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BEFORE THE
PUBLIC EDUCATION COMMISSION
SANTA FE, NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS
July 30, 2013
9:00 a.m.
Bataan Memorial Hall, Old Supreme Court Room
407 Galisteo Street
Santa Fe, New Mexico

REPORTED BY: Mary Abernathy Seal, RDR, CRR, CCR 69
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, Northwest, Suite 1630
Albuquerque, New Mexico 87102

(7997K) MAS

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

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APPEARANCES

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. EUGENE GANT, Vice-Chair
MR. VINCE BERGMAN, Secretary
MS. CARLA LOPEZ
MR. JAMES CONYERS
MR. JEFF CARR
MR. GILBERT PERALTA
MS. CARMIE TOULOUSE

STAFF:

MR. TONY GERLICZ, Director, Office of Options for
Parents, Public Education Department
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
MS. RACHEL STOFOSIK
MR. BRAD RICHARDSON
MS. KAREN EHLERT
MS. SUSAN COATES
MR. KEVIN FORCE

ALSO PRESENT:

MS. HANNA SKANDERA, Secretary, Public Education
Department
MR. PAUL AGUILAR, Deputy Secretary, Public Education
Department
MS. JENNIFER SALAZAR, New Mexico Attorney General's
Office
MS. JULIA BARNES, CSD Counsel

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1 COMMISSIONER SHEARMAN: All right, we're
2 all here, let's get started. I call to order this
3 special meeting of the New Mexico Public Education
4 Commission. I'll ask Secretary Bergman to call a
5 roll call, please.

6 COMMISSIONER BERGMAN: Commissioner
7 Peralta?

8 COMMISSIONER PERALTA: Here.

9 COMMISSIONER BERGMAN: Commissioner Pogna?

10 COMMISSIONER POGNA: Here.

11 COMMISSIONER BERGMAN: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Present.

14 COMMISSIONER BERGMAN: Commissioner Carr?

15 COMMISSIONER CARR: Here.

16 COMMISSIONER BERGMAN: Commissioner

17 Conyers?

18 COMMISSIONER CONYERS: Here.

19 COMMISSIONER BREG: Commissioner Shearman?

20 COMMISSIONER SHEARMAN: Here.

21 COMMISSIONER BERGMAN: Commissioner Gant.

22 COMMISSIONER GANT: Here.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman is here. Madam Chairwoman, you have eight
25 members present. You have a quorum.

1 COMMISSIONER SHEARMAN: Thank you very
2 much. Before we move any farther, I think it would
3 be appropriate to introduce our guest today. You're
4 not really a guest, but we're glad you're here.
5 We're going to call you a guest. Secretary of
6 Education Hanna Skandera, and then with her, we need
7 to introduce Julia Barnes, who is interim attorney
8 for PED.

9 MS. BARNES: For the Charter Schools.

10 COMMISSIONER SHEARMAN: For CSD. We're
11 glad to have you.

12 Who else? Of course, everybody knows
13 Beverly, whom we cannot do without.

14 MS. EHLERT: Karen Ehlert with the Charter
15 Schools Division.

16 MS. STOFOSIK: Rachel Stofocik, Charter
17 Schools Division.

18 MS. COATES: Susan Coates, with the
19 Charter Schools Division.

20 MR. RICHARDSON: Brad Richardson, with
21 Charter Schools Division.

22 DEPUTY SECRETARY AGUILAR: And good
23 morning, Madam Chair, Paul Aguilar with the Public
24 Education Department.

25 MR. BEHRENS: Larry Behrens, Public

1 Education Department.

2 COMMISSIONER SHEARMAN: Thank you very
3 much. Mary is going to be our court reporter for
4 today. We're glad to welcome her.

5 Everyone, I introduced Jennifer Salazar,
6 our new attorney yesterday. She did an outstanding
7 job under some fairly stressful circumstances.
8 Trying to whisper in my ear is tough, tough work.
9 So thank you again.

10 With that, let's move onto approval of the
11 agenda.

12 COMMISSIONER BERGMAN: Madam Chair, the
13 Pledge of Allegiance.

14 COMMISSIONER SHEARMAN: Dad gum. After
15 all the trouble we went to. Let's do the Pledge.
16 Thanks very much.

17 COMMISSIONER SHEARMAN: Thank you. Now
18 let's approve the agenda.

19 COMMISSIONER BERGMAN: So moved.

20 COMMISSIONER PERALTA: Second.

21 COMMISSIONER SHEARMAN: Motion by
22 Commissioner Carr, seconded by Commissioner Peralta.
23 All those in favor, please say, "Aye." The Agenda
24 is approved. We're to number 3.

25 Number 3, vote on the settlement agreement

1 between PED and the PEC. And I believe that is
2 number 3, the text of that agreement.

3 COMMISSIONER CARR: I make a motion.
4 Unless we should have discussion. Unless we --

5 COMMISSIONER SHEARMAN: Let's have a
6 little introduction, because I think Madam Secretary
7 has a little something she'd like to say to get us
8 introduced for this. Am I correct?

9 SECRETARY SKANDERA: I'm happy to.

10 COMMISSIONER SHEARMAN: Okay.

11 SECRETARY SKANDERA: Madam Chair, at this
12 point?

13 COMMISSIONER SHEARMAN: Please.

14 SECRETARY SKANDERA: I want to say I'm
15 thrilled not only to be here today, but specifically
16 around the opportunity to establish a baseline, if
17 you will, engagement in working together and moving
18 forward in a productive fashion and I think this is
19 a great start, so I appreciate the work that's gone
20 into it and the opportunity to be here together and
21 stand on it.

22 COMMISSIONER SHEARMAN: Good. Thank you
23 so much.

24 I think, as everyone is well aware, this
25 settlement agreement was worked out between the

1 parties, between the attorneys, with a great deal of
2 input from the Executive Committee of the Public
3 Education Commission. We worked on this to make
4 sure that all parties were comfortable with the
5 settlement agreement, that it covered all the items
6 that needed to be covered, and I believe we have a
7 fair and the best settlement that could be worked
8 out. So with that said, and the Secretary having
9 agreed that she agrees with this settlement, now
10 let's talk about a motion, if you're ready, sir.

11 COMMISSIONER CARR: Okay. I move that the
12 Public Education Commission approve the settlement
13 agreement with the PED and the PEC.

14 COMMISSIONER POGNA: Second.

15 COMMISSIONER SHEARMAN: Motion by
16 Commissioner Carr, second by Commissioner Pogna to
17 approve the settlement agreement as proposed. Is
18 there any discussion?

19 COMMISSIONER BERGMAN: Madam Chair, since
20 I'm going to have to leave early today, is -- the
21 original document I see requires all our signatures,
22 but does someone want me to sign that now, or can I
23 sign it later? I assume I need to sign it now.
24 Where is the original?

25 MS. SALAZAR: I have the draft document.

1 Beverly, do you have a copy of the final draft of
2 this?

3 MS. FRIEDMAN: No.

4 MS. SALAZAR: I can go to my office and
5 print one out, if needed.

6 COMMISSIONER SHEARMAN: Do you want to do
7 that before noon?

8 MS. SALAZAR: Sure. Yes. I can go do
9 that right now. If the Commission will excuse me
10 for two minutes, I can go do that.

11 COMMISSIONER SHEARMAN: Okay. I think
12 that probably would be the best thing, and that way
13 we get all the needed signatures. Thank you, if you
14 would do that. Any further discussion?

15 COMMISSIONER GANT: Roll call.

16 COMMISSIONER SHEARMAN: Hearing none,
17 let's have a roll call vote. Mr. Secretary.

18 COMMISSIONER BERGMAN: Commissioner
19 Peralta?

20 COMMISSIONER PERALTA: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER BERGMAN: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Shearman?

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER BERGMAN: Commissioner Gant?

10 COMMISSIONER GANT: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Bergman votes yes. Madam Chairwoman, by an
13 eight-to-zero vote, that settlement motion is
14 approved.

15 COMMISSIONER SHEARMAN: Thank you,
16 Mr. Secretary. By unanimous decision the settlement
17 agreement is approved. Thank you all very much.

18 Let's move on now to item number 4,
19 welcome and review of work session objectives. I
20 did meet with -- as a matter of fact, I had met with
21 our Education Secretary at least twice. We had very
22 cordial meetings. I have reported to you already on
23 one of them. I met again with her yesterday morning
24 just briefly, and we talked about objectives that we
25 think are important for this work session, retreat,

1 whichever term you choose to use, and I think she
2 put it very well, the overall objective that I think
3 we can all agree to. And then I think we add our
4 thoughts to that.

5 But would you mind bringing that to us and
6 letting us all think about that overall objective,
7 please?

8 SECRETARY SKANDERA: Yes. Yesterday when
9 Madam Chair and I met, we talked about, you know,
10 the importance of this agenda, but really putting it
11 in the context of what's our ultimate goal? Because
12 at the end of the day, if we agree with a top-line
13 goal -- which I'm not sure we ever set down and
14 actually had that conversation two and a half years
15 ago -- then how we get there is the question that if
16 we agree on the first order, if you will, of our
17 charge and from my vantage point, and I think Madam
18 Chair agreed, the goal is that we have effective
19 charter schools in our state, and that they serve
20 our students well, and they continue to improve in
21 that regard, and that we steward that possibility
22 for the state of New Mexico in a meaningful way.
23 And that if they are effective, the charter schools
24 are a good thing for our state as we look at -- and
25 this we did not talk about, and I will put this in;

1 you can disagree. I didn't want to add anything,
2 but I was thinking, "effective," I guess, could be
3 in the eye of the beholder to a given degree. I
4 would say that my speaking, when I say "effective,"
5 and I want to put this on the table, is that there's
6 some pretty good accountability measures that we
7 have in place between SB446, school grades, other
8 things that tell us our schools are making
9 improvement, et cetera.

10 And certainly a key piece in
11 effectiveness, from my vantage point is, ensuring
12 that our students are learning and improving, as
13 well as stewarding taxpayer dollars from a fiscal
14 standpoint, and the stewardship of it and actual
15 charter schools.

16 So I didn't say those two things
17 yesterday. I thought about them, "effective" could
18 be nebulous, I guess, and wanted to be clear that
19 from my vantage point, that effectiveness is
20 measured by student achievements and stewardship of
21 our taxpayers' dollars when it comes to managing a
22 charter school. And so I don't want to be
23 presumptuous in stating that last bit, but I
24 think...

25 COMMISSIONER SHEARMAN: And I certainly

1 think those are our thoughts, certainly mine, as
2 well. We all want quality charter schools. That's
3 why we're all working so hard. Again, the devil is
4 in the details.

5 And you know what I'd like to do at this
6 point, let's just take a couple of minutes and go
7 around the table and let everyone just give us a
8 quick snapshot of what they think needs to fit into
9 that picture. How do we get those quality charter
10 schools and what do we need to do, perhaps, a little
11 better or that we're not doing, or tweak something
12 to get us moving more in the right direction and in
13 a more cohesive manner perhaps?

14 Secretary Bergman, let's start with you.

15 COMMISSIONER BERGMAN: Well, part of the
16 purpose of this meeting today is, we're going to
17 discuss our processes, our paperwork, and things
18 like that, and that has to be ongoing. We've had, I
19 think, something like seven contract negotiations so
20 far. I have been able to sit in on six of them, and
21 as we went through those, things did become
22 apparent. And whenever you come up with draft
23 documents and put them in place, you try to
24 anticipate everything, but you can't always
25 anticipate everything.

1 And so those documents now, at least in my
2 opinion, need to be revised a little bit, need to be
3 tweaked a little bit, some things that come up,
4 questions have been asked by the applicants, by the
5 schools themselves that we need to address.

6 And we all know that probably the most
7 prominent one was 2 percent money. A couple of
8 charter schools made a real big issue of that, and
9 so that's why we're running down that street,
10 because they want to know what are they getting for
11 their dollar. What are they getting for their 2
12 percent?

13 And so just the whole kind of thing, we've
14 got to work the process and continue to work it.
15 It's always ongoing, and so it's doing that process
16 that gets us effective and quality charter schools.

17 COMMISSIONER SHEARMAN: Thank you.

18 COMMISSIONER POGNA: And in that process,
19 we're going to have to encourage the parents of that
20 community to be totally involved in the charter
21 school. They have to be aware of what's going on,
22 they have to be aware of inadequacies as well as the
23 good stuff. They have to take a more prominent role
24 in it.

25 COMMISSIONER SHEARMAN: Commissioner Carr.

1 COMMISSIONER CARR: I think obviously it's
2 extremely important that all of the schools -- in
3 retrospect, I didn't realize I was going to get to
4 talk. You shouldn't have given me a chance to talk
5 too often.

6 Obviously, it's very important that our
7 schools are highly effective, and part of the
8 process is, you know, when people work really hard,
9 you know, people at the school from yesterday, they
10 felt like they worked really hard. They felt, you
11 know, like they're doing a good job, they're doing
12 the right thing, and when they get shut down, they
13 get upset.

14 COMMISSIONER SHEARMAN: Commissioner,
15 perhaps we shouldn't be talking about yesterday in
16 front of the Secretary. I'm sorry. That just
17 occurred to me.

18 COMMISSIONER CARR: Okay, bad example.
19 Generally speaking, you know, when a school gets
20 shut down or things happen, you know, when there's
21 conflict, it becomes difficult. And we try to look
22 at these things, we try to look at these
23 applications from the viewpoint or vantage point
24 that we're looking at what's best for students and
25 try to keep our emotions out of it. And we work

1 really hard to try to make sure that the schools
2 that we accept and grant a charter actually are
3 going to be excellent schools, and that they have
4 the potential to be excellent schools for our
5 students.

6 And in keeping that in mind, I think
7 sometimes, you know, we get back down from something
8 and we think we made the right decision, well, we
9 get a little emotional, we get upset about it. But
10 we all, you know -- we need to move forward and work
11 hard to try to work together. I think our goals are
12 the same. I think everybody here wants high-quality
13 charter schools, high-quality public schools for our
14 students.

15 And keeping that in mind and finding
16 common ground, I think we'll be able to work
17 together, and quite often -- I think most of the
18 time -- we've found common ground and bridges where
19 we work together. Quite often, we more often than
20 not agree on what is a good school and what isn't,
21 and I think that we need to focus on that as much as
22 we can.

23 COMMISSIONER SHEARMAN: If that's --

24 COMMISSIONER CARR: And I'll stop, and --

25 COMMISSIONER SHEARMAN: We're going to say

1 a lot more before this day is over. Commissioner
2 Peralta.

3 COMMISSIONER PERALTA: You know, basically
4 just what I talked about yesterday. And, in fact,
5 you know, when Kelly was the lead person in the CSD
6 Division, she did a really great job of inputting
7 things, getting information.

8 When Kelly was the lead, you know, a year
9 or so back, she did a really good job with the
10 division and getting all these assessments and
11 information to us as the Commission, since we were
12 the lead authorizer of charter schools.

13 And I notice since Tony has now taken
14 over, he's done an exceptional job, he's got a great
15 staff, a good team. And so when things like
16 Mr. Carr talking about when schools come across our
17 table, whether it has to do with renewals or new
18 applications, or what have you, I really rely
19 heavily on information that's provided for me by the
20 CSD, and I think through just building on that and
21 becoming a much stronger team and trusting in the
22 division itself about, you know, what I have in
23 front of me is very accurate and a very true picture
24 of the schools itself, and that I can make a good,
25 sound judgment on whether -- you know, I'm totally

1 confident that that school is doing their job and
2 providing what it needs for the students and what
3 have you. So again building on this trust and
4 teamwork between the PEC and the PED is very
5 important, in my opinion.

6 COMMISSIONER SHEARMAN: Julia, would you
7 like to add anything?

8 MS. BARNES: I'd like to echo what
9 Commissioner Bergman was saying because I think it's
10 the second full year of rolling out the
11 accountability. It's the third year of school
12 grades. And I see this year as an opportunity to
13 really fill in and do a complete umbrella, a
14 complete package, so that everything runs very
15 smoothly.

16 Some of our questions are: Once a school
17 operates for one year under the performance
18 frameworks, what do we bring to you? We have 15 new
19 schools that are going to go through the process and
20 we have the seven that we'll accept. And I think
21 many of you have heard me before, I'm a big fan of
22 Senate Bill 446 and, frankly, of school grades. I
23 give a lot of credit to Madam Secretary for leading
24 the charge on that. I think they did great, and I
25 think that we now have those tools to bring in more

1 information on the schools. I'm excited about using
2 that to make a decision.

3 COMMISSIONER SHEARMAN: Okay.

4 MR. GERLICZ: Madam Chair, Madam
5 Secretary, it's great to have everyone here today.
6 I'm thrilled to see it. My comments I'm going to
7 reserve because at the end of the PowerPoint,
8 there's a brief five-minute speech by the president
9 of NACSA, which is the National Association of
10 Charter School Authorizers, where he outlines three
11 things that on the national level I would totally
12 agree with here at the local level that we need to
13 focus on. One are standards, and high standards;
14 and two are equity for all kids; and three is
15 autonomy. And he'll talk about that in there, so my
16 comments will be duplicative if I say any more than
17 that. So I'll stop.

18 COMMISSIONER SHEARMAN: Okay. Thank you.

19 Paul, would you like to join us at the
20 table? We certainly have plenty of room.

21 DEPUTY SECRETARY AGUILAR: Madam Chair, I
22 appreciate that. I'm going to stay out here for
23 right now.

24 COMMISSIONER SHEARMAN: You want to stay
25 out of the line of fire, we know.

1 DEPUTY SECRETARY AGUILAR: I serve to take
2 the fire at all times, Madam Chair.

3 COMMISSIONER SHEARMAN: We thank you.

4 DEPUTY SECRETARY AGUILAR: But with the
5 Secretary here, I think I'll stay here.

6 COMMISSIONER SHEARMAN: Would you like to
7 add anything at this point?

8 DEPUTY SECRETARY AGUILAR: Madam Chair,
9 no.

10 COMMISSIONER SHEARMAN: Okay, thank you.
11 Commissioner Toulouse.

12 COMMISSIONER TOULOUSE: Madam Chair, since
13 I'm one of the two new ones on the board, but I'm
14 also the one person here with no background in K
15 through 12 education, my background is 30 years in
16 human services programs and 12 years on the board at
17 Central New Mexico Community College, five of those
18 years also on the National Board of the Association
19 of Community College Trustees.

20 So I see what I bring is a background,
21 number one, in fiscal areas, and understanding how
22 budgets work, how state money works, how state
23 contracts work, state purchasing, all of those
24 things that I know most of our charter schools do
25 not understand or even realize that they're bound

1 by, and that is one of my concerns.

2 The other one is a leadership and a board
3 issue, and I know how to be part of a board and
4 that's the other part I see as a weakness in most of
5 our charter schools, is they have very well-meaning,
6 in general, boards of people, many of whom don't
7 know how to be a board, on a board, and how a board
8 is really an entity. I mean, each one of us is a
9 commissioner, but we have absolutely no authority
10 until a majority of us votes that way in a public
11 meeting.

12 And what I notice on boards, because I'm
13 also the grandmother of three charter
14 schoolchildren, and every one of these has a very
15 different board and very different ways of doing it.
16 And so I think I can sit here and I can bring -- all
17 of you can do the education piece, and you can tell
18 me and I believe all of you whether it's being
19 delivered well or how it's going. But I think I
20 can, in turn, help everybody look at those fiscal
21 and leadership pieces.

22 COMMISSIONER SHEARMAN: Thank you.

23 Commissioner Conyers.

24 COMMISSIONER CONYERS: Good morning. I
25 guess the thing that intrigues me, and my challenge,

1 is to look at the data we receive and try and see:
2 What does that really mean in the context of the
3 charter school and the community it serves? Some of
4 you know I recently retired as executive director
5 and principal of a grant school under the BIE
6 system, which is basically like a charter school
7 authorized by the Navajo Nation. And so I think I
8 have a lot of understanding of the challenges there.
9 There's a lot involved in that, having done that.

10 But to me, we're in a time -- you know, I
11 have been in education 43 years, and when we
12 started, you know, we tested, everybody looked at it
13 and said, "Well, that's interesting," and then we
14 went on with what we were doing.

15 And now we test and test and test, but
16 that impacts everything that is done in the school.
17 Teachers have plans, and we have rollouts, data
18 rollouts, and so on, so it's almost -- to me it was
19 almost overwhelming, the data we got, to determine
20 what to do.

21 And so I see that as the challenges. What
22 does this data really mean? And how do we use that
23 in our evaluations?

24 COMMISSIONER SHEARMAN: Thank you.

25 Commissioner Gant.

1 COMMISSIONER GANT: Madam Secretary, Madam
2 Chair, members, I agree with all that's been said
3 here, but I guess I'm kind of an odd person out
4 which is no surprise to people in here. But I look
5 at what I do in the whole. I was elected as a
6 commissioner of education by District 7 and I
7 believe all were at our districts, and we represent
8 those people.

9 Now, yes, we work charter schools, but as
10 far as I'm concerned, I'm here to represent all
11 students of the state of New Mexico, not just
12 charter schools. And anything we do in here should
13 be relevant to anything that happens in any of the
14 schools in the state of New Mexico. And we need to
15 understand things like the teacher evaluation, the
16 school grading, and how its rigor and relevance is
17 important to the schools, all kids, all students,
18 all teachers, all administrators.

19 So my vision is not just narrow to the
20 charter schools. You have to understand public
21 education, which is all schools, to understand
22 what's going on in the charter schools, and the
23 things they want to do differently.

24 So I look at it a little bit differently.
25 I have a lot of, across the state, not just in

1 district 7, teachers and administrators that talk to
2 me about what's going on. And they feel they can,
3 because of my board experience of eight years,
4 serving on the board of the New Mexico School Board
5 Association, et cetera. So they do talk to me,
6 truly, and that's my job. All schools, all
7 teachers, all students. And this job, charter
8 schools.

9 COMMISSIONER SHEARMAN: Thank you. And
10 lastly, I asked for a couple of things to be put on
11 the agenda. First, CSD's role to provide staff
12 support to the PEC. We haven't looked at that in a
13 long time, and I think we need to look at those
14 lines of communication, the roles, the
15 responsibilities, and be sure we clarify, maybe make
16 that a little -- maybe we could streamline it a
17 little bit, and make sure everyone understands who's
18 doing what, and with what authority. I know we've
19 done the MOUs and certainly that made things a
20 little easier, a little better to understand. As
21 Commissioner Bergman brought up, we need to look at
22 the process again, and I think particularly when we
23 have to renegotiate a contract, that seems sort of
24 nebulous out there: Who's involved, and what are
25 the parameters. And then we get in the time

1 crunches, and I think we need to look at that whole
2 process.

3 And also I'd like for us to look at the
4 process for rulemaking. I know we don't have the
5 authority to make rules, you know. So if we don't
6 have the authority to make rules, how do we request
7 when we think we need a rule to help us do our job?
8 How do we request that? What's the process? What's
9 the follow-through? How do we do that?

10 So just a lot of, really, Let's-get-our-
11 job-done-better kind of things, in my view today.
12 So I think we've got a lot to do, and I'm kind of
13 excited about where we're aiming.

14 So let's move on, and the next item on the
15 agenda is Charter Schools and New Mexico. And Madam
16 Secretary, I think you are prepared to take that
17 one.

18 SECRETARY SKANDERA: Thank you. I asked
19 Tony to prepare -- and he has -- just a very basic
20 presentation around the history of charter schools,
21 nationally, then honing in very quickly to
22 New Mexico, and some baseline data. I think I heard
23 from multiple Commissioners the importance of
24 transparency data and information in decision-making
25 and et cetera. And I'm a believer that you can't

1 get to where you want to go if you don't know where
2 you're starting from.

3 And so I think to facilitate a
4 conversation around, for example, how do we improve
5 our charter schools? How do we ensure we have more
6 effective charter schools? What do we know about
7 our charter schools today from a global view? Are
8 there some nuggets to walk away with? And what
9 would be the next line, if you will, or query of
10 questions that we might want to explore together as
11 we look at, okay, we're providing technical
12 assistance or authorizing charter schools, et
13 cetera, et cetera, what are some of the things we
14 see potentially as trends in our charter schools of
15 New Mexico for better or for worse? And what are we
16 going to do about it to drive towards more effective
17 charter schools?

18 And so my hope and desire is that this is
19 the foundation for building a conversation that
20 starts today and is ongoing around what is the data
21 telling us? What don't we know that the data should
22 tell us? Are there some data queries that we have
23 that we'd like to explore to begin to really march
24 down this path of effective charter schools,
25 authorizing and then beyond that, living, if you

1 will, charter schools, and here in New Mexico in
2 particular?

3 So I'll turn it over to Tony. And this is
4 really meant for a foundation or starting point.
5 Some of this will be very basic, and then hopefully
6 some a little bit more enlightening, if you will.

7 MR. GERLICZ: Right. So what I'm going to
8 show is that context and really stay at the high
9 level, what's happening nationally, what's happening
10 locally.

11 And if you have any questions during any
12 of the slides, please raise your hand and let's use
13 it as a point of conversation.

14 So the whole idea of a charter school
15 really came from the universities, way back when,
16 and it was in the late '80s where the idea sort of
17 birthed from the University of Massachusetts at
18 Amherst. The term "charter schools" -- and this is
19 an actual fact that few people know -- came from
20 Albert Shanker, or he's alleged to have used it, and
21 then the term took off. At that time Albert Shanker
22 was the president of the American Federation of
23 Teachers, which was at that time the largest teacher
24 union in the United States, and that's back in 1988.
25 He was the one that said, "We need to offer some

1 choice in the public realm. We need to charter some
2 schools," and that word took off and the movement
3 began.

4 Minnesota was the first state to pass a
5 charter school law in 1991. California was second,
6 along with New Mexico. And few people actually know
7 that, that in 1992, New Mexico passed one of the
8 earliest charter school laws in the United States.
9 There were five schools chartered in 1992, and I
10 can't even remember what they all were. I know
11 Highland High School in Albuquerque. Portales.
12 Turquoise Trail was the third one, and there are two
13 others. And Turquoise Trail is the only one
14 remaining.

15 What I have learned in my experience is
16 that that 1992 law was very restrictive, not very
17 liberating at all, did not fit the idea of a
18 charter, and was problematic.

19 Currently in the United States, 42 states
20 and the District of Columbia have charter schools.
21 And I think it's very fair to say that the movement
22 in its inception and throughout has always been a
23 bipartisan movement. It's gotten kudos from
24 Democrats and Republicans and criticisms from
25 Democrats and Republicans all along the way, and

1 it's always been that way.

2 Nationally, there has been steady annual
3 growth. From 1999 to 2012/13, you can see the
4 growth in the number of schools nationally. And
5 there's never been sort of a peak or a valley. It's
6 been a slow, steady growth since 1999, and I choose
7 1999 because New Mexico and other states passed
8 additional laws in 1999 that were far better and
9 then, of course, the latest iteration for New Mexico
10 was 2011.

11 So in New Mexico -- that's the growth line
12 in New Mexico -- what is interesting to me about
13 that is that it very much mirrors and parallels the
14 national growth line, as well. So what is happening
15 nationally in those 42 states is also happening in
16 New Mexico.

17 Here's some demographic data of students
18 who attend charter schools nationally. And the
19 latest is 2010/11, as you see. But let's take a
20 look at this chart. On the left are charter
21 schools. 36 percent of them are Caucasian students,
22 29 black, 27 Hispanic. So that would be 56 percent
23 of students in charter schools nationally of color,
24 36 percent Caucasian, and other.

25 On the right-hand side, the noncharter

1 traditional public schools in the United States, 53
2 percent of them are white, 15 percent black, 23
3 percent Hispanic, for 38 percent of color. So
4 nationally, the conclusion is, or what the data
5 shows, is that many, many students of color are
6 gravitating to charter schools. And if we have --
7 and I'm happy to research further -- more recent
8 data, 2011/12 and 2012/13, that trend continues
9 nationally.

10 COMMISSIONER CARR: If I have a question,
11 would you like me to wait?

12 MR. GERLICZ: No, feel free.

13 COMMISSIONER CARR: Because I don't want
14 to interrupt you. Do you have a chart on
15 New Mexico?

16 MR. GERLICZ: I do. It's coming next.

17 COMMISSIONER CARR: Okay, good. I'm ahead
18 of myself.

19 MR. GERLICZ: I want to compare the growth
20 line nationally with the growth line locally and who
21 attends nationally with who attends in New Mexico.
22 So let's take a look at that data again from
23 2010/11. 33 percent Caucasian students populated in
24 charter schools. 2.6 back in our low
25 African-American population, 55 percent Hispanic,

1 compared to our traditional charter schools, which
2 have 25 percent Caucasian students and 59 percent
3 Hispanic students. So it's a bit reversed, if you
4 look at the Caucasian students. New Mexico charter
5 schools are drawing more Caucasian students than
6 nationally. The large percentage of Hispanic
7 students reflects our state, of course.

8 Any questions or comments on this?

9 COMMISSIONER CARR: Further breakdown
10 would be interesting. I guess we have those per
11 school, you know, and because you have schools that
12 are maybe 95 percent Hispanic and 5 percent white
13 and the reverse.

14 MR. GERLICZ: We have that data, yes.

15 COMMISSIONER CARR: So we have that data,
16 as well.

17 MR. GERLICZ: We have economic data, too.

18 COMMISSIONER CARR: The socioeconomic?

19 MR. GERLICZ: Correct.

20 COMMISSIONER CARR: Okay. Going back to
21 the history, you know, most people don't realize,
22 Mississippi schools are almost half private, and
23 they became so during desegregation with the white
24 flight. And after the white -- in the midst of the
25 white flight and desegregation movement, public

1 schools were in a panic. And they came up with
2 magnet schools and other attractions to keep kids in
3 those schools.

4 I taught in a magnet school, and then the
5 charter. So the people -- then also there was a
6 movement, and the white flight movement was
7 vouchers, so the movement to go -- move toward
8 vouchers for private schools, because people didn't
9 want their kids going to public schools. I was told
10 two months ago by a person that he wouldn't send his
11 kids to public school today because there was too
12 much multiculturalism, too many different cultures
13 still alive and well today. I guess he thought I
14 would agree with him, because I was white.

15 But I think, to fill in some blanks
16 here -- and the charter movement is similar to
17 magnet school, in that a lot of people saw it, the
18 American Federation of Teachers saw it, as a way to
19 counter what they would consider the negative
20 influence of vouchers in our system and the
21 destruction of the public education system. A lot
22 of people who support charters very strongly believe
23 that charter schools are a great counter to losing
24 support for public education.

25 So to me, there were some things -- I

1 mean, people may disagree with me. That's my
2 historian's point of view, and you know, part of
3 filling in the blanks of how we got to where we got.
4 And so you know, just I think in knowing that, it's
5 important -- I think a lot of people don't realize,
6 you know, there are people -- people support things
7 for all kinds of reasons, you know. Their kid may
8 be going to a horrible local public school in an
9 inner city somewhere, and if they think there's
10 something better going on for the kids, they want
11 the kids to go there, you know. So there's all
12 kinds of reasons for people doing what they do and
13 supporting what they do, and it's very complicated,
14 and I'll shut up.

15 COMMISSIONER SHEARMAN: No. While I have
16 this thought in my mind, I had to hold my hand up
17 before I lost it.

18 Do you at some point have totals and
19 percentages, total number of students attending
20 charter schools, total number attending noncharters,
21 and what the percentages are?

22 MR. GERLICZ: You mean the total number of
23 students?

24 COMMISSIONER SHEARMAN: Yes. I count up
25 about 16,000 on the charter school side, and I

1 didn't even begin to start on the noncharter side.

2 MR. GERLICZ: I can certainly get that
3 data.

4 COMMISSIONER SHEARMAN: I just wondered
5 if --

6 SECRETARY SKANDERA: Quick mathematics,
7 about 330,000 students in our K-12 system. That
8 includes charter schools. So if you subtract the
9 16,000, then we're about 315,000, 314,000 on
10 traditional public school, 16,000 on the charter
11 schools. That's rough math.

12 COMMISSIONER SHEARMAN: That's what I was
13 asking. Thank you.

14 COMMISSIONER TOULOUSE: Tony, I assume the
15 "other" in New Mexico mostly are Native American
16 students; correct? Because I would like, in
17 New Mexico, to see that broken out because that's
18 significant here, where I know on the national level
19 it isn't. But here, it makes a lot more sense to
20 me, especially when one of the new charter schools
21 we're going to go out to hear is on the Navajo
22 Reservation, and I know we have the two schools at
23 Jemez. At least to me, it would be more
24 significant. Thank you.

25 MR. GERLICZ: Thank you, Commissioner

1 Toulouse. I'm happy to get that data and break it
2 down further.

3 COMMISSIONER BERGMAN: I have a question
4 when appropriate.

5 MR. GERLICZ: Certainly.

6 COMMISSIONER BERGMAN: I'll address this
7 to the Secretary, but does the PEC have any contact
8 with the private schools? Do you have any oversight
9 on them? Do you have their data?

10 MR. GERLICZ: We do have data. We have
11 data on home schools and nonpublic schools. That
12 data is stored in our systems.

13 COMMISSIONER BERGMAN: Thank you.

14 MR. GERLICZ: Yes.

15 DEPUTY SECRETARY AGUILAR: Madam Chair,
16 also through our Instructional Materials Bureau, we
17 collect attendance data, 40th-day attendance data
18 for the private schools, as well.

19 SECRETARY SKANDERA: But as far as
20 oversight --

21 DEPUTY SECRETARY AGUILAR: No oversight.

22 SECRETARY SKANDERA: It's data collection.
23 But not oversight.

24 COMMISSIONER BERGMAN: Thank you.

25 COMMISSIONER POGNA: Madam Chair? People

1 ask me what percentage of students go to charter
2 schools? I don't know. Do you have ethnicity of
3 groups? I would like to know.

4 MR. GERLICZ: I can tell you, Commissioner
5 Pogna, that about 9 percent of all New Mexico
6 schools are charter schools. The number of students
7 that attend, let's see, if it's --

8 SECRETARY SKANDERA: So about 4.8 percent,
9 if we do the rough math of about 16,000 out of
10 330,000. So those are rough numbers. But
11 approximately 5 percent of students are in charter
12 schools. One thing that was helpful to me -- and
13 Tony, help me a little bit -- but putting things in
14 context, our charter school population today is
15 approximately -- is it our fourth or fifth largest
16 district?

17 MR. GERLICZ: Third.

18 SECRETARY SKANDERA: Third. And I always
19 think that's kind of interesting. So if you look at
20 charter schools on the whole and their
21 representation, if you put them all in a single
22 district, they would be the third largest school
23 district in the state. But roughly 5 percent of our
24 student population.

25 MR. GERLICZ: That's right.

1 So Commissioner Carr, back to your
2 question about why charter schools, I'm sure we have
3 a very long list, and we shouldn't shy away from
4 recognizing the controversy around charter schools
5 which have always been there. We feel it in our
6 division and we feel it since the inception of the
7 charter school movement.

8 But really, what we'd like to think is
9 that charters provide options for parents, and they
10 provide opportunities for all parents to have choice
11 in the system. As opposed to any one particular
12 sector of our society, charter schools provide
13 options to anyone.

14 With the bargain that Greg Richmond, the
15 president of NACSA, will talk about, about autonomy,
16 that there was a desire to inject innovation into
17 the classroom at the same time meeting or exceeding
18 student achievement expectations, and charter
19 schools were looked upon to provide that innovation.
20 And they clearly provide diverse models of
21 educational delivery, which I'll get to in a
22 subsequent slide.

23 So let's focus a little bit about
24 innovation. These are some of the models that
25 exist. Expeditionary learning, for example, and

1 Montessori. Those were always the purview of
2 independent schools or private schools. We see them
3 now in charter schools. In public schools. And
4 before we never did.

5 Blended learning, which is a combination
6 of online and in-class learning. We see that in
7 charter schools.

8 It's interesting that the international
9 baccalaureate curriculum in New Mexico started in
10 charter schools. It's a very rigorous academic
11 program. We have charter schools that actually
12 require more credits to graduate sometimes. They
13 have that autonomy to do so. We have schools that
14 focus on the media. We have schools that focus on
15 arts. The reason I put industry-focused schools, we
16 have a couple of models that are quite interesting.
17 The Ace Charter School in the South Valley, which is
18 partnered with the General Contractors Association;
19 the Health Leadership Academy, which is partnering
20 with First Choice, one of the leading healthcare
21 providers. Very interesting and innovative models
22 of delivering education. And they provide options
23 for students who have been unsuccessful in a
24 traditional school in a delivery, which was always
25 part of the original dream of charters.

1 They typically are small schools, focusing
2 a lot on creating a strong school community. All of
3 what used to be an innovation in the early days may
4 not be as severe an innovation now. For example,
5 small schools. They have taken root, but the
6 innovation is still very much alive in the charter
7 schools.

8 Now, have we had any impact on traditional
9 education, which was one of the original dreams and
10 desires of charter schools? And for me, the answer
11 is, we need to do a better job in our world of
12 chronicling it. There are some great examples that
13 come to mind immediately. The first graduates with
14 an international baccalaureate degree, which again
15 is recognized worldwide, came from a charter school
16 in New Mexico. And now APS is responding by
17 implementing the international baccalaureate at
18 Sandia High School. And there's conversations in
19 the Santa Fe School District about the same thing.

20 A number of charters have focused on
21 virtual options. APS responds with their E-Academy.
22 Rio Rancho has their Cyber Academy. So those are
23 just some examples of impacts. And I'm sure we
24 could find more.

25 So let's take a look at some national data

1 in progress. The number of schools continues to
2 grow. As of this year, 2012/13, there are a million
3 students nationally that are on waiting lists to
4 attend. The demand throughout the years has never
5 slowed. It continues to increase.

6 Forty-five percent of students in
7 Washington D.C. are in charter schools now, and
8 these schools and students are outperforming the
9 traditional publics.

10 In the wake of Hurricane Katrina, they
11 completely revised their school system and next year
12 will have 100 percent of students in New Orleans,
13 and they are outperforming the rest of Louisiana,
14 which was the first time that New Orleans has done
15 that.

16 SECRETARY SKANDERA: Can I interrupt you
17 for a second? I will say, I think the Louisiana
18 data is unbelievably compelling for struggling
19 students, in particular. If you look at their data
20 pre-Katrina and then post, the improved student
21 achievement, I think the remarkable piece is it's
22 not a different population. It's the same kids
23 actually under a great deal more duress in some
24 ways, because if any of you have visited New Orleans
25 after Katrina, it was devastated. And the

1 performance was remarkable. The swing, if you will,
2 from unbelievably, their performance, quite a bit
3 lower than the rest of the state, to leading. And
4 it might be an interesting thing to kind of noodle
5 around on a little bit more. When we talk about
6 what makes an effective charter school, they have
7 done some pretty remarkable things and their
8 demographics, while different than ours from a
9 student population standpoint, in some ways from a
10 poverty and diversity standpoint have a lot of
11 similarities.

12 MS. BARNES: Madame Chair, I'd mention
13 there's an interesting book out about the New
14 Orleans charters called "Hope Against Hope," that
15 tracks a school principal, a student, and a teacher
16 at three different schools. I found it quite
17 fascinating actually pretty good summer reading,
18 frankly. It's very interesting, raising a lot of
19 the points that the Secretary just raised.

20 MR. GERLICZ: In fairness, the news is not
21 all good in the charter world, and we know that, and
22 we should not accept that but be cognizant of it.
23 For example; the CREDO report in 2009. CREDO stands
24 for Center for the Research on Educational Options.
25 It's out of Stanford University. They probably are

1 the group that have the most definitive study of the
2 effect of charter schools.

3 In 2009, four years ago, they did find
4 that the students in poverty and ELL students tended
5 to do better in charters, on the whole nationally,
6 than they did in traditional systems; but that the
7 performance of the other students in charter school
8 was really no significantly different than
9 traditional public schools.

10 In 2012, four years or three years
11 later -- actually, in this report, it should say
12 2013, because the report just came out -- the
13 students in poverty and ELL students continued to do
14 better in charters than in traditional schools, and
15 the gap between all other students and regular
16 students has narrowed significantly.

17 And the CREDO report points to two things
18 that I think are very germane for our work, what has
19 really driven that growth in performance that's
20 narrowed that gap for other students, those two
21 things at the end: To ensure that good charter
22 schools open, and closing long-standing poor ones,
23 schools that have had a history of not performing.
24 And when CREDO investigated that trend, that's what
25 contributed to the much-improved gains in the study

1 which just came out a few months ago.

2 Let's take a look at this report card.
3 This is a New Mexico report card, I thank Susan
4 Coates for putting this together. This is the
5 report card that shows charter schools versus
6 traditional schools, two years' data: 2011/2012,
7 2012/2013. And across the top are the number of A
8 schools, percentage, number of B schools,
9 percentage, and so on, and total schools at the end.

10 So let's take a look. Let's take a look
11 at, let's say, 2012/2013. And Susan, per my
12 request, has broken these down from state and
13 district schools. So 30.8 or 31 percent of state
14 charters are in the A column for this year. Last
15 year in 2011/12, it was 12.2 percent; 24.4 in
16 2011/12 were B schools, 23.1.

17 So if we put these two categories
18 together, in '11 and '12, you can see that 36
19 percent of the state charter schools got As or Bs,
20 30 percent of the district charter schools got As
21 and Bs, and if we drop down here to traditional
22 public schools, that would be 28 percent got As and
23 Bs.

24 If we jump down to this most recent data
25 in the report card system that came out, we see that

1 we have 54 percent of our state charter schools that
2 received As and Bs. This would be 45 percent of our
3 district charter schools that received As and Bs.
4 And when we compare that with our traditional public
5 schools, we can see that 34 percent of our
6 traditional public schools got As and Bs.

7 If we flip over to the other end, the D
8 and the F world, we see that state charter schools,
9 24 percent of them were D schools, 14 percent of
10 them were F schools, for a total of about 39 percent
11 of our state charter schools receive Ds or Fs. That
12 was in '11 and '12.

13 In '12/13 that number significantly
14 dropped, to 19 percent. In district schools we had
15 43 percent are Ds and Fs, for a total charter, if we
16 put all of those together, to 41 percent received Ds
17 and Fs, and this year our total charters that
18 received Ds and Fs were 18 percent.

19 COMMISSIONER CARR: Question. Was there
20 any change in criteria between '11 and '12 years and
21 '12 and '13?

22 SECRETARY SKANDERA: One primary
23 distinction, no change in criteria. We included for
24 the first time the high school grades growth,
25 because we had our students in tenth grade, took the

1 eleventh grade assessment, and we were able to
2 measure growth for the first time in high school.
3 So that's a change in the high school grade
4 calculation. That's been in the legislation, on the
5 books, and folks have been aware of that since the
6 school grade law passed.

7 COMMISSIONER CARR: We couldn't have done
8 that before.

9 SECRETARY SKANDERA: We could not have,
10 because we were not providing the assessment of the
11 tenth grade, as well, to capture that growth. So
12 that was a big piece.

13 I think the most noteworthy statewide
14 trend, just for context -- and I think it's
15 reflected in charters and traditional public
16 schools -- is our high schools performed -- this
17 year our high schools performed better than any
18 historical perspective that we have.

19 And just one data point that really
20 informs this piece, we've been offering the same
21 assessments in high school standards-based
22 assessment since 2007. In 2011 we actually raised
23 the bar on that assessment. We said, at the
24 eleventh grade level we are expecting more in 2011.
25 Same test. It's called raising the cut scores. We

1 raised the cut score. So if 50 out of 80 points at
2 one point was considered proficient, it went to --
3 and I'm making a reference -- 55. So we raised the
4 bar ourselves. Good thing to do. And in 2012 we
5 saw the percentage of students proficient across our
6 state drop because of we raised the cut. This year,
7 in our results, we saw our students surpass how our
8 entire state did before we raised the bar. In other
9 words, we raised the bar and surpassed our results.
10 Our eleventh grade students this year, the cohort
11 that was tenth graders last year, so eleventh-grade
12 this year -- in other words, same kids -- improved
13 21 percentage points. That's remarkable in high
14 school.

15 And you really do see those results as
16 well, since you're measuring growth, in the high
17 school grades in both traditional and charter
18 schools.

19 Another piece I would point out that
20 impacted, our graduation rate improved, the longest
21 historical view that I can see, improved the most
22 from the view we have, we improved 7 percentage
23 points in a single year. We captured growth and
24 progress of grad rate in the school grade, as well.

25 So those two factors didn't change the

1 calculation other than growth, but I would highlight
2 those as representing what we see here.

3 The last piece I would highlight that does
4 speak to your point, Commissioner Carr, is for what
5 some folks have traditionally termed alternative
6 schools. We call them SAM schools. And SAM schools
7 are defined as those who are serving 20 percent of
8 their population of their students with
9 disabilities, or over 10 percent of their population
10 is 19 years or older. So in other words, they're
11 serving a unique population compared to our
12 traditional public schools and charter schools.

13 We have some charter schools that are SAM
14 schools, and we did work with those SAM schools over
15 the last year. We made a commitment to do that, to
16 look at key pieces to measure. So for example, we
17 include work keys, and the high school graduation,
18 you get credit for the number of students you take
19 and actually achieve a successful score. So there
20 were a few additional pieces included in SAM school
21 calculations. And we did see a shift as a result.

22 COMMISSIONER CARR: Another question. Did
23 we include EOC data in this?

24 SECRETARY SKANDERA: No, and the course
25 exam data is included in the school grade.

1 COMMISSIONER CARR: Will it be?

2 SECRETARY SKANDERA: No.

3 COMMISSIONER CARR: So that's only
4 important to the individual students.

5 SECRETARY SKANDERA: Correct.

6 COMMISSIONER CARR: All right.

7 COMMISSIONER SHEARMAN: What data did you
8 ask about?

9 COMMISSIONER CARR: The end-of-course
10 assessment. We did that for the first time this
11 year. Well, I'm not going to mention yesterday.
12 The US history, the EOC issue. And it was new, so
13 it was difficult. And it's a high stakes test for
14 the individual students.

15 SECRETARY SKANDERA: Commissioner Carr I
16 think is pointing out a very big piece of why did we
17 see unbelievable results in high school? In 2008,
18 our state passed a law that said we're going to have
19 a high stakes assessment to graduate, meaning if
20 you're not proficient, you don't graduate. We
21 delayed that law a year. It was supposed to be
22 implemented a year ago. This is the first
23 graduating class where that law is in effect. I
24 think it's very clear, a clear take-away is that our
25 students', teachers', and parents' response --

1 because, like I said, we saw the most improvement we
2 have seen in any historical data that we have in the
3 last year, and I think a huge piece is, you know
4 what? We've got -- it's high stakes.

5 We also, in that transition, raised our
6 high-stakes assessment. You could technically say
7 we had a high-stakes assessment but it was at an
8 eighth-grade level. So to graduate from high
9 school, we had an eighth-grade expectation. We
10 changed it to an eleventh-grade, and this is the
11 first year, the first graduating class, that will be
12 experiencing that high-stakes impact. So I think
13 that's a very significant piece in the results, as
14 well.

15 MR. GERLICZ: Any other comments on the
16 data? Again, this is all about background of
17 charters. And it's always interesting, we get the
18 questions all the time, how are we doing relative to
19 traditional public schools? And I think this data
20 points out that charters, as a whole, are doing very
21 well relative to traditional public schools.

22 SECRETARY SKANDERA: I would also
23 highlight another -- so you have got this data here.
24 Another interesting piece. Out of our top ten
25 performing schools in our entire state, four out of

1 ten are charter schools. So when you think about
2 the fact that, you know, 95, 96 of our -- 96 schools
3 in the state right now, or last year, were charter
4 schools, and we have a total of -- as of this year
5 with school grades, 838 total schools, when you
6 think about the comparison that four out of ten of
7 our highest-performing schools are charter schools,
8 that's another interesting metric which I think is
9 not contradictory at all to what we're see here.

10 MR. GERLICZ: Madam Secretary I know that
11 was true last year. Is that this year's data?

12 SECRETARY SKANDERA: Yes.

13 COMMISSIONER CARR: Mr. Gerlicz, I think
14 something that's more important is -- and I brought
15 this up before -- is that we need to know why.
16 What's the difference between what they're doing and
17 what other schools are doing? Is it class size? Is
18 it expectations? What are the differences?

19 MR. GERLICZ: That is an excellent
20 question, Commissioner Carr, something that occupies
21 our work in the CSD that we quite frankly have not
22 gotten to, ever, but I think it is an extremely
23 important point to now get into the innovation
24 question about what are the innovations in education
25 and charter schools? What are the reasons that

1 charters can show us that caused that growth to
2 happen? What's happening? Is it class sizes? Is
3 it individualized learning? Is it small schools?
4 Is it the attention? Is it choice? Is it all of
5 the above? To what degree? I think those are all
6 great questions to delve into.

7 SECRETARY SKANDERA: I agree. And when I
8 said effectiveness, our presupposition is that we
9 all have the same goal as having effective charter
10 schools in our state. To me, to do this, to begin
11 to go, "All right, for the effective ones" -- and by
12 the way, we should not ignore the tail on the other
13 end of our charter schools, where, if you look at
14 our Fs, from a percentage standpoint, we have --
15 percentagewise, I think I note that as well.

16 But I will tell you as an aside, just kind
17 of maybe an interesting follow-up conversation for
18 example, AIMS, which Tony talked about a little bit
19 earlier, is a charter school in Albuquerque, with
20 emphasis on STEM. It has been in our top ten for
21 the last two years in regard to high performing.
22 They were ranked nationally in the top 40, as far as
23 schools are concerned.

24 I can tell you their principal was on our
25 New Mexico Teacher Evaluation Advisory Committee two

1 years ago, and helped shape some of the conversation
2 on that. They have an evaluation that they have
3 implemented for their teachers and school leaders
4 very similar to what the state is transitioning to
5 this coming year. And we absolutely looked at their
6 evaluation, because something was happening, their
7 quality of teachers was very, very high, and they
8 were seeing that in their improved student
9 achievement.

10 So I think that's a singular example and
11 there needs to be a much richer, deeper
12 conversation. But I do think there's probably some
13 interesting things to learn as we look at what's
14 happening in our high-performing charter schools.

15 MS. COATES: Do you know what the other
16 three were?

17 SECRETARY SKANDERA: Southwest Learning.
18 They were online. We can look them up. And we can
19 take a look at -- if you go to the school grade
20 report card, you can see their growth, which was
21 actually a pretty remarkable piece of AIMS over
22 time. They didn't start out all pretty in regard to
23 how their students were performing. It was over
24 time they closed the achievement gap more quickly
25 than other schools. But I do believe that's

1 something we ought to look at in much more detail.

2 MS. BARNES: I have one quick thing on the
3 overarching picture. Senate Bill 446, which was put
4 into law, requires an annual report, and this is the
5 first year that we'll do one. And PEC is starting
6 that process. It's due to the legislature and the
7 Governor December 1, so it will, of course, go
8 through the highest ranks of the Public Education
9 Department, but that's another opportunity to put
10 together the big picture on charters, and they want
11 it annually.

12 COMMISSIONER CARR: I think another -- as
13 we go through this data and we look at this
14 snapshot, we realize, too, that we don't assess
15 everything. And I think we all know that, but
16 sometimes I think we forget that we don't do that.
17 You know, higher-level learning or artistic talents
18 and things that go way beyond. We don't test
19 citizenship anymore. I don't know why.

20 There's a lot of things that we don't --
21 that aren't included in this overall picture and I
22 think we should also keep in mind how do we -- I
23 mean, the standard course assessment for US history
24 should have some kind of assessment on citizenship.
25 How do we assess that? You know, some schools

1 require community service and things like that.
2 There's all kinds of things that need to be included
3 in this data, that maybe we haven't found ways to do
4 so. I as an individual classroom teacher can do
5 that. I can assess in many different ways and come
6 up with an end-of-course grade that is based on as a
7 complete assessment as I can.

8 Now, on a state level that's very
9 difficult. It's difficult enough to come up with
10 this data, much less including this holistic
11 approach. But I think as we look at this, we need
12 to try to find ways to include those things that we
13 do not assess that happen in outstanding schools.

14 MR. GERLICZ: Right.

15 COMMISSIONER GANT: Commissioner Conyers,
16 you have a comment? You have been holding your hand
17 up.

18 COMMISSIONER CONYERS: Back to my point,
19 what does the data mean, and I'm going to ask a
20 question, because I don't know. I want some
21 information here. And I come from a public school
22 background, as well. There's a belief in the public
23 schools that charter schools get to pick and choose
24 their students, which would then skew the data. Is
25 that correct, or --

1 MR. GERLICZ: Commissioner Conyers, that
2 is one of the many myths that we confront in the
3 charter world, and that is a 100 percent myth that
4 that occurs. Admission into charter schools are
5 completely by lottery. And that means that you do
6 have to fill out a piece of paper with your name,
7 address, and phone number and submit it, and then it
8 all gets pulled out randomly in a tub.

9 As part of our work, when we do our site
10 visits to all of our charter schools, that is one of
11 the things that we always look for. "Let us see
12 your application and let us see your admissions."

13 Because I would be naive and incorrect to
14 say that there haven't been some abuses of that in
15 the past. Abuses such as, "Don't come to our school
16 unless you are totally committed to go to college,"
17 or something like that, which would then scare
18 people away from applying to that school, even
19 though it's a lofty goal.

20 So we look at those things very, very
21 closely, but the charter school law cannot be any
22 more clear than it is. Admission is purely by
23 lottery. And again, Commissioner Conyers, what I
24 would say to support that, if you take a look at the
25 demographics -- and maybe we could spend more time

1 on this at another meeting -- some of our charter
2 schools have existed to recover those students that
3 have never been successful in traditional schools,
4 traditional schools have never really paid attention
5 to, and they are coming to our charter schools, too.
6 So that is a myth.

7 COMMISSIONER TOULOUSE: Tony, it's not
8 totally lottery, because siblings get in.

9 MR. GERLICZ: That is correct.

10 COMMISSIONER TOULOUSE: So for instance,
11 in the case of my son, he has a seven-year-old
12 there. He's got a four-year old coming up who will
13 be at the same school next year, even though my
14 cousin's kid is number 400 on the waiting list for
15 that same school.

16 MR. GERLICZ: That is correct.

17 COMMISSIONER TOULOUSE: So there is that
18 option, and that is the one exception, which I
19 totally support. We don't split up families.

20 SECRETARY SKANDERA: I think it's
21 important -- I 100 percent agree, obviously, with
22 what Tony said that's just fact. I think it's an
23 important piece to acknowledge, though, that in the
24 midst of this, you could argue -- and some have --
25 if you look at the data, the data supports exactly

1 what Tony just said. But charter school is a
2 choice; right? And so at the end of the day,
3 someone's making a choice to be proactive in sending
4 their grandchildren to a charter school. And I only
5 mention that because it could be argued there's an
6 element of selectivity in that. The selectivity of
7 "I choose to vote with my feet to go to another
8 school."

9 I think from a legislative, legal, or rule
10 process, we've done everything in our state possible
11 to open up our charter schools to anyone and make it
12 a fair process. But I think it would be remiss not
13 to say that there is an element of the selectivity
14 when someone votes with their feet.

15 MR. GERLICZ: And I might add to that,
16 Madam Secretary and Commissioner Conyers, that in my
17 experience as a former charter founder and operator,
18 it is a myth that families in poverty don't care
19 about education. They care deeply about education,
20 and when we went out to those barrios here in
21 Santa Fe and into those communities, we got an
22 extraordinary response from folks that
23 mythologically they think, Oh, they don't care about
24 education. That is not true.

25 SECRETARY SKANDERA: An interesting piece

1 on that front. I was in New Orleans within the last
2 year and took a tour of the most heavily hit Katrina
3 areas. The tour was given by an African-American
4 single mother, and I asked her, "Just what do you
5 think of your schools," just very general, and you
6 would have thought I asked for a three-day session
7 on, you know, the value of schools. She was
8 unstoppable in her empowerment as a parent to get to
9 choose. And I don't know how to say this
10 delicately. She was not coming from a wealthy home.
11 And she valued that choice immensely and certainly
12 was very proactive in that process. And I think
13 that's just very real evidence that that choice
14 piece is real, and there is an element of
15 selectivity, but it's not maybe based on lines that
16 some would put forward that it's a choice that's
17 about necessarily even education levels of parents.

18 COMMISSIONER TOULOUSE: I think, though,
19 that parents need a better education, at least in
20 places like Albuquerque, on how to go about doing
21 it, and that there is more than one charter school.
22 They hear about the ones they really like, and they
23 don't understand they need to research and find
24 other schools doing the same thing, and you better
25 put in several applications at those schools. And

1 so that's an education piece you need to tell
2 parents who have made that choice for their child,
3 and who also may be working two jobs, or whatever,
4 so they have got to budget their time to go do it.

5 And I don't know who does that, because I
6 know APS isn't real good at -- I mean, we called the
7 APS liaison person on a situation with my grandson,
8 because one of the grandsons is in an APS charter.
9 The other two, plus all my cousins' kids are in
10 state chartered. But he didn't know the answers
11 when we asked him questions, and he was the liaison
12 between APS and charter schools.

13 So there's no big push in some areas to
14 help parents. So somebody's got to be able to get
15 an education out there if APS isn't going to do it.

16 MS. BARNES: Madam Secretary, I'd be
17 interested in your feedback on that, because I think
18 that raises a really interesting point that a lot of
19 the public schools don't allow charter schools to
20 present their information. At least that's what we
21 hear anecdotally from our charters. I'm not trying
22 to put you on the spot, and maybe you don't have the
23 answer to that. I'm just curious.

24 COMMISSIONER GANT: A couple of points.
25 I'll pick up on that one. As I understand it,

1 charter schools can advertise. Charter schools can
2 go over to a public -- to APS, LCPS, whatever, and
3 get a list of kids who will be going into high
4 school. You can't do that in reverse. Okay? You
5 cannot do that in reverse.

6 The point I'd like to make, and it's
7 dealing with grades up here, I took all the
8 state-chartered charter schools and looked at them
9 for the last three years. And it's something that
10 bothers me. I don't know what the fix is, but the
11 goal of a high school is to graduate children,
12 students, and get them ready for college or career
13 readiness, but I find it interesting that you can
14 get a B -- and I'm looking at one of them right now;
15 I won't name the school -- that this year had an F
16 in graduation and a D in college readiness, career
17 readiness.

18 I don't understand how they can have a
19 passing grade when they're failing that primary
20 mission. I know you get your grade based upon total
21 score. I understand that. I have been through the
22 tutorials that are online, I have been through the
23 technical manuals several times and I have been
24 through the administrative code several times.

25 So this thing, that bothers me, Madam

1 Secretary, that a high school, whether it's a
2 charter school -- and I haven't had time to go
3 through all the schools yet, but I will. But how a
4 school, a high school, can be rated a B, A, C, and
5 still be failing to do their primary purpose. I
6 don't care if it's primary, if it's a charter or
7 traditional public high school. I'm just looking at
8 this and saying, "Okay," and then I look at this
9 list I got here of all the state-chartered charter
10 schools and there's a number of high school charter
11 schools that have failed in graduation and CCR. And
12 I got to tell you, that bothers me.

13 SECRETARY SKANDERA: Madam Chair, it might
14 be an interesting -- not to get too derailed on that
15 topic at this time, but at a time to really unpack a
16 few of those schools that are charter schools that
17 have maybe an A or a B and maybe they're not doing
18 so well, and they're graduating -- so okay, what's
19 in the state and how did they get this school grade?
20 Part of it is the three-year view, right, so you're
21 getting the progress and growth, not just the test
22 scores, but I'd certainly be open to having a
23 session around that, just so there's good dialogue
24 and understanding of what's going into that.

25 And I'm not trying to demean the fact that

1 you have already done your homework there,
2 Commissioner Gant, but there might be a good
3 conversation around that to be had.

4 COMMISSIONER CARR: I'd like to add to the
5 parental thing. I think it is further important
6 beyond just recruiting or advertising. Children who
7 have parents who care about their education are
8 going to do better no matter where they are. I
9 mean, if I have a really -- if my parent -- if I
10 have a kid with parents and they're in an F school,
11 those kids are still going to do better because
12 their parents care and they're going to do extra
13 things for them.

14 The ones that fall through the cracks are
15 the ones who have parents who are dysfunctional,
16 drugs, alcohol, there's violence, all these things.
17 Those kids aren't going to necessarily -- well, a
18 second-grader isn't going to be proactive and
19 looking for the best school for her to go to, or him
20 to go to, and it does skew the statistics. I mean,
21 obviously, it would. Because if you have proactive
22 parents, they're going to want their kid to go to
23 the best school they can go to. That's just what a
24 good parent does. And parents who aren't -- I mean,
25 how are you going to get those kids -- the kids that

1 need the best schools are the ones who most often
2 don't have parents who care.

3 MR. GERLICZ: Commissioner Carr, the way I
4 would respond to that is that I cannot disagree with
5 all of what you're saying. I think that is true in
6 life and across the board. The data that we would
7 have to show in charters, however, might
8 counterbalance some of that. The trend lines are
9 that more kids in poverty and more kids in extreme
10 poverty are gravitating to charter schools
11 nationally. In New Mexico we saw the data has a
12 little bit of a flip, but the trend line is that
13 way, too. So that's, to me, the beauty of the
14 system, that we have charter schools that have been
15 specifically geared to that population whose parents
16 are absent. And prior to that, they had no choice
17 whatsoever, but we do have schools that are
18 specifically founded for that.

19 COMMISSIONER SHEARMAN: And do you think,
20 Tony, does the research, the data, show any
21 distinction between those students being targeted
22 for -- they're recruited. We've heard many
23 applicants for charter schools tell us, "We're going
24 to go out and actively recruit kids who have not
25 been successful in school. We're going to go

1 recruit them."

2 So they have gone out looking for those
3 students and brought them in. Is it more a
4 recruiting effort, or is it equally maybe an effort
5 that the parents become aware of these schools that
6 really target their kids' needs and so the parents
7 are finding the schools, or are the schools finding
8 the parents or the students? Do you have a feel for
9 that?

10 MR. GERLICZ: Madam Chair, that's an
11 excellent question. I don't have an answer for
12 that.

13 SECRETARY SKANDERA: To follow on, I think
14 from the conversations I have had, you have got some
15 doing -- it's a mixture of both and sometimes in the
16 same school it's a mixture of both.

17 I think, Commissioner Carr, you said a
18 couple of things that I think are important that I'd
19 love to respond to, and one is that it may really be
20 valuable to do an overview of school grades based on
21 what Commissioner Gant said, and I only highlight it
22 for two reasons. Number one, what I heard
23 Commissioner Gant saying to a degree is, we need to
24 narrow our -- high schools, they should be preparing
25 kids, ready for success, that should be a focal

1 point. I heard Commissioner Carr saying we should
2 broaden. Why aren't we capturing civics?

3 So it would be a good dialogue. How do we
4 get to where we are and what's in the school grades?
5 Because we got lots of feedback along the way.

6 But the other piece I think that's
7 important and might be another reason to really
8 delve into the school grades a little bit more is
9 there's something called a value-added calculation
10 included in the school grades. Statistical
11 calculations. Lots of folks have talked about it.
12 Let me tell you what value add does in the most
13 simple terms. And this is, by the way, the
14 second-most demanded request of what school grades
15 will do, which is level the playing field around
16 things like poverty, et cetera. Mobility. Things
17 that impact students achievement. We are a very
18 mobile state. It impacts how our kids perform. Our
19 kids move, as soon as they move, they're starting
20 over, all those things.

21 Value added, what it does is, it looks at
22 mobility, school size -- two things proven to impact
23 student achievement -- and the three previous years
24 of performance of every single student at that
25 school.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

1 So if you will go with me for a minute, if
2 you're looking at the three years of previous
3 performance, they'll tell you a heck of a lot about
4 that child. It's very rare that a child all of a
5 sudden drops off in student achievement overnight.
6 If they're struggling for all kinds of reasons,
7 whether it's poverty, a tough home environment, it's
8 usually captured actually in their history. There
9 are some exceptions, maybe a death in the family,
10 where you see dramatic change. But if you're able
11 to capture that history to inform, that actually is
12 part of what goes into a school grade, is that
13 leveling that's saying these things are factors, and
14 we want to make sure we level that playing field,
15 and then ask the question: How are schools?

16 So I only mention it to say I think it
17 would be a great dialogue to have, because I think
18 there's some key pieces.

19 The last thing I mention -- and I'll be
20 speedy, but I can't help myself on this. I'll just
21 be real straight. Too often, I go to schools, all
22 the time, it's my favorite part of my job. And I
23 cannot tell you how many times I hear, "Because our
24 kids are poor," and I'm going to be straight up,
25 "because our kids are Hispanic, because our kids are

1 Native American, it cannot be done."

2 And I believe fundamentally, there are
3 absolutely challenges with poverty, family
4 engagement, et cetera. But if we believe that for
5 our children in our state, I believe we are selling
6 our kids and our future short. And I say that
7 because I just recently visited Anthony Elementary.
8 It's a traditional public school. It was ranked top
9 five in our state last year, right on the Gadsden
10 border, 100 percent Hispanic, 100 percent poverty,
11 60 percent English language learners.

12 I drove into the parking lot and had three
13 security guards meet me at my door -- it's an
14 elementary school -- and walk me to the door of the
15 school. I walked in, met Principal Perez and said,
16 "What the heck are you doing?" Because you know
17 what? They're knocking it out of the park. And she
18 said, "High expectations. When our kids walk in our
19 doors, we are accountable for what happens."

20 And I share that. That's not happening in
21 every school. But it does tell us that it's
22 possible and that -- you know, they didn't start
23 out -- when she got there, student achievement was
24 not rosy. She made a commitment, and she's been
25 there three years, and fundamentally turned that

1 school around.

2 And I only mention it because I think we
3 have to steward the reality that home life impacts,
4 that mobility impacts, but not to the exclusion of
5 the fundamental belief that kids are unbelievable.
6 Teachers are amazing. School leaders can change the
7 whole culture of a school, and we actually can
8 deliver for our kids something awesome in the midst
9 of adversity, if you will. And I think that
10 conversation in the charter school arena is an
11 important one to have, as well.

12 COMMISSIONER CARR: Let me add to what you
13 said. And based on decades of observation, that
14 supports what you're saying in many ways. One thing
15 that I observed that has always been extremely ill
16 and sad. I have seen teacher after teacher come
17 into school systems and say, "I'm going to be a
18 great teacher. I'm going to have high expectations
19 of my kids."

20 And all of a sudden, you know, a bunch of
21 those kids get bad grades. The parents rush into
22 the principal's office. "That teacher -- who does
23 that teacher think they are? My kid's been an A
24 student all this time." Doesn't know anything, but
25 he's been an A student.

1 And I have seen those teachers fired, or
2 they have buckled under and watered everything down.
3 You know, a big plus with me has been AP classes. I
4 can tell -- I can demand an honors or AP class, I
5 can demand high expectations, and when the parents
6 come in and say, "My kid's always been an A
7 student," I say, "Well, this is a different class.
8 If you want your kid to be an A student, maybe they
9 need to be in another class, or they need to start
10 working harder."

11 And those expectations are important. So
12 what does it require? A principal wants to keep
13 their job. A teacher wants to keep their job, or
14 they just say, "The heck with it, I'm leaving the
15 profession."

16 And that is an overwhelming systemic
17 problem nationwide, because I taught in five
18 different states and I have seen it in all of them.
19 And I have been pressured and it's difficult.

20 And so in a charter school, you can maybe
21 eliminate that problem. But there have to be some
22 things that we need to do to eliminate that problem
23 in our regular public schools, as well. Now, we
24 test too much, and we focus too much on the tests,
25 and sometimes, a lot of times, the tests are too

1 narrow. I think there are a lot of problems with
2 that EOC that we gave. You know, it covered the
3 basic material. And it was mostly rote learning. I
4 think those need to be improved.

5 But we need to be able to back up our
6 teachers who have high expectations, and back up our
7 principals who have those high expectations, and
8 don't let the community throw them out. You know,
9 there's other pressures. Instead of just the job,
10 there's, "Oh, that's my cousin. That's my niece.
11 That's my nephew. And my brother might -- oh, my
12 brother will disown me if I fail his kid." And
13 that's another pressure, those family and social
14 pressures, maybe in smaller communities.

15 COMMISSIONER SHEARMAN: I don't mean to be
16 ugly, but we've got the Secretary till noon, and
17 there are so many things that I want to cover.

18 COMMISSIONER CARR: I'm done.

19 COMMISSIONER SHEARMAN: Let's speed on
20 here, if you don't mind.

21 COMMISSIONER CARR: All right.

22 SECRETARY SKANDERA: Can I express another
23 thought, just for tabling for another time.
24 Commissioner Gant and some of what Commissioner Carr
25 is saying really leads to -- when Commissioner Gant

1 said, "I feel like it's my responsibility to
2 understand all of public education," we would gladly
3 also come and present on the new teacher evaluations
4 that hit on this very issue, answer questions, et
5 cetera. So if that's a desire of the Public
6 Education Commission, we would gladly come and talk
7 about that, as well.

8 COMMISSIONER SHEARMAN: Thank you very
9 much.

10 MR. GERLICZ: I hope this works. And I
11 can see that it's not. Oh, gosh. I'm not sure why
12 the video is not working, but what I'd like to show
13 now is the last one, the last slide, and that is
14 Greg Richmond, who is the president of NACSA,
15 testifying in front of Congress, telling Congress
16 what the real work of charter authorizing is all
17 about. I thought it would be great for us to see,
18 as authorizers, and he points out three things.

19 It's not very audible. So please,
20 everybody, stop breathing, and listen intently to
21 Greg Richmond.

22 (Video played.)

23 MR. GERLICZ: Again, I apologize for the
24 sound quality, but I hope we heard those three
25 points that Greg Richmond talked about. And that's

1 it. That's the end.

2 COMMISSIONER SHEARMAN: That was very
3 informative.

4 MR. GERLICZ: Comments on what you heard,
5 if you could hear anything?

6 COMMISSIONER BERGMAN: I definitely want
7 that graph that shows the A and B. I assume you'll
8 put that in one of our future packets for us.

9 MR. GERLICZ: I certainly can.

10 COMMISSIONER BERGMAN: With that
11 breakdown.

12 COMMISSIONER SHEARMAN: Is that going to
13 be in all the information that Susan is preparing
14 for us?

15 MS. COATES: I can include that.

16 MR. GERLICZ: Certainly can. Sure.

17 COMMISSIONER BERGMAN: And all the
18 testimony, graphic information that you showed.

19 COMMISSIONER CARR: I think it shows you
20 have done a good job of authorizing, don't you?

21 MR. GERLICZ: To me, what, Commissioner
22 Carr, is so interesting -- I met Greg personally on
23 a number of occasions -- is that true belief that
24 good authorizing has an impact on good schools. And
25 what does that mean, good authorizing? As he points

1 out in the video, it's not just improving. It's
2 then the whole monitoring. In fact, one could argue
3 that charter schools get monitored far more than
4 traditional public schools do. We make site visits
5 every year. Does that happen in traditional public
6 schools? Is there a look from an organization every
7 year? That is all part of it.

8 COMMISSIONER CARR: Look at the level on
9 the authorized schools. They didn't do as well;
10 right?

11 MR. GERLICZ: Not as well.

12 COMMISSIONER CARR: And I don't think
13 they're observed. I mean, maybe APS does. I don't
14 know. But I don't think the local school boards do
15 a good job of overseeing those schools at all. I
16 don't think they do anywhere near the job that your
17 department does. And I think that's something worth
18 looking at. We don't oversee that, but you do, to
19 some extent, anyway. So I think that's important.
20 Local schools do quite well. A lot of them do quite
21 well without any supervision, and I know they don't.
22 I know personally, they get little to no supervision
23 by the local school board. So maybe they don't need
24 it, but others do.

25 MR. GERLICZ: It is something for to us

1 think about. High standards, student and parent,
2 protecting the student in public interest equity,
3 and autonomy. Freedom from all that.

4 COMMISSIONER GANT: Commissioner Carr,
5 don't make a general comment like that, saying all
6 local school boards or schools don't oversee their
7 local charter schools.

8 COMMISSIONER CARR: Oh, yeah. I should
9 have made an exception for Las Cruces.

10 COMMISSIONER GANT: I know one that does.

11 COMMISSIONER POGNA: Thank you, Madam
12 Chair, Dr. Gerlicz. The PowerPoint was tremendously
13 informative. Is there a way we can get a copy of
14 some of these state-chartered statistics?

15 MR. GERLICZ: Yes, I'm sure there is.

16 COMMISSIONER POGNA: I'd love to have
17 that. It would answer a lot of my questions.

18 MR. GERLICZ: Certainly.

19 COMMISSIONER SHEARMAN: Other comments?
20 Or are we ready to move to the next section?

21 Tony, thank you for that presentation.
22 That was informative. The graph was very, very
23 informative. When you see it all put together like
24 that, I think it makes a big impact.

25 COMMISSIONER CARR: Can we take a short

1 break?

2 COMMISSIONER SHEARMAN: Are we ready to
3 take a break? Is this a good time. It's 10:41. Is
4 ten minutes enough? Okay. We'll be back in ten
5 minutes, then.

6 (Recess from 10:41 a.m. to 10:56 a.m.)

7 COMMISSIONER SHEARMAN: If we're ready,
8 let's get started, please.

9 COMMISSIONER SHEARMAN: Our next item is
10 improving charter schools in New Mexico, and the
11 Secretary and I were going to do this together. I
12 have had a request from Commissioner Bergman to
13 first go to item B and C -- actually B and D, but
14 we're very creative -- the review of the contract
15 negotiation process and renegotiation.

16 Commissioner Bergman, as you all well
17 know, is very involved in that this year, and he's
18 going to have to leave at noon, so he'd like to be
19 involved in the discussion. So if that's all right
20 with everybody, let's go to those two items. And
21 who would like to begin? Commissioner Bergman?

22 COMMISSIONER BERGMAN: Thank you, Madam
23 Chair. As I mentioned, I do have to leave at noon.
24 I'm not just bugging out, because I wanted to be a
25 part of this, but I'm having heart issues and I'm

1 going into the hospital for some procedures in the
2 morning. They have asked me to come in this
3 afternoon, so I have to drive to Roswell and go to
4 the hospital. I otherwise would not be leaving. I
5 couldn't get the cardiologist to do it another day,
6 Wednesday is his cardiology day, so that's it. And
7 the other option was to put it off a week, and he
8 and I are just concerned enough that I didn't want
9 to put it off another week, and I need to get those
10 things taken care of and find out what's going on.

11 COMMISSIONER SHEARMAN: We appreciate you
12 being here, and wish you all the best with your
13 tests.

14 COMMISSIONER BERGMAN: Thank you. Where I
15 wanted to start -- and unfortunately, I wanted Julia
16 to be a part of it. Is she coming back?

17 MR. GERLICZ: She's on her way back.

18 COMMISSIONER BERGMAN: Director Gerlicz,
19 this is directed to you and Julia. What finally
20 occurred to me as we went into these, did these
21 contract negotiations things, I noticed something
22 that had totally slipped past me, and I don't know
23 why it is this way, because I sat in on the meetings
24 where the contracts were drafted and everything. I
25 would like an explanation of why the applications --

1 we require these schools to do applications, and in
2 those applications, we require them to formulate
3 quite a few goals in the various areas, academics
4 and all that. And like I say, it just slipped past
5 me.

6 There's no reference in our contracts to
7 the applications and there's no reference to those
8 goals in the contract, and there's no reference to
9 the goals in the performance framework. In the
10 performance framework negotiation, we're
11 establishing, negotiating some goals there, but it
12 finally dawned on me and I went back and read the
13 stuff. The applications and the goals in the
14 applications are not in these contracts, and they
15 absolutely have to be in these contracts. They have
16 to absolutely be a part of the renewal process on
17 the new ones in five years.

18 And so my question is, why -- and I was in
19 those meetings, and I just didn't catch it then.
20 Why are those applications not incorporated as part
21 of the contract? And why are those goals in those
22 applications, which is a part of our process of
23 approving that applicant to become a charter school
24 in this state -- why are those goals not in the
25 performance framework and why are they not

1 incorporated by reference in the contract?

2 MR. GERLICZ: Commissioner Bergman,
3 excellent point, and they should be. The renewals
4 that -- the explanation that I could see for how
5 that happened or why that happened is that the
6 renewal schools that we looked at were all quite
7 down the road, ten years old, twelve years old, et
8 cetera, and maybe the original goals that were in
9 their application have morphed and changed so they
10 were more relevant now. Now we have these new
11 applicant schools coming up, so we should certainly
12 take their goals upon which they're basing their
13 applications, and use those for the preliminary
14 ruling.

15 COMMISSIONER BERGMAN: Otherwise they just
16 went away. We approved them, we voted, "Aye, you're
17 now a charter school," and then all of a sudden all
18 those goals go away, those applications go away, and
19 we just do one or two goals in the performance
20 framework.

21 I'm not comfortable with that to achieve
22 these quality schools. If they have to formulate a
23 goal in the application, it has to be in the
24 performance. Now, normally what we do in the
25 application, that's a five-year goal. I understand

1 the performance framework is the annual goals and
2 these are going to change at each cycle.

3 MR. GERLICZ: That's right.

4 COMMISSIONER BERGMAN: But right now, in
5 the groups that we have done, the first seven we've
6 done, their goals from that application, either new
7 or renewal, are not going to be part of their
8 evaluation process because we left them out.

9 MR. GERLICZ: Commissioner Bergman, again
10 I think those seven schools that we looked at were
11 not new schools coming on line and that, therefore,
12 their goals had changed over time. Now I think will
13 be the first time that we have -- well, we haven't
14 approved new schools yet, but this generation of
15 schools coming up, their goals ought to be their
16 goals for the next period of time until we find that
17 they have been achieved and need to be changed, for
18 sure.

19 COMMISSIONER BERGMAN: I understand fully.
20 And I know after a five-year process, when they get
21 to that renewal stage, they may need to change those
22 originals. But then we just redo them again. So
23 what I'm saying, I guess, we should add annual goals
24 and they should have five-year goals, both become a
25 part of their renewal process and down the road or

1 something.

2 COMMISSIONER SHEARMAN: Not just renewal,
3 though.

4 COMMISSIONER BERGMAN: No, we need to
5 incorporate the goals on the new ones, too. They
6 need to become a part, even if they're five-year
7 goals. They need to be incorporated by reference
8 into the contract, and then we have them covered.
9 So we need a new clause in the contract before we go
10 through this again. You guys need to think about
11 how we're going to do that, and then this Commission
12 needs to study it and needs to vote on it.

13 COMMISSIONER SHEARMAN: Catch Julia up to
14 make sure.

15 MS. BARNES: I knew there was something,
16 with Brad pointing, "Sit down, sit down."

17 COMMISSIONER BERGMAN: The issue I
18 raised -- and I didn't catch it before now. I
19 should have. We sat down when we did all those
20 draft contracts and when we did the draft
21 performance framework. What I finally noticed in
22 our negotiations, there's no reference in our
23 contracts and there's no reference in the
24 performance framework to the applications. They
25 should be incorporated by reference in our contract.

1 We ask these applicants to do the 150- or 130-page
2 application to prove to us that they can operate
3 fiscally and operate academically a quality charter
4 school.

5 Well, the first seven we've done, there's
6 no reference to those applications. And we require
7 that they put a bunch of goals in those
8 applications. None of those goals made it into
9 these first seven performance frameworks or into
10 these first seven contracts.

11 And I'm not comfortable with that. That
12 just means they do the application, and the
13 application just goes away. So we need to work,
14 before we do our next round, to modify our contract
15 and the performance framework form to include some
16 reference that the application is a part of their
17 contract and that the goals that are in that
18 application are a part of their renewal process in
19 five years, so those goals will probably be
20 five-year goals in the application, and this is for
21 both new and renewal. And now the goals that we're
22 doing in the performance frameworks is annual.

23 Remember Cottonwood. That was one of the
24 issues we raised. Are we talking five-year goals or
25 one-year goals? And that's when the light bulb went

1 off. I said, "Where did the application go?" It
2 went. And there's no five-year goals in it.

3 So those original five-year goals need to
4 be a part of the contract, and now we can revise
5 them because they're going to get a new contract if
6 they're renewed anyway. I don't think that's our
7 process, we're not going to just renew their
8 contract. I guess we have to do a new contract if
9 we renew them. But somehow we have to have a
10 process to get the application and the application
11 goals on paper so that that's a part of their
12 renewal, because that's a part of making them a
13 quality charter school.

14 MS. BARNES: Two quick points, not to
15 spend too much time on details, although it warms my
16 heart to have you know so much about this that we
17 can talk in detail. So I'll just say that that's
18 great, and I know that's because you have been
19 sitting there.

20 One is a conversation about whether we
21 want to tweak the legislation or not, which is a
22 very big question, because there aren't five-year
23 goals contemplated in the legislation. And then
24 also it doesn't mean that we can't also have schools
25 do five-year goals. So it's a good thing to look

1 at.

2 The second is that the documentation that
3 CSD has been doing, it's now going to feed right
4 into the contract. We had a rocky, "Are we under
5 the old system or the new system," so we did have
6 schools that were asked to do things that didn't
7 necessarily end up in the contract. Now, for
8 example, the renewal application is essentially that
9 worksheet that's going to feed into the contract.
10 So it's going to -- I think you were talking about
11 streamlining the process and smoothing out some of
12 those bumps. So I think one should lead into the
13 other. And I think we need to look, Tony, because
14 we haven't, at five-year goals.

15 COMMISSIONER BERGMAN: I don't want to
16 rely on the legislature. The Secretary is
17 different, but you can't rely on the legislature to
18 do certain things.

19 MR. GERLICZ: We can incorporate that into
20 our practice.

21 COMMISSIONER BERGMAN: There's got to be a
22 rulemaking that can be done.

23 MR. GERLICZ: I don't think it needs a
24 rule.

25 COMMISSIONER BERGMAN: My personal opinion

1 is, no, if this Commission wants to say, "You got to
2 have five-year goals," you're going to have
3 five-year goals.

4 MS. BARNES: It contemplates annual goals.
5 That's true. And one more thing, which is just, you
6 know, there are those three frameworks: Academic,
7 financial, and organizational. Financial is
8 effectively the same question, looking at the audit
9 each of the five years. The organizational
10 framework is a compliance document. So what you're
11 raising is kind of a subset of the academics, and I
12 just think we're going to stick with A through F as
13 the very first academic.

14 So there is a lot that is going to be very
15 consistent, and the organization is going deeper and
16 deeper to A through F, giving her credit. So there
17 is going to be a five-year consistency. So we're
18 talking about a subset of the academic framework,
19 and a good point. And you are going to have
20 consistent analysis of the financial, the
21 organizational framework and A through F for the
22 five-year term.

23 COMMISSIONER SHEARMAN: You know, really,
24 other than the goals, which are, I think, certainly
25 very important out of that application, there are

1 other things out of that application that probably
2 should still be part of the contract.

3 MS. BARNES: And that's the material terms
4 section, so maybe there's a subgroup of that to talk
5 about.

6 COMMISSIONER SHEARMAN: Perhaps something
7 that's a reference to the entire application, where
8 the whole thing is actually part of it. I haven't
9 thought that one, through.

10 COMMISSIONER BERGMAN: That's why I
11 mentioned just a clause in the contract, a new
12 clause in the contract that just incorporates by
13 reference either their new application or their
14 renewal application, and maybe specifically states
15 that whatever goals were formulated in that
16 application are a part of this contract and are a
17 part of the performance framework and will carry
18 some weight in the renewal in five years.
19 Otherwise, why do we ask them to do those?

20 MS. BARNES: Might be a great time for a
21 little subcommittee to hit that.

22 COMMISSIONER BERGMAN: Like we did with
23 the original.

24 SECRETARY SKANDERA: Let me also make --
25 one of the things we chatted a lot about, actually a

1 bunch more in the last few weeks, since we've talked
2 about some different ways to not be followed in our
3 own department, at Public Education Department, I'm
4 sensitive to and I think we're going to be very
5 effective at accomplishing what you're talking about
6 in not creating a whole other system, if you will,
7 outside of what exists.

8 So let me give a for-example. Every
9 charter school -- and every district also does
10 this -- is required to do something called an
11 educational plan for student success, an annual plan
12 for how you're going to achieve great things for
13 your kids. I want to say great things: Student
14 achievement, et cetera, et cetera. There ought to
15 be an alignment between the EPs, that's the acronym,
16 and the annual goals the charter school is saying
17 they're going to accomplish. So a charter school,
18 as they're coming into fruition, isn't trying to
19 manage their EPs, their annual goals, their
20 five-year goals. It really has to drive toward the
21 same thing.

22 And I also mention every year by a
23 statute, the Public Education Department reviews
24 every district and every charter school budget for
25 solvency, all those kinds of things. So those

1 things need to align. Instead of creating a whole
2 new set of fiscal -- I get that it's in the law.
3 I'm just saying we need to be conscious that we're
4 aligning processes that are in place, so we're not
5 creating for charter schools, who are supposed to
6 have some degree of autonomy, an actual two or three
7 additional layers that, you know -- I think they can
8 be aligned very easily, and I think this is more to
9 Charter Schools Division, we need to think
10 consciously about how to align the goals that are
11 approved when a charter school is authorized, with
12 the annual components that are required by law for
13 all schools in our state so that it's seamless.

14 MR. GERLICZ: I'm very happy to hear that,
15 Madam Secretary. This is a constant complaint we
16 hear in the field about charters. And when we talk
17 about accountability, the charter application, as
18 you all have seen, is that thick, and then on top of
19 that, there are the mandates that charter schools
20 have to adhere to, like every other school. So in a
21 sense, there is more to do.

22 The idea of streamlining all these things
23 to do the same thing, and if the contract can
24 include the EPs and the framers can include the EPs
25 and we can make that work, that's got to happen,

1 because it would be stultifying for charters just to
2 be --

3 COMMISSIONER SHEARMAN: And that sounds
4 like an issue for the Charter School Committee to
5 sit down and look at all these pieces and see how
6 they could be drawn together, utilizing existing
7 processes.

8 COMMISSIONER BERGMAN: Something the
9 Secretary said, though, triggered another memory for
10 me, that we had at least two -- a couple of these
11 charter schools here in our area -- their question
12 was: "Now we have to do the annual report," have to
13 do that extensive annual report, and did they not
14 ask us, "Why are we doing both the EPs and the
15 annual report? Is that not double the paperwork?"

16 MR. GERLICZ: Of course it is.

17 MS. BARNES: There's two waivers of at
18 least two schools that asked for a waiver of EPs.
19 I'm not sure a waiver -- but that issue needs to be
20 looked at, exactly this.

21 COMMISSIONER BERGMAN: Is EPs going to
22 continue or just evolve into the annual report?
23 Good question.

24 MR. GERLICZ: I'm not going to name them,
25 but we have some of our A charter schools that have

1 been As for years that, before I arrived, they never
2 filled out an EPs. All of their goals were already
3 incorporated in their application and they were
4 adhering to them and somehow they were doing very
5 well.

6 So that's the tension here, is that, yes,
7 we want to do what other schools have to do, but we
8 don't want to do more, because we're already doing
9 it differently. It's that autonomy that Greg
10 Richmond talks about. We've got to have that
11 autonomy in order to prove that we really can be
12 successful.

13 COMMISSIONER BERGMAN: I agree. And I'm
14 not wanting to add extra, but we're requiring them
15 to put these goals in the application. They can't
16 just disappear later on.

17 MS. BARNES: And I'm very interested in
18 how you roll out year two, which fully completes the
19 process. In year one, you know, the financial
20 framework was made in conjunction with the Finance
21 Bureau at Public Education Department, and our
22 request to them was, you know, we have to do this
23 and it's based on the audits, so the schools do not
24 need to do anything extra. That doesn't mean we
25 can't do it better. It means that we did start with

1 that premise, I think, in part.

2 The Cabinet Secretary made it clear from
3 the beginning that we shouldn't be asking schools to
4 do things that we don't necessarily need them to do.
5 Then also incorporated is A through F, and that is a
6 strong piece of the academic framework, and so
7 schools aren't really asked to duplicate that. And
8 the annual report is going to get data from A
9 through F.

10 So I think everyone's really working to go
11 down that road, and I think the schools are going to
12 challenge us, particularly the high-flying schools,
13 are going to come back and say, "We really want --
14 tell me why we need to do this."

15 And then we need to bring those questions
16 back and really look at them. So it's a
17 continuation of the same process.

18 SECRETARY SKANDERA: Let me just put on
19 the table what to do for private and charter school
20 mission. Why don't we take a crack at aligning --
21 you know, okay, so we've got EPs, we've got SB 446.
22 Align these, make a recommendation, bring it back to
23 the PEC that can see that piece of -- right now I'm
24 making this up -- there are six processes that ought
25 to be complementing each other on program and on

1 budget. And instead, at times, they become siloed
2 or independent, and I'm saying, let's prepare a
3 proposal that we internally -- with all the other
4 divisions, et cetera, so there's alignment, they
5 know where we're headed, so there's not a -- and
6 then come back and share how we incorporated what
7 your recommendation is into the process.

8 The second thing I would mention in this
9 piece, just for another -- remember, when we do our
10 budget review, we do a program review. That's
11 another, you know, review that ought to be aligned.

12 Last, but not least, we've talk about it
13 at different points because we've gotten the same
14 feedback from traditional and charter schools,
15 traditional public schools and charter schools. If
16 you're an A school, you're not going to have a
17 problem. You're doing great things, you're
18 constantly pushing, and you have remained an A
19 school for quite some time. Why are there not
20 additional flexibilities granted for that if you
21 have maintained? So this autonomy piece, yes.
22 Autonomy with responsibility. Right?

23 MR. GERLICZ: With accountability.

24 SECRETARY SKANDERA: Right. So at that
25 end, I think that that's another conversation that

1 should and could be had, which is: Are there
2 appropriate flexibilities for stellar schools where
3 they get to be even more innovative? And that would
4 apply not just to charter schools, but traditional
5 schools.

6 So I think I would parse out that
7 conversation, and instead of separating charter
8 schools -- because I don't think we can; a lot of
9 this is legislative -- but is that an interesting
10 conversation to have? When a school is
11 demonstrating excellence over a period of time, over
12 and over and over again, not a single year of, Hey,
13 we've, you know, we were an F school, we became a C,
14 then a B, then an A -- well, how about A, A, A, A,
15 you know, three years of being an A, and
16 demonstrating -- are there flexibilities from
17 reporting, you know -- whatever they may be, I think
18 that's a conversation that should be had.

19 COMMISSIONER CARR: One of the things I
20 have heard for years from administrators is all this
21 bureaucratic paperwork that they have to do, and we
22 were talking about public schools. Charter schools
23 have to do more, and I think they should be
24 streamlined. Maybe look at EPs for a
25 high-performing school every five years. You know,

1 why every year? You know, of course, and web EPs is
2 a small part of each grade each year, so we have to
3 figure that out. There would be a lot of things to
4 figure out.

5 But if we can -- I mean, D and F schools
6 have to do all this extra, have to do the audits and
7 have to do all these different things. And they
8 should continue, of course, to do the EPs every
9 year. But schools that are performing well -- yeah,
10 why not give them a little leeway? You know, a
11 lot -- the administrative paperwork the schools have
12 to -- that's a huge cost. You know, if you were to
13 look at some of the costs, the things that you have
14 to jump through for Title 1, for instance, sometimes
15 I wonder if it's worth it with all the costs to go
16 through. Our federal programs person pulls her hair
17 out.

18 So anything we can do on the state level
19 to reduce paperwork -- you know, don't slow me down.
20 If I'm running really fast, don't put extra weights
21 on me, you know, to slow me down. Help me out.
22 Help me run faster. And that's important. And if
23 we do it across the board, public and charter
24 schools, I don't think you'd have any issues. And I
25 think that's important, too.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

1 SECRETARY SKANDERA: Just to tag-team with
2 you, Commissioner Carr, the bottom line is: When I
3 first got here, we heard a lot about this, you know,
4 just so much reporting, and this is traditional and
5 charter, and if we're talking about a double whammy
6 for charters because you have got the program, once
7 again, all these things --

8 MR. GERLICZ: Plus the application.

9 SECRETARY SKANDERA: -- we did an analysis
10 for perspective, and I think annually there are
11 about 220 reports due, and then we looked at, hey,
12 let's reduce them. Almost every single one was
13 statutory. Whether federal or state, we have
14 reduced them by about 15 percent, just so you know.
15 So we are on a mission to begin to do that. And one
16 idea might be that we look at all those reports that
17 Mike Archibeque has kind of put in and see if there
18 are key ones that, when we see excellence, we put on
19 the table. Because it is unbelievable.

20 COMMISSIONER SHEARMAN: So you're charging
21 or suggesting PED put on their to-do list looking at
22 this alignment business and some rewards with it --

23 SECRETARY SKANDERA: Flexibility, whatever
24 you want to call that.

25 COMMISSIONER SHEARMAN: -- for the

1 well-performing schools, and you'll work on that and
2 come back to us and get us to work on it with you.

3 MR. GERLICZ: That will be our job.

4 COMMISSIONER SHEARMAN: That will be
5 wonderful.

6 Commissioner, I think there was something
7 else you wanted.

8 COMMISSIONER BERGMAN: Yes. Actually,
9 here again, another memory was just triggered. I'd
10 like to see us kick this around for just a couple
11 minutes. Here again, Cottonwood is one of the
12 better-performing schools in the state. One of the
13 issues that Mr. Obenshain raised in our contract
14 negotiation meeting was since we're now doing five
15 performance reviews -- actually, there won't be five
16 because at the renewal we might only have three or
17 four years of data. But he said, "What is going to
18 be the reaction?" And his question was specifically
19 for me and the PEC. He said, "What is going to be
20 your reaction if I have three good years and I have
21 one bad year? That can happen just based on the
22 makeup of my student population sometimes." He
23 says -- he was concerned -- "Are you guys going to
24 turn me down because I have one bad year?"

25 And I, of course, told him I couldn't

1 speak for the members of the Commission; I could
2 speak for myself. So the folks that are operating
3 these charter schools, that's how they're thinking.
4 "Is one bad year going to drag me down?"

5 MR. GERLICZ: I have no thoughts on that.

6 SECRETARY SKANDERA: I'll comment on it.
7 I'll say this. I will never tell you that school
8 grades and new teacher evaluations come in as
9 perfect, but I'll tell you one thing. In both the
10 teacher eval and the school grade, that's why three
11 years' worth of data is taken into account so you
12 have a longer view than a single -- you know, one
13 year great, another year not. You're getting that
14 larger perspective on growth and progress and static
15 measures over a period of time.

16 That was, in my opinion, fundamentally, at
17 its most basic level, I said I'll never defend
18 perfection, because we'll always be learning. But I
19 will tell you, a great step in the right direction
20 is to go from a single set of test scores in a
21 single year to growth and progress over a three-year
22 period. And it's not perfect, but it's a start at
23 trying to say, let's make sure we've got a rich
24 picture of are we headed in the right direction?
25 Are we seeing this all the time? And if we're

1 seeing that, then we ask some questions.

2 MR. GERLICZ: And I totally agree. And
3 that's what I would say. If you really are worried
4 about that one bad year, when we have all this data,
5 we've got five years' worth of a report card, five
6 years' worth of organizational frameworks, five
7 years' worth of financial -- take a deep breath.

8 COMMISSIONER BERGMAN: Well, I echo what
9 the Secretary said. That was essentially my answer.
10 I could only speak for myself. I said I will
11 evaluate the whole body of evidence for the whole
12 period. I'm never going to put too much weight on
13 just one little thing unless it's a material
14 violation or something.

15 COMMISSIONER SHEARMAN: And I think it's
16 going to be pretty difficult for a school to go from
17 an A to an F in one year's time.

18 COMMISSIONER BERGMAN: We should always be
19 cognizant that these people are worried and they're
20 thinking like that, worried about it.

21 COMMISSIONER SHEARMAN: But I think under
22 this system, it's not --

23 SECRETARY SKANDERA: So your point, Madam
24 Chair, out of 838 schools, we had a single school --
25 and I actually looked at the data very carefully --

1 go from a -- change three letter grades, so go from
2 like a B to an F. A single out of 838, and they
3 dramatically plummeted in one year, and they lost a
4 year of great gain out of three years. They
5 plummeted in the last year and their third year out,
6 the farthest-out data was really variegated and it
7 dropped off. So it was very easily understood, and
8 one out of 838 schools is -- it tells you you're not
9 going to see that huge --

10 COMMISSIONER SHEARMAN: Those huge drops
11 are anomalies. They're not the general -- I mean,
12 statistically, they just aren't.

13 COMMISSIONER TOULOUSE: I'm also assuming
14 that Cottonwood is probably the school that went and
15 complained to Senator Sapien that this whole process
16 was a mess, nobody knew what they were doing, it was
17 all done wrong, and he ordered the LESC in June to
18 go in and look at it. And it bothered me a little
19 because there was no referral in there to the
20 Commission. Nobody talked about the Commission. I
21 know two-thirds of the people on that committee, and
22 I was sitting there -- you were there the day
23 before, but not that day -- looking at all of them,
24 saying, "Why don't you ask some questions? It's the
25 first year, you know."

1 But his deal was, I think John doesn't
2 like to get complaints from anybody on anything. So
3 when he had -- because that's in his area, and it
4 had to be. So I'm sure that people from Cottonwood
5 went to him.

6 COMMISSIONER BERGMAN: I had not heard
7 that, and I think I have just been offended, because
8 I knew what I was doing.

9 COMMISSIONER TOULOUSE: That's what
10 Senator Sapien said, and I waited for him, but my
11 ride was leaving, so I grabbed Rick Miera, who lives
12 in the house my dad was born in, so I always
13 threaten him with my dad and grandfather's ghosts if
14 he doesn't listen to me, and I said, "Rick, you
15 can't -- the LESC has enough to do. Why don't you
16 guys have somebody ask us to talk to you about it at
17 one of your meetings coming up?"

18 And I'm going to follow up with that, and
19 I'm going to sit down with Rick just for the heck of
20 it. But you know, there was no indication anywhere
21 that there was this Commission here in any of the
22 discussion. LESC was under the gun, and I won't go
23 into, because it's on the record, the political
24 reasons of what he was doing at that meeting. But
25 it just seems to me that something is going to

1 politically come up on this. We might as well
2 prepare for it.

3 COMMISSIONER BERGMAN: Yes, and I can
4 assure you the staff knew what they were doing. I'm
5 not sure where that came from.

6 COMMISSIONER SHEARMAN: We knew what we
7 were doing, too, and I realize that some questions
8 were asked by some people like, "What are you doing
9 with the 2 percent money?"

10 And I don't think they liked the answer
11 they got. It was rather broad. It was in
12 categories. And I suspect they wanted very
13 specifically, "Well, we're spending 59 cents on a
14 pencil for your school, and 59 cents on a pencil for
15 your school."

16 I really got the impression that that was,
17 you know -- I think they were looking for something
18 to use, and perhaps were frustrated when they didn't
19 get it.

20 Commissioner Gant.

21 COMMISSIONER GANT: Madam Chair, I find it
22 interesting that the individual who's raising all
23 these issues was actually the interim director for
24 CSD at one time.

25 COMMISSIONER SHEARMAN: Uh-huh.

1 COMMISSIONER GANT: So if we don't know
2 what we're doing, where was he all this time?

3 COMMISSIONER SHEARMAN: Moving right
4 along.

5 COMMISSIONER BERGMAN: Madam Chair, I want
6 to request from Director Gerlicz and Julia --
7 probably Director Gerlicz for this one. I know you
8 always do this, anyway. But think about your site
9 visits. Is there a reason why you don't take a
10 Budget Bureau employee, and assessment people? In
11 other words, treat it almost like an accreditation
12 meeting? I just wanted you to think about that.

13 MR. GERLICZ: There is a reason for that.
14 The way we are restructuring our site visits,
15 Commissioner Bergman, is that we are looking at the
16 fall of the year five on the charter school to be an
17 accreditation-style visit. That would mean a
18 two-or-three-day intense visit where we look at the
19 entire operations of the school. Unless we hear
20 complaints or something else, we don't really feel
21 it's feasible or doable to do that every year.

22 COMMISSIONER BERGMAN: Perfect
23 explanation. I like the idea of doing it in the
24 fifth year.

25 MR. GERLICZ: Now, I'm going to take that

1 opportunity, with the Secretary here, because the
2 work of the Charter School Division is cyclical and
3 when it's site visit time, we're all out in the
4 field for weeks and months, and then when we prepare
5 for PEC meetings. But there are some times when
6 it's not as intense and we can look at the bigger
7 pictures, such as: Why are charter schools
8 succeeding? That's a great topic to dive into.
9 What are the innovations that charters have birthed?
10 That's a great topic.

11 Here's another one. Kelly and I met with
12 Priscilla Fernandez, who is the executive director
13 of AdvancED. It used to be North Central. And
14 AdvancED is one of the larger accrediting agencies
15 in the country. So because we hear so often these
16 duplications of paperwork, there are some charter
17 schools that are getting accredited by AdvancED
18 right now, per our recommendations because
19 accreditation from an organization like that is an
20 excellent thing.

21 So we're actually thinking about, why
22 don't we push all of our schools to be accredited
23 and use the contract and performance frameworks in
24 that process? And Priscilla Fernandez, the
25 executive director, thought that was a terrific idea

1 and is going to work with us, so that if we can
2 design schools that come up for renewal to go
3 through the renewal process and become accredited by
4 AdvancED, that's just double feathers in schools'
5 caps. So these are all some of the things.

6 COMMISSIONER BERGMAN: Thank you. Madam
7 Chair, thank you for letting me jump to the front of
8 the line.

9 COMMISSIONER SHEARMAN: Thank you.

10 COMMISSIONER BERGMAN: Thank you, everyone
11 else, for your indulgence.

12 COMMISSIONER SHEARMAN: Did you want to
13 bring up anything on the renegotiation process?

14 COMMISSIONER BERGMAN: Actually I know
15 there's a little bit of difference, but it's really
16 the same process.

17 COMMISSIONER SHEARMAN: Well, I think my
18 concern with it was, though, so often Commissioners
19 were being pulled back into those and sometimes it
20 was just logistics. You have just been there,
21 negotiated some contracts, now they want to look at
22 it again. And so I didn't know if it was a process
23 where Commissioners weren't available or the time
24 was just running out. That's my concern, Vince.
25 Was that yours?

1 COMMISSIONER BERGMAN: No, I --

2 MR. GERLICZ: I'm not sure what the
3 question is.

4 MS. BARNES: Renegotiation of some of the
5 performance framework indicators after the initial
6 meeting.

7 MR. GERLICZ: Oh, after the fact. Well,
8 lawyers got involved. That's one issue.

9 COMMISSIONER SHEARMAN: That's it. But
10 still Commissioners were not there, many times, when
11 those contracts were being renegotiated.

12 COMMISSIONER BERGMAN: I see what you're
13 saying. Get work done outside the meeting. When we
14 walked out and said, "Well, we're done, we've
15 negotiated the contract," and then, here again, it
16 was one specific individual and it spread to a
17 second one, came back and said, "Actually, we don't
18 want to do it this way."

19 Yeah, we were renegotiating the
20 negotiations. So how do we handle that?

21 MR. GERLICZ: We're going to put an end to
22 that.

23 MS. BARNES: If I may speak just to a
24 couple of things about process and the improvements
25 on that. Several of the questions that came up were

1 performance indicators on the educational framework,
2 in addition to A through F, that looked at
3 short-cycle assessment. And part of that was,
4 Discovery is somewhat new, a lot of schools are
5 getting up to speed on it. Some of the questions
6 were logistics, like how do you show this growth?

7 And CFD and Tony have started taking --
8 going out from Discovery, what a good performance
9 indicator, is what we want. And for the next 15
10 schools that are coming up, one of our first
11 questions is: They're all not using Discovery, so
12 what are they using? And let's get a jump start in
13 talking to the manufacturers, or -- I don't know
14 what to call them -- the Discovery people.

15 MR. GERLICZ: Developers.

16 MS. BARNES: The developers. How can we
17 use your tool to have -- it's a hypothetical
18 question, you know, and Discovery had a good answer.
19 So we're going to get a jump start on that.

20 MR. GERLICZ: We had a webinar with them
21 that helped us answer that question.

22 COMMISSIONER SHEARMAN: So is the short
23 answer here, you don't think there's going to be
24 that much renegotiation going on?

25 MR. GERLICZ: Correct. We don't want

1 that.

2 MS. BARNES: The second process question
3 is -- it surprised me a little bit -- schools were
4 giving us things at the last minute and we were
5 driving Beverly crazy, and then she went on
6 vacation, and we drove Susan crazy. That needs to
7 stop.

8 So we've developed a time frame for these
9 15 schools that says, "Look, you know, here are the
10 dates by which you're going to do it." And so that
11 process is going to be better, because they kept
12 saying, "Oh, well, we'll get to it next week."
13 Well, that can't happen anymore. You are a formal
14 board. You need to take a look at the
15 documentation. It needs to be in a reasonable way.
16 So we're improving that.

17 So I guess, ultimately, we have some ideas
18 on what were the ultimate causes. Finally, I think
19 maybe the attorneys can sit down and talk about
20 whether there should be a renegotiation process.
21 Let's try to limit them, and then what should it be,
22 if something does come up, to answer your question.

23 COMMISSIONER SHEARMAN: Okay. Does that
24 take care of your concerns?

25 COMMISSIONER BERGMAN: I think so, yes.

1 You know, we went down this road five years ago with
2 the applicants. They started wanting to redo the
3 applicants, sitting in our hearing, "Oh, well, let's
4 bring" -- and what evolved out of the CSD was, we
5 just told them, "Your application -- you live and
6 die on that application. It's final on July 1 or 2,
7 when you submit it."

8 And so surely there's a process we can
9 come up with to take care of this issue, too. It is
10 a contract. Maybe we can't just flat-out say we
11 can't talk about this anymore, ever. There must be
12 some vehicle we can use. Thank you. All right.

13 COMMISSIONER SHEARMAN: Okay. Are we
14 ready to move on? I'd like to go, then, to the last
15 item there. We'll circle back to item A first. But
16 I'd like to cover this, or at least talk about it a
17 little bit while the Secretary is still with us:
18 The process for rulemaking.

19 You know, we got into an issue that -- and
20 I'm sorry, I didn't bring it, but there is an issue
21 in the new Charter School Act, as amended, that says
22 there will be a process developed for appeal and
23 amendments, okay? Well, if you all remember, we
24 denied an amendment. They were going to appeal
25 because they said there was no process and we had

1 not developed the process for appeals and
2 amendments, and the attorney was saying the process
3 needed to be: How do you appeal a denial of an
4 amendment?

5 Now, we've never had amendments appealed
6 before, so that was all new. This part in the
7 Charter School Act is unclear, according to what
8 Mike Williams said, and I think Jennifer agrees, and
9 I'm sure every attorney in here agrees that that's
10 not clear. So I feel and the Executive Committee
11 feels that we need a rule that defines: What does
12 that say? What does that mean? Does it really say
13 we need to come up with a process on how you appeal
14 a denial of an amendment? Are we going to start
15 having that? Because as I said, we've never had it
16 before. So how do we do this? How do we say,
17 "Okay, world, PEC needs a rule that defines this"?

18 MR. GERLICZ: Madam Chair, Madam
19 Secretary, my understanding before I arrived is that
20 the CSD did not go to the PEC constantly for certain
21 amendments, for certain things, like moving. Now,
22 as we are tightening up our practices and we are
23 looking more and more into our statutory regulations
24 and rulemaking, I remember this issue came up and we
25 went to Abby and said, "Do we have to go in front of

1 the PEC every time there's a move, even though if
2 they move across the street?" And the way that the
3 material term of the contract is affected is
4 interpreted, then, now the answer is, yes. So now
5 we have a clear answer, that if there's an
6 enrollment cap, if there's a move, any question like
7 that, we have to appear in front of the PEC to do
8 that. So there's no rule about that, either.
9 There's nothing that actually determines that.
10 That's just practice. That was Abby's
11 interpretation, but there's not a rule about that
12 either.

13 Now, there's a lot of these things in
14 there. My understanding was that Abby and Hillary
15 were going to devote some time with Kelly to write a
16 whole series of rules. And this one, an appeal of
17 an amendment, should be part of that, and I'm sure
18 we can think of a whole lot of others. But clearly,
19 I think that has to involve general counsel, along
20 with maybe Jennifer and Julia, or whoever.

21 SECRETARY SKANDERA: I'd make a
22 recommendation that we have the general counsel look
23 at it and come back with, "Here's how we read this
24 and here's why," and et cetera, et cetera, and then
25 if the rules need to be written, then let's work on

1 it and come back. But let's start there, as a
2 starting point.

3 COMMISSIONER SHEARMAN: But I think more
4 what I'm asking is: How does PEC say, "Hey, look,
5 this is going to be a problem for us and we think
6 probably a rule would deal with it the best." How
7 do we then say, "Okay, guys, what are you going to
8 do about it? How do we be part of it? How do we
9 even influence it? What? Who do we go to? Who do
10 we say, 'What piece of paper do we fill out?'"

11 MR. GERLICZ: When there is no rule.

12 COMMISSIONER SHEARMAN: There's no
13 process.

14 SECRETARY SKANDERA: So two thoughts.
15 This kind of goes back to the start of the meeting,
16 and if we all have the same goal for effective
17 charter schools, it makes it a lot easier to say,
18 "All right, we need some rules around this, because
19 it's not clear, et cetera."

20 So my understanding -- and we can
21 certainly have attorneys look at this, if there's
22 any question, but I don't think there is -- and that
23 is, to your point, PEC does not in and of itself
24 have rulemaking authority.

25 COMMISSIONER SHEARMAN: That's right.

1 SECRETARY SKANDERA: PED does. If we all
2 see there's an issue that needs to be in the rule,
3 the conversation is, first, do we agree? If we
4 agree, then what are your thoughts, PEC? And I'll
5 tell you straight up, we do this with
6 superintendents, anybody who says, "We need
7 clarification," we get input, we say, "Hey" -- we
8 don't always take input. I'll just be straight up.
9 But if we're all headed towards the same direction,
10 we want good thinking around how do we get there?
11 And so I would say the case-by-case basis, generally
12 speaking, on, do we or don't we write a rule, and do
13 we have any authority to do it -- even in PED do we
14 have the authority to do it -- but my recommendation
15 would be as we come across questions you're raising
16 now, looks like from your vantage point we need some
17 clarification in rule, take it back to the general
18 counsel, say they agree, assume they agree, then,
19 hey, let's work on some stuff, and we'd love your
20 input. There's a whole process, when you write
21 rules, that we have to go out for public comment,
22 there's a public hearing, and all the pieces, and
23 we're happy to take feedback. And like I said, if
24 we're all about the same goals --

25 COMMISSIONER SHEARMAN: But you said take

1 it to general counsel. Who take it?

2 SECRETARY SKANDERA: Well, you can raise
3 it and we're happy -- I'm sitting here telling you
4 on this issue, no problem; let's take it back to
5 general counsel, make sure they agree there needs to
6 be clarification and they agree that even PED has
7 the authority to provide that clarification. If we
8 do, we'll take a fresh crack at it, it's out there
9 for public comment. We can also let you know, and
10 you can share your thoughts. Does that make sense?

11 COMMISSIONER SHEARMAN: So I, as Chair, am
12 going to say, Commissioners, this has come to light
13 and I think it's a concern. Do we take it to Tony
14 and ask him to take it to Hillary?

15 SECRETARY SKANDERA: Yes, I think that's a
16 great way.

17 MR. GERLICZ: That's what I was going to
18 propose. And again, Madam Secretary, thank you for
19 again reminding us that we're all in this together
20 for the same things, so when we discover these
21 things -- that's not the only one; there's going to
22 be many more. I am happy to have your direction,
23 Carolyn, and then I know that I have PED's backing,
24 that I'm not crossing any lines anywhere by having
25 permission to say, "We need a rule on this. Okay.

1 I will start the process."

2 SECRETARY SKANDERA: I want to clarify
3 really quickly, Tony. I feel very strongly about
4 this because from any standpoint with a rulemaking
5 body versus a nonrulemaking body, I want to be
6 consistent in our process. The process is, of
7 course have an open dialogue like we do with any
8 other folks we work with, and they say, "Hey, this
9 needs clarification."

10 The next step -- so I hear Commissioner
11 Shearman saying, "This needs clarification on this
12 specific issue."

13 The next step is Tony. Share with Tony.
14 Tony takes it to general counsel. That's not
15 necessarily saying, "Yes, we agree." It's saying
16 we're starting the process of, "Hey, do we have the
17 authority? Does it need clarification?" We're
18 happy to share and come back and say, "We agree or
19 disagree and here's why."

20 And then if we agree, then there's
21 actually a very formal process around rulemaking
22 around public hearing, comment, feedback
23 incorporated. We just did it yesterday. We changed
24 our teacher evaluation rule based on feedback we had
25 gotten. We hosted a public hearing, took more

1 feedback, and we would absolutely do the same thing
2 and provide the feedback in writing, verbally,
3 whatever it may be.

4 COMMISSIONER SHEARMAN: Okay. Then can I
5 ask for a second part to that? Because I heard you
6 say Hillary and some others have already been
7 looking at several areas that need clarification,
8 perhaps rule, blah, blah, blah. Could we be in on
9 that? So could we know what you're looking at?

10 MR. GERLICZ: Absolutely, Madam Chair.

11 COMMISSIONER SHEARMAN: I don't know why
12 we need to know, but I'd like to know.

13 MR. GERLICZ: Well, that whole process is
14 on hold, as now Hillary is leaving the department,
15 and Abby has left the department, and Kelly is on
16 family medical leave, so nothing has been happening
17 for months.

18 COMMISSIONER SHEARMAN: Right, right.

19 MR. GERLICZ: But the idea was, in fact,
20 in the NMAC, the New Mexico Administrative Code, for
21 charter schools, we found numerous errors in the
22 regs. They all needed to be spiffed up. It's a
23 huge project. So yes, when we kick-start that back
24 up -- I don't think it's going to be soon. I think
25 it will be when we replace these positions

1 permanently, Kelly's back. That's when we'll
2 probably start, unless there's an individual
3 request.

4 COMMISSIONER SHEARMAN: And I am asking,
5 right now, that this one be looked at now, because
6 that's the one that the attorney got hold of that
7 resulted in quite a lot of work for all of us.

8 MS. BARNES: The appeal on the amendments?

9 COMMISSIONER SHEARMAN: Yes. And see, it
10 doesn't say an appeal of the amendment. It says you
11 need to write a process. "The process for revision
12 or amendments to the terms of the contract shall be
13 made only with the approval of the chartering
14 authority and the governing body of the charter
15 school. If they can't agree, either party may
16 appeal." "The process for revision or amendment."
17 It doesn't even talk about appeal of a decision with
18 the amendment, and that's where the whole thing got
19 in a real ball of wax.

20 MS. BARNES: May I ask a clarifying
21 question? I thought that part of the settlement
22 agreement was a proposed draft of an appeal to the
23 Secretary rule. Did that happen or didn't happen?
24 I'm just wondering.

25 MS. SALAZAR: It's in the settlement. It

1 hasn't happened yet.

2 MS. BARNES: The rule hasn't gone formally
3 through, but that draft is part of the settlement
4 agreement.

5 MS. SALAZAR: Right.

6 MS. BARNES: So I think that is a document
7 that I understand from Hillary is intending to take
8 on this issue and all appeals to the Secretary and
9 to clarify that process.

10 COMMISSIONER SHEARMAN: I'm just saying
11 it's an issue that needs attention.

12 MS. BARNES: All I'm saying is, as I think
13 it's being given attention and is further along
14 than -- it's pretty far along.

15 MR. GERLICZ: So we can use that
16 supplemental as part of the process.

17 MS. BARNES: It's already --

18 MR. GERLICZ: Or is it done?

19 MS. BARNES: It hasn't gone through the
20 rulemaking. It hasn't gone through the formal
21 process that the Secretary is referencing. It's
22 ready to, though.

23 SECRETARY SKANDERA: It's referenced in
24 there.

25 MS. BARNES: Yes, I think so. The whole

1 overarching question of appeals to the Secretary was
2 something I believe that everyone wanted clarified,
3 and I know that a lot of counsel looked at it. But
4 it hasn't gone through the formal process yet. Is
5 that your understanding?

6 MS. SALAZAR: Yes. So that's supposed to
7 happen within 60 days from the date of signing
8 today, and to strike that F(2) of the regulation
9 regarding the PEC mandated to take that action.

10 COMMISSIONER SHEARMAN: No, that's nothing
11 to do with what I'm talking about.

12 MS. BARNES: Then I just need to clarify
13 with Jennifer. I'm sorry to be new and a little
14 bit -- someone could correct me. Maybe I should
15 check with Hillary.

16 SECRETARY SKANDERA: I'm going to
17 recommend that. Let's not wander around on the
18 issue. Let's come back and present it.

19 COMMISSIONER SHEARMAN: You all work that
20 out. Good deal.

21 COMMISSIONER GANT: Madam Chair, one of
22 the things that I would like on the list for a rule
23 is minimum education standards, because those three
24 words came back and bit us on three denials. That
25 was part of a reason we had renewals denied,

1 reversed. Those words. We need the definition in
2 the rule of what a minimum education standard is.

3 MR. GERLICZ: Is that still part of the
4 criteria upon which decisions are made?

5 COMMISSIONER GANT: It needs to be
6 discussed in the rule so we define it if we are or
7 are not. Because it came back and bit us, and we
8 understood there was a minimum standard, and then we
9 found out there is not.

10 COMMISSIONER SHEARMAN: Okay. Tony, if
11 you have got that, we're going to move on.

12 MR. GERLICZ: Yes.

13 COMMISSIONER SHEARMAN: You'll research
14 that one for us.

15 Okay. Let's circle back to CSD's role to
16 provide staff support to the PEC. We may have
17 really covered most of that.

18 I think we have a really good relationship
19 with our staff. I don't think any of us would
20 disagree with that. I think there's just some areas
21 like, are you working on rulemaking? What
22 rulemaking are you working on? I think maybe
23 there's some areas of communication that maybe we're
24 not in on as much as we'd like to be. So I think
25 for me, my request is if there's something going on,

1 just please be sure we're aware of it.

2 Now then, I'll ask you, as staff, do you
3 have issues that need to be streamlined as far as
4 working with us?

5 MR. GERLICZ: Madam Chair, Madam
6 Secretary, I have had this open conversation with
7 the Secretary. When there are hot-button issues
8 that have implications higher up with certain
9 schools, there have been instances, for example,
10 when we uncovered what I thought was pretty
11 egregious activity in the school yesterday, and we
12 began the proceedings and began the procedure and we
13 did keep PEC informed mostly. But then clearly the
14 message came, okay, that's sort of out of CSD's
15 hands now, and into the hands of an investigation.
16 And so therefore, I think communication probably
17 really stopped.

18 And that gets a little confusing. I'm not
19 sure how we work that out. Let's talk about that
20 openly. We have probably a couple of schools that
21 we would say are high-profile schools that it's a
22 little confusing for me and us as staff as to, do we
23 engage in conversation with those schools as we
24 usually do with --

25 SECRETARY SKANDERA: I'm going to

1 interject. And this goes back to the rulemaking
2 piece, as well. From my vantage point, dialogue is
3 absolutely important, but I will tell you also, the
4 seats we get to sit in and, to a degree, I think the
5 seats you sit in, as well, but this is true
6 especially at the charter schools, but this is
7 across the board, the importance of consistency, I
8 cannot overemphasize. Meaning there's not, Well, in
9 this case, because we know someone or they called,
10 or whatever it may be, we're going to handle it
11 differently.

12 It is: This is how it works and when
13 there's something egregious, for example, with a
14 charter school or a district, everything changes as
15 soon as that is on the table. And that's true for
16 any investigation we do, and you'll see a box put
17 around it immediately, because we have to be
18 consistent, very consistent. We have to be able to
19 document, walk through -- I can't be biased, if a
20 decision is going to ultimately come to me.

21 So at times you'll see to Tony's point,
22 this, hey, we're having a dialogue, dialogue,
23 dialogue, and then, you know, investigation. And
24 that's a strong word, but there are times when we
25 investigate. And as soon as that box is invoked,

1 for lack of a better way of saying it, it changes
2 the rules of the game in the engagement, if you
3 will.

4 And that's true for a district, a charter
5 school, any entity. Immediately you'll see a very
6 different approach. And I want to be just
7 completely up front. And that's not because it's
8 PEC or it's not because it's such-and-such district.
9 It's because that's how we're required by law to
10 handle it and it's the right thing to do, in the
11 sense of nonbiased, remove the subjectivity, make
12 sure that we follow those rules.

13 And my gut is, that's a lot of where this,
14 hey, all of a sudden we don't know anymore, or why
15 aren't we talking about this issue? I'll defer to
16 Paul. He can probably give some specific examples,
17 where -- and I'll be straight up -- we've got no
18 more communication with that charter school, and the
19 reason is it's gone from, hey, there might be
20 something going on here, to official, it appears
21 there's a problem, we've been asked to look at it,
22 and absolutely it changes the nature. And whether
23 we like it or not, actually, you know.

24 And so, Paul, I don't know if you want to
25 expand on that a little bit.

1 DEPUTY SECRETARY AGUILAR: Madam Chair, I
2 do, for two reasons. It's important that the
3 Commission understand. It's a due process issue.
4 Once we start investigating a charter school or a
5 school district -- let's be clear about
6 everything -- I'll point to Questa. Once we started
7 investigating Questa, the communications between a
8 lot of our program staff, a lot of our fiscal staff,
9 stopped, because now we have due process, we have to
10 protect the due process rights of the State and the
11 due process rights of any individuals that we're
12 investigating either as individuals or as the
13 administrators of those districts.

14 And so if you remember Questa, I think
15 that was part of the frustration that the Commission
16 had. This is what I can tell you, in part. It's
17 not that there's any desire whatsoever to keep
18 information away. It's that we're now having to
19 protect the due process rights of everyone involved,
20 and so that's where it gets problematic.

21 And if you remember, we talked about the
22 possibility of going into an executive session.
23 There I could brief you, but then the attorneys said
24 that it was not an appropriate subject to talk about
25 in executive session. And so I think it's not a

1 function of whether there's a desire to withhold
2 information. I think that probably the attorneys
3 need to sit and figure out what the appropriate
4 means is of briefing the Commission, and I think
5 that it's a pretty big issue.

6 It's not just with that. It's that both
7 the Charter School Division and the investigatory
8 component and the General Counsel's office, from a
9 reporting perspective, all report to me. And the
10 minute that we start an investigation, the orders go
11 out, and they're the same to everyone.

12 Communication needs to stop from the program folks
13 because now we're in an investigatory relationship,
14 and those are generally oppositional when you get to
15 it.

16 So that's the reason that it's important.
17 And those orders come from my office, because I'm
18 responsible for ensuring that the Secretary doesn't
19 hear about -- I mean, I tell her this issue is going
20 on, but she's the final arbiter, whether it's a PEC
21 action, whether it is her own action, based on the
22 recommendations of her investigator. So she needs
23 to be isolated from whatever that piece is. And so
24 then I work with the general counsel's office to
25 isolate that piece into the general counsel's office

1 and with me, and then I have no conversations with
2 her, to ensure that that separation takes place. I
3 know it's frustrating, but it's pretty important.

4 COMMISSIONER SHEARMAN: Thank you.

5 SECRETARY SKANDERA: Madam Chair, I know I
6 have to leave in just a couple minutes. I want to
7 encourage the rest of the dialogue, and, Paul, I'm
8 directing this at you a little bit. No specific
9 schools or districts should be mentioned in this
10 dialogue. And that's just for all the reasons we
11 just said. I know we've got great specific
12 examples, but let's keep to the generalities as we
13 go forward, because these kinds of things, like I
14 said, always in our seats, probably often in yours,
15 it brings back around.

16 So let's use generalities in referring to,
17 you know, within the last three years we had an
18 experience where X, Y, and Z, versus, as you know,
19 the school, and we generally do that. I want to
20 exhort us in the afternoon conversation, as well,
21 we've got a plethora of examples of things we can
22 learn from, but I can just appeal that we remain in
23 the generalities as we go forward. That would be
24 great.

25 (Commissioner Bergman left the room.)

1 COMMISSIONER SHEARMAN: That's good advice
2 for us to keep in mind at all times. Okay. It is
3 four minutes until 12:00. But I have a message and
4 it may be about this thing. So let's go off the
5 record. Let's be in recess for lunch for 30
6 minutes.

7 SECRETARY SKANDERA: Madam Chair, can I
8 say, I just want to say thank you. I appreciate the
9 opportunity to dialogue today, and I look forward to
10 building together with common goals. I don't know
11 if we explicitly talked about this, but Tony and I
12 had a conversation before around good communication.
13 I think that we made some great progress, having
14 Tony as the point person for communication with PEC
15 to clarify so there's not a lot of -- and I say this
16 for our team at the PED and everything else --
17 communication with PEC, Tony being the point, so
18 therefore, if everyone knows where the contact point
19 was made, what was said, and how we can deliver it
20 in a timely fashion, et cetera, I think it's a good
21 rule of thumb as we go forward.

22 We look forward to working on some things,
23 alignment issues, and bringing back our thoughts and
24 where we think we can streamline for the benefit of
25 our kids and our administrators and teachers, and

1 think about some, you know, flexibilities or rewards
2 for those schools that are demonstrating great
3 student achievement in a consistent fashion.

4 But once again, I just want to say thank
5 you to you, Madam Chair, and to each one of you
6 Commissioners in your commitment to our schools and
7 our students across our state. I appreciate it.

8 COMMISSIONER TOULOUSE: Madam Chair, will
9 we have this opportunity again for everybody to sit
10 down?

11 COMMISSIONER SHEARMAN: I think it's a
12 great idea and I think we should try to do it maybe
13 annually, have this type of exchange. It certainly
14 has been pleasant and beneficial.

15 SECRETARY SKANDERA: I think that an
16 annual -- and I would put on the table I think one
17 really beneficial thing -- and I picked this up, if
18 I missed this, if I misinterpreted -- a baseline of:
19 What's the latest data around charter schools and
20 building on that early, to kind of grow the
21 knowledge base, and interesting things around the
22 growth, achievement, strengths, weaknesses, and how
23 we can improve on charter schools in our state
24 overall. Thank you.

25 COMMISSIONER SHEARMAN: Sounds good.

1 Thank you very much for coming. Have a lovely rest
2 of the day.

3 (Recess from 11:59 a.m. to 12:36 p.m.)

4 COMMISSIONER SHEARMAN: Let's go ahead and
5 get started again, leading us back in order. We're
6 at item number 7, PEC budget report, and I'm just
7 going to turn this section over to Deputy Secretary
8 Aguilar.

9 DEPUTY SECRETARY AGUILAR: Thank you,
10 Madam Chair. I hope you all had a good morning.

11 Madam Chair, I wanted to submit a couple
12 of interesting comments -- or not comments, some
13 things brought up, you mentioned this morning, and
14 then we've had a couple of questions raised by
15 charter schools.

16 I think we have a contrary piece of
17 statute in the charter school contract statute that
18 lays out the contracts that needs to be done. The
19 language in the charter school contract speaks to
20 that the authorizer -- and I'm not paraphrasing, but
21 I don't have it directly in front of me -- the
22 authorizer shall make a detailed report, how -- it's
23 22(8)(c)(12), I think, or 8. I'm sorry, 8, which is
24 causing a little bit of -- so it's 22(8)(b)(9),
25 subsection (b)(8). "A detailed description of how

1 the chartering authority will use the withheld 2
2 percent of the school-generated program costs as
3 provided in section 22(8)(b)(13).

4 And so I think Mr. Gerlicz has had a
5 couple of questions from folks that asked how that
6 money was being used, and I'm paraphrasing now, how
7 that money would go back to the schools from whence
8 it came. And so I don't think there's any language
9 that says it goes back to the schools. But this
10 language is contrary to the language in -- not 22.
11 I can't remember. The language that permits the
12 school district or the division, the department, to
13 withhold the 2 percent monies. And so the
14 authorizer doesn't withhold the monies. The
15 district does. And I recognize the district is the
16 local authorizer, but the district does. The board
17 is the local authorizer. The district withholds the
18 2 percent monies, and the department withholds the 2
19 percent monies for use in the administration of the
20 charter schools.

21 And so I wanted to bring that up
22 immediately and get that kind of clarified on the
23 table. There was a little disconnect between the
24 language there.

25 COMMISSIONER SHEARMAN: Yes, there is.

1 DEPUTY SECRETARY AGUILAR: So you have
2 asked for a budget of how the department spends the
3 money, the 2 percent that are withheld from the
4 state-chartered charter schools. The total dollars
5 that are withheld are about \$1.6 million, and that's
6 in the spreadsheet in front of you. Okay?

7 In addition to the work of the charter
8 division, there are a number of other bureaus within
9 the department that provide services to charter
10 schools. And charter schools comprise about 38
11 percent of the entities. There are 89 school
12 districts and 55 or 56 state-chartered charter
13 schools, and so the charter schools comprise about
14 38 percent.

15 Now, if you look at this, I'm going to go
16 kind of backwards. If you look at the bottom, the
17 budget this year, as we spoke, we were going to add
18 extra dollars this year to the work that the Public
19 Education Commission is doing. If you look under
20 the 300, the last item, \$5,000 in contracts, and
21 then the \$75,000 on the bottom, for the Public
22 Education Commission expenses, that encompasses 5
23 percent of the total for the operation of the Public
24 Education Commission to be spent within the law, but
25 to be spent as the Commission sees fit. Money was

1 added, there was a desire expressed by Commissioners
2 that all of the Commissioners would like to attend
3 the NACSA. Help me out here, Tony. And so that's
4 between \$13,000 and \$18,000, depending on whether
5 the two new Commissioners are appointed by that time
6 or not.

7 And so this includes additional funding to
8 be able to do that, to pay your fees and dues, to
9 pay your travel. All of the travel that the Public
10 Education Commission does in relation to its
11 business is charged to the Department in this
12 budget. And so one thing I wanted to bring up as
13 we're talking about this budget is, for example,
14 Mr. Gant sits on the Public School Capital Outlay
15 Council, and one way that this Commission could save
16 money to be used for other services is to see if
17 some of the -- and I use Mr. Gant as an example, but
18 there are others -- if those legislative or other
19 entities that the Commissioners serve on and attend
20 meetings of, if there are per diem implications that
21 could be sort of channeled out of those funds as
22 opposed to your budget here.

23 So I know that some boards, commissions,
24 some entities have paid per diem for membership, so
25 it's just something to bring up for thought.

1 COMMISSIONER GANT: If I may, I did ask
2 that when I first came on, "Are you paying this per
3 diem?" "Oh, no, no, no. That's got to come out of
4 PEC."

5 I did ask the chair or somebody over
6 there. But you know, you got more influence over
7 there than I do.

8 DEPUTY SECRETARY AGUILAR: Well, it's just
9 a thought, but let me visit with those folks and
10 see. It's a way to save money, so it's not expended
11 out of these funds.

12 So then, Madam Chair, if you go to the top
13 of this list, you'll notice that the first item are
14 charter schools. The entire salary of the Charter
15 School Divisions is paid for out of these 2 percent
16 monies. Then if you go to the bottom of that first
17 chunk there, you'll see the General Counsel's
18 office. That's to pay for the attorney that's
19 assigned to the Public Ed Commission. That would be
20 Abby's position, except she's no longer with us
21 here.

22 MR. GERLICZ: Or Jennifer's.

23 MS. SALAZAR: I'm coming from --

24 DEPUTY SECRETARY AGUILAR: Well, the CSD.
25 Jennifer is paid by the Attorney General.

1 COMMISSIONER SHEARMAN: So this is CSD's
2 attorney.

3 DEPUTY SECRETARY AGUILAR: Yes. Sorry
4 about that. Then our student budget and financial
5 analysis unit oversees the budgets of all school
6 districts and charter schools in the state.

7 Our fiscal grants management unit manages
8 the flow-through of funds, Title 1, Title 2, Title
9 3, Title 7, special ed., oversees the reimbursement
10 and flow of those funds to districts and charter
11 schools. As you know, all of the state-chartered
12 charter schools are a component unit of our audit
13 group, and it was a finding that we have not been
14 sending auditors out to work with the charter
15 schools to clean up their audits. Again this is our
16 '14 budget projection. And so all of these are
17 charged to the 2 percent money at a rate of about 38
18 percent, but not Human Resources. Human Resources
19 is about 13 percent. They provide the human
20 resource support, payroll, and benefits and things
21 like that to the agency, and then they provide those
22 services to the Charter Schools Division and those
23 sorts of things.

24 Then under contractual services, the
25 Charter Schools Division issues about \$80,800 in

1 contracts to various folks.

2 COMMISSIONER SHEARMAN: For what? Is that
3 Julia?

4 DEPUTY SECRETARY AGUILAR: Like for Julia,
5 her contract, for --

6 MR. GERLICZ: REC 9.

7 DEPUTY SECRETARY AGUILAR: For REC 9 for
8 doing the reviewers.

9 COMMISSIONER SHEARMAN: What is REC 9?

10 DEPUTY SECRETARY AGUILAR: Regional
11 Educational Cooperative in Region 9.

12 COMMISSIONER SHEARMAN: And what does it
13 do?

14 MR. GERLICZ: We use them to contract with
15 our reviewers that are looking at the initial
16 applications, as well as the renewal applications.
17 We contract out with people so that it's not just
18 all of us doing it, but we're using charter leaders
19 to do it as well. We go through that organization
20 to do that.

21 DEPUTY SECRETARY AGUILAR: And then there
22 was a third contract.

23 MR. GERLICZ: There's a smaller contract
24 with the Coalition of Charter Schools, New Mexico
25 Coalition of Charter Schools. And that contract is

1 used for a variety of purposes, also for training.
2 When we have to contract for board training or other
3 kinds of trainings, we go through the Coalition for
4 that amount.

5 COMMISSIONER SHEARMAN: And that's
6 \$80,000.

7 DEPUTY SECRETARY AGUILAR: \$80,800.

8 COMMISSIONER SHEARMAN: Okay.

9 DEPUTY SECRETARY AGUILAR: And then
10 finally, in the 400 category, \$2,000 is spent on
11 miscellaneous cartridges and paper and things of
12 that nature. The Parent Choices Division -- Options
13 for Parents spends about \$2,000 for miscellaneous
14 expenses. Charter School Division spends about
15 \$10,000. This is for travel, this is for materials
16 and supplies, the necessary items you need to run a
17 bureau. And then the Public Education Commission,
18 your expenses, come out of this one, the big line
19 item there, the \$75,000.

20 So that accounts, Madam Chair, for the
21 \$1.6 million that is generated by the 2 percent
22 holdback for charges.

23 COMMISSIONER SHEARMAN: So is Public
24 Education Commission funded totally through the 2
25 percent monies?

1 DEPUTY SECRETARY AGUILAR: Yes, ma'am.

2 COMMISSIONER SHEARMAN: Okay. So our
3 total budget is \$80,000?

4 DEPUTY SECRETARY AGUILAR: It's 5 percent
5 of the total. Yes.

6 COMMISSIONER SHEARMAN: Okay. But only
7 part of CSD's budget?

8 DEPUTY SECRETARY AGUILAR: All of CSD's
9 budget is also funded by the 2 percent. All the
10 salaries -- all of the salaries, all of the contract
11 services, and all of their travel.

12 COMMISSIONER SHEARMAN: Supplies and
13 travel. Okay.

14 DEPUTY SECRETARY AGUILAR: Those are
15 funded at 100 percent. And then other bureaus
16 within the department that provide support to
17 charter schools and to the division again,
18 reimbursements for -- well, the oversight of the
19 budgets, the reimbursements for other funds, the
20 oversight of the audits, and things of that nature.

21 COMMISSIONER SHEARMAN: Okay. Are there
22 questions from Commissioners for Secretary Aguilar?

23 COMMISSIONER GANT: Just curious. Is
24 Ms. Friedman -- where is her salary?

25 COMMISSIONER SHEARMAN: Where does

1 Ms. Friedman fit?

2 DEPUTY SECRETARY AGUILAR: She gets paid
3 out of the general fund.

4 COMMISSIONER GANT: Okay. Just wanted to
5 make sure.

6 DEPUTY SECRETARY AGUILAR: Before she
7 became a staff -- we could switch it over, but
8 before she was paid as staff for the Public Ed
9 Commission, she served as the public information
10 officer, and so her funding source has always been
11 the general fund.

12 COMMISSIONER GANT: I'm just happy with
13 her. I want to make sure she's covered.

14 DEPUTY SECRETARY AGUILAR: She's a freebie
15 to your budget.

16 COMMISSIONER GANT: We're freebies, too.
17 You didn't realize it.

18 COMMISSIONER SHEARMAN: Any other
19 questions on the 2 percent?

20 MR. GERLICZ: Paul, is that 1.6 a firm
21 number, or is that going to change when --

22 DEPUTY SECRETARY AGUILAR: Well, you have
23 got La Jicarita coming on next year. Their total
24 budget is going to be for 50 kids, it's going to
25 be --

1 MR. GERLICZ: Health sciences.

2 DEPUTY SECRETARY AGUILAR: Yeah, it will
3 be \$1.589 or \$1.6, you know. It will be right
4 around the \$1.6 million. We'll know better after
5 the 40th day. Because also the projections and
6 just -- I know the Secretary asked us not to use
7 school names, so I won't use a school name. But we
8 had a school with ten children last year who are
9 projecting 50. So if 50 show up, the 2 percent will
10 go up a little. If ten show up, the 2 percent will
11 remain flat.

12 So there are those sorts of -- this is all
13 based on the projections that the charter schools
14 budgeted for FY14, and of course, it's based on all
15 the projections and things that they looked at, and
16 we expect generally at the 40th day, the amount
17 budgeted by the charter schools for a limited number
18 of charter schools actually drops because a lot of
19 the charter schools overbudget on their growth
20 units. And so they get a couple of SEG
21 distributions that are kind of high, and then they
22 bank it, and then we have to cut it back after the
23 40th day, and they'd made a little interest on what
24 they're sitting on. So it's an old ploy. We try to
25 limit that as much as possible, but it happens.

1 COMMISSIONER GANT: Madam Chair, districts
2 do the same thing.

3 COMMISSIONER SHEARMAN: Yeah. Whatever.

4 DEPUTY SECRETARY AGUILAR: So this is
5 close. I don't think it will change more than
6 \$25,000 or \$50,000 in either direction. I know
7 \$50,000 is real money, but it could be up or down
8 either way.

9 COMMISSIONER SHEARMAN: Has PEC's budget
10 ever been significantly higher than this?

11 MS. FRIEDMAN: This is the highest. This
12 is the highest your budget has ever been.

13 COMMISSIONER SHEARMAN: This is it, the
14 highest?

15 MS. FRIEDMAN: \$80,000, yes, ma'am.

16 COMMISSIONER SHEARMAN: Okay. Seems like
17 to me in the past, I remember Don Duran or somebody
18 saying their budget paid for the road trip and
19 things like that. So --

20 MS. FRIEDMAN: It did. I used to
21 negotiate with Dr. Duran about him paying your
22 travel during the August travel, and to also pay for
23 the transcription of your meetings during that time.
24 But with this administration, all the money comes
25 from the same source. I'm not sure where Don's

1 money came from, but he always said, "Okay, pay for
2 it." But you know, it all comes from our same
3 source here, and so we're dealing with it. I
4 believe the highest your budget ever was, when I was
5 working with the Commission, was about \$60,000.

6 COMMISSIONER SHEARMAN: Okay. Thank you.
7 Any other questions, comments?

8 COMMISSIONER CARR: I guess probably this
9 is a good time to interject, with our continuing
10 issues of getting reimbursed. I wonder, I brought
11 this up a few times. What if we got, you know --
12 what if we used the same procedure that the
13 legislature uses? As elected officials, I don't
14 know, I think they get \$150 a day and that's it.
15 And you're either within that budget or you're not.
16 And some way to streamline this reimbursement thing,
17 if there's any way to do it.

18 DEPUTY SECRETARY AGUILAR: I saw a picture
19 of mine two years ago with much darker hair. One of
20 the things that's putting the gray in my hair is the
21 travel situation. We're working through it now.
22 For staff, we're looking at securing a P card, a
23 purchase card, and paying the cost of hotel and
24 airfare up front, and then the only thing we need to
25 pay for folks when they go out of town is mileage

1 and meals. So that should be in place by the middle
2 of August. And it would be an option when you come
3 to Santa Fe, for example, if you're going to be up
4 here three days, that we could prepay your hotel,
5 for example. That's a big expense usually. We
6 could prepay your hotel, and then with your travel
7 you would turn in your hotel receipt, but it would
8 already be paid. You wouldn't have to worry about
9 it.

10 And if you're flying, for example, to a
11 NACSA conference in San Diego, you know, we could
12 probably, once the P card is in place, pay for your
13 hotel, your registration fee, and your airfare up
14 front. And then all you have to cover is
15 transportation to and from the airport and your
16 meals and things of that nature.

17 So we're hoping that that will help
18 streamline two things. One, that part of the thing
19 that we have is the Per Diem Act is very specific
20 about how things get charged, and so it gets filled
21 out one way and then it comes back and gets filled
22 out another way. And so if we can get rid of those
23 big pieces and all you're doing is on, you know,
24 July 3rd, I paid for a blue shuttle from the airport
25 to hotel, these are my meals on the 3rd and 4th and

1 5th, and it's easy to do, and then on the 6th I paid
2 for a shuttle from the hotel back to the airport,
3 and those are the only things you're trying to get
4 reimbursed, that should go much quicker and the big
5 expenses have already been covered.

6 COMMISSIONER CARR: That would be a huge
7 improvement.

8 DEPUTY SECRETARY AGUILAR: So that's one
9 of the things we're looking at right now, and I hope
10 to have a policy drafted and in place for staff and
11 I would give it to the Chair, and then if you would
12 just follow that policy, I think it might streamline
13 things.

14 COMMISSIONER SHEARMAN: Terrific.

15 DEPUTY SECRETARY AGUILAR: Hopefully we
16 can get that done.

17 COMMISSIONER CARR: Sounds good.

18 DEPUTY SECRETARY AGUILAR: And maybe my
19 hair will get black again.

20 COMMISSIONER SHEARMAN: Before I forget,
21 let me swing back to the 2 percent money and I
22 appreciate this explanation of how it's spent. But
23 is it in the contract where it asks how would you
24 like to see the 2 percent money spent, or something
25 like that. Has that been --

1 MS. BARNES: That's been taken out, Madam
2 Chair. It's now just a request form for things like
3 trainings and things that they would like from the
4 department and from CSD. And that's a memo that
5 they can send to Tony that says, you know, "We'd
6 like more training on X, Y, or Z."

7 And often within the department, Tony can
8 find a way to have that happen.

9 COMMISSIONER SHEARMAN: But no mention of
10 the 2 percent money at all?

11 MS. BARNES: The 2 percent -- we have gone
12 back to exactly what Paul was referencing. The
13 detailed description of how the money is spent is
14 all that's in the contract. Just this. And I think
15 we need to take a look at what Paul's given us
16 versus what we've said. I don't know if we'll want
17 to modify it or not, or have it be more specific or
18 not. But we're only doing that. We're only
19 providing what the law says that we need to provide.

20 COMMISSIONER SHEARMAN: But in that
21 section where they can request training or whatever,
22 it's not referencing the 2 percent money at all.

23 MS. BARNES: Correct. And it's not in the
24 contract.

25 COMMISSIONER SHEARMAN: Okay, good.

1 DEPUTY SECRETARY AGUILAR: And Madam
2 Chair, just as a point, charter schools are public
3 schools, and so they have received training on our
4 new teacher valuation system. They received
5 training on the Common Core if they chose to take
6 part in it. You know, we've put on trainings for
7 Common Core, for the new teacher evaluation system,
8 for the literacy programs, New Mexico Reads. We've
9 had a number of options. Each charter school this
10 year in the Reads to Lead appropriation is getting
11 at a minimum of \$50,000 to hire a reading coach or a
12 math coach. It's the Reads to Lead, so it should be
13 a reading coach. So the Secretary had agreed with
14 the superintendents and charter school folks that
15 that appropriation, \$9.7 million of the \$13.5 that
16 was received would go to providing these
17 opportunities to folks. And so you know, these are
18 opportunities that are provided over and above the
19 work the charter school does and those sorts of
20 things.

21 COMMISSIONER SHEARMAN: Well, we had a lot
22 of questions brought up by that section of the
23 contract as we were doing the negotiation. It
24 almost -- it could be read that, you know, you
25 donated 2 percent of your money and had wanted it to

1 get spent on you, and several certainly pursued that
2 and so I think we just take that out altogether.
3 We'll be better off.

4 MS. BARNES: Can I ask a question on the
5 audit? Because the schools -- aren't each of the
6 schools paying their audit costs?

7 DEPUTY SECRETARY AGUILAR: This is the
8 audit oversight. We need to review every charter
9 school's audit, we need to note the findings, and
10 then we need to work with each charter school to
11 create a corrective action plan on how they're going
12 to address each of the audit findings. And then
13 we've got to provide ongoing oversight to ensure
14 that they're, in fact, doing that. That has not
15 been provided in the past, so that's where we're
16 moving forward.

17 MS. BARNES: I'd like to add some words to
18 that. I don't know if this document will end up in
19 the contract, but they'll all raise what they pay
20 for their audit. And I think that you might know
21 from some of the meetings that the charters often
22 ask the Public Education Department to take over
23 that cost. That's one thing that was raised several
24 times by several of the charters. We've never
25 responded to that.

1 DEPUTY SECRETARY AGUILAR: Well, and I
2 appreciate that. The response would be every school
3 district and every entity pays for their own audit
4 out of the operational monies. So that's it. It's
5 an expectation. And actually, the cost of a charter
6 audit is pretty cheap. It's like \$10,000. We've
7 been able to negotiate a pretty good price.

8 MS. BARNES: That's just the most frequent
9 thing that they raise, that they want paid for.

10 COMMISSIONER CARR: \$10,000 is cheap.

11 COMMISSIONER SHEARMAN: Are there any
12 other questions? Any issues, concerns, discussions?

13 Well, you just answered every single
14 question we had very quickly.

15 DEPUTY SECRETARY AGUILAR: I learned to do
16 that. That's the math teacher in me.

17 COMMISSIONER SHEARMAN: Let's just do it
18 ahead of time. All right, we thank you very much,
19 Paul, for being here.

20 DEPUTY SECRETARY AGUILAR: So I can move
21 for adjournment now, Madam Chair?

22 COMMISSIONER SHEARMAN: Not quite. We
23 have one more little item. One more little item,
24 and you're certainly welcome to stay, or welcome to
25 go, whichever you choose to do.

1 DEPUTY SECRETARY AGUILAR: I like hanging
2 with you guys, Madam Chair.

3 COMMISSIONER SHEARMAN: You like hanging
4 with us, huh? All right. Even if I don't.

5 Commissioners, if you have no more issues
6 or questions about item number 7, let's go to item
7 number 8. And I'm going to ask Commissioners for
8 comments on anything else you want to bring up on
9 today's date, how the meeting went, items we
10 covered.

11 However, before we do that, I want to
12 bring up one thing, and we can't vote on it, it
13 isn't marked as an action item. But I would like to
14 get your consensus feeling. If you'll recall
15 yesterday -- you can be here for this -- yesterday
16 we voted to revoke the charter of TLC. The
17 Commission also gave the Executive Committee, which
18 is the three officers -- Commissioner Bergman,
19 Commissioner Gant and myself -- the authority to
20 come up with when that was going to happen. And we
21 discussed, if you'll recall, immediately, at
22 semester, or end of the school year and had quite a
23 lot of discussion, and then the meeting ended.

24 Last night, I thought a great deal, as I
25 mentioned to several of you this morning, I thought

1 a great deal about Commissioner Carr's comment
2 during that meeting yesterday, when we were having
3 that discussion, in which he said if we need to
4 close this school, then why are we giving them
5 another -- why are we thinking about giving them
6 another year to operate? And that really kept me up
7 last night. I thought, you know, either do the
8 right thing -- if it needs to close, then close it.
9 If it doesn't need to close, then don't close it.

10 So what I'm bringing to you today is your
11 feelings on closing that school immediately. Now, I
12 know there's the issue of they could appeal the
13 decision to the Secretary, they could appeal the
14 decision to district court. There's some other
15 options there. However, none of those are within
16 our realm of responsibility or authority. We do
17 what we need to do and let the rest of the world do
18 what it needs to do.

19 So I'm asking you, what is your feeling on
20 closing TLC immediately, this school year? And
21 certainly Deputy Secretary Aguilar, if you have any
22 insight into repercussions of that, moneywise or
23 otherwise, that we might not have thought of, I
24 would appreciate you bringing those to us. But in
25 the meantime, Commissioners, the floor is yours.

1 COMMISSIONER CARR: Madam Chair, I agree.
2 And obviously, you probably shouldn't comment. It
3 might come before the PED. But I agree. That's
4 pretty much what I said yesterday. It's always
5 difficult to come to these decisions, because
6 there's so many lives involved, but once a decision
7 is made, then we need to do it.

8 COMMISSIONER PERALTA: Yesterday, to me,
9 my observation, my comprehension, and everything, we
10 deemed this to be a bad school. And so why would we
11 put these students for another year of bad
12 leadership? You know, just a school that's not
13 delivering what it should. And so my recommendation
14 would be immediately.

15 MS. SALAZAR: Madam Chair, if I may say, I
16 want to be sure that this is just a discussion. And
17 I understanding that it's important, but I just want
18 to make sure that this doesn't turn into an informal
19 poll of Commissioners.

20 COMMISSIONER PERALTA: I think it's
21 important. Commissioner Bergman is not here, but
22 the Executive Committee gets a full idea of what
23 this Commission's sentiments are.

24 COMMISSIONER SHEARMAN: That's okay. Just
25 if we get close to crossing the line, please tell

1 me, because I don't want to screw this up. Are we
2 getting close?

3 MS. SALAZAR: Well, I think that we had --
4 the Commission has some very good discussions
5 yesterday about the closure timeline, and I just
6 want to -- the Commission made a clear motion it was
7 to validate to the Executive Committee to discuss
8 it. I just don't want to go back to that and
9 possibly have it turn into an action item when it's
10 not.

11 COMMISSIONER SHEARMAN: Okay.

12 COMMISSIONER GANT: Madam Chair, what I
13 suggest we do is the PEC go ahead and have a phone
14 conversation with an attorney present and we'll make
15 the decision and then we'll inform the rest of the
16 board.

17 COMMISSIONER SHEARMAN: Thank you.

18 MS. SALAZAR: And Madam Chair, may I also
19 suggest that if the Executive Committee meets and
20 decides that it can't come to an agreement, the
21 Commission may be able to call a special meeting and
22 try to hash that out.

23 COMMISSIONER SHEARMAN: At that time.
24 Okay. All right. Then on advice of our attorney,
25 we'll leave it at that.

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 want it noted, however, I do have points. I will
3 not make them now. I made them yesterday. But I
4 have a very strong emotional reaction to this one,
5 and you know what it is.

6 COMMISSIONER SHEARMAN: Yes, I do. Thank
7 you.

8 COMMISSIONER TOULOUSE: And I don't think
9 we're going beyond, because we're just informing the
10 Executive Committee. But you know my views and I
11 will not --

12 COMMISSIONER SHEARMAN: Those are not
13 changing. Okay. We just want to be very, very
14 careful what we do here. Don't want to get in
15 trouble.

16 Okay. Commissioners, does anyone have any
17 comments on today's meeting, yea or nay? Things we
18 covered? Shall we do it again?

19 COMMISSIONER GANT: Madam Chair, if I may,
20 one comment was that when the Secretary was
21 departing, there was discussion of having it
22 annually. Quarterly sounds more appropriate to me
23 than annually.

24 COMMISSIONER SHEARMAN: Quarterly? Okay.

25 COMMISSIONER GANT: If that's how we're

1 going to do it. But annually -- we need to be able
2 to speak to the Deputy and to the Secretary more
3 frequently because we have so much now -- I realize
4 there's only five applicants coming up, but what is
5 it, 14, Tony? We have got renewals or 10 or 14
6 coming down the pike?

7 MR. GERLICZ: Twelve of the
8 state-chartered schools and we're anticipating three
9 or more districts migrating over.

10 COMMISSIONER GANT: So the work load is
11 growing, so the communications between leadership at
12 the PED and this august body needs to increase also.
13 That's just my opinion.

14 COMMISSIONER SHEARMAN: Okay. All right.
15 Mr. Conyers.

16 COMMISSIONER CONYERS: I'd like to say
17 that as a new member, this has been extremely
18 helpful to me. I guess I struggled when I come
19 here, because I don't have the background and the
20 experience that many of you do, and so it's really
21 neat, and I appreciate it.

22 COMMISSIONER SHEARMAN: Thank you. It's a
23 huge learning curve, isn't it? Sure was for me.

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 think anytime people can get together and everybody

1 discuss -- I'd like to have a time, though, when
2 these folks don't sit back here, but they get to
3 tell us more what they do and what they think of
4 what they do. We have kind of done the discussion
5 we need at this level, but I'd sure like to have
6 them more discussants than an audience, because I
7 think they have a lot to teach all of us, whether
8 we've been here a long time or a short time. And so
9 I would like to encourage us to do this again after
10 the busy season.

11 COMMISSIONER SHEARMAN: And when is that?

12 COMMISSIONER TOULOUSE: Depends. Now, for
13 some of us, it's going to be January and February.
14 And for some of us, it's going to be in the fall,
15 and whatever. But you know what I mean.

16 COMMISSIONER SHEARMAN: Thank you.

17 COMMISSIONER TOULOUSE: What's
18 appropriate.

19 MS. COATES: Thank you, Commissioner, we'd
20 like that, too.

21 COMMISSIONER SHEARMAN: We'll bear that in
22 mind. Mr. Director.

23 MR. GERLICZ: I very much appreciated the
24 opportunity for the PED and PEC to dialogue with us.
25 It was very helpful and valuable. My view is that

1 the more education we can do with all of us, so that
2 we learn where you're coming from and you learn
3 where we're coming from, and as employees of PED,
4 and having the Secretary and Paul here to align all
5 of our work together on the same path is too logical
6 not to do.

7 I also jotted down that the continuing
8 education needs to happen, just as Commissioner
9 Toulouse said, between the Public Education
10 Commission and our staff. For example, on the
11 report card, we are not the experts on the report
12 card, but we could have somebody from the Assessment
13 and Accountability Office come and do a presentation
14 to us on the report card. It's an extremely
15 valuable tool. It is loaded with data. And what
16 does that data mean? And for the Public Education
17 Commission to understand that fully as we are
18 renewing application and making some extremely high
19 stakes decision on schools, I think that that would
20 be helpful. That's just one example of a variety of
21 topics that we could do in a setting like this,
22 where we do some education and some back and forth
23 and give and take.

24 So I don't know how we structure that.
25 September starts the monthly season of PEC meetings.

1 It always takes a good amount of time to prepare for
2 those PEC meetings. I'm not sure if the PEC has
3 time or enthusiasm to do that in between those
4 monthly meetings or as a part of those monthly
5 meetings in any way. I really would strongly
6 advocate that that educational piece happens.

7 COMMISSIONER SHEARMAN: I would like to
8 explore that, certainly, and maybe as the EC sits
9 down or gets on the phone conference with the staff
10 and everyone for the next meeting that we need to
11 set, perhaps we could start looking at it down the
12 road at that and make some ideas, some suggestions,
13 and bring to the group and build on that. Maybe
14 meet more often with the Secretary, possibly, more
15 of these educational kinds of things. Let's talk
16 about that and everybody brainstorm, bring their
17 ideas together. See what we can do. Good idea.

18 Julia, we welcome you for the first
19 go-round. Do you have some observations or anything
20 for us?

21 MS. BARNES: No. I just guess I'm really
22 encouraged at hearing both from the Cabinet
23 Secretary and from Paul about how to move forward
24 and then to have continuing conversations to make
25 sure that the conversation here rolls out in a way

1 that everybody's comfortable with. So it seems like
2 a great first step into our second year.

3 COMMISSIONER SHEARMAN: Exciting time,
4 isn't it? Commissioner Peralta.

5 COMMISSIONER PERALTA: Madam Chair, I'm
6 good.

7 COMMISSIONER SHEARMAN: Thank you.

8 COMMISSIONER CARR: Unlike me, I just
9 blather on and on without caring.

10 There's a couple of things. I think it
11 was a great day. I think yesterday was a great
12 experience, too. Difficult, but it was a learning
13 experience.

14 One of the things that we have struggled
15 with over the last almost five years has been the
16 five-year plan, and one of the things I thought
17 about, you know, it's something that's kind of been
18 left over since this body used to be the state
19 school board. And I always had the idea that we
20 should do our own.

21 Well, here's another idea, that maybe we
22 should have a five-year plan that encompasses what
23 we are actually responsible for, mostly charter
24 schools, but also we play some minor role in the
25 suspension of school boards. There's still a few

1 other things that we have some role in, other than
2 charter schools. And maybe if we had a plan that
3 was centered around charter schools and exactly what
4 we do -- I mean, we did it in conjunction with CSD,
5 and of course, that's involvement. And our charter
6 schools have a five-year plan. You know, we brought
7 up a lot of goals, a lot of things that we talked
8 about today could be included in that, and so I'm
9 throwing that out, for whatever it's worth.

10 And in the spirit of renewed cooperation,
11 in regards to the suspension of school boards, you
12 know, what we give the Secretary, you know, we can
13 give her some kind of recommendations on what ought
14 to be done. But it's very limited and I know the
15 rules and the laws put most of it, 99 percent of it,
16 on your shoulders. You don't always -- you could
17 take -- even if you're not required to, one of my
18 thoughts was, if we had a hearing where we -- and I
19 don't know if it's legally possible under the
20 statute. Maybe the statute needs to be changed,
21 too. But if we could hear from the school board and
22 hear their side, if there was some way to do that,
23 and then we could come back and we wouldn't have the
24 weight of telling you what to do, but we would have
25 more information and give you a better educated

1 opinion about what should be done.

2 I think right now we only hear really one
3 side of the story, and we're highly limited as to
4 what we can talk about. So just a thought to that.
5 And I think that the local school boards, you know,
6 local school districts, would feel much better about
7 the process, and I think it would look good, if
8 something went on to court or something, that you
9 went a step further in giving some additional due
10 process by an elected body and you know, it's going
11 to be a school district that's in one of our
12 districts that we represent. And they're going to
13 maybe feel like, well, people listen to them, you
14 know.

15 COMMISSIONER SHEARMAN: Isn't that
16 legislative? Is that not in the statute how that is
17 handled? The Secretary confers with that or is that
18 administrative rule?

19 DEPUTY SECRETARY AGUILAR: It's in the
20 statute.

21 COMMISSIONER SHEARMAN: It's in the
22 statute.

23 COMMISSIONER CARR: It may have to be
24 changed in the statute. I don't know what we could
25 do along those lines to make sure people feel like

1 they have been given their due process. And that
2 comes up all the time. And I try to defer to -- you
3 know, I try to play the part where I'm indifferent,
4 I'm listening to all sides, all the time. And I may
5 not play the part. I mean, I'm actually doing that,
6 listening to all sides, as best I can, and not
7 making a decision until I have heard all sides.

8 So it's hard for us to give you a
9 recommendation when we haven't done that. And I
10 think it would be good for everybody concerned if we
11 could do that. That's my thought.

12 COMMISSIONER SHEARMAN: All right. Thank
13 you.

14 Millie?

15 COMMISSIONER POGNA: I'm fine.

16 COMMISSIONER SHEARMAN: You're freezing to
17 death.

18 COMMISSIONER POGNA: No, I'm fine with my
19 sweater. I'm fine. No, I appreciated all the
20 information we have received, and I love the
21 PowerPoint. Just need more of that.

22 COMMISSIONER SHEARMAN: Beverly, do you
23 have anything you'd like to add?

24 MS. FRIEDMAN: Madam Chair, Commissioners,
25 I was just thinking, your meeting in September, you

1 scheduled two days because we didn't know how many
2 applications you were going to be receiving, and
3 this year you only have the five schools. And so
4 that easily could be a one-day meeting, and so that
5 second day might be able to be used for some more of
6 these conversations, if you so choose. But it's
7 already on your calendar.

8 MR. GERLICZ: We had a two-day last year
9 and we could have probably telescoped it into one.
10 Great suggestion, Beverly.

11 COMMISSIONER SHEARMAN: Let's look into
12 that and see how we can do.

13 Do any of the staff have comments or
14 suggestions?

15 MS. STOFODIK: I just wanted to say thank
16 you. I thought today was great, as well, and I love
17 that everyone wants to know more about the grading
18 report, because I have been speaking with Cindy
19 Gregory, who's wonderful in assessing
20 accountability, and she's been talking about
21 providing the training for all of you. So there are
22 so many nuances to the report card, and it's really
23 fascinating to hear her talk about it. It's a great
24 opportunity for a meeting for that day.

25 COMMISSIONER SHEARMAN: Terrific.

1 COMMISSIONER GANT: Madam Chair, a couple
2 of things. One is, I pick up on Commissioner Carr
3 down there. The five-year he was talking about was
4 a strategic plan, which we haven't talked about,
5 basically is what he's talking about.

6 COMMISSIONER SHEARMAN: Strategic plan.

7 COMMISSIONER GANT: Yes, which we haven't
8 done in a while. And go back to what Tony was
9 talking about, you want to go talk about school
10 grading and teacher eval and all that. Well, on the
11 school grading, I suggest maybe CSD or the
12 department could send out to the Commissioners all
13 pertinent administrative codes and the other
14 statutes that deal with it, because walking into a
15 meeting to have a discussion about school grading
16 cold, I would suggest you -- if -- they're
17 interesting reading. They're not bedtime reading,
18 because you will go to sleep. And I would suggest
19 you read it a couple of times before you go into any
20 training, because you will not understand a word he
21 said.

22 COMMISSIONER SHEARMAN: Well, we're
23 suggesting -- I'm sorry, Tony give me the lady's
24 name again.

25 MR. GERLICZ: Well, there are a number of

1 people that can do it. The conversation that Rachel
2 is referring to is our go-to person, Cindy Gregory,
3 who has helped us out enormously in charter schools
4 and working with charter schools. She would be the
5 one.

6 COMMISSIONER SHEARMAN: I have heard some
7 presentations by other people, but I don't believe I
8 have heard this lady's presentation. So that would
9 be good. Yes, if you have any information you can
10 send out prior to it, that would be great.

11 COMMISSIONER GANT: You can send it out.
12 I have got some of it on here, but it's worth
13 reading it before you go listen to it, because
14 PowerPoint -- that's all it's going to be when you
15 get there.

16 The last thing, with your permission,
17 is -- oh, one more thing. And Paul knows about
18 this, so I'm not speaking out. The PSCOC that deals
19 with charter schools is coming up with a
20 standardized lease that definitely will help, in my
21 view, charter schools and pay for these buildings
22 they're staying in, maybe even reduce the burden
23 on -- a lot of them have to dip into their general
24 fund to pay for these buildings, some of them up to
25 the tune of over \$200,000. So I have been trying to

1 help, I think, Paul, to reduce this burden on the
2 charter schools and the taxpayers at the same time.

3 My last item here -- and you can throw
4 this in the trash, if you want -- but when we went
5 out to do -- when I got involved with SB 446 when it
6 was still in committee, at that time they were
7 thinking about putting the new applications and
8 renewal applications right on top of each other, and
9 that was the discussion. And if that bill had gone
10 through, that's exactly what you would be doing
11 right now. They were both right on top of each
12 other. They moved the renewals back, and moved the
13 new ones kind of forward, and so it was all right
14 there in June and July, when everything happened,
15 June, July, August. Decisions on both of them were
16 going to happen at that time. But we stopped that
17 somehow.

18 But during that discussion, I
19 recommended -- and Carolyn was involved with it -- a
20 two-year plan, okay? And I laid it out here. I put
21 dates on it. The dates are just examples. In my
22 view, there is not enough time for the CSD to do
23 what it needs to do. You have got possibly 15
24 renewals coming up, you have got five now that you
25 have to deal with, and it just gets -- and you got

1 all these schools you got to visit, they grow and
2 grow and grow.

3 Well, I looked at it and I said, okay,
4 let's move back, let's make the new charter
5 applications a two-year process. And let's make
6 them move the renewals back with a letter of intent
7 for the renewals in May, and by the middle of August
8 the decision is made. And then if there's a denial
9 by the middle of December, the denial for the new
10 renewals can be settled out by the Secretary and the
11 schools will know yes or no.

12 Right now, for renewal, you don't know
13 until March whether you have a school or not for the
14 following year. I'm trying to make it better for
15 everybody, including the PEC. So this is an example
16 of what it is. Look at it. We can talk about it in
17 future dates, but it's just an idea we have had in
18 mind of trying to make it better for the districts
19 and for the charter schools, and I just think we
20 need to give you all more time and us more time and
21 the charters to do it right, because some of these
22 applications could be better if they took time to do
23 it. We have one charter school that took two years
24 to find a facility. That's nonsense, in my view.
25 So if we give them the time to do it, maybe they'll

1 do it right. That's just an example. Pass them on.

2 COMMISSIONER SHEARMAN: I suggest each one
3 take one of these and keep it, and let's put it on
4 the agenda for September. Let's put this on the
5 agenda for September, please.

6 COMMISSIONER GANT: I think you know
7 there's talk about changing it when it starts for
8 the letter of intent for a new one. I moved it to 1
9 June, okay? Someone said, well, that takes
10 legislation. Not necessarily. That could be
11 changed in the rule, I think. It just says we have
12 to have a letter of intent. We could decide what
13 the letter of intent is. And they still have a full
14 year for the facility prep, the school prep, and all
15 that, in the new one. It just gives people more
16 time to really think about what we're doing.

17 COMMISSIONER SHEARMAN: A lot of work.
18 Thank you very much, Commissioner.

19 COMMISSIONER GANT: This is a sad example
20 of my PowerPoint. I quit doing PowerPoints when I
21 retired, so my PowerPoint is a little sloppy there.

22 COMMISSIONER SHEARMAN: All right. Let's
23 put this on the agenda for September.

24 Mr. Aguilar, last chance.

25 DEPUTY SECRETARY AGUILAR: I learned a

1 long time ago, keep it shut.

2 COMMISSIONER SHEARMAN: Keep it sweet.

3 Anyone else? I thank you all for coming.

4 I think we've had a very, very productive day, and
5 did hard work yesterday, good work yesterday, and I
6 look forward to seeing you all on the road trip
7 starting the 19th of August.

8 COMMISSIONER GANT: I move for
9 adjournment.

10 COMMISSIONER CARR: Second.

11 COMMISSIONER SHEARMAN: We are adjourned.

12 (The proceeding concluded at 1:35 p.m.)

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SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

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MAIN OFFICE
201 Third NW, Suite 1630
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(505) 843-9494
FAX (505) 843-9492
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 119 East Marcy, Suite 110
 Santa Fe, NM 87501
 (505) 989-4949
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