

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING

May 11, 2018

9:00 a.m.

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

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

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

JOB NO.: 211N (CC)

Page 2	Page 4
1 APPEARANCES	1 INDEX TO PROCEEDINGS, Continued
2 COMMISSIONERS:	2 PAGE
3 MS. PATRICIA GIPSON, Chair	3 14 PEC Comments 169
4 MR. GILBERT PERALTA, Vice Chair	4 REPORTER'S CERTIFICATE 174
5 MS. KARYL ANN ARMBRUSTER, Secretary	5 ATTACHMENTS:
6 MR. TIM CRONE, Member	6 1. Open Forum Sign-In Sheet
7 MS. DANIELLE JOHNSTON, Member	7 2. Visitor Sign-In Sheets
8 MR. DAVID ROBBINS, Member	8
9 MS. CARMIE TOULOUSE, Member	9
10 NMPED and Charter School Division Staff:	10
11 MS. KATIE POULOS, Director	11
12 Options for Parents and Families	12
13 DR. ICELA PELAYO, Deputy Director	13
14 Options for Parents and Families	14
15 MS. LAUREL PIERCE, Staff Assistant to the PEC	15
16	16
17 Counsel to the NMPEC: MS. AMI JAEGER	17
18 Attorney at Law	18
19 MR. MARK CHAIKEN	19
20 Attorney at Law	20
21	21
22	22
23	23
24	24
25	25
Page 3	Page 5
1 INDEX TO PROCEEDINGS	1 THE CHAIR: I'm going to bring to order
2 PAGE	2 this meeting of the Public Education Commission. It
3 1 Call to Order, Roll Call, Pledge of 5	3 is Friday, May 11, and it is 9:04 a.m. And I will
4 Allegiance and Salute to the	4 ask Commissioner Armbruster to do a roll-call vote,
5 New Mexico Flag	5 please. "Roll call." I say that every time. I'm
6 2 Approval of Agenda 6	6 consistent.
7 3 Approval of Minutes and Transcript 10	7 COMMISSIONER ARMBRUSTER: Commissioner
8 4 Open Forum 12	8 Robbins?
9 5 Discussion and Possible Action on 17	9 COMMISSIONER ROBBINS: Present.
10 Boards of Finance Applications	10 COMMISSIONER ARMBRUSTER: Commissioner
11 6 Discussion and Possible Action on 27	11 Toulouse?
12 Charter School Amendments	12 COMMISSIONER TOULOUSE: Present.
13 7 Discussion and Possible Action to Accept 69	13 COMMISSIONER ARMBRUSTER: Commissioner
14 Cariños de los Niños' Resolution of	14 Armbruster is here.
15 8 Discussion and Possible Action on 76	15 Commissioner Conyers?
16 Governance Changes and Reporting Policy	16 COMMISSIONER CONYERS: (No response.)
17 9 Discussion and Possible Action on 106	17 COMMISSIONER ARMBRUSTER: Is not here.
18 Report from Options for Parents and	18 Commissioner Peralta?
19 the Charter School Division	19 COMMISSIONER PERALTA: Here.
20 10 Discussion and Possible Action on 111	20 COMMISSIONER ARMBRUSTER: Commissioner
21 PEC Contract Template	21 Gipson?
22 10 Continued 143	22 THE CHAIR: Here.
23 11 Discussion and Possible Action on 113	23 COMMISSIONER ARMBRUSTER: Commissioner
24 Amendment and Notification Policies and	24 Johnston?
25 Procedures	25 COMMISSIONER JOHNSTON: Present.
12 Discussion and Possible Action on 132	
13 Site Visit Notification Letter Regarding	
14 Background Check Requirements Under	
15 Section 22-10A-5 NMSA 1978	
16 13 Report From the Chair 134	
17	
18	
19	
20	
21	
22	
23	
24	
25	

<p style="text-align: right;">Page 6</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Crone? 3 COMMISSIONER CRONE: Here. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Ruiz is not here. 6 Commissioner Caballero is not here; but we 7 think he might be later. So -- 8 THE CHAIR: We don't know. 9 COMMISSIONER ARMBRUSTER: If he is, we 10 don't know. 11 THE CHAIR: I will lead us in the Pledge 12 of Allegiance, and I will ask Commissioner Johnston 13 to do the Salute to the Flag of New Mexico. 14 (Pledge of Allegiance and Salute to 15 the New Mexico Flag.) 16 THE CHAIR: And we are on to Item No. 2, 17 approval of the agenda. So do we have any 18 modifications to the agenda at this time? And if we 19 do not, I will entertain a motion to approve the 20 agenda. 21 COMMISSIONER ARMBRUSTER: Madam Chair? I 22 have no problems with the agenda right now; but 23 since I have to leave a little bit early today, I 24 would like to have that option open depending on how 25 we go.</p>	<p style="text-align: right;">Page 8</p> <p>1 Charter School Division. 2 Madam Chair, just stopping by this morning 3 because it's National Charter School Week. Just 4 wanted to come by and say thank you. I know that 5 oftentimes, we've don't make time for that, to 6 extend our appreciation for all the hard work that 7 you do and for the courageous work and the detailed 8 work and the late nights and the early mornings and, 9 I imagine, waking up reading all sorts of documents 10 in the week of the meetings and getting ready and -- 11 you know, but we have a charter sector that's 12 getting stronger and stronger every single day 13 because of the work of you, Madam Chair, and the 14 Commissioners and the Public Education Commission. 15 I've had a chance to visit dozens of our 16 State-approved charter schools, some district 17 approved as well. I don't know if you saw earlier 18 this week that of the 200 -- of America's 250 Best 19 High Schools, the two that made the list from 20 New Mexico were both charter schools. And so we're 21 providing better options for our kids when they need 22 them. We're providing more innovative options for 23 our kids when they need them. 24 That work all starts right here in 25 Mabry Hall in deciding who opens and who gets</p>
<p style="text-align: right;">Page 7</p> <p>1 THE CHAIR: It's always open. So it's not 2 something that we have to ask for, Commissioner 3 Armbruster. 4 COMMISSIONER ROBBINS: I move approval. 5 THE CHAIR: There is a motion by 6 Commissioner Robbins. 7 COMMISSIONER TOULOUSE: (Indicates.) 8 THE CHAIR: A second by Commissioner 9 Toulouse. 10 All in favor? 11 (Commissioners so indicate.) 12 THE CHAIR: Opposed? 13 (No response.) 14 THE CHAIR: Hearing no opposition, the 15 agenda is approved. 16 And before we move on to the rest of our 17 agenda, we do have the Acting Secretary here, and he 18 would like to say a few words. 19 COMMISSIONER TOULOUSE: He's Secretary 20 Designate, not "Acting." Different titles. 21 SECRETARY DESIGNATE RUSZKOWSKI: I can 22 live with either one, Madam Chair. 23 Good morning, Madam Chair. Good morning, 24 Commissioners. Good morning, everyone that's here 25 and team at the Public Education Department and the</p>	<p style="text-align: right;">Page 9</p> <p>1 renewed and who needs some additional monitoring, 2 and sometimes who needs to no longer be open. I 3 know those are tough decisions, hard decisions. But 4 in my two years here at the Public Education 5 Department as Deputy Secretary and as Acting 6 Secretary and as Secretary Designate and -- it -- 7 I've seen this body become certainly the strongest 8 authorizer in the State, Madam Chair, certainly the 9 strongest authorizer of all the districts and all 10 the -- but, potentially, now, one of the strongest 11 authorizers of charter schools in the country. 12 And so I wanted to extend my appreciation 13 for all the work and all the progress on National 14 Charter Schools Week. 15 And so there's a lot of other great things 16 going on across the state. But this year in Mabry 17 Hall, what you guys do here every month and what you 18 do in between those months does not go unnoticed by 19 myself, by the Governor, by our team at the PED, by 20 the field, by our Legislature. Everything that I 21 have heard lately out of LESC, LFC, from the schools 22 themselves, has been a really positive tone and a 23 very positive direction about the work here that the 24 PEC has been doing. And so I just wanted to come by 25 and say thank you.</p>

Page 10	Page 12
<p>1 THE CHAIR: Thank you.</p> <p>2 SECRETARY DESIGNATE RUSZKOWSKI: Okay.</p> <p>3 Thanks, Madam Chair. Back to work. Thank you,</p> <p>4 Commissioners.</p> <p>5 THE CHAIR: I saw a nice piece on the</p> <p>6 other night on the news about graduation. It's</p> <p>7 always nice when I can be up here and get some real</p> <p>8 news.</p> <p>9 SECRETARY DESIGNATE RUSZKOWSKI: Thank</p> <p>10 you. Have a greater day.</p> <p>11 THE CHAIR: Oh, we have a lot here.</p> <p>12 All right. We are now on to Item No. 3,</p> <p>13 Approval of Minutes and Transcript. And 3A,</p> <p>14 approval of the PEC Work Session minutes. Do we</p> <p>15 have any modifications to those?</p> <p>16 If not, I'll entertain a motion.</p> <p>17 COMMISSIONER PERALTA: So move.</p> <p>18 THE CHAIR: A motion by Commissioner</p> <p>19 Peralta.</p> <p>20 COMMISSIONER JOHNSTON: (Indicates.)</p> <p>21 THE CHAIR: A second by Commissioner</p> <p>22 Johnston.</p> <p>23 All in favor?</p> <p>24 (Commissioners so indicate.)</p> <p>25 THE CHAIR: Opposed?</p>	<p>1 Commissioner Armbruster.</p> <p>2 COMMISSIONER TOULOUSE: (Indicates.)</p> <p>3 THE CHAIR: A second by Commissioner</p> <p>4 Toulouse.</p> <p>5 All in favor?</p> <p>6 (Commissioners so indicate.)</p> <p>7 THE CHAIR: Opposed?</p> <p>8 (No response.)</p> <p>9 THE CHAIR: Hearing no opposition, the</p> <p>10 motion passes. Thank you.</p> <p>11 We are now on to Item 4, which is the Open</p> <p>12 Forum. Thank you.</p> <p>13 And we have one person on the agenda. And</p> <p>14 that is Lydia Aranda. You moved.</p> <p>15 FROM THE FLOOR: Yes. Good morning,</p> <p>16 Madam Chair and Commissioners.</p> <p>17 THE CHAIR: Good morning. And the -- push</p> <p>18 the button there for the green light to be on.</p> <p>19 FROM THE FLOOR: It's on.</p> <p>20 THE CHAIR: Okay. Thank you. And if you</p> <p>21 would identify yourself and spell your last name for</p> <p>22 the record.</p> <p>23 FROM THE FLOOR: Yes. I'm Lydia Aranda,</p> <p>24 L-Y-D-I-A, A-R-A-N-D-A.</p> <p>25 And I am here on behalf of Farmington</p>
Page 11	Page 13
<p>1 (No response.)</p> <p>2 THE CHAIR: Hearing no opposition, the</p> <p>3 motion passes.</p> <p>4 B, Approval of the PEC Transcript for</p> <p>5 April 13th, 2018. Do we have any modifications to</p> <p>6 that?</p> <p>7 If not, I'll entertain a motion for that.</p> <p>8 I can't wait for a consent agenda.</p> <p>9 COMMISSIONER ARMBRUSTER: (Indicates.)</p> <p>10 THE CHAIR: There's a motion by</p> <p>11 Commissioner Armbruster.</p> <p>12 COMMISSIONER CRONE: (Indicates.)</p> <p>13 THE CHAIR: A second by Commissioner</p> <p>14 Crone.</p> <p>15 All in favor?</p> <p>16 (Commissioners so indicate.)</p> <p>17 THE CHAIR: Opposed?</p> <p>18 (No response.)</p> <p>19 THE CHAIR: Hearing no opposition, the</p> <p>20 motion passes.</p> <p>21 Finally, C, Approval of the Summary</p> <p>22 Minutes for April 13th, 2018.</p> <p>23 Do we have any modifications?</p> <p>24 COMMISSIONER ARMBRUSTER: (Indicates.)</p> <p>25 THE CHAIR: If not, there's a motion by</p>	<p>1 Municipal Schools representing students and teachers</p> <p>2 in bilingual education. I have been a teacher -- a</p> <p>3 bilingual teacher for 25 years in the district. And</p> <p>4 I am Spanish and TESOL-endorsed. And I have</p> <p>5 advocated for my students for many years on many</p> <p>6 aspects of bilingual education.</p> <p>7 But recently, I was told in my -- that I</p> <p>8 was not going to be doing bilingual education in our</p> <p>9 schools -- in our school of Apache. But we have</p> <p>10 nine elementary schools that are also being</p> <p>11 affected. Three of the nine schools will be having</p> <p>12 bilingual education, and the remainder of the</p> <p>13 schools will not be having Spanish bilingual.</p> <p>14 They are offering the Navajo bilingual</p> <p>15 education, which is well-needed; but I am concerned</p> <p>16 about the students that aren't being serviced in our</p> <p>17 education in Farmington, because there's</p> <p>18 approximately 300 students that go to those other</p> <p>19 schools that will not have Spanish bilingual</p> <p>20 education to -- they will not be receiving those</p> <p>21 services.</p> <p>22 And we have students that are in -- how</p> <p>23 should I say -- that are in -- let's see -- that</p> <p>24 are -- that live in population -- well, their</p> <p>25 population is in places where there is a more high</p>

Page 14

1 population of Hispanic students. And I'm afraid
2 that we are -- I can also say that our district is
3 also allowing students that are not being able to
4 attend Spanish bilingual education in the schools
5 that aren't being serviced with that -- with that
6 opportunity to be waived to go to the other
7 schools that are offering that service.

8 And like I was saying, these -- the
9 schools that are being offered this education is in
10 the high Hispanic population. And I'm afraid that
11 we're -- it's, like, not seg- -- well, segregating
12 language and culture. And to me, that -- it brings
13 us to the point that if we look at our Constitution
14 in the State of New Mexico -- and I'm going to
15 quote -- that, "Children of Spanish descent in the
16 State of New Mexico shall never be classed in
17 separate schools and that the Legislature shall
18 provide penalties for the violation of this
19 section."

20 And I believe that is being done in our --
21 in our district.

22 Also, another reason -- because I have
23 spoken to my district representative of bilingual
24 education and asking why this is happening. Another
25 reason is, is that we do not have, like, enough

Page 16

1 and students that can speak their home language and
2 be successful.

3 I am also aware that the State has
4 approved the Bicultural Biliteral Seal for the State
5 of New Mexico. And in order for this to be able to
6 be done, we need to start from the beginning and
7 help our students to become biliteral and
8 biculturally able to do that in their education as
9 they graduate and become successful as adults.

10 So thank you. Appreciate it.

11 THE CHAIR: Unfortunately, the -- we only
12 oversee charter schools in this state.

13 FROM THE FLOOR: And policies, I notice,
14 yeah.

15 THE CHAIR: But for charter schools. But
16 I have asked the Director, and she has asked the
17 director of the Bilingual Department to come down
18 and speak with you.

19 FROM THE FLOOR: Okay.

20 THE CHAIR: So I hope that can be a broad
21 conversation for you.

22 FROM THE FLOOR: So can I go speak with
23 her now? Or -- is she coming down?

24 MS. POULOS: She's coming down.

25 THE CHAIR: Thank you. I appreciate your

Page 15

1 population in each school that is not having that
2 service. And they are saying that there's not
3 enough educators; because we are -- we are --
4 there's not very many educators to begin with, as --
5 as -- in general ed. But also, there's very limited
6 educators in Spanish and Navajo education.

7 And, also, it's -- in the Constitution, it
8 also states, in Article XII, Education, Section 8,
9 "Teachers should learn English and a native language
10 and legislators should provide training in our
11 schools to prepare teachers to become proficient in
12 both English and their native language."

13 And so I'm thinking that as me being an
14 educator for 25 years, I was part of that band when
15 we were pushing for bilingual education. And I was
16 a product of being given an opportunity to -- to get
17 my education in this field from the help of the
18 State or the districts, service to help us become
19 bilingually certified.

20 And I know funding is an issue and such.
21 But I'm here to advocate -- if we could -- you know,
22 if I could advocate for people that are interested
23 in going to -- through this program or bilingual
24 education, to be able to have that opportunity so
25 that we could have a wider source of multicultural

Page 17

1 time.

2 FROM THE FLOOR: I'm sorry. I didn't
3 realize that was for -- this was just concerning
4 another type of --

5 THE CHAIR: Our purview is only charter
6 schools.

7 FROM THE FLOOR: Okay. I'm sorry.

8 THE CHAIR: That's -- please, I don't want
9 your trip here to be just wasted time. So if you
10 can have a broader conversation with the Director of
11 Bilingual Education, that would be, I think, more
12 appropriate. So thank you.

13 FROM THE FLOOR: Thank you.

14 THE CHAIR: We are on to Item No. 5,
15 Discussion and Possible Action on Boards of Finance
16 Applications. And there are, of course, three.

17 MS. POULOS: Madam Chairwoman,
18 Commissioners, I will let you know, I let the
19 schools know that this was a formality and that they
20 probably didn't need to spend their time coming up
21 here as they continue to get ready to open schools.
22 And they are continuing to make great progress, and
23 we're continuing to work with them. And that will
24 be an agenda we'll have next month, an agenda item.

25 So I have given you the language here

Page 18

1 which identifies the regular -- or a statute that
2 gives you the authority to designate Boards of
3 Finance. Each of the schools has completed a Board
4 of Finance application in its -- in their entirety,
5 provided all the documentation; and all of that is
6 contained in your materials.

7 As you know, there are three new schools.
8 That's Hózhó Academy, Albuquerque Collegiate Charter
9 School, and Altura Preparatory School. And I have
10 included suggested motion language.

11 THE CHAIR: Right. And I only have one
12 concern. And it's -- it's a concern -- I don't know
13 if there's anything that -- to be done about it.
14 But I have a concern with someone sitting on the
15 governance council who also acts as legal with
16 Hózhó.

17 MS. POULOS: And they are actually here.
18 I don't know if they want to address your concern.

19 THE CHAIR: So that's my only concern,
20 that there's a --

21 MR. PATRICK MASON: I understand.

22 THE CHAIR: So that's -- and I know it's
23 a -- yeah, please. Sorry.

24 MR. PATRICK MASON: No, no. I'm sorry.
25 No, I -- thank you, Madam Chair. No, I think that's

Page 20

1 individuals that were founders were early on in the
2 governance council; but then when the school
3 actually gets up and running -- but it's --

4 MR. PATRICK MASON: My law partners want
5 me working again. They think --

6 THE CHAIR: They want you making some
7 money.

8 MR. PATRICK MASON: Yeah. They think I'm
9 just running a school now and not doing law stuff.

10 THE CHAIR: Thank you. I appreciate it.
11 And I appreciate you coming all this way for this.
12 So thank you.

13 COMMISSIONER JOHNSTON: Madam Chair?
14 I'm sorry. But before Mr. Mason leaves, I
15 have a -- that's all right. I don't know whether
16 there's a motion on the floor or not.

17 THE CHAIR: Oh, I'm sorry.

18 COMMISSIONER JOHNSTON: I just don't want
19 you to leave until we have discussion. Is now the
20 appropriate time?

21 THE CHAIR: As long as he's up here, I'm
22 fine with him --

23 COMMISSIONER JOHNSTON: My questions are
24 just clarification.

25 MR. PATRICK MASON: Yeah.

Page 19

1 a --

2 THE CHAIR: If you could identify
3 yourself?

4 MR. PATRICK MASON: Patrick Mason. I'm on
5 the governance council of Hózhó Academy. I think
6 that is a valid concern. There is -- I mean,
7 lawyers always say, "Don't represent yourself." So
8 I think there's -- the main reason I'm kind of
9 acting as legal counsel was because we don't have
10 any money, you know.

11 We definitely actually have written
12 policies in place to make sure that that's not the
13 case going forward. In fact, if we had any outside
14 of -- you know, any future legal issues or whatever,
15 we would probably hire an outside attorney.

16 The other thing is I am probably, once we
17 get this established -- because I don't think we
18 both -- need a husband and a wife on the governing
19 board -- my intent is to actually step down at the
20 end of this year and probably work -- focus more on
21 raising funds, or the nonprofit kind of side of
22 things. So I hope that addresses --

23 THE CHAIR: It does. And I assumed some
24 of that to begin with, that it's, you know, lack of
25 funds at this point in time. And it is often that

Page 21

1 COMMISSIONER JOHNSTON: I remember EdTec,
2 the company that will be -- that the School Business
3 Official will be working with from the original
4 presentations of some of the charters.

5 MR. PATRICK MASON: Right.

6 COMMISSIONER JOHNSTON: When I was looking
7 at the materials, can you tell me, please, sir,
8 Ms. --

9 MR. PATRICK MASON: Ms. Rarick.

10 COMMISSIONER JOHNSTON: -- Rarick has a
11 Level 1 provisional School Business Official
12 license. Are you aware of what the process is that
13 she will have to follow?

14 MR. PATRICK MASON: So I personally am not
15 entirely aware. I know that EdTec has done this for
16 130 schools, and I know that they've looked at it
17 extensively. And I believe she's working with the
18 PED to make sure that all that is in order. As a
19 matter of fact, I just saw her. I think she's
20 meeting with the people next door right now. I
21 don't know where she's at in that process, to be
22 honest.

23 COMMISSIONER JOHNSTON: Her background.
24 Do you know what her degree is in?

25 MR. PATRICK MASON: I really don't. I'm

Page 22

1 sorry. We have another -- we have another one of
 2 the schools here -- all three of us are using EdTec.
 3 They -- they might actually know better. She used
 4 to be on the Board of Albuquerque Collegiate. So
 5 they might be more familiar with her record. I know
 6 at one point she was in Teach for America. I think
 7 she's an accountant now or a CPA. I'm not --
 8 COMMISSIONER JOHNSTON: That's fine. It
 9 was just for clarification. I'm not concerned at
 10 all, just for me to understand better. So thank you
 11 very much.
 12 MR. PATRICK MASON: Thank you.
 13 THE CHAIR: Thanks.
 14 MR. PATRICK MASON: Thanks, Madam Chair.
 15 Were there any other questions?
 16 THE CHAIR: I don't -- no. We're okay.
 17 Thank you.
 18 MR. PATRICK MASON: Thank you,
 19 Madam Chair.
 20 THE CHAIR: Do we have to do these
 21 individually, or can we do them together?
 22 MR. CHAIKEN: Madam Chair, I recommend you
 23 do them one by one.
 24 THE CHAIR: Okay. All right.
 25 So the first is Hózhó. So do I have a

Page 23

1 motion to accept the application for Board of
 2 Finance for Hózhó Academy?
 3 COMMISSIONER JOHNSTON: I'll make that
 4 motion, Madam Chair. Would you like me --
 5 Madam Chair, I move to approve the Board of Finance
 6 application submitted by Hózhó Academy and designate
 7 the governing body as a Board of Finance because the
 8 applications have demonstrated the applicants meet
 9 the statutory requirements of Section 12-8-38,
 10 New Mexico Administrative Code 1978.
 11 THE CHAIR: Thank you. Do I have a
 12 second?
 13 COMMISSIONER ROBBINS: I'll second.
 14 THE CHAIR: Second by Commissioner
 15 Robbins.
 16 Commissioner Armbruster?
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Crone?
 19 COMMISSIONER CRONE: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Johnston?
 22 COMMISSIONER JOHNSTON: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Gipson?
 25 THE CHAIR: Yes.

Page 24

1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Peralta?
 3 COMMISSIONER PERALTA: Yes.
 4 COMMISSIONER ARMBRUSTER: Commissioner
 5 Armbruster votes "Yes."
 6 Commissioner Toulouse?
 7 COMMISSIONER TOULOUSE: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Robbins?
 10 COMMISSIONER ROBBINS: Yes.
 11 THE CHAIR: The motion passes seven-zero.
 12 Thank you very much.
 13 Next is Albuquerque Collegiate Charter
 14 School.
 15 COMMISSIONER ROBBINS: If there's no
 16 questions, I'll make a motion.
 17 I move to approve the Board of Finance
 18 application submitted by Albuquerque Collegiate
 19 Charter School and designate the governing body as a
 20 Board of Finance because the applications have
 21 demonstrated the applicants meet the statutory
 22 requirements of Section 22-8-38, NMSA 1978.
 23 THE CHAIR: Thank you. And I will second
 24 that.
 25 Is there any discussion? Any questions?

Page 25

1 Okay. Commissioner Armbruster?
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Robbins?
 4 COMMISSIONER ROBBINS: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Crone?
 7 COMMISSIONER CRONE: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner --
 9 pardon me. Commissioner Toulouse?
 10 COMMISSIONER TOULOUSE: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Johnston?
 13 COMMISSIONER JOHNSTON: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Armbruster votes "Yes."
 16 Commissioner Gipson?
 17 THE CHAIR: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Peralta?
 20 COMMISSIONER PERALTA: Yes.
 21 COMMISSIONER ARMBRUSTER: The motion
 22 passes seven-zero.
 23 THE CHAIR: And finally, Altura
 24 Preparatory School. Commissioner Toulouse?
 25 COMMISSIONER TOULOUSE: Madam Chair, I

1 move to approve the Board of Finance application
2 submitted by Altura Preparatory School and designate
3 the governing body as a Board of Finance because the
4 application has demonstrated the applicants meet the
5 statutory requirements of Section 22-8-38,
6 NMSA 1978.

7 COMMISSIONER PERALTA: I'll second.

8 THE CHAIR: There is a motion by
9 Commissioner Toulouse, a second by Commissioner
10 Peralta.

11 Any discussion?

12 Commissioner Armbruster?

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Peralta?

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Gipson?

18 THE CHAIR: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Johnston?

21 COMMISSIONER JOHNSTON: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Crone?

24 COMMISSIONER CRONE: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Acquisition being measured by the IPT assessment.

2 They have been before you recently, so I
3 won't go into the details here on the analysis.

4 It's the same -- the academic analysis that we've
5 provided here. But it is there for you to see.

6 In our last discussion with their last
7 amendment request, we talked about subgroup
8 performance. That's in your materials here. What
9 is different in this analysis -- it starts on Page 9
10 here -- the specific analysis to this amendment
11 request, the school is wanting to very much be in
12 compliance with the -- the school-specific terms, as
13 negotiated with you all, and so needing to add this
14 mission-specific indicator.

15 However, we do provide this analysis that
16 we want to be clear that as schools are adding on or
17 negotiating with you-all, the -- in the goals and
18 their assessments that we have -- making sure we
19 have relevant expertise to decide and make these
20 decisions with you-all.

21 And so as they're looking to adopt the IPT
22 as it's laid out in the performance framework, this
23 is what they're here to request.

24 Our recommendation to you as a Commission
25 is to make sure that the -- you either -- I guess

1 Robbins?

2 COMMISSIONER ROBBINS: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner
4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Armbruster votes "Yes."

8 It's seven-zero. The motion passes.

9 THE CHAIR: Motion passes seven-zero, yes.

10 Thank you very much.

11 Now we are on to Item No. 6, Discussion
12 and Possible Action on Charter School Amendments.

13 And the first school up is J. Paul Taylor.

14 MR. ERIC AHNER: Good morning. My name is
15 Eric Ahner, Executive Director of J. Paul Taylor
16 Academy.

17 THE CHAIR: Good morning.

18 MR. ERIC AHNER: Good morning,
19 Madam Chair.

20 DR. PELAYO: Madam Chair, Commissioners,
21 J. Paul Taylor's amendment request is regarding
22 making a change to their performance framework and
23 mission-specific indicator. In your packet, this is
24 Item 6A. The school would like to add some language
25 to its contract related to Spanish Language

1 the recommendation here is to waive this requirement
2 that they use the IPT or to amend the term to allow
3 this new performance indicator to be phased in upon
4 renewal.

5 And so we do have proposed motion language
6 there, both if you decide to approve this amendment
7 as they've requested it, or to waive this
8 mission-specific indicator.

9 THE CHAIR: Okay. I'll let you add
10 whatever, and then I'll -- okay.

11 MR. ERIC AHNER: Thank you, Madam Chair
12 and members of the Commission. I think Dr. Pelayo
13 did a pretty good job of laying out the scope of
14 this request. As that quick history, to add a
15 couple of notes, we began using the IPT test for
16 Spanish proficiency our fifth year, in last year,
17 our sixth year, to have two years of data to
18 benchmark our data so that when we introduced this
19 amendment, we would have some measure to go against.

20 Unfortunately, the IPT test is not
21 necessarily our favorite test. It isn't necessarily
22 the test that the Bilingual Department feels is the
23 best tool or measure. I believe it was a
24 recommendation, whether it was a negotiation or a
25 renewal, that we use that specific test. We could

<p style="text-align: right;">Page 30</p> <p>1 change the language and be more vague about what 2 test we use. But if we do that, then we lose our 3 opportunity for the benchmark data. 4 So we're proposing, as per the PEC's 5 request, that the type of renewal language that 6 would introduce another charter measure for us, 7 which is certainly fine. That would put us in line 8 that we'd need to use the IPT test through this 9 charter term. 10 I think we would rather change to a 11 different test. I think the Bilingual Department 12 would rather change to a test. But, again, if we do 13 that, then that puts us two more years out. We just 14 started the IPT test for the third year. 15 If, in fact, the PEC were willing to waive 16 this specific request to add a charter measure, we 17 still have to do a test as part of our bilingual 18 funding. So it doesn't, by any means, get us out of 19 the position of trying to measure how our students 20 are performing. That would let us change the 21 specific measurement tool and roll into one that's 22 better aligned to the Bilingual Department and also 23 maintain our funding for the bilingual funding. 24 THE CHAIR: I understand the conundrum. 25 MR. ERIC AHNER: Thank you, Madam Chair.</p>	<p style="text-align: right;">Page 32</p> <p>1 as well as we would like to." 2 But I would truly like, in the performance 3 framework, for an assessment to remain. But 4 that's -- that's me; 'cause, as I said, I have a 5 concern about waiving this. 6 And we've had this discussion about the 7 test measures being changed by departments and, in 8 the future, being able to do it just as a 9 notification and not have to do it as a formal 10 amendment request. However, that doesn't help you 11 at this moment in time. But that's my two cents on 12 this at this moment. 13 So I'll open it up for anyone else. If 14 there isn't, then I'll entertain a motion. 15 Well, I will offer the motion. 16 I move to approve the amendment presented 17 by J. Paul Taylor Academy to add mission-specific 18 indicators for Spanish Language Acquisition as 19 required by the school's contract and 20 school-specific terms. 21 COMMISSIONER PERALTA: I'll second that. 22 THE CHAIR: There's a motion by 23 Commissioner Gipson, a second by Commissioner 24 Peralta. 25 Is there any discussion?</p>
<p style="text-align: right;">Page 31</p> <p>1 THE CHAIR: And Eric and I have spoken 2 about this. I have serious concerns about waiving 3 something, because we've never done that before. 4 And I don't like establishing that as a possibility. 5 And I understand the concerns about if we start with 6 a new test, then we're two years out from accurate 7 data. 8 I think ultimately, the goal is for the 9 school to have something that's best for them. And 10 I would hope that when renewal comes up, that the 11 Commission would certainly understand the situation 12 that the school had been in, that the test was not 13 what was deemed the most appropriate. The Bilingual 14 Department was not correct -- was not going to 15 recommend that test any longer. 16 DR. PELAYO: They're in the middle of 17 working with the Task Force to make decisions about, 18 right now, what four tests are allowed. And right 19 now, IPT is one of them. However, their work is to 20 move forward and really select one, and it may not 21 necessarily be that test. 22 THE CHAIR: Right. So I would hope that 23 the Commission would understand that when renewal 24 was, so that there wouldn't be a hard, fast, "We 25 don't have enough data to -- to look at this maybe</p>	<p style="text-align: right;">Page 33</p> <p>1 Commissioner Armbruster? 2 COMMISSIONER JOHNSTON: Madam Chair, I 3 know I'm out of order. I apologize. If I have to 4 abstain because I do not understand fully, is 5 that -- is that -- 6 THE CHAIR: That's your option. 7 COMMISSIONER JOHNSTON: All right. So 8 I -- all right. Thank you. 9 Can Commissioner Armbruster pardon me 10 before -- I'm probably not going to vote, also. I 11 think we need a more clear -- and I'm going to let 12 you do it. Or CSD can do it. I don't think that 13 everyone's clear on what we're doing, because I'm 14 looking at everyone's face here. So before we go 15 ahead -- 16 THE CHAIR: The test assessment that the 17 school is currently using is -- is potentially, 18 number one, an assessment that the Bilingual 19 Department is no longer going to -- the Bilingual 20 Department is looking to move from four recommended 21 to one. So this was the recommended test at the 22 time when J. Paul came up for renewal. 23 The school itself is finding that it is 24 not the most appropriate measure for the school. 25 And you can correct me if I'm wrong.</p>

<p style="text-align: right;">Page 34</p> <p>1 MR. ERIC AHNER: Madam Chair, I believe 2 it's a -- it's an okay measure. I don't think it 3 offers classroom teachers the in-depth analysis that 4 the other tests offer. And we want to try to stay 5 aligned to the Bilingual Department. And I think 6 that their general assessment is the same. Not to 7 speak for them, but I think that they might have 8 similar concerns potentially with the IPT as they 9 move forward to find a single test to kind of unify 10 measurement across the State. 11 THE CHAIR: Right. So the contract 12 specifically states the IPT. 13 MR. ERIC AHNER: Correct. 14 THE CHAIR: So if the school wants to 15 change, the school needs an amendment request to do 16 that. So that's what this amendment does is allow 17 them to change the test assessments that they're 18 using; not eliminate, but to change the assessment, 19 which we have spent a lot of time yesterday talking 20 about not having to do this as a formal amendment 21 request going forward. But when and if the 22 Department changes the assessment, they would simply 23 have to do it as a notification. 24 Unfortunately, they can't at this moment 25 in time.</p>	<p style="text-align: right;">Page 36</p> <p>1 add to its 2017-'18 performance framework, which is 2 what it's trying to do before the end of this year 3 so that it can be measured for this year, which will 4 be based on proficiency and growth. 5 The indicator will be proposed to the PEC 6 by May 1st, 2017 -- I know you had some challenges 7 there -- for discussion and adoption with the PEC by 8 July 1st, 2017. 9 So that's what the school is trying to do. 10 It's trying to come into compliance and bring you a 11 new academic performance indicator that's not 12 currently in its performance framework; because it 13 has to, based on what this organizational 14 performance indicator that was included requires of 15 it. 16 THE CHAIR: Because if you were back to 17 renewal, those that were here, there was a concern 18 that the school was not -- 19 MR. ERIC AHNER: Measuring the material 20 term. 21 THE CHAIR: Fulfilling its bilingual piece 22 of the mission, so that that measure was deemed -- I 23 do believe it was a condition of the renewal, if I 24 remember correctly. 25 MR. ERIC AHNER: Yes, Madam Chair, to</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. ERIC AHNER: Madam -- I'm sorry. 2 MS. POULOS: Sorry. Can I -- if everyone 3 would -- in your materials, you're going to need to 4 find the performance framework and go to Page 22 on 5 that. I think that will help you to understand the 6 context. 7 So the school has a school-specific term. 8 And they're trying to stay in compliance with that 9 school-specific term. 10 And it says, "Is the school working to 11 establish a Spanish Language Acquisition academic 12 indicator?" 13 So it says that they will administer the 14 IPT by the end of the school year, 2015-'16 and 15 2016-'17 to establish a baseline for student scores. 16 They'll continue to add a grade level to the testing 17 each year until all grades have been added into the 18 Spanish Language Acquisition program and all 19 students are tested. 20 So the goal for that part is measuring the 21 percentage of students that assess using the IPT. 22 Then the second part of the goal, which is 23 what the school is trying to come into compliance 24 with, is that it says the school leadership will 25 provide a propose academic indicator to the PEC to</p>	<p style="text-align: right;">Page 37</p> <p>1 introduce this specific amendment. 2 THE CHAIR: Right. Right. 3 COMMISSIONER ROBBINS: Madam Chair? 4 It's -- appears -- correct me if I'm 5 wrong -- that what we're trying to do is correct 6 language in the contract so that we're consistent 7 with the school-specific terms which required a 8 measure to be established. And right now, they 9 don't have a measure. So by approving this motion, 10 we would basically be putting in place a specific 11 measure that is documented. 12 THE CHAIR: Right. And not having it be 13 the IPT. 14 MR. ERIC AHNER: So that this amendment 15 request actually is using the IPT test, because 16 that's the test that we use to gather data. 17 THE CHAIR: Got you. 18 MR. ERIC AHNER: So -- because the current 19 language doesn't exist to measure Spanish 20 acquisition -- 21 THE CHAIR: Right. 22 MR. ERIC AHNER: -- we're moving forward 23 with the IPT test, because we use that for the 24 benchmark data. Yes, we would like to change. But 25 if we do that, it takes another two years to gather</p>

<p>Page 38</p> <p>1 the data to have a benchmark so that we could have 2 some meaningful measurements for how we are 3 performing with regard to Spanish acquisition. 4 THE CHAIR: Right. 5 COMMISSIONER JOHNSTON: And, Madam Chair, 6 my question -- you used the word "waiver." You were 7 talking about we've never waived -- 8 THE CHAIR: That was in the recommendation 9 by PED to that -- it was a condition of the renewal 10 when we renewed the school. And one of the 11 recommendations by CSD was to waive it. And I have 12 a serious concern about waiving something that we 13 had placed as a condition, because, to my knowledge, 14 the Commission has never -- not that we can't 15 waiver -- but I have serious concerns about waiving 16 something like this. 17 COMMISSIONER JOHNSTON: Okay. And that's 18 where -- because approving the amendment, does that 19 eliminate the possibility of -- of the waiver? I'm 20 thinking long-term on the impact on the students 21 and -- 22 THE CHAIR: Well, the waiver would mean 23 they don't have to -- it's not measured the -- that 24 assessment comes out of their performance framework. 25 And that was a condition of the renewal, that -- so</p>	<p>Page 40</p> <p>1 Commissioner Robbins? 2 COMMISSIONER ROBBINS: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Gipson? 5 THE CHAIR: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Toulouse? 8 COMMISSIONER TOULOUSE: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Peralta? 11 COMMISSIONER PERALTA: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Crone? 14 COMMISSIONER CRONE: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Johnston? 17 COMMISSIONER JOHNSTON: No. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Armbruster votes "No." 20 The motion passes five-to-two. 21 THE CHAIR: The motion passes. Thank you. 22 MR. ERIC AHNER: Thank you, members of the 23 Commission. 24 THE CHAIR: And next on the list is the 25 Albuquerque School of Excellence.</p>
<p>Page 39</p> <p>1 that they stay with some fidelity to the bilingual 2 program. So the waiver removes it from their -- 3 from the contract. 4 COMMISSIONER JOHNSTON: And so a vote 5 "Yes" to the -- to the -- on the table, the 6 motion -- 7 THE CHAIR: Is to keep it in the -- that 8 keeps it in the contract. 9 MR. ERIC AHNER: To be adding the language 10 for an additional school-specific measure. 11 THE CHAIR: It gets added -- as required 12 by the condition of renewal, it adds it in to their 13 performance framework. 14 COMMISSIONER JOHNSTON: Oh, okay. Thank 15 you very much. That was the clarification I needed 16 on that second step for my -- thank you. 17 THE CHAIR: Okay. Yeah. Are there any 18 other questions? 19 Okay. So there still is -- there was the 20 motion by myself and the second by Commissioner 21 Peralta. So just as a point of clarification, a 22 "Yes" vote places this as an amendment to their 23 contract with this assessment. 24 Commissioner Armbruster? 25 COMMISSIONER ARMBRUSTER: Okay.</p>	<p>Page 41</p> <p>1 DR. PELAYO: So, Madam Chair and 2 Commissioners, I -- the item here, 6B, is the 3 Albuquerque School of Excellence. And they are 4 seeking to make a change here to their -- make an 5 amendment request on operational structure of the 6 length of the school year. 7 The school's current contract states that 8 the school is 180 days and total -- excuse me -- 180 9 days, and a total number of instructional hours that 10 will be at least 990 hours for Grades K through 5, 11 and 1,080 hours for the Grades 6 through 12. 12 The school would like to amend their 13 contract language to say that the 180 days, and also 14 at least 990 hours for Grades K through 6, while 15 having 1,080 hours for Grades 7 through 12. 16 And so it does list the rationale. The 17 school wants to do this one to ensure that it is 18 providing the required hours for each grade level 19 and also ensure that their school is meeting its 20 mission and to, again, assure the instructional 21 hours where the CSD is visiting and noticing a 22 difference between the hours offered to specific 23 grade levels, not specific with what's in the 24 contract, though it may be meeting State minimum 25 instructional-hour requirements.</p>

<p style="text-align: right;">Page 42</p> <p>1 And so the analysis here on the school, 2 you have in your packet and in your materials. 3 We do notice, in looking at their 4 proficiency and in growth, specifically, I want to 5 call out to your attention to Page 6 here, just the 6 student growth of the lowest performing students is 7 a concern. While they're serving their students in 8 their higher performing students very well, there 9 are concerns there about the growth that the 10 students in the lowest performing group there is 11 making. 12 And also wanting to point out here the 13 school, while very diverse, does serve a population 14 that is a significant departure from the local 15 school district. 16 And so the analysis there on Page 9 -- 17 again, we've talked about this the last several 18 months around the instructional hours for sixth 19 grade, while they're trying to organize sixth grade 20 to be consistent with K through 6 and meet the State 21 minimum, which they are currently doing, changing 22 their contract language to do just that. 23 And so the recommendations are laid out 24 for you, as we have in the past with this type of 25 amendment request, not really recommending decrease</p>	<p style="text-align: right;">Page 44</p> <p>1 ELA interventionist. We were able to actually do 2 tutoring during the day for our students. 3 So if you look at our grade, we increased 4 our student population by 120 students and still 5 maintained a -- a grade of a B. 6 Our students are still above the State 7 average in ELA and in math, even though our lowest 8 performing students are a little bit lower. But 9 because of lowering the instructional hours, we're 10 able to hire more interventionists, which I see that 11 we're -- we're addressing those issues. 12 So that's our reasoning for it. And 13 because of budgeting issues, that's why we want to 14 do this. 15 Our charter was written almost nine years 16 ago. And our -- and at that time, our student 17 population was 300. Right now, we're almost at 600, 18 and we're growing about 120 students a year. So at 19 that rate, we can't -- our budget is just not going 20 to allow us to have the sixth grade at 1,080. 21 THE CHAIR: So you're up for renewal 22 this -- 23 MS. KRISTI DEL CURTO: In 2020. 24 THE CHAIR: In 2020, right. So one of my 25 favorite conversations, instructional hours.</p>
<p style="text-align: right;">Page 43</p> <p>1 of instructional hours, especially when we have 2 concerns about some students at the school. We are 3 not making an explicit recommendation to this 4 amendment request, but there is proposed motion 5 language there for you. 6 THE CHAIR: Thank you. 7 Good morning. 8 MS. KRISTI DEL CURTO: Hi. Good morning. 9 THE CHAIR: Is the green right on? 10 MS. KRISTI DEL CURTO: No. There. 11 Hi. Good morning. My name is Kristi Del 12 Curto. I am the vice -- assistant principal at 13 Albuquerque School of Excellence. 14 Today, I am here to propose a change to 15 decrease our time for sixth grade from 1,080 down to 16 990. The reasoning is to meet the State average 17 for -- or not the State average -- but to meet the 18 State requirements. 19 If you look at Page -- she did say on 20 Page 6 -- it says that it's not meeting the lowest 21 performing students. But we are meeting the -- it 22 is higher than expected in math, because we did do 23 this last year. Because we were able to go down to 24 the 990, we were able to hire an interventionist, a 25 math interventionist and an extra ESL teacher and an</p>	<p style="text-align: right;">Page 45</p> <p>1 We've -- we will take care of this for 2 almost three-quarters of the schools with the new 3 contract language, that it's -- the instructional 4 hours aren't in the new contract. It's not part of 5 the site visit. It won't be part of the site visit 6 protocol any longer. So this is cleanup that we 7 have to do because it is in the current contracts of 8 these existing schools. 9 And because schools going forward won't 10 have it in their contract and it's not part of the 11 site visit, I think it's only -- personally, I think 12 it's only fair and reasonable to allow these 13 amendments to go forward, because we're not 14 monitoring it any longer. 15 So I -- and so schools can be comfortable 16 that they're compliant with their -- with their 17 contract, I think that's what we have to allow them. 18 If the reduction in the instructional hours affects 19 their -- their ability to do that instruction, it's 20 going to show in the performance framework. It's 21 going to show in their report card. And that's -- 22 that's how we'll deal with it. 23 So I think we're just spinning our wheels 24 having to have these -- it's unfortunate that they 25 can't be just notifications. So that's -- and I'm</p>

<p style="text-align: right;">Page 46</p> <p>1 going to say ditto to anyone else that we're talking 2 instructional hours for. 3 So thank you. 4 MS. KRISTI DEL CURTO: Thank you. 5 COMMISSIONER ROBBINS: Madam Chair? 6 THE CHAIR: Commissioner Robbins? 7 COMMISSIONER ROBBINS: I would agree that 8 I think, in the reasoning for the school, trying to 9 address the lowest performing students by adjusting 10 the hours, which would allow them to have the 11 flexibility to address that concern, I think taking 12 this language out of the contract or amending this 13 language right now I think is really a wise thing 14 for this body to do. 15 THE CHAIR: Right. You know, there's so 16 few -- I'm sorry. There's so few areas where 17 autonomy can be -- can be shown with schools. And, 18 you know, that's what charters are supposed to do, 19 because they were supposed to have more autonomy; 20 but it's just shrinking. 21 MS. KRISTI DEL CURTO: Right. 22 THE CHAIR: So this is, I think, the -- 23 this is a no-brainer as far as I'm concerned. 24 Commissioner Johnston? 25 COMMISSIONER JOHNSTON: Thank you,</p>	<p style="text-align: right;">Page 48</p> <p>1 we've got everything and everybody that we need to 2 help our -- our students with special needs and 3 our -- to address their IEPs. 4 COMMISSIONER JOHNSTON: How large is the 5 sixth-grade class? 6 MS. KRISTI DEL CURTO: Sixth grade, we're 7 projected to have 124, I believe. 8 COMMISSIONER JOHNSTON: Thank you very 9 much. 10 THE CHAIR: Commissioners, any other 11 questions? If not -- 12 COMMISSIONER PERALTA: Madam Chair, I'll 13 make a motion. 14 THE CHAIR: Thank you. 15 COMMISSIONER PERALTA: I move to approve 16 the amendment request presented by the Albuquerque 17 School of Excellence Charter School to change its 18 material terms with respect to the operational 19 structure to include the sixth grade within its 20 elementary setting and meet the statutorily required 21 990 instructional hours. 22 COMMISSIONER ROBBINS: I second. 23 THE CHAIR: There's a motion by 24 Commissioner Peralta, a second by Commissioner 25 Robbins.</p>
<p style="text-align: right;">Page 47</p> <p>1 Madam Chair. I just need a clarification. 2 MS. KRISTI DEL CURTO: Sure. 3 COMMISSIONER JOHNSTON: Because in the -- 4 in the information I have, the standard Falls Far 5 Below the standard of not protecting the rights of 6 students with disabilities. And you were talking -- 7 it was impressive -- the math interventionist -- 8 MS. KRISTI DEL CURTO: Uh-huh. 9 COMMISSIONER JOHNSTON: -- the English 10 language arts interventionist, the additional staff. 11 And I got those two listed. 12 But how are you including students on IEPs 13 or with disabilities in this reduction? How -- do 14 these interventionists serve everyone? Or how do 15 you do that? 16 MS. KRISTI DEL CURTO: Yes, they do serve 17 everyone. In fact, we were able to hire a -- well, 18 you know, it's -- we have a shortage of special ed 19 teachers. So it's been difficult to hire special ed 20 teachers. 21 But this year, we're fortunate. We're -- 22 actually, hopefully, have hired all the special ed 23 teachers that we need. We also have our teachers 24 that are going into the classrooms and helping our 25 students with special needs with their IEPs. So</p>	<p style="text-align: right;">Page 49</p> <p>1 Any discussion? 2 Commissioner Armbruster? 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Toulouse? 5 COMMISSIONER TOULOUSE: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Robbins? 8 COMMISSIONER ROBBINS: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Crone? 11 COMMISSIONER CRONE: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Armbruster votes "Yes." 14 Commissioner Peralta? 15 COMMISSIONER PERALTA: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Gipson? 18 THE CHAIR: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Johnston? 21 COMMISSIONER JOHNSTON: Yes. 22 COMMISSIONER ARMBRUSTER: The motion 23 passes seven-to-zero. 24 THE CHAIR: The motion passes 25 seven-to-zero. Thank you very much.</p>

<p style="text-align: right;">Page 50</p> <p>1 MS. KRISTI DEL CURTO: Thank you. 2 THE CHAIR: And next on the agenda is the 3 ASK Academy. 4 DR. PELAYO: Madam Chairwoman and 5 Commissioners. 6 So this amendment request is from the ASK 7 Academy requesting to amend its contract relating to 8 operational structure, the length of the school day 9 and instructional hours for the year. 10 So the current contract does state that 11 the length of school day is 7.33 hours per day for a 12 total of 1,121 hours. And the school would like to 13 change this contract language to state that the 14 language of the school day would be 7.4 hours per 15 day, to exceed 1,080 total hours. 16 This school has had its school rating 17 increase over time from a "C" to an "A." This 18 school has also experienced some growth. But what I 19 wanted to actually point out is on Page 5 here with 20 the school improvement -- I'm sorry -- the reading 21 and math current standing growth points, I want to 22 correct what I had said. 23 We are seeing here a trend where in both 24 reading and math, we're seeing points decrease here 25 in math and reading, of growth. We also notice that</p>	<p style="text-align: right;">Page 52</p> <p>1 We do see some decline here in the reading 2 proficiency for some school -- student groups and 3 seeing academic achievement gaps in math for some 4 students as well. 5 Nonetheless, the recommendation is to 6 approve the request for the change in the length of 7 the school day and the instructional hours and to 8 exceed the 1- -- 1,080 hours. The school is an "A." 9 So we do have proposed language there for you to 10 consider. 11 THE CHAIR: I'm sorry. And I apologize. 12 But I think I know how I feel. So I don't think I 13 need to elaborate on this once again. 14 So for -- I'll be -- and, actually, let me 15 pull up -- okay. Here we go. Okay. 16 So -- well, before I do that, I should -- 17 I guess you've traveled. I'll give you your 18 opportunity if you want to say anything. 19 MS. CONNIE DOVE: Good morning, 20 Madam Chair. I'm Connie Dove. I'm Director of 21 Advancement at the ASK Academy. 22 MR. DAN BARBOUR: Good morning. I'm 23 Daniel Barbour, Assistant General Manager and 24 Founder of ASK Academy. 25 MR. PAUL STEPHENSON: Good morning.</p>
<p style="text-align: right;">Page 51</p> <p>1 the school serves a population that is significantly 2 different than the school population in the local 3 area. 4 And if you look on Page 8, you'll notice 5 that there's some data concern here with English 6 Learners. Not only do we see differences between 7 subgroup performance, but also, just potentially not 8 being masked because they're not serving that many 9 English Language Learners, or there's something that 10 may need to be looked at here for data. But just a 11 concern here for subgroup performance when we 12 aggregate this out. 13 On the organizational performance 14 framework, one of the concerns again is related to 15 English Learners, making sure that the school is 16 able to properly identify and serve its English 17 Learner students to ensure that their performance is 18 being properly documented as well. 19 Again, we've had the discussion around 20 instructional hours. While the school has 21 demonstrated an acceptable schoolwide academic 22 performance over the past three years, there are 23 some inconsistencies in terms of the academic 24 performance overall when you're comparing the 25 school's three-year trends.</p>	<p style="text-align: right;">Page 53</p> <p>1 Paul Stephenson, Director and Founder of the ASK 2 Academy. We wanted to take the opportunity to 3 congratulate the Commission on their incredible role 4 on yesterday's article in the Journal communicating 5 the USWest finding of the top Best High Schools in 6 the nation and the stat that -- of the Best top High 7 Schools in New Mexico, charter schools are better 8 than 50 percent of that number. So congratulations 9 to you. We're also proud that we're No. 6. 10 MS. CONNIE DOVE: In case you missed it. 11 MR. DAN BARBOUR: So one of the -- 12 Madam Chair, members of the Commission, one of the 13 things brought up was some things about the analysis 14 of the report that was given to you. And I'd like 15 to call your attention to Page 5. And then we'd 16 just like to show you a few responses and reserve 17 the right to respond in writing at a future date. 18 When we look at Page 5 and we look at ASK 19 reading and math growth, Chart 5, when you notice 20 that 2015 is 10 points per category, 2016 is 21 10 points per category; yet in 2017, it's 5 points 22 per category, when those are normalized, you see 23 67 percent for 2015, you see 67 percent for 2016. 24 And all those bars look lower -- if you doubled 25 that percent, then that would be 74 percent, which</p>

<p style="text-align: right;">Page 54</p> <p>1 we normalize it to the same 10-point scale. So it 2 does show we are increasing over time. 3 MR. PAUL STEPHENSON: So that 74 percent 4 was for 2017, which shows that increase in 5 percentage. 6 THE CHAIR: Okay. 7 MR. DAN BARBOUR: On Page 8, I'd like to 8 also call your attention is that we do understand 9 that we are working hard to identify and serve our 10 ELL population. 11 When we look at this chart, it shows that 12 we had a decrease of 12.5 percent in -- from 2015 to 13 2017 on Chart 11. Yet when we look at our school 14 report card for '15, '16, and '17, we have no 15 scores. So we're wondering where this data may have 16 come from. 17 MR. PAUL STEPHENSON: We're at 12.5. 18 MR. DAN BARBOUR: When we look at our math 19 proficiency and we look at our State report card in 20 2017, there's no scores for this. 21 MR. PAUL STEPHENSON: And this does 22 highlight the concern, possibly, for our low number, 23 our low percentage of EL population. But, again, 24 we're just -- we're concerned about where their data 25 is that shows such a discrepancy or such an ill mark</p>	<p style="text-align: right;">Page 56</p> <p>1 that, too. That's on Page -- 2 DR. PELAYO: 7. 3 MR. PAUL STEPHENSON: -- 7. 4 Our concern -- again, one of these -- one 5 of the concerns we'd like to have in writing, if 6 that's allowed to us. But the -- in the world of 7 charter, as you know, we're a school of choice. The 8 expectation that a school of choice would mirror 9 demographically the community in which they sit, 10 districts in the communities in which they sit, 11 we're not sure that that's reasonable. 12 So because families come to charters, and 13 they -- everybody is advertised to, and they apply, 14 and they're randomly chosen in. But the only pool 15 we have to pull from are those families that choose. 16 When the district and the communities that you're 17 comparing us to, those schools are populated by the 18 address in which they live, I'm not quite sure how a 19 charter school could be held to the same -- we have 20 to mirror that demographic in all categories. 21 So that was just another question that we 22 had on the data and the language in the report on 23 that topic. 24 THE CHAIR: Commissioners, any questions? 25 Are you going to make the motion?</p>
<p style="text-align: right;">Page 55</p> <p>1 for us for that, when our school report card in this 2 report shows no numbers for ELL, not the 12.5 in 3 2015. 4 MR. DAN BARBOUR: We bring this up because 5 one of the things that we'd like this Commission to 6 know is that we're very data-driven in our school. 7 We look at our data. We look at our placement data, 8 we look at our incoming data. We look at our 9 indicators. And every week, we meet on what that 10 data does and how that can inform and change our 11 instruction and what that does for the culture of 12 our academy. 13 So these are just a few examples that we'd 14 like to have on the record, but reserve the right to 15 respond in writing to some of the things in here 16 that we're not sure where they came from. 17 THE CHAIR: Okay. All right. I don't 18 know whether we can get that answer right now. But 19 we can get it for you. Thank you. 20 MR. PAUL STEPHENSON: There was also a 21 mentioning of the -- I believe the comparison 22 between Rio Rancho -- did you mention Rio Rancho 23 Public Schools demographics and the ASK Academy 24 demographics? I thought I heard her mention that. 25 So I thought -- felt like we wanted to respond to</p>	<p style="text-align: right;">Page 57</p> <p>1 COMMISSIONER ARMBRUSTER: Madam Chair, I 2 move to approve the amendment request presented by 3 the ASK Academy Charter School to change its 4 material terms with respect to the operational 5 structure to include an increase of the length of 6 the school day from 7.33 hours a day to 7.4 hours a 7 day that exceed 1,080 total hours. 8 THE CHAIR: And I will second that. 9 So there is a motion by Commissioner 10 Armbruster, a second by Commissioner Gipson. 11 Any discussion? 12 Commissioner Armbruster? 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Robbins? 15 COMMISSIONER ROBBINS: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Crone? 18 COMMISSIONER CRONE: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Toulouse? 21 COMMISSIONER TOULOUSE: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Johnston? 24 COMMISSIONER JOHNSTON: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>

<p style="text-align: right;">Page 58</p> <p>1 Armbruster votes "Yes." 2 Commissioner Gipson? 3 THE CHAIR: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Peralta? 6 COMMISSIONER PERALTA: Yes. 7 COMMISSIONER ARMBRUSTER: Seven-to-zero 8 vote. The motion passes. 9 MS. CONNIE DOVE: Thank you very much. 10 MR. DAN BARBOUR: Thank you very much. 11 We'd like to close by, you have an open invitation 12 to visit our school. Should you ever be in the 13 neighborhood, please stop in and see the wonderful 14 education going on. 15 THE CHAIR: Thank you. 16 And, finally, we have the MASTERS Program. 17 DR. PELAYO: Yes, Madam Chair and 18 Commissioners. Item 60 in your materials, this is 19 the MASTERS Program requesting to amend its contract 20 on operational structure. This -- their amendment 21 request here is twofold: One, to authorize going 22 from tenth to twelfth grade to expanding to serve 23 ninth through twelfth grade. 24 And the school does list its rationale 25 there for wanting to serve and expand and serve</p>	<p style="text-align: right;">Page 60</p> <p>1 growth for both the high performing and lowest 2 performing students has been maintained over time. 3 However, when we do disaggregate by 4 student subgroups, we also see that there is some 5 gaps here between some of the subgroups that is a 6 concern for us, and, again, with looking at the 7 proficiency specifically in math with some 8 subgroups. 9 But overall, we do have here the analysis. 10 And on both of the amendments, again, the 11 recommendation here is the school has been an "A" 12 over the last three years, and they have maintained 13 an academic performance. And so we do recommend 14 that both the expansion to serve ninth grade and the 15 increase in the enrollment capacity for 200 to 280 16 be -- we recommend those. And so the proposed 17 language is there. 18 THE CHAIR: Thank you. 19 Good morning. 20 DR. LORI MILLER: Good morning, 21 Madam Chair and the members of the Commission. My 22 name is Dr. Lori Miller. And I'm the Director of 23 Guidance at the MASTERS Program. With me -- I'll 24 have them introduce. 25 MS. LISA LUCAS: Good morning, Madam Chair</p>
<p style="text-align: right;">Page 59</p> <p>1 ninth-graders to provide and serve additional 2 opportunities for the local community and making 3 some adjustment to their instructional program to do 4 so effectively. 5 So the second request -- so the first 6 request -- sorry. The first one is to add ninth 7 grade. 8 The second request is to increase the 9 enrollment cap from 200 to 280 students; so an 10 increase of 80 students, that this will allow them 11 to provide the early college opportunities for ninth 12 through twelfth grade. 13 And so what you have here is the school's 14 history regarding enrollment, and also all of the 15 other analysis that we provide for schools. 16 The school has been academically an "A" 17 for the last three school years. And you can see 18 that on Page 4. And its current standing, you see 19 the points that it's earned in this indicator. You 20 also see its analysis here of its reading and math 21 proficiency. 22 We do note there on Page 5, in this last 23 school year, the MASTERS Program did earn high 24 points in the areas for growth in both reading and 25 math. We also want to note on Page 7 here, the</p>	<p style="text-align: right;">Page 61</p> <p>1 and Commissioners. My name is Lisa Lucas. And I'm 2 the Business Official for the school. I apologize. 3 MR. GARY CLENDENEN: Good morning. My 4 name is Gary Clendenen, and I'm a retired business 5 professor and have been on the governing council for 6 less than one year. Excited about education. 7 DR. LORI MILLER: Anne Salzmann, our 8 principal, is out of town, a family graduation, and 9 she apologizes for not being here. The three of us 10 are here to answer any questions you might have. 11 We'd like to correct something on Page 2 12 of the information on TMP. At the bottom page, it 13 mentions our re-enrollment percentages year to year. 14 When we saw these numbers, we knew immediately that 15 there was a mistake. Sometimes the interface 16 between the student information system and the 17 S.T.A.R.S. data system is not clear. 18 Students who move out of Santa Fe or out 19 of state are coded differently than those who choose 20 to attend another school in Santa Fe, and we have 21 not coded the students correctly. 22 We have changed our data. But because it 23 was archived, it can't change. But I do want to 24 mention that the correct percentages are 96 percent 25 for the year '15-'16; and for '16-'17, it was</p>

Page 62	Page 64
<p>1 94 percent.</p> <p>2 THE CHAIR: Okay. Thank you.</p> <p>3 Commissioners, anything?</p> <p>4 I just want to thank you for your service</p> <p>5 and your willingness to come on board. This is</p> <p>6 yeoman's work, as I'm sure you're learning. It's</p> <p>7 rewarding work. But it's -- people don't understand</p> <p>8 until they get truly into it what the commitment is.</p> <p>9 So I appreciate everyone who is willing to volunteer</p> <p>10 and do this work for the schools, and I want to</p> <p>11 thank you for all the hard work you're doing at the</p> <p>12 school.</p> <p>13 So, Commissioners, do we have any</p> <p>14 questions?</p> <p>15 COMMISSIONER ARMBRUSTER: I have one,</p> <p>16 Madam Chair. I thought I saw that the graduation</p> <p>17 rate was a "D." Is that right? I don't know. I</p> <p>18 have so many pieces of paper here, I could be</p> <p>19 incorrect. But because it was shocking to me --</p> <p>20 '15-'16?</p> <p>21 MS. POULOS: Madam Chairwoman,</p> <p>22 Commissioners, it is. It's immediately after those</p> <p>23 documentation. And you can see that the indicator</p> <p>24 is rated as a "D" for the 2017 year. And if you</p> <p>25 flip a few pages backs, you can then dig into the</p>	<p>1 COMMISSIONER ARMBRUSTER: That's fine. I</p> <p>2 was -- that's one of the shocking statistics we look</p> <p>3 at.</p> <p>4 DR. LORI MILLER: I completely understand.</p> <p>5 COMMISSIONER ARMBRUSTER: Thank you.</p> <p>6 THE CHAIR: Commissioners, any other</p> <p>7 questions?</p> <p>8 Okay. We're ready for a motion.</p> <p>9 So I move to approve the amendment request</p> <p>10 presented by the MASTERS Program Charter School to</p> <p>11 change its material terms with respect to</p> <p>12 operational structure by expanding to serve ninth</p> <p>13 grade, because the school has demonstrated an</p> <p>14 accepted level of academic performance through the</p> <p>15 State letter grades over the past three years and</p> <p>16 can provide a high-quality early college/high school</p> <p>17 option to the Santa Fe area families.</p> <p>18 COMMISSIONER ROBBINS: I'll second.</p> <p>19 THE CHAIR: Motion by Commissioner Gipson.</p> <p>20 A second by Commissioner Robbins.</p> <p>21 Any discussion?</p> <p>22 Oh, I'm sorry.</p> <p>23 COMMISSIONER TOULOUSE: Madam Chair, if</p> <p>24 we're expanding a grade, does your school have room</p> <p>25 for those students if we increase the cap? Because</p>
<p>1 graduation rate percentages.</p> <p>2 For the Class of 2016 -- and they're</p> <p>3 always reported a year lagging -- the graduation --</p> <p>4 four-year graduation rate was 74 percent. Their</p> <p>5 five-year graduation rate was 83 percent, and their</p> <p>6 six-year graduation rate was 86 percent, with the</p> <p>7 growth in their four-year graduation rates actually</p> <p>8 having a downward trend, being a growth index of</p> <p>9 negative .47.</p> <p>10 COMMISSIONER ARMBRUSTER: I just found</p> <p>11 that astonishing, because everything else is so</p> <p>12 high. Can you explain that?</p> <p>13 DR. LORI MILLER: I sure can. I want you</p> <p>14 to know that although we do receive some really</p> <p>15 wonderfully prepared academic students, we also</p> <p>16 attract people and students and families that want</p> <p>17 that special attention that we can give. Our ELL</p> <p>18 has tripled. And we're noticing that those -- those</p> <p>19 rates -- it takes them just a little bit longer to</p> <p>20 graduate.</p> <p>21 As Katie said, the 83 percent, sometimes</p> <p>22 it takes a year longer. And on a resume, nobody's</p> <p>23 going to ask about that. And we love that we serve</p> <p>24 this population and do a great job and eventually do</p> <p>25 get them graduated.</p>	<p>1 we didn't discuss that, and you didn't tell us that</p> <p>2 at all, that there's room.</p> <p>3 Mr. -- Commissioner Peralta sits on the --</p> <p>4 you know, board that looks at the school sizes, and</p> <p>5 he doesn't know anything about whether your school</p> <p>6 would know or not. So I need to know that before I</p> <p>7 can vote.</p> <p>8 DR. LORI MILLER: I absolutely understand</p> <p>9 that. We are on the campus of Santa Fe Community</p> <p>10 College. We do lease that from them. They are</p> <p>11 giving us extra rooms.</p> <p>12 We are, at this moment, building a room, a</p> <p>13 large room that can be divided into two. And that</p> <p>14 would absolutely take care of the rooms that we</p> <p>15 would need for this expansion. And we've pretty</p> <p>16 much thought it through. We've really thought hard</p> <p>17 about this, and we do have the room.</p> <p>18 COMMISSIONER TOULOUSE: And it would have</p> <p>19 E-Occupancy, and you've cleared this through --</p> <p>20 MS. LORI MILLER: SFCC, yes.</p> <p>21 THE CHAIR: Your building or Santa Fe</p> <p>22 Community College building?</p> <p>23 DR. LORI MILLER: We lease from Santa Fe</p> <p>24 Community College.</p> <p>25 MS. LISA LUCAS: So the College is --</p>

Page 66	Page 68
<p>1 THE CHAIR: So the College is doing the 2 actual building. 3 MS. LISA LUCAS: The College is doing the 4 building, yes. 5 THE CHAIR: Okay. Thank you. 6 COMMISSIONER TOULOUSE: Normally, that's 7 one of the questions we ask first on before we make 8 a motion. So thank you. 9 Commissioner Crone? 10 COMMISSIONER CRONE: How many rooms do you 11 lease at the College? 12 DR. LORI MILLER: Let's see. We have six, 13 seven, eight, nine -- nine, including our office. 14 COMMISSIONER CRONE: Is it in the west 15 wing? 16 DR. LORI MILLER: It is in the west wing. 17 We'd love for you to come see us. 18 COMMISSIONER CRONE: Okay. Thanks. 19 THE CHAIR: Any other questions? 20 Commissioner Armbruster? 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Gipson? 23 THE CHAIR: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Peralta?</p>	<p>1 material terms with respect to operational structure 2 by increasing the enrollment capacity from 200 to 3 280, because the school has demonstrated an accepted 4 level of academic performance through the State 5 letter grades over the past three years and provides 6 a high-quality early college/high school option to 7 the Santa Fe area families. 8 COMMISSIONER ROBBINS: I'll second. 9 THE CHAIR: There's a motion by 10 Commissioner Gipson, a second by Commissioner 11 Robbins. 12 Any discussion? 13 Commissioner Armbruster? 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Crone? 16 COMMISSIONER CRONE: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Armbruster votes "Yes." 19 Commissioner Robbins? 20 COMMISSIONER ROBBINS: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Johnston? 23 COMMISSIONER JOHNSTON: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Gipson?</p>
Page 67	Page 69
<p>1 COMMISSIONER PERALTA: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Toulouse? 4 COMMISSIONER TOULOUSE: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Crone? 7 COMMISSIONER CRONE: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Johnston? 10 COMMISSIONER JOHNSTON: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Armbruster votes "Yes." 13 Commissioner Robbins? 14 COMMISSIONER ROBBINS: Yes. 15 COMMISSIONER ARMBRUSTER: Seven-to-zero. 16 The motion passes. 17 THE CHAIR: Motion passes seven-to-zero. 18 All right. 19 DR. LORI MILLER: Thank you so much. 20 THE CHAIR: You still have a second 21 amendment. 22 DR. LORI MILLER: I apologize. 23 THE CHAIR: That's okay. I move to 24 approve the amendment request presented by the 25 MASTERS Program Charter School to change its</p>	<p>1 THE CHAIR: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Peralta? 4 COMMISSIONER PERALTA: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Toulouse? 7 COMMISSIONER TOULOUSE: Yes. 8 COMMISSIONER ARMBRUSTER: Seven-to-zero. 9 The motion passes. 10 THE CHAIR: Motion passes seven-zero. 11 Thank you so much. 12 DR. LORI MILLER: Again, I thank you. 13 THE CHAIR: Commissioners, can we take a 14 short break? We'll try ten. 15 (Recess taken, 10:20 a.m. to 10:38 a.m.) 16 THE CHAIR: So we are now on to Item 17 No. 7, which is Discussion and Possible Action to 18 accept Cariños de los Niños' Resolution of Closure 19 and Cease of Operation. 20 MS. POULOS: Madam Chair? 21 COMMISSIONER TOULOUSE: Cessation. 22 MS. POULOS: We titled it based on the 23 resolution we received. 24 COMMISSIONER TOULOUSE: Okay; 'cause -- 25 MS. POULOS: Madam Chairman and</p>

<p style="text-align: right;">Page 70</p> <p>1 Commissioners --</p> <p>2 COMMISSIONER TOULOUSE: I had a double</p> <p>3 major. One of them was English; so --</p> <p>4 MS. POULOS: -- in April, you did vote to</p> <p>5 hold a revocation hearing to determine whether to</p> <p>6 revoke the charter of Cariños de los Niños Charter</p> <p>7 School. Subsequently, at meetings on April 25th and</p> <p>8 April 30th, the governing body of Cariños de los</p> <p>9 Niños voted to cease the operations of their charter</p> <p>10 effective June 30, 2018, the end of this fiscal</p> <p>11 year.</p> <p>12 You do have their resolution as well as a</p> <p>13 letter they have sent to families notifying them of</p> <p>14 their documentation. PED has begun the work to</p> <p>15 support the closure of this school. You have</p> <p>16 proposed motion language in here to accept this</p> <p>17 resolution of closure.</p> <p>18 I do want to say, just on the front of the</p> <p>19 closure of the school, there are many questions</p> <p>20 coming up about the disposition of property. Those</p> <p>21 are questions we continue to work on and, with our</p> <p>22 closure specialist, continue to work on to make sure</p> <p>23 that is done in the most appropriate way for the</p> <p>24 State.</p> <p>25 THE CHAIR: Thank you. And I know there</p>	<p style="text-align: right;">Page 72</p> <p>1 negotiating with the County for them to obtain the</p> <p>2 building for purposes of County education programs</p> <p>3 and preservation of the building as a historical</p> <p>4 site.</p> <p>5 THE CHAIR: Because my understanding is</p> <p>6 that there's a charter school that has expressed</p> <p>7 interest in the facility.</p> <p>8 MS. POULOS: Sorry, Madam Chairwoman. I</p> <p>9 do want to say there is the New Mexico</p> <p>10 Administrative Code, too, which does have a</p> <p>11 provision that says when a school district -- and we</p> <p>12 consider charter schools to be LEAs -- is seeking</p> <p>13 approval of disposition of real property, it must</p> <p>14 submit evidence that that building does not meet</p> <p>15 Public School Capital Outlay standards, or that all</p> <p>16 other charter schools in the district have declined</p> <p>17 within a reasonable period of time. So there's a</p> <p>18 couple of things we need to keep in mind there.</p> <p>19 THE CHAIR: Commissioner Peralta?</p> <p>20 COMMISSIONER PERALTA: Madam Chair, if I</p> <p>21 may make a recommendation to the school based on the</p> <p>22 statutory language that Director Poulos just cited,</p> <p>23 there has already been preliminary conversation or</p> <p>24 dialogue between PSFA and the Capital Outlay Council</p> <p>25 about how the disposition of this property will be</p>
<p style="text-align: right;">Page 71</p> <p>1 are two individuals from the school. I don't know</p> <p>2 if you want to come up or not. It's up -- it's</p> <p>3 entirely up to you. But I think there might be a</p> <p>4 couple of questions.</p> <p>5 DR. JUANITA CATA: Juanita Cata. I'm</p> <p>6 president of the Cariños Charter School board.</p> <p>7 After consideration of a number of factors, it was</p> <p>8 the decision of the board that it was in our best</p> <p>9 interest to cease operation at the end of the school</p> <p>10 year.</p> <p>11 THE CHAIR: Thank you. I guess the -- and</p> <p>12 I'm just going to say it -- this is never a happy</p> <p>13 moment for us. It was certainly our hope three</p> <p>14 years ago when you came for your renewal with us</p> <p>15 that the school would be able to turn things around,</p> <p>16 given the tremendous adversity that you had faced</p> <p>17 and were trying to overcome at the time of your</p> <p>18 renewal; so that it is certainly disappointing, I</p> <p>19 believe, for all of us that we're at this -- at this</p> <p>20 moment.</p> <p>21 But I do have a question about the</p> <p>22 disposition of the property and the building. I'm</p> <p>23 just -- I have a concern and a question about what</p> <p>24 the intention is with the building.</p> <p>25 DR. JUANITA CATA: We are currently</p>	<p style="text-align: right;">Page 73</p> <p>1 conducted. So if I may recommend that maybe you</p> <p>2 speak to the County and let them know that maybe we</p> <p>3 would probably need to delay the process with the</p> <p>4 talks until you get confirmation exactly, or</p> <p>5 direction, from the PSFA on how to proceed with the</p> <p>6 property, that's just my recommendation. Thank you.</p> <p>7 THE CHAIR: Commissioners, any other</p> <p>8 questions? Concerns?</p> <p>9 Do I have a motion?</p> <p>10 Oh, I'm sorry.</p> <p>11 MR. VERNON JARAMILLO: Vernon Jaramillo,</p> <p>12 Chancellor. We'd like to thank the Commission for</p> <p>13 giving us this opportunity to try and run the school</p> <p>14 for two years. So thank you.</p> <p>15 THE CHAIR: Thank you.</p> <p>16 MR. VERNON JARAMILLO: We tried.</p> <p>17 To respond to Katie's comments, the</p> <p>18 property was deeded to the charter school, Española,</p> <p>19 the Cariños Charter School. The charter school is</p> <p>20 not a district school. It's a property of the</p> <p>21 charter school. That's a clarification that we have</p> <p>22 from our attorney.</p> <p>23 THE CHAIR: My understanding is, however,</p> <p>24 that because it is a public school, that whether</p> <p>25 it's the district or a State-authorized charter</p>

Page 74

1 school, it still has to -- it still has to be in
 2 compliance with all those statutory regulations.
 3 MR. VERNON JARAMILLO: We will take
 4 Mr. Peralta's recommendation to our attorney as well
 5 to the board. Yes.
 6 THE CHAIR: Okay. Thank you.
 7 Commissioner Crone?
 8 COMMISSIONER CRONE: Is there a motion?
 9 THE CHAIR: I see him reaching --
 10 COMMISSIONER CRONE: Is there a motion
 11 stated?
 12 THE CHAIR: There is. It's on -- it's on
 13 Page 1 of --
 14 COMMISSIONER CRONE: Okay, I've got it
 15 here.
 16 I move to accept the resolution approved
 17 by the governing body of Cariños de los Niños which
 18 establishes that the school cease operation
 19 effective June 30, 2018, and confirm that the school
 20 has surrendered its charter which will no longer be
 21 effective after June 30th, 2018.
 22 THE CHAIR: I will second that.
 23 There's a motion by Commissioner Crone, a
 24 second by Commissioner Gipson.
 25 Is there any discussion?

Page 75

1 Commissioner Armbruster?
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Toulouse?
 4 COMMISSIONER TOULOUSE: With sadness, I
 5 vote "Yes."
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Peralta?
 8 COMMISSIONER PERALTA: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Robbins?
 11 COMMISSIONER ROBBINS: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Armbruster votes "Yes."
 14 Commissioner Gipson?
 15 THE CHAIR: Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Crone?
 18 COMMISSIONER CRONE: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Johnston?
 21 COMMISSIONER JOHNSTON: Yes.
 22 COMMISSIONER ARMBRUSTER: The motion
 23 passes, seven-zero.
 24 THE CHAIR: Motion passes, seven-zero.
 25 Thank you very much.

Page 76

1 MR. VERNON JARAMILLO: Thank you for
 2 giving us this opportunity. Thank you.
 3 THE CHAIR: We are on to Item No. 8,
 4 Discussion and Possible Action -- I'm sorry, I'm
 5 reading the wrong one -- on Governance Changes and
 6 Reporting Policy Non-Compliance.
 7 MS. POULOS: Madam Chairwoman,
 8 Commissioners, the first school that we do have to
 9 discuss is Dream Diné Charter School. I do want to
 10 make a note -- thank you, Mark -- that while
 11 Section 8.1 -- so in the introduction, we -- sorry.
 12 In the contract, Section 8.10 of most or
 13 many of our contracts is the proper citation. For a
 14 few of them, it is Section 6.11.b of the contract.
 15 And then, again, for most of ours, the contract has
 16 stated filling a vacancy no later than 45 days from
 17 the vacancy. In those few that have it as
 18 Section 6.11.b, it is 90 days to fill a vacancy.
 19 So I just wanted to correct that. I
 20 trusted that all the contracts were the same and
 21 shouldn't have. I should have checked them.
 22 So what we first have is a table that kind
 23 of tracks, for these schools that most recently
 24 reported to us changes, all of the changes over the
 25 last year so that we could report kind of compliance

Page 77

1 to you. Our desire at this point really is to give
 2 formal notice to -- specifically to the school
 3 boards, because, again, we've said this many times
 4 now, and we'll say it again, we really believe this
 5 is where this needs to be owned by the school
 6 boards.
 7 The school leaders have a lot on their
 8 plates, namely running a school. And the board
 9 should be able to govern its own reporting
 10 requirements with regards to the membership.
 11 So we want to provide formal notice to
 12 these schools notifying them of the noncompliance
 13 they have had with regards to reporting requirements
 14 and filling vacancies over the last year so that
 15 they can better understand those obligations and
 16 understand where they have fallen short.
 17 So when you look at Dream Diné, the first
 18 school that we're addressing, we do have a
 19 paragraph, but I actually think what is most helpful
 20 is getting straight to the letter that we would like
 21 to send to these schools; and that is found on
 22 Page 22.
 23 In that letter, we do give a kind of a
 24 accounting of the issues that have occurred over the
 25 year. And so the first thing that we identify is

Page 78

1 that there was a board member who, from April 17th
 2 until the time that he was -- well, from
 3 April 17th, we looked at board minutes, and this
 4 individual was never attending board meetings. From
 5 this date until we contacted the school on
 6 October 19th and were told that that board member
 7 was still a board member, we didn't have any
 8 documentation of his attendance. But then we did
 9 receive recent documentation that identified that he
 10 was no longer a board member.

11 The team did look at the bylaws and noted
 12 that those bylaws did indicate that attendance at
 13 governing board meetings is mandatory and that
 14 members missing two consecutive meetings may be
 15 dismissed.

16 Then we have that if he was resigned --
 17 had been resigned or removed, that notification was
 18 overdue because we have not received any
 19 notification.

20 On October 16th, a new member was
 21 designated. And that -- the notification of that
 22 designation was required by November 15th. We did
 23 not receive notification of that designation until
 24 180 days later on April 14th.

25 Again, another new member was designated,

Page 79

1 Joe Jasper was designated on October 16th. Again,
 2 that was due by November 15th. We did not receive
 3 that until 180 days later and certainly did not
 4 receive that notification within the 30 days.

5 Another member was designated in December
 6 of 2017. We did not receive all of the
 7 documentation. We did receive the form; but we
 8 received the form on April 14th, again, 117 days
 9 after the change in membership. And we have not
 10 received complete documentation as of today.

11 Is that correct?

12 MS. LAUREL PIERCE: Is that Mr. Whitehair?
 13 MS. POULOS: Yes.

14 MS. LAUREL PIERCE: We do not have all of
 15 the documentation for Mr. Whitehair at this time.

16 MS. POULOS: Okay. So, again, we want to
 17 notify the board of this so that they can see laid
 18 out what their reporting requirements were and where
 19 they failed to meet those so that they can think
 20 through their processes to ensure that they, as a
 21 board, implement something that enables them to
 22 maintain proper governance reporting.

23 THE CHAIR: Okay. I appreciate you coming
 24 up. And I appreciate, and I hope, that all of the
 25 Commissioners have had an opportunity to read all of

Page 80

1 this so that the only thing that I'm going to ask is
 2 that we don't have to revisit these through this.
 3 If we've had an opportunity to read it all, I think
 4 we're good.

5 And I'm going to just say that beyond
 6 statutory requirement for a governance council, the
 7 purpose of a governance council is to help make sure
 8 that the school is functioning properly and serving
 9 the community. And that's ultimately my concern,
 10 beyond the statutory requirement. I get that.

11 But to make sure that that school has an
 12 active, involved governance council so that it's to
 13 the benefit of the school, so that there is a
 14 concern when -- and I -- I understand the geography.
 15 So I'm -- and I've not allowed you to speak before
 16 we continue. So I will certainly -- please identify
 17 yourself for the record and anything that you want
 18 to say.

19 DR. TINA DESCHENIE: Ya'at'eeh. Good
 20 morning. I'm Dr. Tina Deschenie.

21 THE CHAIR: Is the green light on?
 22 DR. TINA DESCHENIE: Yes.

23 THE CHAIR: Could you just move that a
 24 little closer?
 25 DR. TINA DESCHENIE: Ya'a'teeh. Good

Page 81

1 morning. I'm Dr. Tina Deschenie. I'm the
 2 administrator for the Dream Diné Charter School in
 3 Shiprock, New Mexico. And in the audience is Jeremy
 4 Simpson, who's one of the board members.

5 And so we did receive notification about
 6 the delayed sending of forms, and we have responded.
 7 It's true that for Mr. Whitehair, we did not receive
 8 an affidavit; so there is no affidavit to send in.
 9 We have the -- the board member change form. We
 10 were not aware of the form, and so we made our own,
 11 of which has all of our board members' signatures.
 12 But we were told that was the wrong form.

13 So we do have the new form, the State
 14 form, in hand. And we also are aware that we have
 15 the option of closing two vacant positions, and so
 16 we will be doing that.

17 The next regular board meeting is on
 18 May 21, and we will take action at that time to
 19 close these two vacant board positions for the
 20 remainder of the school year.

21 THE CHAIR: So let me just ask a question.
 22 Does that change your bylaws -- close -- I'm not
 23 quite sure. When you reference closing the two
 24 memberships, is that a change in the bylaws?
 25 MS. POULOS: Madam Chairwoman, that is --

Page 82

1 it may require, depending on their bylaws -- and I
 2 don't know their bylaws. But it is your -- the
 3 policy you pass that says if you've got a vacancy
 4 and you can't fill it, you can close it; right?
 5 THE CHAIR: Right.
 6 MS. POULOS: And so that's, I believe,
 7 what she's referencing. They should absolutely
 8 ensure -- and I'm sure they will -- that that
 9 doesn't also need a change in their bylaws, and, if
 10 it does, to make the change.
 11 THE CHAIR: That's what I was asking, if
 12 that -- if you're anticipating that's going to be a
 13 permanent closure or no.
 14 DR. TINA DESCHENIE: No. Our bylaws do
 15 state five to nine members. And for this year --
 16 THE CHAIR: We've had that discussion,
 17 too.
 18 DR. TINA DESCHENIE: And for this year, it
 19 was seven members that the board had voted to have.
 20 THE CHAIR: Okay.
 21 DR. TINA DESCHENIE: Uh-huh.
 22 THE CHAIR: All right. Commissioners, any
 23 questions? Comments? I'll just -- you know, I'll
 24 just reiterate what I said, that that's -- you know,
 25 to me, that's the ultimate concern that I have is

Page 83

1 that --
 2 (Dr. Deschenie consults with counsel.)
 3 DR. TINA DESCHENIE: We're in compliance.
 4 We're very concerned about our compliance, and we do
 5 have a strong governing board.
 6 THE CHAIR: I understand that. And I've
 7 never said you were out of compliance. I expressed
 8 my concern that I want -- outside of statutory
 9 requirements, that my concern is that the school has
 10 an active, thriving governance council for the
 11 health of the school.
 12 DR. TINA DESCHENIE: Uh-huh.
 13 THE CHAIR: And that if there is any --
 14 and that the school does stay within policy, just in
 15 terms of reporting.
 16 Thank you so much for coming.
 17 DR. TINA DESCHENIE: Thank you. And I do
 18 not believe there's -- because I received an e-mail
 19 saying there would be no one here from DEAP today.
 20 COMMISSIONER TOULOUSE: I think we all got
 21 that.
 22 MS. POULOS: Madam Chairwoman, did you
 23 receive -- if anyone didn't receive the two letters,
 24 we printed copies of those.
 25 THE CHAIR: We all received them in e-mail

Page 84

1 this morning --
 2 MS. POULOS: Okay. Okay.
 3 THE CHAIR: -- indicating that they would
 4 not be here. So -- and I'll just express my
 5 continued concern, because I was not aware. And I
 6 know statute is -- I do believe open meetings for
 7 emergency -- in cases of emergency, people can
 8 attend via phone. But that -- right. No, no, no,
 9 at their governance council.
 10 We do have -- we do have the option for
 11 phone. It's not easy, but we do have it; but for
 12 their governance council meetings. And in the
 13 multiple discussions that we've had with that
 14 school, there was not an indication until I read
 15 this letter today that the one individual who I
 16 believe is the head of their governance council is
 17 attending 100 percent of the time via phone.
 18 And that was never expressed to us in any
 19 of our conversations that there was an understanding
 20 that he was, at times, having to participate by
 21 phone. But the letter that we received today
 22 indicated that it's 100 percent attendance. And
 23 that -- for the main reason that I have is that
 24 we've all, I think, attended meetings
 25 electronically. And it -- it's never as successful.

Page 85

1 And for a healthy, thriving governance
 2 council, which, to me, is different than anyone's
 3 participation in a nonprofit board, the expectation
 4 for participation on a board. I will say that as my
 5 personal belief.
 6 And I think for the school to be healthy
 7 and thriving, it needs that active governance
 8 council. And for someone to be 100 percent in
 9 attendance electronically, especially when they are
 10 the head of that governance council, it's concerning
 11 to me.
 12 COMMISSIONER JOHNSTON: Madam Chair, I did
 13 not receive a copy of that.
 14 THE CHAIR: Oh, I'm sorry.
 15 COMMISSIONER JOHNSTON: That's all right.
 16 I was looking to see if I had it.
 17 THE CHAIR: The e-mail came in from Katie
 18 this morning.
 19 COMMISSIONER JOHNSTON: I probably -- when
 20 I'm here, I don't have any access.
 21 THE CHAIR: Sometimes it gets a little
 22 delayed.
 23 COMMISSIONER ARMBRUSTER: It was delayed.
 24 I think the original -- because I did not look at my
 25 e-mail this morning. It never went -- I got it from

Page 86

1 Louella Poblano. And several Commissioners' names
 2 are not on that one.
 3 THE CHAIR: Oh, okay. I'm sorry.
 4 COMMISSIONER ARMBRUSTER: And Commissioner
 5 Johnston was one of them. And I don't know. Right
 6 off the top of my head, I can't see.
 7 THE CHAIR: Commissioner Robbins received
 8 it, did you not?
 9 COMMISSIONER ROBBINS: I did.
 10 COMMISSIONER ARMBRUSTER: Robbins did.
 11 Caballero, Toulouse, Armbruster, Conyers, Peralta,
 12 and Gipson. And Commissioner Crone did not get one,
 13 either. So that was the confusion.
 14 THE CHAIR: I'm sorry. So I don't think
 15 there's any further discussion. We've expressed our
 16 concern, and the school is very aware of those
 17 concerns.
 18 So the next up is Six Directions.
 19 MS. POULOS: Do you want me to point out
 20 where the letters are?
 21 THE CHAIR: Sure. You can point out where
 22 the letters are. Sure.
 23 MS. POULOS: So the DEAP letter was on
 24 Page 39. And then the Six Directions letter is on
 25 Page 51.

Page 87

1 THE CHAIR: Oh. It's 41 in my book.
 2 MS. POULOS: Oh. You may be looking at --
 3 THE CHAIR: I'm sorry.
 4 MS. POULOS: Yeah, yeah, yeah. Sorry.
 5 THE CHAIR: That's where it starts.
 6 MS. POULOS: I'm pointing you to the
 7 letter that we would like to send.
 8 THE CHAIR: Okay. Got you. Right. Okay.
 9 The materials on Six Directions start on Page 41.
 10 But the -- the letter does go out -- the letter does
 11 start on 51.
 12 Good morning.
 13 MR. LANE TOWERY: Good morning.
 14 THE CHAIR: So our concerns are similar
 15 with late reporting and it appears to be a lapse in
 16 time. So anything that you wish to communicate to
 17 us?
 18 MR. LANE TOWERY: Thank you,
 19 Madam Chairwoman. My name is Lane Towery. I know
 20 many of you as a cofounder of Six Directions, and
 21 I'm proud to say I've just recently joined the
 22 governing board. I came today simply to assure you
 23 that it's a problem that we take seriously.
 24 I happen to agree with Charter School
 25 Division's position on this, which is that it's our

Page 88

1 responsibility to do this correctly. I think your
 2 expectations are very clear, and balls have simply
 3 been dropped.
 4 At our last meeting, we made it a point to
 5 discuss the expectations to identify why mistakes
 6 have been made, and we're developing a procedure. I
 7 didn't come here with any excuses. I'm going to say
 8 we take it very seriously and we intend to fix the
 9 problem. I don't like to make mistakes that are
 10 unforced mistakes. This is ours, and we're going to
 11 make it right.
 12 THE CHAIR: How refreshing. So my
 13 understanding is that you're fully in compliance at
 14 this moment in time. Or are you still waiting for
 15 that one affidavit?
 16 MR. LANE TOWERY: As a new member, I'm not
 17 sure. I'm totally sure. But my understanding, of
 18 what I heard from Stephanie Becenti, our head
 19 administrator, yesterday is we're in compliance.
 20 MS. LAUREL PIERCE: Yes. We did receive
 21 the final affidavit from Dr. Pfeiffer -- I believe
 22 it was yesterday or the day before. It was too late
 23 to get it into your materials.
 24 THE CHAIR: Thank you. And I appreciate
 25 your ownership. And I've had a number of

Page 89

1 conversations -- I don't know if they're still
 2 members of your governance council. And it --
 3 truly, they've been great conversations in terms of
 4 the engagement.
 5 So, you know, I absolutely appreciate
 6 that. I know the difficulties in trying to get
 7 governance council members. But just like any other
 8 school board, it's -- it's a task that we face in
 9 trying to fill them.
 10 So thank you. And I appreciate you
 11 coming.
 12 MR. LANE TOWERY: Of course. Thank you
 13 all for the opportunity.
 14 THE CHAIR: Thank you. How much time do
 15 you have left in your school year?
 16 MR. LANE TOWERY: Till Memorial Day
 17 weekend.
 18 THE CHAIR: Oh, okay. I see some
 19 Albuquerque schools are having graduations, and
 20 it's, like wow, that's -- that's pretty amazing.
 21 All right. Next on the list is La
 22 Academia Dolores Huerta. And I do not believe there
 23 is anyone here from there.
 24 And my understanding is that there's been
 25 significant changes on that board.

1 MS. POULOS: Madam Chairwoman, yes, that
2 is accurate. And you can see that on Page 88. And
3 Laurel has worked very diligently to get that
4 information.

5 THE CHAIR: Can we just -- can we just
6 have a quick glimpse on numbers off and numbers on?
7 Do we have -- can you just -- or is that -- because
8 I went through, and I actually had a conversation
9 with someone who's one of the new members on.

10 MS. LAUREL PIERCE: I believe -- I have
11 to -- I have to find the sheets to refresh my
12 memory. I know they've just seated five new board
13 members in February. And there are still two
14 positions that are awaiting their vote. They've
15 indicated that they would like to close them. I
16 don't -- under that same policy option.

17 I have not received any notification that
18 that vote has actually happened at this point; but
19 that is something that they have indicated they want
20 to do.

21 So on and off, you're looking at at least
22 seven --

23 THE CHAIR: Right.

24 MS. LAUREL PIERCE: -- changes, plus the
25 ones that instituted the initial.

1 school. So I hope they can make that happen.

2 Okay. We are on to E, which is Explore
3 Academy.

4 MS. POULOS: I don't believe anyone from
5 Explore Academy is here.

6 I do believe at this point they have come
7 into compliance; is that right? But they -- and
8 that letter -- I don't know what I did. But when I
9 put the packet together, that letter was Page 25.

10 THE CHAIR: Okay. So, you know, we're in
11 that same-old same-old. And as long as there's no
12 one here from the school, we'll move on.

13 F is Health Leadership.

14 MS. POULOS: And, Madam Chairwoman, that
15 letter is on Page 107. And this is -- and this is
16 one of the ones Mark indicated that we do need to
17 change the language. It's Section 6.11.b. of their
18 contract. Vacancies must be filled within 90 days.

19 THE CHAIR: Okay.

20 MS. POULOS: And I believe I just want to
21 make sure that does not change the remainder of the
22 letter.

23 THE CHAIR: Good morning.

24 MS. ABBY LEWIS: Good morning. Oh, the
25 green light is on.

1 THE CHAIR: Right.

2 MS. LAUREL PIERCE: So lots of turnover.

3 THE CHAIR: There have -- yes. And
4 that's -- that's unfortunate. The school, just so
5 that Commissioners' memories are refreshed, it's up
6 for renewal, so that that is certainly difficult for
7 a new governance council to get on board. And they
8 also have a new head administrator. So that that is
9 quite a task to get through the renewal year. So it
10 is certainly concerning what -- what might be
11 happening at the school.

12 On a positive note, I will let you all
13 know that the school has been offered a facility.
14 So Las Cruces Public Schools has offered them a
15 building that will be vacant as of this coming up
16 school year. And I believe most of you have not had
17 the tremendous opportunity to be in their current
18 building, because if you were, you'd be on your
19 knees kissing the ground that you came out of that
20 building alive, because it is in a state of
21 disrepair that is amazing that parents want their
22 children to be in that school.

23 So it is -- it is absolutely needed for
24 them to move, and I appreciate LCPS making that
25 offer. So that's -- that is a positive for that

1 My name is Abby Lewis, and I'm here as the
2 legal counsel for Health Leadership High School. I
3 just have a short -- I promise I will keep it
4 short -- for you to address what Director Poulos has
5 said.

6 I just want to start by saying that there
7 is no vacancy on the board. And I did try to
8 communicate that at the last meeting, but
9 unfortunately, was not allowed to.

10 But I think it's important that first we
11 orient ourselves in time and in the communications
12 on this issue. And everything I'm going to talk
13 about, I have right here; so you are more than
14 welcome to it.

15 On April 24th, Health Leadership received
16 an e-mail with the attached letter referencing the
17 new PEC policy at the March meeting and stated --
18 and stating that CSD was of the opinion that Health
19 had a vacancy on the board overdue for being filled,
20 and that, furthermore the school now had the option
21 under the new policy to vote not to fill the
22 vacancy.

23 Within half an hour, the administrator,
24 Ms. Blanca Lopez, wrote back thanking CSD for its
25 e-mail and explaining that the letter had

<p>Page 94</p> <p>1 unfortunately arrived too close to the next 2 scheduled board meeting, so it wouldn't be possible 3 to add the item and stay in compliance with the Open 4 Meetings Act. But she reassured the CSD staff 5 member that it would appear on a future agenda. 6 However, despite this timely and 7 responsive communication, Health Leadership still 8 received a letter from CSD on May 3rd, telling the 9 school it was on the agenda for this May 11th 10 meeting. Again, within half-an-hour, Ms. Lopez 11 responded requesting more details as to why the 12 school was placed on the agenda. 13 A CSD staff member wrote back in response 14 stating that the main issue here is the vacancy that 15 appears to not have been filled within the 45-day 16 requirement. 17 As the school's legal counsel, I 18 responded, stating -- I'm sorry. As the school's 19 legal counsel, I responded to this e-mail and 20 explained what I had been trying to say at the last 21 PEC meeting that there was no vacancy. What I 22 explained in my e-mail of May 3rd to Ms. Poulos, 23 Ms. Pelayo, and Ms. Pierce, is that it is the 24 position of the school there is no vacancy. 25 Health Leadership's contract, in Section</p>	<p>Page 96</p> <p>1 MS. POULOS: Madam Chairwoman and 2 Commissioners, that letter is on Page 117. 3 THE CHAIR: Good morning. 4 MS. JULIE ANN HILL-CLAPP: Good morning. 5 THE CHAIR: So I guess, once again, 6 we're -- it's timeliness of filling a notification. 7 MS. JULIE ANN HILL-CLAPP: Would you like 8 for me to explain? 9 THE CHAIR: Sure. 10 MS. JULIE ANN HILL-CLAPP: Okay. Good 11 morning, Commissioners, Madam Chair. My name is 12 Julie Ann Hill-Clapp. I'm the governing council 13 president for La Tierra Montessori School. Let me 14 start by asking this question. And I asked this 15 question of Ms. Pierce and Director Poulos, and I 16 got no clarification. 17 My understanding is that it is 45 days 18 to -- for extension and it's 30 days to notify. I 19 asked specifically calendar days or business days. 20 My understanding -- I've been a State employee for 21 many years, and I do not work for the State any 22 longer. But my understanding is that when the State 23 says "30 days," it is not calendar days, but 24 business days. And so if I take that into 25 consideration, and I take the 45 days, that means</p>
<p>Page 95</p> <p>1 6.02(c) Roman numeral (v) says that Health 2 Leadership High School shall have a governing 3 council of at least seven members. As you know, the 4 Charter Schools Act says that it must have a 5 governing council of at least five members. 6 Health Leadership High School has seven 7 members. So as you can see, they're in compliance 8 with both their contract and the statute, and there 9 is no vacancy. 10 Thank you. 11 THE CHAIR: Thanks. Do you want to say -- 12 I don't know if you want -- 13 MS. POULOS: Madam Chairwoman, I do want 14 to point out -- I'm not going to go through them. 15 Many of the issues here that we want to notify the 16 school of and ensure they put a policy in place or 17 practices in place are the failure to timely notify 18 and submit documentation in accordance with your 19 requirements. 20 THE CHAIR: Right. 21 Commissioners? 22 Thank you. 23 MS. ABBY LEWIS: Thank you. 24 THE CHAIR: And, finally, we have 25 La Tierra Montessori.</p>	<p>Page 97</p> <p>1 business days, once again. 2 So I would say that La Tierra Montessori 3 School has been in compliance with reporting changes 4 to our governing council. 5 That said, I will let you know that I'm 6 concerned about having to come and present, because 7 of the fact that, first of all, we're one of three 8 charter schools in our district, in the Española 9 Public Schools district. You just talked to 10 Cariños, and, you know, they've had their own 11 issues. 12 But it's been difficult to get a governing 13 council, one, because, you know, we had a charter 14 school actually -- one of our governing council was 15 serving on two governing councils at the same time 16 before she resigned. And I'm curious why that 17 wasn't addressed with the other charter school. 18 That said, you know, as a governing 19 council, we have taken this extremely serious. 20 We've been many times before you all, and we have 21 taken our responsibility extremely serious. 22 When Marcia Brenden -- and I will address 23 her directly. When she resigned, she had been with 24 our council since the inception of our school. And 25 she did find someone to replace. And that really is</p>

<p style="text-align: right;">Page 98</p> <p>1 the process that our governing council has taken 2 extremely serious with replacing each other and 3 serving on our board for as long as we have. 4 I can say that I've been here with this 5 governing council for about seven years. 6 Mr. Martinez has been since the inception. And that 7 said, you know, when I have a governing council that 8 is serving on two boards and retires from our board 9 or resigns from our board, it makes it difficult, 10 because that person didn't step up; they didn't do 11 what they had to do. 12 And, again, my reporting requirements, as 13 I see them, were business days, not calendar days. 14 I don't work on the weekends. I don't know about 15 anybody here, but that's the way that I have always 16 perceived "days" definition. I asked for that 17 clarification and never got it. So I just want to 18 know what my expectation is, 'cause I don't -- I 19 feel like we're in compliance. 20 MS. POULOS: Madam Chairwoman, that my -- 21 I have the e-mail in front. Dr. Pelayo did respond 22 on March 16 stating calendar days. And I do want to 23 address the question of -- 'cause we did receive 24 notification that there was potentially a board 25 member serving on two boards. We immediately</p>	<p style="text-align: right;">Page 100</p> <p>1 MS. POULOS: Was not received prior to the 2 deadline for filling. 3 COMMISSIONER ROBBINS: Madam Chair? 4 THE CHAIR: I'm sorry. Commissioner 5 Robbins? 6 COMMISSIONER ROBBINS: Sorry to interrupt. 7 I've been with the government for several years, and 8 in the private sector. And unless stated otherwise, 9 days is always calendar days. When you get an 10 invoice and it says, "2/10 net/30," that's 30 days 11 from the date of the invoice, not 30 business days. 12 It is 30 calendar days. 13 To my experience over 40 years, it has 14 always been days is days, unless it states "business 15 days." Thank you. 16 MS. POULOS: And, Madam Chairwoman, while 17 Ms. Hill-Clapp is here, I do actually just want to 18 get clarification, because right now, the 19 information I have indicates that the board only has 20 three members. So I want her to have the 21 opportunity to respond to that. 22 MS. JULIE ANN HILL-CLAPP: We actually 23 have a board member that is being seated at this 24 point. So I've submitted the documentation. The 25 only thing I believe is lacking is that affidavit</p>
<p style="text-align: right;">Page 99</p> <p>1 followed up to identify that. We received the 2 documentation, and it was very clear that that 3 individual did not begin service on the board until 4 the resignation on the first board. So there was no 5 overlap. We took that very seriously and responded 6 very quickly. 7 THE CHAIR: Right. And I will say that I 8 have been copied with that information, so that 9 nothing was done, because there was nothing that 10 needed to be done, because there -- it had been 11 checked. 12 MS. JULIE ANN HILL-CLAPP: Appreciate 13 that. Thank you. 14 And I think because if we did use business 15 days -- and I think that if we did use business 16 days -- and I have to ask because my memory isn't 17 that good -- did we grant an extension, or is that 18 just automatic? 19 MS. POULOS: No. They are required to 20 request the extension within the time for replacing. 21 We did not receive it within that time. But to your 22 question, those extensions, if received in a timely 23 manner, are automatic. 24 THE CHAIR: Are automatic, yes. Right. 25 But the extension wasn't noted.</p>	<p style="text-align: right;">Page 101</p> <p>1 and -- I know. 2 MS. POULOS: Does that get you to five? 3 Or where are we. 4 MS. JULIE ANN HILL-CLAPP: It gets us to 5 four. It will get us to four. And we're again 6 looking for a governing council person. And we're 7 actively looking. It's not that we have not been 8 recruiting. We've put out fliers. We've 9 advertised. 10 THE CHAIR: You know, I appreciate the -- 11 you know, the difficulty. But your -- the statute 12 requires five. 13 MS. JULIE ANN HILL-CLAPP: I understand. 14 THE CHAIR: So that you're -- you're in 15 violation of a material term of your contract -- 16 MS. JULIE ANN HILL-CLAPP: I understand 17 that. 18 THE CHAIR: -- with that number. And once 19 again, I understand the geography and the 20 difficulties. But that's part of -- when you become 21 a charter, that's part of that responsibility that 22 you do take on. And if it has always been the 23 practice that the exiting member find their 24 replacement, maybe that did work well before. But 25 I'm going to say that the governance council is</p>

Page 102	Page 104
<p>1 going to have to take a look at how they go about 2 finding new board members and having an active 3 recruitment plan put into place so that you don't 4 end up in a situation where we have to make 5 decisions that we don't want to have to make. 6 MS. JULIE ANN HILL-CLAPP: Exactly. And 7 we did. We've evaluated that, and we -- as I said. 8 We're actively recruiting. We put out fliers. 9 We're attending retiree school meetings. We're 10 beating the bushes. 11 I think it's -- the notion that the other 12 two schools have had some issues is -- is 13 particularly -- it's one of the factors that we hear 14 over and over at our -- joining our -- our board. 15 It's -- 16 THE CHAIR: Right. Someone has a 17 reservation about getting on board and potentially 18 getting into a mess. 19 MS. JULIE ANN HILL-CLAPP: Exactly. The 20 same things that the other schools have in our 21 district. And it's unfortunate; but it's -- and I 22 understand. I understand your position. I just 23 want you to know that it has never been the 24 intention of our governing council to not have five 25 members. And as a matter of fact, we were trying to</p>	<p>1 Cooperative Purchasing. So that is not something we 2 do; but it does exist within other support 3 organization. 4 THE CHAIR: I just -- I just assumed, 5 because ACES was more personnel. I didn't realize 6 that they also did the voluntary governance council 7 piece as well. 8 MR. MATT PAHL: Sorry. Say that again. 9 THE CHAIR: I see personnel as certified 10 and noncertified paid staff and governance council 11 as the voluntary. So I didn't know that they did 12 both. I thought ACES just simply populated for paid 13 positions. 14 MR. MATT PAHL: I misunderstood the 15 question. We were revamping our website this 16 summer. And the Commission -- you know, folks who 17 are interested in becoming a member of a governing 18 board, we will have a full list of those. 19 THE CHAIR: Yeah. That's what I was -- 20 MR. MATT PAHL: Yeah. We're building that 21 up. We have about a half-dozen now. I would expect 22 that to ramp up this summer. I'd be happy to follow 23 up with the school. 24 THE CHAIR: Okay. Thanks. We are on to 25 Item No. 9, Discussion and Possible Action --</p>
Page 103	Page 105
<p>1 get to seven and just -- it's very difficult. 2 THE CHAIR: Right, right. I know. 3 All right. I appreciate your time. Thank 4 you. 5 MS. JULIE ANN HILL-CLAPP: Thank you. 6 COMMISSIONER ROBBINS: Madam Chair? 7 MS. POULOS: I just want to put a plug in 8 that we continue to offer the opportunity for 9 schools to post vacancies on our website, and very 10 few take it. But I would like -- if you send us the 11 information, we are happy to post that on our 12 website. 13 MS. JULIE ANN HILL-CLAPP: I did. 14 THE CHAIR: I don't know. I'm going to 15 ask Matt. Is that something you do through the 16 Coalition? Do you do -- do you have any link where 17 people can post vacancies for their governance 18 council? 19 MR. MATT PAHL: Madam Chair and members of 20 the Commission, the -- that effort is often taken by 21 groups like ours, charter support associations in 22 states. But if you'll remember, ACES exists for 23 kind of cooperative purchasing. We kind of have 24 separated that out, where ACES does a lot of that 25 human resources personnel-type work, along with</p>	<p>1 MS. POULOS: Ooh, ooh, ooh. 2 Madam Chairwoman, Item 8 has a motion that you would 3 use to direct us. 4 THE CHAIR: I'm sorry. I'm sorry. 5 MS. POULOS: Sorry. 6 THE CHAIR: So I will move to direct CSD 7 to send a formal Notice of Noncompliance to the 8 governing body of (consults with counsel) -- I'll 9 repeat. 10 I move to direct CSD to send a formal 11 Notice of Noncompliance to the governing body of 12 Dream Diné Charter School, DEAP -- sorry -- Six 13 Directions Indigenous School, La Academia Dolores 14 Huerta, Explore Academy, and La Tierra Montessori 15 School of the Arts and Sciences, which has failed to 16 comply with the reporting requirements in 17 Section 6, 8.10(b) of the charter contract. 18 COMMISSIONER CRONE: Second. 19 THE CHAIR: And there's a second by 20 Commissioner Crone. 21 Any discussion? 22 Commissioner Armbruster? 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Robbins? 25 COMMISSIONER ROBBINS: Yes.</p>

Page 106

1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Toulouse?
 3 COMMISSIONER TOULOUSE: No.
 4 COMMISSIONER ARMBRUSTER: Commissioner
 5 Armbruster votes "Yes."
 6 Commissioner Peralta?
 7 COMMISSIONER PERALTA: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner --
 9 Commissioner Johnston?
 10 COMMISSIONER JOHNSTON: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Crone?
 13 COMMISSIONER CRONE: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Gipson?
 16 THE CHAIR: Yes.
 17 COMMISSIONER ARMBRUSTER: The motion
 18 passes, six-to-one.
 19 THE CHAIR: Thank you. We are now on to
 20 Item No. 9, which is Discussion and Possible Action
 21 on Report from Options for Parents Charter School
 22 Division.
 23 MS. POULOS: Madam Chairwoman,
 24 Commissioners, if you look at your materials in
 25 Item 9, you do have that ongoing tracker, which just

Page 108

1 until the Court tells us otherwise --
 2 THE CHAIR: That's still on.
 3 MS. POULOS: -- the actions to ensure the
 4 school is able to close in an orderly manner are
 5 occurring.
 6 THE CHAIR: Okay. Thanks.
 7 MS. POULOS: Also with Cariños de los
 8 Niños, there's just the update there. We have
 9 already discussed that today.
 10 We do note, just continuing on with
 11 La Promesa, there will be the submission of their
 12 data. As soon as we receive that and have the
 13 opportunity to evaluate it, we will make sure you
 14 are notified.
 15 As far as the financial reporting from
 16 Sandoval Academy of Bilingual Education, we did
 17 receive that. I believe it was -- oh, there is a
 18 stack of information, if you would like that, from
 19 them. We can pass that out.
 20 But we have not received an update this
 21 month from Roots & Wings. So we will be
 22 communicating with them on that to ensure that they
 23 submit that. And so we'll hopefully have that for
 24 you next month.
 25 We have cleaned up the list of schools, we

Page 107

1 notes that you did accept the CAP from DEAP, that
 2 New Mexico Connections Academy, we have received a
 3 notice of appeal as of April 17th. That is -- that
 4 appeal is handled by PED, because it is an appeal of
 5 the Secretary's decision. I have been communicating
 6 with our legal department, and they're working on
 7 the materials for that.
 8 The same with Taos International School.
 9 We -- the Secretary issued the decision, and I
 10 believe, on May 1st, we received the Notice of
 11 Appeal. In addition to the Notices of Appeal, not
 12 yet for Taos, I don't believe, but definitely for
 13 Connections, we had received a motion to stay the
 14 closure, so they are requesting that the Court
 15 prevent the closure from going forward until the
 16 final decision is made by the Court. And that is
 17 something that the legal office is working to
 18 respond to, advocating that that stay not be
 19 granted.
 20 THE CHAIR: So let me just ask --
 21 (Chair consults with counsel.)
 22 THE CHAIR: I just had a question about --
 23 because the stay has been requested -- is PED still
 24 engaging in closure steps with the school?
 25 MS. POULOS: Madam Chair, yes. So the --

Page 109

1 believe this is correct, looking for a new facility.
 2 And then we do have the tracker updating you on
 3 governance changes. You saw this; we've just
 4 discussed it.
 5 There are two governance changes that we
 6 have not yet discussed, and those are in this
 7 section.
 8 That's South Valley Preparatory School.
 9 The reason we didn't discuss it was because it was
 10 fully in compliance, and it was -- it was reported
 11 correctly within the time frames. And the MASTERS
 12 Program. And we also had proper reporting on that
 13 governance change. So it is here, but it's not one
 14 that we're going over in-depth.
 15 We do have an update on the Notices of
 16 Intent. At this point we believe we are down to --
 17 that says six, but we believe we're down to four
 18 schools that will be submitting applications to the
 19 PEC. So we're definitely seeing that number go down
 20 at this point. We believe that will be what was
 21 submitted as the end list by Charter School for
 22 Boys. I believe that is changing from the Notice of
 23 Intent to the final application, but still located
 24 in the same district. Raices del Saber Community
 25 School in Las Cruces, Res Primae Classical School in

<p style="text-align: right;">Page 110</p> <p>1 Albuquerque, and Solare Collegiate Charter in 2 Albuquerque. So those are the four applications we 3 are expecting to accept. 4 We have not received final notification 5 from Sandoval Institute for Math and Science; so we 6 don't know whether that one will be received or not. 7 We also have the closure update, which 8 just gives you an update on all of the aspects of 9 closure. We start with ATT; Anthony is next; 10 New Mexico Connections; and Taos International 11 School. So you can see where we are on each of 12 those closure processes. 13 And then the other materials in here are 14 the governance changes that I just pointed out to 15 you that were done in accordance with the -- with 16 the policy and contract. 17 THE CHAIR: Thanks. And just to remind 18 Commissioners, the -- actually, the closure 19 procedures packet is on the June Work Session, 20 because it hasn't been looked at since 2013. So I'm 21 thinking there is -- you know, we need eyes on it, 22 and there's been a number of concerns that have been 23 raised, I think, through this closure in terms of 24 properties and things like that. 25 I've had a concern through letters that --</p>	<p style="text-align: right;">Page 112</p> <p>1 THE CHAIR: Do you want to do that? It's 2 up to you. 3 MS. JAEGER: So my question to you, 4 Madam Chair, is we can look at the draft that Katie 5 has. Has -- I've reviewed the changes, but I don't 6 have them ready because I didn't get it until after 7 7:00 this morning. 8 THE CHAIR: Right. 9 MS. JAEGER: So you could adopt it subject 10 to technical changes for proofreading. Like, there 11 was an additional attachment, so now all the 12 attachments need to be renumbered. Some of the 13 attachments aren't right. They're mostly technical 14 in nature. 15 But it depends on your motion and what is 16 the pleasure of the Commission. If they want to see 17 an absolute final, I'm happy to take a break and get 18 it ready for them. 19 THE CHAIR: My only concern is because 20 we've got this short timeline, so that I would 21 prefer a final good, if it doesn't take that long. 22 MS. JAEGER: Okay. 23 THE CHAIR: That would be my preference. 24 But it's -- I'll ask everyone else. Do we want to 25 take a short break so we can get it?</p>
<p style="text-align: right;">Page 111</p> <p>1 and communications I've received about letters that 2 have gone out regarding the closure haven't 3 necessarily been the appropriate information to the 4 schools. So I think it's beholden on us to keep a 5 better eye on that communication that's going on. 6 So thank you. 7 We are on to Item No. 10, and that is 8 Discussion and Possible Action on the PEC Contract 9 Template. 10 And we received the reformatted one late 11 last night, which reflects the changes that we made, 12 which were minor yesterday through the Work Session, 13 and, in addition, that the Director made because 14 foundations were not addressed in the contract 15 language that we looked at. So there was 16 recommendation, and I do believe our "Legal Eagles" 17 have had an opportunity to look at that, but the 18 changes have not been made. 19 We'll look at that. We'll discuss that as 20 we -- as we delve into our discussion in terms of 21 how the motion is going to be worded. 22 MS. POULOS: So we have copies of what was 23 sent. Do we want that, or do we want to pause, see 24 if we can get you hooked up to a hard line, copy it, 25 and get it printed?</p>	<p style="text-align: right;">Page 113</p> <p>1 COMMISSIONER PERALTA: How short? 2 THE CHAIR: I can't answer that, "how 3 short." 4 COMMISSIONER PERALTA: Can we move it to 5 the end of the agenda? 6 (A discussion was held off the record.) 7 THE CHAIR: Okay. All right. Okay. 8 We'll -- we'll come back to this. 9 So we are on to now Item No. 11, 10 Discussion and Possible Action on Amendment and 11 Notification Policies and Procedures. 12 And before we start into this, I am going 13 to thank everyone that hung in there yesterday for 14 seven hours. And it was the amendment policies that 15 really took the chunk of our time yesterday, so that 16 we -- we have looked at this, revisited it, looked 17 at it, revisited. This has been on and off Work 18 Session agendas for at least a year, I do believe, 19 so that this isn't just work that we picked up 20 yesterday and ran with it. We have had an 21 opportunity, actually, to take a look at them, 22 digest them a little bit, look at them again, and do 23 some work on it. 24 So I appreciate everyone's -- and I 25 appreciate also the Coalition offering -- being the</p>

<p style="text-align: right;">Page 114</p> <p>1 recipient of most of the feedback on it and doing 2 that, and also participating in the Work Session, so 3 that I think we had a -- a good exchange and a 4 willingness to make compromises when we could and 5 make changes when we felt it was appropriate. So I 6 want to thank everyone for that work yesterday. 7 So...</p> <p>8 MS. POULOS: So, Madam Chairwoman and 9 Commissioners, did you receive the -- pretty close 10 to what we have in front of us today. I gave you 11 this morning the same things you received with the 12 materials for this meeting, with tracked changes 13 from the work we did yesterday. 14 I do just want to say it was an incredible 15 amount of work and a long day; but we got a lot 16 done. Well, we did -- I do just want to note for 17 the outset for the items that were in your 18 materials, we took a few of them out based on our 19 conversation yesterday that we want to continue to 20 work on. 21 Specifically, the ones that you will not 22 see in today's materials are a permanent change in 23 instructional hours requesting -- oh, sorry. That 24 one was from last month. 25 Okay. Here we go.</p>	<p style="text-align: right;">Page 116</p> <p>1 asking to change an academic performance goal in 2 their performance framework that is not within their 3 control. They're asking to change something, and 4 it's not being changed because it was out of their 5 control. So it was within their control. They're 6 coming and saying, "We want to make this change." 7 So from the materials that were given to 8 you at the beginning of the week, we just clarified 9 that this one is only if you are on a 2018 contract 10 template or post-2018 contract template. So if 11 you're on the earlier one, you will not be eligible 12 to submit this unless you concurrently request to 13 amend your contract utilizing the 2018 contract 14 template. 15 We did remove that you -- any limitation 16 on the timelines within which you could do it. So 17 we had had discussions that you wouldn't be able to 18 do it at certain periods through your contract. We 19 made the determination not to include that language. 20 This is something that you will only see 21 on your February-through-June agendas. And it will 22 only go into effect in the next year. And then you 23 will see that we added to the recommendation 24 approval factors that part of the recommendation 25 approval factors would include considering the</p>
<p style="text-align: right;">Page 115</p> <p>1 "School location outside of district." So 2 that, we worked on. We probably want to do a little 3 last bit of work and then hold that until we feel 4 like it's appropriate to either approve it or not. 5 Then we did also take out the item that is 6 the "Performance framework academic goal amendment 7 notification." That's because we want to do a 8 little more work on that, based on the conversation 9 we had yesterday, which was very helpful to making 10 sure that is what it needs to be. 11 We also took out "Temporary change in 12 instructional hours notification." I don't know 13 that we're planning on revisiting that one. 14 And then we also took -- and that was all 15 we took out. 16 So those are not in what we are proposing 17 for today. 18 What you do have, if we just start with 19 that, is the "Performance framework academic goal 20 amendment request." Again, I would recommend that 21 in this stapled package that has track changes, you 22 take a look at that one, which just tracks the 23 changes from what was provided to you for this 24 meeting based on what we did yesterday. 25 So this one will be for schools that are</p>	<p style="text-align: right;">Page 117</p> <p>1 school's prior performance and the recommendation 2 coming out of a prior negotiation with a 3 subcommittee of the Commission prior to proposed 4 goals. 5 So they would have to negotiate with a 6 subcommittee prior to bringing this goal in front of 7 the Commission. That subcommittee would have a 8 recommendation or information coming out of that 9 negotiation; but, also, you would take a look at 10 their prior performance under the goal that they're 11 asking to change, so that you could ensure that it's 12 not resulting -- the change is not resulting in a 13 decrease in the rigor or the reliability of that 14 evaluation. 15 The other thing that we had a really 16 robust and, I think, productive conversation about 17 yesterday was the challenge that schools have in 18 submitting an amendment request with approved board 19 minutes, because it takes an extra 30 days to submit 20 that. So the compromise that we came to is they can 21 either submit the approved board minutes, maybe if 22 they're not in a big rush, or a certification of the 23 vote that was taken by the board. And that 24 certification would be signed by an authorized 25 member of the board.</p>

1 So that -- I think there was just a little
2 bit of cleanup, saying they're going to explain why
3 the requested rather than established tool is
4 reliable and provide -- we also added a narrative
5 requirement that they provide definitions necessary
6 to understand the proposed goal, because that's been
7 a challenge with some of our goals.

8 So that is the -- the changes that we made
9 yesterday for this -- do we need to discuss? Or do
10 you need me to move on and discuss -- okay.

11 THE CHAIR: I think we're all -- I mean, I
12 think most notable is taking out a number of the
13 narratives, which will make it easier for the
14 schools to -- to do this. And that was something
15 that they certainly were interested in having. So I
16 don't think that was a difficult decision to have to
17 make.

18 MS. POULOS: Yeah. Okay. The next one is
19 the "Business manager procurement officer
20 notification." Just a little bit of cleanup here in
21 language. But this is one, we removed two things
22 from this request which were there before. One was
23 an affidavit and disclosure that was in the original
24 packet that we talked about.

25 We've actually taken that affidavit and

1 of the approved board minutes.

2 For a "Nonprofit foundation or component
3 unit," this one, there's a little bit of extra
4 language here, just clarifying what we meant and who
5 will be -- who this applies to. This is nonprofit
6 foundations or component units, the primary purpose
7 of which is to provide the school with financial
8 support, or that was specifically organized for the
9 purpose of providing a facility for the charter
10 school.

11 And we, again, are allowing a
12 certification. I believe this may have, at one
13 point, had a narrative associated with it. We took
14 that out. We identified that the agreement MOU or
15 contract only needs to be provided if they have one.
16 We also took out that that had to clearly identify
17 any sort of financial information.

18 And then for this -- it does include a
19 conflict-of-interest statement that requires all
20 members and officers of the nonprofit foundation to
21 disclose all conflicts.

22 The next item is a "Membership of the
23 foundation or component unit notification." So if
24 the membership of that foundation changes, then we
25 need notification of that. It's very limited. All

1 disclosure out for all items. So we won't be
2 visiting that affidavit and disclosure, which was
3 self-reporting of any criminal convictions or things
4 like that. We just decided that we won't do that.
5 Also, taking out for these individuals a resignation
6 letter; so we won't be asking for that.

7 We will only be asking for the affidavits
8 for the business manager and the certificate of
9 insurance, which ensures that they're able to
10 maintain their Board of Finance designation, that
11 you have the information you need, and the license
12 or procurement officer certificate.

13 The next item is the "Head administrator
14 governing body membership or charter representative
15 change notification." Again, just a little bit of
16 cleanup on language and then including language
17 about the consent agenda, again, allowing that they
18 are able to provide a certification of the vote
19 taken by the board. And that's only for
20 designations or removals; it's not for resignations,
21 obviously. And then we, again, removed the
22 affidavit and disclosures.

23 And the next item is the "Governing body
24 bylaws notification"; again, just a little bit of
25 cleanup language and taking a certification instead

1 we need is a conflict-of-interest statement and a
2 form from that individual to make sure that any
3 conflicts of interest have been disclosed.

4 Next, we have the "School closure
5 notification." It did, at some point, say, "School
6 Closure or Contract Termination." We changed that
7 language back to just, "School Closure," and
8 clarified that this would be submitted when a school
9 is surrendering the charter and voluntarily ceasing
10 operations of the school.

11 Again, we would have approved board
12 minutes or certification of the vote taken by the
13 board. We've removed any narrative here. All we
14 need is that certification of the vote.

15 The "School name change notification."
16 Here, we just added a little bit of clarity that if
17 the name change is reflecting a change to the
18 educational program, that the school does need to
19 submit an educational program amendment request.
20 Again, another bit of cleanup of the language. This
21 will again only appear on your agendas from February
22 through June, and it will only be effective the next
23 school year, and, again, will take either the
24 approved board minutes or a certification of the
25 vote taken by the board.

Page 122

1 And then we next have "School location
 2 within the district." The changes here, just a
 3 little bit of cleanup to make sure that this is
 4 clear that when they're adding additional facilities
 5 or facility space, we've had some schools that have
 6 added additional space and need to notify you of
 7 that. And they must notify you prior to executing
 8 the move.
 9 What you will see, again, is that we're
 10 willing to take either a draft minutes -- sorry.
 11 That should say, "approved board minutes or
 12 certification of the vote." I apologize. I didn't
 13 catch that.
 14 The facility documentation, we did
 15 identify that they must -- may not occupy the
 16 facility until they have given a copy of the fully
 17 executed lease to the PEC. And I do -- this one, we
 18 want to point out, because you've had this material
 19 that says this from the beginning. But schools have
 20 seen other versions.
 21 This, we will, actually, if the school
 22 gets a complete documentation to us seven days prior
 23 to your next PEC meeting, it'll be on your agenda.
 24 This is really important, because we did want to
 25 facilitate the ability of schools to quickly act and

Page 123

1 make sure that those real estate transactions can go
 2 through. So I just want to point that out.
 3 The next item is a "Temporary change to
 4 overall instructional hours." That should have been
 5 taken out. Sorry I printed that. So we'll just
 6 note that that one was not intended to be here.
 7 THE CHAIR: It's not in mine.
 8 MS. POULOS: It's in ours. It's in mine.
 9 "Lease terms or facility notification."
 10 Here, again, great conversation yesterday. We
 11 really clarified what we mean. We mean that they
 12 must notify us that the type of ownership has
 13 changed from private foundation or public, or if the
 14 change in ownership created new conflicts of
 15 interest that must be disclosed.
 16 So getting really clear on that, again,
 17 taking a certification of the vote taken by the
 18 board, making sure that you get the lease, if it has
 19 changed, and then a conflict-of-interest statement.
 20 This, we discussed, and removed any narrative that
 21 would be associated with submitting that.
 22 COMMISSIONER JOHNSTON: May I ask just a
 23 clarification just in case? On the "School location
 24 within a district notification," as
 25 Commissioner Peralta is here, on Page 2, we added in

Page 124

1 attachments -- do you see in red, "The school will
 2 not occupy the facility until a copy of the executed
 3 lease has been provided"?
 4 Do we need the Certificate of Occupancy
 5 also to be stated in there?
 6 MS. POULOS: That is in there.
 7 COMMISSIONER JOHNSTON: Oh, it is in
 8 there? I'm sorry. I was on "School location within
 9 a district notification." I thought we were still
 10 there. Did you go forward? I'm sorry. It hit my
 11 head, and it stopped right there.
 12 MS. POULOS: It is in there.
 13 COMMISSIONER JOHNSTON: Certificate of
 14 Occupancy?
 15 COMMISSIONER PERALTA: Madam Chair and
 16 Commissioner Johnston, the -- that is required on
 17 the PSFA checklist when schools are submitting a
 18 lease application to the PSFA as well. So at any
 19 time, in any documentation, E-Occupancy is a must.
 20 COMMISSIONER JOHNSTON: And it's mentioned
 21 on the next page. I got stuck on the first one. I
 22 apologize. That hit my head. So it's in there.
 23 Thank you very much.
 24 MS. POULOS: So I believe we were on
 25 "Admission or lottery policies or procedures."

Page 125

1 Again, the only change here is just some
 2 clarification that we will take certification of the
 3 vote taken by the board and that when we said
 4 "revised policy," we meant "admission and lottery
 5 policies and procedures."
 6 "Liability insurance coverage
 7 notification." You may wonder why we have this. It
 8 is because it is required in statute to be in your
 9 contract. So that, again, just a little bit of
 10 cleanup on the language to make sure that it's clear
 11 that we will take a certification of a vote taken by
 12 the board.
 13 The next one, "Food or transportation
 14 services notification," again, this would only be
 15 for schools under the current contract template.
 16 And that, I just did based on the conversation
 17 yesterday, a little bit of cleanup to say that
 18 instead of a change in the food or transportation
 19 services provided, it's a termination or addition
 20 of, because we want it to be clear, even if they're
 21 changing vendors, you don't need to know that. You
 22 just need to know if they're not longer operating
 23 these services, or based on that contract template
 24 if they are beginning to offer those services. So
 25 we made that clear.

<p style="text-align: right;">Page 126</p> <p>1 We did say that for food or transportation 2 services, notification to add food or transportation 3 services, it just has to be received within 30 days, 4 the change. But if they're terminating them, it has 5 to be -- you have to receive that notification 6 prior, and it has to appear on your agenda prior. 7 In addition, we did clarify again about 8 the taking the certification of the board. But we 9 did clarify that for the narrative, it's only if 10 they're terminating. And if they're terminating 11 prior to the end of the school year, we added 12 additional narrative requirements, which is they 13 must describe their rationale for terminating these 14 services during the school year rather than at the 15 end of the school year, identify all alternatives 16 the school pursued to be able to continue to provide 17 these services through the end of school year, and 18 why those alternatives were not viable; so making 19 them be very thoughtful about that because it can 20 have a massive impact on students. 21 And then, lastly, we have the "Charter 22 mission notification statement." And this, we spent 23 some time on. We did -- if it's not marked as a 24 change, change it from "Charter mission 25 notification" to "Charter mission statement." What</p>	<p style="text-align: right;">Page 128</p> <p>1 And I think that captures everything that 2 we talked about yesterday. 3 THE CHAIR: Right. I'm just 4 double-checking to make sure that on the Certificate 5 of Assurances, that there weren't any even minor 6 changes in terms -- all the citations were correct, 7 right, so that we didn't make any modifications to 8 that? 9 MS. POULOS: No. 10 THE CHAIR: Okay. 11 MS. POULOS: That is exactly what we did 12 yesterday. 13 THE CHAIR: I had a note here, so I wanted 14 to make sure that I didn't miss something. Okay, 15 Commissioners. Any questions? Discussion? 16 If not, we need two motions, one for the 17 performance framework -- I don't know what the 18 wording is; I will look at my agenda and see -- 19 adoption of the amendment and notification policies 20 and procedures, and one for the Certificate of 21 Assurances. 22 So I will make the motion that the Public 23 Education Commission adopt the amendment and 24 notification policies and procedures as provided 25 this morning.</p>
<p style="text-align: right;">Page 127</p> <p>1 we're being clear about is schools may not change 2 their mission. They may only make changes to the 3 statement of their mission. Those are really about 4 grammatical word choice issues. 5 So, again, that will accept a 6 certification of a vote taken by the board. 7 The other item that you probably need to 8 approve is the Certificate of Assurances, which we 9 worked on yesterday. This is something -- that was 10 included in your materials. This is something that 11 under -- many years ago, your charter schools were 12 all signing at renewal, and probably in the new 13 application. And it is a statement that each 14 governing board member must sign to certify that 15 their school complies with all applicable federal 16 and state laws and contract provisions, but also 17 laying some out with very clear language what those 18 are. 19 And this will be required for any new 20 board member. Any board member needs to sign this. 21 This is actually a requirement again of statute, 22 22-8B-9, for this to be a part of your contracts, 23 that the governing board members have to sign this 24 certification. So that's why we've got this, and we 25 will move forward with it.</p>	<p style="text-align: right;">Page 129</p> <p>1 COMMISSIONER JOHNSTON: (Indicates.) 2 THE CHAIR: There's a second by 3 Commissioner Johnston. 4 Any discussion? 5 Commissioner Armbruster? 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Gipson? 8 THE CHAIR: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Johnston? 11 COMMISSIONER JOHNSTON: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Crone? 14 COMMISSIONER CRONE: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Robbins? 17 COMMISSIONER ROBBINS: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Peralta? 20 COMMISSIONER PERALTA: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Armbruster votes "Yes." 23 Commissioner Toulouse? 24 COMMISSIONER TOULOUSE: Yes. 25 COMMISSIONER ARMBRUSTER: Motion passes,</p>

Page 130

1 seven-zero.
 2 THE CHAIR: Seven-zero. Thank you very
 3 much. And let me just ask, the Certificate of
 4 Assurances will be attached to -- where it will be
 5 housed?
 6 MS. POULOS: Madam Chairwoman,
 7 Commissioners, it will be part of the new contract
 8 template. So it will be a requirement of execution
 9 of that contract. And it will be required for all
 10 governing board membership changes.
 11 THE CHAIR: As they come on.
 12 MS. POULOS: Yes.
 13 THE CHAIR: So I will also put forth the
 14 motion that the -- okay. Hold on. So this red-line
 15 Certificate of Assurances is what we're looking at
 16 not this one. (Indicates.) Because I've got this
 17 copy that has no red on it.
 18 MS. POULOS: The red-line is what we did
 19 yesterday.
 20 THE CHAIR: Is what we did yesterday,
 21 right.
 22 MS. POULOS: And that is the one.
 23 THE CHAIR: Okay. All right. So I will
 24 make a motion that the Public Education Commission
 25 adopt the Certificate of Assurances, which will be

Page 132

1 Crone?
 2 COMMISSIONER CRONE: Yes.
 3 COMMISSIONER ARMBRUSTER: That is a
 4 seven-to-zero vote, and it passes.
 5 THE CHAIR: Okay. So we are now on to
 6 Item No. 12, which is Discussion and Possible Action
 7 on Site Visit Notification Letter Regarding
 8 Background Check Requirements Under Section
 9 22-10A-5, NMSA 1978.
 10 MS. POULOS: Madam Chairwoman,
 11 Commissioners, this is the letter that we discussed
 12 last meeting. The legal counsel had the opportunity
 13 to review it and made some recommendations.
 14 In addition, we probably want to actually
 15 change the phone number down at the bottom so that
 16 we can have them contact the right person; so I
 17 think that would be just a technical change.
 18 And I want to make sure we discussed it.
 19 We didn't get that. And I apologize. So we
 20 discussed it, but we didn't get the change.
 21 If you're looking at the second page, kind
 22 of towards the middle, we say 48 hours. In our
 23 discussion last month, we talked about giving them
 24 three business days instead of 48 hours to respond
 25 to these. And that's actually three paragraphs? I

Page 131

1 embedded in the contracts of all the schools and
 2 will be required of all new members of governing
 3 councils.
 4 COMMISSIONER TOULOUSE: Second.
 5 THE CHAIR: There's a second by
 6 Commissioner Toulouse.
 7 Any discussion?
 8 Commissioner Armbruster?
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Peralta?
 11 COMMISSIONER PERALTA: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Gipson?
 14 THE CHAIR: Yes.
 15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Robbins?
 17 COMMISSIONER ROBBINS: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Toulouse?
 20 COMMISSIONER TOULOUSE: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Armbruster votes "Yes."
 23 Commissioner Johnston?
 24 COMMISSIONER JOHNSTON: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

Page 133

1 see, yeah. Four paragraphs; there it is.
 2 So anywhere that it says "48 hours," it
 3 should be "three business days."
 4 THE CHAIR: Right.
 5 Commissioners, any questions?
 6 All right. So a motion?
 7 COMMISSIONER PERALTA: Sure.
 8 THE CHAIR: Okay.
 9 COMMISSIONER PERALTA: I will move -- I
 10 will move to approve the notification letter
 11 regarding background check requirements under
 12 Section 22-10A-5, NMSA 1978, with the changes
 13 reflected by the Director, as stated.
 14 THE CHAIR: Yeah. I will second.
 15 So there's a motion by Commissioner
 16 Peralta, a second by Commissioner Gipson.
 17 Any discussion?
 18 Commissioner Armbruster?
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Johnston?
 21 COMMISSIONER JOHNSTON: Yes.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Robbins?
 24 COMMISSIONER ROBBINS: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

Page 134

1 Gipson?
 2 THE CHAIR: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Crone?
 5 COMMISSIONER CRONE: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Toulouse?
 8 COMMISSIONER TOULOUSE: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Peralta?
 11 COMMISSIONER PERALTA: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Armbruster votes "Yes."
 14 The motion is passed, seven-zero.
 15 THE CHAIR: Thank you very much.
 16 We are now on to Item No. 13, which is
 17 Report from the Chair. I believe we have the full
 18 update on the -- on the appeals. So we are not a
 19 party in those appeals; so -- but we certainly are
 20 still interested in the outcome of those appeals.
 21 The LESC -- hurray, hurray -- is meeting
 22 in Las Cruces next week. So that's quite a treat
 23 for me to not have to -- I'll probably leave
 24 Wednesday night, anyway, just because I'm so used to
 25 it.

Page 136

1 time to see folks off on their new adventure. So
 2 that's -- that will be quite interesting.
 3 I've been having a lot of conversations
 4 about the disposal of facilities with closing
 5 schools. So it's been -- it's interesting times
 6 what people really want to see happen with the --
 7 with the building and who gets involved in that.
 8 But it's been an interesting journey down by me.
 9 So, hopefully, we can get a good look at that in
 10 June, and we can be a little bit clearer with what
 11 our procedures are.
 12 Other than that, I think I'm done.
 13 Matt?
 14 MR. MATT PAHL: Thanks, Madam Chair. And
 15 thanks for -- thanks for the work session yesterday.
 16 I sent out a report to charters last night and
 17 actually received a few e-mails saying how
 18 encouraging it was that it looks like our -- our
 19 comments were -- were taken at face value and
 20 discussed.
 21 And I think -- again, I think you really
 22 hit on what mattered most to our schools, which was
 23 those narratives. You know, the paperwork for all
 24 the things we need to do as a State entity is a lot.
 25 And I think many of us would note that they're

Page 135

1 But -- and one of the items that is on the
 2 agenda is virtual schools, once again. So it's a --
 3 it'll be an interesting conversation.
 4 And Representative Gallegos is having a
 5 reception Thursday evening for folks; so I
 6 appreciate her doing that, welcoming people to
 7 Las Cruces.
 8 There's a number of us that are attending
 9 the School Board Law Conference, which is the first
 10 week in June. So I think there's five of us that
 11 will be there. So I appreciate everyone that --
 12 last year, it was -- it was very interesting, and
 13 there was a -- there was a lot of very valuable
 14 information that came out of that. So I appreciate
 15 the School Boards Association extending us the
 16 courtesy of allowing us to register for that. So I
 17 appreciate that cooperative effort.
 18 The -- I believe a number of us are also
 19 going to be there in June, at the end of June, for
 20 the -- for the PED charter conference. I believe
 21 you've all received e-mails. If you do have to make
 22 a reservation, there's -- you know, there's links
 23 there. So we're looking forward to that as well.
 24 I'm attending New America's graduation in
 25 a week and a half. So that's always an exciting

Page 137

1 appropriate, because we're talking about hundreds of
 2 thousands of dollars in State money.
 3 But it is a lot. And so when we can shave
 4 off that paperwork at the margins, I think it's
 5 really -- it helps the schools see that the
 6 Commission is empathetic to what they -- what they
 7 do on a day-to-day basis. So thank you for that,
 8 and thanks for the opportunity to have me
 9 participate in that meeting on behalf of the
 10 schools.
 11 I wanted to bring up lease assistance. It
 12 is a letter -- excuse me -- a letter was submitted
 13 to schools at the School Budget Workshop about a
 14 drastic reduction in lease assistance to be
 15 determined at either the July or September PSCOC
 16 meeting. We still have yet to get a real rationale
 17 on why this is.
 18 And, Commissioner Peralta, I'm joining the
 19 party late, so if you have information that I
 20 wouldn't have had before, I think it's helpful. But
 21 I think, from our perspective, we see it as -- lease
 22 assistance for charters makes up about 11 percent of
 23 the distributions from PSCOC every year. And, you
 24 know, as you know, our number of schools is
 25 declining. That's compared with the distributions

<p style="text-align: right;">Page 138</p> <p>1 that the PSCOC gets from the Permanent Fund have 2 been declining. And they use a three-year average, 3 so they're still catching those years from a couple 4 of years back that are low. But it should be on the 5 rise, given our production right now. 6 We have a declining number of schools, as 7 you well know. We see that these -- these -- the 8 costs should be leveling out. But I'll just note 9 why we're so reliant on lease assistance in the 10 first place. And I think it's been because of an 11 unwillingness to engage on permanent solutions for 12 charter schools and their facilities. 13 Right now everything is hidden as a lease. 14 And it's done so because it's the only way in law 15 that someone can get appropriate funding for a 16 facility. 17 In the past, we have had unwillingness 18 from, in some cases, members of the PSCOC and those 19 who are involved in the budget process to actually 20 try and find a long-term facility solution. 21 So the solution becomes using lease 22 assistance to pay banks higher interest rates on 23 their notes than they should be for a public entity. 24 It gets back to the false dichotomy of whether 25 charter schools are public schools or not. And</p>	<p style="text-align: right;">Page 140</p> <p>1 certainly an item of concern, particularly a 2 decision that would happen this upcoming school year 3 in July or potentially September that would be such 4 a drastic change in funding. 5 So we are greatly concerned at that. And 6 we just don't know -- we don't have enough 7 information as to why this decision is being made. 8 I think, just, if you look at the last couple of 9 budgets, we see that there's been a raiding the 10 Public School Capital Outlay Fund to pay for 11 transportation, to pay for instructional materials. 12 I know Representative Mimi Stewart has 13 mentioned several times she thinks that money should 14 be for capital. I haven't seen active lobbying 15 against raiding that. Sorry, Madam Chair. 16 But it's just becoming very urgent. And 17 without rationale for this kind of decision, we use 18 the term "arbitrary and capricious" quite a bit 19 amongst this crowd. And it feels like that from the 20 PSCOC. 21 So I implore you to consider making an 22 action or a decision, as a Commission, that you 23 wouldn't be in favor of any cuts to lease 24 assistance. 25 THE CHAIR: And if I remember, it wasn't</p>
<p style="text-align: right;">Page 139</p> <p>1 right now, particularly from a certain set of 2 decision-makers within the budget process, they're 3 choosing to pretend like they're not public schools. 4 Any reduction in lease assistance will, in 5 effect, be a reduction in State Equalization 6 Guarantee. And I think we would have a real big 7 discussion, at the very least, on our hands about 8 what equalization means when a 20 percent reduction 9 in lease assistance would almost certainly, in every 10 scenario, mean an increase in operational funds that 11 are used on leases. 12 I bring this up because that decision is 13 pending; though I hear from the last PSCOC meeting 14 that their line item budget has it at 20 percent 15 reduction. I just looked at the applications this 16 morning. It does not say a number at which they 17 will be reimbursed. So I think that leads to, you 18 know -- leads us to the fact that PSCOC has yet to 19 make that determination. 20 But -- but we'll just implore the 21 Commission to continue to have the discussion about 22 what their representation on the, kind of, committee 23 and how they would vote. Commissioner Peralta, I 24 know you're intimate with this. I'm saying what 25 I've heard and what I've learned. But it's</p>	<p style="text-align: right;">Page 141</p> <p>1 done until September last year, was it not? 2 MR. MATT PAHL: That's correct. 3 THE CHAIR: Yeah. Which becomes, 4 obviously, for many reasons, problematic, because 5 you're -- yeah. Then you have to make, 6 unfortunately, staffing decisions after the school 7 year has already started -- 8 MR. MATT PAHL: Uh-huh. 9 THE CHAIR: -- if there's a reduction. So 10 that -- 11 MR. MATT PAHL: I would say July poses the 12 same problem. Your budget is already approved, and 13 you're moving forward at that point; so... 14 THE CHAIR: Okay. So I don't know. 15 COMMISSIONER PERALTA: Just to speak to 16 your comments, I believe in June, next month, I 17 believe, you're on the -- you'll be on the agenda, 18 and you'll be visiting -- going head-to-head with 19 the Council. 20 MR. MATT PAHL: We're talking about some 21 long-term solutions at that point. 22 COMMISSIONER PERALTA: I think at that 23 point, you'll get more information as you sit before 24 the Council. I can tell you that there was 25 suggestion, through the 20 percent, that the</p>

1 language say "up to 20 percent," so that it -- it
2 takes into consideration large schools versus small
3 schools, rural versus non-rural schools and things
4 like that so that it tries to play to equities as
5 best as possible. But that's about all I can tell
6 you at this point, Matt.

7 MR. MATT PAHL: I appreciate that,
8 Commissioner. Thank you.

9 THE CHAIR: So maybe at this point in
10 time, it would be beneficial to have it on the June
11 agenda, so that maybe they'll -- I don't know. When
12 do you meet? Do you meet before or after us?

13 COMMISSIONER PERALTA: It looks like
14 June 24th.

15 THE CHAIR: So it's not -- okay. But
16 maybe we can have a discussion so that there can be
17 better direction.

18 MR. MATT PAHL: Thanks, Madam Chair. And
19 I'd be happy to preview our presentation, which
20 won't focus on lease assistance. It's really --
21 we've been asked to present long-term solutions that
22 might take the pressure off lease assistance.
23 Uh-huh.

24 THE CHAIR: Okay. All right. Thanks. I
25 appreciate it.

1 THE CHAIR: Commissioners?

2 COMMISSIONER ARMBRUSTER: I just wanted to
3 say that we spent, also -- we've done this -- it was
4 not the first time yesterday, either. And I think
5 we've looked through it a number of times, and we
6 tried to just make it just exactly what it says, in
7 line with the law, tried to make it simpler.

8 We have forms that go with it so that it's
9 kind of like a -- a total package. You don't have
10 to go looking for them; they're right there. And it
11 just seems better in every way to me than what the
12 other one has. It's the same -- it's -- it's so
13 much cleaner. I was -- it's just much better, and
14 we should adopt it.

15 THE CHAIR: And this is -- this is
16 actually -- yesterday was the first Work Session
17 that we worked on it. It was on the agenda. So we
18 had to look at the old contract for a while. It
19 didn't get out. My apologies to the Coalition, as
20 was intended when I received it late Friday. I, not
21 on purpose, left Matt off the e-mail thread.

22 So he was not -- but just to make it
23 easier, the -- the copy that I sent out was not --
24 was not -- no one was able to open it. So he ended
25 up not being behind in being able to take a look at

1 MR. MATT PAHL: Thank you.

2 THE CHAIR: I've received a message from
3 Ami that she's on her way. If we can take a small
4 break, she'll be here soon. Thank you.

5 (Recess taken, 12:13 p.m. to 12:39 p.m.)

6 THE CHAIR: I will turn this over back to
7 our counsel at this time so that she can explain for
8 herself what she did.

9 MS. JAEGER: Thank you, Madam Chair, and
10 members of the Commission. So what we've done with
11 this contract is really try to have fidelity with
12 the statute, so that the statutory requirements,
13 both in contract and for the schools and for the
14 Commission are clearly identified in the contract
15 terms.

16 We've also tried to make it -- shorten it
17 a little bit, just cleaning up some of the language
18 and some of the references. So a lot of the meat
19 comes in with the different attachments that will be
20 attached to the contract that will give the schools
21 with performance frameworks and the other items that
22 will be particular to the mission and objective of
23 the schools.

24 I think with that, we can just stand for
25 questions.

1 it. So it ended up working out okay, I guess.

2 But there was some -- there was some
3 feedback that was available. So I think that along
4 with the rest of the work that we did yesterday,
5 there was a good open discussion about what needed
6 to be changed, so that, once again, I appreciate
7 everyone's time and effort and energies, and I
8 certainly hope that Commissioners will approve this
9 contract.

10 I do believe it is -- it is still subject
11 to some technical changes, due to mostly formatting;
12 correct?

13 MS. JAEGER: Right. I mean, it would
14 be -- I would like the Commissioners to consider
15 adopting it, but still allowing us to make any
16 technical changes. And what I mean by that is in
17 this last go-round, some of the formatting with the
18 "i's" and the "ii's" and the "iii's" are not exactly
19 right, some of the spacing.

20 And we added yesterday, at our working
21 group meeting, another attachment; so I'm not sure
22 that all the attachments numbers that are in the
23 contract actually match the title of what will be;
24 so it will be just technical things to make sure
25 that it's accurate.

Page 146

1 MS. POULOS: Madam Chairwoman, I think the
 2 other thing, Ami, that I want to say is there was
 3 one -- it's formatting again. We had been using
 4 sections and identifying the sections. And I don't
 5 even know what the section would be called. But
 6 things like the responsibilities of the Commission,
 7 the 2 percent withheld, the amendment process,
 8 et cetera, are currently sitting under what's titled
 9 as Section 4, which is for the performance
 10 framework. And I think that's one thing where we
 11 just need to be able to put a title and say
 12 something about that.
 13 THE CHAIR: Right. But I'll still
 14 consider that a technical change.
 15 MS. POULOS: I think it's a very technical
 16 change.
 17 THE CHAIR: Because we're not changing the
 18 spirit; we're not changing any wording to change the
 19 intent of the contract.
 20 COMMISSIONER JOHNSTON: And, Madam Chair,
 21 my only question is the definitions. And I thank
 22 you. The -- the addition of the attachments, all of
 23 those technical things that go along, if we need
 24 to -- to clarify -- I'm looking at yesterday and
 25 today, the definitions, are those technical changes,

Page 148

1 Okay. So I move the PEC contract template
 2 be approved, subject to technical edits.
 3 COMMISSIONER ROBBINS: I'll second.
 4 THE CHAIR: There's a second by
 5 Commissioner Robbins.
 6 Is there any discussion?
 7 Seeing none, we're on time to make a
 8 record exit out of here.
 9 COMMISSIONER ARMBRUSTER: Okay.
 10 THE CHAIR: Commissioner Armbruster?
 11 COMMISSIONER ARMBRUSTER: Yes. David --
 12 Commissioner Robbins?
 13 COMMISSIONER ROBBINS: Or "Commissioner
 14 David." That's fine.
 15 Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Toulouse?
 18 COMMISSIONER TOULOUSE: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Armbruster votes "Yes."
 21 Commissioner Peralta?
 22 COMMISSIONER PERALTA: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Gipson?
 25 THE CHAIR: Yes.

Page 147

1 also? For instance, I'm looking at "Corrective
 2 Action Plan."
 3 THE CHAIR: It would depend.
 4 COMMISSIONER JOHNSTON: And we had -- in
 5 my notes, we had looked at organizational or
 6 financial, a plan -- "organizational financial
 7 plan," too. But that's my notes. So I don't know
 8 whether that would be in there.
 9 MS. POULOS: That's reflected in there.
 10 Yeah, that is reflected in there. And then the
 11 "School Improvement Plan" also is reflected in the
 12 changes.
 13 THE CHAIR: Yeah. Those changes -- at
 14 least with the "Corrective Action Plan," that change
 15 is reflected in what you just received.
 16 COMMISSIONER JOHNSTON: Am I looking --
 17 "by the school and submitted to the Commission
 18 to" -- yeah, there they are. Thank you.
 19 And then I wanted to thank you for
 20 defining "Comprehensive Educational Program," for
 21 including that, yes. I appreciated that. So those
 22 were my things that were technical. Thank you. And
 23 I can't see. Sorry.
 24 THE CHAIR: All right. So I just need the
 25 wording so that we're clear for -- oh, okay.

Page 149

1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Johnston?
 3 COMMISSIONER JOHNSTON: Yes.
 4 COMMISSIONER ARMBRUSTER: Commissioner
 5 Crone?
 6 COMMISSIONER CRONE: Yes.
 7 COMMISSIONER ARMBRUSTER: Yay. It passes.
 8 THE CHAIR: Motion passes, seven-to-zero.
 9 And once again, thank everyone for all of the time.
 10 Don't make a change now.
 11 MS. POULOS: Madam Chairwoman, you may
 12 have this. But since you just passed this contract
 13 template, would it -- and we didn't do it yesterday
 14 because we ran out of time. Would it be prudent to
 15 discuss the actions we need to take over the next
 16 less than 30 days, calendar days?
 17 THE CHAIR: And I actually had that in my
 18 notes for the Chair's Comments, and I moved along,
 19 and I didn't include that. But now that we've done
 20 this, yes, it would.
 21 So I'm going to go back to Chair Comments,
 22 because now that we have approved this, we have a
 23 back load of schools that need to be put under this
 24 contract that we've -- we have delayed in
 25 anticipation of the performance framework, the new

1 contract.

2 And there's a timeline, because it is
3 June 8th is the date that the lease application
4 has -- has to go in, so that those schools are
5 obligated to submit their performance framework and
6 the contract with their lease application, so that
7 we would be extraordinarily remiss if we did not do
8 that for those schools, which is why we were pushing
9 to have this contract done today so that we would be
10 able to do that for the schools, so that between now
11 and June 8th, we have -- how many? Just give me a
12 soft number.

13 MS. POULOS: I'm thinking it's 11 or 12.

14 THE CHAIR: We have 11, 12 schools that we
15 have to do negotiations with.

16 MS. POULOS: And, Madam Chair, you
17 probably need -- you're going to get mad at me --
18 either to reschedule your June meeting to June
19 7th --

20 THE CHAIR: Because we have to adopt
21 those.

22 MS. POULOS: -- or have a Special Meeting.

23 THE CHAIR: We have to approve those
24 contracts. So that --

25 MS. POULOS: Or have a Special Meeting.

1 7th.

2 MS. POULOS: 6th? 8th? 5th?

3 THE CHAIR: I have to have -- I know --
4 growing up in the sun, I have another surgery that I
5 have to do. So I'm going to say I'm going to be all
6 right. I'll try to schedule around it. My concern
7 is I don't know if I'm going to be able to drive; so
8 it's just a matter of how swollen I'm going to be.
9 So I don't know if I'm going to be able to see well.

10 So -- okay. Well, let's just go with the
11 7th, and I'll try to work around it and see what I
12 can do. Let's just say we'll have an emergency
13 meeting on the 7th. I hate to move everything, our
14 whole meeting and the Work Session, because it's
15 just -- it's too soon. So let's just say we'll do
16 an emergency meeting at the Hotel Albuquerque. I'm
17 sure they can accommodate us somewhere there. We
18 just need a small room to be able to do this, okay?
19 So let's -- so let's do that.

20 And --

21 COMMISSIONER ARMBRUSTER: June 7th,
22 Albuquerque somewhere.

23 THE CHAIR: Hotel Albuquerque.

24 COMMISSIONER ARMBRUSTER: Hotel
25 Albuquerque.

1 COMMISSIONER CRONE: That's the law
2 conference, isn't it?

3 COMMISSIONER ARMBRUSTER: That's the law
4 conference.

5 THE CHAIR: In all due respect to the law
6 conference, as much as I would like to attend it,
7 this is certainly more important. We could hold it
8 in Albuquerque, 'cause I'm just trying to -- oh.
9 But we're -- if we move the entire meeting, then
10 we're moving the Work Session as well. So it
11 doesn't make a whole lot of sense because the law
12 conference is just done.

13 MS. POULOS: Or we can hold a Special
14 Meeting that's only for the purposes --

15 THE CHAIR: We could hold a Special
16 Meeting only for the purposes of adopting those
17 contracts, accepting those contracts. We could do
18 that on the 7th.

19 Okay. I just -- and I'm just going to add
20 this.

21 COMMISSIONER CRONE: Can we phone in?

22 THE CHAIR: You can, and I might have to.

23 COMMISSIONER CRONE: I'm joking.

24 THE CHAIR: I don't know whether, on --
25 there's chance that I may not be available on the

1 THE CHAIR: Because there will be five of
2 us there.

3 COMMISSIONER ARMBRUSTER: Right.

4 THE CHAIR: We just need one more. And if
5 Commissioner Crone could do it by phone, we would
6 have the sixth.

7 COMMISSIONER ROBBINS: I'll be there. I'm
8 in Albuquerque. I'm not -- I just am working; so
9 that's why I wasn't --

10 THE CHAIR: But you might be able to carve
11 out a --

12 COMMISSIONER ROBBINS: Yes. On the 7th, I
13 will.

14 THE CHAIR: It would be great if you could
15 give us a time frame of when would be best for you.
16 Because we can -- we can probably very easily move
17 around your schedule for that.

18 COMMISSIONER TOULOUSE: Madam Chair, I'll
19 have to find somebody who can drop me off down
20 there. The parking is so bad, I don't know if I can
21 walk through.

22 THE CHAIR: If I'm there, I can pick you
23 up and drop you off and do that. That's no problem.

24 COMMISSIONER TOULOUSE: I'm so limited
25 now, it drives me crazy; but --

Page 154

1 THE CHAIR: And it'll be packed.
 2 COMMISSIONER TOULOUSE: Now that they've
 3 built that whole new hotel there, they took away the
 4 overflow parking. So to get in there, I'd need to
 5 have somebody --
 6 THE CHAIR: I can easily pick you up and
 7 drop you off.
 8 COMMISSIONER TOULOUSE: I think it's
 9 better doing that than having a regular meeting the
 10 next week, because that's also the "Commence
 11 operations."
 12 THE CHAIR: So it moves a lot of -- it --
 13 yeah, there's a lot of moving parts with that
 14 meeting. So I hate to disrupt so many other
 15 schools' schedules with that. So I think this is
 16 the -- the easiest way to do this. So we will --
 17 COMMISSIONER ROBBINS: Madam Chair, I have
 18 checked my schedule. I am flexible that day. So
 19 whenever you want to do it, I can move things
 20 around. My schedule allows that. So just schedule
 21 it, and I'll be there.
 22 THE CHAIR: We'll schedule it quickly.
 23 All right. So --
 24 MS. POULOS: No.
 25 THE CHAIR: Now we have to look at how

Page 156

1 even be able to certify a vote on that.
 2 COMMISSIONER TOULOUSE: Madam Chair, in
 3 the past --
 4 THE CHAIR: We've done pending.
 5 COMMISSIONER TOULOUSE: Pending approval,
 6 final receipt of approval. And it's --
 7 THE CHAIR: I think that's the only way
 8 we're going to have to go, because we can't even get
 9 a certification of a vote, because many of the
 10 governing councils will not have met by the time we
 11 negotiate and June 7th rolls around.
 12 So many of the schools, it's like herding
 13 cats to get them to one meeting a month, that to
 14 require them to have a special meeting. If they
 15 can't, what are we going to do? They won't be able
 16 to do their lease? You know. That's the -- we're
 17 meeting June -- oh. Okay. We're meeting June 7th.
 18 Their applications are due June 8th. So is that
 19 going to be enough turnaround?
 20 MS. POULOS: So they'll submit to you,
 21 from their board, the --
 22 THE CHAIR: No. I'm talking the actual
 23 contract, the signed contract.
 24 MS. POULOS: They'll submit that to you,
 25 the signed contract.

Page 155

1 we're going to proceed between now and June 7th.
 2 COMMISSIONER ARMBRUSTER: Can we add days
 3 to the calendar?
 4 THE CHAIR: So that gives us three weeks.
 5 And it actually gives us -- oh. So -- all right.
 6 So here's my -- here's my question. We can do the
 7 same thing that we've done with the wording with the
 8 amendments, because we have always required the
 9 approved board minutes with the contracts.
 10 And I know we had a -- I think we had a
 11 partial discussion of this yesterday. And the
 12 concern over not just allowing the certification of
 13 the vote for the contract itself.
 14 Whenever we have accepted and voted on the
 15 contracts for the schools with the performance
 16 frameworks, one of the requirements was they provide
 17 for us, prior to our vote, their governance council
 18 vote that the governance council has accepted the
 19 performance framework and the contract. That's
 20 going to be, I'm going to say, impossible for most
 21 of the schools to be able to get that done between
 22 now and when we meet.
 23 So we're not going to have those approved
 24 minutes. And I hesitate to just have a
 25 certification of it. In fact, most of them won't

Page 157

1 THE CHAIR: On June 7th.
 2 MS. POULOS: And then you will vote on it.
 3 You will sign everything, and we will immediately
 4 send it to them. It is very fast. So they'll have
 5 it by the end of the day on the 7th. They'll be
 6 able to submit it on the 8th.
 7 THE CHAIR: I just want to make sure
 8 there's no issue with that turnaround time. I mean,
 9 that's just really tight for the schools. But --
 10 MR. CHAIKEN: I would recommend building
 11 in a day or two at least.
 12 THE CHAIR: Can we do it the 6th, if we do
 13 it in the afternoon?
 14 COMMISSIONER PERALTA: I'll be up here in
 15 Santa Fe for a meeting.
 16 THE CHAIR: Does June 6th work for most
 17 everyone? Because June 6th is the -- you'd be
 18 traveling down to Albuquerque for -- for the law
 19 conference. Does June 6th work? Afternoon. Yes,
 20 would work for you.
 21 COMMISSIONER PERALTA: Hang on, make sure.
 22 Oh, sorry. 1:30 is when my meeting is at. So
 23 morning. I mean, if you need --
 24 THE CHAIR: Right. We can figure that
 25 out, once --

Page 158

1 COMMISSIONER JOHNSTON: Here in
 2 Albuquerque.
 3 THE CHAIR: Albuquerque. I think it's
 4 easier to get most people -- most people to
 5 Albuquerque.
 6 MR. CHAIKEN: Madam Chair, we pretty much
 7 agree that for a Special Meeting, if some people are
 8 going to need to phone in, we can arrange for that
 9 as well.
 10 THE CHAIR: All right. All right.
 11 Thanks. We do have one setup, at least, that I know
 12 we've used, even outside of here. But -- so let's
 13 make it June 6th, just so that that gives that extra
 14 cushion of a day for schools.
 15 I just worry about June 7th and the
 16 schools not -- if there's a technical glitch and
 17 they can't download it and send it in, I don't want
 18 to be the party to their not being able to get their
 19 lease in.
 20 MS. POULOS: It will work. We will make
 21 it work.
 22 COMMISSIONER ARMBRUSTER: Make this a
 23 little less stressful for you.
 24 THE CHAIR: And no offense to CSD. But
 25 for this Special Meeting, if it's just the

Page 159

1 contracts, it's really -- they need our vote. So
 2 it's not that necessary for them to be physically
 3 present there, because we're just voting on the
 4 contracts, you know. So that's -- you know,
 5 whatever input has already been provided; so...
 6 MS. JAEGER: And, Madam Chair, I would
 7 just recommend in the Open -- in the notice for the
 8 meeting, that you include that people may
 9 participate telephonically. I would put that in the
 10 notice.
 11 THE CHAIR: Okay. All right. Thank you.
 12 All right. So --
 13 MS. POULOS: That's one part.
 14 COMMISSIONER ARMBRUSTER: I'm sorry. Are
 15 we still going to be at Hotel Albuquerque?
 16 THE CHAIR: Yes, because they're setting
 17 up, and there's early registration for the law
 18 conference on the 6th. So...
 19 COMMISSIONER ARMBRUSTER: I'm going.
 20 THE CHAIR: It'll be easiest to find that
 21 we can -- it'll be easier to find a room on the 6th,
 22 because they won't be really using them for work
 23 sessions yet.
 24 COMMISSIONER ARMBRUSTER: Right. Right.
 25 THE CHAIR: So we're going to prevail on

Page 160

1 the School Boards Association to let us use one of
 2 their rooms, okay?
 3 So that being said, we now have three
 4 weeks to do contract negotiations with approximately
 5 11 schools. And we don't --
 6 MS. POULOS: We have the new performance
 7 framework. It can stand without any school-specific
 8 goals. I think what you would want to make is a
 9 commitment to the schools that if any one of them
 10 want to add a school-specific goal, that that
 11 amendment will be allowed, right, and will be
 12 negotiated sometime after the contract; right?
 13 So I think, right, in writing, we need to
 14 make that commitment that they can do the
 15 school-specific goal at a later date so that all
 16 you're doing is negotiating and getting in place the
 17 primary documents, the contract. They still have an
 18 effective performance framework, and you make the
 19 adjustment afterwards. That enables you, I think,
 20 to do two, even three a day, because it shouldn't be
 21 that hard to get the details in what you just
 22 approved.
 23 THE CHAIR: Right. And as much as I hate
 24 to continually being in the holding pattern with a
 25 lot of schools, I think that's really the quickest

Page 161

1 and easiest way to do it, yeah.
 2 So a letter needs to go out to those
 3 schools.
 4 MS. POULOS: Working on that right now.
 5 THE CHAIR: And we still need to look at
 6 a -- I would prefer to give the schools a possible
 7 time frame, not leave it open to the schools as to
 8 when, so that we can -- you know, we can do this in
 9 two, three days.
 10 MS. POULOS: Yeah.
 11 THE CHAIR: Four days.
 12 MS. POULOS: Yeah.
 13 THE CHAIR: So that -- you know, that I
 14 understand that it's the -- well, most of them,
 15 they're closing out. So I understand that that
 16 could be a -- that could be an issue. Because
 17 general- -- what we usually ask is that -- that
 18 preferably, the head of their governance council
 19 also be present for this, so it's not just the heads
 20 of the school, but it's also members of the
 21 governance council be there, so that we are asking
 22 people to manipulate their schedules in a short
 23 time.
 24 But, hopefully, you know, there is a
 25 vested interest in their trying to this as well.

Page 162	Page 164
<p>1 So -- and if they have -- sometimes they bring legal 2 counsel, but that's up to them. And sometimes their 3 business people come. It's probably not as 4 important for their data person to be there this 5 time around. But if they have the school-specific 6 goal, it's best for that person to be there for 7 those meetings.</p> <p>8 So in the letter, I'd appreciate there be 9 a -- a request if the school anticipates they're 10 going to be looking for a school-specific goal, just 11 so that we have an idea of how many that we're 12 looking at for that.</p> <p>13 MS. POULOS: Yeah.</p> <p>14 THE CHAIR: All right. So I will ask the 15 Commissioners if -- let's see. Can we look at -- 16 all right. I'm trying look at what week would be 17 best. Are we looking at trying to do this in 18 consecutive days?</p> <p>19 COMMISSIONER ARMBRUSTER: Are you thinking 20 of Albuquerque for this, by the way?</p> <p>21 THE CHAIR: I think it depends on where 22 the schools are.</p> <p>23 COMMISSIONER ARMBRUSTER: It may be 24 different days.</p> <p>25 THE CHAIR: We generally try to make it</p>	<p>1 COMMISSIONER TOULOUSE: Walatowa could be 2 done in Albuquerque.</p> <p>3 THE CHAIR: Well, we can't travel just out 4 to Walatowa.</p> <p>5 COMMISSIONER TOULOUSE: They can come into 6 Albuquerque. That's not --</p> <p>7 THE CHAIR: All right. Let's -- 8 Albuquerque is the most central place for most of 9 those schools. And New America graduates on the 10 19th; so they should --</p> <p>11 (Multiple Commissioners speaking 12 at one time.)</p> <p>13 MS. POULOS: Oh, no, they had their 14 signing ceremony.</p> <p>15 THE CHAIR: They had their signing. It 16 wasn't their graduation. I apologize. Yes.</p> <p>17 MS. POULOS: Their graduation on the 18th.</p> <p>18 COMMISSIONER JOHNSTON: Estancia Valley is 19 on the 25th, that Friday.</p> <p>20 THE CHAIR: Let's look at the week of 21 Memorial Day, because then almost every school will 22 have graduated.</p> <p>23 COMMISSIONER JOHNSTON: That's true.</p> <p>24 THE CHAIR: So that there shouldn't be a 25 concern with, "I have to close out. I've got...."</p>
<p>Page 163</p> <p>1 where the schools are located so that it is easier 2 for them get their school people there without 3 having to burden them on the travel, so that we have 4 generally traveled to the location of the schools.</p> <p>5 COMMISSIONER TOULOUSE: Madam Chair, we 6 didn't -- we had them travel to either Santa Fe or 7 Albuquerque.</p> <p>8 THE CHAIR: I did negotiations in Cruces.</p> <p>9 COMMISSIONER TOULOUSE: Well, that may be 10 because you live down there. We had the Gallup 11 people coming into Albuquerque. Because I did 12 several of those schools, because I did a very large 13 number of them before you were even on the 14 Commission. And we always --</p> <p>15 COMMISSIONER PERALTA: How many of those 16 are Albuquerque schools, Katie?</p> <p>17 MS. POULOS: So, let's see. We've got 18 Mission Achievement and Success, Coral Community, 19 Estancia. I consider that Albuquerque.</p> <p>20 COMMISSIONER TOULOUSE: I don't.</p> <p>21 MS. POULOS: SAMS, Southwest Prep, 22 Southwest Secondary, Horizon, Media Arts. Those are 23 the ones -- and it is 12. Those are the ones in 24 Albuquerque. New America Las Cruces, Walatowa, 25 McCurdy, and La Tierra.</p>	<p>Page 165</p> <p>1 COMMISSIONER JOHNSTON: "I've got to set 2 up for the ceremony," all those things that happen.</p> <p>3 MS. POULOS: So the 29th through the 1st.</p> <p>4 THE CHAIR: 29, 30, 31.</p> <p>5 MS. POULOS: Do you want to include that 6 Friday or no? Friday, the 1st?</p> <p>7 THE CHAIR: June 1st?</p> <p>8 MS. POULOS: Yeah.</p> <p>9 THE CHAIR: We can if we had to.</p> <p>10 MS. POULOS: Yeah. I'm not sure people 11 would be back on the Tuesday. So they might want to 12 push Wednesday through Friday.</p> <p>13 Okay. And what I will do is I'll develop 14 a worksheet or something to narrow in on what do 15 they need to have prepared for the discussion.</p> <p>16 THE CHAIR: What to bring with them, 17 right.</p> <p>18 MS. POULOS: I don't think, again, it's a 19 ton.</p> <p>20 So do you think maybe if we were to 21 schedule three hours each, 8:00 to 11:00. Is 22 starting at 8:00 okay? 11:00 to 1:00, and then 2:00 23 to 5:00?</p> <p>24 THE CHAIR: Uh-huh.</p> <p>25 COMMISSIONER JOHNSTON: And so -- this is</p>

Page 166

1 logistics. It'll be the three full days.
 2 THE CHAIR: There could be four.
 3 COMMISSIONER JOHNSTON: It could be either
 4 three or four; so we need to --
 5 MS. POULOS: It probably needs to be
 6 four -- if we're doing --
 7 THE CHAIR: If we're only doing two a
 8 day --
 9 MS. POULOS: Three a day.
 10 THE CHAIR: Three a day.
 11 MS. POULOS: There's 12 of them; so we
 12 need to do four days.
 13 COMMISSIONER JOHNSTON: So we need to
 14 plan.
 15 COMMISSIONER TOULOUSE: Your brain will
 16 freeze by the last one.
 17 COMMISSIONER ARMBRUSTER: Katie, did you
 18 say McCurdy, La Tierra Montessori, and Walatowa?
 19 Those are actually closer to Santa Fe; right?
 20 MS. POULOS: I don't think we're doing
 21 them --
 22 THE CHAIR: But if we're in Albuquerque,
 23 we're not going to drive up to Santa Fe for those
 24 couple of schools to drive back down to Albuquerque.
 25 So -- yeah. Okay. So -- okay.

Page 167

1 COMMISSIONER JOHNSTON: The 29th; right?
 2 It's blended.
 3 THE CHAIR: Hopefully, yeah. Someone's
 4 got to do it on the 29th. Okay.
 5 COMMISSIONER TOULOUSE: Madam Chair, I'm
 6 free all of those days; so I will volunteer for
 7 wherever you need me in those.
 8 THE CHAIR: Thank you. And there will be
 9 an e-mail that will come out from Beverly asking who
 10 wants to participate. We generally don't have a
 11 quorum. We generally don't have a quorum for two --
 12 for one main reason. We don't want to overwhelm, by
 13 number, the schools that are there. So that if --
 14 you know, if we come in in force, and there's only
 15 two people from the school, it -- you know, it just
 16 sets a tone that isn't always that conducive to
 17 casual conversation.
 18 So that's the only thing. So that once we
 19 figure out who can participate, if need be, we'll
 20 work out a schedule.
 21 COMMISSIONER JOHNSTON: How many -- what
 22 number are you looking at? Three?
 23 THE CHAIR: Yeah, it's generally three.
 24 COMMISSIONER TOULOUSE: Three works the
 25 best.

Page 168

1 THE CHAIR: We've had four, at times. But
 2 three certainly works, especially when we're looking
 3 at the fact that we're actually not negotiating
 4 goals this time. So that's -- it's really not as
 5 much of a negotiation, per se.
 6 COMMISSIONER JOHNSTON: And we don't have
 7 to be at everything every day. It's not a quorum.
 8 THE CHAIR: Correct. We will have it
 9 noted just in case.
 10 COMMISSIONER ARMBRUSTER: Do you think
 11 it'll take three hours?
 12 THE CHAIR: I don't want to say no and it
 13 does, and then we've got schools that -- right. I'd
 14 rather have extra time. I don't want to be rushing
 15 a school out, you know.
 16 And it gives -- if it doesn't run the full
 17 time, it gives an opportunity to take a breath, you
 18 know. So that's -- so that Beverly will work on a
 19 location. I mean, CES worked really well. But I
 20 don't know how -- because it is close to a lot of
 21 hotels as well. So, hopefully -- we'll let everyone
 22 know, and we'll send that e-mail out.
 23 Okay.
 24 MS. POULOS: Laurel will work on it today.
 25 I want to get it set by the end of the day, if we

Page 169

1 can.
 2 THE CHAIR: Great. Get those letters out.
 3 MS. POULOS: I'm going to do one big
 4 e-mail, tell everybody the details, tell them the
 5 contract template will be provided to them as soon
 6 as we have all the cleanup done early next week.
 7 And --
 8 THE CHAIR: Okay. And they already
 9 have -- but you will attach the performance
 10 framework just so that they've got it.
 11 MS. POULOS: Yeah. Yeah. So --
 12 THE CHAIR: Okay. All right. Thanks.
 13 Okay? On to PEC Comments. Sorry. We
 14 thought -- see, you thought you were getting out of
 15 here early and -- Commissioner Robbins?
 16 COMMISSIONER ROBBINS: None.
 17 THE CHAIR: Commissioner Crone?
 18 COMMISSIONER CRONE: My stomach is
 19 growling.
 20 THE CHAIR: Commissioner Johnston?
 21 COMMISSIONER JOHNSTON: Just, I'm going to
 22 Tierra Encantada on Monday. This is just FYI. I've
 23 been invited -- the young man who's a School
 24 Business Official there was a student of mine in
 25 high school, and they want me to speak at

Page 170

1 graduation. So I really am flattered that Steve
2 thought of me. So I'm going over Monday just to see
3 what their end-of-the-course intensives are like.

4 Going to MAS' graduation. Those are just
5 asides.

6 I'm a member of the State Library
7 Commission representing the Public Education
8 Department and PEC. And the State Library
9 Commission, because I replaced Millie, it asked me,
10 of course rightfully so, what qualifies me to serve
11 on the State Library Commission. And very
12 graciously they asked me.

13 But it raised a real question for me. And
14 I said, "You know, we didn't really think of it."
15 But Millie has been on the Commission since she was
16 School Board.

17 So I talked this morning with the Deputy.
18 I had let Katie know. It might behoove Public
19 Education Department to look at a librarian because
20 of the school library --

21 THE CHAIR: You're on it because of the
22 PEC, not the PED.

23 MS. POULOS: Things changed, and nobody
24 caught it. So it actually should be an appointment
25 by the PED.

Page 172

1 COMMISSIONER ARMBRUSTER: I want to thank
2 Katie and whomever else and CSD who went with no
3 sleep last night and set up my parking for today and
4 did all these changes and wrote all this stuff.
5 Thank you very much.

6 And I will get on this thing. I'm going
7 to be gone for a week; so -- so I just sign up for
8 these things when I hear from Beverly; right?

9 THE CHAIR: Commissioner Peralta?

10 COMMISSIONER PERALTA: I'm good. Thank
11 you.

12 COMMISSIONER TOULOUSE: Madam Chair, I
13 won't take very long. But I went to the last LESC
14 meeting. And there was a very heated discussion at
15 times, and a very long discussion, on the proposed
16 rule-making on the third-grade retention. And I
17 think this group needs to be aware of that, too,
18 because there will be a lawsuit if the Department
19 goes ahead with that. And -- because if it could
20 have been done by regulation, it would have been
21 done, I am sure, by the Governor in her first month.

22 But the LESC and -- and most of the people
23 there are convinced that it cannot be done by
24 rule-making. But it's being done. But it was a
25 very intense discussion -- I'll use that word --

Page 171

1 THE CHAIR: By the PED.

2 MS. POULOS: But it didn't. And so we're
3 trying to clean it up.

4 COMMISSIONER JOHNSTON: I wanted everybody
5 to know about that. They've been very gracious.
6 They meet quarterly. They really need somebody who
7 knows school libraries better than I do.

8 I'm just voicing something I'm thinking
9 about with -- after the discussion about governing
10 council changes; so -- and with the changes that
11 some of the schools are experiencing and the
12 difficulty in finding, there's a real paradigm shift
13 that needs to take place with governing councils and
14 their knowledge of how they own these charter
15 schools when they volunteer to serve on these
16 councils, because if you have -- it -- I'm thinking
17 a lot about that. Thank you.

18 THE CHAIR: All right. And I think some
19 of that, hopefully, is being --

20 COMMISSIONER JOHNSTON: I think it is.

21 THE CHAIR: -- cleaned up. But I agree
22 with you. And I think, unfortunately, sometimes the
23 changes that are taking place are reflective of
24 bigger issues at the school. And that's -- you
25 know, that's the unfortunate part; so...

Page 173

1 with the people. And I think it's unfortunate that
2 the Secretary Designate wasn't there and normally
3 doesn't go to the meetings, because I think it would
4 be helpful for him to be there when it's something
5 like that to explain what his reasoning is behind it
6 to the Legislators who are ultimately responsible.

7 So if there's a way to get that message
8 back to him, I would appreciate it if the Staff here
9 would do that, that at least from this Commissioner,
10 I feel like a lot of these discussions might be
11 better held at the LESC, if he could explain to them
12 and not read it in the newspaper or see it on TV.

13 Thank you.

14 THE CHAIR: Thank you.

15 Commissioner --

16 Oh, I'm sorry. Oh, I thought you were --

17 MR. CHAIKEN: No.

18 THE CHAIR: Do I have a motion to adjourn?

19 COMMISSIONER CRONE: So move.

20 COMMISSIONER ARMBRUSTER: Second.

21 THE CHAIR: Motion by Commissioner Crone.

22 Second by Commissioner Armbruster. Yay.

23 (Proceedings concluded at 1:18 p.m.)
24
25

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 May 25, 2018.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 211N (CC)

RECEIPT

JOB NUMBER: 211N CC Date: 5/11/18
PROCEEDINGS: OPEN PUBLIC MEETING
CASE CAPTION: In re: Public Meeting of the Public Education Commission

ATTORNEY: MS. BEVERLY FRIEDMAN - PED
DOCUMENT: Transcript / Exhibits / Disks / Other _____
DATE DELIVERED: _____ DEL'D BY: _____
REC'D BY: _____ TIME: _____

ATTORNEY:
DOCUMENT: Transcript / Exhibits / Disks / Other _____
DATE DELIVERED: _____ DEL'D BY: _____
REC'D BY: _____ TIME: _____

ATTORNEY:
DOCUMENT: Transcript / Exhibits / Disks / Other _____
DATE DELIVERED: _____ DEL'D BY: _____
REC'D BY: _____ TIME: _____

ATTORNEY:
DOCUMENT: Transcript / Exhibits / Disks / Other _____
DATE DELIVERED: _____ DEL'D BY: _____
REC'D BY: _____ TIME: _____