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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
June 6, 2013  
9:00 a.m.  
300 Don Gaspar, Mabry Hall  
Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219  
Bean & Associates, Inc.  
Professional Court Reporting Service  
201 Third Street, NW, Suite 1630  
Albuquerque, New Mexico 87102

JOB NO.: 7624K(CC)

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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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

- MR. TONY GERLICZ, Director, Options for Parents
- MS. ABBY WEAR, CSD Counsel
- MR. MIKE WILLIAMS, PEC Counsel
- MS. BEVERLY FRIEDMAN, PED Liaison to the PEC

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e-mail: info@litsupport.com

1 (June 6, 2013, 9:00 a.m.)

2 THE CHAIR: I call to order this regularly  
3 scheduled meeting of the New Mexico Public Education  
4 Commission. Secretary Bergman, may we have a roll  
5 call?

6 COMMISSIONER BERGMAN: Commissioner  
7 Toulouse.

8 COMMISSIONER TOULOUSE: Present.

9 COMMISSIONER BERGMAN: Commissioner Carr.

10 COMMISSIONER CARR: Here.

11 COMMISSIONER BERGMAN: Commissioner  
12 Conyers.

13 COMMISSIONER CONYERS: Here.

14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta.

16 COMMISSIONER PERALTA: Here.

17 COMMISSIONER BERGMAN: Commissioner Pogna.

18 COMMISSIONER POGNA: Here.

19 COMMISSIONER BERGMAN: Commissioner  
20 Shearman.

21 THE CHAIR: Here.

22 COMMISSIONER BERGMAN: Commissioner

23 Bergman is here. Madame Chair, you have a quorum,  
24 eight people.

25 THE CHAIR: Thank you, Mr. Secretary. We

1 do have a quorum. The meeting will proceed to the  
2 Pledge of Allegiance, led by Commissioner Carr;  
3 Salute to the New Mexico Flag by Commissioner  
4 Conyers.

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

7 THE CHAIR: Next item on the agenda is  
8 Statement of Aspiration. Commissioner Pogna?

9 COMMISSIONER POGNA: I pray that our work  
10 will be a blessing for children. I pray that we  
11 exemplify the spirit of learning, so that we, as  
12 Commission members, may think honestly and speak  
13 wisely, and that we have the courage to make the  
14 right decision for the children of New Mexico. We  
15 Commissioners are dedicated and give much time and  
16 study for education programs, and we will continue  
17 to give as much as required of us.

18 We send our prayers for good healing for  
19 Carolyn's husband. We thank the Father for all the  
20 goodness bestowed upon our state and our nation, and  
21 I pray for a special blessing for America in these  
22 perilous times. Amen.

23 THE CHAIR: Thank you, Commissioner. And  
24 thank you for those kind words regarding my husband.  
25 Just a moment of personal privilege: He is doing

1 very well, and your prayers and concerns have helped  
2 so much. Thank you.

3 By the way, can I ask that all electronic  
4 devices be turned either off or silent or whatever,  
5 so that we don't disrupt the meeting? Thank you.

6 Next item on the agenda is approval of the  
7 agenda. And, in your notebooks, you will find the  
8 current agenda. Take a few minutes, if you'd like,  
9 to look through that, and then we would have a  
10 motion.

11 COMMISSIONER GANT: Madame Chair, I move  
12 that we accept the agenda as written.

13 COMMISSIONER CARR: Second.

14 THE CHAIR: Motion by Commissioner Gant,  
15 second by Commissioner Carr, to approve the agenda  
16 as presented. Any discussion? All those in favor,  
17 please say "Aye."

18 (Commissioners so indicate.)

19 THE CHAIR: Any opposed, same sign? The  
20 agenda is approved as presented.

21 Item No. 3 is approval of the minutes of  
22 the April 26, 2013 meeting. Are there any  
23 corrections or discussion regarding the minutes?

24 Seeing none from anyone else, I -- as  
25 usual, I do have a few to bring -- to bring up. Let

1 me get my computer going here so I can find my  
2 document.

3 Let me just ask our attorney,  
4 Mr. Williams. Mr. Williams, I have a couple of  
5 corrections to the minutes, and then I have a couple  
6 of questions regarding items that we said we were  
7 going to take care of or that were coming back to us  
8 this meeting. Do I do those all together, or should  
9 I separate them out?

10 MR. WILLIAMS: Whatever your pleasure is,  
11 Madame Chairwoman.

12 THE CHAIR: Thank you very much. I would  
13 first ask that you direct your attention to Page 22.

14 MR. WILLIAMS: Yes.

15 THE CHAIR: Of course, everything is  
16 moving slow this morning. Line 24. And this is one  
17 of the areas where we were going to have additional  
18 information from Mr. Gerlicz regarding an audit of  
19 one of our schools. If you want to wait and include  
20 that in your report, I just wanted to note that  
21 we -- we remember we're supposed to have that today.

22 MR. GERLICZ: I'm very happy to wait until  
23 my report, Madame Chair.

24 THE CHAIR: Thank you very much. Let's go  
25 to Page 26, please. On Page 26, line 7 -- and on

1 line 7, it says, "The Chair: So moved. We'll do  
2 just fine." Frankly, I don't -- I do not recall  
3 saying any of that. Does anyone here recall that?

4 COMMISSIONER CARR: I think I do. You  
5 said, "Will do just fine," not "We'll do just fine."  
6 But I can't tell you for sure. If it's your  
7 recommen- -- if it's your recollection, I'll go with  
8 yours.

9 THE CHAIR: Okay. My recollection is I  
10 don't recall saying that. I would recommend that  
11 that entire "So moved" and "We'll do just fine" be  
12 deleted from the minutes.

13 Line -- pardon me. Page 27, line 8. It  
14 starts, actually, on line 6, where Commissioner  
15 Bergman is -- is taking a roll-call vote for the  
16 Commission. Commissioner Bergman votes "Yes."  
17 "Madame Chair, seven to zero vote in favor."

18 Then the next thing that's said, I  
19 believe, was said by the Chair. "We're in executive  
20 session. Thank you for stepping outside," and so  
21 forth. I believe that should be separated out to  
22 indicate that the Chair is the one who said, "We're  
23 in executive session. Thank you for stepping  
24 outside. We will call you when we're back in."

25 COMMISSIONER BERGMAN: Yes. I had these



1 notes that -- Madame Chair, I was going to call that  
2 to your attention. Also, the same on the next page.  
3 You may be getting to that.

4 THE CHAIR: Let's go to Page 27. What  
5 line is that?

6 COMMISSIONER BERGMAN: Here, again, on  
7 Line --

8 COMMISSIONER TOULOUSE: Ten.

9 COMMISSIONER BERGMAN: -- 12, after the  
10 word "session." But after that, you said that about  
11 going to -- again, to --

12 THE CHAIR: Okay. My computer has decided  
13 to not be cooperative today, so I'm going to go to  
14 the written copy of the minutes. So you're saying  
15 line 10?

16 COMMISSIONER BERGMAN: No. Beginning on  
17 line 12 on Page 28.

18 THE CHAIR: Okay.

19 COMMISSIONER BERGMAN: After the word  
20 "session," you're the one that's speaking, not me.

21 THE CHAIR: Right. It should, then, say,  
22 "Commissioner Shearman: The matters discussed in  
23 the closed session," and so forth. Okay? Thank  
24 you.

25 Next is Page 42 line 4, I believe that

1 should be Mr. Gant instead of G-A-N-D-E-R-T. Should  
2 be Mr. Gant, G-A-N-T.

3 Page 52, lines 5 and 18 refer to General  
4 Counsel, Hillary Noskin. And the name is  
5 misspelled. It should be spelled N-O-S-K-I-N, on  
6 both lines 5 and 18.

7 Also, on Page 52, line 20 -- and I'm going  
8 to ask Commissioner Bergman if this is correct.  
9 Beginning on line 20 and going through Page 53, line  
10 3. If you would verify that, please?

11 COMMISSIONER BERGMAN: I really don't  
12 remember, in all honesty. I'm not sure I would have  
13 said, "The PED has signed off on this." I'm --  
14 because I'm not with the PED. And I wouldn't know  
15 whether they've signed off on it or not. I may have  
16 asked it as a question. There's no question mark  
17 there.

18 That may have been what I did. I may  
19 have -- I may have asked that one sentence, "The PED  
20 has signed off on this," as a question. And I  
21 know -- I do remember saying they're going to give  
22 money back to the charter school. And I was quickly  
23 reminded that wasn't going to happen.

24 THE CHAIR: Well, my concern is -- and I  
25 know you were asking that in rather a joking manner.

1 "They're going to give money back to the charter  
2 school." But, then, Ms. Barnes' response on the top  
3 of Page 53 is a very good point. "They're happy  
4 knowing we were going to pay their salary."

5           Somehow I was not left, during the  
6 meeting, with the impression in any way that the  
7 charter schools were going to get money back. And  
8 this truly makes it sound like they might be.

9           COMMISSIONER BERGMAN: Well, my point was  
10 not humorous. That was my concern. They don't  
11 normally give, at that point, money back to the  
12 charter school.

13           COMMISSIONER CARR: I'm not sure there is  
14 a question mark at the end of the entire statement.

15           THE CHAIR: So is it clear to  
16 Commissioners that this was -- was a question, and  
17 that Ms. Barnes' response was being light-hearted,  
18 or -- or do we need to say something to really  
19 clarify that? Mr. Williams?

20           MR. WILLIAMS: That's -- that's the  
21 pleasure of the Commission. I actually do remember  
22 that conversation. And my recollection is that  
23 Ms. Barnes was being light-hearted. And the way I  
24 read this is, I think, to the extent the Commission  
25 has any concern about confusion over that statement

1 and that record, that it should clarify that in this  
2 meeting. We don't have Ms. Barnes here at the  
3 moment; at least, I don't see her.

4 So what I would do, Madame Chairwoman, is,  
5 with Mr. Bergman's recollection on the record, and  
6 your concerns duly raised, I don't think it's worth  
7 striking. I should think you need to keep the  
8 language the way it is. And we don't have any  
9 Commissioner having a clear recollection that it's  
10 not an accurate statement.

11 Unfortunately, these transcripts do not,  
12 you know, capture humor very well. So I would just  
13 simply note, Madame Chairwoman, in the minutes, that  
14 the Commission, you know, takes this matter  
15 seriously. Whatever information you want to clarify  
16 that exchange, I would make that change in the  
17 minutes now.

18 THE CHAIR: All right. Thank you,  
19 Mr. Williams. Then let the record reflect, please,  
20 that this exchange, the last sentence of  
21 Mr. Bergman's -- Commissioner Bergman's statement  
22 and Ms. Barnes' response were light-hearted in  
23 intent, that, in no way, did they mean to indicate  
24 or support the PED paying salaries for any charter  
25 school personnel out of the 2-percent money which

1 was being discussed here.

2 COMMISSIONER BERGMAN: Actually, I -- I do  
3 not -- my recollection is I was not making a  
4 humorous comment. I was concerned that they were  
5 giving them money. So I think that's a  
6 mischaracterization of what I was saying. That was  
7 not my question about giving money -- it was not  
8 meant in a humorous manner; it was serious. When I  
9 ask a question, it's normally a serious question.

10 THE CHAIR: But Ms. Barnes' response, how  
11 would you characterize that?

12 COMMISSIONER BERGMAN: She would have to  
13 address what she meant. I can't characterize that.

14 THE CHAIR: Did you hear it, though, in --  
15 did you perceive it, at the time you heard it, as  
16 light-hearted?

17 COMMISSIONER BERGMAN: My personal  
18 opinion, yes, would have been that, yes, she  
19 probably was making a light-hearted statement.

20 THE CHAIR: Thank you. We've clarified  
21 that.

22 Page 54, line 7, I'm asking Commissioner  
23 Gant to look at line 7, and if the word "if" is  
24 correct in that sentence.

25 COMMISSIONER GANT: That's correct.

1 THE CHAIR: That is correct. Thank you  
2 very much.

3 Page 84, line 25: "The Chair: Currently,  
4 the minutes say curriculum is the example." It  
5 should say "...curriculum is the exception."

6 Page 95, beginning on line 16 going  
7 through line 2 of Page 96, talking about remediation  
8 and serious issues -- and I believe this is directed  
9 to Ms. Wear, talking about rule-making. And she's  
10 not here. When she comes back, would you ask her  
11 to -- may we ask her to also have part of your time  
12 as director for her report on this rule-making? As  
13 a matter of fact, here she's walking in right now.

14 MS. WEAR: I'm sorry. I had to clarify  
15 something on the agenda. In the minutes?

16 THE CHAIR: When we were talking about  
17 rule-making and -- well, if you'll just read through  
18 that, and, then when Director Gerlicz gives his  
19 report, if you will tag-team with him and give us an  
20 update on that item, please?

21 MS. WEAR: Okay. No problem.

22 THE CHAIR: Page 101, lines 14 and 15,  
23 Mr. Williams, I'm asking you to clarify, please.

24 MR. WILLIAMS: Yes, absolutely. I have no  
25 recollection of this whatsoever. I would say,

1     though, that if I said this, I apologize, because I  
2     would never presume to try to give you authority.  
3     And I certainly don't make motions. I believe what  
4     I'm trying to say there is that you could, in fact,  
5     make a motion and take a vote by acclamation.

6             THE CHAIR: All right. Commissioners, is  
7     that clarification sufficient with you all?

8             COMMISSIONER CARR: Yes.

9             THE CHAIR: All right. And my last item  
10    is on Page 108, line 15. It says, "...the Gregg  
11    Report... ." It should say "...the school grade  
12    report..." there instead of "Gregg Report."  
13    Director Gerlicz?

14            MR. GERLICZ: Madame Chair, I have another  
15    error I'd like to point out. It's on Page 107, line  
16    9. There is a misspelling.

17            THE CHAIR: I'm sorry. Would you repeat  
18    the page?

19            MR. GERLICZ: Page 107, line 9, where it  
20    says "Rachel" -- it should be S-T-O-F-O-C-I-K.

21            THE CHAIR: Thank you for catching that.  
22    Anything else on the minutes? The Chair would  
23    entertain a motion.

24            COMMISSIONER PERALTA: So move.

25            THE CHAIR: To accept as corrected.

1 COMMISSIONER PERALTA: -- to accept as  
2 corrected.

3 COMMISSIONER CARR: Second.

4 THE CHAIR: We have a motion by  
5 Commissioner Peralta, seconded by Commissioner Carr,  
6 to accept the minutes as corrected. All those in  
7 favor, please say "Aye."

8 (Commissioners so indicate.)

9 THE CHAIR: Any opposed same sign? Motion  
10 carries.

11 Next item on the agenda is Election of PEC  
12 Officers. Mr. Williams?

13 MR. WILLIAMS: Thank you,  
14 Madame Chairwoman. Under the Commission's Rule  
15 III-A-1, the General Counsel for the Department will  
16 preside over the election of the chairperson.

17 MS. WEAR: I'm texting her now.

18 MR. WILLIAMS: Yes. And Staff is getting  
19 ahold of General Counsel Noskin as we speak. Upon  
20 the election of the Chair, then the Chair will  
21 preside over the election of the Vice Chair and the  
22 Secretary.

23 I know the Commission has had this process  
24 recently on an interim basis in December.

25 It is my legal advice, Madame Chairwoman,



1 that this is the appropriate time to have the  
2 election and to have General Counsel Noskin preside  
3 over the election of the Chair.

4 THE CHAIR: All right. Shall we give her  
5 a few minutes to get here?

6 MR. WILLIAMS: I can actually -- with your  
7 permission to be excused, I'll go find her.

8 MS. WEAR: You might miss her in the hall.

9 MR. WILLIAMS: Okay. Thank you.

10 THE CHAIR: Why don't we take about a  
11 five-minute recess to stretch our legs? We've got a  
12 long day ahead of us. Thank you.

13 (Recess taken, 9:20 a.m. to 9:30 a.m.)

14 THE CHAIR: General Counsel Noskin, thank  
15 you very much --

16 MS. NOSKIN: Absolutely.

17 THE CHAIR: -- for joining us for this  
18 part of the meeting. We turn it over to you.

19 MS. NOSKIN: I'm sorry you had to wait.  
20 At this time, are there any nominations for this --  
21 for Chair of this Commission?

22 COMMISSIONER CARR: I nominate Carolyn  
23 Shearman for Chair.

24 MS. NOSKIN: Ms. Shearman has been  
25 nominated for Chair of the Commission. Are there

1 any other nominations?

2 All those in favor of Ms. Shearman as  
3 Chair of the Commission, please signify by saying  
4 (Aye.)

5 (Commissioners so indicate.)

6 MS. NOSKIN: I didn't hear any opposed; is  
7 that correct? Congratulations. Ms. Shearman is now  
8 chair of the Public Education Commission.

9 THE CHAIR: Thank you. Thank you all.

10 (Applause.)

11 MS. NOSKIN: At this time, are there any  
12 nominations for Vice Chair of this Commission?

13 COMMISSIONER CARR: Point of order.  
14 Doesn't the Chair take over the election at this  
15 point?

16 MR. WILLIAMS: Actually,  
17 Commissioner Carr, under Commission Rule III-A-1, I  
18 believe that the Chairperson then presides over the  
19 selection of the Vice Chair. We're trying to get  
20 you out of some work here.

21 MS. NOSKIN: That's great. I have my  
22 script here, and it says, "Same procedure for Vice  
23 Chair and Secretary." And I would like to pretend  
24 that -- but I will bow to Mr. Williams greater  
25 knowledge of this issue.

1 MR. WILLIAMS: And III-2 says, "Upon  
2 election, the Chairperson shall take office and  
3 preside over the election of the Vice Chair and  
4 Commission Secretary who shall be elected according  
5 to the same procedures used as the Chairperson."  
6 You're in luck.

7 MS. NOSKIN: Thank you. It's been  
8 fabulous seeing you all. Thank you very much.

9 THE CHAIR: Thank you. Sorry to have  
10 interrupted whatever important work you were doing.

11 MS. NOSKIN: No. This is not an  
12 interruption. Happy to be here. Thank you.

13 THE CHAIR: Proceeding with the election,  
14 are there nominations for the position of Vice  
15 Chair?

16 COMMISSIONER CARR: Madame Chair, I  
17 nominate Eugene Gant for Vice Chair of the PEC.

18 THE CHAIR: Commissioner Carr nominates  
19 Commissioner Gant. Are there other nominations?  
20 Hearing none, all those in favor of Commissioner  
21 Gant as Vice Chair, please say "Aye."

22 (Commissioners so indicate.)

23 THE CHAIR: Any opposed? Congratulations,  
24 Commissioner Gant. You're now Vice Chair.

25 The floor is now open for nominations for

1 PEC Secretary.

2 COMMISSIONER POGNA: Madame Chair?

3 THE CHAIR: Commissioner Pogna.

4 COMMISSIONER POGNA: I nominate Vince  
5 Bergman for Secretary.

6 THE CHAIR: Commissioner Pogna nominates  
7 Commissioner Bergman for Secretary. Are there other  
8 nominations?

9 Hearing none, all those in favor of  
10 Commissioner Bergman, please say "Aye."

11 (Commissioners so indicate.)

12 THE CHAIR: Opposed, no? Congratulations,  
13 Commissioner Bergman. You are PEC Secretary. Thank  
14 you all very much.

15 Let's move on to Item No. 5, which is Open  
16 Meetings Resolution. Mr. Williams?

17 MR. WILLIAMS: Yes. Thank you,  
18 Madame Chairwoman. If you'll turn in your packets  
19 to Item No. 5, you'll note the proposed Open  
20 Meetings Resolution. We discussed a draft at the  
21 last meeting. And there were changes proposed by  
22 various Commissioners. And Beverly Friedman made  
23 some very nice catches in the original draft  
24 document.

25 The document that's before you

1 incorporates all of the changes discussed at the  
2 last meeting, in addition to Ms. Friedman's changes  
3 to streamline and draw the document into consistency  
4 with the Commission's past practices.

5 So I would recommend that the Commission  
6 adopt this Open Meetings Resolution.

7 THE CHAIR: Thank you, Mr. Williams. Let  
8 the record reflect, please, that Commissioner Gant  
9 had to step outside to conduct some personal  
10 business, momentarily; will be back. Is there  
11 discussion among the Commissioners on the proposed  
12 Open Meetings Resolution? I'm sorry. Mr. Williams?

13 MR. WILLIAMS: I'm sorry. Actually,  
14 Ms. Friedman made a very -- an astute catch that I  
15 just want to propose one change. And I apologize.  
16 Excuse me for interrupting.

17 At the very beginning, it says, "Whereas,  
18 the New Mexico Public Education Commission met in  
19 regular session on April 26." Well, we did. But,  
20 rather than adopt that version, you had changes. So  
21 I would just simply say let's adopt the resolution  
22 with that -- reflect today's date.

23 THE CHAIR: Reflecting today's date.

24 MR. WILLIAMS: Yes, ma'am.

25 THE CHAIR: All right. Mr. Gant is back

1 with us. Please reflect that. Is there discussion  
2 among the Commissioners? The Chair would entertain  
3 a motion.

4 COMMISSIONER TOULOUSE: Madame Chair, I  
5 move that we adopt New Mexico Public Education  
6 Commission Resolution 2013-01, the Open Meetings  
7 Resolution.

8 COMMISSIONER GANT: Second.

9 THE CHAIR: With today's date?

10 MR. WILLIAMS: Yes, yes.

11 THE CHAIR: Would you insert that  
12 information?

13 COMMISSIONER TOULOUSE: Madame Chair, with  
14 the correction of adding today's date.

15 THE CHAIR: Thank you.

16 COMMISSIONER GANT: Second.

17 THE CHAIR: Motion by Commissioner  
18 Toulouse, second by Commissioner Gant, to approve  
19 the resolution reflecting today's date. Is there  
20 discussion? All those in favor, please say "Aye."

21 (Commissioners so indicate.)

22 THE CHAIR: Any opposed, same sign?

23 Resolution passes. Thank you very much.

24 Item No. 6 is Report from the Secretary.

25 And Secretary-Designee Skandera will not be able to

1 be here today. She's in -- I know she's out of  
2 town, and she told me where she was, and, honestly,  
3 I forgot.

4 MR. GERLICZ: Washington.

5 THE CHAIR: Washington. Thank you very  
6 much. So if you will allow me, I would like to  
7 bring to you information on a meeting I had with the  
8 Secretary on May the 29th. She very graciously  
9 invited me to come and meet with her. We had a  
10 sit-down meeting May the 29th in her office. It was  
11 very productive; it was very cordial.

12 I believe that we are well on our way to  
13 opening lines of communication between the PEC and  
14 the Secretary and the PED that perhaps have not been  
15 as open in the past as they could have been. She  
16 very much expressed her desire to work with the  
17 Commission, and, of course, we want to work with  
18 her. I reiterated our invitation to her to be  
19 present at any of our meetings that she can make,  
20 and she was very appreciative of that.

21 I also invited her, as a part of that  
22 invitation, to our work session that we're talking  
23 about having on June the 18th. She was very  
24 interested in being part of that work session and  
25 hearing about the work that we do and the new

1 processes and all that have been put in place,  
2 particularly in light of the Charter School Act, as  
3 amended.

4           However, her concern was she is not  
5 available in June, and she respectively --  
6 respectfully asked, would the Commission consider  
7 rescheduling that work session to a date in July so  
8 that she could attend. I would suggest that we  
9 discuss that and see what we might want to do. And  
10 I've asked Mr. Williams, and it would be all right  
11 for us to discuss it right now. Or we can wait and  
12 discuss it as part of the PEC Comments, which are  
13 scheduled for later in the agenda, which might  
14 actually end up being tomorrow.

15           So, Commissioners, what is your pleasure?

16           COMMISSIONER GANT: Madame Chair?

17           THE CHAIR: Commissioner Gant.

18           COMMISSIONER GANT: Madame Chair, did she  
19 have a specific date in July?

20           THE CHAIR: Commissioner Gant, no, she did  
21 not suggest a specific date in July. She left that  
22 up to the Commission to come up with some suggested  
23 dates that would work for the Commission, and then  
24 asked that we would check with her scheduler, Vern  
25 Tennyson, to see what of our potential dates would



1 work for her.

2 COMMISSIONER GANT: Madame Chair?

3 THE CHAIR: Mr. Gant.

4 COMMISSIONER GANT: Madame Chair.

5 Madame Chair and members. Mr. Gerlicz, considering  
6 all the training we were going to do that we need to  
7 do and what's coming down the pike -- we're getting  
8 the new charter applications on the 1st of July, and  
9 you will have all that work -- your staff has all  
10 that work to go through all those applications, we  
11 don't know how many yet -- in preparations for  
12 August, the meetings, community meetings, and all  
13 that.

14 So what's going to be -- if we move the  
15 meeting to July, what's the impact upon you and your  
16 staff? I mean, we can't keep putting this off.  
17 We've already moved it somewhat. And we've got to  
18 consider what's happening down the road so we're not  
19 walking all over ourselves.

20 MR. GERLICZ: Commissioner Gant, I've been  
21 a strong proponent from the get-go of having such a  
22 meeting between the PEC and the Secretary and CSD  
23 Staff. I think it would be extremely valuable to  
24 do. And I think that we have resources, human  
25 resources, that can help facilitate the meeting that

1 would take us, quasi, out of it. And what I mean by  
2 that is we set the agenda and the topics that we  
3 would like to cover. But if we have these people  
4 available that we can get quickly under contract to  
5 facilitate the meeting and run the meeting -- and I  
6 have a number of people in mind -- that would easily  
7 facilitate us and make it very doable, in my  
8 opinion.

9 I -- since the Secretary is not available  
10 in June, and go into July, July 1st is the deadline  
11 for those new applications. There are also vacation  
12 times in our division, et cetera, to work around,  
13 and I'm sure everyone else does. But the third week  
14 in July seems to be a good time to choose a day for  
15 this meeting to occur. That would be the week of  
16 the 22nd.

17 THE CHAIR: Commissioner Bergman?

18 COMMISSIONER BERGMAN: Do I understand you  
19 correctly, Director, that you might not be at our  
20 training session? Because some of my questions are  
21 going to be addressed directly to you. I can't  
22 address them to a contractor.

23 MR. GERLICZ: No, no. The contractor that  
24 I am talking about would be to facilitate the  
25 meeting, keep us on track and insure that it's a

1 very positive meeting. The reason I say third week  
2 of July, because I'm one of the guilty parties that  
3 has a vacation within that time period. So I  
4 definitely plan on being part of that session, as do  
5 other, if not all, members of our staff. We work  
6 very well collaboratively.

7 COMMISSIONER BERGMAN: Thank you.

8 THE CHAIR: If I might make a suggestion,  
9 Commissioners, as Mr. Williams has made us aware, to  
10 set a meeting does not require -- we don't have to  
11 do that in an open session. We can talk about  
12 that -- help me here, Mr. Williams. We could  
13 delegate that job to the Executive Committee or to a  
14 particular person to be aided by Mrs. Friedman to  
15 find the best date for that meeting and to set it?

16 MR. WILLIAMS: Absolutely,  
17 Madame Chairwoman. The Executive Committee could,  
18 in fact, set the meeting -- the meeting requirements  
19 are OMA and a notice, and those are the statutory  
20 requirements. As far as calling a special meeting,  
21 you're free to do that. And you can do -- actually,  
22 you could do that as Chairwoman.

23 I think the pattern of the Commission has  
24 been to have the Executive Committee meet with Staff  
25 and then coordinate with the Commissioners as far as

1 dates. I would stay with your normal procedure.

2 THE CHAIR: Okay. Thank you very much.  
3 Commissioners, what's your -- what's your thinking  
4 on that? Would you want the Executive Committee to  
5 take on that responsibility?

6 COMMISSIONER CARR: Madame Chair, I'm fine  
7 with that. Also noted that, you know, I've been --  
8 I think it's important that we meet with the  
9 Secretary-Designate, as we haven't met with her for  
10 two years as a Commission. And I think that's a --  
11 that's really important. She's -- we're reaching  
12 out; she's reaching out. And we should make every  
13 effort to -- to do that.

14 And I'm free that third week of July.

15 THE CHAIR: Mr. Williams, do we need a  
16 vote on this, or just consensus?

17 MR. WILLIAMS: I think you just have to  
18 reach consensus. It's not really an action item,  
19 Madame Chairwoman. It's a matter of scheduling this  
20 special meeting.

21 THE CHAIR: Is that all right with  
22 everybody? Reschedule in July. Executive Committee  
23 will work on that and first look at that --  
24 actually, I would call that the fourth week in  
25 July -- but the week of the 22nd of July is what

1 we're talking about; right? Okay. Yes, sir.

2 MR. GERLICZ: Then, Madame Chair, I would  
3 like to propose that perhaps you and I, or the  
4 Executive Committee and our staff, maybe, by  
5 telephone or at some point, set a time where we can  
6 talk about the agenda so that I can begin to talk to  
7 this person, this meeting facilitator that I am  
8 thinking about, about exactly what we're talking  
9 about.

10 THE CHAIR: Very good. Let's do that.  
11 All right. We'll ask Ms. Friedman to keep up with  
12 that for us and to keep us all on our toes and make  
13 sure we don't forget to do it.

14 All right. That is Item 6, unless there  
15 are any questions or concerns.

16 Next, Item 7, Memorandum of Understanding  
17 with the PED, CSD, and PEC concerning Monitoring and  
18 Corrective Action. Ms. Wear?

19 MS. WEAR: Commissioner Shearman, can  
20 everybody hear me, or do I need my mic? I need my  
21 mic? I've never been told I'm too quiet.

22 I'm happy to report that, after this item  
23 being carried over for several meetings, what I just  
24 put on top of your binders right before the meeting  
25 has finally been negotiated between Mike and myself.

1 And this is what we feel is needed in order to  
2 delegate the authority to CSD to not only monitor,  
3 but to conduct/implement corrective action should  
4 the need arise with our State-chartered charter  
5 schools.

6 And I'm happy to answer any questions.

7 THE CHAIR: Thank you very much, Ms. Wear.  
8 Mr. Williams, I would ask for you to give us your  
9 recommendation.

10 MR. WILLIAMS: Yes. Thank you,  
11 Madame Chairwoman. This MOU, as the Commission  
12 knows, has been under consideration for quite some  
13 time. And the general approach that we agreed upon  
14 with Staff -- and we -- we invested ourselves in  
15 this approach -- was to begin with a very specific  
16 area of agreement. And, in this, you'll see that  
17 there are specific provisions of the Charter School  
18 Act that go to monitoring and oversight, if you  
19 will, generically, the enforcement arm of what this  
20 Commission is charged to do.

21 My legal advice, strongly, is that the  
22 Commission should move forward with memorandums of  
23 understanding with Staff. It is in the best  
24 interest of this Commission to clearly delineate  
25 roles and duties and authority. It is absolutely --

1 I'm not speaking for Staff or Ms. Wear -- I see it  
2 as completely in their interest as well. It makes  
3 for good working relationships.

4 To that end, it is my vision -- and I  
5 won't speak for Staff, with Tony and Abby. I invite  
6 them to come and -- it is my vision that we would  
7 proceed, on behalf of the Commission, with your  
8 permission, to use this as a first step. There are  
9 other areas of coordination with Staff that I think  
10 the Commission will benefit from with these types of  
11 MOUs.

12 And, so, the kind of the long-term vision  
13 is what you could look at as an overarching or  
14 omnibus MOU. But this is just the first step. This  
15 is not the end-all, the be-all of the MOUs. It is  
16 simply the one that I think best fits the role of  
17 Staff and what the Commission is doing.

18 I also would like to point out that there  
19 are some statutory requirements that -- that the  
20 Commission develop processes. If you'll look at  
21 22-8B-12L, it clearly contemplates, in the -- the  
22 suspension/revocation/non-renewal functions of the  
23 Commission, that the Commission develop processes to  
24 do that.

25 I see this MOU as part of developing those

1 processes. And it's -- it's a step in the right  
2 direction.

3 Going to the specifics. Some of the  
4 Executive Committee concerns dealt with perhaps the  
5 PEC giving up the authority. There has been --  
6 there has been some very specific measures drafted  
7 and included in this to address that concern.

8 If you look at the bottom -- well, if you  
9 look at the purpose and scope, in paragraph 1, it  
10 clearly identifies three specific statutory areas,  
11 and, then, at the end, it identifies that the scope  
12 of this MOU is the delegation of certain duties to  
13 allow for CSD to monitor fiscal performance, overall  
14 governance, student performance, legal compliance  
15 with the charter -- those charters overseen by the  
16 PEC, conduct site visits, provide technical  
17 assistance, so on and so forth.

18 Again, it's targeted; it's specific to the  
19 enforcement functions, if you will, of the CSD.

20 The CSD is -- we request, in paragraph 2,  
21 that CSD monitor. CSD, in 3, agrees to do so.

22 The parties then mutually acknowledged the  
23 obligations of CSD providing staff.

24 Now, here's a provision that the Executive  
25 Committee, at our meeting, asked that we address and



1 put in. And that was a provision that -- the CSD  
2 would regularly report on the activities and  
3 actions -- that is to say, the committee --  
4 Executive Committee -- was concerned about just  
5 simply entering into the MOU and not having a  
6 provision whereby there was a reporting mechanism  
7 back to the Commission.

8 And then you'll look at this language.  
9 And, frankly, this -- this is the last piece of this  
10 particular MOU, the hurdle that we were able to  
11 overcome very much with Abby and Tony's assistance.

12 "By entering into this MOU, the PEC waives  
13 its authority under law to approve, disapprove, or  
14 otherwise modify, as appropriate, the actions taken  
15 by the delegees of CSD." You can take that as a  
16 preservation of rights; that's one way to look at  
17 it.

18 The other thing is to remember, with these  
19 MOUs, the parties -- you can get rid of it. If it's  
20 not working, the parties can mutually agree to  
21 modify it, which I would think, given the very  
22 robust relationship that's growing with the  
23 Department, that would be the most likely scenario  
24 is that we find -- it's a work in progress. And we  
25 need to amend it and make it work.

1           If the Commission were to become  
2   disenchanted, for example, the Commission would with  
3   100 -- could, unilaterally, terminate the MOU.

4           If you look at the termination provision  
5   it says, "This MOU may be terminated by agreement of  
6   the parties." So that's the -- that's consensual;  
7   both parties agree -- or, with 120 calendar days  
8   noticed by either party.

9           Now, there's some strange language here:  
10   "Such termination must be done in writing, and  
11   acknowledgment of such must be signed by both  
12   authorized..." -- really, the way I interpret it --  
13   unless Abby sees it differently -- is if you were  
14   disenchanted you could unilaterally terminate it  
15   with 120 days' written notice, and we would have to  
16   just simply provide it by certified mail, or, in  
17   some way where CSD acknowledges it gets it. This  
18   has a provision to let them know we've unilaterally  
19   terminated the agreement with 120 days.

20           If you look at the statutory construct,  
21   the way this Commission is currently organized, the  
22   role of Staff, the developing relationship with the  
23   Department, it is my recommendation that you move  
24   forward with this, and let's keep an eye on it.

25   Let's see how we can make it better. I don't think

1 we go into it assuming it's not going to work. I,  
2 frankly, think we go into it thinking, "This is a  
3 good first step. We may need to massage it."

4 That is why I have asked this to be  
5 presented before the Commission for action.

6 THE CHAIR: Thank you, Mr. Williams. Is  
7 there any discussion or a motion on this MOU?

8 MR. WILLIAMS: Madame Chairwoman, may I?  
9 Sorry to interrupt.

10 THE CHAIR: Mr. Williams.

11 MR. WILLIAMS: Madame Chairwoman, if you  
12 consider a motion to adopt, though, I would ask that  
13 the motion include language that the Commission  
14 adopt the MOU as proposed, and also to adopt the  
15 requirements, the statutory requirements, of 22 --  
16 Section 22-8B-12L, as further -- as developing  
17 further processes for suspension, revocation, or  
18 nonrenewal of the charter.

19 The Commission is obligated to do that.  
20 This MOU is part of that. But I would like the  
21 motion to reflect that we are specifically  
22 incorporating those statutory standards.

23 THE CHAIR: Thank you very much. Would  
24 someone like to move that motion? Mr. Bergman.

25 COMMISSIONER BERGMAN: I will make the

1 motion. But I don't write very fast. So my motion  
2 would be that we approve this MOU, using the  
3 language that was just cited by our attorney and  
4 will be in the minutes. And that would be my  
5 motion, Madame Chairwoman.

6 COMMISSIONER CARR: Second.

7 THE CHAIR: We're good?

8 MR. WILLIAMS: You're good.

9 THE CHAIR: Thank you very much. Motion  
10 by Commissioner Bergman, second by Commissioner  
11 Carr, to approve this MOU, citing the language that  
12 our attorney has just entered into the record.

13 Any discussion? Do we need a roll-call  
14 vote?

15 MR. WILLIAMS: Madame Chairwoman, I would  
16 recommend a roll-call vote.

17 THE CHAIR: Mr. Secretary.

18 COMMISSIONER BERGMAN: Commissioner  
19 Toulouse.

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER BERGMAN: Commissioner Carr.

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER BERGMAN: Commissioner  
24 Conyers.

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Peralta.

3 COMMISSIONER PERALTA: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna.

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant.

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Shearman.

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Bergman votes "Yes." Madame Chair, by an  
13 eight-to-zero vote, that motion is carried.

14 THE CHAIR: Thank you, Mr. Secretary. The  
15 motion passes unanimously, to approve the MOU as  
16 presented, with the language included in  
17 Mr. Williams' statement that is previously on the  
18 record.

19 MR. WILLIAMS: Thank you,  
20 Madame Chairwoman. May I have a point of privilege?

21 THE CHAIR: Please, Mr. Williams. Go  
22 ahead.

23 MR. WILLIAMS: I would like to acknowledge  
24 Tony and Abby, specifically. This has not been an  
25 easy process. There are many stakeholders that have

1 weighed in on this. I would just simply say that I  
2 can tell you that Staff has balanced their  
3 responsibilities, I think, in a commendable way.  
4 And I just wanted to acknowledge that. Thank you.

5 THE CHAIR: Thank you very much. And you  
6 have our thanks as well.

7 When is the appropriate time for this MOU  
8 to be signed, Mr. Williams?

9 MR. WILLIAMS: Madame Chairwoman, right  
10 now, if you wouldn't mind.

11 THE CHAIR: Well, let's take care of it  
12 before we --

13 MS. WEAR: I've got copies without the  
14 word "Draft" on it. So that would probably be --  
15 two or three, Mike?

16 MR. WILLIAMS: Let's do three, please.

17 MS. WEAR: Okay.

18 (Memorandum of Understanding signed.)

19 THE CHAIR: Mr. Williams, are we complete  
20 with the MOU?

21 MR. WILLIAMS: Yes, Madame Chairwoman.  
22 Thank you. It's in effect upon its own terms upon  
23 signature. So it is now in place.

24 THE CHAIR: Thank you very much.  
25 Commissioners, we're ready for Item No. 8,

1 Discussion and Possible Action Regarding the  
2 Learning Community Charter School.

3 Director Gerlicz, please.

4 MR. GERLICZ: Madame Chair, members of the  
5 Commission, if you recall, the initial concern with  
6 the Learning Community Charter School began when we  
7 noticed -- if you recall, they were one of the three  
8 schools that the Public Education Commission  
9 recommended for denial back in 2010. Those  
10 decisions were overturned, and all of those schools  
11 were asked to resubmit goals.

12 And the Learning Community is one of those  
13 schools. And they came on our radar screen when we  
14 looked at those goals that were written in 2011 and  
15 found them to be woefully inadequate. And we  
16 contacted the then principal, who recognized -- he  
17 was brand new to the position. He recognized that  
18 they were inadequate, and, working with us, we  
19 brought to the Commission rewritten goals that were  
20 in far better shape, far rigorous. [Verbatim.]

21 During that time, and since that time,  
22 concerns have arisen through a variety of means  
23 about what was going on at the Learning Community  
24 Charter School. We scheduled a site visit. We  
25 postponed it until April 30 so that we could do the

1 site visit, as well as attend a board meeting that  
2 was scheduled at the time.

3 Since then, we attended two board  
4 meetings. And my findings, and our findings from  
5 the staff, are really divided up into two parts:

6 One, in the first part, these have direct  
7 correlations to what they think are violations of  
8 the law, and, in six categories.

9 Category No. 1: The educational program.  
10 The school received a D on the report card.  
11 Mr. Lairsey, the then principal, correctly  
12 petitioned for a review of the statistics, because  
13 our shop, the Public Education Department, did not  
14 accurately take in the graduation numbers. And he's  
15 been after us periodically and repeatedly. Finally,  
16 our office down at the Assessment Bureau  
17 recalculated those. The grade remains a D.

18 Nonetheless, any school that received a D  
19 or an F is required to do an instructional audit,  
20 and that never occurred.

21 We found that governing council membership  
22 not only is in violation of the law, but also  
23 practiced very poor practices throughout our reading  
24 of the governing council minutes. The -- we found  
25 that there was a period of time of approximately



1 five months when they operated with a less than  
2 statutorily required amount of five. We always  
3 counsel -- always counsel -- our schools, our  
4 charter schools, not to have five. That is the  
5 minimum required. But schools can have difficulty  
6 if they drive to the minimum. And this school was  
7 below the statutory requirement for a period of five  
8 months in May.

9 No. 3: We uncovered that the  
10 instructional hours that the school submitted to the  
11 PED were below the statutory minimum of 1,080 hours  
12 for secondary schools. Upon further investigation,  
13 and in our budget analyst's copy of the hours that  
14 were submitted to us, they had put in -- and had  
15 been doing this for years -- put in 6.33  
16 instructional hours per day. But that includes  
17 lunch, which schools know they are not to do. If  
18 you remove lunch and calculate the hours over a  
19 five-day week, that falls below the minimum  
20 requirement. That's one.

21 On the instructional hours issue, we  
22 noticed that Fridays are treated quite unusually at  
23 the school, that, for years, they did not have a  
24 regular instructional day on Friday. Inquiring  
25 about that, we learned that it is sometimes used for

1 remediation, sometimes used for professional  
2 development, sometimes treated as teachers'  
3 preparation time.

4           However, upon further investigation, we  
5 couldn't find that it was actually formally  
6 structured. There was no attendance taken, at best.  
7 At most, maybe a third of the students would come on  
8 Fridays for remediation purposes.

9           Again, the former -- the first former  
10 principal had recognized that to us and was actively  
11 working to change that. But, for the last eleven,  
12 twelve years, the school had been operating with  
13 that Friday strangeness, I would say. And if we  
14 include -- and it's hard for CSD to include Friday  
15 as an instructional day; so, therefore, if we  
16 calculate that as a four-day week, they are woefully  
17 behind minimum instructional hours. That exhibit  
18 and that analysis of those hours are in your packet.

19           No. 4: There was an example of an Open  
20 Meeting violation in the minutes.

21           There was an investigation of alleged  
22 sexual harassment from students and employees at the  
23 school regarding employee and board members at the  
24 school. An investigative report was filed. An  
25 investigation was done. An outside investigator was

1 brought in. The governing -- I'm sorry.

2 (Mr. Gerlicz consults with Ms. Wear).

3 MR. GERLICZ: No, it was not a PED  
4 investigation; it was an investigation that the  
5 former former principal hired a private person in  
6 Albuquerque to conduct this investigation. That  
7 report was filed. It's in your packet. But the PED  
8 was never informed of those allegations of sexual  
9 harassment, which is required. And we learned also  
10 that the governing council never read the  
11 investigative report, either.

12 No. 6: There was a breach -- an alleged  
13 breach of test security protocol alleged by a board  
14 member to the Public Education Department. We  
15 engaged our people here to do that investigation.  
16 That investigation is complete. He found there was  
17 a breach of testing protocol of an employee at the  
18 school, and that is in the report as well.

19 That's -- that first category, I would put  
20 in that category of serious concerns, because they  
21 are violations of law.

22 Now, the second category, these are  
23 serious concerns as well. And we have ongoing  
24 investigations, still, in some of these categories  
25 that may or may not be violations of the law. But,

1 in our opinion, they are serious concerns,  
2 nonetheless, that, for me, would always fall into  
3 the category of not only attempting to do best  
4 practices -- not only that, not only good  
5 practices -- but really poor practices on a number  
6 of areas.

7 In addition to -- back to the educational  
8 program, we were sort of looking for a response to  
9 when a school is recommended for denial. At the  
10 very minimum, it's a wake-up call, what's going on  
11 and what's happening, and is there some  
12 restructuring or repositioning of the delivery of  
13 the educational system. And we couldn't find that  
14 any change had occurred.

15 Now, the former principal, most recent  
16 former principal, was making some change when he  
17 assumed the position in November of 2012. Prior to  
18 that, and in this year, structurally, there hasn't  
19 been any change. And that's a problem.

20 Among the governing council, there are  
21 evidences of very poor practice among the governing  
22 council that had been going on for a number of  
23 years. We found minutes in May of 2012 that  
24 indicated the removal of two governing council  
25 members for breach of governing council policy and

1 violation related to an Open Meetings violation.  
2 The -- we found letters that were written to those  
3 two board members that were not signed by the  
4 governing council, but that were signed by the  
5 former former principal of the school. And that is  
6 a concern.

7 Our witnessing of the April 30 board  
8 meeting clearly demonstrated much of that  
9 dysfunction. People were commenting from the --  
10 from the floor, out of turn. The chair seemed not  
11 to have good control and command of the meeting. In  
12 our questioning of the board -- we had a number of  
13 questions about these findings. And these questions  
14 that we had -- it was clear that, not only the chair  
15 of the board, but all of the board, were fairly not  
16 knowing of these bad practices, or even practices  
17 that violate the law occurring for the number of  
18 years. They had clearly relied on the former former  
19 principal to indicate them, rather than take an  
20 acting governance role in that process.

21 At that meeting, we learned that there was  
22 going to be a subsequent meeting on May the 3rd, and  
23 our staff attended that second board meeting on  
24 May the 3rd. That was the meeting that we asked the  
25 questions of the board, and it was clear that the

1 board was not very cognizant of the proper functions  
2 of a governing council and their proper role as to  
3 how a school should operate.

4 At that meeting as well, from my  
5 experience as a classroom teacher, as a principal,  
6 as a head of a school, there was quite a -- what I  
7 would call inspirational moment, where we witnessed  
8 19 teachers stand up and deliver a petition to the  
9 board in support of the former principal of the  
10 school. As I say, in my career, that's not very  
11 common to see, and it was duly noted.

12 We later learned that that principal had  
13 his contract not renewed. Subsequent to that, we  
14 got a -- two board members resigned as a result of  
15 that. So, from May the 3rd until May the 28th --  
16 and I do have to say that, from that period of time,  
17 the three remaining members of the board actively  
18 tried to recruit board members to replace those two  
19 who had resigned. But those two who had resigned,  
20 including the chair, is another indicator just of  
21 the sort of chaotic nature of how governance was  
22 operating at the Learning Community.

23 I received letters from both of those  
24 resigned governing council members who indicated  
25 their frustration, that their reliance on data that

1 they were getting, both of whom indicated apologies  
2 of poor practices that led to their resignations.

3 I also received a very biting, vitriolic  
4 letter from the former former principal. Again,  
5 it's another indication of just the hard feelings  
6 and the emotional chaos that was occurring at the  
7 school.

8 There's concern around the Learning  
9 Community Charter School's foundation and their  
10 relationship to the school. It's not uncommon for  
11 charter schools to set up not-for-profit  
12 foundations. It's good practice. But there have to  
13 be clearly defined guidelines, clearly defined  
14 memorandums of understanding between governing  
15 boards of the foundations, governing boards of the  
16 school, and clearly defined lines as to how finances  
17 occur between those foundations.

18 We could not find any memorandum of  
19 understanding between those two groups. The lines  
20 are quite blurred. We found contracts for the  
21 director of the foundation that were put on Learning  
22 Community letterhead, and employee contracts.  
23 That's part of the investigation that continues.  
24 Does that mean that person is an employee? If they  
25 are, that's not okay, because they're a foundation,

1 a separate entity. That sort of fogginess is in the  
2 category of very poor practices, and we continue to  
3 investigate that.

4 The lease to the building, which is the  
5 purview of the foundation, was signed by the  
6 principal, the director of the foundation, and an  
7 administrator of the school, not the governing  
8 council of the school, yet another example of very  
9 poor practices and wondering, is the governing  
10 council aware of their responsibilities.

11 Under the category of school culture, in  
12 our site visits, we toured the school. We went into  
13 classrooms. We found good teaching happening. We  
14 found engaged students in the process. And we did  
15 learn, through conversations and through written  
16 reports, that there existed quite a toxic culture  
17 among the adults of the school. In my view, the  
18 school has done a decent-to-good job of keeping that  
19 toxic nature away from students. However, those of  
20 us who have been in schools know that it's very  
21 difficult to have a good learning environment when  
22 there is that level of toxicity.

23 The investigative report that was done by  
24 the private investigator reeks of a toxic  
25 environment in the school throughout his report.



1 And it's just another example of that culture. And  
2 in the meantime, he said-she said. We hear stories  
3 from the teachers about the board and  
4 administration. We hear stories from the board  
5 about teachers. We learn that, after the May 28th  
6 board meeting, that the most current principal was  
7 placed on administrative leave. Locks were changed  
8 at the school. We heard that teachers were  
9 prevented from coming. Yet we heard on the other  
10 side, "We had to do that to protect records."

11 Again, just more and more examples of  
12 quite a toxic school culture.

13 Let's see. It is our opinion that this  
14 governing council, the governing council that we  
15 saw, is not capable of proper oversight of the  
16 school. And that's been evidenced not just  
17 recently, but through years of board minutes that  
18 we've read and how the school has been conducted  
19 over the years.

20 There were two allegations made by the  
21 board towards the administration of the school. One  
22 is an alleged falsification of a Title 1  
23 application. The PED did look into that. That  
24 turned out not to be the case. In fact, the most  
25 recent former principal had attempted to make the

1 Learning Community a Title 1 school, and our  
2 investigator was surprised that it had not been a  
3 Title 1 school previously, because they certainly  
4 have the population that would qualify.

5 The second allegation about the breach of  
6 protocol, the report, is in your packet with names  
7 blacked out.

8 You will see in your packet, these  
9 concerns that we have noticed and placed in your  
10 packet are very, very concerning to us. And it  
11 placed us, as staff in the Charter School Division,  
12 who are passionate about charter schools and about  
13 high-quality charter schools, of a course of action  
14 to recommend to the PEC.

15 Among our staff, the initial line of  
16 thinking and reasoning was that we need to remove  
17 this board and get a group in there who has a better  
18 functioning, or perhaps PED take it over to have a  
19 better operational alignment between the mission of  
20 the school, good practices, with good teaching and  
21 good leadership.

22 In our own working in here, that's still  
23 being -- I don't think it's defined yet. But the  
24 decision to remove or to not renew the contract was  
25 a legally made decision by the then board. We're

1 not sure the PED has authority to do that at this --  
2 but we certainly have the authority to replace the  
3 board. But, that, in our view, would continue that  
4 sort of chaotic nature that the school has occurred,  
5 especially given that, in the intervening period  
6 after our site visits and the May 28th meeting, we  
7 received a petition signed by 13 teachers that did  
8 ask for removal of the board as an impediment. We  
9 received a second petition that asked for the  
10 reinstatement of the most recent principal at the  
11 time.

12 Now, that decision was, as I mentioned, a  
13 legal decision. So, in our view, we do not have  
14 control over that decision. Therefore, if that is  
15 not a course of action that is open to us, it is our  
16 belief that the bargain that charter schools strike  
17 when they are created is to accept the autonomy and  
18 to deliver good practice and good results. That's  
19 the bargain that every school ought to do. But it's  
20 exceptionally important for charter schools.

21 This is a charter school that is twelve  
22 years old. We should not be having to have these  
23 types of discussions for a school that is twelve  
24 year old. We recognize that every school has peaks  
25 and has valleys and goes through cycles. Speaking

1 from experience, as well as private readings and all  
2 of our understandings of any organization, that  
3 occurs.

4 In the Learning Community's case, this has  
5 gone on for way too long. And I don't see any other  
6 course of action other than to recommend -- and  
7 this -- this is the voice of the Charter School  
8 Division staff -- we don't see any other course of  
9 action that we can recommend to you, other than  
10 initiating proceedings to revoke the charter of the  
11 Learning Community. And I say that with difficulty  
12 and some pain, being such an advocate for charter  
13 schools.

14 But we've investigated. We've gone around  
15 other options of what can be done. And this is our  
16 recommendation to the PEC, that we initiate  
17 proceedings to revoke the charter of the Learning  
18 Community.

19 THE CHAIR: Thank you, Director Gerlicz,  
20 for your report. Let me just say this, and then  
21 we'll see if Commissioners have questions or  
22 discussion. Staff is recommending closure, which is  
23 revocation, under the statutes. We are being asked  
24 to determine whether or not to accept Staff's  
25 recommendation.

1 Under the statutes, we are not deciding  
2 the merits of this matter today. We are only  
3 deciding whether this information Staff has  
4 provided, if true, would warrant revocation. And,  
5 as this PEC Commission has done in the past, and I'm  
6 sure will continue in the future, our concern is for  
7 the students. The staff, of course, is a concern.  
8 But our first concern is the quality education of  
9 the students that go to this school, or to any  
10 school.

11 So, as I see it, Commissioners, our job  
12 now is to discuss Director Gerlicz's report, should  
13 we choose to, and decide if we want to set a special  
14 meeting to consider revocation of the Learning  
15 Community Charter School.

16 MS. WEAR: Madame Chair, just a point of  
17 clarification. I apologize. This is probably my  
18 doing. I just wanted to clarify the distinction  
19 between concerns and other concerns in this report  
20 you've got.

21 I heard Director Gerlicz say something  
22 about "the other concerns may not rise to being  
23 violations of the law." However, that, I guess, was  
24 my failing in explaining and organizing this report.  
25 These labeled "Other Concerns" are ones that would,

1 in my opinion, need further investigation and  
2 evaluation into. It doesn't necessarily mean that  
3 they don't rise to the level of violations of the  
4 law.

5 So, in your -- please consider that in  
6 your considerations.

7 THE CHAIR: Thank you for that  
8 clarification. Commissioners, do you have questions  
9 or concerns, or -- Mr. Williams?

10 COMMISSIONER CARR: I have a couple of  
11 questions, Madame Chair.

12 THE CHAIR: Let's go with Commissioners  
13 first. Commissioner Carr.

14 COMMISSIONER CARR: Yes, one -- well, let  
15 me just ask -- ask the questions, and then you can  
16 answer them. They're not that complicated.

17 The test protocol. You know, teacher  
18 licenses can be revoked on them. And I know you  
19 don't want to do something with -- you know, unless  
20 you know beyond a reasonable doubt, anyway, that  
21 that actually occurred. And I wondered if you  
22 looked into that.

23 The other question was, I look at the  
24 history of this -- was the first time they were  
25 approved -- I'm assum- -- yeah, they had to have

1     been approved by a local board.

2                 MR. GERLICZ:    APS.

3                 COMMISSIONER CARR:    APS.    And then they  
4     came to us.    Okay, that's it.    Thank you.

5                 MR. GERLICZ:    Commissioner Carr, members  
6     of the Commission, yes.    So we take an allegation of  
7     a breach of test security very seriously, as we take  
8     an allegation of a Title 1 application falsification  
9     very seriously, as we do a lot of things that come  
10    across our -- and we investigated both thoroughly.  
11    The Title 1 allegation is clearly put to rest.

12                The breach of test security, in our view,  
13    is complete.    It was conducted by the Assessment and  
14    Accountability Office.    The report is in your  
15    packet.    The report is completely blacked out of  
16    names in the packet because of precisely of what  
17    you've referred to, that -- and there are findings  
18    of breaches of test protocol on an employee at the  
19    school.

20                And that will be followed up with.    But it  
21    certainly would not be proper for me to name any  
22    names or to -- and that is why, in your report, all  
23    of the names are blacked out.    But there is a  
24    finding that there has been a breach of test  
25    protocol on an employee at the school.

1 COMMISSIONER CARR: Thank you.

2 COMMISSIONER POGNA: Madame Chair?

3 THE CHAIR: Commissioner Pogna.

4 COMMISSIONER POGNA: Madame Chair,  
5 Mr. Gerlicz, when was the opening of the school? I  
6 can't seem to find it.

7 MR. GERLICZ: The school is twelve years  
8 old; so 2000-2001, somewhere around there.

9 COMMISSIONER POGNA: Thank you.

10 THE CHAIR: Okay, Commissioners. I would  
11 remind you that the action that -- the potential  
12 action that is before us now is to decide if we want  
13 to set a special meeting to consider the revocation  
14 of this charter. Commissioner Gant.

15 COMMISSIONER GANT: Madame Chair, in  
16 listening to all that Mr. Gerlicz had to -- that he  
17 told us about and the ongoing investigations and  
18 other -- I'm sure some more stuff is going to come  
19 out -- I do move that we have a special meeting to  
20 address this issue on the revocation of the Learning  
21 Community.

22 THE CHAIR: Thank you for that. I think  
23 Mr. Williams could aid us in that motion to be sure  
24 that we include everything that needs to be  
25 included.



1 COMMISSIONER GANT: Yes, I would  
2 appreciate that.

3 MR. WILLIAMS: Madame Chairwoman, thank  
4 you for allowing me to address the Commission.  
5 Since Commissioner Gant has expressed a desire to  
6 make the motion, I would like to have a moment to  
7 provide Commissioner Gant with some proper language,  
8 because -- if you don't mind me chatting for a  
9 moment about this? --

10 THE CHAIR: Please do.

11 MR. WILLIAMS: -- the statute is fairly  
12 precise in what it requires. And you have properly  
13 stated that, where revocation might be considered  
14 based upon presentation of staff, that that proposed  
15 action needs to be provided to the school. There  
16 needs to be a period of exchange -- a response  
17 period. And it is my advice in this matter that you  
18 would set a special meeting and have a hearing on  
19 this matter.

20 Because of that, the statutory interplay,  
21 it is my advice to the Commission that it make a  
22 fairly precise motion for the Commission's  
23 consideration. And, so, with your permission,  
24 and -- I would like to just simply suggest to  
25 Mr. Gant some language. It's up to him whether he

1 uses it or not. It's on my laptop. May I have your  
2 permission to do that?

3 THE CHAIR: Please proceed, Mr. Williams  
4 and Mr. Gant.

5 MR. WILLIAMS: Thank you.

6 THE CHAIR: While they're doing that, why  
7 don't we take about a five-minute break to stretch  
8 our legs? We'll be back at -- let's say 10:30.

9 (Recess taken, 10:20 a.m. to 10:35 a.m.)

10 THE CHAIR: I declare this meeting of the  
11 Public Education Commission back in session. I also  
12 declare that Commissioner Gant's original motion has  
13 failed for lack of a second. And it's been brought  
14 to our attention by the attorney for the TLC school  
15 that the governing council would like to address the  
16 Commission.

17 The Executive Committee has agreed to  
18 allow the governing council to have ten minutes  
19 total time to address this Commission. So if the  
20 governance council members from TLC who would like  
21 to speak to the Commission would come forward to the  
22 table, please? Do you have a question?

23 UNIDENTIFIED SPEAKER: I do, Madame  
24 Chairman. If the governing council is allowed ten  
25 minutes, may we, as the staff of TLC, also have ten

1 minutes?

2 THE CHAIR: Mr. Williams, could you --

3 MR. WILLIAMS: Madame Chairwoman, that is  
4 completely within your discretion. Let me just  
5 remind everyone that what the Commission is  
6 considering at this point is not the determination  
7 as to the status of the charter of TLC. It is going  
8 to be assessing whether, if true, Staff -- if, for  
9 the purposes of setting a hearing, considering that  
10 Staff's allegation is true, would they rise to the  
11 level of needing revocation of the charter.

12 If that's the Commission's pleasure --  
13 right? -- then, the Commission could vote to set a  
14 hearing to determine that matter. The conduct of  
15 that hearing would be done pursuant to statute,  
16 pre-hearing order, other applicable law. Okay?  
17 That affects the charter. That's the governance  
18 council's responsibility is the charter.

19 Now, if that hearing were to take place,  
20 there may be other opportunities for participation  
21 for the public, for example. But that's to be  
22 decided. We're way ahead of the game here. So,  
23 really, what we are -- the procedural posture of  
24 this particular item that's before the Commission is  
25 that Staff has presented its report. It has made

1 its presentation. It has made a recommendation for  
2 revocation. The Commission is mindful of its  
3 obligations under the law to do so.

4 Counsel for TLC has asked that the  
5 governing council be given an opportunity to  
6 respond. They're responsible for the charter.  
7 These allegations directly affect the governing  
8 council. So you would be perfectly within your  
9 rights to limit a response to that of the governing  
10 council.

11 However, Madame Chairwoman, if you're  
12 going -- if the Commission -- if it's the pleasure  
13 of the Commission to hear Staff's position on this  
14 matter, you can do that as well. It's -- depends on  
15 how much time you choose to allot to this matter.

16 So governing council has ten minutes. You  
17 could allot a certain amount of time for Staff.

18 But here's the thing. This is not the  
19 time for a hearing. It's not a hearing on the  
20 merits of this matter. It's a hearing on the  
21 recommendation of Staff of a hearing on revocation.  
22 That's what this is about.

23 So do not want this -- my recommendation  
24 is that this not be generated essentially into a de  
25 facto hearing, when that has yet to be decided.

1 COMMISSIONER CARR: Madame Chair, point of  
2 order, too. I -- I believe --

3 THE CHAIR: Mr. Carr.

4 COMMISSIONER CARR: I know you, as a  
5 governing council -- you had the recommendation,  
6 Mr. Williams. But I believe it is something that we  
7 should take a vote -- technically, we're changing  
8 the agenda. And I think we're opening up ourselves  
9 to something here to -- to what appears to be a  
10 hearing. And if we don't hear from everybody, I --  
11 I think it would look like we're not being -- at  
12 least has the appearance of us being unfair.

13 And I -- I would like to have a chance  
14 to -- to have -- you know, to delve through all the  
15 information and everything, and then let's set a  
16 date, and then let's hear from everybody.

17 I -- I don't like the idea right now of  
18 hearing from anybody on this right now. I --  
19 unless -- if we hear from one, I feel like we need  
20 to hear from everybody. And I don't think this is  
21 the right time for it. For whatever it's worth,  
22 that's my opinion on it.

23 THE CHAIR: Thank you, Commissioner.  
24 Other opinions?

25 COMMISSIONER TOULOUSE: Madame Chair?

1 THE CHAIR: Commissioner?

2 COMMISSIONER TOULOUSE: I think I more or  
3 less agree with Commissioner Carr. I think it's  
4 very hard to sit and listen to one side of something  
5 and not the other side when we're having to make a  
6 decision, "Are we going to hear it?" So I think we  
7 either need to hear both or neither in order to make  
8 the decision, "Are we going into a special meeting?"

9 I don't think we want details. I don't  
10 think we want allegations. I think, at most, it  
11 should be a summary of where everybody is at.  
12 Because, otherwise, I think, if we have a hearing,  
13 then everybody's got time to go into detail and give  
14 us details. But I'm uncomfortable making a decision  
15 with only one side being able to talk to me before I  
16 decide if I'm even going to hear it.

17 And so I say I'd like either both or  
18 neither, personally.

19 THE CHAIR: Thank you, Commissioner.

20 COMMISSIONER CARR: Well, Madame Chair, I  
21 would also -- I don't -- I want everybody to get a  
22 chance to speak. But what I would recommend, that  
23 when everybody gets through speaking, that we maybe  
24 hold a vote on this.

25 THE CHAIR: To whether or not --

1           COMMISSIONER CARR: To vote on whether we  
2 hear anybody or not today. I think that would be  
3 proper, that we all vote on whether we want to hear  
4 anybody or not. That way, we're on record where we  
5 stand.

6           THE CHAIR: Mr. Williams, I'm putting you  
7 on the spot here.

8           MR. WILLIAMS: No, no, I don't mind being  
9 on the spot. The reality of it is, I haven't  
10 changed my advice, which is procedural. This is not  
11 a hearing. This is a consideration of Staff's  
12 recommendation for a determination as to whether it  
13 rises to the level, in the Commission's  
14 consideration, if true, to possible revocation,  
15 triggering the requirements under L, and having a  
16 hearing in compliance with the requirements under L.

17           That's what this is. It's not a  
18 determination on the merits. And, frankly, if you  
19 move forward without considering the governing  
20 council, that's fine. And, technically, if you do  
21 look at the -- the way it was noticed, that's the  
22 way it was noticed.

23           The governing council's attorney made a  
24 request to address the Commission prior to a  
25 determination on whether to set the matter for

1 hearing. And, frankly, it never hurts to give folks  
2 more of an opportunity to speak than less.

3 Now, having said that, the opportunity to  
4 speak in a formal sense is if there's a hearing. If  
5 the Commission actually hears Staff's position and  
6 says, "We don't think this is potentially going to  
7 rise to the level of revocation," well, then, you go  
8 under F, the corrective action process; the curative  
9 action process is under F.

10 So I don't disagree with  
11 Commissioner Carr. There is a threshold issue here,  
12 and it's a procedural issue. Frankly, the cleanest  
13 way here is to do that. However, there's also this  
14 balance between letting folks speak and having an  
15 opportunity to be heard that has to be considered.  
16 And I frankly think it should be the Commission's  
17 privilege. I would actually recommend that the  
18 Commissioners vote on it. I think legally, you can  
19 go either way.

20 Commissioner Carr's is cleaner legally. I  
21 don't think you can be faulted, especially since  
22 TLC's counsel is the one that requested the  
23 opportunity to address the Commission.

24 THE CHAIR: Thank you, Mr. Williams.  
25 Mr. Carr, do you -- would you like to make a motion?



1           COMMISSIONER CARR: Well, I'd like --  
2 well -- and then we can -- then we can have  
3 discussion after the second, if you want. I --  
4 Madame Chair, I -- you know, I'm -- I guess my  
5 position was either hear from everybody or nobody.  
6 I -- at this time.

7           And, with our schedule, I can't imagine us  
8 being able to hear from everybody today. I mean, we  
9 give each side, I guess, ten minutes. But there  
10 might be somebody here who has some other opinion as  
11 well -- I don't know -- somewhere in between. But  
12 I --

13          THE CHAIR: Mr. Carr, let me just jump in  
14 here for a moment. Pardon me for interrupting. I  
15 want to reiterate what Mr. Williams has said. This  
16 is not the hearing. And we cannot let everyone  
17 speak. That is the hearing when people get to  
18 speak.

19          All we're trying to do today is decide  
20 whether or not to set a special meeting to consider  
21 revocation of this charter. Because the attorney  
22 asked, could the governing council speak to us, the  
23 E.C. decided to err on the side of being open and  
24 allow that to happen.

25          COMMISSIONER CARR: Okay.

1 THE CHAIR: If the Commission chooses to  
2 go with that and to allow one group. The group that  
3 has asked -- faculty group has asked also to speak,  
4 I think if we do that, we need to be very mindful  
5 that this is not a hearing. We cannot hear  
6 evidence, none of that. We are simply going to hear  
7 their response, or their information that they want  
8 to give us according -- that has to do with the  
9 Director report that we've heard. So we're not at  
10 all even considering other groups or other  
11 individuals.

12 COMMISSIONER CARR: All right.

13 MR. WILLIAMS: Madame Chairwoman, may I --

14 THE CHAIR: Yes, please.

15 MR. WILLIAMS: Just following the  
16 statutory approach under L, if you read L, if this  
17 Commission were to actually go down the road and  
18 say, "We're concerned about this, if true; we -- we  
19 are concerned that this might result in revocation,"  
20 it'll trigger L. And that's this hearing process.

21 If you look at L, it says, "Provide the  
22 charter school with timely notification of the  
23 prospect of suspension, then allow the charter  
24 school time to prepare and submit a response."

25 I seriously -- you know, I seriously doubt

1 the charter school is going to want to try to fully  
2 respond at this point to the CSD's presentation.  
3 But all of those mechanisms are in place, should  
4 there be a hearing.

5 The statute is not contemplating the --  
6 this other kind of participation from staff,  
7 faculty, and that kind of stuff. It really is  
8 talking about responses from the charter school.  
9 You're talking about the regulatory body and the  
10 licensee, if you will. Okay? So we've got to  
11 remember that's the construct, number one.

12 At this point, it's just -- it's just a  
13 determination of whether you're going to have a  
14 hearing or not. I don't know -- as a matter of  
15 fact, I would actually -- my advice to the  
16 Commission is, if the charter school -- the  
17 governing council were to try to offer evidence, I  
18 would say it's not appropriate. That's not what  
19 we're talking about here.

20 But, if you do look at the construct of  
21 the statute, it does contemplate, properly, a  
22 response from the governing council. That would  
23 make sense, by the way.

24 THE CHAIR: At the hearing.

25 MR. WILLIAMS: At the hearing. But,

1 again, giving the governing council an opportunity  
2 to respond -- TLC's counsel has actually stated to  
3 me -- and Sue, feel free to comment. I don't want  
4 to misstate her words to me. But, under one way you  
5 can look at this, they've had -- they've just heard  
6 the charges. They know. They're on notice. So one  
7 could say this is the beginning of their response.

8 To keep it clean, don't allow them to  
9 respond. But, if you do allow a response, I would  
10 say limit it to the governing council, and be clear  
11 that this is not evidence.

12 COMMISSIONER CARR: Madame Chair, I'm  
13 prepared to make a motion, then.

14 THE CHAIR: Commissioner Carr.

15 COMMISSIONER CARR: I move that we hear  
16 from no one else on Item 8 today.

17 COMMISSIONER POGNA: I can't hear you.  
18 I'm sorry.

19 COMMISSIONER CARR: I move that we hear  
20 from no one else today on Item 8.

21 THE CHAIR: Let me ask for clarification,  
22 Mr. Carr. When you say "from no one else," if --

23 COMMISSIONER CARR: Oh, I'm sorry. I move  
24 we hear from no one else, other than the Charter  
25 Division and the Commission and our attorney on this

1 today.

2 THE CHAIR: That we allow no one from the  
3 audience to speak?

4 COMMISSIONER CARR: Yes.

5 THE CHAIR: Thank you for that  
6 clarification. Do I hear a second? Commissioner  
7 Peralta?

8 COMMISSIONER PERALTA: I'll second it.

9 THE CHAIR: We have a motion by  
10 Commissioner Carr, seconded by Commissioner Peralta,  
11 that we do not take any public comment during  
12 today's meeting regarding TLC. Is there discussion?

13 COMMISSIONER TOULOUSE: Madame Chair,  
14 point of order, now, this bunch could still do  
15 public comment at the end of our meeting, however.  
16 We can't deny them that public comment. So that  
17 with we say "no public comment," I think we have to  
18 say "at this point in the meeting," rather than "no  
19 public comment"; because, by understanding of  
20 "public comment" under State law and all, it's  
21 basically whatever people want to say to us when the  
22 meeting's at an end. Correct?

23 THE CHAIR: Mr. Williams?

24 MR. WILLIAMS: This will be a change, I  
25 think, in what you've been told before. So I'm

1 ready to have rocks thrown at me. I actually think  
2 Commissioner Toulouse is correct. I actually  
3 believe that that is part of what -- and I think  
4 that's actually a very astute observation -- is that  
5 the opportunity for folks to comment is not silenced  
6 by not necessarily allowing them in this context.

7           They can certainly comment to the  
8 Commission -- my legal advice would be, if they do  
9 comment publicly, that we just leave it at that. I  
10 mean, if the Commission were to vote to have a  
11 hearing on this, you would have a matter pending  
12 before you. I simply -- they get to make comment,  
13 within the -- by the way, within the time frames and  
14 limits applicable to all public.

15           THE CHAIR: And that is listed in the  
16 agenda.

17           MR. WILLIAMS: It is on the agenda.

18           THE CHAIR: Are there other comments?  
19 Questions? Are we ready to vote? Can we do a voice  
20 vote, Mr. Williams, if --

21           MR. WILLIAMS: Sure.

22           THE CHAIR: All right. The motion is to  
23 not allow any public comment at this time. All  
24 those in favor of the motion, please say "Aye."

25 (Commissioners so indicate.)

1 THE CHAIR: Those opposed, say "No."

2 COMMISSIONER TOULOUSE: I'm going to say  
3 "No," Madame Chair.

4 THE CHAIR: On a vote of seven to one, the  
5 motion carries. We will not be taking public  
6 comment. Thank you.

7 Commissioners, we are to the point where  
8 it is appropriate for our Commission to decide  
9 whether or not we are going to hold a special  
10 hearing, a special meeting to hold a hearing.  
11 Mr. Gant has indicated he would like to make a  
12 motion. Please go ahead.

13 COMMISSIONER GANT: Madame Chairwoman,  
14 members, based upon the information set forth by the  
15 Charter School Division Staff in its report and  
16 presentation during the meeting today, if proven  
17 true at a hearing, it appears that the Commission  
18 must consider revocation of the Learning Community's  
19 charter due to the possible violations of statutory  
20 criterion set in New Mexico's Statutes Annotated  
21 1978, Section 22-8B-12K.

22 Possible violations include, but are not  
23 limited to:

24 1. Material violations of the conditions  
25 of the conditions -- "of the conditions of the

1 conditions" -- standards and procedures set forth in  
2 the charter.

3 A. Governance council's membership and  
4 practices.

5 B. Possible license issues.

6 C. Noncompliance with instructional hour  
7 requirements.

8 D. Test security breach.

9 No. 2: Failure to make substantial  
10 progress towards achieving the Department  
11 educational standards.

12 A. Charter school in operation for many  
13 years and still has a school grade of D.

14 B. No instructional audit.

15 Item 3. One moment.

16 Item 3, again. Failure to meet generally  
17 accepted standards of fiscal management.

18 A. No MOU with foundation.

19 B. Questionable practices in relationship  
20 to the foundation.

21 Item 4: Violations of provision of law  
22 from which the Learning Community was not  
23 specifically exempted.

24 A. Failure to meet instructional hour  
25 requirements.



1 B. Possible Open Meetings Act violations.

2 As such, I move that the Commission set  
3 this matter for a hearing during a special meeting  
4 concerning the possible revocation of the Learning  
5 Community's charter, in compliance with New Mexico  
6 Statutes Annotated 1978, Section 22-8B-12L.

7 COMMISSIONER CARR: Second.

8 THE CHAIR: Commissioners, we have a  
9 motion by Commissioner Gant, seconded by  
10 Commissioner Carr. You've heard the motion. Is  
11 there discussion? We will have a roll-call vote?

12 MR. WILLIAMS: Yes, Madame Chair.

13 THE CHAIR: Commissioner Bergman.

14 COMMISSIONER BERGMAN: Commissioner  
15 Toulouse.

16 COMMISSIONER TOULOUSE: Yes.

17 COMMISSIONER BERGMAN: Commissioner Carr.

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Conyers.

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Peralta.

24 COMMISSIONER PERALTA: Yes.

25 COMMISSIONER BERGMAN: Commissioner Pogna.

1 COMMISSIONER POGNA: Yes.

2 COMMISSIONER BERGMAN: Commissioner Gant.

3 COMMISSIONER GANT: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Shearman.

6 THE CHAIR: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Bergman votes "Yes."

9 Madame Chairwoman, by an eight-to-zero  
10 vote, the motion is carried.

11 THE CHAIR: Thank you, Mr. Secretary. By  
12 a unanimous vote, the Commission will set a day for  
13 a special hearing to consider revocation of the TLC  
14 charter.

15 Next, I think we need to see -- Mr. Gant  
16 has a second motion. Mr. Gant?

17 COMMISSIONER GANT: Madame Chairwoman,  
18 members, since the Commission has authorized a  
19 hearing concerning the possible revocation of the  
20 Learning Community charter, I move that the  
21 Commission designate the Chairwoman as the hearing  
22 officer for the proceeding -- for that proceeding,  
23 with the authority to set the hearing date, issue  
24 all appropriate pre-hearing orders, rule on motions,  
25 and otherwise preside over the case.

1 COMMISSIONER CARR: Second.

2 THE CHAIR: Thank you. We have a motion  
3 by Commissioner Gant, seconded by Commissioner Carr,  
4 to name the Chairwoman as the hearing officer with  
5 the duties as enumerated and as are now on the  
6 record. Are there any questions or discussion?  
7 Hearing none, we'll proceed to a roll-call vote.  
8 Commissioner Bergman?

9 COMMISSIONER BERGMAN: Commissioner  
10 Toulouse.

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner Carr.

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Conyers.

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Peralta.

19 COMMISSIONER PERALTA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Pogna.

21 COMMISSIONER POGNA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant.

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Shearman.

1 THE CHAIR: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Bergman votes "Yes" on this motion. Madame Chair,  
4 by an eight-to-zero vote, that motion a carried.

5 THE CHAIR: Thank you, Commissioner  
6 Bergman. The motion passes unanimously. The  
7 Chairwoman is named hearing officer with specific  
8 duties.

9 Can I just take a moment now and see if we  
10 can get one of those duties taken care of?

11 We have set aside, or have set aside June  
12 the 18th as the day we were going to have our work  
13 session. Since I suspect everyone already has that  
14 day blocked out, could we set that day for our  
15 special hearing, or is that not appropriate to do at  
16 this time? Mr. Williams?

17 MR. WILLIAMS: Madame Chairwoman, thank  
18 you. I think that's optimistic. If you look at --  
19 and I would actually ask Staff's opinion of it as  
20 well. But let me -- I know we're talking a lot  
21 about this, so I apologize. I'll keep it quick.

22 If you look at the requirements under L,  
23 the charter school must be provided timely  
24 notification of the prospect of revocation and the  
25 reasons for such action. Well, they've just had

1 that, arguably, by the Commission, you know, the  
2 presentation of the Commission's order.

3 But I would imagine that one of the first  
4 things the Chairwoman would do would be to direct  
5 Staff to send a formal written notification of the  
6 hearing, the report, and even the -- part of the  
7 transcript notifying the charter school of the  
8 specific basis of the proposed prospect for  
9 revocation.

10 Secondly, the charter school then is  
11 allowed reasonable time to prepare and submit a  
12 response to the chartering authority's action.

13 So, really, we are now -- what I'm going  
14 to be advising the Chairwoman in her capacity as  
15 hearing officer, and the Commission, is, this is a  
16 bona fide hearing. It is real. I'm not saying that  
17 the others haven't been. But what I'm saying is,  
18 that, in this context, due process is going to  
19 require Staff to go forward to present their case,  
20 call witnesses. The witnesses would be sworn; they  
21 would be cross-examined, so on and so forth.

22 So, in many ways, the first document that  
23 needs to be issued, essentially, by Staff is what we  
24 would call a "charging document." Here's the  
25 concerns; here's the violations; here's what it is.

1           The chartering authority has notice of  
2           that. The chartering authority, under the statute,  
3           has a reasonable period of time to respond. You  
4           would want that in writing presented prior to the  
5           hearing with any other compliance with your  
6           pre-hearing order.

7           And, so, the 18th would be hi- -- as you  
8           can see, that becomes highly optimistic. I would  
9           prefer, frankly, Madame Chairwoman, if you could  
10          allow -- there would be three -- since I'm  
11          representing the Commission, I can only interact  
12          with Staff and with Ms. Fox, as attorney for TLC, on  
13          a procedural basis. But I can do that, and I'd be  
14          happy to coordinate with counsel on a proposed time  
15          line.

16          THE CHAIR: Okay.

17          MR. WILLIAMS: With your permission.

18          THE CHAIR: Certainly. Certainly. I just  
19          saw that date of the 18th and I thought, well --  
20          obviously, I'm -- I'm not realizing all that needs  
21          to be done. So thank you --

22          MR. WILLIAMS: Sure.

23          THE CHAIR: -- for keeping us on track  
24          here.

25          COMMISSIONER CARR: Madame Chair, in

1 thinking about all this, you know, depending on what  
2 kind of decision we make, you know, my first thought  
3 was there was -- 181 students? You know, I know we  
4 have to give time for everybody to prepare and  
5 everything. But think about it. That's my top  
6 priority.

7 I am thinking, well, we probably won't get  
8 to have a hearing on this probably till July, I'm  
9 guessing. But I would like to give -- you know, if  
10 this school has to close, my thoughts are with those  
11 students who are going to have to find another  
12 school. The sooner we make this decision, people  
13 can get on with their lives one way or the other,  
14 however it goes. And it affects a lot of people of  
15 course, the staff, too. But the students, the  
16 parents, the families, everybody, that's a lot of  
17 people that this affects.

18 Just to let you know that's on my mind.

19 THE CHAIR: I'm sure it's on --

20 COMMISSIONER CARR: On yours, too.

21 THE CHAIR: Thank you very much. You've  
22 expressed your concern. We all have. Mr. Williams.

23 MR. WILLIAMS: Madame Chairwoman, I  
24 appreciate Commissioner Carr's concerns, and  
25 certainly will be mindful of the timing. But,

1 again, this Commission has not made any  
2 determination as to closure, revocation, anything.  
3 And even if it were to consider other sanctions, the  
4 timing of that would be certainly within your  
5 purview.

6 So, again, this matter has not been  
7 decided. That is forthcoming.

8 THE CHAIR: Right. And we will move on to  
9 set that date and do our due diligence.

10 All right. If we are finished with Item  
11 No. 8, let's go to Item No. 9, Report from Options  
12 for Parents and the Charter School Division, along  
13 with Ms. Wear, with her information to add to that.

14 MR. GERLICZ: Madame Chair, members of the  
15 Commission, it's been another busy month in  
16 "Charter-land," where all of our schools are above  
17 average. And I won't repeat all that is in your  
18 packet, the X number of pages that report on our  
19 school. [Verbatim.] But I do want to point out  
20 some highlights that I think are noteworthy.

21 I want to point out that there is an  
22 ongoing national conversation among charter schools  
23 to some speak accountability measures for  
24 alternative schools that are different than  
25 traditional schools. And what defines alternative



1 schools would then kick into practice a set of  
2 measures that are different from the State report  
3 card currently and modifications of the State report  
4 card relative to that.

5 And what I found interesting is that that  
6 conversation is happening -- happening nationally.  
7 And we are a part of that.

8 I wanted to bring everyone's attention to  
9 No. 9. This is a particularly exciting thing.  
10 We've opened up a conversation with the head of  
11 Advanced Ed, which was formerly North Central  
12 Association of Schools and Colleges -- they are the  
13 accreditation body for this region of the country --  
14 and in just the beginning stages of the conversation  
15 of thinking about how, when our charters go through  
16 their renewal process, how we can fold that into an  
17 accreditation process and accomplish a number of  
18 things at the same time. So if a charter is  
19 renewed, we could offer them the opportunity to be  
20 accredited at the same time.

21 And to be accredited by North Central,  
22 which is now Advanced Ed, would really be a feather  
23 in the cap for any school to have done. A number of  
24 our charters and a number of other schools are  
25 accredited. It's a rigorous process. All that have

1 gone through it can attest to it. And that is an  
2 exciting movement in which we are engaged.

3 No. 10, to me, is also interesting.  
4 That's a sidebar. But people wonder constantly what  
5 effect charters are having on traditional education.  
6 That's one small piece. And, actually, it's one big  
7 piece. And there are a number of examples that we  
8 hear of how charters are really influencing  
9 education reform in general.

10 For example, if you look to 11.2, our site  
11 visit to the Albuquerque Sign Language Academy  
12 presented some significant innovation that I have  
13 not seen anywhere. And I've come to learn that this  
14 charter school is a duly certified bilingual school  
15 in ASL and in English, and the first in the nation  
16 so certified. That's quite an achievement. And  
17 they are breaking new ground. And it's an exciting  
18 place, and only in the charter world have we seen  
19 it. That's another example of the impact that that  
20 school has.

21 If you go to 11.4, it is a State-chartered  
22 school in Santa Fe, the Masters Program. Like the  
23 Bridge Academy Arrowhead down in Las Cruces, this is  
24 a school that has had dual enrollment with the Santa  
25 Fe Community College for a number of years, and they

1 are also working with a set of additional  
2 accountability measures that we would say are more  
3 on the emotional intelligence side of things, the  
4 true indicators of success that measure  
5 responsibility and perseverance.

6 And this school has done a marvelous job  
7 on collecting data on their students. They are  
8 actively focused on that, in addition to their  
9 academics. And I find that a unique option. And,  
10 so, many unique things that occur in our site  
11 visits.

12 Again, you can see from the report how  
13 proud I am of the Staff, who have -- I think we can  
14 conclude this year and say that every single of our  
15 57 State-chartered schools has received a visit from  
16 us this year, either in person or in a group  
17 meeting, in the case of the four-year schools. And  
18 that's quite an achievement that we intend to keep  
19 up year after year.

20 The applications for new charters are  
21 coming due July 1st. We do predict a lesser number  
22 than in years past. Remains to be seen. But we're  
23 guessing in the single digits of applications, but  
24 that is a guess. We'll see shortly.

25 Madame Chair, you asked about the

1 follow-up from last month's meeting about where we  
2 are with the particular school in question and its  
3 audit. And Abby can speak to this as well.

4 We had a meeting set up yesterday on that  
5 specific issue. Unfortunately, it had to get  
6 canceled. We're trying rapidly to get it  
7 rescheduled, because that audit has not yet been  
8 completed. And we are just pushing, pushing,  
9 pushing for that audit to be completed. So I really  
10 do not have any additional information to report on  
11 that until that audit is completed.

12 Abby, I don't know if you want to add  
13 anything on that particular question or not.

14 MS. WEAR: No. But if you have any  
15 questions, I'm happy to answer them.

16 MR. GERLICZ: And, again, happy to  
17 entertain any questions that you have on any of our  
18 site visits. And I hope you can see the enthusiasm  
19 and the innovation and the good things that are  
20 happening in "Charter-land" as a result of these  
21 abstracts that our staff puts together. There are  
22 some very, very exciting educational things  
23 happening in the charter world.

24 And that's my report for today.

25 COMMISSIONER GANT: Members of the

1 Commission, the Chair had to step out -- I think  
2 she's probably taking a call concerning her husband.  
3 So I'll take over for a few moments.

4 Are there any questions from the  
5 Commission on the report. If seeing none, at this  
6 time -- where did Mr. Williams go? Do you know,  
7 Beverly?

8 MS. FRIEDMAN: He's right outside. Did  
9 you need him?

10 COMMISSIONER GANT: (Indicates.)

11 THE CHAIR: Commissioners, moving on to  
12 Item No. 10, the Chair would entertain a motion for  
13 the counsel to enter into an Executive Session to  
14 discuss the items listed on the agenda.

15 COMMISSIONER CARR: Mr. Chair, I move the  
16 PEC will enter into Executive Session to discuss the  
17 item listed on the agenda, pursuant to NMSA 1978,  
18 Section 10-15-1(H)(7), to discuss matters subject to  
19 the attorney-client privilege pertaining to pending  
20 litigation in which the PEC is a litigant.

21 COMMISSIONER GANT: Do I have a second?

22 COMMISSIONER PERALTA: Second.

23 COMMISSIONER GANT: Mr. Williams?

24 MR. WILLIAMS: I just would like to add,  
25 "specifically as set forth in Agenda Item 10," just

1 for the record. A friendly amendment, of course.

2 COMMISSIONER CARR: Of course. I would  
3 like to add that he would be discussing Item --

4 MR. WILLIAMS: Agenda Item 10.

5 COMMISSIONER CARR: Agenda Item 10.

6 COMMISSIONER GANT: Second?

7 COMMISSIONER PERALTA: Second.

8 COMMISSIONER GANT: Seconded by  
9 Commissioner Peralta. We need a roll call,  
10 Commissioner Bergman.

11 COMMISSIONER BERGMAN: Commissioner  
12 Toulouse.

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER BERGMAN: Commissioner Carr.

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER BERGMAN: Commissioner  
17 Conyers.

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna.

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Gant.

25 COMMISSIONER GANT: Yes.

1 COMMISSIONER BERGMAN: I do have a  
2 question for our counsel. Would I show Commissioner  
3 Shearman just not voting?

4 MR. WILLIAMS: As absent.

5 COMMISSIONER BERGMAN: Commissioner  
6 Bergman votes "Yes." So, Mr. Vice Chair, it's a  
7 seven-to-zero vote. The motion is carried.

8 COMMISSIONER GANT: We have a motion to  
9 adjourn into Executive Session. At this moment, I  
10 would ask everyone to leave the -- the area, please.

11 (Executive session conducted, 11:10 a.m.  
12 to 11:56 a.m.)

13 THE CHAIR: Let the record show that the  
14 reporter is back on. The PEC is back into open  
15 session. The time is 11:56 a.m.

16 Let the record show that the matters  
17 discussed in Executive Session were limited to only  
18 those that were specified in the motion for closure.

19 And, now, we thank you all for coming back  
20 in here, but we're going to take a quick lunch.  
21 It's a pretty good breaking point. And we're going  
22 to be back in here, let's say, at 12:25 and hit the  
23 ground running. Okay? Thank you all so much.

24 (A recess was taken at 11:55 a.m., and  
25 reconvened at 12:25 p.m., as follows:)

1 THE CHAIR: This meeting of the Public  
2 Education Commission is now back in session. I  
3 would like to go back to an item we -- or part of a  
4 report that we skipped earlier. And I would like to  
5 ask Ms. Abby Wear to give us her report from the  
6 minutes item that I referred to earlier.

7 MS. WEAR: Chairwoman Shearman, I did look  
8 into that for you. I have only recently finished  
9 drafting and redrafting and re-redrafting the  
10 regulations I referred to last time. So those are  
11 still making their way up the chain.

12 But my understanding is that, once we have  
13 a good working draft, we can sit down with attorneys  
14 and look over it. But my drafts are being  
15 redrafted, and they're not in any kind of cognizant  
16 form at this point.

17 THE CHAIR: I appreciate that. And at  
18 what point in that process do you think the PEC will  
19 be at least made aware of and given a draft copy?

20 MS. WEAR: My understanding is -- and it  
21 is, I apologize, a very undefined term -- but we  
22 have a good working draft. Right now, it's still  
23 going through several pairs of eyes, and mine are  
24 the only ones that have been laid on it.

25 THE CHAIR: All right. I appreciate that



1 update.

2 MR. WILLIAMS: Madame Chair, if you don't  
3 mind me asking, I'm progressing in years, and I'm  
4 just trying -- if we can, just to make sure on the  
5 record, that we came out of Executive Session,  
6 because we do take a roll-call vote coming out of  
7 Executive Session.

8 COMMISSIONER CARR: Yes.

9 MR. WILLIAMS: And did we do that? I  
10 can't remember.

11 THE CHAIR: We did not do the roll call.  
12 I said we were out of Executive Session, but we did  
13 not do the roll-call vote. Thank you.

14 MR. WILLIAMS: No. Actually, Member  
15 Conyers is the one pulling my ear on this, as it  
16 should be. Yes.

17 THE CHAIR: The Chair would entertain a  
18 motion to come out of Executive Session.

19 COMMISSIONER TOULOUSE: Madame Chair, I  
20 move that we leave Executive Session and return to  
21 Open Session.

22 COMMISSIONER CARR: Second.

23 THE CHAIR: Who seconded?

24 COMMISSIONER CARR: I did.

25 THE CHAIR: You did?

1 COMMISSIONER CARR: I think somebody else  
2 did, too.

3 THE CHAIR: We have a motion and second to  
4 come out of Executive Session. Roll-call vote,  
5 Mr. Bergman.

6 COMMISSIONER BERGMAN: Commissioner  
7 Toulouse.

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER BERGMAN: Commissioner Carr.

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER BERGMAN: Commissioner  
12 Conyers.

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta.

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner Pogna.

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER BERGMAN: Commissioner Gant.

20 COMMISSIONER GANT: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Shearman.

23 THE CHAIR: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Bergman says "yes." So eight of us are present,

1 Madame Chair.

2 MR. WILLIAMS: But you did already make  
3 the statement.

4 THE CHAIR: Yes. So do I need to re- --

5 MR. WILLIAMS: Go ahead and clean it up.

6 THE CHAIR: Let the record show that the  
7 recorder is back on, the PEC is back in regular  
8 session. The time is now 12:30 p.m. Let the record  
9 show that the matters discussed in the Executive  
10 Session were limited only to those specified in the  
11 motion for closure. Thank you.

12 Let's move on with our agenda. We're now  
13 to Item No. 11, Action on Contracts with Charter  
14 Schools. Director Gerlicz, please.

15 MR. GERLICZ: Madame Chair, members of the  
16 Commission, this is the portion of the meeting where  
17 we have a number of contracts upon which to act.  
18 The first one is the New Mexico Connections Academy.  
19 And before I invite the Chair of the board, Mark  
20 Boitano, to step forward, I do want to point out  
21 that that was -- the attorney representing  
22 New Mexico Connections, if you all will recall,  
23 found some changes that needed to be made in the  
24 contract template. And, with CST, we've changed  
25 those contract templates.

1           So the contract that we are signing  
2 today -- or, hopefully, signing today -- is the new  
3 template, just to bring everyone up to speed. And  
4 we are working with the schools that have already  
5 gone through the renewal process to migrate to the  
6 same things with the new template.

7           So the -- what's in your packet is the new  
8 template.

9           I also wanted to point out that we  
10 conducted a series of negotiating sessions between  
11 New Mexico Connections Academy and CSD, very  
12 fruitful sections -- sessions. Each one of them  
13 progressed further until we met finally with  
14 Commissioners Gant, Bergman, and Pogna, and members  
15 of the board of New Mexico Connections and members  
16 of CSD. That session also went very well, very  
17 professional and cordial, and all arrived at a good  
18 place.

19           We have -- I can easily demonstrate that  
20 they've completed their due diligence on their  
21 Planning Year Checklist. I need a wheelbarrow for  
22 this one. And they have done more than due  
23 diligence on all of their forms. I have checked all  
24 of their forms. Their Board of Finance is complete.  
25 It's in your packet. And CSD recommends this

1 charter application for approval.

2 THE CHAIR: Thank you, Mr. Gerlicz. Does  
3 the Charter School Committee Chair or a member of  
4 that Charter School Committee that was in on the  
5 contract negotiations have a recommendation?

6 COMMISSIONER BERGMAN: Madame Chair, I  
7 confess that, as I was going into that meeting, I  
8 was not sure what to expect because of everything  
9 that has gone on. But I was -- my misgivings were  
10 misplaced, if I had any in the first place. I  
11 thought it was a very amenable and productive  
12 session. The spirit was good on all sides. I was  
13 struck by the professionalism of all parties  
14 involved.

15 And I don't know about a recommendation.  
16 I can tell you I intend to vote for this contract,  
17 personally. Thank you.

18 THE CHAIR: Any discussions among  
19 Commissioners? The Chair will entertain a motion.

20 COMMISSIONER BERGMAN: Do we have a  
21 scripted motion somewhere?

22 THE CHAIR: Yes, we do. It's right  
23 after --

24 COMMISSIONER BERGMAN: Just a one-sentence  
25 motion then? That will get it?

1 THE CHAIR: Yeah.

2 COMMISSIONER BERGMAN: Madame Chair, I  
3 would move that we approve the contract presented by  
4 the New Mexico Connections Academy.

5 COMMISSIONER PERALTA: Second.

6 THE CHAIR: Peralta seconding? Gilbert,  
7 was that your second?

8 COMMISSIONER PERALTA: Yes, ma'am.

9 THE CHAIR: Thank you. Motion by  
10 Commissioner Bergman, seconded by Commissioner  
11 Peralta, to approve the contract presented by  
12 New Mexico Connections Academy. Any discussion?

13 Mr. Williams, before you get completely  
14 out of our hearing, do we need a roll-call vote on  
15 these, or just a voice vote?

16 MR. WILLIAMS: Yes, ma'am. If you will  
17 give me one moment, please?

18 You're fine. You may proceed.

19 THE CHAIR: Okay. Thank you.  
20 Commissioner Bergman, may we have a roll-call vote,  
21 please?

22 COMMISSIONER BERGMAN: Commissioner  
23 Toulouse.

24 COMMISSIONER TOULOUSE: As per court  
25 order, 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 Peralta.  
8 COMMISSIONER PERALTA: Yes.  
9 COMMISSIONER BERGMAN: Commissioner Pogna.  
10 COMMISSIONER POGNA: Yes.  
11 COMMISSIONER BERGMAN: Commissioner Gant.  
12 COMMISSIONER GANT: Per court order, yes.  
13 COMMISSIONER BERGMAN: Commissioner  
14 Shearman.  
15 THE CHAIR: Yes.  
16 COMMISSIONER BERGMAN: Commissioner  
17 Bergman votes "Yes."  
18 Madame Chairman, it is an eight-to-zero  
19 vote.  
20 THE CHAIR: Thank you. By unanimous  
21 consent, the contract of New Mexico Connections  
22 Academy is approved.  
23 Item B is Cottonwood Classical Preparatory  
24 School.  
25 COMMISSIONER PERALTA: Madame Chair, I

1 wish to recuse myself from this vote, having a  
2 grandson attending Cottonwood Classical.

3 THE CHAIR: The record will so indicate.  
4 Thank you.

5 MR. GERLICZ: Madame Chair, just a point  
6 of order. We have the Chair of the board here who's  
7 ready to sign documents. And I wonder how we want  
8 to do that, to sign the order so as not to keep  
9 people longer than need to. Do we want to wait till  
10 all of them, or --

11 MR. WILLIAMS: Madame Chairwoman, I  
12 think -- I'm sensitive to the timing. I don't  
13 necessarily think it's going to take that much time.  
14 But it's up to you whether you want to, you know,  
15 stop between these contracts and do signatures.  
16 It's up to you.

17 THE CHAIR: Why don't we just go ahead and  
18 sign them as we approve them; and, that way, we can  
19 let some people be on their way if they need to be.

20 So if the representatives from New Mexico  
21 Connections would like to come forward, we'll get  
22 those contracts signed.

23 (Contract with New Mexico Connections.  
24 Academy signed.)

25 THE CHAIR: Next on the agenda is



1 Cottonwood Classical Preparatory School,  
2 Mr. Director.

3 MR. GERLICZ: Madame Chair, members of the  
4 Commission, Cottonwood Classical will also be on the  
5 new template, the same template that we used -- that  
6 we will be using for all of the schools. The  
7 negotiations for Cottonwood also went very well.  
8 Commissioners Bergman and Pogna were present.

9 There was a question that they had raised  
10 about the 2-percent monies in Section 4.02, that  
11 have been resolved. And I believe that the contract  
12 that is in your binders is the contract that is now  
13 up for approval, and it is CSD's recommendation to  
14 approve.

15 I just want to check with Attorney  
16 Williams that that is correct, that the copy that is  
17 in the Commissioners' current binders as of today is  
18 the contract upon which they are -- there have been  
19 different changes on that.

20 MR. WILLIAMS: We're going to -- Abby,  
21 have there been any changes made since the last  
22 version that was sent?

23 MS. WEAR: No. The date on the bottom  
24 indicates to me this was the one that was arrived at  
25 in negotiations.

1 MR. WILLIAMS: That's the "Julia" code?

2 MS. WEAR: Yeah.

3 MR. WILLIAMS: Hold on a moment,  
4 Madame Chairwoman.

5 THE CHAIR: All right.

6 MR. WILLIAMS: Just one moment, Madame --  
7 I'm having trouble with one of the documents in my  
8 particular booklet.

9 Madame Chairwoman, this is the version  
10 that, actually, Abby and I talked about this  
11 morning, yes.

12 THE CHAIR: This is the original? You're  
13 comfortable with that, Mr. Williams?

14 MR. WILLIAMS: I am. They're in our  
15 booklets. There's a question, frankly, about how  
16 some paper was being shuffled, to be blunt about it.  
17 And it is my recommendation -- here's what I  
18 understand, Madame Chairwoman: that the governing  
19 council has approved this identical contract. There  
20 is even a signature page which is available to us  
21 today.

22 But, in generating that particular  
23 document, it went through some other iterations. So  
24 that document, even though I understand it to be  
25 identical, is not the kind of quality control that

1 staff uses through Julia Barnes. And those are the  
2 designations at the bottom of the page.

3 So my advice to the Commission is not --  
4 the one, we know, has quality control. We  
5 understand it is identical to what the governing  
6 council for Cottonwood has approved. And we move  
7 forward on that basis.

8 THE CHAIR: Okay. So your recommendation  
9 is that we approve the contract that is in our  
10 binder?

11 MR. WILLIAMS: Yes, ma'am, that is  
12 correct.

13 THE CHAIR: All right. Thank you very  
14 much. Mr. Bergman?

15 COMMISSIONER BERGMAN: I would just like  
16 to know, for Staff's benefit, if something is  
17 changing after these negotiation sessions, for some  
18 reason, I'm not on the list. As Chair of the  
19 Charter School Committee I'm asking to be kept in  
20 the loop also on those if wording is changing after  
21 we're having our negotiations. I don't believe  
22 that's an unreasonable request, is it?

23 MR. WILLIAMS: I don't think it's  
24 unreasonable. I actually had some of the same  
25 issues, but that's because I was being designated as

1 a -- under an interesting e-mail address. The  
2 notifications to me were going in an entirely  
3 different direction.

4 It is reasonable, Commissioner Bergman.  
5 But, as I understand it -- and Tony can speak to  
6 this more directly. But, as I understand it, the  
7 net effect of everything that happened was nothing  
8 happened.

9 MR. GERLICZ: Commissioner Bergman,  
10 members of the Commission, it's a point, and it's a  
11 good point. And I am very hopeful that the MOU that  
12 we've just signed may take care of a lot of that, if  
13 not all of it. For example, after the final  
14 negotiation meetings that take place with the CSD,  
15 the school, and the PEC, we back off, and we're  
16 essentially finished now with that portion of it,  
17 and any changes, then, occur between the school and  
18 the PEC. So, quite frankly, I feel a bit out of the  
19 loop as well on it, as attorneys to attorneys to  
20 attorneys.

21 And what we've learned from this is that  
22 we're going to set strict protocol. That's not  
23 going to happen again in the future. And I think  
24 that MOU will give us some legal clarity to make  
25 that statement. That's not going to happen unless

1 there's an egregious thing somewhere in the --

2 THE CHAIR: Thank you. Appreciate that.

3 COMMISSIONER BERGMAN: Thank you,  
4 Commissioner Gerlicz. Would you like me to go ahead  
5 and give my thoughts, now that I think I've  
6 rectified that?

7 THE CHAIR: If you have a recommendation,  
8 by all means.

9 COMMISSIONER BERGMAN: Here, again, it was  
10 an excellent session. I actually note that there  
11 was one point about the 2-percent money that was  
12 raised by the school in the negotiation sessions.  
13 And, from the PEC's perspective, I made the point  
14 that there's nothing we can do about that 2-percent  
15 money, because we don't even know where it is. We  
16 don't know where it goes. So we left that up to the  
17 attorneys to discuss, to take care of all that. And  
18 I presume that's been taken care of.

19 Mr. Obenshain also had one or two  
20 questions that didn't rise to the level to be  
21 mentioned here. But those are part of what we're  
22 going to talk about in our training, some excellent  
23 questions he raised at that time. I wanted to  
24 assure him I have not forgotten those questions.  
25 They're on our agenda. They're going to be in our

1 training sessions. We're going to talk about those  
2 kind of things.

3 That's one thing about any new process:  
4 Questions arise. Everybody loves to think they  
5 anticipate everything when we do new laws or new  
6 documents or new contracts. But something is always  
7 going to come up. So that's one reason we're having  
8 a training session in the future is all the things  
9 that have come up so far, that we can try and  
10 address those.

11 And then -- but, here again, just my -- I  
12 intend to vote for this contract. Thank you,  
13 Madame Chair.

14 THE CHAIR: Thank you very much. The  
15 Chair would entertain a motion on Cottonwood  
16 Classical Preparatory School.

17 COMMISSIONER PERALTA: Madame Chair?

18 THE CHAIR: Go ahead, Mr. Peralta.

19 COMMISSIONER PERALTA: I move to approve  
20 the contract, as written in our binders, presented  
21 by the Cottonwood Classical Prep School.

22 COMMISSIONER POGNA: I second it.

23 THE CHAIR: Thank you very much. We have  
24 a motion by Commissioner Peralta, seconded by  
25 Commissioner Pogna, to approve the contract in our

1 binder, as presented by Cottonwood Classical  
2 Preparatory School. Is there any discussion?  
3 Mr. Bergman, may we have a roll-call vote?  
4 COMMISSIONER BERGMAN: Commissioner  
5 Toulouse.  
6 COMMISSIONER TOULOUSE: Abstain.  
7 COMMISSIONER BERGMAN: That's right.  
8 Sorry.  
9 Commissioner Carr.  
10 COMMISSIONER CARR: Yes.  
11 COMMISSIONER BERGMAN: Commissioner  
12 Conyers.  
13 COMMISSIONER CONYERS: Yes.  
14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta.  
16 COMMISSIONER PERALTA: Yes.  
17 COMMISSIONER BERGMAN: Commissioner Pogna.  
18 COMMISSIONER POGNA: Yes.  
19 COMMISSIONER BERGMAN: Commissioner Gant.  
20 COMMISSIONER GANT: Yes.  
21 COMMISSIONER BERGMAN: Commissioner  
22 Shearman.  
23 THE CHAIR: Yes.  
24 COMMISSIONER BERGMAN: Commissioner  
25 Bergman votes "Yes." Madame Chairwoman, by a

1 seven-to-zero vote, with one abstention, that motion  
2 is carried.

3 THE CHAIR: Thank you very much. The vote  
4 is unanimous to approve the Cottonwood Classical  
5 Preparatory School contract. Sam, do you want to  
6 come forward to sign that?

7 MR. OBENSHAIN: Can I have a point of  
8 clarification, if that's possible? I have a letter  
9 between -- that's been drafted. The governing  
10 council has asked that I read that into the record  
11 regarding the contract. And my question is, is now  
12 the appropriate time to do that, or should I wait  
13 until Public Comment to provide that?

14 COMMISSIONER CARR: That's unprecedented.

15 MR. WILLIAMS: Madame Chair, you asked me  
16 for -- I have no problem. The Commission has  
17 adopted the contract. This would be parol evidence.  
18 This is related. It's properly noticed. It's  
19 related. I have no problem with reading it into the  
20 record.

21 THE CHAIR: Please go ahead, unless it's  
22 that long.

23 MR. OBENSHAIN: No. I brought, actually,  
24 copies. It'll take a while, so -- I actually  
25 brought copies today of the contract, in case there



1 was confusion about what contract you had had in  
2 your packets. So if you'd like an extra copy, I  
3 have those available for your entertainment.

4 Thank you.

5 "Public Education Commissioners, I am  
6 writing to register the concerns Cottonwood  
7 Classical Academy has to the Commission and the  
8 Charter Schools Division regarding the renewal  
9 contract that has been negotiated between the  
10 parties. I have registered these concerns with the  
11 Charter Schools Division on previous occasions and  
12 brought the major concerns forward prior to the  
13 negotiation meeting, at the negotiating [verbatim]  
14 meeting, with members of the Commission present, and  
15 in conversations after the negotiation meeting. I  
16 am articulating the concerns below so that there is  
17 a clear understanding that, although the Governing  
18 Council did approve the contract, they did so with  
19 trepidation and a sense of hopefulness that the  
20 contract can be revised to address the concerns that  
21 we have.

22 "Generally, the concerns are as follows:

23 "No. 1: The lack of clearly articulated  
24 renewal criteria. The performance framework does  
25 not include any five-year outcomes against which the

1 school will be ultimately judged. That is, even  
2 though the framework provides annual goals for the  
3 school to pursue, there is no clear indication of  
4 how the school will be evaluated for renewal at the  
5 end of the term. For example, what happens,  
6 according to the contract, if the school meets the  
7 goals for two years, misses the goal for one year,  
8 nears the goal for the fourth year? Is the school  
9 renewed? Does the school go on a probationary  
10 period for a year? What is the deliberate  
11 connection between the framework and the renewal  
12 decision?

13 "No. 2: The lack of contractual language.  
14 There is still outstanding language regarding the  
15 requests that are coming from the school for the use  
16 of the 2-percent administrative funds. We have  
17 provided a memo to the PEC that was crafted by the  
18 Charter Schools Division asking that the PEC  
19 consider our portion of the 2 percent for governing  
20 council training and audit costs. There is no  
21 binding language that is typical of a contract.

22 "No. 3: The lack of clarity around the  
23 2-percent administrative monies. A detailed  
24 description of how the 2 percent is being spent by  
25 the authorizer that is specific to the amount that

1 Cottonwood provides is lacking. Since we are  
2 generating more funds based on our student  
3 enrollment than most State charter schools, we are  
4 asking for some form of documentation that lets us  
5 know where our funds are going. This seems to us to  
6 be the intent of the legislation. How can we hold  
7 the authorizers accountable to how they are spending  
8 our money, and, also, understand what we are  
9 receiving as a benefit of the administrative  
10 functions that are commensurate with the amount of  
11 funding that we are providing?

12 "Although we are aware that there is an  
13 amendment process to the contract, we are reticent  
14 to use an amendment process, if we could agree to  
15 change the contract language prior to executing it.  
16 However, given the proximity to the beginning of the  
17 new charter term, we have decided to agree to the  
18 signing of contract and will pursue our desired  
19 changes to the contract through the amendment  
20 process or through another process to which all  
21 would be amenable.

22 "The changes that we are proposing track  
23 well with the concerns as expressed above, and they  
24 are:

25 "1. Modifying the goals to reflect

1 five-year outcomes.

2 "2. Identifying the evaluation criteria  
3 against which the school will be judged at renewal.

4 "3. Providing documentation to the school  
5 that articulates the amount of funds that the school  
6 generates to the 2 percent of the SEG -- through the  
7 2 percent of the SEG, and;

8 "4. Commit funds through governing  
9 council training or the audit costs or both.

10 "We believe that these changes are what  
11 are expected of the authorizer in the legislation,  
12 and that they are best practices for authorizers  
13 throughout the country. Thank you for your  
14 consideration and for your time."

15 And that is the letter. I have a copy of  
16 that here, if you would allow me, or would like for  
17 me, to pass it around. That's your -- again --

18 THE CHAIR: As long as the recorder has  
19 it, I think we're in good shape.

20 MR. OBENSHAIN: And I do have a signature  
21 page. Well -- our governing council president did  
22 sign the contract.

23 THE CHAIR: Okay.

24 MS. WEAR: And I defer to Mike on this.

25 But the thinking was, maybe, just to be sure

1 everyone is signing the same thing, that you sign  
2 the ones from the binder, and then Sam take them  
3 back to his governing council to sign.

4 MR. OBENSHAIN: That sounds great.

5 THE CHAIR: Next item on the agenda is  
6 Anthony Charter School. Mr. Director?

7 MR. GERLICZ: Madame Chair, members of the  
8 Commission, I believe it was Commissioner Shearman,  
9 Bergman, and Gant who were present at the Anthony --

10 COMMISSIONER BERGMAN: I was not. I was  
11 not there.

12 MR. GERLICZ: Oh, excuse me.

13 COMMISSIONER BERGMAN: That's the only one  
14 I missed.

15 MR. GERLICZ: Excuse me. Just the two of  
16 them that were present at the meetings. This is  
17 another example of the questions that have arisen  
18 after the negotiation meetings, particularly about  
19 how the Discovery short-cycle assessment was to be  
20 used on which the school would be held accountable.

21 I have to admit I'm not 100-percent sure.  
22 I think your packets -- the performance frameworks  
23 that you have in your packets are -- are not the  
24 ones that we are voting on. And I'm going to defer  
25 to -- to either Mike or Attorney Matthews to explain

1 what has transpired, because, when we put these  
2 together, these were what my understanding was is  
3 that we had agreed to. And, now, I understand that  
4 we have agreed to something different.

5 And, again, it's a similar issue as to  
6 what happens after the negotiations when a question  
7 arises. And I must admit that I'm not really a  
8 party of that. We, CSD, are not really a party of  
9 that, as it becomes an attorney conversation.

10 So I will defer to -- to Attorney Williams  
11 on that.

12 THE CHAIR: Mr. Williams?

13 MR. WILLIAMS: Thank you, Madame  
14 Chairwoman. I see Ms. Matthews is in the -- is in  
15 the audience. And I think we could both clear this  
16 up for the Commission.

17 The -- as I look through 2B and 2C of the  
18 frameworks, you'll see language, for example, under  
19 the "Exceeds standard" in your packets that says  
20 "Over 75 percent of identified students made at  
21 least 5-percent total gain in reading short-cycle  
22 assessment scores."

23 That's actually different language than  
24 what had been negotiated -- and, Madame Chairwoman,  
25 you were part of that negotiating team. That team

1 actually had stated, "75 percent of identified  
2 students made at least 5-percent individual gains."  
3 And, as I recall, it was explained during that  
4 negotiation that -- by Kelly; I wasn't there; this  
5 is, you know, pure hearsay -- that that's  
6 105 percent.

7 So after fifth grade, they'd have to show  
8 100-percent progress towards sixth grade, plus  
9 5 percent on an individual basis. That's not  
10 reflected in 2B and 2C in your packets.

11 Patti was very helpful in resolving this  
12 issue, because the school had questions on, you  
13 know, how do they measure that? How does that work,  
14 you know? There was genuine, I think, questions of,  
15 how does that work? And I'll let Patti represent  
16 the position of her client. But it's my  
17 understanding that the -- the contract for your  
18 approval is the original one coming out of the  
19 Charter Committee negotiations which says  
20 "individual," not "total."

21 THE CHAIR: No. Ours says "total."

22 MR. WILLIAMS: Does it?

23 MS. WEAR: In the packets, they do.

24 MR. WILLIAMS: No, no, no. The ones in  
25 the packets say "total." But what's in the packets

1 is not what you're approving. Do you see where  
2 we're going?

3 MS. MATTHEWS: Madame Chair, that is  
4 correct. We have resolved the issue. Ms. Adolph  
5 and I spoke after you and Mr. Williams spoke  
6 yesterday afternoon, and she has agreed that she can  
7 work within that parameter of the goal as you have  
8 stated it. Just frankly, those six words in the  
9 performance framework -- so it would change from  
10 "total" to "individual" in 2A and 2B in all the  
11 three measures.

12 THE CHAIR: 2B and 2C?

13 MS. MATTHEWS: 2B and 2C. Thank you.  
14 That's under those -- those changes are back to the  
15 original document Anthony is prepared to sign.

16 I would like to say, Mr. Benegas could not  
17 make the nine-hour trip -- round-trip -- to come up  
18 here. But I do also have a signature page he has  
19 signed, and we can exchange originals after the  
20 fact. But I do have his signature.

21 THE CHAIR: Thank you, Ms. Matthews. The  
22 Commissioners have found -- or I'm not sure -- it's  
23 in the performance framework, which is the second  
24 document. And it's on Page 6. And you'll notice,  
25 highlighted in yellow, it says "total" in six



1 different places. That should be "individual."  
2 What we negotiated in that contract negotiation was  
3 reflecting individual student results.

4 So, Mr. Williams, can we just simply  
5 pencil in "total" -- I mean, take out "total" and  
6 put in "individual" in our copies, and then that  
7 will be -- Abby has the official copy?

8 MR. WILLIAMS: Yeah. That's the only  
9 question I have is keeping it with our quality --  
10 attempting to stay with quality control. Does Julia  
11 have a version that shows "individual"?

12 MS. WEAR: Probably. I mean, it would be  
13 an easy swap-out.

14 MS. MATTHEWS: Madame Chair, members of  
15 the Commission -- and, Abby, excuse me, I didn't  
16 mean to interrupt you -- the original version of the  
17 framework is what could be attached to the contract.  
18 And that was like April 17th. I actually sent  
19 that -- no, actually, the last version I sent to you  
20 is this version. So we need to get that page back  
21 in.

22 While we're on that particular issue,  
23 Madame Chair, the template that Director Gerlicz  
24 referred to earlier, the revised and cleaned-up  
25 template, Anthony did not have -- we haven't had the

1 opportunity to get that thing populated. So we  
2 definitely intend to make sure that we're on the  
3 same current template, versus the old template that  
4 was originally put out there. So maybe we'd just  
5 clean all of that up in the long run.

6 But, certainly, with the version we sign  
7 today, we can pencil in and initial those changes on  
8 the framework.

9 MR. WILLIAMS: That's fine. Strike it and  
10 initial it and pencil in the change. We're good to  
11 go.

12 THE CHAIR: Okay.

13 MS. WEAR: And I do have that original  
14 from the negotiations. So we can swap out the  
15 pages, yeah, the initial -- the one in the binder?

16 MR. WILLIAMS: Yeah. Yeah.

17 THE CHAIR: And, Mr. Williams, how would  
18 you suggest that the motion be changed to indicate  
19 that we're using the original contract language?

20 MR. WILLIAMS: Madame Chairwoman I would  
21 invite a motion that just simply is very simplistic,  
22 adopt the proposed Anthony Charter School contract  
23 as written, with six changes to Page 6. In  
24 Performance Standard 2B, strike where the word says  
25 "total," inserting the word "individual," in

1 "Exceeds standard, meet standard, does not meet  
2 standard."

3 And then in BC -- or 2C -- the exact same  
4 change, "Exceeds standard," change to "5-percent  
5 individual gain." Strike "total." "Meets standard,  
6 5-percent individual gain," strike "total." "Does  
7 not meet standard," strike "total," insert  
8 "individual," so it's "5-percent individual gain."

9 THE CHAIR: Okay. With that, would  
10 someone like to make that motion? I think "So  
11 moved" would work. Mr. Bergman.

12 COMMISSIONER BERGMAN: Again, as we did  
13 previously, I would make that -- my motion would be  
14 to consist of the language that our counsel just  
15 stated into the record, for the purposes of -- with  
16 changes, add a recommendation. And I would,  
17 therefore, for my motion, vote -- move that we  
18 approve this contract with the changes, as has been  
19 said. Thank you. [Verbatim.]

20 THE CHAIR: Second?

21 COMMISSIONER GANT: Second.

22 THE CHAIR: Motion by Commissioner  
23 Bergman, seconded by Commissioner Gant, to approve  
24 the contract by Anthony Charter School, with the  
25 changes as noted by our attorney, Mr. Williams. Any

1 discussion? Roll-call vote, Mr. Bergman.

2 COMMISSIONER BERGMAN: Commissioner

3 Toulouse.

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER BERGMAN: Commissioner Carr.

6 COMMISSIONER CARR: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Conyers.

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Peralta.

12 COMMISSIONER PERALTA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Shearman.

19 THE CHAIR: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Bergman votes "Yes." Madame Chairwoman, by an

22 eight-to-zero vote, that motion carries.

23 THE CHAIR: The motion to approve the

24 contract with Anthony Charter School, with the

25 changes as noted in the record, has been approved by

1 unanimous vote. If you've already got those signed,  
2 why don't I just sit right here in this chair and  
3 sign them?

4 MS. MATTHEWS: I've got to think. Madame  
5 Chair and members of the Commission, you might want  
6 to sign a clean one. This is just a copy of an  
7 older -- this is not his original signature. Then  
8 we'll exchange original signatures. Does that work  
9 for you, Mike? Do you want me to -- I can initial a  
10 form of the contract on the changes for them.

11 MR. WILLIAMS: Yes, please.

12 (A discussion was held off the record.)

13 (Contract is signed.)

14 THE CHAIR: Thank you, Ms. Matthews. Next  
15 on the agenda is Health Leadership High School.

16 MR. GERLICZ: Madame Chair, members of the  
17 Commission, the negotiations between the head of the  
18 school and the board of Health Leadership, as well  
19 as with Commissioner Bergman and Pogna and members  
20 of the CSD, took place a few weeks ago. Very good  
21 negotiations, very forthright. It's an exciting  
22 concept. We look forward to it.

23 All of the proper documentations of the  
24 Planning Year Checklist and the Board of Finance are  
25 in order. And CSD recommends this school be

1 approved.

2 THE CHAIR: Thank you, Mr. Gerlicz.  
3 Mr. Bergman, as chair of the Charter School  
4 Committee, does your committee have a  
5 recommendation?

6 COMMISSIONER BERGMAN: Well, we -- the  
7 negotiations, as the Director has noted, were very  
8 amenable, went very well. Questions were asked;  
9 questions were answered. When points were brought  
10 up, they were addressed. And, here, again, I  
11 personally intend to vote for this contract.

12 But I did -- it just occurred to me, I  
13 might've should've raised this earlier -- that's  
14 going to look good in the minutes, "might've  
15 should've," I misspoke there -- some of the e-mails  
16 that came to me for reading on the Planning Year  
17 Checklist had a lot of unchecked boxes. You are  
18 assuring us that everything has been checked off as  
19 of this date.

20 MR. GERLICZ: That is correct,  
21 Commissioner Shearman [verbatim]. We can assure you  
22 that it is all in order.

23 COMMISSIONER BERGMAN: I do intend to vote  
24 for this contract.

25 THE CHAIR: Thank you very much. Do we

1 have a motion on Health Leadership High School?

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: I would move to  
4 approve the contract presented by the Health  
5 Leadership High School.

6 COMMISSIONER POGNA: Second.

7 THE CHAIR: Seconded by Commissioner  
8 Pogna. Motion by Commissioner Bergman, seconded by  
9 Commissioner Pogna, to approve the contract  
10 presented by Health Leadership High School. Are  
11 there comments or questions? Roll-call vote,  
12 Mr. Secretary?

13 COMMISSIONER BERGMAN: Commissioner  
14 Toulouse.

15 COMMISSIONER TOULOUSE: Yes.

16 COMMISSIONER BERGMAN: Commissioner Carr.

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner  
19 Conyers.

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Peralta.

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna.

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant.

2 COMMISSIONER GANT: Yes.

3 COMMISSIONER BERGMAN: Commissioner  
4 Shearman.

5 THE CHAIR: Yes.

6 COMMISSIONER BERGMAN: Commissioner  
7 Bergman votes "Yes." Madame Chairwoman, by an  
8 eight-to-zero vote, that motion has carried.

9 THE CHAIR: Thank you. The vote is  
10 unanimous to approve the contract presented by  
11 Health Leadership High School. Do we have  
12 documents? Well, if you're coming this way, I'll  
13 just wait on you.

14 (Contract is signed.)

15 THE CHAIR: And the last contract to be  
16 considered is Taos International School.  
17 Mr. Director?

18 MR. GERLICZ: Madame Chair, members of the  
19 Commission, Taos International School is one of the  
20 new charter schools that has been slated for  
21 approval for a preliminary contract. Technically,  
22 it should be seeking approval to commence  
23 operations, but its ability to do that in the fall  
24 of 2003 [verbatim] is not possible because of the  
25 late notice they received to begin planning.



1           For this reason, this school is requesting  
2 a second planning year from the PEC/CSD. They will  
3 need a preliminary contract to do that for its  
4 second planning year.

5           The main -- as with every school, the main  
6 role of the preliminary contract is to insure that  
7 they complete the checklist and that they seek  
8 approval to commence operations in the fall of 2014.  
9 Since there are no students or school information,  
10 negotiating the performance contract is not  
11 appropriate, and that's why they're doing a  
12 preliminary contract.

13           They have submitted Board of Finance  
14 documents. They are in order. And the Charter  
15 School Division recommends that Taos International  
16 School be given a second planning year and approval  
17 of a preliminary contract. Thank you.

18           THE CHAIR: You have heard the Director's  
19 recommendation. Are we ready for a motion?  
20 Mr. Bergman?

21           COMMISSIONER BERGMAN: I have a question,  
22 perhaps, for counsel. Since we -- I think don't we  
23 normally also vote on the Board of Finance? So do  
24 we have to have two votes here, one on the Board of  
25 Finance, and one on the contract? Can that be done

1 under one vote?

2 MR. WILLIAMS: I would separate them.

3 THE CHAIR: Is that your recommendation?

4 MR. GERLICZ: I'm sorry, Madame Chair.

5 That is my recommendation. If counsel says so, who  
6 am I to question that?

7 MR. WILLIAMS: Well, I just fell out of my  
8 chair.

9 THE CHAIR: But the Board of Finance  
10 documents?

11 MR. GERLICZ: They are in order, yes,  
12 ma'am.

13 THE CHAIR: They are in order? All right.  
14 Well, let's start with the contract first. The  
15 Chair would entertain a motion.

16 COMMISSIONER PERALTA: I'll go ahead.

17 THE CHAIR: Commissioner Peralta.

18 COMMISSIONER PERALTA: Madame Chair, I  
19 move to approve the contract presented by Taos  
20 International School.

21 COMMISSIONER BERGMAN: Second.

22 THE CHAIR: Second -- motion presented.  
23 It's the preliminary contract.

24 COMMISSIONER BERGMAN: Preliminary.

25 COMMISSIONER GANT: Preliminary contract.

1 THE CHAIR: Would you rephrase your motion  
2 to a preliminary contract?

3 MR. WILLIAMS: Madame Chair, if  
4 Commissioner Peralta could withdraw his previous  
5 motion and then make the new motion, that would be  
6 perfect.

7 COMMISSIONER PERALTA: Madame Chair, I  
8 will withdraw my previous motion to approve, and the  
9 corrected motion would be to move to approve the  
10 preliminary contract presented by Taos International  
11 School. Is that correct?

12 THE CHAIR: Thank you.

13 COMMISSIONER BERGMAN: Second.

14 THE CHAIR: Motion and second to approve  
15 the preliminary contract presented by Taos  
16 International School. Is there any discussion?  
17 Secretary Bergman, may we have a roll-call vote,  
18 please?

19 COMMISSIONER BERGMAN: Commissioner  
20 Toulouse.

21 COMMISSIONER TOULOUSE: Under court order,  
22 yes.

23 COMMISSIONER BERGMAN: Commissioner Carr.

24 COMMISSIONER CARR: Yes, per court order.

25 COMMISSIONER BERGMAN: Commissioner

1 Conyers.

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Peralta.

5 COMMISSIONER PERALTA: Yes.

6 COMMISSIONER BERGMAN: Commissioner Pogna.

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant.

9 COMMISSIONER GANT: Per court order, yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman.

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes "Yes." Madame Chairwoman, here,  
15 again, by an eight-to-zero vote, that motion is  
16 carried.

17 THE CHAIR: Thank you. The vote is  
18 unanimous to approve the preliminary contract  
19 presented by Taos International School.

20 The Chair would now entertain a motion to  
21 approve the Board of Finance of the Taos  
22 International School. Mr. Gant?

23 COMMISSIONER GANT: Madame Chair, I  
24 recommend -- I move that we approve the Board of  
25 Finance for the Taos International Charter School.

1 THE CHAIR: Do we have a second?

2 COMMISSIONER PERALTA: Second.

3 THE CHAIR: Motion and second by

4 Commissioner Gant -- second by Commissioner

5 Peralta -- to approve the Board of Finance of Taos

6 International School. Is there any discussion?

7 Secretary Bergman, may we have a roll-call  
8 vote?

9 COMMISSIONER BERGMAN: Commissioner  
10 Toulouse.

11 COMMISSIONER TOULOUSE: Under court order,  
12 yes.

13 COMMISSIONER BERGMAN: Commissioner Carr.

14 COMMISSIONER CARR: No.

15 COMMISSIONER BERGMAN: Commissioner  
16 Conyers.

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Peralta.

20 COMMISSIONER PERALTA: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna.

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant.

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman.

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "Yes."

5 Madame Chairwoman, by a seven-to-one vote,  
6 that motion is carried.

7 THE CHAIR: The motion to approve the Taos  
8 International School Board of Finance passes.

9 Mr. Gerlicz, suggested points of  
10 clarification. Do we need a vote to approve the  
11 second-year plan?

12 MR. GERLICZ: Madame Chair, my  
13 understanding was that a letter was to have been  
14 sent requesting a second -- that is correct. And  
15 was that sent through the PEC?

16 MR. RICHARDSON: It was sent to the  
17 Charter School Division.

18 MR. GERLICZ: To the Charter School  
19 Division. I do not have that letter, but I believe  
20 that the preliminary contract is sufficient. As a  
21 point of formality, we do have a formal request from  
22 the board of Taos International School to request a  
23 second planning year.

24 THE CHAIR: Mr. Williams, do you concur  
25 with that?

1 MR. WILLIAMS: Yes.

2 THE CHAIR: Thank you very much. Moving  
3 on to Action -- to Item 12 is Action to Commence  
4 Operations. Again, Director Gerlicz.

5 MR. GERLICZ: Madame Chair, we do have  
6 representatives from the Taos International School  
7 here who could sign the --

8 THE CHAIR: See, I was going past this  
9 stuff. My arm is tired. Whoever is going to sign,  
10 if you'd like to come right up here, we'll just sign  
11 together.

12 (Contract is signed.)

13 THE CHAIR: Now, let's move on to Action  
14 to Commence Operations. Director Gerlicz?

15 MR. GERLICZ: Madame Chair, members of the  
16 Commission, formally, what needs to happen with  
17 these schools is a, for the record, a vote to  
18 approve the Board of Finance. And, if you look at  
19 your packets, you'll see that the New Mexico  
20 Connections Academy has met all the requirements for  
21 their Board of Finance, including the insurance  
22 letter, signatures of the board members. And we  
23 just need an approval from the PEC for that Board of  
24 Finance for each of these schools. Thank you.

25 THE CHAIR: Commissioners, as you'll note,

1 in your notebooks, there is a separate motion for  
2 each school. If you would find that, please, in  
3 your packets, and the Chair would entertain a motion  
4 concerning New Mexico Connections Academy.

5 Mr. Bergman?

6 COMMISSIONER BERGMAN: I actually have a  
7 question before we get to that point, Madame Chair.  
8 I do not see the words "Board of Finance" anywhere  
9 in this motion. Is that going to be -- is all the  
10 wording for the Commission is just to commence  
11 operations? I want to be sure we're including the  
12 Board of Finance in this now.

13 MR. GERLICZ: We are. The Board of  
14 Finance is located in the -- let's see. In the  
15 contract section of your book, under New Mexico  
16 Connections, you will see -- I'm sorry --

17 MS. WEAR: It's right -- in Tab 12 -- or,  
18 no. Go backwards. Tab -- yes, Tab 12, behind that  
19 first green sheet. Turn that first page, and there  
20 should be the Board of Finance.

21 MR. GERLICZ: Yes, behind New Mexico  
22 Connections Academy.

23 COMMISSIONER BERGMAN: Got it.

24 MR. GERLICZ: Got it? And you'll see the  
25 signatures of the board, plus the assurance for



1 Poms & Associates there. It is complete.

2 COMMISSIONER BERGMAN: Thank you.

3 THE CHAIR: Do you see "Board of Finance"?

4 COMMISSIONER BERGMAN: The wording, "Board  
5 of Finance," is not in this resolution, though. I  
6 do not see that word. Should that "Board of  
7 Finance" word be in that resolution?

8 MR. GERLICZ: On the actual resolution  
9 page?

10 COMMISSIONER BERGMAN: A suggested  
11 resolution. Let me put it that way. "A suggested  
12 resolution."

13 MR. GERLICZ: I will defer to the resident  
14 expert. He's checking e-mail.

15 THE CHAIR: Mr. Williams?

16 MR. WILLIAMS: No, I'm reading the  
17 resolution.

18 THE CHAIR: I thought maybe your computer  
19 had crashed over there, and you were --

20 MR. WILLIAMS: I do -- I just look sleepy  
21 all the time. Well, obviously, approval of the  
22 Board of Finance is a condition. I would amend the  
23 resolution to add --

24 COMMISSIONER BERGMAN: Add the word "Board  
25 of Finance" somewhere in there?

1 MR. WILLIAMS: Yes.

2 COMMISSIONER BERGMAN: We can do that.

3 MR. WILLIAMS: It's part and parcel of the  
4 action to commence operations. I'm not worrying  
5 about coming under the actual notice item. But I do  
6 think the resolution can be amplified.

7 THE CHAIR: So are you going to suggest  
8 where that might be placed?

9 MR. WILLIAMS: Well, I would just -- I  
10 would simply say -- actually, Commissioner Bergman,  
11 when you made your motion for Taos, how did you word  
12 your motion, do you recall? Because I would just  
13 stay with that. I'd put it right at the end.

14 COMMISSIONER BERGMAN: Right at the end?  
15 I don't want to confess that I've already forgotten  
16 the previous motion.

17 MR. WILLIAMS: I'd like to stay  
18 consistent. Would you please -- to the court  
19 reporter, would you please go back and read that  
20 language? Please.

21 (The record was read as requested.)

22 COMMISSIONER BERGMAN: That's why I didn't  
23 remember it. I didn't make it.

24 MR. WILLIAMS: "Therefore, be it resolved  
25 that New Mexico Academy [verbatim] is given

1 authorization to commence...operations as a  
2 State-chartered school, and Board of Finance is  
3 hereby approved."

4 COMMISSIONER BERGMAN: How about if, up in  
5 that second sentence, where it says, "...issue the  
6 authorization to commence full operation, including  
7 the Board of Finance..." comma, and just go on and  
8 read it?

9 MR. WILLIAMS: You could do it that way,  
10 too.

11 COMMISSIONER BERGMAN: Wouldn't that be  
12 simple?

13 MR. WILLIAMS: Simpler than what I  
14 propose. It's a non-lawyer approach I like. You  
15 can do it either way. You could put it at the end  
16 of the one you just suggested.

17 COMMISSIONER BERGMAN: If I make the  
18 motion, that's how I do it. If someone else makes  
19 the motion, do it however they want.

20 THE CHAIR: The Chair is ready to  
21 entertain a motion. Who is ready? Commissioner  
22 Bergman.

23 COMMISSIONER BERGMAN: I hereby move  
24 adoption of the following resolution: Whereas,  
25 New Mexico Connections Academy was granted a

1 charter, with the provision that before the  
2 Commission shall issue the authorization to commence  
3 full operation, comma, to include approving a Board  
4 of Finance, comma, the charter school must comply  
5 with the requirements of the Planning Year Checklist  
6 developed by the Charter School Division; and,  
7 whereas, the Charter School Division has assured the  
8 Commission that the charter school has substantially  
9 complied with the requirements of the Planning Year  
10 Checklist, has met the conditions put forth by the  
11 Commission upon charter approval, and has  
12 demonstrated that it has sought and obtained  
13 certification from the New Mexico Public School  
14 Facilities Authority that the facility will receive  
15 a condition rating equal to or better than the  
16 average condition for all New Mexico public schools,  
17 or, can demonstrate that, within 18 months of  
18 occupancy, that it has a plan for achieving the  
19 wNMCI. Therefore, be it resolved that New Mexico  
20 Connections Academy is granted authorization to  
21 commence full operations as a State-chartered  
22 charter school.

23           However, the school cannot occupy a  
24 facility with students until the Charter School  
25 Division receives written notification that the

1 school building has approved -- been approved for  
2 E-Occupancy and complies with the NMCI, per PSFA,  
3 NMSA 1978, Section 22-8B-4.2(A) 2011.

4 THE CHAIR: Thank you. Do we have a  
5 second?

6 COMMISSIONER CONYERS: Second.

7 THE CHAIR: Motion by Commissioner  
8 Bergman, seconded by Commissioner Peralta, to  
9 authorize to commence operations and Board of  
10 Finance approval of New Mexico Connections Academy.  
11 Roll-call vote, Mr. Bergman.

12 COMMISSIONER BERGMAN: Commissioner  
13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner Carr.

16 COMMISSIONER CARR: No.

17 COMMISSIONER BERGMAN: Commissioner  
18 Conyers.

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner Gant.

1 COMMISSIONER GANT: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Shearman.

4 THE CHAIR: Yes.

5 COMMISSIONER BERGMAN: Commissioner  
6 Bergman votes "Yes." Madame Chairwoman, by a  
7 seven-to-one vote, the motion has carried.

8 MR. WILLIAMS: Madame Chairwoman, I'm  
9 sorry to interrupt you, Commissioner Bergman. Could  
10 you give me just a couple of minutes to chat with  
11 the attorneys? We may need to withdraw that action  
12 and redo that motion.

13 THE CHAIR: Let's take about a ten-minute  
14 recess and let the lawyers converse.

15 (Recess taken, 1:30 p.m. to 1:40 p.m.)

16 THE CHAIR: We're back in session. Legal  
17 counsel advises me that we need to rescind our  
18 previous action regarding commence operations and  
19 Board of Finance for New Mexico Connections Academy.  
20 Would someone make that motion, please?

21 COMMISSIONER BERGMAN: Madame Chairwoman,  
22 I will make the motion, again, to replace my  
23 previous motion, on the advice of legal counsel.

24 I here by move adoption --

25 THE CHAIR: Wait, wait, wait. We've got

1 to vote to rescind the previous actions.

2 MR. WILLIAMS: Madame Chair, my legal  
3 advice is make a quick motion, rescind the last  
4 motion on commence operations, clean it up, get rid  
5 of it. And, then, if you would like to hear from  
6 anyone, you can, and then we can move into  
7 Mr. Bergman's motion.

8 THE CHAIR: So -- well, is your motion to  
9 re- --

10 COMMISSIONER BERGMAN: I would move,  
11 therefore, that my previous motion be abolished or  
12 rescinded.

13 THE CHAIR: Okay. Do we have a second to  
14 that motion?

15 COMMISSIONER GANT: Second.

16 THE CHAIR: Motion and a second to rescind  
17 the previous action regarding New Mexico Connections  
18 Academy. A voice vote will do.

19 MR. WILLIAMS: Same way you did before.  
20 Roll call.

21 THE CHAIR: Roll call? Commissioner  
22 Bergman.

23 COMMISSIONER BERGMAN: Commissioner  
24 Toulouse.

25 COMMISSIONER TOULOUSE: I'm going to be

1 contrary and say "No." We voted. We took a  
2 statement. If there's a problem, I'd rather do a  
3 cleanup in a second motion, rather than rescind one  
4 motion.

5 THE CHAIR: That's what we're going to do.

6 COMMISSIONER TOULOUSE: No. We're going  
7 to completely redo the motion, rather than clean up  
8 one section of it. My personal feeling is I would  
9 rather clean up rather than -- so I say "No."

10 COMMISSIONER BERGMAN: Commissioner Carr.

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Conyers.

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Peralta.

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Pogna.

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant.

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Shearman.

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner



1 Bergman votes "Yes." Again, Madame Chairwoman by a  
2 seven-to-one vote, we rescind the previous motion.

3 THE CHAIR: The previous motion concerning  
4 commence operation and Board of Finance for  
5 New Mexico Connections Academy is rescinded. May we  
6 have a new motion? And I believe, Commissioner  
7 Bergman, you wanted to make that?

8 COMMISSIONER BERGMAN: I'd be happy to do  
9 it. I have it here. But was there -- someone said  
10 something about discussion. Do we have some  
11 discussion?

12 THE CHAIR: I'm sorry. See how quickly I  
13 forget?

14 MS. CASIAS: Madame Chair, members of the  
15 Commission, my name is Martica Casias. I work for  
16 the New Mexico Public Facilities Authority. Our job  
17 is to assess the schools and get them weighted in  
18 NMCI. So when I heard the recommended motion, it  
19 talked about the necessity for an E-Occupancy.

20 PSFA has been contacted by the school, and  
21 we have gone out to the site and made an assessment  
22 and generated a weighted NMCI and sent that approval  
23 to the school. But, in this case, there's no  
24 students in the building. An E-Occupancy is  
25 something that the building code dictates how your

1 facility needs to be structured for children to be  
2 in the building. So this facility only needs a  
3 B-Occupancy, which is a business occupancy.

4 So I would just say that your motion,  
5 without -- with the reference to an E-Occupancy,  
6 would be incorrect. A B-Occupancy is fine.

7 COMMISSIONER BERGMAN: Letter "B" as in  
8 "boy"?

9 MS. CASIAS: Yes.

10 COMMISSIONER BERGMAN: Instead of "E"?

11 MS. CASIAS: And they do meet House  
12 Bill 283. Their weighted NMCI is 10.16, which is  
13 much better than the average of 22.

14 COMMISSIONER CARR: I have a question.

15 THE CHAIR: Commissioner?

16 COMMISSIONER CARR: Maybe Tony can answer  
17 this one. But didn't the original contract, if I  
18 remember going through all this, that there was  
19 going to be a space for students to come in and use  
20 computers on site, if need be, at least for a small  
21 number of students?

22 MR. GERLICZ: Commissioner Carr, members  
23 of the Commission, the original application had a  
24 facility. It was thought of differently than any  
25 other traditional school facility, was to be used

1 for a combination of administrative purposes and a  
2 place for students to meet with their learning  
3 coaches or their parents, but not to be thought of  
4 as a traditional school building, a place to house  
5 those kinds of functions.

6 And that's what PSFA is alluding to, not  
7 necessarily an E-Occupancy.

8 COMMISSIONER CARR: Okay. I -- do you  
9 have further light to shed on that?

10 MS. CASIAS: Madame Chair,  
11 Commissioner Carr, the facility does have some  
12 spaces for children if they need to come in, and  
13 computer stations. But the building code says if  
14 there are six children or less, it can still be a  
15 B-Occupancy. So on a -- the FMP Ed Spec they sent  
16 to us for review says it's going to be a rare  
17 occasion that children will be there. But, if so,  
18 there's space for -- if children do need to come in,  
19 there is space for the six children, which doesn't  
20 push you into needing an E-Occupancy. So "B" would  
21 be adequate.

22 COMMISSIONER CARR: Okay.

23 THE CHAIR: Any other comments?  
24 Questions? Commissioner Bergman, if you're ready?

25 MS. CASIAS: Thank you, Madame Chair. I

1 was -- thank you. Pardon me.

2 THE CHAIR: Now I'm starting to hear  
3 voices. Thank you very much.

4 COMMISSIONER BERGMAN: And I was just  
5 waiting. I just want to make sure everybody's  
6 gotten in their two cents' worth now. All right.  
7 I'll read this motion again.

8 I hereby move adoption of the following  
9 resolution:

10 Whereas, New Mexico Connections Academy  
11 was granted a charter with the provision that before  
12 the Commission shall issue the authorization to  
13 commence full operation and to operate as a Board of  
14 Finance, the charter school must comply with the  
15 requirements of the Planning Year Checklist  
16 developed by the Charter School Division; and,  
17 whereas, the Charter School Division has assured the  
18 Commission that the charter school has substantially  
19 complied with the requirements of the Planning Year  
20 Checklist, has met the conditions put forth by the  
21 Commission upon charter approval, and has  
22 demonstrated that it has sought and obtained  
23 certification from the New Mexico Public Schools  
24 Facilities Authority, that the facility will receive  
25 a condition rating to [verbatim] or better than the

1 average condition for all New Mexico public schools,  
2 or, can demonstrate that within 18 months of  
3 occupancy, that it has a plan for achieving the  
4 wNMCI.

5 Therefore, be it resolved that New Mexico  
6 Connections Academy is granted authorization to  
7 commence full operations of a State-chartered  
8 charter school.

9 However, the school cannot occupy a  
10 facility with students until the Charter School  
11 Division receives written notification that the  
12 school building has been approved for B-occupancy,  
13 comma, if deemed applicable to the school's facility  
14 by PSFA, comma, and complies with the NMCI, per  
15 PSFA, period. And, in quotations, NMSA 1978,  
16 Section 22-8B-4.2(A) 2011.

17 THE CHAIR: Thank you, Mr. Bergman,  
18 Mr. Williams?

19 MR. WILLIAMS: Madame Chair, Commissioner  
20 Bergman and I were working on this motion. It  
21 really should continue to say "E-Occupancy, if  
22 deemed applicable," because if, in fact, you get  
23 more than six students, things may change. So if  
24 you could just accept that change to your motion --  
25 not to re-read the whole thing -- just say "E"

1 instead of "B," that would be great.

2 COMMISSIONER BERGMAN: Everyone is  
3 comfortable with that? If everyone is comfortable  
4 with that, then I, as the reader, am comfortable  
5 with changing it back to "E-Occupancy."

6 MR. WILLIAMS: Thank you.

7 THE CHAIR: Do we have a second to the  
8 motion?

9 COMMISSIONER POGNA: Second.

10 THE CHAIR: You heard the motion by  
11 Commissioner Bergman, seconded by Commissioner  
12 Pogna. Do we have discussion?

13 COMMISSIONER CARR: Madame Chair.

14 THE CHAIR: Commissioner Carr.

15 COMMISSIONER CARR: Excuse me for having  
16 to speak. But having just found out something new  
17 today, I find out that this contract is worse than I  
18 thought. And it's a sad day when I find out that  
19 there will be rarely children in the school  
20 building. When they are, there will be six or less.  
21 That's all.

22 THE CHAIR: Thank you, Commissioner Carr.  
23 Any other comments? If we're ready to vote,  
24 Commissioner Bergman, roll call, please?

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse.

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr.

4 COMMISSIONER CARR: Yes, per court order.

5 COMMISSIONER BERGMAN: Commissioner

6 Conyers.

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Peralta.

10 COMMISSIONER PERALTA: Yes.

11 COMMISSIONER BERGMAN: Commissioner Pogna.

12 COMMISSIONER POGNA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Gant.

14 COMMISSIONER GANT: Yes, per court order.

15 COMMISSIONER BERGMAN: Commissioner

16 Shearman.

17 THE CHAIR: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Bergman votes "Yes."

20 Madame Chairwoman, by an eight-to-zero  
21 vote, the motion has carried.

22 THE CHAIR: The motion -- the vote is  
23 unanimous to authorize New Mexico Connections  
24 Academy to commence operations and for its Board of  
25 Finance to be approved.

1 MR. GERLICZ: Madame Chair?

2 THE CHAIR: Excuse me. Director Gerlicz?

3 MR. GERLICZ: Madame Chair, you'll see a  
4 manila folder on your table. And it has a  
5 certificate in there for each of the schools that do  
6 have a "commence operations" order, so that they can  
7 put it on their wall.

8 THE CHAIR: And there is a place for  
9 Commissioners to sign?

10 MR. GERLICZ: We'll just give it to them.  
11 It's yours.

12 MR. BOITANO: Thank you.

13 THE CHAIR: Next is Health Leadership High  
14 School.

15 MR. GERLICZ: Madame Chair, members of the  
16 Commission, I have, on my screen in front of me, the  
17 minutes -- the minutes of the PEC meeting from  
18 December of 2012, where this has already been done.

19 As you recall, Health Leadership came  
20 before this Commission early on in the process, had  
21 their Board of Finance motion approved. It's here  
22 staring me in the face on Page 43 of the minutes.  
23 So that portion is done. We can just sign the  
24 certificate and wish them well.

25 COMMISSIONER BERGMAN: I just erased



1 something. So thank you.

2 THE CHAIR: Do we not need to authorize  
3 "commence operations"?

4 MR. GERLICZ: My understanding of  
5 "commence operations" was that the Board of Finance  
6 needed to be approved, and that commences their  
7 operation.

8 THE CHAIR: As long as they're both done.

9 MS. WEAR: I would ask Mike for  
10 clarification on that point, just to be safe. Mike?

11 MR. GERLICZ: Page 43 of these minutes is  
12 a vote to approve the Board of Finance.

13 MS. WEAR: Mike, the question is, if the  
14 Board of Finance application for Health Leadership  
15 has already been approved, do they need to take a  
16 separate vote to allow them to commence operations?

17 MR. WILLIAMS: Well, let's put it this  
18 way. It couldn't hurt. So what I would do is just  
19 take a vote on "commence operations."

20 THE CHAIR: We always do.

21 COMMISSIONER GANT: Madame Chair.

22 THE CHAIR: Commissioner Gant.

23 COMMISSIONER GANT: Madame Chair, members,  
24 Mr. Williams, Mr. Gerlicz, there's a checklist that  
25 goes with "commence operations," is there not? I

1 think that was in the last resolution.

2 MR. GERLICZ: Let's see. I believe that  
3 you are correct.

4 THE CHAIR: Are you talking about the  
5 Planning Year Checklist?

6 MR. GERLICZ: Yes. And where is the page?  
7 Yes. Commissioner Gant, if you'll turn to Item 12B  
8 in your packets, that Planning Year Checklist is  
9 there and has been approved by CSD.

10 COMMISSIONER GANT: Okay. I still think  
11 we need to vote on it.

12 THE CHAIR: Oh, I know we do. Any other  
13 questions? The Chair would entertain a motion to  
14 approve "commence operations" for Health Leadership  
15 High School. Mr. Bergman?

16 COMMISSIONER BERGMAN: I'm going to lose  
17 my voice. Yes, I am.

18 I hereby move adoption of the following  
19 resolution:

20 Whereas, Health Leadership High School was  
21 granted a charter with the provision that, before  
22 the Commission shall issue an authorization to  
23 commence full operation, and including our  
24 previously approved Board of Educational Finance,  
25 the charter school must comply with the requirements

1 of the Planning Year Checklist developed by the  
2 Charter School Division; and, whereas, the Charter  
3 School Division has assured the Commission that the  
4 charter school has substantially complied with the  
5 requirements of the Planning Year Checklist, has met  
6 the conditions put forth by the Commission upon  
7 charter approval, and has demonstrated that it has  
8 sought and obtained certification from the  
9 New Mexico Public School Facilities Authority that  
10 the facility will receive a condition rating equal  
11 to or better than the average condition for all  
12 New Mexico public schools, or, can demonstrate that,  
13 within 18 months of occupancy, that it has a plan  
14 for achieving the wNMCI. Therefore, be it resolved  
15 that Health Leadership High School is granted  
16 authorization to commence full operations as a  
17 State-chartered charter school.

18           However, the school cannot occupy a  
19 facility with students until the Charter School  
20 Division receives written notification that the  
21 school building has been approved for E-Occupancy  
22 and complies with the NMCI, per PSFA. In brackets,  
23 NMSA 1978, Section 22-8B-4.2(A) 2011.

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

1 COMMISSIONER TOULOUSE: Madame Chair, I'll  
2 second from this side of the room.

3 THE CHAIR: Commissioner Toulouse. You've  
4 heard the motion by Commissioner Bergman, second by  
5 Commissioner Toulouse, to approve "commence  
6 operations" of Health Leadership High School.  
7 Discussion? Hearing none, we'll have a roll-call  
8 vote. Commissioner Bergman.

9 COMMISSIONER BERGMAN: Commissioner  
10 Toulouse.

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner Carr.

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Conyers.

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Peralta.

19 COMMISSIONER PERALTA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Pogna.

21 COMMISSIONER POGNA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant.

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Shearman.

1 THE CHAIR: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Bergman votes "Yes." Madame Chairwoman, again, that  
4 motion is carried by an eight-to-zero vote.

5 THE CHAIR: Thank you, Secretary Bergman.  
6 The motion to approve "commence operations" for  
7 Health Leadership High School has passed  
8 unanimously. Congratulations.

9 Next school on the list is La Jicarita  
10 Charter School.

11 COMMISSIONER GANT: Madame Chair?

12 THE CHAIR: Commissioner Gant.

13 COMMISSIONER GANT: Madame Chair, before  
14 we go into resolutions and recommendations and all  
15 that, we need to hear what Ms. Casias has to say  
16 about this school and its facilities, please.

17 THE CHAIR: Please proceed.

18 MS. CASIAS: Madame Chair, members of the  
19 Commission, currently, La Jicarita does not have an  
20 approved FMP Ed Spec, nor approved -- nor weighted  
21 NMCI, nor construction documents for their site. We  
22 received their FMP Ed Spec submission on May 6. And  
23 we had some questions. We sent questions to the  
24 school on May 14 and didn't receive a response, and,  
25 again, yesterday.

1           So, until we have the FMP Ed Spec  
2 approved, we cannot provide a weighted NMCI because  
3 one is dependent on the other. First, we need to  
4 know their educational delivery, the number of  
5 spaces they need, where their school is going to be,  
6 and all of that, in order to generate a score to  
7 give them a weighted NMCI.

8           So, at this time, PSFA has neither  
9 documents -- only a submission on May 6, and a  
10 request for more information.

11           THE CHAIR: Thank you for that  
12 information. Commissioner Gant.

13           COMMISSIONER GANT: Madame Chair, members,  
14 a little more information that I believe I have,  
15 they claim they're going to have a ground-breaking  
16 on the 22nd of June. That was in a news release  
17 that came out the other day. I don't know where  
18 they stand. Maybe you do, Ms. Casias, on the  
19 exchange of the portables from Rio Rancho. I don't  
20 know where they -- if they have got an agreement on  
21 that. I don't know if they have moving documents to  
22 take it up the interstate back into that canyon or  
23 anything else.

24           So I really don't know how -- I don't see  
25 a time line or a proposal that will meet the opening

1 of the school. I have lots of doubts that they'll  
2 be -- they will have facilities ready for -- to meet  
3 the needs of the children.

4 MS. CASIAS: Madame Chair, members of the  
5 Commission, these documents they submitted, which is  
6 called a Request for Approval of School  
7 Construction, indicated that they had purchased the  
8 portables. But I don't have access to the contract  
9 or know that that was complete.

10 I can tell you that the plan review is  
11 going to take -- once we get what we need from the  
12 FMP Ed Spec, it can take up to 21 days. Then you  
13 need to get your construction and whatnot in place.  
14 I can't speak to their contractor's schedule,  
15 either. But I do know that, on our part, we need at  
16 least three more weeks, Madame Chair.

17 MS. MATTHEWS: Madame Chair, may I be  
18 recognized?

19 THE CHAIR: Ms. Matthews.

20 MS. MATTHEWS: Yes, Madame Chair, and  
21 members of the Commission. Patricia Matthews on  
22 behalf of La Jicarita. With me today is the  
23 foundation head, the school head, and their  
24 architect. And, Mr. Gant, to your questions, I  
25 believe Mr. Clarkson submitted to the Charter School

1 Division a very detailed outline of the time line,  
2 construction documents, and all of that information.

3 So if they would be allowed to address the  
4 Commission to discuss where they are today and their  
5 time line, and that it's very feasible for them to  
6 get it all together -- I know that they have an  
7 additional planning year, but I think once you hear  
8 what they've been through to get where they are  
9 today, you will see why it took them this much time.  
10 They had to what's -- it's a special use --

11 UNIDENTIFIED SPEAKER: Permit.

12 MS. MATTHEWS: Special use permit through  
13 the county. That took a tremendous amount of time.  
14 So all of this has taken a tremendous amount of  
15 time. They would like the opportunity to walk you  
16 through where they've been and what they've done, so  
17 you will know -- Mr. Gant, in particular -- that  
18 they haven't been sitting back and doing nothing.

19 As you know, Peñasco is a very small  
20 community. There was nothing available. They had  
21 to actually go out and acquire dirt, acquire the  
22 foundation to acquire funding to put those  
23 portables. And, in fact, Rio Rancho has -- we've  
24 gotten approval that we need, Mr. Gant, to have  
25 those portables transferred. So a few pieces of



1 paper, and that's a done deal. It's been approved  
2 through the PED and everything.

3 So if they could come forward and talk to  
4 you about that, or if you'd like me, I have the  
5 documents here. Mr. Gerlicz and Ms. Wear, I believe  
6 that information was presented by the administrator  
7 of the school about where they are on the facility,  
8 to Mr. Richardson.

9 THE CHAIR: Mr. Williams?

10 MR. WILLIAMS: It really is within the  
11 Chairwoman's discretion.

12 THE CHAIR: Commissioners?

13 COMMISSIONER BERGMAN: I'd like to hear  
14 from them.

15 THE CHAIR: Please ask them to come  
16 forward.

17 MS. MATTHEWS: Would you all come forward?

18 THE CHAIR: Gentlemen, if you would,  
19 please introduce yourselves and tell us your  
20 position with the school, please? And if we could  
21 keep this under ten to fifteen minutes, would that  
22 work for you all? Okay, please go ahead.

23 MR. CLARKSON: Okay. Madame Chairman and  
24 Commission members, my name is Wesley Clarkson. I  
25 am the newly hired director of La Jicarita Community

1 School. This is David Henry, the architect, and he  
2 will also be serving as the project manager for all  
3 of the construction and the moving of the portables  
4 and everything. And this is Eric Mack. He is the  
5 chairman of the La Jicarita Community Foundation,  
6 who signed the mortgage papers and is handling the  
7 construction from their side.

8 To -- to sum it up, we will be ready.  
9 We -- the doors are already open for the school in  
10 the fact that we have office space that we are  
11 working out of and as of -- administering things,  
12 taking parent information, having board meetings and  
13 things like that at that space that is -- we have  
14 been using that space for some time. The people in  
15 the community know where the office space is and  
16 have identified that with us.

17 The -- the portable buildings, the actual  
18 approval for the sale of those, we received  
19 yesterday from Mr. -- is it pronounced "Tweet"  
20 [ph]? -- here at PED. Okay. Thweatt. So we are  
21 waiting for actually signing the checks and doing  
22 that -- to that part.

23 The time line calls for us to have the  
24 buildings in place and the doors open for school by  
25 August 1. Now, that is a -- the end of the period.

1 You know, we had -- each piece of the -- each piece  
2 of the construction is kind of a time line, a little  
3 piece in there. And I'd like Mr. -- Mr. Henry to  
4 speak to that issue.

5 MR. HENRY: Well, I think Martica did  
6 mention that a RASC was submitted to the PSFA. That  
7 document was submitted on May 29. I had discussions  
8 yesterday with the PSFA regarding their 21-day time  
9 period. I'm not aware of any missing documents  
10 regarding the RASC submittal. I will let Wes and  
11 Eric address the FMP. That's outside of my scope.

12 But I would like to add that the  
13 facilities for the La Jicarita Community School were  
14 recently in use in Rio Rancho. We're not asking for  
15 a change of use for these structures. We're not  
16 purchasing an old shoe store and converting it to a  
17 school -- which I have done, by the way.

18 These are E-Occupancy pre-engineered  
19 modular buildings that were built as such. They may  
20 be older, towards the end of their life; but these  
21 buildings were specifically built as E-Occupancy  
22 structures. There are a total of three structures.  
23 And we are simply moving these structures to a new  
24 parcel in Northern New Mexico from Rio Rancho.

25 The foundation has been in contact with

1 the building mover. We have an estimated -- based  
2 on my time line, I think we should be receiving RASC  
3 approval by June 18, which leaves the remainder of  
4 June to move the buildings.

5 These buildings are up on piers. They are  
6 not on CME foundations. They are not slab on grade.  
7 There's a series of six concrete piers. It's a  
8 fairly quick process to place these structures.

9 Utilities are at the property. A septic  
10 system has already been approved by the New Mexico  
11 Environment Department. It's my opinion, as a  
12 licensed architect, that the community foundation  
13 and the school have everything in place, that I know  
14 of, to obtain an approved RASC, and subsequently, a  
15 building permit from the CID.

16 I will let Eric and Wes address the FMP.

17 MR. CLARKSON: The FMP. We received a  
18 notification from Bill Sprick of some changes to  
19 make. I made the changes and e-mailed it back to  
20 him the very next day on May 15. A couple of days  
21 ago, I got info- -- I got an e-mail from him, said  
22 he never got it. We determined there's something  
23 going on with their e-mail filter. It was filtering  
24 out the e-mail that I was sending it from. So I had  
25 Eric here send it from his e-mail address again, and

1 we assume they received it.

2 We made calls to their office and got put  
3 on voice-mail. So I assume that Mr. Sprick got  
4 that.

5 And do you want to address a little bit on  
6 the process over last year or so?

7 MR. MACK: This has been alluded to. But,  
8 basically, what's happened -- we asked for a second  
9 planning year at this meeting in June last year and  
10 were granted it, based on the fact that the county  
11 was asking us for a special use permit, which we  
12 originally had been given some advice that, as a  
13 State-chartered charter school, we may not require  
14 that.

15 After actually having to find the guidance  
16 from the State Attorney General's office, we were  
17 advised that we should go through the county special  
18 use permit process. And so we came here, asked for  
19 a second planning year, were granted that, and  
20 immediately began the special use process with Taos  
21 County, which was completed -- it was granted -- the  
22 special use permit was granted in October.

23 There was a 30-day protest period. So, by  
24 about Thanksgiving, everything was complete. Due to  
25 the conditions that were placed upon us through the

1 special use permit process, it changed our budget  
2 significantly in how the budget would be used. So,  
3 essentially, around November, we completely threw  
4 out our facilities plan and had to start over, given  
5 the new constraints imposed on us by the various  
6 permits.

7 And, so, that process is what has led us  
8 to the current plan, using these portables from  
9 Rio Rancho. And I believe Mr. Clarkson provided a  
10 very detailed outline of all these activities that  
11 I'm describing in more detail to Mr. Richardson,  
12 which should be in a packet I believe you have  
13 somewhere.

14 MR. CLARKSON: So to sum it up, we have a  
15 good team. We've been working on this for the last  
16 two, three months, since I came on board as  
17 director, and very assiduously. The loan is in  
18 place; the portables are ready to be moved. We have  
19 these -- we have a tentative schedule of around  
20 July 1 from the portable mover. He says he has  
21 plenty of time to do the work in July. We have an  
22 architect who has done all the design work. We have  
23 a project manager. And we have a work schedule that  
24 shows -- that shows a tentative date of about  
25 August 1 to have the property with the E-Occupancy,

1 with all the inspections in place and ready to begin  
2 moving the furniture in and getting it set up.

3 We've set -- as a contingency, we've set  
4 our school year to begin the day after Labor Day to  
5 give ourselves the full 30 days in there to make  
6 sure all the facilities are ready, that we have  
7 everything in place. And our teachers will begin --  
8 are ready to begin teaching, full steam ahead,  
9 beginning the very first day of school.

10 MR. HENRY: I would like to add that the  
11 La Jicarita Community Foundation has negotiated a  
12 contract with a local contractor through a  
13 negotiated bid contract. That contractor has not  
14 been given a written notice to proceed. We're  
15 waiting on a RASC approval, which, as I mentioned,  
16 was submitted on the 29th. If you back out the  
17 21-day review period that PSFA stipulates they can  
18 achieve, that puts us at June 18.

19 And this contractor has submitted to us a  
20 construction schedule that allows occupancy by the  
21 first weekend in September. I think I previously  
22 mentioned that these structures currently have an  
23 E-Occupancy for the current owner, which is  
24 Rio Rancho Public Schools. The community foundation  
25 has -- has a pending purchase order. And with the

1 Rio Rancho Public School District -- I've been in  
2 close contact with Mr. Sena, the director of  
3 facilities at Rio Rancho Public Schools -- I don't  
4 anticipate any issues in the transport of these  
5 modulars.

6 There's a total of three. These are  
7 fairly small modulars. They're 1,800 square feet  
8 apiece. This is a six-room schoolhouse for 52 kids.  
9 I know it seems tight, but I think it can be done.  
10 And we'd be happy to submit additional data, if that  
11 pleases the Commission.

12 THE CHAIR: Thank you, sir. I believe  
13 your time is up. And I appreciate your  
14 presentation.

15 Commissioners, are there other questions?  
16 Director Gerlicz?

17 MR. GERLICZ: Madame Chair, members of the  
18 Commission, I just wanted to make sure that everyone  
19 knows that there are substantial documents regarding  
20 everything we heard today in your packet.

21 THE CHAIR: Thank you. Commissioner Gant?

22 COMMISSIONER GANT: Madame Chair, members.  
23 Ms. Casias, are you satisfied, as a representative  
24 from PSFA?

25 MS. CASIAS: Madame Chair, members of the



1 Commission, we can't even begin to do the building  
2 permit set until the FMP Ed Spec is approved. So we  
3 need pieces of information that Mr. Sprick has been  
4 asking for, first, because one is related to the  
5 other. Yes, the building permit/RASC process is a  
6 21-day thing. But this isn't just that process.

7 When you look at House Bill 283, first,  
8 you need your FMP Ed Spec approval. And that  
9 compares the building you plan to build to your  
10 needs, to get you a weighted NMCI.

11 So we need the FMP Ed Spec complete so  
12 that we can look in the construction drawings in  
13 that way and get that piece done.

14 So the second piece is the building permit  
15 application, which allows them to build -- put the  
16 portables in place. The building review and the  
17 building permit is not that complicated, but we  
18 can't do one without the other.

19 And, indeed, if there has been an issue  
20 with the e-mails, and Mr. Sprick has been  
21 contacted -- which I'm not denying -- we received it  
22 on May 6. The FMP Ed Spec was submitted on May 6.  
23 Mr. Sprick sent his questions on May 14.

24 And I understood there was some confusion,  
25 and he sent one again yesterday. And I think he

1 recommended that somebody else send it from a  
2 different address so that it would go through.

3 So we need -- I think we just have a few  
4 questions that we need answered so that we can begin  
5 to move forward. But our agency is at a standstill  
6 until we get those questions answered.

7 Thank you, Madame Chair.

8 THE CHAIR: Thank you. Mr. Williams?

9 MR. WILLIAMS: Yes.

10 THE CHAIR: Do you recall -- can you give  
11 us direction here?

12 MR. GERLICZ: Madame Chair.

13 THE CHAIR: Mr. Director?

14 MR. GERLICZ: Just how difficult is it to  
15 answer -- have those questions answered?

16 MS. CASIAS: Are you asking me?

17 MR. GERLICZ: I think you asked the  
18 architect, Martica, "We just need a few questions  
19 answered." Perhaps the architect could state how  
20 difficult is it to answer those questions.

21 MR. HENRY: I'd be happy --

22 MS. CASIAS: I'm sorry, Madame Chair, and  
23 Director Gerlicz. The questions are about the FMP  
24 Ed Spec. I don't know who's answering those  
25 questions.

1 MR. HENRY: I'm not currently under  
2 contract with the foundation to produce the FMP or  
3 the Ed Spec. I have viewed the document. It was my  
4 understanding that Mr. Sprick had approved that  
5 document -- this is going back several weeks. So  
6 it's news to me, and it's certainly unfortunate news  
7 that that document is incomplete at this time. I'd  
8 be happy to assist the foundation. I'm offering  
9 that. I can answer questions on the spot if we know  
10 what the issues are.

11 I'm not aware of what the missing items in  
12 the FMP are. If they are capital-related,  
13 construction-related, I would be happy to address  
14 them immediately today, on the spot. Do we -- I'm  
15 not sure the content of your packets. Maybe Martica  
16 can assist. But I'm not sure what the missing items  
17 are.

18 MS. CASIAS: Madame Chair, Mr. Gerlicz,  
19 those items were e-mailed. I don't have -- I could  
20 go through the whole e-mail and look for them. But  
21 they are things that need to be written down and  
22 responded to. I didn't bring the list with me.

23 THE CHAIR: So if I'm hearing you  
24 correctly, you're needing information, but it's not  
25 information that you can ask that gentleman a

1 question and he can respond type of thing. You need  
2 documents with information provided.

3 MS. CASIAS: Right. Well, Madame Chair, I  
4 wouldn't be able to do my job properly just giving  
5 the questions here and having them respond, and I'd  
6 have to -- I'd need the FMP Ed Spec that was  
7 submitted in front of me. I'd need -- I wouldn't  
8 feel comfortable just responding here without things  
9 in front of me.

10 THE CHAIR: I'm just clarifying. You need  
11 documents with information on them.

12 MS. CASIAS: Just answers to the  
13 questions, Madame Chair. Thank you.

14 MR. CLARKSON: And we have those.

15 THE CHAIR: Commissioner Bergman.

16 COMMISSIONER BERGMAN: I would just say,  
17 it behooves you folks to get -- whatever their  
18 reservations are, get them taken care of. And I  
19 would just note that, if we do read this resolution,  
20 that if they don't get their E-Occupancy, they can't  
21 open. So I believe that part is going to be  
22 covered.

23 THE CHAIR: What concerns me, though, is  
24 that "demonstrated that it has sought and obtained  
25 certification from PSFA that the facility will

1 received..." blah-blah-blah -- do they have this  
2 certification? Martica, this certification that  
3 the -- that the resolution speaks to, do they have  
4 that certification?

5 MS. CASIAS: Madame Chair, members of the  
6 Commission, they don't have a weighted NMCI at this  
7 point. Madame Chair, I believe that was the  
8 question to me.

9 THE CHAIR: Okay.

10 MS. CASIAS: Did I interpret it correctly?

11 THE CHAIR: I believe so, yes. So that  
12 part of the resolution is not -- that could not  
13 happen, even if we chose to do that today. That  
14 part of the resolution is not -- that could not  
15 happen, even if we proceeded to do this, that part  
16 of the resolution could not --

17 MR. WILLIAMS: Well, Madame Chairwoman, if  
18 you'll let me -- the resolution actually says,  
19 "...has sought and obtained certification from the  
20 NM PSFA that the facility will receive a condition  
21 rating equal to or better than the average condition  
22 for all the New Mexico public schools, or, can  
23 demonstrate that within 18 months of occupancy, that  
24 it has a plan for achieving the wNMCI."

25 I would simply ask if Staff -- this is a

1 Staff recommendation, as I understand it, to  
2 commence operation.

3 THE CHAIR: Yes.

4 MR. WILLIAMS: And I just -- one of the  
5 things I would like to do, Madame Chairwoman -- it's  
6 your prerogative, not mine -- would be to ask  
7 Staff's position, if it has changed based upon any  
8 of the information presented today, and what their  
9 proposed course of action would be to go forward.

10 Commissioner Bergman has also properly  
11 identified the reservation, if you will. So I would  
12 just simply ask, with your permission, that Staff be  
13 given the opportunity, based upon information  
14 presented today, to tell you what their position is.

15 THE CHAIR: Thank you. Thank you for that  
16 recommendation. Let's do exactly that.  
17 Director Gerlicz.

18 MR. GERLICZ: Madame Chair, members of the  
19 Commission, our recommendation is to move forward  
20 with "commence operation," given that all the hoops  
21 have to be jumped through and the approval for the  
22 buildings needs to be done, and all of those sorts  
23 of things that are out of our hands. Perhaps  
24 commence-operations approval can be given contingent  
25 upon such approvals being made.

1           But everything that our staff has done  
2 with La Jicarita Foundation and Community School has  
3 been positive. They have a fine educational program  
4 set. There's good community support. And we would  
5 like to see the school proceed forward. Obviously,  
6 the facilities question needs to be answered. And  
7 perhaps it can be based contingent upon receiving  
8 that necessary approval.

9           THE CHAIR: Thank you. Commissioner Gant?

10           COMMISSIONER GANT: Madame Chair, members,  
11 there is a approve-with-conditions paragraph in the  
12 middle of the page. Martica, if they had an  
13 approved Ed Spec, Facility Master Plan, construction  
14 documents, a weighted NMCI, what else would they  
15 need?

16           MS. CASIAS: Madame Chair, members of the  
17 Commission, from the PSFA standpoint, that's all  
18 they would need.

19           COMMISSIONER GANT: Madame Chair, I would  
20 suggest that we read the resolution for them to move  
21 forward based upon conditions that I just stated,  
22 that I will read the resolution, as required.

23           THE CHAIR: Thank you, Mr. Gant. Please  
24 do that.

25           COMMISSIONER GANT: Madame Chair, members,

1 Approval with Condition. I move that the Public  
2 Education Commission approve authorization -- and I  
3 can never say the name of the school -- La Jic- --  
4 you got it, right? -- Community School, to commence  
5 full operation with the following conditions to be  
6 completed and documented with the Charter School  
7 Division and the PSFA prior to the opening of the  
8 school: approved Ed Spec, approved Facility Master  
9 Plan, approved construction documentation, and a  
10 weighted NMCI.

11 COMMISSIONER CARR: Second.

12 THE CHAIR: Mr. Williams, my concern is he  
13 did not read first part the resolution. Is that  
14 necessary?

15 COMMISSIONER BERGMAN: The words  
16 "E-Occupancy" weren't included in Commissioner  
17 Gant's words.

18 MR. WILLIAMS: And, Abby, I would like you  
19 to talk about this as well. The proposed  
20 resolution, on the approval, if you'll see, there's  
21 three different options. The way it's been written  
22 is, if you're going to approve it, you read that  
23 language to approve with conditions. I don't think  
24 it's a bad idea to read the rest of it and then add  
25 the subsequent conditions. But I invite Abby -- I'm



1 not the one who drafted this --

2 MS. WEAR: I'm not, either.

3 MR. WILLIAMS: So any idea where -- is  
4 this a resolution that's, you know, evolved like  
5 Topsy [ph]? Okay.

6 I think what I would recommend is that you  
7 read the entire resolution language. And, then,  
8 specifically -- I'm sorry, Commissioner Gant, I  
9 don't want to have to do that to you -- I'd ask that  
10 you withdraw your motion, read the entire  
11 resolution, and then add your conditions  
12 specifically.

13 THE CHAIR: Thank you.

14 COMMISSIONER GANT: Madame Chair, I  
15 withdraw my previous resolution.

16 COMMISSIONER CARR: And I withdraw my  
17 second.

18 THE CHAIR: Thank you, both. Now, do we  
19 have a new motion, Commissioner Gant?

20 COMMISSIONER GANT: I think I can get  
21 through it. I'm running out of energy, Lady.

22 Madame Chair, members, I move for adoption  
23 of the following resolution. Whereas, La Jicarita  
24 Community School was granted a charter with the  
25 provision that, before the Commission shall issue

1 the authorization to commence full operation, the  
2 charter school must comply with the requirements of  
3 the Planning Year Checklist developed by the Charter  
4 School Division; and, whereas, the Charter School  
5 Division has assured the Commission that the charter  
6 school has subsequently complied with requirements  
7 of the Planning Year Checklist, has met the  
8 conditions put forth by the Commission upon charter  
9 approval, and has demonstrated that it has sought  
10 and obtained certification from the New Mexico  
11 Public School Facilities Authority, that the  
12 facility will receive a condition rating of a rating  
13 equal to or better than the average condition for  
14 all New Mexico public schools, or, can demonstrate  
15 that, within 18 months of occupancy, that it has a  
16 plan for achieving the weighted NMCI.

17           Therefore, be it resolved that La Jicarita  
18 Community School is granted authorization to  
19 commence full operation as stated -- as a  
20 State-chartered charter school. However, the school  
21 cannot occupy a facility with students until the  
22 Charter School Division receives written  
23 notification that the school building has been  
24 approved for an E-Occupancy and complies with the  
25 NMCI, per PSFA, bowlegs NMSA 1978, Section

1 22-8B-4.2(A) 2011, with the following conditions  
2 that must be met: Approved Ed Spec, approved  
3 Facility Master Plan, approved construction  
4 documents, and the weighted NMCI.

5 COMMISSIONER CARR: Second.

6 THE CHAIR: We have a motion and second on  
7 the floor. Is there discussion? Commissioner  
8 Bergman.

9 COMMISSIONER BERGMAN: Madame Chair,  
10 Director Gerlicz will probably -- we already did  
11 approve their Board of Finance on this school back  
12 in October, did we not?

13 MR. GERLICZ: That is correct.

14 COMMISSIONER BERGMAN: I just wanted that  
15 on the record.

16 THE CHAIR: Further discussions or  
17 questions?

18 MR. WILLIAMS: Madame Chairwoman, I do  
19 want to point out -- and the Charter Schools  
20 attorney has, in fact, pointed out what is an  
21 internal inconsistency. And it is, it is on its  
22 face. It's what I read to you before, which is the  
23 18-month -- if you look at your -- if you look at  
24 the language in the resolution that you -- the --  
25 they have to demonstrate they've sought and

1 obtained, or will obtain within 18 months of  
2 occupancy, as a plan. Do you follow that language?  
3 Do you see that?

4 THE CHAIR: Yes.

5 MR. WILLIAMS: The point that I'm getting  
6 at is that language is in the resolution. It needs  
7 to be read consistently with the exceptions that  
8 the -- the conditions that have been added to it; in  
9 other words, to give the resolution effect, I would  
10 imagine that Ms. Matthews and the charter school  
11 will assert that 18-month period. Do you see what  
12 I'm saying?

13 THE CHAIR: So is there something that we  
14 need to --

15 MR. WILLIAMS: Well, I guess I'm just  
16 pointing out to you that that's there. And  
17 Ms. Matthews, I would invite you, if you want to  
18 comment on that and the internal inconsistency that  
19 you see, let's do it now. Let's fix this now if  
20 there's a problem. I think the Commission is very  
21 well aware of the language of the 18 months. You've  
22 raised a question on the consistency with the  
23 conditions. I want to deal with that now.

24 MS. MATTHEWS: Thank you, Mr. Williams.

25 And, Madame Chair, members of the Commission, I just

1 want to make sure that, in the conditions, Mr. Gant,  
2 that you read, you didn't include that they will  
3 meet the weighted New Mexico -- weighted New Mexico  
4 Condition Index, or -- or, they will have 18 months  
5 to do so. We don't anticipate that that's going to  
6 be an issue.

7 I just want to make sure, because this is  
8 still in work, that that piece of it is available to  
9 the charter school if, for some reason, PSFA comes  
10 back. So I would assume that the tail of that --  
11 all I want to make sure is that we're all on the  
12 same page, that we understand that the wNMCI  
13 includes 18 months to get there, if they have to.  
14 That's all. I want to make sure that everybody is  
15 agreeing that that condition meets that.

16 COMMISSIONER CARR: Madame Chair?

17 THE CHAIR: Commissioner Carr.

18 COMMISSIONER CARR: Past practice -- and  
19 correct me if I'm wrong. What we've always done in  
20 the past, if a school wasn't able to meet, you know,  
21 their projected dates, and then -- I mean, they need  
22 to come back before us and tell us what's going on,  
23 anyway. And, at that point in time, then we need to  
24 discuss -- I mean -- and we cannot deny them their  
25 privilege under the law. And I don't think we ever

1 have, unless there was some serious issue. And, if  
2 there's a serious issue, then we need to know about  
3 it anyway.

4 And I want -- I think myself and the  
5 members of the Commission would like to know, you  
6 know, that there was a problem with your opening,  
7 and please let us know what's going on, and, then,  
8 at that time, we can deal with it. And I don't  
9 think we can take any action that precludes your  
10 rights under the law at this meeting anyway.

11 So I think what we -- we've done is what  
12 we've done in the past, and I don't see anything  
13 wrong with it.

14 MS. MATTHEWS: And, just to be clear,  
15 Mr. Carr, there's a difference between the Condition  
16 Index and the E-Occupancy. They can't move in at  
17 all if they don't have E-Occupancy. But they may  
18 need a little extra time to fix an ADA or something.  
19 So that's -- they can't get in without the  
20 E-Occupancy. And the PSFA and the charter school  
21 would then work out the plan -- or the nonprofit --  
22 for bringing the building up to the Condition Index  
23 through a plan. That's how it's been worked out in  
24 the past.

25 THE CHAIR: Commissioner Gant?

1 COMMISSIONER GANT: Just a clarification,  
2 Ms. Matthews. ADA --

3 MS. MATTHEWS: That was a bad example.  
4 I'm sorry. Would have to be met before -- I'm  
5 sorry. That was a really bad example.

6 MR. HENRY: I would just like to reiterate  
7 that all three of these structures have a current  
8 E-Occupancy with the current owner, and the current  
9 owner is Rio Rancho Public Schools. Rio Rancho  
10 Public Schools chose to take these buildings out of  
11 service due to their age and condition. They had  
12 used them up and felt that they were no longer  
13 needed in that district.

14 I have personally looked at all three of  
15 the structures. Two of the three are actually quite  
16 nice, excellent buildings. The third is admittedly  
17 an older structure, but it has a brand new restroom  
18 core. It is ADA-compliant, and it currently has an  
19 E-Occupancy with a different owner. The foundation  
20 is currently negotiating the transfer of all three  
21 of these buildings. And, as a licensed architect, I  
22 can absolutely see no obstacle to these buildings  
23 having the same E-Occupancy condition.

24 Now, that does not address the FMP and  
25 Ed Spec outstanding items. I'm confident that Wes

1 and Eric can reply to Mr. Sprick in a timely manner  
2 and get those conditions taken care of.

3 Martica, do you know of any items that  
4 would cause these buildings to lose their  
5 E-Occupancy that they currently have?

6 MS. CASIAS: Madame Chair, members of the  
7 Commission, the E-Occupancy should stay in place.  
8 But we have to consider the weighted NMCI, which  
9 talks about the degradation of systems. So the age  
10 of the portables does matter to us.

11 THE CHAIR: May I just intervene? We're  
12 starting to have internal conversations here, and  
13 the Commission really needs to move on with our  
14 business. Thank you very much. Thank you all for  
15 your information.

16 Ms. Matthews, your concern is noted on the  
17 record, and I -- are your concerns taken care of?

18 MS. MATTHEWS: Madame Chair and members of  
19 the Commission, yes, thank you.

20 THE CHAIR: Thank you very much.  
21 Commission members, we have a motion and a second on  
22 the floor.

23 COMMISSIONER GANT: I didn't --

24 COMMISSIONER CARR: I second.

25 COMMISSIONER GANT: Okay. Go ahead.



1 THE CHAIR: Are we ready to move forward?  
2 Commissioner Bergman, may we have a  
3 roll-call vote?  
4 COMMISSIONER BERGMAN: Commissioner  
5 Toulouse.  
6 COMMISSIONER TOULOUSE: Yes.  
7 COMMISSIONER BERGMAN: Commissioner Carr.  
8 COMMISSIONER CARR: Yes.  
9 COMMISSIONER BERGMAN: Commissioner  
10 Conyers.  
11 COMMISSIONER CONYERS: Yes.  
12 COMMISSIONER BERGMAN: Commissioner  
13 Peralta.  
14 COMMISSIONER PERALTA: Yes.  
15 COMMISSIONER BERGMAN: Commissioner Pogna.  
16 COMMISSIONER POGNA: Yes.  
17 COMMISSIONER BERGMAN: Commissioner Gant.  
18 COMMISSIONER GANT: Yes.  
19 COMMISSIONER BERGMAN: Commissioner  
20 Shearman.  
21 THE CHAIR: Yes.  
22 COMMISSIONER BERGMAN: Commissioner  
23 Bergman votes yes. By an eight-to-zero vote, Madame  
24 Chairwoman, that motion has carried.  
25 THE CHAIR: Thank you, Mr. Bergman. The

1 action to commence operations for La Jicarita  
2 Charter School has passed unanimously with the  
3 conditions as noted. Thank you all very much.

4 MR. CLARKSON: Thank you.

5 COMMISSIONER GANT: Martica, thanks for  
6 coming.

7 THE CHAIR: Thank you very much. We  
8 appreciate your information.

9 Ladies and gentlemen, let's take about a  
10 ten-minute comfort break. We'll be back at a  
11 quarter of 3:00.

12 (Recess taken, 2:35 p.m. to 2:50 p.m.)

13 THE CHAIR: Commissioners, let's -- let's  
14 resume our meeting, please. We are to Item 13 on  
15 the agenda, Action on Charter School Amendments.  
16 I'm going to need to get the Director back up here.

17 MS. WEAR: Tony, your presence is  
18 requested.

19 THE CHAIR: Mr. Director, we are to  
20 Item 13, Amendments on Charter Schools. Montessori  
21 Elementary School is first, please.

22 MR. GERLICZ: Madame Chair and members of  
23 the Commission, before I ask Ms. Besante to come  
24 forward and explain the amendment in greater detail,  
25 you'll see in your packets that I put an

1 introductory paragraph. And I think it's worthy,  
2 just a comment or two.

3 This is one of the reasons that I am such  
4 a proponent of a retreat among us to clear up these  
5 sorts of things. And what I mean by that is that,  
6 apparently, this has been past practice for schools  
7 to find buildings wherever they can, and then  
8 sometimes PEC is notified after the fact, or CSD is  
9 even notified after the fact.

10 And being a former charter operator I  
11 understand that completely. The pressure and the  
12 demand to find facilities is so great. Sometimes  
13 schools find them and they go -- et cetera. And I  
14 know we're trying to change that, and we can talk  
15 about that further at the retreat. And it strikes  
16 me as a good idea to come up with strict protocols  
17 about how we, as the PEC and CSD, want to move when  
18 these issues come up.

19 So we have two schools in front of us that  
20 are in that situation, sort of, not -- not  
21 completely. And I'm going to ask them to explain.

22 So the first one is Montessori Elementary  
23 School. Montessori Elementary is one of our more  
24 interesting schools. They've adopted the Montessori  
25 model, elementary schooling. They are emerging into

1 incorporating a farm-school curriculum. They do a  
2 very fine job. They are -- waiting list in  
3 virtually all of the grades.

4 And this amendment is to request a move  
5 into the old facility that was occupied by  
6 Cottonwood Classical. And I'd like to ask Ms. Mary  
7 Jane Besante to explain the circumstances behind  
8 that, where they exactly are.

9 I would call attention to the  
10 Commissioners that Montessori Elementary School was  
11 approved last year for a move close by. That  
12 eventually didn't work. They stayed where they are.  
13 So this building is not all that far away from where  
14 their building was last year; and, again, would ask  
15 Ms. Besante to explain that to me.

16 We have read the amendment. We have  
17 spoken to Ms. Besante. And it is our recommendation  
18 that this amendment be approved. Mary Jane.

19 MS. BESANTE: Good afternoon.

20 MR. GERLICZ: You've got to press the  
21 button.

22 THE CHAIR: Would you both please identify  
23 yourselves, spell your name if it's a unique  
24 spelling, and your position with the school, please.

25 MS. BESANTE: I'm Mary Jane Besante,

1 B-E-S-A-N-T-E. I'm the principal at the Montessori  
2 Elementary School.

3 MR. ALBRYCHT: I'm Stan Albrycht. I'm the  
4 business manager. And it's A-L-B-R-Y-C-H-T.

5 THE CHAIR: Please go ahead.

6 MS. BESANTE: We're currently located  
7 right off I-25 on Jefferson, right off Jefferson,  
8 3831 Midway Place. It's in an industrial park.

9 We found a building close by, and it has  
10 nine acres of land. It's really a beautiful  
11 facility. It's -- after we buy it, it's going to be  
12 about \$11,000 less per month than what we're paying  
13 right now. So that will really help us in staffing.

14 The land is beautiful. The views are  
15 beautiful. It's close by. We've had meetings with  
16 our parents, who were very excited. And I don't  
17 know what else that you're asking.

18 THE CHAIR: That's -- if I could ask a  
19 question? In your explanation, Director Gerlicz, it  
20 says, "Currently, Cottonwood Classical is in part of  
21 the building." Now, is that going to continue?

22 MS. BESANTE: No, it will not. We will  
23 occupy the entire building. We're buying the entire  
24 building.

25 THE CHAIR: They are vacating?

1 MS. BESANTE: Yes.

2 THE CHAIR: Thank you very much.

3 Commissioners, any other questions?

4 Comments? Thank you for your presentation. The  
5 Chair would entertain a motion.

6 MR. GERLICZ: A point of clarification,  
7 Madame Chair. Is that 1730 Montaña Boulevard,  
8 "Northeast" or "Northwest."

9 MS. BESANTE: Northwest.

10 MR. GERLICZ: It's an error in the book.  
11 Thank you, Carmie. I apologize for that.

12 THE CHAIR: Commissioner Carr.

13 COMMISSIONER CARR: I move to approve the  
14 amendment presented by Montessori Elementary School.

15 COMMISSIONER BERGMAN: Second.

16 THE CHAIR: A motion and a second to  
17 approve the amendment presented by the Montessori  
18 Elementary School. Any further discussion?

19 Commissioner Bergman, may we have a  
20 roll-call vote, please?

21 COMMISSIONER BERGMAN: Commissioner  
22 Toulouse.

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER BERGMAN: Commissioner Carr.

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Conyers.  
3 COMMISSIONER CONYERS: Yes.  
4 COMMISSIONER BERGMAN: Commissioner  
5 Peralta.  
6 COMMISSIONER PERALTA: Yes.  
7 COMMISSIONER BERGMAN: Commissioner Pogna.  
8 COMMISSIONER POGNA: Yes.  
9 COMMISSIONER BERGMAN: Commissioner Gant.  
10 COMMISSIONER GANT: Yes.  
11 COMMISSIONER BERGMAN: Commissioner  
12 Shearman.  
13 THE CHAIR: Yes.  
14 COMMISSIONER BERGMAN: Commissioner  
15 Bergman votes "Yes." That is an eight-to-zero vote,  
16 Madame Chairwoman.  
17 THE CHAIR: Thank you. The vote to  
18 approve the amendment presented by Montessori  
19 Elementary is approved. Thank you very much.  
20 Gil Serna [verbatim] Charter School.  
21 Mr. Director?  
22 MR. GERLICZ: It's Gilbert Sena Charter  
23 School, Madame Chair, members of the Commission. I  
24 actually didn't ask the head of the school to  
25 attend, because this is really a minor request to

1 increase their instructional hours beyond, way  
2 beyond what they already had, and way beyond what  
3 any normal school has.

4           However, representatives from the school  
5 are here. I think that speaks to their commitment  
6 to what they're trying to do with their school  
7 population. We find this school goes above and  
8 beyond the efforts in many, many instances. This is  
9 one of them.

10           So this is an amendment to the charter  
11 that will increase their instructional hours. And  
12 I'd ask that they come and just say exactly by how  
13 much you're going to increase your instructional  
14 hours, please. And if you would state and spell  
15 your names.

16           MS. TORRES: Good afternoon,  
17 Madame Chairman and Commission. My name is Nadine  
18 Torres, T-O-R-R-E-S, and I'm the executive director  
19 of Gilbert Sena Charter High School. We are  
20 increasing our hours on Friday. And, currently,  
21 right now, our Friday is a makeup Friday. So it's  
22 set up to help our students if there's an  
23 attendance -- because we do have at-risk students --  
24 that if they do not -- they have an attendance  
25 issue, they can come in on Fridays.



1 Well, we want to make mandatory Fridays  
2 for all of our students so we can increase their  
3 instructional time. What we did this year is that  
4 we strongly encouraged our students that were having  
5 to take the high school graduation assessment to  
6 attend Fridays. And we saw 98 percent of those  
7 students that had to retake their test in October  
8 make increases based off of that -- by that  
9 instructional time that was added. And we really  
10 feel that that was purposeful time in instruction.

11 So as we move forward with this amendment,  
12 we want to make sure that all of our students are  
13 coming in on those Fridays for that purposeful  
14 instructional time.

15 THE CHAIR: Thank you very much.  
16 Admirable. Any questions from Commissioners? Any  
17 comments? Commissioner Bergman?

18 COMMISSIONER BERGMAN: So you've been on a  
19 four-day week and met your instructional hours  
20 through four days, and you're keeping those four  
21 days as they are now, and you're actually adding the  
22 fifth day?

23 MS. TORRES: Yes, sir.

24 COMMISSIONER BERGMAN: Just wanted to be  
25 sure.

1 MS. TORRES: Yes. And we are currently  
2 adding the instructional time for the students to be  
3 there, but, also, adding time for them to come in if  
4 they also need to make up attendance. So it's not  
5 just the instructional time, but in addition to  
6 makeup time. So if there's any attendance issues,  
7 then they would be staying longer to make up those,  
8 and we would be using that additional time for any  
9 type of intervention for those kids that may not  
10 have passed their high school assessments.

11 COMMISSIONER BERGMAN: Thank you.

12 THE CHAIR: Any comments or questions?

13 COMMISSIONER CARR: I have a --  
14 Madame Chair?

15 THE CHAIR: Commissioner Carr.

16 COMMISSIONER CARR: I don't know how  
17 important the question is. Your staff are probably  
18 required to be there Fridays, anyway?

19 MS. TORRES: Yes, they were.

20 COMMISSIONER CARR: So you're not going to  
21 incur any additional cost by doing this?

22 MS. TORRES: We will incur additional  
23 costs. They were supposed to be there from 8:00 to  
24 12:00, and we're extending from 8:00 to 2:30. We're  
25 extending the time for the students to be there from

1 12:00 to 2:30 for that makeup time.

2 So, yes. For those staff members that are  
3 continuing on their contracts from next year, there  
4 will be an increase. But for any new staff members  
5 that are coming on this year, it will be part of  
6 their contract.

7 COMMISSIONER CARR: I'm happy to see  
8 you're compensating your teachers for the extra time  
9 that they put in.

10 MS. TORRES: Yes.

11 COMMISSIONER CARR: Thank you for that.

12 THE CHAIR: Other comments? The Chair  
13 would entertain a motion.

14 COMMISSIONER BERGMAN: I would move to  
15 approve the amendment presented by Gilbert Sena, as  
16 proposed.

17 COMMISSIONER CARR: Second.

18 THE CHAIR: Motion and second to approve  
19 the amendment presented by the Gilbert Sena Charter  
20 School. Is there any discussion?

21 Roll-call vote, Mr. Bergman.

22 COMMISSIONER BERGMAN: Commissioner  
23 Toulouse.

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner Carr.

1 COMMISSIONER CARR: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Conyers.

4 COMMISSIONER CONYERS: Yes.

5 COMMISSIONER BERGMAN: Commissioner  
6 Peralta.

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Pogna.

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant.

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner  
13 Shearman.

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner  
16 Bergman votes "Yes." Madame Chairwoman, by an  
17 eight-to-zero vote, that --

18 THE CHAIR: Thank you.

19 COMMISSIONER BERGMAN: I've lost the word.

20 THE CHAIR: I'll do it. The motion passed  
21 unanimously. Thank you very much for your  
22 presentation.

23 New Mexico International School,  
24 Mr. Director?

25 MR. GERLICZ: Madame Chair, members of the

1 Commission, there is an extensive abstract in your  
2 packets about the New Mexico International School.  
3 It was one of the site visits that we made. We  
4 found a very vibrant, exciting school in operation.  
5 They did not have third-graders, so I cannot tell  
6 you a school grade. But we were all very impressed  
7 by what is happening at the school; terrific energy  
8 and terrific parental support at that school.

9 They are poised to relocate to a permanent  
10 location, thanks to a developer who is developing  
11 land in the northeast quadrant of Albuquerque,  
12 prepared to make a building available to the school.  
13 They're in the northeast quadrant, so they're moving  
14 not terribly far away from their fan base.

15 And the head of the school, Todd Knause,  
16 is here, and he can describe in greater detail where  
17 they actually are with respect to PSFA and the  
18 Facilities Master Plan.

19 We do recommend approval for this  
20 amendment, but we do need to hear from Mr. Knause.  
21 If you could come and state and spell your name,  
22 please, and explain to us where you are in this  
23 process right now?

24 MR. KNAUSE: Thank you.

25 MR. GERLICZ: And make sure to push the

1 button down.

2 MR. KNAUSE: Good afternoon, Madame  
3 Chairwoman, and members of the Commission. My name  
4 is Todd Knause, K-N-A-U-S-E. I'm the director of  
5 the New Mexico International School. And I brought  
6 with me a parent.

7 MR. JOHNSON: My name is David Johnson.  
8 I'm a parent at the school. And J-O-H-N-S-O-N.

9 MR. KNAUSE: Mr. Johnson is on our  
10 facility committee who helped us to identify this  
11 location.

12 MR. GERLICZ: So describe to us, where are  
13 you in this process?

14 MR. KNAUSE: So we moved into the site --  
15 the New Mexico International School moved into the  
16 site that we're at on Balloon Park Road as a  
17 temporary location, knowing that it would not hold  
18 our anticipated capacity of -- at full deployment.  
19 We opened at a K-2, and have added new students each  
20 year in kindergarten, continuing to grow our school,  
21 knowing that eventually we would have to move.

22 So we have been looking around, had a  
23 parent-based facility committee look at various  
24 sites throughout the metropolitan Albuquerque area  
25 comprised of parents that lived in the northeast

1 quadrant, northwest quadrant -- excuse me --  
2 Corrales, all over the metropolitan area, and  
3 eventually found a site that is brand new, that's  
4 being -- the developer is willing to do the  
5 build-out for us, per specifications.

6 I've submitted and had approved our  
7 Facilities Master Plan through the Public School  
8 Facilities Authority. And that's where we're at  
9 right now.

10 THE CHAIR: Thank you. Thank you.

11 MR. KNAUSE: It's a beautiful building.

12 THE CHAIR: I'm sorry. If you said the  
13 location, I didn't get it.

14 MR. KNAUSE: I probably didn't. I  
15 probably kept it right up here, Madame Chair. It's  
16 at 8650 Alameda, also in the northeast quadrant of  
17 Albuquerque. It's about a five-minute drive from  
18 our current location.

19 THE CHAIR: Thank you. Commissioners, are  
20 there questions? Commissioner Bergman.

21 COMMISSIONER BERGMAN: Well, I noted in  
22 the notes here that you're on Balloon Park right  
23 now. And you say that, in the coming school year,  
24 2013-'14, you can accommodate. You're going to be  
25 in this new facility in time to open a school here

1 just a next couple of months with PSFA approval and  
2 everything?

3 MR. KNAUSE: I've never done this before,  
4 but I would anticipate no. I don't think it's  
5 likely that the building will be ready for occupancy  
6 by the time we need to open our doors. So I need a  
7 door to open in the fall. And I'm in negotiations  
8 with our current landlord to allow us to stay there  
9 with the bringing in of a portable classroom  
10 through -- until the facility is ready, which I've  
11 never done this before, and it sounds like that's  
12 trying to hit a moving target. When is going to be  
13 the move-in date?

14 As of now, it sounds like it would be  
15 around winter vacation. We plan on moving at winter  
16 vacation. So I'm hoping to work out a six-month  
17 lease with our current landlord. If that doesn't  
18 work, then I have a Plan B at another site that  
19 would allow us to move in for six months. And  
20 that's actually at the site right next door to where  
21 the Montessori is moving. It's the other half of  
22 the building that's being vacated by Cottonwood  
23 Classical.

24 THE CHAIR: I thought the Montessori  
25 school is going to take the whole building.



1           COMMISSIONER CARR: They're moving to a  
2 completely new building.

3           MR. KNAUSE: My understanding is  
4 Cottonwood occupies two campuses right next to each  
5 other, one owned by the Unusers and the other owned  
6 by -- I can't speak to -- I don't know who that is.  
7 And that latter one is, I believe, the one that  
8 Montessori is looking at.

9           So the Unser campus would provide a  
10 temporary home. And I do mean a temporary home. It  
11 would only hold us next year; so, hopefully, only a  
12 half of a year there.

13          THE CHAIR: Thank you. Martica, does PSFA  
14 have some information we could use here?

15          MS. CASIAS: Madame Chair, members of the  
16 Commission, I just wanted to say we've been in  
17 contact with this school. They did submit their FMP  
18 Ed Spec, did get it approved. We have a site  
19 assessment set up for Monday at 2:00. We anticipate  
20 it should meet the average weighted NMCI. Thank  
21 you.

22          THE CHAIR: Thank you. Thank you.  
23 Commissioner Bergman.

24          COMMISSIONER BERGMAN: Just to follow up  
25 now, since you've mentioned a portable building, is

1 this portable building close by? I mean, is it  
2 going to be install- -- installed in time?

3 MR. KNAUSE: In the event that we need to  
4 remain in our current location? My office manager  
5 assures me yes. It's a double-wide, double  
6 classroom, because we need two classrooms to stay  
7 there.

8 THE CHAIR: Other questions or concerns?  
9 The Chair would entertain a motion.  
10 Commissioner Carr.

11 COMMISSIONER CARR: I move to approve the  
12 amendment presented by New Mexico International  
13 School.

14 COMMISSIONER PERALTA: Second.

15 THE CHAIR: Motion and second is on the  
16 floor. Any further discussion?

17 Roll-call vote, Mr. Bergman.

18 COMMISSIONER BERGMAN: Commissioner  
19 Toulouse.

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER BERGMAN: Commissioner Carr.

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER BERGMAN: Commissioner  
24 Conyers.

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Peralta.

3 COMMISSIONER PERALTA: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna.

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant.

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Shearman.

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Commissioner  
12 Bergman votes "Yes." Again, Madame Chairwoman, an  
13 eight-to-zero vote.

14 THE CHAIR: The vote to approve the  
15 amendment presented by New Mexico International  
16 School has passed unanimously. Thank you,  
17 gentlemen.

18 MR. KNAUSE: On behalf of the school and  
19 the students there, thank you, Commissioners.

20 THE CHAIR: Our last amendment to look at  
21 for today is New America School of Las Cruces,  
22 Mr. Director?

23 MR. GERLICZ: Madame Chair, members of the  
24 Commission, this is one of those schools that I  
25 referred to that -- that we ought to pay attention

1 to. Number one, it's a SAM school -- Supplemental  
2 Accountability Measure school -- which means that  
3 they -- we are going to look at accountability  
4 measures somewhat differently than we do at  
5 traditional schools. And the reason that it's a SAM  
6 school is because their mission is to serve an  
7 immigrant population and returning students  
8 population.

9 And I have to say, one of the more moving  
10 moments that I've seen was in February at Charter  
11 School Day, when we saw a strapping young man walk  
12 up to the microphone and say, "Hi, I am a  
13 29-year-old senior from the New America School."

14 This is the type of school that  
15 New America, both Albuquerque and Las Cruces, is  
16 attempting to do, bring back those students who have  
17 never finished their high school diplomas and  
18 degrees no matter what ages they are. It's quite an  
19 interesting program.

20 Their mission is described as follows.  
21 There are no representatives here. I told them they  
22 did not need to come, because, really, this request  
23 is minor. It's a change in language to add the  
24 bolded phrase there. Their mission is to serve  
25 immigrants and nontraditional students, English

1 Language Learners. They simply want to add the  
2 following words, "and academically underserved  
3 students" with the educational tools.

4 They asked if it was necessary. We  
5 advised them that, with the amended Charter School  
6 Act, that mission becomes incredibly important. So  
7 we said, "Yes, stick it in there." And that's their  
8 purpose of being here today.

9 THE CHAIR: Commissioners, do you have  
10 questions of the Director?

11 COMMISSIONER GANT: I do.

12 THE CHAIR: Commissioner Gant?

13 COMMISSIONER GANT: Madame Chair, members,  
14 Mr. Gerlicz. Define "academically underserved."

15 MR. GERLICZ: Commissioner Gant, members  
16 of the Commission, there are various ways to define  
17 "academically underserved." Older students that do  
18 not have high school diplomas who, when tested,  
19 measure their skills many, many grades below where  
20 they should be. Eighteen-year-olds who are reading  
21 at a fifth-grade level are academically underserved.  
22 That was the population that this school is  
23 attempting to serve.

24 THE CHAIR: Other questions? The Chair  
25 would entertain a motion.

1 COMMISSIONER TOULOUSE: Madame Chair?

2 THE CHAIR: Commissioner Toulouse.

3 COMMISSIONER TOULOUSE: I move we approve  
4 this change of wording of the mission statement  
5 of -- excuse me -- New America School in Las Cruces.

6 THE CHAIR: Thank you. Do we have a  
7 second?

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER PERALTA: Second.

10 THE CHAIR: We have multiple seconds. A  
11 motion and second on the floor. Is there any  
12 further discussion?

13 COMMISSIONER CARR: Madame Chair, just  
14 a -- maybe -- it's always a matter of semantics and  
15 words.

16 "Underserved" is a connotation that there  
17 wasn't any opportunities available for them. Quite  
18 possibly with an individual student, that could be  
19 true.

20 However, the Las Cruces school district  
21 doesn't have a reputation for underserving their  
22 students. And I just want to put it on the record  
23 that -- that I don't -- you know, I don't believe  
24 that any young people in Las Cruces are underserved.  
25 There may be individual cases which could be pointed

1 out.

2 And I applaud what they want to do. And I  
3 understand that. And I just want to put it on the  
4 record that -- I don't know. I'd like -- I don't  
5 know. I'd like to see a different phrase. But I'm  
6 okay.

7 MR. GERLICZ: I understand.

8 THE CHAIR: Thank you, Commissioner Carr.  
9 Any other comments?

10 Commissioner Bergman, let's have a  
11 roll-call vote, please.

12 COMMISSIONER BERGMAN: Commissioner  
13 Toulouse.

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner Carr.

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Conyers.

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner Gant.

1 COMMISSIONER GANT: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Shearman.

4 THE CHAIR: Yes.

5 COMMISSIONER BERGMAN: Commissioner  
6 Bergman votes "Yes." Madame Chairwoman, again, by  
7 an eight-to-zero vote, the motion carries.

8 THE CHAIR: Thank you very much. The  
9 motion to approve an amendment by the New America  
10 School has passed unanimously. Thank you, all.

11 THE CHAIR: Let's move on to Item No. 14,  
12 Village Academy Closure, Procedures and Update.  
13 Ms. Wear?

14 MS. WEAR: Everything is chugging along on  
15 schedule. You've got the latest draft of the  
16 procedures in your binder. And Kelly is out for  
17 eight weeks with knee surgery, so, of course, we're  
18 all feeling the loss. But that closure is on track.  
19 I am happy to answer any questions that you've got.

20 THE CHAIR: Are there any questions,  
21 issues from the Commission? Hearing none, good  
22 report.

23 MS. WEAR: Short and sweet.

24 THE CHAIR: At this time of day, that's  
25 very important.



1 THE CHAIR: Item 15, Carl Perkins Update  
2 on State Plan. Mr. Spencer, please come forward.

3 MR. SPENCER: Good evening -- or good  
4 afternoon, Madame Chair, members of the Commission,  
5 Eric Spencer here with the PED's College and Career  
6 Readiness Bureau. It looks like I have a lot of  
7 information, but I really don't.

8 Just to provide you with an update as to  
9 where we are with the State Plan for Carl Perkins  
10 is, earlier this spring, the State had to develop a  
11 revision, if necessary, to the State Plan that  
12 originated back in 2006 and expires June 30 of 2013.  
13 So we have done that earlier in the spring, and we  
14 presented the -- the information to you all before  
15 we submitted it to the federal government.

16 Now, one item that I just wanted to insure  
17 that you all had in your packet, just as an update,  
18 would be the budget that we -- that we did submit to  
19 the Office of Vocational Adult Education. And that,  
20 I believe, had been placed in your package as the  
21 only piece of information for today's update.

22 In that particular budget, you will find  
23 that we are looking at an allocation to the State of  
24 \$8,017,422. That is the budget that already takes  
25 into consideration sequestration, which affected us

1 only in a 2-percent range, rather than the original  
2 8 percent potential reduction that we thought we  
3 might be facing.

4           Essentially, when it was said and done  
5 with regard to the sequestration, for those  
6 discretionary non-Defense expenditures in the  
7 federal budget, the percentage of sequestration had  
8 to be applied to the federal budget's allocation,  
9 and then the federal government runs the formula for  
10 each one of the states, and, consequently, only  
11 affected the State of New Mexico -- while it's still  
12 significant -- but to the tune of 2.21 percent. So  
13 it's a lot less of an impact than we thought it  
14 would have.

15           It is going to impact some of the budgets  
16 that we allocate -- or the allocations that we  
17 allocate to secondary and post-secondary schools for  
18 the implementation of career technical education  
19 programs of study.

20           In the law, there are some required  
21 expenditures; for example, the support for state  
22 institutions or the support for students in  
23 non-traditional-type pathways and field occupations.  
24 Those allocations remain constant or fixed in the  
25 budget. And, so, it's the other discretionary

1 items, if you will, that then absorb the reduction.

2 So what you have in your packet reveals  
3 the budget allocation as we are moving forward in  
4 the current year, based on your prior approval. And  
5 the federal government, at this point in time,  
6 hasn't contacted our office to have negotiations  
7 around the levels of performance that were also  
8 presented to you in the last PEC meeting. And we  
9 had a conversation about those levels of performance  
10 to where, in some areas, it did appear that they  
11 were a little bit unreasonable, given the  
12 circumstance and the nature and the geographic  
13 elements of our state.

14 So I would anticipate that the fed will  
15 contact the state in the coming month or two in  
16 order to negotiate those levels of performance and  
17 will bring that particular update to you the next  
18 time we're scheduled to present.

19 THE CHAIR: Thank you very much.  
20 Commissioners, do you have questions? Commissioner  
21 Gant.

22 COMMISSIONER GANT: Just a quick question.  
23 Like -- like you said, the feds haven't contacted  
24 you yet for negotiations. What's the drop-dead date  
25 that they have to get back with you, or -- where

1 you're not put in a bind, and the secondaries,  
2 post-secondaries aren't put in a real bind, because  
3 you have to have this information for -- you know  
4 what I mean.

5 MR. SPENCER: Madame Chair, Commissioner  
6 Gant, there really is not a drop-dead date for when  
7 the fed needs to engage in those negotiations. I  
8 know, typically, over the last couple of years, it  
9 would occur sometime between June and July. And,  
10 then, there's the back-and-forth period, if you  
11 will, with regard to the negotiations, those  
12 performance measures.

13 We, as a bureau, on behalf of the  
14 Commission, have put forth our best effort in terms  
15 of the recommendation of the performance measures  
16 that we do believe are achievable for our  
17 institutions. And, at this point in time, the  
18 federal government is in the process of  
19 contemplating those performance measures. They will  
20 get in touch with our office for either an approval  
21 or further discussion of another measure.

22 And, so, we have the opportunity to  
23 essentially respond to the federal government and  
24 say that we agree with it and accept it, or we would  
25 like to reconsider once again. And after that

1 process, the federal government would come back to  
2 us and say, "Well, this is what it is," and that  
3 ends the negotiation.

4 I would anticipate that we will have  
5 levels of performance that our schools are to  
6 achieve probably sometime in August or September.

7 COMMISSIONER GANT: Thank you.

8 THE CHAIR: Other questions for  
9 Mr. Spencer? Thank you very much for your report.  
10 Do we need to vote on acceptance of that?

11 COMMISSIONER GANT: No.

12 THE CHAIR: Thank you so much.

13 MR. SPENCER: Thank you.

14 THE CHAIR: We are to Item 16, Annual  
15 Report from the New Mexico School for the Arts. Do  
16 we have representatives?

17 MR. GERLICZ: Madame Chair, members of the  
18 Commission, just to refresh everyone's mind and  
19 memory, the New Mexico School for the Arts -- is  
20 Reese here? He was here a second ago -- somebody  
21 text him.

22 UNIDENTIFIED SPEAKER: I texted Cindy.

23 MR. GERLICZ: There is a special statute,  
24 6.80.4.19 -- excuse me, wrong number -- that  
25 established the New Mexico School for the Arts.

1 6.80.4.17. That established the New Mexico School  
2 for the Arts. It is a charter school. It is one of  
3 our high-flying schools. And it is a very unique  
4 model, not to be replicated, and is a public-private  
5 entity. And, by the statute, they are required to  
6 make a report to the PEC on an annual basis.

7 This is their materials that they have  
8 presented to the Commission. And I know that  
9 Mr. Riis Gonzales was here earlier. I said in about  
10 an hour, and that was over an hour ago, and maybe he  
11 should come back. So I don't know where he is or  
12 what his report will be. But I'm happy to answer  
13 questions about the school, from what I know.

14 THE CHAIR: Commissioners, do you have  
15 questions or comments on the report from the  
16 New Mexico School for the Arts?

17 COMMISSIONER CARR: I have a comment.

18 THE CHAIR: Commissioner Carr.

19 COMMISSIONER CARR: We saw the front page  
20 of the paper today? I just want -- I'm not going to  
21 say anything negative. But we had -- several years  
22 ago, we had a teacher who had been with us for  
23 40 years who was going to be moved because the  
24 principal didn't like her. The whole school walked  
25 out spontaneously. I've never seen anything quite

1 like it in my life.

2 But I would say that -- but they didn't  
3 look as good as these guys did. It was like they  
4 were doing a work of art with their protest. I just  
5 wanted to compliment them on a fine-looking protest.

6 MR. GERLICZ: Commissioner Carr, well-said  
7 phrase. May we all have well, fine protests.

8 COMMISSIONER TOULOUSE: Madame Chair, the  
9 Albuquerque paper, of course, covered none of that.  
10 So I kind of would like to, after this is over, if  
11 somebody has a copy of the New Mexican to let me see  
12 this well-orchestrated protest, since this is  
13 another one of the charter schools, I happen to have  
14 a relative who attends.

15 COMMISSIONER CARR: The Journal of  
16 Santa Fe. And they looked like a flash mob. That's  
17 the Santa Fe paper.

18 COMMISSIONER TOULOUSE: Okay. Luckily, I  
19 see no relatives.

20 COMMISSIONER CARR: I don't want to  
21 encourage this. But they did a good job.

22 COMMISSIONER TOULOUSE: My relative is not  
23 there.

24 COMMISSIONER GANT: Madame Chair, members,  
25 Mr. Gerlicz, I read this Act several times. It's

1 not in "Dick and Jane." Why -- what's the real  
2 bottom line of this Act that they -- that they have  
3 here?

4 MR. GERLICZ: Commissioner Gant, members  
5 of the Commission, it's a good question, because  
6 this is a very unique story in the charter world.  
7 And when I say it's not to be replicated, I mean  
8 that. It can't be replicated.

9 It is -- but what is so fascinating about  
10 it is that it's a public-private venture. It means  
11 they receive State funds for an ordinary,  
12 traditional public-school, charter-school program,  
13 heavily based in the arts, exclusively in the arts.  
14 And, they have a boarding program, so they bring in  
15 students from all over the state.

16 The State would not allow private funds to  
17 be used for that purposes, but it did require them  
18 to raise funds privately for that purpose. So  
19 that's why this public-private venture is occurring  
20 at this school.

21 And it's -- it's -- to me, it -- it's --  
22 it's very hard to replicate that model. Not  
23 everybody has the ability to fundraise like they do.  
24 They are very well, well connected in the community.  
25 Nor do we want charters to engage in that level of



1 fundraising across the board.

2           However, it is a most unique model. It  
3 shows the diversity of educational delivery systems  
4 within the charter-school world. Here, we have a  
5 charter school that's part boarding, even. When I  
6 say it's one of our high-flying schools, they  
7 perform very, very well. They are heavily focused  
8 on the arts, and they deliver mathematics and  
9 science and the other content areas, with an arts  
10 sort of background.

11           It's also a combination school for the  
12 arts and art institute. It's a place where students  
13 can demonstrate their -- their works in visual arts  
14 and performing arts, et cetera.

15           So it's that kind of a unique school.

16           COMMISSIONER GANT: But the Act itself,  
17 what --

18           MR. GERLICZ: The Act itself is a statute  
19 itself, because of that public-private partnership.  
20 And it's required. And if they actually -- the  
21 pressure is on the school to hold to the statute.  
22 If they cannot raise the funds privately to have  
23 that boarding school, they could -- they could be in  
24 violation of that statute.

25           COMMISSIONER GANT: The only other comment

1 I have was, when reading through what was said in  
2 all that preface, yes, I understand they have to  
3 tell us what -- how many students they get from the  
4 three different Congressional districts and et  
5 cetera, et cetera. But the one thing I don't see in  
6 there is the breakout demographically on an economic  
7 basis. And I think that would be of interest.

8 MR. GERLICZ: Commissioner Gant, members  
9 of the Commission, I don't see Riis, but I do see  
10 Cindy Montoya, who is the head of that school. And  
11 one of the reasons that the school is doing so well,  
12 quite frankly, she's done an outstanding job. I  
13 have to take advantage to say that she won the award  
14 this year for the Charter School Principal of the  
15 Year, as given annually by the New Mexico Coalition.

16 And, Cindy, would you be so kind as to  
17 answer the Commissioner's question?

18 MS. MONTOYA: Commissioner, ladies and  
19 gentlemen, it is difficult to capture the  
20 socioeconomic data on incoming applicants, because  
21 auditions in the selection process are based purely  
22 on passion, promise, and aptitude. So we collect no  
23 data on those students until they are enrolled in  
24 the school.

25 And we didn't break it out by the

1 Congressional districts, because, in some districts,  
2 there is a small number of students. And we do not  
3 want to take the risk of identifying that student  
4 when there's not a -- a big number. If you just had  
5 50 percent, and there's two, then it's one of the  
6 two students represented. We try to figure out how  
7 to present that without violating any  
8 confidentiality laws.

9 COMMISSIONER GANT: Madame Chair, just  
10 the -- they're in your school for a few years.  
11 Maybe in the first year, you can't do the economics,  
12 the social economics, demographics. But after  
13 they're there for a year or two, surely, it could be  
14 broken -- I believe I remember seeing in there, you  
15 do have free and reduced lunch and all that kind of  
16 good stuff. So there is some data taken somewhere  
17 that allows you to do that.

18 MS. MONTOYA: Correct.  
19 Twenty-eight percent of our students, 28 to  
20 30 percent, qualify. But if I broke it out by the  
21 Congressional district, I would probably be  
22 identifying a student. I can do that for you.  
23 I'm -- but I'm not sure.

24 COMMISSIONER GANT: I don't mean by  
25 Congressional district. I meant overall for the

1 school. I don't see an economic -- maybe I missed  
2 it.

3 MS. MONTOYA: I think we have it in there.  
4 It's in a pie chart.

5 COMMISSIONER GANT: I see the --

6 MS. MONTOYA: So -- sorry. On Page 9 of  
7 the report, in the pie chart.

8 COMMISSIONER GANT: Maybe I missed it.  
9 I'm old and blind so --

10 MS. MONTOYA: It's students broken down.

11 COMMISSIONER GANT: There it is. Okay.  
12 Thank you.

13 MR. GERLICZ: Commissioner Gant, one  
14 additional -- Ms. Montoya jogs my memory. Another  
15 reason that a special statute had to be created for  
16 the school is that admission to the school is  
17 selective, as opposed to any other charter school.

18 COMMISSIONER CARR: And, Madame Chair?

19 THE CHAIR: Commissioner Carr.

20 COMMISSIONER CARR: And there's -- just to  
21 point out the other page, the residential  
22 assistance, you know, that they give and the sliding  
23 scale that they give for the residence -- and I  
24 remember -- I mean, you've given us reports before.

25 MS. MONTOYA: Yes.

1 COMMISSIONER CARR: Yeah. And I -- I  
2 remember a lot of this coming up then as well, if I  
3 could -- if I am remembering correctly.

4 THE CHAIR: If I recall, we had to approve  
5 that sliding scale.

6 COMMISSIONER CARR: Right. So, I mean, it  
7 looks like you're doing a good job of serving  
8 students who can't afford to go, but who meet the  
9 requirements for -- for entry into your school.

10 MS. MONTOYA: Thank you, Commissioner.

11 THE CHAIR: Any other questions?

12 Mr. Bergman.

13 COMMISSIONER BERGMAN: Not any questions.  
14 As a resident of Roswell, I believe at least two  
15 kids have been to your school. And I believe  
16 they've graduated by now. And I'm very pleased that  
17 they've had this opportunity that they get access to  
18 art things that they can't get in Roswell.

19 I actually have a friend in Roswell who  
20 works with the bands in the middle school, and I've  
21 encouraged him to encourage his kids to look into  
22 this program and see if -- I know you also do  
23 auditions, and they have to get through the audition  
24 process. I know that's unique to the art community.  
25 But I'm very pleased these kids in Roswell at least

1 have an opportunity.

2 MS. MONTOYA: If I may speak to that, the  
3 audition is on passion, promise, and aptitude. So  
4 it is possible that a student who has never had a  
5 dance lesson or a music lesson, who cannot read  
6 music, but displays passion, promise, and aptitude,  
7 would be accepted. So it is truly not based on a  
8 skill that has to be flourishing before they get to  
9 us.

10 COMMISSIONER BERGMAN: Thank you. I'm  
11 glad to hear that. I'll pass that along, too.

12 THE CHAIR: Anything else? We thank you  
13 very much for your report and your very colorful and  
14 informative brochure. Thank you.

15 Commissioners, we're to Item No. 17, NACSA  
16 Conference in October. We've talked about this  
17 briefly, and Beverly has put some information  
18 together in your -- in your binder today.

19 Beverly, help us out here. I see that  
20 registration through August 31 is a little less than  
21 after that date. So when would you need to know who  
22 all wants to attend? And then we need to check with  
23 Mr. Aguilar, or maybe with you, on the budget and  
24 see if funds are available.

25 MS. FRIEDMAN: Madame Chair,

1 Commissioners, I would like to know as soon as  
2 possible who would like to go to attend this  
3 conference, basically, because the process to get  
4 out-of-state travel approved is almost a six-week  
5 process. If every Commissioner's travel is being  
6 paid for by PED, it would have to be approved by the  
7 Governor's Office. And so I would need information  
8 from you, and we would start that communication as  
9 soon as possible.

10 And so I would like to talk to Deputy  
11 Secretary Aguilar to see how much money is  
12 available. And I know that you all had mentioned  
13 that quite a few of you might like to go. And,  
14 ideally, if all eight of you would like to go, I can  
15 check and see if that money was available, and we  
16 could start those processes.

17 THE CHAIR: Could we just have a quick  
18 response, show of hands or something, of those folks  
19 who are interested in attending this conference?

20 (Show of hands.)

21 THE CHAIR: Commissioner Toulouse.

22 COMMISSIONER TOULOUSE: I'm not sure yet.  
23 I could say, if you want to explore it. I'm really  
24 not sure of those dates, because I've got some other  
25 stuff that may conflict. But I won't know yet.

1 THE CHAIR: So far, everybody?

2 COMMISSIONER BERGMAN: I will say this. I  
3 will fall over dead if they say all eight of us can  
4 go to this conference, but -- based on some other  
5 things that are going on.

6 THE CHAIR: Well, you sure don't get it if  
7 you don't ask. All right.

8 COMMISSIONER BERGMAN: That's true. I  
9 have some interest, but if someone else really would  
10 like to go, I'll step aside.

11 THE CHAIR: Commissioner Pogna?

12 COMMISSIONER POGNA: I don't have the  
13 stamina yet for a long trip.

14 THE CHAIR: Commissioner Peralta?

15 COMMISSIONER PERALTA: I went last year  
16 for NASBE. And when you're sending this year, it's  
17 probably in the middle of the week. My schedule is  
18 going on to strap me down that week.

19 THE CHAIR: Mr. Conyers.

20 COMMISSIONER CONYERS: Yes, I would be  
21 interested.

22 THE CHAIR: And I would be, too, Beverly.  
23 But I did attend last year. But I probably need to  
24 be at the bottom of the list as far as priority-wise  
25 goes.



1           COMMISSIONER CARR:  Madame Chair, for the  
2 conferences that I've attended, you know, I had a  
3 thought, too.  It's four days.  And I was wondering  
4 if, you know -- if two days is much -- it's much  
5 more doable, frankly, for me.  If there's two days  
6 in the beginning -- I mean, which two days would be,  
7 you know, the most optimal to attend, something like  
8 that.

9           THE CHAIR:  If you'll look, there's a  
10 conference schedule here.  It's not absolutely, or  
11 at least mine is not.  But it looks like Monday is  
12 just registration, and then Tuesday, Wednesday --  
13 Tuesday is a full day.  Wednesday, I don't have.

14           COMMISSIONER CARR:  Well, then there  
15 really is only two effective days.

16           COMMISSIONER PERALTA:  The back side.

17           THE CHAIR:  The back.  Look on the back.  
18 Isn't that smart?

19           COMMISSIONER CARR:  So it looks like only  
20 two effective days.  If I flew in in an evening and  
21 flew in -- then, yeah, that is two days.  So I guess  
22 it really doesn't matter.

23           MS. FRIEDMAN:  Madame Chair and  
24 Commissioners, as we go through the travel  
25 negotiations, we would certainly do that, as far as

1 when you would like to fly out and when you would  
2 like to come back. And, for those of you who would  
3 like to be there for the opening reception and maybe  
4 for the last day, maybe we can make those  
5 arrangements.

6 But, right now, I have Commissioner Gant,  
7 Commissioner Carr, Commissioner Shearman, and  
8 Commissioner Conyers as interested.

9 THE CHAIR: And possibly Toulouse.

10 COMMISSIONER TOULOUSE: And possibly.

11 COMMISSIONER BERGMAN: And, yes, I said I  
12 would step aside if someone really had to go.

13 MS. FRIEDMAN: But you do want to go?  
14 Okay.

15 COMMISSIONER BERGMAN: At this point. Do  
16 we happen to know where next year's is, do we?

17 MS. WEAR: It's not in Maui.

18 COMMISSIONER BERGMAN: I don't want to  
19 find -- I was going to say, I don't want to find  
20 next year's is in Maui.

21 MR. GERLICZ: I think it's in Roswell. I  
22 think it's in Roswell.

23 COMMISSIONER CARR: I'm not going to  
24 Roswell.

25 MS. FRIEDMAN: Madame Chair, if I may?

1 COMMISSIONER BERGMAN: We're in a severe  
2 drought. We need to go to Maui.

3 MS. FRIEDMAN: Madame Chair, I just wanted  
4 to mention, to answer your question, we get -- the  
5 end of the fiscal year is June 30. And, so, we will  
6 be getting a new budget as of July 1.

7 And, more than likely -- and I cannot  
8 speak for Deputy Secretary Aguilar. But more than  
9 likely, we will get similar funding, as we did this  
10 year. And, if you recall, at the first part of last  
11 fiscal year, we spent a substantial amount of money  
12 on an attorney. And, so, I am anticipating that  
13 money for more travel. And, so, I -- you know,  
14 there are those opportunities.

15 THE CHAIR: It's very likely there will be  
16 money. We certainly hope so.

17 COMMISSIONER POGNA: Madame Chair?

18 THE CHAIR: Yes.

19 COMMISSIONER POGNA: I need to ask  
20 Beverly. So July the 1st or 31st? The end of the  
21 fiscal year.

22 MS. FRIEDMAN: Madame Chair, Commissioner  
23 Pogna, the end of the fiscal year is June 30, and  
24 the beginning of the new fiscal year is July 1.

25 COMMISSIONER POGNA: So that, if I want to

1 request travel, it would be too late then. Because  
2 we don't meet between -- is there another  
3 opportunity, I mean, at this time, to request travel  
4 for a later date, another conference that I want to  
5 attend?

6 MS. FRIEDMAN: Madame Chair, Commissioner  
7 Pogna, is that conference in the month of July?

8 COMMISSIONER POGNA: No, no. It won't be  
9 until January.

10 MS. FRIEDMAN: Oh, okay. I would say, in  
11 PEC Comments, that you could probably make that  
12 request. Or you can make that request now. It's up  
13 to the Chair.

14 THE CHAIR: Let's do it in Comments.  
15 All right. Anything else on the NACSA  
16 Conference?

17 Item No. 18, is Report from Deputy  
18 Secretary Paul Aguilar. And, Ms. Friedman, you have  
19 been in contact with him, and he is out of town and  
20 will not be here.

21 MS. FRIEDMAN: That's correct,  
22 Madame Chair.

23 THE CHAIR: And he does know that we --  
24 everything has moved up, and that we have at least  
25 tried to contact him to make the time available?

1 MS. FRIEDMAN: That is correct, Madame  
2 Chair.

3 THE CHAIR: Okay. Thank you very much.  
4 We'll move right on.

5 We're to Commissioners' Comments, Item  
6 No. 19. I can't believe we've gotten through this  
7 agenda so quickly. We've just flown.

8 MS. WEAR: Better knock wood.

9 THE CHAIR: True. Don't tempt fate so  
10 early, huh?

11 Let's start over here with Commissioner  
12 Toulouse. Do you have any comments, please?

13 COMMISSIONER TOULOUSE: The only --  
14 Madame Chair, the only thing I'd like to say, since  
15 we didn't get a report from Deputy Secretary  
16 Aguilar -- and I notice part of his always has a  
17 section on budget -- I'd like to request that, if he  
18 has something he can send us via e-mail or whatever  
19 on whatever he would have provided on things like  
20 budget, that would be important to us, if we could  
21 get that from him in lieu of his -- I'm not coming  
22 back tomorrow morning to hear him going home when  
23 we're through today, if that's appropriate.

24 THE CHAIR: Thank you, Commissioner. If  
25 you would see about that, Beverly?

1 MS. FRIEDMAN: Yes.

2 THE CHAIR: Commissioner Carr?

3 COMMISSIONER CARR: Yes, Madame Chair. I  
4 think the only thing I want to bring up is, I guess  
5 we've always had an issue with the amount of time it  
6 takes for us to be reimbursed for expenses. And it  
7 seems like they're getting more nitpicky than usual.  
8 And I want to put it on the record.

9 I know that Beverly is working really hard  
10 to get this done. But the things that are coming  
11 back are indicative of -- of a level of being  
12 nitpicky that's not usual. And I'm -- I doubt if  
13 our legislator -- legislature -- has to deal with  
14 issues like this at this point.

15 And it's volunteer work. You know, we  
16 do -- we don't get paid for this job. But at least  
17 I would like to have my expenses. And maybe I could  
18 add the interest on my credit card, because, for  
19 those of us who do not have a large checking account  
20 every month, I have to put some of this on my credit  
21 card at a high interest rate.

22 So it's -- please, whoever hears me,  
23 whoever reads about this, please help us out with  
24 this. We're not rich people giving up our time for  
25 things, you know. We're doing this out of the

1 goodness of our heart for the good of our state, and  
2 please help us out with at least our expenses.

3 THE CHAIR: Thank you, Commissioner.  
4 Commissioner Gant?

5 COMMISSIONER GANT: No.

6 THE CHAIR: No comment? Commissioner  
7 Conyers? Anything for the good of the group?

8 COMMISSIONER CONYERS: Not a lot. I do  
9 want to announce I am retiring from my full-time day  
10 job at the end of this month, so I'll have more time  
11 to devote to more -- I don't want to say "more  
12 enjoyable interests," but other interests, at least  
13 on that. And so I look forward to working with the  
14 Commission.

15 THE CHAIR: You gave up your full-time  
16 paid position to take on this full-time unpaid  
17 position.

18 COMMISSIONER CONYERS: Yes. There are  
19 other things, I gave up as well.

20 THE CHAIR: Very good. Thank you.  
21 Commissioner Peralta.

22 COMMISSIONER PERALTA: Nothing at this  
23 time, Madame Chair.

24 THE CHAIR: Commissioner Pogna.

25 COMMISSIONER POGNA: Madame Chair, I would

1 like to request travel in January to attend an  
2 education conference, health permitting, that I have  
3 been attending for years.

4 THE CHAIR: What is that?

5 COMMISSIONER POGNA: Educational  
6 Constitution Conference. And I will give more  
7 details, if I am able to go. Thank you.

8 THE CHAIR: Just bring that to us, please.  
9 Commissioner Bergman.

10 COMMISSIONER BERGMAN: Madame Chair, I  
11 concur with Commissioner Carr's comments on the  
12 expense reimbursements. They are reaching new lows,  
13 I think. They're quibbling over pennies now for a  
14 group that is unpaid, who spends a lot of time on  
15 this business. And it's just -- to me, it's just  
16 not right. If they're doing it to everybody, then  
17 we're just in a large boat. But I'm not sure  
18 they're doing this to everybody. I have a feeling  
19 they're doing it to us, and I think I know why  
20 they're doing it to us. And that's all I'll say.

21 MS. WEAR: They're doing it to us, too.  
22 I've been waiting until December for 30 bucks.

23 MS. FRIEDMAN: Madame Chair, I just want  
24 to mention, they're doing it to everyone.

25 COMMISSIONER TOULOUSE: Madame Chair, on



1 this issue, would it be appropriate if this group,  
2 as a whole, sent letters to the Cabinet Secretary  
3 both here at PED and at DFA, with a copy to the  
4 Governor's Office?

5 COMMISSIONER BERGMAN: Not if they're  
6 doing it to everybody.

7 COMMISSIONER TOULOUSE: But this is one  
8 group that brings it to their attention. And if it  
9 gets fixed for one group, it should get fixed. And  
10 we could say, "We understand it's a systemic  
11 problem, but because these are the entities that  
12 we're working with, we're requesting that somebody  
13 pay attention to these -- the nitpicky stuff. I  
14 understand if you have a system problem. I  
15 understand if some stuff isn't going in right or if  
16 somebody gives the wrong information. I don't  
17 understand when it does have to do with the tip that  
18 you paid, or if there's -- put white-out on the form  
19 too many times to do -- there is absolutely nothing  
20 anywhere that should allow anybody to simply bounce  
21 it back."

22 So, to me, that becomes a power trip on  
23 somebody's part, and that's what we can request to  
24 have reviewed. And I'm just suggesting that we may  
25 want to look at doing that.

1 THE CHAIR: Let me just say, on May the  
2 29th, when I met with Secretary Designee Skandera.  
3 I also met with Deputy Secretary Aguilar, and I  
4 brought this item to his attention, because my  
5 reimbursements from January are still -- January, to  
6 this day, are still out there. And my husband says,  
7 "Why don't you get a real job, one that pays some  
8 money?"

9 But I want to do this. It's my choice, so  
10 I do it. But I did bring it to his attention. And  
11 he told me that they are putting -- they are  
12 instituting a new process, that it should be in  
13 place within 30 days, and he expects things to move  
14 along a good deal more quickly, and, that after that  
15 is put in place, he expects everything to become  
16 current within 30 days.

17 I'm just telling you what he said. And I  
18 said, "Good deal. Hallelujah. I'll be glad to see  
19 it."

20 I think perhaps, you know, we've talked to  
21 who we can talk to and done what we can.

22 Before I forget, I would like to introduce  
23 Kevin Force, he's with the LESC. Kevin is an  
24 attorney, and he's going to be attending our  
25 meetings now, representing LESC. If you'll recall,

1 Dr. Harrell used to be attending our meetings. And  
2 so Kevin is the younger version of David Harrell.

3 MR. FORCE: I don't think I deserve that.

4 THE CHAIR: And we welcome you. Thank you  
5 very much for coming.

6 COMMISSIONER BERGMAN: I would just like  
7 to second that. Actually, I had several  
8 conversations with Kevin, because you put me in  
9 charge of trying to shepherd that bill through. He  
10 worked very hard. He is why we got that bill in the  
11 legislature, through the legislature, through the  
12 work of a lot of people. Now, we just need to get  
13 that bill through the Governor someday. So thank  
14 you. Thank you, Kevin.

15 THE CHAIR: I also would like to introduce  
16 Bruce Hegwer. Bruce comes to just about every one  
17 of our meetings, and he's the Charter School  
18 Coalition director. Again, we appreciate you being  
19 here.

20 We have Staff out here, but those are the  
21 people I know that don't get paid, necessarily, to  
22 come to our meetings. So we appreciate you.

23 Commissioner Carr.

24 COMMISSIONER CARR: There's a couple of  
25 things I forgot. I'll give you a quick personal

1 note. I'm going to be the new Social Studies Chair  
2 at Taos High School.

3 THE CHAIR: Well.

4 COMMISSIONER CARR: And I get a huge  
5 salary bump of \$500 a year for those extra duties.  
6 But it's not going to be enough to pay all the  
7 expenses, so --

8 MR. GERLICZ: You can design beautiful  
9 protests.

10 COMMISSIONER CARR: They'll probably fire  
11 me if I do that.

12 But the other thing I forgot to bring up  
13 is the LESC meeting next week, the 12th and the  
14 13th. And I plan to attend at least one of those.

15 And I plan -- I'm planning on spending  
16 some time this summer revising the Constitutional  
17 amendment that we voted on, just rewording it in  
18 regards to -- to current law and some suggestions  
19 that were given to me. So I'm going to keep that in  
20 the -- in the minds of the -- of the LESC. I  
21 guess -- I've already told. But the -- so -- and to  
22 give that report. And I would like for us to  
23 have -- when it's revised, to have -- at some point  
24 before the legislative session, to have another  
25 vote.

1 THE CHAIR: Be sure you bring that back  
2 through the Legislative Committee, which you are  
3 chair.

4 COMMISSIONER CARR: Absolutely.

5 MR. GERLICZ: And, Madame Chair, I'm not a  
6 member of the Commission, so I know I'm out of line.  
7 But I wonder if this might not be an opportune time  
8 to choose a date for that retreat, since we're all  
9 here. Is that possible? Or do you want to do that  
10 later?

11 THE CHAIR: At this point, if I see  
12 Mr. Gant rubbing that new knee one more time, he's  
13 probably going to run out of this room, if he's able  
14 to walk.

15 I think -- didn't we set that up for the  
16 E.C. to work on that? Let's do that.

17 COMMISSIONER BERGMAN: And since we want  
18 the Governor there -- the Secretary there -- her  
19 schedule is going to be paramount to our meeting.  
20 So we're going to have to have a date that's good  
21 for her to come, and, then, we're going to have to  
22 work this one backwards, I think.

23 THE CHAIR: I think you're right. So  
24 thank you for that suggestion, but let's go the  
25 other way.

1 Has everyone had their opportunity to  
2 speak that wants to?

3 All right. We are to Item No. 20, Open  
4 Forum. Mrs. Friedman, do we have anyone that signed  
5 up for the Open Forum?

6 MS. FRIEDMAN: Yes, ma'am.

7 COMMISSIONER CARR: There were three  
8 names, and somebody crossed one out. So I know  
9 there's at least two, if they're still here.

10 THE CHAIR: While Mrs. Friedman is going  
11 to get that list, in case there is anyone on it, let  
12 me just read the parameters for the Open Forum.

13 Public comments and observations regarding  
14 education policy and governance issues, as well as  
15 the Strategic Plan for Education, are heard at this  
16 time. Four-minute time limit per presenter.  
17 Persons from the same group or having similar views  
18 are asked to select a spokesperson to speak on their  
19 behalf. Repetitive and multiple presentations of  
20 the same view will be discouraged, and may be ruled  
21 out of order by the PEC Chair.

22 Thank you. We have two names on the list.  
23 I see Jacquelyn Baca and Valerie Martinez, both from  
24 TLC. I would ask that you speak -- you choose one  
25 of you to speak to the Commission.

1           Good afternoon. Remember, you have a  
2 four-minute time limit, but it will not start until  
3 after you introduce yourself and tell us your  
4 position, if you are with the school, in fact.

5           MS. BACA: Thank you, Madame Chairman and  
6 members of the Commission. My name is Jacqueline  
7 Baca. I am the newly elected president for the  
8 Learning Community Charter School Governance  
9 Council. And I would like to thank you all for  
10 giving me the time to speak.

11           I am here just to give you an update of  
12 what is occurring with our governance council board.  
13 We do have a five-member working board at this time.  
14 We have had elections of officers. As of May the  
15 3rd, two of our board members had resigned, and we  
16 have replaced them. The two new board members have  
17 already completed their five hours of education and  
18 training that they're supposed to require per year.  
19 And that's for this year that's ending now. So the  
20 rest of us, we all have completed our five hours.

21           We have had elections, as I stated a  
22 minute ago. We are in the process of conducting a  
23 board member retreat. We have hired Vickie Smith  
24 to -- to work with us on that retreat so that we can  
25 get up to par on what it is we need to do, as a

1 board, and that we follow all the procedures  
2 properly.

3 And we are here as a board to thank you  
4 for the opportunity to allow us to have a -- the  
5 hearing, and also to tell you we are here to make  
6 the wrong a right. And that's all I have to say.

7 THE CHAIR: Thank you, Ms. Baca. We  
8 appreciate you --

9 MS. BACA: Thank you.

10 THE CHAIR: Thank you very much. That was  
11 Item 20 on our agenda.

12 MS. BACA: Excuse me. Can I say one other  
13 thing? As of to date, the board has not received  
14 any written reports from PED at all. So we have  
15 nothing to even look at at this point.

16 THE CHAIR: Thank you.

17 MS. BACA: Thank you.

18 THE CHAIR: Commissioners, anything else?  
19 We have reached Item No. 21, Adjourn. Do I hear a  
20 motion?

21 COMMISSIONER GANT: So move.

22 COMMISSIONER BERGMAN: Second.

23 THE CHAIR: Moved and second that we  
24 adjourn. All those in favor, please say "Aye."

25 (Commissioners so indicate.)



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THE CHAIR: Anyone opposed will be mobbed.  
We are adjourned. Thank you all very much.  
(Proceedings concluded at 3:50 p.m.)

1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                   STATE OF NEW MEXICO

3  
4  
5  
6  
7                                   REPORTER'S CERTIFICATE

8                   I, Cynthia C. Chapman, RMR, CCR #219, Certified  
9                   Court Reporter in the State of New Mexico, do hereby  
10                  certify that the foregoing pages constitute a true  
11                  transcript of proceedings had before the said NEW  
12                  MEXICO PUBLIC EDUCATION COMMISSION, held in the State  
13                  of New Mexico, County of Santa Fe, in the matter  
14                  therein stated.

15                  In testimony whereof, I have hereunto set my  
16                  hand on June 10, 2013.

17  
18  
19                                   -----  
20                                   Cynthia C. Chapman, RMR-CRR, NM CCR #219  
21                                   BEAN & ASSOCIATES, INC.  
22                                   201 Third Street, NW, Suite 1630  
23                                   Albuquerque, New Mexico 87102

24  
25                  Job No. : 7624K

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