

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

MEETING

VOLUME TWO

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300 Don Gaspar

Santa Fe, New Mexico

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<p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 MS. CAROLYN SHEARMAN, Chair</p> <p>4 MR. EUGENE GANT, Vice Chair</p> <p>5 MR. VINCE BERGMAN, Secretary</p> <p>6 MR. JEFF CARR, Member</p> <p>7 MR. GILBERT PERALTA, Member</p> <p>8 MS. MILLIE POGNA, Member</p> <p>9 MS. CARMIE TOULOUSE, Member</p> <p>10 MR. JAMES CONYERS, Member</p> <p>11 STAFF:</p> <p>12 MR. TONY GERLICZ, Director, CSD/Options for Parents</p> <p>13 MS. KELLY CALLAHAN, General Manager,</p> <p>14 CSD/Options for Parents</p> <p>15 MS. ABBY LEWIS, Assistant Attorney General</p> <p>16 Counsel to PEC</p> <p>17 MS. BEVERLY FRIEDMAN, PIO, PED Liaison to PEC</p> <p>18 MR. LARRY BEHRENS, PIO</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE CHAIR: Good morning, everyone. I</p> <p>2 call back into session this regularly scheduled</p> <p>3 meeting of the New Mexico Public Education</p> <p>4 Commission. I will ask Commissioner Bergman for</p> <p>5 roll call this morning to make sure we have a</p> <p>6 quorum.</p> <p>7 COMMISSIONER BERGMAN: Commissioner Carr.</p> <p>8 COMMISSIONER CARR: Here.</p> <p>9 COMMISSIONER BERGMAN: Commissioner</p> <p>10 Conyers.</p> <p>11 COMMISSIONER CONYERS: Here.</p> <p>12 COMMISSIONER BERGMAN: Commissioner</p> <p>13 Peralta.</p> <p>14 COMMISSIONER PERALTA: Here.</p> <p>15 COMMISSIONER BERGMAN: Commissioner Pogna.</p> <p>16 COMMISSIONER POGNA: Here.</p> <p>17 COMMISSIONER BERGMAN: Commissioner</p> <p>18 Toulouse.</p> <p>19 COMMISSIONER TOULOUSE: Present.</p> <p>20 COMMISSIONER BERGMAN: Commissioner Gant.</p> <p>21 COMMISSIONER GANT: Here.</p> <p>22 COMMISSIONER BERGMAN: Commissioner</p> <p>23 Shearman.</p> <p>24 THE CHAIR: Here.</p> <p>25 COMMISSIONER BERGMAN: Commissioner</p>
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<p>1 INDEX TO MEETING PROCEEDINGS</p> <p>2 PAGE</p> <p>3 Call to Order and Roll Call 1</p> <p>4 17. Approve/Deny New Charter Applications</p> <p>5 a. Dream Diné Charter School 5</p> <p>6 b. Columbus Community School 45</p> <p>7 c. Health Science Academy 64</p> <p>8 d. R.I.S.E., New Mexico C.S. 99</p> <p>9 e. Explore Academy 107</p> <p>10 7. Report from Deputy Secretary 153</p> <p>11 18. PEC Comments 165</p> <p>12 19. Open Forum 177</p> <p>13 20. Adjourn 177</p> <p>14 REPORTER'S CERTIFICATE 178</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Bergman is here. Madame Chair, you have eight</p> <p>2 members present. You do have a quorum.</p> <p>3 THE CHAIR: Thank you very much. We do</p> <p>4 have a quorum this morning, and we welcome back</p> <p>5 Commissioner Pogna. We missed you yesterday and</p> <p>6 we're glad you're here today. Sorry for the loss in</p> <p>7 your family.</p> <p>8 We are to Item No. 17 on the agenda,</p> <p>9 Approval/Denial of New Charter School Applications.</p> <p>10 We will start with Dream Dine' Charter</p> <p>11 School from Shiprock, and we will ask those founders</p> <p>12 if they would please come up to the table to ask --</p> <p>13 answer any questions or make presentations. And,</p> <p>14 good morning.</p> <p>15 And when you do speak, would you please</p> <p>16 identify yourself and spell your name for the</p> <p>17 reporter.</p> <p>18 We will begin, however, with a ten-minute</p> <p>19 time limit -- please, let me point out the time</p> <p>20 limits first.</p> <p>21 The Charter School Division has ten</p> <p>22 minutes for their presentation. The applicant has</p> <p>23 15 minutes for their presentation. PEC</p> <p>24 Commissioners have time for questions and comments</p> <p>25 of the CSD and the applicant. And, then, the last</p>

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<p>1 will be the final determination vote. 2 So I will ask Director Gerlicz to speak 3 for the Charter School Division, please. Please, if 4 you have a cell phone or an electronic device that 5 makes noise, please turn it off. Thank you. 6 MR. GERLICZ: Thank you, Madame Chair, 7 members of the Commission. Good morning to 8 everyone. 9 I would like to take the opportunity, 10 first of all, to state just a general sense of 11 gratitude and admiration for all of our applicants 12 who have stepped forward to propose a new school. 13 They, like the Public Education Commission, are all 14 volunteers in this effort. No one is getting paid 15 to do this. They do that out of our own desire, 16 which is the same that we all have, to improve 17 education in the State of New Mexico. 18 I want to talk a little bit about the 19 process that we used this year, which was different 20 in years past. It was designed to increase the 21 rigor of our analysis and to ensure that only those 22 schools that had gone through a rigorous process 23 were worthy of consideration. 24 We started this year with 15 Notices of 25 Intents to submit an application for a charter</p>	<p>1 scores that you have all received were not the 2 Charter School Division's scores; they were the 3 scores of that team of reviewers. We can certify, 4 however, that those scores were tough. They were 5 garnered with integrity. 6 We often said in the Charter School 7 Division that they were more than serious and 8 rigorous in their process. And that was true in 9 both parts of the application process: The paper 10 application and the capacity interview. 11 The capacity interview portion of the 12 application is really designed to ascertain the 13 skill level and the true capacity of this school 14 application to succeed, not only the founders and 15 the governing council and the people that they've 16 put together to do this school, but the entire sort 17 of surrounding concept -- what is the probability of 18 that school being successful. And that score is 19 reflected in the capacity interview. 20 During that process, the Charter School 21 [verbatim] staff was involved in every step of the 22 way. We served as technical assistants and advisers 23 to the schools, who often asked us for technical 24 assistance throughout the process. We conducted 25 trainings beforehand. We did not help them with any</p>
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<p>1 school. The Charter School Division conducted 2 numerous trainings of all of those initial 3 applicants. And, slowly, the field whittled down to 4 the five applicants that are in front of us this 5 morning. Part of that was the rigor of our process, 6 among other things. 7 The -- so what we are going to see this 8 morning is that these applications are sincere, they 9 have gone through a rigorous process, they have been 10 vetted, and they have put in a great deal of time, 11 effort, and thought into them. 12 The Charter School Division this year 13 utilized an outside team of reviewers to score the 14 paper application, as well as the second part of the 15 process, the capacity interview. And the reason 16 that we did that this year is because we have a set 17 of outstanding charter school leaders in the State 18 of New Mexico, and we wanted to utilize their 19 expertise. 20 They had all gone through the process 21 years earlier. They have all successful charter 22 schools up and operating, and they were the ones 23 that took the analysis to the paper application, and 24 then, later, to the capacity interview. 25 Their scores were their scores. The</p>	<p>1 of the applications, nor with the capacity 2 interview. But we provided some technical 3 assistance and training before that application was 4 completed. 5 The summary of all the scores and the data 6 were sent to the Public Education Commission, and 7 then the Charter School Division added another -- an 8 additional 10 percent of the scores. And those 9 scores -- that 10 percent, we called the Charter 10 School Division's "team synthesis" scores. 11 And the reason for that is that we have 12 been involved with these people from the beginning. 13 In fact, many of the people in our office have been 14 involved with charter schools for many, many years, 15 and we see a much larger picture of the whole 16 charter school picture in the state of New Mexico 17 and have an understanding of what we think about 18 capacity of people and the application and the idea, 19 and wanted to have an opportunity, in addition to 20 the reviewers' scores, to chime in with our scores. 21 That score reflects our analysis of the probability 22 of success of the schools. 23 And we established a rubric. The reason 24 we took 10 percent, it just seemed to us a 25 reasonable number that we had some. In some cases,</p>

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<p>1 it added; in other cases, not much. But it was our 2 opportunity and our analysis to indicate to the 3 Public Education Commission our professional opinion 4 of the worthiness of the application. 5 Therefore, our recommendation comes from 6 those two things, the reviewers' scores of the 7 applications, and the capacity interview, as well as 8 our team synthesis score. 9 We are convinced that our process was 10 rigorous. We can all state with assurance that 11 the -- the -- the view that our review team took, in 12 many ways, it was much harsher than what we may have 13 done. In fact, this is the first time for myself 14 going through the process. My staff tells me it's 15 been a more rigorous process than we've ever used in 16 years past. 17 In Dream Diné's application, the review 18 team scored this application very high in terms of 19 its mission, receiving maximum points; also, very 20 high for its educational plan, the highest of any of 21 our applicants in that category. We were impressed 22 with their understanding of their organizational 23 structure, which was very solid, and they have very 24 strong local, community support. 25 Our business manager, who is part of the</p>	<p>1 application be approved. Thank you, Madame Chair. 2 THE CHAIR: Thank you. Kelly, would you 3 mind being our timekeeper, please? 4 MS. CALLAHAN: Sure. 5 THE CHAIR: Thank you all for being here 6 this morning. Again, if you would identify 7 yourselves to the reporter, and your association 8 with this application, and then you have 15 minutes 9 to make your presentation. 10 MS. NOFCHISSEY: Good morning. My name is 11 Rose Fasthorse Nofchissey. I'm a member of the 12 Governing Council. Thank you. 13 MS. YAZZIE: (Spoken Navajo.) Good 14 morning. My name is Celeste Yazzie, and I'm a 15 founder. 16 MR. SOSA: Good morning. My name is Gavin 17 Sosa. I'm also a member of the founding, or 18 planning, team. 19 THE CHAIR: Thank you. And your 20 15 minutes begins now, if you'd like to make a 21 presentation. 22 MR. SOSA: Thank you, Madame Chair. I'd 23 like to start this morning with some thanks, 24 starting with Tony and the Charter School Division 25 at the PED, for their time and energy to review the</p>
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<p>1 team -- every team had a business manager -- scored 2 this application the highest, and her comment was 3 this was one of the best financial plans that she 4 had ever seen in her years as a business manager. 5 Their capacity interview demonstrated a 6 high level of experience and capacity. The team has 7 a principal in place, which is far ahead of the game 8 for most charter school applicants. 9 Our team synthesis score reflects the 10 Charter Schools' [verbatim] belief that this school 11 has a high probability of success. And that is why, 12 out of a total of 33 points, we gave them 28. 13 Based on all of those statistics and 14 analysis from our review team and our own analysis 15 of the application, the capacity interview, the 16 community input hearings, and everything about this 17 application, as well as their strong vision for 18 delivering education to Navajo youth, it's the 19 Charter Schools Division's recommendation that this 20 be approved -- that this charter school application 21 be approved. 22 This recommendation is not mine, solely. 23 I am the spokesperson for the entire staff, who have 24 taken a very collaborative approach to the analysis. 25 And it is our team's recommendation that this</p>	<p>1 charter, to work with us for the last several 2 months. I'd also like to thank the review team for 3 the work they put in, their willingness to come and 4 sit in during a -- the capacity interview and ask us 5 some challenging questions and to listen to our 6 responses. 7 And I'd like to thank the Public Education 8 Commission. There were four of you that had the 9 time and energy to come out, were able to make it. 10 We appreciate your time to travel all the way to 11 Shiprock, listen to our community, take the time for 12 all of you to review the charter, and ask the 13 challenging questions, as well. We've taken a lot 14 of those questions under consideration of the last 15 few months. So, thank you very much for all of that 16 time and energy on your behalf. 17 (Spoken Navajo.) My name is Gavin Sosa. 18 I am one of the planning team members. I was asked 19 to speak on behalf of Dream Diné Charter School. 20 I spent the first 23 years of my life 21 living in big cities, Los Angeles and, then, 22 Chicago, growing up and then going to college. In 23 2002, I moved to the Navajo Nation, where I was a 24 teacher in Gallup-McKinley County Schools for six 25 years, teaching language arts at Navajo Middle</p>

<p style="text-align: right;">Page 14</p> <p>1 School.</p> <p>2 I struggled with a lot of the challenges</p> <p>3 that I think face a lot of the teachers and schools</p> <p>4 across the Navajo Nation. I had a hard time making</p> <p>5 the academic content of my classroom relevant to the</p> <p>6 lives of my students and their families. I had a</p> <p>7 difficult time, obviously, as an outsider,</p> <p>8 connecting language and culture and the sense of</p> <p>9 identity with the formal school setting that I was</p> <p>10 working within. And my students struggled</p> <p>11 academically, in reading and writing.</p> <p>12 And I left the classroom after six years.</p> <p>13 And I believed there had to be a better way;</p> <p>14 although, I recognized I didn't have the slightest</p> <p>15 clue what that way might be.</p> <p>16 Then I started investigating the process</p> <p>17 of social economic development. I believed in the</p> <p>18 capacity of a community and the people within that</p> <p>19 community, to be able to identify their own</p> <p>20 challenges and develop and design innovative</p> <p>21 solutions to solve those challenges. And, as an</p> <p>22 educator, I began to wonder why I hadn't been</p> <p>23 involved in that process of asking my students and</p> <p>24 their families what it was that they believed and</p> <p>25 what their aspirations and hopes were, and how we</p>	<p style="text-align: right;">Page 16</p> <p>1 would ultimately become part of our planning team.</p> <p>2 And during these conversations, I was</p> <p>3 listening to people's enthusiasm and their</p> <p>4 excitement and their own vision, and the idea of a</p> <p>5 dream school started to kind of formulate. A lot of</p> <p>6 these early meetings, they did lead to the</p> <p>7 development of a planning team, a group of eight or</p> <p>8 nine individuals, who were committed to volunteering</p> <p>9 their time to engaging their own community in</p> <p>10 conversations about the purpose and the process of</p> <p>11 education.</p> <p>12 And for the past two-and-a-half years, we,</p> <p>13 as a team, have been engaging our local community,</p> <p>14 anybody who has an interest in education or children</p> <p>15 or community development. And a lot of these</p> <p>16 groups -- I'm just going to name a few of them. The</p> <p>17 district had a 20-year Language Revitalization</p> <p>18 Committee, and we met with those folks. The</p> <p>19 Northern Diné Youth Committee, a grassroots</p> <p>20 organization of youth.</p> <p>21 Teachers and educators, parents and</p> <p>22 elders. The Diné College staff that's in Shiprock</p> <p>23 and in Tsaile, their leadership team. The</p> <p>24 department of Diné Education, their Board of</p> <p>25 Education, based in Window Rock, Arizona. The staff</p>
<p style="text-align: right;">Page 15</p> <p>1 could better bring those aspirations and hopes into</p> <p>2 reality.</p> <p>3 So, in 2009, I entered Stanford's Graduate</p> <p>4 School of Education to get a Master's in Policy,</p> <p>5 Organization, and Leadership Studies. And one of</p> <p>6 the goals in my time at Stanford was to basically</p> <p>7 understand what questions needed to be asked in</p> <p>8 communities, and, then, what to actually do with</p> <p>9 those answers.</p> <p>10 And, after graduating, an opportunity</p> <p>11 arose at the Native American Community Academy for</p> <p>12 me. It was a one-year fellowship, a leadership</p> <p>13 fellowship funded by the Kellogg Foundation. The</p> <p>14 purpose of that position was to spend a year in an</p> <p>15 effective charter school and really understand the</p> <p>16 community engagement process that that school had</p> <p>17 gone through to become, you know, a true community</p> <p>18 school that reflected the values of the students and</p> <p>19 the families who would ultimately attend and be a</p> <p>20 part of it.</p> <p>21 And, during that year, I also started to</p> <p>22 take trips to Shiprock, as well as other communities</p> <p>23 on the Navajo Nation. And, in Shiprock, I began to</p> <p>24 meet with individuals including Rose; Celeste was</p> <p>25 also working at NACA, and the rest of the people who</p>	<p style="text-align: right;">Page 17</p> <p>1 of the Northern Navajo Medical Agency, and local and</p> <p>2 tribal leaders. We met with all these people, and I</p> <p>3 had some lasting impressions that have stuck with me</p> <p>4 through these conversations.</p> <p>5 People had a passion and interest and an</p> <p>6 expertise for education. Their desire was for a</p> <p>7 solution, a school that reflected their own values,</p> <p>8 their own visions, and, yet, would prepare their</p> <p>9 children for the future. They were looking for a</p> <p>10 stronger system of education. And we heard this</p> <p>11 voice across the board. It wasn't a complaint</p> <p>12 against the district, but a vision of what could be.</p> <p>13 This community input is what ultimately</p> <p>14 guided the writing of our charter. And everything</p> <p>15 that you have read in the charter was a reflection</p> <p>16 of what we heard in these conversations. These were</p> <p>17 not just the ideas of a small group of people, you</p> <p>18 know, sitting in a room making decisions for a</p> <p>19 larger community.</p> <p>20 And, so, now, I would like to take a</p> <p>21 minute just to highlight some of the strengths and</p> <p>22 innovations that we believe are in the charter. I</p> <p>23 know that the review team found some strengths. I'm</p> <p>24 sure that you all might have found some. But, as a</p> <p>25 team, we had some that we felt needed to be</p>

<p style="text-align: right;">Page 18</p> <p>1 highlighted.</p> <p>2 First and foremost were the rigorous</p> <p>3 expectations that we have for our students that go</p> <p>4 beyond what the local schools are asking of Navajo</p> <p>5 children. And, in the Charter, on Page 4, we talk</p> <p>6 about the expectations on Navajo youth today are</p> <p>7 greater than almost anywhere else, because we're</p> <p>8 asking them to revitalize and maintain their</p> <p>9 language and culture. We're also asking them to be</p> <p>10 academically prepared for college and the global</p> <p>11 economy. Those expectations are very complicated,</p> <p>12 and those children deserve schools to prepare them</p> <p>13 to meet those expectations.</p> <p>14 We're asking them to be fluent in two</p> <p>15 languages. We're asking them to demonstrate mastery</p> <p>16 of academic, linguistic, and cultural knowledge</p> <p>17 within the local context of their local community,</p> <p>18 first and foremost, to be involved through</p> <p>19 experiential education and projects in the lives of</p> <p>20 their community.</p> <p>21 We're asking them for academic achievement</p> <p>22 that surpasses that of peer groups across the Navajo</p> <p>23 Nation and elsewhere. We're asking them to develop</p> <p>24 themselves as critical thinkers, who can analyze the</p> <p>25 challenges in their community and develop innovative</p>	<p style="text-align: right;">Page 20</p> <p>1 this is what's going to guide education for the</p> <p>2 future. And, so, we feel like we're not having to</p> <p>3 adjust the curriculum, but build a curriculum</p> <p>4 aligned with the Common Core State Standards.</p> <p>5 And, finally, our curriculum empowers our</p> <p>6 teachers and our educators. We're asking them to be</p> <p>7 action researchers within their own class. We're</p> <p>8 giving them the opportunity to integrate multiple</p> <p>9 content areas, the interests of their students, the</p> <p>10 local history, the needs and values of the</p> <p>11 community, formative and summative assessments. And</p> <p>12 we believe that this program empowers teachers to</p> <p>13 finally have some guidance in the education that</p> <p>14 we're designing.</p> <p>15 Another strength we see, as Tony had</p> <p>16 mentioned, is the leadership capacity of our school.</p> <p>17 We have a Governing Board of proven and capable</p> <p>18 leaders. And I'm just going to list briefly who</p> <p>19 they there. Kara Bobroff, who is a successful</p> <p>20 charter school founder and principal, and has been</p> <p>21 working in the charter school world for, I believe,</p> <p>22 seven to eight years now. Rose Fasthorse</p> <p>23 Nofchissey, who's been in education for 38 years.</p> <p>24 She has been a classroom teacher, a Diné language</p> <p>25 and culture instructional coach, an assistant</p>
<p style="text-align: right;">Page 19</p> <p>1 solutions.</p> <p>2 Another highlight of our charter, we</p> <p>3 believe, is this research-based, innovative</p> <p>4 curriculum that our team and our community has</p> <p>5 designed. This curricular model accesses multiple</p> <p>6 learning modalities. It has an innovative use of</p> <p>7 culturally relevant seasonal themes, and it utilizes</p> <p>8 the community resources, which is something that a</p> <p>9 lot of schools across the Navajo Nation don't do.</p> <p>10 And by "community resources," I'm</p> <p>11 referring to the human resources, the families, the</p> <p>12 people who live there, the elders, the leaders.</p> <p>13 Also, the culture, the cultural strengths, and not</p> <p>14 just the Navajo culture, but the multicultural</p> <p>15 strengths of the community and the linguistic</p> <p>16 strengths of the Diné language and other languages</p> <p>17 spoken across the Navajo Nation. Also, utilizing</p> <p>18 the history and environment of the Navajo Nation and</p> <p>19 bringing those things to bear in the educational</p> <p>20 system that our students are involved in.</p> <p>21 This curriculum is aligned, and has been</p> <p>22 aligned from its inception, with the New Mexico</p> <p>23 Common Core State Standards. That's been a strong</p> <p>24 point, we think, of the work we've done. And we're</p> <p>25 coming at a perfect time right now to understand</p>	<p style="text-align: right;">Page 21</p> <p>1 principal, a principal, the district's bilingual</p> <p>2 coordinator. She has a lifetime of experience, and</p> <p>3 she's from the community and understands what our</p> <p>4 community is looking for.</p> <p>5 Lambert Benally, who's a legislative</p> <p>6 district assistant for our local Council delegate.</p> <p>7 He's spent the last couple of years understanding</p> <p>8 how to navigate and work with Navajo Nation policy.</p> <p>9 He's also an experienced community organizer and has</p> <p>10 worked in bringing people to the table and having</p> <p>11 deep conversations.</p> <p>12 Kimberly Mose, who's an administrator at</p> <p>13 the Indian Health Service's Hospital in Shiprock.</p> <p>14 All three of her children were born there. She's</p> <p>15 been in the community for almost 15 years. She's</p> <p>16 also the director of Shiprock's Health Education for</p> <p>17 Wellness Program.</p> <p>18 And Terri Deale, who's one of our youth</p> <p>19 leaders in Shiprock. She's also a traditional</p> <p>20 farmer, and she's from the community.</p> <p>21 These were the five Governing Board</p> <p>22 members identified. They met recently as a board,</p> <p>23 and we took the time to review and revise the</p> <p>24 bylaws -- thank you -- review and revise the bylaws</p> <p>25 that we would ultimately adopt for the school. They</p>

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1 also took the time to discuss the Open Meetings Act.
 2 They looked at the Board of Finance application and
 3 started to question what that would look like and
 4 how that process would move forward.
 5 And they also signed up to volunteer on
 6 various committees. In particular, we had three
 7 committees: Outreach and Marketing, Policy
 8 Development, and Facilities. So our board has met.
 9 They're excited; they've committed themselves to the
 10 next several years to work on this charter school
 11 and to help guide this work.
 12 As was mentioned, we have an identified
 13 principal, Roselyn Begay, who, unfortunately,
 14 couldn't attend today. She's also been a classroom
 15 teacher and principal in the local community,
 16 Central Consolidated School District. She was a
 17 principal for ten years at the district's only
 18 school that ever tried to implement a dual language
 19 or bilingual program. She's also a respected
 20 educator from the community and across the Navajo
 21 Nation, and she has committed herself and her time
 22 and is very excited, if we get approved, to start
 23 this work immediately and to help move forward.
 24 And, of course, there's a planning team
 25 that we brought together that was of folks who have

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1 spent their lifetime in education: Celeste and
 2 myself are, by far, the youngest members and the
 3 least experienced. But our team is made up of
 4 strong advocates for children, for communities, and
 5 for education.
 6 One more strength that I'll mention of our
 7 charter -- and I don't -- and I hope it was present
 8 and obvious, and I hope it was present as well at
 9 the public hearing -- was the focus on healthy and
 10 collaborative relationships. I don't know that that
 11 always gets the understanding that it needs to have.
 12 But we've been working with grassroots
 13 organizations, national foundations, such as
 14 Kellogg, successful charter school leaders, the
 15 Departments in Education, families, youth, elders,
 16 and, of course, the Charter School Division of the
 17 PED.
 18 And bringing those people, all, to these
 19 conversations has had a huge impact in guiding our
 20 work and making sure that it is reflective of the
 21 community in which we're trying to open this school.
 22 So, I just want to highlight, since we
 23 last met at the public hearing, we did take the time
 24 to review our charter, review the Notice of Intent,
 25 review our budget, and respond to the concerns that

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1 were brought up.
 2 It's my understanding that they were
 3 received very recently. But I hope that you have
 4 received our comments and our feedback. We did look
 5 at those, and we really tried to address any
 6 shortcomings and gaps and make ourselves aware of
 7 some of the work ahead.
 8 Our Governing Board has met, as I
 9 mentioned, to revise those bylaws and to begin
 10 preparing for the planning year. And we also, just
 11 this past week, met with the Diné College leadership
 12 team, their president and her leadership team. And
 13 they have sent us -- and I can forward it on to
 14 you -- a letter of support that demonstrates their
 15 commitment to partnering us to house the school on a
 16 temporary basis for up to the first five years,
 17 which I know facilities is a huge thing for charter
 18 schools.
 19 The Shiprock campus of Diné College is
 20 committed to working with us to provide a home for
 21 this school.
 22 Looking ahead, you know, we're excited.
 23 We think this is going to be a great year to plan.
 24 A year goes quickly and, we know there's a lot to
 25 do.

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1 We have a Planning Year Checklist, which
 2 outlines the deadlines, and we're looking forward to
 3 jumping right into it with our Governing Board,
 4 doing some outreach with families and students. We
 5 are interested in negotiating our process with the
 6 PEC and what that process will look like, our
 7 accountability contract, and really sitting down and
 8 looking at the goals we have set, making sure they
 9 make sense, that they're specific and measurable,
 10 and they align with the vision and mission of the
 11 charter, as well as what the State expects of us.
 12 And our Governing Board, one of the next
 13 steps is becoming a Board of Finance. And we know
 14 that there's a fairly short time limit on that. Our
 15 Governing Board is excited, and cautious, going into
 16 that process, as they should be. We're looking at
 17 securing start-up funding immediately. We have been
 18 asked by a national foundation to apply for a
 19 start-up grant immediately.
 20 MR. GERLICZ: One minute.
 21 MR. SOSA: Perfect. And, so, we're
 22 looking to do that, as soon as we're approved put
 23 that application in. So, we're looking to do that
 24 in the month of October.
 25 We're also, of course, looking to really

<p style="text-align: right;">Page 26</p> <p>1 sit down with Diné College and hash out the details 2 of a memorandum of understanding, so we are clear on 3 what both parties are responsible for. Designing 4 and finalizing our curriculum, I think is what a lot 5 of our planning team and a lot of our Governing 6 Board and people, in general, are really interested 7 in what will this curriculum look like when it's 8 fully built out.</p> <p>9 And, finally, I think the last thing we're 10 working on for the next year is continuing to 11 develop relationships, meeting with students, 12 meeting with families, meeting with people in the 13 community, building a student body; but, ultimately, 14 building the support that's going to be necessary to 15 make this school a success.</p> <p>16 So, once again, thank you very much for 17 your time. And I suppose we are now open for -- for 18 questions. Thank you.</p> <p>19 THE CHAIR: Thank you very much for that 20 presentation.</p> <p>21 We are now to the point where 22 Commissioners may ask questions, make comments, 23 either to the applicant or of the CSD. Do 24 Commissioners have questions? Commissioner Bergman? 25 COMMISSIONER BERGMAN: Madame Chair, thank</p>	<p style="text-align: right;">Page 28</p> <p>1 And I appreciate your candor on that, 2 because I thought your goals were weak. That was my 3 personal opinion, as a Commissioner. And your 4 response to that is you "are prepared to work with 5 the Charter Schools Division during the contract 6 negotiation process to develop rigorous and valid 7 measures that demonstrate we are meeting our 8 mission."</p> <p>9 And I appreciate that, also, because, 10 goals -- everything in an application is important. 11 But goals -- I use goals in a number of ways. One 12 of them is goals tell me what your vision is. They 13 tell me where you think your school is going to go, 14 and they're put in writing what you expect from your 15 students, how -- whether -- what their academic 16 achievement is going to be.</p> <p>17 So, in essence, you're asking me to vote 18 on an application today that, in my opinion, does 19 not have the goals. But I also will say that this 20 performance contract that we're talking about, this 21 is the first year -- there have been seven of them 22 negotiated so far, and I've been at six of those. 23 And should your application be approved, I will be 24 at yours. 25 So, I wanted to state again, for the</p>
<p style="text-align: right;">Page 27</p> <p>1 you. Since I was not at the hearings, I will note 2 for the record that I was not at those hearings 3 because I had heart surgery on the Thursday before 4 that week. I've always been on the tours, everyone 5 knows. I regret that was I was not able to make 6 this tour this year.</p> <p>7 But, here again, for the record, I'm going 8 to note that I have read all the applications; I've 9 read all the CSD responses to those applications; 10 I've read the transcripts of all those hearings that 11 I missed; I've read all the public comment that came 12 in after those hearings. And I did read your 13 response that you just mentioned in your remark.</p> <p>14 So, I have read all that. So, even though 15 I missed the hearings, I feel like I'm up to speed 16 on what we're going to do here.</p> <p>17 I did want to delve into one area on your 18 application. And I respectfully disagree with the 19 CSD on their comments on your goals. And I'm going 20 to note that, in your response, you state -- and I'm 21 going to quote from your response -- under "Goals," 22 it was accurately pointed out that, "Our goals are 23 currently not in SMART format. They are not 24 specific or measurable, nor is there a time frame 25 for when they will be reached."</p>	<p style="text-align: right;">Page 29</p> <p>1 record, that when I show up at that performance 2 contract negotiation, I'm going to hold you to your 3 word. I'm going to expect to see rigorous and 4 robust and ambitious and measurable goals when we do 5 that, because, here again, this Commission will then 6 vote on that contract.</p> <p>7 This is just the first step in a long 8 process. And, CSD, I'm going to -- whoever your 9 liaison with this applicant is going to be, in that 10 event, I'm going to expect them to help give them 11 all the help you can in getting the goals that I 12 just described, because that's what I'm going to be 13 looking for. I'm just going to hold you to that.</p> <p>14 Thank you, folks, and thank you, 15 Madame Chair.</p> <p>16 THE CHAIR: Thank you. Other questions? 17 Commissioner Toulouse?</p> <p>18 COMMISSIONER TOULOUSE: Madame Chair, this 19 isn't really a question. It's a comment. Having 20 been at the hearing -- and this was my first set of 21 hearings -- what impressed me was the broad base of 22 support that was there. And I am just hoping that 23 that support will remain. I know the community 24 support should remain. I hope that the power 25 structure that was there, from the tribal level and</p>

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1 the charter -- the Navajo chapter levels and all,
 2 will remain with you, because that's your strength
 3 is that you have that group behind you, as well as
 4 your local community.
 5 I'm also wondering, though, if you're
 6 looking toward -- if you are successful after a year
 7 or two, are you looking to assume that you probably
 8 will pull people in from chapters other than
 9 Gadii'ahi and Shiprock, because I can see becoming
 10 quite a magnet, and I wonder how you're looking to
 11 deal with that, because that's going to come quickly
 12 if you're successful.
 13 If you're not, then we won't be talking
 14 about this. But I see that happening, because I
 15 think that there is a desire out there among many
 16 parents for their children to have this kind of an
 17 education.
 18 MS. NOFCHISSEY: Thank you for that
 19 question. We do have a resolution from the Navajo
 20 Nation Board of Education, who has unanimously voted
 21 to support us. And we will be moving up to the
 22 Navajo Nation Council Health Education Committee to
 23 start getting their support. And I'm sure they
 24 will, because, when we talked with the education
 25 officials with the Navajo Nation in Window Rock,

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1 this is one of the first schools that they will be
 2 looking at as a model, as well. So, they will be in
 3 full support of any assistance they can offer.
 4 And we also have a resolution with the
 5 Gadii'ahi Chapter, and are moving into other
 6 chapters as well, as well as the Northern Council of
 7 Chapters, which consists of the Four Corners
 8 chapters.
 9 MR. SOSA: And just to add to that, these
 10 chapter resolutions aren't simply the resolutions of
 11 the leadership of that chapter, but they're actually
 12 votes open to the community. So, these are votes
 13 taken into an open forum.
 14 And to the question of a possible growing
 15 demand, which we would love to see, I think the
 16 reality of our team who have discussed this for the
 17 last two years is this is one small school in a
 18 large community, the largest in the Navajo Nation,
 19 with a student body of several thousand, and, at
 20 full capacity, we will have under 200 students.
 21 It is our hope that the district and the
 22 public schools in our community see an opportunity
 23 to work with us and that we have an opportunity to
 24 work with them. We recognize that, in years to
 25 come, the odds are that the public schools across

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1 the state, and Shiprock, in particular, will educate
 2 90, 95 percent of the students.
 3 We're fine with that. It's our hope that
 4 they recognize that this demand reflects a community
 5 need and a desire. And the district has made some
 6 efforts in the past couple of years to respond in
 7 some ways to community needs. And, so, it's our
 8 hope to continue that process. And I think, when
 9 they come to us and ask what it is that's making the
 10 school successful, it's not a question of, "What is
 11 your curriculum? Who are your teachers?"
 12 I think as much as anything, it's a
 13 question of "What's the process of engaging people
 14 in your community to allow them a voice to design
 15 some of these -- curricular questions and these
 16 instructional strategies?"
 17 THE CHAIR: Other questions?
 18 MR. CONDON: Madame Chairman?
 19 THE CHAIR: Commissioner Conyers.
 20 MR. CONDON: Good morning. Ya'at'eeh
 21 abini. I had a couple of comments. One of them,
 22 you already answered, about your support from the
 23 Navajo Board of Education. And you've had
 24 conversations with DODE, so that's good. I know at
 25 the hearing, there was expressions of concern, or I

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1 guess we'd say nonsupport, from the representatives
 2 of CCSD. Scott and Matthew were there.
 3 Can you tell me, have you had any
 4 conversations with them, or are you attempting to
 5 establish better relationships, or address any of
 6 their concerns?
 7 MR. SOSA: So, Matthew Tso is a -- is the
 8 CCSD Board president. He's actually been involved
 9 in some work in another community on the Navajo
 10 Nation talking about a charter school. And he's
 11 been kind of investigating that process.
 12 And I think, to some extent, it's a matter
 13 of him kind of starting to understand what that work
 14 would look like in working from the starting stage.
 15 We've actually, during some of those
 16 meetings, sat down and chatted briefly; nothing
 17 that's been in a formal setting, nothing where we've
 18 sat down and worked out some MOUs and things like
 19 that.
 20 To be honest, the district is dealing with
 21 some other issues right now, and I don't think
 22 they're super-concerned about a charter school that
 23 may or may not open.
 24 Some of the concerns that were brought up
 25 had to do with technical issues of whether or not we

<p style="text-align: right;">Page 34</p> <p>1 had actually submitted a Notice of Intent by the 2 January 8 deadline. That seemed to be a huge issue 3 for the district. We had sent the documentation 4 showing that that had happened. 5 So, I think, to some extent -- and this 6 has been true across the groups we've talked with in 7 the Navajo Nation, the comment has been, "Once 8 you're approved, come back and talk with us." 9 That's come from the vice president of the Navajo 10 Nation, Health Education Human Services Committee, 11 the Tribal Council; people in the community have 12 said, "Are you approved, and once you are, come back 13 and we'll have these conversations." 14 So, we recognize that approval is an 15 important step to sitting down and being able to 16 understand that, "We will be working in this 17 community with you, side by side, and what will that 18 relationship look like now." 19 MR. CONDON: Okay. Thank you. 20 THE CHAIR: Commissioner Gant? 21 COMMISSIONER GANT: Madame Chair, members, 22 good morning. I had several concerns when I was out 23 there. But I've pretty much -- most of them are 24 pretty well covered. 25 But I had a couple that are still sticking</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. SOSA: Just to clarify, this is -- can 2 you -- I have the charter in front of me. Can you 3 tell me what section it is you're looking at? 4 COMMISSIONER GANT: I have Page 41, okay? 5 And it's the disenrollment, this section on 6 disenrollment. 7 THE CHAIR: If you're having difficulty 8 finding it on your response -- you say Chapter -- 9 Charter -- pardon me -- Page 40, application -- I 10 can't even read this morning. I'll start over. 11 Charter, Page 40; Appendix, Page 27. 12 COMMISSIONER GANT: And I did read those, 13 and I still think it's weak. 14 MR. SOSA: One moment, please. So, in our 15 response -- and this is just on that second page, 16 and, so, I'm seeing the comments. And the question 17 was, you know, disenrolling students with ten 18 consecutive days. 19 So, obviously, we don't specify in the 20 charter that these students -- whether they're 21 special needs or whether they're students who don't 22 have special needs. And we -- our comment -- I'll 23 just read from this, and I'm not sure that this 24 answers the question entirely, but I see the 25 challenge here.</p>
<p style="text-align: right;">Page 35</p> <p>1 in my craw. And they're -- one of them is personal. 2 But it deals with a statute. The other one is -- 3 and you don't have your application, I don't 4 believe. So, I'll just tell you what -- it's on 5 Page 41. It's on disenrollment. 6 And, to me -- that comes under 7 Section 6.11.2.11(G) of the New Mexico 8 Administrative Code. And what you've got in there 9 is totally weak. And I did mention this. And my 10 concern is that a lot of what was said in there 11 deals with special needs students and others. 12 And that's a real button for me. And I 13 don't think enough attention -- this is a current -- 14 and you had it -- you can answer to this. But my 15 concern was that you didn't pay enough attention to 16 the special needs students. And, to me, charter 17 schools are public schools, and you have to accept 18 whoever walks in the door, regardless of language, 19 regardless of physical capabilities, mental 20 capabilities. 21 And this disenrollment thing, the way you 22 had it written, does not support these children. 23 So, would you address that, please? It's, in my 24 view -- it's -- in my view, you really -- there's a 25 lack there.</p>	<p style="text-align: right;">Page 37</p> <p>1 And it's, "Our Governing Board is going to 2 adopt an attendance policy that includes progressive 3 interventions for students who are absent." 4 Specifically, we're talking about students who are 5 absent for consecutive days of the year. 6 And it says, "The policy is likely to 7 include phone calls, home visits, letters to 8 families when students have consecutive unexcused 9 absences. Dream Diné is committed to working 10 closely with families, and disenrollment would not 11 occur without multiple attempts to communicate with 12 the family." 13 As far as working with special education 14 students, in particular, I think this is a challenge 15 of if students are absent, versus if students are 16 struggling academically. Those two things may 17 coincide, but we don't specifically acknowledge that 18 those two are the same issue. 19 I also think, when it comes to issues of 20 special education, a lot of that -- and this comes 21 from research, working in indigenous communities, 22 the label of "special education" is often attributed 23 to linguistic issues, as well as, potentially, 24 learning differences, as opposed to disabilities. 25 And, so, we recognize that the curriculum</p>

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<p>1 and the instructional strategies that we are seeking 2 to implement are reflective of a more traditional 3 teaching approach that didn't label students 4 historically as needing anything additional, as far 5 as special needs. And we think that, by accessing 6 different modalities and integrating curriculum, 7 building on community strengths, building on 8 linguistic and cultural strengths, that far fewer 9 students will require -- will be missing school 10 because of academic issues, and far fewer students 11 will potentially be labeled as English Language 12 Learners or special education. 13 COMMISSIONER GANT: Go ahead. 14 THE CHAIR: Other questions? I do have 15 some questions. And I very much appreciate your 16 response that we got the other day. Many of the 17 questions that I asked, you have responded to. 18 I do take note of the CSD's 19 recommendation. I, too, agree, there are many 20 strengths in this application. However, there are 21 some significant deficiencies in this application. 22 And I will remind everyone what we said at the 23 beginning of this hearing -- and I believe all of 24 them -- that the decision on whether or not to grant 25 a charter is based on this application, that what</p>	<p>1 they're not part of the application. So, that is a 2 huge deficiency for me. 3 On Page 4, you -- in the charter, where 4 you write, in the charter -- The charter currently 5 reads, "Looking at comparable schools, we expect to 6 see X-X-X growth in Navajo language proficiency each 7 year." That's a hole. It may be a small hole for 8 some people, but it's a hole. I want -- I want the 9 very best for your kids and my kids. This is a 10 hole. You don't have a complete plan here. 11 There's ambiguity about how many Governing 12 Council members you're going to have. There was 13 confusion about the Open Meetings Act and how you 14 were going to select those members. 15 The special education teacher, that, I 16 think, is vital to your school, your suggestion is 17 that person will be the principal and will also 18 teach, or some combination of duties like that. I 19 don't think that'll work. 20 You say that you will fix that with grants 21 that, hopefully, you will get in the future. But 22 what if you don't get them? And, again, it's in the 23 future, and it will maybe happen, and it maybe will 24 not. 25 I want to know it's going to happen. I</p>
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<p>1 we're looking for is not only a good idea for a 2 school, but the complete plan that's going to 3 implement and allow that school to grow, to benefit 4 students. 5 And the significant deficiencies that I 6 see in this application are such that I don't think 7 this school is ready to open. I think this 8 application needs more work to develop and fill out 9 these deficiencies. And, of course, my first one is 10 with those goals. 11 I am not at all interested in seeing goals 12 written after the fact. I expect goals to come with 13 the application. I expect the applicant to know, 14 when they turn in that application, what they're 15 going to do, how they're going to do it, and how 16 they're going to measure were they successful. And 17 these goals are what say, "Here's how we know 18 whether or not we're successful, whether our 19 students are benefiting from this marvelous plan 20 that we have." 21 You don't have any goals. They're not 22 measurable; they're not complete; they're not 23 timely. 24 I see you have some attempted goals at the 25 end of this response unit. They're -- you know,</p>	<p>1 want to know you've made provision for it, and it's 2 there. 3 Parent volunteers working as office 4 managers. I love volunteers; I'm a volunteer. But 5 there isn't a parent volunteer in this world, that I 6 know of, that can handle STARS, that can do your 7 STARS reporting. And that's vital, absolutely vital 8 to the running of the school. So, there's a big 9 deficiency there. 10 You left out funding for the audit. 11 There's just -- there are significant holes. I 12 think -- I think this application needs another year 13 of work. I think you have a marvelous idea, and I 14 want it to work. And I want it to work out of the 15 chute, the day this school opens. I want it to be 16 the very best thing that it can possibly be for 17 those students who walk in the door. 18 And I don't believe this plan is ready to 19 do that. So, my concerns are the major deficiencies 20 in this plan that need to be worked on. Thank you. 21 Are there other questions or comments from 22 Commissioners? Commissioners, if there are not, I 23 direct your attention to your notebooks, where there 24 are -- we have a statement from our attorney before 25 we vote, please. And I would like for this</p>

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<p>1 information to be on the record, please.</p> <p>2 MS. LEWIS: Thank you, Chairwoman. Can</p> <p>3 everybody hear me? As has been done in the past,</p> <p>4 that, after the Commission voted, a written decision</p> <p>5 was issued right then. However, the law allows the</p> <p>6 Commission to do 14 -- to have 14 days for the</p> <p>7 written decision. They will still vote and make a</p> <p>8 decision and articulate their reasons for the court</p> <p>9 reporter today. But the written decision will</p> <p>10 follow via e-mail, or snail mail or, whatever ends</p> <p>11 up being the fastest way to get that done. Does</p> <p>12 anybody have any questions?</p> <p>13 THE CHAIR: Okay. And that's to ensure</p> <p>14 that we have a complete and detailed explanation of</p> <p>15 our decision in that written decision, okay?</p> <p>16 No, we do not have proposed motions in</p> <p>17 this notebook, do we?</p> <p>18 COMMISSIONER CARR: No, we don't.</p> <p>19 THE CHAIR: We said not to do that. I'll</p> <p>20 take that back. We do not have proposed motions in</p> <p>21 the notebook. Those are up to Commissioners.</p> <p>22 So, remember, we may approve the</p> <p>23 application, we may approve the application with</p> <p>24 conditions, or we may deny the application.</p> <p>25 Commissioners, are you ready to make a</p>	<p>1 Conyers -- pardon me -- Toulouse -- second by</p> <p>2 Commissioner Conyers, to approve the application, as</p> <p>3 recommended by CSD. Is there any discussion?</p> <p>4 COMMISSIONER CARR: Madame Chair?</p> <p>5 THE CHAIR: Sorry? Commissioner Carr.</p> <p>6 COMMISSIONER CARR: Madame Chair, just a</p> <p>7 comment. I concur with a lot of the thing -- most</p> <p>8 of what you said. And what I -- there -- what --</p> <p>9 except for one issue. I mean, there are many small</p> <p>10 schools where principals have to take on teaching</p> <p>11 duties. That's pretty common. So, that's the only</p> <p>12 one I disagree with you on, I guess, for the most</p> <p>13 part. I just wanted to bring that up before we</p> <p>14 voted.</p> <p>15 THE CHAIR: Thank you.</p> <p>16 COMMISSIONER CARR: Okay.</p> <p>17 THE CHAIR: Any other discussion?</p> <p>18 Comments? Seeing none, Secretary Bergman, we will</p> <p>19 have a roll-call vote, please.</p> <p>20 COMMISSIONER BERGMAN: Commissioner Carr?</p> <p>21 COMMISSIONER CARR: No.</p> <p>22 COMMISSIONER BERGMAN: Commissioner</p> <p>23 Conyers?</p> <p>24 COMMISSIONER CONYERS: Yes.</p> <p>25 COMMISSIONER BERGMAN: Commissioner</p>
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<p>1 motion?</p> <p>2 COMMISSIONER CONYERS: The question -- so,</p> <p>3 what -- what language are we to use in making a</p> <p>4 motion? What language should we use in making a</p> <p>5 motion?</p> <p>6 THE CHAIR: I will defer to our attorney.</p> <p>7 MS. LEWIS: You can either move to approve</p> <p>8 or deny, or approve with conditions, and articulate,</p> <p>9 if you're the one making the motion, the conditions</p> <p>10 that you would like to put on it.</p> <p>11 I'll be typing as you say that, in the</p> <p>12 event that it needs to be read into the record again</p> <p>13 or changed in any way. But the very detailed,</p> <p>14 written decision, I wanted to make sure that we had</p> <p>15 some time to draft that really specifically before</p> <p>16 we sent it out, if need be.</p> <p>17 THE CHAIR: Commissioner Toulouse?</p> <p>18 COMMISSIONER TOULOUSE: Madame Chair, I</p> <p>19 will move that we approve this application with --</p> <p>20 as recommended by the PED staff in their written</p> <p>21 report to us.</p> <p>22 THE CHAIR: Thank you. We have a motion.</p> <p>23 Do we have a second?</p> <p>24 COMMISSIONER CONYERS: Second.</p> <p>25 THE CHAIR: Motion by Commissioner</p>	<p>1 Peralta?</p> <p>2 COMMISSIONER PERALTA: No.</p> <p>3 COMMISSIONER BERGMAN: Commissioner Pogna?</p> <p>4 COMMISSIONER POGNA: Yes.</p> <p>5 COMMISSIONER BERGMAN: Commissioner</p> <p>6 Toulouse?</p> <p>7 COMMISSIONER TOULOUSE: Yes.</p> <p>8 COMMISSIONER BERGMAN: Commissioner Gant?</p> <p>9 COMMISSIONER GANT: No.</p> <p>10 COMMISSIONER BERGMAN: Commissioner</p> <p>11 Shearman?</p> <p>12 THE CHAIR: No.</p> <p>13 COMMISSIONER BERGMAN: Commissioner</p> <p>14 Bergman votes "No." Madame Chair, by a 5-to-3 vote,</p> <p>15 that motion has failed.</p> <p>16 THE CHAIR: Thank you, Mr. Secretary. By</p> <p>17 a 5-to-3 vote, the motion has failed. The charter</p> <p>18 is denied.</p> <p>19 Thank you all for your time, for your</p> <p>20 presentation. We hope to see you next year. I hope</p> <p>21 we see you next year.</p> <p>22 Next on the agenda is Columbus Community</p> <p>23 School. Will the founders please come forward?</p> <p>24 Good morning, to you, we'll ask CSD to go</p> <p>25 first, and, then, it will be your turn.</p>

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<p>1 Mr. Gerlicz, please.</p> <p>2 MR. GERLICZ: Madame Chair, members of the</p> <p>3 Committee of the Charter School Division, first of</p> <p>4 all, to begin, I would like to congratulate Phil</p> <p>5 Skinner and Jack Strong for their dedication to</p> <p>6 their community. This is not their first time in</p> <p>7 appearance in front of the Public Education</p> <p>8 Commission, nor is it their first time in submitting</p> <p>9 an application. We congratulate them highly for</p> <p>10 their perseverance, for their vision, and for their</p> <p>11 dedication to the community of Columbus, New Mexico.</p> <p>12 This application paints a very interesting</p> <p>13 picture of a community that's in desperate need for</p> <p>14 a secondary school. We heard at the community</p> <p>15 hearings, we've read in the application and in the</p> <p>16 capacity interviews, that this community desperately</p> <p>17 wants and needs a secondary school.</p> <p>18 In reality, there was an article in the</p> <p>19 recent paper talking about the immigration issues</p> <p>20 that occur in Columbus and Palomas, Mexico. We saw</p> <p>21 that firsthand at the community input hearings.</p> <p>22 Phil Skinner and Jack Strong are committed</p> <p>23 members of their community. This year's application</p> <p>24 reflects their desire to improve what they have</p> <p>25 proposed for the Public Education Commission. This</p>	<p>1 that community remains. Our Charter Schools</p> <p>2 Division score reflects our concern about the</p> <p>3 overall probability of this school being a success.</p> <p>4 We very much believe and hope that this school would</p> <p>5 be a success, and we see the need in the community</p> <p>6 for this school to be a success.</p> <p>7 We feel that the probability of its</p> <p>8 success is there, but, if somehow, the founders and</p> <p>9 the community could find for themselves an</p> <p>10 educational leader who could fill in the gaps in</p> <p>11 that educational plan, fill in the gaps in that</p> <p>12 business plan, and convince us that the capacity to</p> <p>13 pull this application off in Columbus was higher, we</p> <p>14 would be much more disposed to submit a strong</p> <p>15 recommendation for the school.</p> <p>16 Again, we encourage the founders and the</p> <p>17 community to continue to push for a secondary school</p> <p>18 in the community. The vision that they proposed of</p> <p>19 using rammed earth and adobe construction as a</p> <p>20 vehicle for delivering instruction is exciting and</p> <p>21 has potential.</p> <p>22 It's a question of capacity. Can the</p> <p>23 folks pull it off? How is this going to work? And</p> <p>24 the Charter School Division would love to see more</p> <p>25 evidence that this idea, which we find innovative,</p>
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<p>1 application is an improvement over years past.</p> <p>2 Our review team scored the application in</p> <p>3 the following manner: They found their educational</p> <p>4 plan lacking in a number of details. Their evidence</p> <p>5 support was very high. We heard that, and we read</p> <p>6 that. We saw that their organizational plan was</p> <p>7 stronger than what was presented in their</p> <p>8 educational plan in terms of robustness. And their</p> <p>9 business plan was found to be lacking in a number of</p> <p>10 areas as well.</p> <p>11 The Charter School Division, who were</p> <p>12 present at the capacity interview, as well as the</p> <p>13 review team who was present at the capacity</p> <p>14 interview, were very impressed by the founders, who</p> <p>15 demonstrated a high capacity in their understanding</p> <p>16 of what's needed in Columbus, and their</p> <p>17 understanding of what's needed for their charter</p> <p>18 school.</p> <p>19 We heard, at the community input hearing,</p> <p>20 that the Deming School District was very much</p> <p>21 opposed to this application. That is not a surprise</p> <p>22 in the charter world, as we often hear that from the</p> <p>23 local school districts in which charter schools</p> <p>24 live.</p> <p>25 Nonetheless, the need for that school in</p>	<p>1 which we find interesting and exciting, and has the</p> <p>2 potential to work in that community, to work in this</p> <p>3 oncoming year to answer for us an increased capacity</p> <p>4 of how it's going to be pulled off in an educational</p> <p>5 manner.</p> <p>6 Given all of that information and all of</p> <p>7 that behind us, it's our recommendation that this</p> <p>8 will not be approved this year, and that those</p> <p>9 recommendations be implemented, and that these</p> <p>10 founders return to us again, having found an</p> <p>11 educational leader that can fill in the gaps that</p> <p>12 were found in the application.</p> <p>13 Thank you, Madame Chair.</p> <p>14 THE CHAIR: Thank you, Mr. Gerlicz.</p> <p>15 Gentlemen, if you would identify yourselves and your</p> <p>16 role? And, please, after that, you have 15 minutes</p> <p>17 for your presentation.</p> <p>18 MR. SKINNER: Thank you, Madame Chair, and</p> <p>19 Commissioners, for the opportunity to be here. My</p> <p>20 name is Philip Skinner. I'm a founder. I would</p> <p>21 like to introduce the other two members of our team</p> <p>22 here today. For the record, I'd like to correct --</p> <p>23 it's Jack "Long" with an "L," who is our -- one of</p> <p>24 our founders, also, and a Governing Board member.</p> <p>25 And, in the center here is Tom Guerra, also a</p>

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<p>1 Governing Board member and a practicing public 2 defender down in Luna and Doña Ana County. Thank 3 you. 4 MR. GUERRA: Thank you, Madame Chairman. 5 I appreciate the opportunity to speak to the PEC 6 today. 7 In looking at this, a charter school in 8 the Town of Columbus would offer parents and the 9 family the long-desired option to educate their 10 children closer to their homes. And the plan 11 presented in the Columbus Community Charter School 12 addresses not only that need, but also larger 13 problems within the community, such as poverty, 14 economic desolation, and a high immigrant 15 population. 16 We are asking the PEC today to approve the 17 Columbus Community Charter School. 18 What the Charter School Division said is 19 that we have been before the PEC before. But we are 20 asking for approval, even though there was a 21 recommendation not to approve. 22 The charter school application, though not 23 written by educators, presents the opportunity to 24 satisfy the desires of this community. Taking the 25 reviewers' scores and comments into consideration,</p>	<p>1 word "economic desolation" is the reviewers' own 2 words -- presents a unique opportunity to the Public 3 Education Commission. We believe that the charter 4 school statute speaks about choice and innovation, 5 and that the spirit of the charter school statute is 6 to allow -- is to allow for approval. 7 They stated in their review, "They're 8 realistic in the need to hire a qualified educator 9 who can put together the model that the Columbus 10 Charter School will have to put together, and 11 realistic in understanding the roles of the 12 founders, the Governing Council and principal." 13 The review team thought that the founders 14 were realistic regarding the challenge in front of 15 them and the understanding that they, themselves, 16 are not educators, but, rather, committed community 17 citizens. 18 "The Board demonstrates its understanding 19 of its function and provides a clear description of 20 a plan to hire a head administrator. The founders 21 revealed a stronger capacity in the organizational, 22 facilities and community aspects of the interview." 23 And I think that one of the things that 24 the Charter School Division certainly spoke about is 25 that there is broad-based community support for the</p>
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<p>1 and after the community input hearings, the CSD's 2 overall analysis is that, in order to ensure the 3 success of the innovative and needed charter school 4 being proposed, the founders' capacity must be 5 supported and enhanced by an experienced educational 6 leader. 7 Now, the first three paragraphs that I've 8 read are, word for word, what has been said by the 9 Columbus School reviewers. Those are -- that's 10 their language. That's what they're saying. And 11 what they've said, for the past two to three years, 12 is that Columbus desperately needs a middle school 13 and a high school. We believe that, by granting 14 this and allowing us the planning year, we can begin 15 to use the experienced educational leaders. 16 No one has denied that we are not 17 educators. We are people from the community. But 18 this is why we're asking. We believe that 19 Columbus -- and every -- all five charter school 20 applications are unique, but that we're unique in 21 that we're on the border with the United States and 22 Mexico. We have children that are first language, 23 primary Spanish speakers, and, secondarily, English 24 speakers. 25 We believe that this community -- and the</p>	<p>1 school. And in the previous application, they also 2 spoke about economic development, that -- in this 3 community with economic desolation, and, basically, 4 the school being an economic engine, it's not just 5 education, it's jobs, it's structuring the 6 community, it's cementing the community. 7 And we're asking that you look at the 8 spirit of the statute when making your decision. 9 "The governance section, however, was 10 notable in its strength and showed significant 11 improvement." 12 I think that every year, even the Charter 13 School Division would say that Columbus has improved 14 every year that it's applied. This year makes -- if 15 we're denied -- would make going into our fourth, 16 and, really, fifth year, because the first year 17 there was organization, and there was no 18 application. So, every year, there's been 19 improvement. Every year, there's been community 20 involvement to improve. 21 "It was clear to the review team that the 22 founders have carefully analyzed the needs of the 23 community, the plan to use the school as a catalyst 24 for economic development for the community, and the 25 capacity to employ the rammed earth and adobe</p>

<p style="text-align: right;">Page 54</p> <p>1 construction skills of the proposed model of" 2 education -- "of delivering an education. The 3 research and data portion provision clearly defined 4 research to substantiate how the educational program 5 will work. The financial and internal control 6 policies are clear and demonstrate the capacity to 7 perform." 8 By granting the yearlong plan, and, again, 9 at the end of that year -- at the end of that year, 10 if contracts wouldn't be met, if contracts couldn't 11 be met, then the PEC does not have to go forward 12 with that. But we're asking for approval, or, in 13 the alternative, provisional approval, to go forward 14 with the planning year. 15 "Job descriptions, staffing planning, and 16 staff evaluation are clear, comprehensive, and 17 reasonable. Since the application provided the PSFA 18 letter, the school has provided significant efforts 19 to identify appropriate facilities. It appears that 20 there is adequate money budgeted in the operating 21 fund to cover monthly rent." 22 And one thing that is a bit new is that 23 \$50,000 was set aside and promised, that if the 24 Columbus Charter School could be granted this year, 25 this \$50,000 would be available this year only, but</p>	<p style="text-align: right;">Page 56</p> <p>1 for this, that we are asking that Columbus be 2 provided this. 3 "The application provides a clear plan for 4 community involvement and a clear, comprehensive, 5 and cohesive plan to resolve complaints." 6 When looking at this, members of the PEC, 7 the unique stature that Columbus holds on the 8 border, a tiny community, and, in many ways, 9 although on the border, isolated -- and, as you 10 heard with the first applicant, language is always a 11 concern -- we believe, and we are asking that the 12 PEC grant approval of the charter school, or, in the 13 alternative, a provisional approval, and that we be 14 allowed the year planning grant to go forward. 15 I think that the previous group said, "If 16 we all had more money, if we all had lots more 17 money, we would have done these things." 18 No one sits here today -- and the first 19 application was very impressive. We're not 20 educators, and we're not going to sit here -- and 21 we've never held ourselves out as educators. 22 But what we do have is a community that is 23 highly committed to this process, is highly 24 committed to their schools, and realizes that these 25 children, to receive an education for the 21st</p>
<p style="text-align: right;">Page 55</p> <p>1 would be available. 2 "The educational program and curriculum 3 and the scope and sequence are clear and reasonable. 4 The curriculum development time line, alignment time 5 line, and graduation requirements provide evidence 6 of compliance with requirements." 7 If this sounds technical, it is. But, 8 again, this is, word-for-word, language right out of 9 the reviewers' own review. This is their language. 10 "The instructional strategies and 11 effectiveness areas provide clear explanation that 12 support the school's program. The student 13 discipline policy is clear, comprehensive, and 14 cohesive, as are the student recruitment, the 15 lottery process, and enrollment processes 16 presented." 17 "The outreach activities described in the 18 application provide clear evidence that the proposed 19 school has developed an outreach program and plan." 20 We looked at every proposal. No proposal 21 is complete. No one is perfect. No organization is 22 perfect. No one's going to have every "I" dotted 23 and "T" crossed. But we believe that, in looking at 24 the charter school statute, we believe that, in 25 community support, and we believe that, in the need</p>	<p style="text-align: right;">Page 57</p> <p>1 century, needs a school in Columbus. The reviewers 2 go back to that, time and again, and they put that 3 on the record. And we appreciate that. 4 I believe that that's important, that 5 there's a dramatic need for a middle school, slash, 6 high school. Currently, we're talking about Grades 7 7 through 12. This is what we need in the Village 8 of Columbus, and this is what we're asking today. 9 We appreciate your time. We appreciate 10 your listening to us, and we ask for your approval 11 today. Thank you. 12 THE CHAIR: Thank you very much. It's 13 time for questions, comments, from Commissioners. 14 Commissioner Carr? 15 COMMISSIONER CARR: Madame Chair, I -- 16 every time you come before us, you tug at my heart. 17 I -- I totally agree with you that a school is 18 needed in Columbus. However, the application, 19 everything, has to be complete. And I don't think 20 you're going to be approved today -- I don't know 21 how everybody's going to vote. 22 But I think that one of the things that 23 the charter school movement has done is to expose 24 areas of our state that are not being adequately 25 taken care of. All of our children are not getting</p>

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<p>1 everything that they need in all these big 2 centralized schools. And moving away from 3 neighborhood schools after World War II was a huge 4 mistake, and I think it shines a big spotlight on 5 that.</p> <p>6 I just want to say, it's with profound 7 regret that I can't vote for your school today. And 8 there's a lot of schools that I have said "No" to 9 that I wish I could say "Yes" to.</p> <p>10 MR. LONG: May I respond? 11 COMMISSIONER CARR: I didn't ask a 12 question, but -- 13 THE CHAIR: Mr. Gant, did you have 14 questions? 15 COMMISSIONER GANT: Actually, I -- 16 Madame Chair, members, I really don't have a 17 question, but a few comments. 18 Yes, I've sat through all of these for the 19 last three years. Yes, there's been improvements. 20 But, no, it's not there. I have problems with the 21 facilities plant. I had problems with the budget, 22 the goals. I have problems with the Governance 23 Council, and how it's chosen, and what -- what was 24 listed in there as -- that is what I read; that is 25 what I see.</p>	<p>1 Let me ask you a question: Have you 2 done -- made any effort to go to some of the 3 foundations that have been in the news recently that 4 are supporting educational initiatives across the 5 country, people like the Gates Foundation up in 6 Seattle and the Daniels Foundation in Denver, to 7 take your concerns to them about your need for a 8 charter school, and tell them, "We can't -- we don't 9 have the facilities, can you help us with the 10 foundation, buying land, building a building for 11 us?"</p> <p>12 Have you even -- have you tried that? And 13 that is a question, so please answer. 14 MR. LONG: My name is Jack Long. I'm a 15 member of the Board, and I'm one of the founders of 16 our group. Our -- the PSA [verbatim] letter 17 actually said that the part of the school that we're 18 interested in meets their requirements. We're not 19 interested in the old part of the school. The 20 Village itself is interested in that. 21 But, you asked about the money issue. We 22 have a donor who's willing to give us \$50,000 this 23 year. The donors claim that it's because of tax 24 purposes it has to be this year. We won't get it 25 next year.</p>
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<p>1 And to say, time and time again -- and I 2 understand you're not educators. But that is not an 3 excuse or a reason or a rationale for not having a 4 complete, fully vetted application. It's just not 5 acceptable.</p> <p>6 I just -- I just -- we've heard that three 7 years now. So, if you want to be successful in a 8 charter school application, go find an educator that 9 knows what they're doing. Thank you.</p> <p>10 MR. GUERRA: Madame Chairman, may we 11 respond? 12 THE CHAIR: This is not a response, unless 13 you're asked a direct question. Was that a direct 14 question? 15 COMMISSIONER GANT: No. 16 THE CHAIR: Do we have questions? 17 Commissioner Bergman. 18 COMMISSIONER BERGMAN: Thank you, 19 Madame Chair. Certainly, each year, facilities, or 20 lack thereof, in Columbus -- which is not anybody's 21 fault, it's just a fact of life -- each year, you 22 mention the old elementary school, and the PSFA, on 23 numerous occasions, has said that school is 24 cost-prohibitive to remodel that school. It just -- 25 that's been the PSFA position.</p>	<p>1 We have no education people in our 2 community that can work with us, because the local 3 school district won't let them. So, for us to get 4 a -- a competent education person to work for us 5 next year, we will have to pay some consultant, and 6 we will have to have the funds. We won't -- we 7 don't have the funds now.</p> <p>8 If we could work on the basis that Tom 9 presented to you, if we could have a planning year, 10 we could hire the education people immediately, 11 'cause we have immediate access to the funds, if 12 we're approved. They won't give it to us if we're 13 not approved. 14 We could immediately enter into the -- 15 negotiate the contract for what has to be done with 16 us. We have that education people working for us 17 for the whole year. [Verbatim.] If we do not meet 18 the requirements that the Commission places upon us, 19 we'll have to go another year and give an 20 application. 21 It's no skin off of the State's teeth. 22 There is no State funds that will be going into 23 this. It will be all of the funds that are donated 24 to us. And it will have the same purpose of us 25 having to go for another year. Thank you.</p>

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<p>1 COMMISSIONER BERGMAN: And I did not hear, 2 in your answer, though, have you done -- contacted 3 any of these -- or any others, for that matter? 4 MR. LONG: No, we have not. 5 COMMISSIONER BERGMAN: Thank you. Thank 6 you, Madame Chair. 7 THE CHAIR: Other questions? I guess mine 8 is more of a comment. I think, to you, I'll say the 9 same thing I said to the first applicant. 10 We look at the application. That's -- 11 that is our job. We look at the application. We 12 look at a complete plan. And I know you all have 13 spoken of the benefits possible of this -- that the 14 school could bring to the community, possibly 15 economic development, probably, maybe, community 16 support, those kinds of things. 17 But in the final analysis, it's a school, 18 and it affects children's lives. And that's all I 19 really care about is how good of a job can you do 20 for the children? And if you don't have a complete 21 education plan, you don't have SMART goals, there's 22 problems in your financial plan, you need to figure 23 out a way to get an education person to work with 24 you. 25 Maybe you can speak to this benefactor and</p>	<p>1 Toulouse? 2 COMMISSIONER TOULOUSE: No. 3 COMMISSIONER BERGMAN: Commissioner Carr? 4 COMMISSIONER CARR: Yes. 5 COMMISSIONER BERGMAN: Commissioner Gant? 6 COMMISSIONER GANT: Yes. 7 COMMISSIONER BERGMAN: Commissioner 8 Shearman? 9 THE CHAIR: Yes. 10 COMMISSIONER BERGMAN: Commissioner 11 Bergman votes "Yes." Madame Chair, by a 6-to-2 12 vote, the motion has carried to deny. 13 THE CHAIR: Thank you. By a 6-to-2 vote, 14 the application of the Columbus Community Charter 15 School is denied. Thank you for your presentation. 16 Thank you for your application. 17 Commissioners, are we ready for a break, 18 or do we want to move forward? 19 COMMISSIONER CARR: Yes. 20 THE CHAIR: We'll take about ten minutes. 21 We'll be back at about 25 minutes after 10:00, 22 please. 23 (Recess taken, 10:15 a.m. to 10:25 a.m.) 24 MR. GERLICZ: Madame Chair, members of the 25 Committee, we have with us the application for the</p>
<p>1 ask them to help you in this regard. But you have 2 got to have a clear and complete application with a 3 strong education plan. And, then, I would like to 4 vote for your school. 5 So, those are my comments. Thank you. 6 Does anyone else have anything? Hearing no 7 comments, the Chair would entertain a motion. 8 COMMISSIONER GANT: Madame Chair, I move 9 that the Columbus Charter School application be 10 denied. 11 THE CHAIR: Do we have a second? 12 COMMISSIONER BERGMAN: Second. 13 THE CHAIR: Motion and a second to deny 14 the application of the Columbus Community Charter 15 School. Any discussion? Roll-call vote, 16 Mr. Secretary? 17 COMMISSIONER BERGMAN: I will note that a 18 "Yes" vote is to deny. Commissioner Conyers? 19 COMMISSIONER CONYERS: No. 20 COMMISSIONER BERGMAN: Commissioner 21 Peralta? 22 COMMISSIONER PERALTA: Yes. 23 COMMISSIONER BERGMAN: Commissioner Pogna? 24 COMMISSIONER POGNA: Yes. 25 COMMISSIONER BERGMAN: Commissioner</p>	<p>1 Health Sciences Academy, in Anthony, New Mexico. We 2 welcome Raphael Nevins and Lorna Samraj, back for a 3 second application. 4 This application, again, showed 5 improvement over last year. Our reviewers who 6 looked at the application gave this team full marks 7 for a compelling vision. The educational plan, 8 although it had some holes in it, the comments from 9 the review team said that it was strong. They have 10 a strong board and strong people associated with the 11 school. 12 What separates this application this year 13 from the one last year is that they have a very 14 strong principal, who they've already selected and 15 has already agreed to be their first principal, 16 should this school be approved. And that's Mr. Ron 17 Haugen, who is a former superintendent in the 18 Gadsden School District and brings much needed 19 expertise, not only to the school, but to the 20 educational model that will be implemented by this 21 school. 22 Mr. Haugen related frequently during the 23 community input hearings and during the capacity 24 interview, which the reviewers scored as strong, 25 that he's familiar with the model proposed by the</p>

<p style="text-align: right;">Page 66</p> <p>1 Health Sciences Academy as being implemented in 2 El Paso, seeing great strength in the model 3 proposed, and he's excited to make it a reality. 4 The Charter School Division was impressed 5 by the support of the community, as evidenced by the 6 429 pieces of support that were sent to us and 7 forwarded on to the Public Education Commission in 8 support of the school. And you can see from the 9 scores related in your packet that the capacity 10 interview scored the highest portion of the 11 application, again, reflective of Mr. Haugen's 12 expertise in the educational world and in the 13 delivery of this model. 14 It is with all of that -- there was one 15 concern -- the major concern that the Charter School 16 Division had was in terms of the area of governance, 17 not in terms of strength. We feel that the people 18 that they have put together as their governing 19 council is far stronger than most applications that 20 we see. It's impressive. It's loaded with 21 expertise, both educational, community support, and 22 in the health sciences field. We found that very, 23 very positive. 24 The conditions that we put on our 25 recommendation for approval is that, although they</p>	<p style="text-align: right;">Page 68</p> <p>1 school to the reporter, then you will have 2 15 minutes for your presentation. 3 MR. HAUGEN: Madame Chair, members of the 4 Commission, good morning, and Mr. Gerlicz, as well. 5 My name is Ron Haugen, H-A-U-G-E-N. It is my 6 intention to be the head administrator for the 7 school. 8 MR. NEVINS: Madame Chairman, members of 9 the PEC, Mr. Gerlicz and staff, good morning. My 10 name is Raphael Nevins. I'm a founder and Governing 11 Board member. 12 MS. CARTER: Good morning. My name is 13 Mary Carter, C-A-R-T-E-R. And I'm a member of the 14 Governing Body. And, of course, we have Lorna 15 Samraj, Founder, and we have Jaime -- he's also a 16 founder -- and Nancy is a founder, and a member of 17 the -- Jaime Tamez and Nancy Duhigg. 18 MR. HAUGEN: "Duhigg" is D-U-H-I-G-G. 19 Again, thank you for this opportunity to 20 speak with you this morning. Like I said, it's my 21 pleasure to be here with you this morning to speak 22 to you briefly about the Health Science Academy 23 that's being proposed in the Anthony area, or in the 24 Gadsden Independent School District. 25 I think, first and foremost, it's got to</p>
<p style="text-align: right;">Page 67</p> <p>1 have some members of their governing council who are 2 in the local community, most notably, Dr. Mary 3 Carter, Jaime Tevez [verbatim], who is in 4 Albuquerque, and is extremely well thought of, and 5 was an educational leader for many years in 6 New Mexico, others are from around the state. 7 And, so, we wanted to be sure that the 8 majority -- since the majority of the Governing 9 Council members do not reside in Doña Ana County, 10 that the school needs to design and provide a 11 mechanism that ensures that the voice of the local 12 community is represented in the Governing Council 13 decisions. We just wanted to make sure that that 14 happens. 15 Secondly, since the majority of the 16 proposed Governing Council members do not reside in 17 Doña Ana County, the school needs to design and 18 provide a mechanism that ensures that the Governing 19 Council gather regularly for training and meetings. 20 And if we can have the assurances on those 21 two conditions, it's the Charter Schools' [verbatim] 22 recommendation that this application be approved 23 with those two conditions. Thank you, Madame Chair. 24 THE CHAIR: Thank you. Founders, if you 25 would identify yourselves and your position with the</p>	<p style="text-align: right;">Page 69</p> <p>1 be -- you have to remember this is about kids; and, 2 particularly, this is about kids who are in 3 attendance in the Gadsden Independent School 4 District. And it's about providing them with the 5 opportunity to lay the foundation for a career 6 within the health careers pathway. 7 You've met some of the founders. I think 8 the founders, as Mr. Gerlicz said, have a great deal 9 of experience, broad experience, which I think will 10 be very beneficial in the operation of the entity. 11 The Governing Board, as well, has a great deal of 12 experience, which we think provides some insight. 13 You have people that are in the medical 14 field that are essential in a particular situation 15 as what we are proposing. So, you have the people 16 there at the governance level, which I think will be 17 very instrumental in making sure that this operation 18 is successful. 19 And, also, these people, along with 20 myself, we're committed to one thing, and that's 21 making sure that we create a learning environment 22 for students that's going to be beneficial, 23 long-term, for them. And to do that, basically, 24 we're looking at five areas that we want to make 25 sure that we focus on as we go through the planning</p>

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<p>1 and development and setting things up; that being 2 the academic, the core areas, being academically 3 rigorous, following along with the Common Core 4 Standards and those expectations, and they're to 5 make sure that your core elements are always in 6 place. And that's what your academic rigor is 7 focused on.</p> <p>8 Secondly, integrating into that, since 9 this is a health science focus, is to bring in the 10 health science pathway instructional focuses as 11 well, to make sure those are blended appropriately. 12 And I think that's where the partnerships in terms 13 of the people in the health science -- in the health 14 services areas, that we engage with those in terms 15 of what do they see, okay, as the proper things that 16 are needed in preparation of these students.</p> <p>17 I think that a big component of this 18 program is providing internships for the students in 19 the latter part of the program. Myself -- just to 20 let you know, right now, currently, I'm the 21 superintendent at Anthony, Texas, the other side of 22 Anthony, across the line. In our school district, 23 our high school, we have what's called a "senior 24 project," and that's where the students have to 25 take -- to let you know about Anthony, we have</p>	<p>1 where we see a lot of that, that people maybe are 2 prepared intellectually, knowledge-wise; but, I 3 think, in developing good work habits for these 4 people as they enter the world of work, 5 understanding what the requirements are for certain 6 behaviors in professional fields, I think that's 7 very important that those things be stressed, as 8 well, in preparing these kids.</p> <p>9 And the fifth thing is, basically, you 10 know, our goal, whether it be a charter school or a 11 regular public school and a high school, is to make 12 sure they graduate. I think that's critical, okay? 13 That should be our primary goal, number one, is to 14 make sure they graduate, and they graduate on time.</p> <p>15 In Anthony, where I'm at, I'm very proud 16 of the fact that we have -- out of the six years, we 17 had -- four of the years, we had 100-percent 18 graduation. The other one was 90-some, and the 19 other one was 85. We had a few kids that didn't do 20 well on the exit exam.</p> <p>21 So I think it's very critical, especially 22 in a small situation, where you have a small school, 23 it's unacceptable to not have kids graduate. When 24 you have 40 or 50 kids in a graduation class, it's 25 not acceptable for all the kids not to graduate,</p>
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<p>1 200 kids in the high school, so it's small. So 2 there's only about 40 or 50 kids at each grade 3 level.</p> <p>4 But one of the local requirements for 5 graduation is what's called a "senior project." And 6 in that, what the students do is, they look into a 7 career opportunity. It's a one-credit course that 8 lasts all year long, and the objective is they have 9 to do research on what they have -- in lieu, what 10 they are looking at in terms of their career.</p> <p>11 Obviously, it's very limited, okay, since 12 it's just this one class. But it's been a 13 tremendous thing for kids, because it gives them the 14 opportunity to really delve into what it is they 15 think they want to do at this point of their lives, 16 and to really see, "Is this something that I really 17 want to focus on or not?"</p> <p>18 And the biggest component of that is they 19 have to have a mentor and do some internship as well 20 during the course of the year. So I think 21 internships are tremendous tools for kids to really 22 look at careers that they may want to have. So, I 23 think that's a tremendous component there.</p> <p>24 The fourth piece is developing positive 25 work habits and ethics. I think, in today's world,</p>	<p>1 because you just have -- your numbers are such that 2 you have to keep that constant contact.</p> <p>3 I think, a lot of times in the bigger 4 school systems, you'll see larger high schools, they 5 have issues there, because they lose contact with 6 the kids. That's why I think charter schools that 7 have a small population can be really focused on 8 what it is that they're there for. Number one is to 9 graduate them. Hopefully, then, you prepare them 10 for whatever endeavor they want to take after that 11 particular point.</p> <p>12 Like I said, my experience, this is my 13 39th year in education. I've had the pleasure, 27 14 of those, I worked for the Gadsden Independent 15 School District, from being a teacher, to the last 16 six years that I was there. I was a superintendent.</p> <p>17 So, over that period of time -- and 18 actually, I guess out of the 39 years, 32 of them, 19 I've either lived there or worked there. So, over 20 that period of time, I've been able to develop some 21 really great relationships with the entire community 22 of Gadsden.</p> <p>23 As you know, it's kind of spread out, and 24 there's a lot of different communities within the 25 school district but I feel like I've had the</p>

<p style="text-align: right;">Page 74</p> <p>1 opportunity to have a positive impact during the 2 time that I was there, which I think will be 3 beneficial in getting the school going. 4 The school knows who I am. They know that 5 they can trust me, that I'm basically an honest 6 person, a very sincere person. I'm going to do 7 whatever it is we say that we're going to do. So, I 8 think that's a good connection right there as far as 9 the community, and I think that Mr. Gerlicz kind of 10 touched on that. 11 But over those years, like I say, I've 12 been a superintendent for 13. So, I've had a lot of 13 opportunity working with governing boards, different 14 situations as far as instructional staff and those 15 types of things. So, I think the experience that I 16 could provide in that area will be very beneficial, 17 especially in putting the whole thing together. 18 Okay. You have to go from the theoretical 19 concept point to the actual, you know, hands-on, how 20 are you going to make it work on a day-to-day basis. 21 And that's where the rubber hits the road as far as 22 are you going to be productive with children, okay? 23 And it's how you set the whole thing up and where 24 you're going to take those particular -- that 25 particular program.</p>	<p style="text-align: right;">Page 76</p> <p>1 you for that. But, so, I'm not going to delve into 2 that part. 3 But what I think you need to look through 4 is what the intent is as far as what needs to be 5 accomplished. Like I say, part of it is the 6 partnerships with other organizations within the 7 community. That, I think, is essential. 8 My experience, I guess, of -- in being in 9 the public side, and then the charter side, now, is 10 that a lot of times, there's some resentment, I 11 guess, from the local public school in terms of 12 starting a charter school. I think my relationship 13 with the members of the Gadsden Board is still very 14 solid. The superintendent, Mr. Iturralde, and I are 15 very good friends. I think we can communicate 16 whatever our needs are, and I think it'll be 17 accepted in a positive manner in terms of, as we 18 roll out and things that we may need to cooperate 19 with. 20 I think it's a good opportunity -- like I 21 say, I was a superintendent at Gadsden for six 22 years, and I've been blamed for, probably, I should 23 have done this a long time ago when I was there, is 24 to start these types of pathway opportunities for 25 kids. Unfortunately, it didn't happen. But I think</p>
<p style="text-align: right;">Page 75</p> <p>1 Like I say, the program was designed and 2 intended to focus on students who are interested in 3 health careers. And, as you know, if you look at 4 any states in the United States, you know, all of 5 them do surveys of their secondary students about 6 what, "Would you like to be when you grow up" type 7 surveys. 8 And, I think, in the majority of the 9 states, you're going to find one of the top choices 10 of high school students is in the area of health 11 careers and health services. So, I mean, that's one 12 thing that's very predominant across the country, 13 particularly in New Mexico, as well, because, 14 obviously, we have a lot of need as far as 15 services -- long-term, I guess, health services in 16 the years to come. 17 So, I think there's a need there. 18 Obviously, there's a need, there's a desire on the 19 part of the students to take this particular 20 pathway. So, the need is there, like I say. And 21 the program, itself, is designed -- obviously, like 22 I say, I commented. You folks, you've done an 23 excellent job of preparing yourself. Looking at the 24 previous presentations, you obviously know what is 25 there, what's in the application, which I commend</p>	<p style="text-align: right;">Page 77</p> <p>1 this is an opportunity now to, hopefully, maybe 2 inspire the local district, too, to start looking at 3 these types of opportunities within their 4 availability and ability and skills as well. 5 So -- but, basically, what I was looking 6 at is what do we do from here at this particular 7 point, or what comes next? And, basically, from the 8 point of actually going from here to putting it into 9 place, I guess that's the critical piece, too. You 10 have to have an idea of what needs to be done to 11 make it operational, come next fall. 12 To me, the first thing is, really, the 13 teacher recruitment. I think that is critical, 14 having been a principal before. The staff is key. 15 You've got to have those right people. You have to 16 have the right teachers to be able to do the job 17 with the kids, those that will relate to the kids. 18 Second thing is the recruitment of the 19 students and parents. And I say "students and 20 parents." You can't just go out and talk to the 21 kids. You've got to get the parents tied in. 22 That's very critical. They've got to make the 23 commitment, as well, because there's got to be a 24 commitment on the part of the parents. 25 Third is the partners you've got to</p>

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<p>1 establish in relationship, as we've talked about 2 with the internship program. You have to establish 3 all of those local relationships. And in the 4 El Paso-Las Cruces area, there's plenty of services 5 or facilities available to do that with. 6 A third thing is -- fourth thing -- excuse 7 me -- the curriculum development: Integrate the 8 Common Core Standards, along with the health care 9 standards, as well. And, like I say that goes along 10 with the partnerships you establish. You need to 11 work with those medical professionals and say, "What 12 is it you see that we need to do that would help 13 you? What are you looking for in a student or 14 somebody that's going to be moving into your 15 pathway? What type of skills do they have to have?" 16 I think that's critical. 17 The fifth thing is developing a monitoring 18 assessment, not only of individual staff members, 19 but the success of the entire program, the entire 20 operation. You have to have tools in place that you 21 can quantitatively determine whether you're going in 22 the right direction or not. 23 And the last thing is developing the -- 24 like I say, the internship programs and the parent 25 and community involvement. Get somebody in there</p>	<p>1 So, we have a lot of leverage and 2 community support. A lot of our women that 3 participate at the Women's Intercultural Center 4 believe in supporting our kids. We have done it 5 several times. And, while our mission is to 6 educate, empower and engage women at the Center, 7 because of the high need to provide services for 8 children, we've integrated certain programming for 9 children, in order for it to be leveled at the 10 discretion of the women, because our Center is run 11 and operated by the women, the participants that 12 helped us build our building, helped us design our 13 programming, and they know the needs of their 14 children. 15 And many of them have come to us before of 16 how to deal with different educational problems that 17 they have had. And we've created particular 18 trainings for them to be able to represent and 19 advocate for their children. But they also know 20 that there is -- some of their children need 21 something else, a smaller classroom. They have a 22 different vision. 23 And, so, therefore, they want to support 24 this. They want it to become a reality. So, 25 community support is there. Organizations are</p>
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<p>1 that's going to keep those functions going. I think 2 those are very critical. 3 I know we're short of time, so, at this 4 time, I would like to turn it over to Mary Carter, 5 who is the Executive Director of the Women's 6 Intercultural Center in Anthony. 7 MS. CARTER: Thank you, Ron. I think that 8 we can all agree that a community is as good as how 9 well our kids are being taken care of. And our 10 community, we are lacking. And this is the reason 11 why so many of our kids are really falling into the 12 gaps. And instead of following a pathway to further 13 their education or going to a technical education, 14 they're going into Desert Pride, a school that is 15 actually not designed for their needs. 16 Our community knows that, and our 17 community supports that. Over the 3,500 women that 18 we represent at the Center, that covers everybody 19 from Las Cruces to Sunland Park -- so, it really 20 covers all the communities in Southern New Mexico; 21 and I have representatives from every single 22 community there -- they believe and support in this 23 project. They believe that our kids deserve a 24 chance. And it has proven by the 400 signatures 25 that were given, and the community support.</p>	<p>1 there. The City of Anthony supports it. 2 At this time, I'm going to pass it on to 3 Raphael. 4 MR. NEVINS: Thank you, and just to say 5 that it's a privilege to be here to visit with you. 6 I know that you are all very sincere. I am looking 7 forward to what's in the best interests of children. 8 We've tried to blend professional educators, 9 community members, health care professionals, to 10 make this a unique school for the children and for 11 the state of New Mexico. Thank you. 12 THE CHAIR: Thank you very much. We're to 13 the section of questions or comments from 14 Commissioners. Does anyone have a question or a 15 comment? 16 Commissioner Bergman? 17 COMMISSIONER BERGMAN: Thank you, 18 Madame Chair. Thank you. I want -- a couple of 19 things. You've touched on it, already, briefly, in 20 your remarks. But the CSD noted -- in their 21 recommendation, they added a couple of conditions, 22 because so many of you are not in the local area. 23 So, you've had time to think about that. 24 And the presence of Mr. Haugen this year 25 certainly eases my concerns in that area. But if</p>

<p style="text-align: right;">Page 82</p> <p>1 these conditions were imposed, do you have a plan -- 2 have you had the thought yet of how you're going to 3 maybe add some more local representation? 4 MS. CARTER: Okay. We definitely can add 5 more local representation, based on the -- we can 6 have a parent become a Board member as a 7 representative in different areas. But one thing to 8 consider, technology has really leveraged a lot of 9 opportunities for people from different places to be 10 able to meet as a governing council. For example, 11 Skype would be a great place to be able to put that. 12 That's something that we've done at the 13 Women's Intercultural Center, where we actually 14 created a program, and, now, it's an international 15 program, called the "Virtual Dinner Project," where 16 we connected families from Juarez, Anthony, and 17 Santa Fe, over a dinner table to discuss issues and 18 learn from each other. Now that particular program 19 is going nationwide. So, we already tested how 20 Skype can be brought in when somebody cannot come to 21 the meetings. 22 And, additionally, the Center is willing 23 to provide lodging in case some of the Board members 24 need to spend the night, in case they're coming from 25 out of town. So we have that leverage as well.</p>	<p style="text-align: right;">Page 84</p> <p>1 instructional assistant. 2 But the key, like I say, is they have to 3 be under the guidance and direction of a certified 4 classroom teacher, okay? They can't be out there on 5 their own, operating. So, no, that would be a 6 definite -- 7 COMMISSIONER BERGMAN: And one final 8 question for Mr. Haugen. You say you already are 9 with the Anthony, Texas, school district. I can't 10 remember. Superintendent or principal? 11 MR. HAUGEN: Superintendent. 12 COMMISSIONER BERGMAN: Superintendent? 13 Should this go forward, are you going to keep that 14 position, or are you going to be full-time in this 15 position? 16 MR. HAUGEN: I was thinking about doing -- 17 no, not really. I've informed the Board, my Board 18 several months ago, I'm retiring at the end of 19 December. Right now, they've gone through the 20 process. They've already hired my replacement. So, 21 we're kind of like in a transition period. I'm more 22 of a consultant now than anything, should they have 23 any issues or whatever. But, officially, I retire 24 December 31st, so... 25 COMMISSIONER BERGMAN: Thank you very</p>
<p style="text-align: right;">Page 83</p> <p>1 COMMISSIONER BERGMAN: Thank you. And I 2 do know you've listed in your application a fairly 3 extensive list of distinguished contacts and things 4 like that. 5 Another area of concern I had was -- here, 6 again, the CSD identified it -- was, you will be, 7 under your instructional plan, making a significant 8 use of instructional assistants -- graduate 9 students. I was a little concerned about that, 10 because they're not licensed teachers. And let me 11 read what the CSD said. 12 It said, "There is a significant use of 13 instructional assistants who are coming from 14 graduate programs at NMSU, which can be very good if 15 properly supervised." 16 And there's where -- there's where the rub 17 is in that situation. "If properly supervised." I 18 assume you could give me assurances that they will 19 be properly supervised. 20 MR. HAUGEN: Commissioner Bergman, members 21 of the Commission, most definitely. They would be 22 under the supervision of a certified teacher. I 23 think -- I'm not certain -- but it should be a 24 requirement of the State. I don't know if they have 25 to go through a certification process to be an</p>	<p style="text-align: right;">Page 85</p> <p>1 much. Thank you, Madame Chair. 2 THE CHAIR: Commissioner Gant? 3 COMMISSIONER GANT: Madame Chair, members, 4 good morning again. As I spoke at the meeting, I 5 really, really -- and what my concerns, I guess, are 6 less depth-dealing with this application. But I 7 look at the size of the Gadsden district. That 8 puppy is 50-55 miles long, roughly, and 20 miles 9 wide or so, or more. And you gave an answer on the 10 transportation. And you used the word -- I know I 11 can't see -- "...that are not..." -- "...that do not 12 have easy access." The definition didn't set too 13 well. 14 But I see a real difficulty there; I 15 really do. Because you don't have a lot of 16 transportation companies in that area. You've got 17 one, I believe. 18 MR. HAUGEN: Yeah. 19 COMMISSIONER GANT: And to -- to expect 20 them to drop Gadsden and go in favor of you all is 21 not a money-maker. So, I still have an issue with 22 that. 23 And I had another issue -- and my brain 24 just went dead. The facilities plan kind of 25 bothered me because it's a wish list. It's a wish</p>

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<p>1 list. We wish we're going to get SB-9. We wish 2 we're going to get the lease assistance after we 3 open, on and on and on. 4 So, how do you promise anybody at this 5 point that you can get the right facility? That's 6 my question. I didn't have a question on the other 7 one. I have a question on this one. 8 How are you going to guarantee that 9 individual that you may lease from that you're going 10 to have the funds needed to cover it? Because, 11 right now, lease assistance is not paying for most 12 of the facilities in -- for charter schools in the 13 state of New Mexico. 14 MR. NEVINS: Madame Chairman, Commissioner 15 Gant, thank you for the question. In your package, 16 you should have a letter from the Charter Schools 17 Development Corporation. It's a nonprofit entity, 18 whose extreme focus is on providing the funding for 19 charter schools to purchase and/or lease facilities. 20 We have set up a separate 501(c)(3) called 21 "Healthy Futures." And we have applied for a grant, 22 as you probably know in the package, from the U.S. 23 Department of Education. It's a competitive grant. 24 If we are approved, we are likely to receive strong 25 consideration. We have the whole New Mexico</p>	<p>1 the grant business, having been a former grant 2 writer for the El Paso Independent School District 3 for over a decade, I can honestly tell you that the 4 more you submit, the more chances that you are 5 guaranteed that you are going to get funded. 6 THE CHAIR: Let me just follow up with a 7 couple of questions. If you remember, at the 8 community input hearing, I asked quite a few 9 questions about the instructional aides. And you've 10 answered that they will be supervised with licensed 11 teachers. 12 But I asked, at the time, "What 13 credentials do instructional aides -- are required 14 for instructional aides in New Mexico?" 15 And you were going to research that and 16 find out. Have you had the opportunity to do that? 17 MR. HAUGEN: I apologize, Madame Chair, 18 but I have not. 19 THE CHAIR: I think they have to be 20 licensed, but I don't know that for certain. 21 MR. NEVINS: Madame Chair, I did do some 22 research on that issue. And I spoke with a number 23 of folks who run charter schools in New Mexico here 24 in Albuquerque -- I'm sorry -- we're in Santa Fe -- 25 in Albuquerque, as well as some people who have</p>
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<p>1 Congressional delegation in support of it. 2 But the Charter School Development 3 Corporation has written a letter, and they target 4 schools, charter schools that are in priority areas 5 with high concentrations of students of poverty. 6 So, we think that they will work with us. We have 7 high expectations they will. Nothing can be 8 guaranteed until we have a definitive agreement from 9 you. 10 And, finally, you have a letter in your 11 package from Dr. Thomas Magaña, who has specifically 12 said he would assist us with grants and financing. 13 And the operation has been around for ten years; 14 it's nationally known, highly respected, has 15 received significant dollars from Bank of America 16 and other foundations. 17 So, we have no guarantees, but we have 18 strong indications of financial support. 19 MS. CARTER: And the one thing that I 20 would like to add is access to any civi-system [ph] 21 that costs over \$400,000; somebody actually lends us 22 access to that. That provides us access to grant 23 opportunities coming out on a day-to-day basis. So 24 that gives us the opportunity to go beyond that. 25 As you know, nothing is guaranteed, but in</p>	<p>1 addressed this issue in the past. 2 The key is that they do have to be 3 fingerprinted. These folks do have to go through 4 some vetting. But -- excuse me? The background 5 search, yes. But the instructional assistants that 6 we may employ will have to be vetted, as well, by 7 New Mexico State University, as graduate assistants. 8 If there is a requirement at the State level for 9 them to have a certain certification, they will have 10 to go through that, as well. 11 THE CHAIR: Please, please look closely at 12 that, because I do think they have to be certified, 13 or licensed. 14 MR. HAUGEN: Madame Chair, I believe 15 that's correct, I think, with the No Child Left 16 Behind requirements in all the states with a 17 certification on your certified staff. I believe 18 there's also requirements on instructional 19 assistants, as well. But we'll -- 20 THE CHAIR: Director Gerlicz? 21 MR. GERLICZ: Madame Chair, members of the 22 Committee, I understand that there are maybe 23 additional requirements for Title I schools as well. 24 There are different licensures for instructional 25 aides for Title I schools. I'm sorry?</p>

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<p>1 MS. CALLAHAN: Level 3 instructional. 2 MR. GERLICZ: Level 3 instructional aides? 3 And, so, I believe that that's the requirement. And 4 should the PEC be so disposed, that could always be 5 a condition added. 6 THE CHAIR: My other question is -- I 7 don't have the list of your proposed Governing 8 Council members in front of me. How many of them 9 are from the Gadsden School District? 10 MR. NEVINS: Madame Chairman, two of them 11 currently live in the Gadsden District, Tara Ibarbo 12 and Mary Carter. I am planning, should this be 13 approved, to move to the district; that would be 14 three. Nancy Duhigg is a physician's assistant 15 who's now in residency. She may, indeed, turn out 16 to be living in the county. I'm not sure where 17 she's eventually going to take her professional 18 residency. So, there could be three or four. 19 We have discussed, with Mary, a plan, and 20 we have a pool of individuals who we've already 21 vetted. Should we be approved, we would explore 22 their willingness to serve as a Governing Board 23 member, and those folks reside in Doña Ana County. 24 THE CHAIR: And how many, total, are you 25 going to have altogether?</p>	<p>1 THE CHAIR: I see. Okay. 2 MR. GERLICZ: And, Madame Chair, if I may 3 add, General Manager Callahan did find some statute 4 on requirement for instructional assistants. 5 THE CHAIR: Would you share those with us, 6 please? 7 MS. CALLAHAN: Madame Chair, members of 8 the Commission, Candidates, there are three levels 9 of licensure. And it says, "All persons who perform 10 services as Educational Assistants in public schools 11 in those State-supported schools within the State 12 agencies must hold valid Educational Assistant's 13 licensure issued by the PED." 14 And there are requirements for Level 1 and 15 Level 2. This is from the New Mexico Administrative 16 Code, 6.63.9.8. 17 And, then, the Level 3 requirements, "EAs 18 who are assigned to work in a Title I targeted 19 assistants program or in a Title I school-wide 20 program, under the Act, must hold a Level 3 21 license." 22 THE CHAIR: Thank you for that 23 clarification. I appreciate that very much. 24 Commissioner Carr? 25 COMMISSIONER CARR: I wasn't going to say</p>
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<p>1 MR. NEVINS: We currently have seven, of 2 which two currently are living in Doña Ana County. 3 If this is approved, both Nancy and I may be 4 residents of the county as well. 5 THE CHAIR: The only thing that bothers me 6 is that could certainly change, I mean, because the 7 condition just says, 'Ensure that a voice of the 8 local community be represented in the Governing 9 Council decisions.' Director Gerlicz? 10 MR. GERLICZ: Madame Chair, members of the 11 Committee, we actually looked at that issue in 12 statute. And any requirements or legalities 13 regarding Governing Council, there are none. And 14 that is why we placed those conditions, so that the 15 voice of the community would be well represented, 16 which we think, actually, will happen. But we 17 wanted to make sure that that was a condition placed 18 in there. 19 THE CHAIR: Did you consider asking for a 20 certain percentage of the Board to be local 21 residents? 22 MR. GERLICZ: Madame Chair, members of the 23 Committee, we considered that, yes. But when we 24 investigated legal requirements, there is nothing in 25 there that would allow us to do that.</p>	<p>1 anything, but I will now. The -- I think it's, at 2 all times, imperative that a certified teacher be 3 the primary giver of instruction. Educational 4 assistants are there to help tutor, help guide. 5 They're not responsible for the majority of the 6 instruction that goes on in the classroom at any 7 time. I don't think that was ever the intended 8 purpose of having them in the first place. 9 So, that -- how much instruction they 10 get -- graduate assistants are flight animals, you 11 know. They -- they're there for a year, and they're 12 gone -- or a semester, and they're gone. So -- so, 13 that's also a concern. And I just wanted to bring 14 that up. 15 THE CHAIR: Thank you. Any other 16 questions or comments from Commissioners? 17 COMMISSIONER GANT: Just a comment. 18 THE CHAIR: I'm sorry? 19 COMMISSIONER GANT: Just a comment. 20 THE CHAIR: Commissioner Gant? 21 COMMISSIONER GANT: Madame Chair, members, 22 I wasn't thinking about these educational assistants 23 being graduate students. And my only comment -- I 24 guess it is a question. Are they going to -- are 25 these going to be graduate students that live in the</p>

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<p>1 Anthony area or Cruces area, or what? Because if 2 they're not living in the Gadsden area -- or 3 Anthony -- there's a transportation requirement. 4 Are they going to be picking up the bill 5 for their transportation to and from their living 6 quarters, or wherever, to the school? 7 MR. NEVINS: Madame Chairman, Commissioner 8 Gant, thank you for asking the question. Just two 9 comments on it. The New Mexico State College of 10 Health Sciences will identify those folks. We have, 11 in our budget, provision to pay \$15 an hour for 12 these graduate folks to come to the school. 13 They're going to have to deal with their 14 own transportation; and whether they carpool or not, 15 I'm not sure. But they will have to bear the burden 16 of the transportation. 17 And just to add one more thing about the 18 ratios. In our plan, as you know, we have no more 19 than 25 students for one teacher. That remains, 20 regardless of whether the instructional assistant is 21 in a classroom or not. 22 MS. CARTER: The one thing that I wanted 23 to note is that there's a lot of graduates from NMSU 24 that unfortunately have to leave the area because 25 there are no jobs in Anthony. And they all wish to</p>	<p>1 have the minimum outlined in the NMAC, what I just 2 looked at. So it may be elsewhere, but I don't know 3 that right off the top of my head. 4 THE CHAIR: It does exist. It was passed 5 by the legislature several years ago. And there is 6 a mandated minimum salary and progression on a 7 salary schedule that instructional aides must be 8 provided. So, if you would be aware of that. 9 Let me just go back to the conditions that 10 are listed on Page 2 of the recommendation from CSD. 11 Do you all agree to these conditions? 12 MR. NEVINS: Madame Chairman, if I can 13 speak for the Board, we polled the Board. Yes, they 14 do agree to the conditions. 15 THE CHAIR: Okay. Thank you very much. 16 Commissioners, other comments or questions? 17 Hearing none, the Chair would entertain a 18 motion. And, again, I remind you of CSD's 19 recommendation, and a reminder of the conditions 20 that they are recommending is on Page 2, behind the 21 yellow divider for this school. 22 Commissioner Bergman? 23 COMMISSIONER BERGMAN: I'll be happy to 24 make the resolution. But let me -- may I ask a 25 question first?</p>
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<p>1 stay within the community. And a lot of them 2 actually do take educational degrees. 3 So, we plan to go ahead and try to recruit 4 those to try and keep our youth in our community. 5 MS. SAMRAJ: Madame Chair, can I speak? 6 My name is Lorna Samraj, Founder. I wanted to just 7 add a comment about instructional assistants and 8 that they will be supporting our classroom teacher. 9 Our budget allows for, I think, the first 10 year, nine full-time certified classroom teachers. 11 So, at all times, every classroom will have a 12 certified classroom teacher. An instructional 13 assistant will only be there to support, but will 14 never be there on their own. And our planning for 15 the staff for all five years accommodates full-time, 16 certified teachers, as per our student-teacher 17 ratio. 18 THE CHAIR: Thank you for that. I hate to 19 beat this issue to death. But, in New Mexico, there 20 is a mandatory salary schedule for instructional 21 assistants. And it starts at \$14,000 -- \$13,000? 22 \$14,000? 23 MS. CALLAHAN: Madame Chair, 24 Commissioners, the schedule is not in the NMAC. And 25 so the districts and schools set their -- they don't</p>	<p>1 THE CHAIR: Sure. 2 COMMISSIONER BERGMAN: Since we're adding 3 some conditions, per CSD, do you, or any of the 4 other Commissioners, wish to add any other 5 condition? Or, maybe I shouldn't ask that. But I 6 just did. 7 THE CHAIR: Does anyone have any 8 conditions they want to add? 9 COMMISSIONER BERGMAN: I just thought I 10 would ask that question. 11 THE CHAIR: Thank you very much. 12 COMMISSIONER BERGMAN: I move that the 13 Public Education Commission approve, with 14 conditions, the application of the Health Sciences 15 Academy, those conditions being: One, since the 16 majority of the proposed Governing Council members 17 do not reside in Doña Ana County, the school needs 18 to design and provide a mechanism that ensures that 19 the voice of the local community is represented in 20 Governing Council decisions. 21 Two, since the majority of the proposed 22 Governing Council members do not reside in Doña Ana 23 County, the school needs to design and provide a 24 mechanism that ensures that the Governing Council 25 gather regularly for training and meetings.</p>

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<p>1 COMMISSIONER POGNA: Second. 2 THE CHAIR: You've heard the motion and 3 the second to approve the application, with 4 conditions. Any discussion? 5 Hearing none, Commissioner Bergman, we'll 6 have a roll call vote, please. 7 COMMISSIONER BERGMAN: A "Yes" vote on 8 this would be in favor of the motion to approve. 9 Commissioner Peralta? 10 COMMISSIONER PERALTA: No. 11 COMMISSIONER BERGMAN: Commissioner Pogna? 12 COMMISSIONER POGNA: Yes. 13 COMMISSIONER BERGMAN: Commissioner 14 Toulouse? 15 COMMISSIONER TOULOUSE: Yes. 16 COMMISSIONER BERGMAN: Commissioner Carr? 17 COMMISSIONER CARR: Yes. 18 COMMISSIONER BERGMAN: Commissioner 19 Conyers? 20 COMMISSIONER CONYERS: Yes. 21 COMMISSIONER BERGMAN: Commissioner Gant? 22 COMMISSIONER GANT: Yes. 23 COMMISSIONER BERGMAN: Commissioner 24 Shearman? 25 THE CHAIR: Yes.</p>	<p>1 including attending one of our training sessions the 2 day after their first child was born. Their 3 commitment is unparalleled and unquestioned. 4 Their proposal is to create a dual-purpose 5 model of instruction. By "dual purpose," you can 6 read in the application, that what they mean is 7 cognitive and noncognitive get equal parts of 8 attention in their instructional program. 9 And what was interesting about that, to 10 us, is that, again, that term, "noncognitive 11 skills," seems to be gaining and gaining credence in 12 the educational world, those kinds of skills that 13 are so important and so critical for success in 14 life, job-related skills, in addition to the 15 traditional academic skills of reading, writing, and 16 numeric fluency. 17 So that was an intriguing proposal, and we 18 found it of merit. 19 We were also very impressed that they had 20 the support. They had some fine letters of 21 recommendation from the vice president of 22 educational programs of the Gates Foundation, and a 23 promise of an application for a grant from Partners 24 in -- Learning Partners in Albuquerque. There was 25 much about the proposal that we should celebrate.</p>
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<p>1 COMMISSIONER BERGMAN: Commissioner 2 Bergman votes "Yes." Madame Chair, by a 7-to-1 3 vote, that motion has carried. 4 THE CHAIR: Thank you very much. As you 5 heard, the vote is 7-to-1 to approve the application 6 of Health Sciences Academy. Congratulations. 7 MR. NEVINS: Thank you. Thank you all. 8 THE CHAIR: Thank you all very much. Now 9 you can get to work. 10 Next on the agenda is R.I.S.E., New Mexico 11 Charter School. Would those founders please come 12 forward, if they are here? Is anyone here 13 representing R.I.S.E., New Mexico Charter School? 14 Seeing no one, we will move forward. 15 Director Gerlicz? 16 MR. GERLICZ: Madame Chair, members of the 17 Committee, even though members of R.I.S.E. are not 18 here, I would like to read some comments for the 19 record. 20 We would like to -- the Charter School 21 Division would like to congratulate Eppie and 22 Vanessa Lopez for their proposal, and, not only 23 that, their dedication to the children of 24 New Mexico. Their passion and commitment showed 25 very, very brightly through out this process,</p>	<p>1 However, the reviewers scored low in -- in 2 the following areas. They found the educational 3 plan lacking and needed a much more robust attention 4 to the academic frameworks. The same was true of 5 their organizational plan and their business plan. 6 The reviewers scored a medium score on the 7 capacity interview, raising the question of, again, 8 a wonderful idea with passion and committed 9 educators, but the expertise to fill in the blanks 10 and pull it off was lacking. 11 The Charter School Division looked at the 12 same question it looks at for every charter school. 13 What's the probability of this application being 14 successful? And we scored it as reasonably low. 15 And on the basis of that, and on the basis 16 of our reviewer scores, it's our recommendation that 17 this application be encouraged to apply again in the 18 following years, not to lose that passion and 19 commitment, not to lose that desire to incorporate 20 noncognitive instructional methodology into the 21 formal education program, but to come back with a 22 much more robust and professional application. 23 Thank you, Madame Chair. 24 THE CHAIR: Thank you, Mr. Gerlicz. It's 25 getting a little stuffy up here. I promise we're</p>

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<p>1 not ignoring what you have to say. We are 2 listening, but we're trying to get the door open, to 3 the extent that it doesn't blow us out of our 4 chairs. 5 MR. GERLICZ: Thank you, Madame Chair. 6 THE CHAIR: Thank you for that 7 presentation. 8 Commissioners, we have no one here to 9 speak for the 15 minutes allocated for the school, 10 so we'll go right into questions that you might have 11 of CSD. Are there questions? 12 Commissioner Bergman? 13 COMMISSIONER BERGMAN: Well, I am 14 disappointed that they did not come today, because I 15 would have liked to have addressed a few comments to 16 them. I also saw a great deal of merit in this 17 application. It certainly had shortcomings. 18 That -- as most applications do. So, I would echo 19 Director Gerlicz's comments. I hope they will take 20 what they've learned in this cycle, irregardless of 21 what we decide here in a minute, and if they are not 22 approved, they will come back next year, strengthen 23 this application. 24 Even our former chairman saw enough merit 25 in this application to write a letter of support to</p>	<p>1 think of it as the "War Zone," in addition to which 2 they did not have any facilities available to them 3 in the South Valley, and we're not sure where they 4 would go, as opposed to I can think of several 5 facilities that would be available in the Southeast 6 area, and a group of children who really and truly 7 could use this kind of school. 8 So, I had concerns that what was an easy 9 place to put a charter school a number of years ago 10 has had those put in there, and another part of 11 Albuquerque is significantly in need. And I would 12 like to see this next year, but maybe re-purposed 13 for a different area. 14 THE CHAIR: Thank you, Commissioner. 15 Commissioner Bergman? 16 COMMISSIONER BERGMAN: Thank you, 17 Commissioner Toulouse. And you may remember 18 yesterday, I actually made the point at one point in 19 our proceedings that I thought the Southeast part of 20 Albuquerque was underserved in the charter school 21 movement, too. But, that's certainly a valid point. 22 COMMISSIONER TOULOUSE: That's right, sir, 23 because my grandson attends only one of the grade 24 schools. There is a high school there, where we 25 tend to have stabbings and knifings there fairly</p>
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<p>1 this application, and that impressed me, also, 2 because I know how committed Andrew was to the 3 students, and, especially, in the South Valley and 4 the Southwest Mesa, which we all remember was 5 certainly one of his major concerns. 6 So, I would like to have told them in 7 person that I hope that the word will get to them, 8 and I hope that they do have -- they do have a lot 9 of innovation, and there's probably a need for a 10 school like this. So, thank you, Madame Chair. 11 THE CHAIR: So, thank you. Commissioner 12 Toulouse? 13 COMMISSIONER TOULOUSE: And, Madame Chair, 14 I'd like to go on the record to say something that 15 Commissioner Bergman didn't hear me say, since he 16 was recovering from surgery, that I would have been 17 much more inclined to look at this positively if it 18 was not in the South Valley. Ten years ago or so, 19 the South Valley was significantly underserved. It 20 no longer is. 21 The area that is underserved is the area 22 that I represent in the Southeast Heights, 23 especially the eastern part of the Southeast 24 Heights, the area that's now called the 25 "International Zone," but is, actually -- we still</p>	<p>1 regularly. But it's well-policed, despite that. 2 They keep them within the block. But thank you for 3 that. I see this great need that just isn't being 4 met. 5 THE CHAIR: Thank you for those comments. 6 Other comments or questions? 7 Hearing none, the Chair would entertain a 8 motion. 9 COMMISSIONER PERALTA: Madame Chair? 10 THE CHAIR: Commissioner Peralta. 11 COMMISSIONER PERALTA: I move that the 12 Commission deny the charter school of R.I.S.E., New 13 Mexico Charter School. 14 COMMISSIONER CARR: Second. 15 THE CHAIR: We have a motion and second on 16 the floor. Is there a discussion? 17 COMMISSIONER POGNA: Second. 18 THE CHAIR: The motion is to deny the 19 application of R.I.S.E., New Mexico Charter School. 20 Is there discussion? Commissioner Pogna, did you 21 have discussion, something you wanted to say? 22 COMMISSIONER POGNA: No. 23 THE CHAIR: Okay. I'm sorry. I 24 misunderstood. Commissioner Bergman, may we have a 25 roll call vote, please?</p>

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<p>1 COMMISSIONER BERGMAN: Thank you, 2 Madame Chair. In this case, a "Yes" vote is to deny 3 the application. 4 Commissioner Pogna? 5 COMMISSIONER POGNA: Yes. 6 COMMISSIONER BERGMAN: Commissioner 7 Toulouse? 8 COMMISSIONER TOULOUSE: Yes. 9 COMMISSIONER POGNA: Commissioner Carr? 10 COMMISSIONER CARR: Yes. 11 COMMISSIONER BERGMAN: Commissioner 12 Conyers? 13 COMMISSIONER CONYERS: Yes. 14 COMMISSIONER BERGMAN: Commissioner 15 Peralta? 16 COMMISSIONER PERALTA: Yes. 17 COMMISSIONER BERGMAN: Commissioner Gant? 18 COMMISSIONER GANT: Yes. 19 COMMISSIONER BERGMAN: Commissioner 20 Shearman? 21 THE CHAIR: Yes. 22 COMMISSIONER BERGMAN: Commissioner 23 Bergman votes "Yes." Madame Chair, by an 8-to-0 24 vote, the motion to deny carries. 25 THE CHAIR: Thank you very much. The vote</p>	<p>1 educators in the division -- and, probably, anybody 2 who has spent any time in schools knows -- that one 3 of the most difficult obstacles to crack in terms of 4 an innovative educational approach is the schedule 5 and the building and the structure that schools 6 inherently have. For over 150 years, we have 7 August-to-September, 8:00-to-3:30, et cetera, and 8 very little has changed. There may be tweaks of 9 programs here and there, but we either have seven 10 periods a day, or four periods a day, or four days a 11 week, perhaps. Those are tweaks around the edges. 12 What Explore Academy was proposing was a 13 significantly different model, and that was very 14 attractive to us. 15 The seminar model breaks that, sort of 16 what we would call the -- almost a stranglehold of 17 the schedule towards educational innovation, where 18 they would propose to break down units of study into 19 much shorter components. We saw that, from an 20 educational point of view, as allowing checking for 21 understanding on a more frequent basis, tailoring 22 education to the individuals on a more frequent 23 basis. 24 The seminar model that they propose has 25 been a proven success, the Socratic seminars idea</p>
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<p>1 is unanimous to deny the application of R.I.S.E. 2 Charter School -- R.I.S.E., New Mexico Charter 3 School. 4 Next school on the list is Explore 5 Academy. If the founder would come forward -- or 6 founders? 7 Good morning to you all. It's still 8 morning. 9 MR. BAIARDO: Yes, ma'am. 10 THE CHAIR: Director Gerlicz, may we hear 11 your recommendation? 12 MR. GERLICZ: Madame Chair, members of the 13 Committee, the Explore Academy, to us, presents the 14 most difficult application that we've had to review 15 of all of them, quite frankly. The Charter School 16 Division was very clear in our recommendations with 17 all of the prior four. This one presents quite a 18 bit of challenge for us in the following manner: 19 The Charter School Division gave this 20 application a team synthesis score of 28 out of 30, 21 very high. And the reason being that we saw the 22 capacity of the people involved with the application 23 very high. The probability of success is there. 24 The other thing that was very attractive 25 to us about this application is that those of us, as</p>	<p>1 proposals that many of our schools already use. 2 Additionally, with the oncoming 3 instigation of the Common Core and the emphasis on 4 non-factual-based learning, on problem-based and 5 problem-solving abilities, hierarchical thinking 6 skills, that kind of a seminar model, that kind of 7 shorter structure facilitates that learning, 8 oftentimes, in better ways than a traditional school 9 schedule. 10 All of that, we saw as positive and would 11 like to see that implemented somewhere in our 12 education system. 13 Because of the process that we have 14 established this year, and the reviewers that we 15 employed to look at the paper application and the 16 capacity interview, that's the part that we are 17 really struggling with, our reviewers, who, again, 18 highly competent, proven charter leaders in our 19 community and in our charter world, did not give the 20 application high marks because of the deficiencies 21 that they saw in our -- in the educational plan and 22 academic framework. Their organizational plan was 23 also lacking, as was their business plan; although 24 sufficient, not of, sort of, "grand slam" material. 25 What was most striking, I think, is the</p>

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<p>1 evidence of support. We did not see evidence of 2 support as we have seen in so many of our other 3 applications. The capacity interview scored high. 4 These are educators of proven quality. They are 5 nationally board certified. And they presented 6 their case very well and received high marks for 7 that capacity interview. 8 So, this is why we were struggling with 9 this recommendation. We did recommend denial, 10 primarily because of the scores of our quality 11 reviewers that we don't disagree with, necessarily. 12 We also agree that the capacity to overcome those is 13 there, because of the quality of the people 14 submitting their applications. 15 So, it is true that our recommendation is 16 to deny, based on those reviewers' scores, with 17 which we don't disagree. But I say that with some 18 struggle in this. This was a much more difficult 19 application for us to say that, because we know the 20 value that is proposed by this application. 21 And those were our comments, Madame Chair. 22 THE CHAIR: Thank you very much for those 23 comments. Founders, Board members, if you would 24 identify yourselves, please, and your positions, and 25 then you will have 15 minutes for your comments.</p>	<p>1 apparently based on an incomplete reading of the 2 application. We will present this information, 3 which is included on the attached chart, to the 4 Commission today in order to refute the Charter 5 School Division's recommendation for denial of our 6 application. 7 We wish to point out to the Commissioners 8 that this is the third year we have submitted a 9 charter school application that describes the 10 innovative educational model that we wish to 11 establish. With each subsequent application, we 12 have responded to the Commission's prior decision 13 and recommendations of the Charter Schools Division 14 by improving the application, never more so than 15 between last year and this year. 16 In the last two years, we have received a 17 recommendation for approval from each of the 18 respective review teams, which were based upon a 19 rubric that gave the reviewers clear and specific 20 guidelines for determining if an application was 21 complete and adequate. 22 This year's rubric provided no such clear 23 guidelines and requirements, but gave only 24 generalized descriptions that were open to a wide 25 range of personal judgments by the reviewers. The</p>
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<p>1 MR. BAIARDO: My name is Justin Baiardo. 2 I'm the founder. 3 MS. ROBINSON: Mary Robinson. I'm on the 4 interim Governance Board. 5 DR. OLIX: I'm Dr. Bob Olix. I'm not on 6 their founding board, but I did do an analysis of 7 the review for them, and Justin has asked me to sit 8 up here with them in case there are any questions 9 about that. 10 THE CHAIR: We appreciate that. 11 MR. BAIARDO: We have a handout that we 12 were -- we were told we could provide, as long as it 13 didn't add any new information. So we have one for 14 every Commissioner. Is the volume adequate, or do I 15 need the microphone? 16 THE CHAIR: I think use the mic, so that 17 everyone in the room can hear you. 18 MR. BAIARDO: Sure. 19 THE CHAIR: Whenever you're ready, why 20 don't you go ahead. 21 MR. BAIARDO: Madame Chair, members of the 22 Commission, the Explore Academy founders wish to 23 assert that the scores and critical comments reports 24 made by the reviewers of the Explore Academy Charter 25 School application were, in many ways, erroneous and</p>	<p>1 consequence of the review format has created 2 significant subjectivity in the scoring of our 3 application. 4 We understand that, apparently, the 5 Charter Schools Division is bound to accept the 6 scores assigned by the reviewers, despite the many 7 apparent errors in the reviewers' reports and 8 judgments. We appreciate the many positive comments 9 made by Mr. Gerlicz about our application and our 10 plan for an innovative school that were included in 11 his recommendation. It is our hope that the 12 Commission, after having read our application, after 13 having interviews at the public input meeting, and 14 after having heard our presentation today, will 15 concur that the reviewers' low scores and negative 16 comments are arbitrary, erroneous, unjustified, and 17 not supported by substantial evidence, and that the 18 Explore Academy application deserves your approval. 19 In an attempt to remain objective in 20 assessing the review, I have asked for the 21 independent review of the application from a former 22 official of the Charter Schools Division, Dr. Robert 23 Olix, who is here today. His evaluation has reached 24 a conclusion significantly different from that of 25 the review team, and his independent analysis forms</p>

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<p>1 a significant portion of the evidence I present to 2 you today.</p> <p>3 The deficiencies in the analysis fall into 4 one of three categories. The reviewers scored the 5 application in an arbitrary manner and failed to 6 justify the specific deductions and points, thus, 7 resulting in a disproportionate deduction of points 8 in comparison to the documented criticism.</p> <p>9 The reviewers failed to conduct a thorough 10 review of the application, and, therefore provided, 11 criticism on aspects that were present.</p> <p>12 No. 3, the reviewers provided their 13 opinion over the ideas expressed within the 14 application, thereby injecting subjectivity into the 15 process.</p> <p>16 The document you have been given is a 17 guide for the presentation. It does not present any 18 new material in regards to our application. It has 19 been organized to clearly provide areas where the 20 reviewers made critical comments and/or deducted 21 points, along with the associated deficiency or 22 concern. Criticisms provided within this document 23 represent the vast majority of criticisms documented 24 of the Explore Academy application. And, yet, all 25 listed fall into one of these three listed</p>	<p>1 incomplete. Pages 67 through 69 detail the school's 2 instructional methods, with examples.</p> <p>3 These points aside, a significant area of 4 concern with the review is the lack of 5 accountability in the scoring of the special 6 population section, Section H. Of the ten prompts 7 that exist within this section, points were deducted 8 from nine. However, only three critical comments 9 were made.</p> <p>10 This section represents 30 percent of the 11 prompted areas for which the application received 12 point deductions. Yet, even with that significance, 13 the review team only provided three small comments.</p> <p>14 Nine areas of point deductions and three 15 comments. This practice varies significantly from 16 reviews of years past, where, for each prompt, the 17 application received a score, and, if that score 18 fell below the standard of adequacy, a comment was 19 provided to justify that deduction. No such 20 practice exists with this year's application review, 21 a fact which is glaringly obvious within this 22 section.</p> <p>23 The remaining three critiques within this 24 section fall within the graduation waiver, 25 facilities, and business plan sections, five</p>
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<p>1 categories described above, and, therefore, prove 2 the negative review of the application to be without 3 foundation.</p> <p>4 I will attempt to go over as many as I can 5 in the time allotted; however, I won't get to all of 6 them. But I would be happy to continue this 7 analysis, if I am permitted, at some point after the 8 scope of this presentation.</p> <p>9 The arbitrary scoring practice of Explore 10 Academy's application is pervasive throughout the 11 review. It includes, as shown in the packet, the 12 assertion that the practice of differentiated 13 instruction is not present within the application, 14 even though the entire application, beginning with 15 the school's mission, is dedicated to nothing but 16 differentiation.</p> <p>17 In fact, the word "differentiation" is 18 used 31 times throughout the application, beginning 19 on Page 1, with specific examples of differentiation 20 provided on Pages 66 and 77, even though the review 21 states none exist.</p> <p>22 This trend continues with the criticism of 23 the instructional review and methods section, for 24 which there is no reference as to why the 25 description found within the application is</p>	<p>1 sections in total, all of which had point 2 deductions, but none of which had even one word of 3 criticism to justify those deductions.</p> <p>4 In fact, seen as a whole, points were 5 deducted from the application in 31 areas, 6 25 percent fewer than last year, where we were 7 recommended for approval. However, of those 8 31 areas in which point deductions occurred, the 9 review team only specified criticism to 11, a little 10 over one-third of the total categories for which 11 points were deducted. This lack of justification is 12 both unacceptable and unprecedented for the charter 13 review process.</p> <p>14 Moving to Section 2, I will identify a few 15 areas in which the reviewers simply failed to 16 conduct a thorough review of the application. Such 17 criticisms, including a statement about the 18 differentiation of instructional methods states, 19 quote, "Differentiation is focused on content and 20 noninstructional strategies for students with 21 disabilities or limited English proficiency." 22</p> <p>23 One who has read this section would notice 24 on Page 67, the statement says, specifically, 25 "Versions of a different seminar will differ from one another in their respective themes and</p>

<p style="text-align: right;">Page 118</p> <p>1 instructional strategies." 2 As it applies to the students with special 3 needs, the application states, on Page 82, that, 4 "Special versions of seminars will be highlighted as 5 recommended for students with special needs, such as 6 those which provide more hands-on learning or 7 incorporate less intensive reading and writing 8 practices." The same is also stated on Page 89. 9 More significant is the reviewers' 10 assertion, on Page 2 of their analysis, that, quote, 11 "More explicit information is needed to understand 12 how all students can be successful." 13 What the reviewers failed to see during 14 this section was 22 pages, where 15 specific areas 15 were described in which the school is built for 16 student success. These pages detail the following 17 sections: 18 Specific student accountability; 19 differentiated instruction; college readiness; 20 academic customization; student responsibility; 21 low-density teaching modules; shorter classes; 22 spiraling instruction; providing students with 23 motivation in their learning; constant feedback to 24 help drive the learning process; tutoring; truancy 25 prevention; dropout prevention; college preparation;</p>	<p style="text-align: right;">Page 120</p> <p>1 were neither specific nor transparent to the 2 applicants, and, thus, as is witnessed in our 3 review, reviewers' subjective opinion comes into 4 play. 5 This begins with the school's goals, 6 which, in the opinion of the reviewer, number too 7 many and are too ambitious. However, these goals 8 were formed under the framework of last year's 9 application, in which applicants were required to 10 set goals in areas directly related to the State's 11 A-through-F system. 12 This year, however, they are considered, 13 in the opinion of the reviewer, too ambitious and 14 too many in number, even though there was no similar 15 criticism expressed for these goals in last year's 16 application. 17 This demonstrates an apparent lack of 18 consistency in the evaluating of applications year 19 after year. As a third-time applicant, who has been 20 recommended for approval by the respective review 21 committees of the last two years, we have witnessed 22 four administrative groups rotate through the 23 Charter Schools Division, and we have experienced 24 significant inconsistency in the application process 25 that has resulted from that degree of overturn</p>
<p style="text-align: right;">Page 119</p> <p>1 and student time management. 2 If a 15-point plan described over the 3 course of 22 pages is not considered explicit, then 4 it is hard to surmise what would be considered an 5 adequate plan. 6 Regardless, because the reviewers did not 7 specify in what areas more explicit information was 8 needed, it is impossible to know the standards for 9 the applicant's response. 10 Examples continue on the following two 11 pages, which I will gladly discuss, if time allows. 12 However, in the interest of time, it is appropriate 13 to move to Section 3. 14 As it relates to Section 3, the goals of a 15 rubric -- the goal of a rubric, excuse me -- is to 16 remove subjectivity from the scoring process. As 17 educators, we live by the practice of rubrics and 18 assessment for a transparent standard for our 19 students to observe, as well as a higher level of 20 accountability in traditional grading practices. 21 The rubric provided to the applicants this 22 year was, in essence, not a rubric. A rubric would 23 provide specific components, which are required both 24 for the applicant and for those who score the 25 application. The application's rubric components</p>	<p style="text-align: right;">Page 121</p> <p>1 [verbatim]. 2 Similar subjectivity is seen throughout 3 the review, such as on Page 5 of the application 4 review, where it states that the academic flex 5 period, quote, "...may not be enough to support 6 special education students." 7 As a special education teacher, myself, 8 and with the support of Explore Academy's 9 administrator, who has, herself, been a special 10 education administrator, we feel that the time 11 provided will provide a significant opportunity for 12 all students, especially those with special needs. 13 The review and recommendation both cite 14 the application -- cite that the application only 15 incorporates one flex period. The specific 16 statement made in both the review and recommendation 17 is, quote, "The application provides a description 18 of the corrective actions that will be taken if the 19 school falls short of achieving academic achievement 20 or growth, but is limited as to how teachers and 21 students can manage necessary remediation in one 22 flex period per day, as described." 23 This assertion is simply invalid, given 24 that the application states, on Page 31, that, 25 quote, "Explore Academy will operate off a</p>

<p style="text-align: right;">Page 122</p> <p>1 seven-period schedule, with students taking five 2 classes and reserving the remaining two periods as 3 academic flex periods." This was part of our 4 redesign as a response to last year's critique. 5 Two flex periods, not one, by allowing 6 each student over two hours built into each day for 7 remediation, tutoring, or other assistance, we feel 8 we can adequately assist those students who need 9 extra assistance. I would challenge anyone to find 10 a school that incorporates that much time built into 11 the day to allow for remediation. 12 As presented in our application on 13 Page 29, research suggests that remediation is only 14 effective when it becomes part of the school day. 15 And the Explore Academy application follows this 16 relevant research. This page, once again, describes 17 Explore Academy's model as providing students with 18 two open periods within the day for students to 19 receive tutoring as needed. Areas where these 20 periods are discussed appear throughout the 21 application, on Pages 32, 38, 39, 40, 41, 64, 84, 22 88, 95, 96, 98, 137, et cetera. One cannot 23 speculate why the reviewer and the author of the 24 recommendation did not see these descriptions 25 throughout the application.</p>	<p style="text-align: right;">Page 124</p> <p>1 Our goals and curricular plan make it the 2 function of the school to challenge every student to 3 high achievement, regardless of their diverse 4 nature. 5 This judgment against, and lack of 6 confidence in, quote, "minority students" is a 7 failure of the reviewers, not of the application. 8 Madame Chair and Commissioners, the 9 available time does not allow me to continue to 10 discuss any of these items in further detail or to 11 add any more to this already extensive list of 12 issues. Much of what I've spoken about, I couldn't 13 speak to you, but is in the packet you have 14 received. 15 We hope that you'll agree that the low 16 scores assigned to the Explore Academy's application 17 were due to errors, misjudgments, and apparent 18 failure on the part of the reviewers to read and 19 understand all of the application, and that those 20 shortcomings necessarily resulted in the denial of a 21 recommendation from the Charter Schools Division. 22 We ask that you consider the facts that 23 you've presented here -- that we've presented here 24 today and conclude that the reviewers' comments and 25 scores are not supported by substantial evidence,</p>
<p style="text-align: right;">Page 123</p> <p>1 The subjectivity becomes concerning on 2 Page 1 of the analysis, when the reviewer states, 3 quote, "It is highly questionable that a diverse 4 clientele of students can demonstrate mastery at the 5 level expected by the charter." 6 First off, mastery is not the standard by 7 which students will be judged. What the reviewer 8 failed to read, on Page 7, during the section in 9 question, where the application clearly states that, 10 quote, "A passing score for a given standard will be 11 three out of four possible, with a score of three 12 demonstrating proficiency." 13 Thus, proficiency is the minimum standard 14 to which we hold our students, not mastery. 15 Furthermore, in regards to the school's 16 diverse clientele, it's important to remember that, 17 quote, "Diversity usually refers to differences, 18 such as race, gender, ethnicity, socioeconomic 19 status, special needs, particular learning 20 modalities." And that is the students who are most 21 often designated as, quote, "minority." 22 Apparently, the reviewers feel that these 23 differences render those, quote, "minority students" 24 incapable of the same achievement expected of the, 25 quote, "majority students."</p>	<p style="text-align: right;">Page 125</p> <p>1 and because of these failings, you will vote to 2 approve the Explore Academy's charter school 3 application. Thank you. 4 THE CHAIR: Thank you very much. I know 5 you've seen some discussion going back and forth 6 between our attorney and me. There is a question 7 about -- about the handout. "Justin," is it? 8 MR. BAIARDO: Yes. 9 THE CHAIR: May I call you by your first 10 name? 11 MR. BAIARDO: Yes, ma'am. 12 THE CHAIR: Thank you very much. Is there 13 anything in this handout that you have not 14 discussed, or that you have not brought to our 15 attention in your 15-minute presentation? 16 MR. BAIARDO: Some, but all of what's in 17 there was from the application, citations from the 18 application, so, things that were submitted already. 19 THE CHAIR: And, certainly, you know, I 20 couldn't listen to you and read this at the same 21 time. 22 MR. BAIARDO: Sure, of course. Okay. 23 THE CHAIR: So, I am going to base my 24 comments on -- my thoughts on what you have said and 25 what I know from the application and what I gleaned</p>

<p style="text-align: right;">Page 126</p> <p>1 from the community input hearings. 2 Are we okay to do that, or is there 3 another remedy we need to consider? 4 MS. LEWIS: Sorry. I just need a minute 5 to consider this question. Since there's -- since 6 the applicant contends that there's nothing in this 7 packet that wasn't in the application, so long as 8 all Commissioners have reviewed the application, I 9 think it's fine to rely on the application and the 10 community input hearing. Does that answer your 11 question? 12 THE CHAIR: Yes, it does. And, so, I 13 guess perhaps what I need to say -- to ask of all 14 Commissioners, even those who were not able to 15 attend the "Road Show" and the community input 16 hearings, has everyone read the application and the 17 transcript of those hearings? 18 And Madame Court Reporter, I'm getting a 19 nod of "yes" from everyone, if you would make that 20 note. 21 (Commissioners so indicate.) 22 THE CHAIR: So, thank you for that 23 clarification. Let's move forward. 24 Commissioners, do you have any questions? 25 Commissioner Bergman?</p>	<p style="text-align: right;">Page 128</p> <p>1 I agree. In fact, I sat in my hotel room 2 last night -- after I had read that, sat for a while 3 and thought about what the implications of what I 4 had just read were, because I've been on this 5 Commission for five years and career and college 6 readiness has been at the forefront of that 7 educational movement for those five years. That's 8 been some of the emphasis of both of the education 9 sections, the predecessor, and the current one. 10 And, yet, we look at these numbers, and I 11 think we have to ask ourselves, "Is the old, 12 status-quo way of educating kids -- is it working? 13 Is it doing what it's supposed to do? Do we need 14 some innovation in what we're trying to do?" 15 We all know that charter schools, a part 16 of their charter is they're supposed be innovative. 17 They're supposed to maybe not follow the status quo. 18 They're supposed to try something different. 19 They're supposed -- even if we think maybe it's not 20 going to work. But do we not try because it's 21 not -- we think it might not work? 22 So, that's kind of a preface to my 23 comments that -- because I have some concerns about 24 whether your seminar approach can work. But, maybe, 25 it's just the innovation -- I've been thinking about</p>
<p style="text-align: right;">Page 127</p> <p>1 COMMISSIONER BERGMAN: First off, I want 2 to start with something that -- as you see, that I 3 pulled this out of yesterday's edition of the 4 USA TODAY. It's an article. And what caught my eye 5 was the headline that says, "SAT Scores Flat For At 6 Least Five Years." I'm just going to read a couple 7 of little pieces out of this, just for everyone's 8 edification. 9 It says, "In a report out today, the 10 nonprofit College Board says just 43 percent of SAT 11 takers in the high school class of 2013 earned a 12 score that indicates they will succeed in the first 13 year of college, less than one-half of high school 14 graduates." 15 And, then, another paragraph says, "Last 16 month, an annual report by the nonprofit ACT found 17 that just 26 percent of the high school graduates in 18 the class of 2013 met college readiness benchmarks 19 in all four of the subjects the test covered." 20 And these subjects are English, reading, 21 math, and science. 22 And, then, finally, "The College Board" -- 23 "The current College Board president, Mr. David 24 Coleman, said that these persistently stagnant 25 numbers are a call to action to our country."</p>	<p style="text-align: right;">Page 129</p> <p>1 it -- maybe, it's just the kind of innovation that 2 we need. 3 What can you say to reassure me that your 4 seminar approach is going to work? 5 MR. BAIARDO: Madame Chair, members of the 6 Commission, I feel that the seminar system, as an 7 educator, allows us to provide greater 8 accountability in the learning process, both from 9 the teachers' perspective and the students' 10 perspective. 11 The seminar system, which we have put 12 together and presented in this application, the -- I 13 think the most positive points is that classes are 14 shorter, students take fewer classes, so, that, for 15 every class, teachers can go into greater depth, 16 which is something that's now missing, given a 17 greater push to -- for standardized testing, is that 18 teachers have to teach at a much -- what is it? -- 19 less depth. 20 It's breadth over depth now, where we have 21 to cover more things, and, therefore, we cannot go 22 into things as deeply. 23 This seminar method allows us to go deeper 24 into certain areas. Compounding on that is the fact 25 that, for every seminar, because we shorten</p>

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<p>1 instructional units down to one month's time, we can 2 provide so much diversity in how we offer courses, 3 so that students can choose how they want to learn 4 every step of the way. 5 So, for five classes at the beginning of 6 each month that a student will take, they get a 7 choice in the classes they take, but they also get a 8 choice in the version of every class they take, 9 making education become truly customized, which is 10 not seen -- Mary and I are both high school 11 educators. We see that the same students kind of 12 get shuffled through the same system. 13 And this application and this system, this 14 model we're proposing, is a breakaway from that 15 system, where we're allowing students to kind of 16 chart their own path and define what works for them. 17 And the research that we've shown in our application 18 goes with the psychological research, called "Choice 19 Theory," which has been established for the last 20 50 years, that shows that everyone is happier when 21 they have a choice in how to do things. 22 William Glasser, who established the 23 theory and has done considerable research in 24 education, has gone deeper into education, and said, 25 "If we give kids a choice in education, they are</p>	<p>1 classroom when the kid is receiving that passion, 2 and they want to be there, as well. 3 I've said all along, throughout the 4 development of the application and the Explore 5 Academy, that when we assign grades, or when 6 students earn grades at the end of a semester or a 7 year, we really don't know what they know at the 8 end. What does a C represent? Numerous standards. 9 And this really redesigns the curriculum, 10 where we're taking out seminars and chunking out the 11 standards, and we're really able to track and follow 12 exactly what standards they are becoming proficient 13 in, where they need help, and being able -- within 14 the school, the design of the school day is so 15 unique that we can remediate and help and assist and 16 support students throughout the day by doing that. 17 That's what is exciting to me. 18 COMMISSIONER BERGMAN: Thank you. And -- 19 thank you. And I was disappointed in something that 20 you said during your presentation there. You said a 21 reviewer told you that you had too many goals, and 22 they were too ambitious? Is that what you said? 23 MR. BAIARDO: Madame Chair, Commissioners, 24 yes, that is what was said in the review of our 25 application. Even though we used very similar goals</p>
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<p>1 much more effective in their learning," because they 2 want to be there. We both teach elective classes, 3 which -- some of the classes students do have the 4 ability to choose from. And, in those classes where 5 kids actually choose to show up to our classes, 6 versus the classes I teach where every kid has to 7 come through -- I'm a science teacher, so I teach 8 biology, but I also teach upper division electives, 9 where kids can choose. 10 You can see a discrepancy between the kids 11 who want to be in your class and the kids that don't 12 want to be there in the classes that they just, 13 basically, have to attend. 14 We're trying to make every class an 15 elective with this system. So, a student has a 16 choice in every class they attend, and, therefore, 17 there's already some sort of commitment to why 18 they're even there. 19 And that's what the school offers, I 20 think, far and above what any other educational 21 model would offer. Did you have anything to add to 22 that? 23 MS. ROBINSON: Can I add to that, too? As 24 a teacher that's able to teach what I'm passionate 25 about, there's a certain magic that happens in the</p>	<p>1 to our application's -- the version of our 2 application from last year. So, the standard that 3 was set last year, we thought, was a good standard. 4 We incorporated those in this year's application, 5 and, therefore, we were scored down in those two 6 sections by those reviewers, so -- 7 COMMISSIONER BERGMAN: That disappoints 8 me, because everybody that's sitting here knows that 9 if I could ask you to have 100 goals, I'd want you 10 to have 100 goals, and I'd want them to be as 11 ambitious as possible, because I believe the 12 students need to be challenged. 13 I was the kind of student where, if you 14 told me I couldn't do something, I'd kill myself to 15 prove to you I could do it. I think we don't 16 challenge our students enough. And that's why this 17 article just caught my eye, and, like I say, caused 18 me to think about it. 19 I'm not sure we're challenging students, 20 not only in this state, but in this country, to 21 achieve, even, perhaps, beyond what they think they 22 can achieve. So I was kind of disappointed to hear 23 a reviewer say that. I'll just put that on the 24 record. Thank you. 25 THE CHAIR: If I might, I have just a</p>

<p style="text-align: right;">Page 134</p> <p>1 couple of questions. Comments, too. 2 Last year, when you brought this 3 application forward, there were questions about the 4 ability of the teachers to actually develop all 5 this -- these curriculum units, the short-term 6 models, and to keep them exciting and new, and, you 7 know, always innovative, and always new, and always 8 updated. And, for that reason, I voted against your 9 application. 10 This year, when you presented, you were 11 much more confident and comfortable with your 12 presentation. You were more comfortable with your 13 model. I think you've worked on it. You've lived 14 with it a little while longer. 15 You also brought a team with you of 16 experienced and recognized teachers, not starry-eyed 17 newbies -- and, certainly, they have their place in 18 this world, too -- but experienced teachers who have 19 been in the trenches, who said, "We believe in this 20 model. Yes, we can write all of these -- these 21 short-term units, and we can keep them fresh. We 22 can keep the students excited, and we can do it, and 23 we will do it." 24 That opened my eyes. And I thought, "Here 25 are people who are willing to work that hard for our</p>	<p style="text-align: right;">Page 136</p> <p>1 you for the compliments. The -- the special 2 education section was one where we scored highly on 3 last year, but felt there was probably some redesign 4 required. The -- the incorporating of those two -- 5 what we call them, flex periods, built into each day 6 is going to help all students, but, in particular, 7 the special ed population, who might need more time 8 or more individualized attention. 9 So, for a given seven periods a day, there 10 are two periods where students will have time to 11 attend tutoring or to meet with a teacher or meet 12 with other students in a collaborative method, or 13 meet with a special ed instructor for help with 14 basic modifications or extra time, whatever it is. 15 So, we feel that, nowadays, in a typical 16 educational model, that time doesn't exist, where 17 the school day goes, so far, bell to bell. Lunches 18 are typically, you know, very short; kids are 19 waiting in line that some of them don't even get to 20 eat, much less have time to seek any help from 21 teachers. 22 This plan incorporates two periods in 23 every day, so, that's over two hours in every day, 24 where a student can visit a teacher, can visit a 25 tutor, can visit a special education manager, work</p>
<p style="text-align: right;">Page 135</p> <p>1 kids, and to really bring it forward." 2 I look at this model that you're proposing 3 as a school for overachievers. And I don't hesitate 4 to say that, because we've got schools for 5 everybody. We've got schools for dropouts; we have 6 schools for kids who are interested in science and 7 math, and those are their areas; language; flamenco 8 dance; music; art. We have everything. 9 I think your school is for overachievers 10 and overachievers in the making. I see this model 11 as being a means to excite kids who never really 12 caught fire to education before and who will -- not 13 everybody. Not everybody could survive this model 14 and these fast -- faster-paced, short term courses. 15 But for the students that this model speaks to, I 16 think you could bring kids along who have never been 17 successful before. 18 I think this school should -- should be, 19 and could be, a star in our arsenal of charter 20 schools. I really do. 21 What is your real thought on how well your 22 special ed students are going to do with this model? 23 That's my one concern is for those students who need 24 a little more time, a little more help. 25 MR. BAIARDO: Sure. Madame Chair, thank</p>	<p style="text-align: right;">Page 137</p> <p>1 with other students for extra assistance, as needed. 2 And that's where I think it becomes -- that was part 3 of our redesign, to incorporate two periods in every 4 day for students to have access to. 5 One big thing we mention in the 6 application is the research on time management. As 7 students go into college, one thing that trips them 8 up, usually, right when they enter college, is the 9 fact that they can't manage their time. 10 So, this -- because they're not leaving 11 campus, because this is built into the day, there is 12 no excuses as to why a school cannot offer tutoring 13 where kids can attend. At this point, I've worked 14 at several schools. And, typically, tutoring is 15 after school. And that's a conflict with buses, 16 with transportation, with extracurricular 17 activities, where students can't make tutoring, 18 which is so vital to the process. 19 That remediation component is so vital, 20 where students fall behind. It just -- it just 21 snowballs. So, with this -- with this model and the 22 allowing of two open periods during the day -- and 23 we say "open"; it doesn't mean they're 24 unstructured -- certain students will be recommended 25 or mandated to attend tutoring as many days as</p>

<p style="text-align: right;">Page 138</p> <p>1 needed. And that becomes a part where we feel that, 2 if a student shows that there are signs of 3 difficulty, we can request tutoring for two days out 4 of the week during one of those flex periods for 5 that student, and therefore, allow that student to 6 work with a teacher, work with another student. 7 A lot of our tutors will be upper classmen 8 working with lower classmen to try and not let 9 students fall behind so far. 10 So, that tutoring component and those flex 11 periods, I think, will help, more so than any other 12 population, the special education students. 13 MS. ROBINSON: One more thing I wanted to 14 add to that. I think we were very fortunate to get 15 Vickie McCarty on board with our founders. And she 16 was a special ed -- she is a special ed principal. 17 We both worked with her. Now, she's at another 18 school. But we think that really enhanced our 19 strengths in that area. 20 The other thing I was going to say about 21 special ed. The special ed population -- I'm sorry. 22 Sorry. Lost my thought. 23 THE CHAIR: If it comes back to you, let 24 us know. 25 Thank you for that.</p>	<p style="text-align: right;">Page 140</p> <p>1 of the -- now, I went through this -- what I'm going 2 to go through, the last time. And I got an answer. 3 But when you read this application, you talk about 4 "Proficiency," No. 3. "All students must meet 5 proficiency in all subjects and cannot graduate 6 unless you do." Is that correct? 7 MR. BAIARDO: Based on the charter, 8 absolutely. But, I mean, the exception to that 9 would be students who are on Individual Educational 10 Plans, where things that are mentioned in the 11 charter are overridden by Federal law in that 12 capacity. So, yes, for those students that don't 13 have an IEP, then, yes, that would be what the 14 charter describes, yes. 15 COMMISSIONER GANT: Madame Chair, at no 16 time in the application -- at least, I did not see 17 it; I read it several times -- that is never spoken. 18 At the meeting in Albuquerque, the community meeting 19 when I asked this question, went through this issue, 20 it was all of a sudden, you had to come up with an 21 answer. That's the look I got in your folks' eyes. 22 "I need an answer. What answer is that 23 going to be?" 24 You had an answer. But that's my problem 25 with this application. It's -- it -- as</p>
<p style="text-align: right;">Page 139</p> <p>1 Commissioners, other questions? 2 Mr. Gerlicz? 3 MR. GERLICZ: Madame Chair, members of the 4 Commission, I neglected to add one thing in my 5 comments, too. The one thing about instituting 6 innovation, that that is not for newbies, 7 necessarily. They have great ideas. But that 8 experience, plus competence, is also a plus for this 9 application, in that the -- the woman that was -- is 10 it "Allison"? Is your name "Allison"? 11 MS. ROBINSON: Mary. 12 MR. GERLICZ: Mary -- excuse me -- 13 mentioned Vickie McCarty. She's had experience in 14 three other start-up schools, large comprehensive 15 high schools, like Sandia High School, programs at 16 Rio Rancho High School, as well. So, for Explore 17 Academy to have somebody of that caliber, a licensed 18 administrator, who's been through start-up and prior 19 innovation, is another major plus for this 20 application. And I neglected to say that in my 21 comments. 22 THE CHAIR: Appreciate that additional 23 information. 24 Commissioner Gant? 25 COMMISSIONER GANT: Madame Chair, members</p>	<p style="text-align: right;">Page 141</p> <p>1 Commissioner Shearman said, this is going to be for 2 the overachievers. Now, we can have special ed kids 3 that are overachievers. But if they get in a 4 situation where they're not achieving, and they're 5 looking at their peers and saying, "Look at what 6 those people are doing, and I can't do it," they're 7 going to bail. 8 And my issue is, this school is being 9 designed, rightly or wrongly, for the overachievers. 10 And -- this is my view and not the view of the rest 11 of the Commissioners -- it's an elite school, for 12 the overachievers, for those who are college-bound. 13 And you say that over and over and over. The goal 14 is to be college-bound. 15 So, if I'm a parent out there -- and I am 16 one -- and I read your application, and I read 17 your -- what you're going to put out there in the 18 letters and stuff, recruiting, my child would not 19 even be considered. 20 Now, he is an overachiever now. He 21 teaches at a private school in Albuquerque and does 22 very well, teaching eight classes a day. But he was 23 told he would never learn. 24 And that's my problem with this school. 25 And I'll be blunt with you. Kids of his special</p>

<p style="text-align: right;">Page 142</p> <p>1 needs, and others, if they do come to that school, 2 which you have to allow them to do, they're going to 3 see, maybe quickly, by their sophomore year, "I 4 can't make it. I cannot be one of the 5 overachievers." 6 You don't have any -- you don't have any 7 marks in here that says, "Two is fine, one is fine," 8 nowhere in their application. It's all three or 9 four. 10 And, for that reason -- I try and look out 11 for these kids, because it -- 'cause I have a 12 reason. But I have known a lot of special needs 13 kids have been told they can't, but they're highly 14 achievable now, because they were given the 15 opportunity, in our public schools, and they were 16 put in the classroom with the regular students, and 17 they became overachievers because somebody did care. 18 So, that is my problem. And I'll just be 19 blunt with you. This is a school for the elite. 20 Thank you. 21 THE CHAIR: Commissioner Carr? 22 COMMISSIONER CARR: Madame Chair, I -- 23 quick comment on what Commissioner Bergman said. I 24 might refer you to Diane Ravitch's latest book and 25 countless studies to show that, in the last ten</p>	<p style="text-align: right;">Page 144</p> <p>1 happens. But as long as you're treating them 2 equally, and you're treating them with respect and 3 dignity, and you're not allowing any other person to 4 put them down and things like -- all that type of 5 thing, then I've seen those kids thrive. And I've 6 seen kids who have been told that they can't learn 7 and are -- "Oh, they shouldn't be in that AP class 8 because" -- you know -- "oh, my gosh, there's no way 9 that kid's going to make it." 10 But I've seen, many times, where those 11 kids have made it, because they've been given the 12 amount of attention and help to actually get there. 13 I just -- I like -- I mean, your 14 application may have been inadequate in prior years. 15 It looks like we're right on the borderline here. 16 I had a question for Mr. Gerlicz. If I 17 were to make a motion -- I don't know we're -- I 18 don't know how anybody's going to vote. We don't 19 talk about that ahead of time. 20 But if I were to make a motion to accept 21 this application with -- with stipulations or 22 conditions, Mr. Gerlicz, would you have some 23 recommendations along that line? 24 MR. GERLICZ: Madame Chair, 25 Commissioner Carr, you're asking for recommendations</p>
<p style="text-align: right;">Page 143</p> <p>1 years, we haven't been doing the same old thing. 2 We've been testing our kids to death. 3 On the junior level, they take their SBAs, 4 their SATs, their ACTs, their PSATs, before, even to 5 prepare them for that; Discovery testing or other 6 forms of short-cycle assessments. We're testing 7 them to death, and countless amount of classroom 8 time is taken up. 9 The kind of methods that you're using, I 10 use to the best of my ability within the structure 11 that I have. And I've used them for years. Glasser 12 is well-noted, and is used throughout the country. 13 Anytime you can give kids a choice, I -- I do it as 14 often as I can. 15 The -- the other thing about that is I 16 think Glasser and this type of program that you're 17 looking at, I use it in AP classes, but I also use 18 it in my regular classes, where special ed kids are 19 included. And I find that they thrive in that kind 20 of atmosphere. 21 And, yes, they still need additional help 22 in tutoring and all that. That comes along with it. 23 I find that I -- I think a kid in those 24 circumstances would -- yes, there might -- there's 25 always the intimidation factor. That always</p>	<p style="text-align: right;">Page 145</p> <p>1 for conditions? 2 COMMISSIONER CARR: Yes, sir. 3 MR. GERLICZ: What -- I hear some comments 4 of a concern about how the needs of special ed 5 students will be met. We could certainly talk more 6 about that. 7 Again, as I said in my earlier comments, a 8 seminar style of learning allows you to get to know 9 students much better than if you're in a 10 factory-based model school, which is so often what 11 our current model is: forty-five minutes, move on 12 to another class, move on to another class, have 13 special ed kids somewhere else. That's what we -- 14 that's what I see this model as getting away from. 15 That's what I see this model as contributing to 16 innovation in education. 17 So, if we want to put some language in 18 there that the Charter School Division will ensure 19 to the Public Education Commission that all 20 students, not only -- and, for us, it's not just 21 about special ed students. It's about ELL students; 22 it's about all the levels of diversity that we have 23 in our society. That's what our public education 24 system stands for. 25 So, if you want to make some conditions on</p>

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<p>1 there that -- to redouble our efforts to ensure that 2 it's happening, we'd be happy to comply with that. 3 COMMISSIONER CARR: Is that the only 4 condition you would recommend? 5 MR. GERLICZ: At this time, yes, 6 Commissioner Carr. 7 THE CHAIR: Commissioner Toulouse? 8 COMMISSIONER TOULOUSE: Madame Chair, I'm 9 aware of the clock, and I'm aware we have a Deputy 10 Secretary who is here. But I have two comments. 11 One of them is a personal comment, Mr. Baiardo. 12 And I am new to this board -- or to this 13 commission. However, I am not new to commissions, 14 in general, and I am not new to spending public 15 money and making decisions. 16 You put me off with your presentation 17 today. I would much rather have heard a positive 18 approach to you bringing up these same issues, as a 19 negative approach to this document, because you came 20 across as angry and aggressive. And I know you're a 21 very bright man. But I'm very bright, too. So, I 22 have had trouble separating your proposal from this. 23 That's a personal. It's not going to 24 affect my vote, as such. But I want to tell you 25 that, that when you get something like this, my long</p>	<p>1 that just is getting re-purposed. Again, in the old 2 days, it was kids high school kids' age who were 3 being taught this way, you know. It was younger 4 kids; it was whatever. 5 So, I look at your approach fairly 6 interestingly. But I did want to caution you that 7 you created a problem with me when I have to think 8 and I have to separate the two people, the personal 9 person, who didn't like your approach, from the 10 person who tries to be professional and hear what 11 your approach is and what you have to say. 12 THE CHAIR: Thank you, Commissioner. Are 13 there other questions or comments? 14 Commissioner Bergman? 15 COMMISSIONER BERGMAN: I have no problem 16 with adding that condition, but I just wonder. 17 Federal and State law already mandates that 18 everybody in all the classes gets a quality, fair, 19 good education. I just was wondering, if we put a 20 special condition in this particular situation, do 21 we have to make that same condition in all the 22 future ones, or will people say, "Well you didn't 23 give ELL and special ed kids that special 24 condition"? 25 I'm just -- a little food for thought,</p>
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<p>1 years of experience is, "Don't answer it; counter 2 it," and you get much farther than when you do that 3 kind of approach. 4 My other comment is what I find very 5 interesting is we're talking about what -- 6 supposedly, a new approach. And it's simply an 7 example of what -- you know, is old, is new again. 8 For centuries, people taught this way, and 9 information was conveyed this way, whether it was 10 informally, in a tribal setting, teaching your kids 11 how to make arrowheads and pottery. You sat down 12 and you had a set period of time, and everybody 13 learned it, or, whether it was Renaissance 14 universities, or whether it is still schools today 15 like St. John's College up here. 16 So, I find it interesting that there's a 17 debate on that approach. I could see kids who would 18 deal with this. I would have loved it. On the 19 other hand, I also know, as I said at our hearing, I 20 probably would have come out with not quite the 21 well-rounded education I needed to have. I would 22 have gone for the humanities. I would have gone for 23 the social sciences, and I would have done the bare 24 minimum on the harder things. 25 So, I see it as a tried-and-true approach</p>	<p>1 perhaps. I have no problems with the condition. 2 THE CHAIR: Thank you. Mr. Gerlicz, would 3 you respond? 4 MR. GERLICZ: Yes, Madame Chair and 5 Commissioner Carr, back to your point, it's General 6 Manager Callahan, in her wisdom, who has suggested 7 that, if this gets approved, we have a planning 8 year. In that planning year, it ends with a 9 "Commence Operations" hearing. And it could be very 10 well and very germane at that time that, not only do 11 we give updates about how that's proceeding, but are 12 we satisfied that that these concerns are addressed 13 adequately? And, yeah, it's very much a condition 14 to do the planning. 15 THE CHAIR: Thank for you that 16 information. Other questions or comments? 17 COMMISSIONER CARR: Madame Chair, short 18 one. 19 THE CHAIR: That would be nice. 20 COMMISSIONER CARR: I would just like to 21 make note of how much importance that we're placing 22 on education and experience when it comes to 23 teachers. Because we got information today, and 24 yesterday, who said, "It makes no difference." But, 25 today, it seems to make a great deal of difference.</p>

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<p>1 I just wanted to make that note. 2 THE CHAIR: Thank you very much. Other 3 comments or questions? 4 Seeing none, the Chair would entertain a 5 motion. 6 Commissioner Bergman? 7 COMMISSIONER BERGMAN: Madame Chair, I'm 8 going to make a motion, but it's going to be to 9 approve, and I will either get a second or I won't 10 get a second, so we'll see what happens, if that's 11 suitable to you. 12 THE CHAIR: Please do. 13 COMMISSIONER BERGMAN: I would move that 14 this Public Education Commission approve the 15 application of this applicant. 16 THE CHAIR: Of the Explore Academy. 17 COMMISSIONER BERGMAN: Of the Explore 18 Academy. 19 THE CHAIR: Do we hear a second? 20 COMMISSIONER CARR: Second. 21 THE CHAIR: Seconded. We have a motion 22 and a second on the floor to approve. 23 COMMISSIONER TOULOUSE: Madame Chair, does 24 this include the planning year? 25 COMMISSIONER BERGMAN: They all have a</p>	<p>1 COMMISSIONER GANT: No. 2 COMMISSIONER BERGMAN: Commissioner 3 Shearman? 4 THE CHAIR: Yes. 5 COMMISSIONER BERGMAN: Commissioner 6 Bergman votes "Yes." Madame Chair, by a 6-to-2 7 vote, the motion to approve this application has 8 carried. 9 THE CHAIR: Thank you. As you heard, a 10 6-to-2 vote to approve the application, the charter 11 school application of Explore Academy. Thank you 12 very much. Congratulations. Now, go get to work, 13 as I told the other school. 14 Thank you very much. 15 I'd like to acknowledge that Deputy 16 Secretary Aguilar has joined us, along with 17 Mr. Larry Behrens. Secretary Aguilar -- Deputy 18 Secretary Aguilar, we held a place for you on the 19 agenda. 20 We said, at the time that we got to your 21 agenda item, that we would move that to accommodate 22 you, if you got here. 23 If you would like to address the 24 Commission, we would very much like to have you. 25 And there's a chair right there, if you'd like to</p>
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<p>1 planning year. 2 COMMISSIONER TOULOUSE: I know, but to 3 bring it back to us after that? 4 MS. CALLAHAN: All schools -- 5 COMMISSIONER TOULOUSE: That's my newness, 6 so, thank you. 7 THE CHAIR: Moved and seconded to approve 8 the Explore Academy Charter School application. 9 Discussion? 10 Secretary Bergman, may we have a roll call 11 vote? 12 COMMISSIONER BERGMAN: Commissioner Pogna? 13 COMMISSIONER POGNA: Yes. 14 COMMISSIONER BERGMAN: Commissioner 15 Toulouse? 16 COMMISSIONER TOULOUSE: Yes. 17 COMMISSIONER BERGMAN: Commissioner Carr? 18 COMMISSIONER CARR: Yes. 19 COMMISSIONER BERGMAN: Commissioner 20 Conyers? 21 COMMISSIONER CONYERS: Yes. 22 COMMISSIONER BERGMAN: Commissioner 23 Peralta? 24 COMMISSIONER PERALTA: No. 25 COMMISSIONER BERGMAN: Commissioner Gant?</p>	<p>1 have it, or you're welcome -- we'll scoot one in up 2 here. 3 DEP. SEC. AGUILAR: I'd rather sit up 4 here, Madame Chair. 5 COMMISSIONER TOULOUSE: I don't bite. 6 DEP. SEC. AGUILAR: I know you don't. 7 Good morning, everyone. I'm sorry. Good 8 afternoon, everyone. Good morning, Madame Chair. 9 THE CHAIR: Thank you for taking the time 10 to be with us. 11 DEP. SEC. AGUILAR: Well, Madame Chair, I 12 was in Las Cruces this morning, and, so, I didn't 13 get a ticket. That's a good thing, Madame Chair. 14 That's good. 15 But my assistant has -- my assistant has 16 indicated she's going to report me to the proper 17 authorities, so -- I'm here to answer questions. I 18 don't have a lot to give you an update on. And I'm 19 not certain if Mr. Gerlicz or Ms. Callahan have 20 talked about our two visits to charter schools. 21 We have conducted a site visit to the 22 New Mexico Virtual Academy in Farmington. We 23 indicated a few months ago that we were interested 24 in doing that. This Commission and other interested 25 parties have expressed interest in the New Mexico</p>

<p style="text-align: right;">Page 154</p> <p>1 Virtual Academy and the operation and how things are 2 going. 3 We have, again -- Mr. Gerlicz -- I got it 4 right there, I think. Mr. Gerlicz, our General 5 Counsel, Mr. Hill, and myself visited the Academy. 6 We visited with the director, with the chairman of 7 their board, and the secretary of their board, as 8 well as the students and teachers that work there. 9 We have raised some issues and concerns 10 with a couple of portions of their contract that 11 have been raised, I think, in front of this 12 Commission before. 13 THE CHAIR: Could we clarify? Pardon me. 14 Are we talking about the school in Farmington? 15 DEP. SEC. AGUILAR: Madame Chair, yes. 16 They're not a State-chartered charter school, but I 17 think it's an important conversation. The positive 18 thing is, is that many of the issues that we had 19 thought that we needed to talk about when we 20 traveled up there -- we met also with their 21 attorney, and they've already begun to address many 22 of those issues. So it was a very positive trip. 23 We're preparing a post- -- a post-visit 24 report with them. There -- we've submitted some 25 additional questions for their -- for them to work</p>	<p style="text-align: right;">Page 156</p> <p>1 when we received them. The gut feeling of the staff 2 coming out of the investigation is that they're not 3 as serious as going in. So, that's a good thing. 4 But, as with any visit, you always come up 5 with things that you find out. And, so, we're going 6 to have an exit conference with them, raise these 7 issues, get answers, again, and, hopefully, by -- I 8 assume you're meeting in about a month? 9 THE CHAIR: I believe the 1st of November 10 is our next meeting. 11 DEP. SEC. AGUILAR: I'm hoping we have our 12 reports complete on both of those visits, so we can 13 have that report for you. 14 Other than that, I think Mr. Gerlicz and 15 the Commission had the conversation yesterday about 16 La Jicarita and their building. I'm hopeful that 17 we'll hear by the end of the day that they 18 successfully have received their permit, but I don't 19 know that we will or not. So, that, I believe you 20 need to be informed of, as those events progress. 21 So, I would ask Mr. Gerlicz to keep in 22 contact with the Chair to keep you informed of where 23 they are on that. 24 Otherwise, Madame Chair, the Department 25 has submitted a budget to the Department of Finance</p>
<p style="text-align: right;">Page 155</p> <p>1 on. And, so, we expect to have that completed here 2 in the next few weeks, and, then, we would be -- it 3 would be our pleasure to present that report to 4 you -- 5 THE CHAIR: We would very much appreciate 6 that. 7 DEP. SEC. AGUILAR: -- at one of your 8 future meetings. The second visit that we have just 9 recently undertaken is a visit to the GREAT Academy 10 in Albuquerque. That is a State-chartered charter 11 school. Some issues have been raised by folks 12 regarding enrollment and attendance and things of 13 that nature. 14 We had a team in there last week, and we 15 have collected data. We're in the process of 16 evaluating that data. I don't have any initial 17 guesses of what that data is going to look like. 18 Our staff is busy analyzing it right now. 19 But, from -- but I don't think -- because 20 we have not reported out to the charter school yet, 21 I can't talk too much about it. 22 THE CHAIR: We understand. 23 DEP. SEC. AGUILAR: Part of the issues 24 were with attendance and enrollment over the past 25 few years. The allegations were somewhat concerning</p>	<p style="text-align: right;">Page 157</p> <p>1 and Administration and the Legislative Finance 2 Committee for Department operations that is flat, 3 year over year, for base operations. There are a 4 couple of expansion requests that are included for 5 staff. As the number of charter schools grow, we 6 have some additional responsibilities in our School 7 Budget Division in our Charter Schools Division, in 8 our -- in our auditing bureaus. And, so, we've -- 9 there's a small expansion request, not significant, 10 about four FT. 11 THE CHAIR: We'll take them. 12 DEP. SEC. AGUILAR: But -- we will. But, 13 Madame Chair -- but, as part of the flat request, I 14 think we had a good conversation about a month ago 15 regarding the PEC budget. So, as we look forward to 16 '15, if the flat request is appropriated, we believe 17 that -- that the PEC budget can move forward at the 18 levels that it is this year, which is much improved 19 over last year, if you remember. 20 THE CHAIR: Yes, it is. 21 DEP. SEC. AGUILAR: I have to poke a dig 22 at the Commission. All of you had indicated you 23 wanted to go to the national conference. And, so, 24 we were all fired up to have all of you there. But 25 it turns out that, I believe, only Commissioner</p>

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<p>1 Conyers is going. So I need to dig at you guys a 2 little bit for that. 3 THE CHAIR: We're trying to save you 4 money. 5 DEP. SEC. AGUILAR: I appreciate that. 6 But we had actually found the money for you. I'm 7 hoping, Commissioner, that you enjoy San Diego, 8 because it will be a good trip. 9 With that, Madame Chair, I stand for any 10 questions that the Commission may have. 11 THE CHAIR: Commissioner Bergman? 12 COMMISSIONER BERGMAN: Yeah, I don't have 13 any questions, Deputy Secretary. Appreciate it. 14 But -- but we are, as Commissioners, as 15 these contract -- former contract negotiators -- 16 there are going to be more of them. We have 13 or 17 14 schools coming in the next two months. And some 18 of us that go to those negotiating sessions, which 19 includes me, we're going to have a lot more travel 20 than we've had in the past, mandated because the 21 State legislation said we had to have these 22 contracts. 23 I just wanted to make that point. A flat 24 budget is going to leave us scrambling, in some way, 25 shape, or form. I just wanted to make that point.</p>	<p>1 Commissioners -- and you probably know, Deputy, the 2 JUMP program in Cruces, where, in the first, second, 3 and third grade, they show -- they've taken and 4 designed a new program for reading to make sure the 5 kids reach their proficiency, as required -- 6 third-grade proficiency. 7 And it's also -- and I'll be happy to get 8 a bunch of brochures and stuff, because they do have 9 some down there in Cruces -- have shown significant 10 improvement in the reading of children -- they're 11 doing it in seven schools down there right now. And 12 it's all on the school district; they have figured 13 out how to do it under their own dime. 14 And I'm just curious, if it's successful 15 down there, why it can't be successful in all the 16 other 88 school districts that may have reading 17 problems, as all -- most of them do, I believe. And 18 I think -- because it uses peers. It uses kids, 19 older kids, to teach the younger kids. 20 And if you're an older kid that has to 21 teach a younger kid to read, you have to know how to 22 read. We all know how that works. A third-grader 23 may be teaching a second-grader how to read; a 24 second-grader teaching a first-grader how to read. 25 They're being very successful. You get</p>
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<p>1 DEP. SEC. AGUILAR: Actually, 2 Commissioner, and Madame Chair, Commissioners, yeah, 3 I can't let a dig go by with the opportunity. But, 4 actually, to your comment, because the budget for 5 the PEC is actually improved this year over last, it 6 was, anyway. The funding for the -- for Mr. Vigil 7 is -- was not -- it wasn't -- well, we're not hiring 8 him, so let's take it away. That was added to the 9 pot, as well as some additional funding, as well as 10 the funding to cover the costs of the Commission 11 attending the travel to the national conference. 12 So, it's much improved over last year. 13 So, I think the fact that most of you are not 14 traveling is going to make it probably a lot easier 15 to meet that budget than we had anticipated, to 16 begin with. So, I think we're in pretty good shape. 17 COMMISSIONER BERGMAN: Thank you. 18 THE CHAIR: Commissioner Gant? 19 COMMISSIONER GANT: Madame Chair, Deputy 20 Aguilar, and others, I wanted to save this for the 21 PEC comments. But you may have to leave. You know, 22 in several years past now, we've -- there's been 23 bills taken to the Legislature for what we call the 24 social promotion thing, and all that goes with it. 25 And I was going to share with our fellow</p>	<p>1 kids down there that started out at very low 2 proficiencies, and, now, they're in the 80 percents. 3 So, I would suggest, Deputy, that that 4 program be looked at, because it's being successful, 5 because they're looking at it differently. They're 6 starting early interventions with the reading 7 program down there within the school districts. 8 There are seven of them. I believe they're going to 9 build all of them, eventually. 10 But, then, they've got another -- they've 11 got a LEAP -- or LEAPS -- program they're putting in 12 the middle schools to help with problems like that. 13 So, that innovation should be looked at. Instead of 14 trying to push something through the Legislature, 15 maybe push this through, because it might pass, and 16 they could get some dollars to help the districts 17 with this. 18 But, you know, Cruces might be in a little 19 better position financially than a lot of them. But 20 I think Stan down there -- Rounds -- he's very 21 innovative about finding dollars, and he's very 22 innovative in education. 23 So, it's just the way -- maybe you all 24 should look at it up here, the PED, at that JUMP 25 program they have down there for reading.</p>

<p style="text-align: right;">Page 162</p> <p>1 DEP. SEC. AGUILAR: Madame Chair and 2 Commissioner, thank you for that. We're so far 3 ahead of things. I was actually munching pizza with 4 Superintendent Rounds last evening at the Field of 5 Dreams, visiting with the principals of both the 6 LEAP program and one of the JUMP programs. So, we 7 actually had that discussion last night. 8 It was a pretty good discussion. I 9 would -- I would argue that -- I mean, the Early 10 Reading Initiative has always had that moniker of 11 being the retention program. But if you really -- 12 if you really think about it, the fundamental basis 13 of all of our reading initiatives is early 14 intervention, so, that we don't get to that point. 15 Let's intervene early. Let's do what we 16 need to do to help kids read before the third grade. 17 And this is one of many programs. 18 One of our initiatives that the Secretary 19 is working on now is to start gathering a -- a 20 collection of best practices -- and this is one of 21 many -- but also to be able to make not just the 22 idea available on the Web site, but also contacts 23 and things that people can talk about. Stan is one 24 of -- you're right, he is one of our more innovative 25 superintendents, and he's moving forward full-bolt</p>	<p style="text-align: right;">Page 164</p> <p>1 way. They're just amazingly beneficial in keeping 2 kids interested and staying in school, especially 3 those kids that aren't -- where the full academic 4 college route may not be for them, but they 5 certainly have a lot of opportunities to look 6 forward to. 7 So, we're certainly interested in that, 8 and we'll continue pursuing that. 9 COMMISSIONER GANT: Thank you. 10 THE CHAIR: That's great information. Any 11 other questions or comments for Deputy Secretary 12 Aguilar? I see none. 13 We thank you so much for coming. We 14 certainly welcome you to stay for the rest of the 15 meeting, which probably isn't going to be very long, 16 if you'd like. But if you might like to go have 17 some lunch after your trip from Las Cruces, you're 18 certainly welcome to do that. 19 DEP. SEC. AGUILAR: I have the unique 20 opportunity this afternoon of visiting with lawyers 21 all afternoon. So I need to get to them. 22 THE CHAIR: If you must, you must. 23 Mr. Behrens, we appreciate your being here 24 today. Do you have anything to impart to us? 25 MR. BEHRENS: I do not. Ms. Friedman had</p>
<p style="text-align: right;">Page 163</p> <p>1 with this. 2 So we certainly are supportive of any of 3 those best-practice programs, and we'll continue 4 visiting with him on how he implements it, because I 5 talked to him -- the LEAP program, actually, your 6 second comment, is actually an alternative school. 7 COMMISSIONER GANT: Right. 8 DEP. SEC. AGUILAR: And they tried to 9 recruit me last night to teach their culinary arts 10 program. 11 COMMISSIONER GANT: Do you think you're 12 qualified? 13 DEP. SEC. AGUILAR: I can do that. I 14 can't do much, but I can sure cook. But it's an 15 alternative school, which isn't eligible in the 16 whole scheme of things for, like, small school 17 funding. And I talked to Stan, and he said, "If you 18 can be creative about things, you can make things 19 work." And I met the principal of that program last 20 evening. Pretty exciting. 21 So, there's a lot of good things going on. 22 I mean, I would push to our focus in the Department 23 at the middle school level of our College and Career 24 Readiness programs, which are horribly beneficial -- 25 and I don't mean "horribly" in a bad way, in a good</p>	<p style="text-align: right;">Page 165</p> <p>1 to go pick up her husband. He's coming back from 2 vacation. She said, "What about the PEC?" 3 I said, "I'll be happy to not mess things 4 up," until she gets back. She should be back 5 momentarily. 6 THE CHAIR: Commissioners, we have a very 7 short number of items on the rest of our agenda. 8 So, let's start with you. We'll just move ahead. 9 Next item is PEC Comments. Let me just go 10 around the table and we'll see if anyone has just a 11 few short words for us. Commissioner Conyers? 12 COMMISSIONER CONYERS: Really, not much, 13 I've enjoyed the past two days, and -- 14 COMMISSIONER GANT: You say that with a 15 smile. 16 THE CHAIR: He can still smile after two 17 days. 18 COMMISSIONER CONYERS: Most things, I say 19 with a smile. I'm a happy person. So, I've enjoyed 20 it. 21 THE CHAIR: Thank you very much. 22 Commissioner Peralta? 23 COMMISSIONER PERALTA: Nothing, other than 24 this was the first time I didn't get to make the 25 tour. So, I had to do a lot of reading. So, I</p>

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<p>1 think next time, I'll try to make that tour. But, 2 hopefully, I can change the calendar's school year 3 at our district so that I can be able to manage to 4 do that. 5 The reason why I didn't make it this year 6 was because it was the first week of school, and I 7 had had, just assigned, two new elementary schools 8 to me. So, as opposed to that -- I mean, you know, 9 I feel like the community hearings are a valuable 10 piece in looking at that. And having to not be 11 there and do all -- looking through all the 12 documents and the applications and reports and what 13 have you, I find that to be a much -- well, I 14 shouldn't say much more valuable piece, but it works 15 for me. 16 And, so, I do miss -- and plus, what I 17 understand, this was a lot shorter and more 18 pleasurable tour, I think. And, so -- but I just 19 wanted to point that out. Thank you. 20 THE CHAIR: Thank you. Commission Pogna? 21 COMMISSIONER POGNA: Madame Chair, first 22 of all, I want to thank the Commissioners for their 23 notes of condolences. It was greatly appreciated. 24 I -- secondly, I wanted Mr. Gant to know that I 25 truly miss those newsletters from the School -- was</p>	<p>1 that -- those news briefs informative, too. When 2 you live out in Roswell -- I mean, we're not out in 3 the middle of nowhere. We get the newspaper, and we 4 got TV, believe it or not. But a lot of those 5 articles were articles I had not seen. 6 So, just, there's another Commissioner 7 that thinks that was actually an excellent service. 8 I've enjoyed our tenure here the last couple days. 9 I found it very interesting. Thank you. 10 THE CHAIR: Thank you, Commissioner. 11 Commissioner Toulouse? 12 COMMISSIONER TOULOUSE: I think I've 13 probably said all I need to say, other than to say 14 I'm trying to finish up my first-year cycle in doing 15 this. And I learned so much in going out for those 16 three days and hearing it and seeing the communities 17 and all of that, that I appreciate, also, the 18 several of you that have had all that experience to 19 help me along and figure it out. Thank you. 20 THE CHAIR: It's an experience. 21 Commissioner Carr? 22 COMMISSIONER CARR: Madame Chair, I'll do 23 the easy ones first. 24 First of all, I think we should refrain 25 from accepting handouts in the future, like we did</p>
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<p>1 it School Finance? 2 COMMISSIONER GANT: Public Finance? 3 COMMISSIONER POGNA: Yeah, I miss them 4 terr- -- 5 COMMISSIONER GANT: Public Facilities 6 Authority. 7 COMMISSIONER POGNA: I miss them terribly. 8 I read them, and I just felt informed. And it's 9 over with. Is that it? 10 COMMISSIONER GANT: Well, there is -- 11 Madame Chair, if I may? Commissioner Pogna. There 12 is discussion about a couple of other agencies maybe 13 sharing the cost. But I -- I can talk to them on 14 Monday. But I have to go home tonight and come back 15 on Sunday for a meeting on Monday, for PSCOC. I'll 16 ask them if they're still considering doing that. 17 I'm not going to name the agencies. But 18 suffice it to say there were two agencies beside 19 myself that said we should continue it. Of course, 20 we were outvoted, so -- 21 COMMISSIONER POGNA: Thank you very much. 22 THE CHAIR: Thank you. Commissioner 23 Bergman? 24 COMMISSIONER BERGMAN: I've said about all 25 I need to say, but I'll just add, I actually found</p>	<p>1 from Explore Academy. I think that could lead to 2 some difficulties, maybe. 3 The other thing -- and on the articles, 4 I've been trying to give Commissioner Gant -- I get 5 a lot of information from different sources. And, 6 then, when I think that they may apply to what we're 7 doing here or be important, I send them to 8 Commissioner Gant and then leave them up to him 9 whether he thinks he should send them out to 10 everybody else, since he's been doing that for a 11 long time. 12 And it's not as good as what we've been 13 getting, though, by any means. 14 And I don't know how many of those you 15 have been passing along -- 16 COMMISSIONER GANT: A few. 17 COMMISSIONER CARR: A few; yeah, a few. 18 Commissioner Shearman brought up the idea 19 of a press release. I don't know if you're going to 20 talk about that, about doing press releases. I 21 think that's maybe something we could think about 22 for certain things that we think are important. I 23 think that's something we should consider. 24 The most important thing I wanted to talk 25 about was the upcoming Legislative session. And I</p>

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<p>1 would like to see us have a -- add an item to the 2 agenda. We lobbied to pass House Bill 392, make the 3 PEC an independent governmental body. That went 4 through the entire Legislature. It was passed, but 5 vetoed. 6 I have talked to a couple of members of 7 the Legislature in regards to the possibility of 8 making this -- just converting this bill to an 9 amendment that can't be vetoed, in addition to the 10 other amendment that, you know, I've talked about 11 for over a year and a half, I think, so far, and 12 giving the State Legislature two possibilities, one 13 less severe than the other: One that has already 14 been voted on by the -- obviously, by the majority 15 of the State Legislature; it's already gone through 16 all the procedures and judicial committees and 17 everything, that -- it's already gone through that 18 whole process. It would just have to be reworded. 19 I've asked the Attorney General's Office 20 to -- to look at the -- the wording on that to make 21 it into an amendment. I would like to see the 22 amendment that I've been putting forward and 23 lobbying for passed. But, if not, I would be more 24 than happy to see 392 put into place, which is 25 something we all supported. And I would like to</p>	<p>1 Halloween night. That would be an interesting 2 meeting. 3 COMMISSIONER TOULOUSE: I can't. I have 4 to meet little grandkids. 5 COMMISSIONER CARR: Oh, okay. Or, we 6 could just meet early in the morning before our 7 regular meeting. So we can see what -- everybody, 8 tell me what fits into your schedule. 9 THE CHAIR: Remember, we can do setting 10 meeting schedules by e-mail among the group. We've 11 already gotten that legal opinion, that that can be 12 handled in that way. So, why don't you just plan on 13 doing that? 14 COMMISSIONER CARR: Also, you were saying 15 just disseminate the information by e-mail, and then 16 have -- people could comment? 17 THE CHAIR: To the committee, to set up 18 the meeting, the Legislative Committee meeting. 19 COMMISSIONER CARR: Could you refresh my 20 memory on who's a member of the committee? 21 THE CHAIR: Toulouse, you, Gant, me, 22 Bergman. Anyone else? I think that's it. 23 COMMISSIONER BERGMAN: I think there were 24 four of us. 25 COMMISSIONER GANT: Whatever.</p>
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<p>1 have that put on the agenda for a vote of support, 2 again, on the next meeting, if that's possible. 3 THE CHAIR: If you would just 4 coordinate -- Commissioner Carr, if you would 5 coordinate that paperwork with me, so that everyone 6 gets the information ahead of time, then we can 7 certainly ask Beverly to make a note to put that on 8 the agenda. 9 COMMISSIONER CARR: All right. Thank you. 10 THE CHAIR: Commissioner Bergman? 11 COMMISSIONER BERGMAN: Now, I have 12 something to say. It's based on what 13 Commissioner Carr just said. I would just say, if 14 we're going to vote on something, we probably need 15 to have a Legislative Committee meeting. That is 16 still your committee, is it not? Aren't you the 17 Chair of that? 18 COMMISSIONER CARR: Yes. Yes, we could 19 schedule a meeting. I -- depending on the Attorney 20 General's Office, see what they come up with. If 21 not in time, I can come up with wording that can be 22 rearranged. 23 But, yeah, we could -- I guess we could 24 meet November 1st, or the evening before, maybe? 25 COMMISSIONER BERGMAN: That would be</p>	<p>1 THE CHAIR: I'm ex officio, so it's you 2 all. Abby? 3 MS. LEWIS: If I could just, for a second, 4 Madame Chair -- 5 THE CHAIR: Please. 6 MS. LEWIS: -- clarify -- it's okay if you 7 set up the meetings that way. But I would be 8 cautious about disseminating information. Because 9 it sounds like there's five of you on that 10 committee; right? 11 THE CHAIR: One ex officio, four real 12 members. 13 MS. LEWIS: Oh, four real members? Okay. 14 COMMISSIONER GANT: Be careful. 15 THE CHAIR: Be careful, anyway. Okay. 16 Got you. 17 Yes, sir? 18 MR. GERLICZ: Madame Chair I just have two 19 comments, and one for Abby. We very nearly had a 20 four-four vote on one of our schools. What would we 21 do in that situation? That's a question. 22 And, secondly, Madame Chair, I think, for 23 the next time -- we've now completed this phase of a 24 cycle, the hearing that approved or disapproved new 25 applications. And I'd like, at our next E.C.</p>

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<p>1 meeting, to review the whole process. 2 THE CHAIR: To review -- pardon? 3 MR. GERLICZ: To review the process, what 4 worked, what didn't, both here and before, 5 et cetera. 6 THE CHAIR: Ms. Lewis, would you reply to 7 that, that, if there were a tie vote, what's the 8 result of that? 9 MS. LEWIS: I'll have to look into that 10 and get back to you, Tony. 11 COMMISSIONER TOULOUSE: Madame Chair, 12 normally, a tie vote is a negative vote; it's voted 13 down. 14 THE CHAIR: That's what I thought, but 15 let's get an official interpretation on that. 16 Commissioner Gant, did you have a comment? 17 COMMISSIONER GANT: Madame Chair, yes. 18 Members, I had -- Commissioner Toulouse reminded me 19 of something that I wanted to talk about while the 20 Deputy was here, but -- (indicates) old age. We're, 21 still, after all this time, missing two 22 Commissioners. And it keeps going on and on and on. 23 It's time we get past this, that we have a full 24 slate of ten, so we can do our business with all the 25 Commissioners required by the statute.</p>	<p>1 COMMISSIONER TOULOUSE: Well -- 2 THE CHAIR: Ms. Lewis, please, first. 3 MS. LEWIS: The statute says, "The 4 Governor shall appoint." So, I want to -- I'll look 5 into that and find out what mechanism would be the 6 next step there for you. 7 THE CHAIR: Commissioner? 8 COMMISSIONER TOULOUSE: I would suggest we 9 put that on our agenda for the next meeting, so it 10 could be discussed publicly and put into the record. 11 THE CHAIR: Ms. Lewis, would you take care 12 of that, please? 13 MR. GERLICZ: Madame Chair, all of you are 14 far more connected than we are. Anyone can submit 15 names. So, I would suggest that all of us get our 16 Rolodexes out and look at our friends, and who lives 17 in Santa Fe and who lives in the South Valley, and 18 get some names. 19 COMMISSIONER TOULOUSE: I've been working 20 on that for some period of time. 21 THE CHAIR: I've spoken to legislators at 22 the last LESC meeting, and several of them said they 23 would convey that concern to the Governor. We'll 24 see if that carries any weight. 25 I have no further comments to that.</p>
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<p>1 And I forgot to do that. And I don't know 2 who's going to carry it to the Secretary and the 3 Governor. But it's time to get off this dime and 4 get it -- because I know, if you lose something 5 on -- a member on a Board of Regents, the next day, 6 they've already got a member. If you lose somebody 7 on the PRC, they've already got a member waiting in 8 the wings. 9 And, here, we've sat for two years. Thank 10 you. 11 MR. GERLICZ: Madame Chair? 12 THE CHAIR: Commissioner Gerlicz? 13 MR. GERLICZ: Madame Chair, Commissioner 14 Gant, on that point, I have suggested two names, one 15 Democrat and one Republican, in the spirit of 16 bipartisanship, for the Santa Fe position. 17 Ex-Commissioner Garrison has suggested a 18 name for his position. And those names have been 19 submitted. 20 Where they've gone, I just don't know. 21 And, so, I think this is a question for Abby. 22 What's the succession plan? What's -- how 23 do we do this, so, that, I've now submitted three 24 names, and they've evaporated somehow? I have no 25 idea what's happened.</p>	<p>1 The next item on the agenda is Open Forum. 2 Mrs. Friedman, do we have anybody signed up for Open 3 Forum? 4 MS. FRIEDMAN: Madame Chair, we do not. 5 MR. TOLLEY: Madame Chairwoman, if I could 6 just interject one thing? At the NACSA national 7 conference next month, the keynote speaker is one of 8 our Board members, Steven Michael Quezada, from 9 Breaking Bad. So, those of you who aren't going, 10 you're going to miss him. But Commissioner Conyers 11 will see him. 12 THE CHAIR: Thank you for that. 13 Commissioner Conyers, we'll expect a full report 14 when you get back. 15 If there's no more business to come before 16 this Commission, I declare us adjourned. 17 I need a motion to adjourn. 18 COMMISSIONER BERGMAN: So moved. 19 COMMISSIONER CARR: Second. 20 THE CHAIR: All those in favor of 21 adjourning, please say "Aye." 22 (Commissioners so indicate.) 23 THE CHAIR: Any opposed? We are 24 adjourned. 25 (Proceedings adjourned at 12:36 p.m.)</p>

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said New Mexico Public Education Commission, held in the State of New Mexico, County of Santa Fe in the matter therein stated.

In testimony whereof, I have hereunto set my hand on October 11, 2013.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
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Job No.: 7736K

RECEIPT

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