating is going to
3 help with graduation rates and, in turn, help our
4 economy and help with the remediation in college.

5 Just to go over -- I know there were a
6 couple of you that weren't able to attend the
7 community hearing. And I just want to briefly go
8 over kind of what our educational plan is.

9 And our educational plan actually has
10 three levels. We have the foundational knowledge,
11 we have applied knowledge, and experiential
12 knowledge.

13 So the technology component of it is based
14 in foundational knowledge, which is a digital
15 delivery system, like, there are many digital
16 delivery type of programs in the state that meet
17 four days a week for half a day, and the kids are
18 all responsible for all of their work on the
19 computer. For us, that's just a very small
20 component, okay? That's basically allowing the kids
21 to take on the responsibility to say, "I am
22 responsible for learning this."

23 And the way we do that and the way we
24 maintain daily accountability is that we establish a
25 minimum acceptable standard. So each child has a

1 level at which they're expected to perform based on
2 past experiences, tests, things like that, that
3 we're able to establish that they're a "B" student,
4 or an "A" student, or their goals are to go to
5 Harvard, and therefore, they need to perform at a
6 certain level.

7 So they're not allowed, on a daily basis,
8 to just slide by. They have to perform at a certain
9 minimal acceptable standard. If they don't, they
10 have to repeat the work.

11 And that doesn't add any work to the
12 teachers, because it's digitally delivered. What
13 that does is put more on the kids' plate and takes
14 away from the teachers, to say, "You're responsible
15 for this foundational knowledge. You've got to
16 learn this basic stuff."

17 But that's just the foundation. That's
18 not everything.

19 Then the teachers take over after that
20 foundational knowledge is grasped and completed, and
21 they use applied skills to establish whether the
22 kids actually know what they learned on the
23 computer, and then to dig a little deeper and do
24 projects and involve them in actually interacting
25 with their intelligence and making it work, making

1 it actually mean something to them. So that's the
2 second level.

3 So it goes deeper. You have foundational
4 knowledge that goes wide, which some, that's all
5 they do. And then -- and with that minimum
6 acceptable standard and the fact that it's not based
7 on them sitting in a chair and completing the year,
8 it's actually based on mastery that they actually
9 have to complete the work, that you have that basic
10 foundation that goes wide, and now, the teachers can
11 really focus on relationship and individuals and go
12 deeper.

13 And one of the really great things about
14 doing it this way is that they can dynamically group
15 those kids so that they are meeting individual
16 needs. So maybe you might have someone who's really
17 struggling, and that technology that we use will
18 identify very specific areas that that child is --
19 is struggling in without the teachers having to
20 dissect hundreds of papers -- you know, hundreds of
21 pieces of homework, that they can actually dissect
22 that and show them where they're struggling.

23 They can group those kids together,
24 whether it's individually or small groups, and
25 address those needs. They can also identify kids

1 who are advanced and screaming through their
2 curriculum, and then they can feed them more;
3 because in our life -- and what I feel -- I've
4 raised seven children; I have two grandchildren --
5 that there are a lot of kids who are uneducated who
6 simply don't get the education that they need.

7 And then there are many, including some of
8 my own children, who were in education who kind of
9 just did the minimum to get by, you know, that they
10 are undereducated, that they graduate high school,
11 and they're not prepared, to their capacity, to
12 perform in college, some of them not even having the
13 ability to apply for college, because, as all of us
14 know, that application process is sometimes
15 complicated. And it doesn't make a lot of sense,
16 and you've got to go back, and you've got to go
17 back, and you've got to go back in trying to get
18 your classes; and it's just difficult to even apply
19 to college sometimes.

20 So it's something that we really want to
21 make sure that not only the kids who are struggling,
22 but those kids who are advanced get the kind of
23 support that they need in order to progress. And
24 the way our system is set up allows us to
25 individualize that instruction.

1 The third component is experiential
2 knowledge. And that's where the community comes in.
3 It allows us to have the kids interact with an
4 economy. And so that economy is something that
5 actually puts teeth to their applied learning and
6 tells them how they can make a living off of it; not
7 how they can go out and get a job, not how they can
8 wait until their parents connect them with something
9 that they know, but they can actually go out and
10 decide for themselves what interests them and how
11 they are going to apply it in a global economy and
12 make a living; not just get a job, but make a living
13 at it.

14 That interaction, I think, is very
15 important and should start very young, so that they
16 can understand. How, the link that we use is
17 athletics; so our -- we're very foundational as far
18 as our core curriculum goes. We focus on the core.
19 We don't have a lot of outside type of courses
20 besides athletics. So we call it "STEAM." It's
21 science, technology, engineering, athletics, and
22 mathematics. So we use that lens of athletics to
23 inspire and engage the children and to make sure
24 that they want to come to school and that they can
25 interact with their learning at a very high energy

1 level.

2 We also engage them with their own health,
3 as well as the teachers, so that we can make sure
4 that the environment we have at school is a healthy
5 one, and that no matter what they choose to do in
6 life, whether it's athletics in college, whether
7 it's medicine, whether it's, you know, going home
8 and staying home with your children, like I did,
9 that you can have a healthy lifestyle, and you
10 understand how that impacts your quality of life,
11 your finances, and your ability to perform your
12 work.

13 So I think that when we -- when we get to
14 some of those issues, I think that our financial
15 issues that were brought up were addressed in our
16 capacity hearing. And in the evaluation after our
17 capacity hearing, it states that they were addressed
18 sufficiently, and that we do have a very strong -- a
19 very strong financial package within our
20 application.

21 And one of the issues with the budget,
22 which the paperwork that I provided after the
23 community hearing shows, that one of the issues was
24 the -- the teachers' pay scale. And what we did is
25 we put a very high number in there for teachers'

1 pay, so that we didn't have to put the breakdown
2 each year and provide pennies and cents as far as
3 what the increases would be for merit pay.

4 But the merit pay was associated with the
5 administrator's evaluation and not the State's
6 evaluation.

7 The lottery issue, one of the things I
8 think that was a misunderstanding on the lottery --
9 although, I did print out and include that in our
10 paperwork that I submitted -- was that we said that
11 we were going to do part of it online. Now, what I
12 meant by online is that when you submit your letter
13 of intent, I do believe that that -- if it's not
14 okay, then we certainly won't do it -- but I think
15 students can submit a letter of intent online. They
16 can't go through the entire application process
17 online. But I do think that they can fill out a
18 letter of intent online.

19 If that's not the case, then we'll adjust
20 that. Whatever we need to do -- and we repeated
21 that many times throughout the application -- we
22 will abide by law. So there's nothing that we're
23 challenging or trying to get you to change about the
24 law. So whatever we need to do is abide by the law.

25 In our governing council question, we did

1 state within our application how that was going to
2 function. And that was the very first thing -- our
3 founding board is what we feel is our governing
4 council to begin before the process. After the --
5 after the application is approved, we stated in our
6 application, the first order of business for the
7 founding members were to establish a governing
8 council. We did provide a list of names of
9 governing council members that we've already spoken
10 to, those that were confirmed, and those that were
11 being considered for that position.

12 And we also did provide within our
13 application things that we would be looking for
14 within a governing council. We also have a list of
15 "go" teams, which are similar to, like, a
16 transitional -- when you have a new person in
17 government, and you have a transition team. Then we
18 submit a list -- a full list of "go" teams that go
19 anywhere from facilities to curriculum to
20 fundraising to the facility, that we've already
21 started to establish community members that are
22 going to lead those "go" teams.

23 And those "go" teams are basically in
24 charge of implementing those things within our
25 school, so that we're insured that our Planning Year

1 Checklist is addressed from day one, and that we
2 have qualified professionals.

3 It's not us founding members trying to do
4 everything; but we have qualified professionals who
5 are invested in the success of the school.

6 You saw the amount of people that we had
7 at our community hearing. We had over 400 postcards
8 there of people who support us. We've already met
9 with community members, and they support what we're
10 doing and are willing to step up and help you.

11 Thank you very much.

12 THE CHAIR: Thank you for that
13 presentation. Commissioners, I think the time is
14 up.

15 Commissioners, you've heard the CSD
16 recommendation and the presentation from the school.
17 Do you have questions?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Thank you,
20 Madam Chair. I would like to start where we had
21 discussed during the hearing. You used the term
22 "accountability" throughout your statement. I'm
23 glad to hear that. You were required to put
24 through -- forward two performance goals. You
25 remember we discussed these very closely.

1 The ones you put forward, the first one
2 was for BMI. That is not an academic goal at all.
3 That's a health-and-fitness goal. Fine.

4 The second goal was progress towards
5 graduation. Well, that gets a little closer to
6 academics, because you have to have the grades to
7 graduate. But you'll remember, you put forth no
8 reading goals; you put forth no math goals. And I
9 am concerned enough about that, as you might have
10 gathered in the hearing, that if -- should there be
11 a motion to approve your school with conditions,
12 that the CSD has their standard conditions, I'm
13 going to propose that a specific condition be added
14 that you guys come to the contract -- to the
15 performance contract negotiation prepared to agree
16 to a specific reading goal for your student body and
17 a specific math goal for your student body.
18 Otherwise, I'm going to have some difficulty with
19 voting for the application.

20 I understand you're talking about
21 academics throughout. But without specific goals,
22 how are we to judge how you're doing academically,
23 other than your school grade? And as a new school,
24 it will be two or three years before you've really
25 established what your school grade is going to be.

1 So I -- I really am going to ask for that
2 condition. Where do you stand on that?

3 MS. RODE: Well -- do you want me to
4 answer? Are you done?

5 COMMISSIONER BERGMAN: Yes.

6 MS. RODE: Well, I appreciate that very
7 much, because I think that that may be what we need
8 to do is to be able to articulate that a little bit
9 better; because I do think that it's built into what
10 our goal is. And it also speaks to the fact that
11 it -- when you have an early warning system that the
12 LFC is speaking about, our system directly addresses
13 that need.

14 And so when we say, in our application --
15 which we did -- of our graduation rates, and that
16 our graduates will be accepted into a higher
17 learning of -- environment, that implies that there
18 are certain basic levels of achievement in both
19 reading and mathematics.

20 And within our system, where we establish
21 our course mapping -- which we describe in full in
22 our application -- where each student has their own
23 individual course map that gets them to graduation
24 on time, and they have a minimum acceptable standard
25 that asks them to perform at their -- at their best,

1 that those requirements that you're talking about
2 are intrinsic to those goals.

3 So it's one of those things that we could
4 maybe articulate it better so that you would feel
5 comfortable. And I have no problem doing that.

6 But when you have those type of daily
7 measurements, our teams that we have based meet on a
8 daily basis. Those requirements of those students
9 on a minimum acceptable standard and on their
10 progress towards graduation are daily, and they're
11 monitored daily.

12 So it's one of those things that, yes, we
13 could put to say, at the end of their -- when they
14 graduate, or at the end of their eighth-grade year
15 or eleventh-grade year, they're going to perform at
16 a certain level; but when we have daily requirements
17 that require that exact thing, then we are going to
18 be ahead of the game, I think.

19 And we don't mind any wording that would
20 hold us accountable to that.

21 COMMISSIONER BERGMAN: Okay. Thank you
22 for that answer. "Implied" is good. "Intrinsic" is
23 good. But they're not measurable.

24 MS. RODE: Okay.

25 COMMISSIONER BERGMAN: They're not

1 measurable. Later on in their analysis, CSD noted
2 that you did, in your application, discuss somewhat
3 assessments, but you didn't really have a plan.
4 Well, my thinking when I read that and when I read
5 it in the application, was, "Well, they have no
6 specific academic goals, so how can they have a plan
7 to use assessments if they don't have specific
8 academic goals?"

9 Now, I know you may have, in your head,
10 some specific academic goals, and you, in your
11 governing council. But in six years, if you were to
12 be approved and you'd come back and sit there again
13 and want whoever is sitting here to approve you for
14 renewal, if you ask for that, this Commission will
15 have to have specific data and specific information
16 to judge the success of your school. And then
17 "implied" and "intrinsic" doesn't come into play.
18 It has to be specific.

19 And it has to be more than your school
20 grade. I would never tell you to sit back and rely
21 solely on the school grade that's being used in this
22 state right now. One, it may not exist in six
23 years; and two, I would not tie my school's success
24 to one grade established by some formula that's
25 been -- been put together by somebody.

1 I would want as many measurable and
2 accountable things that would help me get my
3 school -- so that's one of my concerns. It's for
4 you; it's for your best interests.

5 MS. RODE: I appreciate that.

6 COMMISSIONER BERGMAN: I'll have that
7 added as a condition.

8 MS. RODE: I appreciate that. And I would
9 appreciate the wording, because with our wording of
10 a graduation rate and acceptance into higher
11 education, that wording means something to me that
12 it obviously doesn't mean to you. So the wording of
13 what we can do to establish that accountability and
14 that measurement would be very helpful. I
15 appreciate it.

16 COMMISSIONER BERGMAN: That's why we call
17 it a negotiation. The wording will be agreed to by
18 everybody when we finally get done, no matter how
19 long it takes.

20 MS. RODE: Great.

21 THE CHAIR: Thank you. Any other
22 questions? Comments?

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 think I have more comments than questions. You

1 know, Ms. Rode, I appreciate your enthusiasm. But
2 you're doing a hard sell. I don't react that well
3 to somebody who's trying to push it at me. That's
4 just me.

5 But all the way through your presentation
6 to us, when you did it, I kept going back to my
7 growing-up years. And I was raised on Oz books,
8 because, you know, there's more than just the Wizard
9 of Oz.

10 And somewhere down in there, just a few
11 books, there is what I think I remember calling --
12 that L. Frank Baum set up was the Royal College
13 of -- the Athletic Arts and Sciences. And he had a
14 magic pill that you took for each class, and then
15 you went out on the playing field the rest of the
16 time. And that's what I kept thinking of in what
17 you're doing.

18 And I have a problem with your magic pill
19 being the online. I think that works much better to
20 do the next level up than to get your basic
21 fundamentals of education -- having had experience
22 with both myself learning computers and my
23 grandchildren in school now -- that to get the
24 fundamentals, you need a teacher, whether, you know,
25 it's a friend -- or anybody, you know, in school,

1 teaching you that concept.

2 Then you go to the next step, and that
3 online may be where you pick it up. But I wouldn't
4 want to assume all my kids are going to get the
5 fundamentals by spending all of their time in front
6 of a computer screen, where they may be spaced out
7 half the time.

8 My other concern for you is using the BMI,
9 which I have seen a number of medical professionals
10 saying is not necessarily as applicable as people
11 would like to think it is, because body types are
12 different. And the original index that these are
13 all based from was set up over 100 years ago, and
14 people have changed.

15 I think when you're dealing with growing
16 children -- I like your approach to children and
17 health. I think when you're dealing with growing
18 children who often have a body image problem,
19 anyway, to put the emphasis you do -- I mean, look
20 at me. I've got grandkids who don't look like me;
21 that's not the example. You know, my family may not
22 seem to have many skinny people, but our little guys
23 seem to be much thinner.

24 I have those concerns. I don't doubt your
25 enthusiasm; I don't doubt your planning; I don't

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1 doubt your ability to put this together. But those
2 are my practical differences.

3 MS. RODE: Sure.

4 COMMISSIONER TOULOUSE: And I know that
5 you are looking for a certain kind of student who
6 wants to do the athletics. But I have a very
7 athletic grandson, and I presented this to my
8 daughter saying, "Would this work for him?"

9 She said, "No, absolutely not. She would
10 never put him there, because she needs him to put
11 his energies other places than just in the
12 physical." So I'm just wondering what you're going
13 to get.

14 So those are more my comments and my
15 advice for some of this. I know it means so much to
16 you. But sit back a little instead, and look at me,
17 look at these people, rather than just -- I know
18 that's your style. But I know from having years and
19 years of trying to sell people on programs I like
20 and want.

21 MS. RODE: I appreciate it very much. And
22 I am a very energetic and passionate person, and
23 that when I do something, I'm all in. And
24 obviously, you know, for coaching for 30 years --
25 I'm a basketball coach, and I work with children,

1 and I work with athletes. So this is my
2 personality, and I won't apologize for it.

3 It is not fake. I'm not trying to sell
4 you anything. I'm expressing my passion and desire
5 to serve. I have served for 30 years as a career
6 volunteer. And I love it. And I am not going to
7 stop. I'm not trying to retire. I'm not headed for
8 the doors.

9 This system is tough; this process is
10 tough. And I'm not backing down from it, because I
11 think that the value that we have in our generations
12 to come are going to determine the direction this
13 state takes. And it is in dire need of energetic,
14 lifelong investors in our state in order to make
15 things different for our kids.

16 And I think that if we can become
17 champions, the more of us, the better. You know, I
18 want to be a champion for these kids. In regards --

19 THE CHAIR: Let us move ahead, please.

20 COMMISSIONER TOULOUSE: But I do think you
21 see that exact kind of champion-ship, though, with
22 everybody sitting here. We don't do this for money.

23 MS. RODE: Sure.

24 COMMISSIONER TOULOUSE: We're another one
25 of those free boards and commissions, where it costs

1 everybody here a lot more money than our per diem
2 checks to do this job. And so we are passionately
3 committed to this state and our students and our
4 children, too. Thank you.

5 THE CHAIR: Thank you, Commissioner.
6 Commissioner Carr?

7 COMMISSIONER CARR: Madam Chair, members
8 of the Commission, I do have a question, and I do
9 have a couple of comments. One is, I just wanted
10 you to clarify this issue about teachers don't come
11 in until after they've done the core. Are teachers
12 not involved from day one?

13 MS. RODE: I apologize for that, the
14 semantics on that. Teachers are involved from start
15 to end, and the kids are actually on our campus. So
16 it's not -- it's not like your online schools or
17 your part-time schools, where the kids are at home
18 doing their work, and then they're coming to school.

19 What I meant is that they are able to
20 complete their work uninterrupted online with that
21 curriculum. And what happens is instead of having
22 to teach every single fundamental, you're going to
23 identify those fundamentals that the kids are
24 insufficient with.

25 So instead of having one teacher in front

1 of 35 kids, teaching the exact same thing at the
2 exact same pace, which would be like all of you
3 sharing the same computer screen and wanting to go
4 at the same rate, is you're allowing the kids to
5 progress at their own pace, and then you identify
6 where their needs are so that you're addressing just
7 the needs of those individuals who are needing your
8 assistance, or the teachers' assistance, at that
9 time.

10 So the teachers are actually involved in
11 the online curriculum. They're integrating
12 themselves into the online curriculum. But what
13 happens when you identify an issue with the online
14 curriculum is that now they pull them out, and they
15 dynamically group them so that they're timed --
16 because that's one of the biggest things is the
17 teachers' time. If the teachers have to spend three
18 hours a day grading papers, or they have to spend
19 three hours a day teaching kids that don't need to
20 be taught that material, that's three hours a day
21 they can address specific needs.

22 What we're doing is trying to use
23 technology to maximize their time.

24 COMMISSIONER CARR: You answered the
25 question.

1 MR. McAFEE: Can I add a little?

2 COMMISSIONER CARR: She answered my
3 specific question. But, I mean, I -- it's up to the
4 Chair whether she wants to let you go on.

5 MR. McAFEE: Madam Chair, may I speak to
6 Commissioner Carr? Commissioner Toulouse?

7 I want to take a little credit for her
8 fire. I was her coach in high school; so she's the
9 fire with us. And -- talking about the education
10 itself, we have the most experienced group, I think,
11 we've put together. We've been discussing
12 curriculum all the time.

13 So just to clear up for Commissioner Carr,
14 the teacher is there since the beginning of school.
15 But what we are able to do is not going to sit at a
16 computer. The teacher is going to teach, but
17 they're going to teach small groups. They're going
18 to pull them out -- they're not going to sit in
19 front of a screen the whole time.

20 I mean, that block of time, those kids are
21 moving. What the teachers -- we're going to have
22 seminars. And you can't do that. I've been
23 teaching a long time in APS, and 36 kids in a --
24 thing. I don't care if you have computers in front
25 of them, we never get to all of them. But we'll get

1 to every one every day, because each teacher is
2 responsible for 20 kids every day. We meet with
3 them every day to check their progress; so we're
4 with them the whole time.

5 So they can do a lab with 10 people. We
6 can take them on a field trip, 10. We can take them
7 over to Presbyterian Hospital to see the medical.
8 That's the experiential one we really want to push
9 that we can't do in a regular situation.

10 COMMISSIONER CARR: Thank you. I have
11 some comments. I think the rock there has quite a
12 bit of fire in him, too. I'm a rock, too, but I
13 think I've actually got some fire in me. And my
14 fellow Commissioners can probably attest to that.

15 I'm concerned that your overall score is a
16 64 percent, and we just disapproved a school that
17 was a 67. And we brought that up earlier.

18 I am concerned about your business plan.
19 It's at 44. It's not maybe as weak as the other
20 previous school; but that's of great concern. And
21 your education plan was also at 70. And I don't
22 need you to elaborate on it, but I just want to
23 express that I do have concerns with your business
24 plan and the overall score of your application. Of
25 course.

1 MR. PAHL: Madam Chair, Commissioner Carr,
2 I just wanted to adjust a little bit to that. This
3 application was subject to robust conversation
4 within the Charter Schools Division. As we noted
5 before with the previous applicant, they had one
6 very low score, which was enough to take them off
7 the table, or as far -- or in our considerations.

8 When we looked at SAHQ, we see scores --
9 none of those scores are high-flying, but we felt
10 that each of them was above the threshold we needed
11 to see. We combined that with the capacity
12 interviews and the capacity that we felt the school
13 had, and felt like, given the personnel and the
14 people that they had to work over the planning year,
15 that they could address their deficiencies, which,
16 again, none of them reaching past that threshold,
17 even if it isn't defined as a number that, "No, this
18 just isn't good enough."

19 So know that this was -- this was a
20 difficult decision for us, as well; but it was a
21 combination of scores that showed they had enough
22 there and the capacity within the group. So I just
23 want to put that context along with the score.

24 THE CHAIR: Thank you, Mr. Pahl.

25 Other comments or questions?

1 Commissioner Conyers?

2 COMMISSIONER CONYERS: I'd just like to
3 echo what Mr. Carr said. I was looking at the
4 numbers, as well. And -- and I continue to try to
5 understand your basis for your recommendations,
6 because I'm struggling with that.

7 But, yeah, your score was 1 percentage
8 above of lowest in all the schools. And so I have
9 to wonder about that.

10 MS. RODE: Can I address that just
11 shortly -- quickly? It'll take me one minute.
12 Less.

13 THE CHAIR: Sure.

14 MS. RODE: Okay, I appreciate it. I think
15 at the beginning of this, Commissioner Toulouse had
16 mentioned about the subjectiveness of the
17 evaluators. And I think this is a first-year
18 application, a first-year rubric. And as -- as
19 Mr. Pahl had mentioned, that some of those issues
20 that were brought up within the evaluation of our
21 application were brought up in the capacity hearing.

22 And if you look at the capacity hearing
23 notes, following the capacity hearing, you will see
24 that that evaluation of our financial plan was
25 completely changed.

1 So the -- the score that we received
2 during the application process was different than
3 the evaluation that we received following the
4 capacity hearing.

5 So it did state that we had the capacity,
6 as far as our financial plan was considered. And so
7 I'm not -- I'm not pointing fingers at anyone or
8 saying that there was any mistakes, because I think
9 that this is the best case scenario, you know, to be
10 able to evaluate independently, even though you have
11 different evaluators on each application.

12 But I think that, hopefully, we addressed
13 that with our -- with our experts during the
14 capacity hearing, and as well as with our curriculum
15 that is unique and innovative, that the description
16 of how that was going to be applied, that we
17 actually -- you know, there are schools out there
18 that just use online curriculum and have been
19 approved for their curriculum. We have that, plus
20 two more layers, with 35 years of experience in each
21 subject matter, that they have a catalog of
22 curriculum to draw from so that they can meet
23 individual needs.

24 So I think that the application did state
25 that; but because it's innovative and new, that it

1 had to have some explanation like it did within our
2 community hearing, input hearing, and our capacity
3 hearing.

4 So I hope that, not to discount, you know,
5 the concerns, because we want those shared with us,
6 but to say that we did -- we did show some capacity
7 for that.

8 THE CHAIR: Thank you for that.

9 Commissioner Conyers?

10 COMMISSIONER CONYERS: Thank you.

11 THE CHAIR: Anything else?

12 Commissioner Gant?

13 COMMISSIONER GANT: Madam Chair, members,
14 I'll keep it short. On your governance council
15 selection, when I read this, I was really disturbed.
16 These are my concerns, that when I read it, it
17 didn't look like parent involvement. It really
18 didn't. It looked like a bunch of professionals
19 going to run this school. And if I were a parent
20 out there, starting out, and I read what is required
21 of a council member, I would say, "Well, that's not
22 me. They don't want to talk to me. I'm just a
23 parent." You know, these are my concerns.

24 Special needs students. That's a magic
25 button for me, for various reasons, and not

1 important reasons to anybody else but me. I'm
2 concerned that the school can really take care of
3 the real special needs students. What I'm seeing is
4 athletics is for kids that are able to do all those
5 athletic things you want them to do in the mornings
6 when they arrive at school, et cetera.

7 Many -- all the public schools have to
8 take who walks in the door. And we have public
9 schools with kids that are taken in in gurneys. And
10 I don't think you can do that; I really don't.
11 They're in wheelchairs, they're quads, whatever.
12 They deserve an equal opportunity to an equal
13 education.

14 That's a concern.

15 Blended learning. APS is full of it, so
16 this is nothing new; it's nothing added. These are
17 my concerns.

18 And you had a requirement in there, I
19 believe it is, for a certain percentage of your
20 students who graduate will be accepted to higher
21 education. Don't remember the percentage, but it
22 was high. And my concern is that many kids don't
23 even want to go to higher education; yet you're
24 saying that your kids will go to higher education.

25 So those are my concerns. I'm just

1 letting you know what I think. And thank you.

2 THE CHAIR: Thank you. Further questions?
3 Comments, commissioners?

4 MS. RODE: Madam Chair, I'd like to
5 address those, because they were -- they were in the
6 application.

7 COMMISSIONER GANT: Madam Chair, they are
8 in there. But when I -- from my point of view, when
9 I read them, they are concerns, okay? Regardless of
10 what the words are -- I know they're in there.

11 MS. RODE: Okay.

12 COMMISSIONER GANT: But they're my
13 concerns.

14 THE CHAIR: Were those questions,
15 Commissioner, or just concerns?

16 COMMISSIONER GANT: They were just
17 concerns.

18 THE CHAIR: They were concerns.

19 MS. RODE: Okay.

20 THE CHAIR: Anything else, Commissioners?

21 Hearing none, the Chair would entertain a
22 motion. Again, whoever chooses to make the motion,
23 please work with our attorney to get the wording
24 correct.

25 COMMISSIONER BERGMAN: I would just

1 suggest whoever is going to do it, if it is to
2 approve, it's to add a condition to it. If it's
3 deny, do whatever you want, just -- you know.

4 THE CHAIR: Oh, you're volunteering.
5 Please go right ahead.

6 (A discussion was held off the record.)

7 THE CHAIR: Are you ready, Mr. Carr?

8 COMMISSIONER CARR: I'm dyslexic, but I
9 passed third-grade reading, yes.

10 I, Jeff Carr, move that the Commission
11 deny the 2014 charter school application for Student
12 Athlete Head Quarters, SAHQ, as presented here on
13 the record today, based on the CSD recommendation
14 and the following issues related to the applicants,
15 as discussed by the Commission.

16 1. Concern with the teaching of
17 fundamentals through computer, other than by a
18 teacher.

19 2. The concern with the use of BMI in
20 curriculum.

21 3. Overall application score generated by
22 CSD.

23 4. Concern with the business plan.

24 And, 5. Concern with the education plan.

25 Oh, there's more. Sorry.

1 6. Concern with parent involvement,
2 particularly involving GC, governance council.

3 And, 7. Concern with special needs kids
4 and concern with higher education goals.

5 COMMISSIONER PERALTA: Second.

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

7 COMMISSIONER PERALTA: (Indicates.)

8 THE CHAIR: We have a motion by
9 Commissioner Carr, second by Commissioner Peralta.
10 I call for discussion.

11 And let me just say, I didn't say anything
12 during the opening discussion, because, quite
13 frankly, I agreed with the recommendation from CSD,
14 and I thought that was the way the discussion was
15 going. But apparently, others heard it differently.

16 So now, I think at least I should get my
17 thoughts on the record.

18 I think this is the most innovative
19 application we've had this -- this year, possibly
20 for the last several years. We've approved schools
21 that -- that have some innovative components to
22 them. And as a matter of fact, I think we've got,
23 you know, others coming up today that have some
24 innovation to them.

25 But this school is totally innovative.

1 This school is talking about taking students who
2 have a particular interest -- and we've done that
3 over and over and over again when looking at charter
4 schools; that's one of the -- that's one of the
5 things that charter schools were created to do was
6 to cater to certain groups, certain elements of
7 students, and meet their needs.

8 We have a school for the deaf. We have
9 many schools for students who have not been
10 successful in a school. We talked this morning, and
11 we approved a school for students on the Navajo
12 Nation. We've done many things for individual
13 groups of students.

14 And just because athletes are the ones we
15 see on the football field on Friday nights does not
16 mean they don't need some actual attention. There
17 are people out there who struggle with their
18 academics, just like everybody else. There are
19 students who learn in a particular way, just like
20 everybody else.

21 I think this school has a wonderful idea
22 and that probably could spread to other groups of
23 students. I don't believe I've ever heard of a plan
24 that said, "This teacher is going to have this group
25 of students, and that teacher is going to meet with

1 those students every day, and the group, as a whole,
2 is going to know how everybody is doing. And if you
3 have trouble in a class, you're going to get help,
4 from the teacher, from the others in the group, from
5 whomever."

6 I somehow think we've gotten off track
7 here in looking at the qualifications and the
8 ambitious program that this school proposes to bring
9 to us.

10 If they have an issue with their business
11 plan, I think it was explained. But if there is an
12 issue with it, I think they have the personnel to
13 fix it. They've already got a facility; they've got
14 an education plan; they've got the people.

15 My goodness, what else do they need? The
16 curriculum is there. They're going to do blended
17 learning. I believe in blended learning. I think
18 it's the best use of our teachers and the best way
19 to help our students progress.

20 I know I'm standing on my soapbox, and I'm
21 probably doing a hard sell, Commissioner Toulouse.
22 But I have to tell you, this one -- this one is very
23 close to my heart. And this is one I think the
24 Commission needs to approve.

25 I don't -- I don't know how we got off

1 track here. Anyway, okay.

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 didn't buy your hard sell.

4 THE CHAIR: There are several people who
5 want to speak. And I'm sure I want to hear from
6 each and every one of them, okay?

7 COMMISSIONER POGNA: Madam Chair -- I need
8 some clarification. I think I didn't hear right.
9 Would you please repeat the first sentence of that
10 motion? The first sentence of the motion?

11 THE CHAIR: It was to deny. Is that the
12 question you're asking?

13 COMMISSIONER POGNA: Yes. I thought I
14 misheard. I think it's shocking. I think it sounds
15 like a fantastic school that would be just -- it
16 would be exactly what my three daughters would have
17 loved to attend.

18 THE CHAIR: Commissioner Parker?

19 COMMISSIONER PARKER: Madam Chair,
20 Commissioners, just to echo what you were saying,
21 there was a comment that was made at the community
22 input meetings that this is an opportunity to engage
23 a specific group of students who basically, without
24 trying to stereotype this -- but a lot of athletes,
25 who when they go to high school or whatnot, they go

1 to school so they can play on the team. They don't
2 care about the grade as long as they get the minimum
3 required to set foot on the field.

4 So I'm particularly fond of the situation
5 where you're engaging these people and putting them
6 in a situation where not only they can succeed at
7 what they do well, but also succeed at something
8 they would not do well, otherwise.

9 THE CHAIR: Thank you, Commissioner.

10 Further comments?

11 Then I will call for the question, ask
12 Commissioner Bergman to do a roll-call vote. But
13 remember, a "yes" vote is to deny this application.
14 A "yes" vote is to defeat the motion.

15 COMMISSIONER BERGMAN: You said "yes" and
16 "yes." A "no" vote is to defeat the motion.

17 THE CHAIR: "Yes" is to deny the school.
18 A "no" vote is to defeat the motion. Did I say it
19 right that time?

20 Thank you. Please go ahead.

21 COMMISSIONER BERGMAN: And before I
22 conduct this vote, I want to note that -- I'll have
23 something to say after the vote.

24 Better to say that. All right.

25 Commissioner Peralta?

1 COMMISSIONER PERALTA: Yes.
2 COMMISSIONER BERGMAN: Commissioner Carr?
3 COMMISSIONER CARR: Yes.
4 COMMISSIONER BERGMAN: Commissioner Pogna?
5 COMMISSIONER POGNA: No.
6 COMMISSIONER BERGMAN: Commissioner
7 Toulouse?
8 COMMISSIONER TOULOUSE: Yes.
9 COMMISSIONER BERGMAN: Commissioner
10 Parker?
11 COMMISSIONER PARKER: No.
12 COMMISSIONER BERGMAN: Commissioner
13 Conyers?
14 COMMISSIONER CONYERS: Yes.
15 COMMISSIONER BERGMAN: Commissioner Gant?
16 COMMISSIONER GANT: Yes.
17 COMMISSIONER BERGMAN: Commissioner
18 Shearman?
19 THE CHAIR: No.
20 COMMISSIONER BERGMAN: Commissioner
21 Bergman votes "no." Madam Chair, let me count again
22 here. Madam Chair, it is 5 to 4. The vote is to
23 deny that application.
24 THE CHAIR: The Commission has spoken.
25 The application for the Student Athlete Head

1 Quarters is denied.

2 MS. RODE: Madam Chair, if I could just
3 address you. My respect for you is no less than
4 what we walked in the door. I think you have a
5 tremendous responsibility. My commitment to the
6 students that I serve, the families we serve at my
7 facility has not diminished, and we will continue to
8 tutor and train and place kids in college, as we
9 have in the past.

10 And I appreciate the opportunity very much
11 and definitely respect your decision.

12 COMMISSIONER BERGMAN: Madam Chair?

13 THE CHAIR: Thank you.

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: I would like to
16 add -- I'm speaking solely for myself now. I hope
17 that you will go back, revisit the application, look
18 at the weak areas, as they were identified, and be
19 persistent, like some other applicants have, and
20 come back and see us again next year. That's
21 speaking for myself.

22 COMMISSIONER TOULOUSE: May I add, I would
23 like to see you come back with a little bit of
24 retooling with it -- you know, I haven't been here
25 very long. But in my experience of watching charter

1 schools, an awful lot of them are back the second
2 and even the third time before they are approved.

3 Thank you.

4 THE CHAIR: Thank you very much.

5 Commissioners, we've been at this quite a
6 while. What say we take a lunch break and come
7 back?

8 COMMISSIONER BERGMAN: What time?

9 THE CHAIR: 12:30? Is that enough time?
10 All right. We'll be back at 12:30.

11 (A recess was taken at 11:47 a.m., and
12 reconvened at 12:33 p.m., as follows:)

13 THE CHAIR: Commissioners, I believe we
14 have a quorum, so let's get started.

15 The next school is Technology Leadership.
16 If those representatives of that school would come
17 forward, please?

18 Mr. Pahl, whenever you're ready, please go
19 ahead with your recommendation.

20 MR. PAHL: Thank you, Madam Chair. Just a
21 quick note on the agenda. The Great Junior Academy
22 is on there, but I think, as we all know here, they
23 submitted their letter of withdrawal at the
24 community input hearing.

25 First of all, thank you. Thank you for

1 the time you put into your application, and thank
2 you for being here today and welcoming us to
3 Albuquerque during the community input hearing.

4 The Charter School Division found the
5 application for Technology Leadership High School to
6 be complete and adequate. The applicants founded
7 two charter schools in the state, and this was
8 reflected in the application.

9 Further, the school would provide a unique
10 addition to the education environment in the state
11 and has impressive support from the business
12 community in which the school will be located.

13 Further, the founders have secured
14 additional funding for their planning year to allow
15 for a school leader to work full-time and to get
16 outside assistance in developing their curriculum,
17 two big elements of ensuring a good first year at a
18 charter school.

19 The Charter School Division found the
20 Technology Leadership High School applicants
21 demonstrated an innovative and dedicated approach to
22 serving high school students, both in the
23 application and capacity interview.

24 The CSD did note some areas of concern
25 within the application that must receive significant

1 focus during the planning year.

2 The Tech Leadership founders must generate
3 clarity around how their curriculum will align both
4 with their mission and the Common Core State
5 standards. This is no small task and could not be
6 conducted without the additional resources the
7 founders have put together.

8 Another concern is how the roles of the
9 founders will change over the course of the planning
10 year. The founders have a clear vision for the
11 school and have carefully selected board members
12 with expertise necessary to drive the school towards
13 their vision; however, the school's relationship
14 with the founders needs to be clarified, both to the
15 PEC and CSD, as the school, if approved, moves
16 forward.

17 Lastly, the school submitted a
18 PSFA-approved Facilities Master Plan that seems out
19 of place in this application. Specifically, it
20 noted the name of a different school in many places.
21 This is a surprising oversight, given the experience
22 of the -- of the founders. And I hope the founders
23 address this in their statement.

24 The Charter School Division is
25 recommending approval with conditions for Technology

1 Leadership High School. The following are the
2 approval conditions that CSD would like to
3 recommend. Before I go down the list, I'll just
4 note that these are the standard ones that we've --
5 we've issued for each of the -- the applicants.
6 There are no additional ones outside of the master
7 plan here, so...

8 Obtaining standing as an approved Board of
9 Finance.

10 Secure a facility that meets PSFA
11 approval.

12 Complete a PSFA-approved master plan for
13 Health Leadership High School.

14 Complete the Planning Year Checklist.

15 Provide a detailed scope and sequence for
16 all grade levels and subject matter offered in the
17 first year that align with the charter's
18 application.

19 And provide a detailed curriculum for all
20 grade levels and subject matter offered in the first
21 60 days of instruction that align with the charter
22 application.

23 Thank you.

24 THE CHAIR: Thank you, Mr. Pahl.

25 Good afternoon. If you all would identify

1 yourselves, please. Remember you have 15 minutes to
2 make whatever presentation you'd like.

3 MR. MONFILETTO: Good afternoon. My name
4 is Tony Monfiletto, one of the cofounders of
5 Technology Leadership High School.

6 MS. CORTAZZO: I am Kara Cortazzo, the
7 principal, executive director of Technology
8 Leadership High School.

9 DR. FRIEDRICH: Good afternoon. And,
10 Commissioners, I am Dr. Paola Peacock Friedrich, one
11 of the cofounders of Technology Leadership High
12 School.

13 MR. MONFILETTO: Madam Chair and
14 Commission members, should I start with the
15 presentation?

16 THE CHAIR: Please, go ahead, whenever
17 you're ready.

18 MR. MONFILETTO: Thank you very much for
19 having us today. It's really a pleasure to be here
20 visiting with you all about our application. We
21 believe that the strategy that we've put forward is
22 a unique and, I think, very important strategy,
23 given the needs of the community that we're serving
24 and the particular expertise that we bring as a
25 group of school founders.

1 The Technology Leadership High School is
2 intended to be located in the International District
3 in Albuquerque, a community with great needs in
4 terms of employment and prosperity. The community
5 itself is very close to a large number of technology
6 firms in Albuquerque that are very close in
7 proximity to the school and to the community, yet
8 very far away in terms of opportunity for employment
9 and opportunity for prosperous careers in the
10 sector.

11 Our job, argues school founders, is to
12 connect that community to those employers and
13 provide a pipeline of young people that never would
14 have had a chance to be gainfully employed,
15 particularly in that high-growth employment sector
16 of the city.

17 Our school focuses on young people who are
18 off-track to graduation who have dropped out of high
19 school. There's a dramatic need, given the
20 50 percent graduation rate at the local high
21 school -- at the local public high school; that
22 was -- two years ago, that was the graduation rate
23 there.

24 The youth unemployment rates and the adult
25 unemployment rates in that community are very high,

1 and the community is in desperate need of an
2 innovative workforce education partnership for the
3 future.

4 We are -- since we last visited with you,
5 we have a few things in place since the last time we
6 talked.

7 Number one, we've secured start-up funding
8 to get the school started, pending approval. We
9 have identified and begun working through
10 project-based curriculum with our industry partners.
11 We have a cybersecurity curriculum that is -- that
12 has begun, and we started working on that with
13 Sandia National Labs, and their cybersecurity folks;
14 and then the STEMulus Center at CNM, their new
15 certificate center at CNM around cybersecurity and
16 other technology certificates, as well as some other
17 employers in that area.

18 We've also begun and made great progress
19 on an energy storage curriculum with PNM,
20 Sandia Labs, University of New Mexico Solar Energy
21 Department -- Solar Energy Engineering Department.

22 That curriculum development that has
23 begun, we've also found a partner, a middle-school
24 partner, that we will be prototyping the curriculum
25 in the spring; so we have some partners that

1 actually are teaching school in the spring, and
2 we're going to be working with them to prototype the
3 curriculum itself so, we'll have some real-life
4 experience in teaching it before school starts.

5 We have added another member to our team,
6 Kyle Frazel [ph] right here. Kyle is a Ph.D.
7 resident from Johns Hopkins University, moved out to
8 Albuquerque to spend a year with us working on the
9 development of the school. So we've added more
10 capacity to our team.

11 We have begun the work on a building. We
12 have an approved Facility Master Plan that is
13 modeled after Health Leadership and ACE Leadership
14 High School. It's approved by the PSFA. That
15 master plan, we've begun working with some folks who
16 are current facility owners in Albuquerque to seek
17 through a -- a temporary location, and possibly a
18 permanent location going forward.

19 So we feel like we are well on our way to
20 establishing a successful school. We're firmly
21 planted in the community, firmly planted with the
22 employers, and have a track record of doing good
23 work in this area. Thank you. Kara?

24 COMMISSIONER GANT: You have ten minutes.

25 MS. CORTAZZO: Good morning, Madam Chair,

1 and Commissioners. I am Kara Cortazzo, and I am
2 prepared to assume the role of executive director
3 and principal of Technology Leadership High School.
4 I have the experience and support that I need to
5 execute the plan described in our charter.

6 I have begun groundwork over the last
7 three months within our community. I have convened
8 key community stakeholders, and I am confident that
9 we will recruit and serve our target student
10 population and will meet our enrollment projections
11 for next school year.

12 Thank you.

13 MR. MONFILETTO: That concludes our
14 comments. Thank you.

15 THE CHAIR: Thank you very much. We
16 appreciate that.

17 Commissioners, do you have questions?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: First, a
20 clarification from Mr. Pahl. I believe I also see a
21 typo in our paperwork, under the proposed conditions
22 for this school. Under No. 4, you used the term
23 "Health Leadership High School." Not sure what they
24 would have to do with this application. I assume
25 that's a typo; is that correct?

1 MR. PAHL: Madam Chair, members of the
2 Commission, that is a rather embarrassing typo. The
3 school name that should be there is "Technology
4 Leadership High School."

5 COMMISSIONER BERGMAN: I actually didn't
6 see it when I read the conditions, for some reason.
7 But I saw it way in the back here, and looked to
8 see; and even I had overlooked it the first time.

9 I want to find my questions here. I have
10 a couple.

11 The CSD, in their final evaluation, had
12 noted that at some point, they apparently found that
13 you were just going to have two staff members. And
14 they were talking about your -- that would make your
15 student ratio 45-to-1, which is significantly higher
16 than it's supposed to be. Is one of those -- is the
17 two staff members incorrect?

18 MR. MONFILETTO: Madam Chair and
19 Commissioner Bergman, the staffing ratio is much
20 lower. They had -- computer this -- folks that had
21 special ed licensure. We team-teach those classes,
22 which reduces the student-teacher ratios.

23 So I believe it's 25-to-1; is that right?
24 Yeah, 25-to-1.

25 COMMISSIONER BERGMAN: Thank you.

1 I have one must be back here in the back.
2 Ah. They also caught in there somewhere that you're
3 going to have an office manager, but you're not
4 hiring an office manager till the third year. And
5 that is the person who's going to be responsible for
6 your internal controls. Certainly, you're not
7 saying you're not going to have an internal control
8 manager till the third year.

9 MR. MONFILETTO: Madam Chair and
10 Commissioner Bergman, that's right. We have an
11 internal control process that doesn't depend on an
12 office manager.

13 COMMISSIONER BERGMAN: I knew that. I
14 wanted to hear you say that.

15 And I know we discussed your goals a
16 little bit. We -- you've been in front of us in
17 negotiations with us before. You know that's where
18 I like -- I poke around with goals a lot; so I know
19 you have some fairly good goals there.

20 And I know you'll be ready at the proper
21 time when we get around to that. We'll negotiate,
22 as we always do. And -- because I know, as well as
23 I want your school to be successful, you want it to
24 be successful, also. And I've always felt goals
25 help us achieve those kinds of success.

1 So thank you. And thank you, Madam Chair.

2 THE CHAIR: Thank you, Commissioner.

3 Other questions? Comments?

4 Commissioner Gant?

5 COMMISSIONER GANT: Madam Chair, members,
6 these are concerns. They're not concerns that would
7 lead to a denial of the application.

8 But I go back to what Mr. Pahl said on one
9 of the conditions. And I raised this during the --
10 I think it was the last question, in fact.

11 I am concerned that we're -- we've got the
12 third school coming down under the same people. And
13 best I can think of it is a big corporation. And I
14 want to see personally definite non-links between
15 the three schools. I don't -- I don't -- I don't
16 want to see any other school go down the road
17 another one is going down right now. And that is my
18 theory.

19 I really have a fear for that. I -- I
20 want the three schools de-linked somehow. I don't
21 know how you're going to do it, and to prove to the
22 Commission, and the world, for that matter, that you
23 are not linked at the hip, 'cause --

24 THE CHAIR: Totally separate.

25 COMMISSIONER GANT: Totally separate.

1 It's a real concern of mine. And that's what I --
2 you know. And that's the best I can say for it. It
3 just has to be de-linked somehow. Thank you.

4 THE CHAIR: Thank you very much.

5 MR. MONFILETTO: Madam Chair, do you mind
6 if I speak to that?

7 THE CHAIR: Please do.

8 MR. MONFILETTO: Thank you for that
9 concern. It's a unique model that we have and a
10 unique way to think about the replication process.
11 Our schools are autonomous, run by different,
12 distinct governing boards. I am not employed, or
13 will not be employed or receive any compensation
14 from, Health Leadership, Tech Leadership, either one
15 of those schools.

16 I'm employed at ACE Leadership. My
17 responsibility for Tech Leadership ends when the
18 school is created in the fall. So there is no
19 cross-compensation; there is no interlocking board.
20 Those schools are autonomous, separate, distinct
21 entities, with goals that are unique and distinct to
22 all of the schools. Thank you.

23 THE CHAIR: Thank you very much for that
24 assurance. Appreciate it.

25 Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: Madam Chair, I'm a
2 little concerned about facilities. How are you
3 coming in your facility search, knowing that area as
4 well as I do, and knowing the need?

5 MR. MONFILETTO: Madam Chair and
6 Commissioner Toulouse, we have begun working on a --
7 so I have to knock on wood or keep my fingers
8 crossed about this. So we've begun working on --
9 with a building owner in the Sandia Tech Park. So
10 that conversation has begun.

11 I -- you know, you have to have an A and a
12 B plan, of course. But that conversation is
13 underway, and we think that there's real potential
14 there. And we also think the proximity to the
15 employers is much in our students' interests; so
16 that's where our hope is right now.

17 COMMISSIONER TOULOUSE: Yeah. I wondered
18 if you would end up going that direction; although
19 that is a little farther from where a lot of your
20 students will be coming from.

21 MR. MONFILETTO: Madam Chair, Commissioner
22 Toulouse, that will be a temporary start for us.
23 Our long-term objective is to be in the heart of
24 Trumbull Park. That's our goal. But there aren't
25 many buildings in Trumbull Park that would fit our

1 needs, which is the reason why we're thinking about
2 the Tech Park.

3 COMMISSIONER TOULOUSE: Thank you.

4 THE CHAIR: Any other questions or
5 comments? Concerns?

6 Hearing none, the Chair would entertain a
7 motion.

8 Are you ready? Who would like to make the
9 motion? Commissioner Bergman?

10 COMMISSIONER BERGMAN: Before I make a
11 motion, or word a motion, are there any
12 Commissioners that wanted to add additional
13 conditions to this? I didn't get that sense from
14 our -- what we just discussed; but I just thought --
15 keep you all happy -- that I'd ask.

16 So I move that the Public Education
17 Commission approve the 2014 charter school
18 application for Technology Leadership, as presented
19 here on the record today, with the conditions
20 recommended by CSD. And I will read those
21 conditions.

22 1. Obtain standing as an approved Board
23 of Finance.

24 2. Secure a facility that meets PSFA
25 approval.

1 3. Complete the Planning Year Checklist.

2 4. Complete a PSFA-approved master plan
3 for Technology Leadership.

4 5. Provide a detailed scope and sequence
5 for all grade levels and subject matter offered in
6 the first year that align with the charter
7 application.

8 And, 6. Provide a detailed curriculum for
9 all grade levels and subject matter offered in the
10 first 60 days of instruction that will align with
11 the charter application.

12 That's it.

13 THE CHAIR: Thank you.

14 COMMISSIONER POGNA: Second.

15 THE CHAIR: Commissioner Pogna seconds.

16 So the motion is by Commissioner Bergman, second by
17 Commissioner Pogna.

18 Is there any discussion?

19 Hearing none, Commissioner Bergman, may we
20 have a roll-call vote, please?

21 COMMISSIONER BERGMAN: Commissioner Carr?

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna?

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Parker?

5 COMMISSIONER PARKER: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Peralta?

11 COMMISSIONER PERALTA: Yes.

12 COMMISSIONER BERGMAN: Commissioner Gant?

13 COMMISSIONER GANT: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Shearman?

16 THE CHAIR: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Bergman votes "yes."

19 Madam Chair, that is a 9-0 vote in favor
20 of that application for approval.

21 THE CHAIR: Thank you. The motion passes
22 unanimately to approve the application of Technology
23 Leadership as a new State-chartered charter school.

24 Congratulations.

25 MR. MONFILETTO: Thank you.

1 THE CHAIR: If everybody will just give us
2 a couple of minutes, we will get some paperwork
3 signed while you all are still here, and then we'll
4 move on to the next item.

5 (A discussion was held off the record.)

6 THE CHAIR: If you all are ready, can we
7 have the representatives from SH'Weef come forward,
8 please?

9 Mr. Pahl, whenever you're ready, please.

10 MR. PAHL: Thank you, members of the
11 Commission.

12 First, thank you for the work that you've
13 put into the application, and thank you for inviting
14 us to Isleta.

15 The Charter Schools Division found that
16 SH'Weef Shu-Neen -- am I doing okay? Close?
17 Okay -- that the application was found to be
18 inadequate at this time. The school's mission shows
19 promise, but the promised documentation does not
20 sufficiently demonstrate evidence of a viable,
21 sustainable school.

22 The deficiencies described below could be
23 corrected with significant revision to a future
24 application.

25 The proposed mission is unique, in that it

1 incorporates the Isleta culture and language into
2 the daily learning of students. The applicants have
3 gained support from the proposed school from several
4 entities in the pueblo and community members.

5 The Division noted the need for
6 improvements to the application in the areas of the
7 education plan, organization and governance plan,
8 and business and financial plan. The applicants
9 provide a plan for the first six weeks of school,
10 but do not provide a specific curriculum that aligns
11 with the instructional program with New Mexico
12 content standards.

13 Rather than providing a clear, concise,
14 and comprehensive overview of the curriculum
15 strategies and/or content, the applicants simply
16 provided a proposed list of strategies to be used.

17 The education plan contained an incomplete
18 scope and sequence and did not address clear,
19 specific, time-bound goals for addressing student
20 progress.

21 It is indicated that the curriculum will
22 be developed prior to the first week of school by
23 the instructional staff, with the guidance from the
24 head of school; but how that effort will be
25 supported monetarily is not addressed.

1 Additionally, the organization and
2 governance plan contain conflicting information
3 regarding the separation of roles and
4 responsibilities between the governing council and
5 the head of school.

6 The application states that the governing
7 council will oversee hiring of staff, that
8 complaints may be brought directly to the governing
9 council, and that the parent organization will
10 report directly to the governing council.

11 These three issues, although correctable,
12 indicate a lack of knowledge on the applicant's part
13 of the organizational structure and function of a
14 charter school in the state.

15 Lastly, the business plan was lacking in
16 several areas. There were no provisions made for
17 Level 2 or 3 instructional staff, or the impact
18 enrollment would potentially have on staffing.
19 There was no mention of an electronic disbursement
20 system, as required by State statute, and the plan
21 had the fiscal year running on a calendar year
22 rather than the July 1st to June 30th, which seemed
23 to indicate a lack of understanding of the school
24 budget process.

25 The Charter Schools Division recommends

1 denial of the application.

2 THE CHAIR: Thank you, Mr. Pahl.

3 Good afternoon. Please introduce
4 yourselves, and you have 15 minutes to tell us what
5 you'd like to tell us.

6 MS. LUCERO: First, my name is Charlene
7 Lucero, and I am a member of Isleta Pueblo, and I'm
8 one of the founders on the application of SH'Weef
9 Shu-Neen.

10 MR. LUCERO: Good afternoon. I am Joseph
11 Lucero, one of the founders, and also from Isleta
12 Pueblo. And in terms of my background, I'm -- I
13 have an electronics engineering technology degree
14 from NMSU. And while I was there, I was a student
15 college and career ambassador and communicated quite
16 a bit with the students throughout the state of New
17 Mexico in trying to encourage them to continue on to
18 higher education there.

19 And after that, being married to Charlene
20 here, we have four daughters, and been doing
21 volunteer work -- did for about 18 years with Cross
22 Country Baseball, and throughout those years, too,
23 trying to encourage our -- those students there to
24 be able to achieve education in terms of whether it
25 be middle school, high school, continuing on to

1 there; and although they might not go into higher
2 education and college, but to be prepared so that
3 whatever profession they want to follow, if it's
4 vocational or other types of goals that they may
5 have, that they're prepared for that.

6 Thank you.

7 MS. ZUNI: Good afternoon, everyone. My
8 name is Denise Zuni. I am from the Pueblo of
9 Isleta. And my background is I am an attorney for
10 25-plus years. And my -- I own a law firm in the
11 pueblo, and I do tribal law.

12 I -- some of my background with respect to
13 education is with -- I assisted the Pueblo of Isleta
14 language program in developing their policies to
15 certify indigenous language teachers.

16 And I want to expand on Charlene's
17 background. She's our educator on the committee.
18 Thank you.

19 MS. LUCERO: I apologize. I also have my
20 degree in education. I have a master's in
21 education, and I also have my bachelor's in
22 sociology from UNM. I also have done numerous --
23 put in numerous hours to community service and
24 developed our student -- our parent-teacher
25 organization at our local school.

1 We're founders of that education program.
2 We also founded our Little League within our -- our
3 community. So we've done a long line of community
4 and start-up programs within Isleta, serving
5 multiple students, and, hopefully, helping them see
6 their potential.

7 I want to say thank you, Commissioners,
8 for having us here today. Madam Chair. We
9 appreciate the time that you guys have spent to
10 review our application. We appreciate the time that
11 you are giving us now to consider our application,
12 allowing us to be here.

13 We have found the application process to
14 be enlightening, enriching, and educational. We
15 have heard and received the final recommendations
16 from the CSD, and have reviewed them at length in
17 conjunction with the preliminary analysis of our
18 application.

19 We understood when we submitted the
20 application that there were specific details that we
21 needed to continue to work on. We recognize,
22 acknowledge, and concur that some aspects within the
23 application require additional information in order
24 to clearly demonstrate our ability to successfully
25 implement the school business plan, financial

1 framework, and educational plan.

2 Since our submission of the application,
3 we have taken the appropriate steps and measures to
4 develop these areas all parties, the CSD, the PEC
5 and our team, have identified.

6 We have continued to work on a
7 comprehensive strategic plan to open a school that
8 will succeed and operate in accordance with
9 New Mexico State PED requirements.

10 We have established time lines to
11 accomplish specific items within our action plans
12 that incorporate the recommendations provided by CSD
13 and PEC. For example, we have sat down with our
14 financial adviser, a CPA firm with 15 school
15 business licenses, and are in the process of
16 revising and refining our budget and our fiscal
17 policies. In addition, we are evaluating automated
18 financial systems, which will support the school's
19 accounting needs to meet State requirements. We
20 want to assure the system will meet the security,
21 integrity, and availability requirements in
22 accordance with the State.

23 In the area of governance, we have
24 reviewed and revised the policies to adhere to State
25 requirements, specifically ensuring that there is

1 adequate separation of authorities. We have also
2 started identifying effective curricula for our
3 target population. In addition, we have received
4 confirmation from the Los Lunas Schools of a
5 facility they are holding for us.

6 We would also like to acknowledge that
7 there are areas within the application where the
8 reviewers overlooked critical information that was
9 present. More specifically, we feel that the
10 reviewers were looking for key words within specific
11 questions of the application. Though these
12 questions were addressed, the reviewer required key
13 terms and phrases explicitly written.

14 For example, the short-cycle assessments
15 were addressed during the capacity interview to
16 drive teacher instruction and student achievement.

17 Another example was the recruitment of
18 governing council members. This specific item was
19 addressed in the bylaws in the interview process.

20 In addition, the community outreach
21 section was addressed in the application and was
22 responded to in a separate area of the application.

23 In the application analysis, the reviewers
24 mentioned the need for conservative budgeting, which
25 we are working on. However, we specifically planned

1 for a low student-to-teacher ratio and
2 top-of-the-line technology in order to directly --
3 to directly address the disparities present in
4 Native American populations, as demonstrated in
5 State and national data.

6 We identified alternative approaches to
7 which have reduced our budgetary and staff
8 requirements.

9 The application process was indeed a new
10 venture, and we appreciated the assistance provided.

11 In addition, after reviewing the budget
12 submitted, we have identified areas where we did not
13 budget for size adjustments. And when we looked at
14 that, it would increase the revenue that we would
15 receive from the State significantly.

16 We remain enthused about our mission and
17 continue to work on specific actions toward the goal
18 of opening SH'Weef Shu-Neen this upcoming year. We
19 are confident our plans succeed as they currently
20 exist and are consistent with State requirements,
21 which will ensure the successful operation and
22 successful delivery of services to our prospective
23 students.

24 Our school, SH'Weef Shu-Neen, seeks to
25 serve students who have a desire to engage,

1 participate, react in a school that focuses on the
2 environment, pueblo culture and language, using a
3 rigorous curriculum that is sensitive and responsive
4 to the community. The pueblo community is diverse,
5 with families of various ethnic background.

6 Our plan to implement community-based
7 education will include strategic planning involving
8 both community and student participation as a means
9 to identify and develop class objectives for
10 students to problem-solve, so that they can provide
11 end-of-school presentations.

12 At the current state of education within
13 New Mexico, the need for a school like ours is
14 necessary to help close the achievement gap with
15 ethnic groups, and nationally. Our school will
16 integrate rigorous academics with culture and
17 language.

18 We are asking you to consider approving
19 our school. Actually, we're asking you to approve
20 our school today, for the upcoming school year, with
21 the condition that we meet the requirements
22 presented by the CSD and the State.

23 MS. ZUNI: I'd like to add that if
24 approved, we will, within ten days of approval,
25 submit our time line with our action plans to

1 address, 1, the deficiencies you found in the
2 education plan; 2, the business plan and the
3 financial framework; and, 3, the organizational plan
4 and governance framework.

5 To this extent, we've already started
6 redrafting our policies. We've looked at length and
7 reviewed the State guidelines, the State Charter
8 School Act and the implementing regulations. We've
9 looked at the Public School Finance Act. We've
10 started receiving training by our financial adviser,
11 the Vigil Group. We've started working on revising
12 our budget.

13 And I want to say that if the decision
14 were being made solely on the basis of our
15 application, there would be no need for the capacity
16 interview, the public hearing process, and the input
17 provided at this hearing. And so for there to be
18 validity in the entire process, including those
19 three aspects of the application process, this --
20 those three concepts, or aspects of the process,
21 have to be significantly considered.

22 As an example, the evidence that there is
23 capacity within the founding founders is that if you
24 look at a capacity interview, that -- and look at
25 the percentage, our percentage increased by

1 75 percent. Capacity is learned through knowledge
2 and training. We have undertaken the -- the
3 training and undergone the training process that is
4 required to get to obtain the capacity.

5 We are 100 percent confident that within
6 the ten-month period, that we will receive funds, if
7 approved, that we will have a financial plan that is
8 consistent with State PED requirements, that we
9 will -- we already have a facility. We have the
10 support of our government and our community. We
11 will have, within that -- within the ten-month time
12 frame, we will have our education -- an education
13 plan that meets all the aspects that were identified
14 by the reviewing personnel.

15 And so we would respectfully request that
16 you give us this opportunity to start our charter
17 school. And you won't be disappointed.

18 MR. LUCERO: Yes. In reference to when we
19 did have our community meeting, and you all were
20 able to provide us some -- in terms of
21 recommendations and the questions -- we have started
22 that process. And some of the things were, like, in
23 reference to a school nurse and so on. And some of
24 those communications have happened already with
25 the -- our local health center facility there, and

1 in terms of having those doors open for
2 communication in terms of being able to have public
3 health nurses come to the school and provide
4 services there, and even with students that may be
5 of non-Native ethnicity, and in terms of being able
6 to have those services provided to them, even in
7 terms of emergency requirements, that those types of
8 things are the responsibility and their duty in
9 terms of making sure the health and safety of the
10 people who are within the external boundaries there.

11 COMMISSIONER GANT: You have five minutes.

12 MS. LUCERO: I'd also like to address
13 the -- one of the issues that was pointed out in
14 reference to our charter application, was the MOUs
15 and the MOAs. Currently, drafts have been drawn up
16 of the MOUs and MOAs that we are working on,
17 revising with our respective partners or our school;
18 so that process is already in the works in order to
19 be ready.

20 It was -- the other parties found it a
21 little bit preliminary, since the charter school
22 application wasn't approved at that time; so they
23 are looking at the revisions, and we're working
24 on -- on building those partnerships and making sure
25 that we have something in place -- something -- a

1 legal document in place to support our school.

2 MS. ZUNI: We have additionally started to
3 review our job descriptions and develop the job
4 descriptions that were not a part of the
5 application. And so I would just like to emphasize
6 that although they were not a part of the
7 application, you can require that they be submitted
8 conditionally. And they will -- they are ready to
9 be submitted.

10 MS. LUCERO: In addition to that, the pay
11 scale and the teacher level 1, 2, and 3, we have
12 incorporated that piece into our staffing plan. And
13 if you were -- approved us with that condition, we
14 could submit those documents, as well, where they
15 would adhere to the requirements of the State.

16 COMMISSIONER GANT: Three minutes.

17 MS. ZUNI: So I'd like to use our -- I'd
18 like to use our last three minutes to elaborate on
19 the meetings that we've had with our financial
20 adviser, the Vigil Group.

21 They have started to significantly revise
22 the entire financial portion of our application.
23 And we have looked at each portion of the review and
24 all the comments that we've received with respect to
25 the budget.

1 We understand that the budget, as
2 submitted, was not sufficient. We are working with
3 a firm that has knowledge of school finances and the
4 requirements of an adequate fiscal management plan,
5 and we are starting to address that. And we have
6 preliminarily been told that our revenue will
7 increase from the amount that we submitted in our
8 application, and just because, you know, our
9 application did not have all the -- you know, we
10 didn't have all the information that we wanted to
11 submit.

12 MS. LUCERO: With that in mind, again, we
13 would like to ask that you -- that you approve our
14 school for the upcoming school year, knowing that we
15 are working diligently to ensure that we open up a
16 successful school, and, like my partner here said,
17 so that you aren't disappointed.

18 We know you will not be disappointed in
19 seeing our school open in the upcoming school year.
20 We appreciate your time. Thank you.

21 THE CHAIR: Thank you very much. We
22 appreciate your being here today and sharing that.

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 just pointed out to Mr. Pahl, there's also a typo in

1 this one. And I know that people who don't
2 understand the various languages in the pueblo can
3 get confused. It says, "The applicants indicated
4 there is a Tewa language assessment available."

5 Won't do them any good. It should say
6 Tiwa.

7 MS. ZUNI: Thank you very much.

8 COMMISSIONER TOULOUSE: There's Tiwa,
9 Tewa, and Towa spoken. While they're dialogues that
10 came from the same language, they're not as easy to
11 understand across the groups so that they become
12 separate.

13 I would also like to say this is another
14 one of those where it would have been helpful to me
15 to know who the reviewers were who looked at some of
16 this, because without knowing the background of a
17 reviewer, it's harder for me to figure out how they
18 looked at an on-reservation school, as opposed to
19 one in Albuquerque or in Rio Rancho, because there
20 is a difference in the culture you're looking at,
21 the organizations you're looking at, who they're
22 going to have to deal with; that I don't know
23 whether all of the reviewers had the same level of
24 knowledge or not.

25 And so it would help me to have known that

1 to evaluate how this ultimate review came out.

2 Thank you.

3 THE CHAIR: Thank you. Other comments,
4 Commissioners? Any questions?

5 I just would like to note, from the
6 community input hearing -- and I can't remember how
7 many of us were there -- several, anyway -- and I'm
8 sure the others have read all the information from
9 that and so forth -- I can -- I think we all
10 understood at the time that there were some serious
11 deficiencies in the application. And we all -- you
12 and we -- talked about that at the time.

13 You talked about you'll see us next year.
14 And we do depend on the application, as presented,
15 to make our decision.

16 Now, the capacity interview, various other
17 aspects come in to provide clarification, to provide
18 not new information -- because, you know, if we --
19 if we accepted an application and then pointed out
20 the deficiencies in it and said, "Okay, fix them,"
21 we might never get finished. "Well, fix this. Oh,
22 well, now fix that," and, "Now, fix something else."

23 We expect those applications to come in as
24 a complete, total plan ready to start school; we
25 really do.

1 And so that's what we are bound to look
2 at. We are consistent with all applicants. That's
3 what we look at.

4 So we would hope -- my personal opinion is
5 I hope you will come back next year with a stronger,
6 more complete application. I would say my
7 observation at the community input hearing is there
8 is some divisiveness in the community over this
9 school. Certainly, we heard from some people at
10 that community input hearing that had serious
11 questions and, I got the impression, were not in
12 favor of the school. Perhaps I was picking up on
13 the wrong vibes; I don't know. But they certainly
14 did have questions.

15 And so I would -- I would hope that that's
16 one thing that you can work on and unify your
17 community behind your school.

18 I'm not asking any questions. I'm just
19 making some observations, some things that I noted
20 at the community input hearing.

21 Anyone else have any observations or
22 questions?

23 MS. LUCERO: Can I respond to that? Can I
24 respond to that?

25 COMMISSIONER BERGMAN: She asked you a

1 question.

2 THE CHAIR: Oh, I'm sorry. I didn't hear
3 you.

4 MS. LUCERO: Can I respond to that? I'd
5 also like to note that at the current time, there's
6 a lot of confusion within our community, because at
7 this current time, our Bureau of Indian Education
8 school on the reservation is -- they are -- our
9 tribe is in the process of taking over that school.
10 And there is a lot of confusion as to what school
11 they were talking about in reference to -- there's
12 people who do not want the tribe to take over the
13 elementary school, and the tribe and community is
14 confused as to what school they're talking about.

15 And it's just a lack of information on the
16 community's part as to seeing that -- at the same
17 time having -- at the same time, I guess.
18 There's -- so I think that led to some of the
19 comments that were issued. And we got feedback
20 thereafter about the confusion that the people had.

21 THE CHAIR: Okay. Thank for you that
22 clarification.

23 COMMISSIONER TOULOUSE: Madam Chair?

24 THE CHAIR: Commissioner?

25 COMMISSIONER TOULOUSE: Could I add to

1 some of that clarification? Because I think we all
2 know that while they were doing their presentation,
3 there was considerable theatrical acting out going
4 on immediately behind them from two individuals,
5 which was detracting from what they were doing.

6 And, basically, I asked questions later
7 about that. And those were two people who felt
8 their jobs were in jeopardy if this was approved.
9 And so I think that isn't necessarily a community
10 negative. And they have a perfect right --
11 everybody has a perfect right to sit there and act
12 out. I suppose I could have rolled my eyes back at
13 them or whatever.

14 But I just think that you have to --
15 there's a difference between somebody who has a
16 personal investment in thinking their job's in
17 jeopardy, which probably is not, and -- which is
18 when I talked to people, that's what I found out --
19 and actually having community opposition. I think
20 we get -- in any community in New Mexico, we've got
21 opposition. Where Jeff lives, where I live, I'm
22 sure where you live, there's always some opposition.

23 I was pleased by the, you know, amount of
24 folks that showed up to actually support it, because
25 I wondered what would come, because they have other

1 educational choices in that area, what kind of
2 support there would be for a -- a Native-directed
3 school.

4 So I just wanted to clarify that. I'm not
5 saying one way or the other about that, but just as
6 clarification.

7 I did follow up, because I was a little
8 disturbed at the behavior of just two individuals
9 and wanted to find out why they were doing that.

10 Thank you.

11 THE CHAIR: Thank you.

12 Commissioner Bergman?

13 COMMISSIONER BERGMAN: Thank you,
14 Madam Chair. In your statement, you've acknowledged
15 areas of weakness, because you identified areas that
16 you're already -- already working on to correct.
17 And that's good. Most of the things you listed were
18 areas that I've identified as weakness in your
19 application.

20 And I just wanted to state I will share in
21 what the Chairwoman said. I'm speaking solely on my
22 own behalf now. I hope you will take this
23 application back. You will continue with what all
24 you are already working on. You will identify those
25 areas of weakness, correct them, and next year, come

1 back, as many others have done, be persistent, and
2 bring us that application and fix these weak areas.

3 And then we can -- we'll evaluate that
4 application, because you've already -- by your own
5 admission, you know there were some things wrong
6 with this application.

7 Now, I just want to encourage you to do
8 that. Thank you, Madam Chair.

9 THE CHAIR: Thank you. Any other comments
10 or concerns? Questions?

11 All right. Hearing none, the Chair would
12 entertain a motion. I'm going to ask
13 Commissioner Gant to make the motion.

14 COMMISSIONER GANT: You would. Just hand
15 it down.

16 MS. LUCERO: Can I respond to one more of
17 your comments?

18 THE CHAIR: I'm sorry?

19 MS. LUCERO: Can I respond to one more of
20 your comments?

21 THE CHAIR: Surely.

22 MS. LUCERO: Earlier, as we sat here, we
23 heard another applicant. And I recall you saying
24 that that -- you know, to consider approving their
25 application, that they do have time to fix the

1 budget, that it's something that they can fix. I
2 heard that spoken during an earlier process, that
3 there was -- there was enough time to correct the
4 weaknesses within that application. And I'd like
5 that same consideration, as well.

6 THE CHAIR: I don't believe that's a
7 statement I made. Do you know who made it?

8 MS. LUCERO: It was you who made it in
9 reference to a prior application.

10 COMMISSIONER CARR: Conditions that we
11 put, I suppose.

12 COMMISSIONER GANT: The standard
13 condition -- Madam Chair, I think she's referring to
14 the standard conditions that are put on a -- an
15 approved -- that Mr. Pahl has read twice now, I
16 think, for approved charters.

17 THE CHAIR: To fix part of the
18 application?

19 MS. LUCERO: Not to fix the application,
20 but to -- to -- to work on a budget, to -- for the
21 applicant to be able to refine the budget, and that
22 they would have time to do that before the opening
23 of the school.

24 THE CHAIR: Do you recall that, Mr. Pahl?

25 MR. PAHL: Yeah, Madam Chair, members of

1 the Commission. You know, when we find those little
2 discrepancies, we would expect that when they come
3 to the PED to have their budget approved, that we
4 wouldn't see those inconsistencies.

5 However, all -- while many of the budgets
6 we have seen have small inconsistencies when they're
7 very large, they -- the discrepancies and the
8 inconsistencies and the errors or lack of adequacy
9 that we see in a budget -- and that's reflected in
10 the score here -- so those words may have been used,
11 just because there's always some amount of refining
12 to do that shows use in the planning year prior to
13 submitting a real budget to PED; so I'll leave my
14 comments there.

15 MS. LUCERO: It was in reference to
16 comments earlier about the discussion of to approve
17 or not approve. And it was comments that -- you
18 know, that -- to consider the school for approval,
19 knowing that there was time for the budget to be
20 revised, to -- in order to implement it for the new
21 school year.

22 THE CHAIR: Okay. I think we're going to
23 have to rely on Mr. Pahl's definition of minor
24 discrepancies and major problems. Minor things can
25 be handled; major cannot be. So -- Commissioner?

1 COMMISSIONER GANT: Commissioners, I,
2 Commissioner Gant, move that the Commission deny the
3 2014 charter school application -- and I apologize,
4 I cannot --

5 MS. LUCERO: SH'Weef.

6 COMMISSIONER GANT: -- presented on the
7 record today on the Charter School Division's
8 recommendations of:

9 The application is incomplete or
10 inadequate.

11 The application does not --

12 No. 2. The application does not propose
13 to offer an educational program consistent with the
14 requirements and purposes of the Charter School Act.

15 No. 3. The proposed head -- this one? --
16 the proposed head of administrators --

17 THE CHAIR: These are the reasons that
18 they can be denied.

19 COMMISSIONER GANT: Well, that one is not
20 one of them.

21 No. 3. The application is otherwise
22 contrary to the best interests of the charter
23 school's projected students, the local community, or
24 the school district in whose geographic boundaries
25 the charter school applied to operate.

1 No. 4. Including -- we're including the
2 concerns of serious deficiency in the application at
3 the time submitted.

4 No. 5. Potential opposition to the school
5 within the community. And weaknesses in the area --

6 No. 6. Weaknesses in the area that were
7 identified in the application.

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

10 COMMISSIONER PARKER: (Indicates.)

11 THE CHAIR: Commissioner Parker?

12 Motion by Commissioner Gant, second by
13 Commissioner Parker. Is there further discussion?

14 Commissioner Parker?

15 COMMISSIONER PARKER: I just want to
16 reiterate and call attention to what other
17 Commissioners have said before this, speaking for
18 myself. I encourage you, no matter what happens, to
19 push this forward, because what you guys are
20 describing and going to provide for the kids, I
21 think there's a real value for that. And just use
22 this opportunity to make sure that you're set up for
23 success, not the opposite direction.

24 THE CHAIR: Thank you.

25 Other comments? Any other discussion?

1 Hearing none, the Chair would ask for a roll-call
2 vote.

3 Secretary Bergman? Remember, a "yes" vote
4 is to deny the application.

5 COMMISSIONER SHEARMAN: Commissioner
6 Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: No.

11 COMMISSIONER BERGMAN: Commissioner

12 Parker?

13 COMMISSIONER PARKER: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Peralta?

19 COMMISSIONER PERALTA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant?

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Shearman?

1 THE CHAIR: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Bergman votes "yes."

4 Madam Chair, that is an 8-to-1 vote to
5 deny that application.

6 THE CHAIR: By an 8-to-1 vote, the
7 Commission denies the application of SH'Weef Charter
8 School. We hope to see you next year.

9 MS. ZUNI: Thank you for the opportunity.

10 MS. LUCERO: Thank you.

11 MS. LEWIS: Thank you.

12 (A discussion was held off the record.)

13 THE CHAIR: Will representatives of
14 Sandoval Academy of Bilingual Education please come
15 forward?

16 And, Mr. Pahl, may we have CSD's
17 recommendation?

18 MR. PAHL: Absolutely. Members of the
19 Commission, Sandoval Bilingual Education Academy --
20 which we'll call "SABE" from here on out -- the
21 Charter Schools Division has found the overall
22 application for SABE to be complete and adequate.
23 The CSD found the school's mission to be relevant,
24 clear, ambitious, and supported by performance
25 indicators that are measurable.

1 The SABE application provided a clear,
2 comprehensive description of the proposed immersion
3 program, including the percentage of class time
4 devoted to Spanish and to English from grades K
5 through 8.

6 The Charter School Division is concerned
7 that the school had no defined curriculum and that
8 it would be developed during the planning year. The
9 application did, however, include a clear time line
10 and responsible persons to ensure that it would be
11 completed in time for the school's opening.

12 If approved, the Division will monitor
13 this process closely to ensure that the school is
14 ready for opening.

15 The Charter Schools Division found that
16 the applicants provided a compelling list of
17 governing body members with clearly identified skill
18 sets and experiences to support the school and its
19 mission.

20 While no facility has yet to be
21 identified, the applicants have engaged in the
22 process and understand the challenges that lie
23 ahead.

24 The Division found the business plan, as
25 described in the application, to be adequate and

1 complete, including the SEG computation revenue
2 estimate worksheet, the five-year budget, and the
3 budget narrative. The draft budget adequately
4 demonstrates the financial capacity and long-term
5 sustainability of the school.

6 The application provided evidence of an
7 effective and thoughtful outreach program.

8 Strong community support for this program
9 was also evident during the Public Education
10 Commission's community input hearing held in
11 Rio Rancho.

12 The Charter School Division recommends
13 approval of this application with conditions:

14 The conditions include the standard
15 requirements of all planning year charter schools
16 and at least two additional conditions, which are
17 focusing on that curriculum element.

18 The first condition is to obtain standing
19 as an approved Board of Finance.

20 Secure a facility that meets PSFA
21 approval. That was the second one.

22 No. 3. Complete the Planning Year
23 Checklist.

24 No. 4. Provide a detailed scope and
25 sequence for all grade levels and subject matter

1 offered in the first year that align with the
2 charter application.

3 And, finally, provide a detailed
4 curriculum for all grade levels and subject matter
5 offered in the first 60 days of instruction aligned
6 with the charter school application.

7 Thank you.

8 THE CHAIR: Thank you, Mr. Pahl.

9 MR. PAHL: Oh, sorry. I did not thank you
10 for your efforts that you put into the application.
11 So thank you very much for that, and for inviting us
12 to Rio Rancho.

13 SPEAKER: Thank you.

14 THE CHAIR: Thank you. Good afternoon.
15 If you would identify yourselves, please? You have
16 15 minutes.

17 MR. DIVETT: Okay, thank you. And
18 Commissioners, my name is Brennan Divett. I'm an
19 educator in Rio Rancho. I'm a teacher and an ESL
20 coordinator.

21 MS. GONZALES: Thank you, Commissioners.
22 My name is Miranda Gonzales, and I am an English and
23 Spanish teacher, and also a mother of three
24 bilingual children.

25 MR. DIVETT: Okay. First, we'd like to

1 thank -- thank you, and Commissioners, for the
2 opportunity to be here and for you considering our
3 application.

4 We'd like to thank the CSD for their
5 thorough review of our application and their
6 recommendation.

7 There currently is a need in the community
8 of Sandoval County that's not being provided, and
9 that is that bilingual education is not available to
10 all students.

11 Currently, in the elementary schools for
12 Rio Rancho Public Schools, for current students,
13 only half of them have some kind of bilingual
14 program, and the other half have none whatsoever.
15 So we also see an achievement gap amongst ELLs in
16 the community. Although the proficiency levels are
17 higher in Rio Rancho Public Schools, less than half
18 of ELLs are as proficient as those who are not ELLs.

19 SABE aims to close the achievement gap
20 amongst ELLs, to help them become as proficient as
21 their peers.

22 SABE has a broad base of support within
23 the community of Sandoval County and within the
24 state of New Mexico. As evidenced in our community
25 input hearing, we heard support from parents,

1 community members, even politicians. We also have
2 gained the support of the Mexican Consulate and the
3 Spanish Embassy, and they're committed in helping us
4 through this process.

5 We also are not facing opposition from
6 Rio Rancho Public Schools. And local businesses are
7 also willing to help us. And so we've seen the
8 support in the community, and this is something that
9 the community really wants. And it -- they really
10 need it. It's going to help those who are -- who
11 feel disenfranchised and those who are not achieving
12 their full potential in the current system.

13 We have also had a development with our
14 facility. We are working with Connie Dove, who is a
15 licensed realtor, who has experience working with
16 charter schools. She has found us a facility that
17 currently meets PSFA standards for E-Occupancy for a
18 high school. And upon approval of our charter
19 school, we're going to work with the landlord to
20 make changes to make it E-Occupancy -- to meet
21 E-Occupancy for an elementary school.

22 MS. GONZALES: We won't take much more
23 time. We just would like to ask you, and
24 Commissioners, to -- to approve our application as
25 it has been given to you. As we know, this will be

1 something so important for our community, and it
2 will ensure the success of those who are
3 underperforming in our community.

4 Thank you very much.

5 MR. DIVETT: Thank you.

6 THE CHAIR: Thank you. We appreciate your
7 presentation.

8 Are there questions from Commissioners.

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: Thank you,
11 Madam Chair. Now, you -- you may remember that you
12 and I had a fairly good discussion about goals.

13 MR. DIVETT: Uh-huh.

14 COMMISSIONER BERGMAN: I want to read a
15 statement out of the CSD analysis, and I want to
16 talk to you again.

17 They stated -- and I quote -- "The team
18 expressed concern that other elements of the
19 school's mission are not being measured, such as
20 student growth in mathematics and students acquiring
21 an expanded world [ph] view -- and then, in
22 parentheses, "an implied bi-literacy" -- that kind
23 of goes along with what you and I had discussed at
24 the hearing, that while you had done some good
25 goals, I thought there was a need for some

1 additional goals, probably, at least one in the area
2 of mathematics, measuring students' growth and one
3 in reading, measuring students' growth.

4 I wanted to point out that, should you be
5 approved, is that one of the first things that will
6 happen is CSD will appoint their staff as liaison to
7 you. They're the ones that will work with you in
8 the coming months on a number of areas. One of the
9 areas they'll be working with you on is getting you
10 ready for that first contract negotiation.

11 And the part of it that we really
12 negotiate is the performance framework. So I just
13 encourage you, as you work with that liaison, that
14 you go ahead and begin work in formulating those
15 goals, so when we sit down, we can look at what
16 you've come up with.

17 And then that's what we'll do, we'll
18 negotiate them. But I want your kids to be
19 successful; I want your school to be successful.
20 And I know that's what you want.

21 So I wanted to make that note. That's one
22 of the things that kind of jumped out at me after
23 this. If I see something else, I'd like to come
24 back. Thank you. And thank you.

25 MR. DIVETT: Thank you.

1 MR. GONZALES: Thank you.

2 THE CHAIR: Other comments or questions,
3 Commissioners?

4 COMMISSIONER GANT: Yes.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: Madam Chair and
7 members and applicants, what I'm about to say does
8 not mean that the school should not open. But I was
9 rather disturbed at the community meeting, because
10 some of the community stepped up. And one of them
11 was very upset, the first one, that she had to drive
12 her student -- or child -- 45 minutes to attend the
13 school.

14 And we've got kids that attend schools
15 across the state that will go for an hour and a
16 half, two hours, one way. So, to me, that was not a
17 reason to open a school.

18 I was concerned about another one --
19 another community member that stepped up who had to
20 have an interpreter that basically what she said to
21 this Commission was, "It's your responsibility to
22 open this school so I don't have to learn English,"
23 so that her child would be able to speak to her in
24 Spanish. And it was a -- she was -- it was very
25 clear it was a negative comment she was making in

1 her demeanor, okay?

2 And I am concerned -- I asked you the
3 question about if others come in who are non-Spanish
4 speakers, non-English speakers, what would you do?

5 And I felt -- and I told you at that time
6 that I didn't feel that what you proposed in your
7 answers met the constitutional requirements of the
8 State of New Mexico or the statutes for equal
9 opportunity of education for all students.

10 Now, I'm not saying that the fellow
11 Commissioners have to agree with this; nor do they
12 have to vote against your school. I'm just giving
13 you my comments, because I would -- I thought about
14 this hard since that community meeting, really --
15 and I reread your application.

16 So if you -- you may not have been here
17 earlier this morning. But I do have concerns about
18 schools that end up being -- and I call them --
19 whether it's right or wrong, I don't know; and I
20 won't go into why I called it that -- culturally
21 segregated schools. We have too much segregation
22 going on in this country, still, after 1861.

23 Okay. Thank you.

24 THE CHAIR: Thank you. Any other comments
25 or questions, Commissioners? Commissioner Parker?

1 COMMISSIONER PARKER: Madam Chair,
2 Commissioners, the need for kids to be learning
3 multiple languages, it's clear that it's beneficial.
4 It's hard for them early on; but as soon as they get
5 up to a certain age, they blow past mon- -- single
6 language in children; I'm not sure what the correct
7 term for that would be.

8 But something that was brought up by
9 Commissioner Gant on there, are you going to be
10 providing opportunities for family members to
11 also -- I don't want to say -- be learning English,
12 but also be learning the language that is not spoken
13 at home, whether it be English or Spanish?

14 MR. DIVETT: Uh-huh.

15 MR. GONZALES: Madam Chair, Commissioner
16 Parker, yes, we most certainly will be. In fact,
17 that is one of the major reasons why we chose the
18 principal that we chose, is that she has experience
19 setting up those sort of outreach programs that are
20 volunteer-based. And so that would mean English
21 classes for the Spanish-speakers and Spanish classes
22 for the English-speaking parents. Thank you.

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, along
25 the lines of that, I do have a concern, based on my

1 own experience. Everybody here jokes that they
2 don't know where I don't have some relative in a
3 charter school.

4 But this year, we have noticed my grandson
5 at Cien Aguas, who is in an English-speaking home --
6 although my daughter is fluent in Spanish, her
7 husband is not -- although none of us read it well,
8 I'm fluent in New Mexico Spanish. But I can't write
9 it. Don't ask me to write anything.

10 And while I can read basic notices, I
11 couldn't read a book. And we have already found
12 this year that he is well ahead -- he has just
13 started third grade -- he is well ahead on his
14 English-language reading, but he is still on
15 second-grade level in Spanish. And already, it is
16 getting more difficult -- if his mother isn't
17 available, his dad really can't read with him in
18 Spanish now.

19 Are you going to have a way to work on
20 that, for either -- again, either language for a
21 child, who, you know, would be having the same
22 trouble reading English?

23 MR. DIVETT: Yeah. Madam Chair and
24 Commissioners, we do -- again, we chose a principal
25 who's very experienced in outreach and has

1 experience in providing tutoring opportunities for
2 those who cannot tutor their kids in the target
3 language, for them to -- for the kid to have the
4 opportunity to be read to and to be tutored by
5 Native speakers in the target language.

6 And so that's one of the reasons we chose
7 her as a principal, and we're confident that she can
8 bring this tutoring program and this outreach
9 program to our school, if approved. Thank you.

10 COMMISSIONER TOULOUSE: Madam Chair,
11 that's an overview. I hope you would have much more
12 in depth, because it's more than -- the outreach
13 part is fine; the tutoring part is fine. But there
14 has to be a plan for the ones who you can't always
15 get to through the outreach, then, to work with the
16 child, as well.

17 You know, we'll catch him up. He's also
18 very bright, and he'll do it himself. He just needs
19 to be given more books to read. But he needs some
20 help from somebody who -- until we can catch up, my
21 daughter is working on reading in Spanish, and I'm
22 trying to brush some up till we can catch up. It's
23 going to take more than just offering it. There's
24 got to be a "Let's sit him down and do it."

25 And so I like to see more of a plan for

1 that when we get farther into this. Thank you.

2 MR. DIVETT: Okay.

3 THE CHAIR: Okay. Thank you.

4 Any other comments or questions?

5 Hearing none, the Chair would entertain a
6 motion. I'm going to ask Commissioner Parker to
7 make this motion.

8 COMMISSIONER BERGMAN: While he's talking
9 up here again, I might admonish, if any
10 Commissioners have -- I need to wait, see where he's
11 going.

12 (A discussion was held off the record.)

13 COMMISSIONER PARKER: I, Commissioner
14 Parker, move this the Commission approve the 2014
15 charter school application for Sandoval Academy of
16 Bilingual Education -- SABE -- Charter School, as
17 presented here on the record today, based on the CSD
18 recommendations and conditions.

19 1. Obtain a standing and approved Board
20 of Finance.

21 2. Obtain a facility that meets PSFA's
22 approval.

23 3. Complete the Planning Year Checklist.

24 4. Provide a detailed scope and sequence
25 for all grade levels and subject matter offered in

1 the first year that align with the charter
2 application.

3 And 5. Provide a detailed curriculum for
4 all grade levels in subject matter offered in the
5 first 60 days of instruction aligned with the
6 charter application.

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

9 COMMISSIONER BERGMAN: Second.

10 THE CHAIR: Second by Commissioner
11 Bergman.

12 Motion by Commissioner Parker, second by
13 Commissioner Bergman.

14 Is there any discussion? Hearing none,
15 the Chair will ask for a roll-call vote, remembering
16 that a "yes" vote is to approve the school, the
17 Sandoval Academy, with conditions.

18 Commissioner Bergman.

19 COMMISSIONER BERGMAN: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner
23 Parker?

24 COMMISSIONER PARKER: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Peralta?

5 COMMISSIONER PERALTA: No.

6 COMMISSIONER BERGMAN: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER BERGMAN: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant?

11 COMMISSIONER GANT: No.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Bergman votes "yes."

17 Madam Chair, that is a 7-to-2 vote in
18 favor to approve the application.

19 THE CHAIR: Thank you, Mr. Secretary. The
20 motion passes to approve the Sandoval County --
21 pardon me -- Sandoval Academy Bilingual Education
22 application. The vote is 7 in favor, 2 opposed.

23 Congratulations.

24 (Applause.)

25 THE CHAIR: Would you all wait there for

1 just a minute, and we'll sign some papers?

2 Commissioners, let's take about a
3 ten-minute break -- oh, wait.

4 First, let me look at the next item on the
5 agenda, which is "Open Forum." I have a sign-up
6 sheet; no one is signed up.

7 Is there anyone who wanted to speak that
8 did not get the opportunity to sign up?

9 Seeing none, then, let's take about a
10 ten-minute break. When we come back, we will be
11 ready for Item No. 20 --

12 COMMISSIONER GANT: 19.

13 MR. PAHL: Madam Chair, members of the
14 Commission, I mention this because I think I'll be
15 leaving you. You'll be going into Executive
16 Session.

17 But I've thanked our applicants. I also
18 wanted to thank our staff and thank you all. The
19 questions that we received from the Commissioners
20 showed very in-depth knowledge of what was in those
21 applications and good critical thinking of what we
22 had written in our analysis; so I just appreciate
23 that.

24 You guys have mentioned, time and again,
25 that you're -- you're not being paid to do this.

1 And I think it's the -- and it's a good point. But
2 I think it really highlights what public service is
3 supposed to be. So I just thank each and every one
4 of you.

5 THE CHAIR: Thank you, Mr. Pahl.

6 Let's take a ten-minute break. When we
7 come back, we will be going into Executive Session,
8 which is Item No. 20 on our agenda.

9 (Recess taken, 1:53 p.m. to 2:06 p.m.)

10 THE CHAIR: If everyone is ready, let's
11 get started again. Commissioners, I did skip one --
12 one agenda item, and that was our PEC Commissioners'
13 comments. So let's just see if anybody else has
14 anything they want to share right now. We've shared
15 so much, there'd better not be anything left.

16 COMMISSIONER CARR: Short.

17 THE CHAIR: Short?

18 COMMISSIONER CARR: Very short. Just chew
19 on the idea of taking these -- when the schools
20 present -- when we get 23 schools or more, after ten
21 minutes, what I notice, it starts getting extremely
22 redundant. If we reduced it down to ten minutes,
23 that could take several hours off of our hearings in
24 December. That's just a thought I'm throwing out.

25 THE CHAIR: Okay. Commissioner Gant --

1 Bergman?

2 COMMISSIONER BERGMAN: Very valid,
3 Mr. Carr, very valid. The reason we extended,
4 unfortunately, you may remember, is attorneys
5 advised us we need to give the folks lots of time.
6 In fact, some of them said we should give them more
7 than 15 minutes.

8 That's a great point, and I agree. But we
9 know what happens sometimes when -- excuse me --
10 attorneys get involved.

11 COMMISSIONER CARR: We should ask our
12 attorney to think about that, too.

13 THE CHAIR: I think he would say five
14 minutes at this point.

15 COMMISSIONER CARR: Oh, okay.

16 THE CHAIR: I don't speak for him.

17 MR. GRANATA: Madam Chair, Commissioners,
18 I would say that as long as the time is equal
19 between the parties, it's really up to the
20 Commission.

21 THE CHAIR: Okay. Anyone else? Going,
22 going, gone.

23 COMMISSIONER CARR: Sold.

24 THE CHAIR: Okay. Now, we have reached
25 Item 20. We're going into Executive Session.

1 (A discussion was held off the record.)

2 We need someone to make the motion, and
3 you need to include all of the wording that is on
4 the agenda. Would someone care to do that?

5 Commissioner Carr?

6 COMMISSIONER CARR: I'll make the
7 motion -- well, no, this is not -- oh, okay. I was
8 looking at the wrong thing. I'm sorry.

9 I make a motion that we move into
10 Executive Section under 10-15-1(H)(7) regarding
11 threatened or pending litigation.

12 THE CHAIR: Thank you.

13 COMMISSIONER BERGMAN: Second.

14 THE CHAIR: Motion by Mr. Carr, second by
15 Commissioner Bergman, to go into Executive Session.
16 We need a roll-call vote, please.

17 COMMISSIONER BERGMAN: Uh-oh. I thought I
18 was out of roll-call votes. Let me see what --
19 Commissioner Parker?

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Conyers?

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.
2 COMMISSIONER BERGMAN: Commissioner Carr?
3 COMMISSIONER CARR: Yes.
4 COMMISSIONER BERGMAN: Commissioner Pogna?
5 COMMISSIONER POGNA: Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Toulouse?
8 COMMISSIONER TOULOUSE: Yes.
9 COMMISSIONER BERGMAN: Commissioner Gant?
10 COMMISSIONER GANT: Yes.
11 COMMISSIONER BERGMAN: Commissioner
12 Shearman?
13 THE CHAIR: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Bergman votes "yes." That is 9-to-0 in favor of
16 going into Executive Session.
17 THE CHAIR: Thank you. We are in
18 Executive Session.
19 (Executive Session held, off the record.)
20 THE CHAIR: PEC is out of Executive
21 Session. We took no action, and no decisions were
22 made.
23 Commissioners, we're looking at Item
24 No. 21 on our agenda. And that's a call for
25 adjournment.

1 COMMISSIONER CARR: I move we adjourn.

2 THE CHAIR: Anyone care to make that

3 motion? Second?

4 (Unidentified Commissioner indicates.)

5 THE CHAIR: All those in favor, please say

6 "Aye."

7 (Commissioners so indicate.)

8 (Proceedings adjourned at 2:52 p.m.)

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