

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

10 REGULAR PEC MEETING

March 9, 2012

9:36 a.m.

11 Mabry Hall - Jerry Apodaca Education Building

12 300 Don Gaspar

13 Santa Fe, New Mexico

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

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A P P E A R A N C E S

COMMISSIONERS:

MR. M. ANDREW GARRISON, Chair
MS. CAROLYN SHEARMAN, Vice Chair
MR. EUGENE GANT, Secretary
MS. MILLIE POGNA
MR. VINCE BERGMAN
MR. JEFF CARR
MR. GILBERT PERALTA
MR. MIKE CANFIELD

STAFF:

MS. KELLY CALLAHAN, Director,
Charter Schools Bureau

MR. RODERICK VENTURA, Assistant General Counsel,
Public Education Department

MS. BEVERLY FRIEDMAN, Liaison to the PEC

ALSO PRESENT:

MR. PAUL AGUILAR, Deputy Secretary of Finance and
Operations, Public Education Department

1 (March 9, 2012, 9:36 a.m.)

2 THE CHAIR: The Public Education
3 Commission meeting Friday, March 9, 2012, is hereby
4 called to order. We will begin with a roll call
5 from Commissioner Gant.

6 COMMISSIONER GANT: Commissioner Peralta.

7 COMMISSIONER PERALTA: Here.

8 COMMISSIONER GANT: Commissioner Bergman.

9 COMMISSIONER BERGMAN: Here.

10 COMMISSIONER GANT: Commissioner Pogna.

11 COMMISSIONER POGNA: Here.

12 COMMISSIONER GANT: Commissioner Canfield.

13 COMMISSIONER CANFIELD: Here.

14 COMMISSIONER GANT: Commissioner Carr.

15 COMMISSIONER CARR: Here.

16 COMMISSIONER GANT: Commissioner Shearman.

17 COMMISSIONER SHEARMAN: Here.

18 COMMISSIONER GANT: Commissioner Garrison.

19 THE CHAIR: Present.

20 COMMISSIONER GANT: Commissioner Gant is
21 here. Commissioner Lopez will not be in attendance
22 today.

23 THE CHAIR: Thank you, sir. We have a
24 quorum.

25 We will begin with the Pledge of

1 Allegiance and Salute to the New Mexico Flag by
2 Commissioner Vince Bergman.

3 (Pledge of Allegiance and Salute to the
4 New Mexico Flag conducted.)

5 THE CHAIR: We have a Statement of
6 Aspiration, and that would be me. But thinking of
7 none, I do want to just mention that Item 10 on the
8 agenda, we're going to be celebrating some
9 Golden Apple Award winners, and those are
10 outstanding teachers in New Mexico. And I just want
11 to remind everyone about a couple of things about
12 education.

13 It's been said that education is the great
14 equalizer in the society. To be exact, "Education
15 is the great equalizer in a democratic society. And
16 if people are not given access to a quality
17 education, then what we are doing is creating an
18 underclass of people who will ultimately challenge
19 our very way of life." Geraldo Gonzales, the
20 University Dean of the Indiana School of Education
21 declared that. And we all know it to be true.

22 Item No. 5 is Approval of the Agenda. Are
23 there any comments, changes to this? The Chair will
24 entertain a motion.

25 COMMISSIONER CARR: I move we approve the

1 agenda.

2 COMMISSIONER SHEARMAN: Second.

3 THE CHAIR: Moved by Commissioner Carr;
4 seconded by Commissioner Shearman. All those in
5 favor, say "Aye."

6 (Commissioners in favor so indicate.)

7 THE CHAIR: Opposed, "No"? The agenda is
8 approved.

9 Item No. 6, Election of PEC Officers. The
10 Public Education Commission Rules of Procedure
11 establish the process for the election of officers.
12 The General Counsel for the Department shall preside
13 over the election of the Chairperson of the
14 Commission. No second is required for a nomination.

15 After nominations are closed,
16 Commissioners shall record their votes in a manner
17 consistent with the Open Meetings Act. If there is
18 one nominee, the election shall be conducted by
19 voice vote.

20 The Chairperson shall be elected by a
21 majority vote. In the event that a tie persists
22 after three ballot attempts to elect any officer --
23 and I love this -- the winner shall be decided by an
24 equal game of chance, such as a roll of dice or a
25 card draw.

1 Upon election, the Chairperson shall take
2 the office -- shall take office and preside over the
3 election of the Vice Chairperson and Commission
4 Secretary, who shall be elected according to the
5 same procedures used in electing the Chairperson.

6 We have our General Counsel here today.
7 Good morning, sir.

8 MR. VENTURA: Mr. Chair, members of the
9 Commission, let me just correct you. My name is
10 Roderick Ventura. I am an Assistant General
11 Counsel. I don't want Willie Brown yelling at me,
12 who is the General Counsel.

13 THE CHAIR: Just let him know you were
14 promoted.

15 MR. VENTURA: Okay. Given you've read the
16 rules from Section 3(A)(1) of the PEC Rules of
17 Procedure, we are going to now conduct the election
18 of the PEC officers for the coming year. I do have
19 in my envelope some written ballots, if it comes to
20 that, and a pack of unopened cards.

21 So the first thing I need to do is
22 entertain any motions for nominations for the Chair.
23 Do I hear any nominations? Mr. Peralta.

24 COMMISSIONER PERALTA: Mr. Counselor, I
25 would like to nominate Andrew Garrison for the

1 position of Chair.

2 MR. VENTURA: Commissioner Peralta
3 nominates Andrew Garrison. There is no need for a
4 second as Mr. Garrison has read the rule. Is there
5 any other nominations for the Chair? Commissioner
6 Pogna?

7 COMMISSIONER POGNA: Mr. Chair, I move
8 that nominations cease.

9 MR. VENTURA: Move that nominations cease.
10 Actually, I don't think there's a procedure for
11 having nominations cease under the rules. I will
12 just say -- I will just give it a one, two, three.
13 Is there any other nominations? Going once. Going
14 twice. And there we are.

15 It is -- we have one nominee, and it is
16 Mr. Andrew Garrison for Chair. It does say that we
17 can conduct this in a voice vote. So what I'm going
18 to do for the record, I'm just going to do a quick
19 roll-call vote here. The question is shall you
20 elect Commissioner Garrison to be Chair of the PEC
21 for the upcoming year? Commissioner Bergman?

22 COMMISSIONER BERGMAN: Yes.

23 MR. VENTURA: Commissioner Canfield.

24 COMMISSIONER CANFIELD: Yes.

25 MR. VENTURA: Commissioner Carr.

1 COMMISSIONER CARR: Yes.

2 MR. VENTURA: Commissioner Gant.

3 COMMISSIONER GANT: Yes.

4 MR. VENTURA: Commissioner Garrison.

5 THE CHAIR: Yeah.

6 MR. VENTURA: Commissioner Lopez is not
7 present. Commissioner Peralta.

8 COMMISSIONER PERALTA: Yes.

9 MR. VENTURA: Commissioner Pogna.

10 COMMISSIONER POGNA: Yes.

11 MR. VENTURA: Commissioner Shearman.

12 COMMISSIONER SHEARMAN: Yes.

13 MR. VENTURA: Okay, it is unanimous.

14 Unanimously, Commissioner Garrison is once again the
15 Chair. And under the rules, now the nominations go
16 for the other officers of Vice Chairperson and
17 Commission Secretary. The PEC rule goes on to say,
18 "Upon election, the Chairperson shall take office
19 and preside over the election of the Vice
20 Chairperson and Commission Secretary, who shall be
21 elected according to the same procedures used in
22 electing the Chairperson."

23 So Commissioner Garrison, go ahead.

24 THE CHAIR: The Chair will open up
25 nominations for Vice Chair of the Public Education

1 Commission.

2 COMMISSIONER BERGMAN: Mr. Chair, I would
3 nominate Commissioner Shearman to continue in her
4 role as Vice Chairman.

5 THE CHAIR: Thank you, sir. Are there any
6 other nominations for the position of Vice Chair?
7 The one, two, three, or --

8 MR. VENTURA: However you like.

9 THE CHAIR: I'm just teasing. Any others?
10 Seeing none, we will take a -- we can do the voice
11 vote, yes?

12 MR. VENTURA: Yes, you can.

13 THE CHAIR: We can do the voice vote for
14 Ms. Carolyn Shearman as Vice Chair of the Public
15 Education Commission. All those in favor, say
16 "Aye."

17 (Commissioners in favor so indicate.)

18 THE CHAIR: Opposed? Seeing none,
19 unanimously, Carolyn Shearman, congratulations. You
20 are Vice Chair.

21 COMMISSIONER SHEARMAN: Thank you.

22 THE CHAIR: Now for the position of
23 Secretary. The Chair will open up the floor for
24 nominations.

25 COMMISSIONER CARR: Mr. Chair?

1 THE CHAIR: Mr. Carr.

2 COMMISSIONER CARR: I would like to
3 nominate Eugene Gant as Secretary.

4 THE CHAIR: So done. Any other
5 nominations? Seeing none, we will proceed with a
6 voice vote. All those in favor of voting for
7 Secretary -- for -- well, you are current Secretary,
8 so that wouldn't be incorrect -- Commissioner Gant
9 for Secretary of the Public Education Commission,
10 say "Aye."

11 (Commissioners in favor so indicate.)

12 THE CHAIR: Opposed, say "No"?
13 Unanimously, congratulations, Secretary.

14 COMMISSIONER GANT: Thank you, I hope.

15 THE CHAIR: I just want to mention, even
16 though it wasn't allowed, Commissioner Pogna, that
17 sounded real great to cease all nominations. I
18 really like that. Any other items on that?

19 MR. VENTURA: No. We can run to the next
20 agenda item.

21 THE CHAIR: Awesome. Thank you, sir.

22 MR. VENTURA: And the next agenda item is
23 the Open Meetings Policy, which the Chair, if the
24 Chair would like, I'll go on with that.

25 THE CHAIR: Sure.

1 MR. VENTURA: Okay. Under the Open
2 Meetings Act, particularly Section 10-15-1(D), a
3 public body needs to determine at least annually in
4 a public meeting what notice for a public meeting is
5 reasonable when applied to that particular body.
6 What has been presented to the Board is the proposed
7 Open Meetings Policy of the State of New Mexico for
8 2012. I will point out it is the same Open Meetings
9 Policy that we used last year, and I think it's the
10 same one we used the year before that, and very
11 possibly the one we did before that.

12 The -- just a quick summary of what it
13 provides: It provides that, for regular meetings,
14 notice is reasonable when notice of the date, time,
15 and place of the meeting is deposited for mail or
16 transmitted by facsimile or e-mail at least ten days
17 prior to the meeting to individuals, organizations,
18 broadcast stations, newspapers that provided a
19 written request for such notice. It also provides
20 for, in cases needed, emergency meetings. Emergency
21 meetings are special meetings called under
22 unforeseen circumstances that, if not addressed
23 immediately, will likely result in injury or damage
24 to persons or property or substantial financial
25 loss.

1 Under an emergency meeting, notice needs
2 to be in 24 hours. Notice can be given by oral
3 notice of the date, time, and place to the
4 Associated Press, the United Press International,
5 the New Mexican, the Albuquerque Journal, three
6 Albuquerque television stations, and other broadcast
7 stations and newspapers of general circulation which
8 have provided a written request for notice in
9 accordance with the Open Meetings Act.

10 Our Open Meetings Policy, or our proposed
11 Open Meetings Policy, also provides for telephonic
12 attendance, and Commissioners may attend by phone,
13 but only if permitted -- only if the conference
14 telephone is conducted pursuant to Article VIII of
15 the Commission's rules and procedures, which does
16 require that all parties are able to hear each
17 other, communicate well, and identify each other by
18 telephone.

19 That being said, I'm open to any questions
20 that the Commissioners might have about the Open
21 Meetings Policy.

22 THE CHAIR: No questions, sir.

23 MR. VENTURA: Okay, then. You can go
24 ahead and request -- make a motion for a vote to
25 approve the Open Meetings Policy.

1 THE CHAIR: The Chair will entertain a
2 policy to approve the Open Meetings --

3 COMMISSIONER CARR: Mr. Chair -- sorry.
4 Mr. Chair, I move we approve the Open Meetings Act.

5 COMMISSIONER GANT: There is a written
6 motion.

7 THE CHAIR: You want to read the full
8 motion?

9 COMMISSIONER CARR: Oh.

10 THE CHAIR: Item 7?

11 COMMISSIONER CARR: I'm sorry. I move
12 that the Public Education Commission adopt the
13 attached Open Meetings Policy for the remainder of
14 the 2012 calendar year in accordance with the Open
15 Meetings Act, Section 10-15(D)(1)(d), NMSA 1978.

16 THE CHAIR: There is a motion on the
17 floor. Do we have a second?

18 COMMISSIONER BERGMAN: Second.

19 THE CHAIR: Seconded by Commissioner
20 Bergman. We can do this just by voice vote?

21 MR. VENTURA: Yes, you can.

22 THE CHAIR: All those in favor, say "Aye."
23 (Commissioners in favor so indicate.)

24 THE CHAIR: Opposed, "No"? The motion
25 passes unanimously.

1 Item No. 8 is approval of the minutes of
2 the December 15th and 16th meeting in Albuquerque.
3 Has everyone had a chance to review the minutes? If
4 so, are there any changes or items of correction?
5 If there are none, the Chair will entertain a motion
6 for approval.

7 COMMISSIONER CARR: Mr. Chair, I move we
8 approve the minutes.

9 COMMISSIONER PERALTA: Second.

10 THE CHAIR: We have a motion by
11 Commissioner Carr, seconded by Commissioner Peralta.
12 All those in favor of approving the minutes of the
13 December 15th and 16th meeting, 2011, say "Aye."

14 (Commissioners in favor so indicate.)

15 THE CHAIR: Opposed, "No"? The minutes
16 are approved.

17 We do have an open forum. It's a timed
18 item at 10:15. So that gives us about 30 minutes to
19 move on to Item No. 10. And this is the recognition
20 of the Golden Apple recipients.

21 The Golden Apple Foundation of New Mexico,
22 Golden Apple, is a 501 (c)(3) nonprofit organization
23 established in 1994 with a mission for recognizing
24 excellent teachers and improving the quality of
25 teaching. Each year Golden Apple recognizes seven

1 teachers from around New Mexico with the Golden
2 Apple Award for excellence in teaching.

3 The award winners, Golden Apple Fellows,
4 give back to their profession due to many ways, both
5 formal and informal, in which they mentor and help
6 prepare other teachers. One significant way they
7 give back is through teaching and mentoring aspiring
8 teachers in the Golden Apple Scholars Program.

9 The Scholars Program provides an annual
10 summer institute to college students preparing to
11 become teachers in New Mexico schools, beginning
12 with their first summer past high school graduation
13 and continuing through the summer before they begin
14 their teaching careers. The Scholars Program also
15 provides mentoring and continuing professional
16 development once the Scholars begin their teaching
17 careers.

18 Today we are pleased to have with us Celia
19 Merrill, the Executive Director of the New Mexico
20 Golden Apple Foundation, and Tom Keyes, the Scholars
21 Director. Tom is -- where is Tom? Oh, is it
22 "Keyes"?

23 MS. MERRILL: Yes, it is.

24 THE CHAIR: Okay, I did pronounce that
25 right. Thank you for joining us today. Ms. Merrill

1 will introduce each of the seven middle school
2 teachers. We will then ask the teachers to come to
3 the podium to tell us a little bit about their
4 teaching careers. Following this, we would like to
5 congratulate each of you, and we do have
6 certificates for you. Please come on up. Good
7 morning.

8 MS. MERRILL: Good morning. How are you
9 today?

10 THE CHAIR: Doing excellent. I think we
11 have a clip on that microphone. So just speak into
12 the mic so we have you transcribed.

13 MS. MERRILL: Okay. It's good to be here.
14 Thank you very much for the opportunity to recognize
15 these outstanding teachers. We do have seven
16 teachers. And I'm looking for the sixth, but I know
17 five are here -- okay, all right. Good. And our
18 teacher from Las Cruces is not able to be here
19 today.

20 But let me introduce for you the seven
21 that we have recognized this year. They all teach
22 at the middle-school level. We alternate the levels
23 that we recognize. So our nominations are open now
24 for elementary teachers who will be recognized in
25 2013.

1 Our first -- I'll just take them in
2 alphabetical order. Tammy Crespín teaches art to
3 over 300 students each year at Madison Middle School
4 in Albuquerque Public Schools.

5 Nathaniel Evans teaches math and science
6 at Taos Municipal Charter School.

7 Gretchen Rockenfield teaches language arts
8 and reading at Maxwell Municipal Schools.

9 Ray Rodriguez teaches special education
10 students and also social studies and language arts
11 at Lincoln Middle School in Rio Rancho Public
12 Schools.

13 Lisa Todd teaches math at Taylor Middle
14 School in Albuquerque Public Schools.

15 And Andrea Yarbrough teaches science and
16 is the science chair at Mountain View Middle School
17 in Rio Rancho Public Schools.

18 Our teacher who is unable to join us today
19 is Paulo Oemig, who teaches science at Zia Middle
20 School in Las Cruces Public Schools.

21 So I'm very pleased to present to you
22 these teachers. [Applause.]

23 THE CHAIR: Now, I want to take a little
24 bit of time with this. If we could have -- I guess
25 we'll go with the alphabetical order, since that's

1 what we started with. Each teacher, just tell us a
2 little bit about your careers and why you're
3 standing before us today in the sense that what
4 makes you special, what makes you great and your
5 specialty.

6 Tammy? Yes. And speak into the mic,
7 please, and announce your name for the record.

8 MS. CRESPIN: Hi. My name is Tammy
9 Crespin. I'm the art teacher at Madison Middle
10 School in Albuquerque, New Mexico. This is my
11 fourth year teaching art. I originally started out
12 as an elementary school teacher, and then I worked
13 my way up, proudly, to become an art teacher at
14 middle school.

15 I've been teaching about 12 years now. I
16 didn't start off as a teacher. I originally got my
17 bachelor's degree in art and in English. And the
18 little voice in my head kept saying, "You need to
19 teach. You need to teach." So I went and got my
20 teaching certification and became a teacher, and
21 I've loved it ever since.

22 I love teaching art. It is an amazing
23 process to see kids be creative and express
24 themselves. They desperately need that opportunity
25 in the school day. So I hope the State of New

1 Mexico continues to support art education. Thank
2 you.

3 THE CHAIR: Thank you so much.
4 [Applause.]

5 Nathaniel Evans. And please stay up here,
6 because I do have certificates for everyone.

7 MR. EVANS: Hi. My name is Nathaniel
8 Evans. I teach seventh and eighth grade math and
9 science at Taos Charter School. This is my eighth
10 year of teaching math and science at Taos Charter
11 School. I received my bachelor's in science and
12 biology from Antioch College in Ohio and returned to
13 New Mexico.

14 I was originally born in a school bus in
15 Taos, New Mexico. So I think I was destined to be a
16 teacher. I love teaching middle school, mainly
17 because the students are learning their
18 independence, and I like to guide them through that
19 transition. And I feel that's a really critical
20 time of when students really decide whether or not
21 they're going to be lifelong learners or not. And I
22 try to make sure I give them that opportunity to
23 find their own strengths and find themselves so that
24 they can be independent learners and are respected
25 for that.

1 So I do my best at opening up as many
2 opportunities as possible, not only just teaching
3 math and science, but recognizing the importance of
4 education. So I want to thank you guys for your
5 work as well in continuing that and recognizing
6 that. So appreciate it.

7 THE CHAIR: Mr. Evans, thank you very
8 much. [Applause.]

9 Gretchen Rockenfield.

10 MS. ROCKENFIELD: Well, I've been teaching
11 for 14 years. I've taught my first seven in
12 Cimarron. And I need to mention that my daughter
13 went to Cimarron under the wonderful teacher of
14 Mr. Carr's wife. So my daughter is smart because of
15 her.

16 COMMISSIONER CARR: Ah.

17 MS. ROCKENFIELD: I now teach in Maxwell
18 for seven years. And I teach middle school because
19 it's like a book every day. I enjoy the drama.

20 I became a teacher because I enjoy kids.
21 And I actually thought I would go into outdoor
22 education, but I decided to -- that it was a lot
23 warmer for Northern New Mexico to be inside. So I
24 hope to continue teaching till they don't want me
25 anymore. And that's what I did. Did I say I taught

1 reading? That's what I teach. That's it.

2 THE CHAIR: Thank you so much.

3 [Applause.]

4 Ray Rodriguez.

5 MR. RODRIGUEZ: Hello. I'm Ray Rodriguez.

6 Thank you for having me. I've been teaching for
7 13 years. I've spent my first eight years with APS,
8 and all my other time with Rio Rancho. I teach
9 sixth-grade special education and social studies
10 inclusion. A majority of my students have
11 experienced at some point some kind of academic or
12 social failure. I give them a place to fit in, and
13 I do my best to help them find success. Thank you.

14 THE CHAIR: Thank you so much.

15 [Applause.]

16 Lisa Todd.

17 MS. TODD: Good morning. I have taught
18 for 26 years, and I am also a national board
19 certified teacher. And going through that program
20 taught me a lot in how to get the most out of
21 education and maximum impact on the students.

22 And I teach algebra and regular math at
23 Taylor Middle School. And I think it's very
24 important to teach with a lot of passion. And I try
25 to interject my energy onto the students and get

1 them excited about learning. And quite often, there
2 are substitutes in my classroom. Can you imagine
3 that? Ms. Shearman says, "What?" And that's right.
4 The students often are greeted by Cruella Deville.
5 Einstein was in class the other day. Charlie Brown.
6 I like to dress different parts to break up the day
7 and make it a little bit more interesting.

8 So -- and I also teach with a lot of
9 compassion, because students go through a lot of
10 things and I like to make sure they know I'm here
11 for them and they can talk to me about math problems
12 as well as personal problems.

13 And I just try to make a difference, a
14 positive difference in each student's life every
15 day. And thank you for all that you do for
16 education, each and every one of you.

17 THE CHAIR: Thank you, Ms. Todd.

18 [Applause.]

19 Andrea Yarbrough.

20 MS. YARBROUGH: Hi.

21 THE CHAIR: Hi.

22 MS. YARBROUGH: Good morning. Hey. I
23 began right out of high school teaching with -- I
24 was a coach for gymnastics. So I kind of felt like
25 I've never left the classroom. So I was coaching as

1 I was going to school. I went into health
2 education. I taught in the community everywhere
3 from preschool to senior citizens. And I took a
4 little hiatus and stayed home raising my own
5 children and really enjoyed volunteering in their
6 classroom and finally found a spot in middle school,
7 which I thought I would never want to be. It is a
8 perfect fit for me because my kids are squirrely,
9 squirrely, squirrely, and I am, too.

10 So I fit really well in with the kiddos,
11 because they're up and they're down, and, you know.

12 UNIDENTIFIED SPEAKER: And so are you.

13 MS. YARBROUGH: I'm up and I'm down, but I
14 really try to motivate them on a daily basis. I try
15 to make it fun and interesting and hands-on. And we
16 have a lot of fun and they learn a lot. And I'm
17 very, very proud of them. And I think the reason
18 why we're all sitting here is not necessarily
19 because we're special; it's because we find
20 something special in all of our children.

21 And I call them "my children" even though
22 they're not my biological children. I know back in
23 Rio Rancho I have 130 kids just waiting for me to
24 come back, because it's the day before Spring Break
25 and they want to say goodbye. So thank you for

1 having us. [Applause.]

2 THE CHAIR: So we have these certificates
3 for each one of you. And we always invite photo
4 ops, if anyone wanted to take photos with the
5 teachers, the Golden Apple Award winners. So I can
6 go down there.

7 MS. TODD: For a small fee.

8 THE CHAIR: I got a haircut just for this
9 opportunity. Can I go down there and distribute
10 these?

11 Tammy Crespín, congratulations and thank
12 you for your service.

13 Lisa Todd.

14 MS. TODD: The photo.

15 THE CHAIR: There are no takers.

16 MS. MERRILL: I'll get it all together, if
17 you don't mind.

18 THE CHAIR: Let's do that. Ray Rodriguez,
19 There he is. I'm giving you two. There's already
20 one for next year. Gretchen?

21 MS. ROCKENFIELD: Thank you.

22 THE CHAIR: And then Paula was the person
23 not -- was it "Paulo"?

24 MS. MERRILL: Paulo, yes.

25 THE CHAIR: I was hoping we didn't have a

1 typo. We're good. Nathaniel? And now -- is it
2 Andrea or Andrea?

3 MS. YARBROUGH: Either one.

4 THE CHAIR: Either one. A group shot?
5 Everybody? Come on this side. (Photo taken.)

6 MS. MERRILL: Thank you.

7 THE CHAIR: Thank you, everybody.

8 [Applause.]

9 I had mentioned to Ms. Todd before the
10 meeting -- we chatted for a moment. And I'm a firm
11 believer of you can have any curriculum in front of
12 a teacher, but the final analysis is this, is that
13 you have one adult in a room with a certain amount
14 of children. And if you're not fired up, if you're
15 not passionate, if you're not willing to give energy
16 every single day to pull excellence out of those
17 children, then education reform doesn't happen.

18 So I commend you all. This is -- this is
19 the -- the best part of being the Public Education
20 Commission Chair is celebrating excellence. So
21 thank you.

22 AWARD RECIPIENTS: Thank you. [Applause.]

23 THE CHAIR: I want to welcome Deputy
24 Secretary Paul Aguilar. Good morning, sir.

25 DEPUTY SECRETARY AGUILAR: Thank you,

1 Mr. Chairman. I'm in the low-rider chair. Give me
2 just a sec.

3 THE CHAIR: Someone stole that padding,
4 and I'm not going to say who, but it was
5 Commissioner Shearman.

6 COMMISSIONER SHEARMAN: I've been outed
7 again.

8 THE CHAIR: We do have a timed item at
9 10:15, so let me look at my notes here, see what we
10 can get through.

11 Item No. 11 are 2012 Legislative Updates
12 and Comments from Deputy Secretary Paul Aguilar,
13 Deputy Secretary of Finance and Operations. And we
14 do have the Open Forum at 10:15, sir. So at your
15 pleasure, if you wanted to begin, we can; and we can
16 take a 15-minute break, whatever your pleasure is,
17 sir.

18 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
19 no, thank you. I think we're okay.

20 THE CHAIR: We will begin with 2012
21 Legislative Update and Comments. Good morning.

22 DEPUTY SECRETARY AGUILAR: Good morning,
23 Mr. Chairman. How are you today?

24 THE CHAIR: Doing excellent.

25 DEPUTY SECRETARY AGUILAR: Mr. Chairman,

1 the recently completed legislative session was sort
2 of interesting in terms of charter school
3 legislation. There weren't a lot of pieces of
4 legislation that were introduced. However, the ones
5 that were could have had some significant impact.
6 However, for the most part, they did not pass.

7 And so the -- although I want to inform
8 the Commission that there's work that's going to be
9 coming out this year regarding the funding formula.
10 And there's been a task force that's been developed
11 by the -- by the Coalition of School Administrators
12 that's going to work on looking at changes to the
13 funding formula. It's met once. That was an
14 organizational meeting.

15 And at that meeting there was discussions
16 about having the new funding formula that was
17 developed in 2007 sort of dusted off, a new
18 evaluation done to update the data; and there was
19 funding provided in House Bill 2 to the Legislative
20 Council Service for that purpose. That funding was
21 vetoed. But I think the intent is to continue with
22 the work of that formula group and work with the
23 legislature.

24 The Legislative Council Service does have
25 cash balances that are, I think, significant, and

1 we're going to try to convince them that the -- the
2 effort at looking at the new funding formula is
3 worthy and that we were going to -- that we
4 should -- that they should spend that money to have
5 that new funding formula updated.

6 Of interest in the funding formula are a
7 couple of things. One is -- in the new funding
8 formula. One is charter schools, in the current
9 funding formula, and the needs of individual
10 students are considered to be equal and identical to
11 all other students in the state. If you have
12 special needs, you generate so many units. If you
13 have -- if you're a bilingual student, you generate
14 so many units.

15 One of the interesting things about the
16 new funding formula is that it accounts for the -- I
17 call it the diseconomies of scale involved with
18 operating a charter school. There are certainly
19 some additional costs that charter schools incur.
20 The -- the policy discussion that's taking place
21 now, however, is more along the lines of should
22 charter school students be funded more independent
23 of the formula. And -- and whatever that level is
24 that is occurring now, it -- the perception is is
25 that it's too high.

1 And because of that, there were some
2 efforts in House Bill 2 to limit the amount of
3 funding that was available to charter school
4 students this year -- not this year, I'm sorry; in
5 FY13. And what that language said was that no --
6 and I'm paraphrasing; I don't have it in front of
7 me -- but that no charter school student would
8 receive more funding per mem, per person, than the
9 students that -- in the district in which they're
10 located.

11 So independent of what that student
12 generates in terms of need, they wouldn't be funded
13 at a level greater than -- let's say they were an
14 Albuquerque charter school. The per-membership
15 funding would have been no greater than the funding
16 that Albuquerque gets.

17 And so -- which throws our funding
18 formula, which is an equalized formula -- throws it
19 into disarray. It creates an artificial number.
20 And so the Governor vetoed that language. And so
21 for FY13, the current funding formula will go
22 forward, and that's how the funding for schools will
23 be developed.

24 However, the task force is going to meet
25 during the interim to work on -- on either fixes to

1 the funding formula that's being pushed by any
2 number of stakeholders, or to actually look and see
3 if the new funding formula in its current state
4 could be adopted and if there was the political will
5 for it to be -- to pass the legislature in the
6 upcoming session.

7 In 2007, when the formula was first
8 developed, it was a do-or-die in terms of funding.
9 The amount that was determined necessary to fund the
10 formula was about \$350 million, and the desire of
11 the sponsor at that time and in subsequent years
12 was, "If there's no money, then we won't go forward
13 with the formula." And so that it become a big
14 policy discussion over the years.

15 Now that -- that we've been in a reduced
16 revenue environment for three or four years now,
17 there's more of a realization that perhaps at a time
18 when revenues are at their lowest, that may be the
19 time to implement the new formula, where, as more
20 revenues flow in, they would flow in more equitably
21 and in those places that needed the money most. And
22 so I think that there's some desire to revisit that.

23 The other desire that was expressed by the
24 Legislative Finance Committee and the Legislative
25 Education Study Committee in their report that they

1 issued about three months ago was to sort of force
2 the issue in terms of small school size adjustment
3 primarily, and also raise the issue of schools, not
4 just charter schools, but any schools that are
5 co-located in buildings -- in the same building --
6 to pull those out of the funding formula.

7 And so I think those are the big issues
8 that are going to be dealt with during the interim
9 regarding the funding formula. And, Mr. Chairman, I
10 could either continue or stand for questions on each
11 issue, depending on your desire.

12 THE CHAIR: Are there any questions at
13 this juncture? Please continue.

14 DEPUTY SECRETARY AGUILAR: Thank you,
15 Mr. Chairman. The second bill that actually made it
16 quite -- made it through the House but not the
17 Senate was a bill that repealed the -- this sounds a
18 little odd; it's not good English -- but it repealed
19 the delayed repeal of the Charter School Capital
20 Outlay Fund. There was a Capital Outlay Fund that
21 was established a few years ago to serve as a
22 repository for appropriations so that charter
23 schools -- most particularly State-chartered charter
24 schools who don't have a tax base -- could draw on
25 that money to serve as their share of -- of any

1 standards-based project, or any standards-based
2 allocation which could be for a facilities master
3 plan and those sorts of things. And Representative
4 Begay carried that bill. It did not pass.

5 So although there was no money in the fund
6 after the funding was -- was reverted at the end of
7 the fiscal year, at the end of FY11, there was a
8 desire to have that fund available for future use.

9 It no longer exists, although I think there's a
10 desire to reintroduce this bill next year, along
11 with perhaps some funding to work with the
12 State-chartered charter schools with their needs.

13 And so that was House Bill 100, which did not pass.

14 The second -- or the third bill now that
15 we talk about is House Bill 107. It was introduced
16 by Jimmy Hall, Representative Jimmy Hall for the
17 Legislative Education Study Committee relating to --
18 requiring charter school authorizers to monitor
19 charter school audits and corrections.

20 This bill, I think, is well-intentioned.
21 I think that's the job that the Public Education
22 Department now does for the State-chartered charter
23 schools. And for locally-chartered charter schools
24 being component units of their districts, the
25 districts are responsible for doing that. So this

1 was a well-intentioned bill that I think it not
2 passing doesn't have either a negative or a positive
3 effect. It sort of was restating the current -- the
4 current situation.

5 And then, finally, Senate Bill 192
6 introduced by Senator Sapien. And this particular
7 bill, in essence, provided that new charter schools,
8 and also charter schools that were going through the
9 renewal process, were to enter into contracts with
10 their chartering authorities in set time frames that
11 were a little different than what the current
12 practice is.

13 And, as an example, the -- under the
14 current statute, districts had -- I'm sorry --
15 charter schools or renewing charter schools had
16 30 days from the time that they were renewed or
17 accepted as a new charter school to sign a contract
18 with their -- with the authorizers. And so what
19 this did is this set -- for example, a new charter
20 school would enter into a final contract no later
21 than February -- no later than February, depending
22 on when a charter school was approved.

23 I don't know that -- I don't know that
24 there's a practical downside to this. I think that
25 unless -- and, again, I'm -- this is where I'm

1 not -- I would defer to the -- to the Charter
2 Schools Division and also members of the Commission.
3 Because this didn't pass, charter schools would
4 continue to be required to sign those contracts
5 within 30 days.

6 Now, given the practical effects of Senate
7 Bill 466 -- 446 --

8 COMMISSIONER GANT: Four forty-six.

9 DEPUTY SECRETARY AGUILAR: -- that may be
10 difficult because of the new monitoring requirements
11 and whatnot. And so I think that if, as we go
12 through this first phase of implementation through
13 this current cycle, if it proves to be problematic
14 to sign a contract within 30 days, then we're
15 certainly going to have to revisit this for the
16 60-day session and see how -- see how it's going to
17 work.

18 So we -- I don't know whether to
19 anticipate problems or not. I think it's going to
20 be a let's -- we're going to have to go through the
21 process again, find out what the practical
22 implications are and then make a determination
23 whether it's -- whether we need to go forward with
24 this or not. And I would defer to Ms. Callahan for
25 comment if there's further comment to be made.

1 MS. CALLAHAN: Mr. Chairman and
2 Commissioners, I totally agree with you,
3 Mr. Aguilar.

4 COMMISSIONER GANT: Speak- --

5 MS. CALLAHAN: Thank you. I agree with
6 Mr. Aguilar that without having a basis of
7 comparison -- I was speaking to the Charter
8 Committee this morning. The contract that has been
9 drafted and is being reviewed is something no other
10 state has implemented. And so we don't even have
11 comparisons to other states.

12 So we're going to have to go through the
13 process, definitely will have some learning pains
14 probably that we'll go through. But we'll keep the
15 Commission informed about our progress, and we will
16 get, hopefully, a contract draft to you all sometime
17 in April.

18 THE CHAIR: Question from Commissioner
19 Gant.

20 COMMISSIONER GANT: Mr. Chair, Mr. Deputy
21 Aguilar, I need some clarification, I guess, because
22 the Senate Bill 446, we had put in place through
23 that bill some standards that had to be met by all
24 current and future charter schools. And at that
25 time, I had the understanding, by 1 July of this

1 year, that the majority -- or not all current
2 charter schools had to be under that contract.

3 And the one reason for -- for Senate
4 Bill 192 was to spread this out so we wouldn't be
5 inundated all at once with -- like, we've got --
6 what? -- 50-something charter schools now belonging
7 to the State, ours. Are we going to have to do
8 these all at one time to make sure that they are all
9 in compliance? So we're judging these charter
10 schools on what came out of Senate Bill 446, and we
11 have a contract with them based on 446, instead of
12 waiting for them to come up in three or four or
13 whatever years for their renewal.

14 DEPUTY SECRETARY AGUILAR: Mr. Chairman
15 and Commissioner Gant, I think -- we had a
16 discussion earlier this morning with the Charter
17 School Subcommittee. I think it's current -- it's
18 going to be the current renewals coming on board, as
19 well as those new charter schools that begin
20 operation in July or August or when they first open
21 up.

22 So I'm going to suggest there's 12 of
23 those, plus whatever are renewed. But, Kelly if you
24 could help me on that one?

25 MS. CALLAHAN: Mr. Chairman,

1 Commissioner Gant, Secretary Aguilar, the way the
2 bill stands right now, those schools that are
3 impacted for the coming year, effective July 1st,
4 2012, are the new applications that will be
5 submitted July 1st, and for those who are approved
6 in the September hearings, they will have a contract
7 that needs to be negotiated within that 30 days.

8 In addition, the renewal charter schools
9 that are coming on board, they submit October 1st,
10 and the approval takes place in December. Those
11 contracts will need to be negotiated.

12 The schools who are currently going to
13 open in August or September do not fall under the
14 purview of 446. So it'll be new charters submitting
15 July 1 and renewals submitting October 1.

16 THE CHAIR: Let me interrupt just a moment
17 so we can take care of our 10:15 timed item. We
18 have Open Forum. Public comments and observations
19 regarding education policy and governance issues, as
20 well as the strategic plan for education are heard
21 at this time. There is a four-minute time limit per
22 presenter. Persons from the same group and having
23 similar viewpoints are asked to select a
24 spokesperson to speak on their behalf. Multiple and
25 repetitious presentations of the same view will be

1 discouraged.

2 And I will refer to the Public Education
3 Commission's Rules of Procedure to state that the
4 chairperson will conduct the Open Forum in
5 accordance with the following parameters: To rule
6 out of order any presentation that addresses an
7 agenda item, a matter of pending litigation, or is
8 disruptive to the conduct of the meeting. That is
9 letter "C" out of -- out of four items there.

10 So in looking at the sign-in, I have one
11 person, Lori J. McCarty, representing Reserve
12 School. And the topic seems to be an item that we
13 have on our agenda already? Is that correct?
14 (Indicates.)

15 Okay. So that will not be heard at this
16 time. Were there any other folks that wanted to
17 discuss general education or strategic planning in
18 regard to State of New Mexico education? Seeing
19 none, our Open Forum will be closed, and we will
20 continue with Item No. 12 with Deputy Secretary
21 Aguilar.

22 I'm sorry. Eleven. Oh. Commissioner
23 Gant.

24 COMMISSIONER GANT: Continuing on 192,
25 Senate Bill 192, I just -- my only concern right now

1 is that we're going to have charter schools on
2 different contracts. And when it comes down to
3 renewals or reviews or whatever, we're going to have
4 this wave of -- it's going to be hard to keep up
5 with the data for one particular charter school.
6 Then we have a the new charter contracts. Then
7 we've got the old charters.

8 So it's going to be an interesting time
9 going through -- this could last up to five years --
10 up to five years before we're out on the new
11 charter, under 446 contracts. So it's going to be
12 an interesting time.

13 Another comment, if I may, on 102. That
14 was -- that dealt with -- remind me, Deputy.

15 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
16 107? The audits?

17 COMMISSIONER GANT: The audits. The only
18 concern I have with the audits currently being
19 done -- and this is something we can fix in-house --
20 is like with the districts, when they're -- when the
21 district-authorized charter schools are audited,
22 school boards automatically get their audits. It
23 happens. Up till now, unless we beg, borrow, or
24 whatever, we here for our State-chartered charter
25 schools, as the authorizer, we don't see them.

1 We don't know -- I do have a set that I
2 have to get through for a year or two ago. But as a
3 Commission, we have yet to see any -- any audit on
4 any State-chartered charter school to date. And I
5 think that one needs to be fixed, because we need to
6 be tracking, as a Commission, yearly what's going on
7 with these charter schools financially. And that's
8 just my comment on that one. Thank you.

9 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
10 may I respond?

11 THE CHAIR: Yes, sir.

12 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
13 Commissioner Gant, I think that's a legitimate
14 concern. We do monitor the State-chartered charter
15 schools audits. We do work with them to -- on
16 compliance issues and on -- on dealing with their
17 findings and whatnot. The -- so what I'm committing
18 to do today is that we will provide you with a
19 summary of findings. Generally, findings that are
20 not material, we probably won't. Otherwise, you'll
21 have a list 500 pages long.

22 But we do -- those that have material
23 weaknesses or any qualified audits, we'll give you a
24 list of all audit -- of all charter schools and
25 their audit status. And then we will -- for those

1 that have material weaknesses, significant
2 deficiencies, or a qualified or disclaimed audits,
3 we will then prepare a specific narrative on all of
4 those issues so that you're aware of those.

5 COMMISSIONER GANT: Mr. Chair, Mr. Deputy
6 Aguilar, I appreciate that. Also, as you know, we
7 went through this drill with districts that had
8 failed to do their audits. So it would be nice to
9 know what charter schools -- by State statute, they
10 have to do it yearly. And we had some districts
11 that failed to do it for four years, and you know
12 the trouble they got into. So we'd like to keep the
13 charter schools out of the same trouble.

14 DEPUTY SECRETARY AGUILAR: Mr. Chairman
15 and Commissioner, thank you. Also, Mr. Chairman and
16 members, just as a comment, there's a new GASB rule,
17 GASB 61, that is supposed to go into effect in July,
18 which could have the real effect of the districts --
19 as Mr. Gant -- as Commissioner Gant mentioned,
20 pardon me. Excuse me. As Commissioner Gant
21 mentioned, the district-chartered charter schools
22 findings are included in the district audit report.

23 GASB 61 provides an option for districts
24 to -- for lack of a better word, I'm going to say
25 "shed" the charter schools as component units for

1 audit purposes, which means that the State would
2 then -- the Department would assume that
3 responsibility, which is appearing to be
4 problematic.

5 And so we have not sent out guidance on
6 GASB 61, other than there was an option for
7 districts to implement it early. And we told
8 them -- we told them that that was not possible,
9 that they could not implement it early. And we're
10 in the middle of discussions now to send guidance to
11 the districts on how they should or should not
12 implement GASB 61.

13 The issue that -- as the -- as the person
14 responsible primarily for finances in the
15 Department, what my concern is -- among others, many
16 concerns -- but what my concern is with GASB 61 is
17 that right now I have a staff that can monitor
18 50-some-odd charters. I don't have a staff that can
19 monitor 95 with the ones that are coming in.

20 And so -- and the other problem is, is I'm
21 sure that there's going to be a desire on the part
22 of the districts not to give up their 2-percent
23 money; although they don't have -- they don't have
24 oversight. They'll still have programmatic
25 oversight but not fiscal oversight. And so that --

1 that's causing some consternation on my part,
2 because if you're not overseeing both parts -- both
3 sides of the shop, so to speak -- it's very
4 difficult to determine whether the expenditure of
5 funds is being done in the best interests of
6 students, and then that audit piece is very
7 different.

8 So, again, there's no action for the
9 Commission. But I would like to come to the
10 Commission, either in the -- one of the next two
11 meetings, to brief the Commission on GASB 61 and how
12 the Department plans to send guidance out regarding
13 its implementation.

14 COMMISSIONER GANT: Thank you.

15 COMMISSIONER CARR: Mr. Chair?

16 THE CHAIR: Commissioner Carr.

17 COMMISSIONER CARR: I had a question about
18 the teacher evaluation system, and also the fact
19 that we're out from underneath No Child Left Behind,
20 at least temporarily, it seems.

21 Some of the criticism of the application
22 centered around there not being enough diversity on
23 the committees and people who developed the
24 application. And that, I would like to make sure --
25 I hope that that is being addressed. I know the

1 other -- the fact that the -- a new teacher
2 evaluation system had not passed the State
3 Legislature, and what I had heard, that the Governor
4 plans to enact by Executive Order a teacher
5 evaluation system.

6 Now, if that be the fact, I hope that --
7 that a substantial number of actual classroom
8 teachers would be involved in coming up with that
9 process, unless she intends to use, you know, what
10 she wanted in the first place, unless there's going
11 to be some kind of changes.

12 I -- I am concerned that there is not
13 enough diversity on some of these committees that
14 make these decisions that go before the Governor
15 and -- or the Secretary of Education. And I am
16 concerned about any evaluation system that
17 substantially relies on unreliable testing and
18 testing where a great deal of teachers don't even
19 teach the subjects that are being tested, and that
20 there's a great deal of issues and problems with
21 that.

22 There's a great deal of studies out there
23 that show that basing evaluations on testing is
24 pretty faulty. And -- and that's -- I mean, in some
25 of the latest evidence that has come out nationally.

1 So I'm not sure exactly -- I would like
2 some clarification, you know, on what intends to be
3 done in regards to that. And maybe you could speak
4 to some other issues that the federal -- or the
5 United States Department of Education had with our
6 application.

7 DEPUTY SECRETARY AGUILAR: Mr. Chairman
8 and Commissioner -- Commissioners, Item 13, when
9 you're done hearing from me, is a presentation on
10 the A-through-F Grading System. Ms. Leighann Lenti,
11 our Director of Policy, will be presenting that.
12 She was also one of the primary authors of our
13 waiver request. So I think specifically waiver
14 questions would be best addressed there.

15 COMMISSIONER CARR: All right.

16 DEPUTY SECRETARY AGUILAR: I'd like to
17 address a couple of your issues, though. One is the
18 diversity of the advisory committee. The advisory
19 committee had well over 25 members, I believe, with
20 educators from across the state. I had a little
21 conversation with a gentleman that was on the -- one
22 of the bilingual advisory committees under the past
23 administration who's not on an advisory committee
24 this -- and he was giving me a little bit of a hard
25 time.

1 And I asked him the question. I said,
2 "Are you upset that the -- that the old group was
3 disassembled and a new group was put together, or
4 that we just -- that we're listening to different
5 people?"

6 And it was a private conversation, so I'm
7 not going to mention any names. And he said, "Well,
8 kind of because you're listening to different
9 people."

10 And I said, "Well, that's a whole
11 different thing."

12 I think the diversity of the group is
13 good, but I will take the concern back to the
14 Secretary to make sure that we look again at those
15 folks that are advising and whatnot.

16 I would point out that Representative
17 Egolf, on the floor of the House, during debate,
18 asked the question -- and I'm not going to quote
19 because I might miss one or two words. But he
20 actually said, "I don't see a need for this
21 legislation. It appears" -- and he's a lawyer. He
22 said, "It appears to me that the Department has
23 the -- has the authority to enact the teacher
24 evaluation system in a rule. And so we're sort of
25 wasting our time on the floor discussing it."

1 I don't want to debate the merits of that
2 comment. But, you know, it sort of makes a point.

3 But, then, secondly -- and then thirdly --
4 and I would -- and I guess I'd like to meet with you
5 also and talk about this as well -- a lot of -- a
6 lot of the nuances of the teacher -- of all of our
7 initiatives get lost, I think, in the -- in the
8 rhetoric of -- of the pros and cons and supporters
9 and detractors. I would argue that, if I recall the
10 bill -- and I've read it only, probably, you know, a
11 handful of times, not hundreds as my colleagues
12 have.

13 But as I recall the bill, I think
14 40 percent of an evaluation was based on a
15 standardized test, or maybe less. A full 60 percent
16 was based on -- as I recall -- was based on
17 district-determined assessment methods, which could
18 include classroom observations, which could include
19 a portfolio, which include any number of things that
20 allows teachers to demonstrate the fact that their
21 kids are growing.

22 And for those -- and for those subjects
23 that aren't subject to the Standards-Based
24 Assessment, that percentage of -- of the assessment,
25 of the evaluation that's related to those

1 district-determined methods is even greater. And so
2 I'd really like to sit with you and go through it
3 and really talk about the nuances.

4 And then I'm going to be a bit glib, just
5 because I can. We talk about not basing assessing a
6 teacher on a standards-based assessment. We test
7 kids every Friday. We test kids all week and base
8 their assessment -- base their growth or success or
9 failure on a graded assessment. And so if we do
10 that for kids, I think we ought to be able to use
11 part of that. That wasn't as glib as I thought it
12 was going to be.

13 COMMISSIONER CARR: No, it wasn't.

14 DEPUTY SECRETARY AGUILAR: But we do use
15 standards-based assessments. We use assessments
16 every day of the week and we issue a grade. And we
17 issue a grade about -- that kids and parents and
18 teachers sort of internalize, being, you know, a
19 measure of self-worth, let's just say, based on a
20 grade. And we issue grades A through F every day to
21 kids.

22 And so why that standards-based piece
23 wouldn't be part of a teacher evaluation, I think,
24 is -- you know, is an important component.

25 Now, we can argue about the bits and

1 pieces. But I think that we've listened. The final
2 bill that came out was greatly changed from the bill
3 that was introduced last session because we went out
4 and we had community meetings. We met with folks
5 all across the state, not just the advisory
6 committee. And the changes that were made were a
7 function of what we heard from superintendents. And
8 so I guess I would -- that would be my response.

9 COMMISSIONER CARR: Mr. Chair, if I could
10 respond to that? Yeah, and I do not -- I think that
11 basing it partly on the test is fine. And it's
12 important that the test be valid. It's important
13 that -- that all the other considerations, the
14 socioeconomic makeup are included in all these.

15 Some of the studies that I've read in
16 regards to that, they were states that give bonuses
17 to teachers for good test scores, for instance.
18 They've actually traded classrooms, and the teacher
19 that didn't get a bonus before got a bonus because
20 they got the kids that the other teacher got before,
21 and the teacher who got the bonus didn't get the
22 bonus. The makeup of the students is -- is a huge
23 factor involved.

24 I would love -- you know, and I think
25 testing should be -- could be a part. I don't think

1 it should be a large part, I think, you know, but it
2 should be part of it. I -- and I would love for the
3 Public Education Commission to be part of looking
4 over that teacher evaluation that the Governor,
5 Secretary of Education, Public Education Department,
6 comes up with.

7 I would love for us to be consulted in
8 that regard so that we can -- before it's actually
9 implemented so that we can have something to say
10 about it. So -- and I appreciate you being here
11 today. And thank you for your answering my
12 questions candidly, not so glibly. Thank you.

13 DEPUTY SECRETARY AGUILAR: Mr. Chairman
14 and Commissioner, thank you. And just one other
15 comment that I forgot to note that I would be remiss
16 is remember when you talk about switching teachers,
17 one of the key components -- one of the bad things
18 about AYP is that we -- we would compare this year's
19 cohort against last year's cohort. We weren't
20 comparing kids. We were comparing -- I don't
21 know -- apples and kumquats.

22 COMMISSIONER CARR: Right.

23 DEPUTY SECRETARY AGUILAR: The good thing
24 about this teacher evaluation system and the school
25 grade -- people can agree or disagree with lots of

1 parts. But one good thing I think that we can all
2 agree on is that we're focusing on growth. And so
3 that teacher that inherited that less than
4 proficient class but was able to grow those kids
5 would get -- would get credit for that. And the
6 teacher that wasn't so successful that went to the
7 successful class but didn't get any growth, for
8 example, would be noted as well.

9 So I think it's a key piece to the -- that
10 I think -- when I was a teacher, getting those kids
11 to grow was the most important thing. Sometimes
12 you're not always going to be on grade level. But
13 if we can get that growth, then we can certainly get
14 them moving along the way. Thank you, Mr. Chairman.

15 COMMISSIONER CARR: Okay.

16 THE CHAIR: Any other questions from
17 Commissioners on item No. 11? Seeing none, Deputy
18 Secretary, thank you very much for all that
19 information.

20 Item No. 12, PED Secretary consultation
21 with the Public Education Commission on proposed
22 suspension of Reserve School District
23 Superintendent.

24 On January 20, 2012, the Public Education
25 Department Secretary Designate served a detailed

1 notice on the Superintendent of Reserve Independent
2 School District of her intent to suspend her
3 authority as the District Superintendent. The
4 Superintendent was given 30 days to submit a
5 response or a plan satisfactory to the PED to
6 address how she would meet the requirements of law,
7 standards, or rules.

8 The Public Education Department received a
9 response from the Superintendent on February 16th,
10 2011, addressing each of the concerns raised by the
11 Public Education Department Secretary. The Public
12 Education Department must determine if the response
13 is satisfactory to the Public Education Department
14 Secretary Designate.

15 Under Section 22-2-14 of the Public School
16 Code, the Public Education Commission shall consult
17 with the Secretary and may recommend alternative
18 actions for the Secretary's consideration. This
19 section of law also states that the Secretary must
20 consult with the Public Education Commission prior
21 to suspending the authority of the School District
22 Superintendent.

23 Deputy Secretary of Finance and
24 Operations, Paul Aguilar, will discuss that with us.

25 DEPUTY SECRETARY AGUILAR: Thank you,

1 Mr. Chairman. If I could have just one second,
2 Mr. Chair?

3 THE CHAIR: Yes, sir.

4 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
5 in your packet, in your Commission packet, this is a
6 copy of the letter that was presented to the
7 Superintendent on January the 20th. Mr. Chairman,
8 the Secretary couldn't be here today. I'm sitting
9 here in her stead. She's out of state. But she
10 recognizes the importance and the value of this
11 process.

12 We have previously met on another couple
13 of issues, and I am pleased to inform the
14 Commission -- the Commission that -- that the
15 mediation efforts in Central have taken place, and
16 we believe that they were constructive.

17 We are scheduling a meeting with the
18 Reserve School Board and the School Board
19 Association, I'm hoping in the next week or so, to
20 conduct that effort with them and to try to get some
21 resolution to that particular issue.

22 Regarding this issue, Mr. Chairman, the
23 Department and Secretary have asked that this --
24 that the Public Education Commission place Item 12
25 on your agenda because PED is contemplating

1 suspending the authority of a superintendent.
2 Sections 22-2-2(C) and Section 22-2-14 of the Public
3 School Code and the Public Education Department
4 Rule 6.30.6 of the New Mexico Administrative Code
5 establish guidelines and authority for that process.

6 The law and rule provide that the
7 Secretary must consult with the Commission. You
8 requested, and were provided, a legal opinion from
9 the PED's General Counsel that this administrative
10 function can be delegated, which is why I am here
11 today.

12 Mr. Chairman, as the agenda says, this is
13 not a hearing on whether the Superintendent's
14 authority should be suspended. A hearing, if there
15 is to be a hearing, comes later in the process in
16 front of the Secretary or a hearing officer, but if,
17 and only if, the Secretary decides to go forward.

18 If you'll recall from a similar agenda
19 item in December 2011, the Public Education
20 Commission statutory role in this process is to
21 recommend or not to recommend an alternative course
22 of action to the Secretary. We do not interpret the
23 law as requiring or warranting public input and will
24 not participate in any public debate over the
25 Secretary's proposed actions. In fact, in the

1 interest of due process, fairness, and issues of
2 privacy, we cannot participate in that discussion.

3 Moreover, your own Rules of Procedure
4 provide, on Page 7, under the section addressing
5 Public address to the Commission, that the Chair of
6 the PEC will rule out of order any presentation that
7 addresses an agenda item, a matter of pending
8 litigation, or is disruptive to the conduct of the
9 meeting.

10 Certainly, the issue of the possible
11 suspension of a superintendent by the PED is a
12 matter of pending litigation.

13 I do want to emphasize that our being
14 before you for consultation is statutorily required.
15 As you know, we have issued a Notice of Proposed
16 Suspension to a school district superintendent. The
17 way the law and PED rule are set forth is that once
18 we issue the notice, the superintendent has 30 days
19 within which to comply with the requirements of law
20 identified in the notice, or submit a plan
21 satisfactory to the Secretary to meet the
22 requirements of that law.

23 In the matter before you, we have received
24 a written response from the Superintendent
25 addressing each and every concern that was raised.

1 We received a copy of both the Notice and the
2 Superintendent's response. You may recall that PED
3 staff visited the district on November 8th, 2011,
4 and made certain observations. Additional
5 information has come to light since that visit.

6 Because the Open Meetings Act does not
7 permit us to meet with you in executive session in
8 this matter, it would be inappropriate to discuss
9 the details of the reasons of the proposed
10 suspension beyond the letters you have received.

11 Our position at this juncture is that we
12 have taken the Superintendent's response under
13 advisement and that we are still in the
14 investigative stage. Today is the Commission's
15 opportunity to provide us with an alternative
16 recommendation, which will be considered in making a
17 final determination on whether to proceed forward.

18 If the Secretary determines to proceed,
19 then she must issue what is known as an "Alternative
20 Order of Suspension" that details why she is
21 proposing to suspend the authority and where and
22 when a hearing would take place. Such hearings must
23 take place within 60 days of the issuance of that
24 Alternative Order of Suspension.

25 I assure all of you here today that upon

1 receipt of the Superintendent's response, we did not
2 summarily decide that our only appropriate action
3 was to issue an Alternative Order of Suspension.
4 Instead, we continue to gather and are considering
5 all information that we've gathered in order to make
6 the best decision possible as we go forward.

7 Mr. Chairman and members of the
8 Commission, thank you very much for allowing us to
9 be here and for giving us the opportunity to address
10 the Commission.

11 THE CHAIR: Thank you, Deputy Secretary.
12 Comments from Commissioners? Commissioner Canfield.

13 COMMISSIONER CANFIELD: Thank you,
14 Mr. Chair and Deputy Secretary. I'm the new kid on
15 the block here, so excuse me if I'm -- I'm still
16 learning our role here.

17 But it really seems to me that we don't
18 necessarily -- this Commission doesn't necessarily
19 have an authoritative role -- consultation role, I
20 guess is the best way to put it. And I appreciate
21 you outlining that for us and helping me understand
22 that.

23 I just -- it's hard for us -- or for a
24 Commissioner such as me to make some sort of
25 decision in this matter because we're not in the

1 process, necessarily. So I guess from my standpoint
2 as a Commissioner, I would just recommend that, you
3 know, we not impede the process and that we urge the
4 PED to do the best in their due process and be fair
5 and implement the right -- the right decision for
6 our kids.

7 And so I'm not sure at this point that --
8 that, you know, I would be in a position to support
9 an alternative recommendation. Thank you,
10 Mr. Chair.

11 COMMISSIONER SHEARMAN: Mr. Chair?

12 THE CHAIR: Thank you, Commissioner
13 Canfield. Commissioner Shearman?

14 COMMISSIONER SHEARMAN: Deputy Secretary
15 Aguilar, would you remind me again of the time line?
16 I'm looking at the letter from the Superintendent
17 to -- no, I'm sorry -- that was sent to the
18 Superintendent on January 20th. Now, from that
19 point, what is the time line of responses or plans
20 or hearings or what, please?

21 DEPUTY SECRETARY AGUILAR: Mr. Chairman
22 and Commissioner, the Superintendent, upon receipt
23 of the letter, starts a 30-day clock. And the
24 Superintendent has -- or a Board, depending on the
25 circumstances -- has 30 days to respond. Then the

1 clock sort of stops as we continue the investigative
2 process to determine whether the Secretary is going
3 to move forward with a proposed action, whether she
4 is going to consider alternatives.

5 But once -- and so the result could be a
6 letter back to the Superintendent saying that, "You
7 have met all of the -- our concerns are allayed and
8 go forth and do good things," and that's obviously
9 one alternative.

10 The other alternative is that we have
11 gathered information and there is cause to move
12 forward with an alternative order. And if that's
13 the case, then the -- then the Secretary would make
14 that call, and then that starts a 60-day clock. And
15 within that 60 days, then the Secretary must
16 schedule a hearing, a public hearing, in order for
17 the -- the Superintendent to present his or her case
18 of why a suspension should not occur.

19 And then -- and I'm going to defer to
20 Mr. Ventura. After that hearing, I'm not sure of
21 how long the Secretary has to issue a determination,
22 if there is a time line.

23 MR. VENTURA: I'm just perusing -- there's
24 a rule on this, just to be clear. It's 6.30.6, and
25 I'm perusing the rule now. And it says -- the

1 relevant part here says, "The hearing shall be
2 presided over by the Secretary or a hearing officer
3 designated by the Secretary and shall be open to the
4 public. The hearing officer shall, within two
5 business days after the hearing or sooner, as
6 requested by the Secretary, submit to the Secretary
7 a report setting forth findings of fact." And then
8 after that, there does not seem to be another date.
9 Hang on a second.

10 Yeah. After that there doesn't seem to be
11 a provision for when the Secretary has to make her
12 decision, based on that report.

13 COMMISSIONER SHEARMAN: So if I may be
14 clear, I'm looking at the response from the Reserve
15 Superintendent. It's dated February the 16th. Now,
16 is there a 30-day time limit from the receipt of
17 that response until the Secretary issues whatever,
18 either the Alternate Order of Suspension or
19 whatever? Thirty days is correct?

20 DEPUTY SECRETARY AGUILAR: Mr. Chairman
21 and Commissioner, no. The clock then stops and
22 doesn't start again until the Secretary makes a
23 determination of whether to end the -- the process
24 or to go forward with an alternative or --

25 COMMISSIONER SHEARMAN: So it's rather

1 open-ended at this point.

2 DEPUTY SECRETARY AGUILAR: Yes. Because
3 during that time, we're evaluating all information
4 that we've gathered to make a -- to make a prudent
5 decision. And so that may take a little longer or
6 shorter, depending on the amount of information and
7 the -- what information we receive -- that we'll
8 receive and we're evaluating.

9 COMMISSIONER SHEARMAN: Thank you.

10 COMMISSIONER CARR: Mr. Chair?

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: I'd like to make a
13 motion. If there's further discussion --

14 THE CHAIR: Let me open up the floor. Do
15 we have any other discussion? Commissioner Gant?

16 COMMISSIONER GANT: Mr. Chair, Deputy
17 Aguilar, does the Superintendent, as I understand,
18 have property rights involved with a contract?

19 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
20 would defer to Mr. Ventura.

21 MR. VENTURA: I'm going to address that
22 issue real quickly. Technically, people have a due
23 process right when they have a contract right.
24 However, the issue here is we're only suspending --
25 if this were to go through, it would be a suspension

1 of the authority of the Superintendent. The
2 Superintendent's contract would technically and
3 legally not be touched, and they would still remain
4 employed. Their authority, however, would be
5 suspended.

6 COMMISSIONER GANT: Interesting. In other
7 words -- let's try to clear this up, Mr. Chair,
8 Deputy Aguilar. In other words, the Superintendent,
9 the individual, could be placed in another position
10 within the school district? Is that what you're
11 telling me?

12 MR. VENTURA: No. And I'm unsure I can go
13 that far. All I can say is that when this process
14 is followed through, the process intent is merely to
15 suspend the authority of the Superintendent. And if
16 the Superintendent continues to have a contract,
17 that contract would be in place. Whether that
18 Superintendent or that particular person goes into
19 another position really is not affected by this
20 process.

21 There may be other legal ramifications and
22 consideration into that. But this process is
23 basically to look at the authority of the
24 Superintendent and whether or not that authority is
25 suspended.

1 COMMISSIONER GANT: All right. If the
2 authority -- Mr. Chair, Deputy Aguilar, if the
3 authority is suspended, basically, the
4 Superintendent becomes ineffective as far as the
5 leader of the school district. My only comment
6 would be -- and I go back to some history I had -- I
7 am retired military. And I go back to the Courts
8 Martial -- Manual of Courts Martial. And if I, as a
9 commander, which I was, had any intent to bring any
10 judicial or nonjudicial punishment or action against
11 one of my soldiers, I had to guarantee in my own
12 mind that whatever I was going to do met the letter
13 of the law, and that I, in fact, could take that
14 person to a full court martial which could end up
15 making it life imprisonment.

16 I would suggest to you that my way of
17 thinking, if anything is done in a negative way --
18 that's the best word I can come up with -- that full
19 consideration be given to the fact that there is
20 litigation, like you said; that all the facts should
21 be weighed as if it would and could go to court.
22 And you put the stiffest -- and there you have taken
23 the stiffest view of everything that's going on and
24 being said, in either letters, verbally, or
25 publicly. And that's how I would be looking at it

1 as an individual. That's my comments on this.

2 THE CHAIR: Thank you, Commissioner Gant.
3 Commissioner Peralta?

4 COMMISSIONER PERALTA: Mr. Chair, when I
5 began to think about the angles that I would take on
6 this particular matter -- and, again, suspensions,
7 you know, I do not wish upon anybody's career. It's
8 a serious matter, in my opinion.

9 But in looking at it and thinking about
10 situations that could arise in a school district, we
11 have areas of concerns with staff, teachers, even
12 assistant principals, that when you look at those
13 areas of concerns that are in need in order to make
14 your school run smoothly and meet the needs of the
15 students and staff and what have you, that you sit
16 down, you discuss, you come up with a professional
17 work plan, you implement that, you provide support
18 to that individual.

19 And over time, you look to see if those
20 things in place, are -- are improving, if they're
21 working, and you hope that leads in the right
22 direction and that the professional person grows
23 from that and what have you. And if not, then the
24 call of the matter is that person is either
25 terminated from that job or what have you.

1 In this instance -- and I'm not sure if I
2 am in order to make a motion for an alternate
3 recommendation, because I do have one. But, you
4 know, I would like to utilize that model as a way
5 and means of approaching this situation.

6 So I don't know if I should stop here
7 before I do make my motion, or -- you know -- and
8 keep it open for discussion or what have you.

9 THE CHAIR: Commissioner Peralta, I'll
10 keep the floor open for other Commissioner comments.
11 Commissioner Shearman?

12 COMMISSIONER SHEARMAN: Following up on
13 Commissioner Peralta's statement brings a question
14 to my mind. I don't know if anybody can answer it.
15 Has this been done? Has the Superintendent perhaps
16 been placed on a growth plan that hasn't resulted in
17 the desired effect? Do we have knowledge of that?

18 DEPUTY SECRETARY AGUILAR: Mr. Chairman
19 and Commissioner, it's not -- Public Education
20 Commission -- the Department does not supervise
21 the -- the Superintendent. So I don't have an
22 answer for you from the Department's perspective.

23 COMMISSIONER SHEARMAN: Okay. Thank you.

24 COMMISSIONER CANFIELD: Mr. Chair?

25 THE CHAIR: Commissioner Canfield.

1 COMMISSIONER CANFIELD: However, as I do
2 understand it, due process has taken place, and the
3 individual -- there has been an investigative
4 process, and then there will be an open hearing, a
5 public hearing. So it would be my belief that this
6 would be investigated thoroughly to understand the
7 severity of the actions that were taken, and the
8 determination will be made after all the input as to
9 which side is right, so to speak.

10 And so I -- I'm not sure that a -- an
11 action plan putting together without understanding
12 or going through that due process would be proper.

13 So it -- I understand that concept. But I
14 think our hands are outside of that process. Our
15 authoritative role is outside that process. So I
16 think we have to rely on the Public Education
17 Department to make sure that due process is taken
18 care of and that the accurate decision or proper
19 decision has taken place.

20 So that's kind of the feeling I have here
21 is we're able to consult and ask these questions,
22 but we really rely on the authority of the
23 Department to do the proper due process and make the
24 proper decision. Thank you, Mr. Chair.

25 THE CHAIR: Thank you,

1 Commissioner Canfield. Just a couple of comments,
2 if I may. I -- my recollection is that we had
3 advised the Secretary of Education to mediate with
4 the Reserve School District back in December. And
5 that has not occurred yet?

6 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
7 no, we -- we have been in contact with Mr. -- the
8 new Board president from Reserve has asked for a
9 meeting and asked for it back in -- I think in
10 mid-January; so right when the session was starting.
11 So I spoke with Mr. Guillen, the director of the --
12 or the Executive Director of the School Boards
13 Association. And we have -- I don't know if the
14 call has been made. I see Mr. Mella [ph] is here.
15 But we're hoping to meet in the next couple of weeks
16 to go through that process as well.

17 THE CHAIR: So that leads me to my point
18 of view. If Central Consolidated -- if there was
19 mediation there already, and it was fruitful --
20 can't go into detail, because I don't know what --
21 what was done there. But it seems to me that I
22 would hope that a motion would include that the PED
23 continue to gather information, make an informed
24 decision, and let that mediation with the School
25 Board occur before making a decision with the

1 Superintendent, because those -- those two -- those
2 two positions are intimately intertwined for sure.

3 But that's my comment on it. Just -- I
4 don't want "Shoot, ready, aim." I'd like to see
5 "Ready, aim, shoot" in this regard. Any other
6 comments from Commissioners?

7 COMMISSIONER CARR: Mr. Chair, yeah, I --
8 I guess, you know, to comment on everything that's
9 being said, too, you know, when -- when -- if
10 this -- you know, if the Public Education Department
11 doesn't follow the correct procedures, you know,
12 there's going to be a lot -- I mean, they'll be
13 answerable to the court.

14 So I'm sure they're going to be -- I
15 hope -- I'm sure you're going to follow the
16 procedure to the letter and -- and -- and follow due
17 process and -- because, you know, everything --
18 almost everything that happens in our society could
19 end up in court at some point. So we're all very
20 careful to follow the law and to be fair. And I
21 have faith that you're going to do that.

22 THE CHAIR: The Chair will -- is there any
23 other comments?

24 COMMISSIONER CANFIELD: Mr. Chairman, one
25 more, just on the mediation part. And I appreciate

1 you bringing it up, Mr. Chair, because we did vote
2 on that last time that -- I think that mediation --
3 there's a proper time for mediation when there's two
4 parties that can't come to a decision on which way
5 to go forward and so forth.

6 But whether there are violations that are
7 being made -- and I think it's important to
8 determine whether there are violations that have
9 been made and which side is correct. And, to me,
10 that's a difficult thing to mediate. If you're
11 found guilty in a court of law, you don't mediate
12 that. You're found guilty, and then things take
13 place.

14 So I'm a little unclear on how it could be
15 mediated. If the investigation is done and certain
16 violations were found true, then how do you mediate
17 that, I guess? So that's why I keep going back to
18 the fact that we have to rely on the PED, and, as
19 the Commissioner mentioned, that we hope they do the
20 right process and get this taken care of.

21 So that's my only concern about the
22 mediation recommendation is I'm not sure this is a
23 good example or use of that -- of that procedure.
24 Thank you, Mr. Chair.

25 THE CHAIR: Thank you,

1 Commissioner Canfield. Any other comments from
2 Commissioners? Seeing none, the Chair will
3 entertain a motion.

4 COMMISSIONER PERALTA: Mr. Chair?

5 THE CHAIR: Commissioner Peralta.

6 COMMISSIONER PERALTA: In listening to
7 everyone here, and particularly, we're sitting here,
8 middle of March, and listening to the time line
9 process that Mr. Aguilar has specified about how
10 things are going to be taken between here and the
11 end of the school year, I feel like I would like to
12 make an alternative recommendation of action to the
13 PED. So I am going to go ahead and state that as I
14 have written down here.

15 I move to recommend an alternative action
16 to the PED Secretary on the proposed suspension of
17 the Superintendent for the Reserve Independent
18 School District, as follows: To allow the Reserve
19 Superintendent to finish the school year with the
20 guidance of the PED and the oversight of the PED and
21 determine at the end of the year whether a change of
22 leadership is necessary.

23 THE CHAIR: There is a motion on the
24 floor. Is there a second? Seeing none, the Chair
25 will -- will entertain a motion.

1 COMMISSIONER CARR: Mr. Chair?

2 THE CHAIR: Commissioner Carr.

3 COMMISSIONER CARR: I -- anyway,
4 Commissioner Peralta, appreciate your motion. But
5 I -- I'm -- I am inclined to -- to move, to
6 recommend no alternative action to the PED Secretary
7 in the proposed suspension of the Superintendent for
8 the Reserve School District.

9 COMMISSIONER CANFIELD: I'll second that.

10 THE CHAIR: We have a motion by
11 Commissioner Carr, seconded by
12 Commissioner Canfield. The proposed motion is to
13 recommend no alternative action to the PED Secretary
14 on the proposed suspension of the Superintendent for
15 Reserve Independent School District. Can we do just
16 a -- a verbal --

17 MR. VENTURA: I think you should do a
18 roll-call vote.

19 THE CHAIR: We'll proceed through a
20 roll-call vote through Secretary Gant.

21 COMMISSIONER GANT: Commissioner Peralta.

22 COMMISSIONER PERALTA: No.

23 COMMISSIONER GANT: Commissioner Bergman.

24 COMMISSIONER BERGMAN: Yes.

25 COMMISSIONER GANT: Commissioner Pogna.

1 COMMISSIONER POGNA: Yes.

2 COMMISSIONER GANT: Commissioner Canfield.

3 COMMISSIONER CANFIELD: Yes.

4 COMMISSIONER GANT: Commissioner Carr.

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER GANT: Commissioner Shearman.

7 COMMISSIONER SHEARMAN: Yes.

8 COMMISSIONER GANT: Commissioner Garrison.

9 THE CHAIR: Yes.

10 COMMISSIONER GANT: Commissioner Gant

11 votes "Yes." It's 7-1 in favor.

12 THE CHAIR: The motion passes by a vote of

13 7 to 1. Deputy Secretary Aguilar, thank you very

14 much, sir.

15 DEPUTY SECRETARY AGUILAR: Mr. Chairman

16 and Commissioners, thank you very much.

17 THE CHAIR: Go ahead and take a ten-minute

18 break.

19 (Recess taken, 11:05 a.m.to 11:19 a.m.)

20 THE CHAIR: The Chair will call the

21 meeting back into session. Item No. 13 on our

22 agenda is a presentation on New Mexico's A-through-F

23 Grading System. We have Leighann Lenti, the

24 Director of Policy. Is that your title?

25 MS. LENTI: Yes, sir.

1 THE CHAIR: It's awesome. It's ambiguous.
2 I want that title, "I'm the Director of Policy."
3 Love it. Welcome.

4 MS. LENTI: Mr. Chair, members of the
5 Commission, thank you so much for having me here
6 today. You are right, there is a little ambiguity
7 with my title. I think what I've determined it
8 means -- I've been at PED; I have my one-year
9 anniversary next Monday -- is that anything that's
10 moving forward in terms of our key policy
11 initiatives, I'm working with the teams on
12 implementation. So it's ambiguous in that I'm
13 working on a lot of things at once. But it's a
14 great opportunity to really coordinate across the
15 Agency.

16 So thank for having me here today. I want
17 to spend some time on attacking the key components
18 of the school grading system. And then, with me I
19 have Cindy Gregory. She's our chief statistician.
20 So if there are any questions that are a little more
21 technical than what I am equipped for, Cindy can
22 answer any questions you might have.

23 After the legislation passed in the 2011
24 session, when PED was going through the process of
25 developing rules and the model for how we would

1 measure school improvement and performance, there
2 were a couple of key bright-line principles that
3 were really critical to us. Excuse me. I seem to
4 be on some weird time system.

5 The first was we want to make sure we're
6 really holding schools accountable for school
7 learning. We wanted to move away from a static
8 measure of proficiency. So we don't just want to
9 say, "Are your kids proficient at the end of the
10 school year?" If they are, then you're effective;
11 if they're not, then you're not effective.

12 We recognize that schools have -- there's
13 a lot more there when we capture how a school
14 impacts student learning. For example, we want to
15 put the priority and emphasis on student growth. So
16 if you have a school that has a large number of
17 students that maybe are below grade level -- let's
18 say you have a classroom where you have a
19 third-grader who's performing at a first-grade
20 level. At the end of that third-grade year, they
21 might only be on a second-grade level, but they've
22 earned more than a year's worth of growth in a
23 year's worth of time. That's a really effective
24 school and classroom, and we want to make sure
25 that's recognized.

1 The second piece is we want to capture
2 those important differences regarding achievement;
3 so nuancing growth, making sure that growth across
4 the full spectrum is counted evenly. So it's not
5 just the growth of the low-performing kids that we
6 count in school grading; it's the growth of the
7 high-performing kids as well. When you have
8 students that are below proficiency and do move to
9 being proficient, that is tremendous. We hold the
10 expectation that while growth is valued, we still
11 want to make sure that all students are moving
12 towards becoming proficient in both reading,
13 language arts, and mathematics.

14 We also want to make sure we implement a
15 new accountability system, that we're not holding
16 schools accountable for factors they can't control.
17 New Mexico has great diversity, and that's one of
18 our greatest strengths. But oftentimes there are
19 challenges that come with student background
20 characteristics.

21 Whether a student lives in poverty or not
22 is not a direct reflection of the school or
23 something the school can actually control. They can
24 control learning, but they can't control the
25 background characteristics of the student. So we

1 wanted to make sure we had a model that took that
2 into account.

3 Further, we want to make sure we provide
4 clear information for how a school can prove. So
5 with AYP, it was just, "Yes, you made it," No, you
6 didn't." That doesn't really give a school tangible
7 information of, "What can I do in this next year to
8 move my students and my school as a whole?"

9 With school grading, we can say, "Not only
10 are you struggling with math, but it's specifically
11 your third-graders and your Native American
12 students," for example. We can give detailed,
13 finite information so they know where to target
14 resources to improve.

15 And we also want to find a way to champion
16 our schools that are doing a fantastic job. Our
17 New Mexico schools that, based on their preliminary
18 grades, are an "A" grade overall are performing
19 higher than schools that previously made AYP. These
20 schools are knocking it out of the park with their
21 students across the board. And with school grading,
22 we can finally differentiate that performance and
23 recognize it and reward it.

24 So at the highest level, when we were
25 building the model, we look at elementary and middle

1 schools. They have the same components. And high
2 schools, there is a little bit of difference because
3 we have to look at things like graduation and
4 college and career.

5 So this next slide shows you, at the
6 highest level, what's included. And I'll go into
7 more detail for both the elementary and middle
8 school metric as well as the high school metric.

9 "Current Standing," that looks at how many
10 students are proficient. Again, we still want to
11 prioritize a school moving students toward
12 proficiency. Growth is wonderful, but we need to
13 insure that when our students are leaving the New
14 Mexico K-1 system, they are exiting
15 college-and-career ready. That means they're on
16 grade level, they're ready to enter college and take
17 credit-bearing courses. Or if they're entering the
18 workforce, they're ready to enter into an occupation
19 and a job that allows them to make a living, that
20 allows them to grow with their profession. So still
21 setting that rigor, that we do want to see students
22 hit that proficiency point.

23 We also look at measures of growth. We
24 look at both school and student growth, and I'll go
25 into detail on that in a minute.

1 We have a measure called "Opportunity to
2 Learn." That includes attendance, which is similar
3 to AYP, as well as a new survey that we'll be
4 implementing this year. And for high schools, we
5 look at measures of graduation and college and
6 career readiness.

7 So going into a little more detail on the
8 indicators and points for elementary and middle
9 schools. Let me see if I can -- the screen is not
10 quite wide enough. Maybe if I put this back. I
11 think you guys may have this presentation in your
12 packet.

13 So we have -- starting with "Conditional
14 Status." Twenty-five of the 40 points are specific
15 on percent proficient. Are your third-graders
16 reading on grade level? Are your fourth-graders
17 doing math on grade level? So a very clean metric
18 there.

19 The second piece is a value-added
20 accounting of school student characteristics for the
21 past three years. So we look at things like the
22 size of the school, whether the students met their
23 full academic year requirement, meaning were they
24 there for all of the instructional days, and the
25 prior performance. And then we say, "Based on those

1 types of characteristics, how were your students
2 doing on that proficiency measure?" So a little bit
3 of a different lens for proficiency.

4 Cindy, correct me if I'm wrong. I think
5 that's actually got some growth aspects to it as
6 well, because we're looking at how many students are
7 growing towards proficiency and accounting for those
8 background characteristics.

9 Next we move into measures of school
10 growth. And we felt that this was really important.
11 Oftentimes you see a school who maybe implements a
12 new early reading initiative in Grades K through 2.
13 But because we don't have an SBA for students in
14 those grades, you can't necessarily tangibly measure
15 the growth of those kids. But if we look at school
16 growth from year to year, we can see the impact of
17 those programs that get implemented.

18 Do the cohort of third-graders from 2010
19 do better or worse than the third-graders in 2011 or
20 '12? If we see that, as a whole, that trajectory is
21 going up, that tells us information that what this
22 school is doing from a schoolwide lens is having an
23 impact on students' growth.

24 We then also look at the growth of
25 students, and we split this into two pieces. We

1 look at the growth of the highest-performing
2 student, so the top 75 percent; but then we also
3 look specifically at the growth of the
4 lowest-performing students. And that's individual
5 student growth, and whenever possible we use three
6 years of data for each student.

7 So if you have a fifth-grader, and they've
8 been in New Mexico schools from K-5, and they've
9 taken the SBA three times, those three data points
10 are included for that student. That's really
11 critical, because it lets us show how much growth
12 the student is making year to year. If they are
13 behind their peers, are they making enough growth to
14 catch up. And then we can differentiate that data
15 down to the student level for schools so they can
16 see which of their students are growing faster,
17 which of their students are growing slower, which
18 subgroups they specifically need to target to close
19 that achievement gap, which is really critical.

20 What we found in our highest-performing
21 schools is their rate of growth for the
22 lowest-performing students is significant. They are
23 growing kids really rapidly, and that's telling us
24 that something they're doing, the resources and
25 interventions they're targeting is having a

1 significant impact on closing the achievement gap.
2 We can now go into those schools and say, "Tell us
3 what you are doing," and we can use that as a model
4 of success for schools that are struggling, which
5 we've never been able to do that, so it's really
6 exciting.

7 The last piece that makes up the
8 100 points is what we call "Opportunity to Learn."
9 The first piece is attendance for all students.
10 It's the same 95-percent attendance requirement for
11 AYP. I believe most of our schools do make that on
12 an annual basis.

13 And then the second piece is a classroom
14 survey. And this is based off of data that came out
15 of the MET Project from the Gates Foundation.
16 Similar surveys have been used on assessments like
17 the PISA and TENS [ph].

18 What these surveys are able to do is
19 they're able to ask students a set of questions.
20 It's short, ten questions, and I think they're
21 scored on, like, a Likert scale of 1 to 5. When
22 your teacher returns your homework, does she give
23 you feedback? When your teacher introduces a new
24 topic, does she connect it to something you already
25 know?

1 And what has been found with these surveys
2 is they are highly correlated to the student
3 achievement in a classroom in a school. So it's a
4 really good measure of school climate, of classroom
5 best practices. And the way the survey questions
6 are structured is that the language for these
7 questions in the elementary school is an appropriate
8 vocabulary for those students; at the high school,
9 they're a little bit -- the vocabulary is a little
10 more robust, and a little more general at the middle
11 and high school level.

12 Since those students have multiple
13 teachers during the course of the day, "Do my
14 teachers..." versus "Does my teacher... ." We're
15 able to differentiate that. That survey will be
16 given this year. It will sit on top of the SBA for
17 all students in Grades 3 through 8 and 10 and 11,
18 and we'll have that data to be able to put into the
19 school grading metric.

20 And then, lastly, this piece, "Student and
21 Parent Engagement" -- I apologize for it being cut
22 off; we need to shrink this slide down a little bit.
23 It's an opportunity for all schools to get up to
24 five bonus points, on if are they effectively
25 engaging parents; are more parents participating and

1 their students learning. When that's happening,
2 that's going to have an impact on the school.

3 Are students engaged in activities like
4 band or athletics or academic clubs? When that
5 happens, that also has an impact on student
6 achievement; we have data that tells us this.

7 This came out of direct feedback we got
8 from the Superintendents Advisory Council, who we
9 met with nine times over the development of the
10 rules and regulations for the school grading system.
11 And we also got similar feedback when we presented
12 to all the regional School Boards Association
13 meetings over the fall and winter. So this piece,
14 in particular, is something that we heard
15 resoundingly across the state, and we took it into
16 account and we've included it.

17 I should note that when we released
18 preliminary grades in January, no school was given
19 bonus points yet, because we hadn't collected the
20 data. We're going through the process now of
21 getting feedback from groups like the Hispanic
22 Education Advisory Council, some of the other
23 councils that PED has in place, on the best way to
24 measure things like parent engagement, what should
25 we be looking for so we can collect that data back

1 from districts. And that process will be happening
2 this spring. So we can include those bonus points
3 before we give final grades this summer.

4 Moving on to high schools, the first piece
5 is extremely similar. We have Current Standing,
6 where we have measures of percent proficient, are
7 students meeting that proficiency threshold. And
8 then we also have that value-added measure as well.
9 This is where we start to see a little bit of a
10 difference between the elementary and middle-school
11 model and the high-school model.

12 Right now we're not able to measure
13 individual student growth in our high schools. We
14 only assess students once, on Grade 11 on the SBA.
15 This year, we are adding the SBA for tenth-grade
16 students as well. The thinking behind that was
17 twofold: Number one, we want to look at individual
18 student growth. Are students making growth and
19 gains year to year. We think that's a really
20 important factor to include in a school
21 accountability model.

22 And number two, when we transition to the
23 PARCC assessment for Common Core, that will assess
24 all students in grades three through eleven. So
25 high schools will already be needing to add two

1 additional grade spans that they'll assess. And we
2 wanted to start bridging them into that transition
3 now and getting them in the habit of assessing an
4 additional cohort of student, getting the timing
5 down for that, their budgeting down, their
6 administration practices down.

7 So at the high-school level, because we're
8 not currently able to measure student growth, we're
9 only looking at school growth in this first year.
10 We, again, look specifically at the school growth
11 for the highest-performing students in the school,
12 and then we look at school growth for the
13 lowest-performing, bottom 25 percent of students in
14 the school.

15 I should have mentioned when I was talking
16 about this piece on the previous slide, the statute
17 that school grading -- the school grading statute
18 required that we look specifically at the growth of
19 the bottom quartile, so we made sure that's
20 reflected. And we've done that accurately and
21 appropriately through the model.

22 Moving on in the high-school piece, we
23 then move into measures of graduation. We not only
24 look at the graduation rate within a school, but we
25 look at the growth and graduation rate. So if in

1 2011, did you -- if you had 67 percent of your
2 students graduate within four years, and in 2012,
3 you had 70 percent of your students graduate in four
4 years, that means you, as a school, are moving more
5 kids in the right direction, and you're graduating
6 more students on time, college-and-career ready. So
7 we're looking at both the grad rate and growth on
8 the grad rate.

9 It's important to note that we not only
10 include the four-year graduation rate, but we also
11 include the five-year graduation rate. And
12 beginning next year, we're going to include partial
13 credit for a six-year graduation rate. There are
14 some students in our New Mexico schools that need
15 additional time. But when a school does get those
16 students successfully exited college-and-career
17 ready, that needs to be recognized and taken into
18 account, and that's why we're including five and
19 sixth year.

20 The reason sixth year is not reflected
21 right now, this is new data run for us, so we'll be
22 able to do it starting next year. So it's not fully
23 in the model yet.

24 The next component of the high-school
25 grade is college-and-career readiness. And there's

1 several aspects that are included here. We look at
2 things like how many students in a school
3 participate in the PSAT or the ACT or an AP course,
4 a dual credit course or a career technical pathway
5 that's preparing them for the workforce. So we look
6 not only at the participation rate within those
7 schools for those cohorts of students, but we also
8 look at the success rate.

9 So it's wonderful if you're increasing the
10 number of students taking AP coursework in your
11 school. But if you -- let's say you have ten new
12 students take AP biology in a year, but none of
13 those students actually pass the AP exam, we want to
14 make sure we're incentivizing schools to move
15 students into that coursework when they're actually
16 ready to go there and be successful.

17 So it's balancing, encouraging
18 participation, but also making sure the students who
19 are participating are prepared to be successful. So
20 we look at both those measures in the
21 college-and-career readiness indicator.

22 The last piece is Opportunity to Learn.
23 That looks the same as it does in elementary and
24 middle school. The way the questions are phrased
25 for high schools, they use more robust vocabulary

1 that's appropriate for older students.

2 And then, lastly, we have the opportunity
3 for the student and parent engagement bonus points.
4 We have a hunch -- but this hasn't been proven out
5 yet -- that when we collect that data back, we're
6 likely going to see much more reporting on the
7 student engagement piece at the high-school level
8 and more reporting on the parent-engagement piece at
9 the elementary school level, just based on the way
10 schools are structured.

11 In high schools, you have band, Science
12 Club, Art Club, Key Club, athletics. There's a lot
13 more activity for student engagement than maybe
14 there is at the elementary level, just on the
15 nature. So it'll be interesting to see how that
16 data comes back to us here, and we're excited to
17 start getting those details back from our schools.
18 and districts.

19 I just want to close out with a few data
20 points for you all, and then we'll take any
21 questions you might have. Just to set the stage,
22 last year, under NCLB, 87 percent of our schools did
23 not make AYP. So the expectation was we somehow
24 have to find a way to intervene and support all of
25 those schools in a meaningful way when we have very

1 limited data. And we only had 112 schools that
2 actually made AYP.

3 We know we have many more schools in
4 New Mexico that are successful in moving the bar for
5 their kids, and that's not able to be recognized.
6 Also under AYP, it was one year's worth of data.
7 Under School Grading, we're using three years' worth
8 of data whenever we have it. So we're really able
9 to get a longitudinal picture of how schools are
10 growing over time.

11 We're also able to prioritize student
12 growth, not just that static measure of proficiency.
13 And we're able to really increase the way schools
14 can show their success. So while there might be a
15 school that has a grade lower than they want, what's
16 been really exciting, based on their preliminary
17 grades, is we've had teachers in schools say to us,
18 "You know, my school right now, we're a C. But
19 we're only four points from a B; and because of
20 this, I know what I can focus on to get me to that
21 next grade level."

22 So it's really exciting that that's been
23 their response to this is that "I know; I have
24 something tangible that I can work with."

25 This is just a graphic representation of

1 some of the data on the previous slide. Under
2 School Grading, based on the preliminary grades, we
3 had 530 schools that were an A, B, or C. It's worth
4 mentioning schools that are an A are achieving at
5 the 90th percentile. And when you compare those
6 schools to schools that made AYP, on all the
7 indicators of a school grade, they're performing
8 significantly higher.

9 Schools that are performing at a C are
10 performing at the 50th percentile. So that means
11 they're average. They have students growing on an
12 annual basis. They have students that are hitting
13 proficiency, but there's still room for improvement.

14 And then we had 297 schools that were D or
15 F. This is a distribution across elementary,
16 middle, and high school, so you can see how that
17 breaks down, relatively consistent in terms of how
18 many A's there are versus F across the grade span.

19 And then here is just a breakdown of how
20 schools look. So, for example, last year we had
21 34 schools that didn't meet AYP that are now
22 considered an A under the New Mexico School Grading
23 System, which I think is really powerful, because it
24 says to those schools, "You were told you weren't
25 performing. We now have data that tell us exactly

1 the opposite, and we have a way to recognize and
2 report that."

3 So I want to thank you all for the
4 opportunity to be here to spend some time chatting
5 about School Grading. We really are excited to get
6 your feedback and answer any questions you all might
7 have.

8 THE CHAIR: Commissioner Canfield?

9 COMMISSIONER CANFIELD: Thank you,
10 Mr. Chairman. Ms. Lenti, I first have a comment and
11 then a couple of questions. My comment is thank you
12 for the presentation, and the quality of your
13 presentation really helps me understand how excited
14 you are about this. So good job.

15 MS. LENTI: Thank you.

16 COMMISSIONER CANFIELD: It's great to hear
17 that excitement in your voice and your preparedness
18 for this.

19 Help me understand, under the graduation
20 piece, how you track students that move from school
21 to school so that the proper school gets the proper
22 credit.

23 And then also, I had a question. I saw
24 one charter school recently that is still growing
25 their school, and they don't have a graduating class

1 yet, and they received an F for graduation. And I
2 thought, you know, how did that happen when we
3 haven't even had a graduating class yet?

4 So could you help me with that a little
5 bit?

6 MS. LENTI: Mr. Chairman,
7 Commissioner Canfield, those are great questions.
8 Cindy is our graduation rate guru, so I'm actually
9 going to let her answer that, because she will be
10 more succinct and eloquent than I will be.

11 MS. GREGORY: Okay. Let me comment on
12 that. The way our shared accountability system
13 works is that, based on snapshot submissions by the
14 districts, we can track a student wherever they go
15 in the state as long as they're in our PED system.
16 And we use that information to apportion a student's
17 outcome, as far as graduation, to the -- all of the
18 schools that the student attended.

19 So if a student spent two years at
20 School A and two years at School B, School A gets
21 half of the outcome and School B gets half of the
22 outcome. The student doesn't count twice. We
23 separate their outcome, and, actually, you think of
24 it as a fraction of a student.

25 Then we reconstitute the student groups to

1 compute the rate. That allows us to give a rate to
2 freshman academies that only have a ninth grade but
3 their students do exit four years later.

4 To address your question regarding schools
5 that don't have a graduation cohort yet, some of
6 these schools actually do have a cohort. If they
7 are a ninth-grade school or a tenth or eleventh, and
8 their students have aged into the on-time, four-year
9 graduation cohort window, they will receive a rate,
10 even though they don't have a twelfth-grade
11 graduating class.

12 Again, it's -- it's students that aged
13 through their system that now belong to the
14 four-year cohort that will happen. There are a
15 small number of schools for whom there are no
16 graduates. And, in that case, we used a technique
17 for school grading where we substitute with the
18 district average, if they have a district
19 affiliation, which is the next best substitute that
20 we can apply. That was the technique also used
21 during AYP. We've had some schools contest that.
22 We're rethinking it. We may come up with an
23 alternative.

24 COMMISSIONER CANFIELD: Mr. Chairman, I
25 have a follow-up. Thank you, Mr. Chair. I would

1 just urge you to look into that, because as new
2 charter schools come on and they grow their schools
3 by grade, I'd hate -- I really appreciate the -- the
4 letter grade system, because we can all relate. And
5 so when you open up that page and see an F, and then
6 you have to explain, "Well, it doesn't really
7 count," it would be much better to just not have it
8 there at all, because I know some schools will be
9 coming online like that.

10 So I urge you to look into that one.

11 MS. GREGORY: Thank you. I might add one
12 additional comment. You may have noticed on one of
13 the slides that there were four schools that could
14 not be rated. And those four schools will continue
15 to not be rated for that very reason. We have no
16 assessed students. They don't have a district
17 affiliation, and we have no graduating students. So
18 when that's the case, we are sensitive on the fact
19 that we can't grade schools on students that don't
20 belong to them.

21 COMMISSIONER CANFIELD: Thank you,
22 Mr. Chair.

23 THE CHAIR: Commissioner Carr.

24 COMMISSIONER CARR: Mr. Chair, I have
25 quite a few things. And I'm writing one more down

1 so I don't forget it.

2 Graduate -- sorry. Graduation rates,
3 dropout rates. We have a lot of -- you know, you
4 say you can track students within the state. And I
5 don't -- I mean, I'm hoping that that's accurate,
6 because I think a lot of them fall through the
7 cracks somewhere. Of course, we have students who
8 go out-of-state.

9 I think, you know, if you've been in
10 education long enough, you know that all students
11 don't necessarily always get accounted for. I think
12 a lot of them fall through the cracks.

13 If I -- so I hope that graduation rate --
14 I mean, the graduation rate and how you look at it,
15 I think this grading program is definitely an
16 improvement.

17 As a long-term educator, I'm always leery
18 of anything new coming across. You know, over
19 100 years ago at the turn of the century in 1900,
20 that century, people were leery of anything new. I
21 mean, everybody's always trying to come up with
22 something new. I think this is -- you know -- so
23 starting off with that, I think this is an
24 improvement, and I think this is something, you
25 know, that we can -- that we can -- we can build on

1 and improve as we go, which I think you have all the
2 intentions to do so.

3 One -- and maybe this is more of a comment
4 than anything. The -- and you can answer the
5 question. I know it was the intention of the
6 Secretary of Education and the Governor to reward
7 schools that get an A and to help out the schools
8 that fail. And, again, it's kind of like -- of our
9 students in the middle, you know, and when it was
10 AYP, we concentrated all our effort on those kids
11 who aren't quite there. And the kids in the middle
12 quite often get forgotten about.

13 In this case, it's going to be the schools
14 in the middle that seem to be -- might be the ones
15 that get forgotten about.

16 I -- I think it's important that we look
17 at all these key areas, and that, you know, we give
18 our schools all the resources they need. We do want
19 to make sure that -- that there's proper oversight
20 and that they're -- that they're actually spending
21 that money where it needs to go, that they're not
22 wasting money.

23 I've been part of budget processes. I
24 know money is wasted at the local level, has been.
25 There's not much money to waste lately. So I think

1 we're finding out a lot of things.

2 But the idea -- or the basic principle
3 that competition will spur improvement in education,
4 to me, has always been a highly controversial idea.
5 Education is unique. I believe competition is
6 overstated most of the time. I don't believe, as a
7 classroom teacher, that if you pay me \$100,000, or
8 if you pay me \$50,000, I don't think I'm going to do
9 anything differently than what I am already doing.
10 I think you may attract some people to the field,
11 you know, or some -- you know, if you increase
12 teacher pay or something like that.

13 I do not go along with the idea -- there's
14 many books written, many studies that are done on
15 competition. I -- as a history person, I will tell
16 you that -- that everything -- almost everything
17 great that has been accomplished in this country has
18 been accomplished by cooperation. We won World
19 War II by cooperating. And, yes, war is a
20 competition. But we cooperated as a team to defeat
21 the enemy in World War II.

22 We cooperated as a team to defeat
23 Communism. I -- you know, to -- looking at the big
24 picture, cooperation, to me, is something that is
25 too often overlooked.

1 I -- you know, Taos High School, which has
2 failed -- where I teach -- has failed AYP, I
3 believe, for the last four years. We got the second
4 highest grade among -- of the all high schools in
5 the state under this grading system. We go, "Well,
6 what's the difference?"

7 Well, you guys took into account all the
8 great things that we're actually doing and have been
9 doing. And -- and that's good. And is it perfect?
10 Of course, I don't -- I think you would admit it's
11 not perfect. And -- and nothing is. There's always
12 room for improvements, and I would like to see those
13 improvements.

14 SBA testing has also been a bone of
15 contention with me. We used to test our sophomores.
16 And we would test them on subject areas that they
17 weren't taught until their junior or their senior
18 year. Now we're teaching juniors -- now we're
19 testing juniors, and now this year, we're only
20 testing them on reading and writing -- I forgot.

21 MS. LENTI: Math.

22 COMMISSIONER CARR: And math. I'm sorry.
23 Math. So we're not getting all the core areas
24 covered. I know there's plans to incorporate social
25 studies and all the other core areas.

1 I would like to see someone, you know, to
2 incorporate maybe some individualized tests in
3 regards to vocational studies. We have a great
4 culinary arts program. There's lots of vocational
5 programs. Somehow to include some kind of testing
6 in that. And I know it's more complicated.
7 Everybody wants to simplify everything. Academics
8 always want to make -- know that things aren't
9 simple; things aren't black and white.

10 And then in education, we have -- we have
11 to look at all the different areas. And I think,
12 again, that's an important part of your grading
13 system. You're looking at more areas.

14 Of course, AYP had 35 areas. But if you
15 failed one, you failed it all. I don't -- you know,
16 I guess on that -- on my particular grading system,
17 we would have lost World War II. I -- because we
18 lost a lot of battles.

19 The -- so I think that's important.

20 I mentioned the alternative, the
21 tracking -- tracking graduation rates and all that
22 and the dropouts. I don't think that's been done
23 accurately in the past.

24 Taos also -- I mean, a lot of schools --
25 we have an alternative school. It was given a

1 grade. They -- I think they're -- I forgot.
2 There's 20, 25 students in the whole school.
3 They're all in a special category. The alternative
4 school is -- is meant as a way to try to keep them
5 from dropping out, and, you know, all that kind of
6 thing. You know, to me, that's -- giving them a
7 grade was meaningless, you know.

8 But -- so -- and I guess that covers
9 everything. And I'm glad you're taking into account
10 demographics. I would like to see more details on
11 that. How do you actually look at the demographics?
12 What do you take into consideration? Kids that are
13 homeless, kids that are in broken homes where
14 there's drugs, where there's a parent in prison,
15 and, you know, all those things that our kids deal
16 with day in and day out, are all of those things
17 taken into consideration when you look at the
18 demographics?

19 And with that -- I gave you a whole bunch
20 of things. I hope you remember.

21 MS. LENTI: I took notes. Chairman
22 Garrison, if I could respond on a few points.
23 Addressing the competition piece, one of the things
24 that we have been clear on from the beginning is we
25 do not intend to change the cut points of what it

1 means to be an A, because we want to make sure that
2 all schools have the equal opportunity to grow and
3 move higher and higher.

4 If we get to a point where every school in
5 New Mexico is an A, that's a great day in
6 New Mexico. But it might also mean that it's time
7 to raise the bar even higher. So we are committed
8 to keeping the cut point stable, so all schools have
9 an equal opportunity to move up.

10 When we transition to the PARCC assessment
11 in several years, there might need to be some small
12 adjustments, because it's a new assessment system.
13 We'll need to see how it interacts with the metrics.
14 But we are keeping those cut points stable because
15 we want to create equal opportunity for all schools
16 to use.

17 On alternative schools, that's a great
18 point and we've heard a lot of feedback on that. Do
19 alternative schools still need to be held
20 accountable for their student outcomes? Absolutely.
21 Is the school grading metric for high schools the
22 way it's currently presented the best measure for
23 those schools? Probably not.

24 So we here at PED are going through the
25 process of looking at, first of all, how do we

1 appropriately define an alternative school? What
2 does that school makeup look like that makes it
3 different and alternative? And then once we come up
4 with that, based on feedback, talking to folks like
5 Kelly, who ran one of those charter alternative
6 schools in Albuquerque, how do we then hold those
7 schools accountable in a fair way for the student
8 population?

9 If they're bringing in students that have
10 dropped out and they're overage and they're
11 successfully exiting those students with
12 credit-bearing courses ready to enter the workforce,
13 that's a successful school, and it's not picked up
14 accurately. So we really appreciate that feedback.
15 That's something we recognize that needs to be
16 fixed.

17 So we're working to make those adjustments
18 now. We're hoping within the next several weeks
19 we'll be able to share ideas with some of our
20 stakeholders to get feedback on that.

21 In terms of the college-and-career ready
22 indicators, that's also an area we've gotten a lot
23 of feedback on. Schools have said, "What about
24 something like, for example, the Accuplacer? It's
25 something my school administers to get our students

1 career-ready that's not currently taken into
2 account."

3 So we're going through the process right
4 now of a data exchange with other high schools so
5 that they can come to us and say, "There's this
6 additional data that you don't have that we think is
7 relevant," so we can take that into account,
8 determine if that is a true measure of
9 college-and-career readiness, and if it is the best
10 way to include that.

11 Our goal isn't to say all students need to
12 exit New Mexico high schools and go to a community
13 college, college, or university. If a student exits
14 and enters the workforce and they can have a
15 successful career, that high school has done its
16 job. So we want to make sure we can balance those
17 measures. And so that's something we're working
18 through right now.

19 Cindy, on the dropout piece and graduation
20 rates, is there anything you wanted to add there
21 about how students are captured, or once they've
22 dropped out, how that's reflected, or if they've
23 exited the state, from a more nuanced perspective?

24 MS. GREGORY: Commissioner Carr, let me
25 add one thing to the data tracking piece, because it

1 sounds like you're questioning the validity of that
2 data. We actually have a very vigorous review that
3 opened this week that goes for four weeks that
4 allows districts to follow up on every single
5 student in the graduation cohorts. And in that
6 follow-up, we learn whether the student transferred
7 out of state, moved out of country, if they're still
8 enrolled, anything that we can't track easily here
9 at PED. And we do rely on the districts to be able
10 to support that data-gathering.

11 Once we do get that data gathering, we do
12 publish the information that was required by
13 legislation a year ago on dropouts. That includes
14 students that are truly dropped out, have gone on to
15 get a GED, are still enrolled, or exited with a
16 certificate without a regular diploma. And that
17 information is now available for the two most recent
18 years.

19 COMMISSIONER CARR: Okay.

20 MS. LENTI: And then last, but not least,
21 on the background characteristics that are included
22 in how we do that, that's addressed in both the
23 Frequently Asked Questions document that's available
24 on the PED Web site, as well as the technical
25 manual. We include -- right now we look at things

1 like -- status of students. We're not able to
2 include things like students who maybe come from a
3 home where a parent is incarcerated. That's not
4 data we're able to reliably collect right now.
5 Five, six years down the road, that could shift.
6 But for now, those are data points we're not able to
7 include.

8 But details of what is included and how
9 it's done, I would actually look at the Frequently
10 Asked Questions document first. Cindy did a great
11 job of walking it out in relatively
12 easy-to-understand language. So you can look at
13 that document for detail. And then for the
14 technical detail, the technical manual will provide
15 even more information for you.

16 COMMISSIONER CARR: Okay, good.

17 THE CHAIR: Any other comments or
18 questions? Commissioner Gant.

19 COMMISSIONER GANT: I have a number of
20 questions. I have a number of questions, Mr. Chair.
21 First of all, I did give all the Commissioners a
22 copy of the technical manual. I assume it's the
23 latest and greatest, and it just came off the Web?

24 MS. LENTI: Yes, sir.

25 COMMISSIONER GANT: So you can read it and

1 it may roll your eyeballs, but it's worth a read, I
2 believe. Okay. But it tells how they work the
3 models.

4 Questions. Tell us about the value-added
5 model and how that works and how I can look at the
6 value-added model for -- in my case, Las Cruces
7 schools, and compare what is in the value-added
8 model for somebody up in the northeast, northwest
9 part of the state who have different -- explain
10 what's in the value-added model and then go through
11 the rest of it, please.

12 MS. GREGORY: Commissioner Gant, let me
13 take a stab at that. The value-added model is
14 admittedly somewhat complex. The way it works is
15 every student's combination of attributes is taken
16 into account to project a growth estimate for that
17 student. So a student that is Hispanic, ELL, and
18 special ed would have a different trajectory than a
19 student that is just Hispanic, female, and not
20 special ed.

21 And the combination of all of those
22 attribute variables creates a trajectory for every
23 single student. Now, in the AYP, that student would
24 not have had any adjustment for what their
25 attributes were, and they would have been counted in

1 more than one subgroup. They would have been
2 counted in ELL, Hispanic female, and special ed, or
3 whatever I said.

4 In school grading, we adjust, based on a
5 combination of those variables, to create a
6 trajectory, and then those trajectories are averaged
7 for all students in the school, in the lowest and
8 highest quartiles performing.

9 It sounds like what you're asking for is
10 what we call a statistical peer. And we appreciate
11 that people want to be able to find another school
12 that's similar to their own in student attributes so
13 that they can compare and find the stars and borrow
14 from their successes as well as compare how they're
15 doing with what they would consider a peer.

16 We're working towards that, but it's
17 statistically complicated. We are going to be
18 expanding the Page 2 of the grading report to give
19 you a lot of this information in the next go-around.
20 I -- it's not completely done right now. But it
21 should give you more information.

22 Value-added is simply leveling the playing
23 field. It's making sure that, based on the student
24 characteristics that walk in the door the first day
25 of school, do not cause one school to have an unfair

1 advantage over another school in grading.

2 COMMISSIONER GANT: I notice in the
3 manual -- Mr. Chair, I notice in the manual that you
4 have only nine subgroups compared to what someone
5 would say was 36, 37 under No Child. Why were those
6 particular nine groups picked?

7 MS. LENTI: Mr. Chair, Commissioner Gant,
8 the subgroups are the same. There were 35 ways you
9 can miss AYP. Nine of those were specifically
10 related to subgroups, and then other things were
11 confidence intervals and something called "Safe
12 Harbor," and are all your kids proficient in
13 English. So the number of subgroups and the actual
14 subgroups -- so Hispanic, ELL, Native American
15 students with disability, that is the same in AYP as
16 it is in School Grading. And these nine subgroups
17 were part of the 35 ways you can miss AYP. But it
18 wasn't 35 separate student subgroups under AYP.

19 COMMISSIONER GANT: All right. Mr. Chair,
20 on the bonus points -- and that's where it's -- you
21 have students' involvement, you have parent
22 involvement and all that; is that correct?

23 MS. LENTI: Yes, sir, that's correct.

24 COMMISSIONER GANT: My question to you --
25 and it's always been the same with No Child Left

1 Behind -- is accountability. How do you hold
2 students and parents accountable for the grade that
3 goes to a school? How do you do that?

4 MS. LENTI: Commissioner Gant, that's a
5 great question. One point of clarification. On the
6 bonus points, it's not an accountability measure of,
7 "Did parents come." It's a measure of are
8 parents -- are schools able to get parents more
9 invested. We know that when a parent is engaged in
10 a student's learning, that student has a better
11 outcome.

12 We can't force parents to be engaged. We
13 can't force a parent to sit down and help with
14 homework at night. But we can encourage our schools
15 to incentivize parents to get more engaged so that
16 their students have a better outcome, which is what
17 we're trying to do through the bonus points.

18 One of our hopes through the School
19 Grading System is that by saying, "Your school is a
20 C," versus, "Sorry, you didn't make AYP," telling a
21 parent their student didn't make AYP because of Safe
22 Harbor is ambiguous. I probably can't explain what
23 that means eloquently. Your average parent probably
24 can't.

25 But a parent knows that a C is average,

1 which is a step in the right direction for getting
2 that parent engaged and invested. So we're hoping
3 that by giving schools designations that at least at
4 the starting point are more understandable, it's a
5 starting place. Over time, we're hoping to be able
6 to refine the information in even more detail so
7 parents can say, "I know what it means to have an A
8 on the graduation indicator at my school." So
9 they'll even know what it means for those individual
10 indicators, so they can get involved at a more
11 detailed level.

12 Admittedly, there are some complications
13 in the system that aren't always easy to explain at
14 the outset. But we do think it is a step in the
15 right direction, and we hope to build on that and we
16 hope that, as we incentivize parents to get engaged,
17 that it has an impact on the schools overall and we
18 see those grades increase.

19 COMMISSIONER GANT: I wish you luck on
20 that piece.

21 MS. LENTI: Thank you.

22 COMMISSIONER GANT: Getting parents -- to
23 hold them accountable. And students -- I hear the
24 horror stories about all these bubble tests, "Let's
25 see what kind of pictures we can make." That's

1 where you're getting your data for your -- your
2 grading.

3 Let's move on to something -- I have a
4 little -- please explain to us, the Commission, the
5 final grading -- you know, I'm looking at a school
6 in Las Cruces. I won't -- they had a C, overall.
7 But I'm looking at the "Understanding Final Grading"
8 block at the bottom. A is 75 to 100. You can have
9 50 and have a C.

10 Now, I know I'm old. Ninety to 100, you
11 might get an A; 95 to 100, you might get an A. But
12 these scores, I don't understand, why they're so
13 low. Why do they go so low?

14 MS. GREGORY: Let me take a stab at that.
15 Mr. Chairman and Commissioner Gant, partly, the
16 point system is a byproduct of the -- of our points
17 that we're awarding in the metric. And if I could
18 give an example, career-and-college readiness is
19 based on the denominator of all students in a
20 graduation cohort. That means it includes
21 ninth-graders, tenth-graders, eleventh-graders, and
22 twelfth-graders.

23 Well, we know when you look at the kinds
24 of indicators that we're using, ACT participation,
25 PSAT -- not graduation -- career path with a regular

1 diploma, these are students -- things that students
2 accumulate throughout their four-year career, but
3 the ninth-graders are not likely to have very many
4 of these, and tenth-graders will only be beginning
5 them. For that reason, it probably is handicapping
6 the schools with a ninth and tenth grade a little
7 bit, all of our high schools. But because that's
8 our denominator, it means that our point system has
9 to shift a little bit to account for the fact that
10 the metric is using that as the denominator.

11 You can think of all of the point system
12 as being that way. It's sort of a measurement --
13 what's the word? -- maybe a bias in one direction or
14 the other.

15 We have some of our measurements, for
16 example, attendance, where almost everybody has a 90
17 or higher attendance rate. So when you allow those
18 different measures to be spread apart for point
19 systems, it means that some point systems work a
20 little better than others, and it means that we kind
21 of need to look at the distribution in order to set
22 the cut points. And that's what we did.

23 By looking at the distribution to see what
24 our measurement systems were showing us, we then set
25 reasonable cut points for what it appeared to be a

1 good distribution of schools and grades. I hope
2 that helped.

3 COMMISSIONER GANT: Interesting. I notice
4 on the sheet -- and I'm still looking at this is a
5 middle school, that, of course, it's a comparison
6 between the school itself and the state. How does
7 that work? I mean, you know, we have opportunities
8 to learn. They maxed it. They maxed it out. They
9 had growth of highest-performing students.

10 Well, how many students are actually
11 high-performing students that you're actually
12 measuring? I mean, I can't see that on this chart.
13 I can't see, in this particular school -- it's
14 immaterial what school it is -- do we have
15 100 high-performers? Do we have ten high
16 performers? What number are you using? Is there a
17 cutoff number? Is -- or are you just -- whatever is
18 there is there; right?

19 MS. GREGORY: Commissioner Gant, let me
20 try to answer that one as well. The high -- the
21 information that you see on the first page of the
22 report is dissected for you on the second page of
23 the report. And that's where a school would find a
24 lot of detail in order to drive curriculum
25 improvement and to figure out which of their

1 subgroups might be faring better than others. The
2 front page really won't give you that kind of a
3 detail, and we plan on expanding the information
4 that that second page will provide in future years.

5 What you're really seeing is the result on
6 the scale, a scaled score. So it's not number of
7 students the way it was in AYP. It is actually
8 growth on a scaled score, and the scale goes from
9 zero to 80; that, again, is expanded a little bit
10 more on the second page.

11 We're creating educational documents that
12 will hopefully help professionals communicate this
13 information to parents as well as teachers and
14 principals so that they can all use and understand
15 the data.

16 COMMISSIONER GANT: Mr. Chair, you bring
17 up a very good point there. The school district,
18 Cruces, had a -- they have a districtwide advisory
19 meeting. Anybody can come to it. It's a council
20 based upon representatives from all the schools. So
21 they had a meeting on this very topic last
22 Tuesday -- last Monday. And it was a very -- let's
23 use the word "educated" people, and asked very
24 educated questions. Some of them were college
25 professors, mathematicians; you name it.

1 And they didn't understand. So we need
2 these manuals you're talking about out in the field
3 so the professionals can actually explain it to the
4 principals who don't understand. You know, if they
5 don't understand, how are we laymen going to
6 understand this new grading system?

7 Another question: Where is it?
8 Alternative schools that Commissioner Carr brought
9 up. We have an alternative high school in
10 Las Cruces, and it -- it's very mobile. They lose
11 about 68 percent that come and go every year. Isn't
12 that -- and they'll never pass. They'll never make
13 anything but a D or F. It's just going to be
14 virtually impossible, based upon the grading system
15 that's here, to ever do that.

16 What are you going to do about those
17 students and parents to encourage them to continue
18 education if they can never ever get out of the
19 bottom?

20 MS. LENTI: Commissioner Gant, as I
21 mentioned earlier, we are looking at an alternative
22 metric for schools that capture a different student
23 population than what's captured in a traditional
24 high school so we can appropriately hold them
25 accountable. Even though those schools have unique

1 challenges, we want to find ways to incentivize
2 those schools to still maintain a rigorous bar for
3 students.

4 The challenges might be greater there, but
5 there can still be adjustments and expectations made
6 for those students so that we can look at that
7 student on an individual basis and say, "We know
8 that you can achieve at this level, and we're going
9 to help you get there."

10 So we want to find a way to appropriately
11 hold those schools accountable. That does differ
12 from the traditional metric, because we recognize
13 it's not working. But we do want to incentivize
14 those schools to still maintain a high bar for those
15 students.

16 Our expectation is that as we work towards
17 implementing the School Grading System, as we move
18 towards Common Core, as we move towards a new
19 teacher evaluation system, that we hold the
20 expectation that all New Mexico students have the
21 opportunity to exit college-and-career ready,
22 irregardless of their background and their
23 challenges. And that's something the Secretary
24 feels very strongly about, and they know we, as PED
25 staff, feel very strongly about. So we look forward

1 to bringing forward a different model for those
2 alternative schools, but we do intend to still
3 maintain a high expectation for those schools and
4 the students there.

5 COMMISSIONER GANT: Thank you, Mr. Chair.

6 THE CHAIR: Thank you, Commissioner Gant.
7 Commissioner Bergman. Go ahead. Commissioner Gant.

8 COMMISSIONER GANT: After we had -- when
9 we have Ms. Callahan up, I have a long list for her
10 dealing with School Grading and the challenges of
11 charter schools. Okay. It'll be your turn next.

12 THE CHAIR: Commissioner Bergman.

13 COMMISSIONER BERGMAN: Thank you,
14 Mr. Chairman. In light of the other questions that
15 have been asked, mine is going to be a very minor
16 question. But I noted, under the Opportunity to
17 Learn, the attendance component is a little bit
18 higher for the lower-level schools and was lower for
19 the high school. Are you saying that the attendance
20 at the high-school level is not as important, or was
21 there another rationale for that? I'm just curious.

22 MS. GREGORY: No, it's a good question.
23 You'll notice a lot of the points rattle a little
24 bit for high school. We have two additional
25 indicators there than are present in the

1 elementary-middle model. So because we had to allot
2 the points slightly differently, that's the only
3 reason for dropping that a little bit in high
4 school.

5 COMMISSIONER BERGMAN: Thank you. Thank
6 you, Mr. Chair.

7 THE CHAIR: Any other questions from
8 Commissioners? I'd like to thank you for your
9 presentation --

10 MS. LENTI: Thank you.

11 THE CHAIR: -- and enlightening us on "A
12 through F."

13 MS. LENTI: Thank you for having us. We
14 really appreciate it.

15 MS. GREGORY: Thank you.

16 DEPUTY SECRETARY AGUILAR: Mr. Chairman?

17 THE CHAIR: Deputy Secretary.

18 DEPUTY SECRETARY AGUILAR: Ms. Lenti, that
19 also highlights the reason why we call her our
20 Director of Policy.

21 THE CHAIR: Say again?

22 DEPUTY SECRETARY AGUILAR: It highlights
23 why we call her our Director of Policy.

24 THE CHAIR: Very quickly, I'd like to
25 take -- open the floor for recommendations on our

1 lunch hour. Commissioners?

2 COMMISSIONER GANT: Mr. Chair, I'm one of
3 these guys, once I start --

4 THE CHAIR: Commissioner Shearman.

5 COMMISSIONER SHEARMAN: Particularly in
6 light of the weather -- I don't know what it's
7 looking like now. But when I walked out a moment
8 ago, it was snowing again. For those of us who have
9 a long drive home, I personally would rather just
10 continue on.

11 COMMISSIONER CARR: I agree.

12 COMMISSIONER PERALTA: I agree.

13 THE CHAIR: Okay. Thank you.

14 COMMISSIONER GANT: Now you can quit
15 eating, too.

16 COMMISSIONER CANFIELD: You've got to
17 share that apple with us, Mr. Chairman.

18 THE CHAIR: My metabolism runs high.
19 Item No. 14 is Update for the Federal Submission of
20 the Carl D. Perkins Career and Technical Education
21 Grant. Dr. Melissa Lomax, CTE Director.

22 DR. LOMAX: Good afternoon, Mr. Chair and
23 Commissioners. My pleasure to be here. And -- I'm
24 not trying to push you out of your spot.

25 MS. LENTI: Don't worry. I'm trying to

1 pack up. So thank you.

2 THE CHAIR: Careful. She's a Director of
3 Policy.

4 DR. LOMAX: I understand. I understand.
5 But I like to share the wealth, and so that's
6 wonderful, Mr. Chairman.

7 So good afternoon. Thank you very much
8 for this opportunity to be here and to provide an
9 update on the work of the Career Technical Education
10 faculty, students, and staff. We have a few things
11 that we'd like to address today just briefly. I'd
12 like to give you a summary, Mr. Chair, on the
13 Consolidated Annual Report that is submitted by
14 December 31st each year on the previous grant year's
15 elements.

16 The second thing I would like to do would
17 be to walk you through summarily the revision
18 process on an annual basis. We provide or submit a
19 revision to the federal government regarding what
20 changes might be in order for the implementation of
21 the five-year state plan.

22 And then, finally, I'd like to provide a
23 brief summary note on other elements that are
24 ongoing with Career Tech Ed.

25 All right. December 31st of the prior

1 year was the time line for the submission of the
2 Consolidated Annual Report. And as the Commission
3 is aware -- or perhaps briefly to update their
4 information -- Carl D. Perkins Act provides
5 supplemental funding to develop more fully the
6 academic and career and technical skills of
7 secondary education students and post-secondary
8 education students who elect to enroll in CTE
9 courses.

10 On July 1 of every year, the State is the
11 recipient -- because we have an approved State
12 plan -- of allocations to carry out the work of the
13 Perkins Act. On July 10, we received notice that we
14 should anticipate, for the '10-'11 grant year -- and
15 what I'm talking about is the year prior; we're
16 currently in the '11-'12 grant year -- \$8,000,445 --
17 eight-hundred four-hundred forty-five thousand
18 dollars seven-hundred forty -- oh, my gosh.
19 Eight million -- approximately \$8.5 million. I'm
20 sorry; I've lost it.

21 And of that approximately \$8.5 million,
22 \$7.1 million was available for distribution, for
23 formula distribution to the districts. And they
24 were -- those monies were split 50/50 with -- with
25 half going to secondary and half going to

1 post-secondary. And every year, those monies and
2 the expenditures of those monies are certified by
3 the Administrative Services Division.

4 In your packet, I believe you should
5 see -- I believe this chart was enclosed.

6 [Indicates.] This is a distribution of the --
7 the -- a chart that identifies the recipients of the
8 funds that were distributed. And you can see on the
9 left, you have your secondary schools. On the
10 right, there are post-secondary schools that
11 participated in the Perkins flow-through, along with
12 other discretionary programs, such as High Schools
13 That Work, or Jobs for America's Graduates, or the
14 career-technical student organizations. So that is
15 a full breakdown of how those monies were expended
16 that year.

17 The next page of your report -- and I will
18 not go in detail through this -- you -- pleasantly
19 enough, we've had sustainability over the past years
20 that provides us a venue to have continued support
21 for certain programs that have been implemented.

22 One of the specialty programs that is implemented is
23 support for state institutions. The Children, Youth
24 and Families Department received an allocation this
25 past year. And what they implemented at their site

1 was the Certified Nursery and Greenhouse Program,
2 that results in an industry-recognized credential in
3 both Colorado and New Mexico. And so we were happy
4 to support their efforts and endeavors in providing
5 support for students who were interested in that.

6 Secondly -- and you heard in the previous
7 presentation that college-and-career readiness and
8 participation in opportunities at the high school
9 will be valued as grades are identified at the
10 different high schools. And career technical
11 student organizations are one of the areas of
12 support that Perkins funds can be provided to. And
13 the listing of the particular CTSOs is provided on
14 your sheet of paper. But these are great
15 opportunities for students to stay involved and
16 engaged in learning about what are workforce
17 preparation expectations, how do we -- what does it
18 look like to be on-site at a -- in a business arena.

19 And so the CTSOs that are supported are
20 the BPA, DECA, the TSA, SECLA, and HOSA.

21 So those are -- and I'm -- those are
22 options that are actively supported through the
23 Perkins funds. And we outreach to some
24 approximately 5,000 students that choose to
25 participate. It's not a requirement. But about

1 5,000 students this past year were involved in that.

2 Another aspect that is required by the
3 Act, but engaged with quite readily through CTE
4 staff, are support opportunities for the Perkins
5 directors and CTE teachers across the state. And so
6 we hold Webinars or go to meetings or face-to-face
7 meetings to provide technical assistance on the
8 development of programs of study that result in an
9 industry-recognized certificate or credential, or
10 also an associate's degree at a post-secondary
11 institution. So that's another element of our
12 support that we provide.

13 And we have an informal advisory committee
14 that's made up of different representatives from
15 across the state, inclusive of charter schools,
16 teaching faculty, a discretionary program,
17 individuals. Mr. Gant, who is chair of the PEC
18 Commission, also attends when he is able and quite
19 regularly. But, as I said, this is a non- -- this
20 is an informal advisory, where we can sit and talk
21 about the things that are ongoing in the state with
22 regard to the work that CTE, teachers, and students
23 are experiencing. So we pull information in from
24 that and apply that as we think about the work that
25 we're doing throughout the year.

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1 Assessment and improvement and expansion
2 of CTE programs is inclusive of programs that you
3 have been briefed about in prior meetings. High
4 Schools At Work is a specialized project that has a
5 framework for successes that we -- that's inclusive
6 of a number of elements of -- of teacher support,
7 extra-help strategies for students and so on. So
8 it's a very viable program.

9 Also Jobs For America's Graduates supports
10 a niche of student populations that are high-risk
11 and in need of information about our workforce
12 preparation needs.

13 Last year we were able to support the
14 Supercomputing Challenge, and they rolled out
15 statewide much information about career
16 opportunities in the area of STEM initiatives and
17 was quite successful. And it was something that we
18 were able to -- to support quite readily because of
19 the focus on career preparation and readiness in the
20 career area of STEM.

21 Performance levels that you'll see on the
22 report. Again, I want to take -- take -- as you
23 look at this, what I want to acknowledge right now
24 is the work of our students, of the teachers of CTE,
25 of the administrative leadership that is in the

1 field, and of the support that the CTE staff of the
2 state gives to ensure that there is an integration
3 of academics and of career-technical education
4 coursework. Because this is a very -- a very
5 admirable report.

6 In this report, what you see is that our
7 performance as a state, when we aggregate data that
8 is submitted to us, has hit the performance measures
9 as required by the federal guidance of the Act in
10 all of the reporting areas except for one. And that
11 is at the post-secondary level. And I'll address
12 how we are going to approach having not met the
13 90-percent threshold of that on the next page.

14 But the area of attaining a credential, a
15 degree, or a certificate at the -- at the
16 post-secondary level is that area that we did not
17 meet the performance. But in every other area,
18 three of those areas are critically important to the
19 state at the high-school level, because they address
20 SBA performance in reading, in mathematics, and in
21 our graduation rates, and they're tied to what
22 our -- previously, our AMOs were. They've done it.

23 And so hats off to the students for
24 sticking with the programs, for the teachers with
25 making this relevant to our young people, to our

1 instructional leadership that understands the
2 importance of CTE in the lives of our students, and
3 of the staff that is working to support that.

4 In that area, Mr. Chair and members of the
5 Commission, the area that we did not meet the
6 90-percent threshold included in the Consolidated
7 Annual Report, I narrated what we believe to be
8 three potential causes for not meeting those -- that
9 performance level. And they're really quite simple,
10 although they're very challenging to address.

11 One of them is that perhaps the reporting
12 that is initiated that originates with the
13 institution that received the funds, perhaps there
14 is a challenge in providing actual numbers from the
15 local level. Perhaps it is in our method, the
16 State's method, of collecting that information.
17 That's the second thing I'm concerned about.

18 The third thing is, perhaps, really and
19 truly, there's not a problem with collection, and
20 where we need to address the focus of our efforts is
21 in actually completing the credential or the degree
22 or the certification. We will be convening work
23 groups during this interim between now and the next
24 report that we submit to ask our stakeholders to
25 provide us information and to plan strategically for

1 identifying where are we missing this and how might
2 we improve it. And so that has been submitted to
3 the Office of Vocational and Adult Education, and we
4 will finalize and submit information with regard to
5 that on how we believe would be -- would result in
6 improvement in that performance area.

7 Finally, there is not in '11 and '12, but
8 in the grant year '10-'11, which this report
9 covers -- that was the last year that federal funds
10 were allocated for a program that was known as the
11 "Tech Prep Program." That basically is a
12 requirement of eleventh- and twelfth-graders and
13 freshmen and sophomores in post-secondary,
14 participating in an alliance of courses of aligned
15 and sequential course allocation that would result
16 in industry certificate and a degree such as an
17 associate's degree.

18 And on -- you can see the four -- and it's
19 a competitive allocation -- that we received eleven
20 applicants in the '10-'11 school year -- I'm
21 sorry -- received nine applications. Four of the
22 nine were awarded. They are scored and rated on a
23 matrix. And the summary of the outcome of that
24 grant submission was that Las Cruces Public Schools
25 and Doña Ana Community College received an award.

1 Santa Fe Community College has -- had
2 joined statewide with their entities to provide
3 Project Lead the Way support in green and renewable
4 energy and engineering.

5 UNM Taos and Taos Municipal Schools had
6 sustainable construction technology.

7 And Gadsden joined with Doña Ana to
8 implement an engineering program.

9 The amounts and the distribution of that
10 is provided in your packet. And the next page in
11 the final summation of the annual report is a
12 listing of 223 industry-recognized certificates that
13 our students have had the opportunity to engage with
14 and to earn. And, again, hats off to the districts
15 and to the post-secondaries who are implementing the
16 career technical programs that can result in these
17 industry-recognized certificates that prepare our
18 students for entry into a career and for a
19 life-supporting wage and for preparation for college
20 engagement, should they choose to do so.

21 And, Mr. Chair, if I could, that's the end
22 of that summary report. I thank you for allowing me
23 to give you a summary of this. And let me see if
24 there might be any questions?

25 THE CHAIR: Floor is open for questions?

1 Commissioner Gant.

2 COMMISSIONER GANT: Mr. Chair, this is not
3 actually a question. It's just -- I know Dr. Lomax
4 spoke to it. But we've got to remember, the
5 students are in CTE in the secondary. If we pull
6 them out -- and we can do it statistic- -- we can do
7 it with computers, you'll find these students are
8 probably adding greatly to the success that the
9 schools are -- are showing -- well, in the grading
10 system or whatever, because they are more
11 successful -- well, "more" is not a good way to put
12 it. But because they are in CTE and because they
13 have to take the core subjects at the same time and
14 they have to work harder, they are more successful,
15 I think, and they've added to the success of the
16 overall of the school.

17 So Career Tech, Carl Perkins, has been a
18 great aid in helping the State of New Mexico raise
19 the standards in education. And we can't forget
20 that.

21 But I have an issue -- we have a
22 problem -- and I don't know what's going to happen
23 in the future. This Carl Perkins will have to be
24 renewed in a few years? How many years? Two?

25 DR. LOMAX: Well, Mr. Chair and

1 Commissioner Gant, the last year of the five-year
2 plan that is currently approved is next grant year,
3 '12-'13. So reauthorization considerations will
4 come up at the end of Grant Year '13.

5 COMMISSIONER GANT: So my issue is that
6 some of the states in the United States have not
7 done what they were supposed to do. As Dr. Lomax
8 alluded, except for one area -- they're working on
9 that -- they have been highly successful. But it's
10 dragging down -- the other states that are not doing
11 what they're supposed to do is, in my view, dragging
12 down the possibility of reauthorization of Carl
13 Perkins, which, in the long run, would hurt states
14 like New Mexico, who are succeeding and who
15 absolutely need those funds to be successful with
16 our -- teaching our kids.

17 So when this starts again, I think there
18 needs to be a push through our federal legislators
19 to make sure it happens again. This money -- we got
20 \$8 million or whatever -- in the big pot is not a
21 drop. But what we get from it is a great deal. And
22 we've got to remember that and come up on the line
23 and support what Dr. Lomax and her people and the --
24 and our secondary and post-secondary schools that do
25 participate are doing with our students. Thank you.

1 THE CHAIR: Thank you, Commissioner Gant.

2 Any other questions from Commissioners?

3 There is a proposed motion in your packets
4 with Option A and B there.

5 DR. LOMAX: Mr. Chair, may I --

6 THE CHAIR: Oh, yes, absolutely.

7 DR. LOMAX: Mr. Chair, if you would allow
8 me to summarize the information regarding --

9 THE CHAIR: Absolutely. Go ahead.

10 DR. LOMAX: -- that? And I can do that
11 very briefly, sir, before you all might want to take
12 a vote. Thank you, sir.

13 This is the -- this is actually -- the
14 next piece of information that I wanted to provide
15 you is what the action item is about. Maybe I was
16 misunderstanding where you were going. Was I
17 misunderstanding where you were going?

18 THE CHAIR: Please continue.

19 DR. LOMAX: Okay. The action item that is
20 requested today is to receive approval, with any
21 edits that the Commission may want to or wish to
22 advise me of implementing. But annually, there is a
23 requirement that the -- that a revision cover
24 let- -- a request be submitted to OVAE that -- that
25 would include any revisions to the existing state

1 plan that might be necessary.

2 And so for Year Six, for the upcoming
3 '12-'13 year, there are three items that are
4 required to keep us in compliance. One would be a
5 cover letter. And it is due to the feds on March
6 the 20th. And then the second thing would be a
7 statement of revisions to the narrative in which the
8 paperwork that you have reflects that no revisions
9 to the narrative would be required. And then the
10 third thing is the anticipated item.

11 And we are instructed -- the anticipated
12 budgetary item. And we're instructed to use last
13 year's budget to formulate the proposed budget for
14 the coming year. And then they will notify us as to
15 what we really have to work with.

16 And so the packet that the College and
17 Career Readiness Bureau is submitting to the
18 Commission today for approval is inclusive of those
19 three things. There's one caveat that was unknown
20 to me at the point in which these three items were
21 identified. And that is that these must go to the
22 federal office electronically. And if there are any
23 changes in it, the student performance measures that
24 we've listed and that we met all of those
25 performance measures except the one at the

1 post-secondary level on the industry credential, if
2 there are any changes, that we would like to request
3 an opportunity to negotiate changes on our
4 performance measures.

5 Due to the State's receipt of our waiver,
6 our student growth targets are different than what
7 we have on file as being approved three years ago.
8 But the only way that you can request that is
9 through the electronic notification. So those are
10 not listed here, and we didn't have the information
11 when the development of this packet was being
12 completed.

13 So I would say that we will request to
14 stay in alignment with our waiver student growth
15 targets. We will request of the feds to negotiate
16 and make sure that we come into alignment with what
17 our student growth targets are, and that will keep
18 us in line as we have been in the past.

19 So there's no conceptual change. But this
20 is a numerical change that I'll be asking to make
21 sure that we're in line with our State-approved
22 waiver for performance. And that's it. Are there
23 any questions?

24 THE CHAIR: Thank, you Dr. Lomax. Are
25 there any questions from Commissioners? I do want

1 to make a correction that I said Options A and B. A
2 and B are actually inclusive in the proposed motion.
3 Seeing no questions, any -- anything else,
4 Dr. Lomax, before we proceed?

5 COMMISSIONER GANT: Mr. Chair, Dr. Lomax,
6 would you -- we have a proposed motion here. Do you
7 have it there? So can you check to make sure that's
8 exactly what you want?

9 DR. LOMAX: I did. Mr. Chair, may I
10 share?

11 THE CHAIR: You may.

12 DR. LOMAX: Yes. That's what you have in
13 your packets, correct? Yes, sir.

14 COMMISSIONER GANT: Well, let me see it.
15 Let me see.

16 COMMISSIONER SHEARMAN: It doesn't need
17 anything else?

18 COMMISSIONER GANT: That's it.

19 DR. LOMAX: Mr. Chair?

20 THE CHAIR: Thank you, Dr. Lomax. The
21 Chair will entertain a motion.

22 COMMISSIONER BERGMAN: Mr. Chair?

23 COMMISSIONER CARR: Mr. Chair?

24 THE CHAIR: Commissioner Carr.

25 COMMISSIONER CARR: You go ahead.

1 THE CHAIR: Where is that? Do you have
2 that deck of cards? Mr. Carr.

3 COMMISSIONER CARR: Okay. I move the PEC
4 approve the Carl D. Perkins Career and Technical
5 Education Act of 2006 annual revision to
6 New Mexico's five-year State plan, as presented.
7 And do I need to read A and B?

8 THE CHAIR: You do.

9 COMMISSIONER CARR: Inclusion of
10 pending -- inclusion of Office of Vocational and
11 Adult Education requirements received prior to
12 March 20th, 2012, if any. And, B, inclusion of
13 recommended and improved edits, if any, as discussed
14 on March 9, 2012, PEC meeting.

15 THE CHAIR: Do we have a second?

16 COMMISSIONER SHEARMAN: Second.

17 THE CHAIR: Seconded by Commissioner
18 Shearman. All those in favor, say "Aye."

19 (Commissioners in favor so indicate.)

20 THE CHAIR: Opposed, "No"? The motion
21 passes unanimously. Dr. Lomax, thank you so much.

22 DR. LOMAX: Mr. Chair, thank you so much
23 also. If I might do the final summary presentation
24 of just sort of miscellaneous information. Very
25 briefly, we have released the application for this

1 current -- for the upcoming '12-'13 year. It was
2 released on January the 12th. And those
3 applications should be coming in April the 2nd.

4 And, finally, and appreciatively, the
5 State received a supplement from the -- from OVAE in
6 the amount of \$91,000-and-some-odd, to add to this
7 year's distribution of funds. If you will recall,
8 there was an award last July. There was a downward
9 adaptation that we had to accommodate in October.

10 And then in February -- I believe on
11 February the 10th -- we received notice that we
12 would be awarded supplemental funds. Not every
13 state was rewarded those -- or awarded those. And I
14 do not know the reason that some states did and some
15 states didn't.

16 However, the final supplement of the
17 \$91,000 brings us back closer to just under what the
18 amount was that we had initially estimated that we
19 would receive.

20 We will be distributing that with support
21 from our ASD colleagues in PED, and the anticipated
22 time distribution of those funds back out to the
23 districts is in the latter part of this month. And
24 that's -- that concludes my information, unless
25 there are any questions.

1 THE CHAIR: Thank you very much,
2 Dr. Lomax.

3 DR. LOMAX: Thank you, Mr. Chair and
4 members of the Commission. Always a pleasure.
5 Deputy Secretary, thank you.

6 COMMISSIONER CARR: Could we take a short
7 break?

8 THE CHAIR: I'm going to call a 15-minute
9 break. Ten till 1:00, we'll be back.

10 (Recess taken, 12:38 p.m. to 12:55 p.m.)

11 THE CHAIR: I call this meeting back into
12 session. Item No. 15 is a Report from PSFA on
13 Visits to New Charter Schools Approved Since 2011,
14 Bob Gorrell, PSFA Director. Good afternoon, sir.

15 MR. GORRELL: Good afternoon. My name is
16 Bob Gorrell, or Gorrell, depending on which part of
17 the state you're from, and I go by either. I think
18 I heard somebody earlier testify to that. This is
19 Martica Casias. And we have, in the back, Richard
20 Romero and Annette Montoya. And we will all be
21 presenting.

22 I'd like to start off by, Public School
23 Facility Authority is staff to the Public School
24 Capital Outlay Council. You have two Council
25 members. They're statutory positions. You have two

1 that are sitting up there with you. Commissioner
2 Gant is on the -- is your delegate to the Public
3 School Capital Outlay Council. And Deputy Secretary
4 Aguilar is the -- is the designee for
5 Secretary Skandera, which is another statutory
6 position.

7 We have a staff of about 50. The Council
8 also reports and takes advisories from the Public
9 School Capital Outlay Oversight Task Force. That's
10 chaired by both the Senate Education Chair and the
11 House Education Chair.

12 We have staff of about 50. We oversee
13 about 60 million square feet of space, school space,
14 facilities in the state. It's a growing number.
15 It's about 800 facilities; many more buildings
16 underneath that.

17 We are partners to the school districts in
18 every way, top to bottom. We kind of do the same
19 thing as the Department of Transportation does. We
20 do long-range planning. We put together financial
21 plans and work with school districts, help them pass
22 bonds and determine what priorities of projects are
23 best for them. We help them plan projects, standard
24 contracts. We help them manage their maintenance of
25 their -- help set up maintenance processes through

1 all of the schools and advise them in every way.

2 So we do basically the same thing as the
3 Department of Transportation does, and for school
4 buildings, but with about one-sixth of the staff, by
5 comparison of value. So, Martica, if you would
6 please kind of go through HB 283, which is the
7 legislation that we're reporting on, and then we'll
8 give the individual reports on each of the twelve
9 charters that we've worked on. Thank you.

10 MS. CASIAS: Members of the Commission.
11 House Bill 283 was passed this 2011, in October, I
12 believe, which is a requirement for any applicant
13 charter to move into a facility that meets the
14 average weighted NMCI. And what our agency does is,
15 through PSCOC, is we fund and build schools, and we
16 assess schools all around the state. So this law
17 was passed to help charters get into facilities that
18 are functional, safe, and sound for the children.

19 So we were tasked with providing a system
20 and a program to make sure that the charters get
21 into those facilities.

22 When you -- when Annette and Richard come
23 up, they'll go through each of the 12 applicant
24 charters on the list and tell you how we do that.

25 As a result of the House Bill 283, we

1 have -- we go out and we visit the charters, and
2 then we provide them back with a report that is in
3 your packet. And briefly, I'll tell you what that
4 report entails. And it all is directly related to
5 getting the charters in a good facility.

6 But if you look at the report, what we
7 talk about is we give the background of the charter;
8 we give a description of the facility that they want
9 to move into; we check that facility for adequacy
10 standards. And adequacy standards are minimum space
11 requirements that are needed to provide education.

12 We mirror PED standards of excellence.
13 For example, a classroom needs to be a minimum of
14 650 square feet. So when you're going into a
15 facility, when an applicant charter is thinking of a
16 facility, we make sure the classroom sizes are the
17 right size.

18 We also -- in the report, we tell you if
19 the building is adequate. We also check a visual
20 observation of the exterior envelope. If the stucco
21 is good, if it's cracking, if the foundation is
22 intact. We check for code concerns, such as fire
23 and life-healthy-safety issues.

24 So all of that report is -- all of that is
25 condensed in the report and given to the charter so

1 that they can know exactly what type of facility
2 they're looking at. This report accompanies the
3 applicant charter's application when they're
4 applying at PED so that they know it's in a good
5 facility or not.

6 The most important part of the report is
7 giving the average weighted NMCI number to make sure
8 that they're not in any worse facility than the
9 traditional schools are in.

10 I might not be being clear, but I'll stand
11 for questions. It's a very complicated process, and
12 I'm trying give you a brief overview of that. So
13 that's the report that's in your book, and --

14 MR. GORRELL: Yeah. And we could stand
15 for questions on the first part before we go into
16 presentations if you'd like, Mr. Chair.

17 COMMISSIONER CARR: Mr. Chair?

18 THE CHAIR: Commissioner Carr.

19 COMMISSIONER CARR: I guess I had heard --
20 this is -- McCurdy is in my district. And we
21 were -- I've heard a lot of concerns from, I guess,
22 local citizens about whether, you know, or not they
23 were going to be able to get where they need to be
24 in order to -- to meet what they need to meet. What
25 is the situation with them in particular.

1 MR. GORRELL: Mr. Chair, if you'd like, we
2 could address that now, or we are going to address
3 it in the report of the twelve schools.

4 THE CHAIR: Let's continue.

5 MR. GORRELL: Thank you, Mr. Chair.

6 COMMISSIONER SHEARMAN: Mr. Chairman?

7 THE CHAIR: Commissioner Shearman.

8 COMMISSIONER SHEARMAN: Thank you. Just
9 as I'm reading through this information that you're
10 providing to us -- and I appreciate it very much --
11 some of this, I really have not been aware of it
12 before. On the -- it says, "Classroom temperatures
13 must fall between 68 and 75 degrees Fahrenheit at
14 full occupancy." Frankly, I think that's a little
15 warm if you've got a whole room of sweaty
16 first-graders or whatever. Do any schools use
17 ceiling fans, or is there a provision for using
18 ceiling fans to just help the circulation of the air
19 in that particular case?

20 MR. GORRELL: Mr. Chair and Commissioner
21 Shearman, yeah, I have seen classrooms with ceiling
22 fans. It's not a requirement. The requirements
23 that we measure -- and we have about 60,000 measure
24 points throughout the schools and dozens within
25 every school -- have to do with holding a climate in

1 an environment that will support education. We
2 don't look to see if there's a ceiling fan that is
3 moving the air. And that helps. If you have a
4 classroom that's at 75, and you put a ceiling fan
5 in, it definitely will help.

6 The range of 68 to 75 is not something
7 that we just generated. It's in the adequacy
8 standards. It was -- it's found that with
9 temperatures above 75, you start to lose the
10 educational function.

11 COMMISSIONER SHEARMAN: Absolutely.

12 MR. GORRELL: Kids, they get too warm,
13 they can't learn math and other complex subjects.
14 So that range is found to be the -- not the optimum,
15 but the acceptable range of a temperature in a
16 classroom.

17 Besides that, there are also code air
18 changes. We don't look at that for an existing
19 facility. And when we build a new facility, we do
20 look at that. And it has to be designed per code.
21 So there are differences. When we talk about
22 getting the charters into a level that's at least
23 average of the general condition of all the schools
24 in the state, it's not a brand new building at all.

25 The average condition of all the schools

1 in the state is about a third broken. They need
2 about -- in other words, if you have a \$100,000
3 house, it needs about \$30,000 of repair. So our
4 average condition of school facilities is not a new
5 building. That's not what we're trying to compare
6 them to. And I'm sorry if that's a long answer, but
7 thank you.

8 COMMISSIONER SHEARMAN: I appreciate it.
9 Thank you.

10 THE CHAIR: Commissioner Canfield.

11 COMMISSIONER CANFIELD: Thank you,
12 Mr. Chair. I just have a question relating to the
13 charters that are chartered through the public
14 school system. Do you get as involved with them, or
15 do you completely rely on the school district to do
16 that, or -- can you help me understand your
17 involvement there?

18 MR. GORRELL: Mr. Chair, again, we are
19 staffed to the Public School Capital Outlay Council.
20 And as staff, the Council is charged with overseeing
21 all school facilities that are public school
22 facilities, not private schools. So, yes, we are
23 involved with every type of charter, both state
24 charter and -- and ones that have been chartered
25 under the school district.

1 We look to them to how they are managing
2 their facility, maintenance-wise. That's a big
3 problem with charters; it's also a big problem with
4 traditional schools. But we try to help them so
5 that they can make the spaces work well and to last
6 well.

7 COMMISSIONER CANFIELD: Mr. Chair, just a
8 clarification. When you say "them," that was really
9 my question. Do you work specifically with the
10 charter, or do you work with the school district?

11 MR. GORRELL: Both. Mr. Chair, we work
12 with a charter within a district to -- say, for
13 maintenance, to help them set up their -- their
14 preventive maintenance plan. However, they have to
15 work with the school district, typically, to get
16 that maintenance done, unless they have -- even
17 though they're under a school district, they may be
18 in a leased space that is privately owned or under
19 their foundation; so, in which case, the local
20 district maintenance may not be working on that.

21 So it's -- there's no clear-cut answer.
22 There is a lot of variations within how the charters
23 work. We also work with each of the charters in
24 helping to understand what their what we call
25 "educational specifications" are. What do they

1 really need in a space? This particular law of
2 HB 283 drives that question. It's now a
3 requirement. Before a charter goes out to move into
4 a -- a space, before they go select what they're
5 going to move into, they have to have a good
6 understanding of what their needs are before they go
7 find a facility.

8 There are charters out that are existing
9 charters under traditional schools, and state
10 charters, even, that have moved into spaces because
11 they needed a space. And it is not necessarily a
12 good fit. We do look at that, as Martica said, and
13 measure what the adequacy requirement is. Six fifty
14 square foot is the minimum size. But if you've got
15 30 kids in a classroom, it has to be a little larger
16 than that. But it's scales. The size scales
17 appropriately to the use.

18 MS. CASIAS: Mr. Chair, Commissioner
19 Canfield, if I may. Back to your question, if a
20 charter calls us, a district charter calls us, we
21 make it a point to make sure that the district knows
22 that we're talking to the charter; or if the
23 district calls us and it's not the charter who's
24 called us, we bring the two together. If we're
25 going to do an assessment, we make sure both parties

1 are present and both parties are aware.

2 COMMISSIONER CANFIELD: Mr. Chair, just a
3 follow-up question, if I could. The education
4 specifications that you have, are those published?
5 I mean, I see some in here. But is there a
6 published document that you can give to a charter
7 that is looking at relocating?

8 MR. GORRELL: Mr. Chairman and
9 Commissioner Canfield, the -- what we provide is a
10 template, and instructions, both written
11 instructions, and we go visit with the charters.
12 They create the ed spec themselves. Only they know
13 what their educational needs are. We then advise
14 them what kind of space would match up to those
15 educational needs. And those become -- they get --
16 all of that information is reduced into the
17 educational specification document.

18 COMMISSIONER CANFIELD: So there's nothing
19 published that spells all that out?

20 MR. GORRELL: Yes, there is. We --
21 absolutely. Martica?

22 MS. CASIAS: Yes, Mr. Chair, Commissioner
23 Canfield. We have samples of the ed specs that
24 charters have produced and are using up on our Web
25 site, as well as the guidelines, as well as a list

1 of consultants if they need one.

2 COMMISSIONER CANFIELD: Thank you,
3 Mr. Chair.

4 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
5 on that point?

6 THE CHAIR: Deputy Secretary?

7 DEPUTY SECRETARY AGUILAR: Commissioner
8 Canfield, the -- there is a set of statewide
9 adequacy standards that have been determined, and
10 they're published. So every school district and
11 every school administrator and facilities
12 coordinator has access to that. It's on the PSFA
13 Web site. Also, there's a -- I'm going to probably
14 say it wrong -- the reference guide?

15 MS. CASIAS: Adequacy planning guide.

16 DEPUTY SECRETARY AGUILAR: The adequacy
17 planning guide, which takes the -- sort of the
18 wordiness out of the statute and puts it into a
19 user-friendly manner so that when a district or a
20 design professional is looking at how they allocate
21 space for a classroom, for restrooms, for whatever,
22 it's very specific on how they do that. And so it's
23 not just hit or miss. It's actually a pretty good
24 system that works together to help them get there.

25 COMMISSIONER CANFIELD: Thank you.

1 MR. GORRELL: Thank you, Mr. Chair. We'll
2 continue then. Richard and Annette?

3 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
4 while they're coming up, can I make another comment?

5 THE CHAIR: Mr. Deputy Secretary.

6 DEPUTY SECRETARY AGUILAR: Thank you.
7 I've been involved in construction and education and
8 explosives research -- I've done a lot of things in
9 my life. And I've had the opportunity to see the
10 worst of the bureaucracy in state government
11 sometimes, and I've had the opportunity to see the
12 best. And this program that was originally funded
13 by the legislature on a continuing basis, and the
14 development over the ten years is probably one of
15 the best and most -- or one of the greatest success
16 stories that the State has had in terms of putting
17 kids in good, high-quality buildings and making sure
18 that we get good value for the dollars.

19 And so I think it's something to -- I
20 would invite you, as we -- later in the spring, as
21 new schools -- as districts apply for funding for
22 schools, the PSFA sends teams out to look at the
23 schools. And I would invite you, Commissioner, and
24 I would suggest to the Director, that we make sure
25 the PEC members are contacted so that you can

1 accompany the teams and see what they're looking at
2 and how they evaluate the district need to determine
3 whether -- whether funding is really needed, and if
4 it is needed, how it can be most efficiently
5 deployed. Thank you, Mr. Chair.

6 THE CHAIR: Good afternoon.

7 MR. ROMERO: Good afternoon, Mr. Chairman.
8 Commissioners. We appreciate the opportunity to
9 come and talk to you a little bit.

10 THE CHAIR: Do me a favor. Speak clearly
11 into the mic. It's not that powerful. Thanks.

12 MR. ROMERO: Yes, sir. Sorry about that.
13 We just want to thank you for giving us the
14 opportunity to come and talk to you about the
15 charter schools that we work with. As Mr. Gorrell
16 and Ms. Casias said, we're just going to give you a
17 brief overview of the 12 applicants and where they
18 are in their interaction with us in their search for
19 a facility -- I'm sorry; not the twelve applicants,
20 but the 12 that were approved by this body last
21 year.

22 Starting off with the Coral Community
23 School. It's a -- serves grades kindergarten
24 through sixth grade. And we have had interactions
25 with them. They have selected a facility that we've

1 assessed. And it is -- received a Weighted
2 New Mexico Condition Index ranking of 17.81, which
3 is better than our current average score. And they
4 will be moving into that facility.

5 Ms. Montoya will talk about the next few
6 that she's assessed.

7 MS. MONTOKA: Mr. Chair, Commissioners,
8 can you hear me? Estancia Valley Classical Academy,
9 located in Estancia, will be serving Grades K
10 through 10 their first year, which will be
11 2012-2013. I haven't been contacted by the charter
12 school but have been contacted by a developer, and
13 basically have explained our process and what our
14 adequacy standards call for as far as square
15 footages go.

16 The next one is La Jicarita Community
17 School located in Peñasco. And they are serving
18 grades K through 5 their 2012-2013 year, and then
19 their second year, they will incorporate Grade 6. I
20 did do one site assessment for them, which was a
21 community center in Peñasco that they were looking
22 on using. And upon discussion with their members,
23 they are choosing to locate their own property and
24 possibly go with modular buildings for their school.
25 That's where they stand now.

1 The next school is La Tierra Montessori
2 School of the Arts and Sciences located in Española.
3 And they will be serving Grades K through 6 their
4 first planning year, 2012-2013, and eventually,
5 within the five years, end up K through 8 with about
6 110 students.

7 I've looked at a few sites for them.
8 Their first site, their Condition Index was pretty
9 poor; it was at 128. This facility needed extensive
10 work, beyond what they could handle. So later on,
11 in February, I visited another site that they were
12 looking at, which is an actual strip mall location
13 which is classified as a business occupancy.

14 So that building ranked at a 7.39, which
15 does meet our weighted NMCI average. But they do
16 need to go through some renovations in order to
17 comply with an E-occupancy. And they're moving with
18 that one.

19 And we're just going to go down the list,
20 and the next one is Richard's.

21 MR. ROMERO: I think it's important that
22 you all understand that what we do, we assess two
23 different things -- before I go into the next
24 school. And one assessment that we might do for a
25 charter school -- and we may do them both at one

1 point. But one is to look at the potential for the
2 facility, if it's not already classified as an E --
3 an Educational Occupancy, we look at that and, you
4 know, talk to them a little bit about the
5 feasibility of changing the occupancy to an E if
6 it's -- as in Annette's case, is a business
7 occupancy or some other occupancy.

8 So having said that, the next school that
9 I assessed was the Mission Achievement and Success
10 Charter School. And my assessment -- first of all,
11 this school is -- it will start off serving
12 kindergarten through second grade, but, by its fifth
13 year of operation will be a K-through-6 school. And
14 the only assessment I was able to do in this case
15 was the chain of occupancy, because they wanted to
16 know the feasibility of using the facility before
17 they go into any extensive planning for how they're
18 going to actually use the space within the facility,
19 which would be a large component of the weighted
20 New Mexico Condition Index assessment that we would
21 do.

22 And so they are currently still, as far as
23 I know, working to pursue the facility that I
24 assessed with them. But we do not have a Condition
25 Index score for them at this time.

1 MS. MONTTOYA: Mr. Chair, Commissioners,
2 McCurdy Charter School, which I think somebody is
3 interested in over there, I did a site visit out
4 there in October and looked at about approximately
5 15 buildings. And out of those 15 buildings, the
6 school decided to only use nine of them, nine being
7 the better buildings. And they will be continuing
8 to serve Grades K through 12 when they become their
9 charter. And the buildings that I did look at
10 ranked or scored 77.27 percent, which is way above.

11 And I have been in contact with them
12 recently, and they are looking at maybe occupying
13 the newer buildings and possibly constructing new.
14 But that's kind of still in the open with them. And
15 that's where they stand.

16 MR. ROMERO: The next school on your list
17 is the New America School-Las Cruces. This school
18 is planning to serve students in Grades 9 through
19 12. And they have selected a facility. And
20 although I have not visited this facility to conduct
21 a visual assessment, they have been working through
22 PSFA's plan review process with us.

23 And I'm -- I've just -- we've not
24 generated a weighted New Mexico Condition Index
25 score based on that plan review. But I can say with

1 some confidence, based on my experience, that
2 they -- they will score better than the average.
3 They're basically planning these renovations as if
4 it were a brand new facility, and they're gutting
5 the facility that they're in, that they've selected,
6 and are basically building it out. And they have
7 adequate space in terms of our statewide adequacy
8 standards.

9 So I'm fairly confident that when -- when
10 the score is generated for them, that they will be
11 equal to or better than the average New Mexico
12 Condition Index.

13 No. 8 on your list -- I'm sorry, yes.
14 No. 8 on your list is the Pursuit Academy, which
15 we've not had any contact at this point. Nobody
16 from the school or any interested party has
17 contacted us regarding a facility for that charter.

18 No. 9 on your list, Sage Montessori
19 Charter School, they will be serving Grades
20 kindergarten through 7 by their fifth year of
21 operation. They have contacted us. We've had only
22 preliminary discussions with them. I've met with
23 them on a couple of occasions. And they're looking
24 at some facilities and just wanted some feedback
25 before they really settle on them. And so we are

1 working with them but have not conducted an actual
2 assessment for them.

3 The next school on your list is part of
4 what I consider a family of larger charter schools,
5 the Southwest Learning Centers. This latest school
6 that they're going to be opening is the Southwest
7 Aeronautics, Mathematics and Science Academy, "SAMS"
8 for short. And it will be a high school, you know,
9 9 through 12; seven grades, 9 through 12 -- I'm
10 sorry -- 7 through 12 -- excuse me -- in
11 Albuquerque.

12 They have selected a facility that is --
13 was intended to be a training center for Eclipse
14 Aviation, but it was never really occupied. It's
15 basically in pristine condition, and we've not been
16 able to generate a score for them yet, a weighted
17 New Mexico Condition Index score, because they are
18 still, as they're -- they're still planning their
19 use of the spaces within the facility.

20 And I've been in contact with them. And
21 once I receive a final plan from them, we'll be able
22 to generate a score. But based on the size and the
23 spaces and the condition of the facility, I don't
24 anticipate any issues that it would not meet or
25 exceed the Average Condition Index score.

1 MS. MONTTOYA: Mr. Chair, Commissioners,
2 No. 11, Uplift Community School, located in Gallup.
3 I paid a visit there last Thursday, so we have not
4 yet generated a weighted NMCI score for them. I did
5 look at two potential sites for them, which included
6 a total of five buildings. And one site I believe
7 probably won't meet our weighted NMCI average, and
8 the other site possibly can.

9 However, they are business occupancies
10 currently, which means they would have to go through
11 a change of occupancy for whichever building they
12 choose to acquire, which, in my visit, will need to
13 accommodate renovations and accessibility issues,
14 et cetera. And that's it.

15 MR. ROMERO: The final school on the list
16 that we provided you with is the William W. and
17 Josephine Dorn Charter Community School. And they
18 are going to be located in the Downtown Albuquerque
19 area. The contact that I've had with them is to
20 conduct a building code analysis for a chain of
21 occupancy, because their facility is not currently
22 classified as an E-occupancy.

23 Conditionally, there are some issues with
24 it, mostly related to handicap accessibility. They
25 are planning some renovations as part of this. And

1 we are just awaiting their plans for reallocation of
2 the interior space in the facility so that we can
3 generate a Condition Index score for them.

4 And that is currently where we stand as
5 far as charter schools that wish to begin operating
6 at the beginning of the year, and we're happy to
7 take any questions you might have.

8 THE CHAIR: Are there any questions at
9 this time? Commissioner Gant?

10 COMMISSIONER GANT: Mr. Chair,
11 Commissioners, a few questions. Here we are in the
12 middle of March. And looking at this list you have
13 here, some, we're talking about horrible -- I call
14 them "horrible" buildings. You call them modular
15 buildings, which they haven't even decided yet.
16 They don't have the property yet. That's Peñasco.

17 You have others that they're thinking
18 about renovation and still haven't found a building
19 that may or may not need renovation. And every day
20 I see the one in Las Cruces that's just a shell, and
21 we are in the middle of March.

22 So what happens to the 29th of June, when
23 we, as a Commission, have to give all these
24 schools -- to me, they're not even halfway home
25 yet -- a Certificate of Completion so they can start

1 their schools in August? Now, how can we give them
2 a Certificate of Completion when their buildings
3 aren't complete?

4 MR. GORRELL: Mr. Chair, there's -- I
5 noticed as I walked down the hall, halfway down,
6 there's a poster up about the accomplishments for
7 charters, as well as obstacles. And they list their
8 greatest obstacle as facilities.

9 COMMISSIONER GANT: Oh. I thought they'd
10 say the PEC.

11 MR. GORRELL: I didn't see it on there.
12 Maybe it's written on the side somewhere.

13 THE CHAIR: It's undocumented.

14 MR. GORRELL: I agree with the poster.
15 The -- under the law, they have 18 months, if they
16 can give a plan -- and you're right. There's only
17 three on here that we've identified spaces that
18 could work. All three of them are going to need to
19 either get into an agreement -- do renovation and
20 get into an agreement or whatever. The rest, we're
21 still unsure of.

22 But they -- any one of them can have a
23 plan. They have to have an E-occupancy. So that
24 would leave it down to one at this particular point.
25 They either have to have a contract or a plan of how

1 they're going to get the facility up to the average
2 within 18 months. So they can -- they can do it.

3 We'll continue to work with them. But I
4 don't have an answer as far as how they're going to
5 do it.

6 COMMISSIONER GANT: Mr. Chair, I guess I
7 should back up a little bit. Let's say they're in
8 construction; they're in moving modules; they're
9 buying property, putting in the infrastructure
10 needed for a modular building, et cetera, et cetera.
11 We come into June; none of that is completed. Then
12 what?

13 I mean, I understand the 18 months if
14 you're going into a building that requires no
15 massive changes and can meet the E-occupancy. Then
16 you can bring it up to 18. But if you're still in
17 construction, et cetera, then what?

18 MR. GORRELL: Mr. Chair, as an example --
19 I'll use McCurdy as an example. And we've spent
20 lots of time on all of these that we do, try to help
21 them. The McCurdy could move into facilities --
22 because that was a school. It's already
23 E-occupancy. It can be in really bad shape. It
24 just can't be unsafe. And the fire marshal will
25 help us determine that. So they could move into

1 some those buildings that they don't ever intend to
2 use, renovate the other ones, and build a new one
3 during that 18-month period. And provided they
4 could give us a plan with an agreement from a
5 contractor or an architect and everybody else that
6 gives us confidence that they can do it, we would
7 write our recommendation based upon that.

8 So they could be in those poor facilities
9 while the other ones are being fixed up and then
10 move on.

11 COMMISSIONER GANT: Okay. McCurdy could
12 be -- maybe that will work.

13 MR. GORRELL: It could, uh-huh.

14 COMMISSIONER GANT: But I'm talking about
15 others. I'll take Cruces, for example. That thing
16 is a gutted shell right now, absolutely.

17 MR. GORRELL: Yes.

18 COMMISSIONER GANT: Middle of March. Come
19 the end of June, if it's not done, then what?

20 MR. GORRELL: Mr. Chair, they could have
21 an alternative facility, the same as McCurdy. And
22 we don't have that in a plan yet. You're asking
23 hypotheticals; I'll give hypotheticals back. And
24 that is that they could have portables that they
25 park next to the site, providing they would meet the

1 E-occupancy. They find another facility that could
2 meet an E-occupancy and be within. So while that
3 project is being completed, the children are
4 elsewhere provided -- the law says that so long as
5 they can be in a space in 18 months and provide a
6 plan, then we would have to consider that for our
7 approval.

8 COMMISSIONER GANT: All right. Mr. Chair,
9 moving on to something else. Several of these, you
10 noted, one's going to be in a mall, maybe. One's
11 going to be downtown somewhere, maybe. And these
12 I'm talking about are K -- elementary schools. And
13 I have a problem with that. I don't know about the
14 other Commissioners. But where are the playgrounds?
15 Where -- you know, you've got schools sitting in
16 malls. You've got schools sitting in -- and today
17 you have that. And some of them are taking those
18 kids blocks to a playground. And we don't figure
19 this in anywhere?

20 It just disturbs me greatly that
21 elementary kids are put into malls, office
22 buildings, surrounded by concrete and asphalt, where
23 they don't belong. Do we have a solution? Maybe
24 the Deputy has a solution for schools going in -- we
25 don't do that with traditionals. If you build a new

1 traditional school, you better have a playground.
2 Don't even ask to build it if you don't. And if we
3 put a charter school in a mall, in a downtown area,
4 surrounded by concrete and buildings, is that where
5 we want an elementary school? Either one of you can
6 answer this.

7 MR. GORRELL: Mr. Chair, I couldn't answer
8 that. They are -- they are allowed a variance under
9 the Public School Capital Outlay process. But if
10 they can provide the services, or the requirements,
11 alternatively, such as the Moreno Charter School
12 that does biking and hiking and that -- but I don't
13 know what they do downtown. But Mr. Aguilar, our
14 Deputy Secretary Aguilar, would be better to answer
15 that.

16 DEPUTY SECRETARY AGUILAR: Mr. Chairman.
17 Commissioner, no, they're not ideal situations,
18 obviously not. But that's part of -- I think that's
19 part of the legacy that we live with when charter
20 schools first began. The idea was that they
21 could -- they could craft a charter that would
22 exempt them from certain requirements in terms of
23 having a physical education facility, making
24 arrangements for having lunch delivered, so they
25 wouldn't have to have a cafeteria place, any of

1 those sorts of things.

2 And that's where, I think, ultimately, we
3 need to think about when we get these -- these
4 schools in -- into governmental buildings. I think
5 we need to make sure that -- that idea of having
6 your facilities tied to your charter is important
7 when you have a charter that's focused -- for
8 example, the facility that was noted on the West
9 Side of Albuquerque for the Southwest Aeronautics
10 Academy -- and I'm paraphrasing; I don't know.

11 Do you need a place to park your
12 airplanes? I would suggest yes. But does that mean
13 that you've got a park or a playground, you know,
14 across the street? The old -- I forget what the
15 name of the school was a few years ago; I think it
16 was the Albuquerque Technical Vocational Charter --
17 that was doing a lot of computer-based learning, but
18 it was also focused on automotive -- automotive
19 preparation and things of that nature.

20 So the uniqueness of the facilities, I
21 think, is an important component. If you've got to
22 take kids from a mall to a playground and you're
23 walking them there, I think that's -- I think that's
24 problematic. And I think that's probably how we
25 need to think about if a charter school is proposing

1 to have a nontraditional facility or not have
2 facilities close by, then perhaps part of the
3 discussion needs to be how you propose to transport
4 them, as opposed to, "Well, we're going to walk down
5 the street with the kids." I'm with you in terms of
6 the safety issues.

7 But, again, if you're running a
8 traditional school in a mall, I think that lends
9 itself to a discussion, "Is that an appropriate
10 place for it?" If you're running a -- an
11 aeronautics academy that you need specific
12 facilities, then I think that's a whole different
13 question. So it's problematic in both regards, I
14 think.

15 COMMISSIONER GANT: Mr. Chair, the
16 issue -- part of the issue I have, again, is your
17 safety -- I'm talking about elementary kids in
18 concrete with no place to go out and play on the
19 ground and play in the grass, play on gyms or
20 whatever, you know. And then we have schools -- we
21 have one we gave authorization to a year or two ago,
22 say, "Well, we can walk three blocks or four blocks
23 or whatever to a park, city park." Well, one, I
24 question whether that city park has the same
25 standards for playgrounds as we require in the

1 public education arena. And, two, how much
2 educational time are we wasting -- you know, we have
3 to have so much time in the classroom per child, and
4 we're walking down the street, and it's going to be
5 15, 20 minutes, 30 minutes; the other way -- same
6 back the other way. How much education time are we
7 wasting walking kids up and down streets? That's
8 the issue I have.

9 DEPUTY SECRETARY AGUILAR: Mr. Chair and
10 Commissioner, I think it's a huge issue. If you
11 recall last 60-day session, Fred Nathan from Think
12 New Mexico was asking legislators to support a bill
13 that would preclude a school receiving construction
14 funding if it was -- if it was greater than
15 300 students or 500 students or something of that
16 nature.

17 And his argument was, "Well, you can
18 use -- if you're in the city, you can go to the
19 public library, and then you can go to Defined
20 Fitness, if you can" -- you know, that sort of PE
21 would be held. "You can go to the park down the
22 road." And none of the discussion centered around
23 the fact that you're losing three hours a day of --
24 I'm being facetious -- but losing an hour a day of
25 instructional time.

1 So I think that's part of what we do. As
2 you -- I think it's a good question. I think it's a
3 good policy question. And I think as we look at --
4 at how we evaluate charter schools and the total
5 program, I think that they're valid questions that
6 need to be answered. Is it difficult for charter
7 schools to get housing --

8 COMMISSIONER GANT: Oh, yes.

9 DEPUTY SECRETARY AGUILAR: -- in public --
10 absolutely. And are they doing the best they can?
11 Absolutely. But again, I don't think it addresses
12 the question that you're raising. And I think
13 they're valid questions.

14 COMMISSIONER GANT: Thank you, Mr. Chair.
15 That's it.

16 THE CHAIR: Commissioner Bergman?

17 COMMISSIONER BERGMAN: Perhaps I'm --
18 excuse me -- nitpicking here. But last summer, we
19 had our public input meeting for the Estancia Valley
20 Classical School in Moriarty. Now, the Charter
21 School Act, I thought -- I don't have it in front of
22 me; I know it's in the book here somewhere --
23 requires us to have these public input meetings, I
24 thought, in the community or the school district the
25 charter districts are going to serve.

1 I note in this document they're now in
2 Estancia; they're not to be in Moriarty. Or how did
3 they end up in Estancia, or are they really in
4 Moriarty?

5 MS. MONTOYA: Let me answer that. They
6 actually are in Moriarty. They're looking at
7 property there right now.

8 COMMISSIONER BERGMAN: Okay, thank you. I
9 just wondered how they ended up in Estancia.

10 MS. MONTOYA: I misspoke.

11 COMMISSIONER BERGMAN: Thank you. That
12 takes care of me. Thank you.

13 THE CHAIR: Good catch. Good catch.

14 COMMISSIONER CARR: Mr. Chairman,
15 Commissioner Bergman now has brought up a question
16 in my mind as well. You know, even if it's in the
17 same community, in general, if it -- if it -- if
18 it's five miles away from where the original
19 intent -- I mean, if it's a great -- you know, it
20 makes a difference in the people we would have heard
21 from in the hearings, you know, depending on -- the
22 location makes a huge difference. Or it can make a
23 huge difference in maybe whether or not a community
24 supports a school or not, you know.

25 So if they move a great -- that's a

1 concern, and I think it's something that we don't
2 address unless maybe they went from Albuquerque to
3 Gallup or -- you know, I mean, if they made a
4 huge -- but five miles' difference, you know, that's
5 huge, you know. So -- and I understand, and I think
6 we have to approve those, don't we, anyway?

7 COMMISSIONER BERGMAN: We're going to
8 discuss that in a little bit.

9 THE CHAIR: Deputy Secretary?

10 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
11 not to take too long. I know folks need to get
12 going. I'm looking at the capital outlay bill that
13 was signed and vetoed by the Governor this last
14 week. Because we're in a standards-based allocation
15 process, districts take a hit for direct legislative
16 appropriations. When I say that is, if a school is
17 funded for APS, and a charter school -- or a regular
18 school in APS gets a direct legislative
19 appropriation that's accepted, the cost of that next
20 award is reduced by that amount, unless it's for ed
21 tech stuff.

22 And so I want to point out -- as an
23 example, we were talking about Southwest
24 Aeronautics, Mathematics and Science academy. So
25 they received \$77,000 to plan, design, purchase, and

1 install various things. Good for them. But the
2 point I'm trying to make is that part of what we
3 force our charter schools to do is to get -- is to
4 get -- it's a hit-and-miss thing. How can we find
5 money to get us the facility we need as opposed to
6 getting it on the front end?

7 So what they've done is they've accepted a
8 facility -- and I say it kind of facetiously -- that
9 they can park an airplane in, but that doesn't have
10 all the classrooms and the other components they
11 need. And so now they're struggling to try to
12 secure money for those sorts of things. So I think
13 that's apropos to the discussion we're having today
14 is how do we make sure people are in facilities that
15 are ready to go right off the bat and not after the
16 fact? Thank you, Mr. Chairman.

17 MR. GORRELL: Mr. Chair?

18 THE CHAIR: Any questions?

19 MR. GORRELL: If I could summarize just a
20 couple of points the Commission needs to be aware
21 of.

22 The facilities are a very large cost. I
23 stated previously, we're about 60 million square
24 feet, about 800 buildings. Right now, with a
25 capital infusion of about \$330 million a year, we'll

1 be able to hold our facilities at just about where
2 they are, about a third broken. They won't get any
3 better.

4 We've made some very good -- we've had a
5 lot of success over the past ten years. We started
6 at 71 percent. Higher is worse. We've reduced it
7 down to 33. That's because a lot of money went in
8 in the beginning of the process, and we hit the
9 low-hanging fruit, the really bad buildings, which
10 helps the average go down.

11 By -- the square footage is increasing.
12 As charters come into the system, as schools build
13 more onto their facilities and don't take portions
14 away, that brings -- that puts a heavy burden on
15 maintenance and the cost of the facilities; just
16 like if you've got five cars instead of one, it's
17 going to cost more to support those five cars,
18 change the oil, take care of it, put new tires on,
19 even if you don't use it.

20 It's the same for buildings. So we have a
21 problem as far as total square footage on facilities
22 and what it's going to take to keep them up. Like I
23 said, we're just breaking even right now. I don't
24 see additional money coming into the process. I
25 just don't see it possible. In fact, it may reduce.

1 As we are tied to oil and natural gas and
2 extraction, probably the dollars going in is going
3 to reduce.

4 So we have two choices. One, to get the
5 square footage to begin to reduce. And there was
6 conversation earlier about support facilities and
7 where charters are going to live.

8 The other is to better maintenance.
9 Maintenance is something that has -- got us into
10 this, really, because it is -- it's just not what it
11 has to be in order to get the full life cycle out of
12 the systems. So those are things that the
13 Commission -- I would urge you, as the Director of
14 the Facility Authority, to keep those considerations
15 in mind, because it's a problem without a solution.
16 Right now, it's not sustainable. Thank you,
17 Mr. Chair.

18 COMMISSIONER GANT: Mr. Chair?

19 THE CHAIR: Commissioner Gant.

20 COMMISSIONER GANT: Mr. Chair, I'd like to
21 make a suggestion. I know that what I'm going to
22 say will give Bob and his folks a little work --
23 some more work. They're probably overloaded. But
24 maybe, if possible -- I mean, we're in March. Maybe
25 in April or May, we could get an interim report,

1 just to send something to us, maybe through Beverly
2 Friedman, so we could understand where -- you know,
3 you've got twelve schools we have to look at. I
4 would hate to get blasted in June with data that we
5 maybe should have going -- maybe, if the rest of the
6 Commissioners agree, we could have his folks send us
7 a report monthly on this stuff?

8 COMMISSIONER BERGMAN: Sounds like a plan
9 to me.

10 MR. GORRELL: Mr. Chair, sure. We'll be
11 glad to support that and send it over to Beverly.

12 THE CHAIR: Thank you so much. Any other
13 comments or questions from Commissioners?
14 Mr. Gorrell, thank you so much for that
15 presentation.

16 If it's okay with Commissioners, I would
17 like to flip-flop 16 and 17 so that we can get the
18 charter school amendments out of the way.
19 Commissioner Bergman was okay with that.

20 COMMISSIONER BERGMAN: Certainly fine with
21 me, yeah.

22 THE CHAIR: Are you all okay with it?
23 Item No. 17 is a charter school amendment that we
24 have Kelly Callahan, CSB Director. Good afternoon,
25 Kelly.

1 MS. CALLAHAN: Good afternoon,
2 Mr. Chairman, Commissioners.

3 THE CHAIR: Take as much time as you need
4 to get situated. We surprised you there.

5 MS. CALLAHAN: We're charter schools.
6 We're agile.

7 Mr. Chairman, Commissioners, we have
8 requests for charter school amendments that you
9 received in your packets. The schools are Amy
10 Biehl, Cottonwood Classical, The GREAT Academy,
11 Media Arts Collaborative Charter School, and North
12 Valley Academy. You have an executive summary
13 included in your packet, as well as the documents
14 that were submitted by the schools to the Charter
15 School Division.

16 I have asked the head administrators of
17 the schools to be present during this presentation
18 so they could answer any questions directly that you
19 may have. Mr. Chairman, if I may begin?

20 THE CHAIR: Absolutely.

21 MS. CALLAHAN: Thank you. The first
22 amendment that we are requesting is for Amy Biehl
23 High School. And Mr. Mike May is here, the head
24 administrator.

25 MR. MAY: Good afternoon, Mr. Chair,

1 Commissioners.

2 THE CHAIR: Good afternoon.

3 MR. MAY: I'm Mike May. I'm the head
4 administrator at Amy Biehl High School.

5 MS. CALLAHAN: Mr. Chairman and
6 Commissioners, the request for amendment change from
7 Amy Biehl High School is asking to change the
8 graduation cohort rate determinations. And
9 previously, it was, "ABHS will increase the cohort
10 graduation rate without lowering academic standards
11 by 5 percent annually until reaching 85 percent.
12 ABHS will then maintain or exceed the 85-percent
13 graduation rate. This will be measured by the
14 graduation cohort reported on AYP."

15 Their proposed revision reads, "Over the
16 course of the current charter period, concluding in
17 2015, ABHS will increase the cohort graduation rate
18 without lowering academic standards by 6.1 percent,
19 from a baseline of 68.9 percent, to 75 percent in
20 2015. This will be measured by the graduation
21 cohort data reported on AYP."

22 And the rationale that they stated is
23 that, "This goal is being modified in light of the
24 now available baseline data for the current charter
25 term, while striving to exceed the State's current

1 goals for graduation rate progress. The baseline
2 for this measurement exceeds the State's Annual
3 Measurable Objectives, the AMO, by 3 percent, and
4 the school's final goal exceeds the State's AMO by
5 2 percent for the year 2015."

6 And if you recall, Mr. May was here in
7 December requesting a change in the goal and was
8 asked by the Commission to come back with a more
9 rigorous goal. And so he does have some information
10 that he would like to share, if that is okay,
11 Mr. Chairman.

12 THE CHAIR: That's fine.

13 COMMISSIONER CARR: Thank you.

14 MR. MAY: Commissioners, I have -- you
15 have a smaller photocopy of a chart, and I have
16 something that's a little bit more colorful for you
17 with some additional data, just so you can have the
18 entire context of this. Thank you very much. There
19 should be plenty of those.

20 So that, as Ms. Callahan stated, the
21 reason for making this change is knowing that we're
22 on a five-year charter term. Your first year, under
23 the State Charter guideline, is what determines your
24 baseline. And when we had initially written this
25 goal, our baseline was different. Right? It was

1 from the prior term.

2 So when we looked at it, we said, "Wait.
3 We need to adjust." If you look at the graph,
4 you'll see one of the reasons why we needed to. The
5 school had had, and had worked very hard to raise
6 graduation rates. And you can see that on the blue
7 of this chart that you just received. And we're
8 very proud of that growth, and we've expended a lot
9 of resources and energy to make that happen.

10 And now you can see the pink line is the
11 State annual measurable objectives, which we are now
12 exceeding, and we anticipate that we will continue
13 to. The dotted line is the projection. But we also
14 are realistic that we're not likely to see the same
15 steep growth curve that we did in the past years.
16 As much as we would like that, statistically, that
17 rarely plays out.

18 But we're very pleased to see where we are
19 with our efforts, when the Commission had raised the
20 issue of perhaps kind of setting a lower standard
21 compared to other schools. And so what I did was
22 give you some points of comparison.

23 If you look at us -- I just pulled schools
24 that are geographically close to us in the
25 Albuquerque area. On the second page in the bar

1 graph, you'll see that our cohorts are doing quite
2 well, comparatively speaking. We're very pleased to
3 see, when you break it down around race, ethnicity,
4 free-and-reduced-lunch counts, as well as special
5 education, these are the at-risk factors within our
6 state, and that's a priority for us, and we're
7 out-performing most of our neighbors significantly
8 in those areas.

9 And our goals -- we chose not to break
10 down the larger goal; instead, knowing that these
11 subpopulations are in that new graduation cohort
12 goal, our intent is to continue to improve and to
13 maintain these levels of performance.

14 So I hope this is helpful. The only other
15 caveat I'll add is the school, if you're not aware,
16 requires every student to take two college classes
17 and do service work in the community. Our goal is
18 to put kids into college and have them succeed. I
19 think you heard Ms. Lenti speak to this earlier when
20 they measure high school performance. One of the
21 ways you look at that is how well are students able
22 to transition to the next level.

23 And at Amy Biehl, we've been around twelve
24 years, and we have some data on that. It's on the
25 first page of the students we graduate.

1 Ninety-eight percent of them are going on to
2 college. The remaining 2 percent have gone on to
3 the military, and many of them have continued on
4 with their education through the military. And the
5 alumni data looks very encouraging as well, because
6 we have tracked our alumni. And so far, 86 percent
7 of those graduates are either done with college now
8 or are still continuing.

9 So if you compare that to the New Mexico
10 State -- for instance, just UNM, their four-year
11 cohort, or even six-year cohort graduation rate is
12 barely 44 percent.

13 So we feel very good about what we're
14 doing at the school, and we think this graduation
15 rate goal is commensurate with that and gives us
16 some room to grow while putting kids into college.
17 So I hope that's helpful for the Commission. And I
18 appreciate your consideration.

19 THE CHAIR: Any questions from
20 Commissioners? Commissioner Shearman?

21 COMMISSIONER SHEARMAN: Thank you. I
22 appreciate the data. That certainly makes it very
23 clear. Let me go back, though, to this sheet that
24 has your current charter statement and then proposed
25 revision. If I remember correctly, this was a

1 renewal charter -- statement from your renewal --
2 what was it? -- a year? Two years ago?

3 MR. MAY: It would have been -- it would
4 be almost two years ago now.

5 COMMISSIONER SHEARMAN: At that time you
6 said, "Would exceed -- would then maintain or exceed
7 an 85-percent graduation rate."

8 MR. MAY: Correct.

9 COMMISSIONER SHEARMAN: What did you base
10 that on at the time?

11 MR. MAY: Mr. Chair, Madame Commissioner,
12 that's a great question. I would say that at the
13 time, that was based on -- if you look at this
14 chart, when we were trying to project, our
15 graduation rate was somewhere in the 40s at that
16 time. And we were trying to be ambitious. It was a
17 priority of the school. We felt that we really
18 needed to improve graduation rates to do right by
19 our students.

20 It wasn't enough just to send a kid to
21 college and only send 20 of them to college; we
22 needed more. And so at that time, we tried to say,
23 "What's an ambitious growth rate?" And we looked
24 forward from the 40s and said, "Well, let's try to
25 get up into the 80s."

1 As we -- that was the year prior to even
2 submitting our application. So I think -- I'll say
3 it was sort of very aggressive, idealistic
4 goal-setting. And as we got further into the
5 process and realized what the success was that we
6 were having, we also realized, given the resources
7 we had put towards that, that that was likely going
8 to be -- that piece would not be tenable over
9 another five-year charter period.

10 So I'd say that's kind of how we
11 ballparked it. And, now, at that time, there was no
12 cohort graduation rate. If you recall, that's a
13 fairly new measurement. So we were kind of
14 ballparking that anyways. And since then, the State
15 has now come out and rolled out that rate.

16 COMMISSIONER SHEARMAN: So you were basing
17 it on just absolutely the number of students who
18 graduated at the end of their senior year; not the
19 ones that started together in the ninth-grade year
20 and finished in four years? That's where the cohort
21 came in to give you a little difficulty here?

22 MR. MAY: Well, Mr. Chair, Madame
23 Commissioner, we had actually tried to do those
24 calculations of a four-year cohort ourselves,
25 because that's what we were -- our concern was. But

1 at the time, we really didn't have -- there's an
2 algorithm now that goes into computing that. I
3 think Ms. Lenti explained that, sort of these -- you
4 get half of a student if they've been with you for a
5 half -- yes, you understand.

6 COMMISSIONER SHEARMAN: Absolutely, yes.

7 MR. MAY: I think you understand as well
8 as I do. So at that time, we were very -- it was
9 some conjecture, but we were always trying to use a
10 four-year cohort. And what you see here at this
11 bottom does actually reflect that in the initial
12 years of the school, we did a pretty poor job of
13 graduating those initial cohorts, the four years,
14 and retaining them.

15 COMMISSIONER SHEARMAN: Because a
16 10-percent reduction in a student school goal is
17 huge in my mind. It just jumps out at me. But you
18 have helped me understand what the problem with
19 that -- that initial projection was. Thank you.

20 MR. MAY: Mr. Chair, Madame Shearman, just
21 as a point of clarification, the Charter Schools
22 Division was actually quite helpful in pointing out
23 the faultiness of our goal setting when they did
24 their site visit a year and a half ago. And that's
25 why we went back and looked at this. Because they

1 encouraged us to use more accurate data and not set
2 a goal that was going to be way off base.

3 THE CHAIR: Thank you, Commissioner
4 Shearman. Any other questions by Commissioners?
5 Mr. May, does that conclude your presentation?

6 MR. MAY: If there are no further
7 questions, Mr. Chair, I'm great.

8 THE CHAIR: The Chair will entertain a
9 motion? Commissioner Bergman.

10 COMMISSIONER BERGMAN: Mr. Chair, I would
11 just move that we approve the amendment as presented
12 by Amy Biehl High School.

13 THE CHAIR: Is there a motion on the
14 floor?

15 COMMISSIONER POGNA: Second.

16 THE CHAIR: We have a second by
17 Commissioner Pogna. All those in favor, say "Aye."

18 (Commissioners in favor so indicate.)

19 THE CHAIR: Opposed, "No"? The proposed
20 motion passes unanimously. Thank you, sir.

21 MR. MAY: Thank you, Mr. Chair,
22 Commissioners.

23 MS. CALLAHAN: Mr. Chair, I think I
24 will -- I have the documents for you to sign after
25 we complete the approval process, review process?

1 THE CHAIR: That will work.

2 MS. CALLAHAN: The second school that's
3 located in your packets is Cottonwood Classical
4 Preparatory School. And somebody perhaps that you
5 guys remember, Mr. Sam Obenshain, is now the head
6 administrator of Cottonwood Classical, and he will
7 come up to help answer questions.

8 COMMISSIONER SHEARMAN: I think that's the
9 first time I've ever seen Sam without a tie.

10 MR. OBENSHAIN: Mr. Chair, Commissioners,
11 it is Casual Friday at Cottonwood. We wear our
12 Cottonwood Spirit shirt. So thank you for
13 recognizing that, Commissioner Shearman.

14 MS. CALLAHAN: Mr. Chair, if I may, I'd
15 like to read into the record the amendment request
16 from Cottonwood Classical. Mr. Chair,
17 Commissioners, Cottonwood Classical Preparatory
18 School is requesting an amendment. Their current
19 charter statement that's located in their current
20 charter is referencing to providing the advanced
21 placement classes or program, that statement in
22 their charter. Their proposed amendment statement
23 would read, "The Cottonwood Classical Preparatory
24 School enrollment will provide the International
25 Baccalaureate program."

1 At the time the charter was written and
2 approved, the school had not begun the process for
3 IB certification. If the school had not been
4 certified during its initial evaluation, it would
5 have offered AP classes until such time as the IB
6 certification could have been approved. So they are
7 requesting that change in language from Advanced
8 Placement classes to the International Baccalaureate
9 program.

10 THE CHAIR: Commissioner Bergman?

11 COMMISSIONER BERGMAN: I have a question,
12 just more for our own clarification. From the way
13 I'm reading this, does that mean after you become an
14 IB school, you don't offer the AP classes anymore?

15 MR. OBENSHAIN: Commissioner, we actually
16 do not offer the AP classes, because the IB
17 certification meets that college-prep need. We do
18 still allow students to take the AP exams. We just
19 put all of our resources towards the International
20 Baccalaureate program, so do not offer AP classes.

21 And, as a matter of fact, the way that the
22 charter was written, it was written to either
23 accommodate AP classes, or, if the IB certification
24 did indeed occur, which it has, that IB would be the
25 classes and the program that was offered.

1 So we're trying to remove the AP -- any
2 kind of references to AP from the charter.

3 COMMISSIONER BERGMAN: Thank you, Sam.

4 THE CHAIR: Any other questions from
5 Commissioners? Seeing none, the Chair will
6 entertain a motion?

7 COMMISSIONER PERALTA: Mr. Garrison?

8 THE CHAIR: Commissioner Peralta.

9 COMMISSIONER PERALTA: I move to approve
10 the amendment presented by Cottonwood Classical
11 Preparatory School.

12 COMMISSIONER SHEARMAN: Second.

13 THE CHAIR: We have a second by
14 Commissioner Shearman. Any discussion? All those
15 in favor, say "Aye."

16 (Commissioners in favor so indicate.)

17 THE CHAIR: Opposed, "No"? The motion
18 passes unanimously.

19 MR. OBENSHAIN: Thank you very much.

20 THE CHAIR: Very good to see you,
21 Mr. Obenshain.

22 MR. OBENSHAIN: Not so fast. Thank you
23 very much. Nice to see you all.

24 MS. CALLAHAN: Mr. Chair, Commissioners,
25 the next amendment request is from The GREAT

1 Academy. And Mr. Robert Olix, also a familiar face
2 to the Commission, perhaps, and Jasper and Keisha
3 Matthews, the head administrator and academic
4 director. And Mr. Olix is the principal and -- or
5 Dr. Olix, excuse me -- is the principal and
6 compliance officer.

7 DR. OLIX: Mr. Chairman, members of the
8 Commission, The GREAT Academy requests an amendment
9 to its charter to do two things: First, to increase
10 the school's maximum allowable enrollment from
11 180 students to 360 students; and to expand the
12 school's approved grade levels to include a ninth
13 grade beginning in school year 2012-13.

14 The reason we're requesting this is
15 because The GREAT Academy, according to its charter,
16 has, in essence, two programs: We have a
17 traditional day program, and also we have an evening
18 program for students, primarily adult students, who
19 want to finish their high school diploma. We
20 utilize the E2020 online educational system, which
21 allows both of those groups to acquire credits for
22 high school diploma, either through the traditional
23 day program or through the evening program.

24 When recruiting began in August 2011, the
25 school surprisingly received many more requests for

1 the evening program, which we call the "Second
2 Chance" program, than for the day program. After
3 holding lotteries in both, we ended up with, here
4 again, many more students at night and not that many
5 students in the day. And so consequently, our
6 daytime resources are not used to the greatest
7 effect possible.

8 At this point in time, we have 31 students
9 in the day program attending regularly, and we have
10 144 students in the evening program. Now, we think
11 it's wonderful that these people who dropped out of
12 high school want to come back and get their high
13 school diploma; but we also want to make the maximum
14 use of our resources and facilities.

15 So we feel the way to do this is, first,
16 to expand the number of students that are allowed by
17 our enrollment cap from the 180 we currently have to
18 360, and then to add a ninth grade.

19 The school did not recruit specifically
20 for the ninth grade last year because the charter
21 only allowed 10 through 12. But the school has
22 received a number of requests from parents and a lot
23 of interest -- or expressions of interest from
24 parents to have a ninth-grade program. At this
25 point, we have 16 specific individuals who would

1 like to enroll their ninth-grade student next year.
2 And we would like to get the ninth-grade added so we
3 can include that grade in our marketing efforts this
4 year.

5 Let's see. So that's kind of the short
6 version of this. The fact is we have an excellent
7 facility which is underutilized. We have a full
8 staff, which is underutilized because we need to get
9 more kids in that day program. We've got two large
10 computer labs. We have a number of classrooms that
11 we use for marketing and entrepreneurship, for
12 science and engineering, for health. We want to
13 offer this opportunity to as many students as we
14 possibly can.

15 I believe you sent them this; right?

16 MS. CALLAHAN: It's in their packets.

17 DR. OLIX: Okay. In your packet, you had
18 a graph here, which shows the short-cycle
19 assessments that were taken this fall and also this
20 winter. So far, our students have achieved already
21 the annual goal that was set by the founders of a
22 10-percent increase in academic achievement, as
23 shown by their percentile scores in both reading and
24 mathematics. And they missed the writing 10-percent
25 goal by one point. So we think this indicates that

1 the program is working very well, that students can
2 learn very effectively through the E2020 program
3 with the assistance of our teachers.

4 And, again, we have what we believe is a
5 program that's going to suit an awful lot of
6 students who perhaps do not do well in the standard
7 didactic program, which you find in most high
8 schools, and allows that because the E2020 program
9 is accessible to the Internet. This program is
10 available to students 24/7, every day of the week,
11 and students do use it over weekends and evenings to
12 continue to progress in their studies.

13 So we are hoping that the Commission will
14 allow us to have increased student enrollment so
15 that we can provide this opportunity to more
16 students. We do have, like I mentioned, an
17 excellent facility. It is the former New Horizons
18 computer training center on San Mateo, which they
19 vacated a couple of years ago. It was very nice
20 because the building was completely wired already
21 for Internet and computer, and we did not have to
22 spend any money getting the building wired.

23 And we'd like to invite you all to come
24 and visit sometime, because I think you'll be very
25 impressed by the facility and what we can offer

1 students. So with that, then, what questions can I
2 answer for the Commission?

3 THE CHAIR: Before I take questions, I
4 just want to thank Deputy Secretary Aguilar for
5 visiting us today. He does have to -- he has more
6 engagements this afternoon. So he's leaving now at
7 2:00. But thank you, sir. We appreciate all the
8 input and the candid conversation.

9 DEPUTY SECRETARY AGUILAR: Thank you, Mr.
10 Chairman and commissioners. I apologize for having
11 to leave a couple of minutes early. May I ask one
12 question of this school?

13 THE CHAIR: Absolutely.

14 DEPUTY SECRETARY AGUILAR: The --
15 Dr. Olix, you mentioned that you have -- you have a
16 staff that's underutilized and a facility that's
17 underutilized. This request is going to generate
18 about another \$1.3 million for your school. How do
19 you expect to spend that money if you're -- if
20 you're paying the bills now and underutilizing your
21 facilities? I'm just curious.

22 DR. OLIX: I think Mr. Matthews would like
23 to reply to that.

24 MR. MATTHEWS: Sorry for my voice. I'm
25 dealing with a sinus infection, so please bear with

1 me. That's an excellent question. We will actually
2 expand our staff to accommodate the additional
3 students. Right now, we have enough staff to
4 properly provide our program for the students that
5 we have. But if we add ninth grade, we will look at
6 bringing on an additional teacher.

7 Plus, if we add a couple of more sections
8 in our evening program, we will bring on additional
9 staff for that, to accommodate those students also.
10 So we would just use the money in the budget to
11 expand our -- our staff to accommodate all of the
12 students.

13 DEPUTY SECRETARY AGUILAR: Thank you,
14 Mr. Chairman. Commissioners, thank you very much.
15 I appreciate seeing you. Have a safe trip home this
16 evening.

17 THE CHAIR: Thank you, sir.

18 THE CHAIR: Question from Commissioner
19 Bergman.

20 COMMISSIONER BERGMAN: Let's say this was
21 approved and you've got another 180 students.
22 What's going to happen? Do you have a plan if all
23 the other students want to go at night, too, and
24 you're left with an underutilized facility for your
25 day.

1 MR. MATTHEWS: We don't anticipate that
2 happening, but we will cap the evening program so
3 that there will be 180 slots for the evening
4 program, and then 180 slots for the day program.
5 Now, the thinking behind that is to actually start
6 off with ninth and tenth heavy and grow our own
7 juniors and seniors as they matriculate through the
8 system.

9 So basically if -- if more students are
10 interested in the evening program, we would
11 basically have a cap, and a lottery process for
12 those that get in.

13 COMMISSIONER BERGMAN: Okay. Since we
14 control -- we say they can have 360 students, but
15 there's no delineation between day and night between
16 what we say, so can they cap like that? That sounds
17 like a great plan. But can they cap one section of
18 the school? I'm just asking a rhetorical question,
19 I guess.

20 COMMISSIONER SHEARMAN: Through a lottery
21 process, how do you do that?

22 DR. OLIX: We have separate lotteries:
23 One for the evening program, and one for the day
24 program. Keep in mind we have 144 in the evening
25 program right now. We have so many E2020 licenses

1 we can afford. We have much room in the actual
2 facility for day and night programs. At some point
3 we will probably reach our maximum, both physical
4 and licensed, capacity would be my thought on that.

5 Because the evening program students are
6 primarily almost all adults. We -- and so we --
7 that's why we hold the two separate lotteries. One
8 is for these adults who left school early. And the
9 other one is for more traditional students who are
10 not adults, because we can't have adults mixed in
11 with the underage students.

12 THE CHAIR: Commissioner Bergman.

13 COMMISSIONER BERGMAN: So then -- I lost
14 my train of thought there. I had a brilliant
15 comment, but it's gone. That happens when you get
16 my age. Oh. You'll have two waiting lists, then?
17 You'll have a waiting list for the night session and
18 a waiting list for --

19 DR. OLIX: Yeah.

20 THE CHAIR: Thank you.

21 COMMISSIONER BERGMAN: Thank you.

22 THE CHAIR: Commissioner Shearman.

23 COMMISSIONER SHEARMAN: Thank you. Okay.
24 Right now, current charter statements, okay? "The
25 GREAT Academy proposes to serve Grades 10 through

1 12, 10 through 11 the first year." And the school
2 is in the first year; correct?

3 DR. OLIX: Yes.

4 COMMISSIONER SHEARMAN: The total
5 projected student enrollment is 180, beginning with
6 120 students in the first year. You've got 185 in
7 the first year. Did I understand you correctly?
8 Forty-one day students, 144 night students?

9 THE CHAIR: I thought it was 31 day.

10 DR. OLIX: Thirty-one day students.

11 COMMISSIONER SHEARMAN: So that's 175.

12 MR. MATTHEWS: Yes. Basically, the first
13 year projections was 120, but we exceeded the
14 projections. So we actually took it all the way up
15 to the 180 cap. So we just -- it was a projection
16 but not a limit, if that -- if I'm explaining that
17 correctly.

18 COMMISSIONER SHEARMAN: How is it written
19 in the charter application? I don't recall.

20 DR. OLIX: The charter application reads,
21 "Projection for the first year, 120; maximum number
22 of students, 180."

23 COMMISSIONER SHEARMAN: Because as I
24 recall, in that application you break it down by
25 year. You broke it down by year. The first year,

1 you'll serve these grades and have this many
2 students, max.

3 MR. MATTHEWS: Exactly. What it states --
4 and I think you're referring to the five-year budget
5 proposal -- well, it's in a couple of different
6 places. But as far as the projection, with tenth
7 and eleventh, 120; and then we would have added 60
8 twelfth-graders the second year to get up to the
9 180.

10 COMMISSIONER SHEARMAN: But you're at 180
11 now, or 175.

12 MR. MATTHEWS: Yes. Yes, ma'am.

13 COMMISSIONER SHEARMAN: So am I incorrect
14 in thinking you're over your allotment for the first
15 year? The way I read it it's 120 the first year.

16 DR. OLIX: I think it's an issue in terms
17 of the language that we used in the previous charter
18 application. Because they asked for a projected
19 enrollment for the first year. There was nothing
20 that said that was a maximum enrollment. The
21 maximum enrollment on the next line was 180.

22 So we did not take that projected
23 enrollment as being a cap. We simply took that as
24 an estimate or a projection of what we would have;
25 whereas, the 180 was the actual cap.

1 COMMISSIONER SHEARMAN: So we're getting
2 into semantics. My next question is you have tenth
3 and eleventh grade this year.

4 DR. OLIX: Yes, ma'am.

5 COMMISSIONER SHEARMAN: Are you going to
6 add twelfth grade next year?

7 DR. OLIX: Yes, ma'am.

8 COMMISSIONER SHEARMAN: Yes?

9 DR. OLIX: Uh-huh.

10 COMMISSIONER SHEARMAN: Okay. So you want
11 to add ninth and twelfth next year?

12 DR. OLIX: Adding twelfth is already in
13 the charter. But ninth grade --

14 COMMISSIONER SHEARMAN: But work-wise,
15 you're going to be adding two grades.

16 DR. OLIX: Yes, that's correct.

17 COMMISSIONER SHEARMAN: And what's the
18 baseline -- where -- what provided the baseline
19 information for the short-cycle assessment results
20 you're showing here, "Reading increase of
21 18 percentile points"?

22 DR. OLIX: This particular test is a
23 normative test, and the column on the left are
24 percentile scores. This test was normed, I believe,
25 in 2004-2006, using a national study. And the

1 scores that our students receive are compared to
2 those national norms that they got. So, for
3 instance, in the fall reading test, our students
4 averaged 38th percentile, which meant that they were
5 a little below the national percentile average of
6 50.

7 In our winter scores, the average -- our
8 average student percentile score went up to 56, so
9 it slightly exceeded the national average when this
10 score was normed.

11 COMMISSIONER SHEARMAN: Okay. Let me just
12 state my overall concern. I've asked you some real
13 specific questions. But my overall concern is to --
14 to so drastically expand a school for whom we have
15 so little information -- you're in your first year.
16 We've got one snapshot of a short-cycle assessment,
17 normed against national, not against your own
18 students.

19 I -- I really would like to see a little
20 bit more long-term data on this school before we do
21 any -- any huge projection -- or any huge enrollment
22 increases. Let's see how well overall these
23 students are doing. Let's give them a couple of
24 years, anyway, before we so drastically expand the
25 number of students, putting a real heavy load on

1 your staff, the teachers you have, the facilities.

2 I would not even think you'd have all the
3 kinks worked out yet. But I just am really
4 reluctant for this kind of big growth before you've
5 really had much of a track record. That's my really
6 baseline concern.

7 DR. OLIX: If I may, Mr. Chairman?

8 THE CHAIR: Dr. Olix, go ahead.

9 DR. OLIX: Just based on my five years of
10 experience with the Charter Schools Division and a
11 total of 26 years of experience with public schools
12 in New Mexico, I myself am surprised, and was
13 surprised when I walked into the school at the level
14 of organization, the level of detail that was --
15 that was provided by the founders in their plans,
16 the way in which things followed through so quickly.

17 Something you may recall that I mentioned
18 at the last June meeting when they were given their
19 approval to open, was that this school was so
20 well-organized in the beginning, they spent their
21 \$800,000 federal grant within four to six months.
22 That was the fastest this money has ever gone out.
23 None of it was wasted.

24 I was the grant administrator at that
25 time. None of it was wasted. It was used precisely

1 to plan. The students have everything available to
2 them, with a few exceptions, that the charter
3 promised.

4 This is not a school that's clunking along
5 little by little during the year. They've got the
6 full-blown E2020 program. Teachers have been
7 brought in during the course of the year, after the
8 counts, to make sure we had enough funds to pay them
9 to add the program. And it is progressing much more
10 quickly than any charter school I've observed over
11 the last five years, which is one of the reasons I
12 wanted to go with them, because frankly, it makes my
13 job really easy.

14 But these kids are getting a full program
15 from day one. They walk in. They're on E2020.
16 They're working. They're getting additional classes
17 as well. The buildup has proceeded very quickly.
18 And I, for one, have great confidence that adding
19 that -- adding the extra 180 students is not going
20 to be a problem, because we will have the resources
21 to bring in all the additional teachers.

22 We do have the science lab that the
23 Commission required as one of the charter conditions
24 for approval. And just -- I realize this is my
25 personal endorsement, even though, in fact, I work

1 there. But I ask you to keep in mind I had some
2 experience on the outside before this.

3 I don't think that's going to be a
4 problem, Ms. Shearman. I really don't. We have, I
5 think, an excellent staff who's going to be able to
6 put this thing together. And here again, the
7 founders had a very clear plan which they are
8 following in detail in their charter to make this
9 possible for students.

10 So that would be my only response. And I
11 can understand your concern. But I want to express
12 my confidence that this is going to go if we have
13 360 students. We've got the building; we've got the
14 materials. And we're just waiting to allow that
15 many more students in so that those programs can be
16 executed.

17 MR. MATTHEWS: And if I may add, we don't
18 plan to bring on 180 additional students if we get
19 the amendment approved immediately. We plan to
20 phase in groups of 30; 30 ninth-graders, have enough
21 space for 30 twelfth-graders; and then phase in
22 additional sections as we move along; but not 180
23 students all at once.

24 And if I also might like to add, we just
25 had our first year site visit, and I feel that it

1 went really well. I can have Ms. Kelly Callahan --
2 sorry, I'm so used to calling you "Kelly" -- speak
3 to that. But I think that it was a really good
4 visit. We spent a lot of time, as Dr. Olix talked
5 about, during the buildup and before we accepted one
6 student laying out a lot of things that were
7 necessary so that we had a smooth start.

8 I think the only lab that we don't have
9 online is our health and education lab. And the
10 only reason we didn't bring that online, because we
11 interviewed a health teacher that decided she would
12 not come on board until possibly next year; so we
13 didn't want to bring that lab online without having
14 a qualified person to actually facilitate that lab.

15 But all of our other labs are online with
16 people with a background and expertise in the
17 audio-visual, in the marketing entrepreneurship, and
18 in the science and engineering, along with their
19 teaching credentials. So --

20 MS. CALLAHAN: Mr. Chairman, Commissioner
21 Shearman, I actually was on the site visit with
22 the -- another educational administrator and can say
23 that they have a very, very strong program. Their
24 facility is beautiful, and they have great
25 state-of-the-art, but they also have a very kind and

1 compassionate staff. We did classroom
2 walk-throughs, and they -- they are well-planned.

3 They have their documentation and all of
4 their accountability in order in terms of what's
5 required in that first-year visit. And so they did
6 more than meet the standards that we require from
7 the -- and we didn't get a chance to put the entire
8 report together, because we're still working on the
9 template. But they -- but they did do a very, very
10 good job of an opening of a school that is well-run,
11 organized, great tone. I think it would be safe to
12 say that they have -- they have their ducks in a
13 row.

14 COMMISSIONER SHEARMAN: Thank you.

15 THE CHAIR: Commissioner Bergman and
16 Commissioner Gant.

17 COMMISSIONER BERGMAN: I think I would
18 just like to note that if we leave them in this
19 situation by taking no action today, we leave them
20 with an underutilized day shift. The building has
21 to be heated; it has to be cooled; it has to be
22 maintained without -- so I think we need to take
23 some kind of action today to help them alleviate
24 that situation. Personal opinion.

25 THE CHAIR: Thank you,

1 Commissioner Bergman. Commissioner Gant.

2 COMMISSIONER GANT: Mr. Chair, when is --
3 if this is granted, when does it go into effect, the
4 change?

5 DR. OLIX: School year 2012-'13, next
6 school year.

7 COMMISSIONER GANT: And what are your
8 hours of operation for your night courses?

9 MR. MATTHEWS: Our evening program is from
10 5:00 to 9:00 p.m., which is the actual physical time
11 in the facility. But most students work on their
12 curriculum, you know, before the lab hours, after
13 the lab hours, weekends, holidays, and so forth.

14 COMMISSIONER GANT: So how many hours are
15 the day students in class?

16 MR. MATTHEWS: They're in class from
17 9:00 a.m. to 5:00 p.m.

18 COMMISSIONER GANT: Okay. So how do you
19 meet the standards of the State for time in class
20 required -- what? -- 182 days, or how many hours?
21 I --

22 MS. CALLAHAN: A thousand eighty --

23 COMMISSIONER GANT: I don't remember that.
24 How do they meet those standards?

25 MR. MATTHEWS: Well, with the day program,

1 you know, we have a four-day schedule; so we have a
2 Monday through Thursday. I think that is 166 days
3 on our day calendar. Now, our evening program is a
4 year-round program. So that program doesn't have a
5 technical start or stop date.

6 When we bring the kids in -- I call them
7 "kids," most of them are older than I am. But when
8 we bring them in, the first thing we do is do a
9 transcript analysis. We take a look at what courses
10 they have, what courses they need, and then what
11 parts of the New Mexico High School Competency Exam
12 that they did not pass. So then what we do is we
13 only schedule them for the four classes that they
14 need, their four courses. And then they typically
15 use work study or some elective courses, like
16 language, or completing applications, to deal with
17 their schedule out to six classes.

18 So throughout their course of the year,
19 though, if -- for instance, if we have a lottery
20 coming up in April, those students that come on in
21 April won't finish by the end of school in May. So
22 their start-stop times are kind of contingent upon
23 when they come into the program. But the school is
24 designed to -- or the program is designed to serve
25 kids throughout the entire year.

1 You know, there will only be two weeks,
2 the last week of June and the first week of July,
3 that we will be closed for the summer. And then
4 during Christmas break, it's another two weeks. But
5 outside of that, we're open the other 50 weeks out
6 of the year.

7 COMMISSIONER GANT: I don't remember that
8 being in the charter, as the setup of the school. I
9 thought it was a day school. I don't remember the
10 night component. I just -- maybe it's there, but I
11 don't remember it.

12 COMMISSIONER SHEARMAN: It is. I -- if I
13 may respond? I remember asking those very same
14 questions, because I was concerned about the number
15 of hours, particularly that the night students, the
16 evening students were going to put in. And it was
17 successfully answered at that time, I remember,
18 because it was a big concern.

19 COMMISSIONER GANT: All right. You have a
20 younger brain than I do, so I'll accept that. Thank
21 you.

22 THE CHAIR: Ms. Callahan, what's CSD's
23 position? What do you recommend?

24 MS. CALLAHAN: Mr. Chair, Commissioners,
25 at this time we would recommend approval of this

1 amendment. They have presented a very clear plan of
2 implementation at their site visit.

3 THE CHAIR: Thank you. Any other
4 questions from Commissioners? Seeing none, the
5 Chair will entertain a motion.

6 COMMISSIONER CARR: Mr. Chair?

7 THE CHAIR: Commissioner Carr.

8 COMMISSIONER CARR: I move to deny the
9 amendment presented by The GREAT Academy.

10 THE CHAIR: Mr. Ventura, it states here
11 that the PEC will list reasons. Will those need to
12 be stated now in the motion?

13 MR. VENTURA: Yeah.

14 COMMISSIONER CARR: As long as we vote for
15 it.

16 MR. VENTURA: You may want to state in the
17 motion, if you want to make it clear to the other
18 Commissioners what you're voting for and why you
19 want to deny it. Once you actually issue the
20 denial, you want to clearly state the reasons why.
21 The easiest way to do that would be doing the
22 motion.

23 COMMISSIONER CARR: I prefer to wait for
24 the votes.

25 THE CHAIR: We have a motion on the floor.

1 Is there a second?

2 COMMISSIONER CARR: So it's moot.

3 THE CHAIR: So the point would be moot.

4 The Chairman will entertain a motion.

5 COMMISSIONER BERGMAN: Well, let me try
6 one of the alternatives, then.

7 THE CHAIR: Make sure it's a brilliant
8 one. Yes, sir.

9 COMMISSIONER BERGMAN: Well, then, I will
10 take the opposite tack. I will move to approve the
11 amendment presented by The GREAT Academy.

12 COMMISSIONER POGNA: Second.

13 THE CHAIR: Seconded by Commissioner
14 Pogna. I want to go ahead and do a roll-call vote,
15 Mr. Gant.

16 COMMISSIONER GANT: Commissioner Peralta.

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER CANFIELD: Commissioner
19 Bergman.

20 COMMISSIONER BERGMAN: Yes.

21 COMMISSIONER GANT: Commissioner Pogna.

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER GANT: Commissioner Canfield.

24 COMMISSIONER CANFIELD: Yes.

25 COMMISSIONER GANT: Commissioner Carr.

1 COMMISSIONER CARR: No.

2 COMMISSIONER GANT: Commissioner Shearman.

3 COMMISSIONER SHEARMAN: Yes.

4 COMMISSIONER GANT: Commissioner Garrison.

5 THE CHAIR: Yes.

6 COMMISSIONER GANT: Commissioner Gant

7 votes "No." It's two to six in favor.

8 THE CHAIR: Six to two, the motion passes.

9 Thank you.

10 MR. MATTHEWS: Thank you very much,

11 Commissioners.

12 MS. CALLAHAN: Mr. Chair, Commissioners,

13 the next school that is requesting an amendment is

14 the Media Arts Collaborative Charter School. And

15 representing the school is Ms. Glenna Voigt. And

16 she is the principal of the school.

17 This particular charter amendment request

18 is also a "bringing back" to the Commission from the

19 December meeting. There were concerns about the

20 goals and objectives and the way the amendment was

21 written. And the school did get some technical

22 support on writing the goals. And so we've laid

23 out -- there's the different requests on here. And

24 I think I'm actually going to let Ms. Voigt walk you

25 through these so she can explain them.

1 I did a little bit on the executive
2 summary, but I want to make sure that they are
3 clearly stated for the record and for the
4 Commissioners, if I may do that.

5 THE CHAIR: Yes. And may I assume the
6 technical assistance was by the CSB?

7 MS. CALLAHAN: Mr. Chair, yes, that is
8 correct.

9 THE CHAIR: Good afternoon, Ms. Voigt.

10 MS. VOIGT: Mr. Chair, members of the
11 Commission, good afternoon. If I may please
12 introduce my governing board chair, Ms. Patti
13 Gladstone, who has accompanied me today from
14 Albuquerque for this presentation?

15 THE CHAIR: Good afternoon.

16 MS. GLADSTONE: Good afternoon.

17 MS. VOIGT: So, Mr. Chair, members of the
18 Commission, thanks again for this opportunity to
19 rewrite our original charter goals, which were
20 actually vision statements of what we are actually
21 practicing for the past three, now four years. And
22 with the assistance of Bradley Richardson from the
23 Charter Schools Division, we got assistance in
24 recategorizing our original performance goals into
25 two categories, those of student performance

1 standards and agency performance standards. And we
2 have written those into the SMART goal format. And
3 the agency in this case would be our school.

4 So Mr. Chair and members of the
5 Commission, if I may read through these proposed
6 revisions and amendment statements.

7 The current charter application, Section
8 Page 16, sub-point B, we have rewritten to clarify
9 the title of each section to include agency
10 performance standards.

11 On Page 19 of our current charter
12 application, we add a new section to be inserted
13 after sub-point J, "Student Performance Standards.
14 1-A, Standardized test performance for the high
15 school," reads that "75 percent of students who have
16 attended the Media Arts Collaborative Charter High
17 School for six consecutive semesters will be
18 proficient in reading and math by the end of their
19 sixth semester, as demonstrated by RIT Band and/or
20 national percentile rankings in the Northwest
21 Evaluation Association short-cycle assessment."

22 Under that same page, 19, sub-point J,
23 we've added category 1-B, "Standardized test
24 performance for middle school," that "75 percent of
25 students who have attended the Media Arts

1 Collaborative Charter Middle School for six
2 consecutive semesters will be proficient in reading
3 and math by the end of their sixth semester, as
4 demonstrated by RIT Band or national percentile
5 ranking in the Northwest Evaluation Association
6 short-cycle assessment."

7 We've added No. 2, "Project-Based
8 Learning. Ninety percent of students who have
9 attended the Media Arts Collaborative Charter High
10 School for six or more consecutive semesters will
11 have participated in a community media project."

12 And Item No. 3, "Graduation Requirements:
13 One-hundred percent of students who attend the Media
14 Arts Collaborative Charter High School for eight
15 consecutive semesters, exclusive of students
16 enrolled solely in online courses, will exceed
17 graduation credit requirements."

18 Mr. Chair and members of the Commission,
19 are there any questions of those aforementioned
20 SMART goals?

21 THE CHAIR: Commissioner Shearman.

22 COMMISSIONER SHEARMAN: Going back to the
23 very first goal, A-1 -- pardon me, 1-A; it's been a
24 long day -- I'm not familiar with "demonstrated by
25 RIT Band or Northwest Evaluation Association

1 short-cycle assessment." May I ask why you chose
2 that instead of NMSBA?

3 MS. VOIGT: Certainly, Mr. Chair and
4 Commissioner Shearman. The Northwest Evaluation
5 Association, the NWEA, is the short-cycle assessment
6 that we use formatively three times throughout the
7 school year that shows gains within each year. So
8 we get more frequent formative information towards
9 the growth and success of our students; whereas, the
10 New Mexico Standards Based Assessment is annually.

11 COMMISSIONER SHEARMAN: I agree with that.
12 But you would use -- would you not use the final of
13 the short-cycle assessments for your -- to meet this
14 goal? Would you not -- one time would be the last
15 time, the one you're looking at. So it would be
16 almost the same thing as annually, in my mind.

17 MS. VOIGT: Commissioner Shearman, yes, I
18 see what you're saying now. Yes, it is annual,
19 looking at the most recent of the short-cycle
20 assessments.

21 COMMISSIONER SHEARMAN: So -- okay. Is
22 that given with all of the safeguards that NMSBA is,
23 with all the secrecy, and you can only -- nobody
24 else can be in the room, and nobody can talk to the
25 kid while they're taking the test, and they can't

1 get any help and all of those kinds of things? Is
2 it of the same level?

3 MS. VOIGT: Yes, Commissioner Shearman.
4 Yes, it is. There is high test security. It is a
5 computer-based test; whereas, currently, the
6 New Mexico Standards Based Assessment is not. But
7 this is a computer-based assessment that is
8 administered by a highly-qualified teacher with only
9 testing students in the classroom.

10 COMMISSIONER SHEARMAN: And the teacher is
11 not allowed to provide any assistance?

12 MS. VOIGT: That is correct, Commissioner.

13 COMMISSIONER SHEARMAN: Thank you. On
14 No. 2, "...will have participated in a community
15 media project." What is "participated," and how are
16 we going to measure it?

17 MS. VOIGT: Commissioner Shearman, these
18 are projects, and media projects specifically, that
19 include gallery shows, filming projects, could be an
20 internship or a mentorship opportunity, a community
21 outreach for perhaps another nonprofit entity. They
22 are measured by their classroom attendance, because
23 these are projects that all of our students
24 participate in within their media elective classes.

25 COMMISSIONER SHEARMAN: But I'm concerned

1 about the students' -- the quality of their product.
2 If you've got me in a photography class, and all I
3 can take is from your neck down in the photographs,
4 I'm probably going to -- I would not expect to be
5 evaluated as well as a student who could get the
6 whole person in the picture. That's a silly
7 example, but I think you see what I'm trying get at.

8 MS. VOIGT: Yeah. Mr. Chair and members
9 of the Commission, Commissioner Shearman, these
10 projects are outlined and assessed in individual
11 classrooms by the individual teachers. So perhaps
12 the parameters or the specific rubric might be for
13 only a headshot or might be only for a full-body
14 shot. It might be a rotation of students that are
15 participating in certain community-based media
16 projects.

17 Teachers at the classroom level are able
18 to track and assess the students equally upon their
19 participation in these media projects.

20 COMMISSIONER SHEARMAN: So they are
21 actually graded on these projects?

22 MS. VOIGT: Most definitely, Commissioner.

23 COMMISSIONER SHEARMAN: What kind of a
24 grade do they have to make to be successful?

25 (Ms. Voigt consults with Ms. Callahan.)

1 MS. VOIGT: Okay, Commissioner Shearman.
2 They are assessed by an evaluation rubric that's
3 created by each instructor.

4 COMMISSIONER SHEARMAN: And, for instance,
5 are they assigned a letter grade?

6 MS. VOIGT: Most definitely.

7 COMMISSIONER SHEARMAN: So, in my mind,
8 for this to be a SMART goal, if we're just going to
9 have them participate, that's one thing. But
10 they're going to have to successfully participate
11 and reach a certain standard of -- in the evaluation
12 process. An F is not going to get -- if everybody
13 in the whole thing makes an F, then this goal has
14 not been reached. Students need to know what the
15 bar is. And we need to know what the bar is.

16 MS. CALLAHAN: Mr. Chair, Commissioner
17 Shearman, would it be acceptable if -- if there was
18 a condition that said -- that stated that there
19 would be a statement to the effect that, "in a
20 community media project, as assessed successfully
21 with a C or above on an evaluation rubric," or
22 something to that effect? That would then complete
23 that circle of the SMART goal?

24 COMMISSIONER SHEARMAN: Say the part about
25 the evaluation rubric again? I didn't hear you.

1 MS. CALLAHAN: Commissioner Shearman,
2 adding a statement at the end of that goal that said
3 something to the effect, "that will have
4 participated in a community media project and
5 successfully received a grade of a C or above, as
6 measured by an evaluation rubric tool"?

7 COMMISSIONER SHEARMAN: That would suit
8 me.

9 MS. CALLAHAN: So if I may, Mr. Chair,
10 Commissioner Shearman, maybe if there is a motion
11 that's going to be made to make that suggestion to
12 amend -- to add that?

13 COMMISSIONER SHEARMAN: To add that. I --
14 I would think that would make it a much stronger
15 SMART -- SMART goal.

16 MS. CALLAHAN: Yes, ma'am.

17 COMMISSIONER SHEARMAN: And I promise this
18 will be my last one. But on No. 3, "The graduation
19 requirements will exceed PED graduation credit
20 requirements." That is an interesting way to put
21 it. I -- so your students are going to earn more
22 credits than are required? Or are a bigger
23 percentage of your students going to graduate than
24 do graduate from other schools? Or is it going to
25 be comparable with the State average cohort

1 graduation rate?

2 MS. VOIGT: Mr. Chair, members of the
3 Commission, and Commissioner Shearman, yes, that our
4 students will be graduating with -- they have the
5 opportunity to graduate with 32 credits taking eight
6 classes per year. But proportionately, given the
7 other requirements from the other regular public
8 schools and the PED requirements -- I believe it's
9 23 this year; 24 for next year? -- proportionately
10 we offer more electives. So proportionately, I
11 believe that our graduation would be equal to
12 perhaps more than the other schools, because of the
13 engagement of the electives at our school.

14 COMMISSIONER SHEARMAN: And I certainly
15 understand that. But I think your -- I think your
16 goal would be ever so much stronger if you had the
17 information in there that your graduation cohort
18 rate would at least equal the State average or
19 whatever. But the number of credits you garner, you
20 know, that's not as strong as how many you graduate,
21 in my mind.

22 MS. VOIGT: Commissioner Shearman, I see
23 what you're saying. Also, last year we did have
24 92 percent of our seniors graduated. So I agree
25 that we can add some more punch behind that SMART

1 goal.

2 THE CHAIR: Should we add more punch now?

3 COMMISSIONER SHEARMAN: Let's punch it
4 now.

5 MS. VOIGT: Yes. So thank you, Mr. Chair.
6 Instead of saying, "...will exceed PED graduation
7 credit requirements," we can say, "...will exceed
8 PED graduation AMO requirements."

9 MS. CALLAHAN: Annual Measurable
10 Objective.

11 THE CHAIR: I would highly recommend just
12 "meet." Because if you have 100 percent of
13 students, that speaks volumes about this goal here.
14 And going above and beyond --

15 COMMISSIONER CANFIELD: "Meet and exceed,"
16 or "meet or exceed."

17 MS. CALLAHAN: "Would meet or exceed,"
18 certainly.

19 THE CHAIR: And then we're -- we're nixing
20 "credits"? So just "graduation requirements"?

21 MS. CALLAHAN: Uh-huh, correct.

22 THE CHAIR: So then I have one if you are
23 done.

24 COMMISSIONER SHEARMAN: I'm not sure that
25 says -- I want the statewide cohort graduation rate.

1 Are we saying that?

2 THE CHAIR: "Public Education Department
3 graduation requirements." So no, we're not saying
4 that.

5 COMMISSIONER SHEARMAN: No, we're not
6 saying that.

7 THE CHAIR: Repeat that, please?

8 COMMISSIONER SHEARMAN: Statewide --
9 "...would meet or exceed the statewide graduation
10 rate." Am I saying -- "cohort graduation rate." Is
11 that the correct verbiage?

12 THE CHAIR: Well, couldn't it be PED? Is
13 that statewide?

14 MS. CALLAHAN: Yeah, PED. Mr. Chair,
15 Commissioner Shearman, I think if you made it the
16 statement, "to meet at or above the PED AMO
17 requirements," much as Amy Biehl did, those are the
18 requirements that the PED -- the targets that have
19 to be hit.

20 COMMISSIONER SHEARMAN: The AMO includes
21 the statewide cohort graduation rate?

22 MS. CALLAHAN: Yes. Yes, Commissioner.

23 THE CHAIR: "Will meet or exceed Public
24 Education Department AMO requirements."

25 COMMISSIONER SHEARMAN: "AMO graduation

1 requirements" or "AMO -- graduation requirements."

2 I apologize for being so picky.

3 MS. VOIGT: Commissioner Shearman, I
4 appreciate it.

5 COMMISSIONER SHEARMAN: And I was not
6 truthful when I said that was my last one. May I
7 have one more? Look at the look he's giving me.
8 Oh. But you haven't gotten to the rest of them, and
9 mine is in the next group. I apologize.

10 MS. VOIGT: Okay.

11 THE CHAIR: After No. 3, there's "Agency
12 Performance Standards." And then after that is
13 "Student Performance Standards." So on that next
14 page.

15 COMMISSIONER GANT: Mr. Chair, I've got a
16 question back on the other one.

17 THE CHAIR: We'll get to you after me; all
18 right?

19 COMMISSIONER GANT: Okay.

20 THE CHAIR: I'm going to go after IEP
21 here. "Will have completed at least one of the
22 following prior to graduation: Advanced placement,
23 honors, online, or dual credit courses" -- "courses"
24 being plural -- "at an affiliated university or
25 community college." But yet it states "at least one

1 of the following."

2 So I'm wondering, if semantic-wise, we
3 should be stating, "will have completed at least one
4 of the following courses prior to graduation:
5 Advance placement, honors, online, or dual credit at
6 an affiliated university or community college." Am
7 I correct?

8 MS. VOIGT: Yes, Mr. Chair. Thank you for
9 catching that semantic.

10 COMMISSIONER SHEARMAN: Since you jumped
11 ahead, may I jump ahead when you're finished?

12 THE CHAIR: I believe Commissioner Gant is
13 next.

14 COMMISSIONER GANT: I'm going back up here
15 to the other -- explain to me so I fully -- what do
16 you mean by a community project?

17 MS. VOIGT: Mr. Chair, members of the
18 Commission and Commissioner Gant, that's an
19 excellent question, because when you look at a
20 school community, a community project could be
21 something that has a strong social message. It
22 could be a project that has specific value to an
23 individual at the school or outside of the school.

24 But a community project is a project that
25 would bring community together. I don't know how

1 many of you are familiar with the project that we're
2 working on right now with the Heroin Awareness
3 Committee and raising consciousness about the
4 epidemic of heroin in the State of New Mexico.

5 We are also working on a community project
6 to bring awareness to truancy. And we're starting a
7 media campaign with the Juvenile Probation Office,
8 the DA's office, and Albuquerque Public Schools to
9 raise awareness about truancy, starting with pre-K
10 school attendance.

11 So a community project reaches out. It
12 can -- it's something that is meaningful and
13 relevant to our society and to the lives of our
14 citizens.

15 COMMISSIONER GANT: Mr. Chair, then what
16 I'm hearing is projects outside the boundaries of
17 the school itself? Is that correct?

18 MS. VOIGT: Commissioner Gant, most of the
19 time I would say yes. However, when working on
20 these projects, the editing is done in-house at our
21 school on our computer using our server. The
22 students could be doing some photos or filming of
23 their peers within our schools. But the community
24 is more of the -- it's the message; it's the piece.

25 The community could be the -- also the

1 location. So the word "community" is kind of
2 subjective to what -- what is this about, who's our
3 audience and, how are we doing it and ---

4 COMMISSIONER GANT: Mr. Chair, what I'm
5 gathering -- and I've had this discussion with other
6 charters -- is the word "will." That says a student
7 must participate in a community project. And, to
8 me, that is a requirement placed upon a student to
9 get in the school. That's -- that's me. That's
10 saying, to me, like it's almost a tuition. You have
11 to participate in some community project involving
12 something out -- whatever it is -- in the community.
13 What if that student says, "No, I don't want to do
14 that. I don't want to go out and work on a
15 community project." Then what?

16 MS. VOIGT: Commissioner Gant, that's a
17 great question. And now, community projects could
18 be something that is important to the community,
19 which the student could work on within the walls of
20 our facility. A community project could be
21 something as simple as their own identity project,
22 which is a freshman-level project that every
23 freshman completes within their ninth-grade English
24 class.

25 So a community project is something that

1 could be out in the community away from the school.
2 It could be within the walls of our school. But it
3 addresses a piece that is important, relevant, and
4 meaningful for the student.

5 Now, it could become community second
6 semester. When we show it at a parent arts crawl,
7 or we put it on IndieGoGo, or we put it on our Web
8 site, it becomes a community project.

9 COMMISSIONER GANT: I understand what
10 you're saying. But I also understand being a
11 volunteer at schools for -- I don't know -- older
12 than you are, probably. But I know there are
13 students that do not want to participate. They go
14 through school, they get their grades and the cores
15 and all this other stuff. They don't participate in
16 extra-curriculars. They don't participate in band,
17 whatever. They go to school and they finish.

18 But you're saying 100 percent of the
19 students at Media Arts will participate in
20 something, a community project. And that's -- I
21 have a problem with that. I've heard your
22 explanation. I go back down to the performance
23 standards below. Same thing. I see it -- the "will
24 take advanced placement, will take an honors course,
25 will take dual credit." There are students that

1 don't want to do that.

2 So what do you do with students that don't
3 want to participate, don't want to take honors,
4 don't want to take dual, and don't want to take
5 advanced placement? There are students -- they can
6 be successful in life and not do that. Explain
7 that.

8 MS. VOIGT: Commissioner Gant, those are
9 actually all required State of New Mexico graduation
10 requirements, for students to take an AP class or an
11 online class or a dual credit class. So there's
12 lots of choices. And out of those, students will
13 pick one.

14 COMMISSIONER GANT: Oh, I know that's a
15 new requirement now. That wasn't a requirement
16 several years ago to take these courses. I
17 understand that. It's just the "will" that bothers
18 me. It really -- student -- if you don't graduate
19 or you don't come to the school. That's what
20 bothers me.

21 MS. VOIGT: Yeah. Commissioner Gant, the
22 students that come to the Media Arts Collaborative
23 Charter School don't take a lot of coaxing to do
24 that. They choose our school because that's what
25 they want to do. We're not saying they "must" do

1 this. We're not saying they "should" do this. But
2 the "will," also it reflects what's already
3 happening. Again, the students that choose our
4 school are coming to our school because this is what
5 they want to do.

6 THE CHAIR: Commissioner Bergman, and then
7 Commissioner Shearman.

8 COMMISSIONER SHEARMAN: Thank you.

9 COMMISSIONER BERGMAN: Let me just note my
10 version doesn't say 100 percent. It says 90 percent
11 on the goal we're talking about here. So there's a
12 10-percent factor. If we're talking about No. 2
13 Project-Based Learning, it says 90 percent. It
14 doesn't say 100 percent.

15 COMMISSIONER GANT: One-hundred percent
16 down at the bottom.

17 THE CHAIR: Commissioner Shearman.

18 COMMISSIONER SHEARMAN: On Student
19 Performance Standards, I would think this would
20 be -- as you say, it's already a requirement, a PED
21 requirement. But as long -- if you're going to have
22 it in your student performance standards, then I
23 would think it needs to say, "Individual Education
24 Plan. Will have successfully completed at least one
25 of the following prior to graduation."

1 MS. VOIGT: Thank you, Commissioner
2 Shearman.

3 THE CHAIR: Other questions or comments?
4 The Chair will entertain a motion?

5 COMMISSIONER SHEARMAN: I'll make it.

6 THE CHAIR: Commissioner Shearman.

7 COMMISSIONER SHEARMAN: I move we approve
8 the amendments -- thank you. Sorry.

9 I move we approve the amendments presented
10 by Media Arts Collaborative Charter School, as
11 amended.

12 THE CHAIR: Do I have a second?

13 COMMISSIONER CARR: Second.

14 THE CHAIR: Seconded by Commissioner Carr.
15 All those in favor say, "Aye."

16 (Commissioners in favor so indicate.)

17 THE CHAIR: Opposed, "No"?

18 COMMISSIONER GANT: No.

19 THE CHAIR: We have -- that would be 7 to
20 1, the motion passes.

21 COMMISSIONER GANT: Mr. Chair, just a side
22 comment?

23 THE CHAIR: Give me a second. Hold on. I
24 wanted to summarize the -- the amendments just for
25 the record. Ms. Shearman, could you help me with

1 that first one on No. 2, "Project-Based Learning"?

2 COMMISSIONER SHEARMAN: I really believe
3 Ms. Callahan has it written completely.

4 THE CHAIR: "Will have completed a" --
5 "Will have completed a community media project and
6 successfully" -- what was the rest there?

7 MS. CALLAHAN: Mr. Chair, Commissioners,
8 Ms. Voigt has worded out something real quick here,
9 so we'll see if this will -- "Will have participated
10 in a community media project with demonstration of a
11 passing grade of C or above."

12 THE CHAIR: I like that. And then under
13 No. 3, "Graduation Requirements: Will meet or
14 exceed Public Education Department AMO graduation
15 requirements."

16 And under "Student Performance Standard,"
17 after "Individual Education Plan," comma, "Will have
18 successfully completed at least one of the following
19 courses prior to graduation: Advanced placement,
20 honors, online, or dual credit at an affiliated
21 university or community college."

22 Excellent. Thank you.

23 MS. VOIGT: Thank you, members of the
24 Commission.

25 THE CHAIR: Commissioner Gant, sorry.

1 COMMISSIONER GANT: That's all right.
2 Mr. Chairman. It's just -- we rewrote their
3 requirements -- I mean, their -- their proposals
4 here for this school. I think -- I'm not so sure we
5 should be rewriting proposals or their
6 recommendations. I think this should be all done
7 before they get to us, you know? It's not our job
8 to write this stuff. It's our job to approve or
9 disapprove it. That's my opinion.

10 THE CHAIR: Thank you, Ms. Callahan.
11 Deputy Secretary?

12 DEPUTY SECRETARY AGUILAR: I'm sorry,
13 Mr. Chairman. Thank you. I was remiss in giving
14 you two pieces of information on Item 11 this
15 morning. I just wanted to be very quick about it.

16 Dr. Olix said something that triggered my
17 mind as they were preparing their media campaign.
18 There's language in House Bill 2 for FY13 that says
19 that no public school district or charter school may
20 use State Equalization Guarantee funding for media
21 campaigns, for television, for any number of
22 things -- I don't have all the language in front of
23 me.

24 And if it's found by the Public Education
25 Department that a district or charter school has

1 used State Equalization Guarantee money for those
2 purposes, the Public Education Department shall
3 reduce the State Equalization Guarantee distribution
4 to that school by that amount. And that will take
5 effect in Fiscal Year '13.

6 That's a big thing that the charter
7 schools need to be aware of. And I -- it was
8 important -- I left another meeting -- not that
9 that's a big deal -- but to let you know that,
10 because that's a huge implication for the charter
11 schools. And so the Commission needed to know that.
12 It's a big piece that needs to be -- that you need
13 to keep in the back of your mind -- or in the front
14 of your mind. It's a big thing.

15 THE CHAIR: Thank you. Commissioner
16 Bergman, comment?

17 COMMISSIONER BERGMAN: Well, if we're
18 going to keep that in front of our minds, then how
19 are they going to pay for it? Are they going to
20 have to raise private funds to do that? Is that the
21 intent?

22 DEPUTY SECRETARY AGUILAR: Mr. Chairman
23 and Commissioner, that was the will of the
24 legislature, and the Governor signed the bill. So
25 that's in there. And so that's a key component that

1 we need to be aware of.

2 COMMISSIONER GANT: Mr. Chair, the Deputy
3 must have written that. Those are the exact words
4 written in the bill. I saw that jump out at me, and
5 I thought, "Holy cow, we've got trouble here in
6 River City," because a lot of that money has been
7 used in the past for that purpose.

8 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I
9 just have a photographic memory. I didn't write it.

10 MS. CALLAHAN: Mr. Chair, Deputy
11 Secretary, will you please repeat the number of the
12 bill?

13 DEPUTY SECRETARY AGUILAR: House Bill 2.
14 It's in the General Appropriations Act.

15 COMMISSIONER GANT: I can give it to you.
16 I've got it here with me, if you want to see it, the
17 words.

18 DEPUTY SECRETARY AGUILAR: I think it was
19 almost verbatim. I know it says "Media campaign,
20 advertising, radio, television." It was very, very
21 specific. And so I was very remiss in not
22 mentioning it this morning. So I thought I'd better
23 come back and let you all know. It's an important
24 thing for the record for the charter schools.

25 MS. CALLAHAN: Mr. Secretary, I need to

1 have the right information that I can share with the
2 charter schools.

3 COMMISSIONER GANT: I have it here.

4 MS. CALLAHAN: Thank you, Commissioner
5 Gant.

6 THE CHAIR: Thank you, Deputy Secretary.
7 Ms. Callahan?

8 MS. CALLAHAN: Mr. Chair, Commissioners,
9 the final school for amendment request is North
10 Valley Academy. And Mr. Jerald Snider, the
11 Headmaster, is here to represent the school.

12 THE CHAIR: Good afternoon.

13 MR. SNIDER: Chairman Garrison, members of
14 the Commission, thank you. We are requesting to
15 increase our enrollment cap from 420 to 510. Oh.
16 The original information, the 410, was not an
17 accurate student count representation from
18 North Valley Academy. I don't know how that got in
19 there. I don't know how it ended up 420.

20 We have increased our enrollment every
21 year the last seven years that I've been there. And
22 the school's been there for ten. But when I got
23 there, it was 385 on our 40th-day count. This year
24 on the 40th-day count, it was 495, I believe.

25 So we're requesting an increase. That's

1 based upon the amount of facilities that we have. I
2 have 30 classrooms, of which one of those classrooms
3 is a library, one of them is our in-school
4 suspension/refocus room. One of them is an office
5 for special education. There are also three rooms
6 that do not house just one group of kids. The
7 gymnasium has classes all day. So does the art, and
8 so does drama.

9 THE CHAIR: Ms. Callahan, so what are the
10 implications, that a charter school has a contract
11 with the PEC, and enrollment increases would be a
12 material change in the contract; and the
13 North Valley Academy is -- is 75 students past their
14 original cap of 420. How does that play out? I'm
15 lost.

16 MS. CALLAHAN: Mr. Chair, Commissioners,
17 I'm going to ask Mr. Ventura maybe to help me out on
18 this particular question.

19 MR. VENTURA: Well, the basic rule is that
20 any revision or amendment to a charter has to be
21 with written approval of the authorizer. If it's a
22 material issue in the charter and they violate it,
23 the issue would come up at renewal, because at
24 renewal time, you take a look at their charter and
25 you see if they've actually complied with the

1 material terms of the charter. And if they have
2 not, then it could be a point against them or
3 something that could be raised against them.

4 In a case like this -- and I don't know
5 all the facts, just what I've heard here today -- it
6 seems to me that they've discovered that, "Whoops,
7 we're in violation of the charter because our
8 enrollment is over what we thought it had done, so
9 we better go and change the charter."

10 It sounds like that is what they're trying
11 to do, so that at renewal time, there's not an
12 issue.

13 THE CHAIR: Thank you. Do you know the
14 date of the last site visit, Ms. Callahan, or
15 Dr. Snider?

16 MS. CALLAHAN: I don't know the exact
17 date.

18 MR. SNIDER: I'm not positive of that. I
19 do know that our board approved this amendment in
20 June. So that site visit would have had to have
21 been probably May. But, again, I don't have any of
22 that information with me. It was in March? March
23 2011.

24 MS. CALLAHAN: And, Mr. Chair and
25 Commissioners, let me speak to that, because that is

1 absolutely a true -- the information that Mr. --
2 Dr. Snider? Mr. Snider?

3 MR. SNIDER: Mr. Snider. It's not "Dr."

4 THE CHAIR: I've promoted a lot of folks
5 today.

6 MR. SNIDER: I appreciate that. But it
7 hasn't happened yet. Soon, we hope.

8 MS. CALLAHAN: Soon. The transition of
9 the Charter Schools Division resulted in some of the
10 paperwork not getting to -- in a timely -- to the
11 Commission in a timely fashion. And so this is a
12 dated -- if you look at the documentation on there,
13 their original request was out of their site visit
14 in March 2011.

15 THE CHAIR: Commissioner Shearman.

16 COMMISSIONER SHEARMAN: Who discovered the
17 discrepancy between the actual enrollment and the
18 charter application cap, or the cap as stated in the
19 application? Was that discovered during the site
20 visit?

21 MR. SNIDER: I don't know if it was during
22 the site visit. I got recommendations of things
23 that we needed to clean up within our site visit,
24 and this was one of them. It was Dr. Duran, when he
25 did the site visit.

1 COMMISSIONER SHEARMAN: Do we have further
2 information back there?

3 MS. CALLAHAN: Mr. Chair, Commissioners,
4 Commissioner Shearman, Karen Ehlert was part of the
5 Charter Schools Division and probably could shed
6 some historical information on this.

7 MS. EHLERT: Mr. Chair, members of the
8 Commission, last year we were preparing a site
9 visit. And in the process of preparation, we were
10 reviewing the charter and also the -- the
11 attendance, the current attendance at the school.
12 And that's when we discovered that they had exceeded
13 their cap.

14 And during the site visit, we brought that
15 to their attention. And the amendment request is a
16 result of that.

17 THE CHAIR: Thank you, Karen.

18 COMMISSIONER SHEARMAN: Thank you.

19 THE CHAIR: Any questions from
20 Commissioners?

21 COMMISSIONER CARR: No, Mr. Chair.

22 THE CHAIR: Commissioner Carr.

23 COMMISSIONER CARR: For future reference,
24 something came to my mind. If a school exceeds
25 their maximum allowed students, then they don't get

1 funding for any students past that point. And I
2 think that would cause -- that would alert everybody
3 pretty quickly, you know, to what they need to do.

4 I mean, to me, that would be a good way of
5 enforcing it and making sure that, you know, the
6 proper procedure is -- is played out.

7 THE CHAIR: Commissioner Canfield.

8 COMMISSIONER CANFIELD: Thank you,
9 Mr. Chair. That all being said, I guess the real
10 question would be is how was the -- is the school
11 able to handle the -- the new cap that they're
12 requesting, and is the performance -- is the
13 performance adequate for those new levels. So I
14 think there's kind of two issues we're talking about
15 here is, one, why we passed the cap. But the real
16 issue I think is can they handle the -- can they
17 handle the increased student level and will the
18 education suffer as a result?

19 MR. SNIDER: Thank you. We feel that with
20 the configuration that we have now, we don't plan
21 to -- to move any of those classes. We would be
22 able to handle 510. That did not become a real
23 issue. I think the issue is are we going to then
24 change one of those classrooms into something else
25 down the road? We do not plan to.

1 Again, the school's been there for ten
2 years, and we've had an opportunity to look at how
3 we're going to manage the physical plant itself.
4 We're now at a point where we feel this is it. It's
5 a library; it's in place; it'll be there. Special
6 education office has to be there. And so does, we
7 feel, the refocus or in-school suspension, the
8 Eagle's Nest, as we call it, room. And I don't
9 foresee any of the other rooms changing, not at this
10 time.

11 THE CHAIR: And so it's really an increase
12 of 15 students, then, if you're at 495 already.

13 MR. SNIDER: Exactly. And that would
14 be -- that could be absorbed in our seventh and
15 eighth grade, because you don't have those huge
16 caps. Ours are really pretty low. We could
17 accommodate 15 students in both the seventh and
18 eighth grade and handle that very well.

19 THE CHAIR: So with just wiggle room for
20 15, do you see it being an issue? Now you need to
21 shoot past 510?

22 MR. SNIDER: No. I always say that's the
23 beauty of the charter school. You can put the cap,
24 and that's where you have it. I'm not going to pull
25 out a portable unit or some other kinds of

1 facilities in order to accommodate that. That will
2 be our cap, and everything else will go into the
3 lottery.

4 MS. CALLAHAN: Mr. Chair, if I may just
5 make a comment? Commissioners, Mr. Carr, I do want
6 to assure you that the monitoring process that we
7 are getting ready to implement with the Senate
8 Bill 446 will put a tight monitoring, I think, on
9 that enrollment. I can't speak for the last group.
10 I think, you know, as far as oversight, they've done
11 an excellent job. And this one got away from us.

12 And we -- I accept that responsibility to
13 insure that caps will be met and honored, especially
14 as we go into contracts, because that will become
15 very concrete when that happens. And so I will make
16 that a priority of our monitoring system with the
17 new performance standards of making sure that the
18 enrollment caps are not exceeded.

19 THE CHAIR: So let me ask Mr. Ventura. If
20 we would be making decisions at renewal, then let's
21 say in year two of the renewal charter, if some
22 school goes over the cap, are there any
23 ramifications that could be imposed by going above
24 the cap, or we just give a stern warning until four
25 years later?

1 MR. VENTURA: Prior to renewal, you're
2 talking about? Well, arguably, a charter is a
3 contract, so you could argue they're breaching their
4 contract and look towards revocation of a charter if
5 it's a particularly egregious sort of breach. And
6 that would really depend on the circumstances.

7 THE CHAIR: Okay, thank you. Commissioner
8 Bergman.

9 COMMISSIONER BERGMAN: I want to enter
10 this statement into the record specifically. I'm
11 sure this was an isolated oversight. But we do not
12 want to send a message to the other existing charter
13 schools that it's just okay to exceed your cap and
14 come back a year later, and we'll just rubber-stamp
15 it and say, "It's okay." That's not what we're
16 doing here this evening on this specific case. Do
17 not exceed your cap.

18 And it sounds like Ms. Callahan's got a
19 grip on that. I want that in the record.

20 THE CHAIR: Commissioner Shearman.

21 COMMISSIONER SHEARMAN: Thank you. Mr. --
22 Commissioner Bergman, I appreciate that. And I
23 really agree with it. But, you know, frankly, I
24 don't think it's CSD's job to make sure that a
25 school follows their contract or their charter. I

1 think that's the school's responsibility. I want
2 them to know what their cap is and to honor it. I
3 want them to know what their academic goals are and
4 to honor them. I want them to know what their
5 institutional goals are and to honor them.

6 I don't think -- we're not anybody's
7 mother, and we should not be taking care of their
8 business for them. Frankly, I'm inclined to vote
9 "No" on this, because somebody hasn't been taking
10 care of the business. And they have exceeded their
11 cap -- poof -- with seeming -- you know, nobody's
12 paying attention to what's going on. And I'm
13 worried what else might be going on that nobody's
14 paying attention to. So it's an indication to me of
15 what else might be happening.

16 But on the other hand, I thought, "Okay.
17 Let's just say 'No,' we're not going to do this.
18 You go on, and when you come for renewal, then we'll
19 look at it."

20 Well, in order to fix this problem, if we
21 don't increase their enrollment cap, then they've
22 got to kick some kids out of school. That's not too
23 great an idea, either. So I feel like we really
24 don't have a very good option here.

25 But I wanted to make my position very

1 known on what I think the CSD's job is and what the
2 school's job is. And I -- I'm very clear in my own
3 mind about that. Thank you for listening to me.

4 THE CHAIR: Thank you Commissioner
5 Shearman. Commissioner Canfield.

6 COMMISSIONER CANFIELD: Thank you,
7 Mr. Chair. I appreciate that. I do feel the same
8 dilemma here, that the punishment of that shouldn't
9 be on the kids that are in school that would have to
10 leave. So I think that, you know, I would -- I
11 would probably vote in favor of it for the issue of
12 the kids and the right number.

13 And then I think we ought to expect or
14 demand that we be reported to, that this doesn't
15 happen again, and that we follow this school closely
16 to insure that they don't go over the next cap,
17 because we don't want to send a message, and we
18 don't want this to happen again. So -- but I don't
19 think the kids need to pay the price for that.

20 So the punishment might be to maybe answer
21 to us on a more frequent basis, or someone to answer
22 to us to insure that this doesn't happen again
23 before renewal. And then at renewal time, it needs
24 to be mentioned as well. Thank you, Mr. Chair.

25 THE CHAIR: Thank you, Commissioner

1 Canfield. Commissioner Gant.

2 COMMISSIONER GANT: Mr. Chair, a couple of
3 points. One, the administrator and their board of
4 directors should have known, and I thought they
5 signed a statement that they knew what was in the
6 contract, what they knew was in the charter. And
7 the administrator down there should have known how
8 many students were going to that school.

9 And I'd like to know what the numbers were
10 that were being reported on the 40-, 80- and 120-day
11 counts, because somebody knew the numbers all these
12 years. And I can't believe that some administrator
13 or the board of directors didn't know they were over
14 the count and were just letting it go.

15 I would suggest that, Mr. Chair, and
16 members of the Commission, I know you have a lot of
17 work, Ms. Callahan, but I think you'd better review
18 every blooming one of the counts at this time and
19 see what's going on, because this game has got to
20 stop.

21 MS. CALLAHAN: Mr. Chair, Commissioners,
22 Commissioner Gant, the note that I wrote on my
23 notebook was to do an audit of the enrollment
24 numbers and the counts, and to get a handle on
25 making sure that everybody is in compliance with

1 their enrollment and to take corrective action if
2 necessary.

3 THE CHAIR: Any other questions or
4 comments by Commissioners? Seeing none, the Chair
5 will entertain a motion. Commissioner Canfield.

6 COMMISSIONER CANFIELD: Mr. Chair, I move
7 to adopt.

8 COMMISSIONER SHEARMAN: Would you include
9 your conditions, though?

10 COMMISSIONER CANFIELD: Mr. Chairman, I do
11 move to approve, as presented, with the conditions
12 that -- I'm trying to figure out how to say this --
13 with the conditions that the enrollment of this
14 school be continually monitored and reported back to
15 us on -- in a timely basis, and that the issue be
16 addressed at renewal as well.

17 COMMISSIONER SHEARMAN: Second.

18 THE CHAIR: The motion seconded by -- a
19 motion seconded by Commissioner Shearman. All those
20 in favor, say "Aye."

21 (Commissioners in favor so indicate.)

22 THE CHAIR: Opposed, "No"?

23 COMMISSIONER SHEARMAN: No.

24 THE CHAIR: We have a vote of 7 to 1. The
25 motion passes. Thank you very much.

1 MR. SNIDER: Thank you very much.
2 Appreciate it.

3 COMMISSIONER POGNA: Mr. Chairman?

4 THE CHAIR: I recognized that voice.
5 Commissioner Pogna.

6 COMMISSIONER POGNA: I just wanted to give
7 you a little bit of unnecessary personal
8 information. Mr. Snider reminded me this morning
9 that he was my youngest daughter's history teacher
10 at Eldorado High School. That was about 35 years
11 ago.

12 MR. SNIDER: I was 18.

13 COMMISSIONER POGNA: This was the little
14 girl that was teaching her cat at the age of three
15 years old. That was his student. Just wanted you
16 to know.

17 THE CHAIR: As long as she wasn't raising
18 the enrollment from 494 to 495, okay.

19 MS. CALLAHAN: Mr. Chairman, that
20 concludes the amendments that were listed on the
21 agenda for today.

22 THE CHAIR: Ms. Callahan, thank you so
23 much. I'm going to call a ten-minute break.

24 (Recess taken, 3:15 p.m. to 3:24 p.m.)

25 THE CHAIR: The Chair will call this

1 meeting back into session. We are on item No. 17.
2 No. Well, back up to 16. So Report from PEC
3 Charter School Committee, Commissioner Vince
4 Bergman.

5 COMMISSIONER BERGMAN: Mr. Chair, thank
6 you. I always get to seem to speak to the empty
7 room. But Michael's sitting out there.

8 THE CHAIR: He's a soldier and a fan.

9 COMMISSIONER BERGMAN: Oh, there you go.
10 There's a couple of others who are going to hear my
11 words of wisdom here.

12 We had a very good Charter School
13 Committee meeting this morning before we started
14 this meeting. I'm just going to go through the list
15 of the Executive Committee that established as the
16 agenda for what we had. In all honesty, No. A on
17 "Impact of Charter School Relocations," I did not
18 have an idea where the Executive Committee was
19 going, but we've talked -- at more than one occasion
20 today, the word "relocations" has come into the
21 vocabulary.

22 And what we did, since I didn't know where
23 we needed to go with this, what we were looking for
24 is we talked about -- I wanted to share this with
25 Ms. Callahan -- that there really is, as it comes to

1 relocations of charter schools, we've had this
2 debate before about what was material and what was
3 not. And we have always left it pretty much up to
4 the Charter School Division. That was our agreement
5 with the past heads. And, like I say, I wanted
6 Ms. Callahan to know that, that we were kind of
7 relying on them as to what was material in a
8 movement.

9 I will note for the record that Deputy
10 Secretary Aguilar was there, Ms. Callahan was there.
11 Counsel Ventura was there, and myself, and
12 Commissioner Shearman were there. And as the Deputy
13 Secretary noted as we were discussing this, he said,
14 "Are you going to make a distinction between a
15 school that wants to move five blocks down the
16 street? Are you going to make a distinction about
17 one that wants to move across town?"

18 We have faced that issue before with the
19 Mesa del Sol group, if you remember. We originally
20 approved them out there on the mesa, and then their
21 subdivision didn't come together, and they wanted to
22 go way up in the Northeast Heights. And we turned
23 that one down because that was a departure from the
24 charter we had approved.

25 And then, of course, what if they want to

1 move to another city? So what's material and what's
2 not?

3 My -- the way I would like to leave that
4 item, I think, is I think it's going to be up to
5 this Commission and the Charter School Division,
6 perhaps, maybe more to them than us. Maybe we need
7 to codify what is material, at least in the area of
8 relocations, what is material and what is not. Part
9 of our discussions in the past was that you start
10 codifying things, you can get yourself into a bind,
11 because if it's not in the code, is that going to --
12 schools then say, "That's not a material condition
13 if you haven't codified it."

14 Maybe a relocation is important enough --
15 that's something, actually, maybe we should study
16 actually down the road.

17 We did discuss Item B, the letters of
18 notice for charter schools in multiple locations. I
19 pointed out in that situation, apparently there's at
20 least four different groups that are going to be
21 before us wanting to put charter schools in a
22 variety of cities at the same time, apparently. And
23 we discussed Senate Bill 446. I believe there is a
24 provision in that now that it's going to require any
25 applicant to have a community study.

1 Well, if they're going to have to have a
2 community study, then they're going to have to have
3 different applications for each location. So I
4 believe the answer to that question is yes, they're
5 going to have to do multiple applications. Each
6 location is going to require an application.

7 Now, I'm not the attorney. Mr. Ventura is
8 the attorney. Would that be your kind of -- I think
9 that's kind of what we shared this morning.

10 MR. VENTURA: Yeah. Even without that new
11 bill, the way that the charter school application
12 process is, where you actually have to have a
13 community meeting as part of the process, it would
14 sort of make sense that if you're going to have
15 multiple locations across the state or so, that you
16 have separate processes for each application and,
17 therefore, separate charters for each one.

18 And I think there might have even been
19 precedents in the past, where I'm not sure if the
20 applications were granted, but if we've had
21 applications from the same big company and they
22 submitted two separate applications for different
23 schools. So, I mean, there's precedence for that in
24 the past.

25 COMMISSIONER BERGMAN: Thank you. And we

1 didn't even get into this aspect, but it just
2 occurred to me. Are they going to be allowed to
3 have the same governing board in all five cities, or
4 do they have to have locals on their governing
5 board? I'm not sure if that's in statutes or not at
6 this time, but I don't want to address that today
7 because we do need to keep moving along.

8 We discussed No. C, the procedure and
9 process following the 15 new charter schools in one
10 year and the 75 charter schools in a five-year
11 period. And there is three schools of thought on
12 that. You will remember I'm in the school -- I made
13 my recommendation in the report I gave this
14 Commission in December that I felt like that number
15 needed to be at least double. That would have to be
16 done in the legislature, of course.

17 There's another school of thought that
18 thinks we should stay with that number, and I don't
19 know who's in that school of thought.

20 There's a third school of thought that
21 wants to do the moratorium, and Commissioner
22 Shearman is in that group. And that's where we left
23 it.

24 Here, again, we now have our new
25 Legislative Committee, so that's probably one of the

1 things we need to discuss once we get a consensus
2 from this Commission, what school does this
3 Commission want to be in. Does it want to increase
4 it, leave it the same, or support a moratorium.
5 We'd have to do that by a vote. That's where we
6 went on that discussion.

7 Now, all this is in your Tab 16, by the
8 way. There's the Charter -- the Article VIII(B),
9 the Charter School Act, is in there. We've been
10 given that.

11 What's the next thing? There's -- here
12 again, the PED code, their internal rules is in
13 there.

14 And then on the next one -- then we get
15 down to the time lines. We've spent a lot of time
16 on the time lines. It's about -- it's not tabbed or
17 anything. It's about the third grouping down there.
18 We have two different PEC time lines. We've got one
19 for our application process and one for our renewal
20 process.

21 This -- this was a -- we went over it, and
22 we didn't really change the dates. The dates are
23 here, as were presented by Ms. Callahan, was done in
24 consultation with you guys on the Executive
25 Committee.

1 What -- the one thing that jumped out at
2 me that I question was we did move our hearings back
3 a full two weeks this time. So that's a change.
4 We're not going to be doing our hearings or our
5 public meetings, whatever we want to call them, in
6 the early part of August. We're going to be doing
7 them in the late part of August, when school may
8 have started in a lot of different places. We just
9 need to keep that in mind. Some people may have
10 difficulty with these meetings.

11 We asked Ms. Callahan -- there was no
12 mention of us in this thing as to when we're going
13 to get the information, when are we going to get the
14 applications, when are we going to get the
15 preliminary analyses. I think we decided that we
16 will have the applications by the same date that the
17 applications are going to be distributed to the
18 evaluation team members, and that's July the 10th.
19 So that's probably the date that we can look for
20 that huge e-mails start coming in from Beverly with
21 all those applications, depending on how many we've
22 got.

23 And then we talked about when will we get
24 our preliminary analysis. We told them we don't
25 have to do it like we used to do it. That's not

1 what I'm talking about. We just wanted some
2 guidance from Ms. Callahan of their initial thoughts
3 on these applications. Mrs. Shearman made the point
4 that we don't want the actual questions like they
5 were given. We can formulate our own questions. We
6 want the information, and we'll formulate the
7 questions, our own questions that we'll ask the
8 applicants.

9 COMMISSIONER SHEARMAN: Just to take that
10 a little further. We were asking specifically for
11 information that was of value in the capacity
12 interviews, what -- what issues the interviewers
13 brought up, what concerns they brought up, and what
14 were the responses. And they may get those issues
15 resolved in that capacity interview. And if we know
16 that, if we read it when they give us that
17 information, we may choose not to ask that question.

18 But at least it will be available to us.
19 It will simply add to what we've gleaned from the
20 applications as we read through them, just more
21 information.

22 COMMISSIONER BERGMAN: Hopefully, between
23 our reading of the applications and what analysis we
24 see from the Division will allow us to formulate
25 intelligent questions to ask these people and find

1 out if they really know their business. So
2 that's -- there's one for the -- like I say, for the
3 new applicants. And then there's a separate time
4 line on the next tab for the renewals. And that, of
5 course, is a little different because it's a little
6 different process.

7 But the same thing came out. We wanted --
8 we wanted -- here, again, we wanted an analysis from
9 the Division at the same time other people were
10 getting it, and they agreed to do that. So we're
11 going to get the analysis again.

12 What did we decide? When are we going to
13 see the renewal applications? I cannot remember.
14 I've lost that bit of information.

15 MS. CALLAHAN: Mr. Chair, Commissioner
16 Bergman, we were looking towards the latter part of
17 April.

18 COMMISSIONER BERGMAN: That's for the
19 renewal applications?

20 MS. CALLAHAN: Yes, sir.

21 THE CHAIR: April? Or -- April?

22 COMMISSIONER SHEARMAN: You mean when are
23 we going to get them? The renewal applications?

24 MS. CALLAHAN: The actual applications,
25 Commissioner Shearman, would be after October 1st.

1 But the draft of the new application process that's
2 based on --

3 COMMISSIONER BERGMAN: She's talking about
4 the new application.

5 MS. CALLAHAN: I'm sorry. Were you
6 talking about the actual renewal time line? My
7 apologies.

8 COMMISSIONER BERGMAN: You said you were
9 going to have an analysis of the renewal
10 applications by October 9th to November the 9th.
11 Then review teams complete -- was it November 9th we
12 agreed when we were going to see your review?

13 COMMISSIONER SHEARMAN: Yes.

14 MS. CALLAHAN: Yes, Commissioner.

15 COMMISSIONER SHEARMAN: And the 5th of
16 October is when we get the renewal applications.

17 COMMISSIONER BERGMAN: So November 9th is
18 another key date is when you're going to get a bunch
19 of information start coming in. And the one thing,
20 the Chairman wanted us to have a training time for
21 the benefit of the newer Commissioners. We've done
22 this each year, had an actual half-day or a full-day
23 training session on the process and what we look for
24 and all those kind of things.

25 And that, we had -- that, right now, is

1 scheduled for August the 8th; is that right? PEC
2 Training by CSD. Is NACSA going to be there, too?
3 Is that what that means?

4 MS. CALLAHAN: Commissioner Bergman, we're
5 waiting to see what the scope of the grant is that
6 they've -- that they've had, if that does include
7 training. If not, there would be a NACSA, you know,
8 guide of best practices that would be utilized, and
9 the CSD would do the training.

10 COMMISSIONER BERGMAN: So anyway, that's
11 another key day. We'll have a meeting somewhere.
12 We normally have those in Albuquerque, because
13 that's a little more central. Again, the Commission
14 would have to decide where we're going to have it.
15 And that's -- and, now, in the past we have voted --
16 these have been action items, these dates, if I
17 remember right. Am I correct? I think we've
18 actually voted on these calendars with the
19 stipulation that sometimes dates have to be changed,
20 things do come up. So is that your understanding,
21 Mr. Chairman, that we --

22 THE CHAIR: My understanding is that we
23 voted on the general annual calendar, but I don't
24 recall whether we did or did not vote on the
25 specific trainings.

1 COMMISSIONER BERGMAN: This is a lot more
2 specific. What do you remember -- you remember,
3 Carolyn.

4 COMMISSIONER SHEARMAN: I thought we
5 always voted on the framework.

6 COMMISSIONER BERGMAN: So we probably need
7 to conduct the vote on those if these are the dates
8 that we want to commit to do. My other concern
9 about pushing the meetings back two weeks is, boy,
10 that really compresses the time between the meetings
11 and our -- we actually will have less than a month
12 to the decision day to do all of the things that
13 have to be done in between.

14 But I understand, as always, it's hard to
15 get dates when everybody -- it fits everybody's
16 schedule. So -- so I will present this. Do you
17 want to have a discussion on these dates, or do you
18 want to go with them, or --

19 THE CHAIR: Why don't you summarize them
20 for everybody?

21 COMMISSIONER BERGMAN: Okay. The
22 application comes in -- we're talking new now?
23 July 2nd is when the application comes in. The CSD
24 does their screening. They're also going to do some
25 reviewer team training. That's good. These are the

1 teams that review these applications, normally --
2 what? -- three or four people?

3 MS. CALLAHAN: Yes, Commissioner, that's
4 correct.

5 COMMISSIONER BERGMAN: They will -- on
6 July 10th, the applications will be distributed to
7 these teams. And from that point on into August,
8 they're doing their review and analysis.

9 July 30th to August 3rd, CSD does capacity
10 interviews with all these applicants. So for a
11 short period, they're really busy doing all those.
12 That's where some of the preliminary analysis is
13 going to come out of.

14 On August 10th, they do their final
15 working analysis. Recommendation drafts are due.
16 Then they do some more review.

17 Then, of course, we have our hearings on
18 the 20th to the 24th. You'll certainly want to
19 block that week on your calendar.

20 Then the CSD has to do their final reviews
21 right after our meetings. That's when they're
22 getting -- this year, I assume you're going to give
23 the applicants that three-day period to respond to
24 questions that have been raised that they couldn't
25 answer in our meeting. They're given three days to

1 give some kind of response. They have that.

2 August the 31st, we're going to get the
3 recommendations and the evaluations. And then two
4 weeks later, we'll have our decision meeting on the
5 12th and the 13th. So we actually will have only
6 about 12 days to read all the analysis, the final
7 recommendations on however many applicants we're
8 going to have, finally.

9 THE CHAIR: And you would -- did you
10 restate the August 8th PEC training date with NACSA?

11 COMMISSIONER BERGMAN: I may have jumped
12 over that. But that's in there, yeah.

13 COMMISSIONER SHEARMAN: And that's also
14 the day that we receive the preliminary analysis --

15 COMMISSIONER BERGMAN: The analysis, yeah.

16 COMMISSIONER SHEARMAN: -- from CSD?

17 COMMISSIONER BERGMAN: We really get busy
18 in the summer. Summers are really busy.

19 THE CHAIR: I thought the analysis was the
20 10th and the PEC training was the 8th.

21 COMMISSIONER SHEARMAN: That's internal;
22 right? August the 10th? That's an internal?

23 MS. CALLAHAN: Mr. Chair, Commissioner
24 Shearman, yes, that's an internal date. And just to
25 clarify, the August 8th will include time in there

1 to do some working analysis of the information
2 that's been given to you by the PED. And so you'll
3 have the opportunity to do some work group kinds of
4 things that maybe would be beneficial that would
5 help going into the community meetings.

6 THE CHAIR: So that's not new Public
7 Education Commissioner training? That's full
8 Commission?

9 COMMISSIONER BERGMAN: That's all of us.
10 Everybody has got to go. It's for all of us, even
11 though -- because there's always something new going
12 on. And if NACSA is there, it would be nice to hear
13 what they've got going on.

14 THE CHAIR: And the November 9th date?
15 What information are we receiving there?

16 COMMISSIONER BERGMAN: That's when we're
17 doing the renewals. Do you want to go ahead and
18 vote on this one and then go into the renewal, or do
19 you want to go into both?

20 THE CHAIR: Stick with one at a time.
21 Good suggestion.

22 COMMISSIONER BERGMAN: Did you have
23 discussion you wanted to do on these dates, or do
24 these dates fit pretty much everybody's calendar?

25 THE CHAIR: Mr. Ventura, since this is a

1 committee motion, we don't need a second; correct?

2 MR. VENTURA: I don't know. I hate to
3 admit that. I would get a second. Get a second.

4 COMMISSIONER BERGMAN: Surely I won't --
5 somebody will second --

6 COMMISSIONER SHEARMAN: If you make the
7 motion, I'll second it.

8 COMMISSIONER BERGMAN: Okay.

9 THE CHAIR: Seconded by Commissioner
10 Shearman. Is there any discussion on this?

11 COMMISSIONER CARR: I had a question on
12 September 12th. Why did we pick a Wednesday and a
13 Thursday instead of a Thursday and Friday? Was
14 there a reason we did that?

15 COMMISSIONER BERGMAN: I don't have a
16 calendar. How did we do it last year? We've always
17 done it on Thursday and Friday. I don't remember.
18 I can't remember how we did it last year. I don't
19 have a calendar.

20 COMMISSIONER CARR: It's always on a
21 Thursday and Friday. There was a reason. Beverly?

22 MS. FRIEDMAN: I don't have a microphone,
23 but I'll try to use my teacher voice. Thank you
24 very much. Mr. Garrison and Commissioners, at your
25 December meeting, in discussing the calendar that

1 was set that is in front of you, decided to do a
2 Wednesday-Thursday, because at the time there were
3 45 applicants, and we were not sure if we would be
4 able to get through all of them. And so we did it
5 Wednesday-Thursday in the case that we did have that
6 many and we had to go into Friday.

7 COMMISSIONER CARR: Oh, yeah.

8 THE CHAIR: Thank you.

9 COMMISSIONER BERGMAN: And that does make
10 sense, yes. We certainly wouldn't want to go into
11 Saturday.

12 THE CHAIR: Is there any other discussion?

13 COMMISSIONER CARR: No.

14 THE CHAIR: All those in favor, say "Aye."
15 (Commissioners in favor so indicate.)

16 THE CHAIR: Opposed, "No"? The motion
17 passes unanimously.

18 COMMISSIONER BERGMAN: And I think we made
19 it clear that subject to -- there could be some
20 change.

21 THE CHAIR: Always subject to change.
22 Yes, that's life.

23 COMMISSIONER BERGMAN: And the renewal
24 time line, they're going to be doing training in
25 May and June for the schools renewing. The first

1 really key date is they're going to do some reviewer
2 team training again on September the 20th.

3 The application -- renewal applications
4 are actually due to the CSD on October the 1st.
5 They'll be reviewing them, looking them over.
6 They're going to, on October 5th, distribute the
7 applications to the review teams. They can request
8 some information from them on October 9th. They
9 have about two weeks -- the applicants have two
10 weeks to answer that.

11 We're having our -- we normally have this
12 October meeting on October 18th and the 19th. I
13 didn't look at the calendar. Is that a Wednesday
14 and a Thursday, too?

15 THE CHAIR: No, Thursday-Friday.

16 COMMISSIONER BERGMAN: Okay. We don't
17 have that problem there. That's going to be a
18 regularly scheduled meeting, but it's going to
19 coincide -- we're -- we're going to have, whatever
20 it takes, a half-day or whatever, we're going to
21 have a training on the renewal process, because it
22 is a little different. With the renewals, we've got
23 lots of information we have to assimilate on their
24 academic prowess and things like that, and the audit
25 findings and all that. So it is a little different

1 process.

2 Let's see. Where was I? Okay. Then the
3 CSD spends a month doing an analysis of the renewal
4 applications. The review teams, from October 15th
5 to the first part of November, make their on-site
6 visits. And November 9th, they complete those
7 preliminary evaluations.

8 COMMISSIONER SHEARMAN: And we get them.

9 COMMISSIONER BERGMAN: And we get them.
10 That's the date we'll see them again. So, like I
11 say, circle November 9th on your calendar. Then the
12 director and the reviewers and that, they spend a
13 few days going over all this and getting the
14 recommendations that they will furnish to us. And
15 then those recommendations are sent to the renewal
16 applicants on November the 20th.

17 And there's another page on this one,
18 because it's a little more rigorous process. No,
19 that's not right. But there's lots more things to
20 do.

21 They will be working for about a week
22 around the 1st of December on their recommendations.
23 We will get them on the 6th. In this case, we've
24 only get a week. Our meeting is set for
25 December 13th and 14th, what we call our

1 decision-making meeting. So we're going to have one
2 week to digest all the information they're going to
3 give to us and then come to our meeting and make our
4 decisions on those.

5 So here again, any questions? Comments?
6 Thoughts?

7 COMMISSIONER SHEARMAN: Did you say on
8 October the 5th, we get the applications as well?

9 COMMISSIONER BERGMAN: Oh. That's the
10 date we're also going to get -- yeah. Whenever
11 anything is delivered to the review teams, that's
12 normally the date we're going to get it, yeah.
13 Yeah. That's when we'll see the applications.

14 COMMISSIONER GANT: Mr. Chair?

15 THE CHAIR: Commissioner Gant.

16 COMMISSIONER GANT: Just for information
17 purposes, there are ten of them, renewals this year.

18 COMMISSIONER BERGMAN: We were lucky last
19 year. We only had one.

20 COMMISSIONER GANT: Well, Mr. Chair and
21 Commissioner Bergman, there were more, but they went
22 district, okay? Some of them went to Albuquerque
23 instead of coming here. In fact, one that was a
24 State charter school actually went district last
25 year.

1 THE CHAIR: Any other dates?

2 COMMISSIONER BERGMAN: That's pretty much
3 it. I think that summarizes it. And you, of
4 course, have copies in your book, so you'll need to
5 keep these handy.

6 And I would then make the same motion that
7 we -- if there's no discussion, that these dates are
8 acceptable. We make the same motion that we accept
9 these dates, with the possibility that they could be
10 changed down the road, if circumstances dictate.

11 COMMISSIONER SHEARMAN: Second.

12 THE CHAIR: We have a motion by
13 Commissioner Bergman, seconded by Commissioner
14 Shearman. And is there any discussion? All those
15 in favor of those dates with the ability to move
16 them around as necessary, say "Aye."

17 (Commissioners in favor so indicate.)

18 THE CHAIR: Opposed, "No"? The motion
19 passes unanimously.

20 COMMISSIONER BERGMAN: Now we get to one
21 of the hearts of the thing. That's the charter
22 school application. I hope -- this is actually the
23 first time I've seen it in print. We had it on the
24 computer. This is the new application for the new
25 applicants.

1 It has been -- a lot of reworking has gone
2 into it. Right now, it's my understanding it has
3 gone to legal counsel; it's in the law department;
4 they're reviewing it for whatever they review it
5 for. And after that, then it's going to be
6 presented to the applicant; it will be ready to go
7 to the applicant.

8 It's very extensive. I thought they did a
9 really good job. It's something we did every year
10 anyway. We've always analyzed our applications and
11 revised them just about every year I've been on this
12 thing. I certainly encourage you to read it if you
13 haven't already read it. It's very rigorous.

14 It's -- I believe we're going to discover
15 that it's easier to work with. It's very specific
16 on the budget stuff. You know, we question that
17 every year. We run through that part; mostly that
18 comes every year, the budget problems.

19 So there's also a Notice of Intent. They
20 also rewrote that, rewrote the Notice of Intent. So
21 there's a lot of new stuff in there. And, as
22 always, I'm sure when the process is done, we'll
23 have to do some evaluating, see how it worked. But
24 I really do encourage you to read it when we get
25 away from here, find some time to read it and look

1 at it, because -- and I know it took a lot of work.

2 This was not an easy -- this wasn't done
3 overnight. This took a -- I don't know if everybody
4 was pitching in on it, but it took a lot of work,
5 I'm sure.

6 MS. CALLAHAN: Mr. Chairman, Commissioner
7 Bergman, if I may?

8 COMMISSIONER BERGMAN: Yes.

9 MS. CALLAHAN: I just want to state for
10 the record that the work that the CSD team did, I
11 really want to give credit to the education
12 administrators, Shelley Cherrin, Karen Ehlert, and
13 Brad Richardson who did an incredible amount of work
14 to put this together, aligning it to 446, making
15 sure that the -- that there is a very rigorous
16 process.

17 And I think more to the point -- and
18 something I think you'll find that hopefully will be
19 very helpful is we've created a rubric for every
20 category. So there's a basis of evaluation that
21 gives -- it's not so abstract. There's some
22 specific points that can be used when assessing the
23 evaluation and the applications.

24 So I think that's been very helpful. We
25 utilized a lot of best practice from NACSA and from

1 other charter -- states with new application
2 processes talking about these performance
3 frameworks. So I really do want to give kudos to
4 the team. They did an outstanding job. And I think
5 you'll see that the rigor is going to hopefully
6 increase the quality of the schools that we will get
7 submitting applications.

8 COMMISSIONER BERGMAN: Yeah. I was really
9 impressed with the area I saw, particularly the
10 goals, the academic goals. They are a lot more
11 rigorous than they've been. And hopefully that will
12 address some of these issues that we've talked about
13 today with having had people rewrite goals, and
14 we're even rewriting them here in our meeting as we
15 go. As Commissioner Gant said, that's probably not
16 the best practice.

17 So hopefully the application is going to
18 address some of those issues right there. It pretty
19 much lays it out for them, and it lays it out for us
20 when we come to these applications and how we're
21 going to look at them and make those judgments on
22 those decision days. Actually it was a pretty
23 impressive -- my personal impression was it was a
24 pretty impressive work.

25 I actually thought it's going to help us

1 down the road. It's going to help us even with
2 these new schools in six years that are coming up
3 for renewal. It's going to make it easier for
4 whoever's on the Commission then to evaluate those
5 renewals. Once it gets out of the legal process, I
6 guess it's going to be a good-to-go thing, and
7 that's what they'll be using, so...

8 The final item was Charter School Status
9 Reports. They're here in your book. Actually,
10 these are kind of skimpy, to tell you the truth.
11 But they are here on these -- I think it's probably
12 the same five schools that we just discussed with?
13 I know one of them is GREAT Academy, Cottonwood
14 Classical. Just take some time to see what they're
15 doing to improve their product.

16 And along with that, Mr. Chairman, you
17 sent me an e-mail -- I think it was yesterday. You
18 had asked about maybe some system for rating charter
19 schools. But then the charter school list, and we
20 did discuss that. Deputy Secretary Aguilar said,
21 "Now, that could be problematic, because," he said,
22 "what are we going to rate them on?" He said, "We
23 could have 300 different categories."

24 We kind of left that as, here again,
25 whatever this Commission, whatever guidance we want

1 to give to them, whatever the CSD would want to do.
2 Do we rate them on nine categories or 25 categories
3 or 50 categories?

4 THE CHAIR: That wasn't the intent of that
5 request.

6 COMMISSIONER BERGMAN: I didn't figure it
7 was.

8 THE CHAIR: It was looking at that
9 A-through-F document that the PED has on their Web
10 site, the State-chartered charter schools are
11 interspersed alphabetically throughout that whole
12 list. I had to go through all 30 pages to find each
13 one of the State-chartered charter schools.

14 So I would like to see a separate list so
15 I can look at and review the State-chartered charter
16 schools.

17 COMMISSIONER BERGMAN: And you do that --

18 THE CHAIR: That was my --

19 MS. CALLAHAN: Mr. Chair, Commissioners,
20 Commissioner Bergman, yes, sir, we can.

21 COMMISSIONER BERGMAN: Because, actually,
22 that was a little suggestion I made in that when we
23 communicated with Acting Secretary Murphy two years
24 ago was that we needed somehow to disaggregate this
25 by state, local, and public schools. So that would

1 be good for us. And I would even like to have a
2 list of the ones -- the locals, just because I don't
3 know who they are, even though they're not under our
4 purview, because --

5 THE CHAIR: And, well, that's great
6 information to have because they may be someday on
7 renewal. So, yes, all that is good information.

8 And then in that e-mail, I had also
9 attached a document that on -- I'll go ahead and
10 read this verbatim and enter it into the record.

11 For the community piece -- so I'll just
12 read this.

13 Initial Charter School Application
14 Additional Information Required from the CSD and
15 OFP, Options for Parents. Sorry, Cindy.

16 On the subject of whether a charter school
17 application is deemed best for students, the local
18 education agency and the community, the CSD analysis
19 must provide to PEC the following very specific
20 information on the existing charter schools, both
21 state and district charter, as well as traditional
22 public schools. This report must be provided to
23 Commissioners not later than two weeks following the
24 deadline for submission of new charter school
25 applications. If an applicant wants to prove

1 community need, that proof must include a detailed
2 snapshot of the district.

3 Traditional Public Schools. Total
4 enrollment in the district schools excluding
5 charters; enrollment broken down by grade and
6 school; and the PED grade for each school.

7 And then looking at the charter schools in
8 that community. The number of charter schools
9 located within the district boundaries: a, number
10 of state chartered schools; b, number of district
11 chartered schools.

12 Total enrollment in charter schools within
13 the district boundaries; enrollment broken down by
14 grade and school; enrollment cap for charter school
15 as stated in the application; a, number of students
16 on wait list, and documentation required. That
17 shouldn't be an "a" because there's no "b."

18 But anyway, what unique or proven pedagogy
19 or curriculum -- pedagogy and curriculums are the
20 existing schools using? Is the new application
21 duplicating another charter school's demographic
22 action, pedagogy, or curriculum.

23 The PED grade for each school. And then
24 here are some questions. Have these existing
25 schools been successful and how was success

1 measured? How does each existing school rank
2 statewide with other public schools? What year are
3 these schools in with regard to their current
4 contract?

5 And then with regard to out-of-district
6 schools, how many schools, both traditional, public,
7 and charter, are located within a ten-mile radius of
8 the district boundaries? Enrollment broken down by
9 grade and school; and the PED grade for each school.

10 Now, I want to give you some background
11 information on this. I had sent out an e-mail
12 within the Executive Committee with a few of these
13 questions. And Commissioner Shearman had added to
14 those, because I think many times, outside of
15 Albuquerque, Santa Fe, Las Cruces, where a school
16 hasn't defined exactly where they're going to be, I
17 think we need to start looking at what is around
18 that proposed school application existing and how
19 are those folks performing and are we duplicating
20 some kind of curriculum or some kind of service
21 already, what are the enrollments in those schools.

22 And so I think a clearer picture. And the
23 PED should have all this information. We just need
24 to glean this from the departments in here and get
25 that to the Commissioners, so we don't have to look

1 at an application and -- and we've stated this
2 several times; I know I have over the years since
3 2007 -- is that we're basing our decision solely on
4 the merits of the application.

5 Well, there's more than that. And the law
6 states that there's more than that, that there's
7 this community piece. Is it the best thing for the
8 students, for the local education agency, and for
9 the community at large? So that's where this came
10 from. Any questions, comments on it, Carolyn?

11 COMMISSIONER SHEARMAN: Well, my comment
12 is I -- I -- somehow we missed getting that on the
13 agenda for this -- this meeting. And I'm sure that
14 I missed the boat on that one. But if we got it on
15 the agenda for the next meeting, which I don't think
16 is until --

17 COMMISSIONER GANT: June.

18 MS. FRIEDMAN: June 29th.

19 COMMISSIONER SHEARMAN: Would that be too
20 late to request that information be provided to us
21 from CSD if we voted on that at our June meeting?

22 MS. CALLAHAN: Mr. Chairman, Commissioner
23 Shearman, the information that you just laid out, is
24 that out of the statute, out of the application?
25 I'm not sure where those questions -- can you help

1 me?

2 THE CHAIR: Thank you, Ms. Callahan. If I
3 look at Page 2 of 3, there are some questions in
4 here that -- that pertain to it. Let me find it.
5 Oh, No. 9, "Evidence and assessment of a community
6 need for a school of this nature." So things of
7 that sort that speak for the community piece are the
8 things -- is where this came from that -- so we
9 don't have to ask any questions.

10 We have compulsory information that should
11 be in front of us ready to rock and roll and speak
12 to us loud and clear. Mr. Gant -- Commissioner
13 Gant.

14 COMMISSIONER GANT: Mr. Chair, did you --
15 if those -- what you've just read -- and maybe what
16 I read pretty soon -- were part of the
17 Commissioners' Comments, which, with the asterisk,
18 makes -- you could have action items; you could make
19 this an action item vote today, if that's what
20 Commissioner Shearman asks. If we had to wait till
21 June, well, you have an opportunity right there to
22 do it.

23 THE CHAIR: Understood. And what I wanted
24 to be careful was, knowing that this was a draft
25 piece of work that I sent out on your travel days

1 when you were coming over here that you have not had
2 the opportunity to review, that we're asking for
3 something to be done that maybe isn't a finished
4 document. So I -- I understand your point, and
5 that's where I'm coming from in that regard.
6 Commissioner Bergman.

7 COMMISSIONER BERGMAN: I want to ask. Is
8 not a lot of this data actually -- remember, under
9 the 446, they're going to have to do an annual
10 report by the end of this year to the Governor and
11 the LESC. Is this information not going to be a
12 part of that report anyway? I'm just asking.

13 COMMISSIONER SHEARMAN: Mr. --

14 THE CHAIR: Commissioner Shearman.

15 COMMISSIONER SHEARMAN: My thought is
16 that's information I want when I'm reviewing the
17 application and perhaps even would provide some
18 questions for the community input hearing.

19 COMMISSIONER BERGMAN: So, yeah, that
20 would be too late to do that; obviously, the
21 end-of-the-year report. Yeah, okay.

22 THE CHAIR: I think the information is --
23 is -- it's compulsory. This should be provided
24 every single time. If someone's trying to start a
25 new school and utilize public funding to start a

1 charter school, that we, as the authorizer, have
2 that basic information to make sure that we're not
3 duplicating something, that it's in the best
4 interests. How do we measure, if it's going to be a
5 SMART goal, that it's going to be in the best
6 interests? And we look at these details.

7 I would perhaps propose to vote on a
8 motion that gives this document some wiggle room for
9 Ms. Callahan to review and look into how you could
10 synergize that information for us for the
11 applications. And I think you know where I'm coming
12 from and where Commissioner Shearman is coming from,
13 that there is a community piece, can we be better at
14 what we do with regard to assessing what is best for
15 that particular community.

16 MS. CALLAHAN: Mr. Chairman,
17 Commissioners, if I may just -- if we have the draft
18 or the information, the questions that you seek, we
19 can align it to what's in the application right now
20 and incorporate it, then, into maybe the analysis
21 document that we do for all of the applications.
22 Because I didn't have the questions in front of me,
23 but I -- I heard some that it sounded like they were
24 already an existing school because it asked about a
25 letter grade? Is it about the letter grade of the

1 school that they would be near? Is that what you
2 were asking on those questions?

3 Just so we can clarify what it is that the
4 applicant is actually getting to, you know, because
5 the community involvement piece that's in the
6 application talks a little bit about the need and
7 what's going on that they have to articulate. But
8 it sounds like what you need is the data of the
9 schools in the surrounding area or nearby the
10 location of -- proposed location.

11 THE CHAIR: We would like data on
12 traditional public schools in that district or area
13 where the new application is proposing to reside in;
14 the same with the charter schools. And I don't know
15 that this is titled succinctly, but "out-of-district
16 schools" meaning --

17 COMMISSIONER SHEARMAN: Well, you have a
18 school district. And then, say -- like Artesia --
19 we have, like, Arthur, Dexter, Hagerman, that are
20 close by; Carlsbad is close by. So if we're talking
21 about parent choice, what are the existing schools
22 that are already available to that parent for
23 choice. And I think it said --

24 THE CHAIR: So it'll state it here, if I
25 can interject. How many schools, both traditional,

1 public, and charter are located within a ten-mile
2 radius of the district boundary? So, okay, that's
3 clear.

4 COMMISSIONER SHEARMAN: Yeah.

5 MS. CALLAHAN: And, Mr. Chairman,
6 Commissioners, Commissioner Shearman, and the time
7 line that you would require that information?

8 THE CHAIR: We would like this information
9 for us to be able to make an informed decision on
10 whether a charter school new application is in the
11 best interest of the community, the students, and
12 the local education agency.

13 COMMISSIONER SHEARMAN: She's asking about
14 the date, though. And I put in two weeks.

15 THE CHAIR: Oh, I'm sorry. I was reading
16 that and not paying attention to it because I knew
17 it was a draft. But this report must be provided to
18 Commissioners not later than two weeks following the
19 deadline for submission of new charter school
20 applications. If an applicant wants to prove
21 community need, that proof must include a detailed
22 snapshot of the district. So it states here, "not
23 later than two weeks following the deadline for
24 submission." That would -- that would mean --

25 COMMISSIONER BERGMAN: Middle of July.

1 THE CHAIR: Why by then? Or why not by
2 then?

3 COMMISSIONER SHEARMAN: Yeah.

4 THE CHAIR: So I don't know. We're not
5 married to that date.

6 MS. CALLAHAN: Mr. Chairman,
7 Commissioners, I just -- maybe what we can do is if
8 you do a motion that it becomes sort of a general
9 statement, I -- my suggestion would be to make that
10 a part of the analysis document that you would be
11 getting prior to the community input hearings. And
12 so instead of creating an additional report, that
13 the -- that the questions that would be in there
14 would -- could be part of the analysis document that
15 we do after the submission, which would then give
16 the evaluation team time to do that research.

17 The two weeks is a pretty quick turnaround
18 on some of that research that has to be pulled,
19 external data that needs to be pulled, because
20 you're talking about curriculum; you're talking
21 about -- it's not just sheer numbers. It's
22 information -- program information that would have
23 to be gathered. And so if we can make it a general
24 statement that maybe the Charter Committee or
25 something could refine those questions that then we

1 can incorporate into the analysis document to make
2 sure that we capture what it is that you need to
3 make, again, an informed decision, and I think, to
4 formulate those questions that you would like to do
5 before the community input hearings.

6 THE CHAIR: So this being part of the
7 analysis document, would get it to us before the
8 community input hearings.

9 MS. CALLAHAN: Yes, Mr. Chairman, that's
10 correct.

11 THE CHAIR: So we would just strike, "This
12 report must be provided to Commissioners not later
13 than two weeks following the deadline for submission
14 of new charter school applications," to,
15 "Information provided with the analysis document to
16 the Commissioners before the community input
17 hearing." Commissioner Bergman.

18 COMMISSIONER BERGMAN: And that would
19 probably allow us to even generate some more
20 questions asked during these hearings face to face
21 with the applicants. Why this?

22 THE CHAIR: Exactly, why we would want
23 them before those hearings, exactly.

24 COMMISSIONER BERGMAN: Works for me.

25 COMMISSIONER SHEARMAN: If we say, "This

1 information will be provided along with the analysis
2 documents," I think that would be --

3 THE CHAIR: And I would also like to add
4 to have the Chairman of the Charter Schools
5 Committee to work with Ms. Callahan to further
6 define this and figure out what works best for the
7 PEC.

8 COMMISSIONER BERGMAN: I'd be happy to
9 work with her on that, yes.

10 THE CHAIR: Excellent. With that said,
11 the Chair would entertain a motion for the PEC to --
12 to submit the initial charter school application --
13 well, the document entitled, "Initial Charter School
14 Application, Information Required from CSD," with
15 the changes made. Commissioner Shearman.

16 COMMISSIONER SHEARMAN: I will move for
17 approval of the document as has been amended.

18 THE CHAIR: Second?

19 COMMISSIONER BERGMAN: I'll second that,
20 yes.

21 THE CHAIR: Seconded by Commissioner
22 Bergman. Is there any discussion?

23 COMMISSIONER CARR: And I assume we've
24 moved to No. 18, because, technically, we're not
25 supposed to be making any action items until we're

1 in No. 18.

2 COMMISSIONER BERGMAN: I have one more
3 thing to say before we go to 18.

4 THE CHAIR: Sixteen has a star; there's an
5 asterisk, right?

6 COMMISSIONER CARR: Yeah, 16 has a star?

7 COMMISSIONER BERGMAN: Sixteen has a star.
8 Everything in there could have been an action item.

9 COMMISSIONER CARR: Oh, I'm sorry.

10 THE CHAIR: Any discussion? All those in
11 favor say, "Aye."

12 (Commissioners in favor so indicate.)

13 THE CHAIR: Opposed, "No"? The motion
14 passes unanimously, and this is for Cindy to enter
15 into the record.

16 COMMISSIONER BERGMAN: Mr. Chair, just one
17 more thing. I thought I was done. I did misspeak.
18 When I said the application was in the legal
19 process, that is not correct. What was in the legal
20 process is the contract. The CSD has put together a
21 standardized contract to meet Senate Bill 446 that,
22 you'll remember, we now have -- the new ones will
23 have to have a contract. That's what's in legal
24 review.

25 Then after that, I guess we're going to

1 see that contract. We haven't seen it yet, I don't
2 think, have we?

3 MS. CALLAHAN: Mr. Chairman, Commissioner
4 Bergman, that's correct.

5 COMMISSIONER BERGMAN: And then so each
6 applicant will start with a standardized contract, a
7 boilerplate contract. But then it will be --
8 remember, we have to do a negotiation with them over
9 the -- each contract will then have specific
10 conditions and stipulations, et cetera, et cetera,
11 for each applicant based on their circumstances. So
12 in the end, each contract will be somewhat
13 different. It'll start out as the same document,
14 and we will refine it, and they will refine it with
15 our negotiations with them.

16 We really haven't gotten into that yet,
17 but I did want to make that point. And now I think,
18 Commissioner Shearman, have I missed anything else
19 from our meeting this morning?

20 COMMISSIONER SHEARMAN: I don't think so.

21 COMMISSIONER BERGMAN: Okay. I think I am
22 now done.

23 THE CHAIR: I want to make one more -- one
24 more statement to Ms. Callahan is that before Patti
25 Matthews resigned, she had told me that, for the

1 community piece, that the CSD was going to request,
2 like, a feasibility study or a fiscal study or
3 something like that. So I don't know if you all had
4 started that work. But it kind of speaks to the
5 community piece, and so maybe you already have a
6 jump-start on it.

7 MS. CALLAHAN: Mr. Chair and
8 Commissioners, specifically, we haven't -- you know,
9 we didn't call it that. But what we're looking at,
10 I think -- and it's probably tied to the analysis
11 documents that we're going to be doing when we do
12 the review of the charters, that we will definitely
13 incorporate what you're asking. And I think
14 "feasibility study" is as good as any title.

15 So, you know, we'll work with Commissioner
16 Bergman and the Charter School Committee. I would
17 just ask if there's any possibility if I could get a
18 copy of that -- those questions to begin, because
19 we're starting to -- putting together the analysis
20 tools as we speak. So I want to be able to get them
21 as soon as possible; then putting together a draft
22 that can be shared with Commissioner Bergman and the
23 committee. Just so we can get a jump on things, you
24 know, I'd rather go and put a draft together than
25 wait.

1 COMMISSIONER SHEARMAN: Should we make a
2 copy of that?

3 THE CHAIR: Yes, we can do that.

4 MS. CALLAHAN: Mr. Chairman, thank you.
5 And I will definitely look forward to working with
6 Commissioner Bergman and the committee to make sure
7 that the information that you need to make informed
8 questioning and appropriate decisions are made.

9 THE CHAIR: Absolutely. As more schools
10 get approved, that's something that we have to stare
11 at, for sure. Thank you so much.

12 Commissioner Bergman, anything else?

13 COMMISSIONER BERGMAN: I am done. Thank
14 you.

15 THE CHAIR: So let's move on to Item
16 No. 18, PEC Comments, PEC Liaison Role Appointments.
17 And --

18 COMMISSIONER SHEARMAN: Where are we?
19 Charter School Status Reports?

20 COMMISSIONER CANFIELD: He covered it.

21 THE CHAIR: I said those are the ones that
22 are kind of skimpy. They're in the back of 16.
23 There's five of them.

24 MS. CALLAHAN: Mr. Chairman, just if I
25 could speak to the skimpiness. The reports are

1 meant as an update of the schools coming up for
2 renewal and first-year charters. It's a snapshot.
3 It's not intended to be a full-blown report. It is
4 simply a means for you to get sort of an idea of
5 what the schools are doing and just to capture a
6 little bit of information around the schools that
7 will be coming up for either renewal or ones that
8 we're going to have to look at after their first
9 year.

10 So just -- it was not intended as a
11 comprehensive report. And when we get the design of
12 what's really required, you'll have a lot more depth
13 of information.

14 COMMISSIONER SHEARMAN: May I just add
15 one --

16 THE CHAIR: So we have removed "skimpy"
17 and put "snapshot."

18 COMMISSIONER BERGMAN: I apologize for
19 that. It wasn't really a good term.

20 THE CHAIR: Commissioner Shearman.

21 COMMISSIONER SHEARMAN: I just wanted to
22 ask you, on Village Academy. There were some very
23 specific financial conditions put on them as well.
24 And I just don't see any reference to that.

25 MS. CALLAHAN: Mr. Chair, Commissioner

1 Shearman, actually, there is a reference in the
2 report. Let me get there and I'll direct.
3 Mr. Chair, if I may?

4 THE CHAIR: Yes.

5 MS. CALLAHAN: The -- No. 2 under the
6 Commendations, Commissioner Shearman, it says, "Upon
7 renewal, the PEC recommended that the Village
8 Academy be placed on a monitoring plan with the PED
9 School Budget and Finance Analysis Bureau. The
10 Village Academy was required to submit monthly
11 reports during the '10-'11 school year. And the
12 Bureau is currently requiring only quarterly reports
13 and indicates no concerns for the 2011-'12.

14 So they met the conditions of the
15 monitoring.

16 COMMISSIONER SHEARMAN: Surely, though, at
17 renewal, we'll get audit findings and so forth,
18 because that was a big part of it. And then may I
19 ask you what the basis for the progress under No. 1?
20 What's the baseline? What was used for the
21 baseline?

22 MS. CALLAHAN: Mr. Chair, Commissioners,
23 Commissioner Shearman, the baseline from the
24 2009-2010 -- it looks like in that chart the
25 2009-'10 results were the baseline. And the '10-'11

1 results in math and reading are the gains from that
2 baseline. I apologize. The actual baseline
3 numbers, the chart has the target that was set by
4 the PEC. If you see the first in math is 22.71,
5 which was an 8-percent gain. You guys set very
6 specific gains that they had to do.

7 COMMISSIONER SHEARMAN: I'm reading it
8 right here.

9 MS. CALLAHAN: But the actual baseline
10 numbers for you are not included on that. The
11 numbers are in the record, but it's not included on
12 that.

13 COMMISSIONER SHEARMAN: What is baseline,
14 though?

15 MS. CALLAHAN: The 2009-2010 results of
16 the New Mexico SBA.

17 COMMISSIONER SHEARMAN: The target
18 percentage to be proficient, or their scores at that
19 time, or -- I'm not clear.

20 MS. CALLAHAN: Okay. Let me consult with
21 the person who put together the report and see if we
22 can get a -- clearer.

23 MS. EHLERT: The actual goals are on the
24 opposite side of the page, I believe, the goals that
25 were stated.

1 (Ms. Callahan consults with Ms. Ehlert.)

2 MS. CALLAHAN: Mr. Chairman, Commissioner
3 Shearman, the -- we don't have the actual numbers.
4 But when we do the review for the --

5 COMMISSIONER SHEARMAN: We're talking
6 these? Right? [Indicates.]

7 MS. CALLAHAN: Yes, correct, Commissioner.
8 When we do the renewal documentation, there's very
9 specific information that is laid out for every
10 school year that then will correlate to what it is
11 that you are asking for the improvements.

12 COMMISSIONER SHEARMAN: But what -- I'm
13 just -- I can't figure out what the baseline is.
14 For instance, in 2010-'11, now, what's that dated on
15 here? When you say '10-'11 on here, what would be
16 the date of the school accountability report? Is
17 that the '09-'10? Because they don't go together.

18 MS. CALLAHAN: Mr. Chair, Commissioner
19 Shearman, the information that you're looking for is
20 the '10-'11 data; is that correct?

21 COMMISSIONER SHEARMAN: I'm looking --
22 yeah.

23 MS. CALLAHAN: The '10-'11 data on the
24 reports for the schools would actually be the
25 '11-'12 title. And that would include, then, the

1 '10-'11 report.

2 COMMISSIONER SHEARMAN: But, see, I think
3 we're missing a year there. Because it was December
4 2009 that they -- that we voted on this renewal. So
5 that's the '09-'10 school year. So the '10-'11
6 school year is the first year. Would it not be the
7 first year that those requirements would be in
8 place, or are they given a year after the conditions
9 are set on them, given a year to start bringing them
10 up?

11 COMMISSIONER GANT: Unh-unh.

12 COMMISSIONER SHEARMAN: So it's
13 actually -- it's actually going to take them four
14 years to meet a three-year requirement?

15 MS. CALLAHAN: Mr. Chairman, Commissioner
16 Shearman, the 2009 -- it was December of 2009 that
17 they were approved -- I'm -- I wasn't here, so I'm
18 trying --

19 COMMISSIONER SHEARMAN: December of 2009
20 is when we voted to renew them for three years and
21 put the conditions on.

22 MS. CALLAHAN: Right, right.

23 COMMISSIONER SHEARMAN: So that's the
24 '09-'10 school year.

25 MS. CALLAHAN: So the '09-'10 school year.

1 So they were in midyear, so their first full -- are
2 you thinking that then the '09-'10 school year
3 should count as far as the --

4 COMMISSIONER SHEARMAN: '10-'11.

5 MS. CALLAHAN: -- the '10-'11 school year.
6 So the '09 --

7 COMMISSIONER SHEARMAN: Is '10-'11 the
8 baseline?

9 MS. CALLAHAN: I guess that's a question
10 that we need --

11 COMMISSIONER SHEARMAN: Rather than take
12 any more time -- we're all tired and my brain has
13 ceased to function. Maybe if you could review that,
14 check into it a little bit and let me know?

15 MS. CALLAHAN: Mr. Chair, Commissioner
16 Shearman, yes, we will.

17 COMMISSIONER SHEARMAN: Thank you.

18 THE CHAIR: Item No. 18 is New Mexico PEC
19 Comments. So PEC Liaison Role Appointments. We
20 did -- I want to thank Beverly Friedman for doing
21 the electronic work on this and getting the
22 preferences from the Commissioners.

23 On the -- this is a draft now; get this
24 paperwork out, this one sheet. The PEC Legislative
25 Committee is a committee. So it would be moved up

1 outside of the liaison roles under the New Mexico
2 Public Education Committee membership.

3 So you have Charter Schools Committee,
4 Career Technical Education Committee, Strategic
5 Planning Committee, and the PEC -- and the
6 Legislative Committee. So we'll move that up there.
7 And I have the members: Carolyn Shearman, Eugene
8 Gant, Vince Bergman, and Jeff Carr.

9 The changes I have here are minimal. I
10 believe we put Commissioner Canfield on the
11 Strategic Planning Committee and Jeff Carr also? Is
12 that correct?

13 COMMISSIONER CARR: I asked to be on it.

14 THE CHAIR: Asked to be on it, yes. So
15 I'll go ahead and -- I didn't name a chair, did I?

16 COMMISSIONER BERGMAN: I don't think so.

17 THE CHAIR: So I would like to name
18 Gilbert Peralta the chair of that committee. Do you
19 accept that, Mr. Peralta?

20 COMMISSIONER PERALTA: Yes.

21 THE CHAIR: All right. So Commissioner
22 Peralta is chair of the Strategic Planning
23 Committee, and members are Peralta, Canfield, and
24 Carr.

25 And then I also added Commissioner Peralta

1 as the backup to Commissioner Pogna on the
2 New Mexico Public School Insurance Authority,
3 NMPSIA.

4 And then on the bottom, the NASBE Healthy
5 Schools Network, there's URL's that I find once in a
6 while with NASBE, but they don't seem to be doing
7 much with it. They have a few minimal obesity
8 projects going on. But if anything comes up, I'll
9 let you know. But I think we can delete that from
10 the list here.

11 I have everything -- I have everything
12 else as the same, except I would like to make -- I
13 haven't decided on a deletion. The NASBE Government
14 Affairs Committee. I did talk with Tony Shivers
15 from NASBE. And he stated that unless I requested
16 it, that my term was a one-year. And because we --
17 we deferred this March conference to send some folks
18 to the national conference, I haven't decided
19 whether -- whether I want to go to the national or
20 send another Commissioner that's going to continue
21 on beyond December of 2012.

22 So let's go ahead and take -- delete that,
23 the Government Affairs Committee that I'm not on,
24 because I don't want to commit to Tony if I decide
25 otherwise.

1 And that committee, to be -- to be frank,
2 is -- it's stonewalled. If EFCA [ph] doesn't get
3 authorized -- then it's going to, then it doesn't --
4 everyone is just kind of spinning their wheels, and
5 they're just waiting for someone to make a decision.

6 Did I miss anyone in regard to these
7 assignments? Commissioner Canfield? I think I
8 have -- I just have you in the Strategic Planning.
9 I don't -- oh, I do have you on the New Mexico
10 Indian Education Advisory Council, and you requested
11 that back in December.

12 COMMISSIONER CANFIELD: Sure. Happy to
13 serve.

14 THE CHAIR: And I believe that's it. Were
15 there any other -- Commissioner Gant.

16 COMMISSIONER GANT: Mr. Chair, you moved
17 Commissioner Carr out of CTE to Strategic Planning.
18 Is he going to cover two of them, or are we going to
19 put somebody else in there in his place?

20 THE CHAIR: That's a great point. Is
21 there anyone that wanted to join who doesn't serve
22 on a current committee that would like to move to
23 the Career Technical Education in lieu of
24 Commissioner Carr?

25 COMMISSIONER BERGMAN: Well, if you're

1 going to leave it open, if we ever get another
2 appointment, maybe you could put that person into
3 that committee. If we ever do, yeah.

4 THE CHAIR: Commissioner Gant has almost
5 served as a one-man committee because, with his
6 working relationship with Dr. Lomax, has done a
7 really good job. With Carla Lopez and Gene Gant,
8 we'll leave that position open in case we get an
9 appointment. That's a great suggestion. Thank you
10 very much.

11 Any other items? We don't need a vote on
12 this, do we, Mr. Ventura?

13 MR. VENTURA: No.

14 THE CHAIR: Thank you. The last thing I
15 have is Commissioner Comments, and I plan to leave
16 in ten minutes because I have to get to this darn --
17 they're already calling me from this wedding
18 rehearsal.

19 COMMISSIONER SHEARMAN: Are you getting
20 married?

21 THE CHAIR: I said "wedding rehearsal."
22 I've been married.

23 COMMISSIONER SHEARMAN: I just wondered
24 whose wedding it was.

25 THE CHAIR: Me and my mistress. My wife's

1 brother, my brother-in-law is going to bat again.
2 So second time is a charm. Right. Commissioner
3 Comments. Commissioner Gant.

4 COMMISSIONER GANT: I'll make it simple.
5 I gave each of you one of these. It's with the --

6 THE CHAIR: Yes.

7 COMMISSIONER GANT: -- with the school
8 grading thing. It's rather lengthy. I won't go
9 into it. I would like it put in the record.

10 Basically, I had a bunch of concerns about
11 the school grading system and the fact it won't be
12 really, really finalized till the end of June. And
13 I see some training problems for us. I see training
14 problems for the CSB in preparation for the new
15 charter school applications and the renewal charter
16 applications and how they'll be handled.

17 This doesn't need to be voted on. But
18 I've made some recommendations for training, getting
19 information -- and this includes the school
20 districts. We're not the only ones that do renewals
21 and do new charter applications. And, frankly, I
22 talked to one of the brightest guys I know Wednesday
23 about this new grading system. And he's a
24 statistician; he understands stats; he understands
25 all this stuff.

1 But he says, "I don't understand this."
2 So if he doesn't understand it, I'm sure I don't
3 understand it. I've given you books. But somehow,
4 Ms. Callahan and Mr. Chair, we need some training on
5 this before we start evaluating anything, if it's
6 going to be part of new charter applications and
7 renewal applications, you know.

8 So we're going to have two different
9 systems for renewals, because the current charter
10 systems under the old -- under the old Leave No
11 Lawyer Behind -- I mean, Leave No Child Behind.
12 Okay?

13 But -- so we need the training on this,
14 because we're going to face some issues that we
15 don't even know about yet. You can put it in the
16 record, if you would, and you guys can read it
17 yourself. And I would highly recommend -- I know
18 it's not good bedtime reading. But read that
19 manual. Because that is the source of the -- of
20 what they live by. It's funny writing, but it's
21 worth the read, okay?

22 All right. I'm getting part of it, but
23 leave it with that, okay?

24 THE CHAIR: Commissioner Pogna.

25 COMMISSIONER POGNA: Will that take the

1 place of my murder mystery?

2 COMMISSIONER GANT: Well, it's a drama
3 yeah, it is a mystery.

4 THE CHAIR: Commissioner Shearman.

5 COMMISSIONER SHEARMAN: I will talk really
6 fast. When we're setting up to have the
7 Executive -- don't laugh, Beverly --

8 MS. FRIEDMAN: What is that?

9 COMMISSIONER SHEARMAN: When we're setting
10 up to have the Executive Committee to call to set
11 the agenda for a meeting, we always get a draft
12 agenda that you have prepared, sort of a general
13 thing, but with anything that's on it that we have
14 identified in meetings or whatever needs to be
15 brought up. Rather than just sending that to the
16 Executive Committee, I think every Commissioner
17 should receive that draft agenda to know what's
18 being considered, and then if anyone has an idea for
19 something that needs to be on the agenda, an item
20 that needs to be discussed, whatever, they can
21 communicate that to one of the officers and see
22 about getting it on the agenda.

23 But we need to get that information out.
24 We're not doing as good a job, I think, as we could
25 on disseminating information to everybody.

1 MS. FRIEDMAN: Will do. No problem.

2 COMMISSIONER SHEARMAN: Thank you very
3 much.

4 THE CHAIR: Any other comments from
5 Commissioners? I want to thank everyone for -- for
6 going through the long day. It was a very, very
7 productive meeting. Ms. Callahan, thank you.
8 Cindy, thanks. And, Beverly, as always.
9 Mr. Ventura, you've been promoted today. Isn't that
10 awesome? The Chair will entertain a motion to
11 adjourn.

12 COMMISSIONER BERGMAN: So move.

13 COMMISSIONER POGNA: Second.

14 THE CHAIR: It's been moved by
15 Commissioner Bergman, seconded by Commissioner Pogna
16 I don't think there will be discussion. All those
17 in favor, say "Aye."

18 (Commissioners in favor so indicate.)

19 THE CHAIR: Meeting adjourned. Thank you.

20 (Proceedings adjourned at 4:32 p.m.)
21
22
23
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25

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3
4
5 REPORTER'S CERTIFICATE

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

12 In testimony whereof, I have hereunto set my
13 hand on March 16, 2012.

14
15
16 _____
17 Cynthia C. Chapman, RMR-CRR, NM CCR #219
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