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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
MEETING

November 1, 2013

9:00 a.m.

Mabry Hall - Jerry Apodaca Education Building  
300 Don Gaspar  
Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

- MR. TONY GERLICZ, Director, Options for Parents
- MS. KELLY CALLAHAN, Director,  
Charter Schools Division
- MS. ABBY LEWIS, Attorney for the PEC
- MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
- MS. JULIA BARNES, PEC Contract Attorney

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1 THE CHAIR: I call to order this regularly  
2 scheduled meeting of the New Mexico Public Education  
3 Commission. Secretary Bergman, I would ask for a  
4 roll call.

5 COMMISSIONER BERGMAN: Commissioner Carr?

6 COMMISSIONER CARR: Here.

7 COMMISSIONER BERGMAN: Commissioner  
8 Conyers?

9 COMMISSIONER CONYERS: Here.

10 COMMISSIONER BERGMAN: Commissioner  
11 Peralta?

12 COMMISSIONER PERALTA: Here.

13 COMMISSIONER BERGMAN: Commissioner Pogna?

14 COMMISSIONER POGNA: Here.

15 COMMISSIONER BERGMAN: Commissioner  
16 Toulouse?

17 COMMISSIONER TOULOUSE: Present.

18 COMMISSIONER BERGMAN: Commissioner Gant?

19 COMMISSIONER GANT: Here.

20 COMMISSIONER BERGMAN: Commissioner  
21 Shearman?

22 THE CHAIR: Here.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman is here.

25 Madame Chairwoman, you have eight members

1 present. You have a quorum.

2 Thank you, Mr. Secretary. We have eight  
3 members present; we do have a quorum. Please stand  
4 for the Pledge of Allegiance and the Salute to the  
5 New Mexico Flag. Commissioner Bergman?

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

8 THE CHAIR: Commissioner Gant, Statement  
9 of Aspiration, please?

10 COMMISSIONER GANT: Madame Chair, members  
11 of the audience, I will start with two quotes from  
12 individuals who lived many, many years ago, but I  
13 believe they're very appropriate for today. These  
14 quotes are for food for thought.

15 The first one is from C. S. Lewis, when he  
16 wrote, "The task of modern educators is not to cut  
17 down jungles, but to irrigate deserts."

18 And Leonardo da Vinci wrote, "Study  
19 without desire spoils the memory and it retains  
20 nothing that it takes in."

21 It is a duty, I believe, of all educators  
22 to provide our students with an opportunity to learn  
23 in an environment that is rigorous and relevant.

24 Da Vinci said the same thing by simply saying that  
25 educators must instill in every student a desire to

1 learn and provide rigorous and relevant classes to  
2 help develop that desire to learn.

3 C. S. Lewis' points -- point -- was that  
4 students without a desire to learn have minds that  
5 will remain wastelands, unable to reach their  
6 full -- their full potential.

7 All politicians, all big corporations with  
8 their ideas of how education systems in our country  
9 must-should operate will never be able to instill in  
10 our students the desire to learn. It is the  
11 teachers and administrators who work daily with our  
12 students who will instill that desire.

13 It is the duty of the Public Education  
14 Commission Commissioners to do all we can to support  
15 the frontline of education, our teachers and  
16 administrators, in our public schools, so that they  
17 can do their duty to properly educate our students.

18 We should never forget our duty, our only  
19 duty, is to serve all of New Mexico's students,  
20 teachers, and administrators. Anything else is a  
21 distraction from our mission and a failure to meet  
22 our oath of office, which was-is to support the  
23 Constitution of the United States and New Mexico and  
24 the statutes and laws associated with those great  
25 documents.

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1           Finally, service to all our students must  
2 remain our highest priority, our only priority.

3           Thank you.

4           THE CHAIR: Thank you, Commissioner.

5           Next item on the agenda is Approval of the  
6 Agenda. I will remind you that agenda items may be  
7 reordered, but that nothing can be added to the  
8 agenda. Are there any corrections to the agenda?

9           COMMISSIONER CARR: I move we accept the  
10 agenda, as written.

11           COMMISSIONER POGNA: Second.

12           COMMISSIONER BERGMAN: Second.

13           THE CHAIR: Motion and second to approve  
14 the agenda, as presented. Any discussion? All  
15 those in favor, please say "Aye."

16           (Commissioners indicate.)

17           THE CHAIR: Any opposed? The agenda is  
18 unanimously approved.

19           Item No. 3 is approval of minutes for the  
20 April -- pardon me -- September 26 and 27 meeting.  
21 Any corrections or comments on the minutes?

22           Commissioner Peralta?

23           COMMISSIONER PERALTA: Madame Chair,  
24 the -- on the 26th, Page 7, line 4, correct -- let's  
25 see.

1 THE CHAIR: Would you please say that  
2 again? I didn't hear you.

3 COMMISSIONER PERALTA: Page 7, line 4.

4 COMMISSIONER GANT: On September 26th.

5 COMMISSIONER PERALTA: Let's see here,  
6 September 26th. I'm looking at the right minutes.  
7 It made a reference to NCLB. And it's just a  
8 misspelled -- an error on that. Instead of  
9 N-I-C-K-L-E-B-Y, it should have the mnemonics,  
10 N-C-L-B. I think it's there; right?

11 And there was one, other page, 194,  
12 line 8. And I don't know -- maybe Mr. Gerlicz can  
13 clarify that for me. But he did make reference to  
14 "Madame Secretary." I think this should be "Madame  
15 Chair." Am I in the right place? Does that make  
16 sense?

17 MR. GERLICZ: That makes sense.

18 THE CHAIR: It should be --

19 COMMISSIONER PERALTA: "Madame Chair," I  
20 believe.

21 THE CHAIR: Instead of "Madame Secretary."

22 MR. GERLICZ: It was a Freudian slip, I  
23 believe.

24 COMMISSIONER PERALTA: Those were the only  
25 two I have, Madame Chair.

1 THE CHAIR: Thank you, Commissioner. Any  
2 other corrections to the minutes? Well, you were  
3 ahead of me, Commissioner Peralta, because I didn't  
4 find either of those. So, congratulations on your  
5 eagle eyes.

6 If there are no other corrections, the  
7 Chair would entertain a motion. Commissioner  
8 Bergman?

9 COMMISSIONER BERGMAN: I move that the  
10 Public Education Commission approve the minutes for  
11 the September 26th, 2013, meeting with the changes  
12 that have been noted.

13 THE CHAIR: Is that 26th and 27th?

14 COMMISSIONER BERGMAN: No, we're just  
15 doing the 26th right now.

16 THE CHAIR: Just the 26th. Do I hear a  
17 second?

18 COMMISSIONER POGNA: I second.

19 THE CHAIR: Motion and second to approve  
20 the September 26th minutes, as corrected. Any  
21 discussion?

22 All those in favor, please say "Aye."

23 (Commissioners indicate.)

24 THE CHAIR: Any opposed, please say "No"?

25 The motion carries unanimously. The September 26th

1 minutes are approved.

2 Let's look at the September 27th minutes.  
3 Any corrections, changes, additions to the  
4 September 27th minutes?

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

7 COMMISSIONER CARR: So move.

8 COMMISSIONER PERALTA: Second.

9 THE CHAIR: We have a motion and second to  
10 approve the September 27 minutes, as presented. Any  
11 discussion? All those in favor, please say "Aye."

12 (Commissioners indicate.)

13 THE CHAIR: Any opposed, say "No"? The  
14 minutes are approved unanimously, as presented.  
15 Thank you very much.

16 Let's go to Item No. 4. I do not believe  
17 the Secretary is here. When last I visited with  
18 her, she said she did not think she would be able to  
19 be here today.

20 The same with item No. 5, Report from  
21 Deputy Secretary Aguilar. He is in an ERB meeting  
22 today, seeing about our money, or the retirees'  
23 money, I guess I should say. And they both send  
24 their regrets that they could not be here.

25 Let's move to Item No. 6, Report from

1 Options for Parents and the Charter School Division.  
2 Mr. Gerlicz?

3 MR. GERLICZ: Madame Chair, members of the  
4 Committee, it has been a very busy -- I would say  
5 probably our busiest -- month of the year in  
6 October, as we continue our site visits to the  
7 renewal schools, utilizing our two-day visits to  
8 these schools.

9 I wanted to bring the Commission up to  
10 speed with the fact that Commissioner Conyers, Ron  
11 Christopherson, and myself attended the NACSA  
12 conference. While there, I personally learned a  
13 good deal about how other states were conducting  
14 their business in authorizing schools.

15 In one sense, no state has it completely  
16 figured out yet, which was interesting to me. When  
17 I inquired to the NACSA leadership if we could look  
18 at a state that they thought would have just the  
19 best model to look at and learn from, they said,  
20 "Well, look at Washington State, because they don't  
21 have one yet."

22 And, by that, they are the latest state,  
23 along with Maine last year, to vote in charter  
24 schools. So, they're in the process of setting up  
25 their authorizing procedures. And NACSA was very

1 involved in Washington in setting up their NACSA  
2 procedures and spoke very highly of the setup that  
3 they have. So, that might be an interesting one to  
4 see.

5 I did order, for the Commission, a set of  
6 documents. This one was particularly interesting to  
7 me. It has not yet arrived, unfortunately;  
8 otherwise, I would pass them out. But it is the  
9 Index of Essential Practices, again, put out by  
10 NACSA, Volume 2012. And it's a very, very nice  
11 document, full of tangible, easily followed, best  
12 practices that they think should occur among all  
13 authorizers, a 12-step sort of plan for authorizers.

14 So, perhaps it could be a great discussion  
15 item with the PEC Commissioners and the Charter  
16 School Division to reserve some time -- when these  
17 come in, we'll send them out, and perhaps we could  
18 reserve some time, either at a meeting or at a  
19 separate session, or with the Executive Committee,  
20 to go over some of the highlights of the document,  
21 which I think would be interesting.

22 The other document that I ordered for the  
23 Commission is this one, titled, Anecdotes Are Not  
24 Enough -- Aren't Enough. This is an evidence-based  
25 approach to accountability for alternative charter

1 schools.

2 I have been on a working group of NACSA  
3 for the past year, talking about alternative ways  
4 that we not only authorize, but evaluate, schools  
5 and charter schools that deal with a very  
6 alternative population, a population that is not  
7 succeeding in schools. We have quite a number of  
8 charter schools that are dealing with that  
9 population. We call them SAM schools, Supplemental  
10 Accountability Measures. Other states call them  
11 differently.

12 This is the White Paper, if you will, on  
13 how those states are dealing with those schools,  
14 also, very interesting for the Commission to read.

15 I see in the audience that Susan Coates is  
16 here. I asked her to come. Susan has been a true  
17 blessing to the Charter School Division since she  
18 has come on board over a year ago, because she  
19 understands charter schools and education and is our  
20 IT person that helps us organize all of our data,  
21 all of our communication through our website  
22 portals, has been a -- just, very, very useful in  
23 creating a database for all of our schools that we  
24 attend to regularly, and in communicating with the  
25 PEC and sharing file transfers.

1 I've asked her to come in to say a few  
2 words about the latest project of using our  
3 SharePoint site and creating a separate PEC portal  
4 for that SharePoint site and how that would work.

5 So, Susan, if you could just give us a  
6 brief update on that process.

7 MS. COATES: Sure. I'm Susan Coates.

8 MR. GERLICZ: And you'll need to spell  
9 your name to the --

10 MS. COATES: C-O-A-T-E-S.

11 THE CHAIR: Susan, please come up to the  
12 table and use the mic, and that way, everyone can  
13 hear you very well.

14 (A discussion was held off the record.)

15 MS. COATES: I have to hold it down while  
16 I'm talking.

17 Let me ask. Have any of you used  
18 SharePoint? Are you familiar with SharePoint?

19 MS. FRIEDMAN: Then pull it closer to you.

20 MS. COATES: Pardon me.

21 MS. FRIEDMAN: Pull it closer to you.

22 MS. COATES: It's embarrassing. I say I'm  
23 in IT, and I'm struggling with a microphone.

24 We -- the Charter Schools started using  
25 SharePoint as a platform for working off-site and

1 collaborating on documents and using a share  
2 calendar about a year ago. The site is still under  
3 development. Since I'm not in IT, we -- we're  
4 learning a little more slowly.

5 We set up a file transfer site on  
6 SharePoint for new applicants and renewal schools to  
7 use to upload their documents, and -- as they became  
8 available, and for us to download them, and, then,  
9 respond to them with our analyses.

10 We want to open up this file transfer site  
11 to you, the Commissioners, so that you will have the  
12 same immediate access to the documents as they  
13 become available. In order to do this, we have  
14 people in IT setting you up with log-on information.  
15 And I'll be in contact with you, through Beverly, to  
16 make sure that you have that information and can  
17 start using it.

18 We also are in process of setting the PEC  
19 up with its own team site, so that you can also make  
20 use of your own share calendar. And our goal is to  
21 take some of the events on our calendar that you  
22 would be interested in. For instance, when we're  
23 scheduling site visits or when deadlines for  
24 applications are due, or trainings for reviewers are  
25 happening, those will show up on your calendar, as

1 well.

2 The date to get the renewal preliminary  
3 analyses done is November 14. And I'm going to go  
4 ahead and send those as attachments to e-mails to  
5 Beverly, because I -- it's only two weeks away, and  
6 I'm not confident that we'll have everything in  
7 place for you to be able to log in and look at the  
8 SharePoint file transfer site for these analyses.

9 But I also -- it's sort of a dual  
10 approach. You'll have the attachments in your  
11 e-mails, but you'll also be able, hopefully, to be  
12 able to use SharePoint and log in and see how it  
13 works. And, of course, it's all in development, and  
14 we're always looking for feedback.

15 Do you have any questions of me at this  
16 time?

17 THE CHAIR: Commissioner Gant?

18 COMMISSIONER GANT: Madame Chair,  
19 question, if I may. We'll have to develop -- many  
20 of you -- you probably said it, but I missed it.  
21 We'll have to set up our own passwords and things  
22 like that to get in there; is that correct?

23 MS. COATES: Commissioner, the password is  
24 assigned by -- I'm working with Andy Hutton in IT,  
25 and he actually assigns the passwords and sets up

1 the users on it. And I'll work with him for  
2 permissions. I'm learning SharePoint as we develop  
3 this. But you'll each have your own log-on, which  
4 happens to be your e-mail. And that's what he's  
5 using, the e-mail that's posted on the PEC website  
6 will be the log-on, and then there will be an  
7 assigned password, plus, an address to go to.

8 COMMISSIONER GANT: Madame Chair, I would  
9 suggest that all Commissioners check what their  
10 e-mail address is on the website to make sure it is  
11 current and up-to-date.

12 THE CHAIR: That's a really good thought.  
13 Sometimes we change those e-mail addresses and  
14 forget to notify everybody in a timely manner. I  
15 forget who all has those e-mail addresses.

16 Any other questions of Susan?

17 I just have one. Susan, I love the audit  
18 report that you do for us every year. And I know  
19 it's a huge pile of work, and you provide us with  
20 just really good information.

21 Is that report also going to be loaded on  
22 SharePoint for us?

23 MS. COATES: I can certainly do that. As  
24 you -- as we work together and become more familiar  
25 with that site, our goal is to be able to upload

1 documents that you can see on your site. This is  
2 different than the file transfer site. The file  
3 transfer site is where we look at what charter  
4 schools have uploaded to us. And your own site --  
5 we'll call it the PEC site -- is where we, as the  
6 charter schools, will upload our own documents, such  
7 as the census report that you referred to, and other  
8 documents, as well.

9 THE CHAIR: Pardon me. That audit report,  
10 when it's available, we could download it. Is it in  
11 a format where we could do any kind of sorting,  
12 or -- or pull out certain data?

13 MS. COATES: The report itself is a PDF,  
14 so it's not sortable. But the data that goes into  
15 it comes from spreadsheets, and I could make those  
16 available to you. And there -- we have a database  
17 that is a source for those spreadsheets, and we're  
18 working on making the database available. It's a  
19 little tricky, because we're working with versions  
20 of Microsoft Office and SharePoint, and they're  
21 all -- and IT is planning to upgrade them. So,  
22 there are some limitations working with the versions  
23 that we have.

24 But in the future, going forward, it's  
25 going to make it easier. And I'm looking forward to

1 sharing parts of that database with you. It's a  
2 contact database, so it has staff names; it has  
3 grade levels. It has a lot of information that I  
4 think you would be interested in viewing.

5 THE CHAIR: That would be terrific. Thank  
6 you so much.

7 MS. COATES: Sure.

8 THE CHAIR: Commissioner Gant?

9 COMMISSIONER GANT: Madame Chair, another  
10 question. Because I've been to the SharePoint in my  
11 other lives. And it was platform-specific, what  
12 they had set up. Is this -- you'll notice some of  
13 us are different than the rest of the world here,  
14 so --

15 MS. COATES: It's based on a Web browser.

16 COMMISSIONER GANT: Okay.

17 MS. COATES: And you can access it through  
18 any Web browser that I am aware of. And if you have  
19 any difficulties, then we'll work on it to get it  
20 fixed. But I know MAC users can use it.

21 COMMISSIONER GANT: Okay. Thank you.

22 THE CHAIR: Other questions? Thank you so  
23 much.

24 MS. COATES: Certainly. My pleasure.

25 Thank you --

1 THE CHAIR: We appreciate all that you do  
2 for us.

3 MS. COATES: -- Commissioners.

4 MR. GERLICZ: Thank you, Susan.

5 Continuing, Madame Chair, members of the  
6 Commission, you'll see in your packet the reports on  
7 two schools that we had put in. We continue to work  
8 with those schools, and all of our schools.

9 And that is all I have in my report.  
10 Thank you, Madame Chair.

11 THE CHAIR: Thank you. Commissioners, do  
12 you have questions of Director Gerlicz and his  
13 report?

14 Seeing none, let's move on to Item No. 7,  
15 which is Discussion and Possible Action on the Order  
16 of PEC Meeting Agenda Items.

17 This came to us at Director Gerlicz'  
18 suggestion. And he was suggesting that we possibly  
19 might want to look at the order of our agenda,  
20 allowing folks who travel some distance to come to  
21 our meetings, that perhaps they be accommodated  
22 earlier on the agenda, or at a more specific time in  
23 the agenda, so that they don't have to perhaps sit  
24 all day long waiting for their item to come up.

25 Mr. Gerlicz, would you like to speak to

1 that, and then we'll see if the Commissioners have  
2 some discussion?

3 MR. GERLICZ: Madame Chair, members of the  
4 Commission, the impetus is that is just as you have  
5 said, to -- to be sensitive to the travel and the  
6 cost that members of our community here in the state  
7 incur when they come to the meetings for the agenda.

8 Part of what we think we could do at the  
9 Charter School Division is get some additional  
10 information ahead of time, such as whether, if  
11 people are traveling a distance, have they already  
12 intended to spend the night, and does it matter to  
13 them, or would they seriously prefer to drive up and  
14 drive down in one day. And, perhaps, if we could  
15 get that information ahead of time, that could  
16 influence the order of items of the agenda.

17 So, that's a thought that we had that we  
18 could provide ahead of time. But to be sensitive to  
19 that, so that certain members of our community who  
20 have traveled do not incur unnecessary or unbudgeted  
21 costs as a result of the order of the agenda.

22 THE CHAIR: Commissioners, your thoughts?  
23 Commissioner Gant?

24 COMMISSIONER GANT: Madame Chair, members,  
25 as you know, when we put the agenda together, we

1 sometimes -- with the help of Beverly Friedman --  
2 the agenda together about -- we start at least  
3 probably two weeks out, because we have this  
4 deadline we have.

5 So, when do you think you would get -- be  
6 working with the charters or the individuals coming  
7 in, because they may or may not change their mind,  
8 and, all of a sudden, we set the agenda, 72 hours  
9 out, we're dead; so, we're done.

10 MR. GERLICZ: Madame Chair, Commissioner  
11 Gant, I don't think it'll be an exact science. But  
12 I just think that an effort on our part would help  
13 them, and we'll do the best we can.

14 COMMISSIONER POGNA: Madame Chair?

15 THE CHAIR: Commissioner Pogna?

16 COMMISSIONER POGNA: I think that's a very  
17 good idea. It always bothered me when people from  
18 distances would have to wait for an agenda item,  
19 when we could change it around a bit. I think it's  
20 a great idea.

21 THE CHAIR: Other comments or thoughts?  
22 If you will notice in your notebook, there is a  
23 suggested motion. If anyone wants to make it, if we  
24 want to get that formal, I suppose we also could do  
25 this in an informal way. But Commissioner -- pardon

1 me -- Mr. Gerlicz?

2 MR. GERLICZ: Madame Chair, another  
3 thought on the agenda, not only for -- part of it is  
4 folks that are traveling, but I know in the last  
5 meeting that our executive session went on for quite  
6 some time. And then, the Commission decided to end  
7 the -- adjourn for the day.

8 Perhaps we could move the executive  
9 session to the end of the agenda item -- put it at  
10 the end of the agenda, so that that would eliminate  
11 that potential liability for folks waiting around  
12 thinking that they may still be needed after -- I  
13 mean, maybe it was unique to last time. But that's  
14 another thought that we had, to move the executive  
15 session to the end of the agenda.

16 THE CHAIR: The thought that occurs to me  
17 with moving the executive session -- or the closed  
18 session to the end of the meeting always would be  
19 that sometimes it ties to an agenda item. And that  
20 might not always really work. But as long as we  
21 just keep it as a possibility, you know, we can  
22 consider anything.

23 Commissioners, is it something you want to  
24 vote on, or is this just something that you just  
25 want to be a matter of -- of course, as we're

1 setting the agenda? Commissioner Bergman?

2 COMMISSIONER BERGMAN: Madame Chair, I  
3 would suggest we really don't need to get that  
4 formal. It's just common sense. I agree with the  
5 thrust of what the Director is saying, that whenever  
6 possible, we should always accommodate people from  
7 the far-flung -- we've got schools in Silver City  
8 and in Anthony and everything else. That's just  
9 common sense. I think we've always tried to  
10 accommodate that.

11 So, I think if we just keep it informal,  
12 and as we set our agendas in future executive  
13 committee meetings, as long as we know what's coming  
14 up and what's going to be a part of it, that we look  
15 at who people are that are going to have to present  
16 to us or we're voting or whatever, and, just, as a  
17 matter of common sense, put the people from a  
18 distance, put them at the front of -- their item  
19 when they come to us, so, yes, so they can get out  
20 of here and go home again.

21 THE CHAIR: Are you suggesting,  
22 Commissioner -- I just want to be clear. Say we're  
23 voting on a group of people that want to make  
24 amendments to their charter. You're not suggesting  
25 that we pull out the one charter that's coming from

1 a distance and vote on it, and then leave the others  
2 to be voted on later?

3 COMMISSIONER BERGMAN: Oh, no, that's  
4 not -- it would be within the item, wherever they  
5 would appear on the agenda. But let's see. We've  
6 got -- let's see. In December, we have 13 schools  
7 that are going to appear. The Staff or somebody can  
8 order the schools on their list, because that's who  
9 makes the list anyway, and put the out-of-town  
10 schools on the top of the list and put the schools  
11 in Albuquerque and Santa Fe closer. That would be a  
12 commonsense thing, I would think, and something that  
13 you guys can control.

14 No, I don't want to take it out. It's all  
15 in one little Item No. 8 or Item No. 10. That's all  
16 I'm saying.

17 THE CHAIR: I just wanted to clarify.

18 COMMISSIONER CARR: Madame Chair, I concur  
19 with Commissioner Bergman on this.

20 THE CHAIR: Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Madame Chair, I  
22 also don't think we need a vote. I think it can  
23 work out. But can I make a suggestion on executive  
24 sessions? Boards I've been on before that had them,  
25 had them before you started the regular meeting,

1 which meant you didn't have to send everybody out,  
2 you know, and, then, have them come back in.

3 COMMISSIONER CARR: That's true.

4 COMMISSIONER TOULOUSE: And I know the  
5 Legislature does that, too. Wouldn't it be  
6 easier -- we would do them before we would get to  
7 any agenda item they would cover and get it out of  
8 the way. And that way, we -- I notice we lose  
9 people every time we send them out, and they don't  
10 come back. And I think it's always good to have an  
11 audience.

12 That's a suggestion. I don't think we  
13 need to vote on it, either. I'm just suggesting it  
14 as a way to handle executive sessions.

15 THE CHAIR: Let's ask our attorney to  
16 consider that for us and maybe bring back a  
17 recommendation on that particular item.

18 You know, just as a point of information,  
19 when we set the agenda, it's the Executive Committee  
20 who generally meets in a phone conference with  
21 Beverly, generally, with Tony and Kelly, perhaps  
22 Julia, whomever has got something to say about the  
23 agenda for the upcoming meeting. And we meet on  
24 this phone conference.

25 Beverly will have prepared a draft agenda

1 for us to consider, and that draft agenda goes out  
2 to all Commissioners. And the reason that we asked  
3 for that to happen is so that if you see any item on  
4 the agenda that you want to give us some input, make  
5 suggested changes, or if there are items you want to  
6 add to the agenda, that's your opportunity to  
7 communicate with one of the officers to let them  
8 know, and then they can get it on the agenda.

9 So, we're trying to get as much  
10 information out as early as possible, so everyone  
11 can get their ideas and things that they wanted to  
12 have considered on that agenda in a timely manner.

13 So, I think I'm hearing a consensus that  
14 we want to do -- we want to remain aware of this.  
15 And thank you for sort of bringing it to the  
16 forefront of our consciousness. But I believe the  
17 Commission has made it clear they don't choose to  
18 vote on this. All right?

19 Let's move on to Item No. 8, which is  
20 Discussion and Possible Action on the Offering of a  
21 Contract Template under NMSA 22-8B-9 to be put forth  
22 for Public Comment.

23 And I will ask the PEC attorney, Abby  
24 Lewis, and CSD attorney, Julia Barnes, to bring this  
25 item to us.

1 Abby, would you like to go first?

2 MS. LEWIS: This -- the contract -- there  
3 were four items for this that were e-mailed to --  
4 that were e-mailed to by Beverly. So, those are the  
5 items that we're talking about. One's entitled,  
6 Ongoing School Contract, Revised for Spring 2013;  
7 Performance Framework Revised for Spring 2013;  
8 Ongoing School Contract, Exhibit 3; as well as  
9 Preliminary Contract Revised for Spring 2013.

10 Julia had approached me about the  
11 possibility of putting these templates out for  
12 public comment, and that's how it appeared on the  
13 agenda. So I'm going to turn it over to Julia.

14 MS. BARNES: Thank you. What I'd like to  
15 do is pass out an overview document and get  
16 everybody's feet on the ground about the contracts  
17 again, if that's acceptable.

18 You will recall last year that we posted  
19 the documents that we were going to use in the  
20 negotiation sessions for public comment. We  
21 actually did it for a three-month period of time  
22 last year, because it was the first draft. Every  
23 year, you need to post to consult with your  
24 charters, the PEC's -- the State-authorized  
25 charters, you need to consult with them on the

1 performance frameworks.

2 Last year, and again this year, we're  
3 putting more documents up there: The contract  
4 itself, the initial first-year contract, and the  
5 performance framework.

6 So, our proposal is the same as last year,  
7 which is that you do take action today and approve  
8 them as drafts for comment. You have an  
9 opportunity, then, to receive comment, and, then,  
10 can finalize the documents, potentially, at the next  
11 meeting. We'll talk to Abby about that. We'll need  
12 to start using these templates early in 2014 on the  
13 schools that you choose to renew.

14 So, if it's okay, I'd like to just go over  
15 the contract process. Several of you sit on that  
16 subcommittee, but many of you don't. So maybe  
17 you're not thinking about the contracts every day.

18 Is that acceptable, Madame Chair?

19 THE CHAIR: Please, go ahead.

20 MS. BARNES: All right. So it's a  
21 back-and-forth page. Actually, Kelly, is there a  
22 way you can -- Tony? Thank you.

23 So, Commissioners, if you will recall, I  
24 think it was three or four years ago, there was a  
25 requirement to start doing a contract with any

1 renewing or new school. And it is set forth in  
2 several sections of the Charter School Act. But  
3 what it does is, for the term of the charter -- and  
4 I've used a five-year process, because almost all  
5 charters are approved for a five-year process. Of  
6 course, you don't have to do that, and there have  
7 been some times where you haven't done that.

8 But regardless of the time frame -- so,  
9 this is the typical example. As soon as a school is  
10 renewed, then there is a -- it triggers a  
11 contracting process, where there is a negotiation of  
12 the charter contract. In the renewal process, you  
13 have already established most of the specific terms,  
14 you know, the cap of the school and the grades of  
15 the school, and all of the things that come forward  
16 to you in the renewal process. Those are put into  
17 the charter contract.

18 The -- and, then, each year, there's a  
19 performance framework. And as we're going into the  
20 middle of the page, there are three different  
21 frameworks required by law:

22 There is an educational or academic  
23 framework.

24 There is an organizational framework,  
25 which is a compliance document.

1           And there is a financial framework that  
2 looks at the audit. All of the information in the  
3 financial framework comes from the audit.

4           We are proposing -- last year, you did a  
5 performance framework, and the main thing to look at  
6 is what was in the academic framework. There were  
7 two required things in the academic or educational  
8 framework: The A-through-F grade. That's -- and  
9 we're keeping on the same framework as last year.  
10 We're proposing that; although, that's your  
11 decision.

12           But the draft keeps the same framework as  
13 last year. So A-through-F grade is a required  
14 indicator for the schools to present to you and you  
15 all to look at.

16           The second one is for the schools to  
17 negotiate with the PEC at least one mission-specific  
18 framework, one mission-specific academic framework.  
19 And that's lots of what happens during the  
20 negotiation session. Schools can present more;  
21 several schools did. And that's part of the  
22 negotiation.

23           The other thing about the performance  
24 framework, just to note, is if there is an area of  
25 specific concern that the PEC wants to look at, you

1 can create a specific indicator that looks at that.

2 So, I'm just making something up. Let's  
3 say that you're concerned about their special ed  
4 records. You can put in a specific indicator that  
5 looks at that issue, in specific.

6 And, then, for example, some of the  
7 schools, you did put conditions on their charter  
8 renewal. Those became indicators, so we don't lose  
9 track of them.

10 So, just to finalize what happens each  
11 year: Each year, there's a performance framework.  
12 CSD goes, at the end of the year, and says to the  
13 school, "How did you do on this performance  
14 framework? What was your school grade? Show us if  
15 you complied. How did you do on your mission  
16 specific goal?"

17 They do a compliance checklist of all of  
18 the organizational framework. So, they look  
19 backwards for one year, and say, "How did it go?"

20 They turn around at the same time and say,  
21 "Do you want to make any changes to your performance  
22 framework this year?"

23 So, everybody has an opportunity to say,  
24 once a year, on the performance framework, "Yeah, I  
25 want to change this," or, "I want to change a lot."

1 So, it's possible that a school could make no  
2 changes to the performance framework, adopt the same  
3 one as the year previously. It may be easy for you  
4 all to approve that.

5 Or, they may say, "Wow. We really want to  
6 negotiate a lot of new things," and there may be  
7 another negotiation session.

8 So, the contract is for the term of the  
9 charter. The performance framework is annual.

10 Turning to -- so, that's what this first  
11 page shows you.

12 The second page, or the back page, shows  
13 you the back-and-forth each year, okay? So, let's  
14 talk about the documents we are asking you to adopt  
15 in draft for public comment.

16 The contract template was initially  
17 approved by you last year, and then a bunch of  
18 lawyers looked at it. Like, a lot of lawyers looked  
19 at it, so you may guess it's a little bit  
20 different -- it's not much different. I actually  
21 really think it was tightened up quite  
22 substantially.

23 A lot of the comments that were put into  
24 the -- this "edited version" is what we're calling  
25 it, make it clearer to charters when they're

1 supposed to do things. A lot of the comments we got  
2 from charter school attorneys is the schools should  
3 know clearly when something is supposed to happen.  
4 There was a lot of discussion over some of the  
5 procurement code provisions, to make it consistent  
6 with the procurement code. They are technical in  
7 nature. We're happy to talk to anybody about them.

8 But the version that we're asking you to  
9 adopt for comment is the one discussed by all of the  
10 attorneys.

11 Exhibit 3 is just one of the exhibits.  
12 It's just a form. It's there. The "New School  
13 Preliminary Contract," we call it, is a document  
14 that allows a new school -- so this year there's  
15 two; you approved two new charters. It has them  
16 agree to do the Planning Year Checklist and has them  
17 agree to come back and negotiate a contract before  
18 you commence them to operate.

19 It just -- as soon as they've been  
20 approved, they haven't had the benefit of the  
21 planning year. It's difficult to negotiate that  
22 early in their planning year. It just extends it.

23 Those are the three contracts: The  
24 lawyer-edited contract, the exhibit preliminary year  
25 contract for new schools to enter into a planning

1 year; and, then, the performance frameworks for  
2 2013 -- 2014-'15 -- yes -- 2014-'15.

3           Again, I wanted to just tell you, it is  
4 unchanged from last year. Our proposal is that it  
5 be unchanged from last year. But that's just our  
6 proposal for your discussion.

7           I want to say one more technical thing.  
8 The Charter School Division, under the direction of  
9 the Secretary, actually, at the PEC meeting, to  
10 reduce additional work for charter schools, directed  
11 Tony's division to look at how to streamline things  
12 for charters. One of those possible things to  
13 streamline is to have this contract become the  
14 Educational Plan for Student Success.

15           Presently, they enter into a contract and  
16 they also have to do the whole EPSS process. It is  
17 possible -- may be possible to combine those. We're  
18 checking, because that has to be okay with the  
19 federal government, and it has to be okay with the  
20 cabinet secretary, and it has to work. If it does  
21 work, it would probably add a couple of things to  
22 the performance framework.

23           So, it's possible that, by December, we'll  
24 have a more formal answer. And, if so, there may be  
25 technical things that are added to the performance

1 frameworks to allow charters to knock off two birds  
2 with one stone with the performance frameworks.

3 So, I'm just giving you a heads-up that  
4 the -- that the Division may come to you and say,  
5 "We want to add a few things," and that's why they  
6 may want to.

7 THE CHAIR: But, Julia, it's not our  
8 decision; it's not a PEC decision that the schools  
9 can use their contract and the frameworks for EPPS;  
10 is that correct?

11 MS. BARNES: It's correct. It's not your  
12 decision whether that can happen or not. However, I  
13 will say, you would allow it -- let's say that does  
14 work out, that everybody gives us a green light.  
15 You would allow that to happen by adding some things  
16 to the performance framework.

17 THE CHAIR: Okay. Commissioner Bergman?

18 COMMISSIONER BERGMAN: Yeah, I'm not  
19 comfortable with that. We're talking about changing  
20 our process here. And I was going to call --  
21 because I notice Julia said the PEC is not involved  
22 in all this process that's making that decision.  
23 And I would disagree.

24 The PEC is involved in making that  
25 decision because we're talking about changing the

1 performance frameworks, and that's part of our  
2 process. And I -- are we ready to start discussion?  
3 Were you finished, Julia?

4 MS. BARNES: Let me just clarify. It's  
5 unclear whether it could even happen or not.

6 COMMISSIONER BERGMAN: Oh, yeah.

7 MS. BARNES: So, it's even premature to  
8 bring it to you. We don't even know what we would  
9 propose. I just wanted to give you a heads-up.  
10 That conversation is happening.

11 The second thing is, just to be really  
12 clear what we're asking you to do, we're asking you  
13 to approve some documents, in draft, so that there  
14 can be public comment, and so that your approval  
15 process will not happen at this meeting, but would  
16 happen probably the next meeting.

17 THE CHAIR: Commissioner?

18 COMMISSIONER BERGMAN: And I continue.  
19 First off, I -- I think I want to start with this  
20 public comment deal. What State statute mandates  
21 that our forms have to go out for public comment?  
22 They're not rules; they're not regulations. They're  
23 forms, and they're tools. Can you cite the State  
24 statute to me?

25 MS. BARNES: Yes. The -- only the

1 performance framework, the PEC -- any authorizer has  
2 to consult with its charters on the form of the  
3 performance framework.

4 MS. LEWIS: I'm sorry to interrupt you,  
5 Julia. I think we're looking at 9.1. Is that the  
6 one you're talking about? Specifically says, "The  
7 annual performance targets shall be set with each  
8 chartering authority, in consultation with the  
9 charter schools."

10 But it doesn't say that the frameworks.

11 MS. BARNES: The targets are within the  
12 frameworks, so --

13 MS. LEWIS: Right. But I guess I took  
14 that as a reference to the goals, for example, that  
15 we were talking about, versus the form of the -- so,  
16 I believe -- I do believe, Commissioner, that it  
17 would be up to you, based on the plain language of  
18 this statute, whether to put the whole frameworks  
19 out for public comment. But, obviously, you do need  
20 to consult with the school on the performance  
21 targets.

22 COMMISSIONER BERGMAN: Yeah, I understand  
23 that part. And that's the negotiation part of it.

24 But I think you can tell where I'm coming  
25 from. I don't think these documents have to go out

1 for public comment. I don't remember that you sent  
2 out the stuff last year that you said you sent out.  
3 I don't remember that. For some reason, I have no  
4 memory of that.

5 These are just tools and forms. They're  
6 not rules. We're not proposing to change rules;  
7 we're not proposing to change regulations. Yeah,  
8 those kind of things have to go out for public  
9 comment. I don't see what good is going to be  
10 accomplished to sending this out to the citizens of  
11 the state of New Mexico and have 800,000 of them  
12 reply on what they think of this contract.

13 Because, when you say "putting it out for  
14 public comment," are you talking about to the  
15 public? You just used the term "charter schools."  
16 Are you saying, "We're just going to send these  
17 documents to the charter schools"? Is that what  
18 you're saying? Is that for public comment?

19 MS. BARNES: What we did last year was we  
20 got input. They were approved at a September  
21 meeting, and they were finalized at a December  
22 meeting.

23 And they were posted as documents on the  
24 website. And anyone that -- actually, we did a  
25 large outreach last year, trying to make sure that

1 our charter schools knew what was happening, and  
2 that these were the forms you were going to use when  
3 you negotiated with them.

4 I think we got -- we got a lot of comments  
5 last year, and it really -- I'll just really state  
6 my own personal opinion. I found it to be very  
7 helpful. I agree, you do not have to do the form of  
8 templates. I mean, I guess Abby and I could discuss  
9 whether the performance framework -- you need to  
10 consult with your charters each year, and you need  
11 to have a mechanism to do that. So, probably, you  
12 don't need the form of contract template; although,  
13 I think it does say, to the 13 schools that are  
14 coming up, "This is the document that we are going  
15 to use -- or PEC is going to use as the base when we  
16 come to the negotiation table."

17 So I don't think, technically, you have  
18 to; although, I will just say my opinion, that it  
19 was very helpful.

20 COMMISSIONER BERGMAN: Here again, see,  
21 you brought us this nice document. You said you  
22 lawyers changed this document. Well, I didn't --  
23 this is the first I've seen this document. And I've  
24 already just thumbed through it. I would make a  
25 suggestion for, in the future, when you bring a new

1 document like this to me, I would like to see the  
2 old language that you had in there, and I would like  
3 to see the new language that you're presenting. I  
4 make that to both of the attorneys that are present  
5 here today.

6 Right now, all I see is your new language.  
7 I don't know what you replaced. I have no idea what  
8 you took out. I don't have the old contract in my  
9 possession anymore. I got rid of it, because I  
10 thought we were done with that, until we decided we  
11 were going to change it again.

12 And I know you're not asking us to vote on  
13 this today. I'm just not sure we need to vote to  
14 put it out to public comment. Sharing it with the  
15 charter schools? Sure, they're the ones that are  
16 going to be working with it. But I'm not sure  
17 John Q. Public needs to weigh in on our documents.  
18 That's just -- I'm speaking, I guess, personally  
19 now, but I am a Commissioner, too, so -- and that  
20 was just my thought.

21 And I would like that one change: In the  
22 future, when any of our documents are changed, that  
23 whoever is changing them should give us both the old  
24 language and the proposed new language, so we can  
25 see what we're losing or gaining, or both.

1 MS. LEWIS: Commissioner Bergman, you --  
2 this is, actually -- you have seen it before, but it  
3 was in the form of the New Mexico Connections  
4 contract, because it's my understanding that this is  
5 that that we all negotiated, and we had the meeting  
6 at the State Bar, with the specifics removed. And  
7 that was when Julia made a presentation to you all,  
8 and I think we did have to end up cutting that off a  
9 little early.

10 But we managed to get through a lot of  
11 this. So, you've seen it before, and you approved  
12 it just specifically for Connections. But you're  
13 correct in the fact that you did not approve it as a  
14 template, so far. And that's not what we're asking  
15 you to do here today.

16 COMMISSIONER BERGMAN: I understand. And,  
17 of course, I was in that session with New Mexico  
18 Connections. So, yes, I have seen it before. But  
19 that was, what? Six months ago? Eight months ago?  
20 Ten months ago? And, so, my memory would be a  
21 little hazy.

22 We -- yeah, the lawyers and everybody else  
23 in there, we changed a bunch of stuff to make it  
24 more workable; I understand that. But now, I've got  
25 it here, and I'm not going to be able to remember

1 what all those discussions consisted of ten months  
2 ago.

3 So, just -- and, yeah, we made some very  
4 good changes in that meeting, actually. I have no  
5 problem with that. It's just the -- actually, I  
6 guess I've stated my opinion.

7 I'm just not sure we have to put this out  
8 for public comment. I don't think there's a  
9 statutory requirement for that. I think these are  
10 our forms, and I don't know why I want somebody  
11 telling us, 'Oh, you guys didn't get this right,"  
12 when a bunch of lawyers worked it, and we worked it,  
13 and the Charter Schools worked it, and somebody that  
14 has no idea of the process or anything else is going  
15 to come in and say, "You need to do this, and do  
16 that," I'm not comfortable with that.

17 THE CHAIR: Thank you, Commissioner.  
18 Further comments? Mr. Carr?

19 COMMISSIONER CARR: I concur with  
20 Commissioner Bergman, again. I also, though, would  
21 state that we have a public comment at every  
22 meeting, and anybody can come in and say -- talk  
23 about anything, pretty much, they want in regards to  
24 what we do. So, it's already -- there's a process  
25 already in place for people to make comments on

1 every action that we make or intend to make.

2 So, I have a question. I'm not sure how  
3 it works now. But under -- in the last box, those  
4 bottom three boxes on the second page of your  
5 accountability process, SAM schools, do --  
6 traditional public, alternative schools, are they  
7 still graded under the A-through-F like everybody  
8 else?

9 MR. GERLICZ: Madame Chair,  
10 Commissioner Carr, Supplemental Accountability  
11 Measure schools are accountable under a different  
12 setup than a traditional public school or a  
13 traditional charter school. And those SAM schools  
14 apply to traditional public schools, as well as to  
15 charter schools.

16 COMMISSIONER CARR: Okay, good. Thank  
17 you.

18 THE CHAIR: Other comments, Commissioners?  
19 Commissioner Gant?

20 COMMISSIONER GANT: Madame Chair, members,  
21 if we go ahead with the resolution to send this out  
22 for 30 days, I would change, per Commissioner Carr  
23 and Commissioner Bergman, the word "public" to  
24 "charter schools," so that that's where they go, and  
25 only go.

1           And this is just a personal thing. Take  
2 "NACSA" off of that. It's not their document. I'm  
3 looking at the one on the screen that's got NACSA  
4 all over it, in the first couple of pages.

5           MS. BARNES: Say that again?

6           COMMISSIONER GANT: NACSA.

7           MS. BARNES: Yeah, I understand.

8           COMMISSIONER GANT: Their logo. And the  
9 word "NACSA" is on there.

10          THE CHAIR: Yeah, it's all over the  
11 framework.

12          MS. BARNES: We can check that. Kelly --  
13 because there was a grant from NACSA, and the  
14 initial baseline concepts came from NACSA. We'll  
15 double-check if we can take that off. We needed to  
16 give them attribution, but maybe not any longer.  
17 We'll check that.

18          COMMISSIONER GANT: Well, it's been a  
19 year, so...

20          MS. BARNES: We'll check it.

21          COMMISSIONER GANT: They've had their  
22 applause. It's your document. I mean, it's you all  
23 who put it together. It's our document, not theirs.

24          MS. BARNES: And it is certainly entirely  
25 New Mexico-specific at this point, which was --

1 well, it was a big process that took that long.

2 THE CHAIR: Commissioners, other comments?  
3 And let me just bring up a couple of things that  
4 jump to my mind.

5 The first thing, if you'll look at the  
6 cover page on the preliminary contract, as well as  
7 the charter school contract, and -- let me see.  
8 That may be it. New Mexico Public Education  
9 Department. Are these charters between the Public  
10 Education Department or the Public Education  
11 Commission? I think we've had this discussion  
12 before. I absolutely will not accept anything that  
13 does not have the name of this commission on the  
14 document. So, can we get that fixed?

15 MS. BARNES: Yes, I think that's fine.  
16 And, obviously, the box below it indicates that --  
17 who the contract is between. But I understand your  
18 point.

19 THE CHAIR: Appreciate it. And I agree  
20 with Commissioner Gant. I'd like to have NACSA off  
21 there. I think they've gotten enough credit for the  
22 small part they played in this.

23 I also agree with Commissioner Bergman.  
24 I'm not really -- I'm not convinced of a reason to  
25 put these out for public comment. I do want,

1     however, before we do anything with these  
2     documents -- I know, probably, we've seen them  
3     before. But I've seen a lot of contracts in the  
4     last year. And, honestly, I can't tell you one from  
5     the other at this point. I would like to have a  
6     marked-up copy of this contract, the one that we  
7     approved initially, and then the one that was  
8     changed, the one that you're talking about, the -- I  
9     think you used the word "edited" or whatever the  
10    word is?

11                 I want to see that in one document.  
12    "Here's what it said originally; here's what the  
13    change." And I want it on all of these documents.  
14    Whatever has been changed, I'd like to see it. And,  
15    then, I think we can go forward at the next meeting  
16    to approve the changed documents, because I -- we  
17    need to. Any document that's used in -- by PEC or  
18    on PEC's behalf, as authorizers, needs to first be  
19    approved by the Public Education Commission.

20                 So, if we approve these, if we have the  
21    mark-up copies in December and we approve these in  
22    December, that should be timely enough.

23                 Okay. The other thing -- and I know,  
24    Commissioner Bergman, you have brought this up many  
25    times, that you want the entire application from a

1 new -- or from a proposed charter school that is  
2 approved to become part of the contract. You want  
3 to speak to that, please?

4 COMMISSIONER BERGMAN: That is correct. I  
5 actually went back, and I found a contract, and I  
6 went back through it. And I found, under Section --  
7 it was 2.03 in the contract, I found -- because I  
8 handed a copy of it to Abby yesterday -- there is  
9 some real ambiguous language in there. One sentence  
10 says, yes, the application is included as an  
11 appendices, I think, to the performance contract.

12 But the sentence right above that says  
13 that the application is not -- and it's specific --  
14 "an essential document."

15 I wholeheartedly disagree with that. The  
16 application is the entire basis for which this  
17 Commission says "yay" or "nay" to a school being in  
18 business. It most assuredly is an essential part of  
19 the performance contract, in my opinion. And I want  
20 that -- it was my intention that as soon as we got  
21 through this cycle with the documents that we have  
22 right now, which means we're going through December,  
23 that in January, we were going to start sitting down  
24 again, as collaborators, and we're going to go  
25 through all these documents.

1           Most of these documents don't need measure  
2 changes; they're in place. But we have some  
3 suggestions that we want to make based on what we've  
4 seen as we went through this year. I've seen some  
5 things that I think have been improved. I've seen  
6 some things that I think we could probably do away  
7 with.

8           So, just like we did when we -- you've  
9 made reference to how the CSD and we, some of us on  
10 the PEC, sat down in two different sessions, and we  
11 went over these contracts line by line. You did a  
12 draft, and then we sat down, and you went -- took --  
13 we asked questions; you had questions. You made  
14 comments; we made comments. You went back and came  
15 up with another draft that incorporated all those.

16           That's the process I'm envisioning again  
17 in January, with all these documents. If something  
18 needs to be changed, let's change it. If the  
19 document can be improved even more, let's improve it  
20 even more.

21           I'm not talking about rewriting these  
22 documents, so don't misunderstand me. But anything  
23 can be improved. Anything can, as -- doesn't always  
24 stand the test of time, as you start using it.

25           So -- but -- and in that process is when

1 I'm going to want specific language in 2.03, or  
2 anywhere, that says, "The application of any school,  
3 either new or renewal, ought -- is incorporated, by  
4 reference, in the performance contract."

5 And I'm going to want language that  
6 specifically states that the goals in that  
7 application, in addition to the goals that you've  
8 mentioned in the performance framework, why do those  
9 goals go away at the moment we say yes to a new  
10 charter school or a renewal charter school?

11 That's -- I don't think -- I want to be --  
12 I want it plain, simple English, and somewhere in  
13 this performance contract, that says the goals that  
14 the group uses to get us to approve their  
15 application, most assuredly as a part of their  
16 renewal process, is incorporated, by reference, in  
17 the performance contract.

18 And, so, that's -- you will hear me say  
19 that again in January sometime, because -- as we sit  
20 down to start trying to revise these contracts more.  
21 Because I think that language I cited to you is  
22 ambiguous. How can an application not be an  
23 essential part of our process? Because that's how  
24 they get in business. They give us an application.  
25 How is it not essential to the process? That's my

1 question.

2 So, we'll discuss this some more. Thank  
3 you, Madame Chair.

4 THE CHAIR: Thank you. Let me just  
5 clarify, Commissioner Bergman. Are you saying that  
6 rather than looking at these marked-up documents in  
7 December -- just this group of documents we're  
8 looking at here -- you would hold all of this and do  
9 all of them at once in January?

10 COMMISSIONER BERGMAN: No, no. We need to  
11 go forward with this, I think. No. Sometimes I get  
12 ahead of myself.

13 THE CHAIR: That's fine. I just wanted to  
14 clarify.

15 COMMISSIONER BERGMAN: No, I understand  
16 we're going to do this in December. But in January,  
17 we'll sit down and look at everything, including  
18 perhaps this again. And because, like I say right  
19 now, I'm in the dark. I don't know what was  
20 changed; I really don't. And I appreciate your  
21 comments in that regard. Yeah.

22 THE CHAIR: Commissioners, other comments?  
23 Do we need to have a vote, Abby, to bring these  
24 documents back for a vote in December?

25 MS. LEWIS: No. This agenda item was

1 specifically about putting them out for comment. So  
2 you don't need to take any action on this agenda  
3 item that doesn't relate to that.

4 THE CHAIR: All right. Thank you. I'm  
5 getting the impression from Commissioners that they  
6 don't want to put these documents out for public  
7 comment. Do we need to have a vote on that, Abby?

8 MS. LEWIS: You don't need to. It's been  
9 noticed as a "possible" vote. If you'd like to have  
10 a vote, you may, but you don't have to.

11 THE CHAIR: Commissioners? Commissioner  
12 Bergman?

13 COMMISSIONER BERGMAN: Madame Chair, thank  
14 you. I agree with what Commissioner Gant says, that  
15 they can go to the charter schools. That way, we're  
16 consulting with the charter schools. I don't want  
17 to be misunderstood there. And my objection is  
18 anybody out -- I have no problem with the documents  
19 going to the charter schools, obviously.

20 THE CHAIR: Are you suggesting -- see, I'm  
21 hearing that they need to go to the charter schools  
22 so that they can review the information in their own  
23 frameworks and to see if they want to change  
24 anything going forward in that framework.

25 I -- what I think I'm hearing from Julia

1 is these would go out for public comment to change  
2 the document, not what's -- not what an individual  
3 school has put in that document. So, are you  
4 suggesting just that they go to the schools so they  
5 can look at their own information, see if they want  
6 to make any changes, or to make suggestions to  
7 change the document?

8 Because, quite frankly, I think we need to  
9 quit changing these documents every year. I think  
10 it becomes confusing for everybody involved. And  
11 unless there's a real huge flaw that's identified in  
12 a document, that we ought to get on a document --  
13 pardon you -- a document cycle where they're perhaps  
14 looked at for change at a certain period of time.  
15 But this changing every year, everybody could get  
16 confused. My personal opinion. Commissioner?

17 COMMISSIONER BERGMAN: Taken in the  
18 sequence you said, no, this is not the time for us  
19 to be changing individual schools' performance  
20 framework.

21 I'm talking about these draft, blank  
22 documents that don't apply to any school, that if --  
23 it's fine with me if they go out to the charter  
24 schools, the general charter schools, and as for  
25 their input, is there some way you think we could

1 improve these documents. I'm not talking about  
2 changing the individual performance frameworks.

3 I'm not sure we know what we're all  
4 talking about right now, to tell you the truth. I'm  
5 talking about these blank documents that I was just  
6 handed here just an hour ago. I have no problem  
7 with them going out to the charter schools, and  
8 they're part of the public. I do have a problem  
9 with these blank documents going out to the general  
10 public. I don't think we have to send them to them.

11 And to address your concern, I don't want  
12 to change these documents every year. But if  
13 improvements are necessary to make it easier for  
14 everybody, I don't see why we wouldn't want to  
15 address a little change, just maybe change the -- a  
16 couple of words. The lawyers can tell us what words  
17 to change and that kind of stuff.

18 But, no, I don't envision any wholesale  
19 changes there. That's certainly not my intent,  
20 either. I agree with you; I think we need to get  
21 this finalized as much as we can, so everybody --  
22 so, then, we are all talking about the very same  
23 thing, the very same document. So, I agree with you  
24 there.

25 THE CHAIR: Thank you. Commissioner Gant?

1           COMMISSIONER GANT:  Madame Chair, members,  
2           just to make sure I'm right, first, so we can move  
3           forward on this.  Am I hearing suggestions that we  
4           go ahead and have Julia, Abby, send these, just now  
5           as they are, to the charter schools for their  
6           markup.  We get what you have requested,  
7           Madame Chair, the -- and Commissioner Bergman, the  
8           changes that were put into it.  So, come December,  
9           we look at the markup, what the charters wanted to  
10          mark up or recommend, and we understand the changes  
11          so we can all, in December, actually know what we're  
12          voting on; and not vote on it in January, but do --  
13          have everybody on the same playing field -- charter  
14          schools, the Commission -- in December, so we can  
15          take care of business and get on down the road, and,  
16          then, start writing the -- the contracts in January.  
17          Am I correct?

18                 THE CHAIR:  I believe so.

19                 COMMISSIONER GANT:  Then, Madame Chair, I  
20          think we do need a motion to tell Julia and/or Abby  
21          to put these out for 30 days, to the charter  
22          schools.

23                 THE CHAIR:  To put every document that's  
24          in front of us out?  Or just the frameworks?  Or  
25          what?

1 COMMISSIONER GANT: Well, I think we need  
2 to discuss that, Madame Chair, whether we want them  
3 all out, or just the performance --

4 THE CHAIR: Let me just say, my personal  
5 opinion is when you put things out for comment, then  
6 you take those comments, and people expect to see a  
7 change. If they've identified something to you that  
8 they think is not good, and you don't change it,  
9 then -- then the perception becomes, "Then why did  
10 you put it out? If you're not going to do anything  
11 with what I said to you, then why did you ask for my  
12 opinion?"

13 So, I'm wondering -- I really would like  
14 to take some time off from this constant change.  
15 Every year, our documents have been changed,  
16 significantly, and sometimes more than once in the  
17 year. I'm ready to use what we've got for a while,  
18 and then, truly, be able to identify issues within  
19 that document. You really can't know those until  
20 you've used it for a while, in my opinion.  
21 Commissioner Gant?

22 COMMISSIONER GANT: My only comment is  
23 that, one, it -- by allowing the charters their  
24 input, we're making them all stakeholders. And when  
25 we get their comments back, we get the

1 Commissioners' comments back, we have a meeting here  
2 in December, and we get paid the big bucks to make  
3 the decision. If we make the decision not to change  
4 anything, that's our decision; they've put their  
5 input in.

6 And, you know, you and I both have lived  
7 through this at school boards. We have to make the  
8 decision. It's our job, not theirs, to make the  
9 decision on changes. They can recommend things, and  
10 they see things from a different angle than we do.  
11 But we see the big picture. Therefore, we make the  
12 big decision, what goes in the changes and whatnot.

13 And I would like them to say, "Yes, we  
14 were stakeholders at the table. We've made our  
15 recommendations. You didn't take them. That's  
16 life. Move on."

17 THE CHAIR: So, you're saying all the  
18 documents go out -- all the documents go out to the  
19 charter schools?

20 COMMISSIONER GANT: I have no problem with  
21 that. They're our documents. We ought to be proud  
22 enough to send them out to the people who use them.

23 THE CHAIR: Okay. Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madame Chair, is  
25 there any reason that, when we put these out, we put

1     them out for comment, as opposed to notify them,  
2     that "These are the changes we are looking to  
3     approve at our next meeting" for them to have to  
4     deal with the next year. So that you're not -- if  
5     they really have a comment, then they can make it.  
6     But we're not saying, "Here, comment on them," as  
7     opposed to, "These are for your information"?

8                 COMMISSIONER CARR: Madame Chair?

9                 THE CHAIR: Commissioner?

10                COMMISSIONER CARR: Further, I think if we  
11     do this, it -- if we decide to vote on this, let's  
12     have them give us their comments in writing.

13                THE CHAIR: Oh, yeah.

14                COMMISSIONER CARR: Instead of -- you  
15     know, instead of in an open meeting. Of course, you  
16     know, again, they can always make some -- have  
17     something to say in public comments, anyway. They  
18     get a chance to talk there, anyway.

19                THE CHAIR: Commissioner Bergman?

20                COMMISSIONER BERGMAN: Yeah. I just  
21     wanted to ask Julia and Abby. That is your  
22     understanding, just because someone makes a  
23     suggestion does not mean that you are necessarily,  
24     going to automatically throw it into the document.  
25     And I know I, somewhat, I'll be asked to vote on

1 whether I think -- any suggestion that comes from  
2 the public. And, so, my assumption is I don't have  
3 to accept it if I don't want it. Is that how you  
4 guys are approaching this process?

5 Just 'cause someone makes a comment  
6 doesn't mean it actually has to go into a finished  
7 document?

8 MS. BARNES: That is certainly true. And  
9 last -- last time, which was the first time these  
10 documents were presented, we got a lot of comments,  
11 and we certainly didn't address all of them. Some  
12 of them addressed things that people didn't  
13 understand. So, we could say, "Look at this," or,  
14 you know -- I just found it to be helpful. You  
15 absolutely do not have to accept the comments.

16 Can I make another comment, Commissioner?

17 THE CHAIR: Yes, ma'am.

18 MS. BARNES: The -- I think we all agree  
19 at the Charter School Division that we're trying to  
20 get to a set group of documents. I think the draft  
21 that resulted after the seven negotiated contracts  
22 last year is better than the one that -- last year.  
23 The performance frameworks are unchanged.

24 So, in large part, I think we are trying,  
25 without trying everyone's patience, to get to that

1 place. And I think that our goal is definitely to  
2 get the information to the charter schools. So,  
3 certainly, we're not the Commissioners, the  
4 deciders. To get the information to the charter  
5 schools is really our target audience, and to your  
6 charters, the State-authorized charters.

7 THE CHAIR: Further comments,  
8 Commissioners?

9 All right. Would someone like to make a  
10 motion? And it's my understanding we're talking  
11 about putting all these documents that are before  
12 you in your notebooks out for public comment to the  
13 charter schools, and that those comments will be  
14 brought, along with a marked-up copy of these  
15 documents indicating the original and the change,  
16 along with any comments that are received, to the  
17 December meeting for our consideration.

18 Is that --

19 MS. LEWIS: And if you do -- the proposed  
20 motion that I wrote does incorporate the idea that  
21 they need to be in writing. So, if you want to make  
22 sure and include that language -- but, as you  
23 pointed out, yes, this Commission does opt to have  
24 an open public forum. So, that would mean that  
25 people could communicate that way.

1 But I will advise you that the law does  
2 not require you to have that forum. So, you choose  
3 to put it on the agenda every time, but you don't  
4 have to.

5 THE CHAIR: Is someone ready to make a  
6 motion?

7 COMMISSIONER GANT: I'll do it.

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: Commissioner Gant.

10 THE CHAIR: Commissioner Gant. I'm sorry.

11 COMMISSIONER GANT: I know I'm losing my  
12 voice, but I don't think I sound like  
13 Commissioner Carr, I hope. I move that the  
14 templates presented here by Abby Lewis and Julia  
15 Barnes be put forth for a 30-day comment period to  
16 the charter schools, the New Mexico charter schools,  
17 with comments to be sent in writing to Ms. Beverly  
18 Friedman, PEC Liaison.

19 COMMISSIONER BERGMAN: Second.

20 THE CHAIR: A motion and second has been  
21 made. Is there discussion? Commissioner Bergman,  
22 let's have a roll call vote, please.

23 COMMISSIONER BERGMAN: Commissioner Carr?

24 COMMISSIONER CARR: No.

25 COMMISSIONER BERGMAN: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Peralta?

5 COMMISSIONER PERALTA: No.

6 COMMISSIONER BERGMAN: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Toulouse?

10 COMMISSIONER TOULOUSE: Yes.

11 COMMISSIONER BERGMAN: Commissioner Gant?

12 COMMISSIONER GANT: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Shearman?

15 THE CHAIR: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Bergman votes "yes." Madame Chairwoman, it is a  
18 6-to-2 vote in favor of the motion to send those  
19 documents out.

20 THE CHAIR: Thank you. By a 6-to-2 vote,  
21 the motion passes to put those documents out for a  
22 30-day comment.

23 COMMISSIONER CARR: Could we take a break?

24 THE CHAIR: I'm sorry?

25 COMMISSIONER CARR: Can we take a break

1 before we go to the next agenda item?

2 THE CHAIR: So, we will ask that Julia and  
3 Abby work with Beverly to compile those comments,  
4 along with the marked-up documents to present at the  
5 December meeting. Are we okay with that? Good.

6 Then let's use this clock up on the wall,  
7 since everybody can see it, and let's take a break  
8 until about 10:30.

9 COMMISSIONER CARR: Okay.

10 (Recess taken, 10:15 a.m. to 10:30 a.m.)

11 THE CHAIR: We're back from break. We do  
12 have one more item to cover under Agenda Item No. 8.  
13 Julia has a document she'd like to distribute and  
14 talk with us about a little bit. So, please?

15 MS. BARNES: Thank you. So, this is a  
16 continuation of how to anticipate improving the  
17 contract negotiation process that's coming up, based  
18 on what happened last year.

19 Last year, I -- I think that, in assessing  
20 it, CSD, as a team, felt that we hadn't set strong  
21 enough deadlines for the schools in the negotiation  
22 process. So, particularly, by the end, there were  
23 documents being presented to this Commission at the  
24 last moment -- it was very confusing.

25 So, we have done a document that I'd like

1 to pass out for you all to look at and see if you  
2 think we can improve it. It's a -- we anticipate  
3 that however many schools you approve for renewal,  
4 you probably will spread out those contract  
5 negotiations and approvals over a series of  
6 meetings.

7 So, if some school is going to come before  
8 you for their contract approval in March, these  
9 deadlines will be set so that they end at the March  
10 meeting. If someone comes in front of you in April,  
11 we'll give them a little bit more time.

12 So, there are blanks that will be filled  
13 out by the calendar. It is our intention to work  
14 with -- you're going to approve schools at your  
15 December meeting. It's our intention to set the  
16 calendars with those schools before they leave for  
17 their holiday break, so, to fill in the blanks of  
18 this document before they leave for their holiday  
19 break.

20 So, I'm going to pass this document out to  
21 you all. You can take a look at it. You're welcome  
22 to give us feedback on it, and we can discuss what  
23 happens to it later. But we did want to give it to  
24 you now. You don't have to look at it right now.  
25 It's really just for you.

1 THE CHAIR: Let's just put it on our  
2 December meeting agenda, along with the other  
3 documents for consideration. And, Beverly, if you  
4 would make a note of that, please, ma'am?

5 MS. FRIEDMAN: Uh-huh.

6 THE CHAIR: Item No. 9 is update on The  
7 Learning Community (TLC) Charter School. Julia,  
8 please?

9 MS. BARNES: Commissioners, as you know, I  
10 was appointed as your attorney for the appeal for  
11 the learning school revocation hearing.

12 That appeal took place --

13 THE CHAIR: Monday.

14 MS. BARNES: -- Monday. Gosh, it feels  
15 like longer ago than that. My report is very short.  
16 The hearing lasted an hour and 20 minutes. It  
17 followed the process set out in the rule, so that  
18 the CSD spoke first; then the charter school  
19 presented its arguments to the -- the cabinet  
20 secretary. Then we were given an opportunity to  
21 speak, and, then, the charter school reserved some  
22 additional time and had several speakers.

23 We have confirmed the date that we expect  
24 a decision from the cabinet secretary. We  
25 understand that to be November 5th.

1           There is a 60-day complete window in the  
2 rule, from the start of the process to the end, that  
3 is extended if there was an extension of time given.  
4 And we understand that the Secretary has calculated  
5 that date as November 5th.

6           And that concludes my report.

7           THE CHAIR: Thank you. I attended that  
8 hearing, and I just want to let you know that Julia  
9 and Tony both made good presentations. I thought  
10 they were very clear to me. Certainly, I could  
11 follow what they were saying, and I thought they  
12 represented the Charter School Division and the PEC  
13 very well. So, we thank them for their -- for their  
14 time and their work.

15           Item No. 10 is Vote on Boards of Finance.  
16 Kelly?

17           MS. CALLAHAN: Madame Chair,  
18 Commissioners, the schools that were approved in  
19 September, Explore Academy and Health Sciences  
20 Academy, are now entering into their planning year.  
21 And one of the requirements of the Charter School  
22 Act is that new schools become Boards of Finance.  
23 And they have 90 days from the time of their  
24 approval to receive approval as a Board of Finance  
25 from the Public Education Commission.

1 We have been working with Explore and  
2 Health Sciences. Explore Academy is still seating  
3 board members, and, so, they are not ready at this  
4 time to submit their documents, but will do so in  
5 December, when they have their full board and will  
6 have all of the documentation ready for the December  
7 meeting. We were in contact with the founder of the  
8 school, and, so, he was able to say that definitely,  
9 they would be able to do it in December. So, that  
10 will still fall within the 90 days.

11 Health Sciences Academy submitted their  
12 paperwork --

13 MR. GERLICZ: This week.

14 MS. CALLAHAN: -- this week, that we  
15 received. And if -- just as a reminder, the Board  
16 of Finance requirements are located in the  
17 Administrative Code, 6.80.4.16, and requires  
18 elements that the charter school needs to complete  
19 before they will be approved as a Board of Finance.

20 And we have received the packet from  
21 Health Sciences Academy. They submitted, again,  
22 this week. And they have a complete packet. We  
23 were not able to get them into the notebooks. But  
24 the items that are required, according to the Board  
25 of Finance Administrative Code, says that they need

1 to have affidavit, or affidavits, signed by the  
2 board who will be given -- signed by the business  
3 manager, who will be given responsibility of keeping  
4 the financial records.

5 They have completed that. They do have a  
6 notarized document from their business manager.  
7 They need to have a statement signed by every member  
8 of the governing body that the governing body agrees  
9 to consult with the Department on any matter not  
10 covered by the Manual of Accounting and Budgeting  
11 before taking any action relating to the funds held  
12 as a Board of Finance.

13 They have all completed the -- they have  
14 all signed that document.

15 Third, a signed affidavit from each  
16 governing body member declaring that the member is  
17 not a governing body member of any other charter  
18 school, and that the member was not a governing body  
19 member of another charter school that was suspended  
20 or failed to receive or maintain their Board of  
21 Finance designation.

22 Again, each of the board members have a  
23 notarized signature acknowledging and agreeing to  
24 that.

25 And, then, finally, the Board of Finance

1 documentation requires a letter from Poms &  
2 Associates, verifying that the charter school is a  
3 participant in the Public School Insurance  
4 Authority, and indicates that the person who will be  
5 entrusted with handling the funds of the charter  
6 school is adequately insured.

7 We have received a letter from Poms &  
8 Associates. However, they did not -- they named the  
9 school incorrectly. It's "Health Services Academy"  
10 instead of "Health Sciences Academy." So, we will  
11 get that corrected in terms of the paperwork, and,  
12 also, a signature. The letter is from Jackee  
13 Muñoz-Goode, who is the account executive, and we  
14 needed a signed original.

15 But the rest of the paperwork is complete.  
16 We feel that the Health Sciences has done their due  
17 diligence, and that we do recommend that they do be  
18 approved as a Board of Finance, so that they can  
19 access money that they may have coming in to work  
20 with in their planning year. They do not have  
21 federal grant money, but they certainly may have  
22 money from other organizations.

23 So, at this time, we would go ahead and  
24 ask for Health Sciences to be approved as a Board of  
25 Finance, and we have all the documentation

1 certified.

2 THE CHAIR: Kelly, is that the packet of  
3 papers that were handed out to us?

4 MS. CALLAHAN: Oh, my apologies,  
5 Madame Chair. I didn't realize that you did get  
6 copies. So, yes, that is the packet. Thank you.

7 THE CHAIR: Question, then. Let me ask a  
8 couple of questions.

9 I know that the financial record custodian  
10 is Michael Vigil. Now, is that -- is this the  
11 company, or an individual?

12 MS. CALLAHAN: Madame Chair,  
13 Commissioners, this is the company that Michael  
14 Vigil has, the Vigil Group, and is acting as the  
15 head officer.

16 THE CHAIR: Okay. So, it doesn't -- I  
17 sort of was looking around on here to see the name  
18 of the company, because, otherwise, it appears that  
19 this is simply an individual person rather than,  
20 actually, a person acting on behalf of a company.

21 MS. CALLAHAN: Madame Chair, Mr. Vigil is  
22 the business manager for a few of the charter  
23 schools. And there really isn't a place on there,  
24 you know, that allows for them to enumerate whatever  
25 it is that they're doing. So, he is taking the

1 responsibility, though, as the business manager,  
2 whether it's as an individual -- by signing this  
3 affidavit, he is taking responsibility.

4 THE CHAIR: Okay. And the other thing, I  
5 was aware some days ago that there were one or more  
6 of their board members who were out of the country,  
7 out of state -- out of something -- and that they  
8 weren't sure they were going to be able to get the  
9 affidavit from that person. Are they all here, and  
10 are these copies of originals? Or did someone have  
11 to send theirs in, fax it or something, and the  
12 original is coming? I just remember there was some  
13 question.

14 MS. LEWIS: I don't think they all are  
15 here, Kelly, because at least the ones I got from  
16 Raphael did not include the affidavit -- includes  
17 the Statement of Governing Body to Consult, signed  
18 by Tara. But I don't see an affidavit from Tara.

19 MS. CALLAHAN: It is.

20 MS. LEWIS: You've got one?

21 MS. CALLAHAN: This is Tara.

22 Q. (By Ms. Lewis) But this is the  
23 statement -- let me look at what you've got here.  
24 Right. This is what I have. But what it doesn't  
25 fulfill is the statement that they are not part --

1 have not been part of a governing body that was  
2 suspended or -- yeah.

3 MS. CALLAHAN: I didn't see that.

4 COMMISSIONER CARR: Yeah.

5 MS. CALLAHAN: Julia, do you have a  
6 recommendation? Should we wait till December, or --

7 MS. BARNES: Is it incomplete?

8 MR. GERLICZ: Yeah. We need this  
9 affidavit.

10 MS. CALLAHAN: Madame Chair, as -- since  
11 we are missing the one document, I apologize. I  
12 didn't realize that it was not in the packet. And,  
13 so, I guess we will need to defer the approval,  
14 then, until the December meeting. Is that my  
15 understanding?

16 MS. BARNES: You don't have a document?

17 MR. GERLICZ: For one board member, we  
18 don't have it.

19 MS. CALLAHAN: Abby, is that -- do you  
20 concur that we need to have the complete --

21 MS. LEWIS: Yeah.

22 MS. CALLAHAN: What we have is the scanned  
23 documents. We will be getting the originals. My  
24 guess is when the original came, it didn't get  
25 scanned.

1 MS. LEWIS: Well, the e-mail from  
2 Raphael -- Ron -- and I'm not sure of his last name,  
3 but he's on the council or something -- called me a  
4 couple of weeks ago and told me the problem with  
5 everybody being out of town. And legally, under the  
6 Uniform Electronic Application Act, this kind of  
7 signature is acceptable. But I let him know that we  
8 need the originals as soon as possible.

9 The e-mail that Raphael sent this morning  
10 said that that application from Tara was indeed  
11 still missing, but that he anticipated getting it  
12 within the next couple days.

13 But that doesn't help us now. We need a  
14 full packet. So, I believe we will have to defer  
15 for the December meeting.

16 THE CHAIR: Okay. Commissioner Gant?

17 COMMISSIONER GANT: Madame Chair, members,  
18 based upon the discussion between the CSD, Ms. Abby  
19 Lewis, and the rest of us, I move that we table the  
20 vote for the Board of Finances for Explore Academy  
21 and Health Sciences Academy until the December  
22 meeting of the PEC.

23 THE CHAIR: Do I have a second?

24 COMMISSIONER POGNA: Second.

25 THE CHAIR: Motion and second to table

1 this item on the vote for the Boards of Finance for  
2 Explore Academy and Health Sciences Academy until  
3 the December meeting. Do we need a roll call?  
4 Voice vote?

5 MS. LEWIS: Voice vote is fine.

6 THE CHAIR: All those in favor, please say  
7 Aye.

8 (Commissioners indicate.)

9 THE CHAIR: Any opposed? Motion carries  
10 unanimously. Beverly, if you would make that note,  
11 please?

12 Thank you. Let's go to Item No. 11,  
13 Discussion and Possible Action on PEC/CSD Monitoring  
14 and Closure Procedures, Memorandum of Understanding.  
15 Abby?

16 MS. LEWIS: I was asked to look at this  
17 document by the Executive Committee and propose any  
18 modifications I felt would be helpful so that the  
19 item that you have on Tab 11 -- so, if you have any  
20 questions about that. Obviously, we can't  
21 unilaterally change it. What we're talking about  
22 here is if the Commission would approve these  
23 changes, and, then, we would need to bring them to  
24 PED to get a modified MOU executed.

25 THE CHAIR: Would you present those

1 changes, please?

2 MS. LEWIS: Sure. Under Roman numeral IV  
3 on the second page, you can see I've struck out the  
4 language that was there, and I have put in that "CSD  
5 shall obtain prior approval from PEC for all actions  
6 within the scope of this MOU," versus taking the  
7 actions and then informing you at a later date what  
8 they were; as well as, under Roman numeral VII, I  
9 have changed the termination notice from  
10 120 calendar days to 60 calendar days.

11 THE CHAIR: Thank you for the  
12 presentation.

13 Commissioners, do you have discussion, or  
14 questions?

15 Commissioners, let me just state the  
16 obvious. Our options are to approve these changes  
17 to the MOU, to not approve the changes to the MOU,  
18 or to table them, this item, until the next meeting  
19 when you've had more time to consider the changes.

20 Any discussion about that? Commissioner  
21 Bergman?

22 COMMISSIONER BERGMAN: Thank you. Well,  
23 even if we did -- took such a vote like that today,  
24 I think as Abby knows, that, then, you -- what we're  
25 telling you is that you, then, go across the

1 table -- across the aisle. And, so, we're really  
2 just saying, "Yeah, we like this language, but maybe  
3 they won't," or something, you know. Okay. Thank  
4 you.

5 COMMISSIONER CARR: May I make a motion?

6 THE CHAIR: Commissioner Carr?

7 COMMISSIONER CARR: I'll make a motion  
8 that we approve this MOU between the Public  
9 Education Commission/Charter Schools Division and  
10 the Public Education Department with the changes  
11 noted.

12 THE CHAIR: Do I hear a second?

13 COMMISSIONER PERALTA: Second.

14 THE CHAIR: Was that Commissioner Peralta?

15 COMMISSIONER PERALTA: It is.

16 THE CHAIR: Motion and second to approve  
17 the amended MOU, as presented. Discussion? Would  
18 anyone from the Charter School Division like to give  
19 us your thoughts?

20 COMMISSIONER GANT: Madame Chair?

21 THE CHAIR: Commissioner Gant.

22 COMMISSIONER GANT: Madame Chair, if I  
23 may, maybe amend the motion that the item be  
24 provided to the CSD for their study and being  
25 brought back to us at the December meeting for final

1 discussion and vote.

2 COMMISSIONER CARR: Well, they can already  
3 do that. I mean, this is -- this is just allowing  
4 Abby to go into discussion with them, and --

5 COMMISSIONER GANT: It's already on the  
6 record, so --

7 THE CHAIR: I'm sorry. I'm not sure I  
8 understand what you're saying.

9 COMMISSIONER GANT: Madame Chair, I just  
10 want it on the record that we've given that to the  
11 CSD for their study and comment, to come back to us,  
12 and that we, in fact, would vote on it at the  
13 December meeting to finalize it between the two  
14 parties.

15 THE CHAIR: But we do have a motion on the  
16 floor to approve this amended MOU. That motion  
17 needs to be rescinded?

18 COMMISSIONER CARR: I'll rescind my  
19 motion, and I'll allow Commissioner Gant to take  
20 care of the wording.

21 THE CHAIR: Commissioner Peralta, you have  
22 rescinded your second?

23 COMMISSIONER PERALTA: Thank you.

24 THE CHAIR: Okay. Now, Commissioner Gant?

25 COMMISSIONER GANT: Madame Chair, you

1 think I can do this twice in a row?

2 THE CHAIR: Absolutely.

3 COMMISSIONER GANT: Madame Chair, I move  
4 we move to accept the changes, as recommended by  
5 Abby Lewis, that we provide a copy of the document,  
6 as changed, to the CSD for their comment, and that  
7 we make a final vote on the document between the two  
8 parties at our next December meeting.

9 COMMISSIONER CARR: Second.

10 MS. LEWIS: Maybe I'm just not  
11 understanding. But are you saying that in -- that  
12 by December, you would like all of the  
13 back-and-forth between CSD and PEC to have happened  
14 on this, and you want something to be fully executed  
15 to be -- or executed in advance and then voted on?  
16 Or that just the form of it be voted on, the  
17 execution, in December?

18 COMMISSIONER GANT: Explain the  
19 difference, please.

20 MS. LEWIS: If you want to wait till  
21 December to approve this form, then conversations  
22 with CSD about the changes won't occur until  
23 December. But if you're agreeing to approve this  
24 language on behalf of the PEC, then discussions will  
25 start to occur, and final execution may be possible

1 by December.

2 COMMISSIONER GANT: 10-4. Yes, that's  
3 what I want.

4 MS. LEWIS: The latter?

5 COMMISSIONER GANT: The latter.

6 THE CHAIR: So, we're voting today to  
7 accept the language?

8 COMMISSIONER GANT: Right.

9 THE CHAIR: But not to execute it until  
10 December, after PEC -- CSD -- too many letters  
11 here -- CSD has had an opportunity to review it?

12 COMMISSIONER GANT: Yes, Madame Chair.

13 They're a stakeholder in this thing, so they need to  
14 have time to look at it.

15 THE CHAIR: Okay. Is everyone clear on  
16 the motion?

17 So a "Yes" vote approves the language on  
18 the MOU; a "No" vote would be to not approve the  
19 changes.

20 Do we need a roll-call vote?

21 COMMISSIONER BERGMAN: I would think so.

22 THE CHAIR: All right. Commissioner  
23 Bergman, roll-call vote, please.

24 COMMISSIONER BERGMAN: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Conyers?  
3 COMMISSIONER CONYERS: Yes.  
4 COMMISSIONER BERGMAN: Commissioner  
5 Peralta?  
6 COMMISSIONER PERALTA: Yes.  
7 COMMISSIONER BERGMAN: Commissioner Pogna?  
8 COMMISSIONER POGNA: Yes.  
9 COMMISSIONER BERGMAN: Commissioner  
10 Toulouse?  
11 COMMISSIONER TOULOUSE: Yes.  
12 COMMISSIONER BERGMAN: Commissioner Gant?  
13 COMMISSIONER GANT: Yes.  
14 COMMISSIONER BERGMAN: Commissioner  
15 Shearman?  
16 THE CHAIR: Yes.  
17 COMMISSIONER BERGMAN: Commissioner  
18 Bergman votes "Yes."  
19 Madame Chairwoman, you have an 8-to-0  
20 vote.  
21 THE CHAIR: Thank you very much.  
22 Unanimously, the MOU is approved. We will finalize  
23 it in December after the CSD has had an opportunity  
24 to review it. Thank you very much.  
25 Our next item is a closed Executive

1 Session, and I need to have someone to read the  
2 language into the record in the form of a motion.

3 COMMISSIONER GANT: I'll do it.

4 Madame Chair, I move that the Public  
5 Education Commission move into Closed Executive  
6 Session, under NMSA, Section 10-15-1(H)(1), Limited  
7 Personnel Matters, to discuss investigation and/or  
8 consideration of complaints against specific charter  
9 school employees, and 10-15-1(H)(2), pertaining to  
10 the issuance of suspension, renewal, or revocation  
11 of a license.

12 COMMISSIONER CARR: Second.

13 THE CHAIR: We have a motion and second to  
14 go into Executive Session. Mr. Secretary, we need a  
15 roll-call vote, please.

16 COMMISSIONER BERGMAN: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner  
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Toulouse?

3 COMMISSIONER TOULOUSE: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant?

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner  
7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER BERGMAN: Commissioner  
10 Bergman votes "Yes."

11 Again, Madame Chairwoman, that's an 8-to-0  
12 vote.

13 THE CHAIR: Thank you. By unanimous vote,  
14 the PEC will now go into a closed Executive Session.  
15 We ask those of you in the audience to please step  
16 outside, and we will let you know as soon as we come  
17 back into Open Session. Thank you.

18 (Closed Executive Session conducted.)

19 THE CHAIR: All right. We are back in  
20 open session. No decisions were made. The only  
21 vote we took was to come out of Executive Session.

22 We are now to Item No. 13, Discussion of  
23 CSD/PEC Protocols. And I have -- we've asked Abby  
24 to give us an update on this, bring us up to date  
25 and let you -- let you know what's being

1 contemplated.

2 MS. LEWIS: There are many different  
3 protocols and procedures that the Commission is  
4 charged with developing under the new Charter  
5 Schools Act. So, we are working in conjunction with  
6 CSD to develop these protocols, because they are the  
7 ones on the ground, and they are the ones going to  
8 be doing most of the legwork.

9 As these discussions open and continue, I  
10 just wanted you all to know, if you have any  
11 ideas -- and this -- let me expand this. What I'm  
12 about to say also goes for your little green book,  
13 because that's going to be updated and improved. If  
14 you have anything -- if you look at the law and say,  
15 "We need a protocol on this," or if you'd just like  
16 a protocol for your own purposes on anything  
17 specific, feel free to e-mail them to the Chair, or  
18 call -- you know, however you all communicate with  
19 the Chair, and she will send them on to me, and I'll  
20 make sure that they get wrapped up in that big  
21 package of procedures and protocols.

22 THE CHAIR: Abby, do you foresee having us  
23 at least a draft document to begin looking at in  
24 December?

25 MS. LEWIS: A draft for the little green

1 book, or for everything?

2 THE CHAIR: Anything, a starting point.

3 MS. LEWIS: The December meeting is pretty  
4 chocked full. So there may be an opportunity to get  
5 you a packet before then to review and then vote on  
6 at the January meeting. But I'm anticipating,  
7 hopefully, January, at the latest, to be -- you  
8 getting the full packet.

9 And this can be something that you advise  
10 on. It's going to be your decision. I was thinking  
11 it might be easier for you all if we had everything  
12 together, rather than piecemeal. But if you prefer  
13 to consider things as they're developed, that's your  
14 prerogative, obviously.

15 COMMISSIONER POGNA: Madame Chair?

16 THE CHAIR: Commissioner Pogna?

17 COMMISSIONER POGNA: Abby, I don't -- what  
18 little green book?

19 MS. LEWIS: I don't --

20 THE CHAIR: Policies and procedures.

21 MS. LEWIS: Your policies and procedures,  
22 the fact that you vote in alphabetical order, things  
23 like that.

24 THE CHAIR: The color changes every now  
25 and then. I think it's green right now.

1           Okay. Any other comments? All right.  
2 We'll just leave that to Abby to continue compiling.  
3 I'll forward your comments and suggestions to her as  
4 I receive them, and, then, we'll see either the  
5 January -- the December or January meeting, when she  
6 can get a packet ready for distribution.

7           Okay. Let's move on to Item No. 14,  
8 Report from PEC Legislative Committee and Possible  
9 Vote on Legislative and Constitutional Priorities.

10           Commissioner Carr, as chair of that  
11 Legislative Committee, I will turn it over to you.

12           COMMISSIONER CARR: Thank you,  
13 Madame Chair. I -- we have -- you've seen the --  
14 you've gotten FYI e-mails on this so that you could  
15 provide feedback. We had a meeting this morning of  
16 the Legislative Committee, and we've put together a  
17 Constitutional Amendment that will incorporate  
18 basically what was House Bill 392. Did I get that  
19 number right? I'm getting sleepy.

20           So, I -- yeah, it's something that we've  
21 already voted to support. But I put forth this  
22 amendment for your support. And the only -- there's  
23 one minor change. But I will read it to you, and --

24           THE CHAIR: Pardon me, Jeff. Do we have  
25 copies of that? Is it in the book?

1 COMMISSIONER TOULOUSE: No.

2 MS. LEWIS: Well, the -- there's two that  
3 Commissioner Carr is speaking of. One is in the  
4 book, and it's the one we scribbled on this morning.  
5 And the other, he'll read in the -- well, it's  
6 the -- I e-mailed it to everyone. I have extra  
7 copies, but it's since been scribbled on. So, if  
8 you'd like --

9 COMMISSIONER CARR: Minor changes --

10 MS. LEWIS: If you'd like --

11 COMMISSIONER CARR: -- of wording.

12 MS. LEWIS: So this does not reflect --  
13 yeah, just more of a typo if anything. I only have  
14 one more. I know you all have one, so -- you've got  
15 a copy. Okay. Oh. You have the e-mail copy? Oh,  
16 yeah, you were there. Losing track here.

17 COMMISSIONER TOULOUSE: Sort of.  
18 Physically, I was there.

19 THE CHAIR: Pardon the interruption.  
20 Please go ahead.

21 COMMISSIONER CARR: Okay. And before I go  
22 ahead and read this, let me reit- -- the amendment  
23 that we voted on last year, that was a little -- a  
24 lot more all encompass- -- took in a lot more. This  
25 is definitely a watered-down version of that.

1           So, it reads, of course -- well, you all  
2           have it in front of you, I suppose. The only thing  
3           I need to do is -- unless you want me to read it  
4           into the record.

5           MS. LEWIS: Well, I do have you reading it  
6           into the record as a part of the motion. I think  
7           that's important. So, you want to do it, then.

8           COMMISSIONER CARR: So I will leave it in.  
9           Good.

10           "An Amendment to the New Mexico  
11           Constitution, An Amendment to Establish the  
12           New Mexico Public Education Commission and the  
13           Charter Division as an Independent Entity."

14           The amendment reads:

15           "Relating to education, establish the  
16           Public Education Commission, henceforth to be called  
17           the 'New Mexico State School Board,' as an  
18           independent entity, thereby removing its  
19           administrative attachment to the Public Education  
20           Department;

21           "Removing from the Public Education  
22           Department and granting to the New Mexico State  
23           School Board the authority to review decisions, to  
24           grant, renew, deny, revoke a charter;

25           "Providing for the New Mexico School Board

1 rule-making authority, as well as funding and staff  
2 sufficient to accomplish its duties under the law;

3 "Granting the authority to hire the  
4 director and staff for the Charter Schools Division,  
5 which will be administratively organized under the  
6 New Mexico State School Board."

7 The changes -- we changed -- in the last  
8 sentence, we changed -- after "staff," we changed  
9 that to "for." And, then, we changed the -- which  
10 is really a typo -- the last three words: The  
11 "Public Education Commission" to the "New Mexico  
12 State School Board."

13 And really, the only thing that was  
14 different than the House Bill was changing our name,  
15 which I thought was important, just because  
16 everybody understands what a school board does and  
17 the state school board does.

18 And every time I talk about the Public  
19 Education Commission, I have to state that this was  
20 formerly the state school board, for people to kind  
21 of -- to understand what it is that we do, even  
22 though a lot of things have changed since it was  
23 named that.

24 So, I'm putting this forth. And do we  
25 have wording for --

1 MS. LEWIS: Uh-huh.

2 COMMISSIONER CARR: -- for a motion?

3 Sorry.

4 THE CHAIR: Did you make a motion?

5 COMMISSIONER CARR: I have not made a  
6 motion yet.

7 MS. LEWIS: I've got it right here. This  
8 also includes last year's amendment. So, if you  
9 don't want to make the motion that they approve, the  
10 one from last year as well, just skip No. 1 and go  
11 straight to No. 2. But if you want to put both in  
12 front of them, then read 1 and 2.

13 COMMISSIONER CARR: Okay, 'cause -- all  
14 right. So, let me get this on.

15 I move that the Public Education  
16 Commission put forth the following Constitutional  
17 Amendment for passage, and that PEC Commissioners,  
18 PEC Legislative Committee members, and others, as  
19 designated by the Chair of PEC, or the Chair of the  
20 Legislative Committee, work to advance these  
21 amendments -- or this amendment. Excuse me.

22 MS. LEWIS: So that would be just No. 2?

23 COMMISSIONER CARR: Just No. 2, which I  
24 have already read.

25 COMMISSIONER GANT: Second it.

1 THE CHAIR: We have a motion and second on  
2 the floor. Do we have any discussion,  
3 Commissioners?

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: I'm -- I do not  
6 necessarily think that this is the best way for this  
7 Commission to go. I've stated that prior; I said it  
8 a year ago. However, I also have to bow to  
9 political reality. I thought House Bill 392 was an  
10 excellent bill. I thought it was good legislation.  
11 I thought it was well-crafted. I did not think it  
12 infringed on PED unnecessarily.

13 We are already statutorily charged to be  
14 in charge of charter schools. And based on the  
15 latest enrollment figures, I think charter schools  
16 make up about 5 percent of the student body in this  
17 state, and that means 95 percent are PED or  
18 somewhere else. So, I do not view it as a takeover  
19 of PED of what we were trying to do under House  
20 Bill 392. We were just trying to make it more  
21 feasible for us to accomplish our mission here, as  
22 statutorily defined.

23 And I have -- and the Governor chose, as  
24 that's her wont -- she chose to veto that bill. And  
25 I still think we should go forward with that bill.

1 But then, as I said, I have to recognize the  
2 political reality. If it passed again, it probably  
3 would be vetoed again.

4 So, while I'm still personally opposed to  
5 this, believe it or not, I'm actually going to  
6 support it. And if it does get to that point, I  
7 will be out campaigning for it. And, so, you have  
8 persuaded me that if we want to go forward, this is  
9 probably the only avenue we have to go forward. And  
10 I thank Commissioner Carr for his work on that.

11 THE CHAIR: Thank you, Commissioner.

12 Other comments? Further comments?

13 Hearing none, the Chair will ask for a  
14 roll-call vote, Mr. Secretary.

15 COMMISSIONER BERGMAN: Commissioner Carr?

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Conyers?

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Peralta?

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna?

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Gant?

4 COMMISSIONER GANT: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Bergman votes "Yes."

10 Madame Chairwoman, that is an 8-to-0 vote  
11 in favor of the motion.

12 THE CHAIR: Thank you. By unanimous vote,  
13 the Public Education Commission has approved taking  
14 forward this Constitutional Amendment. We thank  
15 Commissioner Carr for his work, and it's just  
16 beginning.

17 COMMISSIONER CARR: Thank you.

18 THE CHAIR: Again, Commissioner Carr and I  
19 will coordinate Commissioners' activities in  
20 promoting this Constitutional Amendment, and we  
21 appreciate everyone's support. Thank you.

22 Next item is PEC 2014 Meeting Calendar. I  
23 believe you all have one in your notebooks. I just  
24 wanted to say, to get the ball rolling on this one,  
25 I think we've all noticed, as time has gone on,

1 we've -- we've needed more meetings than we've had  
2 scheduled.

3 I think we found, in the summertime, that  
4 our standard meetings have not been sufficient, that  
5 we need to meet more. We've already -- or we're  
6 already talking about a meeting in January to  
7 consider all the forms, the changes, and so forth.  
8 So, we're proposing to put one in there.

9 So, that leaves just a couple of months  
10 that don't have meetings. I am suggest- -- I'm  
11 recommending that we look at having a meeting every  
12 month. I would further like to suggest -- I don't  
13 know if it'll fly or not -- but that we look at sort  
14 of a standard time to have meetings, the second  
15 Friday of the month.

16 Now, I know that can't always be. We have  
17 meetings that are tied to statutory deadlines, and I  
18 think those are pretty much the ones we've already  
19 got scheduled. But for the meetings that aren't  
20 scheduled, I would like for us to consider trying to  
21 standardize the days that we meet.

22 So, with that, I'll open the floor for  
23 discussion and comments. Commissioner Bergman?

24 COMMISSIONER BERGMAN: Madame Chairwoman,  
25 I certainly concur that -- I believe we have reached

1 the point, and will continue to reach the point,  
2 as -- with all the negotiations and with all the  
3 contracts, with the workload becoming more extensive  
4 for us -- and it certainly is becoming more  
5 extensive for the Charter School Division -- I fully  
6 concur that I believe, even though it's going to put  
7 a burden on us for more travel, that we definitely  
8 need to meet at least once a month.

9 Through the summer, as we saw in  
10 September, the Charter School Division had stuff  
11 that could have come to us at some summer meetings  
12 that we had to put off until September. As you  
13 rightly noted, we didn't meet. If we're not  
14 meeting, we can't do anything.

15 So, I certainly recommend that we adopt  
16 the calendar -- and I would like it to be as uniform  
17 as possible. For instance, in January, I would  
18 suggest that we meet before -- probably the week  
19 before the Legislature starts, or we won't be able  
20 to park, for one thing. So, even though we're going  
21 to, quote, standardize, we have to also, again,  
22 continue to remain flexible, based on other  
23 realities.

24 So, I would just suggest that. I think we  
25 really, do, guys, need to meet on a monthly basis.

1 COMMISSIONER GANT: Madame Chair?

2 THE CHAIR: Commissioner Gant?

3 COMMISSIONER GANT: Madame Chair, members,  
4 just picking up on Commissioner Bergman, for  
5 January -- I know this is personal -- but if we had  
6 the meeting for the PEC on the 10th of January, it  
7 would save me a trip, because I have a meeting on  
8 the 9th of January for the PSCOC. So, if I could  
9 just encourage the 11th of January, so I'm not doing  
10 that road trip more than I have to, okay?

11 COMMISSIONER CARR: And I -- Madame Chair?  
12 I concur with Commissioner Gant, that the seven- --  
13 I think the LESC will meet the 17th. And it's quite  
14 possible that one of us need to be there for that;  
15 is that correct?

16 THE CHAIR: Travis, do you know when the  
17 LESC is meeting in January?

18 MR. DELANEY: No, ma'am. I'll look that  
19 up right away.

20 THE CHAIR: By the way, I'd like to  
21 introduce Travis Delaney. He's taking Kevin Force's  
22 place today, representing LESC. We thank you for  
23 being here.

24 Okay, Commissioners. How do we want to do  
25 this? Look at each month where we don't already

1 have a meeting scheduled and pick a date? Or, do we  
2 want to do each month individually where we don't  
3 have a meeting scheduled?

4 COMMISSIONER BERGMAN: Let's start January  
5 and work our way through.

6 THE CHAIR: Individually, or as a whole?

7 COMMISSIONER BERGMAN: We can only do one  
8 month at a time.

9 COMMISSIONER CARR: Madame Chair, why  
10 don't we just do a consensus and take a vote at the  
11 end. Do a consensus of each month, and, then, if  
12 nobody has any objections, then we'll just take a  
13 vote at the end.

14 COMMISSIONER BERGMAN: And our calendar  
15 has always been set, anyway, that it's on a, quote,  
16 tentative basis anyway, because sometimes,  
17 real-world situations might cause us to have to  
18 actually change a date. So, as long as we  
19 understand that it's always tentative, and maybe  
20 that word should appear at the top of the calendar.

21 THE CHAIR: So, let's tentatively --  
22 that's a hard word -- choose January 10th for our --

23 MR. DELANEY: Madame Chair, looking at the  
24 calendar, January the 20th is the LESC.

25 COMMISSIONER CARR: Oh, that is the day

1 before the session.

2 COMMISSIONER BERGMAN: Do we want to  
3 schedule a one-day meeting, or schedule them all as  
4 two, and we might not have to meet for two days?

5 THE CHAIR: That was it. January 20 is a  
6 Monday. Is that a little bit unusual for LESC?

7 MR. DELANEY: We always meet the day  
8 before the beginning of the session. The session  
9 begins on a Tuesday.

10 THE CHAIR: Good observation, Commissioner  
11 Bergman. Do we want to schedule these as two-day  
12 meetings and change it, if needed?

13 COMMISSIONER BERGMAN: And we, of course,  
14 need input from CSD staff, too. It's going to  
15 affect them.

16 MS. BARNES: Are you talking about  
17 January 20th?

18 THE CHAIR: No, 9 and 10.

19 COMMISSIONER GANT: Not the 29th. I have  
20 a PSCOC meeting.

21 COMMISSIONER CARR: I -- Madame Chair, I  
22 don't -- I -- I mean, I think, like today's meeting,  
23 obviously, it's not even going to take a full day.  
24 So, I mean, it --

25 THE CHAIR: Go for one, and hope for the

1 best?

2 COMMISSIONER CARR: Yeah. I mean, I think  
3 we can always -- we can always add a day.

4 COMMISSIONER BERGMAN: If that's where the  
5 word "tentative" comes in, yeah.

6 THE CHAIR: All right. So January the  
7 10th?

8 COMMISSIONER PERALTA: I like your idea.  
9 Maybe, as a starting point, can we do like you said,  
10 have it be every second Friday of the month, and see  
11 if that all fits in as a unanimous calendar, and  
12 then build on that?

13 THE CHAIR: Yeah, I sort of think so.  
14 With that in mind, then if we look at February, the  
15 14th would be the second Friday. Now, that's still  
16 within the Legislative Session.

17 COMMISSIONER BERGMAN: And the 21st, I  
18 guess, if I'm reading this here, would actually be  
19 right after. So, maybe we could make an exception  
20 and make it the last Friday in February or  
21 something?

22 THE CHAIR: The next to the last or the  
23 last, 21st or 28th. Which?

24 COMMISSIONER GANT: Oh, oh, oh.

25 Madame Chair, personal privilege. You do it the

1 28th, one road trip.

2 THE CHAIR: Ties it to a PSCOC? All  
3 right. Is the 28th pretty amenable with everybody,  
4 February 28th?

5 Then, in March, we already have scheduled  
6 meetings the 26th through the 28th.

7 MS. FRIEDMAN: Excuse me, Madame Chair.  
8 That's the spring budget workshop in Albuquerque.

9 THE CHAIR: Oh, I'm sorry. I didn't read  
10 what you have written there.

11 COMMISSIONER BERGMAN: I always like to go  
12 to that.

13 COMMISSIONER CARR: That's the reason  
14 that's marked.

15 MS. FRIEDMAN: Yeah, that's the reason  
16 that was marked.

17 COMMISSIONER CARR: So the 14th.

18 THE CHAIR: Generally, those kinds of  
19 things end at noon on Fridays, don't they? I'm just  
20 wondering, if we scheduled our meeting on the 28th,  
21 we probably could get two full days of the budget  
22 workshop in, if we wanted to.

23 COMMISSIONER BERGMAN: Yeah, normally, the  
24 Friday morning, we'd probably have seen all the  
25 classes by then.

1 COMMISSIONER CARR: Would you like to have  
2 the meeting in Albuquerque, then?

3 COMMISSIONER BERGMAN: Yeah. Then we'd do  
4 it in Albuquerque.

5 THE CHAIR: That's --

6 COMMISSIONER BERGMAN: Maybe we could even  
7 get a room there in the hotel; although, the spring  
8 budget workshop takes up most of their rooms.

9 THE CHAIR: We were able to the last time.  
10 Okay.

11 COMMISSIONER BERGMAN: So, the 28th, then?

12 THE CHAIR: And let's just say  
13 Albuquerque. Now, CSD, would that put a new  
14 hardship on you guys?

15 MR. GERLICZ: I think it coordinates well.

16 MS. CALLAHAN: We have to be at the spring  
17 budget workshop, Madame Chair.

18 THE CHAIR: Because you all generally  
19 present, don't you, and that sort of thing?

20 MS. CALLAHAN: Yes, ma'am.

21 MS. BARNES: The only thing to consider,  
22 but it might work fine, is the March and April  
23 meetings are when we anticipate scheduling four or  
24 five of the renewals. Obviously, you haven't made a  
25 decision on the renewals. So, who knows the number.

1 But 13 is the most that it can be; right?

2 MR. GERLICZ: Correct.

3 MS. BARNES: Thirteen. So, I just want to  
4 keep that in mind. It may work fine. And,  
5 actually, that may be convenient for some of the  
6 schools, because they're already there. So, those  
7 are the -- those are the months.

8 May makes me a little bit nervous to start  
9 getting too close to the new school year. So,  
10 that's just our thoughts on the negotiations.

11 THE CHAIR: So, if we go ahead and at  
12 least tentatively schedule our meetings, then at  
13 least you'll know when we're meeting, and maybe we  
14 can sort of do some coordination there, okay?

15 April?

16 MS. FRIEDMAN: Madame Chair, I just  
17 noticed. I didn't put on there Easter break. And,  
18 so, I'm not sure when Easter is. Anyone want to  
19 Google that quickly and see?

20 COMMISSIONER CARR: It's the end of April,  
21 isn't it?

22 THE CHAIR: It's the end.

23 COMMISSIONER CARR: It's usually close to  
24 the end of April.

25 COMMISSIONER TOULOUSE: March.

1 COMMISSIONER CONYERS: On the 20th is what  
2 I have.

3 MS. FRIEDMAN: The 20th of March?

4 COMMISSIONER GANT: It's the 20th of  
5 April.

6 COMMISSIONER TOULOUSE: That's the latest  
7 it can be, then. You can't be the last week of  
8 April for Easter.

9 THE CHAIR: So, if we look at the second  
10 Friday in April, that would be April 11th.

11 COMMISSIONER BERGMAN: Wouldn't interfere  
12 with Easter.

13 THE CHAIR: Wouldn't conflict with that.

14 MS. FRIEDMAN: Madame Chair, if you're  
15 having a meeting on the 28th of March, your next  
16 meeting --

17 COMMISSIONER BERGMAN: Oh, just two weeks  
18 later? Yeah, it doesn't make a lot of sense.

19 MS. LEWIS: It does if there's contracts  
20 to be approved.

21 COMMISSIONER BERGMAN: That's true. I  
22 don't have a problem with meeting two weeks later.

23 THE CHAIR: Let's put it there. If we  
24 need to move it, we can.

25 MS. BARNES: April what? I'm sorry.

1 THE CHAIR: 11th. I'm just mindful of the  
2 of people who still -- you poor souls who still  
3 work. I mean, you can give your employer a full  
4 calendar of meetings, knowing that there may be some  
5 changes; but at least you have something to work  
6 with.

7 All right. May, the second Friday would  
8 be the 9th.

9 COMMISSIONER BERGMAN: When is school  
10 getting out? Maybe we could help the guys who are  
11 in school if we do the meeting after school is out.

12 COMMISSIONER PERALTA: The end of the year  
13 is the 29th, the end of the month.

14 COMMISSIONER CARR: We're going all the  
15 way to the end of the month.

16 COMMISSIONER BERGMAN: Oh, I didn't know  
17 you guys went that long.

18 THE CHAIR: This is a funny year; it's  
19 going real late.

20 COMMISSIONER BERGMAN: So I guess the  
21 second Friday there.

22 THE CHAIR: So, if we do the 9th of May?

23 COMMISSIONER CARR: Okay.

24 THE CHAIR: Then June 13th.

25 COMMISSIONER TOULOUSE: Friday, the 13th.

1 COMMISSIONER GANT: That works good for  
2 me.

3 THE CHAIR: July the 11th.

4 COMMISSIONER POGNA: 11th?

5 THE CHAIR: And, of course, August, we're  
6 doing --

7 COMMISSIONER BERGMAN: The road trip,  
8 yeah.

9 THE CHAIR: -- community input hearings,  
10 so we don't need a meeting there.

11 September, we already have two days  
12 scheduled.

13 October the 10th would be the second  
14 Friday. And November 14th would be the second  
15 Friday. And, then, we have meetings scheduled  
16 already for December.

17 MS. FRIEDMAN: Excuse me. Madame Chair, I  
18 was speaking with the gentleman from the New Mexico  
19 Charter School Association. And we were talking  
20 about coordinating a meeting around the time of  
21 their conference, because this year, we missed it by  
22 a weekend. And he said he would look at his dates.  
23 And, so, if we set a date, I can let him know that  
24 that's when you're going to be meeting, and maybe  
25 they can schedule a conference --

1 THE CHAIR: And they have theirs in -- is  
2 it September?

3 MS. FRIEDMAN: Usually, they have it  
4 around the beginning of November. That's why we  
5 scheduled November 1st this year. But they had it  
6 last weekend.

7 COMMISSIONER BERGMAN: Yeah, they did it  
8 last weekend. Two years ago, they did coordinate  
9 with us. And it actually worked out, because I  
10 learned a lot from the classes I went to. I went to  
11 some of the other stuff and enjoyed the classes. If  
12 we can coordinate, I would recommend that we do,  
13 because a lot of people are there anyway.

14 THE CHAIR: Yeah, please let him know.

15 MS. FRIEDMAN: Will do.

16 COMMISSIONER GANT: November was the 7th?

17 THE CHAIR: November was the 14th.

18 COMMISSIONER GANT: Okay.

19 MS. BARNES: And, Madame Chair, I know  
20 that you're talking about Commission meetings. But  
21 we also do need to know when the subcommittee for  
22 the negotiations has some days. We probably don't  
23 need to know this meeting, but as soon as we can, we  
24 can start to plan around that.

25 COMMISSIONER BERGMAN: What we've done in

1 the past is let you guys -- you guys have the work  
2 schedule. You guys let us know when we can sit down  
3 in January. And then I know I'll be there, and I  
4 assume the Chairman likes to be there, and we can  
5 then work it out amongst ourselves. I'm easy,  
6 because I'm retired. I can go. You tell me when;  
7 I'm there.

8 THE CHAIR: And you're going to bring that  
9 document to us that's going to start having those  
10 dates. Is that going to have negotiation dates on  
11 it?

12 MS. BARNES: Yes, it does. And our goal,  
13 just to reiterate, is you're going to make decisions  
14 on the 11th and the 12th. Within the next ten days,  
15 we're hoping to finalize the dates. They're going  
16 to coordinate with these days to present to PEC for  
17 the final contract negotiations, and then we can  
18 work backwards.

19 So, just from forward planning, the sooner  
20 we know what kind of dates we can put in, then we  
21 really can stick to our schedule of getting everyone  
22 a solid calendar before they leave for the holiday  
23 break.

24 COMMISSIONER BERGMAN: As I have said in  
25 the past, the earlier you can send us the dates you

1 have settled on so we can start thinking about  
2 hotels and things like that, within your schedule,  
3 earlier notice is nice.

4 MS. FRIEDMAN: Madame Chair, I'd just like  
5 to make one comment about the April 11th meeting.  
6 We have to notice your meetings ten days in advance.  
7 And that would mean that we would have to notice the  
8 meeting on April 1st for the meeting on the 11th.

9 MS. LEWIS: The obligation to notice ten  
10 days in advance comes from the booklet -- from the  
11 green book I was talking about. The law is only  
12 72 hours, so --

13 MS. FRIEDMAN: To notice meetings, public  
14 meetings?

15 MS. LEWIS: Uh-huh. Yes.

16 MS. FRIEDMAN: I thought 72 hours was to  
17 the final date for the setting of the agenda, but it  
18 was ten days prior to the meeting.

19 MS. LEWIS: No. Seventy-two hours in  
20 advance, the notice and the agenda must be posted.

21 MS. FRIEDMAN: Oh, okay. Okay.

22 THE CHAIR: So we're okay? All right.

23 Commissioners, I have January 10,  
24 February 28, March 28, April 11, May the 9th, June  
25 13, July 11, no meeting in August, September 25-26,

1 October 10, October -- pardon me -- November 14, and  
2 December 11 and 12.

3 COMMISSIONER GANT: Madame Chair, they  
4 also need to block the community meetings, 18th  
5 through 22nd of August.

6 THE CHAIR: Well, yes. Commissioner Gant  
7 is reminding us all of the community meetings in  
8 August, the 18th through the 22nd. But since that's  
9 already on the calendar, I didn't reiterate it.

10 All right. I don't think we need to vote  
11 on this as long as everyone has a copy of it and is  
12 agreeable to it, at least at this point? All right.  
13 Thank you all very much.

14 We will move on, then, to the next item,  
15 which is PEC Comments. I will begin with  
16 Commissioner Conyers.

17 COMMISSIONER CONYERS: Okay. Well, thank  
18 you. I did want to report briefly on the conference  
19 I attended last week in San Diego with the  
20 National -- what is it? -- National Association of  
21 Charter School Authorizers. Yes. Actually, I have  
22 a handout for you. Millie, could you pass that out?  
23 Thanks to Beverly for these.

24 I found it to be a very excellent  
25 conference. There were some presenters there,

1 speakers from New Mexico. Our Secretary of  
2 Education Designate, Hanna Skandera, was one of the  
3 speakers. A fellow from Albuquerque, Steven Michael  
4 Quezada, was one of the speakers as well. And he  
5 was very informative and good to hear.

6 I think I benefited a great deal from  
7 attending the meetings. And the thing that really  
8 impressed me was the -- with the presenters, the  
9 people there, was the great passion they have and  
10 great interest in having excellent charter schools.

11 I was impressed with one presenter from --  
12 who had been a charter school operator in Chicago  
13 and said after a number of years, found that  
14 actually his school was not performing as well as  
15 the community schools, and, so, they voluntarily  
16 gave up their charter.

17 He said, "Well, you know, we're not doing  
18 it, so we need to move on." So I thought that  
19 showed a lot of integrity.

20 I attended a number of workshops, a number  
21 of breakout sessions, some dealing with denial of  
22 charters -- you know, charters, reapplications,  
23 closing schools, so on, and really found it very  
24 informative.

25 And I think since I've started this

1 journey, it's probably important that I attend  
2 the -- the one next year, which is going to be in  
3 Miami.

4 THE CHAIR: You may have some company.

5 COMMISSIONER BERGMAN: I guarantee you're  
6 going to have some company on that one, yeah.

7 COMMISSIONER CONYERS: But I thought that  
8 was -- it was very excellent, and I appreciate being  
9 there. I also did -- I got back late last week,  
10 Thursday. My flight was late coming in. And, then,  
11 Friday, I did drop in for the New Mexico Coalition  
12 of Charter Schools in Albuquerque. And I didn't  
13 attend any of the sessions, but I did talk to some  
14 people and met the vendors.

15 But I find I learn just as much, it seems,  
16 from talking with other people at these conferences  
17 as from the actual sessions. It's quite interesting  
18 to find out how people do it in different parts, and  
19 authorizers, and so on.

20 And, so, I appreciated the opportunity to  
21 do that and look forward to Miami.

22 THE CHAIR: Thank you. Commissioner  
23 Pogna?

24 COMMISSIONER POGNA: Madame Chair, I did  
25 attend the New Mexico Coalition for Charter Schools

1 last Friday. Enjoyed it very much. I had a long  
2 session with the speaker. I don't have her name.  
3 But we were given a book that she had written. And  
4 she was instrumental in starting charter schools in  
5 Minnesota when she was on the state -- the state  
6 legislature.

7 So, we -- she loved hearing about charter  
8 schools in New Mexico, how we started, and how the  
9 Governor got rid of the State Board of Education.  
10 She loved all the political things. But it was  
11 interesting.

12 THE CHAIR: Thank you. Commissioner  
13 Bergman?

14 COMMISSIONER BERGMAN: I've said plenty,  
15 Madame Chair. Thank you. I'm done.

16 THE CHAIR: All right. Commissioner  
17 Toulouse?

18 COMMISSIONER TOULOUSE: Madame Chair, I  
19 didn't attend any official meetings. I did attend  
20 one day of the LESC. And they had a presentation  
21 from the UNM group and some of the others on brain  
22 education that I really thought was interesting.  
23 Although most of it, to me, was common sense on how  
24 you deal with kids and children. But I guess common  
25 sense isn't something we all pay a lot of attention

1 to anymore.

2 But it was very interesting to watch the  
3 legislators get involved, because they made them get  
4 up and do a series of the exercises that were  
5 similar to the yoga exercises the next day that  
6 Representative Baldonado didn't like. But there was  
7 no mention that he stood up and did all of these,  
8 too. But to see smiles on the faces of some of them  
9 who don't even normally smile, that was very  
10 interesting.

11 But it was a very interesting concept, and  
12 I know UNM is working on it. And other than that, I  
13 haven't done anything related to any of this, but  
14 that. So, that's my comment for today. Thank you.

15 THE CHAIR: Thank you. Commissioner  
16 Peralta?

17 COMMISSIONER PERALTA: No comment at this  
18 time.

19 THE CHAIR: Commissioner Carr?

20 COMMISSIONER CARR: Madame Chair, members  
21 of the Commission, I just finished reading Reign of  
22 Error by Diane Ravitch. I found it extremely great  
23 academic reading. It's backed up with a great deal  
24 of data and research. And it gives us a lot of  
25 great information for charter schools, but -- for

1 the A-through-F grading, through teacher  
2 evaluations. It goes into a lot of things that I've  
3 talked about throughout the years in regards to  
4 education, child poverty, for instance. So, again,  
5 I just wanted to bring it up again.

6 One of the best books I've read in a long  
7 time. I've read all of her books. And that is, to  
8 me, I think the best one she's ever written.

9 THE CHAIR: Thank you very much,  
10 Commissioner Gant?

11 COMMISSIONER GANT: Madame Chair, a couple  
12 of things here. Just for the Commissioners'  
13 information, again, I had a PSCOC meeting yesterday.  
14 I believe from now on, if possible, we will be  
15 having an attendee from the PSFA sit in our meetings  
16 so they know what's going on in the world of the PEC  
17 and charter schools, so they're prepared.

18 At the PSCOC meeting, several of them  
19 now -- and I've got to admit, I've kind of pushed on  
20 this, so I'm somebody's bad boy -- but a  
21 standardized lease for all charter schools, because  
22 if you go out there and read them -- and I've read a  
23 lot of them -- they're all over the place. And, you  
24 know -- and I think it's -- I really think it's  
25 hurting the charter schools, really, because I think

1 they're paying for more than what they're getting.

2 Now, a lot of the lessors are doing  
3 justice for the charter schools; they really are.  
4 But there are some out there that I believe -- and I  
5 can't take them to court, but I wish I could --  
6 they're gouging the system for their own benefit.

7 And I think the standardized lease, the  
8 PSCOC authorized enough funds to come up with a good  
9 attorney that people accepted as he knows what to do  
10 with this, because he's in this type of work. They  
11 had a meeting on the 23rd, and there was attendees  
12 by a lot of people. Almost two pages of people  
13 attended that meeting from the charter schools, from  
14 attorneys; you name it. They were all there. I've  
15 seen the list.

16 Last item is I attended the New Mexico  
17 Library Commission meeting the other day. And one  
18 of the topics that come up -- and this also links in  
19 with the PSCOC -- in that a lot of the libraries in  
20 smaller communities cannot remain open. They're  
21 discussing how the library system in New Mexico can  
22 serve all the small communities. They were talking  
23 about online books and things like that.

24 Well, it's been pointed out to them -- and  
25 I did in the meeting -- was the pipeline, the IT

1 pipeline is not there for all -- all communities  
2 across the state. We -- in the PSCOC meeting,  
3 there's a bill coming out of the PSCOO task force  
4 which is the oversight task force for the PSCOC,  
5 that they're trying to figure out how to use part of  
6 our capital outlay money to support putting -- the  
7 school systems, bringing them up to standard.

8           You know, we have the PARCC coming down  
9 for the Common Core? Well, a lot of the schools  
10 don't have the pipeline necessary to support the  
11 online testing. And there's a lot of money coming  
12 out of the districts to get ready for the PARCC. I  
13 don't know about charter schools, if they're ready  
14 for the PARCC, or if they have the money to get  
15 ready for the PARCC.

16           But my discussion at the PSCOC yesterday  
17 was, they should not be depending upon capital  
18 outlay money from the PSCOC, because there's a lot  
19 of departments in the State of New Mexico. If we --  
20 if we lay out that money, it takes away from the  
21 construction and renovation of buildings, to put it  
22 into the pipeline, IT pipeline. These other  
23 departments, in my view, should be kicking in their  
24 money, too, because they will benefit from anything  
25 that we may lay out there for the schools.

1           So, that's what's been going on with the  
2 IT work for the PSCOC. Thank you.

3           THE CHAIR: Thank you, Commissioner. And,  
4 like Commissioner Bergman, I think I've talked  
5 enough for today. But there is one thing I would  
6 like to bring forward and ask for your thoughts on  
7 it, and maybe we can get, also, some legal advice.

8           I think we're all very aware that the  
9 files we're starting -- that we have been receiving,  
10 and will continue to receive in the future, just  
11 keep getting bigger and bigger, the applications,  
12 the renewal forms, the -- all those kinds of things  
13 are just getting huge.

14           I know that there are Commissioners who  
15 may not have a computer that is "oomph" enough to  
16 handle those big files, and maybe are, you know,  
17 having to make some unique arrangements to be able  
18 to download files to be able to read them.

19           I am wondering if we could not use some  
20 PEC budget money to purchase laptop computers that  
21 are big enough, fast enough, have enough memory to  
22 adequately do the business of the Public Education  
23 Commission and allow Commissioners to be able to  
24 check out, utilize, whatever the right word is,  
25 those computers in order to get their PEC work done.

1 I don't know if that's possible. I don't  
2 know -- I throw it out there for your thoughts and  
3 observations. Anyone have a thought?

4 COMMISSIONER CARR: Madame Chair, yeah,  
5 it's something I've thought of. Most school boards,  
6 I think, provide a computer for their members. I --  
7 the iPads are adequate. You know, you have to know  
8 how to use them. You can download those files and  
9 put them in iBooks, and those would be cheaper. But  
10 I think it would be a good idea.

11 THE CHAIR: Let me just mention, because I  
12 brought mine today. And I love this little dude,  
13 and I use it a lot. But with my eyes, there's no  
14 way I could read a 200-page application on this  
15 thing.

16 COMMISSIONER CARR: Oh, okay.

17 THE CHAIR: That would be my only  
18 objection to using iPads. They're lighter; they're  
19 easier to haul around. But I don't think I could do  
20 the reading required.

21 COMMISSIONER CARR: Madame Chair, you can  
22 increase the fonts.

23 THE CHAIR: You can increase the font  
24 size, but, then, you're moving -- you know, you're  
25 moving the text all the time. It really makes

1 reading tough.

2 COMMISSIONER CARR: I get it.

3 THE CHAIR: Anybody else have any thoughts  
4 or observations? Tony? Julia? Kelly? Got any  
5 ideas if that's even legal? Abby?

6 MS. LEWIS: Well, I think one of the  
7 things that I need to look into first, as it seems  
8 to be a source of -- something unknown for all of  
9 us, is how your budget gets to you. The law is  
10 clear, when a body such as this is administratively  
11 attached to a department, the way that that is  
12 supposed to flow.

13 However, I need to delve into whether or  
14 not that's actually happening. So, you may -- in  
15 the end of my research, we may find that you do  
16 indeed have more control over your budget than  
17 you've been given in the past, in which case you  
18 could much more easily accomplish what you're  
19 looking to do.

20 THE CHAIR: If the funds are there.

21 MS. LEWIS: Right.

22 THE CHAIR: Commissioner?

23 COMMISSIONER BERGMAN: Madame Chairwoman,  
24 might I suggest that we just -- why don't we -- why  
25 don't you just take this right to the top and why

1 don't you talk to the person that actually controls  
2 the purse strings, and that's the Deputy Secretary  
3 and bounce your idea off of Paul, and he might know  
4 if there are some funds tucked away somewhere that  
5 could be used.

6 And, see, there's already talk of getting  
7 us on a SharePoint. Well, then give us a computer  
8 that will allow us to get on a SharePoint, and in my  
9 case, provide me with a four-year-old child that can  
10 show me what to do with it once you get it to me.

11 Thank you.

12 MS. FRIEDMAN: Madame Chair, that's what I  
13 was going to mention, that Mr. Aguilar, right now,  
14 is basically in charge of the budget. And he did  
15 provide us with more funding this year in the  
16 budget, basically, for more travel. And with the  
17 meetings set up for next fiscal year -- or next  
18 year -- you will be using some of those funds. But  
19 he, indeed, would be the person to speak to  
20 directly.

21 But, also, keep in mind you have your  
22 amendment that you voted on to not be  
23 administratively connected to the PED. So, I'm not  
24 sure, you know, how that works out.

25 THE CHAIR: Let's take a two-pronged

1 attack here. Abby, if you would continue with your  
2 research. I will contact Deputy Secretary Aguilar  
3 and see what he has to say, unless anyone does not  
4 want to go down that road, I mean, if you don't want  
5 to pursue this computer thing.

6 Okay. I think that's good. Beverly, did  
7 we have anyone sign up for Open Forum?

8 MS. FRIEDMAN: Madame Chair, no one has  
9 signed up for Open Forum.

10 THE CHAIR: Thank you very much. Seeing  
11 no Open Forum, we're to the last item of the agenda  
12 which is Adjourn -- oh. Tony?

13 MR. GERLICZ: Madame Chair, members of the  
14 Commission, I just have one comment, although I'm  
15 not a member of the Commission. We understand that  
16 the Executive Committee had a meeting with the  
17 Deputy Secretary yesterday, which we think is great.

18 We and our staff very much lamented that  
19 we lost our time with the E.C. for an open and  
20 informal dialogue. And we found the last time that  
21 we did that very, very helpful, to discuss matters  
22 openly and frankly, and strongly encourage that we  
23 not let that pass the next time around, and perhaps  
24 look at even additional times to do that.

25 We feel that distance; we don't like it in

1 our division; we want to close it. And we really  
2 believe that just open and honest dialogue  
3 informally will go a long way to help us with that.

4 THE CHAIR: Okay. That's great. Thank  
5 you very much. Yes, I -- sorry, I didn't mention  
6 that. The Executive Committee did meet yesterday  
7 afternoon with Deputy Secretary Aguilar and had a  
8 pleasant, long, far-reaching conversation, covered a  
9 lot of topics. And he's -- he, as the Secretary, as  
10 all of us, are interested in open dialogue, working  
11 well together. And that's, you know, the thrust of  
12 the conversation, and we all want to go there.

13 And I think we've also had meetings with  
14 the Staff on the day before our regular PEC meeting,  
15 and those were very productive, too. And thank you,  
16 Tony. We will certainly keep those on the agenda.

17 Commissioner?

18 COMMISSIONER BERGMAN: I'd just like to  
19 comment. Since we now are going to have meetings  
20 next year, tentatively, almost every month, that's  
21 going to facilitate our opportunities to sit down,  
22 and maybe on the afternoons before or something, and  
23 that all can be worked out as it comes. Yeah, I  
24 agree. We need to -- we want to visit; we want to  
25 talk; we want to explore all those things. In fact,

1 next year's calendar is going to give us many more  
2 opportunities to do that.

3 THE CHAIR: Everybody? Okay. The Chair  
4 will entertain a motion to adjourn.

5 COMMISSIONER BERGMAN: So moved.

6 COMMISSIONER CARR: So moved.

7 THE CHAIR: I'm sure I heard a second.

8 COMMISSIONER POGNA: Second.

9 THE CHAIR: We are adjourned.

10 MS. LEWIS: We need to take a vote.

11 THE CHAIR: Did everybody vote "Yes"? I  
12 thought I heard "Yes." Anyone opposed? We are  
13 adjourned.

14 (Proceedings adjourned at 12:10 p.m.)

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## 1                   BEFORE THE PUBLIC EDUCATION COMMISSION

## 2                                   STATE OF NEW MEXICO

3  
4                                   REPORTER'S CERTIFICATE

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

12           In testimony whereof, I have hereunto set my  
13 hand on November 12, 2013.

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