

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

March 16, 2018

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar Street

Santa Fe, New Mexico

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

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JOB NO.: 9761L (CC)

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1 A P P E A R A N C E S
2 COMMISSIONERS:
3 MS. PATRICIA GIPSON, Chair
4 MR. GILBERT PERALTA, Vice Chair
5 MS. KARYL ANN ARMBRUSTER, Secretary
6 MR. R. CARLOS CABALLERO, Member
7 MR. JAMES CONYERS, Member
8 MR. TIM CRONE, Member
9 MS. DANIELLE JOHNSTON, Member
10 MR. DAVID ROBBINS, Member
11
12 STAFF:
13
14 MS. KATIE POULOS, Director, Charter School Division
15
16 DR. ICELA PELAYO, Deputy Director,
17 Options for Parents and Families
18 MR. DYLAN LANGE, Assistant Attorney General
19 Counsel to the PEC
20
21 MS. BEVERLY FRIEDMAN, NMPED Custodian of Records,
22 Liaison to the PEC
23
24
25

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1 THE CHAIR: I'm going to call to order
2 this meeting of the Public Education Commission. It
3 is Friday, March 16th, and it is 9:03 a.m. And I
4 will ask Commissioner Armbruster to do a roll-call
5 vote. "Roll call." Not a roll-call vote. We're
6 not voting whether you're here or not.
7 COMMISSIONER ARMBRUSTER: David Robbins?
8 COMMISSIONER ROBBINS: Present.
9 COMMISSIONER ARMBRUSTER: Carmie Toulouse
10 is not here.
11 Karyl Ann Armbruster is here.
12 Jim Conyers?
13 COMMISSIONER CONYERS: Present.
14 COMMISSIONER ARMBRUSTER: Gilbert Peralta.
15 COMMISSIONER PERALTA: Here.
16 COMMISSIONER ARMBRUSTER: Patty Gipson.
17 THE CHAIR: Here.
18 COMMISSIONER ARMBRUSTER: Danielle
19 Johnston.
20 COMMISSIONER JOHNSTON: Present.
21 COMMISSIONER ARMBRUSTER: Tim Crone.
22 COMMISSIONER CRONE: Here.
23 COMMISSIONER ARMBRUSTER: I believe Trish
24 Ruiz is not present.
25 And Commissioner Caballero is here. So we

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<p>1 have eight out of ten. 2 THE CHAIR: I will ask Commissioner Crone 3 to lead us in the Pledge of Allegiance and 4 Commissioner Robbins in the Salute to the New Mexico 5 Flag. 6 (Pledge of Allegiance and Salute to 7 the New Mexico Flag conducted.) 8 THE CHAIR: We are on to Item No. 2, the 9 approval of the agenda. And I am going to ask 10 that -- find the number -- that we remove Item 11 No. 10 from the agenda for today. Okay? 12 Do I have a motion on that? 13 COMMISSIONER PERALTA: Madam Chair, I will 14 make the motion to approve the agenda, as amended. 15 COMMISSIONER ROBBINS: Second. 16 THE CHAIR: Thank you. I think we can do 17 that by voice vote, can't we? 18 All in favor? 19 (Commissioners so indicate.) 20 THE CHAIR: Opposed? 21 (No response.) 22 THE CHAIR: Hearing no opposition, the 23 motion passes. So we have struck Item No. 10. 24 Actually, I didn't ask any of you if you 25 had anything to do with that.</p>	<p>1 THE CHAIR: Motion by Commissioner 2 Peralta. 3 COMMISSIONER CRONE: (Indicates.) 4 THE CHAIR: Second by Commissioner Crone. 5 All in favor? 6 (Commissioners so indicate.) 7 THE CHAIR: Opposed? 8 (No response.) 9 THE CHAIR: Hearing no opposition, the 10 motion passes. 11 3C, the approval of the Summary Minutes 12 for the February 9th, 2018, meeting. 13 Are there any corrections? 14 (No response.) 15 THE CHAIR: Hearing none, I will entertain 16 a motion. 17 COMMISSIONER CRONE: (Indicates.) 18 THE CHAIR: Motion by Commissioner Crone. 19 COMMISSIONER ARMBRUSTER: (Indicates.) 20 THE CHAIR: Second by Commissioner 21 Armbruster. 22 All in favor? 23 (Commissioners so indicate.) 24 THE CHAIR: Opposed? 25 (No response.)</p>
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<p>1 We are on to Item No. 3, which is the 2 approval of the minutes and the transcript. 3A is 3 the Approval of the PEC Work Session Minutes for 4 February 8th, 2018. 5 Do we hear a motion? Are there any 6 changes to it before we -- any corrections? 7 (No response.) 8 THE CHAIR: Seeing none, I will entertain 9 a motion. 10 There is a motion by Commissioner 11 Armbruster, second by Commissioner Gipson. 12 All in favor? 13 (Commissioners so indicate.) 14 THE CHAIR: Opposed? 15 (No response.) 16 THE CHAIR: Hearing no opposition, the 17 motion passes. 18 3B, the Approval of the PEC Transcript for 19 the February 9, 2018, meeting. 20 Are there any corrections to that 21 transcript? 22 (No response.) 23 THE CHAIR: Seeing none, I will entertain 24 a motion. 25 COMMISSIONER PERALTA: (Indicates.)</p>	<p>1 THE CHAIR: Hearing no opposition, the 2 motion passes. 3 COMMISSIONER CABALLERO: Abstain. 4 THE CHAIR: Excuse me? 5 COMMISSIONER CABALLERO: Abstain. 6 THE CHAIR: There's one abstention on that 7 vote. No, it's just a voice. 8 We are on to Item No. 4, which is the Open 9 Forum. We have quite a few, actually; one, two, 10 three, four, five, six, seven, eight. 11 We have eight people that have signed up 12 for the Open Forum. And the time limit is four 13 minutes per. And the first on the list is 14 Caterina -- 15 FROM THE FLOOR: Hajer. 16 THE CHAIR: Hajer. And is Charlotte 17 coming up with -- so that's Charlotte. Yes or no? 18 FROM THE FLOOR: Just Caterina and 19 Charlotte for three minutes. 20 THE CHAIR: I'm going to ask you if you 21 can put her name on here, because we use this for 22 the record. I do not believe -- oh, they signed on 23 the same line. Got you. Okay. Now I got you. 24 Good morning. And there's a button on the 25 microphone that needs to -- so if you press it, the</p>

<p style="text-align: right;">Page 10</p> <p>1 green light comes on. And I'm going to ask you, 2 before you speak, to say -- say your name and spell 3 your last name, please. 4 FROM THE FLOOR: Okay. Good morning, 5 Madam -- 6 THE REPORTER: I'm sorry. I can't hear 7 you. 8 FROM THE FLOOR: So good morning. 9 Madam Chairman and Committee. My name is Caterina 10 Miller. My last name is spelled M-I-L-L-E-R. 11 FROM THE FLOOR: My name is Hajer Maaz. 12 And my last name is spelled M-A-A-Z. 13 THE CHAIR: Thank you. 14 FROM THE FLOOR: And today, we are going 15 to talk about how Santa Fe students can benefit from 16 the TTCS Middle School. 17 FROM THE FLOOR: Sixth-grade students that 18 attend TTCS need a middle school to attend after 19 they graduate. They will most likely like to attend 20 another charter school. 21 FROM THE FLOOR: As everyone knows, 22 charter schools use lotteries to enroll their 23 students. You always have to hope that you get in. 24 There usually is not a very large chance for that. 25 What do you do then?</p>	<p style="text-align: right;">Page 12</p> <p>1 FROM THE FLOOR: Good morning, Madam Chair 2 and Commission. I'm here to write -- read a letter 3 that was written by Mr. Sam Obenshain, Director at 4 Cottonwood Classical Prep School. 5 THE CHAIR: Could I ask you to identify 6 yourself and spell your last name for the record? 7 FROM THE FLOOR: Yes. Christine 8 Eisenberg, E-I-S-E-N-B-E-R-G. And I'm the Assistant 9 Director at Cottonwood Classical Prep. 10 "Chairperson Gipson and Commissioners, I 11 am writing this to register the concerns Cottonwood 12 Classical Prep has to the Commission and the Charter 13 School Division regarding the possible corrective 14 action being threatened by the Commission. 15 "I have registered these concerns with the 16 CSD on previous occasions and have communicated my 17 concerns in writing. I am articulating the concerns 18 below so that there is a clear understanding that 19 although the school has consistently provided 20 documentation required by the initial contract 21 regarding the governing council membership changes 22 and updates, the characterization that the disputed 23 claim of noncompliance rises to the level of 24 corrective action is laughable. 25 "Generally, the concerns are as follows:</p>
<p style="text-align: right;">Page 11</p> <p>1 FROM THE FLOOR: A sixth-grade girl from 2 TTCS tried three charter schools for the lottery but 3 didn't get into any of them. If she stays in 4 Santa Fe, she would have to go to a private school, 5 which is very expensive, or a public school, which 6 has too many people and isn't doing well. As a 7 result, her parents are thinking about home schools 8 or moving to Albuquerque. 9 FROM THE FLOOR: Students that don't 10 attend TTCS would have another choice for a charter 11 school middle school. Then there is a much better 12 chance for getting in one of the middle schools. 13 FROM THE FLOOR: We hope you agree that it 14 is a helpful thing to have a great charter school 15 middle school. Thank you. 16 THE CHAIR: Thank you. 17 Could you push the button, please? Thank 18 you. 19 Next on the list is Michael Rael. 20 FROM THE FLOOR: Ma'am, it was too early 21 this morning when I got up in Questa. So I misread 22 that. I will abstain until Roots and Wings comes up 23 to -- with our -- we're on the agenda, Item 9B. 24 THE CHAIR: Okay. Thank you. 25 Next is Christine Eisenberg.</p>	<p style="text-align: right;">Page 13</p> <p>1 "The Commission has unilaterally amended 2 the contract. Contrary to provisions throughout the 3 contract, the Commission has not negotiated in good 4 faith. 5 "Section -- 6 MS. FRIEDMAN: Could you move back from 7 the mic a little bit? 8 FROM THE FLOOR: "Section 4.05 says that 9 the Authorizer will put the criteria, processes, and 10 procedures that we will use to oversee the school 11 and the contract itself; specifically, in Section 4 12 in Articles IV through VIII, by changing this 13 criteria (the council must 'choose to seat' a 14 specific number of members in a particular 15 year)..." -- hold on. I'm sorry -- "...the 16 processes (requiring a new reporting mechanism..." 17 will not -- "...while not replacing others), and 18 procedures (not negotiating in good faith), the 19 Commission has unilaterally amended the contract and 20 therefore has committed a breach of the contract. 21 "No. 2. Commission oversight is outside 22 the scope agreed upon in the contract. Since the 23 new governing council reporting requirement is not 24 set forth or incorporated by reference in the 25 charter contract, it is an invalid oversight</p>

<p>Page 14</p> <p>1 mechanism and outside the scope of the contract. 2 "Subsection b of 6.11 is the contracted 3 process for -- for changing governing council 4 members and notifying the authorizer of these 5 changes. Nothing [verbatim] more or different from 6 this is -- anything -- anything more or different 7 from this is a unilateral change in the contract and 8 a breach of the contract. 9 "No. 3. Time taken away from educating 10 our children. The worst outcome of this entire 11 process is that we -- is that we, arguably, the top 12 performing school in your portfolio, have had to 13 take time and energy away from the job of educating 14 students to address this trivial issue. Instead of 15 working with us to find compromises and making good 16 faith efforts, the Commission's practices have 17 drained both human and financial capital and found 18 us exercising our right of choice to join another 19 portfolio of schools. 20 "It is our hope that the Commission 21 considers carefully the precedent that it will set 22 if corrective action is used to address this issue 23 as insignificant" and as compliant -- "as compliance 24 to a box on a form. If the Commission chooses to 25 vote to take corrective action, Cottonwood Classical</p>	<p>Page 16</p> <p>1 I've never had any problems. It's not just a school 2 to us. It's more like a family. 3 And so we hope that you would really 4 consider doing that for all of us. And it's really 5 hard to get into another school right now, like the 6 little girls were saying. So I'd appreciate that. 7 Thank you. 8 THE CHAIR: Thank you. 9 Next is Melissa Aleman. 10 FROM THE FLOOR: Hi. Good morning. My 11 name is Melissa Aleman. My last name is -- 12 THE CHAIR: I'm sorry. The mic isn't on. 13 FROM THE FLOOR: Oh, thank you. Hi. Good 14 morning. My name is Melissa Aleman. My last name 15 is spelled A-L-E-M-A-N. And for me, it's much 16 better speaking Spanish. 17 (Spanish language spoken by this speaker.) 18 THE CHAIR: Next is Erica Lannon. 19 FROM THE FLOOR: I wasn't aware that I was 20 put on public comment. I'm also on the agenda item 21 with Roots and Wings. 22 THE CHAIR: Someone signed your name on 23 Open Forum. 24 FROM THE FLOOR: I'm sorry. 25 THE CHAIR: That's okay.</p>
<p>Page 15</p> <p>1 will initiate a notice of dispute as outlined in 2 Section 10 of the contract. 3 "Thank you for your consideration and 4 time." 5 THE CHAIR: Thank you. 6 Next is Kathy Garcia. 7 FROM THE FLOOR: My name is Kathy Garcia, 8 and the last name is G-A-R-C-I-A. And I would like 9 to ask that you consider making TT -- Turquoise 10 Trail Charter School, bringing seventh and eighth 11 grade to this school. 12 My son has been there since kindergarten. 13 And he's now in fifth grade. He's gotten an 14 excellent education there. He's been nominated for 15 the National Elementary Society the last two or 16 three years. And we've been really concerned about 17 what we're going to do when he is finished with 18 sixth grade. 19 You know, there's not a lot of options. 20 Everything is far away. A lot of the schools don't 21 have very good grades. And so private school costs 22 a fortune, which at the -- most of us can't afford 23 at this time. 24 And we just hope that you really 25 consider -- you know, it's been a great school.</p>	<p>Page 17</p> <p>1 FROM THE FLOOR: It was early when we 2 left. 3 THE CHAIR: People need coffee before you 4 start up here. 5 FROM THE FLOOR: 5:00 gets early up in the 6 mountains. 7 THE CHAIR: Lastly, Trevor Burns. 8 FROM THE FLOOR: My name is Trevor Burns. 9 Last name is spelled B-U-R-N-S. 10 I'm here to talk for Turquoise Trail 11 getting seventh and eighth grade. I have one 12 daughter going to Turquoise Trail now. My second 13 will be going there this year starting kindergarten. 14 Much like the two young ladies said earlier, it's 15 very difficult to find a very strong school or 16 equivalent school to Turquoise Trail going into 17 seventh and eighth grade. And it's a very difficult 18 decision, once your child hits sixth grade. It's a 19 very long thought process trying to figure out what 20 they're going to do after that point, especially 21 considering the climate today with school shootings, 22 schools being locked down because of threats of open 23 shooters, schools having not so great grades 24 currently. 25 You want your child to get a good</p>

1 education and go on to succeed in life and every
2 opportunity that you can get when you want to be
3 able to give them. Turquoise Trail has done an
4 exceptional job so far with our children, and we
5 would like them to continue doing so for as long as
6 possible. And we hope that seventh and eighth grade
7 will be an opportunity to help them do that and give
8 our children an opportunity to go forward in high
9 school with a step up.

10 So we hope that you'll give them that
11 opportunity. Thank you.

12 THE CHAIR: Thank you.

13 FROM THE FLOOR: Madam Chair, excuse me.
14 I signed up. I think you skipped me. I was right
15 behind the girls. And I think you thought I was
16 going up with them. Charlotte from South Valley
17 Prep.

18 THE CHAIR: Oh, I'm sorry. I did. I
19 apologize.

20 FROM THE FLOOR: No. No need to. I'm
21 glad I didn't have to follow those girls. They were
22 a tough act to follow; although I do agree with you
23 girls about middle school. It's -- it's an awesome
24 time; but it's also scary.

25 My name is Charlotte Alderete Trujillo.

1 My last name spelled A-L-D-E-R-E-T-E; Trujillo,
2 T-R-U-J-I-L-L-O.

3 I'm the executive director at South Valley
4 Preparatory School. I just wanted to come in front
5 of you for a few seconds to say we have been on your
6 list for a while looking for a facility. I'm hoping
7 to be on the agenda next month to come in front of
8 you with an amendment to change locations.

9 I'm here to extend an open invitation to
10 the Commissioners to come and visit our facility. A
11 couple already have been there. And so I'm just
12 excited.

13 That's all I wanted to say. Thank you.

14 THE CHAIR: Thank you.

15 Commissioners, we are on to Item No. 5,
16 which is Discussion and Approval of the PEC Rules of
17 Procedure. So I will ask if anyone has any
18 recommended changes.

19 And I think we've got -- did we not have
20 at least one typo that was in there?

21 COMMISSIONER ARMBRUSTER: I --

22 THE CHAIR: I'm going to ask the
23 Commissioners, if you look for -- I'm going to ask
24 the Commissioners to entertain an idea with the
25 Rules -- the Rules of Procedure. I think it's in

1 here -- and that's for the subcommittees that we sit
2 on.

3 It seems kind of ridiculous process that
4 we have to change or potentially change the
5 subcommittees that we serve on every year; because
6 it does -- and the feedback that I received from a
7 number of the Commissioners was, "I just started
8 serving on this, and I just kind of got it, and now
9 there's a potential for a change."

10 So I'm going to ask the Commissioners if
11 they would entertain the assignments, that the
12 subcommittee assignments are a two-year, because
13 that would cycle in with the general election cycle,
14 so that anyone that would be potentially coming in
15 new would come in in a two-year cycle.

16 COMMISSIONER CABALLERO: Madam Chair, so
17 what year would be -- that would be relevant? This
18 year would be --

19 THE CHAIR: Any Commissioners that
20 responded back to me, actually, as to what
21 subcommittee they wanted to serve on asked to stay
22 where they were. So I'm -- that was my
23 recommendation, that everyone -- and the only
24 individual that is new is Commissioner Robbins. So
25 that's -- that was my recommendation, and that's

1 what I put into our -- into the minutes for today --
2 was simply to carry over so that it would -- next
3 year, there would be new assignments, because we
4 would have three or four new Commissioners that
5 would be coming on in January of '19.

6 COMMISSIONER ROBBINS: Madam Chair, I
7 think, from a consistency standpoint, that's a very
8 good recommendation, and I would support that.

9 THE CHAIR: Thank you.

10 COMMISSIONER ARMBRUSTER: Ditto.

11 THE CHAIR: Thank you.

12 COMMISSIONER JOHNSTON: And I have a
13 question, because I had asked that the -- I had sent
14 some questions about this. And I don't remember it
15 being in there.

16 But I concur. It seems -- you're saying
17 "subcommittees." And I was thinking those are the
18 assignments to the other --

19 THE CHAIR: The LESC, the LFC.

20 COMMISSIONER JOHNSTON: Yeah.

21 THE CHAIR: And it just seems kind of
22 ridiculous that every year, we're, you know,
23 rotating them out. And we're really not. The
24 bottom line is people say, "I want to stay where I
25 am."

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1 So for us to even have to do that each
2 year -- so a two-year cycle, I think that would give
3 new people coming on after an election the
4 opportunity to then get on.

5 COMMISSIONER JOHNSTON: No, I agree with
6 that.

7 MS. FRIEDMAN: Madam Chair? Excuse me.
8 When the time is appropriate, there were two
9 Commissioners who sent me comments.

10 THE CHAIR: Right.

11 MS. FRIEDMAN: And I'd like to read them.

12 THE CHAIR: Yes, please.

13 MS. FRIEDMAN: One comment: "What do we
14 do for a tie vote that is not aligned with -- that
15 is not aligned with the election of officers?"

16 THE CHAIR: And I believe the answer to
17 that is we simply do another motion, which is what
18 we have done.

19 MR. DYLAN LANGE: Is there anything in the
20 Rules?

21 THE CHAIR: There is nothing in our rules
22 that address that. What we have done previously is
23 simply throw out another motion; because we had --
24 and it happened at the last meeting. I believe it
25 was the last meeting, was it not?

Page 23

1 Renewal. It was during renewal. We had a
2 tie vote; so we simply regrouped and offered a new
3 motion.

4 MR. DYLAN LANGE: So, yeah, I mean, it's
5 whatever decision you all want to make.

6 THE CHAIR: I'm open for options. If
7 someone wants to draw a deck of cards and --

8 COMMISSIONER PERALTA: Beverly, can you
9 read that again, please?

10 MS. FRIEDMAN: Yes. "What do we do for a
11 tie vote that is not aligned with the election of
12 officers?"

13 THE CHAIR: The election of officers is
14 addressed in our Rules of Procedure, what happens if
15 there's a tie; but...

16 COMMISSIONER PERALTA: But you were
17 speaking to a tie vote on a --

18 THE CHAIR: On a motion.

19 COMMISSIONER PERALTA: -- on a motion
20 pertaining to schools, not so much -- and this is
21 about tie votes on the election of officers on the
22 Commission; is that correct?

23 THE CHAIR: No.

24 COMMISSIONER PERALTA: No? Oh, okay.

25 THE CHAIR: It's a tie vote on anything

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1 other than. So if it's a motion, and we end up with
2 a tie vote, I think we simply just have a new
3 motion.

4 COMMISSIONER PERALTA: Yeah. Okay. Thank
5 you.

6 THE CHAIR: Unless someone else wants
7 to --

8 COMMISSIONER CABALLERO: I disagree.

9 THE CHAIR: Okay.

10 COMMISSIONER CABALLERO: I disagree.

11 It -- you can have another tie vote again. And you
12 can have another tie vote again, until somebody
13 believes that they must change. And depending on
14 what and how many people are putting pressure -- so
15 it's either by lot or something.

16 But it's got to be written.

17 And that get me to the other point,
18 Madam Chair, is that on Page 9, "Parliamentary
19 Authority," we need to change that. The last time
20 we entertained this -- but I'll bring it up later.
21 And that is why this is -- this little point has
22 become a problem; because we've got to do only our
23 rules. And there's nothing else -- other than this
24 lofty thing of commonly known rules, it -- it
25 provides for lack of -- of rules and of procedure.

Page 25

1 But I will leave that after we finish with
2 this.

3 THE CHAIR: Commissioner Peralta?

4 COMMISSIONER PERALTA: Thank you,
5 Madam Chair. I will share an experience that I had
6 on the Capital Outlay Council, where not too long
7 ago, we had a tie vote on a motion. And the motion
8 failed due to a failure of majority vote. So that
9 would be my suggestion to follow. If it's a tie,
10 then the motion fails.

11 COMMISSIONER CABALLERO: Are we talking
12 about motion or an election?

13 THE CHAIR: Motion. Election is addressed
14 in the Rules of Procedure. But anything other than
15 an election is not addressed.

16 COMMISSIONER CABALLERO: Then if that
17 is -- do we have what was suggested in the rules?
18 Maybe we need to incorporate it, just to -- so that
19 we can be clear and there is no question thereafter.

20 And I think he's right. For the most
21 part, rules of procedure have -- if there's a tie,
22 there's no majority, and, therefore, it falls. So
23 let's incorporate that. I think he can articulate,
24 or let our attorney kind of wordsmith it later on.

25 (A discussion was held off the record.)

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1 COMMISSIONER PERALTA: Madam Chair, I
2 would recommend that we table this until we get the
3 language appropriately added to the procedure and
4 then come back.
5 THE CHAIR: Because I'm not comfortable --
6 yeah. Thank you.
7 COMMISSIONER PERALTA: Thank you.
8 THE CHAIR: All right.
9 COMMISSIONER JOHNSTON: And I would second
10 that.
11 COMMISSIONER CABALLERO: May I add the
12 other, so that we can maybe wait on that also?
13 THE CHAIR: Can I ask you, for clarity, to
14 e-mail that to Beverly?
15 COMMISSIONER CABALLERO: Okay.
16 THE CHAIR: So that we can get that
17 language clear and have it for the next meeting?
18 COMMISSIONER CABALLERO: All right.
19 THE CHAIR: All right?
20 COMMISSIONER CABALLERO: Sounds good.
21 THE CHAIR: Thank you. Okay.
22 COMMISSIONER JOHNSTON: Madam Chair, I
23 have one question.
24 THE CHAIR: Sure.
25 COMMISSIONER JOHNSTON: On Page 5, under

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1 COMMISSIONER JOHNSTON: Okay. I'm fine.
2 I don't have any problem. I was just actually --
3 THE CHAIR: Yeah. Because it's
4 actually -- and it's been since I've been on that
5 the Executive Committee sets the agenda for the --
6 for the next month; so that is something that we
7 need to take out --
8 COMMISSIONER JOHNSTON: Okay.
9 THE CHAIR: -- or clarify that the
10 Executive Committee does that.
11 COMMISSIONER JOHNSTON: I just thought
12 maybe I was missing something.
13 THE CHAIR: We've all been missing it.
14 COMMISSIONER JOHNSTON: On Page 7. I-1,
15 "Recusal." We have written in here that if -- under
16 "A," that, "If a Commissioner determines a need to
17 recuse himself or herself that shall not participate
18 in the discussion, questioning or commenting....,"
19 but then we say, "...the Commissioner shall leave
20 the meeting."
21 Do we need to discuss that out? Or do we
22 want --
23 THE CHAIR: No. On recusal, they do not
24 participate. On abstention, they can participate.
25 But on recusal, if you're going to recuse yourself,

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1 E -- and I may have two or -- I'm sorry. But this
2 is the first question. I am unclear. I need a
3 clarification on letter -- let's see -- E, the
4 quorum. "Per statute, a majority. Total membership
5 of the Commission at the time of the meeting shall
6 constitute a quorum."
7 So, like today, when we have members who
8 are unable to attend, this -- the quorum is a
9 constant? It doesn't -- it's the total majority.
10 THE CHAIR: That has been my
11 understanding, yes.
12 COMMISSIONER JOHNSTON: Okay. I just
13 didn't understand.
14 THE CHAIR: It's the total -- it's the 10.
15 COMMISSIONER JOHNSTON: Okay. Thank you.
16 And then on Page 6 on G-2, just as a
17 clarification for me, "At each meeting,
18 Commissioners shall discuss and vote on the agenda
19 items for the next month's meeting."
20 Do we do that?
21 THE CHAIR: No, we don't.
22 COMMISSIONER JOHNSTON: Oh, okay. Thank
23 you. Because I thought I was losing my mind. I'm
24 sorry. So --
25 THE CHAIR: We don't.

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1 then you do not participate in the discussion.
2 COMMISSIONER JOHNSTON: And you have to
3 leave the room.
4 THE CHAIR: Right.
5 COMMISSIONER JOHNSTON: I just thought
6 we've had some recusals, and we've --
7 THE CHAIR: No, we've had abstentions.
8 COMMISSIONER CABALLERO: Leaving of the
9 room. I think it's legal -- something -- I'm not
10 quite sure.
11 COMMISSIONER JOHNSTON: I'm fine. I'm
12 just not sure. I'm fine. That was my last
13 question.
14 THE CHAIR: Okay.
15 (A discussion was held off the record.)
16 THE CHAIR: Beverly, did we cover
17 everything you had?
18 MS. FRIEDMAN: Madam Chair, there was a
19 question on recusal. And I can send all of these to
20 Dylan.
21 THE CHAIR: To Dylan? Okay. Thank you.
22 Commissioner Crone?
23 COMMISSIONER CRONE: If we have a set of
24 things, should we send those notes to Beverly?
25 THE CHAIR: Yes. Thank you.

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1 COMMISSIONER CRONE: Okay.
 2 COMMISSIONER ROBBINS: Madam Chair, on
 3 G-2, you know, I would just recommend that maybe,
 4 rather than striking that totally, that maybe we --
 5 we change it to where at each meeting, Commissioners
 6 may discuss and add items to the next. That way,
 7 it's not -- I mean, the Executive Committee can set
 8 the agenda; but we may add --
 9 THE CHAIR: Have input?
 10 COMMISSIONER ROBBINS: We can have input
 11 at that time. And I think we just say, "May add by
 12 majority vote," or whatever, "items." That way,
 13 it's not just striking it and leaving it totally;
 14 because if the majority wants something, then the
 15 Executive Committee may not remember that or
 16 whatever. That way, we get it on the record.
 17 THE CHAIR: Okay. Point well-taken.
 18 Thank you.
 19 Okay. We are on to Item No. 6, Discussion
 20 and Possible Action on the Open Meeting Act
 21 Resolution.
 22 So we do have to, every year, adopt this
 23 resolution. So I will ask for a motion.
 24 COMMISSIONER CABALLERO: I have some -- I
 25 have a question and a possible -- I'm not sure

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1 whether it's a -- a typo or what.
 2 It's on the second sentence, No. 5,
 3 Page 2, No. 1 is -- something -- "PEC Liaison." It
 4 is -- something -- "electronically to newspaper."
 5 THE CHAIR: I think it's probably supposed
 6 to be "entered" or something. Or "sent."
 7 MS. FRIEDMAN: Yeah.
 8 COMMISSIONER CABALLERO: Just so that --
 9 THE CHAIR: "Sent electronically to
 10 newspaper."
 11 MS. FRIEDMAN: "Sent." It's supposed to
 12 be an "S."
 13 THE CHAIR: Supposed to be an "S" there.
 14 COMMISSIONER CABALLERO: And then Page 3,
 15 8, No. 4, "Pursuant to PEC Rules of Procedure,
 16 telephonic attendance is requested and approved by
 17 Chair."
 18 I don't remember seeing that in the rules.
 19 THE CHAIR: It is in the rules. Yes, it
 20 is.
 21 COMMISSIONER CABALLERO: And is it also
 22 "approved by Chair"?
 23 THE CHAIR: Uh-huh. Yeah. That is in the
 24 rules, yeah.
 25 COMMISSIONER CABALLERO: I didn't go back

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1 to the rules.
 2 THE CHAIR: But it definitely is, yeah.
 3 COMMISSIONER CABALLERO: Okay. That's all
 4 I have --
 5 THE CHAIR: Okay.
 6 COMMISSIONER CABALLERO: -- question or
 7 correction.
 8 THE CHAIR: Commissioners?
 9 COMMISSIONER JOHNSTON: I second.
 10 THE CHAIR: There's a motion by
 11 Commissioner Crone, second by Commissioner Johnston.
 12 Can we do a voice vote on this?
 13 All in favor?
 14 (Commissioners so indicate.)
 15 THE CHAIR: Opposed?
 16 (No response.)
 17 THE CHAIR: Hearing no opposition, the
 18 motion passes.
 19 Item No. 8, report from Options for
 20 Parents. Oh, I'm sorry. Item No. 7. I'm getting
 21 ahead of myself. I know Cindy has to leave, so I'm
 22 trying to expedite this.
 23 And first up is J. Paul Taylor.
 24 DR. PELAYO: Okay. Madam Chair, our first
 25 amendment request here is from J. Paul Taylor. And

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1 the information is here in your -- in your materials
 2 as Item 7A.
 3 J. Paul Taylor is requesting to amend
 4 Section 8.01 related to the operational structure.
 5 The school is proposing to -- to make
 6 changes to the length of school year/length of
 7 school day, instructional hours. So what you have
 8 in front of you here is an analysis with a school
 9 history and recurrent enrollment.
 10 And you do see school performance,
 11 starting on Page 2 of your materials. You see that
 12 the school has earned a "C" grade in the last three
 13 school grade reports.
 14 If you turn the page, you have the
 15 detailed analysis for the school overall. You'll
 16 notice that the school has made improvements in
 17 reading proficiency, where math proficiency has
 18 stayed relatively flat.
 19 You also see there that the growth points
 20 have gone down a little bit in each of those areas.
 21 And then when we really start to look at
 22 the differences between high performing and lower
 23 performing students, you do notice some trends
 24 there.
 25 Page 6, however, I want to point out that

<p style="text-align: right;">Page 34</p> <p>1 while there is some downward trend there, in both 2 cases, and that there's much room for growth, 3 especially for those higher performing students, we 4 do want to point out that for the lower performing 5 students, the school has achieved positive growth 6 indices, which means they are achieving greater than 7 expected in growth. So that's a good improvement. 8 Then we'll also, as you continue, look at 9 your materials here on Pages 6 and 7, we start to 10 look at academic performance by subgroups. And we 11 point out just some differences here in terms of the 12 enrollment, where you see that the school is -- does 13 not really reflect the enrollment patterns of the 14 local school district. The school looks much 15 different than the rest of the school district in 16 this area. 17 And then on Page 7, you do see that the 18 reading proficiencies -- that there's differences 19 between subgroups between your White students and 20 your Hispanic students. 21 As you keep going, the organizational 22 performance, we see here, from the previous year, 23 areas where the school falls below standard. 24 However, I do want to point out that in -- 25 they did receive their current school year site</p>	<p style="text-align: right;">Page 36</p> <p>1 compliant with what we say in the charter contract 2 with the instructional hours. When I had gone 3 through the charter renewal process in my previous 4 school, and even, it's my current understanding, I 5 had always understood that the time specified was 6 what our current time was within that school year, 7 not necessarily our flexibility. I was always under 8 the impression that we have also same leeway as any 9 traditional public school by statute with making 10 sure that we're 990 instructional hours for K-5 and 11 1,080 for six, seventh, and eighth grade. 12 Even with our current instructional time, 13 which is not in alignment with our contract, we're 14 in excess of 200 hours for K-5 and still over 15 100 hours beyond the 1,080 for K-5; so we're very 16 much over the State-expected minimum. 17 I honestly don't anticipate that to 18 change. Our amendment is seeking the same 19 flexibility as other public schools in the State of 20 New Mexico. And we also are a union school. So 21 instructional hours is part of the compensation 22 package; so that's something we have to be mindful 23 of, as well. It's another reason that we're seeking 24 this flexibility. 25 THE CHAIR: I'm going be so glad when</p>
<p style="text-align: right;">Page 35</p> <p>1 visit. And at this time, there are none -- no 2 indicators rated "falls far below" showing movement 3 towards "working to meet the standards" for the 4 organizational performance framework. 5 If you recall last month, we also had such 6 an amendment request from other schools around 7 instructional hours, and we talked about 8 instructional time and student achievement. That's 9 in here, as well. 10 And so the school has earned an overall 11 grade of "C," and the school's performance over the 12 years reveals there's uneven progress here for 13 different student groups. However, the school has 14 maintained a "C" over the last three years, and we 15 made a recommendation here that we're -- we don't 16 really recommend decrease in instructional hours. 17 However, we're not making a recommendation on this 18 request; so we leave that to you. 19 THE CHAIR: Good morning. 20 MR. ERIC AHNER: Good morning. My name is 21 Eric Ahner, A-H-N-E-R. 22 Good morning, Madam Chair, members of the 23 Commission, and thank you, Dr. Pelayo, for your 24 report. 25 We are seeking an amendment to be</p>	<p style="text-align: right;">Page 37</p> <p>1 we're done with the conversation about instructional 2 hours. And we've had this -- we discussed this last 3 week. We did it at the work session. It's not -- 4 you know -- it's not going to be something that is 5 going to be part of the site visit starting next 6 year. So it's just become -- and unfortunately, 7 it's just become burdensome for everyone with this. 8 And it's covered through budget, when the 9 school submits their budget. You know, I'm more 10 than willing to leave it. 11 So here's my -- here's my overarching 12 question. Does it necessitate an amendment at this 13 point in time? That's my question. 14 MS. POULOS: Madam Chairwoman, 15 Commissioners, this goes to the contract and why 16 we're discussing changing the template you have for 17 your contract. 18 THE CHAIR: Yeah. 19 MS. POULOS: It is identified as a 20 material term in your contract. And that is very 21 problematic, because I think, to Mr. Ahner's point, 22 it does take away flexibility that should be granted 23 to charter schools, especially when it's flexibility 24 that all of our traditional public schools have. 25 So it's burdensome. But I think at this</p>

<p style="text-align: right;">Page 38</p> <p>1 point, because of the way your contracts exist --</p> <p>2 THE CHAIR: That it requires it.</p> <p>3 MS. POULOS: -- that I think, because it</p> <p>4 is very specifically identified as a material term,</p> <p>5 it does -- you should go ahead with this.</p> <p>6 THE CHAIR: Okay. I'm fine -- and I'm</p> <p>7 fine. I just -- you know, I'm trying to make it</p> <p>8 easier on -- on everyone. And it just -- it's not</p> <p>9 easy. So -- okay.</p> <p>10 Commissioner Johnston?</p> <p>11 COMMISSIONER JOHNSTON: Thank you,</p> <p>12 Madam Chair.</p> <p>13 Mr. Ahner, this question seems like it's</p> <p>14 coming out of left field. But your teacher</p> <p>15 contracts, how are teachers hired? Are they hired</p> <p>16 by day? Does the contract show a number of days?</p> <p>17 The reason I ask is by changing this, could this</p> <p>18 impact salaries of staff members?</p> <p>19 MR. ERIC AHNER: Yes. In fact, Madam</p> <p>20 Commissioner, it could change the contracts. And we</p> <p>21 may seek to alter the contracts. We're currently</p> <p>22 189 days; middle school is 185. And we try to</p> <p>23 specify the contract time, as well, within the --</p> <p>24 the employee contracts for teachers. So that is an</p> <p>25 area that will offer us some flexibility.</p>	<p style="text-align: right;">Page 40</p> <p>1 COMMISSIONER ARMBRUSTER: I just wanted to</p> <p>2 tag onto Commissioner Johnston.</p> <p>3 By reducing your days from 189 to 185 this</p> <p>4 year -- so the contract with teachers says 189; am I</p> <p>5 correct?</p> <p>6 MR. ERIC AHNER: You are correct. And we</p> <p>7 have no plans of making an amendment for this year.</p> <p>8 We would only offer flexibility for the potential in</p> <p>9 the future.</p> <p>10 COMMISSIONER ARMBRUSTER: Okay. So their</p> <p>11 contract is as it states currently.</p> <p>12 MR. ERIC AHNER: Yes, ma'am.</p> <p>13 COMMISSIONER ARMBRUSTER: So when you go</p> <p>14 down, you might be giving them more money for less</p> <p>15 days, which I'm sure they would be happy about.</p> <p>16 MR. ERIC AHNER: Correct, exactly. Trying</p> <p>17 to find strategies to have our salaries more or less</p> <p>18 equal to other schools in the local area, because we</p> <p>19 are less per average teacher compared to other</p> <p>20 schools.</p> <p>21 COMMISSIONER ARMBRUSTER: Thank you.</p> <p>22 MR. ERIC AHNER: Yes, ma'am.</p> <p>23 COMMISSIONER CABALLERO: Move to approve.</p> <p>24 THE CHAIR: There's a motion to approve</p> <p>25 the amendment -- oh, I'm sorry.</p>
<p style="text-align: right;">Page 39</p> <p>1 We have come a long ways in overcoming a</p> <p>2 lot of financial hurdles in the last two years. One</p> <p>3 of the strategies to not overtax our budget is to</p> <p>4 potentially reduce the total instructional time for</p> <p>5 our students in trying to raise our salaries for</p> <p>6 teachers to be commensurate with the local schools.</p> <p>7 That could be a strategy to try to keep our salaries</p> <p>8 either flatlined or increased some, while reducing</p> <p>9 our total time on duty.</p> <p>10 COMMISSIONER JOHNSTON: And so in reducing</p> <p>11 of the duty time, you would be able to adjust your</p> <p>12 salary schedule so that -- that the teachers would</p> <p>13 not lose salary.</p> <p>14 MR. ERIC AHNER: Yes. That would be</p> <p>15 looking at a model of equal amounts per day to try</p> <p>16 to be, again, more commensurate with other schools</p> <p>17 in the area.</p> <p>18 COMMISSIONER JOHNSTON: So you've</p> <p>19 discussed this as a staff with the teachers.</p> <p>20 MR. ERIC AHNER: And as a collective</p> <p>21 bargaining unit.</p> <p>22 COMMISSIONER JOHNSTON: Ah-ha. Thank you.</p> <p>23 THE CHAIR: They are organized; so...</p> <p>24 Commissioners?</p> <p>25 Commissioner Armbruster?</p>	<p style="text-align: right;">Page 41</p> <p>1 COMMISSIONER CABALLERO: Discussion on the</p> <p>2 motion?</p> <p>3 THE CHAIR: Is there a second?</p> <p>4 COMMISSIONER CONYERS: Second.</p> <p>5 THE CHAIR: There's a second by</p> <p>6 Commissioner Conyers.</p> <p>7 Discussion?</p> <p>8 Commissioner Johnston?</p> <p>9 COMMISSIONER JOHNSTON: Thank you. Is it</p> <p>10 on? There. Now it's on.</p> <p>11 I commend you on the work that you've done</p> <p>12 with the lowest performing students and the gains</p> <p>13 you've made there. Now I'm thinking in terms of</p> <p>14 reducing instructional time for -- for children, for</p> <p>15 young people.</p> <p>16 Can you tell me -- and I don't really</p> <p>17 understand. I think I heard you say that in a year,</p> <p>18 that you always meet the State-mandated requirements</p> <p>19 for hours and for days; but that from one year to</p> <p>20 another, that your -- your school year may vary in</p> <p>21 days. Did you say that?</p> <p>22 MR. ERIC AHNER: Stretching -- prior to my</p> <p>23 arrival at the school, we did have more</p> <p>24 instructional days than we currently have. We're</p> <p>25 still at 189 days, which is a fairly high number of</p>

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1 days for the length of our day.
 2 So, yes, it could change. And, again, I
 3 don't foresee significant changes in instructional
 4 hours. I don't think our staff or I wish to have
 5 different amounts of time in instructional hours.
 6 The amendment is trying to be granting
 7 more or less the same lenience as a traditional
 8 public school would have in making sure we always
 9 stay at the 990 hours K-5 and 1,080 for sixth and
 10 above.
 11 COMMISSIONER JOHNSTON: Okay. And so what
 12 you're looking for -- or what your expectation is,
 13 is that this will not impact direct instructional
 14 time.
 15 MR. ERIC AHNER: It may change
 16 instructional time, which could happen through
 17 either a management decision or a collective
 18 bargaining process. And, again, right now, we have
 19 no flexibility in changing that time because of the
 20 way the current charter contract is written and
 21 interpreted.
 22 So our hope is that we have the same
 23 leniency as another school in moving the total
 24 number of instructional hours, if necessary. It's
 25 not necessarily, by any means, a desire.

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1 And to your specific point, based on where
 2 our students are academically and our belief in
 3 holding a modified year-round calendar, we don't
 4 really want to lessen instructional time; but we do
 5 want to have flexibility to be able to do that if
 6 it's necessary.
 7 COMMISSIONER JOHNSTON: Okay. Thank you.
 8 MR. ERIC AHNER: Yes, ma'am.
 9 THE CHAIR: Commissioner Robbins?
 10 COMMISSIONER ROBBINS: I think the -- the
 11 point here -- and everyone is basically saying
 12 this -- is that you'll still be compliant with the
 13 State requirements. And I think that going
 14 forward -- and this is, I think, what we discussed
 15 in our study group a couple of months back -- that
 16 the purpose isn't to allow less instructional time,
 17 but it's just to take it out of the contract and not
 18 make it so rigid so there's flexibility.
 19 But I think the emphasis is still on the
 20 outcomes rather than instructional hours --
 21 instructional hours. It's the outcomes for the
 22 students.
 23 THE CHAIR: Yes. Thank you.
 24 Commissioner Armbruster? Roll-call vote?
 25 COMMISSIONER ARMBRUSTER: Commissioner

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1 Peralta?
 2 COMMISSIONER PERALTA: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Robbins?
 5 COMMISSIONER ROBBINS: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Caballero?
 8 COMMISSIONER CABALLERO: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Johnston?
 11 COMMISSIONER JOHNSTON: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Armbruster votes "Yes."
 14 Commissioner Gipson?
 15 THE CHAIR: Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Crone?
 18 COMMISSIONER CRONE: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Conyers?
 21 COMMISSIONER CONYERS: Yes.
 22 COMMISSIONER ARMBRUSTER: That is an
 23 eight-to-zero vote.
 24 THE CHAIR: Thank you. The motion passes
 25 eight-zero. Thank you.

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1 MR. ERIC AHNER: Thank you, members of the
 2 Commission.
 3 THE CHAIR: Okay.
 4 DR. PELAYO: Okay. So our next amendment
 5 request is from La Tierra Montessori School for the
 6 Arts and Sciences. This is Item 7B. It is behind
 7 the goldenrod sheet in the same section.
 8 La Tierra Montessori School is looking to
 9 amend their contract specifically to address the
 10 educational program of its school. Their current
 11 contract states one hour of English Language
 12 Development. And they are seeking to make the
 13 change for it to stay at least 45 minutes.
 14 In the school's history, you'll see the
 15 recurrent enrollment. At one point, the recurrent
 16 enrollment is below your current expectation,
 17 15 percent and has been for the last three years.
 18 I also want to point out in their school
 19 performance, the school has had a huge decline from
 20 a "B" two prior years to a "D" in the latest rating.
 21 That information is there for you also on Pages 2
 22 and 3; and as well as on Page 4, you'll notice their
 23 growth is also declining in both math and reading
 24 for the overall school. You see school improvement,
 25 as well, having taken a huge decline there between

<p style="text-align: right;">Page 46</p> <p>1 the '16 and '17 school years. 2 If you turn the page to Page 6, you'll 3 again notice the growth for both high performing and 4 low performing students going down. And the school 5 grade has -- has remained a "D." And we need to 6 make sure that the school is improving. 7 The enrollments, as well, we -- we tend to 8 point out, as you've noticed in our analyses, when 9 there are differences between the population of the 10 school served when compared to the local school 11 population -- and you'll notice here on Charts 9 and 12 10 -- that the school serves a very different 13 population than the local community. 14 I will point out that the school does 15 serve a higher proportion of English Learners than 16 the local district. 17 And then if you keep going here on the 18 academic performances on Page 8, you will notice 19 these gaps here between the two main subgroups, 20 between the White and Hispanic students. You'll see 21 that. 22 And if you keep going -- and this 23 analysis, because of the request that they're making 24 regarding English Language Development, we also 25 included some information here on Page 10. We</p>	<p style="text-align: right;">Page 48</p> <p>1 especially for English Learners, when their 2 performance is what it is. However, we're not 3 making an explicit recommendation on this one, 4 either. 5 THE CHAIR: Thank you. 6 Good morning. 7 The little green light has to be on. 8 MS. CHRISTIE BERG: Okay. Couldn't tell 9 if it was on or not. Thank you. Good morning, 10 Madam Chairperson. Good morning, Commissioners. 11 Thank you, Dr. Pelayo, for all of that and 12 all the information/background information. 13 So we are requesting that the -- the 14 language program be reduced by whatever the minimum 15 could be. 16 So I was working on the -- these various 17 schedules that could possibly be, came up with at 18 least ten. We started, actually, last year, and 19 we're working around how we could do this. 20 And then this year, I -- we have a 21 bilingual instructor who is certified -- of 22 course -- certified bilingual teacher. She's 23 terrific; we're really happy to have her with us. 24 We were working on this schedule once 25 again. So I created three amendments to go to our</p>
<p style="text-align: right;">Page 47</p> <p>1 wanted you to see the comparison of the State 2 overall averages on English Language Proficiency 3 compared to the school's. The details here and the 4 differences between those two years are noted there. 5 I think we had previously, in meetings, 6 discussed why there is such a change. But what 7 you'll notice is that this school has a much less 8 proficiency rate in terms of really having their 9 students reach that proficiency level. 10 In 2016, the school had just 9 percent of 11 its English language learners reach proficiency, 12 versus the State's average of 17 percent. Of 13 course, in 2017 that changed. 14 We also note organizational performance 15 here, as well. And for the additional analysis, 16 what we do want to just say is that the Office for 17 Civil Rights at the federal level and the PED's 18 Language and Cultural Bureau has identified 19 45 minutes as a standard practice. So changing from 20 60 minutes to 45 minutes would be consistent with 21 that guidance. 22 However, given the performance of how 23 English Learners are doing at this school, that is a 24 concern. And, again, generally, the CSD doesn't 25 recommend lowering the amount of instructional time,</p>	<p style="text-align: right;">Page 49</p> <p>1 governing council to be approved before having it 2 come to you. And one of the amendments was reducing 3 the Spanish Heritage Language to 45 minutes, keeping 4 the ELD 60; the other way around, reducing the ELD 5 to 45, keeping the Spanish Heritage 60, which is 6 what I have presented to you. And 45 and 45, reason 7 being our daily schedule does not permit us to have 8 a full hour of the ELD and the Spanish Heritage. 9 And I have the schedule here. 10 So all three were passed by the governing 11 council so that I'd be able to make a good decision 12 as to which would be best. 13 And I went to the Bilingual department. I 14 visited physically with them. Myra was there. Gina 15 Sanchez. Baylor Del Rosario was there. My CSD 16 liaison that I've been working with. And we all 17 talked about -- I'm sorry? 18 We all talked about how could we possibly 19 make this -- I'm very willing to work on how we get 20 things in compliance. 21 I'm the fourth administrator in four 22 years. My fifth year was their renewal year. And 23 that's what I concentrated on was bringing the 24 school into compliance. That's what I was focusing 25 on. And now I'm in a phase where I can kind of hone</p>

<p style="text-align: right;">Page 50</p> <p>1 the programs that we have. 2 So I was very excited about being able to 3 be renewed for another five years. But when I spoke 4 with them, one of the people there said, "Well, 5 other schools have been able to do it." 6 I said, "Great. Let -- may I see? Is 7 there some -- can you give me an address or a 8 contact information so I can talk with them, how 9 they got their program going?" 10 And I was handed a schedule of two 11 different schools that are in New Mexico and their 12 schedules. 13 So I looked at it. And I -- perhaps you 14 already have them. I've made copies for everyone. 15 But weekly schedule on minutes allotted for their 16 various programs. There aren't any school names; so 17 I don't know where they are. 18 Excuse me. 19 But one of them has 45 minutes for 20 bilingual program, K-through-5; and then their ELD, 21 45 minutes, all the grades. 22 Then 40 minutes, in their "early release" 23 schedule for grades 1, 4, and 5; 50 minutes for 24 Grades 3; and then, for kindergarten and second, 25 30 minutes. That's a real doable schedule.</p>	<p style="text-align: right;">Page 52</p> <p>1 my schedule. 2 For me to start at 8:30 and end at 3:30, I 3 don't have any more minutes in the day. 4 So that's where I'm coming from. I would 5 greatly appreciate if you'd consider the State 6 minimum of 45 minutes for ELD, so that we can fit it 7 in our schedule and still serve the populations that 8 need to be served. 9 DR. PELAYO: Can I offer some 10 clarification? 11 THE CHAIR: Yes. 12 DR. PELAYO: I wanted to explain what 13 Ms. Berg means here by "sanctions." I just want to 14 point out that the -- the reason it appears that 15 there's these questions about minutes and why 16 there's so many questions about minutes is that to 17 receive State bilingual funding, you submit a 18 program application. And it's approved, where you 19 say you're going to provide a two-hour program, 20 which means two hours. 21 And so if you're going to receive 22 additional funding for the bilingual program, then 23 you must meet the requirements in statute or 24 regulation for that program. 25 And so when we're talking about sanctions,</p>
<p style="text-align: right;">Page 51</p> <p>1 But I was told that I have to comply with 2 the other, kind of, sanctions. And it's -- you 3 know, it's not fair, for one thing. 4 Then on another school, they had 5 45 minutes for their bilingual, K-through-5; 6 45 minutes for their ELD, K-through-5. Again, 7 that's doable. We can do something like that, as 8 well. 9 But they also had, just, in another 10 tangent, I understand that I have to have 30 minutes 11 for lunch. 12 Fine. We can do that. 13 But they have 20 minutes for lunch, and 14 then they have 15 minutes for what they call 15 "recess." 16 So, consequently, they're able to reduce 17 their time frames. 18 And this is what I was handed as a sample. 19 I would love for this to be a sample. I 20 can absolutely work with numbers like this. 21 For us, we start at 8:30; we end at 3:30. 22 I have, currently, 45 minutes for sixth and seventh 23 ELD; fourth and fifth, 45 minutes; third, 24 45 minutes; and K-through-1, as well, 45; and then 25 an hour for the Spanish Heritage. And that fits in</p>	<p style="text-align: right;">Page 53</p> <p>1 what we're really talking about is noncompliance 2 with those rules. And whether or not a charter is 3 meeting compliance standards with the bilingual 4 program requirements would -- could -- be a loss of 5 funding, a potential loss of funding; because a 6 school may not necessarily be implementing the 7 program that it submitted it would. 8 THE CHAIR: Thank you. So my -- so I 9 guess I need clarification, that these hours will 10 not affect your funding; correct? That's what I 11 need clarification on. 12 MS. POULOS: Madam Chairwoman, I think -- 13 and I could be wrong. I think the school -- the 14 reason they're coming to you is because they had, in 15 their contract, "This is how many hours or minutes 16 the program is going to be." 17 MS. CHRISTIE BERG: Exactly. We're 18 looking for an amendment. 19 MS. POULOS: As a consequence, I think 20 that's probably what they were writing into their 21 bilingual application every year. That was, then, 22 the program they were getting funded on. 23 They're now starting with, "Okay, if we're 24 going to write a different program, we have to have 25 the ability within our contract to do that. And</p>

<p style="text-align: right;">Page 54</p> <p>1 then we can do that in our next bilingual 2 application." 3 THE CHAIR: Okay. 4 MS. POULOS: It may impact their funding, 5 depending on if they end up requesting a different 6 program with different program hours. That may, in 7 fact, change the funding. 8 I think the school is going to continue 9 this school year to comply with the program they 10 have through the Bilingual Bureau. But what they're 11 trying to do is create a world in which they can 12 create a different program with the Bilingual 13 Bureau. 14 MS. CHRISTIE BERG: Thank you for that 15 clarification, Katie. That's essentially what we're 16 thinking; as well as if it does impact the funding, 17 then I need to know about that prior to submitting. 18 And we would have more of a conversation with that 19 with Dr. Pelayo and with the bilingual department. 20 So what I'm looking for is the amendment 21 within the charter contract to be changed; because 22 right now, it does say a two-hour program; one ELD, 23 one Spanish heritage, K-through-3. 24 THE CHAIR: Right. Okay. Commissioners? 25 Commissioner Robbins?</p>	<p style="text-align: right;">Page 56</p> <p>1 challenges you're facing. Supporting a change in 2 instructional time doesn't seem prudent to me at 3 this point. 4 MS. CHRISTIE BERG: May I comment on that? 5 COMMISSIONER JOHNSTON: Sure. 6 MS. CHRISTIE BERG: Okay. So I would 7 agree with you on that. But we're on a trajectory 8 of having a stable administration. So as I said, I 9 was the fourth one in four years; thus, all of 10 those -- all that data is coming through. My first 11 year was focusing on renewal. And that -- I'm very 12 satisfied with that. 13 Now, it's let's strengthen our programs. 14 So I do have a school improvement plan 15 uploaded into the Web EPSS that we were asked to do, 16 specifically on reading, on math, and how are we 17 doing that, and how are we fortifying that program. 18 And I have an instructional coach, and they have an 19 intense reading program through that; it's through 20 the Istation. I know that that's part of the State 21 requirements. 22 But we also have homework every night -- I 23 mean, there's a plan to do that, and we're seeing 24 much better participation with our students, and we 25 are seeing growth. And I can only hope that it is</p>
<p style="text-align: right;">Page 55</p> <p>1 COMMISSIONER ROBBINS: Well, my only 2 concern is that at 52 percent proficiency in 3 reading, that's better than some schools; but it 4 still falls very short of what we would like to see. 5 And I think the results of continued improvement in 6 proficiency is going to be the outcome that we're 7 looking for, rather than how many minutes we're 8 spending. 9 But I would really stress that the school 10 needs to emphasize the proficiency in reading both 11 in English and for those students in Spanish. 12 That's fine. But unfortunately, you know, we live 13 in an English-speaking area. And being bilingual is 14 an advantage. But if you cannot speak English and 15 write and read English proficiently, it's going to 16 be a disadvantage. 17 MS. CHRISTIE BERG: Thank you. We agree 18 with that. 19 THE CHAIR: Commissioner Johnston? 20 COMMISSIONER JOHNSTON: Thank you, 21 Madam Chair. 22 My concern lies simply in making a change 23 when I look at across-the-board performance 24 indicators that we have, the data we have. And 25 that's really the bottom line with all of the</p>	<p style="text-align: right;">Page 57</p> <p>1 what is going to be acceptable to what's going on. 2 But -- so -- yeah. So I think it's 3 helping that we'll have a stable administration and 4 strong programs. 5 The bilingual program prior to this was -- 6 they were -- it was just kind of keeping your 7 fingers crossed that kids were getting served and 8 things were happening. And now we have a very 9 strong bilingual teacher and very happy with how 10 that program is going. But we won't see the results 11 this year, 2017-'18. We'll see the results of this 12 year next year, and we want it to be positive. 13 COMMISSIONER JOHNSTON: Thank you. 14 COMMISSIONER CABALLERO: Madam Chair? 15 THE CHAIR: Commissioner Caballero? 16 COMMISSIONER CABALLERO: I think every 17 time we go through the reduction of time, we get the 18 same little blurry about what the data shows. The 19 data shows that there's really no big change. 20 I would say if it goes from one hour to 21 20 minutes, that there's going to be a big change. 22 But when I was a senior in high school, I 23 went through a year of study skills. And when I 24 first -- my first year in college, I went against 25 all that advice, and I would study --</p>

<p style="text-align: right;">Page 58</p> <p>1 THE CHAIR: Could you hold on for just a 2 second? If you turn yours off, we probably won't 3 get -- 4 COMMISSIONER CABALLERO: Is that it? And 5 I would spend an hour and a half studying before I 6 took a break. 7 And I had a mentor. And I couldn't -- my 8 concentration, my focus, was not as good as it was 9 before. 10 And he said, "You know, when you get to be 11 a senior, you might be able to focus an hour and a 12 half without a break. But right now, you're just 13 not good enough. You've got to stay to the 14 45 minutes and 15-minute break like what we taught 15 you." 16 And I did that. I put my alarm clock at 17 45 minutes. I forced myself to focus. As soon as I 18 sat down, I focused. And I forced -- forced, and I 19 forced it. And when the time was up, I would get 20 up, put on [inaudible], do push-ups and sit-ups, and 21 dance around, jump around for 10 minutes, eat 22 something for 5, sit down for another 45 minutes. 23 And I aced my first year. 24 And so it's not the quantity; it's the 25 quality of what you do. And I saw that also as a</p>	<p style="text-align: right;">Page 60</p> <p>1 the hour. I don't think, to me, it would be an 2 issue of keeping kids on task, because in any hour 3 of anything, you have to change what you're doing. 4 You can't be talking about math for an hour or 5 reading for an hour. So you would be doing -- I 6 don't know -- a dance, an exercise, whatever; but 7 something that you would be breaking up that time 8 with every long period of time. I can't keep an 9 hour, either. 10 So -- but as a former teacher, I know that 11 to be true. 12 My concern is guilt -- guilt; I'm going to 13 say that -- because I was the person who gave you 14 five years instead of three, as was recommended. 15 And so it's extremely disturbing to me that these 16 scores have gone down from a "B" down to a "D." I 17 don't know if you can address that when I finish. 18 But also to address the fact that you have 19 a higher population of -- of less needy children 20 than Española, as a whole; so that your kids should 21 be doing better. That's unfortunately the way life 22 is. You know, let's just call it what it is. 23 And I'm wondering if you are involved in 24 New Mexico DASH, NMDASH, as part of an improvement 25 plan to do that; because I feel particularly -- I</p>
<p style="text-align: right;">Page 59</p> <p>1 senior in high school, where we were getting an hour 2 instruction but they decided to reduce it to 3 45 minutes because they had to add classes. 4 And I remember we had to run to class, 5 because teachers were under the gun. As soon as we 6 walked in, they got on it, and they would get on it 7 even if you weren't there or sitting down. And if 8 you wanted to stay up with math, you would be there 9 as soon as the teacher -- and there was no waste of 10 time. There was not -- no -- there was high 11 concentration, high focus. And we did very well. 12 And so I take what Commissioner Robbins is 13 saying is that yes, there is a reduction in time; 14 yes, that you need to get there, you need to focus. 15 You need to spread it amongst your faculty, amongst 16 students, that there's work to be done, and there's 17 a new dawn. As you said now, you're concentrating 18 on improvement. 19 And it has to be an environment throughout 20 the school. And bring in those -- those parents, 21 because it is difficult to -- to learn a new system. 22 THE CHAIR: Commissioner Armbruster? 23 COMMISSIONER ARMBRUSTER: Thank you, 24 Madam Chair. A couple of things to say. 25 Number one, I understand the issue about</p>	<p style="text-align: right;">Page 61</p> <p>1 like this school. I know people at the school. I 2 felt that you could continue on that trajectory from 3 a "D" -- you had two "B's" and now you're a "D." 4 That is of grave concern to me. As I said, it's my 5 responsibility in that particular case. 6 So if you could address why the scores 7 went down, if you're doing New Mexico DASH, and how 8 you're going to improve these scores back to where 9 you were. 10 MS. JULIE ANN HILL-CLAPP: Hi. Good 11 morning. My name is Julie Ann, last name 12 Hill-Clapp, H-I-L-L, dash, C-L-A-P-P. I'm the 13 governing council president. I've been the 14 governing council president now for three years now. 15 And during that time -- you asked direct 16 questions about why the program went down. And I 17 can honestly say that the change in our 18 administration has made a difference. We did go 19 through a period of much transition. And during 20 that time, our administration was not consistent. 21 The grade -- and this is just my 22 understanding from the trainings that I have 23 attended -- was inflated at some point to meet 24 whatever the expectation was from the changes that 25 were coming with this new grading system.</p>

<p style="text-align: right;">Page 62</p> <p>1 Our grade definitely has gone down. What 2 we didn't get prior to this was the governing 3 council didn't have a full understanding of what we 4 needed to get reported and reported out to us so 5 that we would understand exactly where we were at. 6 With that transition, we made big changes 7 in our governing council. We now require our 8 administrator to bring data to us. We want to know. 9 We ask those important questions about kids and 10 which kids are doing -- are, you know, on -- are not 11 on the upward trajectory, as it relates to reading 12 and math, and, you know, we ask what interventions 13 are being put into place. 14 We -- we're overseeing that -- those 15 programs. We are participating more rigorously with 16 our parent-teacher advisory council so that they are 17 participating more actively, and we are more 18 involved. We know what you-all require, and we're 19 here to meet that. 20 Our administrator did a great job of 21 getting us re- -- you know, getting us a five-year 22 contract with you all. And we appreciated that. 23 That was the focus area that we gave her. However, 24 saying that, we knew that something -- you can't 25 stretch a person thinner than we could stretch her.</p>	<p style="text-align: right;">Page 64</p> <p>1 thinking, for the math and for the reading both. 2 And they've been uploaded for months. And we are 3 implementing that right now. 4 COMMISSIONER ARMBRUSTER: I understand why 5 you would need to work on renewal, first of all. 6 You renew, and you wanted to get a renewal and all 7 that. But I'm not understanding the correlation 8 between you working on that and teachers teaching 9 students to get the growth that they should be 10 getting. 11 Their proficiency is not all that bad. 12 And Commissioner Robbins is correct. But the growth 13 is not what we would expect. So even if you were 14 working -- and rightfully so -- on that renewal, 15 which I know takes a long time, the teachers should 16 have been working on teaching children. So I don't 17 see how that -- I guess I'm not clear on why the 18 scores went down from a "B" to a "D." 19 MS. CHRISTIE BERG: I agree with you on 20 that. And I'm just letting you know the teachers 21 who were there last year are not there now. So I 22 have new staff, very excited about getting involved 23 with improvement with our children; so... 24 COMMISSIONER ARMBRUSTER: And the teachers 25 who were there --</p>
<p style="text-align: right;">Page 63</p> <p>1 And so we are now having her focus on the 2 educational piece. 3 So we anticipate that our grade will go 4 back up as a result of what we are doing and the 5 oversight that we have with our administrator and 6 what she's doing with our teachers and the work 7 that's happening with our students. 8 I'll let you answer the other. 9 MS. CHRISTIE BERG: Uh-huh. Yeah. Okay. 10 Thank you. 11 I'm sorry. What was the second part of 12 your question? Oh, yeah. NMDASH. Okay. 13 As soon as I saw -- so I'm going to say, I 14 created a school improvement program. And it said, 15 if you want to do -- if I recall correctly, this 16 year, you had the option of doing the NMDASH or 17 creating your school improvement program. 18 As soon as I got the letter grade, I 19 created that school improvement program. I uploaded 20 it to the Web EPSS area; and, in fact, I uploaded it 21 into the wrong place, because it wasn't ready for 22 the year that I was working on. And then I had to 23 hold back and upload it in the right place. 24 So I do have the school improvement 25 program, which is what you're looking for and</p>	<p style="text-align: right;">Page 65</p> <p>1 MS. CHRISTIE BERG: That's all I can say. 2 COMMISSIONER ARMBRUSTER: -- two years ago 3 weren't there last year; is that right? 4 MS. CHRISTIE BERG: I wasn't there two 5 years ago; so I don't know how to address that. 6 COMMISSIONER ARMBRUSTER: Well, I think 7 who got them B's, I guess. 8 MS. JULIE ANN HILL-CLAPP: What you're 9 asking is why weren't the teachers teaching. To my 10 understanding, and to the best of my understanding, 11 what happened during the transition is we had 12 teachers who had been with their administrator for 13 the two years that that administrator -- well, the 14 year and a half that she was there. 15 And so when she didn't renew and didn't 16 come back, and we found a new administrator, like 17 with everything, change is a very difficult thing. 18 And many people don't like change. They want it the 19 way it was. 20 And we had to keep moving forward. And as 21 a result of that, many teachers dug their heels in 22 and said, "We're not going to change. This is the 23 way we've always done it. We're not going to -- we 24 don't accept this administration." 25 And the governing council had to put their</p>

<p style="text-align: right;">Page 66</p> <p>1 foot down and say, "We are -- this is our 2 administrator. We have to support her. You-all 3 have to support her, and, you know, this is the way 4 that we're going." 5 And that's basically what happened. I 6 think they were busy trying to figure out the 7 administrator and not figuring out the teaching. 8 COMMISSIONER ARMBRUSTER: So as your -- 9 MS. CHRISTIE BERG: May I add one more 10 thing? Excuse me. 11 Another thing that happened last year, 12 which was my first year at that school, the staff 13 voted, before I was there, to implement a whole new 14 math program. It was very expensive math program. 15 There wasn't money for the professional development 16 that needed to go with it. 17 So consequently, the math program that was 18 chosen that year that I went there, but to be 19 implemented the year I was there, didn't have a 20 foundation. The teachers found it daunting. The 21 parents didn't understand it. 22 And this year, I said, "We are not using 23 that math program anymore. We're going back to what 24 had been working." 25 So I think that will show growth in our</p>	<p style="text-align: right;">Page 68</p> <p>1 COMMISSIONER CABALLERO: So move, 2 Madam Chair. 3 THE CHAIR: The motion to -- 4 COMMISSIONER CABALLERO: Approve. 5 THE CHAIR: So the motion, as written, is 6 to approve the amendment request presented by 7 La Tierra Montessori School of Arts and Sciences to 8 change its material terms with respect to its 9 educational program by reducing the amount of time 10 for English Language Development from one hour daily 11 to at least 45 minutes. 12 There is a motion by Commissioner 13 Caballero, a second by? 14 COMMISSIONER CONYERS: Second. 15 THE CHAIR: Commissioner Conyers. 16 Commissioner Armbruster, roll-call vote, 17 please. 18 COMMISSIONER ARMBRUSTER: Are there any 19 abstentions? 20 Seeing none, Commissioner Gipson? 21 THE CHAIR: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Robbins? 24 COMMISSIONER ROBBINS: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p style="text-align: right;">Page 67</p> <p>1 math scores, as well, this year. So that program is 2 no longer there. But that was implemented before I 3 came. 4 COMMISSIONER ARMBRUSTER: And the 5 improvement plan that you-all designed, have you 6 compared that with what NMDASH is giving, with the 7 involvement of the teachers and -- I guess I think 8 it's kind of involving the whole school. Have 9 looked at that to see if it was as rigorous? 10 MS. CHRISTIE BERG: I was given the 11 option. I understood it to be an option. So I can 12 absolutely look at NMDASH and see what's involved in 13 it. But the program I created is rigorous, as well. 14 COMMISSIONER ARMBRUSTER: Just, in 15 general, from a "B" to a "C" is one thing. A "B" to 16 a "D," and with your recall lowest quartile, which 17 is always my -- my focus, I guess I'll say, 18 continuing at an "F" -- of course, you're always 19 going to have the lowest quartile; that's the name 20 of the game. But they could be at "C's" instead of 21 "F's." And that's the big issue. 22 MS. CHRISTIE BERG: I agree. 23 COMMISSIONER ARMBRUSTER: Thank you. 24 THE CHAIR: Commissioners, do we have a 25 motion?</p>	<p style="text-align: right;">Page 69</p> <p>1 Conyers? 2 COMMISSIONER CONYERS: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Caballero? 5 COMMISSIONER CABALLERO: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Peralta? 8 COMMISSIONER PERALTA: No. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Johnston? 11 COMMISSIONER JOHNSTON: No. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Crone? 14 COMMISSIONER CRONE: No. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Armbruster votes "Yes." 17 I think I have everybody. 18 There will be -- the motion will pass 19 with -- 20 THE CHAIR: The motion passes four -- 21 five-three? The motion passes five-three. 22 Thank you very much. Have a good day. 23 And, finally, we have La Tierra -- 24 Turquoise Trail. Sorry. 25 DR. PELAYO: Turquoise Trail.</p>

<p style="text-align: right;">Page 70</p> <p>1 And, Madam Chairwoman and Commissioners, 2 the final amendment request for today -- it's 3 actually two amendment requests from the same 4 school, Turquoise Trail Charter School. This is 5 Item 7C in your packet. 6 So we'll go one by one. And the first 7 amendment is to change the school's operational 8 structure specifically to include seventh and eighth 9 grade. 10 Currently, the contract is -- says the 11 authorized school grades is K-through-6 and wanting 12 to amendment that K-to-8. 13 The second amendment is for an enrollment 14 cap increase up to 840 students from the current 15 490. 16 And so, again, the -- the analysis is here 17 for you. We do provide a brief history and the 18 recurrent enrollment. This school has had 19 enrollment that exceeds the PED's expectation of 20 85 percent, and they have done that for its last 21 three years. 22 The school has gone from a "C" and 23 maintained a "B" for the last two school years. And 24 that is also there in your packet. 25 The school has increased its proficiency</p>	<p style="text-align: right;">Page 72</p> <p>1 see a big performance gap here between its White 2 students and its Hispanic students. 3 Let's see here. We do add a little bit of 4 analysis here on the organizational performance 5 evaluation for the '16-'17 school year. I just want 6 to note they have not yet received their school site 7 visit that is scheduled for April 2nd. So we don't 8 have any current information for that piece. 9 And so the additional analysis here for 10 each amendment, adding seventh and eighth grades, 11 the school's rationale is they want to provide 12 additional options for the local community. And, of 13 course, the second amendment would be around 14 increasing the enrollment cap from 490 to 870, which 15 would result in an increase of over 75 percent. 16 And so while the school -- our 17 recommendation here was -- is because the school has 18 earned an overall grade of "B" and has demonstrated 19 that acceptable level of academic performance 20 overall on the State letter grades for the past 21 three years, we do recommend an approval of both of 22 their amendment requests. 23 And we would also suggest that the second 24 one, in terms of expanding their capacity, should be 25 contingent upon the school being able to have that</p>
<p style="text-align: right;">Page 71</p> <p>1 over time, and you can see that broken out by both 2 reading and math. 3 And then if you keep going, you can see 4 that the school has also increased its points in 5 terms of school improvement. And that's on Page 5. 6 And if you keep going, once this is broken 7 out by higher performing and lowest performing 8 students, what you see here again is increases in 9 the growth points earned from a "B" to "A" for the 10 higher performing students, and going from an "F" to 11 "D," with every year increasing points. 12 And so while the lowest performing 13 students' indicator is only a "D," we do want to 14 note that the school's growth indices in both math 15 and reading for its lowest performing students are 16 positive numbers, and that does indicate that the 17 group is achieving greater than expected growth in 18 reading and math. 19 We do also, then, provide here a brief 20 analysis of the student enrollment and academic 21 performance. We look at two different groups -- two 22 different types of subgroups here. And you can see, 23 again, that there is a difference between the -- the 24 comparison of the students enrolled at the school 25 compared to the local school district. And you do</p>	<p style="text-align: right;">Page 73</p> <p>1 facility that can accommodate that. 2 THE CHAIR: Right. 3 Good morning. 4 MR. FLOYD TRUJILLO: Good morning, 5 Madam Chair, members of the Commission, Director 6 Poulos, Deputy Director Pelayo, my name is Floyd J. 7 Trujillo. I am president of the Turquoise Trail 8 Charter School Governance Council and have been on 9 the council for more than 15 years. 10 I have with me Dr. Ray Griffin, Head 11 Administrator, who has been with the school five 12 years; Jenny Crysler, Business Manager, who has been 13 with the school for three years; Sharyn Gray, 14 sixth-grade teacher, who has been with the school 15 six years; Harry Phillips, sixth-grade teacher, who 16 has been with the school five years; and Jeff Davis, 17 sixth-grade teacher, who has been with the school 18 15 years. 19 I also have in the audience our 20 vice president, I also have in the audience our 21 vice president of the governance council, Sammi 22 Triolo. And we have several supporters of the 23 school in the audience, as well. 24 Turquoise Trail Charter School is the 25 oldest charter school in the state, and we have had</p>

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1 our charter school successfully renewed four times,
 2 the latest by this Commission. Serving the
 3 southside Santa Fe community of Turquoise Trail, we
 4 have been a successful elementary school and have
 5 been fortunate to have strong community support.
 6 For several years, the parents and
 7 community of TTCS have asked the governing council
 8 to consider expanding our program to both serve
 9 additional students, as well as to provide a
 10 high-quality junior high options for parents who are
 11 very happy with their students' academic
 12 achievements in our K-through-6 programs.
 13 In March of 2016, our governance council
 14 approved a resolution creating a committee to
 15 research the possibility of expansion of the school.
 16 The committee was directed to look at all aspects of
 17 expansion, including needs assessments, curriculum,
 18 staffing, finance, and facilities. The amendment
 19 requests that you have before you were a direct
 20 result of this work.
 21 Based on our assessments, we are asking
 22 the Commission to allow TTCS to expand by adding a
 23 middle-school program, which will eventually include
 24 sixth, seventh, and eighth grades in a separate
 25 facility from our K-through-5 program.

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1 chart which demonstrates our performance on the
 2 latest PARCC tests, as well as comparisons to the
 3 Santa Fe Public School District.
 4 While we've been very successful with
 5 several students, we also realize that we have
 6 challenges related to some of our student subgroups.
 7 We have therefore also included a brief summary of
 8 some of the steps that we are taking to continue
 9 improvement in these areas.
 10 Again, I thank you for considering our
 11 requests, and we are happy to answer any questions
 12 that you may have.
 13 THE CHAIR: Just -- I just have a -- I
 14 guess, a point of clarification. When you -- what
 15 does your student enrollment look like? Are you
 16 going to start with just sixth grade and increase
 17 that way? Or are you planning on adding six, seven,
 18 and eight?
 19 DR. RAY GRIFFIN: The ultimate plan is to
 20 be a K-8 school, of course, with preschool, with
 21 six, seven, and eight on a separate campus, so that
 22 we would essentially have a K-5 school of
 23 460 students and a sixth-through-eighth school of
 24 350.
 25 The plan right now is we have K-through-6

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1 We have an agreement in principle with the
 2 Santa Fe Film Studios, which is approximately five
 3 minutes from our school, for both a short-term
 4 facility solution of office-type portables, as well
 5 as a long-term solution of building a facility at
 6 the same site. We have had several discussions with
 7 the director of operations, and, again, we have
 8 agreements in principle for both of those pieces.
 9 If our amendments are approved, we would
 10 begin with students in the portables for the first
 11 year or two while we have the permanent site built.
 12 We have included a picture of the interior
 13 of one of the portables in your materials for
 14 reference.
 15 In addition to the facility needs, we
 16 strongly believe that a partnership with the film
 17 studio gives us a unique opportunity to supplement
 18 our standard curriculum with skills that are related
 19 to the film industry. We've talked with the
 20 director at the film studios about several types of
 21 career paths open to people in that field,
 22 everything from, obviously, acting, project
 23 management, art design, media, several potential
 24 supplemental curriculum ideas.
 25 In your materials, we have also included a

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1 in our current facility. And the additional
 2 facility at the movie studios, we have two options
 3 to look at, depending on finances and logistics:
 4 That we would only add seventh grade next year and
 5 60 students -- and in our packet that we sent to
 6 PED, there is a -- a plan for growing to 350
 7 students over the next four or five years.
 8 So there's two options: One is next year
 9 we would have sixth grade in our current facility as
 10 is now, and we would add 60 students in seventh
 11 grade at the movie studios. Or depending on
 12 logistics, finances, and facilities needs -- in
 13 other words two portables would need to arrive -- we
 14 could put sixth and seventh grade in a separate
 15 facility and have 120 students in the portables this
 16 summer.
 17 So we're looking at both. We'll make that
 18 decision after this decision is made.
 19 THE CHAIR: Right. But you're just
 20 looking at adding the one grade next year.
 21 DR. RAY GRIFFIN: One grade at a time.
 22 THE CHAIR: Okay. Thank you.
 23 Commissioner Robbins?
 24 COMMISSIONER ROBBINS: What was the date
 25 of your last charter renewal?

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1 MR. FLOYD TRUJILLO: Madam Chair, members
 2 of the Commission, Commissioner Robbins, the renewal
 3 was in 2014. It went into effect in 2015.
 4 COMMISSIONER ROBBINS: So you're a year
 5 and a half away or two years away from a new renewal
 6 for five years?
 7 MR. FLOYD TRUJILLO: Madam Chair,
 8 Commissioner, that is correct.
 9 COMMISSIONER ROBBINS: What is the waiting
 10 list now? Because this is a huge increase. Not
 11 just adding the roughly 70 per grade now, but you
 12 would actually be increasing the overall total from
 13 70 per grade to almost 90 per grade. So that's an
 14 expansion not only in the number of grades, but also
 15 in the size -- the number of students per grade.
 16 DR. RAY GRIFFIN: Specifically, the wait
 17 list is mostly in the lower grades in preschool, K,
 18 and 1. And we have between 20 and 30 students per
 19 grade. Our lottery ended on the 21st of February.
 20 And depending on this renewal, we have a wait list
 21 in kindergarten, and we intend, with the enrollment
 22 cap increase, to add a fourth section of
 23 kindergarten next year, in addition to the expansion
 24 into seventh grade.
 25 So this is all part of our strategic

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1 two-year growth plan in the school.
 2 It's important to note that the school
 3 district built two brand new schools three years ago
 4 that now contain 1,600 students, and they are full.
 5 And during that time, Turquoise Trail enrollment did
 6 not drop one student. Our wait list got a little
 7 smaller, because the families on the southsides'
 8 need were met with new facilities.
 9 But as you all well know, the district is
 10 complaining that there are not enough seats on the
 11 southside. So we're intending to help the
 12 over-enrollment problem by adding a new facility and
 13 to help the community provide a better option for
 14 what we believe is a smaller middle-school-focused,
 15 separate institution on the south side.
 16 COMMISSIONER ROBBINS: Thank you.
 17 COMMISSIONER CABALLERO: Yes.
 18 THE CHAIR: Commissioner Caballero?
 19 COMMISSIONER CABALLERO: How many of
 20 your -- have you analyzed how many of your students
 21 would be moving up to your first grade at the new
 22 middle school?
 23 DR. RAY GRIFFIN: We have not asked them
 24 to sign a statement of loyalty that, "We will
 25 attend." But of our 65 sixth-grade students, we

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1 believe 20 to 30 will enroll. So, really, when we
 2 open our lottery after get this decision, in the
 3 next week, we only need 30 or 40 more students to
 4 reach our goal of 60. Just at one charter in
 5 Santa Fe, the wait list for sixth grade is
 6 420 students.
 7 COMMISSIONER CABALLERO: Just one more
 8 question. Do you know that the middle school is the
 9 toughest?
 10 DR. RAY GRIFFIN: I think you have to be
 11 very brave and naive and confident to say that
 12 you're going to help begin to solve -- not
 13 necessarily solve, but provide a high-quality
 14 middle-school option, public option, in Santa Fe.
 15 We've thought about this two years, and we've gone
 16 back and forth many times. Why would we want to
 17 start a junior high?
 18 And the answer really is, simply, we are
 19 confident, and we think with our faculty and
 20 administration, who have proven to have a very
 21 successful program and continuity within our school,
 22 now is the time. The opportunity is there. And we
 23 think we will do -- we're confident we'll do an
 24 excellent job in providing a middle-school option in
 25 southside Santa Fe.

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1 THE CHAIR: I often refer to those as "the
 2 dark years." So I applaud anyone that is willing to
 3 put the time into those years.
 4 Commissioner Johnston?
 5 COMMISSIONER JOHNSTON: Thank you,
 6 Madam Chair.
 7 Gentlemen, Turquoise Trail is in a rural
 8 area. How -- if -- if this request did not come to
 9 fruition, how would that impact the travel time of
 10 the students who attend Turquoise Trail? Or who
 11 would want to attend this middle school? Would it
 12 increase their time on buses? Would it increase
 13 their time before and after school? What sorts of
 14 travel implications do you have? I -- that matters
 15 to me.
 16 MR. FLOYD TRUJILLO: Madam Chair,
 17 Commissioner Johnston, that is, in fact, one of the
 18 driving forces that has led us to request this
 19 amendment.
 20 For several years, certainly more than ten
 21 years, parents who live in that immediate area and
 22 have not been able to get into the lottery have
 23 requested several times that we work to find a way
 24 to accommodate those children. That is part of the
 25 request.

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1 Again, our hope is that with the southside
 2 growth, which is in that -- in that area, it will
 3 alleviate that problem. And also, as I think I
 4 mentioned before, the proposed facility for the
 5 middle school is essentially in the same area, five
 6 minutes from our current site.
 7 COMMISSIONER JOHNSTON: Thank you. And
 8 just so that I am clear, what you're saying is that
 9 providing this middle school, what you are doing for
 10 students and for families is you are keeping that
 11 bus time at a minimum; it's not increasing.
 12 I do not know where the other middle
 13 schools are. But they probably are at a further
 14 distance, and so there would be increased bus time?
 15 MR. FLOYD TRUJILLO: Madam Chair,
 16 Commissioner Johnston, that is correct.
 17 COMMISSIONER JOHNSTON: Okay. Thank you
 18 very much.
 19 MR. FLOYD TRUJILLO: Just one thing to add
 20 is we currently do provide transportation and food
 21 services for our students and would continue to do
 22 so.
 23 COMMISSIONER JOHNSTON: I knew that.
 24 Thank you.
 25 THE CHAIR: Commissioner Armbruster?

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1 COMMISSIONER ARMBRUSTER: Thank you,
 2 Madam Chair. So I have a couple of questions that
 3 are just clarifying for me.
 4 So in your classes, current K-6, how many
 5 kids are in each classroom? I think there are less
 6 for K-2. But what is that? Do you have 60 in each?
 7 I'm just trying to get a picture of the school.
 8 DR. RAY GRIFFIN: Madam Chair,
 9 Commissioner Armbruster, the average size is about
 10 22, with 20 to 21 in kindergarten and 24,
 11 approximately 25 in sixth grade.
 12 COMMISSIONER ARMBRUSTER: So you have two
 13 classes of sixth grade?
 14 DR. RAY GRIFFIN: Three sections for each
 15 grade.
 16 COMMISSIONER ARMBRUSTER: Okay. Three
 17 sections. Somewhere I was reading 60, and I was
 18 just trying to figure out how that was. So that's
 19 fine.
 20 And just for my edification, what is the
 21 middle school? Where -- where -- I don't know --
 22 where are your kids going to middle school,
 23 currently? Which schools?
 24 DR. RAY GRIFFIN: Madam Chair,
 25 Commissioner Armbruster, we graduate 65 to

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1 70 students out of sixth grade every year.
 2 Predominantly, they choose the charter schools, I
 3 think, because of familiarity, comfort. They apply
 4 to two or three of the local Santa Fe charter
 5 schools: ATC, Monte del Sol. Tierra Encantada, I
 6 believe, is the third that has sixth grade -- or
 7 seventh grade -- as an option.
 8 About half of our students were put on
 9 wait lists in those schools. So their choices are
 10 Ortiz, whatever is going to happen with Milagro in
 11 the center of Santa Fe. And then a few do choose
 12 private school. We do have one of our sixth-graders
 13 that got a full scholarship at Santa Fe Prep because
 14 of her academics. So a few students do go to
 15 private school.
 16 COMMISSIONER ARMBRUSTER: Okay. I will
 17 address, just for a second, the elephant in the
 18 room, so to speak, with Santa Fe and their claim to
 19 your school.
 20 THE CHAIR: Commissioner Armbruster, I
 21 don't think we want to get into that discussion, at
 22 least public forum.
 23 COMMISSIONER ARMBRUSTER: That's fine.
 24 That's fine. We've already talked -- we've talked
 25 about it.

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1 Okay. So that's fine. I have -- I'm
 2 done.
 3 THE CHAIR: Okay. Commissioners, do I
 4 have a motion? There's two separate amendments; so
 5 we will vote separately for each of the amendments.
 6 And you will find, on Page 9, the -- I'm
 7 sorry; Page 10 -- there are proposed motions there.
 8 Commissioner Robbins?
 9 COMMISSIONER ROBBINS: I will move to
 10 approve the amendment request presented by Turquoise
 11 Trail Charter School to change its material terms
 12 with respect to operational structure by expanding
 13 to serve grade levels seventh and eighth, because
 14 the school has demonstrated an acceptable level of
 15 academic performance through the State letter grades
 16 over the past three years and can provide a
 17 high-quality middle-school option to the Santa Fe
 18 area families.
 19 THE CHAIR: Is there a second?
 20 COMMISSIONER JOHNSTON: (Indicates.)
 21 THE CHAIR: There's a second by
 22 Commissioner Johnston.
 23 Commissioner Armbruster?
 24 COMMISSIONER PERALTA: Madam Chair?
 25 THE CHAIR: Oh, I'm sorry. Discussion?

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1 Yes.
 2 COMMISSIONER PERALTA: No discussion.
 3 Madam Chair, I will abstain from both votes, as I
 4 have family member who is employed by the school.
 5 THE CHAIR: Okay. All right. Thank you.
 6 Is there any discussion? Okay.
 7 COMMISSIONER ARMBRUSTER: And no other
 8 abstentions?
 9 THE CHAIR: And no other abstentions?
 10 All right, Commissioner Armbruster.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Crone?
 13 COMMISSIONER CRONE: No.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Conyers?
 16 COMMISSIONER CONYERS: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Robbins?
 19 COMMISSIONER ROBBINS: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Johnston?
 22 COMMISSIONER JOHNSTON: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Gipson?
 25 THE CHAIR: Yes.

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1 THE CHAIR: There's a second by
 2 Commissioner Robbins.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Peralta, are you abstaining?
 5 COMMISSIONER PERALTA: I will abstain.
 6 COMMISSIONER ARMBRUSTER: Are there any
 7 abstentions other than that?
 8 Commissioner Johnston?
 9 COMMISSIONER JOHNSTON: Yes.
 10 COMMISSIONER ARMBRUSTER: Commissioner
 11 Robbins?
 12 COMMISSIONER ROBBINS: Yes.
 13 COMMISSIONER ARMBRUSTER: Commissioner
 14 Armbruster votes "Yes."
 15 Commissioner Conyers?
 16 COMMISSIONER CONYERS: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Gipson?
 19 THE CHAIR: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Caballero?
 22 COMMISSIONER CABALLERO: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Crone?
 25 COMMISSIONER CRONE: No.

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1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Caballero?
 3 COMMISSIONER CABALLERO: Yes.
 4 COMMISSIONER ARMBRUSTER: Commissioner
 5 Armbruster votes "Yes."
 6 The measure passes.
 7 THE CHAIR: The measure passes -- the
 8 motion passes seven-zero with one abstention.
 9 COMMISSIONER ARMBRUSTER: Six-one, with
 10 one abstention.
 11 THE CHAIR: I apologize. Six-to-one with
 12 one abstention. I apologize. Thank you.
 13 And we are now on to the Amendment Request
 14 No. 2. And I will make the motion.
 15 I move to approve the amendment request
 16 presented by Turquoise Trail Charter School for a
 17 change to its material terms with respect to
 18 operational structure by increasing the enrollment
 19 capacity from 490 to 840, because the school has
 20 demonstrated an acceptable level of academic
 21 performance through the State letter grades over the
 22 past three years and can provide a high-quality
 23 middle-school option to the Santa Fe area families.
 24 Is there a second?
 25 COMMISSIONER ROBBINS: Second.

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1 THE CHAIR: The motion passes six-one and
 2 one abstention. Thank you. I can add this time.
 3 Thank you. Congratulations.
 4 MR. FLOYD TRUJILLO: Madam Chair,
 5 Commissioners, thank you very much.
 6 THE CHAIR: Commissioners, can we take a
 7 short break?
 8 COMMISSIONER CRONE: Please.
 9 (Recess taken, 10:43 a.m. to 11:07 a.m.)
 10 THE CHAIR: Just so -- just so the
 11 Commissioners are aware, it is on the agenda. And
 12 we do have someone from Montgomery & Andrews
 13 planning on coming in. So I have to give them,
 14 like, about a half-hour notice for when they need to
 15 walk over. So we're hopefully moving on for a
 16 variety of reasons.
 17 We are now on to No. 8, which is the
 18 Report from Options for Parents.
 19 MS. POULOS: Madam Chairwoman,
 20 Commissioners, I'm not going to spend a ton of time.
 21 I know we've got a lot to get done today.
 22 You do have the tracker that we
 23 continually update every month that does give you
 24 just kind of the updates on any schools that you
 25 have issued a Notice of Intent to Revoke or a

<p style="text-align: right;">Page 90</p> <p>1 revocation decision, a non-renewal decision, or 2 otherwise under an appeal; so that gives you the 3 status updates. 4 We do have active -- four appeals 5 currently active, and those are moving through the 6 appeals process. Those are the renewal decisions 7 from December; and then any additional schools that 8 are on the list for reports you've requested, 9 monitoring, inquiries, or additional site visits and 10 the updates on those. 11 We are coming up on getting a -- at the 12 next meeting, an additional report from La Promesa 13 Early Learning Center. So that will be coming up 14 next month. 15 And then today, we do have Roots & Wings 16 on the agenda to talk about their financial path, as 17 well as DEAP. Those are the next items that are 18 coming up; and then some more details about Cariños 19 De Los Niños Charter School, including that this 20 Monday, we did a full-day training with their board 21 members, school-specific training. 22 The board members were really engaged. It 23 was a really valuable day to spend time with them 24 and talk with them about all of the areas. We did 25 cover kind of all of the areas of governance</p>	<p style="text-align: right;">Page 92</p> <p>1 members, as we've been doing those board trainings, 2 that the board should be managing some of its own 3 day-to-day operations, things like reporting, rather 4 than relying on the head administrator to do that 5 reporting; because I think they've got a lot on 6 their plate. And that's, I think, why we're getting 7 these reports later, or in some cases not getting 8 them at all. 9 So we're trying to encourage our boards to 10 think about maybe the Secretary taking the 11 responsibility for submitting those notices of 12 removals or resignations and making sure that 13 that's -- that documentation gets to you in time; 14 because, again, we're still seeing a good number of 15 those not getting to us in time. 16 Other than that, we've -- I'm not going to 17 go through individual schools again. Next month, 18 you will have a one-page summary that shows you kind 19 of all outstanding vacancies, who submitted late, 20 who submitted on time, and that will help you 21 identify where you want to go from there. 22 THE CHAIR: Okay. Thank you. 23 Commissioner Armbruster? 24 COMMISSIONER ARMBRUSTER: I just have a 25 quick question. On the schools looking for a new</p>
<p style="text-align: right;">Page 91</p> <p>1 training, which covered all of their training 2 requirements for the year. 3 So that information is included in there. 4 And I know we -- we amended the agenda so that item 5 will be back on the agenda next month for a more 6 comprehensive report on that school's plan for their 7 Corrective Action Plan and update on that. 8 And then, of course, the schools looking 9 for a new facility, that list. No recent updates to 10 that list. So we haven't received any 11 notifications. 12 Again, we have the report on governance 13 changes. It's still not quite where I want it, so 14 that you have one page that you can look at and 15 identify any specific concerns. I think we are 16 prepared to have that ready for the next meeting; so 17 my team will make sure that's ready. 18 And I think just to note, again, what 19 we're consistently seeing is schools not meeting the 20 notification deadlines. And that is part of your 21 contract, that they must notify you within 30 days. 22 We do consider that, as with everything, to be days; 23 not business days, but 30 days from the date of the 24 removal. 25 We've been really clear with board</p>	<p style="text-align: right;">Page 93</p> <p>1 facility, didn't Tierra Adentro and Explore find new 2 ones? 3 THE CHAIR: Tierra Adentro was in a 4 temporary for this year. And then they're going to 5 move again. They had to -- they had to move -- they 6 came before us to give us that notification a while 7 ago, that they moved into the old -- I do believe 8 Alice King Charter Building, until their -- they're 9 not still looking. They have the new place. It's 10 just not ready yet. 11 So they had to temporarily move, because 12 it became unsafe where they were. So they are in a 13 temporary facility. I believe it's for this current 14 year. I don't know if it goes beyond. I honestly 15 can't remember. 16 COMMISSIONER ARMBRUSTER: I remember they 17 came in front of us. 18 THE CHAIR: But they did come to us asking 19 for that temporary move until their permanent 20 facility is ready. But they have it identified. 21 They have the place. It's just not ready yet. 22 COMMISSIONER ARMBRUSTER: So they notified 23 us several years ago. 24 THE CHAIR: Correct. 25 COMMISSIONER ARMBRUSTER: And is Explore</p>

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1 looking for another new place?
 2 MS. POULOS: Madam Chairwoman,
 3 Commissioner Armbruster. I think we need to do some
 4 cleanup. To say you're still on our list or you're
 5 still looking, we don't have a great way of this. I
 6 understand the Commission wanted this at one point;
 7 but it is challenging to keep it up to date.
 8 COMMISSIONER ARMBRUSTER: I just saw their
 9 name. I thought they just got a new one, and now
 10 they're moving again?
 11 THE CHAIR: But they will be coming before
 12 us, notifying us when they change their address
 13 again when their permanent new facility is ready.
 14 COMMISSIONER ARMBRUSTER: And that's fine.
 15 I just was thinking, "Man, I thought I just..." --
 16 THE CHAIR: Right. Well, they've come
 17 before us a number of times about the move, not
 18 anticipating originally that they were going to have
 19 to make the temporary move.
 20 COMMISSIONER ARMBRUSTER: Right. I
 21 remember that.
 22 THE CHAIR: Okay.
 23 We are now on to Item No. 9, which is
 24 Discussion and Possible Action on the Corrective
 25 Action Plan for DEAP and Roots & Wings.

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1 And if you want me to do DEAP, we -- the
 2 Director, Commissioner Peralta, Commissioner Ruiz,
 3 and myself met in January with the administrators
 4 and some governance council members from DEAP. And
 5 we outlined the concerns that we had with the
 6 school.
 7 And the school, then, was tasked with
 8 going back, creating a Corrective Action Plan, and
 9 submitting it to the Director. And the Director
 10 then provided some input back to them.
 11 The Corrective Action Plan that is
 12 provided for you -- and Commissioner Ruiz,
 13 unfortunately, had to leave this morning. But
 14 Commissioner Ruiz, myself, and the Director met
 15 yesterday morning, and we had a discussion about
 16 this. And the Corrective Action Plan that has been
 17 provided does not adequately, as far as we are
 18 concerned, tell us what the school is going to do to
 19 address the concerns. It simply tells us what the
 20 concerns are.
 21 So Commissioner Ruiz and myself
 22 recommended to the Director to contact the school.
 23 It's a short turnaround; but they have two weeks to
 24 make the corrections to the Corrective Action Plan
 25 so that we'll be back in April with this.

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1 So we are not taking -- we are
 2 recommending not taking any action at this moment on
 3 this until they can provide the -- the adult actions
 4 that will be taken by the school, okay?
 5 And then we have Roots & Wings.
 6 MS. POULOS: I don't -- do you want to --
 7 THE CHAIR: And I think there's folks
 8 from --
 9 MS. POULOS: DEAP is here. I didn't know
 10 if you wanted to hear from them.
 11 THE CHAIR: I apologize. I did not see
 12 you here. Certainly. I apologize. If you wish to
 13 come up -- and I apologize. It's -- I missed you.
 14 MS. LOUELLA POBLANO: Good morning,
 15 Commissioners, Madam Chair, Director Poulos. I am
 16 the head administrator for DEAP. My name is Louella
 17 Poblano. And we have been working on corrective
 18 action plans. And we had to research how to write
 19 corrective action plans. So we were kind of
 20 training each other how to respond to each of the
 21 ten corrective action plans.
 22 We -- I feel confident, with the head
 23 administrator and the two governing council that
 24 addresses attendance and membership -- I feel that
 25 we -- to the best of our abilities, that we

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1 addressed the next steps in correcting those. We
 2 just need a little bit more support with the
 3 finance.
 4 THE CHAIR: Do you use NMDASH? Have you
 5 used the NMDASH system for the Corrective Action
 6 Plan?
 7 MS. LOUELLA POBLANO: No, I have not. I
 8 don't --
 9 THE CHAIR: And it should be available to
 10 them, yes?
 11 MS. POULOS: Madam Chairwoman, it's an
 12 interesting idea. NMDASH is primarily focused on
 13 academic improvement. That being said, the model of
 14 having a core team that's engaged with a variety of
 15 expertise experience to sit together and think about
 16 how do we improve certain actions, I think, is
 17 really valuable. And the problem is this school did
 18 not attend any of the trainings that were provided,
 19 and I don't believe trainings will be provided again
 20 until the fall.
 21 THE CHAIR: Right.
 22 MS. POULOS: We can -- we can work on
 23 that. There may be some potential that there is --
 24 there is, in fact -- there are recorded trainings, I
 25 believe. There are some recorded trainings for that

<p style="text-align: right;">Page 98</p> <p>1 concept.</p> <p>2 I think the one thing I want to say is I</p> <p>3 thought we had modeled well in the initial meeting</p> <p>4 how to come about these action steps, and then, you</p> <p>5 know, explained what they should -- they should be</p> <p>6 doing, what they should be asking. And the action</p> <p>7 plans that were submitted by the school did not</p> <p>8 reflect that same thoughtful process that I feel</p> <p>9 like we did model in that meeting.</p> <p>10 THE CHAIR: Right.</p> <p>11 MS. POULOS: And, instead, really, just</p> <p>12 took the second part of our meeting, where we</p> <p>13 established expectations and cut and pasted those</p> <p>14 expectations into the action step line, which was</p> <p>15 not what we modeled. I'm happy to think about when</p> <p>16 we could provide additional support to the school.</p> <p>17 That puts your timelines, I think, at a very</p> <p>18 different place.</p> <p>19 THE CHAIR: Right. The only thing -- and</p> <p>20 I understand that DASH is for academic concerns.</p> <p>21 But if they could have access to the outline of how</p> <p>22 the process works out, that might give them a more</p> <p>23 appropriate path for how to create the Corrective</p> <p>24 Action Plan, so that if there -- if they can have</p> <p>25 access to the webinar recording, or even paper, so</p>	<p style="text-align: right;">Page 100</p> <p>1 help us.</p> <p>2 THE CHAIR: Right. It's not going to give</p> <p>3 you -- it's the concept of how you go about creating</p> <p>4 a plan that DASH helps you with --</p> <p>5 MS. LOUELLA POBLANO: Okay.</p> <p>6 THE CHAIR: -- because it is more academic</p> <p>7 than it is organizational or financial. But it is</p> <p>8 creating that -- how to develop that team to make</p> <p>9 those decisions.</p> <p>10 MS. LOUELLA POBLANO: Okay. We'll look</p> <p>11 for that process and getting our corrective action</p> <p>12 steps a little bit more clear.</p> <p>13 THE CHAIR: Okay. Thank you.</p> <p>14 MS. LOUELLA POBLANO: Thank you.</p> <p>15 THE CHAIR: Thank you. Sorry. I'm</p> <p>16 allergic to Santa Fe. So -- all right. Now we're</p> <p>17 on to Roots & Wings.</p> <p>18 MS. POULOS: And, Madam Chairwoman, there</p> <p>19 are also representatives from Roots & Wings.</p> <p>20 THE CHAIR: That, I knew.</p> <p>21 MS. POULOS: Roots & Wings did submit a</p> <p>22 revised Corrective Action Plan utilizing the PEC's</p> <p>23 template, which does require them to identify action</p> <p>24 steps, the timeline, person, program, how they'll</p> <p>25 demonstrate success.</p>
<p style="text-align: right;">Page 99</p> <p>1 that it outlines how they -- the steps that they</p> <p>2 have to take, I think that will help you</p> <p>3 tremendously in being able to make that input.</p> <p>4 MS. LOUELLA POBLANO: Madam Chair and</p> <p>5 Director Poulos, when we met in January, the</p> <p>6 modeling that was done was -- I found it was very</p> <p>7 helpful; but, again, I think a lot of us on the</p> <p>8 team, we -- we really didn't understand a lot of the</p> <p>9 financial aspects. And it was the concepts that</p> <p>10 we're -- that we're learning about right now.</p> <p>11 THE CHAIR: Right. But from our</p> <p>12 perspective, there's concerns about other areas</p> <p>13 other than the financial. There is concerns about</p> <p>14 the organizational Corrective Action Plan that --</p> <p>15 MS. LOUELLA POBLANO: The internal</p> <p>16 controls?</p> <p>17 THE CHAIR: Correct, yeah. Yeah. So I</p> <p>18 think if you had the outline of how to go about,</p> <p>19 through DASH, creating that plan and creating that</p> <p>20 core team and coming up with that plan, I think that</p> <p>21 would help you tremendously in your final product.</p> <p>22 MS. LOUELLA POBLANO: Yes. I have been on</p> <p>23 DASH. And I know it's -- it stores a lot of</p> <p>24 academic data. But I will look at it and see if any</p> <p>25 of the webinars or support documents in there can</p>	<p style="text-align: right;">Page 101</p> <p>1 I wouldn't say that I think this is a</p> <p>2 great plan. I don't think this is -- and just kind</p> <p>3 of the feedback that I would give. There are a few</p> <p>4 things that are concerning on here; but I think this</p> <p>5 is very much a plan that's thinking about how to</p> <p>6 correct immediate concerns.</p> <p>7 But there's always a second step, which is</p> <p>8 how to prevent concerns moving forward. So I would,</p> <p>9 again, encourage the school to push themselves</p> <p>10 further to think about building structures. I think</p> <p>11 there's plenty of opportunities for training, both</p> <p>12 through us, through the Coalition, through other</p> <p>13 entities, to help support this idea.</p> <p>14 Again, I think they're -- they're moving</p> <p>15 in the right direction toward thinking about where</p> <p>16 they can make changes. I just think it's -- it's</p> <p>17 kind of limited. It's not thinking long-term and</p> <p>18 doesn't kind of lay out real, again, action steps.</p> <p>19 They're more things they want to achieve.</p> <p>20 And what I always tell people is you've</p> <p>21 got to answer "How, how, how, how, how," until</p> <p>22 there's no more "hows" that you can answer. And so</p> <p>23 I think that, you know, again, I would just push the</p> <p>24 school further. But then, again, I think they've</p> <p>25 made good strides, and they're moving in the right</p>

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1 direction.

2 THE CHAIR: Okay. Good morning.

3 MR. MICHAEL RAEL: Buenos días. I'm

4 Michael Rael. I'm the chair of the council. And

5 5:00 is early. And the closest Starbucks is here in

6 Santa Fe.

7 Anyway, maybe we didn't address what you

8 just talked about; but we are moving in the right

9 direction. We have worked really hard to get our

10 school to -- to -- to be one of the top schools. I

11 mean, we did get -- we went from an "F" last year to

12 an "A" this year, which is pretty significant.

13 We had to let go of our director last

14 year. And we brought in Lexi Miles to help for us a

15 while. Then we got Director Randy Green. And his

16 focus has been, this year, trying to catch up with

17 all the stuff that wasn't done. And he's done a

18 heck of a job.

19 Sad to say, he did not apply for next

20 year. We are in the process of doing an in-depth

21 search for a new director.

22 Our school has one of the -- the ones of

23 being out -- way out there. And most of our kids

24 are from poor families. And so they serve a need

25 that's really important for our area. And we will

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1 work with Katie and the folks here to implement

2 whatever we need to keep the school going on that

3 one direction, forward.

4 I would like to know more myself what

5 she's talking about long-term, you know, because we

6 see everything in front of us. But sometimes we

7 can't see further than what's in front of us. So I

8 will request to meet with her and our director to --

9 so we can push forward on this.

10 THE CHAIR: Thank you.

11 MR. MICHAEL RAEL: Thank you.

12 THE CHAIR: And I guess, unfortunately,

13 one of the concerns that -- sorry -- for many

14 schools is the sustainability of small schools it's

15 incredibly challenging, you know. I did notice

16 that -- and I know we talk about this before --

17 that -- and I questioned that I hoped that the

18 decision for the change in director wasn't a

19 monetary one. I know that came up before.

20 But I -- I know -- you're an Expeditionary

21 Learning school.

22 MR. MICHAEL RAEL: Inspired.

23 THE CHAIR: Correct. Correct. So I guess

24 part of my concern is there is in here the -- the

25 fieldwork. So have you had to cut down on the

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1 fieldwork because of your budgetary constraints?

2 And has that affected your Expeditionary-type

3 experiences for the students with your budget

4 concerns?

5 MR. RANDY GREEN: It has affected it a

6 little bit this year. And I think I addressed that

7 in the Corrective Action Plan about doing more

8 fundraising. Unfortunately, the middle school

9 winter trip was modified, because they did not have

10 the budget. But they also did not have the staff to

11 do that -- the winter trip, as they had planned.

12 But they went ahead and did an overnight camp at

13 Cebolla Mesa, and the kids still got some sort of a

14 winter trip.

15 The next fundraising activity is primarily

16 focused on raising funds for the spring passage

17 trips. And that's where our focus is going to be

18 this year.

19 THE CHAIR: Okay. And you -- I see where

20 you reduced your number of EAs from 2.5 to 1.

21 That's a pretty significant --

22 MR. RANDY GREEN: Yes. A lot of the

23 things that came up had already been addressed, just

24 because the school knew that there was not the

25 budget, and their business manager knew that there

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1 was not the budget. That -- but this is -- you

2 know, we lost two major fundings, you know, the

3 bilingual problem and the Reads to Lead. And so we

4 had to cut ahead of time. And so, you know --

5 THE CHAIR: Right. And I'm sorry if I

6 don't completely remember the discussion about the

7 bilingual program with the loss of funding there.

8 Was that -- was that something that could be fixed,

9 not necessarily -- you're not going to get back

10 money; but is there a potential fix for that? Or --

11 I honestly don't remember. I know we touched on it.

12 DR. PELAYO: Madam Chairwoman,

13 Commissioners, there's an annual application process

14 for bilingual and State funding. I think the

15 concern was, through site visits, it was determined

16 that there actually wasn't a program that was

17 compliant. So if, in the future, they can put

18 together a program that is compliant and meet the

19 requirements, bilingual will be possible.

20 MR. MICHAEL RAEL: Yeah. We understood,

21 when we lost that program, why. It was done by our

22 previous director. And it was not done correctly.

23 We will look into that again. The Reads to Lead

24 really hurt us. And we had an incredible program

25 there; but yet, we were cut. And I -- you know, we

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1 really, really don't know why, you know; but we lost
 2 that program. But that was a really -- it was
 3 helping our kids, our teachers. It helped with EAs,
 4 you know, to help out.
 5 THE CHAIR: Right.
 6 MR. MICHAEL RAEL: Because we do have
 7 50 students, and we have, you know, very minimal
 8 staff. And cutting that down to one EA has been --
 9 THE CHAIR: Right.
 10 MR. MICHAEL RAEL: Luckily, we have a
 11 couple of parents that have been helping out to at
 12 least help file and stuff.
 13 THE CHAIR: Director, I don't know. Do we
 14 have any information on why the Reads to Lead was
 15 lost?
 16 MS. POULOS: Madam Chairwoman,
 17 Commissioners, I do not know. I don't administer
 18 that program.
 19 THE CHAIR: Right.
 20 MS. POULOS: It is a program that, I
 21 believe, has some pretty strict requirements. And
 22 they look at outcomes, too. So I'm asking. I'm
 23 hoping to get a response soon. But the school
 24 should have been notified when they submitted that
 25 application.

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1 THE CHAIR: As to why?
 2 MS. POULOS: There is information, I
 3 believe, given back to explain why they weren't
 4 selected. It may be limited information. You
 5 weren't selected as one of the highest scoring
 6 applicants; right? So it may not be as much as they
 7 would have hoped.
 8 THE CHAIR: All right. Thank you.
 9 MR. RANDY GREEN: It -- go ahead.
 10 MS. ERICA LANNON: Madam Chair,
 11 Commissioners, my name is Erica Lannon. I'm a
 12 member of the governance council, as well. I wanted
 13 to point out at our last meeting here, we heard that
 14 David Craig would be able to help us put together a
 15 solid Corrective Action Plan. We were not able to
 16 get him in for a training until later on this month.
 17 But that is on our schedule now.
 18 THE CHAIR: Okay. Great. Thank you.
 19 Commissioner Crone?
 20 COMMISSIONER CRONE: Mr. Rael, there's a
 21 new Starbucks in Española by Lowe's and Wal-Mart.
 22 MR. MICHAEL RAEL: Well, if it wasn't for
 23 the blue bus, our school wouldn't survive,
 24 truthfully, because most of our students come from
 25 Taos. Most parents are, like I said, they are in

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1 the lower income bracket. And so they take that
 2 bus. We do have supervision on each bus that we
 3 actually pay for; so that that was one of the -- the
 4 bus told us we had to do. So we do have it.
 5 But, yes. We do have the blue bus as our
 6 savior. Doesn't take us -- doesn't take them up to
 7 the school. They have to walk a half a mile. But
 8 the kids don't mind too much.
 9 COMMISSIONER CABALLERO: Questions.
 10 I'm looking at the letter. And you're
 11 located where? The charter school.
 12 MR. MICHAEL RAEL: We're in Llama,
 13 New Mexico, just next to Questa.
 14 COMMISSIONER CABALLERO: So where is that
 15 located exactly?
 16 MR. MICHAEL RAEL: South of Questa five
 17 miles.
 18 COMMISSIONER CABALLERO: South of Questa
 19 five miles. Thank you.
 20 MS. POULOS: Madam Chair, I -- I do think
 21 there, again, are some concerns. I think the plan
 22 to have David Craig come is a good one. I've heard
 23 that the school is willing to meet with us.
 24 Certainly, I'm hearing that we potentially need to
 25 develop a training for governing boards on how to

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1 write corrective action plans. I think -- I would
 2 like to see a better plan from this school. I don't
 3 know what action the Commission wants to take that
 4 might help get them there, or if we want to give
 5 them a little bit of extra time. I'm not sure.
 6 THE CHAIR: Well, I would think --
 7 considering that Director Craig is coming in at the
 8 end of the month, I think it would be appropriate to
 9 allow them some additional time, so that hopefully
 10 with his training, they can help to develop a better
 11 plan, so that maybe we could see an updated plan at
 12 the April meeting after Director Craig has been in.
 13 MR. MICHAEL RAEL: Sounds good.
 14 THE CHAIR: Okay? All right.
 15 COMMISSIONER JOHNSTON: May I ask one more
 16 question? I'm sorry. I apologize, folks. I just
 17 need some clarification; because I know that those
 18 grant dollars are vital. And I know that preparing
 19 these grants, in my experience, has not been the
 20 simplest task. It's kind of like writing a
 21 corrective action plan.
 22 MR. MICHAEL RAEL: Yes.
 23 COMMISSIONER JOHNSTON: There's a bit of a
 24 mystery to it.
 25 Did you write the application for the

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1 bilingual grant, but it was not accepted? Or did
 2 you not write a bilingual grant application?
 3 MR. RANDY GREEN: We did not apply this
 4 year.
 5 COMMISSIONER JOHNSTON: Okay. Thank you.
 6 And then the Reads to Lead, you're trying
 7 to find that out. But did you write that
 8 application?
 9 MR. MICHAEL RAEL: Yes.
 10 MR. RANDY GREEN: Yes. And, in fact, the
 11 teacher that wrote that plan talked to Chris, their
 12 secretary, for about 10 minutes about why it wasn't.
 13 So he's gotten some feedback. And we did get
 14 feedback about it. But we do plan to reapply for
 15 that for next year.
 16 I do think sometimes we're punished by our
 17 success. We would like to apply for the K-3-Plus
 18 program to, you know, help our kids out during the
 19 summer; but quite often, the K-3-Plus program goes
 20 to those schools that don't do as well as we have
 21 done academically. And so, you know, it's kind of a
 22 mixed bag there.
 23 COMMISSIONER JOHNSTON: Were you involved
 24 in the writing of the grant applications at all,
 25 Mr. Green?

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1 MR. RANDY GREEN: No, I was not. I came
 2 on board in August.
 3 COMMISSIONER JOHNSTON: And they had
 4 already been written.
 5 MR. RANDY GREEN: Yes.
 6 COMMISSIONER JOHNSTON: You are leaving at
 7 the end of this -- this fiscal year.
 8 MR. RANDY GREEN: That is correct.
 9 COMMISSIONER JOHNSTON: But what grant
 10 applications are -- have you-all explored writing
 11 for next year? Has there been any discussion about
 12 those?
 13 MR. RANDY GREEN: We just wanted to do the
 14 K-3-Plus grant that, I believe, is coming up pretty
 15 soon. I'm not too sure. I haven't heard anything
 16 about it.
 17 COMMISSIONER JOHNSTON: Governing council
 18 members, has anyone planned to attend the Spring
 19 Budget Workshop?
 20 MR. RANDY GREEN: Yes.
 21 COMMISSIONER JOHNSTON: But, I mean, as
 22 far as the governing council, since Mr. Green is
 23 leaving. So there will be someone there; because a
 24 lot of information comes out of that. You have to
 25 kind of pursue some of it. But it will give you

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1 some options, too.
 2 So I'm glad to see that you are -- someone
 3 from the governing council is attending.
 4 Thank you very much.
 5 THE CHAIR: Thank you very much for
 6 coming, and we'll hear from you next month.
 7 MS. ERICA LANNON: Thank you.
 8 MR. MICHAEL RAEL: Thank you, folks.
 9 THE CHAIR: Stop at Starbucks on your way
 10 out.
 11 MR. MICHAEL RAEL: There's no question
 12 there, girl.
 13 THE CHAIR: We are on to Item No. 11 now,
 14 Discussion and Possible Action on Failure to Comply
 15 with Annual Governing Reporting Requirements.
 16 MS. POULOS: Madam Chairwoman,
 17 Commissioners.
 18 So we've been talking about this for
 19 several months now. And we, the Commission,
 20 established a policy at the beginning of last year.
 21 So we're now over a year old.
 22 At some point, provisions were made -- or
 23 maybe that was last year about this time --
 24 revisions were made because the policy was intended
 25 to just get clear on governance reporting

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1 requirements.
 2 The contract says the governance reporting
 3 requirements are there, and there needed to be
 4 clarity on how forms -- what information gets
 5 submitted. And the Commission developed a policy,
 6 and included in that policy -- and there's -- the
 7 policy is up for discussion again today -- included
 8 in that policy was the requirement that schools
 9 annually vote on the specific number of board
 10 members that they are going to have so that the
 11 Commission could know how many vacancies could exist
 12 on that school's board.
 13 And many of your schools have complied
 14 with that requirement. And -- sorry. I want to go
 15 back. Where that requirement plays into -- into
 16 kind of the overall picture, the charter school
 17 contracts do have a provision about the governance
 18 structure for each school. And many schools chose,
 19 in that contract, to identify a range of the number
 20 of board members they would have, between 7 and 12,
 21 as an example.
 22 And the Commission was asking, through
 23 this policy, for reporting purposes, to support
 24 their requirement to report to you was developing a
 25 way that within those ranges -- right? -- schools --

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1 we're not asking schools to identify a number that's
 2 specific or say, "Only five," or that's outside of
 3 the range that they've had in their contract. In
 4 fact, you're giving them the freedom to identify
 5 what that number is.
 6 But just to be very clear with the
 7 Commission, with their boards, "How many people are
 8 going be on this board this year, so that we know
 9 when somebody leaves, that you have a vacancy, and
 10 that you need to fill that within 30 -- or 45 days;
 11 notify us within 30 days?"
 12 So, again, many of our schools have
 13 complied with that. And, in fact, you do see on our
 14 report a pretty comprehensive report of who is in
 15 compliance. I think we still have a few schools
 16 that just, on documentation, are trying to get the
 17 right stuff in.
 18 But then we have several schools that are
 19 listed on your agenda today that what I would call
 20 is -- have refused to comply with that, have said
 21 they will not submit that documentation, will not
 22 make that decision about a specific number of board
 23 members.
 24 There's documentation in here that
 25 identifies the -- the work that my team has done to

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1 communicate with them and try to support getting the
 2 necessary information. But at this point, I think
 3 we are asking that the Commission consider requiring
 4 corrective action for these schools to ensure that
 5 the Commission is able to get the information it
 6 needs and to be able to understand the governance,
 7 the membership of the governance of our schools.
 8 The one thing -- and I just need one
 9 minute to pull it up -- that I want to go over with
 10 you is for each school, it's not actually just about
 11 the failure to submit this annual report. In fact,
 12 with each school, there are substantial other issues
 13 with their reporting.
 14 And we have a table that we can give to
 15 all of you that includes failure to notify us timely
 16 of membership changes, failure to notify us at all
 17 of membership changes, and failure to fill vacancies
 18 according to the timelines, as well as at least two
 19 schools where board members are not complying with
 20 the regulation 6.80- -- 6.80.5, which is the board
 21 training requirement to have training before they
 22 start voting in their board meetings.
 23 So if you'd like, what I can do is go over
 24 that school by school first, or I believe the
 25 schools may have representatives up, if you would

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1 like to have the representatives at the table. I'm
 2 not sure how you want to move forward.
 3 THE CHAIR: Sure. I mean, if we want to
 4 go through each of these, and if there's someone
 5 from the school, they can come up. That's fine.
 6 MS. POULOS: All right. So the first
 7 school we have is ACE Leadership High School. As
 8 you see again, they have indicated, again, that they
 9 will not provide a specific number of board members.
 10 In addition, they failed to report the
 11 resignation of Stefan Chacon in a timely manner.
 12 PED was notified by Mr. Chacon that he left the
 13 board on September 1st. But the minutes indicate,
 14 on August 15th, that they had already searched for a
 15 replacement.
 16 They did not provide the notification to
 17 the PED until -- the school did not provide the
 18 notification with documentation until November 27th
 19 when the resignation occurred on September 19th; so,
 20 again, well beyond that 30-day notification period.
 21 They failed to report the resignation of
 22 Clark Cagle in a timely manner. It was reported on
 23 November 27th; again, the resignation date of
 24 September 19th.
 25 They failed to timely report the

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1 designation of Kari Juvera to the board. She was
 2 designated on September 19th, but reported not until
 3 two months later, on November 27th; and failed to
 4 report the resignation of Keith Haynie as of
 5 11/21/17.
 6 So I believe that's an indication that
 7 we've never received any notification of that.
 8 In addition, we have not received the
 9 documentation required for governing board changes;
 10 that is, not just the form that gives us a standard
 11 form of getting that information; but also the
 12 documentation that's necessary for the school to be
 13 considered a Board of Finance. Those are
 14 assurances, or affidavits, which are commitments to
 15 manage State funds appropriately, which we do need
 16 documentation of.
 17 And then the board member, Ms. Juvera
 18 failed to attend training prior to voting. She has
 19 not attended any training. And, again, she was
 20 designated on the board as of September 19th. That
 21 training requirement has been in place since then.
 22 And then Rhonda Guillen-Lopez was
 23 designated on February 20th as a full voting member
 24 without having completed any training.
 25 So there's a multitude of concerns we have

<p style="text-align: right;">Page 118</p> <p>1 as we try to move our sector to a place where they 2 engage in good charter school governance. 3 THE CHAIR: Thank you. Good morning. 4 MR. IVEY-SOTO: Good morning. 5 THE CHAIR: It's still morning. 6 MR. IVEY-SOTO: How are you all doing? 7 THE CHAIR: Well. 8 MR. IVEY-SOTO: Excellent. 9 THE CHAIR: Whatever you want to offer us, 10 I'm -- 11 MR. IVEY-SOTO: So I guess I'm a little -- 12 so we -- what was listed on the agenda was the 13 reporting. And now we've gone into another area. 14 So I'm not really surely exactly where we're at. 15 THE CHAIR: Right. And -- and I 16 apologize, because I didn't know the rest of this 17 was coming. So -- but, yes, the reporting certainly 18 is here. And I'm just going to say that this is a 19 discussion that we've had. It is our duty to make 20 sure that governance boards are in compliance. It 21 is our duty to be able to assure that there is the 22 appropriate number on the board and that the staff 23 can make the best assessments of that. 24 And at this point in time, I don't think 25 we're going to engage in a back-and-forth on whether</p>	<p style="text-align: right;">Page 120</p> <p>1 noncompliant schools, except for the one that 2 presented during Public Forum. 3 THE CHAIR: Right. 4 MR. IVEY-SOTO: The -- so -- so first of 5 all, let me just say that I -- I tend to agree with 6 the assessments on some of the other compliance 7 issues with regard to board membership, that -- that 8 part of what -- what is -- and I think -- I think 9 there's a -- there's a -- Ms. Lewis and I represent 10 these schools, have had a conversation already about 11 engaging with the boards about -- about making sure 12 that the -- that the board membership changes are 13 happening at the board level, or at the council 14 level, as opposed to with the head administrators 15 who are busy running the school. 16 And so -- and I think -- and I think 17 that's an apt assessment in terms of some of the 18 problem in terms of some of the reports. And on 19 behalf of the schools, I do apologize for that. And 20 certainly, that is something that we need to respond 21 to timely. 22 With regard to this particular issue, I -- 23 I agree with the Chair that there's nothing 24 burdensome about filling out a form and providing 25 who is serving on the board.</p>
<p style="text-align: right;">Page 119</p> <p>1 we have the authority to do that or not, because 2 it's a decision that we have already made. 3 I'm going to just get a little snarky 4 back -- not to you, but to other statements that 5 have been made -- that I don't think it is 6 outrageously burdensome to hand in a single letter 7 that has a number on it. And I'm just -- I'm going 8 to go there; so that I don't think it's taking away 9 from instructional hours to submit an e-mail to CSD 10 asking for that compliance. 11 And that's not a statement that came from 12 your school. But I'm going to make that statement 13 at this point in time. 14 So anything that you wish to, at this 15 moment in time, I'm going to say that I did not know 16 the other compliance issues were there. I think at 17 this point in time, it's up to the school to address 18 those. But if you're not prepared to do that at 19 this moment, I understand that; because this was the 20 letter that I thought -- at this -- from the agenda 21 item. 22 MR. IVEY-SOTO: Right. So, Madam Chair, 23 members of the Commission, first of all, my name is 24 Daniel Ivey-Soto. Last name is spelled I-V-E-Y, 25 dash, S-O-T-O. I'm general counsel to all of the</p>	<p style="text-align: right;">Page 121</p> <p>1 We have filled out forms. We have 2 provided who's serving on the board. We believe 3 that is our responsibility to let our authorizer 4 know who is serving on the board. 5 What we have not done is where our charter 6 contract says, for example, in the case of 7 North Valley, "You shall have between 5 and 8 7 members," we have not picked a specific number. 9 That is true. And we've not picked a specific 10 number, because what we do believe, it is our 11 responsibility to report to you who is serving on 12 our board, and you have an interest in knowing that. 13 It is -- it is -- let me -- here's the 14 thing is -- and let me go to part of an e-mail from 15 October 26th, 2017, from Lauren Pierce to Mr. Woodd 16 at the North Valley Academy in -- and if I may. 17 And so she indicates -- and actually, the 18 5 to 7 is in the bylaws. 19 But she says, "I want to be sure the board 20 understands that they will need to maintain the 6 21 listed in the annual report. They cannot add 22 another member or drop to 5 members. The PEC has 23 requested the board vote reflect the numbers 24 submitted in the annual report. The board has not 25 yet voted for 6 members. This needs to be put on</p>

1 the agenda as soon as possible and corrected minutes
2 submitted."

3 So we're being told, from the CSD, that --
4 that if we pick a number, even though our contract
5 says more than 5, or our bylaw says 5 to 7, that if
6 we pick a number, that we are legally precluded from
7 adding another person.

8 That's a problem for us.

9 THE CHAIR: We -- we did amend that.

10 MS. POULOS: Madam Chairwoman, we're
11 discussing, later today, potential changes --

12 THE CHAIR: Oh, I'm sorry. Right. Right.

13 MS. POULOS: -- to that policy
14 requirement. So it's not CSD. It's the policy
15 requirement, and it was the discussion of this
16 Commission --

17 THE CHAIR: So not to belabor, I think
18 we're addressing that later; so -- because that --
19 honestly, we didn't think about that when we had
20 that discussion. But it has been addressed by
21 several schools since then, that it's precluding
22 them from -- they have to say "No" to some good
23 people that want to engage. And we just didn't
24 think that out. So we are thinking that out. So
25 we're -- that --

1 MR. IVEY-SOTO: I appreciate that. I
2 appreciate that very much. Because the thing is
3 Madam Chair, members of the Commission, ACE -- ACE
4 Leadership High School initially reported the report
5 form back on August 24th, 2017.

6 THE CHAIR: Okay.

7 MR. IVEY-SOTO: Okay? What we didn't do
8 was we didn't pick a number. But we did respond.
9 We did reply. We did fill out the form on August
10 2017. [Verbatim.]

11 Since we're talking -- I think we're
12 talking at this point a little bit more globally, if
13 I may. Health Leadership also submitted the form --
14 I'm trying to see the exact dates -- also submitted
15 the form prior to being placed on this agenda.

16 North Valley Academy, as indicated,
17 submitted the form fairly early on, which is what
18 generated that response.

19 The -- that form was submitted on
20 August 27th, 2017.

21 And -- and so -- and so -- and so we've
22 submitted the form. We haven't picked the number,
23 because -- for the reasons that I've discussed.

24 Now, I also -- I understand that there is
25 a -- there is a recommendation to go to a Corrective

1 Action Plan. I will note, in 22-8B-12, where it
2 talks about going to Corrective Action Plan, that,
3 "A chartering authority may take appropriate and
4 corrective actions or exercise sanctions in response
5 to an unsatisfactory review."

6 So, first, it's a question of doing a
7 review that is unsatisfactory, as opposed to there
8 is a form that was not filled out to CSD's
9 satisfaction, when, in fact, we did submit the form.

10 "Such actions or sanctions by the
11 chartering authority may include requiring a
12 governing body to develop and execute a Corrective
13 Action Plan with the chartering authority, assessed
14 for time frames for compliance." And this is based
15 on a performance review conducted by the chartering
16 authority "based on Subsection D of this section."

17 When you talk about Subsection D of that
18 section, it talks about the fiscal overall
19 governance, which this would fall under other areas
20 of the school.

21 But it goes on to say, "Every chartering
22 authority may conduct or require oversight
23 activities to allow the chartering authority to
24 fulfill its responsibilities under the Charter
25 Schools Act..."

1 We agree with that. That's why we
2 submitted the form and have provided the names.
3 That is our responsibility.

4 "...including conducting appropriate
5 inquiries and investigations, provided that the
6 chartering authority complies with the provisions of
7 the Charter Schools Act and the terms of the charter
8 contract and does not unduly inhibit the autonomy
9 granted to the charter school that it governs."

10 "Does not unduly inhibit the autonomy."

11 If our contract says we're within the
12 terms of the statute on the number of people on our
13 governing board and within the provisions of the --
14 our contract and the number of people within our
15 governing board, then it is interfering with our
16 autonomy to receive an e-mail from the Charter
17 School Division saying, "You may not add an
18 additional person," and to then be placed by this
19 body on a Corrective Action Plan.

20 THE CHAIR: Well -- and I -- as I just
21 said, we're addressing the add-on. Maybe we should
22 have had that discussion on the agenda first. So we
23 are -- we are addressing that.

24 MR. IVEY-SOTO: Okay. Good.

25 THE CHAIR: Because that was oversight on

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1 our part when we were looking at it. And we're
 2 going to, I think, at this point in time, agree to
 3 disagree on the "Unduly..." --
 4 MR. IVEY-SOTO: "Unduly inhibiting the
 5 authority granted to the charter school governance."
 6 THE CHAIR: We're going to agree to
 7 disagree on that; but the other issue we are
 8 addressing.
 9 COMMISSIONER CABALLERO: Question,
 10 Madam Chair. Personally, I do think that we are
 11 given the -- the statute. We shouldn't be doing
 12 what you're proposing we should be doing.
 13 The question I have is, we have here
 14 North Valley Academy, Cottonwood Classical
 15 Preparatory School, ACE Health Leadership School,
 16 Technology Leadership Academy of Trades. Are those
 17 schools that you represent? Or do you -- the
 18 schools that you represent, did any of those schools
 19 refuse to comply?
 20 MR. IVEY-SOTO: Madam Chair and
 21 Commissioner Caballero, the -- so we represent the
 22 three -- the Leadership schools that are before you
 23 today, as well as the North Valley Academy. We do
 24 not represent the other schools.
 25 All of those schools have submitted the

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1 form. And so what -- but none of the schools have
 2 picked a number as to -- as to the exact number,
 3 other than I will tell you Technology Leadership
 4 High School that had a meeting two days ago, and
 5 their board decided that they would, since everybody
 6 who was on the board was going to be on the board
 7 through the end of the year, and we're changing
 8 authorizers at the end of the year; so they voted
 9 that as long as the PEC is the authorizer, they
 10 would have the number that they have right now;
 11 so...
 12 MS. POULOS: Madam Chairwoman,
 13 Commissioner Caballero, to answer the question, no,
 14 they have not complied. They have refused to vote
 15 on a number.
 16 COMMISSIONER CABALLERO: So there's been a
 17 response. They submitted the form. But is
 18 submitting the form a refusal to comply?
 19 MR. IVEY-SOTO: They think it is. We
 20 don't think it is.
 21 THE CHAIR: Because the form did not
 22 designate the number for this current year. Am I
 23 not correct?
 24 MS. POULOS: Madam Chairwoman, yes. So
 25 your policy is very clear the way you voted it. The

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1 school must identify how many board members are
 2 going to be on. And this Commission's policy was in
 3 response to schools actually refusing to meet
 4 another obligation, which was to notify the
 5 Commission of any changes in board membership.
 6 The schools themselves, for whatever
 7 reason, had decided they were only going to notify
 8 the Commission when that change took them below 5.
 9 And that was never the intent of this Commission.
 10 It was to have full information about changes in
 11 governance.
 12 So this Commission, the only way to be
 13 clear about that, it thought, was to implement the
 14 policy that it implemented, which was to say, "Okay,
 15 you tell us how many board members you're going to
 16 have, the specific number, and that will enable us
 17 to know if a board member has left or not. We will
 18 know how many you're supposed to have, and when you
 19 don't have that number, we will know that you had a
 20 vacancy and that you were obligated to report that
 21 to us."
 22 You know, again, that was up for
 23 discussion. The community, the sector had the
 24 opportunity to comment on that. And we didn't
 25 receive any comment during that -- the discussion

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1 and vote when the Commission passed this policy.
 2 And these schools have told you also that
 3 they will not identify a number, which is why we
 4 have identified for you that these schools are
 5 refusing to comply with your policy. It is your
 6 policy.
 7 THE CHAIR: Right. This is a policy that
 8 is in effect at this point in time that the
 9 Commission spent quite a bit of time discussing.
 10 And we voted on it; so that a discussion on whether
 11 it does affect -- adversely affect their autonomy is
 12 not appropriate right now, because it is a policy
 13 that is in effect with this Commission.
 14 COMMISSIONER JOHNSTON: Madam Chair, may I
 15 ask some clarifications of Mr. Ivey-Soto?
 16 Mr. Ivey-Soto, it's my thought that you
 17 are here representing the governing councils of
 18 these schools; is that correct? You are the
 19 attorney employed by these three or four -- three
 20 governing councils whom you represent?
 21 MR. IVEY-SOTO: Madam Chair, Commissioner
 22 Johnston, there's four. We represent the schools,
 23 yes.
 24 COMMISSIONER JOHNSTON: And that's the
 25 governing council.

<p style="text-align: right;">Page 130</p> <p>1 MR. IVEY-SOTO: The school includes the 2 governing council. 3 COMMISSIONER JOHNSTON: The governing 4 council represents the school. They run the school. 5 MR. IVEY-SOTO: Madam Chair, Commissioner 6 Johnston, I would like to say the State of New 7 Mexico owns the school; but yes, it is; but by the 8 authority of the governing council. 9 COMMISSIONER JOHNSTON: The governing 10 council hires the head of school. 11 MR. IVEY-SOTO: That's correct. 12 COMMISSIONER JOHNSTON: That's correct? 13 Is it my understanding that the head of 14 school, when the Charter School Division makes a 15 recommendation on -- or makes a request of something 16 that is required, the head of school would take that 17 to the governing council, and there would be a 18 determination made at that point; is that correct? 19 MR. IVEY-SOTO: Madam Chair and 20 Commissioner Johnston, this matter has been 21 discussed by each of the governing councils. 22 COMMISSIONER JOHNSTON: And the governing 23 councils have voted, and they have made the 24 decision, as a group, as we do, to refuse to comply, 25 based on --</p>	<p style="text-align: right;">Page 132</p> <p>1 appropriately not come from the head of school, but 2 from the chair of the governing council. It's a -- 3 it's a decision that must be placed in front of a 4 governing council. The governing council must vote 5 on it. The governing council must then record, and 6 then you, as general counsel for the governing 7 council of that school -- and I bring to this a long 8 history. Heads of these schools are long-term 9 colleagues in the charter school movement of mine. 10 And, one, I'm seeing more involvement by 11 the heads of school than the governing council 12 bodies and more determining movement with -- and 13 speaking with the general counsel of the governing 14 councils is further confusing to me when I don't 15 have votes from the governing councils that show 16 that they have refused to comply. 17 I don't know whether that completely 18 explains my feeling. But I'm not certain that what 19 I'm hearing, as a Public Education Commission 20 member, is a reflection of the determinations of the 21 governing council that have been voted on in a 22 meeting, in an open meeting and discussed in an open 23 meeting, or whether the information I'm receiving as 24 a PEC member is a reflection of the feeling of the 25 head of school, with compliance by the governing</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. IVEY-SOTO: Madam Chair, and 2 Commissioner Johnston, the -- as I indicated, 3 Technology Leadership, two days ago when they had 4 their meeting, did -- did make a vote to have 5 for 5 the remainder of the school's charter term with the 6 Public Education Commission. 7 COMMISSIONER JOHNSTON: All right. Have 8 the other governing councils voted to refuse to 9 comply? 10 MR. IVEY-SOTO: Madam Chair and 11 Commissioner Johnston, the other charter schools 12 have discussed this matter, and they have -- there's 13 been a general agreement that there was no need for 14 action by the -- the governing councils, because the 15 form -- the form was being submitted, was providing 16 the information as to -- as to the parameters for 17 who may serve on the governing council. And we are 18 providing that information to the CSD, as requested. 19 COMMISSIONER JOHNSTON: Okay. And my -- 20 my bottom-line concern was when the communication -- 21 when the communication with the PEC is done with the 22 governing council's attorney, however the letters 23 that have -- one was read this morning, and we had 24 one on file -- have come from the heads of school. 25 And it's my experience that those should</p>	<p style="text-align: right;">Page 133</p> <p>1 council, but not with a determination, a formal 2 determination, that the governing council is the 3 person who's saying -- is the group saying, "Yes, 4 we're not responding." 5 Thank you very much for allowing me that 6 indulgence. 7 MR. IVEY-SOTO: And, Madam Chair, if I may 8 just real quick with Commissioner Johnston? 9 First of all, I will let you know that the 10 CSD did not reach out to the chairs of the governing 11 councils until February 12th of this year. Prior to 12 that, all of the communication from the CSD was with 13 the head administrators. 14 So if that is where you're getting 15 responses from, that is where CSD is communicating 16 with. 17 COMMISSIONER JOHNSTON: Okay. Thank you. 18 That's all right. Thanks. 19 THE CHAIR: I would just say that I 20 believe it's the obligation of the head 21 administrator to make that communication to the 22 head -- to the governance council; so that's -- you 23 know, I think that's where that chain goes. 24 I -- okay. 25 MS. POULOS: Madam Chairwoman,</p>

1 Commissioners, I just want to say one of the things
2 we're learning is we do need to engage with boards
3 directly more.

4 THE CHAIR: But I do believe that part of
5 the challenge is, is it not, that we don't have good
6 e-mail addresses and contact information from any of
7 those. So it does become challenging for CSD,
8 because we don't have -- a lot of schools don't keep
9 updated information; so that contact becomes very,
10 very difficult.

11 MS. POULOS: Madam Chairwoman, that's
12 absolutely correct. That's why all of this
13 governance reporting is so essential. We have many
14 schools that have refused to give us contact
15 information for board members, which, again, is
16 something we think that we do and are entitled to in
17 order to communicate with that.

18 THE CHAIR: I'm going to make a
19 recommendation at this point, since we do have the
20 discussion coming soon on the possible change for
21 the schools to be able to add; so that in light of
22 that, to allow the schools to resubmit so that we
23 have updated -- that may potentially affect the --
24 the decisions by some of those governing councils,
25 and that we will revisit this in April after the

1 statement -- or when new people come in, they had to
2 have the training before they could vote. So I
3 think those are pretty --

4 THE CHAIR: Okay. The discussion on
5 that -- because it's not on the agenda --

6 COMMISSIONER ARMBRUSTER: Oh, it's on
7 here.

8 THE CHAIR: Correct.

9 COMMISSIONER ARMBRUSTER: So, anyway...

10 THE CHAIR: We're only discussing the
11 complaint -- the letter, the number, yes.

12 COMMISSIONER ARMBRUSTER: Okay. Then I'll
13 just --

14 THE CHAIR: Sorry.

15 MR. IVEY-SOTO: But I agree with you.

16 THE CHAIR: Stop it.

17 COMMISSIONER CABALLERO: Madam Chair. So
18 the -- what's left is can we, as PEC, by regulation
19 or policy, make a change so that PEC moves forward
20 with better governance and do what we did? Or was
21 that did we overreach, because the contracts with
22 the schools say something else?

23 Is it a matter of interpretation? Is
24 it -- is the contract general, and, therefore, we
25 can make specific policy changes in term of

1 opportunity has -- if we do make the change, the
2 schools will have an opportunity to -- that may
3 alleviate some of the concerns with some of the
4 schools.

5 So I'm going to ask the Commission to --
6 to make that recommendation to CSD.

7 COMMISSIONER ARMBRUSTER: I have --

8 THE CHAIR: Sure.

9 COMMISSIONER ARMBRUSTER: I'm not sure I
10 agree with the autonomy thing. But I'm going to let
11 that one go; because I think in my life, I make
12 decisions on what hill I want to die on. And I've
13 died on many hills. I want to say that.

14 But this one seems pretty benign in terms
15 of what is being asked. And so for me, not only --
16 I want to skip over the thing of how many members do
17 you have, because we're going to be discussing this,
18 as the Chair has just said.

19 But I think it's always been clear that we
20 had to know when someone was --

21 MR. IVEY-SOTO: Uh-huh.

22 COMMISSIONER ARMBRUSTER: -- leaving the
23 governing council, and then when they were coming
24 back, and, as well -- and this is not for every
25 school, but I'm kind of making a general

1 regulation?

2 That's -- that's what's up in the air. So
3 when we talk about leaving it for another time, we
4 have to leave it to another time to address that;
5 otherwise, it stays on, and all we're doing is
6 prolonging a legal battle somewhere and not
7 resolving it here amongst the PEC and -- I don't
8 know. Maybe we need to wait until we do new
9 contracts. I'm not sure, Madam Chair.

10 THE CHAIR: Well, we've had a lengthy
11 discussion about the policy that we created. So we
12 did -- we spent a lot of time on that policy. And
13 at this point in time, we -- because it's not on
14 the -- it's not an agenda item, we -- we're not
15 entering into that discussion.

16 But we've had that discussion. And this
17 was the policy that was created by the Public
18 Education Commission that we felt was appropriate at
19 the time. So it is -- and it is our obligation to
20 monitor and administer and oversee good governance;
21 so -- but that being said, this is the policy that
22 is in place. And it is our obligation to -- to make
23 sure that that policy is followed and that schools
24 are compliant at this moment in time.

25 MR. IVEY-SOTO: And, Madam Chair, first of

<p style="text-align: right;">Page 138</p> <p>1 all, I appreciate very much the suggestion you've 2 made and given that you are looking -- the next item 3 is to look at some amendments to this policy. 4 And we are happy to take this amended 5 policy, assuming you pass it in a few minutes, back 6 to the -- to each of the schools and -- and make 7 sure that it is discussed at their next meetings. 8 The one thing I would ask is that if you 9 want to bring it back, is that if we could do it at 10 the May meeting, that would make sure, given agendas 11 and times when -- when -- when the governing 12 councils meet, that would just ensure that we've 13 each had a meeting where we've been able to properly 14 put it on the agenda and deal with that. 15 THE CHAIR: Okay. That's a point we will 16 consider, yes. 17 MR. IVEY-SOTO: Okay. Thank you. 18 THE CHAIR: Okay. So we are on to the 19 next item, which probably should have come before 20 this, which is Discussion and Possible Action on the 21 Governing Board Changes and Reporting. 22 MS. POULOS: Madam Chairwoman, 23 Commissioners, I don't think I need an intro. You 24 actually now have two options in front of you. 25 Again, I think what you want to keep in</p>	<p style="text-align: right;">Page 140</p> <p>1 that says, "A governing body may increase the number 2 of members on the governing body through a public 3 vote at any time during the year; but the governing 4 body may not decrease the number of members until 5 the first governing body meeting of the next fiscal 6 year." 7 So it's, again, kind of establishing that 8 clear line of, "This is at least how many board 9 members we're going to have; but we may add more." 10 So that may be one way that you want to 11 address it. 12 The other language that's added in 13 Subsection 3 is just intended to be clear. This 14 policy is not trying to create conflict with a 15 subsection of the bylaws or of the contract that 16 says they're going to have a range. In fact, that 17 range -- the number they select must fall within the 18 range. 19 But the idea that selecting a number 20 conflicts with having a range that is available to 21 them, I think kind of is a red herring. What we're 22 saying here, in adding this language, is that, "Yes, 23 we're asking you to identify one specific number. 24 Obviously, it has to comply with the range that you 25 have in your contract. It can't fall outside of</p>
<p style="text-align: right;">Page 139</p> <p>1 mind is that background section at the top is why 2 you're doing this. And so, really, I did add some 3 language. 4 We're trying to actually remove the 5 language of CSD and put in the schools' -- or the 6 Commission's -- authorized representative. So 7 that's just some changes that I think are helpful. 8 But there's a sentence that we've added 9 that really underlines why you have this in place. 10 And that is, "This policy establishes reasonable 11 reporting requirements that are intended to enable 12 the PEC to ensure compliance with Section 8.10(b) of 13 the charter contract." 14 That's the whole purpose of this is so 15 that everybody is clear on how we monitor and ensure 16 compliance with that provision of the contract. 17 So the two options that I -- that I came 18 up with that I put in front of you -- and one, you 19 just got because it came to me this week. One is 20 some changes where, again, we're just very clear 21 that they are going to identify the specific number. 22 We're being even more clear that ranges are not 23 acceptable, that they must support and submit an 24 annual report. 25 But that now, we add a subsection, A2,</p>	<p style="text-align: right;">Page 141</p> <p>1 that." 2 Again, kind of just clarifying some things 3 in there. 4 In Subsection B, again, getting a little 5 bit clearer on some of the things that have come up, 6 one of the things that's come up potentially about 7 this timely reporting is that some Commission -- 8 some boards were saying, "Well, we won't notify you 9 until 30 days after we accept a letter of 10 resignation." 11 So this is just getting really clear. The 12 30-day clock starts either the date the resignation 13 is received by the school or its representative, or, 14 if a board member doesn't resign but is instead 15 removed, then it's the date of that removal. So 16 it's clear that there's one or the other, but it's 17 not always the later that you could say, "Well, we 18 waited until we accepted that letter." 19 And I'm trying -- I think the rest of the 20 language is just cleanup. "Designation" -- yeah. 21 So the rest of that language is just cleanup. So 22 that's one option. 23 The other option is the one in color that 24 you just received from you -- sorry -- received from 25 me -- is that instead of having an annual report</p>

<p style="text-align: right;">Page 142</p> <p>1 requirement, just remove that completely. But it 2 gets very clear that no matter, you know, how they 3 remove or leave, that if someone leaves, that is now 4 a vacancy that must be filled and notified within 5 30 days and filled within 45 days, unless the school 6 votes in an open meeting not to fill that position 7 or add any board members until the subsequent year. 8 So that would then kind of be clear, 9 "Okay, we know we have to fill this," or, "We're 10 going to vote not to fill. We're going to vote not 11 to add any additional members until the next year." 12 So those are two ways of handling this 13 issue, which is the original reason this policy was 14 developed, that schools were not notifying the 15 Commission and were reading things in to say they 16 didn't have to notify the Commission and then 17 weren't filling vacancies until they found, you 18 know, the right person. And then they'd fill them 19 80 days, 90 days, 120 days later, not in compliance 20 with what the PEC's contract speaks. 21 So I think those are two good options for 22 your discussion. 23 THE CHAIR: Commissioners? 24 COMMISSIONER ROBBINS: Madam Chair? 25 THE CHAIR: Oh, sorry. Commissioner</p>	<p style="text-align: right;">Page 144</p> <p>1 And so I think it's very important for the 2 charters to remember that this Commission not only 3 has the authority, but I think they have the public 4 responsibility to ensure that the charter schools 5 are being governed as effectively and efficiently as 6 traditional public schools. 7 Thank you. 8 COMMISSIONER JOHNSTON: And may I make a 9 comment? 10 THE CHAIR: Certainly. 11 COMMISSIONER JOHNSTON: Thank you, 12 Madam Chair. 13 And I certainly agree with my fellow 14 Commissioner. And my thought would be that as 15 the -- as the charter school movement in the State 16 of New Mexico matures, and as we continue to 17 strengthen the leadership at the State level of the 18 charter school movement and the support and 19 technical support that can be provided to charter 20 schools, there's a paradigm shift that I sense we're 21 in the midst of right now that is just happening. 22 And that is, when the charter school 23 movement was brand new, the heads of school, the 24 heads of these charter schools, led the governing 25 councils and were more -- had a larger voice in the</p>
<p style="text-align: right;">Page 143</p> <p>1 Robbins? 2 COMMISSIONER ROBBINS: In response to some 3 of the discussion that we currently had, you know, 4 for a charter school that says it's not really 5 important to let us know, or they're refusing to let 6 us know, if a traditional public school with an 7 elected school board just chose not to fill a 8 vacancy, if they just chose to fill a vacancy and 9 not go through a formal process, you know, the 10 people who elected that school board would hold that 11 school board accountable. It's going to be known. 12 Charter schools kind of fly under the 13 radar in a lot of cases. And so this Commission 14 acts as kind of like the press would act in the 15 sense of holding it responsible. 16 If you look at Santa Fe Public Schools, if 17 they didn't replace a board member in a timely 18 manner, I would imagine the "Santa Fe New Mexican" 19 would be all over that. The same thing if 20 Albuquerque Public Schools didn't do that, the 21 "Albuquerque Journal" would be all over that. 22 With the charter schools, they can fly 23 under the radar. But we have a lot of charter 24 schools in this state that are larger than some of 25 the 89 school districts in this state.</p>	<p style="text-align: right;">Page 145</p> <p>1 governing councils. 2 And I feel, as a member of the Public 3 Education Commission, it's incumbent upon me to 4 support charter schools through this paradigm shift 5 back to the traditional, or the methodology where 6 the governing council is truly the -- the head of 7 the school, with the head of the school reporting to 8 the governing council as their employee, not the 9 other way around. 10 And it was necessary at the beginning that 11 they be strong; but now we have to recognize the 12 power of the governing councils and the obligations 13 incumbent upon the governing councils to be the 14 authority. 15 Thank you. 16 THE CHAIR: So I just -- I just need to 17 get this straight. 18 The second recommendation here completely 19 eliminates the requirement to give the number 20 notification. 21 MS. POULOS: Madam Chairwoman, that is 22 correct. So it says, "We're not asking you for 23 notification. We know how many board members are 24 reported. We do look at your board minutes, and we 25 certainly will look at your board minutes,</p>

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1 especially if you're coming before this Commission
 2 and asking for something. And if we see that you
 3 have a change that you haven't either filled or
 4 voted on, you're out of compliance, and you either
 5 filled it or you voted not to fill it for the rest
 6 of the year."
 7 Those are one -- so those are two ways of
 8 handling this idea of what was happening.
 9 And I will say one of -- one of the places
 10 this came from was our schools that are in absolute
 11 turmoil -- and there are some; right? We don't like
 12 that, but we have to face the reality.
 13 The schools that are in absolute turmoil
 14 are going to play with their board membership. And
 15 that's what we saw happening. And not only that, we
 16 also had our schools that were flat-out refusing to
 17 notify us of any changes unless it was a drop below
 18 5.
 19 And it's really essential that we have all
 20 of this, including the documentation requested,
 21 because these are entities that act as Boards of
 22 Finance. They receive State funds and are obligated
 23 for the protection of those State funds. We have to
 24 know who that is. We have to.
 25 THE CHAIR: And I understand that. So

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1 then the presumption would simply be that from the
 2 first governance council meeting of the new school
 3 year, that would be the number; so that any changes
 4 that would take place would then have to be
 5 notified. Got you.
 6 MR. IVEY-SOTO: Madam Chair, may I --
 7 THE CHAIR: No. Sorry. No.
 8 COMMISSIONER ARMBRUSTER: I --
 9 THE CHAIR: Sure.
 10 COMMISSIONER ARMBRUSTER: So just --
 11 clarifying again, is that going on to what
 12 Commissioner Gipson -- see, I can't read my notes
 13 and talk at the same time. Can't do that.
 14 So if a school begins with 6 -- we'll just
 15 say that -- and they have a range from 5 to 7, they
 16 could add a seventh in December. And that number 7
 17 is only valid for us until the following first
 18 meeting. So they really can add, just not over
 19 their range.
 20 And they may want to rethink that, I
 21 guess. They could -- right? -- I mean, at a
 22 contract thing, or --
 23 MS. POULOS: Right. So I think under both
 24 of these, that number 7 would continue for the rest
 25 of the school year. Again, unless -- under the

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1 second option, they could add until they get to a
 2 point where they cannot fill a vacancy and they vote
 3 not to fill that vacancy.
 4 Then under Option 2 -- right? -- that
 5 means they move forward with however many they have;
 6 right? They could never vote not to fill that
 7 fifth.
 8 So let's say they drop down to 4. They've
 9 got to fill that one; right? So let's say they had
 10 6. They vote not to fill that vacancy. Now they're
 11 down to 5. What they'd be doing is not to fill that
 12 vacancy and not to add another member until the next
 13 year.
 14 So I don't know which one is the better
 15 option. We're trying to come to some solution. I
 16 think they both do the same thing, which is give
 17 some confidence and stability at the lowest number
 18 of board members.
 19 One I think adds the additional -- the
 20 challenge of not being able to add more board
 21 members; but that's only if they vote to say they're
 22 not going to fill that vacancy. And they may be
 23 voting to say that because they can't fill that
 24 vacancy; right?
 25 Again, that would be the acknowledgment,

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1 "That's the number of board members we're going to
 2 have, because that's the number we're able to get."
 3 I don't think either one is better than
 4 the other. I think they're two ways of handling the
 5 same problem.
 6 THE CHAIR: I'm just going to weigh in
 7 that I think No. 2 helps to alleviate some angst
 8 that I think we're just going to keep going around
 9 and around on if we stick with, "You're going to
 10 have to fill out this form, and it's going have to
 11 be this number."
 12 And I think it's just going to create more
 13 issues for CSD, for ourselves. And the bottom line
 14 is what are we going to end up doing. So I think
 15 "2" accomplishes what we need to make sure that the
 16 schools are staying compliant and making the
 17 notifications, which does -- which doesn't create
 18 any more burden. It doesn't overreach on our
 19 authority. It allows us to exercise our authority.
 20 And it -- it just gets rid of some burden
 21 that becomes just burdensome. Sorry. I'm stuck on
 22 the word "burden."
 23 COMMISSIONER CABALLERO: This being No. 2?
 24 (Indicates.)
 25 THE CHAIR: This is No. 2, yes.

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1 COMMISSIONER ARMBRUSTER: Madam Chair and
 2 Katie, either of these which we adopt still does not
 3 eliminate the provision that they must notify us
 4 when someone goes off the board, or, in the same
 5 sense, comes on the board; is that correct?
 6 MS. POULOS: Madam Chairwoman,
 7 Commissioner Armbruster, that's absolutely correct.
 8 In fact, both of these are intended to try and help
 9 us and the schools know how we carry that out with
 10 absolute clarity.
 11 And, again, the only reason that we're
 12 having to have this in place is because provision
 13 8.10(b) was there. And there was all sorts of
 14 confusion, either intentional or unintentional, on
 15 how -- what that required of the schools. We're
 16 trying to get really clear on what that requires
 17 from the schools.
 18 COMMISSIONER ARMBRUSTER: And is it also
 19 required by someone -- I'm not sure who at the
 20 schools -- that CSD or us, however, be given valid
 21 e-mail addresses and contact information? Or is
 22 that just sort of, "If we want to, we let you know,"
 23 or not?
 24 MS. POULOS: Madam Chairwoman,
 25 Commissioner Armbruster, I don't know that there is.

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1 a segment, as a sector, as a group, have to be
 2 willing to mature, and we all have to be patient
 3 with one another as we do that.
 4 I think on both sides, there is a lack of
 5 patience. And I am not unguilty of that myself.
 6 But we do all have to commit to maturing in our
 7 relationships with one another in our systems to
 8 make this work.
 9 And this is one of those things. Again,
 10 I'm putting two options in front of you that I think
 11 both could work. I think it's up to you. I think
 12 it's up to the community to give you input. I don't
 13 know if you want to decide this right now, whatever
 14 that is. But we've got to make something work.
 15 COMMISSIONER ARMBRUSTER: You know, just
 16 to add this on -- undoubtedly for another issue,
 17 another day -- but I think it's concerning to me
 18 when people -- different schools come to us. And
 19 the governing council will say, "Well, we didn't
 20 know that." Part of that why "we don't know" is
 21 because we don't have the information in order to
 22 contact them.
 23 So I'm not sure -- I have nothing to
 24 propose; but I'm just giving my opinion, which is
 25 somehow we need to have better information so that

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1 There is the provision, in the contact information
 2 in your contracts, which does identify who the
 3 parties of notice are. We don't have a great way of
 4 having schools update that.
 5 And so that's why board members,
 6 specifically board chairs, are not getting
 7 communication; because nobody is -- I mean, one of
 8 the things we also don't get an update on is, "Who's
 9 your board chair? When did that change"; right?
 10 We're doing the best with the information
 11 we're getting. We're certainly trying, on my end,
 12 in a different part of my life, trying to figure out
 13 the best system and build a functional system --
 14 data system for the State for charter schools that
 15 charter schools could interact with, so they're not
 16 e-mailing in all these pieces of paper.
 17 But instead, they could go in and submit
 18 it, and it comes out to us, and we bring it to you
 19 as an amendment request or whatever that is; right?
 20 That's also why you're having amendment policies
 21 that you're putting in place.
 22 So I think to Commissioner Johnston's
 23 point, we all are at a place where we have
 24 90 charter schools in this state. It is a different
 25 place than when you have 15 charter schools. We as

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1 both the director -- I mean, we do know who the
 2 director is of the school, and we can contact them.
 3 But as Commissioner Johnston has pointed out, it's
 4 the governing council who's really in charge of the
 5 school. So if we don't know who that is, or maybe
 6 know who it is but don't have a valid e-mail or
 7 telephone number, I think that's hurting the
 8 schools.
 9 I'm not even talking about PEC. I'm
 10 talking about we don't have anyone to contact if
 11 there's an issue. Somehow I'd like that maybe
 12 thought about. I don't want to draw it out right
 13 now.
 14 COMMISSIONER CABALLERO: Madam Chair, on
 15 that point, the No. 2 has, on A(ii) -- no -- A(i),
 16 "Begins on the date that communication is received
 17 by the school."
 18 And all of us keep saying that the
 19 board -- the governing council, the board -- is --
 20 is the entity. The board is the head. The board.
 21 And there, we mention "the school."
 22 I think we need to probably add a little
 23 clarity and put "board dash school dash board" so,
 24 as Commissioner Armbruster mentioned, that the
 25 governing council doesn't know.

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1 So if we put in here, maybe that would
 2 push the communication going to the school and the
 3 board, rather than just the school. The school
 4 could just be the administration. And I think
 5 that's where we're going, to a large extent. And
 6 we've got to shift it. If, in fact, we all feel
 7 it's the board, then it has to be in the verbiage.
 8 THE CHAIR: Okay. So you're recommending
 9 that we --
 10 COMMISSIONER CABALLERO: School-board or
 11 board-school. I think it's board-school.
 12 MS. POULOS: Madam Chairwoman, the only
 13 thing I would caution about that -- and I hate to
 14 think that way; but I do, because it is what is
 15 happening. The school leader will then say, "Oh, I
 16 didn't provide it to them until 30 days later. So
 17 now I don't have to notify you until 60 days after
 18 it happened."
 19 Our expectation should be the day it
 20 comes, it goes to the entire board. So I think
 21 potentially -- maybe this doesn't solve what you're
 22 trying to do -- adding the date the communication is
 23 accepted by the school or its authorized
 24 representatives. But maybe that's not what you're
 25 trying to say.

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1 Maybe you want them to have the ability to
 2 delay giving that notice to the board. Maybe we
 3 want to say, "The expectation is..." -- maybe even
 4 add language that says, "Received by the school,"
 5 comma, "which is the date the notification must be
 6 transferred from the recipient to all board
 7 members."
 8 I don't know. I don't know what the
 9 solution to that is. But I do want to tell you that
 10 will happen.
 11 COMMISSIONER CABALLERO: Well, in here, it
 12 says, "It will begin the date the communication was
 13 received."
 14 That's up in the air to begin with. I
 15 mean, the person could have given the -- I mean, it
 16 just leaves it up in the air.
 17 The only -- only thing that you could push
 18 it to a date certain is when the board deals with
 19 it. That's the --
 20 MS. POULOS: So that will be 60 -- in many
 21 cases, that will be 60 to 90 days after the date
 22 that person submitted the letter. And I don't think
 23 that's what you want.
 24 THE CHAIR: Yeah, we don't want a
 25 three-month -- potential three-month gap in that

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1 communication. And I understand -- I understand the
 2 concern. But the concern is because we don't have
 3 good contact information for all boards for us to
 4 leave that option for the school and/or the board.
 5 We're -- you know, we're opening ourselves up for
 6 the -- for the potential that they're going to come
 7 and say, "Well, you know, this person is not on the
 8 board any longer. The communication went to this
 9 person."
 10 And now, it's -- it's as -- you know, as
 11 the Director mentioned, it can be 60, 90 days later
 12 before this cycles around now to the appropriate
 13 person. At least if it goes to the head of the
 14 school, it is the obligation of the head of the
 15 school to notify the governance council of that
 16 communication.
 17 MS. POULOS: Madam Chairwoman,
 18 Commissioners, we could -- so we could amend the
 19 language to say, "...begins on the date the
 20 communication is received by the school's head
 21 administrator or any member of the board." And that
 22 then encourages them to understand that they need to
 23 transfer that communication immediately.
 24 Does that work?
 25 THE CHAIR: "...or any member of its

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1 board"?

2 COMMISSIONER CABALLERO: Yes. That was
 3 it, I think, to a large extent.
 4 THE CHAIR: Okay. All right. Okay.
 5 COMMISSIONER ROBBINS: Madam Chair, this
 6 just demonstrates that in any sort of management or
 7 issue like this, communication is key. And I think
 8 that's what we're trying to effect here is proper
 9 and timely communication.
 10 THE CHAIR: Yes.
 11 COMMISSIONER ARMBRUSTER: I think this is
 12 kind of odd that we're trying to protect the
 13 schools, and they're fighting it.
 14 THE CHAIR: Do we have a motion?
 15 COMMISSIONER PERALTA: I do have a motion.
 16 Thank you, Madam Chair.
 17 I move that we approve the Option 2
 18 handout that was given to us by CSD, with the
 19 amendment language that Director Poulos has stated.
 20 And so I would like to make that motion for
 21 approval.
 22 THE CHAIR: And I will second.
 23 Commissioner Armbruster?
 24 COMMISSIONER ARMBRUSTER: Are there any
 25 abstentions?

<p style="text-align: right;">Page 158</p> <p>1 Seeing none, Commissioner Conyers? 2 COMMISSIONER CONYERS: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Robbins? 5 COMMISSIONER ROBBINS: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Gipson? 8 THE CHAIR: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Crone? 11 COMMISSIONER CRONE: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Caballero? 14 COMMISSIONER CABALLERO: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Johnston? 17 COMMISSIONER JOHNSTON: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Armbruster votes "Yes." 20 Commissioner Peralta? 21 COMMISSIONER PERALTA: Yes. 22 COMMISSIONER ARMBRUSTER: That is an 23 eight-to-zero vote. 24 THE CHAIR: The motion passes eight-zero. 25 Thank you, all.</p>	<p style="text-align: right;">Page 160</p> <p>1 MS. POULOS: It is, because we worked on 2 it yesterday. 3 THE CHAIR: Because we made changes 4 yesterday. And I think Katie may have made changes. 5 MS. POULOS: I read a few that when I was 6 reading through, I was, "Oh, this need to be changed 7 to a line." 8 That being said, I want to make sure that 9 you feel that way. And I didn't e-mail both of 10 these two last night. So some of you may have -- 11 taken -- so I'm going to go with the tracked-changes 12 version just so you can see that but you may want to 13 follow along with both of them. 14 So on the tracked-changes version, I'm 15 just taking myself through it. 16 On Page 4 of 35, which is titled Page 3 -- 17 so the number down in the bottom left-hand corner is 18 Page 3 -- 19 THE CHAIR: Okay. 20 MS. POULOS: -- the change I made there 21 aligns with the change we made yesterday, which was 22 to remove Subsection B completely. So I took that 23 out. 24 I also changed, on Subsection A, the 25 description to say, "Only schools that have had a</p>
<p style="text-align: right;">Page 159</p> <p>1 Commissioners do we -- do we want to take, 2 like, 15, 20 minutes, so that we can at least start 3 to eat and -- thank you. 4 (A recess was taken at 12:38 p.m., and 5 reconvened at 1:05 p.m., as follows:) 6 THE CHAIR: We are on to Item No. 13, 7 the -- the amendment policies. 8 MS. POULOS: We're not doing that. 9 THE CHAIR: You're right. We are not -- 10 see? We're pushing along. Because of the 11 discussion yesterday and the changes we talked 12 about, we decided we would move Item 13 to next 13 month so that we'd have clear copies of all of those 14 changes. 15 So now we're on to Item No. 14, on the 16 renewal application kit, which we did work on 17 yesterday. 18 MS. POULOS: And we're going to bring you 19 two copies. 20 THE CHAIR: Okay. 21 MS. POULOS: One that is a clean copy, 22 changes accepted, and one that is a tracked-changes 23 copy. 24 COMMISSIONER JOHNSTON: So the one that's 25 in our books is old now.</p>	<p style="text-align: right;">Page 161</p> <p>1 significant deficiency, material weakness or repeat 2 findings in their external audit during the contract 3 term will respond." 4 COMMISSIONER CABALLERO: In which 5 document? 6 MS. POULOS: The one that has tracked 7 changes. 8 COMMISSIONER CABALLERO: This one. 9 DR. PELAYO: Yes. 10 COMMISSIONER CABALLERO: Page 3, you said? 11 MS. POULOS: Yes. 12 COMMISSIONER CABALLERO: Okay. 13 MS. POULOS: Then on page title- -- 14 Page No. 5, in Part D, we clarified. And this is 15 where I wasn't totally sure. 16 So there's two petitions. Yesterday, we 17 discussed the petition for students, or students 18 attending their households, and we were using, 19 "Students enrolled on the 120th day of the fourth 20 year of operation." 21 I didn't know if that meant you also 22 wanted a petition from employees in the fourth year 23 of operation, as compared to employees in the fifth 24 year of operation. 25 THE CHAIR: I think the same argument</p>

<p style="text-align: right;">Page 162</p> <p>1 holds, that staff that's there through the fourth 2 year has more information than staff who potentially 3 has only been there for a month and a half; because 4 they're submitting this in October, so they've only 5 worked -- potentially only worked August and 6 September, you know. 7 And it might be helpful to hear from 8 someone who maybe isn't going to be there the next 9 year. 10 COMMISSIONER ARMBRUSTER: That's what I 11 was going to say. I mean, you know, it's somewhat 12 of a waste in the first place. But if you're going 13 to get information, it would be from people who 14 might be dissatisfied, as well as people who are 15 totally satisfied. 16 THE CHAIR: My only question is, because 17 we're using the actual term "fourth year of 18 operation" -- 19 MS. POULOS: Oh, yes. 20 THE CHAIR: -- we've got schools that are 21 on short-term contracts. 22 MS. POULOS: So I should actually change 23 that before I finalize that and not say "the fourth 24 year of operation"; but, "the school year 25 prior..." --</p>	<p style="text-align: right;">Page 164</p> <p>1 MS. POULOS: "Demonstrating Substantial 2 Progress." We talked about having two options. One 3 is the school doesn't have the record of meeting all 4 standards in each of the years of the contract. 5 However, in evaluation of all data and 6 evidence -- and then for the academic narrative that 7 includes all available academic performance data, 8 including State assessments data -- demonstrates at 9 least two years of sustained improvement toward 10 meeting the standard. 11 So we're not even going to look at your 12 systems or what you're doing, your improvement plan, 13 if you can show us that you have at least two years 14 of sustained improvement. 15 The other option is if you don't have that 16 two years of sustained improvement, then we're going 17 to look for you to write a narrative that talks 18 about specific adult actions taken to improve 19 performance. We're going to verify those -- the 20 implementation of those actions at your site visit. 21 And then you're also going to identify measurable 22 successes resulting from those improvement actions, 23 and we're going to be able to observe those; right? 24 So there is some data, some information 25 that's showing progress; but it's not two years of</p>
<p style="text-align: right;">Page 163</p> <p>1 THE CHAIR: "...prior to their renewal 2 year." 3 MS. POULOS: "...prior to their renewal 4 year." Yes, I will change that. 5 Okay. So that was the change there. 6 And then we also removed the sentence that 7 said, "The school should identify the date on which 8 the petition was completed and the number of 9 eligible signers on that date," since we had 10 identified already the date for identifying who the 11 eligible signers are. 12 So then I'm continuing down. 13 Okay. Yeah. So if you go to Page 16, 14 that will be the next page that you need to take a 15 look at. There's a lot there. 16 So on Page 16, we had already discussed 17 the changes, the strike-throughs, in the first box. 18 So that just says, "Meeting standards" is, "In each 19 year of the contract term, the school has 20 demonstrated..." -- "...has a demonstrated record of 21 meeting all standards, which is supported by 22 evidence." 23 I think that's what we would all agree is 24 "Meeting Standards." 25 THE CHAIR: Right.</p>	<p style="text-align: right;">Page 165</p> <p>1 sustained progress, which, then, would leave 2 "Failing to Demonstrate Progress" is you don't meet 3 all the standards; you don't have data that shows 4 two years of sustained progress; and you're not 5 doing at least one of, but maybe more of the things 6 that were required; right? So you don't describe 7 adult actions. Instead, you focus your narrative on 8 circumstances connected to poor performance, excuses 9 for poor performance, or even minimal adult actions; 10 right? 11 Or -- and/or -- were not able to verify 12 implementation of reported actions when we go to the 13 site visit. So we look to see can you show that 14 these things you've described actually happened, and 15 we see that. 16 Or, and/or, there are no measurable 17 successes. 18 So there's nothing that can show we're 19 moving in the right direction. 20 So that was the change that we did that is 21 reflected through Page 18. 22 And then the next place that you're going 23 to look, unless you want to stop and discuss there, 24 is Page 22. 25 THE CHAIR: 22?</p>

<p style="text-align: right;">Page 166</p> <p>1 MS. POULOS: So on Page 22, we did get 2 clear about the material weaknesses, significant 3 deficiencies, or repeat audit findings are going to 4 be the ones we need responses to. 5 So we just clarified that in both of those 6 sections on Page 22. 7 And then on Page 23, we removed that 8 prompt completely. 9 THE CHAIR: It's actually on Page 22, I 10 think. 11 MS. POULOS: 21 or 22. Sorry. 12 THE CHAIR: So we've eliminated Page 22. 13 MS. POULOS: Yes. And then the 14 organizational performance framework, I think this 15 reflects what we talked about; but I want to make 16 sure. So we said for any school -- 17 THE CHAIR: 24. 18 MS. POULOS: Oh. And this is where I did 19 make -- 20 THE CHAIR: It's numbered. 21 MS. POULOS: 25. Sorry. It's getting 22 complicated. 23 THE CHAIR: You're on the organizational, 24 yes. 25 MS. POULOS: So I took the liberty of</p>	<p style="text-align: right;">Page 168</p> <p>1 they didn't do it. 2 So I think you might want them to respond 3 to either of those circumstances. 4 But I'm totally fine with just a repeated 5 finding Below Meets, also. 6 THE CHAIR: There are. So if a school at 7 a site visit doesn't have X, but then they provide 8 it at -- say, "Oh, I've got it," they're going to 9 get that Working to Meet. They're not going to get 10 the -- so, yeah. 11 MS. POULOS: And actually -- so this is 12 where it gets a little -- so if they just provide it 13 like, you know, within a couple of days, and say, 14 "Sorry, you overlooked this," or, "We didn't give it 15 to you," we'll actually go to a "Meets" on that. 16 It's if they don't have something, and then their 17 response is, "We didn't do this, we corrected it and 18 did it within the last 30 days," they're Working to 19 Meet, because for the first half of the year, they 20 weren't doing it; right? 21 So they were noncompliant; but now we see 22 they're working to be compliant. That's really what 23 we want to see from schools. We want to see that 24 continuous improvement push. 25 This actually supports that by saying the</p>
<p style="text-align: right;">Page 167</p> <p>1 putting something in front of you that we can easily 2 take out, which is, "For any school that has 3 received a repeated 'Working to Meet' rating, 4 meaning that two years in a row, they've been rated 5 as "Working to Meet" the standards, or a 6 first-time -- that should just be "or repeat Falls 7 Far Below," meaning that that Falls Far Below, the 8 way that the team has been doing that this year, and 9 last year, was we would only assign a Falls Far 10 Below if the school did not show at all any response 11 to the feedback that was given. So we gave them the 12 opportunity to either submit more information or 13 tell us how they were going to fix it in the short 14 term, and, in the long-term, and they didn't do 15 that. Then they were given a Falls Far Below. 16 So the reason I say that you may want to a 17 first-time Falls Far Below, because they're not 18 showing at the end of the school year that they're 19 taking any response -- they're not providing any 20 response to noncompliance concerns that have been 21 raised. 22 But the repeat Working to Meet concerns 23 us, too, because that may indicate they're not 24 making substantial progress. Either their plan to 25 correct is not working, or they said something and</p>	<p style="text-align: right;">Page 169</p> <p>1 only time you're going to have to really respond and 2 spend time on this narrative is two years in a row, 3 you've been Working to Meet, and you haven't gotten 4 there, or this -- at the end of this current school 5 year, we gave you feedback, and you just didn't 6 respond in a way that showed that you were being 7 responsive to that feedback. 8 THE CHAIR: And I'm fine with that; 9 because I think you're right. If you're continually 10 Working to Meet, there's -- you know, is it just 11 pure laziness that you're not getting your stuff 12 together appropriately, or is there some 13 organizational issue there? So I -- I'm fine with 14 that change. 15 COMMISSIONER ARMBRUSTER: Yeah, because 16 you can't keep -- sometimes you have to mean it. 17 THE CHAIR: I keep saying that about 18 balancing my checkbook. 19 COMMISSIONER ARMBRUSTER: Let me help you. 20 THE CHAIR: Someday, it'll balance. 21 MS. POULOS: Yeah. Okay. So then the 22 other thing we did was remove, "Success should be 23 identified by specific changes in practice and 24 changes in performance rating in subsequent years." 25 We are actually acknowledging that that may not be</p>

<p>Page 170</p> <p>1 the case. That's why you're doing this. So we want 2 to give you a chance to actually show success in the 3 current year. 4 THE CHAIR: Okay. 5 MS. POULOS: Then if we move to Page 26 6 now, there's nothing changed there. 7 THE CHAIR: No. 8 MS. POULOS: And then the petitions. 9 That is -- on Page 30. 10 THE CHAIR: Right. 11 MS. POULOS: I added the additional 12 language which, "Signatures must be collected during 13 the school's fourth year of operation." 14 Again, we'll change that -- 15 THE CHAIR: Change that, right. 16 MS. POULOS: -- using the employee's 17 information on the 120th day. 18 I think that just gives us real clarity. 19 Who you submitted that day is who's going to be on 20 there. 21 Then on Page 31, there's the instructions 22 for the signatures from households. Again, we'll 23 correct the fourth year of operation. 24 And then we added the language, "Students 25 over the age of 18 and homeless students acting as</p>	<p>Page 172</p> <p>1 of household, they're the head of the household, 2 whether they're homeless or not. 3 COMMISSIONER ROBBINS: Yeah. I think if 4 you put in the language, "Students over the age of 5 18 or students acting as head of household," because 6 if you're emancipated at the age of 16, you may not 7 be homeless, but you're the head of household. So 8 you can just take out the "homeless," and just say, 9 "or students acting as a head of household." 10 MS. POULOS: Okay. Yes. I think that 11 makes a lot of sense. 12 Okay. No additional changes beyond that. 13 So that is our recommendation. 14 THE CHAIR: Okay. I think we're ready, 15 are we not? 16 COMMISSIONER PERALTA: Yeah. 17 THE CHAIR: We did yeomen's work on this 18 yesterday; so I think we can move forward. 19 COMMISSIONER ROBBINS: Are we going to 20 vote on it? 21 THE CHAIR: Yes, we need to vote on this. 22 So we need a motion. 23 COMMISSIONER ROBBINS: I'll move for 24 acceptance of the Public Education Options for 25 Parents Renewal Application, that we accept it as --</p>
<p>Page 171</p> <p>1 the head of household may provide the signature for 2 the household. For students under the age of 18 3 living with a parent or guardian, the signature 4 shall be the parent's or the guardian's signature." 5 COMMISSIONER ARMBRUSTER: I'm just 6 wondering -- this isn't a big issue for me. Do we 7 need to put "homeless students" or "students acting 8 as head of household"? 9 MS. POULOS: That's a good question. 10 COMMISSIONER ARMBRUSTER: I'm not opposed 11 to that. Do you have to be homeless to be head of 12 household? 13 MS. POULOS: You may be 16 and acting as 14 head of household. That's a good point. 15 THE CHAIR: I don't know if you need to 16 identify "homeless." 17 COMMISSIONER CABALLERO: We need to have 18 that somewhere. Head of household or homeless or 19 homeless or head of household. 20 COMMISSIONER ARMBRUSTER: Maybe it's an 21 "or." 22 COMMISSIONER CABALLERO: We do have regs 23 and statutes dealing with "homeless." 24 THE CHAIR: But do they need to be 25 identified through this; because if they're the head</p>	<p>Page 173</p> <p>1 THE CHAIR: As amended. 2 COMMISSIONER ROBBINS: -- as amended. 3 COMMISSIONER CABALLERO: Second. 4 THE CHAIR: Motion by Commissioner 5 Robbins, a second by Commissioner Caballero. 6 Commissioner Armbruster? 7 COMMISSIONER ARMBRUSTER: Are there any 8 abstentions? 9 Seeing none, Commissioner Caballero? 10 COMMISSIONER CABALLERO: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Robbins? 13 COMMISSIONER ROBBINS: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Armbruster votes "Yes." 16 Commissioner Crone? 17 COMMISSIONER CRONE: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Conyers? 20 COMMISSIONER CONYERS: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Johnston? 23 COMMISSIONER JOHNSTON: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Peralta?</p>

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<p>1 COMMISSIONER PERALTA: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Gipson? 4 THE CHAIR: Yes. 5 COMMISSIONER ARMBRUSTER: Eight to zero. 6 Motion passes. 7 THE CHAIR: So the motion passes, eight to 8 zero. And we have one more, I hope, quick item 9 before we go into Executive Session. And that's 10 Item No. 15 on the agenda, which is the Discussion 11 and Possible Action on the Legal Services RFP. 12 And I do believe everyone received all of 13 the application -- all the Commissioners -- when 14 the -- when the proposals were -- everyone received 15 a proposal, not just those that were serving on the 16 subcommittee; correct? 17 I think it went out to all Commissioners. 18 MS. POULOS: That is how I sent it out. I 19 sent it out to all Commissioners. 20 THE CHAIR: So all Commissioners were 21 provided copies of the proposals. And then -- and I 22 want to thank Beverly for fielding a myriad of 23 e-mails through this, and Katie, with a lot of text 24 messages from me, "Do you have five minutes," so 25 that we could hopefully make sure that this process</p>	<p>1 other questions, I'm going to make a motion that we 2 accept the proposal of BioLaw Group. 3 COMMISSIONER CABALLERO: So move to 4 accept. 5 THE CHAIR: Second by Commissioner 6 Caballero. Commissioner Armbruster. 7 Oh, did you want to say something? 8 COMMISSIONER CRONE: I'm playing with my 9 microphone. 10 COMMISSIONER ARMBRUSTER: Are there any 11 abstentions? 12 Commissioner Peralta? 13 COMMISSIONER PERALTA: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Robbins? 16 COMMISSIONER ROBBINS: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Conyers? 19 COMMISSIONER CONYERS: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Caballero? 22 COMMISSIONER CABALLERO: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Crone? 25 COMMISSIONER CRONE: Yes.</p>
<p>Page 175</p> <p>1 was -- was a clean process, and we can move forward 2 and not be stuck as we were the last time. 3 So I want to thank Commissioner Crone and 4 Commissioner Johnston for the second time around, 5 and Commissioner Armbruster for the second time 6 around, and Commissioner Caballero for helping out 7 with the subcommittee. 8 So that you have been able to see the 9 proposals and the -- and I'll be honest. I haven't 10 looked here; but I'm assuming the rubrics are here. 11 MS. POULOS: So what you have here is a 12 summary of the process from beginning to end, a 13 summary of the results, including for each of the 14 three applicants, the average score from the 15 evaluations, as well as whether they were ranked -- 16 how many reviewers ranked them first, second, or 17 third, and then a combined rubric that takes the 18 individual reviewer's scores, puts them all in one 19 rubric for each of the three applicants. 20 And what you can see is that the highest 21 scoring average score applicant was BioLaw. And 22 they were also ranked as the first scoring by three 23 of the reviewers and second scoring by two of the 24 reviewers. 25 THE CHAIR: Right. So if there are no</p>	<p>Page 177</p> <p>1 COMMISSIONER ARMBRUSTER: A little 2 hesitant. 3 Commissioner Armbruster votes "Yes." 4 Commissioner Gipson? 5 THE CHAIR: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Johnston? 8 COMMISSIONER JOHNSTON: Yes. 9 COMMISSIONER ARMBRUSTER: Eight to zero. 10 The vote passes. 11 May I just say one thing? I think if I 12 throw these away, these pages should be taken out or 13 shredded. 14 THE CHAIR: Oh. Because there's personal 15 information? 16 MS. FRIEDMAN: They're on the website. 17 THE CHAIR: Yeah. They're all public 18 documents. Is that the financial one? Is the 19 financial one on the website? 20 MS. POULOS: We will make sure it's taken 21 down, if it is. 22 THE CHAIR: Yeah. I honestly didn't look 23 on the website, because I had all of it. But I hear 24 your concern. If it is the financial -- if the 25 financial is on the website -- and they should be</p>

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1 shredded. You're right.

2 COMMISSIONER ARMBRUSTER: I don't think
3 the rest of it is all that important; but these are.

4 MS. FRIEDMAN: I'll put it in the recycle.
5 They won't be shredded -- well, if you want them
6 shredded, put them --

7 COMMISSIONER ARMBRUSTER: I'll take them
8 home and shred them. I shredded the other ones.

9 THE CHAIR: You're right. We had had that
10 discussion the last time around, that we didn't even
11 really need the copies that have financial. That's
12 a compliance thing, and it's really not -- I don't
13 need to know that about folks.

14 Right. I got you. I understand. And I
15 just want to say thank you. This has been a long
16 journey. I think I stalked the then new Deputy
17 Secretary throughout the State of New Mexico through
18 the LESC through the summer trying to -- it's been a
19 two-year, arduous process to get this. So I
20 appreciate all the help and support that
21 Commissioners gave for this, that CSD did with
22 this -- the procurement process.

23 And it's -- you know, it's been
24 unfortunate that our experience with the Attorney
25 General's Office legal staff has not been a

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1 Media Arts Collaborative, New Mexico Connections,
2 Taos International, and Horizon Academy West, versus
3 the PEC.

4 THE CHAIR: We need a motion to go into
5 Executive Session.

6 COMMISSIONER JOHNSTON: I make a motion.

7 COMMISSIONER ROBBINS: Second.

8 THE CHAIR: Motion by Commissioner

9 Johnston, second by Commissioner Robbins.

10 All in favor?

11 (Commissioners so indicate.)

12 (Executive Session conducted.)

13 THE CHAIR: Okay. So we need a motion to
14 call us back into session. So I will make a motion
15 to bring us back into Public Session.

16 COMMISSIONER ARMBRUSTER: Second.

17 THE CHAIR: And there's a second by

18 Commissioner Armbruster.

19 All in favor?

20 (Commissioners so indicate.)

21 THE CHAIR: Opposed?

22 (No response.)

23 THE CHAIR: Hearing no opposition, the
24 motion passes. And we are --

25 COMMISSIONER CRONE: No votes taken and no

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1 consistent or, at times, valuable service to us.

2 And I'll say that publicly.

3 So it's -- it started out as legal
4 services, and, unfortunately, over time, it has
5 changed, and we've had too many changes in who's
6 here. You never -- you have to look at the name tag
7 to see who's here.

8 So that this -- and we're working on a lot
9 of the matters that require legal eyes on it. So I
10 am absolutely looking forward to having some
11 consistent service here. So thank everyone for
12 this.

13 COMMISSIONER ARMBRUSTER: Madam Chair, if
14 you have not found these two sheets of paper, mine
15 are numbered 167 and 169.

16 COMMISSIONER ROBBINS: 167, -8, and -9.

17 COMMISSIONER ARMBRUSTER: I just think you
18 should take those out.

19 THE CHAIR: Oh, yeah. That actually says
20 "Confidential, not to be made public."

21 Okay. All right. So I will ask folks to
22 remove those pages. Thank you.

23 Okay. We are now going to move into
24 Executive Session and discussion of pending
25 litigation pursuant to NMSA 1978, Section 10-15,

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1 action was taken.

2 THE CHAIR: Sure. There was no action --
3 there was no action taken, and the only items
4 discussed were those listed, and that's pending
5 litigation.

6 Okay. And we're on to Report from the
7 Chair.

8 So I already mentioned -- and I've spoken
9 to one or two Commissioners -- we're going to
10 basically roll over the liaison roles. I think I
11 referred to them as "subcommittees." But it's
12 liaison roles, whatever.

13 So I'll just give you all a program
14 update. On Monday, we actually have the appeal for
15 New Mexico Connections. That's going to be at 1:30
16 here in Mabry.

17 COMMISSIONER JOHNSTON: Madam Chair, those
18 are open meetings; right?

19 THE CHAIR: Yes, they are all public.

20 Yeah. There will take no testimony from
21 Commissioners; but they're -- everything we do is
22 public.

23 COMMISSIONER CABALLERO: What time, Madam
24 Chair?

25 THE CHAIR: 1:30.

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1 On March 23rd, we have Taos International.
 2 COMMISSIONER JOHNSTON: At 9:00.
 3 THE CHAIR: And that's at 9:00. And
 4 that's also here.
 5 And on March 30th, we have Media Arts
 6 Collaborative, and that's at 9:00.
 7 And tentatively -- Horizon is tentatively
 8 scheduled for April 11th. And I say "tentative,"
 9 because I have not received service confirming that.
 10 There was a back-and-forth. The hearing officer was
 11 out of -- going to be out of the country. Randi was
 12 going to be out of the country. And there were
 13 e-mails that went back and forth that kind of made
 14 April 11th -- it looked like the date; but I've not
 15 received confirmation that that's the date. But
 16 tentatively, it's April 11th. So there's no time
 17 also attached to that because of that.
 18 The reminder that everyone is signed up
 19 for the Spring Budget Workshop, so that all you --
 20 the only thing you need to do is show up and sign
 21 in. So there's no other confirmation that needs to
 22 go to -- and that's April 4th through the 6th at the
 23 Hotel Albuquerque.
 24 COMMISSIONER CONYERS: Is there an agenda
 25 somewhere, or --

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1 THE CHAIR: On the --
 2 COMMISSIONER JOHNSTON: NMASBO.
 3 THE CHAIR: Yes. Yes.
 4 COMMISSIONER JOHNSTON: And there's an
 5 agenda.
 6 THE CHAIR: And I believe we all received
 7 an e-mail -- or at least I did. I received an
 8 e-mailing for it?
 9 COMMISSIONER JOHNSTON: From Beverly?
 10 MS. FRIEDMAN: And, Madam Chair, you will
 11 be receiving another e-mail that will be coming out
 12 in the next few days from the Secretary inviting you
 13 again, and probably having a link to an agenda at
 14 that time.
 15 THE CHAIR: Okay. Thank you.
 16 The LESC is starting back up April 26th
 17 and 27th. And that will be here in Santa Fe. And
 18 that's their kind of reorganization meeting. So
 19 they have no agenda yet; and they haven't set the
 20 rest of their year. They'll do that at that
 21 meeting.
 22 So I don't know whether there's going to
 23 be a lot of business that will go on at that
 24 meeting.
 25 COMMISSIONER ARMBRUSTER: Generate their

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1 won didn't get the notice.
 2 THE CHAIR: Yes, because they don't have
 3 anything set yet. So it's probably only going to
 4 be, like, a day -- they'll start late and do a
 5 little bit the next day. It's mostly their agenda
 6 is setting their work plan up for the remainder of
 7 the year.
 8 I was invited to go to Anthony last
 9 Friday. Representative Gallegos had been contacted
 10 by a number of parents from Anthony. So she asked
 11 me if I would go down with her, because I had a
 12 little bit clearer information, to speak to some
 13 parents at -- from the school.
 14 When I arrived, there were about 60. And
 15 it was standing room only. In fact, they piped the
 16 meeting out to the parking lot, because there was
 17 overflow with the meeting.
 18 So I did not fully understand what the
 19 meeting was going to be until I got there. It is
 20 unfortunate that the school was poorly informed as
 21 to the process. And I don't mean poorly informed by
 22 PED or CSD. I mean, the school was poorly informed
 23 by their administration as to the process. They
 24 were under the impression that they could reorganize
 25 under the local school district. They had gone to

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1 the local school district the night before and
 2 made -- they spent a lot of time on a presentation.
 3 So that Thursday night, they went to
 4 Gadsden School District to make their pitch for the
 5 Gadsden School District to take them. And it was
 6 unfortunate that so many of the parents and the
 7 community invested in that idea, because it was not
 8 a possibility. And that was a shame.
 9 I had already transmitted to the folks at
 10 that school the closure procedures. And at that
 11 meeting, it was fairly clear that the head
 12 administrator had not provided the letter that PED
 13 provides a template after the -- after the
 14 closure -- after the non-renewal is determined,
 15 there is a template for a letter to go out to all of
 16 the families.
 17 And he was some- -- he wasn't somewhat --
 18 he was very evasive as to whether he ever saw that
 19 template and whether a letter had gone out. So I'm
 20 fairly clear that the communication, unfortunately,
 21 to that community is not appropriate. And that is a
 22 shame. They thought that there was a potential for
 23 us to change our mind.
 24 COMMISSIONER CABALLERO: Madam Chair? So
 25 the school district has its own processes and start

<p style="text-align: right;">Page 186</p> <p>1 dates, end dates? Is that why they couldn't move? 2 THE CHAIR: No. In October, a school has 3 to -- at renewal in October, the school has to 4 declare whether they're going to renew with the PEC 5 or their local school district. 6 So they -- back in October, they chose to 7 renew with us, which then closes any possibility. 8 If we say no, the option isn't there to now go run 9 to the district. And that's what the community 10 unfortunately did not understand. 11 COMMISSIONER CABALLERO: So as a school, 12 they still have that option next October. 13 THE CHAIR: That -- no, because they will 14 be closing. 15 COMMISSIONER CABALLERO: Right. 16 THE CHAIR: So they will have to apply, 17 which they have done. They've put an application 18 in -- the head of the governance council and their 19 head administrator have put in an application for a 20 new school. 21 And I will also add that they provided 22 false information about that application process 23 because they communicated to the folks that were 24 there at the meeting that I was at that they were 25 told by the CSD Staff that only two schools out of</p>	<p style="text-align: right;">Page 188</p> <p>1 collaborate on some of those items -- not all of 2 them; I don't think we were expecting that -- we 3 just really appreciate that. 4 And I think when the schools see how the 5 considerations that were made -- and I know that you 6 will review at the next work session -- I think 7 they'll see that they were heard. And I think 8 that's important, and we just thank you for your 9 collaboration on that work. 10 So the feedback sessions were important. 11 And I think we got some good feedback, just in 12 general, about -- about some of the items. We 13 wanted to keep this both positive and have a 14 critical eye on some of the proposed items. 15 And I think one thing that we heard 16 multiple times was that people are really 17 appreciating the site visits this year and just the 18 way that they're being done and executed. So thanks 19 to the CSD for that. I think people are just 20 feeling supported, and I think that's something that 21 they feel like that their feedback has been heard 22 again. And I think that the really important 23 without, you know, skipping over any of the 24 necessary things that need to be looked into during 25 a site visit.</p>
<p style="text-align: right;">Page 187</p> <p>1 the 17 would be approved by us. 2 And I made it clear that that was not the 3 case, that there was only grant money for two 4 schools; but that did not limit the number of 5 schools that we could potentially approve. So that 6 it is -- it's just sad that time and effort and 7 energy is being put into this at this point in time 8 instead of that time and energy put in before we got 9 to this point to try to improve the school. 10 So I'll leave it at that. 11 Okay. So I'm -- I think I'm done. 12 So we are now on to Update from the 13 Coalition. And while Matt's coming up, I'll also 14 say I also attended the regional meeting in Cruces. 15 MR. MATT PAHL: Thank you, Madam Chair, 16 and thanks for coming to that regional meeting. 17 That's the bulk of what we were doing the last week 18 and a half, two weeks, was running around getting 19 that feedback. I think you-all received the 20 document that articulated that feedback. 21 And I'm really happy to report that 22 yesterday's work session was really productive. I 23 think the foundation of that document and what we 24 heard from schools, as well as the posture from the 25 PED and the CSD of being ready and willing to</p>	<p style="text-align: right;">Page 189</p> <p>1 Session ended since we last spoke, I 2 believe. We did get the line item veto to take out 3 the small-school-size adjustment language that would 4 have been damaging to many of the charter schools. 5 So thanks to the Governor for that and to PED for 6 listening to our feedback on that. 7 Other bills went through, the T&E and the 8 at-risk unit. That's really important. The at-risk 9 is nice. The T&E changing to the teacher cost index 10 really starts aligning the way we pay teachers with 11 the way school districts and charter schools are 12 actually funded. That's really important. 13 I will note if that bill or anything about 14 the at-risk comes to you, as a Commissioner and just 15 an engaged member of the public, to note that 16 charter schools still don't generate their own 17 at-risk units. They use the district of which 18 they're lying in. And that creates two problems on 19 both ends of the spectrum here. 20 One is that some schools are getting 21 overpaid for at-risk, because they're serving a more 22 affluent population in a higher at-risk area. Then 23 we have the opposite problem, where some schools are 24 serving wholly at-risk populations, many of them in 25 Albuquerque, but getting credit as if they're</p>

<p style="text-align: right;">Page 190</p> <p>1 serving the same student population as a whole. 2 Got some good feedback on how we actually 3 solve that problem, so charters can generate their 4 own at-risk. Some charters will lose their at-risk 5 money; others will gain. But it's just the right 6 thing to do, and knowing what at-risk is supposed to 7 do, which is provide that marginal increase so that 8 you can actually serve those kids the way they need 9 to be served. 10 So just something you-all need to be aware 11 of. We'll lead the charge in trying to get that 12 done. 13 I know Senator Stewart was really amenable 14 to having those conversation and how we might make 15 those calculations happen. 16 Another few items that we're working on 17 into the spring here -- and you can expect some 18 regular updates on. And one may impact PEC schools. 19 And that is aligning enrollment dates and 20 application windows for charters across the state. 21 It's pretty ambitious. We'll see how far 22 we get. But what we really want is to lower a 23 barrier on the application deadlines for schools. 24 Right now, if you're a parent in Albuquerque, and 25 you have 15 choices, you might have 15 different</p>	<p style="text-align: right;">Page 192</p> <p>1 today, PSFA yesterday, about what solution charters 2 might have to gain access to the funds that are 3 available to them. 4 Their biggest problem right now, school 5 district schools and charter schools both have 6 access to Public School Capital Outlay Council funds 7 for facilities when their facility kind of degrades 8 to the point where it's needed. Charters have a 9 really hard time making that local match happen. 10 They have to stow away a bunch of cash for that. 11 So, really, that's the gap there. And I 12 think there's a way for us to do this that doesn't 13 involve charters having to find a good deal for 14 them. A good deal for a charter is paying, like, 15 7 percent on a loan right now. We want them to get 16 a good deal, period, which would be more in the 3 to 17 4 percent -- well, probably not now; but in the last 18 six months, it was around there. 19 But that's just a good use of public 20 funds. If we're going to build facilities for 21 charters, let's make sure we use those public 22 dollars right. So we'll be making that push. If 23 you have any questions or ideas, we're very open to 24 hearing those. 25 The other thing I'll note, too, along</p>
<p style="text-align: right;">Page 191</p> <p>1 application windows. And we really want to get them 2 so there's at least one common week or two in which 3 all application windows are open. 4 Very early in the year is mostly sometime 5 in January, maybe February. 6 I'm not under the impression that those 7 deadlines are in charter school contracts. 8 They are not; good. So I brought that 9 forward just to make sure. If there are any other 10 complications, I think Katie would probably have 11 already told me. 12 But just know we're working toward that. 13 If, you know, you get the light bulb, "What about 14 this," feel free to bring it up so we can prepare 15 for that. But we really feel like that's the right 16 thing to do and make sure that there's access, 17 because parents, just across the state, know, "Oh, 18 that second week of January, that's the time we can 19 apply for charter schools," rather than trying to 20 sift through the different deadlines that exist 21 right now. 22 So that's an initiative we're working on. 23 We're also working on developing a new bill for 24 facilities access. And I was able to speak to 25 Commissioner Peralta for a little bit about this</p>	<p style="text-align: right;">Page 193</p> <p>1 that -- along the lines of clarity around public 2 funds, you know, State Auditor Keller put out a 3 report on the 2 percent and the articulation of the 4 2 percent in the contracts. And I think there is a 5 really wonderful opportunity for the PEC and 6 charters and the PED to collaborate in these new 7 contracts, getting some articulation on where those 8 funds are going and maybe going from one entity to 9 another. 10 But it's still public dollars, and we 11 deserve to know what's happening with those public 12 dollars. So I put that as just a note for the 13 Commissioners, that as you go through new 14 negotiations, things of that matter, are there a way 15 we can really start articulating, "Well, when we pay 16 2 percent, what are we getting for that?" 17 I think that's just good practice and 18 something we've been working on with APS for the 19 last six to eight months. We haven't meaningfully 20 engaged with PED or the PEC on that; but it's 21 something we're eager to do. And I think there will 22 be a nice template coming out of the new contracts 23 that APS signs. So we'd be happy to share that with 24 you when we get a chance. 25 The last piece I'd like to just cover</p>

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1 right now is this idea of a charter moratorium. We
 2 are quite certain we're going to hear that bill next
 3 session. And I think there are some misconceptions
 4 about how authorizers are doing their work right
 5 now.
 6 I think the idea of a moratorium is saying
 7 that the PEC isn't doing the job. I wholeheartedly
 8 disagree with that and have been telling people
 9 that.
 10 If you look at the growth of charters over
 11 the last three years, it's been negative growth. I
 12 think that that -- the perceptions and the
 13 prevailing wisdom that are pushing for that bill
 14 think there's been unbridled growth in charter
 15 schools over the last five, ten years.
 16 I say this now, because, again, you're in
 17 your communities. You're elected officials. You've
 18 had hundreds, maybe thousands, of people vote you
 19 into office.
 20 That narrative is out there. And I don't
 21 think it's true. And it's something that we
 22 certainly don't stand behind is a moratorium. And I
 23 think if you look at the facts and some of the
 24 impetus behind a bill like that, it's just not
 25 factual.

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1 And so if you need resources from us, if
 2 you're engaged in conversations like that, you have
 3 a lot of that information. But if you need more,
 4 please reach out and know that that's something that
 5 we're going to be interested in making sure that we
 6 allow good authorizing to happen, meaning only
 7 quality schools are being opened. And when schools
 8 are failing to meet the bar, that they do go away.
 9 That isn't what people -- the assumptions
 10 behind a moratorium do not think that that's
 11 happening. And we want to enable both sides of the
 12 coin to happen with authorizers and for parents to
 13 have choice in any community that they're in.
 14 So it's just a note to have moratorium up
 15 here. It's a big thing on our mind right now. But
 16 I just lay that out here to just note why that's
 17 important to us and some of the assumptions that are
 18 loaded behind that bill.
 19 THE CHAIR: I spoke to one of the
 20 cosponsors of that bill. And the response was,
 21 "Well, I don't have a charter in my district, so
 22 what difference does it make?"
 23 So they cosponsored the bill because it
 24 wouldn't affect anyone who voted for them. It's,
 25 like, "Okay. Can we just have a conversation?" You

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1 know.
 2 And I'll share one aside about choice.
 3 When I was getting my petitions, I -- I had someone
 4 tear up my petition page because she didn't believe
 5 in choice, in schools. And it's, like, then you
 6 don't have to sign the petition, but I lost 19
 7 signatures, because -- because of that.
 8 So it was -- I know. It was a learning
 9 moment. And, honestly, it's the first person that
 10 I've ever encountered with getting the signatures
 11 that, you know, had any real opinion against. And
 12 it was obviously very strongly against.
 13 And I was disappointed that they didn't
 14 want to engage in any conversation. So that's not
 15 going to be one of the thousands of votes I get. I
 16 can be clear on that.
 17 MS. POULOS: Madam Chairwoman,
 18 Commissioners, I, too, just want to add to this
 19 conversation. A moratorium would absolutely put us
 20 at risk of losing CSP funding. And we may not even
 21 care as much about that, except there is money that
 22 we have built into that to support the PEC and to
 23 support local district authorizers in having the
 24 tools, the resources, the skill development
 25 necessary to do this, as you all know, very hard

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1 work and do it well.
 2 And I think it would be a great detriment
 3 to the state to lose that \$200,000 that we've built
 4 in to being able to do that work.
 5 THE CHAIR: Right. And when the
 6 discussion was at the LESC about that moratorium, I
 7 did raise that. And we didn't even have the grant;
 8 but we had the potential for the grant back during
 9 the last 60-day session. And I raised that to them,
 10 that this has far-reaching consequences in terms of
 11 the grant monies that won't -- won't be available.
 12 And we know how far that went, because the
 13 moratorium bill was still -- because, as Matt
 14 stated, there's still this cloud that there's no --
 15 or there's either not good authorizing practices, or
 16 some still believe that headline that 50 charter
 17 schools are going to be open that was headlined,
 18 like, three, four years ago, there was an article in
 19 the paper. And they think there's this massive
 20 increase in charter schools that's just leaching on
 21 the public school system; because they don't see it
 22 as public schools. So there's a lot of work to be
 23 done.
 24 MR. MATT PAHL: There is on that education
 25 front.

1 And just one other thing I'd -- just
2 because were we're talking about some of the things
3 we can consider when we're in these conversations,
4 in some areas, there's this argument that, "Oh, we
5 have enough charters here."

6 Commissioner Robbins, you're smiling,
7 because I think you've heard it. It's definitely --
8 that argument is alive and well in Albuquerque.
9 Even in Albuquerque, there are areas where there
10 aren't many charters at all; but there are portions
11 where there's a lot of schools in those areas.

12 When I hear that comment, I always ask,
13 "Well, why" -- you know, there are other communities
14 with no options for kids, you know, that we may be
15 reaching some saturation point. I mean, if you're
16 asking me, I'd say no; but I think there is some
17 reason to that.

18 But it's just so isolated as to those
19 places, and there are so many communities that don't
20 have an option that can better serve kids.

21 So I just lay that out there, because I'm
22 sure it's something you will hear as you engage in
23 these conversations.

24 THE CHAIR: Thank you.

25 MR. MATT PAHL: Yeah. Thank you.

1 BEFORE THE PUBLIC EDUCATION COMMISSION
2 STATE OF NEW MEXICO
3
4
5

6 REPORTER'S CERTIFICATE

7 I, Cynthia C. Chapman, RMR, CCR #219, Certified
8 Court Reporter in the State of New Mexico, do hereby
9 certify that the foregoing pages constitute a true
10 transcript of proceedings had before the said
11 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
12 State of New Mexico, County of Santa Fe, in the
13 matter therein stated.

14 In testimony whereof, I have hereunto set my
15 hand on March 30, 2018.
16
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 Job No.: 9761L (CC)
25

1 THE CHAIR: I'm assuming there's no one
2 here from the school boards.

3 COMMISSIONER PERALTA: No.

4 THE CHAIR: All right. So we are on to
5 PEC Comments.

6 Commissioner Caballero?

7 COMMISSIONER CABALLERO: I'm good. Thank
8 you.

9 THE CHAIR: Commissioner Conyers?

10 COMMISSIONER CONYERS: Thank you.

11 COMMISSIONER PERALTA: Let's go home.

12 THE CHAIR: I'm good.

13 Commissioner Armbruster?

14 COMMISSIONER ARMBRUSTER: Okay.

15 THE CHAIR: Commissioner Johnston?

16 COMMISSIONER JOHNSTON: I'm fine. Thank
17 you.

18 COMMISSIONER CRONE: I plead the Fifth.

19 COMMISSIONER ROBBINS: I'm fine, also.

20 THE CHAIR: I'll entertain a motion to
21 adjourn.

22 COMMISSIONER ROBBINS: So moved.

23 THE CHAIR: All right. We are adjourned.

24 (Proceedings adjourned at 2:39 p.m.)
25

1 RECEIPT

2 JOB NUMBER: 9761L CC Date: 3/16/18

3 PROCEEDINGS: OPEN PUBLIC MEETING

4 CASE CAPTION: In re: Open Public Meeting of the NM
5 Public Education Commission

6 *****

7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED

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