

AGENDA ITEM EXECUTIVE SUMMARY

I. Public Education Commission Meeting Date: June 15, 2018

II. Item Title:

Discussion and Possible Action on Report from La Promesa Early Learning Charter School on Their Corrective Action Plan

III. Proposed Motion:

IV. Executive Summary:

Please see attached documents.

Name of Charter School	La Promesa Early Learning Center	
Head Administrator	Chris Jones	
Governing Board Approval Date		
GENERAL AGREEMENT		
Monitoring tool reports to PEC/CSD	The school will provide a report on the progress of the CAP at the PEC's October 2017 and April 2018 meetings. Hereafter these reports are referred to as the CAP Progress Reports.	
CAP Requirement	CAP Requirement description	Notes on CAP requirement
ACADEMIC GOALS		
	<p>1. For the SY17-18, the School will show that it has met the academic goals of this CAP, if it earns a letter grade of "C" according to the New Mexico A-F grading system ("School Grade"), <u>or</u> that it met all other Academic Performance Indicators (#2, #3 and #4, collectively referred to as the "Short Cycle Assessment Indicators") as set forth in the 2017 Amendment to Performance Framework.</p>	

GENERAL AGREEMENT

2. By May 20, 2018, the School will provide NWEA testing data to CSD. The testing data may be in the form of raw data or a specialized report generated by NWEA for the School. The CSD will review the NWEA data/report and WIDA results and make recommendations to the PEC at its June 2017 meeting as to whether the School has met its Short Cycle Assessment Indicators. If the PEC votes to accept the CSD's recommendations that the School does not meet the Short Cycle Assessment Indicators, then the School may have a third party review the CSD's interpretation of the data or the NWEA generated report prior to any decision by the PEC to proceed with a revocation hearing, alternatively, if the NWEA report and the WIDA results show the School met its Short Cycle Assessment Indicators, the School will have satisfied the Corrective Action Plan, and no further consideration of the School Grade is contemplated to demonstrate that the School met the CAP academic goals. If the PEC determines that the School did not meet its Short Cycle Assessment Indicators, the School may meet the academic requirements of the CAP by earning a School Grade of a "C" and no proceedings to revoke the School's charter shall commence prior to the statewide release of school grades and the School's opportunity to appeal the School Grade below a "C".

3. If the School, after all reviews and appeals contemplated herein, does not make a School Grade of "C" or does not meet its Short Cycle Assessment Indicators as concluded by the PEC, the PEC will schedule a revocation hearing to commence within fifteen days after its determination that the School has not met the academic goals of the CAP.

The Academic Performance Framework will be modified as follows

GENERAL AGREEMENT

Academic Performance Framework	4. The Academic Performance Indicators originally agreed to by the School and PEC will be revised and referred to hereafter as the "Amended Performance Framework". Academic Performance Indicator #1 of the Amended Performance Framework shall reflect that the School will have met the academic requirements of the CAP, if it earns a School Grade of "C" for SY '17-'18, after any allowable appeal of its grade to PED Assessment Bureau.	
Academic Performance Framework	5. The Academic Performance Indicator #2 (Reading) redefines the student cohort as those students without an IEP. The definition of growth is defined as 1.5 years growth.	
Academic Performance Framework	6. The Academic Performance Indicator #3 (Math) redefines the student cohort as those students without an IEP. The definition of growth is defined as 1.5 years growth .	

GENERAL AGREEMENT		
	<p>7. The School will provide the raw data/report to CSD by May 20, 2018. If no specialized report has been created by NWEA, CSD must provide its data interpretation by no later 20 business days from the date the School provides the raw data. If not analyzed and reported to the School by that deadline, then the School's interpretation of the raw data will be binding on the CSD and the PEC. If the School disagrees with CSD's interpretation of the raw data, then a third party will be hired to review the results, at the School's cost, and jointly selected by the PEC and the School.</p>	
	<p>a. Raw, student level short cycle assessment data for the current year and 2015-2016, the first year the school was under contract.</p>	
	<p>b. Raw, student level WIDA data for the current year and 2015-2016, the first year the school was under contract.</p>	
ORGANIZATION GOALS		
	<p>1. The principal must seek out leadership development opportunities and, on a quarterly basis, report on his attempts to find and participate in such programs to the PEC. In addition, we strongly recommend the principal apply for Principals Pursuing Excellence at the next available opportunity.</p>	<p>The School's head administrator will make an oral presentation describing the leadership development opportunities he plans to complete or has completed to the PEC during the October PEC meeting as part of the School's CAP Progress Report. PEC will approve/modify the head administrator's plans for leadership development for 2017-2018 at its October 2017 meeting. The head administrator may provide proof of professional development that he has completed or in which he is enrolled for SY2017-2018 to the PEC during its October 2017 PEC meeting and request that the PEC approve these courses to satisfy the CAP requirement. The head administrator shall provide evidence that he has completed the leadership development as approved by the PEC at its October 2017 meeting as part of his CAP Progress Report during the April, 2018 PEC meeting.</p>

GENERAL AGREEMENT

2. Beginning in SY '17-'18, the school must work with the Student Achievement and School Turnaround Division to implement the NMDASH improvement planning process and after completing the planning must continue to implement the 90-day planning, implementation and monitoring process for the term of the contract.

a. Attend all available training from Student Achievement and School Turnaround Division on implementing NMDASH.

b. Within this process identify specific adult action steps to support the academic improvement for all students.

c. Utilize the NMDASH Online system to report improvement planning and implementation after completing the offline planning process.

d. Seek input and feedback from the Student Achievement and School Turnaround Division, as available.

GENERAL AGREEMENT

	<p>e. Demonstrate, during two annual site visits, which will be conducted in October and January annually for the term of the contract, the implementation of the improvement plan through appropriate artifacts. CSD will attempt to coordinate site visits with other bureaus to take place at the same time.</p>	
	<p>3. The School's head administrator shall ensure that he/she does not hire or contract with any person or entity who, to the best of his/her knowledge is related to Analee Maestas within the required level of consanguinity defined by NMSA 1978, §22-8B-5.2(D), other than Raylyn Martinez. The governing body of the school must make annual assurances of the same .</p>	<p>The School has disclosed that Raylyn Martinez, daughter of Dr. Analee Maestas, is employed by the School and has been for more than three consecutive years, but that she is not involved in the School's finances. According to the School Personnel Act, Ms. Martinez may not be terminated or discharged except for just cause. Ms. Martinez holds the position of teacher at the School earning a salary set by School's approved salary scale for teachers.</p>
	<p>4. The school must annually provide disclosures on the membership of any external foundation affiliated with the school, and will meet this requirement through an audit disclosure.</p>	
	<p>5. Develop a rigorous governance recruitment and selection plan, which must be submitted to the PEC in time for the School's CAP Progress Report to be presented at the PEC's October 2017 meeting. The governing recruitment and selection plan shall be drafted to ensure future board members are independent from the School's head administrator and that the head administrator selects staff who have been thoroughly vetted for previous professional or ethical misconduct. Governing body selection criteria should including the following professional experience and skill sets:</p>	
	<p>a. Legal</p>	

GENERAL AGREEMENT		
	b. Academic leadership	
	c. Government finances and accounting	
	d. Human Resources	
	e. Non-profit management	
	6. Revise school bylaws to establish appropriate board membership terms and to reflect the new recruitment and selection process. These revisions must be approved by the governing council and must be submitted to the PEC in time for document submittal for the October PEC meeting.	
	7. All of the school's governing body members must complete a 2 day training (16 hours) provided by PED on or before August 30.	
	8. For at least the next two years, the school must contract to have a third party work with the board to develop an evaluation tool and train the governing board on how to appropriately evaluate the principal and how to evaluate their own performance. The evaluation must address academic and financial performance, governance, and leadership of both the principal and the board. The external contractor must be approved by the PEC. The contractor must be approved by the governing council and that person's credentials must be submitted to the PEC in time for document submittal for the October PEC meeting.	
	FINANCIAL GOALS	

GENERAL AGREEMENT

	<p>1. The school will demonstrate compliance with the FY 2016 financial audit plan and financial improvement plan through a site visit report after a site visit conducted by School Budget and Financial Analysis Bureau.</p>	<p>The school will demonstrate compliance by requesting a report from the audit bureau and school budget bureau to be presented at the October meeting of PEC or, if no one is available from PED to present this report, the business manager of the school will present information to the PEC.</p>
	<p>2. For the FY2017-2018 audit, the school must receive an audit that has no repeat finding three years in row.</p>	
	<p>3. For the audit completed for the year immediately following the date on which the school regains Board of Finance authority, the school must receive an audit that 1) is unmodified, 2) not disclaimed, and 3) has no material weaknesses.</p>	

	School State ID Number	528
	School Years	2016-2017, 2017-2018
	Submission Date	15-Jun-18
Date of Completion	Evidence required to support the requirement	Monitoring report update
NA	School Grading Report Card 2018	School grade increased to a 'D' as indicated by the School Grading Report Card 2017. 2018 School Grading Report Card will be released in Fall 2018. Discussed during the April 2018 PEC Meeting. Performance Framework data has been submitted to Katie Poulos with the Jun 15 PEC packet. The school is still awaiting the release of the 2018 School Grading Report Card.

NA	<p>NWEA Current Status and Student Growth Summary Report Overview</p> <p>NWEA Raw Data (Vendor Reports)</p> <p>NWEA Blog RE: 1.5 years Growth</p>	<p>NWEA is unable to build a custom report for LPELC that captures overall student proficiency and 1.5 years growth. In accordance with the performance framework, the school is the NWEA 'Achievement Status and Growth Summary Report' to perform a straight across calculation in which 'Projected Growth' is being compared against 'Observed Growth' to determine whether students have met 1.5 years growth goal. Students scoring/ranking in the 41st percentile are considered 'Average' per NWEA.</p> <p>Raw data was sent to the CSD on May 21 (next business day following May 20). The school is awaiting the CSD analysis. Our analysis demonstrates that academic indicator goals were met for both Math and Reading.</p>
NA	Appeals Form (SOAP)	<p>The school is still awaiting the final CSD analysis as well as the 2018 school letter grade that should be released in August 2018. Significant academic growth has occurred and the school's finances have been remedied within the last school year, which we feel warrants a cease of discussion regarding revocation proceedings.</p>

5/12/2017	May 12, 2017 PEC Summary Meeting Notes/ Minutes Revised Academic Performance Framework	Revisions to performance indicators were agreed upon during an April 25 sub-committee meeting and further reviewed and developed in conjunction with Julia Barnes. Completed in May 2017.
4/25/2017	Revised Academic Performance Framework NWEA Blog RE: 1.5 years Growth	Revisions to performance indicators were agreed upon during an April 25 sub-committee meeting and further reviewed and developed in conjunction with Julia Barnes. The school plans to submit to the CSD and PEC a full analysis of all data. One of which data presentations will include Kindergarten and SWD (LPELC was designated a TIS due to SPED subgroup performance). The school's analysis includes scenarios that remove and include Kindergarten and SWD.
4/25/2017	Revised Academic Performance Framework NWEA Blog RE: 1.5 years Growth	Revisions to performance indicators were agreed upon during an April 25 sub-committee meeting and further reviewed and developed in conjunction with Julia Barnes. The school plans to submit to the CSD and PEC a full analysis of all data. One of which data presentations will include Kindergarten and SWD (LPELC was designated a TIS due to SPED subgroup performance). The school's analysis includes scenarios that remove and include Kindergarten and SWD.

NA	NA	<p>A specialized report that captures student proficiency and 1.5 years growth is not available by NWEA. The school's data interpretation and raw data via vendor reports will be provided to the CSD on or before May 20, 2018.</p> <p>Raw data was sent to the CSD on May 21 (next business day following May 20). The school is awaiting the CSD analysis. Our analysis demonstrates that academic indicator goals were met for both Math and Reading.</p>
7/12/2017	<p>Emails to KP Email from BR</p>	<p>Data was originally sent to KP on 7/12/2017.</p> <p>Completed July 2017.</p>
8/17/2017	<p>Email from BR WebEPSS Verification</p>	<p>Uploaded to WebEPSS.</p> <p>Completed August 2017.</p>
10/12/2017	<p>Head Administrator Training Proposal MCREL Certificate of Completion MCREL program packet MCREL agenda</p>	<p>First leadership development training took place in July 2017, second in November 2017, and third in March 2018.</p> <p>Head Administrator has identified additional training opportunities for SY 18-19 focused on leadership and continuous improvement. These trainings were included in the Title II application submitted June 11.</p>

<p>9/2/2017 1/26/2018</p>	<p>NM Dash Plan 9-2-17 GC Minutes NM Dash eEmail Correspondence with SM from Student Achievement and Turnaround Division 1/26/18 CSD Visit - Monitoring Tool Feedback from STD (Severo Martinez) Implementation Report NM Dash Calendar</p>	<p>NM Dash Plan approved by GC on 9/2/17. NM Dash covered during previous PEC meetings in school reports. Final 90 day checkpoint is scheduled for June 14. Annual goals and focus areas have already been identified by the NM Dash team for SY 18-19.</p>
<p>8/28/2017</p>	<p>NM Dash Training Confirmation</p>	<p>All NM Dash required trainings were attended for SY 17-18. Covered during previous meetings.</p>
<p>9/2/2017</p>	<p>NM Dash Implementation Report</p>	<p>Phase Two of NM Dash is underway (2nd 90 Day Plan). NM Dash covered during previous PEC meetings in school reports. Final 90 day checkpoint is scheduled for June 14. Annual goals and focus areas have already been identified by the NM Dash team for SY 18-19.</p>
<p>10/5/2017 3/1/20018</p>	<p>Emails between CJ and SM RE: Phase 2 Input</p>	<p>Phase Two of NM Dash is underway (2nd 90 Day Plan). NM Dash covered during previous PEC meetings in school reports. Final 90 day checkpoint is scheduled for June 14. Annual goals and focus areas have already been identified by the NM Dash team for SY 18-19.</p>
<p>8/14/17-8/18/17 1/26/2018 3/1/2018</p>	<p>1/26/18 CSD Visit - Monitoring Tool Feedback from STD (Severo Martinez)</p>	<p>Leadership and walkthrough resources have been provided by STD as has feedback regarding the school's phase two NM Dash plan. Covered during previous PEC meetings.</p>

10/20/2017 1/26/2018	Monitoring Tool Feedback (Still incomplete - CSD has 45 days to respond)	Both site visits have been conducted in accordance with charter contract. Final Monitoring Report received in April 2018.
9/1/2017	Assurance Letter	The school affirmatively states that Analee Maestas is not currently involved in the school, that no other family members other than Raylyn Martinez work at the school and that Raylyn Martinez will not be moved into an administrative capacity for the term of this CAP. It will affirmatively disclose if Analee Maestas or any other person related to her is a member of any external foundation affiliated with the school. To the knowledge of the leadership of the school, Ms. Maestas has offered to tender her resignation on the external foundation, which will be accepted by the foundation when it next meets and there is no member of Ms. Maestas' family on any external foundation affiliated with the school. Covered during October PEC Meeting.
9/18/2017	Email to KP Resignation Letters	Foundation board is currently recruiting new members after the resignations of AM and JM. Foundation has identified a potential president, Carter Jones.
9/26/2017	La Promesa Early Learning Center Governing Council Recruitment Plan	Plan presented to PEC at October 12, 2017 meeting. Covered during October 2017 PEC Meeting.
9/26/2017	See La Promesa Early Learning Center Governing Council	Plan presented to PEC at October 12, 2017 meeting.

9/26/2017	La Promesa Early Learning Center Governing Council	Plan presented to PEC at October 12, 2017 meeting.
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9/26/2017	La Promesa Early Learning Center Governing Council Recruitment Plan	Plan presented to PEC at October 12, 2017 meeting.
12/27/2017 3/20/2018	Minutes of LPELC's Governing Council, December 27, 2016. Governing Council's First Restated Bylaws March 2018 GC Agenda March 2018 GC Minutes Revised Bylaws (3.20.18)	Presented to PEC at October 12, 2017 meeting. Revised during March GC meeting to amend recruitment committee language as per CSD request. Covered during April 2018 PEC Meeting.
August 15 & 16, 2017	Email from CSD from Icela Pelayo September 1, 2017 letter from Mr. Munoz to Ms. Poulos Mentorship Plan for Andrew Mathis	An update was provided at the October 12 PEC meeting. A. Mathis joined the board in the fall and is undergoing required training. He is scheduled for June 2018 new board member training.
2/27/2018	February 2018 GC Agenda February 2018 GC Minutes Head Administrator Evaluation DRAFT GC Self-Evaluation DRAFT	The Governance Council contracted with Shelly Cherrin of Advance NM. This was approved at the October 2017 PEC meeting. The tool was approved by the GC during the February 27 meeting. Training is scheduled for April 2018. Training provided by Shelly Cherrin in May 2018 and formal evaluations are scheduled for June 2018- will be facilitated by Julian Munoz and board with assistance from Shelly Cherrin.

<p>9/28/2017 10/12/2017 3/29/2018</p>	<p>Email correspondence with DC RE: Financial Report</p>	<p>Current FIP sent to D. Craig on 3/29/2018. Plan is going to include actions the school will continue to take to address FY 16 and FY 17 findings in order to work toward having a clean audit and eventually regain control of BoF. All funding lost to alleged embezzlement recovered during May 2018. Informal conversation has revealed the potential of the school regaining its BoF as early as July 2018.</p>
<p>3/29/2018</p>	<p>FY 2017 Audit FIP Plan</p>	<p>FY 17 Audit is now released. Financial Improvement Plan was sent to D. Craig on 3/29/18.</p>
<p>NA</p>	<p>NA</p>	<p>School has not regained its BoF. Informal conversation has revealed the potential of the school regaining its BoF as early as July 2018.</p>

2017-2018 ACADEMIC PERFORMANCE INDICATOR MATH AND READING DATA

Math			AVERAGE OR ABOVE OR NWEA RECOMMENDED GROWTH		
	MET	TOTAL	MET	TOTAL	PERCENTAGE
ALL	204	332	279	334	84%
NO K	178	287	236	287	82%
NO SPED	188	299	254	299	85%
NO SPED/K	162	256	215	256	84%
Reading			AVERAGE OR ABOVE OR NWEA RECOMMENDED GROWTH		
	MET	TOTAL	MET	TOTAL	PERCENTAGE
ALL	225	338	283	338	84%
NO K	194	291	240	291	82%
NO SPED	210	304	261	304	86%
NO SPED/K	181	259	220	259	85%

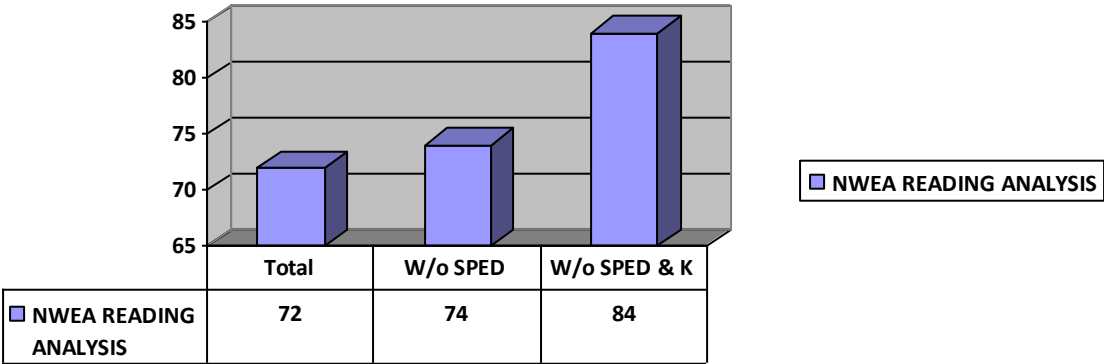
NWEA Analysis La Promesa ELC READING

Fall to Winter

Fall to Spring

	Avg or above avg	1.5 years	Total	Avg or above avg	1.5 years	Total	Grand Total	Grand Total w/o SPED	Grand Total w/o SPED&K
Hernandez	9	9	11	10	0	0	9/12	9/11	
Pilar	7	2	7	4	0	4	10/13	10/13	
Other Kinder	10	3	10	8	3	1	11/18	10/17	
Chavez 1st	8	0	8	10	0	4	12/18	12/16	
Segura	9	0	9	9	2	2	11/18	11/16	
Montalvo	6	2	7	8	2	0	7/10	7/10	
Pauley	5	1	5	8	2	4	7/14	7/13	
Villa	5	2	7	5	1	2	9/21	9/20	
Cordova	6	1	6	6	1	2	8/18	8/16	
Priyam	6	6	10	12	10	7	17/23	17/21	

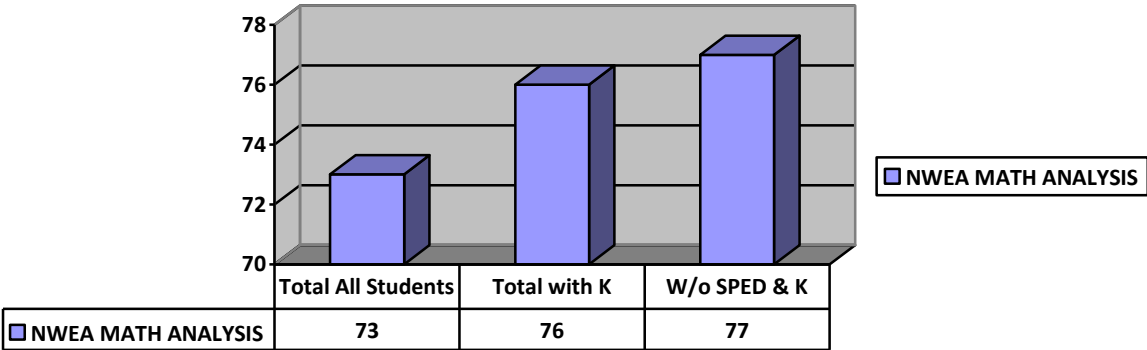
Cotrina	12	3	15	14	12	4	18/21	18/19	
Graham	7	4	8	8	1	2	9/19	9/16	
Chavez 4 th	4	4	6	6	7	6	10/17	10/15	
Cole	6	5	10	7	9	3	13/17	13/15	
Varney	6	8	12	7	1	2	13/18	11/12	
Trujillo	12	13	18	11	12	2	18/20	15/16	
Cera	7	12	14	9	13	6	20/21	18/18	
Lopez	12	17	17	10	15	1	17/17	14/14	
							209/290	209/278	199/238



Final NWEA Math Analysis June 6th, 2018

Grade	# of students met goal (1.5 or 41 st)	# of students met goal w/o sped (1.5 or 41 st)	Total towards the school's goal	Percentage
8 th	16/17	14/14	14/14	100%
7 th	17/21	15/17	15/17	88%
6 th	9/20	8/16	8/16	50%
5 th	14/18	10/12	10/12	83%
5 th	16/17	15/15	15/15	100%
4 th	11/19	8/15	8/15	53%
4 th	12/17	10/15	10/15	66%
3 rd	19/21	17/19	17/19	89%
3 rd	18/23	17/21	17/21	81%
2 nd	12/18	11/16	11/16	69%
2 nd	16/21	15/20	15/20	75%
2 nd	10/14	10/13	10/13	77%
1 st	13/18	13/16	13/16	81%
1 st	9/18	8/16	8/16	50%

1 st	9/10	9/10	9/10	90%
K	10/12	10/11	10/11	91%
K	12/13	12/13	12/13	92%
K	9/18	8/17	8/17	47%
TOTALS	232/315 = 73%	210/276 = 76%	180/235 = 77%	77% in math



Insights Report

Prepared for La Promesa Early Learning Center

Fall 2017 to Spring 2018



How to Use this Report

About this Report

This report provides clear, actionable insight into your students' academic achievement and growth, as measured by the MAP[®] Growth[™] assessments. Report sections address specific questions to identify areas of strength and areas for improvement. Initial sections provide high-level snapshots, while later sections provide more granular detail. This report serves as a resource for communicating the performance of your students to important stakeholders and for informing decisions about resource allocation and program improvement.

Glossary

Growth: change in achievement over time as measured by the MAP Growth assessment

Median growth percentile (MGP): the middle value when a group of students are rank ordered from lowest to highest growth percentile. A group whose MGP value is 50 showed "typical" improvement over time, relative to NWEA[™] norms.

Median status percentile (MSP): the middle value when a group of students are rank ordered from lowest to highest status percentile. A group whose MSP value is 50 showed "typical" achievement at that time, relative to NWEA norms.

Projected college readiness: a prediction about whether students are on track for college readiness, based on their observed MAP Growth score and the MAP Growth college readiness benchmark study.

Projected proficiency: a prediction about students' proficiency status on their state summative test (i.e., what proportion met/exceeded state proficiency standards), based on their observed MAP Growth scores and the relevant NWEA linking study.

Status: achievement at a single point in time as measured by the MAP Growth assessment.

Student growth percentile: expresses how a student's growth compares to NWEA national norms. For example, a student with 75th percentile growth showed improvement over time that was better than 75% of similar students across the United States.

Student status percentile: expresses how a student's achievement at a single point in time compared to NWEA national norms. For example, a student with 50th percentile status performed precisely at the mid-point of similar students across the United States.

Effectiveness Levels

This report uses the following levels to describe the achievement and growth of your students.

GROWTH AND STATUS PERCENTILE VALUES

	≥	<
Substantially above	78.5	100
Moderately above	69.5	78.5
Slightly above	57.5	69.5
About average	42.5	57.5
Slightly below	30.5	42.5
Moderately below	21.5	30.5
Substantially below	0	21.5

Note: these levels are from generally accepted statistical thresholds. These colors are used throughout the report to convey effectiveness levels.

Methodology

This report uses median status and growth percentiles to describe the performance of various groups of students, relative to NWEA norms. Refer to the "NWEA 2015 MAP Norms for Student and School Achievement Status and Growth" report for more information about these percentiles and the combinations of subjects and grades for which norms are available.

Table of Contents

Executive Summary Highlights	4
How are District Students Doing?	5
Which Subjects are Strongest?	6
Are We Proficient & College Ready?	7
How is Status by Grade & Subject?	8
How is Growth by Grade & Subject?	9
How Do Boys and Girls Compare?	10
What About Ethnicity and Gender?	11
How to Dig Deeper Into the Data?	12

STUDENTS TESTED: SPRING 2018

	Reading	Language usage	Math
K	46		45
1	51		51
2	56		56
3	45	45	45
4	39	39	39
5	35	34	35
6	22	22	22
7	22	22	22
8	17*	17*	17*
9			
10			
11			
12			

The numbers indicate the number of students tested by grade and subject in the spring of 2018. Growth numbers are calculated from students who tested in both the fall of 2017 and spring of 2018, which may be a smaller student count.

Growth and achievement metrics may be less reliable for very small groups of students. Throughout the report, an asterisk (*) will be used to indicate when the number of student scores within that group is fewer than 20, and therefore, the metrics are not reported. A blank indicates that no students fell into that group.

Executive Summary Highlights

District median student achievement is 37th percentile and district median student growth is 61st percentile.

Achievement is slightly below average, while growth is slightly above average.

The median status score of all assessments given in spring of 2018 equaled the 37th percentile. Two subjects were above the district median: reading and mathematics. One subject was below the district median: language usage.

For growth, the median score equaled the 61st percentile, which is slightly above average. One subject was above the district median: mathematics. Two subjects were below the district median: reading and language usage.

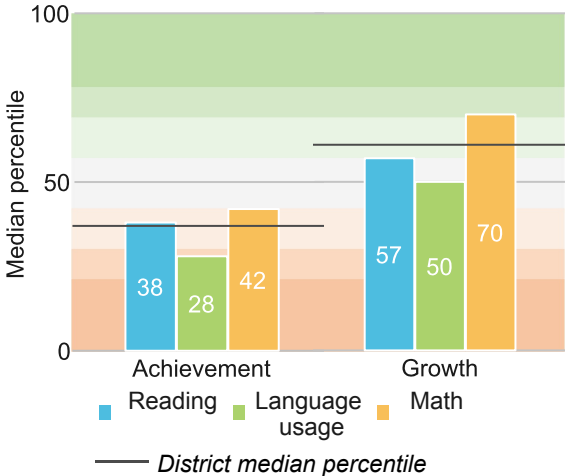
26% of students should meet state standards in at least one subject.

25% of students are on track to meet college readiness in at least one subject.

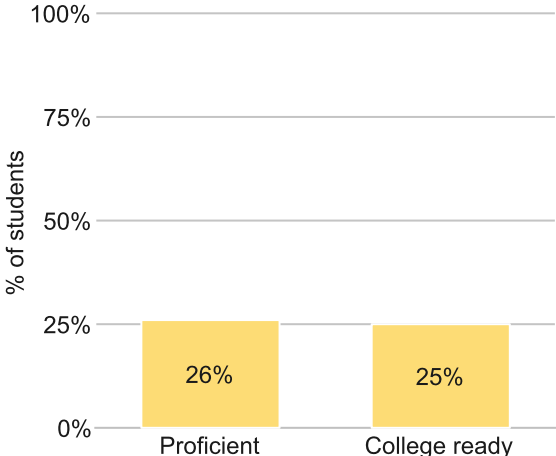
MAP Growth results predict that 26% of students will meet proficiency standards on state summative tests in at least one subject. 15% will likely meet standards in ELA and 17% in math. 6% of students are predicted to meet standards in both subjects. 74% of students are predicted to not meet either standard.

25% are demonstrating achievement that is on track to meet MAP Growth college readiness benchmarks in at least one subject. 6% are likely on track in both reading and math. 75% are not meeting these benchmarks in either subject.

ACHIEVEMENT AND GROWTH



PROFICIENCY AND COLLEGE READINESS IN AT LEAST ONE SUBJECT



How are District Students Doing?

Overall achievement of district students is moderately below the norm.

Median achievement is 30th percentile; median growth is 61st percentile.

District students demonstrated a median achievement level at the 30th percentile on fall 2017 MAP Growth assessments. This means that one half of all the students' MAP Growth scores (across all subjects measured) were above the 30th percentile. Looking at growth from fall to spring, the median growth percentile for district students was 61, versus a national median of 50. This means that district students' scores grew at a slightly higher rate than typical students.

Top-Quartile Students: a Smaller Proportion than is Typical, with About the Same Growth as the Norm

9% of district students' scores are in the top achievement quartile when all subjects measured are combined, compared to 25% nationally. These students' scores showed about the same growth to similar students', since their median growth percentile was at the 51st percentile from fall to spring. Approximately 2% of district students' scores were in the top achievement decile in fall 2017, compared to 10% nationally.

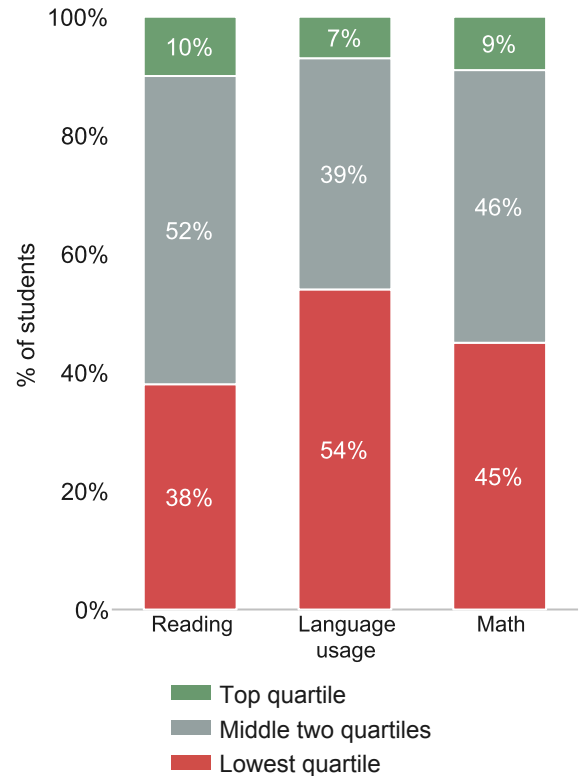
Middle-Two-Quartiles Students: a Typical Proportion, with Growth Approximately Equal to the Norm

Nationally, about 50% of scores fell within the two middle quartiles, versus 47% of district scores. For the district students who produced these scores, median growth was at the 55th percentile, which is about the same as the national average.

Lowest-Quartile Students: a Larger Proportion than is Typical, with Growth Moderately Higher than the Norm

Some 45% of district students' scores showed lowest (or bottom) quartile achievement, which is more than the 25% that is typical for the country. These students' scores are improving moderately more than similar students, as their median growth percentile was at the 70th percentile from fall to spring. About 21% of district students demonstrated bottom decile achievement, compared to 10% nationally. This group's scores grew at the 70th median growth percentile from fall to spring, which is moderately above the norm.

HOW MANY DISTRICT STUDENTS ARE ABOVE OR BELOW AVERAGE?



ARE STUDENTS GROWING EQUALLY?

	Lowest quartile	Middle two quartiles	Top quartile
Reading	65 th	53 rd	50 th
Language usage	58 th	46 th	*
Math	81 st	66 th	61 st
Total	70 th	55 th	51 st

Fall to spring growth percentiles

Which Subjects are Strongest?

District students have a mixed picture in all subjects tested.

Reading, language usage and math are mixed—with low achievement, but high growth.

Reading is a low achievement/high growth subject for district students. The median status percentile (MSP) for reading is slightly below the national average. The Median Growth Percentile (MGP) is about average.

Student performance on language usage is mixed, with low achievement but high growth. Here the achievement MSP is substantially below the national norm of 50th percentile. However, for growth, the MGP is at the 50th percentile, and falling in the average range.

Math falls within the low achievement/high growth quadrant. The MSP is below the 50th percentile and moderately below the average range. The MGP is moderately above average.

District Overall:

Low Achievement/High Growth

- Median status percentile: 30th
- Median growth percentile: 61st

Reading:

Low Achievement/High Growth

- Median status percentile: 35th
- Median growth percentile: 57th

Language usage:

Low Achievement/High Growth

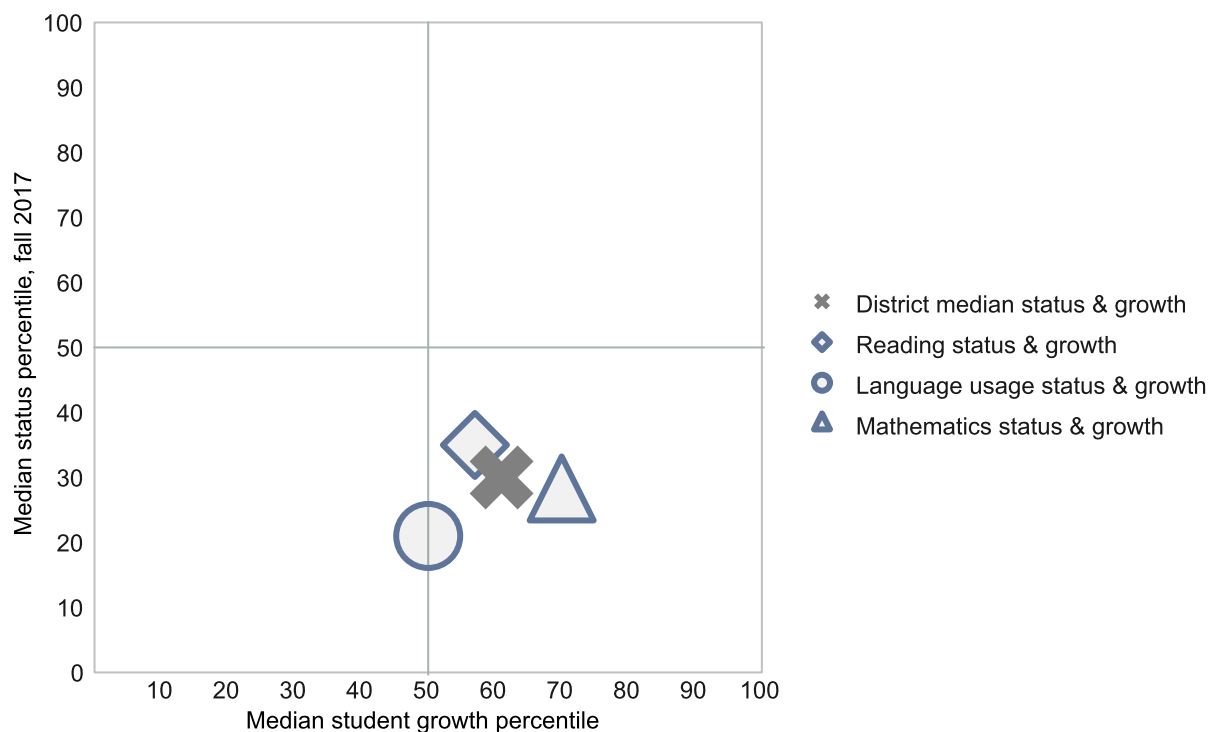
- Median status percentile: 21st
- Median growth percentile: 50th

Mathematics:

Low Achievement/High Growth

- Median status percentile: 28th
- Median growth percentile: 70th

MEDIAN STATUS AND GROWTH PERCENTILE BY SUBJECT FOR ALL STUDENTS



Are We Proficient & College Ready?

15% and 17% of district students are predicted to score at or above proficient levels on state summative tests in reading and math, respectively.

Results predict 23% and 8% of students are on track to be college ready by graduation—in ELA and math, respectively.

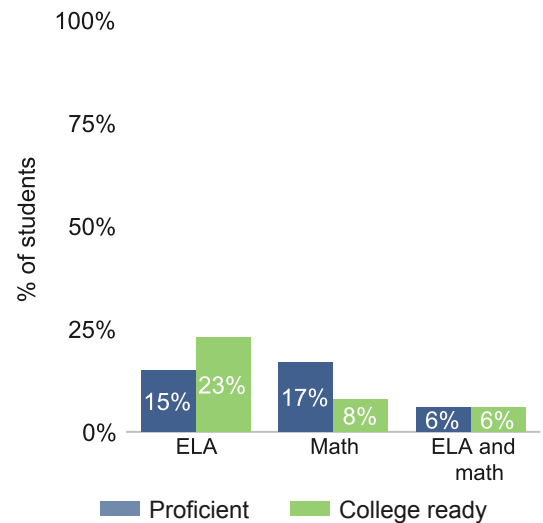
For reading, MAP Growth assessment results from spring 2018 indicate that 15% of district students are likely to meet or exceed minimum standards for proficiency on the state summative tests. For math, 17% are predicted to meet or exceed the minimum standards for proficiency.

MAP Growth assessment results provide college readiness benchmarks, which predict readiness to successfully perform college-level work. By this measure, 23% of students are on track for college readiness in ELA, while 8% are on track in math.

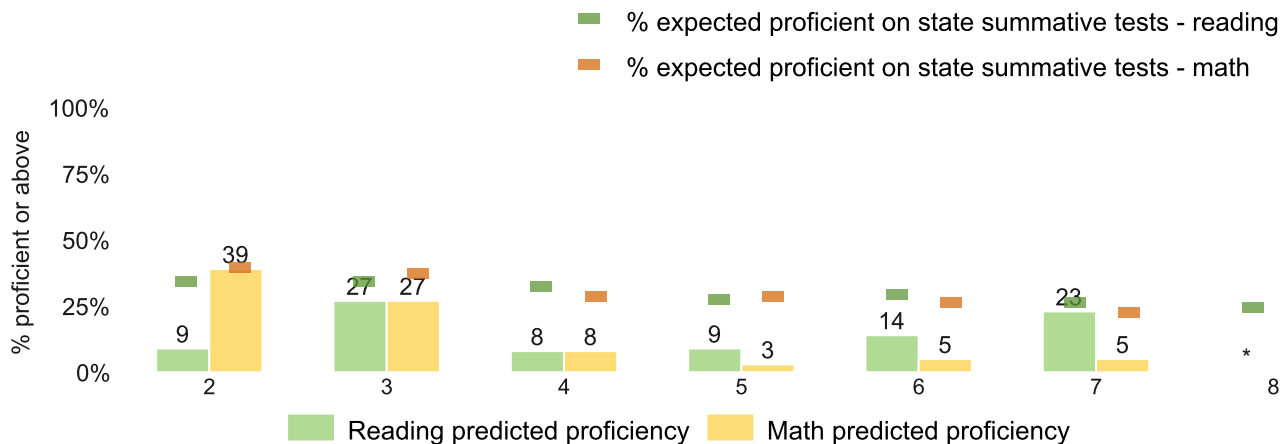
For grade-level results by subject, it is useful to compare predicted proficiency rates of the district with the predicted rates for the nation at large. In the graph below, the orange and green dashes show what percent of students nationally are likely to meet proficiency standards according to the benchmark study. The lower the orange or green dash, the more difficult the proficiency cut score for that grade.

The figure below shows that the predicted proficiency rates for the district are below these national benchmarks in reading in all tested grades with norms, but in math the picture is mixed.

PROFICIENCY AND COLLEGE READINESS



PERCENT OF STUDENTS PROJECTED TO MEET OR EXCEED STANDARDS BY GRADE AND SUBJECT



How is Status by Grade & Subject?

K, 2nd and 3rd grades had average status in at least one subject.

1st, 4th, 5th, 6th and 7th grades had below average status in two or more subjects.

Mathematics had the highest median status percentile for the district overall. The MSP for individual grades ranged from a low of 20th percentile for 7th grade to a high of 52nd percentile for 2nd grade.

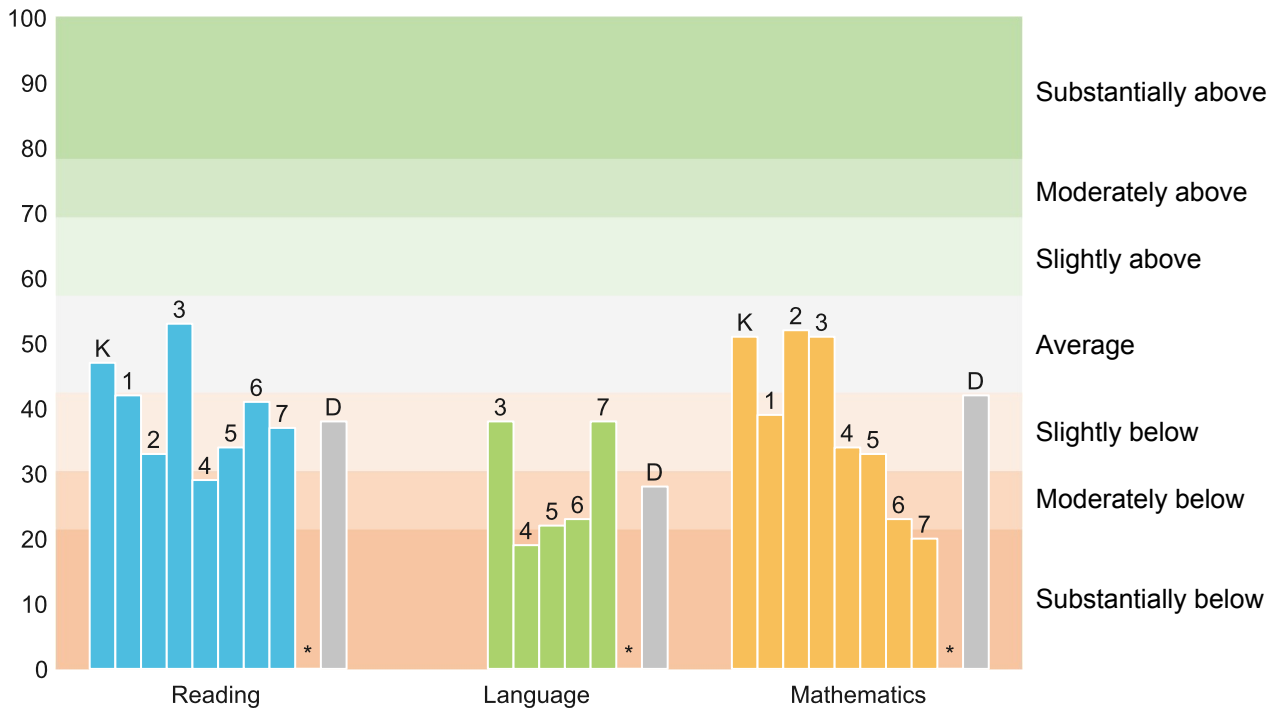
Reading had the second highest overall MSP. Third grade was the highest (53rd percentile) with 4th grade at the lowest (29th percentile).

Language had the lowest MSP overall in the district. Third grade and 7th grade were the highest (38th percentile) with 4th grade at the lowest (19th percentile).

ACHIEVEMENT BY GRADE AND SUBJECT

	Reading	Language usage	Math
Above average			
Average	K 3 rd		K 2 nd 3 rd
Below average	1 st 2 nd 4 th 5 th 6 th 7 th	3 rd 4 th 5 th 6 th 7 th	1 st 4 th 5 th 6 th 7 th

MEDIAN STATUS PERCENTILE OF EACH GRADE COMPARED TO NATIONAL AVERAGE



How is Growth by Grade & Subject?

3rd, 5th and 7th grades had above average growth in two or more subjects.

1st grade had below average growth in two or more subjects.

Mathematics had the highest median growth percentile for the district overall. The MGP for individual grades ranged from a low of 36th percentile for 1st grade to a high of 85th percentile for 5th grade.

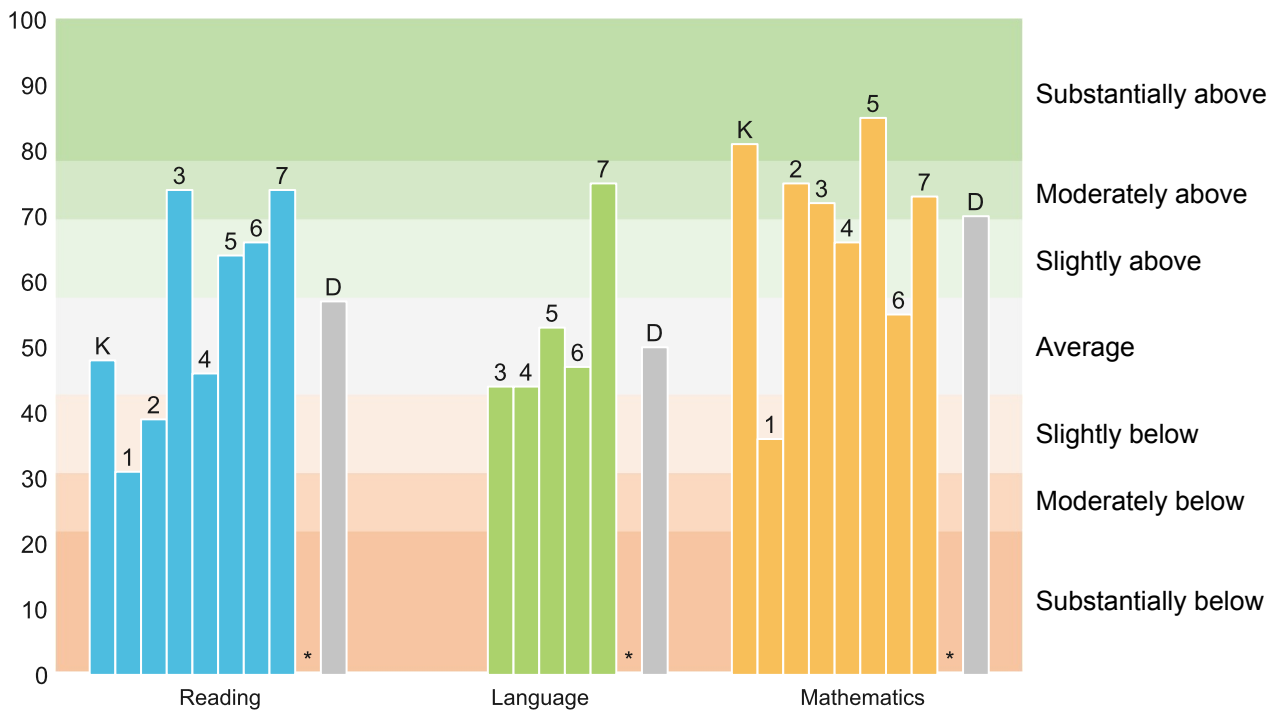
Reading had the second highest overall MGP. Third grade and 7th grade were the highest (74th percentile) with 1st grade at the lowest (31st percentile).

Language had the lowest MGP overall in the district. Seventh grade was the highest (75th percentile) with 3rd grade and 4th grade at the lowest (44th percentile).

GROWTH BY GRADE AND SUBJECT

	Reading	Language usage	Math
Above average	3 rd 5 th 6 th 7 th	7 th	K 2 nd 3 rd 4 th 5 th 7 th
Average		K 4 th	3 rd 4 th 5 th 6 th
Below average		1 st 2 nd	1 st

MEDIAN GROWTH PERCENTILE OF EACH GRADE COMPARED TO NATIONAL AVERAGE



How Do Boys and Girls Compare?

Both median achievement and growth were about the same for girls and boys, respectively.

By grade-span, there was a moderate growth advantage for girls in 6–8 language.

Boys had a slight growth advantage in K–5 mathematics and 6–8 reading.

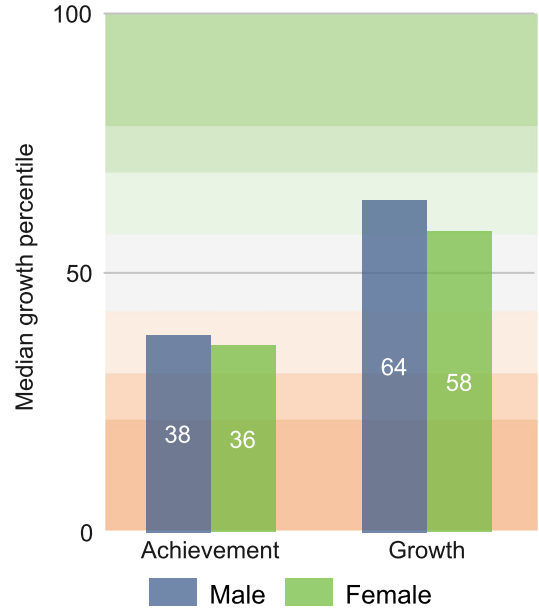
Girls overall had a median status percentile of 36, which is slightly below average nationally. The median for boys was the 38th percentile, which is slightly below average.

Growth saw a similar pattern. Girls had a median growth percentile of 58, which is slightly above average. Boys' growth percentile was 64, which is slightly above the national median.

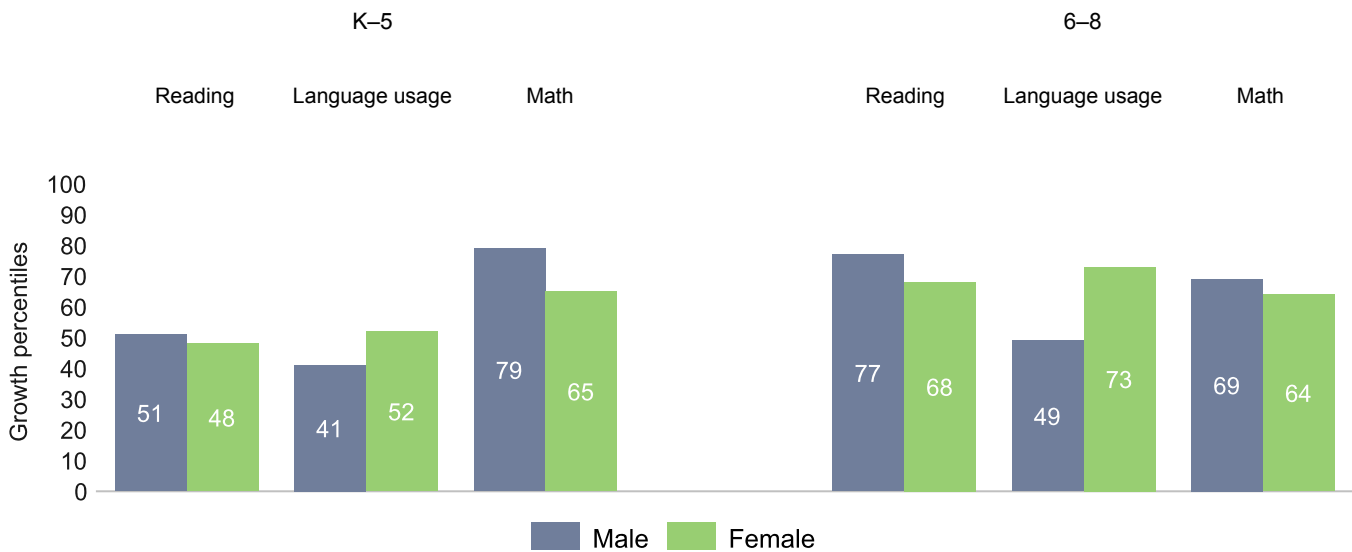
In grades K–5, girls had slightly larger growth in language usage. In math, boys had slightly larger growth.

In grades 6–8, girls had moderately larger growth in language usage. In reading, boys had slightly larger growth.

ACHIEVEMENT & GROWTH



GROWTH BY SUBJECT AND GRADE SPAN



What About Ethnicity and Gender?

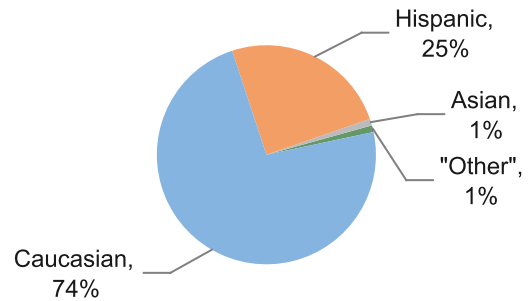
Median status ranges from 34th percentile for Caucasian students to 45th for Hispanic students.

Median growth percentile (MGP) ranges from 61st percentile for Caucasian students to 62nd for Hispanic students.

Hispanic students had the highest median status percentile (MSP) compared to other racial or ethnic sub-groups. Their MSP was average compared to the national norm. Their growth was slightly above average.

Caucasian students had the lowest median status percentile (MSP) compared to other racial or ethnic sub-groups. Their MSP was slightly below average nationally. Their growth was slightly above average.

PERCENT OF TEST SCORES BY ETHNICITY



Note: percentages above are of tests taken—not student populations

Note: bold numbers below show where the differences between female and male values are substantial.

ACHIEVEMENT AND GROWTH PERCENTILE BY ETHNICITY AND GENDER

	Other*		Hispanic		Asian*		Caucasian		
	Female	Male	Female	Male	Female	Male	Female	Male	
Achievement		*	38	41	*	*	38	37	Reading
		*	44	38			28	20	Language usage
		*	49	52	*	*	32	40	Math
Growth		*	55	65	*	*	54	62	Reading
		*	49	44			64	47	Language usage
		*	66	75	*	*	64	77	Math

How to Dig Deeper Into the Data?

Premium Reports for Enhanced Analysis

NWEA offers educators the opportunity to order additional premium reports designed to support easy exploration of your student growth data compared to either the national norms or a custom norm group. These reports provide easy-to-access comparative data that educators can use in a variety of ways. The reports can support school improvement work; inform decisions about program planning, professional learning, and curriculum; and help communicate performance to a wide range of audiences.

The Growth Report is created with selected student growth data, providing a view of student growth by school, achievement level, grade, ethnicity, or gender—as compared to national student norms.

The Similar Schools Report takes you beyond national norm comparisons to reveal how students are growing compared to similar students educated in similar schools across the country, providing you with an “apples-to-apples” comparison.

The Instructional Report contains robust information about how well your students understand instructional topics and detailed objectives—and how their knowledge changes over time.

NWEA Professional Learning and Data Coaching

Analyze, Act, Refine, Grow: Embed Data-Driven Education Throughout Your District

Educators deserve professional learning that takes their unique data challenges and opportunities into account. NWEA data coaching starts by helping you analyze a wide range of local data, including student records, examples of student work, and results from different types of assessments. Together we'll hone your strengths and work to construct and implement data-driven education plans focused on making a positive difference in student learning.

Boost Your Team's Data Confidence to Benefit Every Student's Academic Growth

Using quality assessment data effectively and consistently leads to better learning for all our students. Finding time for reflective activities that transform new learning into changed practices can be tough. Our data coaches quickly energize and empower your teams to move beyond common barriers to student learning.

MAP Foundation Series

MAP® Foundation Series workshops let you connect your MAP Growth data to a variety of needs—instructional, programming, and planning—while suiting your goals and your schedule.

Our mix-and-match professional learning options enable your entire staff to access, understand, and apply your school's or district's data. Talk to us about your needs: we're happy to create a custom plan that works for you!

For more information on the Insights Report or any of our premium reports, coaching, and professional learning, please contact your partner accounts representative.

Measuring What Matters

by Dr. John Cronin (<https://www.nwea.org/blog/author/jcronin/>) | June 16, 2016
Category | Research (<https://www.nwea.org/blog/category/research/>)

How many students and schools actually make a year and a half of growth during a year?

If all students are going to be college and career ready, many have a lot of catching up to do. And one question NWEA researchers are frequently asked is “What is a reasonable growth target for schools serving students who have fallen behind?” Recently, we had a guest speaker in our offices who offered his opinion on this question, stating that students who are behind may require one-and-one half years of growth each year. I’ve heard that particular target bandied about frequently, and know that a number of schools even set that target for their students.

Let’s start by defining what 1.5 years of growth actually is. The most common definition is that one year of growth is the equivalent to the student’s growth norm (which is based on their starting scale score and grade in school). Thus, if the fall-to-spring growth norm for a student is 8, then 8 points would constitute a year of growth. By extension, 1.5 years of growth would equate to 1.5 times the growth norm. That would be 12 points if the growth norm were 8. We believe it is more appropriate to use the straighter definition, so we will reference 1.5 years of growth henceforth as 1.5 times the growth norm, since that’s what this metric actually represents.

It’s true that students who are behind academically are not going to match their peers if they make average growth, so above-average growth is necessary for them to catch up. The fact that something is necessary, however, doesn’t always make it reasonable. For example, assume Rex is a bowler who aspires to the Professional Bowlers Association Tour. He averages 150 pins a game. He needs to improve his average to 220 pins a game to make the tour, or improve by 70. The 70 pin improvement is **necessary** for him to make the tour, but it’s not **reasonable** to hold Rex accountable for that improvement, because the evidence shows that very few experienced bowlers improve by that amount. There’s nothing wrong for this to be Rex’s aspirational goal, it’s good to shoot high, and if Rex gets great coaching and commitment, perhaps he may be one of the few that makes it, but let’s not label Rex a failure if he doesn’t.

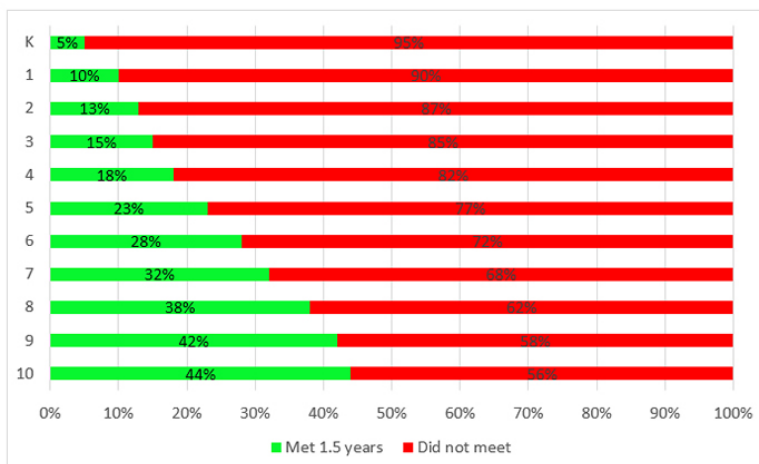
That’s why it’s important to distinguish between a goal that’s an aspiration and a goal that’s realistic. Is it an admirable aspiration for students behind grade level to make 1.5 years of growth each year? Sure, as long as we don’t label students who fail to achieve this ambitious goal as failures. Is that something I can hold schools accountable for achieving? The answer to that question should be based on evidence.

You determine the reasonableness of a goal by acquiring information about the past performance of the school and, more importantly, the past performance of schools collectively relative to the 1.5 years of growth goal. In other words, a good test of reasonableness is to ask the question “How frequently have schools in the nation have met this goal in the past?”

NWEA publishes **growth norms** (<https://www.nwea.org/blog/2015/using-norms-to-answer-the-whats-next-question/>) for both students and schools that can be used to empirically test this question. We can use the growth norms to estimate the likelihood that both individual students and schools would meet the goal of 1.5 times the growth norm. Using the subject of mathematics as an example, and considering the fact that we are interested in students who are starting out behind the goal of college readiness, let’s address this particular question: What is the likelihood that a low performing student, in this case a student starting with a below-average score, would reach 1.5 times the average growth in a school year? [1]

Figure 1 presents the answer using the 2015 student norms, and it reveals two important facts. First, at every grade, the majority of students do not meet the year and one half threshold. That’s not particularly surprising since above average growth was needed to meet it. Second, the goal is more commonly achieved in the middle grades and high school than it is in elementary grades. Why is that the case?

Figure 1 – Proportion of low-performing **students** meeting 1.5 years of growth in mathematics

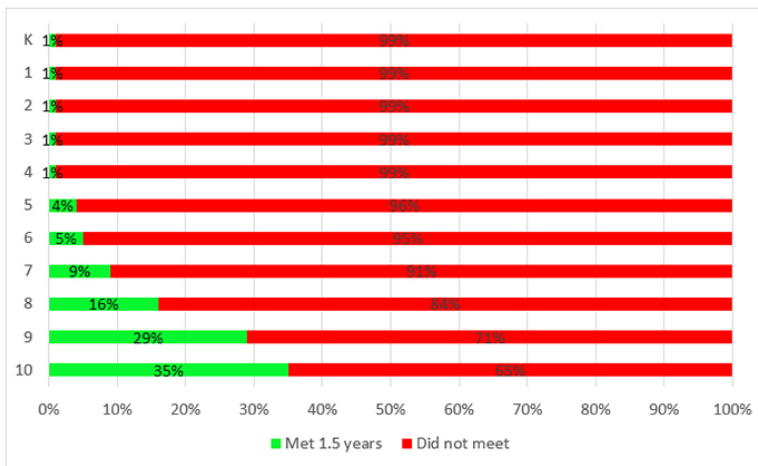


Without getting overly technical, the reason is that the growth norm for students in the early grades is higher, so what constitutes 1.5 times the growth norm in grade 1 is much greater (in this example 19 RIT according to the 2015 norms) than what constitutes 1.5 times the growth norm at grade 9 (5 RIT). Thus it is much rarer for first graders to show 19 points of growth than it is for ninth graders to show 5 points of growth. That’s why only 10% of first graders meet this target, while 42% of ninth graders achieve it. That is also one of the reasons we do not report years of growth, as people tend to assume that a year of growth in a subject at one grade is the same as another, and this is clearly not the case. Further this misunderstanding can cause people to make bad decisions. If the data in Table 1 represented a school, an uninformed observer would ask why students in the early grades are failing so badly and why upper grade students were so much more successful.

What happens when we extend the criterion to schools? Figure 2 shows this information from the 2015 school norms for mathematics.

Figure 2 – Proportion of **schools** with low performing students

averaging 1.5 years of growth in mathematics



As you can see, the proportion of schools that meet the 1.5 times the norm criterion is much smaller than the proportion of students that reach the goal. Why is that the case? The answer is that it's much less common to get a group of students to meet a goal than it is to get a single student to meet the goal. Think of it this way—let's say a teacher picked a 5th grade student from a low-performing school at random and tutored her in mathematics to try and get 1.5 years of growth. Based on the student norms in Table 1, there's a 23% chance our student will meet that goal. Now imagine trying to get an entire school full of low-performing fifth graders to reach the same target. It's considerably harder, because the goal has to be achieved with a group of students rather than one, and the law of averages works against us. That's why only 4% of the schools depicted in Table 2 reach this goal at the fifth grade level.

So is the 1.5 times the growth norm a reasonable goal for most schools? No. We have empirical data across a large population of schools that indicates that the vast majority of schools do not reach this target. The empirical data also show that it is far less common for

elementary students to reach this target than middle and high school students.

So what's the harm in setting unrealistic goals for schools? The harm comes when we make high-stakes decisions about the performance of teachers and schools based on a standard that is rarely reached. Of course, average growth is not enough for low performing students to catch up to new and higher standards. It's necessary. But that doesn't mean it's a good idea to hold teachers and schools accountable for a goal that has been shown to be rarely reached.

In baseball, the standard for hitting excellence is 3 hits per 10 at bats or a batting average of .300. Over 90% of major leaguers fail to reach this standard. That failure doesn't mean that teams can afford to cut all their sub .300 hitters. They must evaluate players by a different standard, which is WAR (in baseball parlance that's Wins Above Replacement, or the wins above the likely replacement player). To put it simply, a baseball team doesn't compare a player's performance against a .300 batting average. They compare the player's performance to the group of players, usually minor leaguers and rookies, available to replace him, most of whom actually hit around .220. Think of it this way, if my shortstop is a .275 hitter, he may not be reaching the team's aspiration for him, but I'm not going to fire him if the odds are that his replacement will hit around .220. Put in education terms, you wouldn't want to fire a teacher or a school without knowing if the replacement you put in place would be better. The data here show that if you use 1.5 years of growth as the standard for dismissing a teacher (or closing a school), you are almost certain to replace that teacher with someone worse.

So what constitutes a reasonable growth goal? Unfortunately there is not a single number that answers the question. One factor that can be considered is whether the students' growth is above average, which is whether their growth exceeds that of a representative peer group. If growth is well below average, one can make an argument that students might do better if the school or leadership changed. A second factor is the prior track record of the school. One may not expect a .200 hitter to improve to a .300 level within a year, but they should show evidence of improvement. The third factor to consider is the direction and pace of change. If the school is improving and improvement is accelerating, that should get more credit than a school that has improvement but improvement is decelerating.

[1] For our purposes, we used the 20th percentile score from the school norms, as that score more reasonably reflects the average in a low performing school than the 20th percentile score from the student norms. This also ensured that we were evaluating students and schools using the same starting scale score, so that the ensuing comparisons would be direct. Students were evaluated relative to the student norms from this starting score, schools were evaluated relative to the school norms. To illustrate, in grade 6 math, the starting point for both student and school is the 20th percentile of the school norms, or a score of 205. At that score average student growth is about 8 points and 1.5 years of growth would be 12. The average school growth at that same score is 7 points which would round to 10 (wouldn't this round to 11?). We evaluated student growth by estimating the percentage of sixth grade students in the norming sample who reached 12 points, and we evaluated school growth by estimating the percentage of schools in the sample that reached 11 points of growth.

ABOUT THE AUTHOR



(<https://www.nwea.org/blog/author/jcronin/>)

Dr. John Cronin is the Vice President of Education Research at NWEA. He is an expert on the impact of policy initiatives such as teacher evaluation and Common Core on schools and students, and explains the technical issues surrounding assessment in plain, accessible language that educator audiences find understandable and compelling. In addition to leading research at NWEA, John presents to a wide range of professional organizations including the National Association of Elementary School Principals, the New York School Superintendents Association, the Texas Association of School Administrators, and the Confederation of Oregon School Administrators. His recent publications include articles in Phi Delta Kappan, the National Association of Secondary School Principals leadership journal, the Huffington Post, and the Texas Association of School Administrators Insight journal. John holds a Bachelor's degree in Communications from Gonzaga University, and a Ph.D. in Educational Studies from Emory University.

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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING

April 13, 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

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1 APPEARANCES

2 COMMISSIONERS:

3 MS. PATRICIA GIPSON, Chair

4 MR. GILBERT PERALTA, Vice Chair

5 MS. KARYL ANN ARMBRUSTER, Secretary

6 MR. R. CARLOS CABALLERO, Member

7 MR. JAMES CONYERS, Member

8 MR. TIM CRONE, Member

9 MS. DANIELE JOHNSTON, Member

10 MR. DAVID ROBBINS, Member

11 MS. TRISH RUIZ, Member

12 MS. CARMIE TOULOUSE, Member

13 STAFF:

14 MS. KATIE POULOS, Director, Charter School Division

15

16 MS. BEVERLY FRIEDMAN, PED Custodian of Record

17 and Liaison to the PEC

18 Counsel to the NMPEC: MS. AMI JAEGER

19 Attorney at Law

20

21 MR. MARK CHAIKEN

22 Attorney at Law

23

24

25

1 INDEX TO PROCEEDINGS, Continued

2 PAGE

3 14 Discussion and Possible Action on 225

4 PEC Amendment Policies and Processes

5 Including, at a minimum, Policy and Process

6 for Adding a School Site/Replication

7

8 15 Discussion and Possible Action on 116

9 Site Visit Notification Letter Regarding

10 Background Check Requirements Under

11 Section 22-10A-5 NMSA 1978

12 16 Report from the Chair 242

13 17 PEC Comments 253

14 REPORTER'S CERTIFICATE 259

15 ATTACHMENTS:

16 1 Letter of Concern/Objections

17 2 Open Forum Sign-In Sheet

18 3 Visitor Sign-In Sheets

19

20

21

22

23

24

25

1 INDEX TO PROCEEDINGS

2 PAGE

3 1 Call to Order, Roll Call, Pledge of 5

4 Allegiance and Salute to the New Mexico

5 Flag

6 2 Approval of Agenda 7

7 3 Approval of Minutes and Transcripts 8

8 4 Open Forum 11

9 5 Discussion and Possible Action on 24

10 Rules of Procedure

11 6 Discussion and Possible Action on 53

12 Charter School Amendments

13 7 Discussion and Possible Action on 101

14 Report from Options for Parents and

15 the Charter School Division

16 8 Discussion and Possible Action on 127

17 Cariños de los Niños Charter School

18 Performance, Including but not Limited to,

19 Financial Performance, Corrective Action

20 Plan, and FY17 Audit

21 9 Discussion and Possible Action on 155

22 Corrective Action Plans

23 10 Discussion and Possible Action 31

24 re Facility Concerns

25 11 Discussion and Possible Action on 201

La Promesa Early Learning Center

Corrective Action Plan Report

12 Discussion and Possible Action on PEC 219

Accountability Plan and Academic and

Organizational Performance Frameworks

13 Discussion and Possible Action on 155

PEC Contract Template - Tabled

1 THE CHAIR: I'm going to bring to order

2 this meeting of the Public Education Commission. It

3 is Friday the 13th. I think the snow was an

4 indication of "Happy Friday the 13th" this morning.

5 And it is 9:03 a.m. I will ask

6 Commissioner Armbruster to do a roll-call vote,

7 please. Roll call. I always say "roll-call vote."

8 You don't have to vote whether you're here or not.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Robbins?

11 COMMISSIONER ROBBINS: Present.

12 COMMISSIONER ARMBRUSTER: Commissioner

13 Toulouse?

14 COMMISSIONER TOULOUSE: Present.

15 COMMISSIONER ARMBRUSTER: Commissioner

16 Armbruster is here.

17 Commissioner Conyers?

18 COMMISSIONER CONYERS: Present.

19 COMMISSIONER ARMBRUSTER: Commissioner

20 Peralta?

21 COMMISSIONER PERALTA: Here.

22 COMMISSIONER ARMBRUSTER: Commissioner

23 Gipson?

24 THE CHAIR: Here.

25 COMMISSIONER ARMBRUSTER: Commissioner

Page 6

1 Johnston?
 2 COMMISSIONER JOHNSTON: Present.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Crone?
 5 COMMISSIONER CRONE: Here.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Ruiz?
 8 COMMISSIONER RUIZ: Present.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Caballero is not here yet. Okay. There are nine
 11 here, not ten.
 12 THE CHAIR: There are nine? All right.
 13 I will then ask Commissioner Armbruster to
 14 lead us in the Pledge of Allegiance, and I will lead
 15 us in the New Mexico Salute.
 16 (Pledge of Allegiance and Salute to
 17 the New Mexico Flag conducted.)
 18 THE CHAIR: And before we continue on with
 19 regular business, I would like to take this
 20 opportunity to welcome and introduce our new legal
 21 counsel. So to my right is Mark Chaiken and Ami
 22 Jaeger from BioLaw Firm.
 23 So as many of you know, this has been a
 24 long and arduous journey. To see this come to
 25 fruition is quite gratifying and hopeful, really,

Page 7

1 for us being able to move forward. So, welcome,
 2 thank you, and please feel free to welcome them
 3 during the morning.
 4 (Applause.)
 5 THE CHAIR: So we are on to Item No. 2
 6 which is the approval of the agenda.
 7 COMMISSIONER TOULOUSE: Madam Chair, move
 8 approval.
 9 COMMISSIONER PERALTA: Madam Chair,
 10 before -- if I may, I would like to make a change in
 11 the agenda, and I would like to request that the
 12 Commission move Item No. 10 and move it up after
 13 No. 5 and make that Item 6.
 14 COMMISSIONER TOULOUSE: Madam Chair, I
 15 withdraw my motion, and I now move to approve the
 16 agenda as changed.
 17 THE CHAIR: As amended?
 18 COMMISSIONER TOULOUSE: It was changed; it
 19 wasn't really amended.
 20 COMMISSIONER JOHNSTON: Madam Chair, I'm
 21 sorry. I didn't hear the full motion. I'm sorry.
 22 THE CHAIR: The motion was to move Item
 23 No. 10 to Item No. 6, and then everything else gets
 24 numerically moved down.
 25 So there is a motion to approve as

Page 8

1 changed.
 2 Do I have a second?
 3 COMMISSIONER RUIZ: Second.
 4 THE CHAIR: There is a second by
 5 Commissioner Ruiz.
 6 All in favor?
 7 (Commissioners so indicate.)
 8 THE CHAIR: Opposed?
 9 (No response.)
 10 THE CHAIR: Hearing no opposition, the
 11 motion passes.
 12 The next item on the agenda is the
 13 Approval of Minutes and Transcripts.
 14 And the first is 3A, the approval of the
 15 PEC Work Session minutes for March 15, 2018.
 16 Are there any changes, corrections to
 17 those minutes?
 18 If not, I will entertain a motion.
 19 COMMISSIONER RUIZ: (Indicates.)
 20 THE CHAIR: There's a motion by
 21 Commissioner Ruiz.
 22 COMMISSIONER CONYERS: (Indicates.)
 23 THE CHAIR: A second by Commissioner
 24 Conyers.
 25 All in favor?

Page 9

1 (Commissioners so indicate.)
 2 THE CHAIR: Opposed?
 3 (No response.)
 4 THE CHAIR: Hearing no opposition, the
 5 motion passes.
 6 3B, the approval of the PEC transcript for
 7 March 16, 2018.
 8 Do we have any corrections to that?
 9 If not, I'll entertain a motion.
 10 COMMISSIONER ARMBRUSTER: (Indicates.)
 11 THE CHAIR: There's a motion by
 12 Commissioner Armbruster.
 13 COMMISSIONER ROBBINS: (Indicates.)
 14 THE CHAIR: A second by Commissioner
 15 Robbins.
 16 All in favor?
 17 (Commissioners so indicate.)
 18 THE CHAIR: Opposed?
 19 (No response.)
 20 THE CHAIR: Hearing no opposition, the
 21 motion passes.
 22 3C, approval of the Summary Minutes for
 23 the March 16, 2018 PEC meeting.
 24 Are there any corrections to that?
 25 If not, I'll entertain a motion.

Page 10	Page 12
<p>1 COMMISSIONER ROBBINS: (Indicates.) 2 THE CHAIR: There's a motion by 3 Commissioner Robbins. 4 COMMISSIONER RUIZ: (Indicates.) 5 THE CHAIR: A second by Commissioner Ruiz. 6 All in favor? 7 (Commissioners so indicate.) 8 THE CHAIR: Opposed? 9 (No response.) 10 THE CHAIR: Hearing no opposition, the 11 motion passes. 12 3D, the approval of the PEC minutes for 13 March 26, 2018. That's the PEC Special Meeting. 14 COMMISSIONER TOULOUSE: Move approval. 15 THE CHAIR: There's a motion for approval 16 by Commissioner Toulouse. 17 COMMISSIONER RUIZ: (Indicates.) 18 THE CHAIR: There's a second by 19 Commissioner Ruiz. 20 All in favor? 21 (Commissioners so indicate.) 22 THE CHAIR: All opposed? 23 (No response.) 24 THE CHAIR: Hearing no opposition, the 25 motion passes.</p>	<p>1 represents a good half of the schools authorized by 2 the Public Education Commission. 3 I have provided Ms. Friedman with a copy 4 of a letter we'd like to present to the Commission. 5 It is a letter of concern and objections relating to 6 the policies listed on the Commission's agenda at 7 Item No. 12 and 14. That's the accountability plan 8 and the amendment process and procedures. 9 The letter that you will be provided by 10 Ms. Friedman is a letter presented on behalf of 11 20 schools. And the names of those schools are 12 attached, along with representatives. And in 13 addition to those 20 schools, I will tell you that 14 many other schools participated in the work behind 15 that letter; but they chose not to put their names 16 on that list because they feared retribution if they 17 participated and were identified. 18 I will say that some of the schools on 19 that list also fear -- have that same fear, but they 20 were willing to come forward because of the -- what 21 we believe to be the significance of these 22 objections to the policies before the Commission 23 because of the infringement and encroachment on the 24 schools' autonomy and violation of their existing 25 contracts.</p>
Page 11	Page 13
<p>1 And finally, 3E, the approval of the 2 Summary Minutes for the March 26, 2018, PEC Special 3 Meeting. 4 Any corrections? If not, I'll entertain a 5 motion. 6 COMMISSIONER PERALTA: I make the motion. 7 THE CHAIR: Motion to approve by 8 Commissioner Peralta. 9 COMMISSIONER ARMBRUSTER: (Indicates.) 10 THE CHAIR: Second by Commissioner 11 Armbruster. All in favor? 12 (Commissioners so indicate.) 13 THE CHAIR: Opposed? 14 (No response.) 15 THE CHAIR: Hearing no opposition, that 16 motion passes. 17 We're now on to Item No. 4, which is Open 18 Forum. And there are one, two, three, four, five 19 people who have signed up, so that we will limit 20 each individual to no more than two minutes. 21 And the first on the list is Patty 22 Matthews. 23 MS. MATTHEWS: Good morning, 24 Commissioners. My name is Patricia Matthews. I'm 25 an attorney with Matthews Fox PC. Our law firm</p>	<p>1 Now, the Commission may bristle at the 2 timing of these comments. However, the Commission, 3 as you know, does not have a clear policy or 4 procedure, even as to how or even if it will accept 5 input on policies before the Commission. There's no 6 official publication policy. The PEC has no policy 7 for publishing, receiving comment, or even holding 8 hearings, which we believe is contemplated under the 9 State Rules Act. 10 We approach -- there's no approach to how 11 you would actually receive input or even take it 12 into fair consideration. So right now, the public 13 comment option is what we believe is the only finite 14 way for schools to get before you. 15 We do encourage that the -- we're very 16 encouraged this morning to be introduced to your 17 counsel. We hope that you will look to your counsel 18 for advice on these policies and our concerns. As 19 we mentioned yesterday -- or at least I did to 20 them -- we are absolutely willing to sit with your 21 counsel and walk through our concerns and help bring 22 them up to speed quickly, understanding that 23 they've -- they're being dropped into the boiling 24 water. 25 We do hope the Commission will consider</p>

Page 14

1 pausing on these new policies and allow their
2 counsel to take a look at the policies that have
3 been presented and weigh in before they approve
4 them.

5 We understand the PEC may not always agree
6 with the schools' position, and that's not expected.
7 But we do expect a fair consideration when issues are
8 substantial as those raised by these policies are
9 brought up before the Commission, and that they are
10 considered. There are two parties to these
11 contracts. And these contracts are developed by law
12 according to terms in the law.

13 And when you violate the contract, you
14 effectively violate the Charter Schools Act. And
15 we're very concerned about how far these are going
16 and encroaching on the charter schools' autonomy.

17 The next speakers behind me will speak
18 more specifically as to the issues that we've raised
19 in the Letter of Concern and Objection, and I thank
20 you for your time this morning.

21 THE CHAIR: Next on the list is Gene
22 Elliott.

23 MR. GENE ELLIOTT: Good morning,
24 Madam Chairwoman, members of the Commission. My
25 name is Gene Elliott, and I am one of seven founders

Page 16

1 unnecessary distraction for the schools, of the
2 Commission, and the PED, if approved in the current
3 form.

4 It is our understanding that the PEC was
5 actually working on and revising these policies as
6 of yesterday. That's my understanding. I don't
7 know that that's for sure true. That's what I
8 understand. If that is the case, then no school has
9 the opportunity to review the final policies and to
10 comment. Given the significance of these policies
11 which substantially encroach on charter school
12 autonomy, it is important to obtain a full
13 understanding of the ramifications by reaching out
14 to the charter schools for comment before adopting
15 them.

16 And I would, on behalf of my counsel and
17 my school, and most importantly on behalf of our
18 students, recommend that that opportunity be made.

19 Thank you very much.

20 THE CHAIR: Thank you.

21 (Commissioner Caballero enters
22 meeting room.)

23 THE CHAIR: Next is LaTrisha Mathis.

24 MS. LaTRICIA MATHIS: Thank you,
25 Madam Chair, Commissioners. I am LaTrisha Mathis,

Page 15

1 and have been, and still am, the president of the
2 governance council of Alma d'Arte Charter High
3 School in Las Cruces.

4 And my comments are directed at the
5 accountability plan, which is Item 12 on today's
6 agenda.

7 We're concerned that the accountability
8 plan is not aligned with our contract and, if
9 adopted, would essentially create two different sets
10 of criteria for schools to meet our contract
11 obligations, number one, and, number two, the
12 accountability plan obligations.

13 In addition, if adopted, these new
14 policies result in a unilateral amendment to our
15 contracts, which is not permitted under the language
16 of our agreements with the PEC.

17 In addition, the new organizational and
18 financial frameworks indicators are unclear, use
19 concepts that are undefined, which makes it very
20 difficult to comply with the required performance
21 standards.

22 We ask that the PEC ensure that it has
23 satisfied itself that these policies are consistent
24 with statutory and contractual requirements, because
25 we believe they are not and will result in

Page 17

1 and I am here to represent the New America
2 School-New Mexico and my governing council. I am
3 very concerned about the proposed policy that
4 requires the schools to renegotiate our contracts
5 and our performance frameworks at renewal or at
6 amendment time.

7 First, neither the Charter School Act nor
8 our contract contemplate or require this
9 renegotiation. Our contract was negotiated in good
10 faith and approved some time ago, which negotiation
11 included our performance indicators.

12 We have built our academic program the way
13 we run our school, how we monitor and track our
14 students on those metrics.

15 To make us change it all now, it's --
16 we're going to have to revise everything just to
17 align to PARCC. That's a violation, we believe, of
18 our contract.

19 In addition, the new performance framework
20 proposed contemplates measuring academic performance
21 for all schools in the same manner and in direct
22 contravention of the purpose of the Charter Schools
23 Act, which states, "The Charter Schools Act is
24 enacted to enable individual schools to structure
25 their educational curriculum to allow the

<p style="text-align: right;">Page 18</p> <p>1 development of different and innovative forms of 2 measuring student learning and achievement, to 3 address the needs of all students, including those 4 determined to be at risk" -- I have a very at-risk 5 population; we are a SAM school -- "...and is 6 contrary to NMSA 1978." And then there's a bunch of 7 numbers after that which I can read. 22-8A-9.1(c) 8 Giving 60 percent weight to the A-to-F 9 subfactors and 30 -- I'm sorry -- yes -- and 10 30 percent to how we fare compared to similar 11 schools is also a violation of law which allows for 12 a charter school to meet its academic performance 13 indicators through rigorous school-developed 14 academic goals rather than on the Department's 15 standards of excellence. 16 We ask that the PEC ensure -- make certain 17 that it -- I'm sorry -- yes -- that it has satisfied 18 itself that these policies are consistent with 19 statutory and contractual requirements, because we 20 believe they are not and will result in unnecessary 21 distraction from the schools -- for the schools -- 22 THE CHAIR: Sorry. That's our time. 23 MS. LaTRICIA MATHIS: -- the Commission, 24 and the PED, if approved. We would also ask that 25 you postpone approval until the versions before you</p>	<p style="text-align: right;">Page 20</p> <p>1 review uses different terms for what appears to be a 2 new category of reporting requirements, requirements 3 that are not part of our contract. As we understand 4 it, we will be required to not only comply with the 5 amendment process and procedures for amendments to 6 the material terms of our contract, which is fine; 7 but this policy also imposes a new requirement to 8 submit, quote, unquote, "notifications" to the PEC 9 of revisions listed in the proposed policy. 10 This new category of notifications results 11 in the PEC having the authority to approve or 12 disapprove changes to the charter schools' 13 operations that are not terms of the contract or 14 required by law. 15 Simple notices of changes may be 16 acceptable if the information sought is not 17 available to the CSD via PED data resources. 18 However, under this policy, the school cannot take 19 action on significant matters, such as approving new 20 policies, hiring a head administrator, business 21 manager, or voting on a new council member, for 22 example, without prior approval of the PEC. 23 Such authority is a substantial 24 encroachment on our autonomy, not to mention it 25 violates several provisions of the law. In</p>
<p style="text-align: right;">Page 19</p> <p>1 today have been circulated to the schools for input. 2 I'm a huge believer in law. I have to 3 have faith in law. I just ask that you make sure 4 that you are in alignment with our contract. 5 Also -- 6 THE CHAIR: I'm sorry. But that was the 7 time up. 8 MS. LaTRICIA MATHIS: Was that my time 9 already? 10 THE CHAIR: It was. 11 MS. LaTRICIA MATHIS: All right. Well, 12 then, please -- all right. Thank you very much. 13 THE CHAIR: Thanks. He already knows he's 14 next. You're up. 15 MR. ROBERT JESSEN: Good morning, 16 Madam Chair and Commissioners. I am Dr. Robert 17 Jessen, Head Learner of Monte del Sol Charter 18 School. 19 Although clarifying the requirements for 20 amendments to our contracts is reasonable, we 21 believe that the proposed amendment policy, which is 22 No. 14 on the agenda, overreaches and imposes 23 requirements on the schools that are not mandated by 24 our contracts or the law. 25 The document we have had the chance to</p>	<p style="text-align: right;">Page 21</p> <p>1 addition, the proposed procedure for notifications 2 is substantial, delays decisions and action by the 3 school that may be critical for ongoing operations. 4 It is not clear what this new notification 5 process is attempting to achieve. If it were simply 6 notification, then the lengthy process and ability 7 for the PEC to deny approval would not be necessary. 8 We ask -- potentially implore -- that you 9 postpone implementation of these policies until the 10 schools have had the opportunity to give input and 11 until review of the legal concerns we've raised and 12 our comments have been addressed. 13 Thank you very much. 14 THE CHAIR: Thank you. 15 And lastly is Matt Pahl. 16 MR. MATT PAHL: Thank you, Madam Chair, 17 members of the Commission. I have comments this 18 morning based on some of the items that will occur 19 during the meeting, so just wanted to make sure I 20 used Public Comment to make those comments, as 21 opposed to my space at the end of the meeting, which 22 I do appreciate. 23 The first is, one, thank you for taking 24 our feedback and taking some of that into account. 25 In reading the updated draft from yesterday, I do</p>

<p style="text-align: right;">Page 22</p> <p>1 think that there was much-added clarity into the 2 framework; but I think it's only one step forward of 3 many that need to happen. The clarity that needs to 4 happen on the terms, the glossary, is really 5 helpful; but expanding that is going to be needed. 6 We are in a \$100 million lawsuit over what 7 the term "sufficiency" means in this state. And so 8 walking through that document, I think there are 9 going to be other terms that I think could be 10 problematic. So continuing to push for clarity in 11 these policies is going to be very necessary to make 12 sure that they are something that both parties 13 understand as they move forward. So that's just a 14 note on the performance frameworks. I think you 15 heard from other schools today on some other 16 concerns. 17 The other item that I wanted to bring up 18 is on the second site policy. And it's a question. 19 And I know now is not a time for Q and A. But I 20 want to dog-ear it for the agenda item. 21 Last month at the hearing, Turquoise Trail 22 came with a request to have a -- to expand their 23 school to include a middle school. That also 24 included a second site. They couldn't host the 25 seventh and eighth grades on their campus.</p>	<p style="text-align: right;">Page 24</p> <p>1 COMMISSIONER CRONE: Patty? 2 THE CHAIR: Will the record please note 3 that Commissioner Caballero is here? 4 Commissioner Crone? 5 COMMISSIONER CRONE: I just wanted to make 6 a comment that retribution is not part of our 7 behavioral repertoire on this Commission. I've come 8 to know all of the Commissioners and the CSD Staff. 9 And let me assure the schools that they have nothing 10 to fear from us. 11 We are educators, not politicians, and we 12 have the utmost respect for what we do, and we 13 follow very high standards. 14 Thank you. 15 THE CHAIR: Thank you. Commissioners, we 16 are on to what had been Item No. 10. And that's the 17 item that was moved up. And that is Discussion of 18 Possible Action on Facility Concerns regarding -- 19 the first school is School of Dreams. I'm sorry. 20 Oh, I'm sorry. That was my fault. I crossed off 21 Item No. 5. That's my error. I apologize. 22 We are on to Item No. 5, which is 23 Discussion and Possible Action on the Rules of 24 Procedure. 25 And Commissioners received this morning</p>
<p style="text-align: right;">Page 23</p> <p>1 And so the question is, would that 2 instance, that situation, apply to a school under 3 that policy? Yes, it's a second site. But I would 4 consider that more expansion. 5 And when we look at the criteria for the 6 second site policy, I think there's just a little 7 bit of clarification. If it's one school and the 8 same school, not serving the same grades, but they 9 need a separate building to accomplish serving those 10 kids, I think there's just -- there's some gray area 11 there that I think that maybe some clarification 12 might be needed. 13 I'm under the impression that the second 14 site policy is when a school is starting a second 15 site to serve the same grades. So they're -- in one 16 building, it's serving K through 2, and in the 17 second building, it's serving K through 2. So does 18 this policy apply when a school is asking for a 19 second site to expand grade levels? 20 It's a question, and I don't know if the 21 Commission has considered that. So I just posit 22 that in preparation for that item as you all have 23 discussion. 24 Thank you. 25 THE CHAIR: Thanks.</p>	<p style="text-align: right;">Page 25</p> <p>1 the -- the short changes that we made yesterday to 2 the Rules of Procedure. The book is not going to be 3 reprinted, so that we're asking Commissioners to 4 please just tuck that into the book that they 5 currently have. 6 So if you will take a moment to go through 7 those changes to see if there are any comments, 8 questions. 9 Commissioner Conyers? 10 COMMISSIONER CONYERS: Under the first 11 one, I-a, says, "A Commissioner shall rescue 12 himself." 13 Is that what it means? 14 FROM THE FLOOR: Can he turn his mic on, 15 please? 16 COMMISSIONER CONYERS: My mic doesn't 17 work. 18 Anyway, under I, the second small "a" 19 says, "A Commissioner shall rescue himself." 20 THE CHAIR: Yes, I think we need to change 21 "rescue." Although you may feel like you need to be 22 rescued, it's "recuse." 23 COMMISSIONER TOULOUSE: Madam Chair, I've 24 felt the need to be rescued when I recuse myself 25 from a vote.</p>

Page 26	Page 28
<p>1 Thank you.</p> <p>2 COMMISSIONER CABALLERO: Commissioner?</p> <p>3 THE CHAIR: Commissioner Caballero?</p> <p>4 COMMISSIONER CABALLERO: Yes. The last</p> <p>5 paragraph in that first changes on recusing, "A</p> <p>6 recused Commissioner shall not participate in the</p> <p>7 discussion or consideration with respect to that</p> <p>8 agenda item."</p> <p>9 It -- you know, we kind of talked about</p> <p>10 that that was not -- unless counsel believes we</p> <p>11 shall have that and it's needed and then not to get</p> <p>12 into difficulties. But --</p> <p>13 THE CHAIR: You're correct. We had, I</p> <p>14 think, a fairly in-depth discussion about that</p> <p>15 yesterday, that we felt that it was important to</p> <p>16 still hear the input from the Commissioners, even</p> <p>17 though they were going to recuse themselves from the</p> <p>18 vote, that we did not -- because our initial rules</p> <p>19 required that the recused Commissioner would have to</p> <p>20 leave the room. And we felt that that was not</p> <p>21 necessary; so I think we do need to change that.</p> <p>22 MS. JAEGER: One of the things that we</p> <p>23 talked about -- and if you look at the first</p> <p>24 paragraph -- that the Commissioner would be required</p> <p>25 to make a disclosure whether or not they felt they</p>	<p>1 COMMISSIONER CABALLERO: Yes. I wasn't</p> <p>2 quite sure how that read. Thank you.</p> <p>3 THE CHAIR: Okay. Commissioners, any</p> <p>4 other discussions? Comments? So this had -- this</p> <p>5 item has been drafted as an amendment to our Rules</p> <p>6 of Procedure; so that if there is no further</p> <p>7 discussion, I will entertain a motion to approve the</p> <p>8 amendment to our Rules of Procedure.</p> <p>9 COMMISSIONER RUIZ: (Indicates.)</p> <p>10 THE CHAIR: There is a motion by</p> <p>11 Commissioner Ruiz.</p> <p>12 COMMISSIONER ROBBINS: (Indicates.)</p> <p>13 THE CHAIR: There is a second by</p> <p>14 Commissioner Robbins.</p> <p>15 Commissioner Armbruster, roll-call vote,</p> <p>16 please.</p> <p>17 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>18 Ruiz?</p> <p>19 COMMISSIONER RUIZ: Yes. Yes. I'm sorry.</p> <p>20 COMMISSIONER ARMBRUSTER: I thought you</p> <p>21 said "yes"; but I couldn't hear you. Commissioner</p> <p>22 Robbins?</p> <p>23 COMMISSIONER ROBBINS: Yes.</p> <p>24 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>25 Crone?</p>
<p>1 had a conflict of interest. So once the disclosure</p> <p>2 is made, you may or may not say that you need to</p> <p>3 recuse yourself from the discussion or from the</p> <p>4 vote.</p> <p>5 So the first step is to understand and</p> <p>6 make the -- make a disclosure of the conflict. So</p> <p>7 if you -- if you choose to recuse yourself because</p> <p>8 of the nature of the conflict, or as provided in the</p> <p>9 policy, if the other Commissioners, by a majority</p> <p>10 vote, feel it's a conflict that cannot be managed</p> <p>11 and, therefore, result in a recusal, then you would</p> <p>12 not participate in the discussion once the decision</p> <p>13 for recusal is made.</p> <p>14 COMMISSIONER CABALLERO: Do we now need to</p> <p>15 add that clarification to the policy? Is it</p> <p>16 necessary? And also to the -- question to the</p> <p>17 Commissioners. Do you feel it's necessary to add</p> <p>18 that -- what you just stated in the policy?</p> <p>19 MS. JAEGER: Commissioner Caballero, it's</p> <p>20 in paragraph sub "b": "In the event that a</p> <p>21 Commissioner who has disclosed..." is in that</p> <p>22 paragraph, what I just described.</p> <p>23 COMMISSIONER CABALLERO: Okay. All right.</p> <p>24 Thank you.</p> <p>25 THE CHAIR: Okay. So we're --</p>	<p>1 COMMISSIONER CRONE: Yes.</p> <p>2 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>3 Toulouse?</p> <p>4 COMMISSIONER TOULOUSE: No.</p> <p>5 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>6 Armbruster votes "Yes."</p> <p>7 Commissioner Conyers?</p> <p>8 COMMISSIONER CONYERS: Yes.</p> <p>9 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>10 Caballero?</p> <p>11 COMMISSIONER CABALLERO: Yes.</p> <p>12 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>13 Gipson?</p> <p>14 THE CHAIR: Yes.</p> <p>15 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>16 Johnston?</p> <p>17 COMMISSIONER JOHNSTON: Yes.</p> <p>18 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>19 Peralta?</p> <p>20 COMMISSIONER PERALTA: Yes.</p> <p>21 COMMISSIONER ARMBRUSTER: It's a</p> <p>22 nine-to-one vote. It passes.</p> <p>23 THE CHAIR: The motion passes nine to one.</p> <p>24 Thank you.</p> <p>25 COMMISSIONER TOULOUSE: Madam Chair, may I</p>

Page 30

1 explain my "No" vote?
 2 THE CHAIR: It's not necessary.
 3 COMMISSIONER TOULOUSE: I realize that;
 4 but I'd like it on the record.
 5 THE CHAIR: Okay.
 6 COMMISSIONER TOULOUSE: I -- the sentence
 7 under, "In the event of a Commissioner..." -- it
 8 doesn't have a number. It just says, "A recused
 9 Commissioner shall not participate in the
 10 discussion."
 11 And since I'm the one who, 95 percent of
 12 the time, recuses because I have a relative
 13 attending a school, there are times I feel, because
 14 of that, I don't discuss -- I never vote. But there
 15 are times when, because of the school, I still have
 16 felt it was our right to discuss when it did not
 17 relate to my relative at the school or anything
 18 else.
 19 I just wanted to say I don't -- I only
 20 have a few more months; but to me, that ties my
 21 hands when I actually have knowledge that may have
 22 been helpful, usually positive, toward the school.
 23 But the fact that I'm not voting because I have a
 24 relative attending the school, I can't help it that
 25 I have a huge number of relatives. I'm sorry.

Page 31

1 THE CHAIR: Thank you. We are now on
 2 to -- Item No. 6 is the item that we moved from 10.
 3 And it is Discussion and Possible Action on Facility
 4 Concerns regarding -- and the first school is School
 5 of Dreams.
 6 MS. POULOS: Madam Chair, we're going to
 7 do 10 first.
 8 THE CHAIR: That's what I did, yes. I
 9 tried to do it before.
 10 Good morning. And we'll let the Director
 11 go first.
 12 MS. POULOS: Madam Chairwoman,
 13 Commissioners, in the materials that I provided to
 14 you, you will see that there have been some concerns
 15 raised about the facility leasing agreements and
 16 leasing structure for School of Dreams Academy.
 17 The -- the PSFA and the PED are working
 18 together to better understand and explore these
 19 concerns to understand the severity of them and
 20 whether there is something behind them.
 21 We did want to make you aware of this
 22 to -- to know what was going on and the concerns
 23 that are outstanding right now about these lease
 24 agreements.
 25 THE CHAIR: Okay. Thank you.

Page 32

1 Good morning. And if you could introduce
 2 yourself for the record.
 3 MR. MICHAEL OGAS: Good morning. My name
 4 is Michael Ogas. I am the head administrator at
 5 School of Dreams Academy.
 6 MS. FOX: Madam Chair, I'm Susan Fox with
 7 Matthews Fox PC, and we represent SODA.
 8 I'd just like to say, with respect to this
 9 matter on the agenda, we're happy to participate,
 10 and we hope we would have the ability to participate
 11 in this, PSFA and PED working together to better
 12 understand the situation, since we are the ones
 13 that, you know, worked -- developed these leases.
 14 And we are the school, and we do have knowledge
 15 about this situation that we believe would help the
 16 PSFA and the PED to understand the situation.
 17 The concerns that have been expressed by,
 18 I guess, PSFA that are in your packet have never
 19 been brought forward to the school by Ms. Irion. We
 20 believe we have a good working relationship with the
 21 PSFA and are happy to address those matters with
 22 PSFA as well as PED.
 23 I will go ahead and state on the record,
 24 as I will say to the PSFA when they come to us and
 25 ask for discussion on these matters, that there is

Page 33

1 no conflict of interest under Section 5.2 or under
 2 the Governmental Conduct Act, and no one has pointed
 3 us to any other provision or conflict of interest
 4 that exists with respect to Mr. Ogas being the
 5 foundation president as well as the head of the
 6 school.
 7 With respect to Ms. Irion's concerns that
 8 this is a lease purchase agreement, as stated in her
 9 e-mail to -- we don't know whom -- this is not a
 10 lease purchase agreement, so it was not subject to
 11 PED review and approval. And that's a relatively
 12 simple matter that could have been cleared up from a
 13 phone call.
 14 So, you know, again, we want to assure you
 15 that the concerns that have been expressed, at least
 16 in writing by Ms. Irion, are not concerns that we
 17 believe are valid or rise to the level of something
 18 that the PEC needs to be concerned about at this
 19 point, recognizing that if we cannot alleviate
 20 concerns of PSFA or PED, that it may be appropriate
 21 at a later time to bring those concerns to you. But
 22 this is not the time.
 23 THE CHAIR: Thank you. I don't know if
 24 there's anything you wish to add.
 25 MR. MICHAEL OGAS: No, ma'am, not at this

<p style="text-align: right;">Page 34</p> <p>1 point. But I'm more than happy to answer questions 2 if there's any.</p> <p>3 THE CHAIR: Okay. I think I'm going to 4 let Commissioner Peralta -- because he sits on PSFA. 5 You're on.</p> <p>6 COMMISSIONER PERALTA: Thank you, 7 Madam Chair. I sit on the -- I'm the liaison 8 representative for the Commission on the Capital 9 Outlay Council, and I can confirm that there has 10 been, lately, discussion between the council and the 11 PSFA about issues or concerns with the school and 12 things related to facility lease -- lease 13 arrangements, MOUs, and things of that nature. And 14 that's about all I'll expand as far as me 15 participating in that dialogue with PSFA.</p> <p>16 I just have one question maybe unrelated 17 to the concern raised by CSD. But when you -- there 18 are three addresses that I get from various 19 resources about the school. And I see 1001 Juan 20 Perea Road, 906 Juan Perea Road, and 1800 Main 21 Street.</p> <p>22 Mr. Ogas, can you kind of just lay that 23 out and kind of maybe describe what those 24 addresses --</p> <p>25 MR. MICHAEL OGAS: Commission and</p>	<p style="text-align: right;">Page 36</p> <p>1 the school and the agency's representatives. So 2 thank you for that.</p> <p>3 MS. FOX: We welcome that dialogue. Thank 4 you.</p> <p>5 COMMISSIONER TOULOUSE: Madam Chair? 6 THE CHAIR: Commissioner Toulouse? 7 COMMISSIONER TOULOUSE: Let me make a 8 statement in favor of the school.</p> <p>9 You know, I spent over nine years back 10 years ago, but still running the welfare office in 11 Valencia County, I know the way the streets are 12 numbered and named up as you get in Los Lunas and 13 move both sides of the river and up toward the 14 reservation.</p> <p>15 And it's very, very hard to get any 16 addresses or know whose address is what in there. 17 So I can completely understand what this is.</p> <p>18 I don't think there's any intent to make 19 any problems with it. But the way the town is now 20 expanded, it's really hard for anyone to know what 21 their address is. I mean, how many addresses are 22 there on Los Lentos, and how many of them duplicate? 23 And, you know, I'm just saying it was an old rural 24 area that hasn't grown into the size it is now.</p> <p>25 So thank you.</p>
<p style="text-align: right;">Page 35</p> <p>1 Madam Chair, I'd be happy to try. The 1800 Main 2 Street was the facility we were in for the past nine 3 years by -- just on the other side, east of the 4 river. That's where we've moved from.</p> <p>5 The property that we've moved onto used to 6 be a trailer park with about 200-plus units; so it 7 had a number of addresses associated with it and 8 street names.</p> <p>9 The address that The Village gave us 10 ultimately was 906 Juan Perea Road. But we have had 11 had issue, whether it's been 1001 Juan Perea -- I 12 mean 1001 Juan Perea Road. And even Romero Street 13 and Charles Street have come up, because they were 14 roads in that trailer park.</p> <p>15 But our real address, and the one that you 16 approved us to move to, was 906 Juan Perea Road.</p> <p>17 COMMISSIONER PERALTA: Okay. All right. 18 Thank you for that.</p> <p>19 And just so that I can inform 20 Commissioners that -- I'm assuming PSFA will be 21 extending an invitation to the school and your 22 representatives so that we can get better 23 clarification about the issues that are being raised 24 about the school. And so I think there will be some 25 investigation or some form of auditing going on with</p>	<p style="text-align: right;">Page 37</p> <p>1 THE CHAIR: Commissioner Peralta? 2 COMMISSIONER PERALTA: Yeah. And, 3 Commissioner Toulouse, by all means, that was the 4 address that I mentioned to Mr. Ogas. That has 5 nothing to do with the concerns from the PSFA or 6 CSD. It was a matter of just clarification for my 7 own personal purposes. Thank you.</p> <p>8 THE CHAIR: Commissioners? 9 We had initial concerns; there's no doubt 10 about it. And the e-mail that came out highlighted 11 some areas that there may need to be some dialogue. 12 As a result of preliminary information from 13 yesterday that came as a result of a meeting with 14 PSFA, at this point in time, I think we have to 15 allow the investigation to play out, that it's -- 16 we're in the very early stages of that, and I think 17 it would be rash for us to do anything at this 18 moment in time.</p> <p>19 But just so that the Commissioners are 20 aware, that there -- there appears to be some 21 significant concerns. And we need to allow that to 22 be thoroughly investigated. And I'm not going to 23 get into at this moment in time; I don't want to 24 touch on those at this public meeting. But I think 25 you'll be made aware of them soon.</p>

Page 38

1 MR. MICHAEL OGAS: Madam Chair, that would
 2 be helpful.
 3 THE CHAIR: Right. And please understand
 4 that I don't have any role or authority in that
 5 notification. So I -- you know, I can't give you
 6 assurances as to when or how, because I'm just the
 7 receiver of some of the information.
 8 MS. FOX: Madam Chair and members of the
 9 Commission, I appreciate that. And, again, we are
 10 happy to participate in whatever investigation by
 11 whomever. However, in terms of placing this matter
 12 on the agenda for possible action today, knowing
 13 that there's investigation that was going to happen,
 14 we just would have appreciated prior notification
 15 and more information.
 16 THE CHAIR: It was 5:30 last night.
 17 MS. FOX: That's fine. But your agenda
 18 was set a week ago. So we're just saying that it's
 19 difficult for us to show up here and be able to
 20 speak intelligently to something that we really have
 21 limited information on at this time.
 22 THE CHAIR: I understand. But like I
 23 said, it was 5:30 last night when I received a
 24 snippet of information. So at this point in time, I
 25 think we're -- you know, we would be penny-wise and

Page 39

1 pound-foolish to try to move on anything right now.
 2 But I --
 3 COMMISSIONER TOULOUSE: Madam Chair, I
 4 have concerns about the Open Meetings Act and having
 5 information that isn't out there, either. I just --
 6 I don't want to be in violation of that.
 7 THE CHAIR: What information?
 8 COMMISSIONER TOULOUSE: You just said you
 9 had snippets.
 10 THE CHAIR: I received --
 11 COMMISSIONER TOULOUSE: Shouldn't we have
 12 taken this off the agenda?
 13 COMMISSIONER CABALLERO: Yes.
 14 THE CHAIR: No. Because Commissioner
 15 Peralta did have a question that needed to be -- and
 16 it was 5:30 last night that I received information
 17 solely that there is an investigation that is --
 18 that is going to take place. So I am certainly not
 19 in violation of the Open Meetings Act in withholding
 20 any kind of information.
 21 MS. FOX: Okay. Are you waiting for
 22 something more from me? Or --
 23 THE CHAIR: No. I think at this moment in
 24 time, I think we're good, unless the Commissioners
 25 have any additional questions.

Page 40

1 Thank you.
 2 MS. FOX: Thank you.
 3 And the next item is South Valley
 4 Preparatory -- oh, wait. Sorry. Sorry. Sorry.
 5 SAHQ.
 6 MS. POULOS: Madam Chairwoman and
 7 Commissioners, in mid-March, we did receive
 8 information in the form of a complaint that is
 9 contained in your materials with regards to some
 10 facility concerns with Student Athlete Head
 11 Quarters, specifically related to ownership, leasing
 12 agreements, access to the facility, wanted to bring
 13 these concerns also to -- to you, make you aware of
 14 them and ask if there is any directive that the
 15 Commission has or anything that the Commission wants
 16 us to do specifically with relation to these as far
 17 as from your point of view.
 18 THE CHAIR: And I -- I don't see anyone
 19 from -- oh, I'm sorry.
 20 MS. POULOS: I believe the facility owner
 21 is here.
 22 THE CHAIR: Thank you. Would you like to
 23 come up?
 24 MS. CHARLOTTE RODE: Actually, that
 25 ownership is with a nonprofit. I'm a volunteer with

Page 41

1 the -- with the facility.
 2 THE CHAIR: I'm sorry. Unless you are
 3 near the mic, the --
 4 MS. CHARLOTTE RODE: Sure. Yes. Good
 5 morning, Commissioner and members.
 6 THE CHAIR: Could you please identify
 7 yourself for the record?
 8 MS. CHARLOTTE RODE: Yes. Do I need to do
 9 anything with this? Push it?
 10 All right. Good morning. I'm Charlotte
 11 Rode. I'm the founder -- one of the founders of
 12 SAHQ Academy, and I am a volunteer for the youth
 13 program, Student Athlete Head Quarters, that is a
 14 501(c)(3) and owns the property.
 15 I am a volunteer and have been a volunteer
 16 for both organizations, both for the school and for
 17 the youth program. As a result of my 32 years of
 18 volunteerism in the community, it's an extension of
 19 what we've been doing for my whole life.
 20 I'd be happy to answer any questions. As
 21 I went through the application process, I've been up
 22 here for the last six years and went through two
 23 cycles of the application process. So a lot of
 24 these questions were asked and answered by myself,
 25 by my attorney, and by the school's attorney as well

Page 42

1 as by the business manager, Michael Vigil, as he was
 2 also one of our founders.
 3 Do you all have any questions?
 4 THE CHAIR: Commissioner Peralta?
 5 COMMISSIONER PERALTA: Thank you,
 6 Madam Chair. Ms. Rode, from my understanding in
 7 communicating with Martica Casias from PSFA, I
 8 believe the school had been given notification about
 9 the lack of E-Occupancy certification for the
 10 facility for the entire school. And from my
 11 understanding up to this date, this school does not
 12 have the E-Occupancy certification at this time,
 13 which will impact your -- your lease application for
 14 reimbursement or lease application assistance from
 15 the Council.
 16 So can you tell me the reason why the
 17 school has not moved on -- I believe the process
 18 only takes about two weeks to get E-Occupancy for
 19 the school. And at this point, it hasn't been done.
 20 MS. CHARLOTTE RODE: That information is
 21 incorrect. And we actually worked with an architect
 22 over the last several years to renovate the building
 23 in order to -- and she -- Kim Booker, who is very
 24 well-known in our community for working with
 25 schools. And she actually designed the property for

Page 43

1 E-Occupancy. We passed all of the inspections and
 2 the -- the occupancy certificate is hanging in the
 3 front office and was provided.
 4 COMMISSIONER PERALTA: I believe there may
 5 be an E-Occupancy for one of the buildings and not
 6 the second. My understanding was that PSFA is
 7 requiring that the school get the certificate for
 8 the entire school.
 9 MS. CHARLOTTE RODE: That was -- that
 10 information is several years old. Before we went
 11 through the renovations, we had E-Occupancy, which
 12 was standing for one of the buildings. And after
 13 the renovations were done in the other buildings --
 14 well, it's basically one building. But a portion of
 15 it was built later for the church that had the
 16 school. And so that portion had E-Occupancy.
 17 We went through about half-a-million
 18 dollars of renovations that the youth program took
 19 on as dead in order to renovate the school and be
 20 ready for E-Occupancy for the entire building.
 21 So we did things like install a sprinkler
 22 system, ADA bathrooms on both floors. And all of
 23 that was submitted. We passed every inspection, and
 24 we do have our occupancy certificate, and that is
 25 posted for the renovated building.

Page 44

1 COMMISSIONER PERALTA: So what I can tell
 2 you is I sat in on a Capital Outlay Council meeting
 3 yesterday morning. At the conclusion of that
 4 Council meeting, I personally spoke with Ms. Casias,
 5 and she informed me that the school does not have an
 6 E-Occupancy certification.
 7 So I would recommend that you get to her
 8 office immediately and try to square this away.
 9 MS. CHARLOTTE RODE: I will do that. I
 10 appreciate the information. This is the first time
 11 that I have heard of it. What I understood, because
 12 at the beginning, when we had our first initial
 13 visit, site visit, which was two weeks prior to the
 14 opening of the school, we did provide that to the
 15 CSD when they visited. And it was my understanding
 16 that that was checked off and that we had provided
 17 that to them and as well as posting it in the
 18 office.
 19 So this is the first that I've heard of
 20 it. I was told that this was about access and
 21 the -- the architect that we worked with, as well as
 22 another architect here in town did provide some
 23 diagrams to show that we have ADA access on both
 24 levels, because we have street access from both
 25 levels.

Page 45

1 So I apologize, or else I would have come
 2 prepared with that information. But I will
 3 certainly contact Ms. Casias and take care of that
 4 immediately.
 5 COMMISSIONER PERALTA: Thank you.
 6 MS. CHARLOTTE RODE: Uh-huh.
 7 MS. MATTHEWS: Madam Chair, may I speak?
 8 THE CHAIR: Yes.
 9 MS. MATTHEWS: Very briefly. I'm Patricia
 10 Matthews on behalf of SAHQ Academy, the school.
 11 Mr. Peralta, certainly we will make sure
 12 that we figure out what's going on, and we'll get
 13 you that information up-top. Just trying to make
 14 sure from the school's perspective you have our
 15 assurances. I don't even think the school could
 16 have been opened and the Fire Marshal certainly
 17 would probably have closed it down.
 18 But I respect Ms. Casias. If that's the
 19 information she has, we'll get it clarified. Thank
 20 you.
 21 COMMISSIONER PERALTA: Thank you.
 22 THE CHAIR: I know you indicated that you
 23 feel that questions have been asked and answered.
 24 But it is unfortunate that we still seem to be mired
 25 in these concerns about the separation between the

Page 46

1 foundation and the school and that there have been
2 concerns that have been raised at this point in time
3 that we don't have full information, but to let you
4 know that there is a serious concern that
5 operational money or lease money is being used on
6 that portion of the building that is not being --
7 that is not designated as the -- for the school.

8 MS. CHARLOTTE RODE: I'm sorry. I don't
9 understand. Can you clarify that? Because I'd be
10 happy to answer any questions.

11 THE CHAIR: I don't know how simpler to
12 make it.

13 MS. CHARLOTTE RODE: What portion of the
14 building?

15 THE CHAIR: There is a portion of the
16 building that you do not use, correct, for the
17 school? Because that's what Commissioner Peralta
18 was identifying, that you have E-Occupancy for -- it
19 is our understanding that you have E-Occupancy for a
20 portion of the building, that the school does not
21 use 100 percent of the building.

22 MS. MATTHEWS: Madam Chair, members of the
23 Commission, that's not correct information.

24 THE CHAIR: So that's where we're --

25 MS. MATTHEWS: The lease itself covers the

Page 48

1 COMMISSIONER PERALTA: Information in what
2 regard?

3 MS. MATTHEWS: These concerns that you're
4 now raising, because this is the first time.

5 COMMISSIONER PERALTA: My initial question
6 to Ms. Casias was if she had any information on
7 SAHQ, because I told her SAHQ was on the agenda, and
8 there was some concerns about the facilities. And
9 all she expressed to me was that the school has not
10 yet obtained an E-Occupancy certification for the
11 entire school structure, which includes multiple
12 buildings. And I think that's what -- where,
13 basically, she --

14 MS. MATTHEWS: Caught off guard here. So
15 I would ask the Commission to put us on the agenda
16 for next time, if that's possible, and we'll get you
17 that information and we'll clear this up. I'd love
18 to have the opportunity to present it and clear the
19 air here, because I don't want anyone to believe
20 that the school is doing anything wrong.

21 THE CHAIR: And my understanding was that
22 someone from PSFA, I thought at least had a
23 conversation if not went out. That's what I
24 thought. But I could, at this point in time, be
25 wrong.

Page 47

1 entire premises. The school leases the entire
2 premises, and they pay rent on the entire premises.
3 So I'm not sure where that information is coming
4 from. Again, Mr. Peralta --

5 THE CHAIR: It's coming really from PSFA.

6 MS. MATTHEWS: That's great. I'm sitting
7 in the same position as Ms. Fox was. Certainly if
8 there is some concern about utilization of the
9 facility, whether or not it's improperly being paid
10 for on behalf of a nonprofit, please have them
11 contact us. We can get this straightened away.

12 This is not -- I mean, we're hashing out
13 something that we bring to you when we hit the
14 loggerhead; right? Then you know that there is an
15 actual problem.

16 Right now, I don't know that there is an
17 actual problem. No one -- I certainly haven't been
18 contacted by Ms. Jaramillo or Mr. Beach, who's the
19 head of the governing council, that they've been
20 notified of a concern. I don't represent the
21 foundation. I don't have contact with Ms. Rode. So
22 I would be getting my information from the school.

23 So, Mr. Peralta -- Commissioner Peralta --
24 is that information that -- do you know if it's been
25 provided to the school?

Page 49

1 MS. MATTHEWS: We're all possibly wrong.
2 I'm more than happy to come back next year -- next
3 year. Yes, please, just -- last time -- I will --
4 I'll get in touch with the school and tell them that
5 this was raised, and that there was a concern.

6 So -- I mean, I would ask Director Poulos
7 if they were contacted that they were going to be on
8 the agenda on this issue, because I don't want to
9 say they didn't have notice if you gave them notice.

10 MS. POULOS: I believe that they were; but
11 I could be wrong. And if I'm wrong, that is fault
12 on our part.

13 MS. MATTHEWS: We'll figure it out. We'll
14 give you information next time.

15 THE CHAIR: I just had a -- like, a
16 30-second conversation with Ms. Casias at the spring
17 budget. And I simply mentioned that this was on the
18 agenda. And she -- the indication to me was she
19 knew that. So I kind of worked my way around that.
20 That's because there had been some work done by PSFA
21 on this.

22 MS. MATTHEWS: We'll get it figured out,
23 and we'll bring you back that information.

24 Thank you very much.

25 THE CHAIR: Thank you.

Page 50

1 MS. POULOS: And, Madam Chairwoman,
 2 Commissioners, the materials that were provided are
 3 materials that were a complaint letter that came to
 4 us enumerating many -- I think one that corroborates
 5 the -- Commissioner Peralta's statement stating that
 6 aside from a remodeled environment that complicates
 7 students learning, Ms. Rode receives public funding
 8 for 7,000 to 10,000 square feet more than the school
 9 uses or needs.
 10 So these are some of the issues that are
 11 laid out here, including an issue regarding the
 12 facility use agreement between the two entities, the
 13 school and this other entity.
 14 THE CHAIR: See, that's where we're
 15 getting this confused message --
 16 MS. MATTHEWS: Fine. Uh-huh.
 17 THE CHAIR: -- of what portion of that
 18 facility is being used for the school and what
 19 isn't. Because I -- I had -- I had the perhaps
 20 misunderstanding from the beginning that the school
 21 was not using the entire facility, that there was
 22 only a portion of that building that the school was
 23 using, and that's what the E-Occupancy was for, and
 24 that the foundation still used, separate from the
 25 school, a portion of that building. That was my

Page 51

1 understanding when we had this initial vote for
 2 commencement of operation. That's my vision of what
 3 was happening.
 4 MS. MATTHEWS: Madam Chair, members of the
 5 Commission, first, if there's a complaint about
 6 what's going on at the school, it's my recollection
 7 that there's a process in the contract that requires
 8 that we go to the school, ask them for a response.
 9 And I don't believe the school has had the
 10 opportunity to respond to the concerns. Certainly,
 11 if they're valid, we need to get to the bottom of
 12 them if that's, in fact, a complaint, before they
 13 come to the Commission. I think that that would be
 14 helpful, so everyone comes here with all the
 15 information we possibly can have.
 16 Secondly, when we were getting -- when we
 17 were working toward approval on this particular
 18 school, we had multiple conversations with the
 19 Division about how the lease should be structured,
 20 what it would look like. Ultimately, we brought
 21 forward a lease to this Commission that described
 22 the facility, and that the facility in its entirety
 23 would be leased by the school from the foundation.
 24 And that was -- that was the structure.
 25 And we -- you know, sort of unusual for

Page 52

1 the Commission to have been that involved. But we
 2 were very concerned about the overlay of the
 3 nonprofit, et cetera. And so we did as much
 4 restructuring and figuring out how that should look
 5 and function so that we ensured there was not an
 6 anti-donation issue. And so that is how that lease
 7 is structured.
 8 Now, Ms. Poulos, the complaint she
 9 received, you know, we need to take a look at that,
 10 if, in fact, there is some validity to any of those
 11 questions. But I can't tell you off the top of my
 12 head without going to the school and saying here's a
 13 complaint.
 14 We need to audit what's happening here. I
 15 can tell you that there is shared use of the
 16 building through an MOU, where the nonprofit uses
 17 the building after-hours, and there's an in-kind
 18 exchange. That's how it was structured.
 19 And so maybe there's just confusion from
 20 the outside looking in as to what is happening, and
 21 we're more than happy to come and report out to give
 22 you the comfort level that we're not -- we don't
 23 have an anti-donation issue here.
 24 THE CHAIR: I'll reiterate what I said
 25 when we did the commencement of operation. I need a

Page 53

1 "SAHQ For Dummies" to be able to navigate this --
 2 MS. MATTHEWS: More than happy to.
 3 THE CHAIR: -- because it gets -- it just
 4 gets continually frustrating to try to figure this
 5 all out and be comfortable not having concerns about
 6 the State funds.
 7 MS. MATTHEWS: More than happy to talk
 8 about it. I don't -- I mean, I assume that it would
 9 reflect in the audit findings from this year if
 10 there was a concern. But this -- and I know
 11 Ms. Poulos would have certainly sent that complaint
 12 forward. I would hope that she would have done that
 13 if she just received it directly. So, you know,
 14 we'd be more than happy to look at it and respond.
 15 THE CHAIR: Okay. Thank you. Oh.
 16 Commissioners, is there anything else
 17 before I -- okay. Thank you.
 18 Commissioners, can we take a short break?
 19 Try to be back in ten.
 20 (Recess taken, 10:03 a.m. to 10:26 a.m.)
 21 THE CHAIR: We are now on to Item No. 6,
 22 Discussion and Possible Action on Charter School
 23 Amendments.
 24 MS. POULOS: Madam Chairwoman
 25 Commissioners, the First Amendment request you have

<p style="text-align: right;">Page 54</p> <p>1 in front of you is the anticipated request from 2 School of Dreams Academy to include in their 3 authorized grades the fourth, fifth, and sixth 4 grades. Currently, they are authorized for 3Y-4Y DD 5 programs, kindergarten through third grade, and 6 seventh through twelfth grade. They are seeking 7 approval to serve the full school of students such 8 that they would take them from K through 12. 9 You do have in your performance report the 10 school's history, its academic performance, its -- 11 several pages of its academic performance, and also 12 additional information regarding the organizational 13 performance evaluation from 2016-'17. And you do 14 not have any information about the organizational 15 performance from the current school year, because we 16 have not yet conducted the site visit for this 17 school. That will occur later. 18 And then you do have, on Page 10, the 19 additional analysis. This school has been coming to 20 you for several years, kind of phasing in grades and 21 adding a couple at a time. And part of the 22 challenge has been the school's 2015 school grade of 23 a "D." And through our analysis, we had indicated 24 that we would not make a recommendation to approve 25 until the school had earned a "C" grade for two</p>	<p style="text-align: right;">Page 56</p> <p>1 item today. 2 THE CHAIR: Thank you. Good morning once 3 again. 4 MR. MICHAEL OGAS: Good morning. Mike 5 Ogas from the School of Dreams Academy. We come to 6 you for I believe the third year -- this will be the 7 third year -- to request additional grades. You and 8 this Commission have been gracious enough to allow 9 us to phase those grades in as we've grown. We 10 listened very closely to the concerns in terms of 11 our academic performance and the school grade and 12 have done major gains in achieving that. We went -- 13 we missed an "A" by right around one point this 14 year, which we're very pleased of, and we continue 15 to make improvements that way. 16 This past year, we also were re-upped on 17 our Advanced Ed accreditation from the continuous 18 improvement model. So that went very positive. 19 We've done some things above and beyond 20 to -- to ensure that, you know, we're trying to do 21 the best we can for our children and for the 22 community. 23 I asked early on in the fall if there was 24 any kinds of programs that the PED had that would 25 help leaders in terms of organization and, you know,</p>
<p style="text-align: right;">Page 55</p> <p>1 subsequent years, or consecutive years. And, in 2 fact, the school has done that; and so that's 3 reflected. 4 Now, you haven't passed them. But you do 5 have policies that put into place the expectation 6 for what you need to know to be able to make a good 7 decision on amendment requests like this, seeking to 8 expand and serve more students. This school doesn't 9 meet those standards that you want to apply going 10 forward. But I think some of the factors for 11 consideration are things that you absolutely still 12 have the ability to consider; right? What's the 13 holistic picture of this school's -- this school's 14 performance. 15 Again, our recommendation, based on the 16 recommendation over the past two years, was that you 17 do approve this amendment request. You do also, 18 though, have -- have in front of you the school's 19 audit findings from the audit that was most recently 20 released. It does have at least one repeat finding, 21 at least one material weakness. And I think also 22 you can see that the foundation also has some audit 23 findings. 24 So that's the information that you have in 25 front of you. And certainly, we discussed the other</p>	<p style="text-align: right;">Page 57</p> <p>1 just general structuring kinds of things to improve. 2 Even though we did not need to, we enrolled 3 ourselves in the New Mexico DASH program so that I 4 could learn -- I went personally, myself, so that I 5 could learn about organizational improvement, went 6 through the training. So we have that that we're 7 willing to implement. 8 We've also written, and we received, a 9 grant to add a computer science program offering now 10 that will allow students to obtain a computer 11 science licensure and certification by the time they 12 graduate. And we have submitted an application as a 13 Comprehensive School Improvement grant, based upon 14 our graduation rate, which actually went up this 15 year from the year that we actually qualified as a 16 SCI school. And I understand the qualifications. 17 But I have gone on the record before. If 18 you remember, a couple of years ago, you approved an 19 amendment to codify our -- our GRADUATE SODA 20 program, which was a reengagement credit recovery 21 program. And we agreed to it knowing it's a mobile, 22 very mobile population, and that, you know, as a 23 result, our graduation rate is a little bit lower; 24 although, we are, you know, serving and meeting a 25 need that is not being met in Valencia County.</p>

<p style="text-align: right;">Page 58</p> <p>1 So that's my presentation. And we -- we 2 gave you a number of information in terms of what 3 our school is doing, some real positive things and 4 the move that we're making. We have right around 5 30 second -- third-graders that have all indicated 6 they will return for the fourth grade. And we're 7 going to be PARCC-testing them beginning next week. 8 So we're looking forward to those results. 9 I'm not one for excuses. We have lived 10 through and taken the "D" that we received a couple 11 of years ago in stride to move forward. But I can 12 tell you with what we've learned over the last 13 couple of years in terms of how the administration 14 of PARCC has evolved, that was our first year of 15 computerized testing. There were a number of 16 computer glitches that year where kids were sitting 17 in front of computers for a long period of time. 18 All of that, we sent up to PED immediately and 19 documented that. And -- but the scores, I believe, 20 had a rough time that year because of that. 21 The following year, we requested 22 paper-and-pencil testing, and our scores went up 23 significantly. 24 This year, we requested paper-and-pencil 25 testing again, knowing that it was more expensive.</p>	<p style="text-align: right;">Page 60</p> <p>1 special education, for example, it's reported here 2 that that was never completed. 3 We actually submitted it in June two weeks 4 early. And there's a -- a memo in here from 5 Ms. Dominguez-Clark clearing us of all issues that 6 were brought up during that Corrective Action Plan, 7 and I included that in our packet. 8 So there are some other things that we 9 could go through step by step with that; but 10 granted, there are some things we need to work on; 11 but there's also some things that have also been 12 done. 13 The reference to background checks and to 14 licensure, those came up a year ago in an audit that 15 came down to us around January or February of last 16 year. And we corrected those deficiencies almost 17 immediately. The notion of background checks, just 18 for clarification, had to do with contract services 19 that we contract out ancillary services with a 20 well-known agency. They had their background checks 21 on file in their office. For some reason, we didn't 22 have them filed on our side. That was taken care of 23 immediately. 24 One or two people that did not comply with 25 completing their -- their OPAL license were let go</p>
<p style="text-align: right;">Page 59</p> <p>1 And we actually got audited by PED. They came up 2 and looked at our system and found out that there is 3 something in our system, or in the PED system in the 4 way they communicate with our end computing software 5 that glitches at the secondary level time and time 6 again. So they came and they proved that. So I 7 felt a little vindicated that way. 8 We are going to computerize-test all of 9 our third-graders, because the PARCC at the 10 elementary did not glitch up. I've never said that 11 publicly; but I do want to qualify that because I do 12 think our school has been stigmatized with that "D" 13 long enough. We're continually improving. We do a 14 lot of good things, and we're ready to move on with 15 our full grade, you know, having the pre-K through 16 twelfth grade. 17 There are some things in the 18 organizational framework that we need to clarify. 19 And I'm going to need direction from PED on that, 20 because I don't -- I think there's a 21 miscommunication on where exactly or how we're 22 supposed to report. 23 And it's probably my fault -- I'll take 24 that -- how we're supposed to report items that have 25 been completed. The Corrective Action Plan for</p>	<p style="text-align: right;">Page 61</p> <p>1 once we learned. We now have since mitigated that. 2 All of our staff are background-checked, 3 and they're all appropriately licensed. And I hope 4 when the CSD comes down, that they'll be able to see 5 that and take care of that piece of it, too. 6 There are some other areas that we're 7 working through. I just need to know, for my part, 8 how to make sure to report that to where it's put in 9 the right place for the performance framework. 10 Thank you. 11 THE CHAIR: I appreciate all the work 12 that -- that you've done in terms of your academic 13 growth. I did -- I do have one question because 14 your demographics don't necessarily match up with 15 the -- with the area. What's your student retention 16 in the school? 17 MR. MICHAEL OGAS: I think it was reported 18 in here. I don't have the exact numbers. 19 THE CHAIR: And I -- 20 MR. MICHAEL OGAS: It's -- 21 THE CHAIR: Is it, like, in the 70s? 22 MR. MICHAEL OGAS: It's 78 or something 23 like that, most recently. But it was 85 the time 24 before that. 25 MS. POULOS: Madam Chairwoman, it's</p>

Page 62

1 Page 2.
 2 THE CHAIR: Page 2.
 3 MR. MICHAEL OGAS: We also have worked on
 4 reporting our data more concisely. This go-round,
 5 you're going to see much more accurate data in terms
 6 of our S.T.A.R.S. reporting than we've ever seen
 7 before.
 8 THE CHAIR: Right. And actually, that's
 9 the question I have, because you did have, I guess
 10 you could say, a fairly significant decrease in
 11 reenrollment, because you had been at 86.9, and now
 12 you're at 73.5. So did that affect the
 13 demographics?
 14 MR. MICHAEL OGAS: It could have. I'd
 15 have to look at it, Commissioner, to look closely.
 16 THE CHAIR: I was just --
 17 MR. MICHAEL OGAS: Yeah.
 18 THE CHAIR: And I'm going to be honest at
 19 this point in time. If we weren't facing the
 20 possibility of an investigation, I could -- I'd be
 21 all on board with supporting this amendment. But I
 22 hesitate at this point in time based on the big
 23 question of we're not sure where that investigation
 24 is going to go and what's going to play out. And
 25 I'm hesitant to -- for myself -- to support this --

Page 63

1 this increase with the school at this moment. And
 2 that's -- you know, truly, that's what's hanging
 3 over me right now.
 4 MS. FOX: Madam Chairman and
 5 Commissioners, that's obviously hanging over us as
 6 well. And we're in a position -- we've been placed
 7 in a position where other than putting on the record
 8 what I've already put on the record to you with
 9 respect to the one e-mail from Ms. Irion where she
 10 expressed a concern about lease purchase and about a
 11 conflict of interest, I have no way of responding to
 12 what that concern is, because no one has let us
 13 know. So we're between a rock and a hard place, as
 14 are you, because of the 60-day requirement.
 15 I guess I would, with Mr. Ogas'
 16 permission, given that this school has a grade of
 17 kids who need to move up next year, and we've got
 18 staffing issues, and we have got parents and kids
 19 who need to make plans if there's not going to be
 20 grades for them next year, I would request that we
 21 do something somewhat Solomonic, and at least if you
 22 could grant the next grade level for us, and we can
 23 come back in the future and ask for the additional
 24 two grades.
 25 Mike may shut me up and tell me he doesn't

Page 64

1 want to do that. But I'm sort of reading some tea
 2 leaves here and cutting to the chase. I -- we need
 3 a place for these kiddos to go. Without something
 4 more from you-all or the PSCOC or the PSFA, who, by
 5 the way -- I mean, we've submitted this amendment
 6 back in March. And no one has come to us in this
 7 intervening month and a half to say, "Hey, we have
 8 these questions, let's talk about it," so we could
 9 be before you guys today to address some ephemeral
 10 amorphous concerns that you all have.
 11 I don't -- I mean, we've put these kiddos
 12 and staff in a difficult position at this point; not
 13 us, but the situation. So I guess that's -- I would
 14 request that the PEC, if the majority of the PEC
 15 feels like it's an all-or-nothing type deal, let's
 16 consider perhaps splitting the baby and at least
 17 giving us one more grade in the interim.
 18 COMMISSIONER CABALLERO: We don't have a
 19 motion on the floor for discussion?
 20 THE CHAIR: We don't.
 21 COMMISSIONER CABALLERO: I would like to
 22 move that we -- that the request -- the amendment be
 23 approved for School of Dreams Academy to change its
 24 material terms with respect to operational structure
 25 by expanding the -- to serve Grades 4 to 6, because

Page 65

1 the school has demonstrated continued improvement in
 2 overall performance on the A-F school grading
 3 accounting system during the past three years.
 4 COMMISSIONER TOULOUSE: Madam Chair, I
 5 second the motion.
 6 THE CHAIR: There's a motion by
 7 Commissioner Caballero and a second by Commissioner
 8 Toulouse.
 9 Commissioners, discussion?
 10 Commissioner Armbruster?
 11 COMMISSIONER ARMBRUSTER: Thank you,
 12 Madam Chair. I have a number of questions. Sorry.
 13 It's me.
 14 So when you indicated that you were a SAM
 15 school, is that only the night school for SAM's, or
 16 is it your first grade and kindergarten are a SAM's,
 17 too?
 18 MR. MICHAEL OGAS: Commissioner
 19 Armbruster, Madam Chair, I am not exactly sure; but
 20 I am sure we are a SAM school for the entire school.
 21 We have a large population of children with IEPs.
 22 We're at 23 percent right now. So I think that's --
 23 even though there's a committee, I guess, that's
 24 contemplating the SAM regulations, we've been a SAM
 25 school from the beginning. And I'm sure it's for

<p style="text-align: right;">Page 66</p> <p>1 the entire school, not just the night school. 2 THE CHAIR: Yeah, that's my understanding, 3 that -- your designation as a SAM school, yeah. 4 COMMISSIONER ARMBRUSTER: Because I 5 guess -- you know, I was looking at your Istation -- 6 I think I'm reading this correctly. I think it's -- 7 it is kind of a concern to me that you are getting 8 kids -- let me try to say this in a different way. 9 A number of schools come to us because 10 they're dealing with, as you had, 7 through 12, and 11 they want to grow their own from kindergarten on. I 12 understand that, because you hope to avoid the 13 issues you get when you get seventh-graders who are 14 significantly below. 15 And when I'm looking at your Istation 16 scores compared to other schools on Istation who 17 have -- although they're not designated as SAMs, at 18 the same time, I'm not sure how you can designate a 19 kindergartener as SAMs. I mean they don't even 20 qualify for special ed at that point unless it's a 21 significant 3Y-4Y kind of a special ed. And their 22 Istation scores of proficiency are 40 percent for 23 kindergarten and 47 percent for first grade, where 24 other schools are in the 70s for those same kinds of 25 kids at the same demographics who are even more</p>	<p style="text-align: right;">Page 68</p> <p>1 in special ed? 2 MR. MICHAEL OGAS: Sure, Commissioner 3 Armbruster, Madam Chair. Our population -- we have 4 our special education director here, Mr. Mora -- 5 encompasses all of those exceptionalities and 6 levels. The majority are A and B; but we do offer 7 programs, and we do implement programs for students 8 that are more involved. 9 We do have a number of children -- a 10 significant number of children that are on the 11 autism spectrum. We've seen an increase in that 12 over the last several years. And they vary on their 13 levels. Some are in the Early College program, you 14 know. So we truly try to meet their individual 15 needs. 16 If I could maybe just respond to the 17 Istation just a minute, this is the first real year 18 that we've implemented Istation. So we're -- you 19 know, we're doing not only a combination of learning 20 the keyboarding skills -- because it's all 21 computerized. We did notice, though, that there are 22 times, if a child doesn't respond appropriately, 23 then -- then they get marked wrong on it. 24 So we've gotten better at it. But it's 25 something that we're continuing to work on. We have</p>
<p style="text-align: right;">Page 67</p> <p>1 needy. 2 Again, we're not going to talk about the 3 SAMs thing because I don't understand that. 4 So that concerns me. And on the good 5 side, I want to say thank you, thank you, for 6 bringing up your lowest quartile. Those are my -- 7 my things. 8 But those concern me, because whatever is 9 occurring isn't occurring as well as others are 10 doing. Because we're talking about kindergarten. 11 We're talking about five-year-olds now, as opposed 12 to 12-year-olds who are far more difficult to raise 13 to a proficiency level. 14 The other thing. So in your special 15 education -- I don't know. I didn't read 16 23 percent; but I don't remember that I read any 17 percentage. So I'll leave it at that. 18 So how is that special education 19 distributed? And I'll clarify that. 20 You have -- it could be an A-level, 21 B-level, C-level, D-level. It could be spectrum 22 kids. It could be living skills kids. It could be 23 learning disabled. It could be speech and language. 24 And I don't know that you will know exact numbers, 25 but maybe a little rough idea. What does that mean</p>	<p style="text-align: right;">Page 69</p> <p>1 an active SAT process at the elementary level and 2 other areas where we have been identifying students 3 who maybe aren't reading at grade level and 4 intervention and that kind of thing. 5 COMMISSIONER ARMBRUSTER: Okay. Thank 6 you. 7 THE CHAIR: Commissioner Johnston? 8 COMMISSIONER JOHNSTON: Thank you, 9 Madam Chair. 10 Okay, folks. I'm not of the technology 11 age, and I collect so much paper that I have to 12 balance. 13 My concern lies right now in my lack of 14 clarity on a couple of -- on two issues that are 15 pending. One is the investigation with PSFA that is 16 in its early stages. 17 Two is a concern with the audit findings 18 from the last audit and the repeated findings and 19 the material weakness and not having a clarity that 20 those have been completely resolved. 21 And there is a third one. When I said a 22 couple, there is a third one, and that is a 23 perceived lack of responsiveness -- on my part, I 24 perceive there is a lack of responsiveness to the 25 requirements of the -- of the school that are placed</p>

<p style="text-align: right;">Page 70</p> <p>1 on the school by operating on State-supported 2 dollars. 3 And it's not that you're not doing things; 4 it's that somehow there's a lack of understanding on 5 how those are reported on -- I'm looking at 6 evidences of protecting the rights of students, 7 evidences of instructional hours, evidences of 8 material terms of the contract, evidences of 9 protecting the right of the eligible ELL students, 10 evidences of compulsory State attendance laws. And 11 those are the day-to-day operations. 12 And my concern is the lack of clarity with 13 evidences; not that it's not happening, because I 14 believe it is, but the lack of responsiveness to 15 the -- to the PEC, to the PED, because of the 16 receipt of -- of taxpayer dollars to operate the 17 school. And without that clarity, I would have a 18 great deal of difficulty voting in favor at this 19 point. So I just wanted to let you know. 20 MR. MICHAEL OGAS: May I respond? 21 Commissioner Johnston, Madam Chair. So 22 those are valid concerns. However, you need to know 23 that we have been working with our business manager 24 and have adopted a Corrective Action Plan. As per 25 the State requirements, with respect to the audit</p>	<p style="text-align: right;">Page 72</p> <p>1 audit difficulties at this place. And you function 2 as the head of school and the Chair of the 3 foundation, or the president of the foundation? I'm 4 not sure of the title. 5 MR. MICHAEL OGAS: Yes, ma'am. 6 COMMISSIONER JOHNSTON: And how long have 7 you been in that position? 8 MR. MICHAEL OGAS: I'm the founder. I've 9 been there since the beginning. Except the first 10 year, I was not the administrator of the school. 11 COMMISSIONER JOHNSTON: And that adds 12 further to my lack of clarity with your tenure, your 13 length of time there, those two positions and the 14 repeat findings. I just am not ready at this point 15 to vote. 16 Thank you. 17 THE CHAIR: Commissioner Robbins? 18 COMMISSIONER ROBBINS: Thank you. I have 19 to kind of second, I guess, Ms. Johnston's concerns 20 with the repeat findings and the material findings, 21 especially given the longevity of this school. I -- 22 I think the cloud of the investigation raises 23 concerns. And I think what Ms. Fox has put forth of 24 a one-year extension may be a -- kind of a 25 compromise.</p>
<p style="text-align: right;">Page 71</p> <p>1 findings, individuals that may have been, in the 2 past, responsible for retaining receipts are no 3 longer with us. So we are moving forward with 4 people who understand the requirements. And I 5 believe that there's going to be a significant 6 improvement in that area. 7 With respect to -- to the -- the reporting 8 pieces of the day-to-day, I can assure you most all 9 of the day-to-day things are taking place. We need 10 to get better, and we have had people turn over that 11 have -- that now have the responsibility to make 12 sure that that reporting gets taken care of. And in 13 some of these, frankly, we've already taken care of 14 them. We just didn't know where to put that 15 reporting. 16 So I think we're going to see 17 clarification on a number of these things within the 18 next few weeks. 19 COMMISSIONER JOHNSTON: And, Mr. Ogas, how 20 long have you been -- when did School of Dreams 21 open? 22 MR. MICHAEL OGAS: It opened in 2009. 23 COMMISSIONER JOHNSTON: 2009. 24 MR. MICHAEL OGAS: Yes, ma'am. 25 COMMISSIONER JOHNSTON: And to have these</p>	<p style="text-align: right;">Page 73</p> <p>1 I think we will need to be very careful 2 about growing the school so rapidly, because if you 3 add three more grades, and we have these problems 4 with just what you have now, in essence, given the 5 potential to almost double the size of the school 6 could double the problems. And that is something I 7 have a great concern of. 8 So I want to move, and I would recommend, 9 that the Commission move very cautiously with this. 10 The advancement in the "A" grade is great, 11 because there has been improvement and everything. 12 But proficiencies are still far below where we would 13 like them to be. And I think we're -- the community 14 needs them to be -- with the development that's 15 going on down in that area and everything, 16 businesses moving on, they need to have educated 17 workers in a few years. And if the students coming 18 into these charters and coming out of the public 19 schools are not of the level that these industries 20 need, they'll move out. They'll move out. And 21 that's going to harm the local area. 22 And, you know, we can't support the local 23 area by just having charter schools and then 24 government entities. We need private industry to 25 come into the area. And I think we've been able to</p>

<p style="text-align: right;">Page 74</p> <p>1 attract some to this area. And I think the schools 2 have a long-term vision of what they have to do to 3 achieve that. 4 So I can't support the full expansion. 5 But I would be in agreement with Ms. Fox in terms of 6 perhaps modifying the request to just adding the one 7 year of Grade 4. 8 THE CHAIR: You know, I'll -- I'll 9 reiterate. I've got -- the cloud is over me with 10 the possibility of an investigation. I also have 11 concerns -- because I appreciate and I've applauded 12 you for the increase in the grade. I -- but we have 13 so many schools that say, "But we're more than just 14 the school grade," when the school grade maybe isn't 15 that great. And, "You have to take a look at the 16 bigger picture." 17 There's 19 "Does Not Meet Standards" on 18 your performance framework. So that -- so, you 19 know, we're rocking it with the school grade; but 20 there's 19 "Does Not Meet Standard" on the 21 performance framework. So that is of significant 22 concern for me that, okay, you've got this, but -- 23 and I do -- I express a similar concern that -- at 24 this moment in time, to say, "I don't know where to 25 report this information," when it's, like, your</p>	<p style="text-align: right;">Page 76</p> <p>1 saying. 2 MR. MICHAEL OGAS: We sent three full 3 binders of information early in June this past year 4 meeting everything they had asked us to meet. 5 Everything. So we -- in fact, I put the letter from 6 them in the packet before. 7 THE CHAIR: Right. 8 MR. MICHAEL OGAS: So my -- when I saw 9 that it was reported that we hadn't met any of it, 10 that we, you know, hadn't addressed the Corrective 11 Action Plan, that was wrong, you know. There's 12 another piece in here that said we didn't comply 13 with the bilingual multicultural program. We've 14 never had a bilingual multicultural program. So I'm 15 not sure how to correct that. 16 We might -- now, we're at the point where 17 we're doing a lot of testing, and we're identifying 18 children. We've grown, where we're going to be 19 going more just beyond addressing ELL needs; we're 20 looking at the possibility of will we, in fact, 21 qualify for the Title III Bilingual Program. So 22 we're very aware of how we're reporting it into our 23 Power School and into S.T.A.R.S. So -- 24 THE CHAIR: So then I guess I need further 25 clarification. Because I think you -- and correct</p>
<p style="text-align: right;">Page 75</p> <p>1 special ed information, I'm at a loss for that. 2 What's been going on for the eight years that you 3 have been there at the helm? 4 MR. MICHAEL OGAS: If I could clarify my 5 statement with that, if you take the Corrective 6 Action Plan for special education, for example, we 7 submitted it to the Special Education Bureau. It 8 was approved. It was gone through, approved. We 9 received a letter acknowledging that we were 10 exonerated from any finding whatsoever. 11 Based on that, it was my assumption that 12 that information would get to the CSD. Apparently, 13 it did not. 14 That's what I mean. How does -- we make 15 sure that what we've done ends up in the right place 16 so that we don't -- so that it doesn't look on this 17 report like we haven't done anything with it? 18 That's what I meant. 19 THE CHAIR: All right. That was a 20 misunderstanding on my part. 21 MR. MICHAEL OGAS: Yes, ma'am. 22 THE CHAIR: I thought you were saying you 23 didn't know where to report to Special Ed Bureau. 24 MR. MICHAEL OGAS: No. 25 THE CHAIR: That's what I thought you were</p>	<p style="text-align: right;">Page 77</p> <p>1 me if I'm wrong. I thought you also mentioned that 2 you didn't know where to report some of the 3 performance framework information to CSD. And was I 4 wrong in that? Did I -- did I not hear that 5 correctly? 6 MR. MICHAEL OGAS: So there's a couple of 7 things. And I will take responsibility if it was a 8 misunderstanding on my part. But early on, after 9 the first year of 2014, I contacted the CSD and 10 said, "Is it time to renegotiate our contract," and 11 never heard back. 12 In fact, there was a time of turnover when 13 we were communicating with somebody who wasn't there 14 anymore. At least we thought we were. So we have 15 never had an opportunity -- so I asked just 16 recently, "What is the process for renegotiating the 17 contract," and have learned that it's here at a 18 meeting through the amendment process is my 19 understanding right now, which I'm not altogether 20 sure that's the best place to do it, because it sort 21 of leaves out the negotiation piece, if something in 22 the performance framework -- maybe we have a request 23 to tweak it or to -- or to see if maybe a goal is 24 different. 25 We were also told early on that we should</p>

<p style="text-align: right;">Page 78</p> <p>1 shoot high on our goals, you know, so that we could 2 improve. And I think where we're at in Los Lunas, 3 that has boded very well for us, because we've been 4 able to increase in areas and to make gains in areas 5 that, you know, had we shot low, we might have just 6 gotten complacent.</p> <p>7 So those are the kinds of things, I think 8 going forward -- whether it's a new contract or 9 tweaking the existing contract, however it's 10 decided, we need to -- both sides, I believe, need 11 to communicate better on how that's going to work.</p> <p>12 THE CHAIR: All right. And so I guess I 13 just need some clarity here, because you were 14 initially chartered -- you opened in '09.</p> <p>15 MR. MICHAEL OGAS: We were initially 16 chartered in October of '08 and opened August of 17 '09.</p> <p>18 THE CHAIR: So you had a contract renewal.</p> <p>19 MR. MICHAEL OGAS: We've had one contract 20 renewal, yes.</p> <p>21 THE CHAIR: And you negotiated in 2014.</p> <p>22 MR. MICHAEL OGAS: We did, yes, ma'am.</p> <p>23 THE CHAIR: Right. Because that was -- 24 that was right before we came on. No, you 25 negotiated in the spring of '15. So that's when we</p>	<p style="text-align: right;">Page 80</p> <p>1 it was -- I never heard anything more about it, so I 2 don't know.</p> <p>3 But I'll still -- I'll express my concern 4 to the fact that there's 19 "Does Not Meet 5 Standards." I honestly do. And, you know, I'm not 6 sure whether I can do the one year. I know I can't 7 do the full grade rollout at this point in time, 8 based on the possibility of that investigation.</p> <p>9 MR. MICHAEL OGAS: But may I say one more 10 thing, and then --</p> <p>11 THE CHAIR: Sure.</p> <p>12 MR. MICHAEL OGAS: Well, with respect 13 to -- to the Corrective Action Plan, that's been 14 done. Why it didn't get reiterated that way on this 15 report, I don't know.</p> <p>16 With respect to the background checks and 17 the licensure -- because we worked directly with the 18 head of Licensure for a number of months, how that 19 did not get here, I don't know.</p> <p>20 What was my responsibility to make sure it 21 got there to be on this report is where I'm at a 22 little bit of a loss. And honestly, if I'm at a 23 loss -- I've been doing school administration for a 24 long time. You know, there's got to be other people 25 who are probably even more in the dark about this</p>
<p style="text-align: right;">Page 79</p> <p>1 first came on.</p> <p>2 MR. MICHAEL OGAS: We negotiated -- our 3 new contract is July 1, 2014. So we negotiated -- I 4 believe it was probably the spring of -- the spring 5 of 2014.</p> <p>6 THE CHAIR: The spring of 2014. Okay. 7 All right.</p> <p>8 MR. MICHAEL OGAS: And that's the only 9 time we've negotiated.</p> <p>10 THE CHAIR: Correct. And that's the -- 11 generally, that's the norm for schools, that those 12 goals stay through the length of the contract.</p> <p>13 MR. MICHAEL OGAS: I'm learning that. But 14 on our contract, it says that we would be 15 negotiating or renewing them annually.</p> <p>16 THE CHAIR: Annually.</p> <p>17 COMMISSIONER TOULOUSE: Madam Chair, that 18 was at the beginning of the contracts, when that was 19 being told to people in most negotiations, that you 20 could change it every year if you needed to.</p> <p>21 THE CHAIR: Right. Right. And I'll be 22 honest, I remember vaguely, because I remember being 23 in CES when we were doing contract negotiations for 24 in '15, and you being there at CES for something. 25 And there was a roundabout conversation that -- but</p>	<p style="text-align: right;">Page 81</p> <p>1 than I am, to be honest with you. But I do know --</p> <p>2 THE CHAIR: So now I'm becoming somewhat 3 confused again. So are you saying that these 19 4 "Does Not Meet Standards" is largely based on the 5 fact that you weren't exactly sure how that 6 reporting was supposed to take place? That's --</p> <p>7 MR. MICHAEL OGAS: What I'm saying is if 8 we just take the Corrective Action Plan special 9 education example, we complied with that. We were 10 exonerated from that, completely cleared. We got 11 that in writing, and I am not sure why it's still on 12 this report.</p> <p>13 That's what I'm saying. Should I have 14 done something to make sure it wasn't on this report 15 after the Special Ed Bureau wrote a letter saying, 16 "You're fine"?</p> <p>17 That's what I'm asking.</p> <p>18 Same thing with the licensure issue that 19 came up. It was cleared and been taken care of. 20 But should I have done something at the school to 21 make sure -- should we have told the Charter School 22 Division that we were exonerated from that?</p> <p>23 That's my question. I'm not trying to be 24 difficult. But for the future, I'd like to know. 25 THE CHAIR: All right. Fine. And I</p>

<p style="text-align: right;">Page 82</p> <p>1 appreciate that clarification. But that still 2 doesn't completely address all those "Does Not Meet 3 Standards," because the special ed and the other 4 item, as examples, aren't the sole reasons why you 5 did not meet standard. 6 MR. MICHAEL OGAS: The hours of contract 7 are another example. We're way above the 1,080 for 8 high school. When we implemented -- we were one of 9 the last schools to implement transportation for a 10 charter school. When we brought on the elementary 11 grades, in order to get everybody to school and home 12 in a normal fashion, we did -- we did change the 13 hours a little bit; but we still stayed above the 14 990 for elementary and the 1,080 for secondary. 15 I thought it was fine. I didn't 16 realize -- I didn't realize that was going to be one 17 of the 19 issues. We since have developed a new -- 18 a new calendar for this next year that will fully 19 comply with this -- with what's on our contract now, 20 the 1,137 -- or I can't remember exactly what it 21 was. But we've extended the day to make that happen 22 again. 23 THE CHAIR: And I know, through contract 24 negotiations I have sat through, it is made very 25 clear that if you can put your finger on it in the</p>	<p style="text-align: right;">Page 84</p> <p>1 information in front of me. The team always writes 2 what the request is for the school to submit into 3 Web EPSS. I think some schools have not gotten as 4 familiar with kind of the Web EPSS reporting format. 5 And I think that's an area to work on; although, 6 we're hopefully going to go to a different better 7 system in time. But it is -- it's pretty clear. It 8 says, "Please submit this by this date." 9 I think one of the reasons that the 10 licensure or the -- the special education findings 11 may have been outstanding is because while they may 12 have immediately corrected the problem, the team 13 asked them not just to immediately correct the issue 14 as it stands, but also to demonstrate how they're 15 going to ensure that same issue does not repeat 16 itself or appear again in the next year. 17 And that's where a lot of our schools 18 haven't done that, haven't provided that 19 information. So that was probably what's missing. 20 I'm not looking through all of it right now. But 21 certainly, there is the idea of really asking our 22 schools to be systems-thinking about putting things 23 in place to prevent issues from repeating. 24 So I do think that there is certainly room 25 for communication. I think there -- the -- there's</p>
<p style="text-align: right;">Page 83</p> <p>1 contract, that's a material term of your contract, 2 and you don't alter -- you don't have the ability to 3 alter that on your own. So that's where I become 4 somewhat at a loss after nine years or -- so... 5 MR. MICHAEL OGAS: I guess the last thing 6 I'd like to say is this next site visit will be an 7 area where I was hoping to get some of this 8 clarification and to straighten out some of these 9 issues and then find out exactly what CSD is 10 requiring in terms of making sure that it gets put 11 in the right place, because I am confident that 12 we're -- many, many of these have already been taken 13 care of. 14 THE CHAIR: But I'm -- and I will turn it 15 to the Director to sum, because I don't think the 16 site visits have changed substantially from last 17 year to this year; correct? 18 MS. POULOS: Madam Chairwoman, to praise 19 the work that my team has done, the great change is 20 that all schools are getting their reports within -- 21 somewhere between five and 15 days after the site 22 visit. And so they do get that turnaround very 23 quickly, have the opportunity to respond within 24 30 days. 25 There -- I do have some of the Web EPSS</p>	<p style="text-align: right;">Page 85</p> <p>1 probably some missing pieces that were communicated 2 early on that could have been corrected, or at least 3 we could have had these communications. The schools 4 had the report for some time and know what these 5 final evaluations were. So, you know, I think 6 there's room for communication, absolutely. 7 THE CHAIR: Commissioners? Commissioner 8 Crone? 9 COMMISSIONER CRONE: Were you granted 7 10 through 12 in 2009? 11 MR. MICHAEL OGAS: We -- Commissioner 12 Crone, Madam Chair, when we started, we were 13 Grades 7 through 9. And then we added a grade each 14 year till we hit 12. 15 COMMISSIONER CRONE: Well -- and then I 16 say from the history here, that you had a 3Y-4Y and 17 K-through-3 later on. Why didn't you go from 7, 6, 18 5, 4 -- why didn't you work backwards instead of 19 leaving -- and where do the kids go right now in 4, 20 5, 6? 21 MR. MICHAEL OGAS: We don't have 4, 5, 6 22 right now. 23 COMMISSIONER CRONE: Correct. 24 MR. MICHAEL OGAS: So the biggest question 25 is where are the 30 third-graders -- current</p>

<p style="text-align: right;">Page 86</p> <p>1 third-graders going to go if we don't get some 2 resolve from the Commission? So we have 30 3 third-graders right now. 4 COMMISSIONER CRONE: My first question was 5 why didn't you do from 7 to 6 to 5 and build that 6 continuity that way? 7 MR. MICHAEL OGAS: We felt it would be -- 8 it was a better serving to the community to begin 9 early on with early literacy and early mathematics 10 and then grow from the bottom up. I'm familiar with 11 other schools that have done it the other way. But 12 that was the choice that we made as a school. 13 COMMISSIONER CRONE: So the second part of 14 that question is where do those fourth, fifth, and 15 sixth-graders go to school now? 16 MR. MICHAEL OGAS: They're currently going 17 in the local school districts. They always have. 18 COMMISSIONER CRONE: Do we have the 19 comparison with -- this school's performance with 20 the local school district, Director? 21 MS. POULOS: I apologize. The comparison 22 with the local school district? I am not sure -- 23 oh, yes, you do. It's on Page 7. That is 24 enrollment. So that's not performance. Looks like 25 that is part of the report that was maybe phased</p>	<p style="text-align: right;">Page 88</p> <p>1 since. 2 This one was asked to do it every few 3 years. And to me, we also gave them a commitment 4 that we would do that for them. And I'm just -- I'm 5 having problems sitting here. I don't understand -- 6 and I have a longer history with this school, other 7 than Commissioner Peralta and Commissioner Conyers 8 do. 9 I'm just saying what we're doing. We're 10 talking about some investigation. We don't know 11 what it is. We're talking, as far as I'm concerned, 12 hearsay here, and we're using it. 13 You know, I don't know. It's not fair of 14 me or for the school when we don't know what it is. 15 MR. MICHAEL OGAS: Neither do we. 16 COMMISSIONER TOULOUSE: And, you know, I 17 just -- I think we're talking in circles. I think 18 we're in a mess here. And we have kids. You know, 19 these other kids are going to other schools because 20 they never were intended to be at this school. 21 This is a growing situation. So the 22 third-graders will now, if we don't give this to 23 them, have to go back into the public schools, which 24 may not be prepared to handle them, either, because 25 they haven't been in their student counts. Then if</p>
<p style="text-align: right;">Page 87</p> <p>1 out. So I don't think you do have that. 2 COMMISSIONER CRONE: Okay. Thank you. 3 COMMISSIONER TOULOUSE: Madam Chair, there 4 is stuff in the last few pages here. 5 MS. POULOS: That is actually not a 6 comparison. Are you talking about the school report 7 card? That is not a comparison to the local school 8 district. Instead -- am I wrong? 9 COMMISSIONER TOULOUSE: I didn't say it 10 was a comparison. There is information where it 11 says, "Additional Information" on Page 56 here on 12 the rank among similar schools. 13 MS. POULOS: Yeah. That -- and 14 Commissioner Crone was asking about comparison to 15 local school districts. The similar schools are -- 16 it's a model built on similar demographics. 17 COMMISSIONER TOULOUSE: I know that. But 18 at least there is comparative information here. 19 Madam Chair, can I give a little history 20 here, too? The school originally came and asked for 21 K through 6. And it was decided to break it down 22 and give them a few years at a time, because their 23 original request several years back was to fill in 24 all of those, as we have done for other schools. We 25 did it for other schools then and have done for</p>	<p style="text-align: right;">Page 89</p> <p>1 we give it to them later, are the kids going to come 2 back? 3 I mean, it just -- I think we're messing 4 up the kids and the families. And I just -- I'm 5 getting frustrated, folks. 6 Thank you. 7 COMMISSIONER CABALLERO: Madam Chair? 8 THE CHAIR: Commissioner Caballero? 9 COMMISSIONER CABALLERO: And thank you, 10 Commissioner Toulouse. And I -- I chose to make the 11 motion, because I chose to put that other stuff 12 aside. And I realize that anything that comes up or 13 might come up is concerning to Commissioners. But 14 it's only concerning to Commissioners when it is 15 fully there to deal with. 16 When it's not fully there -- guys, I went 17 to a high school where there was a lot of rumors. 18 And a lot of those had to do with me, and that I was 19 dating this girl this weekend, that girl that other 20 weekend. Little did they know that I worked 21 Thursday to Sunday after school, did not have a day 22 off. I couldn't. Had to work. 23 And so what -- I think that we need to 24 make that decision solely on what we have before us 25 in terms of their counting, their schooling, what's</p>

Page 90	Page 92
<p>1 good. And I'm glad Commissioner Toulouse spoke 2 about the kids. Are they ready to do the kids? Are 3 they ready to do those grades? 4 I feel that they are. We can always, at 5 any point, Commissioners, come back and remove their 6 charter if things are what they say they are. I 7 mean, we can do that with any school. But to put 8 conditions, to reduce this, to do that based on 9 other stuff -- I never do it. And I don't consider 10 stuff that comes before us -- from this side or that 11 side, if it's not pertinent, if it's not 12 substantiated, if it's not relevant, then I don't -- 13 I don't take it in as to the decision. 14 And I think that the rest of us have to 15 deal with decisions that way. 16 Commissioners, fellow Commissioners, we've 17 gotten in trouble before with that. And I ask you 18 to just concentrate on the -- on the case in front 19 of us and deal with their request, just with the 20 request on the amendment, and put the other thing -- 21 it will come up. And when it comes up, we can deal 22 with it. Thank you. 23 COMMISSIONER RUIZ: Madam Chair? 24 THE CHAIR: And I'll just clarify that 25 outside of the investigation, my concern is there</p>	<p>1 So voting "Yes" is granting the addition 2 of the three grades. 3 Commissioner Armbruster? 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Conyers? 6 COMMISSIONER CONYERS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Gipson? 9 THE CHAIR: No. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Robbins? 12 COMMISSIONER ROBBINS: No. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Toulouse? 15 COMMISSIONER TOULOUSE: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Ruiz? 18 COMMISSIONER RUIZ: No. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Caballero? 21 COMMISSIONER CABALLERO: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Crone? 24 COMMISSIONER CRONE: No. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p>1 are 19 material -- that there are 19 areas where 2 this school did not meet the standard on their 3 performance framework. 4 COMMISSIONER CABALLERO: There were 19; 5 but not anymore. He already explained some of 6 those; so -- but we -- 7 THE CHAIR: So there's 17. So that's a 8 concern that I have. And that goes beyond the 9 investigation. And I'll also clarify that it is not 10 the Commission that was asking for the conditions to 11 be placed on the limitation; that was the school 12 offering that -- that possible condition as a 13 potential for perhaps getting additional votes. So 14 it is not us putting that on there; that was 15 proposed by the school, not by the Commission. 16 COMMISSIONER CABALLERO: What condition, 17 Madam Chair? 18 COMMISSIONER RUIZ: I'd like to call a 19 vote, please. 20 THE CHAIR: Certainly. The motion is 21 that -- the amendment request to add Grades 4, 5, 22 and 6; correct? Those were the correct grades. 23 And there was a motion by 24 Commissioner Caballero and a second by Commissioner 25 Toulouse.</p>	<p>1 Johnston? 2 COMMISSIONER JOHNSTON: No. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Peralta? 5 COMMISSIONER PERALTA: No. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Armbruster votes "No." 8 It's a 7-to-3 vote. It's no. 9 THE CHAIR: So the motion fails 7 to 3. 10 COMMISSIONER ROBBINS: Madam Chair, could 11 I present a motion? 12 THE CHAIR: You may. 13 COMMISSIONER ROBBINS: I move that we 14 approve a request presented to change School of 15 Dreams' material terms with respect to operational 16 structure by expanding to serve Grade 4, as the 17 school has demonstrated continued improvement in 18 overall performance on the A-to-F school grading 19 accountability system during the past three years. 20 THE CHAIR: There's a motion by 21 Commissioner Robbins. Is there a second? 22 COMMISSIONER CABALLERO: Second. 23 THE CHAIR: There's a second by 24 Commissioner Caballero. 25 Any discussion?</p>

<p style="text-align: right;">Page 94</p> <p>1 COMMISSIONER ARMBRUSTER: And we have 2 not -- I'm just checking -- that's with no 3 conditions? 4 THE CHAIR: There weren't any conditions 5 on the -- 6 COMMISSIONER ARMBRUSTER: Well, there is a 7 possibility of making one condition. 8 COMMISSIONER CABALLERO: The motion has 9 been made and seconded. 10 COMMISSIONER ARMBRUSTER: That's fine. I 11 just wanted to make sure I was getting it correctly. 12 Fine. Okay. I'm on. Ready. 13 Commissioner Peralta? 14 COMMISSIONER PERALTA: No. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Toulouse? 17 COMMISSIONER TOULOUSE: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Robbins? 20 COMMISSIONER ROBBINS: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Gipson? 23 THE CHAIR: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Crone?</p>	<p style="text-align: right;">Page 96</p> <p>1 request by South Valley Preparatory School to change 2 their location, to change their facility currently 3 at 2813 Gun Club Road, to 2551 Karsten Court, 4 Southeast. 5 So you do have the school's rationale for 6 the request, which is that they never intended for 7 their current location to be their permanent 8 location, and that with the closure of Academy of 9 Trades and Technology, a facility -- that facility 10 has become available. 11 And then we do have, again, the 12 performance, including student retention, on 13 Page 25 -- sorry -- 2 of 35 -- which does -- and 14 then on the following page, Page 3, you do see that 15 the school's academic performance has improved from 16 2014-'15 to 2016-'17 year, going from a "B" to a "D" 17 to a "C," but still being above the level in 2014. 18 And we have obviously made a 19 recommendation to approve the request, and that 20 recommendation is found on Page 10 of 35. 21 THE CHAIR: Good morning. And please 22 identify yourself for the record. 23 MS. CHARLOTTE A.-TRUJILLO: My name is 24 Charlotte Alderete-Trujillo, the Executive Director 25 of South Valley Preparatory School.</p>
<p style="text-align: right;">Page 95</p> <p>1 COMMISSIONER CRONE: No. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Ruiz? 4 COMMISSIONER RUIZ: No. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Conyers? 7 COMMISSIONER CONYERS: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Caballero? 10 COMMISSIONER CABALLERO: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Johnston? 13 COMMISSIONER JOHNSTON: No. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Armbruster votes "Yes." 16 The vote is 6 to 4, and the motion passes. 17 THE CHAIR: The motion passes 6 to 4. 18 Thank you. 19 Next is South Valley Preparatory. Before 20 we -- 21 MS. POULOS: Madam Chairwoman, 22 Commissioners. 23 THE CHAIR: So she can breathe, we'll -- 24 MS. FOX: I'm got to change folders. 25 MS. POULOS: The next agenda item is a</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. FOX: I'm still Susan Fox. 2 MS. CHARLOTTE A.-TRUJILLO: Good morning, 3 Madam Chair, Commissioners. I think I'd like to 4 describe what has happened to South Valley Prep as 5 being on the receiving end of a huge pay-it-forward. 6 I liken it to winning the lottery. But my husband 7 said I already won the lottery when I married him. 8 So this is like hitting the Mega Millions. 9 So South Valley Preparatory School 10 happened to be a school that Academy of Trades and 11 Technology was looking for in terms of the kids 12 that -- the population that they -- that we serve. 13 And in the bitter-sweet and sad occasion that they 14 had to close, it seemed like all the stars aligned 15 and the planets and everything else, and we were 16 able to grab and be offered this opportunity to -- 17 to move into this building. 18 Again, the building that we're in was not 19 intended to be our permanent facility. It sits on 20 less than an acre of land. And we are pretty much 21 at cabin fever -- beyond cabin fever after nine -- 22 eight years. We're in our eighth year. 23 And so it is something that we've been 24 working on for several years. I think I've been on 25 your agenda, a little on your spotlight, that we've</p>

<p>Page 98</p> <p>1 been looking for a facility since 2000- -- really, 2 since we opened, but officially, since 2015. This 3 facility is going to allow us to provide a really 4 awesome educational setting for our students. 5 We have done several parent community 6 meetings. We have sent out intents to reenroll for 7 a second time to ensure that we are -- that this 8 move is something that our parents are supportive 9 of. We have received -- I think it's over 10 90 percent confirmation that our students will be 11 returning. 12 Our families are extremely happy. They've 13 been given the opportunity to see the building. I 14 think that they -- I know. I don't think. I know 15 that they are very excited about this opportunity. 16 And I don't know if Sue has anything to 17 add. But if you have any questions, I'm happy to 18 answer. 19 MS. FOX: I'm sitting tight. 20 THE CHAIR: You're absolutely right. It's 21 never a positive when we have to see a school is 22 going to close. But I -- when I saw you last week 23 at the -- at the Budget Workshop, and even when I 24 saw Greta, the excitement that that opportunity was 25 there for the school to be able to move in and make</p>	<p>Page 100</p> <p>1 Albuquerque, New Mexico 87102. 2 COMMISSIONER ROBBINS: I'll second. 3 THE CHAIR: And there's a second by 4 Commissioner Robbins. 5 Any discussion? 6 Commissioner Armbruster? 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Peralta? 9 COMMISSIONER PERALTA: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Robbins? 12 COMMISSIONER ROBBINS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Caballero? 15 COMMISSIONER CABALLERO: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Toulouse? 18 COMMISSIONER TOULOUSE: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Ruiz? 21 COMMISSIONER RUIZ: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Armbruster votes "Yes." 24 Commissioner Crone? 25 COMMISSIONER CRONE: Yes.</p>
<p>Page 99</p> <p>1 use of that facility, that it's Kismet that those 2 things happened. And it's exciting that that 3 opportunity opened up for you and the students. 4 So that's all I have to say. 5 MS. CHARLOTTE A.-TRUJILLO: Thank you. 6 Thank you, Commissioner. It is exciting. 7 THE CHAIR: Commissioner Toulouse? 8 COMMISSIONER TOULOUSE: Madam Chair, I 9 want to say I visited the school, and it was at a 10 lunch hour. And all middle-school -- and those kids 11 behaved. They saw their -- they saw Charlotte. 12 They saw her assistant. And they came and talked to 13 them. I mean, middle-school kids wanting to talk to 14 people. 15 It just -- but I also saw how cramped it 16 is. And it's on Gun Club, where people race up and 17 down that street. And it's -- you know, I wouldn't 18 want to have a school there that long with the kind 19 of traffic that goes so fast that trying to get 20 across it or get around it -- so I would like to 21 move to approve the amendment request presented by 22 South Valley Preparatory School to change its 23 contract's material terms with respect to the 24 facility by relocating to the charter school's 25 primary location, 2551 Karsten, Southeast,</p>	<p>Page 101</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Conyers? 3 COMMISSIONER CONYERS: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Gipson? 6 THE CHAIR: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Johnston? 9 COMMISSIONER JOHNSTON: Yes. 10 COMMISSIONER ARMBRUSTER: It's 10 to 0. 11 THE CHAIR: Motion passes 10-0. Thank 12 you. Congratulations. 13 MS. CHARLOTTE A.-TRUJILLO: Thank you. 14 Thank you. 15 THE CHAIR: Commissioners, it's your call. 16 Do we want to continue, quickly get through No. 7 17 and then take a short break? Or take lunch? 18 COMMISSIONER CABALLERO: Lunch. 19 THE CHAIR: The order is not here yet; so 20 we'll just -- we'll move on to No. 7. 21 We are on to No. 7. 22 MS. POULOS: Madam Chairwoman, 23 Commissioners, Item No. 7 includes our ongoing 24 tracker, which you can see has updates regarding the 25 appeals process. I believe, as all of you know, the</p>

<p style="text-align: right;">Page 102</p> <p>1 appeal for New Mexico Connections Academy was -- the 2 decision of the Commission was upheld by the 3 Secretary, and that decision was released last 4 Friday.</p> <p>5 THE CHAIR: I had -- it was sent out to 6 all the Commissioners.</p> <p>7 MS. POULOS: We are still waiting on the 8 decision from Taos International School. I do 9 believe that's scheduled to be released today. But 10 I have not seen it come across my e-mail yet; so I 11 don't know that we have that.</p> <p>12 On La Promesa Early Learning Center, you 13 will be receiving an update from the school today, 14 Item 11.</p> <p>15 DEAP will also be here today to present 16 their next iteration of their Corrective Action 17 Plans, as well as Roots & Wings. And those 18 materials are in your binder.</p> <p>19 And then you do have updates on Cariños De 20 Los Niños Charter School. And you do have materials 21 in your binder today that we will be discussing, I 22 believe, after lunch.</p> <p>23 One of the things that your policy on 24 governing body changes includes is that we will keep 25 you up to date on all changes until we've received</p>	<p style="text-align: right;">Page 104</p> <p>1 You also have identification of the number 2 of trainings they have attended. We've provided 3 three trainings thus far, and we have a range of the 4 number of trainings that those applicants have 5 attended.</p> <p>6 Is there any questions about that report? 7 Okay. You also did ask for the update on 8 the implementation year. We have, technically, four 9 schools that are going to be going through an 10 implementation year. The report includes three, 11 because those are the brand new schools. The 12 additional campus for MAS does not have a reporting 13 date yet.</p> <p>14 The three schools, things are moving along 15 well. They have been attending the monthly 16 trainings, which we lay out for you and just let you 17 know what happens at those trainings. It's been a 18 great opportunity for all the bureaus throughout 19 PED, who have all been very cooperative and excited 20 to engage with these new school operators, to come 21 and spend time with the school operators and really 22 get them prepared.</p> <p>23 I think that is a challenge that hadn't 24 been addressed for some time; and so really getting 25 them in front of these individuals gives the</p>
<p style="text-align: right;">Page 103</p> <p>1 completely submitted information and/or until the 2 vacancy has been filled. The team has been working 3 very hard to figure out how to present that 4 information in the most concise manner. And that is 5 on Page 15.</p> <p>6 We tried to get you -- we tried to present 7 to you all the information from even the beginning 8 of the fiscal year to now. It was just too much. 9 So we do have a limited amount specifically related 10 to the schools that we have specifically identified 11 today, because we want to talk about those in just a 12 minute. We have some concerns with schools that 13 just have very long outstanding noncompliance with 14 governance. So we'll talk about that in just a 15 minute as an additional part of this.</p> <p>16 You do have, per your request, the update 17 on your Notices of Intent. You will see that there 18 are six schools -- so I had overestimated 19 yesterday -- that have clearly indicated that they 20 do still plan on submitting an application to the 21 PEC. You have two schools that we -- that have not 22 yet made a decision. You have three schools that 23 have withdrawn their Notice of Intent to apply, and 24 five that have indicated they intend to apply to 25 their local school district.</p>	<p style="text-align: right;">Page 105</p> <p>1 individuals a little bit more support in getting 2 started, and it's pretty exciting to see the work 3 they're doing.</p> <p>4 All of the schools have been timely in 5 their submissions and have been very receptive to 6 the feedback that they've received on those 7 submissions. So they're making very good progress 8 toward demonstrating readiness to open at the 9 beginning of the school year with policies in place 10 that are compliant, that meet the requirements of 11 law. And they're getting all of that feedback, even 12 feedback when it's unclear or when additional detail 13 is needed, and they've been receptive to that.</p> <p>14 THE CHAIR: Are they all set with a 15 facility at this point in time; do you know? 16 MS. POULOS: So I don't have those 17 specific details. I know they're all working on 18 that. And your implementation year checklist asks 19 for updates, which they are giving us. I just don't 20 have them.</p> <p>21 And then your requirement is that at least 22 two weeks prior to the opening date, they have that 23 final facility ready to go. It, unfortunately, is 24 one of those last-minute things which nobody really 25 likes. It's the challenge of facilities, which I</p>

<p style="text-align: right;">Page 106</p> <p>1 know the Coalition had issued that report with 2 information about that; but certainly the most 3 challenging part. 4 But they are all making very good 5 progress. I do know that. I think they've all been 6 able to identify a viable facility, potentially 7 working on negotiations and, again, figuring out 8 what it looks like. 9 THE CHAIR: Okay. Thanks. 10 MS. POULOS: So then -- any other 11 questions on that? 12 No? 13 So then the last piece. We do have four 14 schools that we have kind of, as we've worked 15 through the process figuring out how to report this 16 to you, still have some concerns about their 17 governance. And what we would like to do is 18 actually kind of issue a formal letter explaining 19 the concern about their compliance with governance. 20 So -- and I actually -- I think I just 21 misspoke. I think it's not four; I think it is only 22 two that we have the concerns with. And your lunch 23 is being picked up by my expert in governance 24 compliance. So let me pull my cheat sheet back out 25 and be able to go over those with you.</p>	<p style="text-align: right;">Page 108</p> <p>1 revoke that -- so let me see if I can figure out the 2 right way to say this. 3 The financial staff of the PED is small 4 and very overly burdened. So only in the absolutely 5 most extreme, beyond anything, circumstances will 6 they add that additional burden of having to manage 7 the entire school's finances. So they have not. 8 This is an issue, because they have 9 violated the statutory requirements to be able to 10 manage the finances of their school district. But 11 they have continued to retain that authority. So 12 it's a -- it's a major compliance issue. 13 So what -- what we would like to do is 14 notify them of that, just be very clear about why 15 this is a major issue, and that we -- they need to 16 be very seriously focused on ensuring compliance 17 with all of that. Certainly, tomorrow, in the 18 training, I will be there, and I will stress that. 19 But I do think that having an official letter will 20 be important. 21 The other school that I would like to send 22 the notice to is Health Leadership High School. And 23 for Health Leadership High School, we did have a 24 notification that we received on March 23rd that 25 begins on Page 27. That begins on Page 27.</p>
<p style="text-align: right;">Page 107</p> <p>1 Yes. So one of the schools that did 2 submit documentation, I believe late last night, is 3 La Academia Dolores Huerta. We became aware of -- 4 and we will be with them tomorrow. We became aware 5 of their substantial unreported changes in I believe 6 every member of the governing council over the past 7 six to eight months, because they asked us to go to 8 Las Cruces and do an introductory full-day training 9 to make sure that their board members could vote. 10 But what that revealed to us is that they, 11 again, had had what I believe is an entire board 12 turnover with no notification to us at all. 13 Again, I believe that they have, at this 14 point, submitted, but we don't know whether those 15 are complete, even with those submissions that are 16 absolutely out of compliance for the year, because 17 they did not submit timely, did not fulfill 18 vacancies in a timely manner, and I believe probably 19 have also not met training requirements with regards 20 to having the training prior to voting on items. 21 THE CHAIR: Board of Finance. Have they 22 lost Board of Finance? 23 MS. POULOS: So the challenge with losing 24 Board of Finance, the only way you do that is if PED 25 officially revokes it. PED will only officially</p>	<p style="text-align: right;">Page 109</p> <p>1 We received a notification on March 23rd 2 of a change in governance and did not receive any 3 notification of a replacement -- let me make sure I 4 have the right information, because, eventually, we 5 did receive the information, which indicated -- and 6 I don't have the most up-to-date information here. 7 But we did receive notification that indicated that 8 the notice had come well beyond the 30 days and that 9 the position was still vacant or that we had not 10 received notification of a replacement for that 11 board member. 12 So, again, this is what appears to be 13 outstanding noncompliance, which we would like to 14 communicate officially with this school, again, to 15 get them focused on ensuring that they are able to 16 remain compliant with the governance requirements. 17 The only other one that I did want you to 18 see -- 19 MS. ABBY LEWIS: May I speak on behalf of 20 Health Leadership? 21 THE CHAIR: This is just a report-out. 22 MS. ABBY LEWIS: This is a possible 23 action, and I have information here as to what 24 Ms. Poulos just said. It says, "Discussion and 25 Possible Action." Yeah.</p>

<p style="text-align: right;">Page 110</p> <p>1 THE CHAIR: At this point in time, this is 2 just a report. 3 MS. ABBY LEWIS: Except that -- 4 THE CHAIR: And the Director has not -- 5 and in here, there is no recommendation for any 6 action. 7 MS. ABBY LEWIS: Okay. Thank you, ma'am. 8 If you would like the accurate information, can I 9 provide that? 10 THE CHAIR: We're fine at this point. 11 MS. ABBY LEWIS: Okay. Thank you very 12 much. You all know how to reach me. 13 MS. POULOS: The other information, 14 Madam Chairwoman, that I did want you to see is that 15 with Coral Community School, they had a change in 16 membership, a new board member come on 17 November 28th. And that member, who is the most 18 recent member to resign, resigned on February 27th, 19 did vote prior to receiving that training, which is 20 a regulation that applies to all board members, that 21 they must have the training before they vote on any 22 business. 23 Again, I think what we would like to do is 24 send a letter communicating that and reminding that 25 school of the obligation to ensure board members</p>	<p style="text-align: right;">Page 112</p> <p>1 regarding, "What appears to us, based on the 2 information we had as of a week ago, outstanding 3 noncompliance that we would like to see corrected." 4 And then with La Academia Dolores Huerta, 5 potentially the same thing, outstanding 6 noncompliance based on the information we received 7 last night. That may end being that all the 8 noncompliance has been corrected; but it may not. 9 So we don't quite know until we have the chance to 10 go through those materials today; but certainly a 11 reminder of their obligations to meet the governance 12 requirements, reporting, filling vacancies and 13 ensuring training. 14 THE CHAIR: Commissioners, any thoughts? 15 I'm fine with the letter. The only thing 16 that I would request it is that it's pending legal 17 review. Otherwise, I'm fine. 18 MS. POULOS: Okay. 19 MS. ABBY LEWIS: Madam Chair, I'm sorry to 20 interrupt. But this is an action against my school, 21 and I was not allowed to speak. 22 (Chair consults with counsel.) 23 THE CHAIR: And at this point in time, 24 we're not taking a vote on this. So it is not -- 25 MS. ABBY LEWIS: It's my understanding the</p>
<p style="text-align: right;">Page 111</p> <p>1 receive their training prior to voting on any 2 board -- school business. 3 So I think the reason that we did identify 4 this as potential action is we did want to present 5 the information that we would like to send a letter. 6 I don't know how you'd feel about that or what you'd 7 like us to do. 8 THE CHAIR: And I think we're -- are we 9 referencing two letters? 10 MS. POULOS: They would be a letter to -- 11 THE CHAIR: Two different type -- two -- 12 MS. POULOS: Oh. Two types of different 13 letters? Yes. One being that you are -- well, I 14 mean -- let me see. Let me see if I can clarify. 15 What I would like to do is communicate to 16 three schools: Coral Community, Health Leadership, 17 and La Academia De Dolores Huerta, the concerns 18 about their noncompliance and a reminder of their 19 obligation. They would be different to each school. 20 It would be somewhat different. 21 To Coral Community, it would be, "We want 22 to make sure you're aware" -- I think they are with 23 the second board member -- "the obligation to make 24 sure board members get training prior to voting." 25 With Health Leadership, a communication</p>	<p style="text-align: right;">Page 113</p> <p>1 school will be receiving a letter of concern; is 2 that correct? 3 THE CHAIR: That is absolutely correct, 4 and that is on the record. 5 MS. ABBY LEWIS: So that is an action by 6 the Commission. 7 THE CHAIR: We're fine at this point in 8 time. 9 MS. ABBY LEWIS: Okay. 10 THE CHAIR: Is -- we can move on. 11 MS. POULOS: Madam Chairwoman, that is the 12 end of our report. 13 THE CHAIR: Okay. Thanks. 14 COMMISSIONER TOULOUSE: Madam Chair, may 15 we have copies of those letters? 16 THE CHAIR: Certainly. 17 COMMISSIONER TOULOUSE: Because two of the 18 schools are in my district. 19 THE CHAIR: Sure. No problem. 20 COMMISSIONER TOULOUSE: Thank you. 21 THE CHAIR: Once they're finalized, 22 absolutely, yeah. Yeah, that can be done. 23 So my next question is, does the 24 Commission want to move on to Item No. 8? Or can 25 the Commission move on to Item -- I don't know.</p>

<p style="text-align: right;">Page 114</p> <p>1 MS. FRIEDMAN: Our lunch is not here. 2 COMMISSIONER CABALLERO: Something that 3 won't take too long, Madam Chair. 4 THE CHAIR: Item 8 is probably going to 5 take -- so if you wish to move another item, we 6 could perhaps move through and -- 7 COMMISSIONER CABALLERO: Madam Chair, what 8 you believe is something -- 9 THE CHAIR: I'm trying to look real quick. 10 There's really not -- 11 COMMISSIONER CABALLERO: The presentation 12 items, maybe, at the very end? Not much. 13 THE CHAIR: Unless you want to do PEC 14 Comments at this point. But there -- unfortunately, 15 the remainder of the items and -- are -- are all 16 fairly -- unless you want to do -- there's a 17 possibility -- Director, do you want to do No. 15? 18 That might not be that long. 19 MS. POULOS: Oh, that actually is a great 20 item to do. 21 THE CHAIR: Commissioners, I will -- 22 COMMISSIONER TOULOUSE: That's not how we 23 approved the agenda, Madam Chair. 24 THE CHAIR: We can make a motion. We've 25 done it before.</p>	<p style="text-align: right;">Page 116</p> <p>1 Commissioner Johnston. And we can do a voice. 2 All in favor? 3 (Commissioners so indicate.) 4 THE CHAIR: Opposed? 5 (No response.) 6 THE CHAIR: Hearing no opposition, the 7 motion passes. 8 MS. POULOS: Madam Chairwoman, 9 Commissioners, what you have in front of you is a 10 recommendation -- or a request -- from the Charter 11 Schools Division. When we are on site visits, 12 sometimes we find that a school does not have 13 background checks on file and information 14 regarding -- or demonstrating that a background 15 check has been conducted for certain staff members. 16 We also identify licensure issues, 17 sometimes staff with no teaching license, and 18 sometimes staff with an inappropriate teaching 19 license for the area in which they are teaching. 20 Most primarily, the concern for my team is 21 that they leave. And, again, the turnaround time is 22 much improved this year on the reports. But even 23 so, they turn around, and the school doesn't receive 24 official notification of these specific concerns 25 until that final report is submitted to them, and</p>
<p style="text-align: right;">Page 115</p> <p>1 COMMISSIONER CABALLERO: Yes. 2 COMMISSIONER TOULOUSE: I'm just -- you're 3 being strict. I'm being strict. 4 THE CHAIR: We've done it before, that my 5 understanding and the guidance that I've always been 6 given is we -- the agenda is approved. We can move 7 agenda items around, because we're not adding 8 anything to the agenda. And that has always been 9 the agenda that I've received from the Attorney 10 General's Office. 11 So if you wish to -- yeah. Yeah, so I 12 will entertain a motion to -- 13 COMMISSIONER TOULOUSE: Thank you. 14 THE CHAIR: And I never said I wasn't 15 going to entertain a motion. 16 So I will entertain a motion for us to 17 move to Agenda item No. 15 at this time. 18 COMMISSIONER ARMBRUSTER: Second. 19 THE CHAIR: Did you -- no, I said I'd 20 entertain the motion. I should have just made the 21 motion. 22 So I will amend that. I will make a 23 motion to move to Agenda Item No. 15 at this time. 24 COMMISSIONER JOHNSTON: (Indicates.) 25 THE CHAIR: And there's a second by</p>	<p style="text-align: right;">Page 117</p> <p>1 then they, beyond that, have an additional 30 days 2 to respond. 3 If we were taking full times under the 4 contract, that would be 75 days where a school could 5 have a background check issue outstanding with no 6 required response. It is very concerning for the 7 team members who, first and foremost, always think 8 about student safety. 9 So there was a request about whether we 10 could give handwritten -- or give immediate 11 notification in writing to a school at the site 12 visit. And I borrowed this letter from another 13 state and adapted it to New Mexico. And what this 14 letter could be used for, if the Commission is 15 comfortable with it, is providing notice to schools, 16 at the time of the site visit, of compliance issues 17 specifically with background checks, which you see 18 in the first two paragraphs, it identifies the date 19 staff from the PED conducted a site visit. During 20 that, we found that there was missing documentation 21 for background checks. 22 And then they would either handwrite -- 23 probably handwrite -- the name of the staff member 24 so that it would identify the specific files that 25 were missing that information.</p>

<p style="text-align: right;">Page 118</p> <p>1 We also, right under that, have a place 2 where they could identify that individuals do not 3 possess a valid teaching license, background check, 4 or application on file with PED. We are 5 communicating during those site visits with people 6 back here at PED to get information about is there 7 even a file, or is there even an application on file 8 so they could handwrite that information as well. 9 And then it would notify the school. And 10 the next paragraph talks about the obligation of the 11 Commission to promptly notify governing boards of 12 unsatisfactory review. This letter could be used to 13 notify them of that unsatisfactory review with that 14 specific -- those specific items, and notify the 15 school that they have -- we do think a really tight 16 timeline is important here, 48 hours from the 17 receipt of the notification to provide proof to our 18 office that an application for the appropriate 19 background check, as required by the School 20 Personnel Act, has been received by 3M Cogent, which 21 is the only system for background checks for 22 licensed instructional staff in New Mexico, and that 23 fingerprints have been taken. 24 So they submit an application, and then 25 they actually go and take the fingerprints for each</p>	<p style="text-align: right;">Page 120</p> <p>1 the school cannot compensate them for instruction 2 after 90 days if they don't have that license or an 3 application. 4 And then it identifies that at a meeting 5 of the Commission -- so we would identify the next 6 meeting of the Commission -- that this Commission 7 would decide whether they've failed to comply with 8 statutory background checks, whether they've 9 demonstrated prompt action to come into compliance, 10 or whether additional corrective actions or 11 sanctions will be imposed. 12 And there's a paragraph there that we'd 13 probably need to remove until or unless the -- 14 immediately following unless the Commission develops 15 a statement or a policy statement on background 16 check violations and how they want to handle those. 17 But I think we can remove that and then talk about 18 that. 19 And then there's an opportunity to call if 20 they have any questions. 21 And then on the very back of the letter, 22 it would require the PED staff who delivers this 23 letter to sign and date, as well as a representative 24 from the school to sign and date. We would ask for 25 a photocopy of the letter, and we would keep that so</p>
<p style="text-align: right;">Page 119</p> <p>1 individual listed on the first page. 2 So it would establish the requirement that 3 they don't have time to wait. They need to send 4 those folks out to get that background check 5 addressed immediately. 6 And then, also, that the school has 7 48 hours to provide proof that the individuals who 8 don't have a background check on file with the PED 9 or with the school be removed immediately from the 10 classroom until they have that background check. 11 They are required to have that before having 12 unsupervised access to the students, and not being 13 allowed to have unsupervised access to students 14 until the background check has been completed and 15 reviewed. 16 The other paragraph, starting in the 17 middle of the next page, says that they have 18 48 hours to provide proof to the Charter Schools 19 office that individuals who do not hold a valid 20 license within the first three months from beginning 21 employment shall not be compensated for services 22 rendered until they demonstrate they hold a valid 23 license. 24 So the issue there is the statute does not 25 say they have to stop teaching; it simply says that</p>	<p style="text-align: right;">Page 121</p> <p>1 that we all had documentation of when they were 2 notified of this and when they were obligated to 3 respond to this. 4 THE CHAIR: Okay. So that begs the 5 question, so someone from PED staff is going to 6 physically deliver this letter? 7 MS. POULOS: It would be given to the 8 school at the site visit. 9 THE CHAIR: At the site visit, right. 10 MS. POULOS: When this was discovered. 11 COMMISSIONER TOULOUSE: Madam Chair, I 12 think there's a need for this. My problem is 13 48 hours instead of two working days, because you 14 could run into a holiday. You could run into a 15 weekend. So if you put "two working days," I'm fine 16 with it. 17 THE CHAIR: Commissioners, anything else? 18 I think that's a reasonable -- any other -- 19 Commissioner Crone? 20 COMMISSIONER CRONE: How extensive is the 21 background check? What's entailed? 22 MS. POULOS: It is an FBI background 23 check. And I don't fully know the system. It's the 24 system that's used for PED licensure as well as -- 25 so long, detailed explanation, a staff member -- a</p>

Page 122

1 licensed instructor, a teacher or administrator has
 2 to do a background check through this same system,
 3 an FBI background check, to get a license.
 4 If they have received that license and
 5 that background check was conducted within the last
 6 two years, they can actually just write to the PED
 7 Licensure Bureau, and they'll release that
 8 background check to the school, and that will count
 9 as their background check. If it was more than two
 10 years old, the PED won't release it, and the
 11 individual has to have another background check
 12 done.
 13 It can either be sent to PED and released
 14 to the school or sent directly to the school. And
 15 so I don't know exactly what systems it looks at.
 16 Certainly, I know the PED, when they review it, is
 17 looking at it in regards to the Criminal Offender
 18 Employment Act, and the schools are required to do
 19 that as well.
 20 COMMISSIONER CRONE: Who pays for the
 21 background check?
 22 THE CHAIR: The employee.
 23 MS. POULOS: The employee, unless -- the
 24 school could have a policy where they chose to pay
 25 for it. But my understanding is almost all

Page 123

1 districts are doing it employee.
 2 COMMISSIONER CRONE: My concern is nothing
 3 that can be addressed here. But Trish and I are on
 4 NMPSIA. And there is a large problem that if a
 5 person is never charged or convicted, they pass the
 6 background check and then continue to stalk
 7 children.
 8 THE CHAIR: Right. And I -- you're
 9 absolutely correct. But unfortunately, because
 10 they've never been charged or convicted, you're
 11 innocent until proven guilty; so it does pose that
 12 issue.
 13 And my understanding is I think the
 14 investigation goes more into the child side more
 15 than the actual -- you can pass with some criminal.
 16 That's my understanding. And I know for a while,
 17 there was a concern because the FBI was backed up,
 18 so that staffing was becoming difficult because they
 19 couldn't get the background checks processed in a
 20 timely fashion. But unfortunately, there's not much
 21 that we can do about that.
 22 COMMISSIONER CRONE: NMPSIA's concern also
 23 is with the school districts who are also aware of
 24 what has happened and take no action against that
 25 employee.

Page 124

1 THE CHAIR: Take no action on an employee
 2 that there's been no charges or no convictions of?
 3 COMMISSIONER CRONE: They're aware of
 4 accusations by the students or whatever. There's an
 5 unfortunate phrase that I unfortunately am going to
 6 repeat. "Kick the trash down the road."
 7 THE CHAIR: I understand. Okay.
 8 Okay. So are we --
 9 COMMISSIONER ARMBRUSTER: I believe --
 10 THE CHAIR: Oh, I'm sorry.
 11 COMMISSIONER ARMBRUSTER: Director, when
 12 you finish your -- not you, but CSD -- finishes
 13 looking for this background information and you
 14 can't find my file, for example, do you talk to the
 15 head administrator or head somebody to say, "You
 16 know, we couldn't find this one on Karyl Ann
 17 Armbruster. Do you have it somewhere else or
 18 something?"
 19 Because I -- the reason I'm asking that
 20 honestly is that schools will say, "Well, they
 21 didn't ask me."
 22 So that's why I'm asking you.
 23 MS. KAREN WORENER: My name is Karen
 24 Woerner. I'm on one of the site visit teams for the
 25 Charter School Division. To answer your question,

Page 125

1 yes, absolutely. We have an exit interview at the
 2 end of every site visit that we go on, and any
 3 concerns that are identified are discussed then;
 4 although, I have to tell you I have been on site
 5 visits where background checks were an issue. And I
 6 don't even wait for the exit interview. I talk to
 7 the head administrator immediately. But it is
 8 always covered at the exit interview for sure.
 9 COMMISSIONER ARMBRUSTER: And that was not
 10 to impugn you all. I assume you do. You know how
 11 many times we say something, and they say, "They
 12 haven't asked me."
 13 MS. KAREN WORENER: I've heard that
 14 complaint; but I assure you, we do.
 15 THE CHAIR: We discussed this a little bit
 16 yesterday in terms of what happens if someone says,
 17 "Well, it's here," and there is that opportunity --
 18 there is that open window, so that if it was, for
 19 whatever reason, filed someplace else, the school
 20 has the -- that time -- that small time frame to
 21 provide that information so that it doesn't become
 22 a -- so, Commissioners, are we comfortable with that
 23 notification letter for the schools?
 24 COMMISSIONER ROBBINS: With the change
 25 that --

<p style="text-align: right;">Page 126</p> <p>1 THE CHAIR: With the attorney review, 2 correct. 3 COMMISSIONER CABALLERO: And the change. 4 THE CHAIR: And the change -- and the 5 change to it to make it two business days as opposed 6 to 48 hours. 7 Okay. Thank you. 8 And we can have that -- we can just make 9 that letter part of the packet for next month so 10 that Commissioners have -- if there were -- as a 11 result of attorney review, if there were any changes 12 that had been suggested, we will have whatever the 13 finalized letter is so that we can see it. 14 Okay. Thank you. 15 Am I still stalling? 16 MS. FRIEDMAN: No. 17 THE CHAIR: Just checking. 18 COMMISSIONER CABALLERO: Unnecessarily. 19 THE CHAIR: All right. So we will now 20 take a brief break. And it is a working break. 21 So, Commissioners, half-hour. So, 22 Commissioners, are we good with that? 23 Okay. Thanks. So 12:30. 24 (A recess was taken at 12:00 p.m., and 25 reconvened at 12:43 p.m., as follows:)</p>	<p style="text-align: right;">Page 128</p> <p>1 auditor that their reported balances are accurate, 2 that their capital assets are adequately supported 3 with documentation, their fund balance properly 4 rolled forward, and whether there should have been 5 any adjustments to the audit. 6 In addition to that overall disclaimed 7 audit, the school has a multitude of audit findings. 8 And these include a three-year repeat significant 9 deficiency, where it's notable that the auditor 10 stated that the charter school has made no progress 11 in addressing the finding. And that -- that 12 finding -- that significant deficiency, which was 13 revised and repeated, is from 2014, and it is 14 unapproved purchase orders, which is identifying 15 multiple disbursements where the purchase order is 16 dated after the vendor's invoice date, which does 17 not follow regulation or statute, including the 18 Procurement Code. 19 In addition, the school has two-year 20 repeated material weakness. Again, the auditor 21 notes that the school has made no progress in 22 resolving the finding -- and it is a revised and 23 repeated finding -- regarding lack of supporting 24 documentation for disbursements and expenses. 25 In addition, the school -- I'm sorry. In</p>
<p style="text-align: right;">Page 127</p> <p>1 THE CHAIR: Okay. We are now on to Item 2 No. 8, which is Discussion and Possible Action on 3 Cariños De Los Niños Charter School. 4 MS. POULOS: Madam Chairwoman, 5 Commissioners, you know these types of 6 recommendations are never easy. But we are coming 7 forward with a recommendation for the revocation and 8 for you to hold a revocation hearing on Cariños De 9 Los Niños Charter School. 10 In your materials, you will see that there 11 are a few reasons for this recommendation. Between 12 the last meeting when we implemented a second 13 Corrective Action Plan for this school in February 14 and this meeting, the school did receive its audit 15 for 2017; and that is a disclaimed audit. 16 We, on Page 1 of your materials, have 17 provided an excerpt from the audit itself 18 identifying what that means and why this school 19 received a disclaimed audit. 20 What the gist of this is, is -- and where 21 we believe this is an appropriate recommendation for 22 the revocation of the charter -- is this is a 23 statement that the school has not engaged in 24 generally accepted standards of fiscal management. 25 They are unable to present information to the</p>	<p style="text-align: right;">Page 129</p> <p>1 regards to these multi-year repeat findings, the 2 management's response in the audit is, "Well, now, 3 we have an on-site manager who's going to ensure 4 compliance." So it's not that systems thinking that 5 we've been talking about where they're putting 6 systems in place, employing proper oversight and 7 monitoring, but, rather, a continued reliance on one 8 individual to fix the problem. 9 And I think, you know, we have seen, 10 specifically with this school, significant turnover 11 in staff. Minus the primary school leader, we 12 continue to see significant turnovers in staff. So 13 relying on one new person to correct the issues, 14 rather than relying on systems implemented through 15 the board, is problematic. 16 The school also had two single-year repeat 17 findings. So the ones that we were just talking 18 about were multi-year repeat findings. Now we're 19 talking about a repeat finding from 2016, and now 20 it's repeated again in 2017. One of those is a 21 significant deficiency, and one of them is a 22 material weakness. 23 The significant deficiency is the cash 24 reports, again, noting there's no progress in 25 resolving this. And the issue is that the</p>

<p style="text-align: right;">Page 130</p> <p>1 school's -- sorry -- cash report to the PED is not 2 agreeing with their general ledger at the end of the 3 year; so, again, showing that they're not engaged in 4 proper fiscal management.</p> <p>5 In addition, their capital assets listing 6 is a material weakness that's repeated; and that is 7 that the school has not maintained a capital asset 8 listing reconciled to its general ledger and in 9 compliance with government accounting standards.</p> <p>10 The school also has -- in addition to 11 those four findings, they have five additional 12 single-year audit findings. So we're now at a 13 number of nine audit findings. And those five -- 14 there are several of them that are compliance 15 findings. That's four of them.</p> <p>16 One of the most notable -- and it speaks 17 to the discussions I've just had -- is their audit 18 committee which is not properly constituted and 19 clearly not engaging in its responsibility to 20 oversee the implementation of corrective action to 21 ensure that we don't have multi-year repeat findings 22 and single-year repeat findings, and also to ensure 23 that we decrease, to the degree possible, the number 24 of single-year audit findings.</p> <p>25 And that committee -- based on the exit</p>	<p style="text-align: right;">Page 132</p> <p>1 the failure to meet generally accepted standards of 2 fiscal management.</p> <p>3 I want to be really clear here, because I 4 think in the past here there's been some confusion. 5 This is not failure to comply with Generally 6 Accepted Accounting Practices. It's fiscal 7 management, more broadly, is what the statute says. 8 And I think it's very clear here, not only are they 9 failing to comply with laws that they're required to 10 comply with, but also just general standards of 11 fiscal management.</p> <p>12 So that's one item that we -- that, 13 really, I would say, spurred this recommendation. 14 But there are other items that support, including 15 their Corrective Action Plan.</p> <p>16 So as you know, in November, you did vote 17 to impose a Corrective Action Plan, because this 18 school was on monthly financial reporting. And I 19 think, having looked at its audit, it's clear why 20 that was the case.</p> <p>21 And in that plan, you asked the school to 22 take immediate action to remedy the financial 23 problems. That included creating a plan to improve 24 the governing body's ability to monitor and oversee 25 the school's monthly financial reports. And we</p>
<p style="text-align: right;">Page 131</p> <p>1 meeting that my team had on April 9th, discussions 2 during that exit meeting from that site visit, the 3 team learned that the audit committee has not met 4 since the exit meeting for the 2017 audit.</p> <p>5 Well, at that exit meeting, that is when 6 they learned of what's going to be in the audit. So 7 even though they can't discuss the audit itself, 8 they can certainly start overseeing corrective 9 actions and ensuring that they're taking steps to 10 change these audit findings. But it appears, based 11 on their statements, that that audit committee has 12 not engaged in any oversight or any action since the 13 exit meeting.</p> <p>14 So in addition, the other finding -- I'm 15 not going into the three other compliance findings. 16 But the other significant deficiency this year is a 17 significant deficiency which is internal control 18 over fund balances. So their fund balances are not 19 reconciling. They're not adjusting -- sorry. They 20 noted adjusting entries were posted to the fund 21 balances. And so they're not balancing and not 22 reconciling their funds from their prior year 23 statements.</p> <p>24 These audit findings do indicate the 25 failure to comply with several laws, in addition to</p>	<p style="text-align: right;">Page 133</p> <p>1 identified some things that it should include. That 2 wasn't a limitation of what it should be. It should 3 include specific training on public school finances 4 and financial requirements and financial reports and 5 specific actions by the financial committee and the 6 whole board, as well as specific targets for their 7 financial reserves.</p> <p>8 It also required them to develop a plan to 9 better estimate school enrollment using best 10 practices from other schools, which should include 11 revising their enrollment process, communications 12 and recruitment strategies, and require them to 13 submit monthly reporting to the PEC, including 14 monthly reports on student enrollments, including 15 updates on the number of withdrawals and 16 enrollments, actions taken to improve their 17 financial management, budget adjustments required to 18 adjust for growth that has not materialized, or 19 repayments for prior year repayments, and updated 20 year-end position forecast.</p> <p>21 Their deadline for submitting those was 22 December 21st. And they did submit a one-page 23 response -- I wouldn't call it a plan; but it was 24 their response to that requirement -- on 25 December 20th.</p>

<p style="text-align: right;">Page 134</p> <p>1 Then they had a deadline for submitting 2 monthly reporting to you that was the first day of 3 every month starting with January 1st. At the 4 February meeting, which was your first meeting of 5 the year, we did report to you that they had 6 submitted that -- I have here -- two-page plan; but 7 it really was a one-page plan, but not any of the 8 financial reporting. So they had failed to report 9 to you in January as well as in February.</p> <p>10 At that point, you did impose a secondary 11 Corrective Action Plan. And they did provide their 12 first report, after that plan that you imposed, on 13 February 9th. In fact, they submitted -- sorry, 14 this is not the report. They -- those -- the 15 one-page plan was not sufficient, and you were clear 16 about that and indicated to them that you wanted a 17 resubmission of a revised plan.</p> <p>18 They resubmitted revised plans on 19 February 15th. We gave the school feedback on those 20 plans at the meeting we had with the school on 21 February 20th, noting that the plans did not 22 demonstrate ownership by the school's management and 23 appeared unlikely to correct the problems. They 24 appeared to be plans where they had taken what other 25 schools had submitted and just put their name in it</p>	<p style="text-align: right;">Page 136</p> <p>1 according to the February 15th deadline. And then 2 the school submitted its second financial reports on 3 the deadline, March 1st. They did not submit a 4 second report on withdrawals and enrollments. So 5 they failed to meet that reporting requirement again 6 in March with regards to the school enrollment 7 withdrawals and enrollments.</p> <p>8 Then they did submit their third financial 9 report on April 3rd, which is two days overdue from 10 the deadline; so, again, showing a lack of 11 seriousness in responding to this. And their report 12 on withdrawals and enrollments was five days overdue 13 on April 6th, again demonstrating to us what we 14 perceive to be a lack of seriousness and 15 responsiveness to this.</p> <p>16 The school's withdrawal reports do 17 demonstrate that the school continues to lose 18 enrollment. Since January 1st, the school has 19 experienced a net loss of five students. When you 20 calculate that out, that is a significant chunk of 21 money, which will mean that next year, if the school 22 continues to operate, it would be at a substantial 23 deficit, even beyond the current deficit for its -- 24 its funding, SEG funding.</p> <p>25 The other concerning part for us is that</p>
<p style="text-align: right;">Page 135</p> <p>1 and resubmitted that to us, not making it specific 2 to their school or their school's needs.</p> <p>3 We did ask them to resubmit. We gave them 4 another opportunity. And as of today, I have not 5 received a revised Corrective Action Plan. I have 6 not received any other attempt from the school to 7 create a plan that would address your requirements 8 from November 17th to create a plan to improve their 9 ability as the governing body to monitor and oversee 10 the school's financial reports, to engage in 11 specific actions by their finance committee and the 12 whole board, or to have specific targets for 13 financial reserves.</p> <p>14 There -- as far as their monthly 15 reporting, their first report on the withdrawals and 16 enrollments was submitted on February 16th. 17 Obviously, that was overdue, because -- sorry -- it 18 was obviously overdue. But you had actually 19 established a deadline of February 15th when you had 20 your meeting on the 9th. You said, "We want that by 21 the 15th."</p> <p>22 So it was one day overdue, which was 23 concerning considering the seriousness you expressed 24 at that February meeting.</p> <p>25 The first financial reports were submitted</p>	<p style="text-align: right;">Page 137</p> <p>1 the school's monthly reports on specifically the 2 actions that they have taken to -- and -- sorry, I'm 3 reading off of Item 3. Actions taken to improve 4 financial management are all identical. So this is 5 not continued actions; this is one action at one 6 time that doesn't appear to be continual and 7 thinking about what the school needs.</p> <p>8 And, again, to us it demonstrates what we 9 perceive to be a lack of seriousness or a lack of 10 capacity to engage in this -- in this required 11 activity.</p> <p>12 At your February 9th meeting, you also 13 required the school to take corrective action to 14 address all of the noncompliance that we had 15 identified during the school's initial site visit. 16 And that included coming immediately into compliance 17 with all of the requirements from that November 17th 18 plan. As I just discussed, they have failed to do 19 that in their untimeliness of reporting, their 20 failure report, and, again, actions that aren't 21 demonstrating the capacity or the willingness to 22 engage in this corrective action.</p> <p>23 Your plan did require them to meet with 24 our staff, the CSD staff, at the PED office in 25 Santa Fe on February 20th to discuss that and to</p>

<p style="text-align: right;">Page 138</p> <p>1 provide technical assistance for them to be able to 2 come into compliance by the date of that April 9th 3 site visit. And that was full compliance with all 4 of those items, demonstrating that they've taken 5 care of the outstanding actions and are working to 6 ensure that that doesn't get repeated.</p> <p>7 You also required them to submit a budget 8 that reflects all outstanding budget maintenance and 9 will enable the school to the end of the year with a 10 positive balance. That was due by February 28th. 11 Also, by February 28th, to submit monthly financial 12 reports, bank reconciliations for all outstanding 13 months since July 1st to ensure that all governing 14 body members complete the training for which they 15 were registered, and, by February 19th, to submit a 16 revised governance screening and selection process 17 for board members that would remove the school year 18 entirely from that process.</p> <p>19 So, again, as noted previously, they 20 failed to meet those requirements with coming into 21 compliance with the November 17th Corrective Action 22 Plan.</p> <p>23 The school did come to the February 20th 24 meeting. However, members of their leadership team 25 showed up anywhere from 40 minutes to two hours late</p>	<p style="text-align: right;">Page 140</p> <p>1 They have not, however, I want to note -- 2 so we are relying on the Budget and the Financial 3 Analysis Bureau to identify whether the reports that 4 they submitted did everything that they were 5 supposed to. We don't have a full analysis of that. 6 But what we do know from the Financial Analysis and 7 Budget Bureau is that the school has not completed a 8 budget adjustment request to complete the 9 maintenance required after the completion of the 10 training and experience audit.</p> <p>11 As you learned, there was going to be 12 about a \$72,000 adjustment because they did not have 13 proper documentation. And that was one of the 14 things that was to be corrected, that documentation. 15 But they have not done the financial maintenance 16 which is part of those generally accepted practices 17 of fiscal management. They have not done that to 18 date.</p> <p>19 On February 16th, they did submit that 20 revised government screening and selection process. 21 We reviewed it. Concerning to us was that all they 22 did was what appeared to be a Control-F and replaced 23 anyplace that it said the "Head Administrator" with 24 the "President of the Board." This still leaves the 25 entire process within the control and authority of</p>
<p style="text-align: right;">Page 139</p> <p>1 to that meeting. The meeting -- we had sent out a 2 notice, an agenda. We thought we had communicated 3 as clearly as possible with all members of their 4 team about the purpose of that meeting as well as 5 the times. And they came unprepared for what we 6 were planning to discuss as well as, again, coming 7 late, again ranging from 40 to -- 40 minutes to two 8 hours.</p> <p>9 One member of the board was there early, 10 which clearly indicates that someone knew what time 11 the meeting was, and just reiterates our concern 12 about the lack of communication at the school.</p> <p>13 On February 14th -- and this is notable -- 14 the school submitted all of those monthly financial 15 reports and bank reconciliations. It's notable 16 because we had established the timeline as the 28th 17 of February because the school was insistent that 18 any earlier would be nearly impossible.</p> <p>19 It was quite concerning for the PED's 20 Financial Analysis Bureau to then see those reports 21 which they had been requesting for months turned 22 around in a matter of five days, again demonstrating 23 a lack of seriousness and ownership over the 24 improvement process and their responsibilities on 25 the day-to-day level.</p>	<p style="text-align: right;">Page 141</p> <p>1 one individual, rather than thinking about the best 2 process for ensuring good governance.</p> <p>3 On March 13th, we did provide, at our 4 offer, a full-day training for their board members. 5 And all of their board members did come. And it was 6 a great conversation, and they were very engaged. 7 But -- and this -- I don't know how you want to 8 interpret, because we did offer that; and so they 9 did meet all of their training hours.</p> <p>10 But one of the requirements of the 11 Corrective Action Plan was that they complete all of 12 the training for which they were already registered. 13 They came to the one-day training with us, but then 14 they had already registered for various other 15 trainings which they didn't attend.</p> <p>16 But, again, they met their training 17 requirements as far as the regulation requires. But 18 I'm not sure how you want to interpret that within 19 our offer. Again, that was proactive on our side to 20 say, "We are willing to spend the time with you." 21 On April 9th, just last week, our team 22 from the PED did conduct the second site visit to 23 determine whether they had met that requirement of 24 the Corrective Action Plan, which was demonstrating 25 the ability to and clearing all of the outstanding</p>

<p style="text-align: right;">Page 142</p> <p>1 compliance issues. We continued to observe multiple 2 compliance issues. They continue to implement their 3 multi-age and combined classroom, despite the fact 4 that this is not part of their academic program, and 5 they haven't demonstrated the capacity to implement 6 such a program.</p> <p>7 Their school improvement plan, which is 8 being implemented, is from 2016-'17. We are now in 9 the 2017-'18 school year, and it is not being 10 implemented with fidelity. The team looked to see 11 if everything that was in that plan was happening, 12 and they found that a lot of it was not.</p> <p>13 PLCs were supposed to occur weekly, four 14 times a month; they're only occurring two times a 15 month.</p> <p>16 There's no evidence that they've developed 17 progress monitoring tools, which was an item in 18 their improvement plan. And both required by their 19 improvement plan and also by the State assessment 20 requirements, any student who is at the Istation 21 levels -- I'm not quite -- I don't remember 22 Istation, how it works. But the lowest levels is 23 required to receive monthly progress monitoring. 24 And that is not occurring.</p> <p>25 And, in fact, it appeared that the</p>	<p style="text-align: right;">Page 144</p> <p>1 verification of employment. But there was no 2 evidence that they had made any other contact, and 3 they certainly had not obtained the verification of 4 employment.</p> <p>5 And at the site visit, the head 6 administrator said that they would have those 7 verifications within the next two weeks, again, not 8 meeting your expectations and deadlines.</p> <p>9 The school did not have any mentorship 10 programs and policies or procedures. And as of the 11 April 9th date, the school has not conducted an 12 evacuation drill. That's one of the types of drills 13 that are required. They may have a plan for that 14 later in the year. Their paperwork demonstrates 15 discrepancies in the dates for the drills, when they 16 were conducted, which is just concerning because 17 it's hard to verify data when documentation is 18 conflicting.</p> <p>19 It doesn't appear that the school has 20 conducted any makeup drills for their failure to 21 meet all of the drill requirements. Certainly, they 22 can't go back in time; but they could conduct makeup 23 drills. They've only conducted eight, when at this 24 time of the year at least ten were required.</p> <p>25 And, finally, the school's immunization</p>
<p style="text-align: right;">Page 143</p> <p>1 statement was that it is not occurring, because 2 they're concerned if they test that often that it 3 won't be able to show growth, and also because they 4 have a lot of substitutes, and they can't implement 5 it.</p> <p>6 They have not corrected their 7 McKinney-Vento Act dispute resolution policy. 8 Instead, they said they'd be doing that in about two 9 weeks; so, again, not taking seriously the deadline 10 set by this Commission.</p> <p>11 They knew since the date of the -- 12 February 8th, that they were going to have a site 13 visit on April 9th. When the team arrived, they 14 informed the team that the SAT files, the Student 15 Assistance Team files, were off-site and not 16 available, even though they knew that was an item 17 that we needed to look at. So the team was unable 18 to verify correction of those compliance concerns.</p> <p>19 They also have not corrected the employee 20 files, which had documentation missing during the 21 training and experience audit. That was a 22 requirement that they correct that. File copies -- 23 files did have a copy of a letter from before your 24 Corrective Action Plan -- so from January 16th -- 25 from the head administrator requesting the</p>	<p style="text-align: right;">Page 145</p> <p>1 log concerns have not been addressed, and they have 2 24 students missing the required immunizations or 3 information about immunizations that are still 4 enrolled. So they are not complying with the 5 immunization provision of the law.</p> <p>6 Two final issues that we just want to make 7 you aware of, and we can't go into much detail. But 8 we have been informed that a Notice of Contemplated 9 Action to revoke the license of the head 10 administrator has been issued.</p> <p>11 And then the last item is the school's 12 performance. The school was renewed by you several 13 years ago -- I think two years ago or three years 14 ago -- in 2015, when it just earned a "C" grade, 15 with the expectation that they would be able to 16 maintain that performance in both of the years that 17 they have been authorized by you. They have earned 18 an "F" letter grade, clearly demonstrating the 19 inability to meet your performance expectations.</p> <p>20 As a result of all of this, again, we have 21 made the recommendation that you commence revocation 22 proceedings and hold a revocation hearing.</p> <p>23 In your materials, which I don't think we 24 should go into in-depth today -- this is just 25 determining whether or not you even want to hold a</p>

Page 146

1 hearing -- we have provided a copy of the audit and
 2 all of the reporting the school has done.
 3 We also have a letter on Page 117 -- or
 4 not a letter, but a report from my team on the
 5 meeting on February 20th, so that you have some
 6 detail in what they discussed and the technical
 7 assistance that was provided, as well as a report
 8 that is on Pages 128 -- begins 129 and goes to, I
 9 believe, 130, which is just a quick report from our
 10 Budget -- School Budget and Financial Analysis
 11 Bureau, just a quick update on some of the
 12 outstanding concerns that they have. And then the
 13 letter grade reports are provided beginning on
 14 Page 132.
 15 THE CHAIR: Thanks. Good afternoon.
 16 DR. JUANITA CARA: My name is Juanita
 17 Cara. I'm president of the governing board. I --
 18 not going to respond to -- there's too many things
 19 to respond to, except to say that we've done our
 20 best, and some of these things take a lot of time to
 21 try to get some of these documents. You have to
 22 depend on other agencies to respond to you. They
 23 may do it immediately; they may not. All you can do
 24 is your best. And I'd like to thank the board
 25 members here who have supported us in our efforts.

Page 147

1 We have tried.
 2 I have a parent with me who would like to
 3 just make a short statement regarding the school,
 4 Mrs. Garcia.
 5 THE CHAIR: Okay. Good afternoon.
 6 COMMISSIONER ARMBRUSTER: You don't have
 7 to hold the button.
 8 FROM THE FLOOR: Good afternoon. My name
 9 is Maitai Garcia. I have four students, all of whom
 10 have gone to Cariños Charter School since
 11 kindergarten. Due to unforeseen circumstances, I
 12 had to pull my children out this year because of
 13 personal matters. That was hard on my kids and on
 14 myself, just because they've been there for so long.
 15 Being a parent, my first priority is my
 16 kids' education. I can say that all four of my kids
 17 started their new school above their grade level.
 18 I have -- let's see. All of my children
 19 learned how to read in English and Spanish by the
 20 time they were in first grade at Cariños.
 21 My children are all fluent in English and
 22 Spanish. I have two second-graders, a third-grader,
 23 and a seventh-grader. They are all fluent in
 24 English and Spanish because of Cariños.
 25 My oldest son, he was at Cariños since

Page 148

1 kindergarten. He's in seventh grade now. He
 2 started seventh grade in the gifted program at his
 3 new school. Like I said, he's also fluent in
 4 English and Spanish.
 5 My children know that the kids that -- the
 6 faculty and staff at Cariños have always had and
 7 always been there for them. They took it really
 8 hard when I had to take them out. I wanted to let
 9 you guys know.
 10 To me, my kids -- I have four kids. All
 11 four of them have demonstrated growth in education
 12 100 percent. I as a parent would not let my kids be
 13 in a school that I did not believe that they were
 14 furthering their education.
 15 So that's all I wanted to say about that.
 16 If you guys have any questions about my experience
 17 at Cariños, I'm willing to answer them. I've been a
 18 parent for eight years there; so...
 19 COMMISSIONER CABALLERO: Thank you.
 20 THE CHAIR: Thank you.
 21 Commissioners?
 22 This has been a very difficult journey, I
 23 think, for -- for all of us. When the school came
 24 before us, there was so little information that was
 25 available to us, because they were coming from the

Page 149

1 district, that the sense of the Commission was that
 2 it deserved an opportunity to show that it could
 3 grow.
 4 And there were -- you know, we're not
 5 going to get into the -- the -- the unfortunate
 6 relocation that had to take place. And I think
 7 there was a sense that once you were able to locate
 8 into a permanent facility, again, that things would
 9 be able to improve; at the very least, level out.
 10 But, unfortunately, over these past two
 11 years, your academic performance has certainly
 12 declined. And the significant financial issues,
 13 there just doesn't seem to be any adequate response
 14 to these -- to these concerns.
 15 And the last time that the school was up
 16 here, just the -- I don't know what the term -- is
 17 it "vice principal"? I don't know what her term is.
 18 Just the fact that, you know, she indicated that she
 19 didn't know how to do an improvement plan, and
 20 that's what was slowing the process down for the
 21 school to communicate back to us.
 22 And the lack of -- or the reduction now in
 23 additional students. We've got the \$72,000 that's
 24 owed back from last year; correct? Wasn't that
 25 2017? That \$72,000 was from a reduction from last

Page 150	Page 152
<p>1 year. Am I incorrect in that? Or --</p> <p>2 MS. POULOS: Madam Chairwoman,</p> <p>3 Commissioners, the -- the school -- what was</p> <p>4 communicated, the school knew about the issues that</p> <p>5 would result in that \$72,000 reduction last year.</p> <p>6 The reduction didn't happen because of a provision</p> <p>7 in the law that says if there's an adjustment to TEE</p> <p>8 to a charter school that has just moved over from</p> <p>9 district to State-authorized, the adjustment will go</p> <p>10 to the local school district, not to the charter</p> <p>11 school.</p> <p>12 But the charter school had been made aware</p> <p>13 the previous year. So they had a full year, plus</p> <p>14 the extra time, to correct those files so that that</p> <p>15 same reduction would not occur again. And those</p> <p>16 corrections were not made, so there was no need for</p> <p>17 that reduction to happen. Because if they had had</p> <p>18 the documentation which they had over a year to get,</p> <p>19 then that result would have found that there should</p> <p>20 be no reduction, presumably.</p> <p>21 THE CHAIR: But are we not looking at a</p> <p>22 reduction for this year because of the loss of</p> <p>23 students?</p> <p>24 MS. POULOS: No. That will happen next</p> <p>25 year.</p>	<p>1 COMMISSIONER RUIZ: Okay. Let's do this</p> <p>2 right now.</p> <p>3 So I move to commence revocation</p> <p>4 proceedings against Cariños De Los Niños Charter</p> <p>5 School and schedule a revocation hearing for a date</p> <p>6 no later than May the 30th, 2018. The revocation</p> <p>7 proceedings shall determine whether there is</p> <p>8 sufficient evidence to demonstrate the charter</p> <p>9 should be revoked.</p> <p>10 COMMISSIONER JOHNSTON: And I will second</p> <p>11 that.</p> <p>12 THE CHAIR: There's a motion by</p> <p>13 Commissioner Ruiz, a second by Commissioner</p> <p>14 Johnston.</p> <p>15 Discussion?</p> <p>16 Seeing none, Commissioner Armbruster?</p> <p>17 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>18 Peralta?</p> <p>19 COMMISSIONER PERALTA: Yes.</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Johnston?</p> <p>22 COMMISSIONER JOHNSTON: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>24 Robbins?</p> <p>25 COMMISSIONER ROBBINS: Yes.</p>
<p>Page 151</p> <p>1 THE CHAIR: The following -- got you. Got</p> <p>2 you. All right. I have you.</p> <p>3 So, you know, it's -- these are never easy</p> <p>4 decisions. But over the past several months, it is</p> <p>5 just becoming more and more apparent that the school</p> <p>6 is unable to adequately rectify the financial</p> <p>7 situation, the academic situation that they are in.</p> <p>8 And, you know, I don't like to be -- we never like</p> <p>9 to be in this position. But I don't see any other</p> <p>10 recourse but to move forward for the formal</p> <p>11 revocation hearing.</p> <p>12 Commissioner Ruiz?</p> <p>13 COMMISSIONER RUIZ: Can I make a motion?</p> <p>14 THE CHAIR: Let me just check first.</p> <p>15 (The Chair consults with counsel.)</p> <p>16 THE CHAIR: Okay.</p> <p>17 COMMISSIONER RUIZ: I move to commence</p> <p>18 revocation proceedings against Cariños --</p> <p>19 THE CHAIR: Wait. Wait. Okay. Hold on.</p> <p>20 COMMISSIONER RUIZ: I'm sorry. Give me</p> <p>21 just a second.</p> <p>22 THE CHAIR: Oh, I'm sorry.</p> <p>23 COMMISSIONER JOHNSTON: Did you finish</p> <p>24 your motion?</p> <p>25 THE CHAIR: No.</p>	<p>Page 153</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>2 Caballero?</p> <p>3 COMMISSIONER CABALLERO: Yes.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>5 Toulouse?</p> <p>6 COMMISSIONER TOULOUSE: Very reluctantly,</p> <p>7 yes.</p> <p>8 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>9 Crone?</p> <p>10 COMMISSIONER CRONE: Yes.</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>12 Ruiz?</p> <p>13 COMMISSIONER RUIZ: Yes.</p> <p>14 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>15 Armbruster votes "Yes."</p> <p>16 Commissioner Conyers?</p> <p>17 COMMISSIONER CONYERS: Yes.</p> <p>18 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>19 Gipson?</p> <p>20 THE CHAIR: Yes.</p> <p>21 COMMISSIONER ARMBRUSTER: It's a 10-to-0</p> <p>22 vote. The motion passes.</p> <p>23 THE CHAIR: The motion passes 10-0.</p> <p>24 COMMISSIONER TOULOUSE: Madam Chair, may I</p> <p>25 say something to Dr. Cara?</p>

<p style="text-align: right;">Page 154</p> <p>1 THE CHAIR: Sure.</p> <p>2 COMMISSIONER TOULOUSE: Dr. Cara, I want</p> <p>3 you to know I respect what you have done all these</p> <p>4 years for your community and for your school. And I</p> <p>5 want to make sure everybody understands what you and</p> <p>6 many of the others have done for this.</p> <p>7 And I just -- I stand behind you</p> <p>8 100 percent. And I'm sorry that it's not working</p> <p>9 now. But in the future, I think Española can try</p> <p>10 again.</p> <p>11 Thank you.</p> <p>12 COMMISSIONER CABALLERO: Thank you.</p> <p>13 THE CHAIR: Thank you.</p> <p>14 We are now on to -- well, before we move</p> <p>15 on, I'm going to ask -- and I apologize, because I</p> <p>16 should have done this when we were setting the</p> <p>17 agenda.</p> <p>18 But in the -- in our work session</p> <p>19 yesterday, because we're going to have, now, legal</p> <p>20 review, Item No. 13, which is the contract template,</p> <p>21 we are going to -- I'm asking for that to be taken</p> <p>22 off the agenda, and we'll put that onto our</p> <p>23 May agenda, once we get legal review of that</p> <p>24 template.</p> <p>25 So I am going to make a motion to remove</p>	<p style="text-align: right;">Page 156</p> <p>1 They came back to you at, I believe, the</p> <p>2 last meeting. And those plans really did not do</p> <p>3 that step by step, but, instead, they -- they</p> <p>4 restated the expectations, the outcomes, that the</p> <p>5 subcommittee had established for the school.</p> <p>6 The school has resubmitted another version</p> <p>7 of the Corrective Action Plan. There's no rubric.</p> <p>8 So there's no robust analysis written up for you.</p> <p>9 I will say that I do feel still that these</p> <p>10 are not adequate plans. One of the things if we</p> <p>11 take the first plan in front of you, the audit</p> <p>12 findings, this looks very similar to a plan that was</p> <p>13 submitted by another school. In fact the name of</p> <p>14 that school is left on at least one of those items.</p> <p>15 That school did a good job. They thought</p> <p>16 about this; but they thought about it in the context</p> <p>17 of their school. And one of the things we've told</p> <p>18 everyone is you can't take somebody else's plan, put</p> <p>19 your name in it and it be sufficient, because you</p> <p>20 really need to think about how that's going to work</p> <p>21 for your school. So that was one of my first</p> <p>22 concerns about this plan.</p> <p>23 Again, I will say things didn't -- still</p> <p>24 didn't seem to be a plan that would actually help</p> <p>25 them implement. So if we just take, as an example,</p>
<p style="text-align: right;">Page 155</p> <p>1 Item No. 13, Discussion and Possible Action on the</p> <p>2 PEC Contract Template, to be removed from the agenda</p> <p>3 for today.</p> <p>4 COMMISSIONER CABALLERO: Second.</p> <p>5 THE CHAIR: There's a second by</p> <p>6 Commissioner Caballero. And we just need a voice</p> <p>7 vote.</p> <p>8 So all in favor?</p> <p>9 (Commissioners so indicate.)</p> <p>10 THE CHAIR: Opposed?</p> <p>11 (No response.)</p> <p>12 THE CHAIR: Hearing no opposition, the</p> <p>13 motion passes.</p> <p>14 Thank you.</p> <p>15 So now, we are on to Item No. 9, which is</p> <p>16 Discussion and Possible Action on the Corrective</p> <p>17 Action Plans. And the first one is DEAP.</p> <p>18 MS. POULOS: Madam Chairwoman,</p> <p>19 Commissioners, DEAP Charter School was required to</p> <p>20 create the Corrective Action Plan, and a</p> <p>21 subcommittee of the Commission met with them and</p> <p>22 discussed the expected outcomes and gave the school</p> <p>23 direction on how to develop those plans, really</p> <p>24 identified kind of a step-by-step for how they were</p> <p>25 going to achieve their outcomes.</p>	<p style="text-align: right;">Page 157</p> <p>1 governing council audit committee. "establish an</p> <p>2 audit committee. One DEAP parent from the school</p> <p>3 will be identified."</p> <p>4 Well, they've had an issue doing that.</p> <p>5 They have not been able to do that. And so the</p> <p>6 concern is this just says they'll do the thing that</p> <p>7 they were supposed to do without really explaining</p> <p>8 how, which is what we really wanted to see from the</p> <p>9 school is how are you going to make this happen?</p> <p>10 What extra activities or actions are you going to</p> <p>11 engage in to correct the fact that whatever you were</p> <p>12 doing before wasn't able to meet the standards.</p> <p>13 I really don't see that that happened</p> <p>14 here.</p> <p>15 The next plan that they submitted was the</p> <p>16 plan to address an audit finding that they failed to</p> <p>17 abide by budgetary authority and to monitor and</p> <p>18 maintain their budgets.</p> <p>19 Here there is somewhat more detail in what</p> <p>20 they're going to do. Again, I think it's -- it's</p> <p>21 limited. It relies a lot on the -- the business</p> <p>22 manager. And that goes to the next plan, which is</p> <p>23 the plan to address the issue that they have failed</p> <p>24 to maintain proper staffing and have not really been</p> <p>25 able to maintain a consistent licensed school</p>

<p style="text-align: right;">Page 158</p> <p>1 business manager.</p> <p>2 Here their action steps were simply to</p> <p>3 contract with the group. One of the pieces of</p> <p>4 feedback that had been given was that it's not just</p> <p>5 that you correct, which would be hiring a new</p> <p>6 business manager; but you have a plan in place for</p> <p>7 how you're going to prevent that constant turnover</p> <p>8 or gaps when you have turnover. And here, there</p> <p>9 hasn't been any detail about what kind of system are</p> <p>10 they going to have at the school for if they decide</p> <p>11 that that's not the right business manager for them,</p> <p>12 how are they going to select a new one to make sure</p> <p>13 they meet the needs of that school and that</p> <p>14 community. How are they going to ensure that</p> <p>15 turnover is corrected quickly. And here we really</p> <p>16 don't see that.</p> <p>17 Again, one of the items that they have as</p> <p>18 a remediation strategy is will notify the PED if the</p> <p>19 contract is terminated within 12 hours. And they</p> <p>20 say simply that they will notify the PED. Well,</p> <p>21 again, it's not a plan for how they're going to</p> <p>22 ensure that happens.</p> <p>23 Another item that we have is the -- the</p> <p>24 failure to meet the procurement code and have the</p> <p>25 CPO. And with that, they did take, I think, greater</p>	<p style="text-align: right;">Page 160</p> <p>1 And, again, what I find here is that this</p> <p>2 is very limited in the ability to help the school</p> <p>3 really change behavior going forward. So they say</p> <p>4 that they will provide training, including</p> <p>5 in-person, but really don't address monitoring or</p> <p>6 oversight of that.</p> <p>7 And then they say that members will</p> <p>8 self-evaluate two times a school year to provide</p> <p>9 evaluative feedback. But there's nothing here</p> <p>10 really about kind of holding their feet to the fire</p> <p>11 on that -- that in-person meeting or really</p> <p>12 identifying board members who are going to meet in</p> <p>13 person.</p> <p>14 So, you know, I think I just continue to</p> <p>15 have concerns, and, I think, again, the same kind</p> <p>16 of -- just feedback on the plan about maintaining</p> <p>17 board membership and filling vacancies in a timely</p> <p>18 manner.</p> <p>19 Here, in fact, on their maintaining five</p> <p>20 members, one of the steps says that they will</p> <p>21 recruit -- recruitment will begin after a board</p> <p>22 member leaves. But that doesn't help you ensure</p> <p>23 that you're meeting vacancies on time. That's</p> <p>24 exactly what we've been doing so far that's resulted</p> <p>25 in our noncompliance.</p>
<p style="text-align: right;">Page 159</p> <p>1 strides here in that they did have an Item D, which</p> <p>2 is found on Page 11, the step that they would</p> <p>3 identify another person; so, a backup. Again, not</p> <p>4 how, not how they're going to make sure they don't</p> <p>5 need to have that backup, not a plan of how they're</p> <p>6 going to make sure that when they lose one, there's</p> <p>7 a second backup, right? So it's limited in the</p> <p>8 ability to be a plan that really carries them</p> <p>9 forward without continuing problems.</p> <p>10 But I don't want to continue going through</p> <p>11 this with every item. But I do want to point us to</p> <p>12 the plan that begins on 13, which is intended to</p> <p>13 address the concern that we've had about the</p> <p>14 school's membership on the board, as well as what we</p> <p>15 saw when we looked at their minutes, which was</p> <p>16 continually only one person would be on site, and</p> <p>17 all other members, or most other members of the</p> <p>18 board, would participate telephonically.</p> <p>19 We don't believe that's what the OMA's</p> <p>20 intent is, is to have mostly telephonic meetings; in</p> <p>21 fact, they should be mostly in-person. And the OMA</p> <p>22 says telephonic participation is only in</p> <p>23 extraordinary circumstances -- I don't think that's</p> <p>24 the word they use. But what we found was the school</p> <p>25 was not doing that.</p>	<p style="text-align: right;">Page 161</p> <p>1 So I'm just concerned that we're not --</p> <p>2 these plans themselves are not going to carry us</p> <p>3 forward. They're not going to change what we're</p> <p>4 doing and get us to a different place. And I</p> <p>5 just -- I don't know where we go from here except to</p> <p>6 say I don't -- I can't come and recommend that you</p> <p>7 accept these plans as the plans that the school is</p> <p>8 going to use to correct the concerns that we have</p> <p>9 about noncompliance with governance, oversight,</p> <p>10 management, things like that.</p> <p>11 And, you know, I just will say -- and I</p> <p>12 haven't -- I don't have the site visit report in</p> <p>13 front of me. But I think, you know, there were</p> <p>14 certainly outstanding -- actually, I do. Can I have</p> <p>15 one minute? I believe there were outstanding</p> <p>16 concerns, and I'd like to pull it.</p> <p>17 So we do have some plans that -- some</p> <p>18 items that continue to be concerns at this school</p> <p>19 from prior years. So that kind of continuous</p> <p>20 improvement. We don't feel like we have a base yet,</p> <p>21 and we really do want to see how we can make that</p> <p>22 happen to correct the concerns that brought the</p> <p>23 school in front of you in the first place.</p> <p>24 THE CHAIR: I'm just going to pick up on a</p> <p>25 couple of concerns that weren't -- and I guess I</p>

<p style="text-align: right;">Page 162</p> <p>1 need a clarification on this, because in this -- 2 when we're looking at the concerns about governance 3 council, this improvement plan indicates that the 4 head administrator is going to do the training on 5 what is a good governance council member? Is that 6 what this says? 7 MS. POULOS: I missed that. 8 THE CHAIR: Am I reading this incorrectly? 9 It's on Page 14. Because I just think it's 10 particularly -- I mean, it might work well for the 11 head administrator, who the governance council is 12 going to evaluate, for them to train them on what's 13 going to be a good governance council member. But 14 is that -- 15 MS. POULOS: That is how I read it. It 16 says, "Head administrator and support staff will 17 provide PD in what is an engaged GC member and what 18 are the ethical responsibilities." 19 And that is training that, as you all 20 know, we do for introductory board members -- the 21 PED does -- and then approved providers do for -- 22 THE CHAIR: And I wasn't questioning -- 23 because I just assumed it was a professional 24 development kind of day. But I was just questioning 25 the process, that a head administrator is going to,</p>	<p style="text-align: right;">Page 164</p> <p>1 about the financial challenges. So, you know, I was 2 willing to step in and, you know, become involved 3 with DEAP Charter as a head administrator. 4 So, you know, this is probably my fourth 5 time coming up to all of you, and, you know, it's 6 good to see familiar faces. 7 But moving on, you know, we -- in response 8 to how we addressed our Corrective Action Plan, our 9 DEAP leadership team, our governing council, we -- 10 we did meet -- you know, not all of us were there, 11 you know. Some of us used our cell phones to be 12 present. But we did address those Corrective Action 13 Plans. 14 And in addressing those Corrective Action 15 Plans, we wanted to create plans that were realistic 16 and that were achievable and that would give us good 17 sustainable outcome. Back, again, we did not want 18 to fall back to where we are today. So that was 19 our -- that was our process in developing those 20 Corrective Action Plans. 21 We even included things like, "Okay, let's 22 do a root cause analysis." 23 So we sat down. And for me, it was very 24 informational, because, you know, here's ten audit 25 findings. Now I know all the different reasons they</p>
<p style="text-align: right;">Page 163</p> <p>1 you know, educate the governance council on what 2 makes a good governance council member, when it's a 3 governance council that has to evaluate that head 4 administrator. 5 That just seems a little muddled to me; 6 perhaps a good thing for the head administrator, 7 but -- and then just on that same -- and I may have 8 lost my place. I'm sorry. And I think I did. 9 There was a mention about the head 10 administrator's evaluation. And it simply said that 11 there was going to be a -- "monitor and provide 12 feedback in regards to school" -- no. "GC members 13 will use the DEAP administrator rubric to annually 14 evaluate." 15 So that's a formal evaluation that you -- 16 that you currently have. 17 MS. LOUELLA POBLANO: Uh-huh, that's 18 correct. May I respond? 19 Good afternoon, Commissioners. Again, my 20 name is Louella Poblano. I am the head 21 administrator for DEAP Charter School. It's located 22 in Navajo, New Mexico, and we are finishing our 23 third year as a State charter school. 24 And I knew, coming into the school, a lot 25 of financial challenges. I basically just knew</p>	<p style="text-align: right;">Page 165</p> <p>1 are there; so now we're addressing them. 2 And with the help of Michael Vigil and his 3 associates, you know, we tackled the third round of 4 revising our Corrective Action Plan. 5 And, you know, I do know that a lot of 6 those seven financial Corrective Action Plans, you 7 know, we -- we all took a swing at it. And it 8 helped us understand, you know, what is, you know, a 9 general ledger, what is an audit. And, you know, 10 with the support of Michael and Rebecca, you know, 11 we did learn a lot in that process. 12 So, you know, the -- we wanted to create a 13 Corrective Action Plan that we can implement as soon 14 as it's approved, and we wanted to have a Corrective 15 Action Plan that had people that were monitoring as 16 we were progressing. 17 And part of our checkpoints was, you know, 18 maybe every month at a GC meeting, that would be our 19 monitoring checkpoints, and that would also be our 20 celebrations in accomplishing some of our Corrective 21 Action Plans. 22 Some of our Corrective Action Plans, I 23 feel -- and it's just my own evaluation -- are about 24 70 percent complete. So, you know, for example, the 25 CPO, you know, we do have an identified CPO. She's</p>

<p style="text-align: right;">Page 166</p> <p>1 registered online. She's -- she's there signing our 2 documents, and, with the head administrator, 3 providing that -- and it's -- you know, for me, it's 4 kind of being misinterpreted that I would take on 5 the trainer of providing the GC training. That was 6 not my intent.</p> <p>7 My intent was, with the GC and -- we just 8 had a GC meeting last night. My intent was to keep 9 them motivated, keep them aware of, "Okay, you're 10 here to support our school. You are -- we really 11 need you here physically to help us."</p> <p>12 You know, 30 minutes before the meeting 13 starts, look at our financial stuff; maybe 14 30 minutes after, you know, talk about our -- talk 15 about our students.</p> <p>16 So that's what I meant. And, you know, 17 "PD training." I don't know. Maybe I should revise 18 it to "motivational talk." But...</p> <p>19 THE CHAIR: And I guess part of my concern 20 at this point in time is I'm getting a sense that 21 the governance council meeting is being driven more 22 by you than the governance council. And that I 23 appreciate your involvement, but from my experience 24 with any governance council meetings that I've gone 25 to, the governance council runs the meeting, and the</p>	<p style="text-align: right;">Page 168</p> <p>1 the Director of Audit for APS. I became the CFO for 2 APS, the state's largest school district. I was 3 there until 2006.</p> <p>4 In 2006, I switched over to the charter 5 schools. A number of them were asking me for help, 6 and I started a company because there aren't enough 7 business managers in the state. So I've been 8 training a number of young staff to become business 9 managers. They have actually gone out and taken 10 over some of the districts.</p> <p>11 One of the business managers, I'm proud to 12 say, is the business manager in Grants. I have 13 business managers in other schools that have taken 14 over.</p> <p>15 Just to give a background on my 16 background. We do -- we are -- my company is the 17 State contract for your takeover schools. So 18 whenever you have a problem, School Budget calls me, 19 and we come in to fix the problems. We come in 20 to -- so Southwest Schools, we're the business 21 manager. La Promesa, we're the business manager. 22 CEPi, we're the business manager. I can name the 23 other schools if you'd like me to.</p> <p>24 We've taken all your schools that have had 25 problems, and we're the ones who have fixed them or</p>
<p style="text-align: right;">Page 167</p> <p>1 head administrator is there to respond to any 2 questions and certainly provide, you know, a monthly 3 update for the governance council.</p> <p>4 But from -- and maybe I'm not hearing it 5 correctly. But I'm getting the sense that it's the 6 opposite, because you mentioned -- you know, so -- 7 I'm questioning, and I'm concerned.</p> <p>8 MS. LOUELLA POBLANO: You're welcome to 9 attend any of our GC meetings. We had a visitor 10 from PED. And you can ask her, you know, if I was 11 running the meeting. I was not. I was sitting 12 there waiting for my turn to provide a report out.</p> <p>13 THE CHAIR: Okay. Because -- and the only 14 reason I got that sense was from what you had just 15 spoken about. And that's why the concern came to me 16 because of what you had just said. So that's why I 17 kind of got a little cattywampus about it -- if you 18 can spell that, Cindy.</p> <p>19 MR. MICHAEL VIGIL: Madam Chair, if I can 20 address the Commission, my name is Michael Vigil. 21 I'm the owner of the Vigil Group. Just a little bit 22 of background for those of you who don't know me, a 23 number of new Commissioners.</p> <p>24 So I am a CPA. I have been in school 25 business management since 1990. I started off as</p>	<p style="text-align: right;">Page 169</p> <p>1 closed them, one or the other. We try to fix them 2 so they can continue on.</p> <p>3 We were called in in the beginning of this 4 fiscal year, about end of last fiscal year, because 5 we were told fiscal was totally out of control; the 6 finances were wrong; grants were being misspent; 7 there could not be an audit. There were all kinds 8 of problems.</p> <p>9 We went in, and we reconciled the books. 10 They weren't as bad as you were told. Of course, 11 we've been told the PED doesn't have any financial 12 expertise and you know, we've offered to give them 13 training. I've met with both the Deputy Director of 14 the Charter School Division and with David Craig. 15 I've offered that, because I do not think they know 16 how to read financial statements. So I'll just put 17 it out there.</p> <p>18 So we have gone in and have worked with 19 these schools to fix them. The school got a clean 20 audit. Well, there were findings, but they didn't 21 get a modified audit. They got a clean audit. Read 22 the opinions.</p> <p>23 So we are -- I agree. There are a number 24 of findings, and there shouldn't be. I'm with you. 25 When you see findings, and you see some of these</p>

<p style="text-align: right;">Page 170</p> <p>1 problems, we've got to make sure they're correct and 2 we do things right.</p> <p>3 The first thing we do -- and I'm the one 4 that came up with the new type of Corrective Action 5 Plan, because we've used it for other schools, to be 6 honest with you. They're right. Why would I 7 reinvent the wheel when it's passed with other 8 schools. It's the same thing. Just bring it 9 through. If it was accepted for school one, why 10 isn't it accepted for school two? We change it; I 11 will guarantee you.</p> <p>12 I read the findings. I read the issues. 13 I talked to the people that are working there. It's 14 a fair review. We look at the systems that are in 15 place.</p> <p>16 I'm big on internal controls. I do 17 believe you need to have the proper internal 18 controls. However, I can't write every control. 19 You would have a binderful of controls that I've 20 implemented at that school. The dual controls that 21 we have, you know, which include also bank 22 reconciliations, general ledger reconciliations.</p> <p>23 In the findings what I was given them to 24 look at, incorrect terminology that was used for it. 25 So I had to use correct terminology in putting the</p>	<p style="text-align: right;">Page 172</p> <p>1 at-risk factors. I know the reasons we've changed 2 the funding formula. I've sat on the committees.</p> <p>3 So I want to bring knowledge to that board 4 so they understand their responsibilities, because 5 it's my belief their knowledge is my protection. 6 When they know what's happening at their school, 7 then you, as an authorizer, can go and ask, "How 8 does this work? How does this happen?"</p> <p>9 They do need to know. I am going be doing 10 that training to be sure they understand their 11 financial responsibilities, at minimum. So we're 12 going to be working with that on getting them done.</p> <p>13 One of the things that I want to make sure 14 you understand, I can't wait for a Corrective Action 15 Plan to implement changes. So we've already 16 implemented many of the changes that are already off 17 it. So I do have staff from my company that work 18 under me. And I am the one that's taking the lead 19 on this school. So I am the named business manager.</p> <p>20 You know, I don't know how much of a 21 history you need for me to say if I'm qualified or 22 not. But I think I'm one of the oldest surviving 23 business managers from 1990. I think everybody else 24 is retired. I used to be one of the youngest. I 25 went to ASBO last weekend. I used to be one of the</p>
<p style="text-align: right;">Page 171</p> <p>1 findings together.</p> <p>2 So this is where I say, you know, we see 3 some of these issues. It's like, well, do I want to 4 talk in layman's terms to correct what's in there, 5 or do we use accounting terms, which is the correct 6 way?</p> <p>7 So when we drafted the responses to the 8 financial issues, I drafted the financial issues, 9 then I met with the board and we went through every 10 single one so I could explain to them.</p> <p>11 I want to provide a training. And so I am 12 scheduled to go in May, whether or not this 13 Corrective Action Plan is approved, to provide 14 training to the governing council and to any other 15 person who wishes to attend and be there. Now, for 16 the first 15 years, or 10, from 1999 to about on 17 2010 -- 11 years, I guess it was -- the PED 18 contracted or asked me to provide trainings to the 19 GCs, and I did it for all the new charter schools 20 being opened. I did the application training; I did 21 all the trainings that we did.</p> <p>22 And so, you know, I've sat on legislative 23 committees to draft the funding formula, to look at 24 the changes on the funding formula. I was there 25 when we had the density factor, when we went back to</p>	<p style="text-align: right;">Page 173</p> <p>1 youngest. Now I'm one of the oldest. I've flipped 2 sides.</p> <p>3 I do bring the expertise that's needed. 4 We can't guarantee from my company that everything 5 is going to work out. We advise schools. I'm a 6 contractor. I don't have the authority to do that.</p> <p>7 When I was at APS, I was superintendent 8 for business. I don't know if you remember when we 9 had the four superintendents. I was one of them. 10 And I could go tell a school, "You're going to go do 11 it this way," and they better do it my way. I'm a 12 contractor now. I have to advise, and I -- 13 hopefully, they follow.</p> <p>14 So far with DEAP, we've had great 15 cooperation. And we do ask for changes and for 16 processes to change, and we're working very well 17 with them.</p> <p>18 So I just want to assure you that, you 19 know, when I wrote the Corrective Action Plan, what 20 the intent was was to develop systems that are going 21 to be in place, no matter who's the business 22 manager. Our goal is, just like we did with the 23 other schools -- the State has not released the 24 Southwest schools. They like the systems we put in 25 place. That's the Public Education Department. I</p>

<p style="text-align: right;">Page 174</p> <p>1 talked to David Craig. He released the Southwest 2 schools. The Board of Finance is no longer with the 3 PED; it's with the school. 4 So we've gone through some tremendous 5 changes with some of our schools. We're going to do 6 the same for DEAP. However, making all the changes, 7 putting all the training in place, it doesn't happen 8 overnight. 9 And so I will tell you I have attended the 10 meetings at -- well, with the meetings at DEAP, and 11 I'm going to be going in May again. Let me tell my 12 understanding of the way the governing council 13 should be run. And this is the way the APS Board is 14 run. 15 The executive committee of the board and 16 the superintendent meet to develop the agenda. It's 17 not a one-sided agenda. You need both sides in 18 there to develop your agenda. 19 When we were there, we did meet with the 20 board to develop our agenda. They meet three weeks 21 out of the month. It's not led by the -- yes, the 22 board chair runs it, and we follow. We sit there 23 and give our reports and such. But we help develop 24 that agenda, too, just like, I'm sure, Ms. Gipson, 25 you don't do the agenda by yourself without</p>	<p style="text-align: right;">Page 176</p> <p>1 place. 2 They still have an audit committee. The 3 audit committee was formed when I -- was under my 4 watch, the finance committee under my watch. They 5 didn't have an audit committee prior to me being 6 there. We did it. Now the State has copied the 7 model due to my mentorship. 8 So I just want to remind you we're here to 9 support the schools; but we want to make sure it's 10 done right. 11 THE CHAIR: Commissioner Caballero? 12 COMMISSIONER CABALLERO: Yes, Madam Chair. 13 You know, it's -- I've been involved in community 14 organizing since I was 16 years old. And in my 15 community, we had to bring in just regular folks to 16 be board members, just regular folks, moms and dads, 17 small business owners. 18 And we put together -- I was in high 19 school, and the board came together. At that time, 20 nobody knew how to be a board member. We wrote 21 federal grants. We got federal grants. The guys 22 used to have a saying, "As long as things -- as long 23 as shit gets done, it should be okay." 24 Well, it's not okay, not according to the 25 feds.</p>
<p style="text-align: right;">Page 175</p> <p>1 consulting the CSD. 2 So the same issue as with the school 3 districts happens at the charters. So I don't want 4 them to be held to a greater standard than what you 5 hold the districts to. It's only fair. 6 And so I just want to conclude by saying 7 all of our systems have been put in place. I know I 8 offered to the PED. And like -- David knows it. I 9 met with Icela Pelayo. I've offered, if they need 10 any financial training, we're offering a free 11 training how to look at financials, how to determine 12 findings, how to determine what they are. 13 One of the new findings under the GASBs 14 and such is every entity must have a person who's 15 able to read the financial statements. If you 16 don't, that's a finding. 17 So we can read them. I can tell you what 18 the numbers mean. We can tell you what the opinions 19 are and that sort of stuff. 20 And that's what we're going to bring to 21 DEAP. And we want to make sure that the systems -- 22 what's really important is the systems that we put 23 in place -- no matter who is there can follow it. 24 Being a big systems person, when I left APS, they 25 still have many of the same systems that we put in</p>	<p style="text-align: right;">Page 177</p> <p>1 So that was a learning experience. 2 Consequently, I left, went to graduate 3 school, came back, and the little organization was 4 still there. So I got back in. And realized that 5 after so many years, the board still needed a lot of 6 training. And more and more training -- the more 7 training they got, and the more we realized, that 8 the difference was cultural. The difference was 9 language, and that we spoke a language, bilingual 10 experience of the poor. And we interpret the world 11 in our language. And so when we would send stuff to 12 the feds, it was in our terms, not theirs. 13 So I had to bring in people that we paid 14 to translate our wants and needs into how the feds 15 would understand. 16 So we went from a community organization 17 that depended on grants to a multimillion-dollar 18 community action program that was self-sustaining. 19 We did not need to have grants anymore. 20 But the learning experience is that a lot 21 of things that we were about, a lot of things that 22 we did were not conventional, were done in our terms 23 without our culture. And I tried to figure out 24 what -- I'm a city guy. I tried to figure out what 25 and how community folks deal with -- with issues.</p>

<p style="text-align: right;">Page 178</p> <p>1 I can understand telephonic meetings if it 2 is very, very hard to bring people together from -- 3 from great distances more and more and more, in 4 LULAC organizations across the nation. And now we 5 have organizations in rural communities, and they're 6 having to do telephonic meetings. Otherwise, they 7 never have quorum. 8 So we have to -- we didn't force those 9 organizations to change. We changed the rules to -- 10 because of the new experiences. We went from 11 strictly urban to now rural. 12 And so I think to some extent, we have to 13 start understanding the circumstances of the school, 14 what they're doing, how they see the world, and not 15 be quick to judgment, but ask, "Why did you do this, 16 and how is it going to benefit?" 17 And maybe on this side, we need to change 18 the language. But it doesn't take away from the 19 effort and what the school is trying to do. 20 And that's what I've taken, now that I'm 21 60-some years old, that I realize a lot of that that 22 I went through. And it was a lot of heartache. It 23 was a lot of heartache. 24 But we now have people that are in my -- 25 my age still in the barrio, still working for the</p>	<p style="text-align: right;">Page 180</p> <p>1 And I see the seeds of that in here. 2 I don't think lineally. I have a hard 3 time going from A to B to C. I think 4 three-dimensionally, because there's a lot of things 5 going on. Give me a Lego set, and I'll build you 6 what my plan should look like. And I think there's 7 elements of that in here, too. And that's the 8 continuous stuff that I would like to see continue. 9 But I think this is on the right track by far. 10 And it's hard to learn the finances. When 11 I worked in State government, it took me a long time 12 to learn it, because they only wanted me to know 13 enough so they could manipulate around me when I was 14 in charge of offices and whatever. I never knew 15 what my budget was going to look like, because money 16 came in and out based on what Santa Fe was doing to 17 my local office. And I learned. 18 But at the same time, it's pretty basic 19 once you get it down. And I would like to see us 20 continue with this process and see it's a step in 21 the right direction and they need to keep working 22 it. And I think through the summer, it needs to 23 really be working when there aren't students, when 24 there's just the adults together, and come back to 25 us in August or September saying progress on this,</p>
<p style="text-align: right;">Page 179</p> <p>1 organization. But they're more versed in the 2 language acceptable to the feds, the language 3 acceptable to the city, and they can defend in both 4 languages what the organization is trying to do. 5 And so I think that on this end, we need 6 to change our style, maybe, to fit; because more and 7 more and more, I hope charter schools in the rural 8 communities come about, because that's the greatest 9 need, in the rural communities. But we can't do it 10 with systems that apply to urban. We cannot. 11 Thank you, Madam Chair. 12 THE CHAIR: Oh. Sorry. 13 COMMISSIONER TOULOUSE: Madam Chair, you 14 know, in all of my years, between 30 years in state 15 government and all my time on the CNM Board, which 16 is when I first met Mr. Vigil when he was still at 17 APS, we've both come a long ways and gotten older. 18 Your son sat back there and grinned when 19 you were talking about being the oldest now. Just 20 had to tell you. 21 What I see is it's always easier to pick 22 something apart than it is to help build it. And 23 what I see is developing here -- and I think there's 24 no reason why we can't go with this and expect it to 25 continue -- is you need that continuous improvement.</p>	<p style="text-align: right;">Page 181</p> <p>1 how you've progressed, how you've used what you've 2 done and learned from it. Because you don't learn 3 when you just write it down; you've got to learn to 4 do. But if you keep saying, "Write it again, write 5 it again," you're not doing. Or, as Mr. Vigil says, 6 you've already implemented part of it. 7 That's what I'd like to see. I'd like to 8 see us be reasonable and say, "We're going to 9 tentatively approve you, but keep going. We want to 10 see it again. We want to see it again." 11 Does that make any sense? 12 THE CHAIR: It does. At least to my 13 three-dimensional mind, it does. And at this point 14 in time, I think I have to mostly agree that the 15 plan -- it is what it is. And if it's not going to 16 work, we're going to see -- we're going to see 17 evidence of that at this moment in time. 18 I will say that I do have a concern about 19 the governance council that meets, more often than 20 not, telephonically, because you are a school 21 district. And there needs to be active engagement. 22 And that conversation really happens with not even 23 just the back-and-forth at the meeting, but the -- 24 the casual conversation that goes on before and 25 after the meeting with community members and the</p>

<p style="text-align: right;">Page 182</p> <p>1 community, for people in the community to be able 2 to -- to talk with the governance council members, 3 not even just in the formal setting, but in that -- 4 in that less formal setting, so that there is that 5 sense of ownership of that school. 6 So that is a concern that I have. And I 7 know the challenge that geography is for you. And I 8 know that's difficult. But I truly do believe 9 that's something that you -- you need to dig in and 10 work on. 11 But I'm -- you know, I'm of the -- I don't 12 know what else at this moment in time that we can 13 do, but to let this school -- and we will have the 14 year-end performance framework. We'll have PARCC. 15 So that I'm of a like mind at this moment in time 16 with Commissioner Toulouse. 17 Commissioner Johnston? 18 COMMISSIONER JOHNSTON: Thank you, 19 Madam Chair. Ms. Poblano? 20 MS. LOUELLA POBLANO: Yes. 21 COMMISSIONER JOHNSTON: Your presentation 22 today was most impressive to me because of the 23 growth that it demonstrates. As we have moved along 24 the continuum with DEAP, more and more awareness has 25 been exhibited in the meetings of the requirements</p>	<p style="text-align: right;">Page 184</p> <p>1 of that budget worksheet comes everything 2 Mrs. Poblano will have to do instructionally, 3 procedurally, organizationally. And if she can 4 understand that budget worksheet, she will be able 5 to run a fine school. 6 I firmly believe that. And I learned that 7 while we were at APS, very quickly. 8 I have to exact from you an absolute 9 response that you will continue to work with the 10 folks at DEAP and not assign it to these fine -- I 11 asked Mr. Fry. I said -- he was talking about 12 rebuilding the budgets. 13 I said, "Mr. Fry, did you rebuild it, or 14 did you build it?" 15 And he kind of thought, and he said, "I 16 built it." 17 DEAP has worked diligently -- the first 18 time they came before us they had tried to handle 19 all of this internally without a strong business 20 official. I have seen huge growth. But I still see 21 a need for growth. And Mrs. Poblano is a person who 22 can work alongside you. 23 Are you committing to being present at 24 DEAP, at Navajo, that Mrs. Poblano doesn't have to 25 come to Albuquerque to see you? Are you going to go</p>
<p style="text-align: right;">Page 183</p> <p>1 of the State. There has been growth, my hope would 2 be. 3 Now I'm going to nail Mr. Vigil. Because 4 within the context of this growth -- and you and I 5 go back a long way, when -- I think it was 2008 when 6 I took over an APS charter that was in the midst of 7 embezzlement, and you had to deal with us. 8 And I will say to you and everybody on 9 this -- they hear me talk finance. You taught me 10 what I know as a School Business Official. And what 11 I have watched, Mr. Vigil, is you have a large 12 company. You've tried to reach as many charters as 13 possible. But I have been waiting to see your face 14 here, because at the meeting in December, when the 15 fine young man, Sean Fry, was here, he did an 16 excellent job. But he was not you, Mr. Vigil. He 17 did not have the experience. 18 I have seen your son in meetings, and, 19 again, he is a fine young man with lots of 20 experience, more than Mr. Fry. But he is not you, 21 Mr. Vigil. 22 I am a firm believer from experience that 23 everything that has to do with a school that is able 24 to function is based in the dollars at the bottom 25 line. And from those dollars and from understanding</p>	<p style="text-align: right;">Page 185</p> <p>1 out there and see her regularly? 2 THE CHAIR: Commissioner Johnston, I have 3 to interrupt and tell you that's not something that 4 we can require. 5 COMMISSIONER JOHNSTON: Then I won't 6 require it. I'm talking ethically. I won't 7 require, can't require it of you. But my -- you 8 know. 9 MR. VIGIL: So I can answer the question. 10 Madam Chair, Ms. Johnston. It is my intent. I am 11 going to be the person that is going to be watching 12 the budget. I am the person -- I do have staff, 13 though. 14 I don't -- let me just give you an 15 interesting statistic. I hear people say, "We need 16 the on-site business manager." 17 Do you know that every embezzlement has 18 occurred by an on-site business manager? Not one 19 off-site business manager has had an embezzlement. 20 So you've taken over some schools, and 21 they've all -- I even talked to APS. They have 22 140 schools. How many business managers do you have 23 at those schools? None. 24 Go to Las Cruces. Do they have business 25 managers at every school? No.</p>

<p style="text-align: right;">Page 186</p> <p>1 So for us to say, "Well, we're going to 2 change the model, and every charter has to have a 3 business manager on site" is wrong. It doesn't 4 work, and that's when you have embezzlement because 5 charters are small. And then you have one person 6 doing everything, and that's when you have the 7 opportunity for embezzlement. 8 And so when I talk about systems, no 9 system of internal controls is perfect. And trust 10 is not an internal control. Just because I trust 11 you doesn't mean that's a great control. That is 12 the worst control. 13 So you must put a system of internal 14 controls. And because of my controls that we have 15 in place -- we have -- for example, one of the 16 people working there is Rebecca, one of my business 17 managers. And so she does some of the accounts 18 payable for us. We have other people that do 19 payroll. We work so that we have dual controls on 20 every issue. 21 Dual controls don't allow embezzlements. 22 Well, they prevent them. I shouldn't say they don't 23 allow it, because you still have collusion. 24 So we look at the risk assessment. 25 Where -- if I could take a CPA's approach, I was an</p>	<p style="text-align: right;">Page 188</p> <p>1 COMMISSIONER JOHNSTON: And, Madam Chair. 2 I do have one question that I do believe is 3 appropriate. 4 It has to do with the -- with the audit at 5 the end of 2017 and the -- the findings that were 6 there. The instances, the findings, that were -- I 7 think there are ten of them here -- I'm looking. 8 There are ten on purchase orders. 9 How many of those -- if I understood what 10 I read, some are older than one year. They are 11 recurring. How is that process being addressed? 12 MR. VIGIL: So, Madam Chair and 13 Mrs. Johnston, every audit -- one problem that you 14 have is you start an audit. We started the practice 15 here. The practice was probably in place before you 16 came in. So for those previous months before we got 17 there, it's going to recur again. 18 However, we've put a system in place where 19 we addressed every one of those findings so that 20 they should not occur again. And we're working so 21 that we don't. Our goal is not to have those audit 22 repeat findings; our goal is to have no findings. 23 But I will state for the record, I am 24 opposed to the State Auditor rule that requires all 25 government agencies to have no materiality limits on</p>
<p style="text-align: right;">Page 187</p> <p>1 auditor. I was a senior manager in a local CPA firm 2 when I went to do other stuff. So I do know of some 3 of this stuff. 4 And so I do promise that yes, I am going 5 to be involved. We want the school to be strong. 6 We want to train the governing council. I really do 7 believe, just like your experience with me in the 8 past, that if I train the governing councils so that 9 they know what I expect of them, they know what's 10 coming through. Their knowledge, once again, is my 11 protection. 12 You know what? We're going to make 13 mistakes. We're human. But we're not going to make 14 intentional mistakes. We're not going to embezzle 15 money. We're not going to do things so that we are 16 wrongly caught. But, yes, on occasion, we will make 17 a mistake. That's just being human. 18 And so our controls are there to identify 19 mistakes and potential inappropriate behavior 20 quickly. And so, yes, it's my intent to be involved 21 with the school so that they understand what their 22 responsibility is and that we maintain a strong -- 23 we're going to build -- I'll be honest with you. 24 They weren't that strong. We want to build a strong 25 financial foundation.</p>	<p style="text-align: right;">Page 189</p> <p>1 their audits. So a \$1 mistake is an audit finding. 2 And I've talked to the State Auditor, and I've said, 3 "We need to go back to the national standards." 4 I have always cleared people up on 5 standards. We follow the national standards except 6 when it comes to auditing. We go to a "no 7 materiality" standard in this state. We give 8 everybody findings, which should not be a finding. 9 If you went to a business audit, none of 10 those findings would be findings. This state allows 11 it. So that's kind of the issue there. 12 But our goal is to reduce and minimize any 13 audit findings that we would have. And if there are 14 any audit findings, they would be minor compliance 15 issues. 16 COMMISSIONER JOHNSTON: Not \$28,000 worth 17 of purchase orders that -- 18 MR. VIGIL: Correct. I'm also licensed as 19 a CPO. I have my Level 2 business license. I have 20 a CPA that is currently registered with the state. 21 My firm is licensed as a CPA firm so that we comply 22 with state law. We have insurances if my employees 23 do anything wrong. We went and got Poms & 24 Associates, same as NMPSIA did, so any inappropriate 25 activities by me or my staff would dovetail into the</p>

<p style="text-align: right;">Page 190</p> <p>1 insurance the school has with NMPSIA. So the school 2 is covered triple in its budget. 3 THE CHAIR: Commissioners, anything else? 4 Oh, Commissioner Armbruster? 5 COMMISSIONER ARMBRUSTER: So this 6 financing stuff is foreign to me. I wanted to 7 follow up things, because I was paying attention to 8 your comment, which I thought was a good one, that 9 schools that don't have business managers on site 10 tend to be in better shape than other things. 11 What I'm going to say is two things. One 12 is -- and we all understand where you are in the 13 middle of nowhere there. I get that. But being 14 face to face -- I think Chair Gipson said that it's 15 much more interactive than being on the phone, 16 because -- just because of the fact there's about 17 five of us who are on the agenda setting meeting, 18 and we talk over each other, because I can't see if 19 one of them is talking. They can't tell if I'm 20 pausing or just breathing, you know. So it is hard. 21 It is just a hard situation, in general. 22 So what I would want to see -- and this 23 goes back to what Director Poulos says -- is that 24 the governing council meet. And it's not just that 25 they have a business manager who's overlooking and</p>	<p style="text-align: right;">Page 192</p> <p>1 MR. VIGIL: Yes. Madam Chair, 2 Commissioner Armbruster. Yes, my goal is we will be 3 out there not every single month, but we will be out 4 there. And we will -- and myself, I will attend. I 5 am going to do the training in May. And I request 6 that the governing council -- for everyone to be 7 there in person. And I've asked -- they can invite 8 anybody they wish to be there so that if we need to 9 have a new member of a governing council, we've 10 already pretrained them, to some degree. 11 I would like to -- as we go through their 12 budget process, I use the budget presentation and 13 stuff. If you ever go to any of the schools that we 14 present to during budgets and such, we try to train 15 our boards as far as possible. 16 "This is the requirement by this fund. 17 This is by this. You can only use this money for 18 this purpose." 19 So we do -- I, too, try to do a lot of 20 training, because, like I said, their knowledge is 21 my protection. 22 And so I will be out there. I will be 23 training. They will see me on a regular basis. And 24 I do agree that you have to interact. I just don't 25 believe that you have to be out there all the time.</p>
<p style="text-align: right;">Page 191</p> <p>1 guiding what they do; but they need to understand 2 how to do this, because they're the Board of 3 Finance. 4 So somehow, as the employee of this 5 district, of DEAP, I would like to see that set up, 6 so that what they're talking about is exactly that, 7 so that there's a system. Not that they have a 8 business manager, because that's hard to be on site; 9 but they know how to do that. 10 And I'm not sure -- and I'm sure it's 11 difficult either way. That's what I would, you 12 know, sort of hope that you would do. It's not a 13 directive; it's nothing like that. It's just that 14 taking into consideration what you say -- and I'm 15 really listening and learning from that, too -- and 16 also from Commissioner Johnston -- that we want to 17 see the systems, and that they would be going face 18 to face. And I would hope that some parents would 19 be coming to these meetings, as in school boards for 20 traditional public schools, because I go to all 21 sorts of school board meetings. 22 THE CHAIR: I believe Mr. Vigil did commit 23 to training of the governing board. 24 COMMISSIONER ARMBRUSTER: When they're 25 there. I'd like to see them all there, though.</p>	<p style="text-align: right;">Page 193</p> <p>1 COMMISSIONER ARMBRUSTER: And I was going 2 with you. 3 MS. LOUELLA POBLANO: And, Commissioner 4 Armbruster, thank you for bringing up that comment 5 about having an engaged staff. That's one of the 6 things that I have been talking to about in regards 7 with the leadership team and even teacher teams and 8 also the governing council. I have sat in governing 9 council meetings where we did have telephone 10 conference. It's -- I would rather have the full 11 engagement there of everybody that should be there 12 and, you know, whoever wants to be there. 13 And, you're right. We do need that 14 100 percent engagement. We -- I really believe that 15 our GC members are committed. One GC member even 16 mentioned to Mr. Vigil that, you know, "In your 17 training, can you also give us some questions? 18 Because finance is new for all of us. We're 19 learning the language; we're learning the terms. 20 We're learning what the processes look like." 21 So one -- one of the GC members asked him, 22 you know, "Can you kind of give us some cheat 23 sheets, some questions that we can ask when we're 24 looking at a school budget and we're looking at 25 these BARs that need to be approved."</p>

<p style="text-align: right;">Page 194</p> <p>1 So I do believe that we're taking the baby 2 steps. And, you know, my hope is, you know, by the 3 end of June, you know, we will have all our GCs 4 sitting at a table moving the school forward. 5 COMMISSIONER ARMBRUSTER: Thank you. 6 THE CHAIR: Commissioners, anyone else? 7 Okay. Thank you so much. I appreciate 8 your time. 9 And next is Roots & Wings. 10 MS. POULOS: Madam Chair, Commissioners, 11 there's another handout from Roots & Wings that's 12 coming around. You received it on the 7th, which is 13 after we had completed the book. So it did not get 14 into the book. So I apologize for that. 15 So this is, again, one of the schools that 16 was put on a Action Plan in November. You will see 17 in the book that they do have their up-to-date 18 reporting. And one of the things that we did give 19 them -- or ask of them -- is to revise the plan. 20 So that's what's coming around, because 21 while they are continuing to make a good-faith 22 effort to get in reports by the deadline, you know, 23 again, it wasn't quite to the level that we thought 24 would be helpful. 25 I think in this latest iteration of the</p>	<p style="text-align: right;">Page 196</p> <p>1 this works. But I would say that we don't want to 2 say that this is a really well-developed plan, 3 because I think there's just a lot missing. 4 THE CHAIR: And I don't know if Randy 5 wants to say anything. 6 MR. RANDY GREEN: Yeah. My parking meter 7 expires in about 15 minutes; so -- but I -- 8 THE CHAIR: Could you please just identify 9 yourself? 10 MR. RANDY GREEN: Yeah. I'm Randy Green, 11 director of Roots & Wings. And as Katie mentioned, 12 I will be leaving. I have no problem boxing 13 somebody in to do this. But I think at some point, 14 you do need to be able to trust your business 15 manager and not rely -- not -- I mean, not totally 16 trust everybody, not blind trust. But you need to 17 find business managers that have a reputation of 18 doing well. 19 And -- you know. And so that's why I 20 talked to Michael real quick as he left. 21 And, again, I don't think you can expect 22 board members to become auditors in order to 23 understand what's going on financially with the 24 school. And I like what was said about -- you know, 25 especially in rural communities, it's difficult to</p>
<p style="text-align: right;">Page 195</p> <p>1 improvement plan, they have taken strides forward. 2 They've laid out items that aren't just the 3 outcomes, but the steps that are going to get them 4 to various outcomes. I don't think it is still the 5 detailed plan that's going to help somebody come in 6 and take this step by step. And that's challenging. 7 I know Randy is here, and he's worked on 8 this. I think he feels a little bit of a challenge, 9 because he doesn't want to box somebody in to 10 exactly what they have to do, because he will not be 11 at the school next year. 12 So we talked a little bit about that. 13 And, again, not quite what I would put forward or 14 what I would wholeheartedly recommend the Commission 15 say, "Okay, it's a great plan," because I do think 16 that there's a lot of work in here that could be the 17 steps that would achieve some of the things, like 18 the steps that they would take to pass a board 19 policy that requires the director to adhere to a 20 compliance review calendar. 21 That's definitely a great thing to do. 22 But then how do you get that in place by win 23 deadlines? 24 So I think probably along the same lines, 25 you may want to let the school go forward and see if</p>	<p style="text-align: right;">Page 197</p> <p>1 get together, and it's difficult to -- for everybody 2 to meet those expectations and sophistication to 3 understand that, you know, the minute they come on 4 the board. If they stay on the board long enough 5 and go through these trainings, they will understand 6 it. 7 But I think the PEC and the Charter School 8 Division needs a little more guidance and a less 9 punitive nature in regards to this. I think it 10 feels like I've spent the whole year dealing with 11 issues that happened last year. And, you know, it's 12 real hard to move a school forward until we can put 13 those issues away. 14 And now I'm going to be leaving. 15 Hopefully, I leave the place in a better position, 16 and the next director won't have to go through this. 17 My contract expires June 30th. So that's pretty 18 much all I have to say. 19 THE CHAIR: I'm just going to ask, how are 20 things going with finding a replacement? 21 MR. RANDY GREEN: They're going really 22 good. Just need a couple of bids, and then we'll go 23 forward. 24 But -- 25 THE CHAIR: And I'm going to say that it</p>

<p style="text-align: right;">Page 198</p> <p>1 is unfortunate. But I think most often, when we're 2 looking at financial issues, in particular, you are 3 always, unfortunately, mired in that following year 4 on trying to fix what happened the year before. And 5 there's -- you know, there's not a whole lot. And 6 it's -- and I find that it often does -- and I don't 7 know if it played anything into your decision not 8 coming back.</p> <p>9 But I think it does play into the decision 10 with some not wanting to come back, because they had 11 to spend so much time on this, and it wasn't 12 necessarily anticipated that they were going to have 13 to do all that makeup work, that if -- it's a -- 14 it's a challenge that is unfortunate. But I think 15 we're good with just this going forward. And --</p> <p>16 MR. RANDY GREEN: I would like to 17 report -- excuse me.</p> <p>18 THE CHAIR: Can I just ask one question? 19 Because I don't know if I asked -- I know -- but 20 there was one of the -- one of the items was hiring 21 more part-time than full-time, I believe, in trying 22 to fix the financial issue. Did you end up doing 23 that? Or no?</p> <p>24 MR. RANDY GREEN: We're still in the 25 process of evaluating that.</p>	<p style="text-align: right;">Page 200</p> <p>1 So I will --</p> <p>2 MS. POULOS: Jackie is here. I don't know 3 if she wants to give you an update.</p> <p>4 THE CHAIR: Sure.</p> <p>5 MS. JACKIE RODRIGUEZ: Good morning. My 6 name is Jackie Rodriguez, the director of Sandoval 7 Academy. Just a couple of updates. I saw it was in 8 the packet, so I did get nervous. But just some 9 updates and celebrations, as we do have our open 10 enrollment for next year.</p> <p>11 So we're at 132 projected for next year of 12 students that we have interest in. So we'll be 13 holding our lottery May 10th.</p> <p>14 I also invited you-all to our ribbon 15 cutting with the Rio Rancho Chamber of Commerce. 16 These are some efforts within our plan for 17 recruitment efforts and invite any of you to please 18 join us. It's a 3:00 ribbon cutting. But please do 19 come.</p> <p>20 And we're growing. We're doing great. 21 We're excited, and we're hitting the mark, I think, 22 so we're on the road.</p> <p>23 THE CHAIR: Thank you. And, truly, thank 24 you, and the entire team that worked on that plan, 25 because it was, I thought, done very thoughtfully</p>
<p style="text-align: right;">Page 199</p> <p>1 THE CHAIR: Okay. All right.</p> <p>2 MR. RANDY GREEN: It wouldn't be prudent 3 to say much more.</p> <p>4 THE CHAIR: Yeah. Those are tough 5 decisions to have to make.</p> <p>6 MR. RANDY GREEN: I would like to say that 7 our site visit this year was much different than the 8 previous year.</p> <p>9 THE CHAIR: Great. I'm glad. And I'm 10 sure the team is glad to hear that. Okay, 11 Commissioners, any -- no?</p> <p>12 Thank you so much.</p> <p>13 MR. RANDY GREEN: Thank you.</p> <p>14 THE CHAIR: And, finally, Sandoval 15 Academy.</p> <p>16 MS. POULOS: This is the plan that you 17 received, the one that we did say looked pretty 18 good.</p> <p>19 THE CHAIR: Right.</p> <p>20 MS. POULOS: So I just had it on the 21 agenda to give you an update and put that additional 22 information in front of you, which also did not make 23 it into the binder. Sorry.</p> <p>24 THE CHAIR: That was incredibly thorough, 25 I thought, when I read through it, and thoughtful.</p>	<p style="text-align: right;">Page 201</p> <p>1 and thorough. And thank you.</p> <p>2 MS. JACKIE RODRIGUEZ: Thank you. Any 3 other questions?</p> <p>4 THE CHAIR: Can we take a short break? I 5 can always count on Commissioner Caballero. 6 (Recess taken, 2:20 p.m. to 2:37 p.m.)</p> <p>7 THE CHAIR: At your command, I cracked the 8 whip.</p> <p>9 We are on to Agenda Item No. 11, which is 10 Discussion and Possible Action on La Promesa Early 11 Learning Center.</p> <p>12 MS. POULOS: Madam Chairwoman, 13 Commissioners, the materials you have in front of 14 you are all from the school. And I believe they 15 have a presentation they'd like to make.</p> <p>16 MR. CHRIS JONES: Good afternoon 17 Madam Chair, members of the Commission. My name is 18 Chris Jones. I'm the executive director at 19 La Promesa Early Learning Center.</p> <p>20 MR. MIKE VIGIL II: Good afternoon, 21 Madam Chair, members of the Commission. I'm the 22 aforementioned son of the man with the most 23 experience, Mike Vigil.</p> <p>24 MR. CHRIS JONES: I wanted to begin just 25 by adding to the public record how proud I am of my</p>

<p style="text-align: right;">Page 202</p> <p>1 staff; my staff, my governing councils, my students, 2 the community. I couldn't be more proud of them. 3 And I wanted to acknowledge them because they -- 4 they did really step up to the challenge, and in a 5 situation where fight or flight could kick in, we 6 have licensed personnel that are there who have 7 stuck it out and who have really done a good job of 8 maintaining a sense of urgency and trying to really 9 meet the requirement that we've been given. 10 So I wanted to start with that. And I 11 don't know if Director Poulos wanted to give you an 12 update on what we've provided, or if you'd rather 13 that -- 14 MS. POULOS: I left it to you. 15 MR. CHRIS JONES: Okay. Got it. Got it. 16 So in terms of -- oh, yeah. Thank you. 17 Thank you. 18 In terms of academics -- so we'll go ahead 19 and begin with that -- right now, as of 20 middle-of-the-year testing, we were about 21 50 students shy of meeting our goal. 75 percent of 22 our students were to either be proficient, so they 23 were to test at the average or above-average level, 24 or make 1.5 years growth. 25 In your packets, you also have some</p>	<p style="text-align: right;">Page 204</p> <p>1 With that in mind, we have a new culture 2 at La Promesa. We have a culture of high student 3 achievement, which is the priority for all students. 4 I would, again, like to invite you guys to 5 come out to the school and take a look around, meet 6 our students, meet our staff, because the culture 7 has completely changed. We have teachers who are 8 proctoring our assessments, and you can see their 9 perspiration, because goals are set. 10 And you have students who are testing and 11 really wanting to know, "Did I meet my goal? I 12 needed the 12 points." They're high-fiving. 13 And you also see the other side of that, 14 which is faces dropping when they didn't meet the 15 1.5-year growth goal. Our teachers are writing down 16 their scores and calculating to see if we reached 17 that 75 percent; although, that goes against the 18 research from NWEA, which says the goal itself, in 19 looking at fourth grade, 1 percent of schools out of 20 10.2 million students have ever done that, have ever 21 met that goal. 22 But our staff, again, has persisted, and 23 we're very close; so I'm very proud of them. 24 New Mexico DASH. We did implement the 25 New Mexico DASH plan this year. We met our</p>
<p style="text-align: right;">Page 203</p> <p>1 research from NWEA regarding the 1.5-year growth 2 goal. 3 Now, within that growth goal and within 4 NWEA's research, there's a lot of good information 5 about the number of students and the number of 6 schools who have ever met a goal like that. 7 So I am really, really proud of the work 8 that we've done thus far. We're very close, and we 9 can actually count a number of students in terms of 10 how closely we are to meeting that goal. So, again, 11 that speaks to the work of my staff, and I am very 12 proud of them. 13 This year, members of the Commission, we 14 really did the best that we could with the strained 15 budgets. We started the year, and about three weeks 16 before the beginning of the school year, I was to 17 put almost a quarter million dollars in the 18 restricted line. Now, that isn't the fault of the 19 Commission or of the current administration. It's 20 just something that had to happen. 21 Now, with 1.5 years' growth, that's a 22 tremendous feat. But without budget and without 23 finance to support turnaround initiatives, it's very 24 difficult. And we've been able to accomplish a lot 25 with a very small budget.</p>	<p style="text-align: right;">Page 205</p> <p>1 New Mexico DASH goals by the middle of the year; so 2 we were able to accomplish that very quickly. 3 Now, I want to remind the members of the 4 Commission that we now have NWEA MAP, which is a 5 more rigorous assessment than the Discovery 6 Education assessment. So we are making tremendous 7 strides in turning around our school. And it starts 8 with culture. And, again, that can be attributed to 9 the work of our staff. 10 As of now, we have 320 students registered 11 for next school year. We ended up with about 347 12 this year. These are students and parents who have 13 come out to our school to registration dates, and 14 they've actually filled out the paperwork and 15 submitted the paperwork to us. So we have a number 16 of families who are invested in this process who 17 believe in our school and who deserve to have our 18 school around. 330 students projected to return. 19 As far as academics are concerned, guys, 20 I'll just read through. And what I've prepared for 21 you today is a presentation based on dates that fell 22 after the October meeting. 23 At the October meeting, I did provide you 24 guys a number of resources and different supports to 25 justify whether or not we had met our cap.</p>

Page 206

1 So, first of all, the school report card
 2 will come out in the fall. And as you guys are
 3 aware, we are to make a "C" letter grade. We are to
 4 improve our scores. And we fully intend to do so.
 5 But we need a "C," and that will not be released
 6 until the fall.

7 We are again very close to meeting our
 8 performance framework goal within students. So
 9 that's another update to you when it comes to
 10 academics.

11 New Mexico DASH has been fulfilled.
 12 You guys have an implementation plan in
 13 your packet. We've been working very closely with
 14 Severo Martinez, who came out, provided the
 15 training. I've worked with the turnaround division.
 16 He's actually provided resources to the school; he's
 17 given feedback on Phases 1 and 2 of the New Mexico
 18 DASH plan. And he's been a great resource.

19 Let me stop and say this: The best
 20 compliment that I've ever received while being the
 21 head administrator at La Promesa came from the
 22 Title I Bureau recently. Almost every single
 23 division or bureau has come to our school to either
 24 do a technical assistance visit or a monitoring
 25 visit; and Title I was the most recent.

Page 207

1 Title I came out. And the compliment came
 2 during the tour. Students come up, their real
 3 faces, their real bodies, who are really trying
 4 their best. They know who I am. They come up; they
 5 give me hugs. But the compliment came from Louie
 6 Torrez, who said, "Your school feels great. It has
 7 a good energy. Your students are here. They're
 8 happy. And we don't see this at all schools, much
 9 less schools who have been through what your school
 10 has been through."

11 So for us, that speaks to the work that
 12 has been done on the academic side as far as our
 13 governance council, business manager, and local
 14 community.

15 Students with disabilities, in terms of
 16 academics, are also making great gains. Our
 17 students with disabilities have proven that they're
 18 also up to the challenge. And I know that they have
 19 been omitted from our goal as well as kindergarten
 20 students; but we are a targeted improvement school
 21 when it comes to ESSA for our special education
 22 population, and they've made tremendous gains.
 23 Tremendous gains. So we're very proud of that work
 24 as well.

25 Leadership. As far as my leadership plan,

Page 208

1 under organizational goals, that has also been
 2 fulfilled. I've had the opportunity to really
 3 participate in meaningful trainings for principals.
 4 And, you know, at the beginning, I was taken aback
 5 by the need for me to receive so much training,
 6 because, again, I came into this situation, and, of
 7 course, it is my job to fix.

8 But I want to say it's been quite the
 9 experience. I've learned a lot, and I think that's
 10 going to reflect in our data. And when you come to
 11 our school, you'll see the work that's been done
 12 there as well.

13 We've had two visits this year, and we had
 14 the CSD come out on two separate occasions. Our
 15 findings are looking pretty good. We are doing a
 16 better job of fixing all of our systems.

17 Our compliance concerns were limited. We
 18 still have not gotten the full response from the
 19 CSD; but they are working on that. Right now, I
 20 don't have access to the actual tool, to the
 21 monitoring tool -- monitoring tool. Excuse me. I
 22 think something happened in which it was moved to
 23 "Received." And I can't access that at this point
 24 in time.

25 But I think the school did submit our

Page 209

1 responses. And thus far, we have not received the
 2 CSD's responses. But I know that they still are
 3 working on those things.

4 Bylaws been reestablished as required. We
 5 actually do have the recruitment process that's been
 6 built into our bylaws. We have done some work on
 7 the bylaws, and those have been passed. Those have
 8 been resubmitted to the CSD, and those are available
 9 within your packet as well.

10 We are continuing to receive the required
 11 training. We do have Andrew Mathis, who is a new
 12 board member. It has proven very difficult to get
 13 the training because of work obligations and other
 14 things. They're Saturday trainings, and he is
 15 registered to attend upcoming trainings.

16 However, that is one area in which we are
 17 still struggling somewhat with this new member.
 18 However, he has committed to the process, and he is
 19 a person who is invaluable to our board.

20 Our board has held steady. It's been
 21 consistent. When I took over La Promesa, I lost
 22 four board members immediately. So we were really
 23 faced with a pressing situation in which we had to
 24 reconstitute our board.

25 We have a really strong board. We have a

<p style="text-align: right;">Page 210</p> <p>1 committed board, and they've done a fantastic job 2 working alongside the school and our business 3 manager to educate themselves and are really 4 invested in the process as well. So I'd like to 5 thank them. 6 The head administrator tool as well as the 7 board self-evaluation tool has been developed by 8 Shelly Cherrin. She's coming out to the April 9 meeting to fulfill the training requirement, and 10 we're looking forward to utilizing that tool to 11 improve my practices as well as the board, to 12 improve their effectiveness as well. That is also 13 available in your packet. 14 And other than that, we did have a 15 financial improvement plan, and Mr. Vigil is with me 16 today. We submitted the financial improvement plan 17 early to Ms. Saiz. We also submitted that to the 18 CSD. It wasn't due until April. But for us to 19 really communicate to the Commission, and, really, 20 for our own sake, we worked on it immediately so 21 that we could really reconcile anything that came up 22 in our audit. 23 We had a much better audit than last year; 24 that's for sure. We've done tremendous work, thanks 25 to Mr. Vigil, the governance council, and my</p>	<p style="text-align: right;">Page 212</p> <p>1 created some cohesive instruction for students, and 2 that'll show in our scores. 3 However, our staff can't always make wine 4 out of water. They absolutely need curriculum, and 5 we have done the best that we could with finance. 6 And I have operated as the sole administrator and 7 put the burden on my shoulders, as well as a few of 8 my staff members who I've delegated to, so that we 9 could put money aside to create a better future for 10 our students at La Promesa. And it certainly will 11 be worth the sacrifice. 12 Other than that, I do want to defer to 13 Mr. Vigil, who can share some information about the 14 audit. But I do stand for questions prior to that. 15 THE CHAIR: I think we'll let the audit 16 go, and then we can -- 17 MR. CHRIS JONES: Okay. Sorry. 18 MR. MIKE VIGIL II: Thank you, 19 Madam Chair, and members of the Commission. So I 20 just want to summarize where we are at currently as 21 far as the financial improvement plan, which is 22 actually separate from what we have for our 23 Corrective Action Plan that goes to CSD. 24 We actually have a 29-point financial 25 improvement plan. And I believe it is so rigorous</p>
<p style="text-align: right;">Page 211</p> <p>1 director of operations, myself. We've done the best 2 that we could, and we have made tremendous strides 3 when it comes to budget. 4 We're on track to getting our -- our claim 5 fulfilled as well. We put in a claim to NMPSIA to 6 make up for some of the money that was lost. 7 Unfortunately, that money was taken from our 8 students. Right now we have a hard date of 9 April 20th in which they are going to submit to 10 Berkley all of the documentation that that we have 11 submitted, Mr. Vigil and myself. And we are hoping 12 to get some of that cash back so we can really look 13 at what we're doing from an academic standpoint. 14 As Commissioner Johnston said, that money 15 makes a huge difference when you're talking about 16 programming for kids. I've already put money aside 17 so we can purchase curriculum and strengthen the 18 academic program. I want to say the last time 19 curriculum was purchased at La Promesa was back in 20 2009. So for us, we have done our best in 21 redeveloping units. 22 We've been scavengers, as Mr. Burns from 23 Title I, says. It's a bad practice, but it's what 24 we had to do in trying to scavenge for resources, 25 and we've put those things together and we've</p>	<p style="text-align: right;">Page 213</p> <p>1 because there was an FY16 audit that was disclaimed 2 due to a severe financial mismanagement that, as we 3 later found out, actually extended back up to six 4 years and maybe even more. 5 So from FY16 and that disclaimed audit in 6 FY17, we moved to modify. This isn't the unmodified 7 opinion that we all prefer, but it does prove that 8 we have made progress in establishing internal 9 controls and providing the books that tell the story 10 of the financial situation for the school. 11 Within the audit, when you look at the 12 notes, they give a basis for the modified opinion. 13 And what it states is that the modified opinion is 14 due to the fact that FY16 financial statement ending 15 balances have to roll forward to create your FY17 16 beginning balances. Also, within those notes, it 17 does state that other than that basis for the 18 modified opinion, the FY17 financial statements are 19 presented fairly. 20 So from my professional opinion, this does 21 tell me that the FY18 audit will have an unmodified 22 opinion. You may have some findings, but your 23 opinion will be a clean audit. That tells you that 24 all your cash balances are correct, once and for 25 all, going forward.</p>

<p style="text-align: right;">Page 214</p> <p>1 In the information that I received 2 yesterday, I believe it was, or the day before, 3 there was a deficiency in the financial reporting 4 due to repeat findings. 5 The school did have repeat findings. In 6 FY17, our group was contracting in August. That 7 leaves one month of previous administration. In 8 August, they also still had in place the previous 9 business manager; so she still had access to the 10 system. So there's two months in which issues could 11 still arise. 12 After she broke her contract in September, 13 we actually took over the responsibility of cleaning 14 the actual processes of the school. And about 15 \$250,000 of invoices from previous years came in 16 from vendors saying they had never been paid. We 17 later find out this was due to the fact that the 18 previous administration and the person involved in 19 the alleged embezzlement was cutting checks to 20 themselves and not to vendors. 21 So in order to pay those bills, you have 22 to cut checks that didn't have POs. That's a 23 finding. You're going to have repeat findings. 24 They're going to be material; they're going to be 25 significant. The fact is that of those repeated</p>	<p style="text-align: right;">Page 216</p> <p>1 additional deficit and below-the-line funding that 2 was mismanaged. However, if we do get any portion 3 of a settlement on the claim for the embezzlement, 4 which was up to \$600,000, that will go directly 5 against that issue. And if that happens on 6 April 20th that we get a resolution, that money is 7 coming our way, we don't have to have a set-aside 8 any longer. 9 That, like I said, is going to happen on 10 April 20th. 11 And just an update on the financial 12 improvement plan. We did have discussions last with 13 Mr. David Craig in October, when he said it was 14 insufficient. We did update. He did review and 15 said he did appreciate the amendments we made and 16 did have comments. At that time, however, he wanted 17 to wait until the FY17 audit was released to provide 18 full comments and add additional bullet points. 19 That audit was released mid-February. I 20 have not heard from Mr. Craig. I heard he gets very 21 busy. There are 99 charter schools and 95 school 22 districts, and he had all those budgets to review. 23 So we did take the initiative to update 24 the financial improvement plan to include new 25 findings, to revise any wording or any additional</p>
<p style="text-align: right;">Page 215</p> <p>1 findings in each of them -- and I go back to the 2 finding itself -- the auditors themselves, in their 3 independent condition statement, state that, "Based 4 on our testing, the school implemented new policies 5 and procedures to address deficiencies in internal 6 controls." 7 Now, we did not get those internal control 8 updates until January approved by the governing 9 council. That did take some time. That first 10 semester of the FY17 year was absolutely a mess. So 11 getting on our feet based on that was one thing. 12 Getting the internal controls approved by the 13 governing council was another. Those are in place, 14 and they have been for a year. 15 Also, moving on, Mr. Jones did mention the 16 \$250,000 set aside in the current year. That did 17 happen, and they are on target to keep that as a 18 set-aside. They have not dipped into that portion. 19 That only covers the issues with the operational 20 issues with SEG funding that were in deficit. There 21 is an additional amount, in my calculations, of 22 \$150,000 more in below-the-line funding that was 23 mismanaged. 24 Now, we intend, in the FY19 budget, to set 25 aside another \$150,000, if not more, to cover that</p>	<p style="text-align: right;">Page 217</p> <p>1 methods we chose to take action on those findings. 2 And we gave that to Mr. Craig on April 28th. I'm 3 sorry. March 28th. 4 So that is in his hands. Hopefully, he 5 goes through and provides some feedback so we can 6 work on getting through the financial improvement 7 plan and reducing it from 29 to a much less number, 8 hopefully very soon. 9 THE CHAIR: Okay. Commissioners, any 10 questions? Comments? 11 COMMISSIONER TOULOUSE: Madam Chair, I 12 have a question of Mr. Jones. 13 Are you going be staying at La Promesa? 14 MR. CHRIS JONES: Madam Chair, 15 Commissioner Toulouse. My intention is to -- in 16 accepting this position, was to make right for 17 students. And I will be at La Promesa as long as it 18 takes to make right for students. 19 So my commitment is to the kids. And the 20 truth be told, the reason that I show up to work 21 every day is because of them. They know me. I know 22 them. The families trust me. And like the rest of 23 you, you know, kids are innocent, and their 24 innocence is magical. And they're trusting us. And 25 they trust me. And so I'm here for our students.</p>

Page 218

1 I'm here for the families, and I'm here for the
 2 staff as long as it takes.
 3 COMMISSIONER TOULOUSE: I voted for this
 4 because I trusted you. But I -- are you going to
 5 start another charter school?
 6 COMMISSIONER JONES: My intention is to
 7 found a new charter school.
 8 COMMISSIONER TOULOUSE: But you will not
 9 be at that school, then. You will have other
 10 people.
 11 MR. CHRIS JONES: Now, if the charter
 12 application is approved, which is a pretty tough
 13 process.
 14 COMMISSIONER TOULOUSE: I know it's with
 15 APS, not with us.
 16 MR. CHRIS JONES: My goal is to become a
 17 founder, make sure that the model works. However,
 18 being the head administrator of that school isn't
 19 necessary. My commitment again is to La Promesa and
 20 the students that we serve. So, yes, ma'am.
 21 COMMISSIONER TOULOUSE: Thank you. I
 22 needed you on the record because you are the one I
 23 trusted. Thank you.
 24 MR. CHRIS JONES: Thank you, Commissioner
 25 Toulouse.

Page 219

1 THE CHAIR: Commissioners, any other
 2 comments? Questions?
 3 Well, we appreciate the thorough update,
 4 and we look forward to a positive outcome with your
 5 final cycle of our assessment and/or the PARCC
 6 testing.
 7 MR. CHRIS JONES: Thank you.
 8 THE CHAIR: Thank you.
 9 MR. CHRIS JONES: Thank you very much.
 10 THE CHAIR: We are now on to Item No. 12,
 11 Discussion and Possible Action on PEC Accountability
 12 Plan and Academic Organizational Performance
 13 Framework.
 14 So we received -- via e-mail last evening,
 15 there were minor changes that were done through the
 16 work session yesterday. And I want to thank
 17 everyone once again for hanging in there until 5:30
 18 last night so that we could get this -- get this
 19 work done.
 20 And I guess thank heavens we did postpone
 21 the contract template, because we would have just
 22 camped out here last night.
 23 So I -- are we getting clean copies?
 24 MS. POULOS: No, not of this. We're
 25 getting additional updates to the amendment

Page 220

1 requests.
 2 THE CHAIR: Oh, I got you. Okay.
 3 So in your packet is the -- the original
 4 and, as I mentioned, electronically received updates
 5 last evening for those that were not at the work
 6 session. So I'm just going to preface this with a
 7 couple of comments.
 8 I was disheartened with comments
 9 concerning the lack of opportunity for input into
 10 this, because this has been a process that we have
 11 undertaken for, I'm going to say, over a year now.
 12 And through that time, the Commission has
 13 participated in two community input hearings on
 14 this. We brought Public Impact out to help do a
 15 presentation at the December Coalition work session.
 16 And the Coalition solicited input regarding this.
 17 The Charter School Division sent out -- I
 18 believe, three times?
 19 MS. POULOS: Three times.
 20 THE CHAIR: -- three times any requests
 21 for input. And we have been here at an open work
 22 session and have never turned anyone down for
 23 providing input at the work sessions.
 24 So the idea that we have been somehow
 25 unwilling to take input on this, I am completely

Page 221

1 disheartened about, because I think this has been a
 2 more than open process. So I'm going to put it out
 3 there.
 4 I'll also say that I was disheartened
 5 because there's never been a fabric of the
 6 conversation that we were imposing this on schools
 7 that had current contracts. That has never ever
 8 been stated publicly, privately, any way by anyone
 9 here. So I don't know why that came about. And I'm
 10 concerned about that, that that gets out there.
 11 And we have also always said that the SAM
 12 schools would be dealt with at a later time, that
 13 it -- and I continue to be disheartened that the
 14 concern keeps coming up that SAM schools can't be
 15 held to this same, because we have always said that
 16 after we finish this, that -- because it was our
 17 understanding that there was that committee work
 18 being done with the SAM schools and that SAM schools
 19 do require a separate look, that we would be looking
 20 at the SAM schools at a later date.
 21 So I'm -- you know, I don't know where the
 22 breakdown comes, because I think we've all been
 23 fairly clear on how this process was going to take
 24 place.
 25 So that's my comment on that.

Page 222	Page 224
<p>1 Commissioners? If you -- especially those 2 that perhaps were not here yesterday, if you have 3 any questions or comments regarding this? If not, 4 I'll entertain a motion to adopt -- I don't know if 5 there's wording in here. I didn't look. Sorry. 6 MS. POULOS: Madam Chairwoman, there is 7 not. 8 THE CHAIR: There is not. Okay. So I 9 will move that the Public Education Commission -- 10 MS. POULOS: Madam Chairwoman, sorry. Do 11 you mind if I just quickly go over -- there were a 12 couple of things I wanted to make sure everybody was 13 comfortable with the changes. Sorry. I don't want 14 to go forward without everybody having the 15 opportunity to discuss. 16 So they are all marked with marked changes 17 or tracked changes. And I think the ones that we 18 did not discuss in detail are -- I think we did 19 discuss the changes on Page 8 in detail. Those were 20 the ones -- I think I got this -- which is, 21 "Deadlines established for correction when it comes 22 to a notice of concern or a breach shall be no less 23 than ten days, including holidays or weekends, in 24 which case it is an emergency matter." And I pulled 25 that definition.</p>	<p>1 COMMISSIONER ROBBINS: I'll second. 2 THE CHAIR: There's a second by 3 Commissioner Robbins. 4 Any discussion? 5 Seeing no one's hand, Commissioner 6 Armbruster? 7 COMMISSIONER ARMBRUSTER: Commissioner -- 8 Commissioner Gipson? 9 THE CHAIR: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Robbins? 12 COMMISSIONER ROBBINS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Caballero? 15 COMMISSIONER CABALLERO: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Conyers? 18 COMMISSIONER CONYERS: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Ruiz? 21 COMMISSIONER RUIZ: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Toulouse? 24 COMMISSIONER TOULOUSE: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
Page 223	Page 225
<p>1 And the one that I wanted to make sure I 2 had adequately captured and was clearly 3 communicating is on Page 12 and 13, which are 4 sideways pages. I know it had been a little 5 unclear. So for each of those footnotes, I changed 6 the language so that it starts with, "When 7 considering schools currently in a contract with 8 less than five years...", and then I just said what 9 the profile criteria are. 10 So I wanted to make sure that had cleared 11 the concerns or the lack of clarity and was helpful 12 to the Commission. 13 THE CHAIR: And I was fine with it when I 14 read it last night. 15 MS. POULOS: Okay. 16 THE CHAIR: The -- now that -- the other 17 two issues are going to be done through contract 18 language; correct? 19 MS. POULOS: Yes. 20 THE CHAIR: Okay. So then we're -- I 21 believe we're fine. so I'm going to move that the 22 Public Education Commission adopt the Accountability 23 Plan and Academic and Organizational Performance 24 Frameworks as -- as changed through the work session 25 yesterday.</p>	<p>1 Johnston? 2 COMMISSIONER JOHNSTON: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Armbruster votes "Yes." 5 Commissioner Peralta? 6 COMMISSIONER PERALTA: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Crone? 9 COMMISSIONER CRONE: Yes. 10 COMMISSIONER ARMBRUSTER: 10 to 0. 11 THE CHAIR: Motion passes 10-0. And thank 12 you all once again for all the work on this over 13 this protracted period of time. 14 So we are on to Item No. 14, Discussion 15 and Possible Action on PEC Amendment Policies and 16 Processes, including a minimum -- at a minimum, 17 Policy and Processes for Adding a School 18 Site/Replication. 19 MS. POULOS: Madam Chairwoman, 20 Commissioners, this is the material that got passed 21 out to you this morning with tracked changes. I 22 have newer versions based on something that I had 23 forgotten to include. But let me just pass one 24 around and see if that -- I can translate it into 25 all the other documents.</p>

Page 226

1 So this is a new school site or site
 2 amendment request. And you can use everything else
 3 and then you can see if this works.
 4 But while we're doing that, I do just want
 5 to say -- and this goes both to this plan which you
 6 just passed, which I think is a huge step forward
 7 for the Commission in its ability to oversee schools
 8 with clarity and transparency, and I'm very excited,
 9 and I think my team is very excited, again, knowing
 10 that it's going to take time to transition schools
 11 over to that, but to have that clear system and
 12 process in place.
 13 But in the Letter of Concern, these
 14 amendment requests were also addressed. And it
 15 stated that this could not be imposed.
 16 Your contract template, the one that all
 17 of the schools that have contracts are operating
 18 under, does say that amendments will be by agreement
 19 of the charter and the Commission. That's an
 20 amendment to the charter. There is no process laid
 21 out in your contract for how you accept, review,
 22 receive, or evaluate amendment requests. And, in
 23 fact, there is a process in your contract template
 24 that all of them are operating under that does say
 25 that they shall comply with your forms and your

Page 227

1 policies. And so I do think these can be used going
 2 forward. And I think that they are necessary.
 3 One of the things that's been the greatest
 4 challenge over the past three years is when an
 5 amendment came, we got a one-page sheet and a school
 6 asking for you to do something that would expand
 7 their operations substantially or change them. And
 8 there was nothing else we were getting.
 9 And when we asked the schools for
 10 additional information, many times, they were very
 11 hesitant or refused to give that additional
 12 information. We were only asking it so we could
 13 give you a comprehensive analysis and evaluation and
 14 so that you could make good decisions that were
 15 well-informed.
 16 These policies allow you to do that. And
 17 they lay out so that there's no change. It doesn't
 18 flip or flop. It is, "This is the information we
 19 need to be able to make an informed decision."
 20 And this is, just, again, another -- and I
 21 have to praise this Commission for the work that you
 22 have done over the past year to put these things --
 23 and start having these conversations and put these
 24 in place. This lays out with absolute clarity so
 25 that there is no question about what a school coming

Page 228

1 forward to ask you for an amendment to their
 2 contract needs to give you.
 3 So I want to start with that. And we
 4 only -- just, bigger picture, there is a -- in your
 5 books, there were initially -- there was a big
 6 guide, which I do think we still need to explore
 7 next work session meeting, because not only were
 8 there amendment requests, but there were
 9 notifications, those things that are either in the
 10 contract now that might change, and you need to be
 11 notified of, or that I have proposed for that
 12 potential new contract, which is on a different
 13 agenda, that, again, would be items where they
 14 wouldn't have to come by and request a change,
 15 right, but instead would be notifying you of the
 16 change.
 17 And, in fact, that goes to one of the
 18 comments earlier today that said that all of these
 19 impeded on school autonomy because the PEC had to
 20 approve before they could make changes.
 21 In fact, these policies are very specific
 22 on which cases do require PEC approval prior to the
 23 change and which do not, because there are some that
 24 should not require your approval first, because it
 25 would impede the schools, and so we've laid that out

Page 229

1 in this work.
 2 So the first one that I want you to take a
 3 look at -- and we've seen these for many, many
 4 months, and we've continued to work on them.
 5 The first change -- and this is why I
 6 added this additional language today -- is there was
 7 a question about clarity on when does this new
 8 school or site -- school site amendment request
 9 apply.
 10 And so this language in the middle in the
 11 first paragraph says it would be used, "only when
 12 there will be a second site or school that serves or
 13 will serve the same grades as the first or primary
 14 site with its own administration. This notification
 15 should not be used to add a facility at a second
 16 address that is only being used to provide
 17 additional capacity because the primary facility
 18 does not have sufficient capacity to serve..." -- I
 19 didn't finish typing the grade levels and enrollment
 20 cap of the school itself, under the contract, right?
 21 So this is really about, "We operate a
 22 school. We've been doing it. We're serving the
 23 grade levels we want to, and it's been working
 24 really well. We want to go and do it in another
 25 place and do the same thing in two different

<p style="text-align: right;">Page 230</p> <p>1 places." 2 So that's what that language there is 3 intended to do. 4 And then this has been part of our 5 discussions for a while now. Under "Determining 6 Eligibility," this is the one that if I don't have 7 to give you copies of everything, we'll be better 8 off. But I've added this to -- I'll tell you which 9 ones when we go through them. 10 But it says that, "Schools shall only be 11 eligible to submit this type of request..." -- so in 12 this case, the new school amendment request -- 13 "...if the school is on a 2018 or post-2018 14 contract. Schools using the pre-2018 contract to 15 seek to submit this amendment request may do so 16 concurrently with, or after requesting that the 17 Commission negotiate with them to enter into a new 18 contract using the 2018 template." 19 So this would be saying, "If you want to 20 add a new site, if you want the opportunity to 21 expand, we want to be operating under the 2018 22 contract." 23 It's a motivation. Schools can choose not 24 to do it, and then they would just wait until their 25 next contract term to be able to expand their</p>	<p style="text-align: right;">Page 232</p> <p>1 choose not to, we put it up on the agenda at the 2 latest date possible of consideration for you, as 3 the Commission; so giving them as much time as 4 possible to correct that compliance. 5 Otherwise, I believe everything else from 6 this stayed the same from what was in your materials 7 yesterday. 8 THE CHAIR: Right. And just as a 9 clarification, the item that was added under 10 "Determining Eligibility" was, in fact, something we 11 had had a lengthy discussion on at a previous work 12 session. And it was my fault. With all that we did 13 yesterday, I -- it slipped that it wasn't in that -- 14 in the copy that we were working off of yesterday. 15 So this isn't a new idea. It's something 16 that we had asked to be put into that, and it 17 just -- unfortunately, I missed it yesterday. So -- 18 MS. POULOS: Okay. 19 THE CHAIR: -- it's not new. 20 MS. POULOS: Yes, it is not new. It is 21 something that we have discussed at length. 22 THE CHAIR: Right. 23 MS. POULOS: The next item from the 24 packets you had this morning -- I don't know what 25 order they're in, but I would ask you to look at</p>
<p style="text-align: right;">Page 231</p> <p>1 operations in this way. 2 I believe that is all that was changed 3 other than minimal request. We corrected the 4 information about the PEC considerations, 5 specifically changing the language to be clear that 6 any item that is complete and submitted to us in a 7 complete form at least 28 days prior to your next 8 meeting will be on that agenda. And if it wasn't 9 prior or wasn't complete 28 days prior, then it 10 won't. 11 That 28 days is actually really important, 12 because we do try to get the materials to you seven 13 days in advance, which only gives my team, who's out 14 doing a lot of things, three weeks -- three 15 workweeks -- to do that analysis, put all of this 16 together and make a recommendation. 17 So we really do need that time, which was 18 why we asked for that. 19 So, otherwise, it does also identify that 20 schools that are out of compliance with their 21 governance requirements, we would notify them and 22 tell them, "You need to correct this before it gets 23 on your agenda." And if they choose not to correct 24 it, we would put it on the -- we would give them as 25 much as time as possible to correct it. But if they</p>	<p style="text-align: right;">Page 233</p> <p>1 that. That would be the Additional Educational 2 Program for New School Population. 3 So I did a little reorg as I was reading 4 it. I thought this doesn't make sense because there 5 was information under "Purpose" that should have 6 been under "Submission Window." So I moved that. 7 And, again, you can see in tracked changes 8 the language that I just went over with you about 9 the 28 days prior to the meeting and coming into 10 compliance. 11 The other thing that we did discuss 12 yesterday during the work session that was added is 13 to the recommendation and approval factors, the 14 second item that says, "Will the requested amendment 15 substantially change the mission or educational 16 program of the school?" So that was something we 17 discussed yesterday. 18 And then there was a little bit -- oh. 19 We -- because we don't have the guide, and I think 20 that we should hold off on that until we have the 21 discussion about replications, I removed the first 22 page under "Attachments," which I also did for all 23 others. I did on this one. 24 I took out the language, "If the program 25 will result in a substantial addition to the</p>

<p style="text-align: right;">Page 234</p> <p>1 school's mission...," because we had talked about 2 that, because we would no longer be submitting a 3 mission amendment request because we haven't talked 4 about those, and I think we wanted to hold on those 5 until maybe next month. 6 THE CHAIR: Or maybe "Nevuary." 7 MS. POULOS: Or maybe "Nevuary." I can't 8 even say the word. But otherwise, there are no 9 other changes there except the ones that we have 10 discussed. 11 So -- and, again, this would be when, as 12 an example, we have a school that's providing a day 13 program, serving students in that day program and 14 seeking to add a night program. 15 The only other thing that I would say is, 16 as we just discussed, I do have a version of this 17 where we add language that says, for PEC -- sorry -- 18 determining eligibility, they would also not be 19 allowed to submit this unless they were under that 20 2018 moving-forward contract or concurrently 21 requested to go under that. 22 The next one that you have is the 23 enrollment cap amendment request. Again, you can 24 see the tracked changes where we did just a little 25 bit of cleanup, Tier 2 or better.</p>	<p style="text-align: right;">Page 236</p> <p>1 Tier 2 and 3 is -- or -- I'm sorry -- just the Tier 2 2 rating. If you have the Tier 2 rating, you have 3 to do the curriculum samples. If you have the "A" 4 or the Tier 1, you would not have to. 5 And, again, we would add the same 6 eligibility language, "This is only for 2018 moving 7 forward. Otherwise, you have to get under that 8 contract." 9 Then we only have two more to talk about. 10 We have the education -- I believe -- maybe I -- no, 11 maybe three more. 12 The Educational Program Amendment Request. 13 Again, you see that I moved and cleaned up Purpose 14 versus Submission Window. I believe on this one, I 15 would not recommend the '18 language. But you may 16 feel differently about that. I didn't edit here, 17 because I think there may be a reason where they 18 would programmatically need to change their 19 educational program, and you wouldn't want to have 20 that limitation. I think the other ones are really 21 about expansion, and so it makes sense to say 22 "Expansion only if... ." 23 THE CHAIR: And we never did speak of it 24 in regards to this. 25 MS. POULOS: Right. So this would not --</p>
<p style="text-align: right;">Page 235</p> <p>1 The language under PEC consideration is 2 the same language we discussed -- sorry. Let me 3 jump back to determining eligibility. That, we 4 would, if you wanted it, add the language saying, 5 "This is only for individuals who are under the '18 6 contract moving forward. Anybody else would have to 7 wait until they were in a new contract term to 8 submit this request to you." 9 THE CHAIR: Once again, that was also part 10 of that discussion at the work session, I think, 11 back in -- 12 MS. POULOS: January or December. 13 THE CHAIR: Yeah. Yeah. 14 MS. POULOS: Yeah. But otherwise, not a 15 lot there changed; again, just the reorg cleaning it 16 up, requiring responses to each prompt. 17 Then we have a grade-level change, all of 18 the same changes for grade levels, cleaning it up 19 and then being clear, which you can't see in tracked 20 changes. 21 I apologize on Page 2, where it used to 22 say, "Charters in which the schools earn an A letter 23 grade," I added, "or Tier 1 rating," because we are 24 going to be doing those performance frameworks. So 25 for that Tier 1 rating would then -- and then the</p>	<p style="text-align: right;">Page 237</p> <p>1 educational program requests would not reflect a 2 change. They would use this request only when they 3 were changing anything that is in their contract 4 terms, describing their educational program, the 5 parent-specific, student-specific, and the 6 teacher-specific terms. So that's what this would 7 change. And, again, all of the changes from 8 yesterday were just cleanup to fix little errors. 9 Partner or Nonprofit Management Company 10 Amendment Request. Again, this is one where you 11 would not want that eligibility criteria because if 12 they are changing, you do want that information. 13 And so, again, the changes here would just be 14 cleanup and not adding any additional eligibility 15 requirements. And I think we had everything else in 16 here that we wanted. 17 And then the last one is a permanent 18 change to Overall Instruction- -- Instructional 19 Hours. And you'll note this one is actually only 20 for contracts under a pre-2018 charter contract. 21 And that's because the recommendation moving forward 22 is that the contract template would no longer 23 specify the instructional hours, except to say, in a 24 paragraph that could not be removed, that the school 25 is required by law to comply with the -- the overall</p>

Page 238

1 instructional hours required by law.
 2 So we wouldn't then be identifying
 3 specific instructional hours. So only schools under
 4 the 2018 contract would submit this to change the
 5 instructional hours that are identified in their
 6 contract that they are required to meet; so there
 7 would obviously be no addition of that eligibility
 8 criteria.
 9 And then we did, on Page 3 for those
 10 schools, differentiate based on our conversation
 11 yesterday. If the school is Tier 1 or 2 or "C" or
 12 better, if there's no tier rating available, then
 13 they would not have to describe how the -- a
 14 reduction in instructional hours would improve
 15 student achievement. Instead, their description
 16 would be why it will not adversely affect student
 17 performance, versus the schools that are Tier 3 or 4
 18 or "D" and "F," you would want them to justify any
 19 decrease in instructional hours such that they can
 20 describe how it will improve pupil achievement,
 21 because you wouldn't want a school that's already
 22 struggling to decrease instructional hours even more
 23 and result in even poorer performance.
 24 So we're recommending that these be
 25 approved with the changes here in the materials you

Page 239

1 have as well as with the ones we've discussed.
 2 And then at the next work session, we talk
 3 about the overall guide; that would just be the
 4 introduction and the notifications so that we would
 5 then have a complete kind of policy on how charter
 6 schools work with the Commission to make changes to
 7 their contract and make sure you have all the
 8 information that you need.
 9 THE CHAIR: Okay. Commissioners, any
 10 comments? Concerns? So just to be clear so
 11 people --
 12 MS. POULOS: Yes.
 13 THE CHAIR: -- that we've got three
 14 amendment request documents that we've added the
 15 additional eligibility to. Three; correct?
 16 MS. POULOS: Let me just look and make
 17 sure, but I think that is correct. But it's better
 18 if I have a list of all of them. Additional
 19 Programming for New School Population. The
 20 Enrollment Cap, the Grade Level, and the New School
 21 Amendment Requests. So all four of those would
 22 include the Additional Eligibility.
 23 THE CHAIR: Yeah. There's four that
 24 require that additional language, and then there's
 25 three that does not, just so that everyone is clear.

Page 240

1 And it is in those packets, but it wasn't in -- on
 2 the ones that we -- we used yesterday.
 3 So if we're -- if there's no comments or
 4 concerns, I'll entertain a motion to adopt these
 5 materials.
 6 COMMISSIONER PERALTA: Are we just adding
 7 them in?
 8 THE CHAIR: I believe so.
 9 COMMISSIONER PERALTA: All right.
 10 THE CHAIR: We're on 14.
 11 COMMISSIONER PERALTA: I move that we
 12 adopt the PEC amendment policies and processes,
 13 including an amendment policy and process for adding
 14 a school site replication; is that correct?
 15 THE CHAIR: But just add the documents,
 16 "as presented today."
 17 COMMISSIONER PERALTA: Okay. So let me
 18 reread the motion again. The motion is to adopt the
 19 PEC amendment policies and processes, including an
 20 amendment policy and process for adding a school
 21 site replication and the amendments, as presented by
 22 the Director; is that correct?
 23 THE CHAIR: No.
 24 MS. POULOS: No.
 25 COMMISSIONER PERALTA: No?

Page 241

1 (A discussion was held off the record.)
 2 COMMISSIONER PERALTA: Okay. For the
 3 record, I withdraw my other two previous motions. I
 4 will now read the correct motion, as advised.
 5 So I move that we approve the PEC
 6 amendment policies and processes as presented today
 7 at this meeting.
 8 COMMISSIONER RUIZ: Second.
 9 THE CHAIR: There's a motion by
 10 Commissioner Peralta, a second by Commissioner Ruiz.
 11 Any discussion?
 12 Commissioner Armbruster?
 13 COMMISSIONER ARMBRUSTER: Commissioner
 14 Peralta?
 15 COMMISSIONER PERALTA: Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Robbins?
 18 COMMISSIONER ROBBINS: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Caballero?
 21 COMMISSIONER CABALLERO: Yes.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Johnston?
 24 COMMISSIONER JOHNSTON: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

1 Toulouse?
 2 COMMISSIONER TOULOUSE: Yeah, I guess so.
 3 COMMISSIONER ARMBRUSTER: I'll put that as
 4 a half.
 5 Commissioner Crone?
 6 COMMISSIONER CRONE: Yes.
 7 COMMISSIONER ARMBRUSTER: Commissioner
 8 Conyers?
 9 COMMISSIONER CONYERS: Yes.
 10 COMMISSIONER ARMBRUSTER: Commissioner
 11 Armbruster votes "Yes."
 12 Commissioner Gipson?
 13 THE CHAIR: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Ruiz?
 16 COMMISSIONER RUIZ: Yes.
 17 COMMISSIONER ARMBRUSTER: A 10-to-0 vote.
 18 It passes.
 19 THE CHAIR: A 10-0 vote. Once again,
 20 thank you for all the work over these. This is work
 21 that has come and gone, come and gone through your
 22 work sessions as we tried to navigate the
 23 performance framework as well. So I appreciate your
 24 patience with all of this.
 25 We've done 15 already. So we're on to 16,

1 a Report from the Chair.
 2 Okay. As you -- as you all know, we had
 3 the emergency meeting. I appreciate everyone that
 4 accommodated their schedules, some of them for
 5 vacations, so that we could quickly get that done.
 6 So thank you all so much for -- and thank Beverly,
 7 once again, for dealing with the bevy of e-mails
 8 that go back and forth trying to herd the cats into
 9 a meeting. So I certainly appreciate all of -- all
 10 of those efforts.
 11 I attended, with a number of you -- most
 12 of you, actually -- the Spring Budget Workshop. And
 13 as you know, my mind gets dizzyingly numb as we talk
 14 numbers that often. But there's certainly more than
 15 valuable information that comes from that. And the
 16 more you go to these, the more you learn what you
 17 don't know.
 18 So that gets to be the scary part, that
 19 it's -- I appreciate everyone who works with those
 20 numbers, because it's just not my forte. I'm a
 21 humanities person, and I go kicking and screaming
 22 into these financial discussions. So -- but it
 23 was -- and I appreciate PED for extending the
 24 invitation to us so that it's -- and it's always
 25 nice. And this year, I do believe I saw far more

1 charter schools there than I had, certainly, last
 2 year. I think there were more schools there this
 3 year than there was last year. But, certainly, I
 4 came across any number of charter schools. So that
 5 was very nice.
 6 And, of course, the Secretary always does
 7 the conversation; so -- and that was, I think, very
 8 well-attended.
 9 And there were a large number of people
 10 who were there at the lease workshop, so that I also
 11 appreciate that the charter conversation is coming
 12 into those workshops more and more so that people
 13 are getting all of the information that they need.
 14 I had the opportunity -- a number of you I
 15 told I had the opportunity to go to a governance
 16 council meeting on Monday night, because there's a
 17 school in my district that's up for renewal so that
 18 they had a couple of questions. And it's always
 19 nice, and it was well-attended. There were a number
 20 of staff and members, actually, original founders
 21 that came to the meeting, because they know that
 22 they're discussing a renewal now. So it's nice that
 23 there's that engagement because it's reengaging them
 24 with their mission. So that's always nice to see.
 25 The LESC will be meeting. I didn't see

1 anything on it that specifically related to
 2 charters. So -- and it's really their
 3 organizational meeting to get the agenda for the
 4 rest of the year. So I don't -- I don't anticipate
 5 that I'm going to travel up here next week for that
 6 unless that agenda changes for some reason. I just
 7 don't see that.
 8 So that being said -- oh, I guess we
 9 should -- I will remind Commissioners that Beverly
 10 did send us out an e-mail. If you are anticipating
 11 even that you may go to Orlando in October, you can
 12 make the reservation, and you can always change --
 13 you can always cancel it. But they do book out
 14 early, so that it's always safest to try to get the
 15 room, because as it goes down the calendar, it
 16 oftentimes gets difficult to get the entire time
 17 frame for a room.
 18 So that's where the challenge becomes.
 19 They won't be able to accommodate you for the full
 20 time. So I will remind you to do that, and a
 21 reminder also that the notice came out of June 22nd
 22 for the charter conference.
 23 MS. POULOS: 21st and 22nd.
 24 THE CHAIR: 21st and 22nd. And that will
 25 be at the Crowne Plaza.

<p style="text-align: right;">Page 246</p> <p>1 So that can rooms start to be booked now 2 for that? Do you -- are you aware? 3 MS. POULOS: I am not. 4 THE CHAIR: It probably can. And if the 5 rate needs to change, they can just change it. 6 That's probably -- that would also be my -- because 7 so many people did come up for that, it was 8 challenging for some people to get rooms there if 9 you try to get there late; so -- if you try to book 10 late. So I would do that as well. 11 MS. FRIEDMAN: Madam Chair, I'd like to 12 just mention to you that another thing coming up is 13 the law conference in June. And I know last year, 14 there was quite a discussion about that. And so if 15 you would like me, I can contact them. Or if you 16 would like to contact him as far as, you know, how 17 we can have attendance or -- 18 THE CHAIR: Do you still sit on that 19 board, the school board? Yeah. It might be 20 easier -- 21 (Chair consults with Vice Chair Peralta.) 22 THE CHAIR: So that information will be 23 coming whenever it's available. 24 MS. FRIEDMAN: Yeah. Okay. 25 THE CHAIR: Okay. Thank you.</p>	<p style="text-align: right;">Page 248</p> <p>1 you have a conversation with him? 2 MR. MATT PAHL: I've been connected with 3 him, but we haven't been able to organize something 4 quite yet; but probably next week. 5 THE CHAIR: Okay, great. Thanks. 6 MR. MATT PAHL: Madam Chair, members of 7 the Commission, just a handful of quick things for 8 our update. One is that we reengaged on the SAMs 9 conversation with the Public Education Department. 10 Those that were at the meeting felt really good 11 about the meeting. 12 Much like your description of the 13 performance frameworks, though, I think this is 14 something that started and stopped a few times. I 15 think everybody walked out of that meeting, though, 16 feeling like there was mutual interest in figuring 17 out the path for SAMs and doing it in a quick 18 manner. 19 So there was great appreciation there, a 20 little push from us to expand the group a little 21 bit, just to get a couple of more perspectives in 22 there. But we liked where that series of meetings 23 started out. So just want to thank the PED for that 24 and note that that's moving forward, as we all know 25 how important that is to performance frameworks both</p>
<p style="text-align: right;">Page 247</p> <p>1 Matt? 2 Oh. While Matt's coming up, I also want 3 to mention I had an opportunity to meet with Steve 4 Saltzman. And I always forget. I always say it's 5 "Fair Credit," and it's not. 6 MS. POULOS: Self-Help. 7 THE CHAIR: Self-Help. Who is with the 8 credit union who does offer financial education. 9 And also they -- they're out of North Carolina. And 10 Lyria Boast asked me if I would meet with him. 11 And he's very interested in opportunities 12 to loan money to charters that are looking to start 13 in low-income areas. And -- and at that point, I 14 had a very good conversation with him. He did 15 offer, and I hope it'll come true, that he will be 16 able to offer a workshop at the June PED conference, 17 because that is one of his interests, to make sure 18 that charters are getting the best lease 19 arrangements and are financially sound in regards to 20 new charters. 21 The conversation didn't go any further 22 because I'm reluctant to have a conversation about 23 any new applicants and potential loans, because I 24 don't want to look like I'm favoring any one school. 25 So I moved him on to Scott Hindman and -- Matt, did</p>	<p style="text-align: right;">Page 249</p> <p>1 here and for those at locally authorized charters. 2 So thanks again to the PED for setting it up and 3 inviting us. 4 In the next week, you'll receive an e-mail 5 from us at the Coalition with our interim priorities 6 on that. That's a document that's being written up 7 for LESC as they go into their organizational 8 meeting so they know which topics are of import to 9 us. It's an FYI for you all. And if you have an 10 interest in engaging on those topics with us, please 11 feel free to give me an e-mail. 12 But you'll see a whole slew of topics, 13 some of which will be on their monthly agenda and 14 some will not. One of those that likely won't until 15 the late summer, early fall, is new policies and how 16 to handle virtual schools in our K-12 environment. 17 I'm working with Tim Hand, the Deputy 18 Director at the LESC. And we are working with the 19 National Alliance for Public Charters in a work 20 group that takes three states, us, Nevada, and 21 Idaho, and discusses what kind of policy changes 22 might need to work -- need to be made for virtual 23 schools. 24 This is important. We have a number of 25 places in statute in which we have -- you know, we</p>

1 see "the district" or "superintendent," and we just
2 kind of apply it to charters, because charters
3 weren't written in there. There's a whole new layer
4 when we talk about virtual schools.

5 And there -- this is an effort to make
6 sure any virtual option can be a good one for
7 students. And so this isn't about shutting them
8 down or not allowing them. It's sensible policies
9 that actually fit the models that are being proposed
10 there.

11 That's all I know of for now. But in a
12 month, I'll be able to tell you more after our first
13 work group meeting. And my guess is LESC will be
14 interested in doing some hearings around that in
15 September. You'll also see that in our interim
16 priority sheet.

17 The last thing I'll note is on facilities.
18 You mentioned Self-Help. As an actor who's
19 interested in providing private financing, our push
20 will be to continue to provide public financing for
21 buildings that have been around for a while and have
22 the performance that suggest they'll be around for a
23 while longer.

24 As we sit down and have meetings -- and,
25 Commissioner Ruiz, we -- I was just in Hobbs last

1 School. Don't think of Capital High. Don't think
2 of -- I haven't been to Mayfield, but I'm sure it's
3 very nice or at least very big. That's not what
4 we're looking for as far as charters.

5 What we want to do is to make sure people
6 understand the scope of it. We also want to show
7 people some of our poorest facilities. It's
8 remarkable that students are still choosing those
9 charter schools when those facilities are in that
10 shape. And I think many of us will think of some of
11 the same charter schools when we think of that. And
12 that's just not fair to students, some of these
13 facilities that, yes, they have their E rate. Yes,
14 they also have either a high or a low score on
15 the -- Commissioner Peralta, you can tell me which
16 one it is, their score for the weighted index.

17 But people are choosing those schools
18 because of the academic program, and we want to show
19 people that as well, just so they understand the
20 spectrum here when we talk about financing for a
21 charter school.

22 So that's it for my update today. I'll
23 stand for questions.

24 THE CHAIR: I think we're good.

25 MR. MATT PAHL: Thanks, everyone.

1 week and got to see the Commissioner as we spoke to
2 a few legislators and people in that community.
3 You'll get e-mails from me. We want to get you-all
4 involved in that. There's a lot of learning to do
5 about charters. We had have ten experts here up on
6 the dais that know a little bit. And just those
7 little side conversations as we do the school visit,
8 as we just sit down and have lunch, will be helpful
9 just so you can tell them your experiences.

10 We'll also be trying to make stops to
11 charter school facilities. And that's for two
12 reasons: One is to make sure people know we're not
13 asking for the Taj Mahal here. We're asking for a
14 facility that meets our charter's needs.

15 And Commissioner Peralta, one of the ones
16 I'd really like to point out is Cottonwood Valley
17 Classical in Socorro. That school is -- it's a nice
18 campus. It wasn't -- it didn't cost a ton of money.
19 It's portables that are dressed up real nicely for
20 students, and they've made it feel like home. I
21 think it's a great example of when we build a
22 facility for charters. And I believe they did that
23 through district bond funds.

24 That's a great example of what we're
25 looking for here. Don't think of Del Norte High

1 THE CHAIR: Thanks.

2 Update from the New Mexico School Board
3 Association.

4 Okay. PEC Comments. Commissioner
5 Robbins?

6 COMMISSIONER ROBBINS: Well, I really
7 appreciated going to the School Budget Conference
8 last week and seeing several of you there. I was in
9 and out because I did have other things I had to
10 attend to. But it was informative and I did
11 appreciate getting to meet some of the charter
12 schools which we don't usually see up here; but
13 seeing their attendance. And it was very much
14 appreciated.

15 THE CHAIR: Commissioner Caballero?

16 COMMISSIONER CABALLERO: When the director
17 from -- what is it? -- South something Prep --
18 informing us of the move to --

19 THE CHAIR: South Valley.

20 COMMISSIONER CABALLERO: South Valley
21 Prep.

22 I have visited their school. And she was
23 mentioning that the kids are all excited about going
24 to the new building. And I was about to let her
25 know that when I visited the school, that school

1 brought back memories. Because I remember that
2 school, the classrooms and everything when I went to
3 school.

4 And I said, "I feel right at home. I
5 don't know why your kids want to move."

6 But I'm sure that building was built right
7 around the time I was going to school. And so I can
8 understand the kids being all excited about going
9 somewhere else.

10 THE CHAIR: And they've got more space
11 now.

12 COMMISSIONER CABALLERO: Yes.

13 THE CHAIR: So that's exciting. Thank
14 you.

15 Commissioner Conyers?

16 COMMISSIONER CONYERS: Not too much. Just
17 always glad to see everyone, glad to be here, glad
18 to be somewhere. So see you next time.

19 THE CHAIR: Okay. Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Madam Chair, I do
21 want to apologize to the Commission for any lack of
22 involvement lately. But between my mobility, which
23 has decreased tremendously in the last five months,
24 and my asthma that was so bad, I can't do two days
25 in a row up here at the moment.

1 upset, because you have been trusted, and you've
2 been here forever and the storehouse of knowledge.

3 And, Jim, we know that if you're at this
4 meeting -- if you're at the work session, we know
5 that you're going to be at the meeting. I just
6 wanted to say that.

7 Otherwise, I'm done. Thank you.

8 THE CHAIR: Commissioner Johnston?

9 COMMISSIONER JOHNSTON: I'm afraid to say
10 anything. What is the question?

11 COMMISSIONER CONYERS: What's the motion?

12 COMMISSIONER JOHNSTON: I would like to
13 welcome our attorney and tell you that I really
14 appreciate that you are here and your ability to
15 keep us on track. I say "us." I should say "me."
16 "Moi."

17 It is good to have parameters. And that
18 leads me to my second hurrah for this board and for
19 the Charter School Division. We change and grow our
20 very -- they're challenging. And creating documents
21 that provide us with very clear parameters is a very
22 difficult, time-consuming job. Yesterday evening,
23 by the time we left --

24 THE CHAIR: I was fried.

25 COMMISSIONER JOHNSTON: -- I was more than

1 When this last -- this current round of
2 pollen is gone, it will be easier. But I couldn't
3 even leave my house with the juniper pollen as bad
4 as it was. I was wheezing so much when I got to my
5 front door, I just turn around and go back.

6 I do appreciate the work other people are
7 doing, I do want to say. I did this for four years.
8 I did all of this. It's just recently. And it is
9 getting harder because of my knees for me to drive
10 up here. I can drive around town. But with the
11 speed on the freeway that I am used to driving -- my
12 car thinks I can still drive -- it is harder and
13 harder for me to feel comfortable doing it.

14 But it isn't because I'm shirking what
15 you're doing and why I'm trying to look at what you
16 do and I'm voting pretty much for what you've done
17 and try not to ask too many questions because I know
18 you are. But I do want to apologize that I'm old.

19 Thank you.

20 THE CHAIR: Commissioner Peralta?

21 COMMISSIONER PERALTA: No.

22 THE CHAIR: Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: We did miss you,
24 and we remarked on that -- the very topics that you
25 gave, because we were concerned and not angry or

1 fried. I had \$6 worth of gelato for dinner.

2 THE CHAIR: As always, leaving the
3 meeting, I actually had a dermabrasion going outside
4 with the wind and all the road dirt. It was, like,
5 I got a facial on my way out.

6 COMMISSIONER JOHNSTON: But the work that
7 I have been a witness to and participated in to a
8 small extent is phenomenal work. And having been
9 with the charters and really having been around with
10 Mr. Vigil at the very beginning and the subject of
11 an embezzlement and having to work through it, the
12 leaps and bound, it goes beyond my -- I'm just so
13 proud of all of you, of everybody, and the solid,
14 good work that we've done and the way we've accepted
15 to this point all the bumps and starts and
16 turns-arounds and things.

17 And we just go forward. This is a
18 professional organization. And I'm just really
19 pleased to be a part of it.

20 COMMISSIONER RUIZ: And since you brought
21 up Mr. Vigil, I'm really impressed with his resume.
22 I'm equally impressed with the work that Katie does
23 and her department and the Finance department, and I
24 know that you all can read those reports equally as
25 well as he can. So I thank you, thank you, thank

1 you.
 2 And I know that I have to thank you even
 3 beyond that, because I know sometimes I'll -- you'll
 4 send me an e-mail, and it's late at night. And I
 5 even asked you this morning. I'm, like, "Girl, do
 6 you ever sleep?"
 7 So thank you so much for the work you do
 8 for us. Thank you.
 9 THE CHAIR: Commissioner Crone?
 10 COMMISSIONER CRONE: I'm just curious.
 11 Did I speak prematurely about our behavioral
 12 repertoire this morning?
 13 THE CHAIR: Perhaps.
 14 COMMISSIONER CRONE: Should I change my
 15 statement?
 16 I move to adjourn.
 17 COMMISSIONER ROBBINS: I'll second.
 18 THE CHAIR: There's a motion to adjourn
 19 and a second.
 20 All in favor?
 21 (Commissioners so indicate.)
 22 THE CHAIR: No one wants to -- oh, okay.
 23 We're adjourned.
 24 (Proceedings adjourned at 3:50 p.m.)
 25

1 RECEIPT
 2 JOB NUMBER: 117N (CC) Date: 4/13/18
 3 PROCEEDINGS: OPEN PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission
 6 *****
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____
 11 *****
 12 ATTORNEY:
 13 DOCUMENT: Transcript / Exhibits / Disks / Other ____
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 16 *****
 17 ATTORNEY:
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 7 REPORTER'S CERTIFICATE
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 State of New Mexico, County of Santa Fe, in the
 14 matter therein stated.
 15 In testimony whereof, I have hereunto set my
 16 hand on April 27, 2018.
 17
 18
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 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
 21 BEAN & ASSOCIATES, INC.
 22 201 Third Street, NW, Suite 1630
 23 Albuquerque, New Mexico 87102
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