

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

WORK SESSION

September 20, 2018

9:22 a.m.

Jerry Apodaca Education 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 A P P E A R A N C E S
 2 COMMISSIONERS:
 3 MS. PATRICIA GIPSON, Chair
 MR. GILBERT PERALTA, Vice Chair
 4 MS. KARYL ANN ARMBRUSTER, Secretary
 MR. JAMES CONYERS, Member
 5 MR. TIM CRONE, Member
 MS. DANIELLE JOHNSTON, Member
 6 MR. DAVID ROBBINS, Member
 MS. TRISH RUIZ, Member
 7 MS. CARMIE TOULOUSE, Member
 8 PED STAFF:
 9 BAYLOR DEL ROSARIO, Ph.D., Deputy Director,
 Options for Parents and
 10 Families
 11 MS. BEVERLY FRIEDMAN, PED Custodian of Record
 and Liaison to the PEC
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 13 PEC COUNSEL:
 14 MS. AMI JAEGER, Counsel to the PEC
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1 sheets that are loose are from Tim Field.
 2 COMMISSIONER ARMBRUSTER: It was not
 3 through an e-mail.
 4 THE CHAIR: It was not. It was through an
 5 e-mail to Baylor and myself. So Beverly copied it
 6 off. So that's why Beverly copied it off this
 7 morning.
 8 And we're going to take a look at the
 9 renewal application process. And we're going to do
 10 that probably two ways. And first up is going to be
 11 a discussion on lines of communication and how
 12 things are -- Cindy, can you hear?
 13 THE REPORTER: Yes, ma'am.
 14 THE CHAIR: Because I know my mic's not
 15 on.
 16 THE REPORTER: I can hear you clearly.
 17 THE CHAIR: Thanks. So there is -- we
 18 thought that this would be a really good opportunity
 19 to have a discussion about who's -- because there
 20 are some, I guess -- I think, gaps, and also some
 21 questions as to if someone needs to do something,
 22 who do we -- you know, who do we reach out to, who's
 23 doing what, to some extent, who is who, and some
 24 concerns that we have in terms of some of the work
 25 that was done. And, most recently, we definitely

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1 THE CHAIR: Okay. So thank you, all, and
 2 we'll bring to order this Work Session. It is --
 3 what is it? It's Thursday, September 20th, and it's
 4 9:22 a.m. So thank you, all, for coming.
 5 We have a pretty hefty agenda for today.
 6 But because there's a number of things that we need
 7 to start, a couple of things we need to finish up --
 8 and I apologize because I didn't look close enough
 9 on this -- because on the Work Session agenda, the
 10 closure didn't get put on there. And I didn't --
 11 but we are going -- we can't.
 12 (Chair consults with counsel.)
 13 THE CHAIR: And that's -- you know, I
 14 should have -- I skimmed it.
 15 MS. FRIEDMAN: Yeah. I'm sorry.
 16 THE CHAIR: And I didn't see it. So we're
 17 not going to be able to do that. So that's
 18 disappointing, and I'll own that.
 19 But we do have to take a look at the
 20 financial framework of work that we're going to be
 21 getting. And we'll look at that.
 22 And Tim Field from Public Impact, that all
 23 of you remember, did send us some preliminary work.
 24 This is going to be a much shorter project than the
 25 performance framework, the organizational. Those

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1 have concerns over what was done with the renewal
 2 application process.
 3 DR. DEL ROSARIO: Okay. No. I
 4 understand. Now you can hear me? I see. I have my
 5 mic on.
 6 Yeah. I mean, the communication piece
 7 actually, to be truthful, it was a concern for
 8 myself as well, too. I'd like to say that, you
 9 know, our -- I can't really say our predecessor,
 10 because I'm actually just a Deputy Director; but our
 11 Director, Katie, was severely gifted, and she knew
 12 lots of stuff, which I'm not.
 13 And I'll tell you that even initially
 14 during this transition, I was -- as -- like you,
 15 like you all, a bit confused as to who's
 16 communicating what. And that's -- I'm glad you
 17 brought this on to the -- the agenda so that we
 18 can -- we can talk about it. We've talked about it
 19 as a team already, how we think the communication
 20 should flow.
 21 THE CHAIR: Okay. So do you want to give
 22 us an idea?
 23 DR. DEL ROSARIO: Absolutely. Well, first
 24 of all, good morning to everybody. I know -- I
 25 thought about, "Wow, Moriarty and rain." It's

<p style="text-align: right;">Page 6</p> <p>1 probably not a good mix. 2 Anyhow, I think, plainly and simply, the 3 communication really does need to go through myself 4 in terms of -- we have folks from the Technical 5 Assistance, Authorizing team. 6 THE CHAIR: Baylor, could we just 7 introduce everyone? Because I don't think everyone 8 is -- you know. 9 DR. DEL ROSARIO: Absolutely. Yeah, if we 10 can introduce our Charter Schools Division staff 11 here, you all could just, you know, say your name, 12 what your role is, that would be great. 13 MS. MELISSA BROWN: I'll start. My name 14 is Melissa Brown. I am the Technical Assistance and 15 Training Administrator. So I go out and do 16 trainings across the state for our governing boards, 17 our renewal applicants, our new applicants, and our 18 implementation in schools. 19 MS. KAREN WOERNER: Chairman Gipson and 20 Commissioners, my name is Karen Woerner. And I am 21 the Charter Schools Authorizing Supervisor; so on 22 the authorizing side of the house doing site visits, 23 renewal visits, documentation reports, working on -- 24 with the whole team. We're a good team. 25 MS. LAUREL PIERCE: I'm Laurel Pierce. I</p>	<p style="text-align: right;">Page 8</p> <p>1 in all of our amendments, which I'm now handing back 2 down to Dylan. 3 THE CHAIR: I'm sorry. Did you say 4 amendments? 5 MS. MEGAN SHANNON: I was heavily involved 6 with that, and now I'm giving that down to Dylan. 7 Writing reports in Web EPSS, maintaining 8 communication with school leaders. Just doing our 9 authorizing work. 10 MS. DOLORES ARCHULETA: My name is Dolores 11 Archuleta. I am the Administrator Assistant to the 12 Charter Schools Division. So I just plug in 13 wherever I'm needed and assist the team wherever 14 need be. 15 MS. LESLIE KELLY: And I'm Leslie Kelly. 16 I'm the Charter School Program Grant Manager; so I 17 manage the federal grant we received for 18 \$22-and-a-half million, which includes the expansion 19 and replication subgrant competitions, the new 20 schools subgrant competition, and then technical 21 assistance and training around the authorizing work 22 and also for charter schools. 23 COMMISSIONER CRONE: Madam Chair? 24 Is your name "Delores" or "Dolores"? 25 MS. DOLORES ARCHULETA: "Dolores," D-O.</p>
<p style="text-align: right;">Page 7</p> <p>1 work with -- I'm under the Technical Assistance and 2 Support; but I also provide assistance in tracking 3 and reporting governing board changes and as well as 4 a lot of just technical support for not only 5 governing board members but school leaders and other 6 business managers. 7 MR. DYLAN WILSON: I am Dylan Wilson. I 8 am the Authorizing Practices Coordinator. 9 THE CHAIR: I'm sorry. We can't hear you. 10 MR. DYLAN WILSON: I'm Dylan Wilson. I'm 11 the Authorizing Practices Coordinator. Get my 12 teacher voice out. I help with the site visits. 13 I'm also planning and prepping all the work before 14 we go onto those site visits, and I track any 15 changes that come in regarding the charter schools. 16 THE CHAIR: So let me just say this. But 17 everyone here is ultimately responsible -- 18 DR. DEL ROSARIO: That's correct. 19 THE CHAIR: -- to you. 20 DR. DEL ROSARIO: Yes. 21 MS. MEGAN SHANNON: My name is Megan 22 Shannon. I'm the Authorizing Specialist. My 23 primary role is site visits. I worked heavily in 24 the implementation year with our new schools that 25 were going to be approved. I was heavily involved</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMISSIONER CRONE: D-O. Thank you. 2 THE CHAIR: Okay, thanks. 3 DR. DEL ROSARIO: Yeah. And I was remiss 4 in introducing myself. I'm Baylor del Rosario. And 5 I've been an Education Administrator in the 6 Authorizing Teams portion of -- section of our 7 division and have been elevated as Deputy Director. 8 THE CHAIR: Okay. Thanks. 9 So -- 10 DR. DEL ROSARIO: Yeah. Like I had said, 11 I'm just trying to wrap my -- my -- you know, my 12 brain around this new role that I've assumed. We 13 are short-staffed, including my -- by three 14 individuals, including my current position that I 15 left -- and, you know, try to understand and learn 16 what was -- what Katie and Icela were doing at that 17 end, the administrative leadership piece. 18 Initially, I was relying a lot, and still 19 am going to be relying a lot from our team to get 20 that information, because my previous job was -- I'd 21 say it was pretty narrow. It was authorizing, site 22 visits, report writing. I didn't deal much with 23 other aspects of the Charter Schools Division. So 24 I'm having to learn that piece. But it'll be 25 through our staff.</p>

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1 But everything's going to go through
2 myself. If there's any kinds of concerns or
3 anything like that, obviously, if you can let me
4 know, and we'll -- we'll convey that to the
5 appropriate individual -- you know, I feel pretty
6 strongly about, you know, the PEC being the
7 authorizer.

8 You have -- you have incredible,
9 incredible responsibility. And to be quite frank,
10 I've been told that, "You work for the PED," which I
11 do; yes, absolutely. But I feel pretty strongly
12 that, you know, the authorizer is that one body that
13 is -- is responsible for our State charters. And
14 I'm going to do my very best to make sure, you know,
15 we provide you that information so that you can make
16 some -- make some quality decisions.

17 THE CHAIR: Okay. And I think that's
18 where -- and you and I spoke briefly the other
19 day -- because it creates a challenge when the --
20 you work for the PED, but, statutorily, you act as
21 our staff; so that when CSD goes out to a school,
22 there is a -- there is an assumption by the schools
23 that you're speaking for the PEC. And even though
24 you may not think that's the way it's coming out,
25 that's the way it comes back to us.

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1 And when information is provided to those
2 schools -- and I guess I'll jump into, as an
3 example, the renewal process right now -- when
4 information is provided to the school that there is
5 going to be a recommendation that they're not going
6 to be renewed, and we haven't seen any information
7 and that has not been something that we have wanted
8 communicated to the school, we have a serious
9 concern that that -- and we don't know that that --
10 you know, I get it third-hand that there's a
11 concern, it's, like, "We're not going to -- we're
12 not going to be renewed."

13 And that is certainly not a message that
14 we wanted communicated to the schools, certainly, at
15 that moment. And it's not anything that we've ever
16 done before.

17 So I'd like a discussion on how and why
18 and who decided that that was going to be
19 communicated at this point in time.

20 DR. DEL ROSARIO: As far as that specific
21 item -- you're talking about the Part A renewal
22 piece -- I did decide to obviously put that on the
23 agenda for this September. And, honestly, the
24 preliminary Part A reports that included, for the
25 first time, what we call "preliminary recommendation

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1 for renewal/non-renewal," we -- you know, I got
2 that -- we got that -- as an instruction, as a
3 directive, back in May.

4 It's new. We only had, quite honestly,
5 three years' worth of data, and we had not even
6 completed the organizational site visit reports yet.
7 But I think the idea behind that was if a school was
8 to renew at this point in time, this would be the --
9 the PED's or the Charter School Division's
10 recommendation.

11 I know that that was idea --

12 THE CHAIR: Let me stop you.

13 DR. DEL ROSARIO: Yes.

14 THE CHAIR: You're making that
15 recommendation, and you just said that you don't
16 even have the whole performance framework done.

17 DR. DEL ROSARIO: Correct.

18 THE CHAIR: So you're making a
19 recommendation based on incomplete information.

20 DR. DEL ROSARIO: Yes. Yes.

21 THE CHAIR: So -- and that -- and the
22 assumption always is that that's what the PEC is
23 going to do. I don't know why the message was
24 communicated to the school at that moment in time,
25 prior to our even knowing that that's what was going

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1 to be communicated to the schools.

2 That's -- so it was -- so it was your
3 decision to tell the schools what your
4 recommendation was going to be.

5 DR. DEL ROSARIO: Yeah. Yes. And when I
6 say "we," yeah, the Division's, the Department's,
7 yes.

8 THE CHAIR: On -- okay. That's broad, you
9 know. I'm looking for who made that decision.

10 DR. DEL ROSARIO: Well, the Director made
11 that decision at the time. You know, we followed --
12 you know, we followed her -- her, you know
13 instructions, her directive. And, yeah, I mean
14 that -- I don't know what else to say, that in May,
15 that's what happened. We followed that instruction,
16 that directive that provided the schools, that
17 provided to the administrator and the governing
18 council at the school.

19 THE CHAIR: In May.

20 DR. DEL ROSARIO: Yeah. I want to say
21 May, end of May, yes.

22 THE CHAIR: You communicated that in
23 May to the schools.

24 DR. DEL ROSARIO: Yes, the Part A, we
25 provided that report, yes.

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1 THE CHAIR: I'll be -- you know, I
2 understand, 'cause I know we've had a discussion,
3 and, yes, we wanted the schools -- the idea with the
4 new performance framework is at the end of every
5 year, the school has a roll-up report so that they
6 know where they're standing. I have no problem with
7 that.

8 So at the end of three years, we talked
9 about the fact that, you know, schools would have a
10 summative report with no recommendation, just a
11 summative report of that three-year data. We
12 weren't asking for any kind of recommendation and/or
13 communication to the school of -- that's their
14 determination through their governing council
15 discussion when they look at that summary report:
16 "This is where we stand. This is what it looks
17 like."

18 That's the information, just to be
19 communicated, not, "We're recommending," and
20 certainly not in -- holy -- you know, I'm sorry.
21 For back in May, when the performance framework
22 hasn't even been completed, I don't know how you
23 make a decision like that and not -- and no one let
24 us know as well, you know. I -- I'm at a loss right
25 now.

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1 State-chartered schools in Albuquerque in it.

2 And trust me. I hear -- and I've heard
3 names -- and I'm not going to repeat them because
4 we're under a whole new approach to things and I'm
5 not going to start with any complaints -- but I have
6 heard them, and I feel them. 30 years in State
7 government, 20 years in management, I'm very good at
8 dealing with personnel complaints and diffusing them
9 and dealing with that.

10 But it's not right for the schools to feel
11 they're on the firing line all the time, because
12 they are every time those kids walk into the
13 classroom, and they're dealing with parents and
14 they're dealing with everything.

15 And I just want to make sure going forward
16 that the staff feels supported by the PEC, the PEC
17 feels supported by the staff. And while your
18 paycheck may come through PED, I know, because the
19 two people who sponsored the original amendment to
20 do this were Rick Miera, who I've known all my life,
21 and have talked to any number of times before and
22 since, and Linda Lopez, who I think most of you know
23 is my cousin.

24 So I'm well aware of what went into this.
25 And the idea was it was worded that way because we

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1 COMMISSIONER TOULOUSE: Madam Chair, I
2 asked for us to have a record today, because I
3 wanted this discussion on the record for all of you,
4 for us, and for going forward to the next
5 administration. And I am glad Cindy is doing it,
6 because that's why I am here; otherwise, I had
7 intended to take it and write a critique. And we
8 have Cindy; so I have my ride.

9 The wording -- this is where Katie and I
10 always disagreed. Wording in the law is very
11 specific. It says, "The Charter School Division is
12 created within PED to provide the staff for the
13 Public Education Commission."

14 It doesn't say, "It is provided as staff
15 for PED to, you know, communicate PED's
16 recommendation to the PEC."

17 It's -- that wording is very clear when
18 you look at it. And that's where Katie would say,
19 "Oh, there's room for interpretation."

20 I didn't see that room for interpretation.
21 I'm concerned that over the years, we've gotten
22 farther and farther and farther apart. Now that I
23 have my last few months, I want to use them the best
24 I can, because, you know, the district I have in
25 Albuquerque has the largest number of

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1 weren't being given a budget. They assumed the
2 2 percent would be something we would be allowed to
3 budget; we'd be able to do our own work. But
4 because we wouldn't -- in small agencies, you don't
5 have your own personnel hiring. You don't -- it was
6 easier to create it where it was part of the whole
7 overall personnel and pay system of PED.

8 It was never intended to be PED employees
9 acting for PED rather than acting for the PEC. And
10 I just want to make sure that when I leave here,
11 everybody goes forward with the new Secretary, new
12 Governor and whoever they are and all -- and a very
13 largely new Commission -- that people know that it's
14 one team; it's not two.

15 And I have felt now for quite a while, it
16 was two groups within our Commission and another
17 group out here. It was three different groups, not
18 always working for the same end. And I would like
19 to see a legacy of mine that it becomes one -- one
20 group again.

21 I mean, I realize, any Commission like
22 this, with people from all over the state, it's
23 herding cats. And I understand that. But there
24 needs to be an "us," as all of us and the schools,
25 rather than "them," "them," and "them." And I just

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1 want us to look at that interpretation of what the
2 legislation says and go forward with that.

3 And I really welcome this discussion today
4 to also make everybody understand, you're part of
5 our team. You really are. And without you, we
6 couldn't do the job. But without us, you wouldn't
7 have a job.

8 So it's kind of a mutual deal. So that's
9 what I did well for work. The clients would always
10 say to me, "Well, if I didn't need help that you're
11 not going to give me because I've got too much
12 money, you wouldn't have a job anyway."

13 I said, "No, I've got skills anyway. I
14 can go get another job."

15 But I wouldn't want you all to be saying
16 that. We've all got skills that we're in this
17 together. So, anyway, thank you, Madam Chair.

18 THE CHAIR: When information like that is
19 communicated to schools, especially without our
20 knowledge and when it's based on incomplete
21 information, it also opens the door for appeals. So
22 it makes our decisions even -- and sometimes you tie
23 our hands when information like that is communicated
24 out and we've had no knowledge about it.

25 So I think we have to -- we need to be

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1 be no recommendation, because -- and you can perhaps
2 weigh in a little bit on that idea. Because the
3 thought was at that time that that written
4 recommendation could, in fact, create some issues
5 through, you know -- through a possible appeal.

6 So that the -- the desire by the
7 Commission -- I know, my first year, was that there
8 be no final recommendation in the packet.

9 MS. JAEGER: So Mark and I looked at the
10 statute again. And it's very clear that CSD, which
11 staffs the PEC, shall make recommendations to the
12 Commission. So you do have that authority to make a
13 recommendation, if the Commission asks for it.

14 But I think when things get really
15 complicated is when CSD is out making other kinds of
16 determinations or recommendations, like with this
17 initial review, that the PEC has, number one, not
18 discussed in an open meeting that's been noticed --
19 the PEC, amongst the Commissioners, have not
20 discussed the data and what it means -- and there's
21 been a proper and detailed motion made by a
22 Commissioner and voted on by the Commission.

23 So in that sense, CSD does not have so
24 much authority as they have taken in communicating
25 recommendations I don't know on behalf of whom; but

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1 clearer with that information, that -- because,
2 obviously, that was not anything that -- that we
3 were ever aware of or had a discussion about that
4 that was going to be communicated to the schools,
5 especially at that moment in time.

6 There's an understanding that when the
7 final analysis of the entire application comes
8 through, that there will be -- and I -- if -- my
9 first year, actually, on the Commission, which seems
10 like a long time ago now, there actually were no
11 recommendations that came through.

12 Do you recall that?

13 COMMISSIONER TOULOUSE: No.

14 THE CHAIR: That the determination at that
15 time was we prefer not to have CSD make a
16 recommendation. Just provide the analysis of the
17 information --

18 COMMISSIONER TOULOUSE: Okay. I do
19 recommend --

20 THE CHAIR: -- to make that final
21 recommendation. It's up to us.

22 COMMISSIONER TOULOUSE: I do remember that
23 now, because the data was there and was pretty
24 clear.

25 THE CHAIR: Right. Right. And that there

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1 it gets the PEC in a very difficult position,
2 because of our duty to comply with the Open Meeting
3 Act. And as we know through litigation, the judges
4 are very, very interested and looking at that
5 process.

6 THE CHAIR: Oh, I'm sorry.

7 COMMISSIONER ARMBRUSTER: Okay. I feel
8 like I'm in the dark here, and I'm sure you all can
9 enlighten me, which is why I'm asking this question.
10 I don't know about anybody doing anything. So I
11 sort of missed that. I'm listening to what you
12 said.

13 So I have an idea that somehow some
14 schools, all schools, all 14 schools -- six, I don't
15 know -- had a preliminary, "Hello, how do you do,"
16 thing.

17 THE CHAIR: Well, during this early fall,
18 they do renewal site visits.

19 COMMISSIONER ARMBRUSTER: Right. So
20 they've already done that and told them the results
21 of what they're thinking? Is that -- am I correct
22 in --

23 DR. DEL ROSARIO: Roughly.

24 THE CHAIR: The communication was done in
25 May. I didn't know until just now.

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1 COMMISSIONER ARMBRUSTER: Okay. Because I
2 don't know. That's why I just sort of lost it.

3 THE CHAIR: Neither did I. That the
4 communica- -- my assumption initially was that
5 through the renewal site visit, the communication
6 was that there's going to be a recommendation not to
7 renew. Now, I understand that communication of
8 non-renewal happened in May, before even the year --
9 the last year's performance framework was done. I
10 had no idea until just now it was done in May.

11 COMMISSIONER ARMBRUSTER: Oh. And that
12 was site renewal.

13 DR. DEL ROSARIO: The Part A document that
14 we typically do --

15 THE CHAIR: It's the renewal packet. It's
16 the Part A of the renewal packet.

17 COMMISSIONER ARMBRUSTER: So those were
18 done before the site and before the
19 end-of-the-school-year's grades. Is that it?

20 DR. DEL ROSARIO: Yes.

21 THE CHAIR: Yes.

22 COMMISSIONER ARMBRUSTER: Okay. So I got
23 that part.

24 And so the next part, I guess, is maybe up
25 for discussion. But what I'm remembering is when

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1 all do, and they can or cannot make a
2 recommendation?

3 I understand that we don't have to accept
4 their -- their decision or recommendation; they're
5 not making a decision. We don't have to accept
6 their recommendation. But from what you were
7 reading, I thought you said they could make a
8 recommendation.

9 MS. JAEGER: CSD is able to make a
10 recommendation to the PEC. But the PEC should ask
11 for it. But in this case, the recommendation went
12 to the school.

13 COMMISSIONER ARMBRUSTER: Yes. So are we
14 talking also about what we want them to do in the
15 future? Is that part of this conversation?

16 THE CHAIR: Right. Because the concern
17 was --

18 COMMISSIONER ARMBRUSTER: Okay. Sorry.

19 THE CHAIR: -- several-fold at this point
20 in time: That that recommendation was made with
21 incomplete data.

22 COMMISSIONER ARMBRUSTER: Right.

23 THE CHAIR: I'm not saying they're not
24 doing the data job correctly.

25 COMMISSIONER ARMBRUSTER: Okay.

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1 NACSA came -- and I remember them sitting, like,
2 right there. And I said, "Well, what we do" --
3 again, they don't have exactly the same organization
4 we have -- that they use their -- for want of a
5 better word, their CSD people, and they trust them
6 to -- because they're -- you're going out, and
7 you're seeing, and you're hearing, and you're
8 discussing with the schools; so that they are
9 authorizers.

10 THE CHAIR: They don't have -- NACSA
11 doesn't have authorizers.

12 COMMISSIONER ARMBRUSTER: Remember when
13 they were here talking to us, like, in August or
14 something of one year? The years are sort of
15 meshing together, and I feel like I have been here
16 forever, too. And I have not. But that they said,
17 well, they take very, very, very seriously what
18 their staff has done, because that's what the
19 staff's job is to do.

20 So I'm trying to go back with what you
21 were saying, Ami, because I don't want to be in any
22 lawsuits or things. I'm tired of that already.

23 So are you saying CSD can do all of their
24 site visits and their paperwork and talk to the
25 parents and all those millions of things that you

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1 THE CHAIR: But if that happened in May,
2 the last -- there was still this huge gap.

3 COMMISSIONER ARMBRUSTER: Right.

4 THE CHAIR: -- and that recommendation was
5 then made too early.

6 COMMISSIONER ARMBRUSTER: Right. I just
7 didn't know anything about this; so I --

8 THE CHAIR: So -- and that's part of this
9 discussion is what do we need so that we can see and
10 make that appropriate decision --

11 COMMISSIONER ARMBRUSTER: Okay.

12 THE CHAIR: -- so that what we do need
13 from them. But that we need to know, also --
14 because as I said, when CSD makes that
15 recommendation, they're not saying, "The PEC is not
16 going to."

17 But the interpretation from the schools
18 is, "I'm done," you know. "PEC" -- they've -- you
19 know, most schools firmly believe that CSD speaks in
20 the name of the PEC. So that in May, they're being
21 told, "There's a recommendation we're not going to
22 renew you."

23 COMMISSIONER ARMBRUSTER: So I understand
24 the May issue now.

25 THE CHAIR: Right. Right.

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1 COMMISSIONER ARMBRUSTER: But -- sorry --
 2 didn't know about it.
 3 THE CHAIR: Neither did I.
 4 COMMISSIONER ARMBRUSTER: Just heard about
 5 it. Okay. Fine.
 6 So going, then, to the next part of the
 7 conversation, which I'm vaguely remembering -- but
 8 to be honest, those first negotiations that we did,
 9 you and I did, I was sort of like -- you know.
 10 THE CHAIR: It wasn't the negotiations; it
 11 was the renewals that we did, which was -- we were a
 12 year in.
 13 COMMISSIONER ARMBRUSTER: So when we did
 14 that, it was the December one.
 15 THE CHAIR: The December, right.
 16 COMMISSIONER ARMBRUSTER: Did -- were you
 17 thinking or saying to me that -- so CSD didn't say,
 18 "These are our findings and these are our
 19 recommendations"?
 20 THE CHAIR: They left out the
 21 recommendation; they gave us the findings.
 22 COMMISSIONER ARMBRUSTER: And so are we
 23 discussing whether they should give us their
 24 recommendation now or not?
 25 THE CHAIR: No. No. I just threw that

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1 incomplete.
 2 So I think we're kind of getting the cart
 3 before the horse sort of thing. But we want to make
 4 sure that -- and I think what I'm hearing is that
 5 any communication going to the school in terms of
 6 recommendations, if you're just saying, "You didn't
 7 do this, you do this, this is our point score on
 8 this aspect of your performance framework," that's
 9 fine.
 10 But making a recommendation, by statute,
 11 sounds like it's supposed to come to us first before
 12 anything is communicated to the charters. And I
 13 think that's -- that's what it sounds like what
 14 we're trying to get across here, what we're saying
 15 here.
 16 And we just wanted to make sure that that
 17 line of authority is there, is that, you know, the
 18 Commission is the duly elected body overseeing the
 19 charter schools, and that communications with the
 20 charter schools on potential actions should be
 21 through the PEC.
 22 Perhaps we direct CSD to make that actual
 23 communication; but it has to be with the approval of
 24 the PEC.
 25 THE CHAIR: Because we're also in a bigger

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1 out there as -- you know. But, no, we're not.
 2 COMMISSIONER ARMBRUSTER: They still
 3 may --
 4 THE CHAIR: At this point in time, yes.
 5 COMMISSIONER ARMBRUSTER: Got it. I just
 6 had to --
 7 THE CHAIR: No. That's okay. That's
 8 okay.
 9 COMMISSIONER ROBBINS: I guess the thing
 10 is, is they communicated this to several charters.
 11 Do we -- are we entitled to have that information?
 12 Because if charter schools are calling
 13 saying, "Hey, CSD is saying this," and everything,
 14 we're unaware of it, it seems to me that at a
 15 minimum, we should have that information as soon as
 16 possible now, and that in the future, going forward,
 17 recommendations -- as our legal counsel mentioned,
 18 the recommendation is made to the PEC.
 19 And if that -- then it's up to the PEC to
 20 say whether or not that preliminary recommendation
 21 or anything should be communicated to the charters,
 22 because if it's incomplete, I think, my opinion
 23 would be is nothing gets communicated because it's
 24 incomplete, and this is not going to be reviewed in
 25 terms of taking any action by the CSD because it was

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1 conversation about authorizer shopping.
 2 COMMISSIONER ROBBINS: Right.
 3 THE CHAIR: And I'm getting some flak back
 4 saying, "You're trying to dump your schools."
 5 And that's not what we're looking to do,
 6 you know. And I wasn't even aware of what was going
 7 on when I get calls from legislators saying, you
 8 know, "You've been talking about not wanting
 9 authorizer shopping, but look at what you're doing.
 10 You're trying to dump your schools."
 11 And it's, like, "I don't know what you're
 12 talking about."
 13 COMMISSIONER TOULOUSE: Madam Chair?
 14 THE CHAIR: And that certainly is not
 15 something that, you know, we're looking to do.
 16 COMMISSIONER TOULOUSE: And, Madam Chair,
 17 I had an APS Board member who made that comment to
 18 me.
 19 THE CHAIR: You know. So it's -- it
 20 completely ties our hands, because we don't know
 21 what's going on. And that was -- you know, that was
 22 never any intention or discussion by us to say, you
 23 know, "We want to -- we want to eliminate schools by
 24 forcing them to go with another authorizer," when
 25 we're in a greater conversation to try to stop that,

1 and having schools that are, you know, maybe
2 marginally successful being able to jump ship with
3 this authorizer to maybe get to another authorizer,
4 you know.

5 And that's not -- that was never the
6 intention; but that's the -- that is the end result
7 at this point in time.

8 DR. DEL ROSARIO: I mean, just to respond,
9 I -- you know, Chairwoman Gipson, I actually
10 completely agree. Commissioner Toulouse, I
11 couldn't -- I mean, we -- I just said earlier as
12 well, too, I couldn't agree more, probably at the
13 risk of getting fired.

14 I -- I -- you know, at the time, I had a
15 sinking -- I did have a sinking feeling, you know --
16 and I was help- -- I was helping write some of the
17 reports -- that at the very least, like Commissioner
18 Robbins said, the PEC should at least be aware, at
19 the very least.

20 And I just want to acknowledge that, heard
21 on -- if not the Division's part, on my part,
22 because I knew about it, and I felt that there was
23 not quite something right, including not just the
24 lack of communication, because that's what it was to
25 you all, but also the incompleteness of the data in

1 authority to do that.

2 So just so that we're -- you know, we're
3 clear on that, that that message -- the authority
4 that you have is with the final application, when
5 all the materials are in, November, when all that is
6 in, you can make that recommendation with that
7 summative report.

8 But prior to that time, you don't have the
9 authority to make a recommendation for renewal or
10 non-renewal to -- to a school.

11 And to address Commissioner Robbins, we
12 are trying, and we are reaching out to the schools.

13 COMMISSIONER ROBBINS: Thank you.

14 THE CHAIR: Yeah. Now that -- now that we
15 know -- yeah. Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: Just a
17 clarification. So CSD, for all -- only State
18 charters? Only our charters? --

19 DR. DEL ROSARIO: State renewals, yes.
20 State renewals.

21 COMMISSIONER ARMBRUSTER: -- has these
22 workshops.

23 THE CHAIR: Well, anybody can go to the
24 workshop; correct?

25 DR. DEL ROSARIO: Yes.

1 making a recommendation that early.

2 You know, in my mind as well, why even
3 have a renewal site visit, I suppose, if you're just
4 going to make a recommendation? So I'm just being
5 honest and being transparent. I totally feel --
6 actually, I can't feel your frustration, because I'm
7 not in your shoes.

8 But I think I have an understanding that
9 at least while I'm here, I can tell you that if I
10 hear something moving forward, I will let you know.
11 I will let you know directly, as the Chairperson,
12 because I think you're absolutely right. The
13 communication has got to be better. It's got to be
14 better.

15 THE CHAIR: And I said the other day --
16 and I apologize, because I'm shooting the messenger
17 at this moment in time, and I don't want to lay it
18 all on you.

19 But, unfortunately, you're the guy sitting
20 there right now. So this is -- and we're trying to
21 fix this at this point in time, because it does --
22 it is more -- it goes beyond just, "I'll make you
23 aware"; you have to have the authority to make that
24 recommendation to those schools. Not just a notice,
25 "This is what we're going to do"; you don't have the

1 THE CHAIR: Anyone can go to the workshop.

2 COMMISSIONER ARMBRUSTER: So when is the
3 date that someone -- the Carmie Toulouse Charter
4 School can decide whether to stay with the PEC?

5 THE CHAIR: October.

6 COMMISSIONER ARMBRUSTER: So they have
7 time to change. I mean, they -- after they've done
8 their stuff.

9 THE CHAIR: They haven't made a
10 notification of who they're going to renew to at
11 this point in time.

12 COMMISSIONER ARMBRUSTER: And the deadline
13 for that.

14 DR. DEL ROSARIO: October 1st.

15 COMMISSIONER ARMBRUSTER: So -- and
16 they've already started the renewal --

17 DR. DEL ROSARIO: Application.

18 THE CHAIR: Oh, yeah.

19 COMMISSIONER ARMBRUSTER: They did that a
20 long time ago. But the trainings themselves have
21 started?

22 DR. DEL ROSARIO: They have, yes.

23 THE CHAIR: But I do know -- there's a
24 number of -- as an example, there's a number of
25 district authorizers that use our renewal

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1 application; because it's just -- it's there. Why
 2 reinvent the wheel?
 3 DR. DEL ROSARIO: It's the same thing,
 4 obviously.
 5 THE CHAIR: So there are district schools
 6 that do attend the training, because it's just --
 7 you know, they're public trainings.
 8 COMMISSIONER ARMBRUSTER: Yeah. And I
 9 think that's -- just goes back to, in a sense,
 10 for -- well, Danielle and Trish and Pattie and I
 11 have been at these NACSA meetings -- kind of goes
 12 back to that, in a sense that, really, we should all
 13 be having pretty darn similar standards for renewal
 14 for acceptance of charters, where someone can't say,
 15 "Oh, I don't know if they're going to renew. I'll
 16 go to this district, and they'll give it to me."
 17 I think that's a bad precedent to set.
 18 And we know that it happens. I can name at least
 19 three just since I've been here who do that. And I
 20 think that's unfortunate. Or in the other
 21 direction.
 22 THE CHAIR: That's what we're trying to
 23 stop, that authorizer shopping, so that you don't --
 24 "Oh, no, I'm not going to get the deal here, so I'm
 25 going to see what I can get."

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1 And you're right; it's unfortunate. And I
 2 think Leslie might be able to speak. In order to
 3 access that CSP grant, if it's a district-authorized
 4 school, there are certain standards that they have
 5 to -- in terms of application renewal or whatever it
 6 is, that they have to have -- there's a bar there,
 7 or otherwise they can't access that grant money.
 8 COMMISSIONER ARMBRUSTER: Right.
 9 THE CHAIR: And that was kind of a way
 10 to -- it's a little bit of a cookie --
 11 MS. LESLIE KELLY: Uh-huh.
 12 THE CHAIR: -- to dangle out there to try
 13 to get districts to say, "Okay, we're just going to
 14 use their performance framework, because they just
 15 finished all that work, and it's -- it's got, you
 16 know, quality, so we'll just -- we'll do that."
 17 So it was a way of trying to entice the
 18 districts to -- to up it. And, yes, you're right.
 19 That NACSA conversation that we've been having is to
 20 try to get, you know, a baseline of what -- you
 21 know, what standards should be for good authorizing.
 22 And it's certainly a conversation. Even
 23 if nothing came out of it, if the conversation
 24 continues, that's important; because we don't -- as
 25 authorizers, we really don't talk to each other, not

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1 on purpose. But there's -- very rarely is there an
 2 opportunity to get together, you know, and really
 3 talk about this.
 4 I do have -- I do have districts that call
 5 me that have singleton schools, and they've got a
 6 question, because they just don't understand much,
 7 or they need some help. And it's, like, "You know,
 8 what can I do? What do you do? Can I see?"
 9 And, you know, that's fine. And I
 10 appreciate that.
 11 But it really is -- this should be a
 12 broader conversation.
 13 COMMISSIONER ARMBRUSTER: And,
 14 Madam Chair, I think -- you know, an example of what
 15 you're just saying is -- I want to say we had three
 16 schools, and we did take them in. They were from
 17 Questa and someplace.
 18 THE CHAIR: Two.
 19 COMMISSIONER ARMBRUSTER: Two of them?
 20 They were -- and it was like they had no idea what
 21 was going on. And no one had ever, from their local
 22 district, checked on them to see what they were
 23 doing. And it was very difficult when they came
 24 with us.
 25 THE CHAIR: It was. It was. And there's

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1 no doubt they were gambles. But we felt that
 2 because the schools were asking for the help and
 3 could they be able to do it. Unfortunately, none of
 4 them made it. But it was --
 5 COMMISSIONER ARMBRUSTER: I think one did.
 6 THE CHAIR: It was --
 7 COMMISSIONER ARMBRUSTER: Roots & Wings
 8 came to us.
 9 THE CHAIR: Were Roots & Wings a district?
 10 COMMISSIONER TOULOUSE: Yes.
 11 THE CHAIR: Okay. So they have -- yeah.
 12 COMMISSIONER TOULOUSE: And McCurdy came
 13 to us from Española Valley.
 14 THE CHAIR: Oh, yeah. That was before --
 15 that was before.
 16 COMMISSIONER TOULOUSE: But Cariños did
 17 not make it.
 18 COMMISSIONER ARMBRUSTER: One of them
 19 closed, I don't remember, on their own.
 20 COMMISSIONER TOULOUSE: And, Madam Chair,
 21 I also know that La Resolana, which I knew we would
 22 not be renewing, chose to go to APS. And I talked
 23 to the APS folks and said, "I think you're in
 24 trouble with this one."
 25 And they did a one-year authorization,

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1 which didn't make any sense, and then closed them
 2 this next year.
 3 And it's too bad, too, that the closure
 4 had to go on like that, because nothing changed at
 5 that school, that it just seems to me there needs to
 6 be a way that they stay.
 7 But I know that there are legislators who
 8 are talking about two different, completely opposite
 9 things. One is to make all things
 10 district-authorized, and the other one, which I
 11 think has more of a movement behind it, is to make
 12 all schools State-authorized, in which case there
 13 needs to be a lot more staff and a budget.
 14 I think down the road, there may be -- the
 15 Legislature is going to answer that part for us,
 16 because a lot of the school districts don't want
 17 them. At least two APS School Board members have
 18 told me very loudly they would rather not have to
 19 deal with charter schools. They have enough to deal
 20 with with the regular schools.
 21 COMMISSIONER ROBBINS: That's not true.
 22 COMMISSIONER TOULOUSE: No. I'm aware of
 23 it from before. I'm on this Commission, too. Now,
 24 as an official Commissioner rather than as somebody
 25 who needed school board members. So it makes sense

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1 to have it all in one place and done the same way
 2 and the same standard for our students.
 3 But I think right now, we need to get us
 4 together as a unit. And I really, really want to
 5 feel that I'm part of the Charter School Division,
 6 too. And when I originally came on this board six
 7 years ago, I felt that.
 8 And over time, that's eroded away until I
 9 don't feel like I can talk to anybody, including
 10 Katie, by the end of it. And I think that's too
 11 bad; because I'm the one up here whose name is on
 12 the -- you know, on the website and who gets the
 13 phone calls and who has the schools. And I just
 14 think it would be so much easier for the person who
 15 replaces me to have that relationship we had six
 16 years ago, more or less.
 17 I mean, there's always a little bit --
 18 there's always going to be a slight amount of
 19 tension; but I think it just needs to be one working
 20 unit, not several.
 21 THE CHAIR: Yes.
 22 COMMISSIONER JOHNSTON: Thank you,
 23 Madam Chair.
 24 Two points:
 25 The first one is, having been the head of

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1 two charter schools authorized directly through APS,
 2 I really passionately believe that it's the charter
 3 school's right to pursue the authorizer whom they
 4 choose. And that authorizer could change, because
 5 there could be a change -- it could be a
 6 State-authorized school. But realize that the
 7 benefits offered by a district the size of APS are
 8 greater.
 9 And I say that having been there. The
 10 supports that I was able to receive from APS as a
 11 head of school that enabled me to reach safety goals
 12 and wellness goals were things that I valued
 13 greatly. So I defend the right of the -- I don't
 14 see it as shopping. I see it as being a discerning
 15 leader and working within the district. That's just
 16 my statement.
 17 THE CHAIR: No. I just want to explain.
 18 The authorizer shopping is not to prevent --
 19 ultimately, is not to stop a school that's an "A," a
 20 "B," or a "C" school from making that decision. The
 21 authorizer shopping is referencing schools that are
 22 very low-performing that are -- that are choosing,
 23 thinking they're not going to get renewed because
 24 standards are high here, "but I'm going to jump to
 25 here, because I think I can probably make it with

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1 this authorizer."
 2 So that there is -- so that's -- the right
 3 is there. But there is a concern about schools that
 4 are low-performing, are surviving because they're
 5 moving around.
 6 COMMISSIONER JOHNSTON: And I understand
 7 and agree with that. And I -- I sort of see that
 8 responsibility as falling to either the school
 9 district or to we, as State charter authorizers, to
 10 strengthen our process even more, so that the
 11 appeals that the attorneys have to handle are
 12 substantiated in our denial of anything.
 13 I still see the school has that right;
 14 it's up to us to respond to that as we can.
 15 I have had no complaints. I've visited a
 16 couple of schools since May and have not heard
 17 anything. So this was the first I heard.
 18 I would like to -- I don't want to -- I
 19 would like to thank you for -- during the transition
 20 of the time that the Director was leaving until
 21 today, you have been working at top speed to make
 22 the transition smooth.
 23 It is -- it is a confusion to the charters
 24 when they hear that something has -- is not going to
 25 be approved, and they hear it before we even hear

1 it. That's a confusion. But if you look at all of
2 the work that you have done during that same time
3 frame -- and I say this, because I was looking at
4 all of the charter renewals online that were sent to
5 us, the packets, and I really appreciated the
6 thoroughness and the completeness of those.

7 So I would like to thank you for the hard
8 work you have done as a staff. And it leaves you
9 sort of rudderless when your leader leaves, and it's
10 so close to a change in government.

11 I have never felt separate from each of
12 you in this process and -- and I knew each one of
13 you this morning when you were introducing
14 yourselves. I'm still a little foggy on the
15 complete definition; but I've known each one of you
16 as you've made the transition and have been able to
17 work with you, to come to you and ask questions.
18 And I really appreciate that.

19 That's from me, just, as a Commissioner.
20 You have done, to my way of thinking, a great job.
21 And we'll get beyond this confusion. It's just part
22 of that process of defining and having that
23 underlining that the Chair talked about, so that
24 people can't authorizer-shop. Or they can, but they
25 don't get shot down. Because it's either way.

1 And that I hope that districts learn to
2 utilize the work that we've done in trying to make
3 State authorizations stronger, to know that they can
4 lean on this process, because there are some
5 districts right now who are facing decisions about
6 renewals that are uncomfortable for them.

7 So that's -- that's my take on it. Thank
8 you.

9 THE CHAIR: So I guess we -- can we take,
10 like, a five-minute break? I appreciate it.

11 (Recess taken, 10:10 a.m. to 10:31 a.m.)

12 THE CHAIR: Everyone can get off their
13 devices now.

14 (A discussion was held off the record.)

15 THE CHAIR: Okay. So I just have a couple
16 of more questions, because they've come to me from
17 schools. And that's if a -- are schools really
18 clear, if they have a concern, who they make that
19 initial call to?

20 DR. DEL ROSARIO: Like, if they have a
21 question on anything, or --

22 THE CHAIR: Pretty much, yeah. Like,
23 whatever they might have a question on.

24 DR. DEL ROSARIO: Yeah.

25 THE CHAIR: Do they know, "I direct my

1 question on A to this individual"?

2 DR. DEL ROSARIO: Ah.

3 THE CHAIR: "Do I have to direct my
4 question on -- like, financial concerns" --

5 DR. DEL ROSARIO: Yes.

6 THE CHAIR: -- "to this person? A
7 governance council to this person?"

8 DR. DEL ROSARIO: Yes.

9 THE CHAIR: Or is -- are they assigned a
10 person?

11 DR. DEL ROSARIO: They're not assigned a
12 person. We have this -- maybe it's the infamous
13 charter.schools@state.nm.us e-mail. It's routed to
14 whoever is -- it's checked every day, routed to
15 whoever is most appropriate to answer that question,
16 whether it's the technical assistance team or the
17 authorizing site visit team, depending on what the
18 question is.

19 But we'll actually field -- myself, some
20 other folks, will actually field phone calls
21 directly from the schools themselves, whether it's
22 site visits or a compliance issue, special --
23 whatever it is, we'll definitely respond to them.
24 Or if we can't answer it, we'll refer them to the
25 bureau, appropriate bureau.

1 THE CHAIR: Okay. So -- so I guess my
2 question still is, if I was a school --

3 DR. DEL ROSARIO: Yes.

4 THE CHAIR: -- am I best to write an
5 e-mail with that concern? Or if I was going to make
6 a call, who would I tell the school to call?

7 DR. DEL ROSARIO: At the very least, if
8 they don't know, I would say just e-mail us
9 directly, that charter.schools@state.nm.us, yeah,
10 and we can route it. We'll give them a call back if
11 it's something urgent. At the very least, they
12 should do that.

13 THE CHAIR: Okay. So I guess, briefly,
14 I'd like to take a look at what we need for the
15 December renewal decisions; because there were some
16 concerns that came up as a result of the new
17 application. And what was included in the CSD
18 packet to us went beyond the scope of data and went
19 beyond the scope of anything that pertained actually
20 to that application, so that I think what we're
21 looking for is the data, so that we can take a look
22 at it. And whatever analysis on the data CSD wishes
23 to provide, I think is appreciated and more than
24 appropriate.

25 But to go beyond that scope, I think is

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1 unnecessary and puts us in a position that makes it
2 very difficult for us in terms of being able to make
3 a decision that's going to be able to hold.

4 So...

5 DR. DEL ROSARIO: Yeah, I agree with --
6 you know, make those recommendations to you when the
7 data comes in after the renewal site visits. Yes,
8 agree.

9 THE CHAIR: Okay. Good. I appreciate
10 that.

11 If we could look briefly, as an example,
12 on the agenda. So that when we set the agenda, we
13 didn't have the list of these schools. So a list of
14 the schools comes out after we've made the agenda,
15 and we don't know what the schools are.

16 DR. DEL ROSARIO: Okay.

17 THE CHAIR: So from our perspective,
18 that's a change in the agenda. So that if we -- if
19 we know what these schools are when we are making
20 the agenda, that would be appreciated and
21 appropriate.

22 DR. DEL ROSARIO: So a list of schools by
23 name on the agenda itself.

24 THE CHAIR: Right. Right.

25 MS. JAEGER: The draft agenda.

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1 letter of that, so that CSD could send that out; but
2 you've had a look at it so that we know what that
3 says?

4 MS. JAEGER: Yes. And so I think, you
5 know, if we could review the form letters -- I mean,
6 for the approvals, it's easier, because we're going
7 to say, "You've been approved."

8 But if there's an approval with conditions
9 or a denial, then we are obligated to provide the
10 reasons for that.

11 DR. DEL ROSARIO: Yes. Okay.

12 MS. JAEGER: And that needs much more
13 closer scrutiny between the data that was in the
14 analysis by CSD, again, the discussion amongst the
15 Commissioners, the detail in the motion that was
16 made, and the vote of the Commission. So all that
17 has to be reflected in the letter.

18 And if we -- if the Commission wasn't in
19 the motion, or they didn't discuss that part of the
20 data, they can't add things to that letter. So if
21 we can't --

22 DR. DEL ROSARIO: That makes sense.

23 MS. JAEGER: So we'll stay within what we
24 can do and what we've communicated during the open
25 meeting to the school.

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1 THE CHAIR: The draft agenda. So that we
2 see it when that draft agenda goes out for approval.

3 DR. DEL ROSARIO: Yes.

4 THE CHAIR: So that if there are any
5 changes that are going to be made to that draft
6 agenda, that we get noticed for that.

7 DR. DEL ROSARIO: Will do.

8 THE CHAIR: Okay. Thanks.

9 Do we want to talk about who writes
10 letters? Yeah.

11 So I think we need to get it clear who's
12 writing what letters --

13 DR. DEL ROSARIO: Okay.

14 THE CHAIR: -- so that there's not --
15 there was a little bit of a confusion the last time,
16 just so that we're -- we know who's doing what.

17 DR. DEL ROSARIO: Yes.

18 THE CHAIR: Because some of them, we do
19 have time limits on.

20 DR. DEL ROSARIO: Yes.

21 THE CHAIR: So we want to make sure that
22 things are done that way.

23 So that decision letters will be -- so let
24 me ask you. If it's just a, "Yay, you've been
25 approved," do we want to have an agreed-upon form

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1 DR. DEL ROSARIO: Is that -- so just to
2 get clear, you'd want -- you want us to continue
3 generating those letters? No.

4 THE CHAIR: I think the -- with conditions
5 or denial.

6 MS. JAEGER: Counsel will draft. We'll
7 work with the Chair for her approval, and then we'll
8 coordinate with you so that you guys are in the
9 loop.

10 DR. DEL ROSARIO: Okay.

11 MS. JAEGER: And if you have changes or
12 suggestions on an edit, I'm okay with that. But,
13 ultimately, that needs much closer scrutiny. And
14 the reason why is because there's so much litigation
15 that can happen if there are missteps. And it's
16 really just looking at it from a risk management
17 perspective, that we're compliant with what we did
18 and what the statute allows and communicate clearly
19 to the school. That's why.

20 DR. DEL ROSARIO: Yes.

21 MS. JAEGER: Better to have that
22 litigation on our shoulders.

23 DR. DEL ROSARIO: I agree.

24 THE CHAIR: So I think if it's just a,
25 "Congratulations, welcome aboard," we can get a

<p style="text-align: right;">Page 50</p> <p>1 form --</p> <p>2 DR. DEL ROSARIO: Yes.</p> <p>3 THE CHAIR: -- that names can just be</p> <p>4 plugged into that. That can be agreed upon. And</p> <p>5 that's something that you could easily just send</p> <p>6 out.</p> <p>7 DR. DEL ROSARIO: Okay. Will do.</p> <p>8 THE CHAIR: But the other ones have to be</p> <p>9 a little more nuanced.</p> <p>10 DR. DEL ROSARIO: Scrutinized, make sure</p> <p>11 it's what the Commission talked about and meet all</p> <p>12 that.</p> <p>13 THE CHAIR: Right. Right. And that's --</p> <p>14 I leave that up to them --</p> <p>15 DR. DEL ROSARIO: Absolutely.</p> <p>16 THE CHAIR: -- you know, to figure all</p> <p>17 that out.</p> <p>18 MS. PATTY MATTHEWS: Can I -- this is sort</p> <p>19 of a related topic, and I don't know if you were</p> <p>20 planning to talk about it.</p> <p>21 Are you taking notes, Miss Cindy?</p> <p>22 THE CHAIR: Yes.</p> <p>23 MS. PATTY MATTHEWS: Okay. I noticed in</p> <p>24 the contract -- and I know we're not changing the</p> <p>25 contract. But you put in a -- you're talking about</p>	<p style="text-align: right;">Page 52</p> <p>1 THE CHAIR: Thanks. Okay. So you'll take</p> <p>2 a look at that.</p> <p>3 Okay. I think we can also easily generate</p> <p>4 an agreed-upon form for the letters of concern that</p> <p>5 go out.</p> <p>6 DR. DEL ROSARIO: Yeah.</p> <p>7 THE CHAIR: So that, you know, I think it</p> <p>8 should be -- you know, whatever -- there can be the</p> <p>9 general form, and then just plugged in what the --</p> <p>10 what the concern is.</p> <p>11 DR. DEL ROSARIO: Okay.</p> <p>12 THE CHAIR: And that would get --</p> <p>13 especially Ami would be copied on any letter before</p> <p>14 it got sent.</p> <p>15 DR. DEL ROSARIO: Absolutely.</p> <p>16 THE CHAIR: Just so that there -- she</p> <p>17 could flag something before it went out.</p> <p>18 DR. DEL ROSARIO: Absolutely.</p> <p>19 THE CHAIR: Okay. So are we good?</p> <p>20 All-righty. So let's take a look at the</p> <p>21 financial framework, which is somewhere.</p> <p>22 So there is -- provided by Tim Field from</p> <p>23 Public Impact -- he sent out a brief summary of what</p> <p>24 the steps are going to be, which is on the one-sided</p> <p>25 piece. So this is hopefully how this work is going</p>
<p style="text-align: right;">Page 51</p> <p>1 the written decision and all the work that needs to</p> <p>2 go into that. And I understand the timing of that.</p> <p>3 But part of that litigation that you were</p> <p>4 referencing, the impact of the delays was also part</p> <p>5 of what we brought up in our -- in the appeals,</p> <p>6 which really had nothing to do with the Commission.</p> <p>7 So -- but in your contract, you have a</p> <p>8 difference between the timeline for that written</p> <p>9 decision and what's in the regulation, which is</p> <p>10 14 days.</p> <p>11 And there's a reason for that short time</p> <p>12 frame. I understand that 30 -- I get it. And</p> <p>13 particularly -- and I very much appreciate, and this</p> <p>14 is something Sue and I have tried to avoid for</p> <p>15 years -- if you do your written decision correctly,</p> <p>16 then we don't have that due process argument. We</p> <p>17 don't have the argument we had this morning; so --</p> <p>18 but this is a procedural thing you might want to</p> <p>19 take a look at in that contract and how to rectify</p> <p>20 it.</p> <p>21 THE CHAIR: It says 30 days?</p> <p>22 MS. PATTY MATTHEWS: It does. So then</p> <p>23 we're really bumping way into the spring for any</p> <p>24 kind of resolution by appeal. So that's going to</p> <p>25 cause heartburn. Just let's avoid that heartburn.</p>	<p style="text-align: right;">Page 53</p> <p>1 to be able to be accomplished.</p> <p>2 We had -- and I'll be honest. I had to be</p> <p>3 refreshed, because I couldn't honestly remember</p> <p>4 doing anything on the financial framework; because</p> <p>5 we put it aside and then we plowed into the academic</p> <p>6 and new organizational. And I didn't remember doing</p> <p>7 anything on the financial. And he brought it back</p> <p>8 up and said, "This is what you've done so far."</p> <p>9 And I was, like, "Oh, wow. Yay, us."</p> <p>10 So this is what he is planning. And just</p> <p>11 so that Commissioners are aware, this work is being</p> <p>12 hopefully funded through the CSP grant. So that's</p> <p>13 in help of authorizers, so that that grant money is</p> <p>14 helping to fund this project, which also makes --</p> <p>15 there's -- I don't think he's -- if I remember</p> <p>16 correctly, I don't think he's even put in here him</p> <p>17 coming here. I think there's a possibility that he</p> <p>18 may come to the Coalition workshop if he is able to</p> <p>19 present -- like he did last year, with the</p> <p>20 performance framework, he came and he did two</p> <p>21 back-to-back workshops for the schools so that they</p> <p>22 could get their eyes on this.</p> <p>23 There's that possibility that he may come.</p> <p>24 And that is in November?</p> <p>25 MS. FRIEDMAN: Yes.</p>

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1 COMMISSIONER ARMBRUSTER: Like, a
 2 Friday-Saturday?
 3 THE CHAIR: So he may come at that point
 4 in time. And, hopefully, he will be able to,
 5 because I don't want to have to explain this. So --
 6 because we know me and finances.
 7 So if you just take a look at it. Baylor
 8 and -- has been involved with -- actually, with Tim,
 9 from the academic -- did a lot of the data-work lift
 10 for Tim with that.
 11 We have been in communication. And,
 12 Baylor, maybe you can provide some information or
 13 perhaps not. We've tried to get access to the
 14 quarterly reports. I don't think that's happened,
 15 has it?
 16 DR. DEL ROSARIO: It hasn't. Leslie, do
 17 you know if we've been able to get any of that?
 18 MS. LESLIE KELLY: I was able to get all
 19 the other -- I have access to all the other
 20 information that I forwarded to Tim, minus the
 21 quarterly reports that I requested.
 22 THE CHAIR: The quarterly reports. And I
 23 have also reached out for the -- for access -- all
 24 I've asked for is access; not for someone to have to
 25 do anything with them, just provide the access to

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1 the quarterly reports. And I'll just say the
 2 response wasn't pretty. So we'll leave it at that.
 3 So it's unfortunate that we're not getting
 4 cooperation on that, because the intention was for
 5 Public Impact to be able to run the data so that we
 6 would have an idea, based on the work that we've
 7 already done on the financial framework -- just like
 8 we did with the academic, "This is what we want,
 9 let's run it to see if it's going to give us what we
 10 want, or is it just going to crucify schools and
 11 it's not going to work well," we wanted to do that
 12 with the financial, so that we knew where we were
 13 and where we might have to tweak.
 14 And at this point in time, I don't know --
 15 and you might be able to tell me better -- I don't
 16 know if you can run anything. Is there anything he
 17 can run?
 18 DR. DEL ROSARIO: Well, I'm not sure. But
 19 that one piece that is missing, you know, on my end,
 20 I will for sure take that to my supervisor,
 21 honestly, because we need it.
 22 THE CHAIR: Right.
 23 DR. DEL ROSARIO: And --
 24 THE CHAIR: Right. I know. So,
 25 hopefully, October into November, we'll be able to

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1 run a trial of the -- of the financial framework so
 2 that we can share it with schools. We're not going
 3 to have the opportunity to have as big a share-out
 4 and as long an opportunity for schools to provide
 5 feedback as they did with the academic and the
 6 organizational.
 7 But we rolled so much of the financial
 8 into the organizational that we felt that a lengthy
 9 feedback time frame wasn't necessarily warranted
 10 this time around with the financial framework; so
 11 that in December and January, we'll -- and certainly
 12 not December, because we do renewals, so that we
 13 won't have a work session in December -- but any
 14 tweaking that needs to be done would need to be done
 15 in a January work session, so that in February to
 16 March, as you see, Tim's going to develop that --
 17 framework reports and send them out to all the
 18 schools so that they'll have -- just like they did
 19 with the academic, everyone got the report of how
 20 their school fared through that trial run.
 21 Right now, we're looking to just run --
 22 five schools?
 23 MS. LESLIE KELLY: We're just trying to
 24 get three right now.
 25 THE CHAIR: Three right now.

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1 MS. LESLIE KELLY: But ultimately, we'd
 2 like ten. But just three.
 3 THE CHAIR: Right now, we wanted to do
 4 three. And in October-November, we'd really like to
 5 do all. So we're -- and then by February-March,
 6 everyone would have their report. And then in
 7 either March or April, we would approve it.
 8 And these financial frameworks will drop
 9 into the 15 schools that we've already negotiated
 10 with; because we did -- when we sat down and
 11 negotiated with them, that was the -- still in the
 12 works, so that they understood that that will be
 13 part of it and embedded into their contract. And
 14 then any of the renewal schools, and, of course,
 15 the -- if we do the commencement of operation with
 16 the two schools, it would also impact them.
 17 So does anyone have any questions or
 18 concerns with the scope of the work?
 19 COMMISSIONER TOULOUSE: Madam Chair, can I
 20 ask you the reason why we can't get those financial
 21 frameworks? I mean, we're entitled to financial
 22 information.
 23 THE CHAIR: You mean the quarterly
 24 reports?
 25 COMMISSIONER TOULOUSE: The quarterly

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1 reports. Because we are entitled to it. And under
2 the Charter School Act, that's one of the conditions
3 of work for the Charter School Division is to
4 monitor ongoing finances. So I'm just interested in
5 why somebody's being proprietorial [verbatim] about
6 their quarterly reports.

7 THE CHAIR: I'm going to tell you. I will
8 edit the response to me. And the response to me
9 was, "We're overworked."

10 COMMISSIONER TOULOUSE: So?

11 THE CHAIR: Limited staff.

12 COMMISSIONER TOULOUSE: So?

13 THE CHAIR: "I've never been asked for
14 this before. Don't know if I have the time."

15 I'm trying to think if I can tell you
16 anything else. That was --

17 COMMISSIONER TOULOUSE: None of those are
18 legitimate reasons.

19 THE CHAIR: And I will be honest with you
20 what my response was.

21 My response was, "I apologize, but my
22 understanding is you have the 2 percent. That's the
23 hold-back. So I don't under- -- and PED holds that
24 2 percent. So I don't know why there's a problem
25 with being overburdened."

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1 COMMISSIONER TOULOUSE: Because none of
2 those are legitimate excuses for all of my years in
3 State government.

4 THE CHAIR: So that's the crux of the
5 answer to me.

6 COMMISSIONER PERALTA: So would a formal
7 friendly letter from our attorney to the Department
8 help? We are saying that as the Commission, we are
9 requesting --

10 THE CHAIR: Yeah, yeah.

11 COMMISSIONER PERALTA: -- the information
12 for us to be able to --

13 THE CHAIR: I offered for us to meet to
14 have a sit-down so that we can iron out, obviously,
15 what -- you know, I was of the impression that I had
16 a good relationship with this individual. I was
17 obviously wrong.

18 So I offered to sit down one-on-one or sit
19 with the group so that we could have a broader
20 discussion on what the problem was and so that we
21 can move forward and work together. And I'm still
22 waiting for that response.

23 So it's unfortunate; because I also needed
24 some information about a school. And that got
25 completely ignored as well. So that's -- that's

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1 unfortunate and concerning.

2 So it's -- it might -- it might have to be
3 that, yeah.

4 COMMISSIONER PERALTA: Strongly would
5 consider.

6 THE CHAIR: A request letter come asking
7 for it.

8 COMMISSIONER TOULOUSE: Yeah. Yeah.

9 THE CHAIR: Because like I said -- and I
10 also included that in my e-mail -- I'm not asking
11 for -- Public Impact is going to do the heavy
12 lifting on this. We are simply asking for access to
13 the information.

14 If there was a legal -- you know, some,
15 you know, reason why all of it had to be redacted
16 because they can't share that out -- but it's not.
17 You know, this is not student personnel records or
18 anything like that. This is all basically public
19 information, because it's the finances of the
20 school. So it's not -- it's not top secret
21 information.

22 So I don't understand -- and like I told
23 the individual, "We're looking to do the work. Just
24 give us the access to the information." And --

25 COMMISSIONER TOULOUSE: Well, I hate to

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1 suggest this while poor Beverly is sitting there.
2 But could we do this through the Request for Public
3 Information?

4 THE CHAIR: Well, I guess we could. But I
5 think it would -- how long does that take, Beverly?

6 MS. FRIEDMAN: Three -- they can --
7 they're supposed to respond within three days; but
8 they can extend it for 15 days. If they have a lack
9 of staff or anything like that, they can do a
10 burdensome letter and extend it out 30, 60, or
11 90 days.

12 THE CHAIR: Right. So that -- you know,
13 let's try through Ami and Mark first, because we've
14 got some time constraints here.

15 MS. JAEGER: My only question is what
16 format does Public Impact need the data in? Is
17 there a specific format?

18 DR. DEL ROSARIO: I'm not sure, again,
19 what format.

20 THE CHAIR: I can ask Tim.

21 DR. DEL ROSARIO: I can ask Tim. I'll ask
22 Tim.

23 THE CHAIR: Because that has not been
24 communicated. It just said they need the quarterly
25 reports; so --

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1 COMMISSIONER TOULOUSE: Quarterly report.
 2 Isn't it in a format already?
 3 MS. LESLIE KELLY: Yes. Commissioner
 4 Gipson, may I just address the Commission quickly?
 5 If I can -- I can get access -- I got access to
 6 budgets. I got access -- I currently have access to
 7 the things that they requested. I don't have access
 8 to quarterly reports.
 9 THE CHAIR: Right.
 10 MS. LESLIE KELLY: And so it's already in
 11 a format somewhere in a database. It's just we need
 12 to be able to download it to a PDF. And I really
 13 have no problem doing the work myself. It takes no
 14 time.
 15 So, you know, I think access -- I don't
 16 understand why access is the issue. I don't want to
 17 ask them to do it for me. It took two seconds. So
 18 it seems -- it seems unfortunate that we'd have to
 19 do an IPRA request for something that -- I don't
 20 know.
 21 But maybe that's what we have to do. So
 22 it's already in a format. And the things that I've
 23 forwarded to Public Impact is in a format they can
 24 use. They haven't said, "This isn't something we
 25 can use"; so --

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1 THE CHAIR: That's the frustration. No
 2 one's asking anyone to do any really kind of
 3 burdensome work. It's just, say, "Here, this is
 4 how --
 5 MS. LESLIE KELLY: Yes.
 6 THE CHAIR: -- you get to these files.
 7 Yes.
 8 DR. DEL ROSARIO: And I'll just -- I will
 9 talk to the Secretary, because I am embarrassed by
 10 this thing. Because, you know, I mean we're
 11 somewhat working in silos here. And I apologize
 12 that you could not get that. I will do my very best
 13 to try and get those to you all.
 14 THE CHAIR: And it's -- you know, it's
 15 certainly not your fault. But it's just -- it's
 16 unfortunate that this is what it has, you know,
 17 developed into. And this is oftentimes the
 18 frustrations that many -- even schools express about
 19 having to deal with the bureaucracy of PED, that,
 20 "This bureau doesn't communicate with this bureau,
 21 and who's not cooperating with who."
 22 And it just -- you know, we -- came up
 23 with the NACSA meeting yesterday, even with -- what
 24 were we talking about? We were talking about -- oh,
 25 CSI and TSIs and who -- the fact that priority

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1 schools might require a school to do something, but
 2 no one else knows. And so then we ask a school to
 3 do something, and they say, "Oh, but we've already
 4 done that for priority schools," or we ask for a
 5 CAP, and they say, "We already have that CAP with
 6 the Financial Bureau," but we don't know they've got
 7 that CAP with the Financial Bureau.
 8 So it's -- you know, we talked about not
 9 trying to duplicate for schools and be burdensome
 10 for schools in having to keep reporting and
 11 reimagining these things when they've already done
 12 it for another bureau. Why can't they just say,
 13 "Here it is"?
 14 And that's any bureaucracy, unfortunately.
 15 I know it's also old databases; so sometimes it's
 16 the technology itself doesn't like to talk easily.
 17 So that creates issues.
 18 So, hopefully, we can get this resolved.
 19 I, unfortunately -- like I said, I thought I could
 20 get it fixed because I thought we were okay. But
 21 we're not. So I can't. I can't.
 22 COMMISSIONER ARMBRUSTER: Again, a
 23 clarification. So if we had the quarterly report
 24 that you would get, Leslie, we could possibly have
 25 our own interventions to schools -- and I'm not

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1 saying that's a bad thing; I'm just doing it -- so
 2 that the financial folks at PED would not have to
 3 take over as boards of finances, which they don't
 4 like to do, because it's a lot of work.
 5 Because we -- but, like, if we had this
 6 ability to access their quarterly reports, we could
 7 save them time. No?
 8 THE CHAIR: Ultimatum -- well, yes, because
 9 through the performance framework, using those
 10 quarterly reports, there's -- there should -- we
 11 should be generating, yes, those red flags to say --
 12 COMMISSIONER ARM: Right.
 13 THE CHAIR: -- "This is" -- yes; so that
 14 we're not hopefully having to have a revocation
 15 hearing. There can be a letter of concern.
 16 COMMISSIONER ARMBRUSTER: Right. So I am
 17 correct.
 18 THE CHAIR: Yes.
 19 COMMISSIONER ARMBRUSTER: So that's when
 20 Ami and Mark are writing this letter, in order to
 21 help you by not having to do that. Because that's a
 22 common complaint. And I get it. I mean, it is a
 23 lot of work for them to have to take over a school's
 24 finances. But, "We would like to be able to do
 25 this. And this is how we would do it." Maybe that

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1 might help. Or not.
 2 THE CHAIR: And I think, unfortunately,
 3 what has been communicated at meetings is the fact
 4 that -- and it has been expressed -- that there's
 5 not a complete -- by some in the Budget Analysis
 6 Bureau, whatever it is -- why we need a financial
 7 framework. They don't think -- that's their job.
 8 So why do we need the financial framework? "You
 9 don't need that. We do the budget and the financial
 10 analysis."
 11 And my response has always been, "But you
 12 don't catch it until it's way too late. And then we
 13 end up having to revoke a school because you're
 14 taking them over. We're trying to fix the little
 15 problems so it doesn't become a serious concern."
 16 COMMISSIONER ARMBRUSTER: Who paid the
 17 million dollars when we didn't know about these
 18 things? Remember the big fine that that school got?
 19 THE CHAIR: Who?
 20 COMMISSIONER ARMBRUSTER: A school hadn't
 21 paid the taxes. Remember that?
 22 THE CHAIR: Oh, right. Right. I don't
 23 know whether that would have come out on the
 24 quarterly reports. I honestly -- I don't know if
 25 that would have come out on -- because they didn't

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1 find it out until the FBI -- no, I'm sorry -- IRS
 2 finally physically came here, because no one was
 3 responding to the certified letters. So they
 4 finally said, "You know, we've been trying to get
 5 ahold of these folks."
 6 So the quarterly reports, unfortunately,
 7 wouldn't have picked that up. Because I think they
 8 were showing that they were paying it; they just
 9 weren't paying it, you know. So we're trying.
 10 So hopefully, we can get this done.
 11 So if no one has any questions or concerns
 12 about the summary of the work. What you have on the
 13 stapled -- and it's really quite a short little
 14 framework -- but starting on Page 1, actually --
 15 yeah -- is what we already worked on as what we
 16 believed would work as a financial framework,
 17 understanding that we've put into the organizational
 18 much of it. All right?
 19 So if we can take a quick look at these,
 20 and if you have any questions, concerns, if you have
 21 any suggestions for changes, and/or if you think
 22 there's something missing that you think a school
 23 should be providing to us that's not shown through
 24 this, let's talk about that.
 25 And if CSD, after looking at it for a

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1 while -- because we laid it aside for a long time --
 2 if there's something that you feel should be here
 3 that's not, let's talk about that now so we can get
 4 that to Tim and say, "Look, we feel that this isn't
 5 reflected in this, but we feel we need to know this
 6 at the end of the year," okay?
 7 So the first thing that we talked about
 8 and we put in here was the year-to-date operating
 9 margin ratio.
 10 MS. PATTY MATTHEWS: Madam Chair, just a
 11 quick question. Has this been --
 12 THE CHAIR: Can you come forward so Cindy
 13 can hear you?
 14 MS. PATTY MATTHEWS: I'm feeling lazy
 15 today. Has this been circulated to the schools yet?
 16 THE CHAIR: No.
 17 MS. PATTY MATTHEWS: Would it be helpful
 18 for me to circulate it to, like, the Vigil Group,
 19 School Ability, Deanna Gomez?
 20 THE CHAIR: I believe -- I could be wrong
 21 on this. But my understanding with the conversation
 22 with Tim Field was he was going to call them.
 23 MS. PATTY MATTHEWS: Okay. Okay. That's
 24 good.
 25 MS. LESLIE KELLY: And, Commissioner, we

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1 did have a business official on a call with Tim at
 2 one point. I don't know if you were on that call,
 3 Commissioner Gipson. So we asked some schools and
 4 business officials to be in on a call.
 5 THE CHAIR: But Tim did ask me for a list
 6 of the folks that do most of the schools.
 7 MS. PATTY MATTHEWS: Okay.
 8 THE CHAIR: So he's planning on calling to
 9 talk with them, yes.
 10 MS. PATTY MATTHEWS: Ami asked me to come
 11 today. So if I'm interrupting you, sorry.
 12 THE CHAIR: That's fine. That's fine.
 13 But -- and we will be circulating this, once we --
 14 to -- at least to the schools. But absolutely.
 15 Because even though I wasn't involved when the last
 16 one was done, I've been told over and over again the
 17 debacle that was created because the framework was
 18 created, and then the business administrator said,
 19 "This won't work."
 20 So we're trying to fix that so that we
 21 don't have to go back and reinvent it again after
 22 the work.
 23 We had -- but once again, with the lack of
 24 cooperation -- we had asked Budget & Finance, for
 25 two consecutive work sessions, to come down to

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<p>1 provide for us what they felt they needed in there, 2 and they would not participate. But that was back a 3 year ago, maybe, you know. Because Deputy Secretary 4 Aguilar was still here. So it's a while. 5 But they didn't want -- because once 6 again, they don't know why we want this. So we 7 went -- there was discussion from some of the 8 business managers early on for a little bit of input 9 for this. 10 MS. PATTY MATTHEWS: Okay. I just want 11 to -- 12 THE CHAIR: But, yes, they will be -- they 13 will be involved, and some have been involved 14 already. 15 So that if you also look, the school will 16 either Meet the standard, Working to Meet the 17 standard or Falls Far Below. So it's only three. 18 And for the most part, I think the same thing is 19 going to hold true with that Working to -- if 20 they're showing that they're making the attempt to 21 fix it, they're going to -- Working to, they're not 22 going to be Falls Far Below. 23 DR. DEL ROSARIO: Yes. 24 THE CHAIR: If it's repeated, if they 25 can't demonstrate that they've done anything to try</p>	<p>1 COMMISSIONER ROBBINS: Madam Chair, if I 2 could? 3 THE CHAIR: Okay. You try. 4 COMMISSIONER ROBBINS: Trying to roll up 5 divergent financial measures into a single score is 6 very difficult, because then you're looking at 7 weighting the different areas. And depending upon 8 the severity or the goodness of a given score, it 9 may offset something, where coming in with a 10 specific weight on each of these, I think, would be 11 very, very difficult. 12 In looking at these, if I could comment on 13 the last one there, the three-year aggregate, I'm 14 concerned that the second one of Meeting Standards, 15 that they could have the current year negative. To 16 me, if your current year is negative but they're 17 positive overall, that's a downward trend. That's 18 not good. That's not meeting standard. 19 So to me, Meeting Standard is if they're 20 overall positive. And if any of the two prior years 21 were negative, they could still be meeting standard; 22 but the current year has to be positive or they 23 would not be meeting. 24 That would be my interpretation, because 25 they could have an overall positive, but the current</p>
Page 71	Page 73
<p>1 to fix the problem once they know they have the 2 problem, that's when they're going to Fall Far 3 Below. 4 DR. DEL ROSARIO: Yeah. And probably some 5 clarity needs to be made, because on the new 6 performance framework accountability system, it does 7 talk about you can -- a school could get all the 8 Workings to Meet and have the overall rating be 9 Meets Standard; do you recall that? 10 THE CHAIR: Yes. 11 DR. DEL ROSARIO: And the way I'm reading 12 this is there's not an overall grading. Each area 13 is graded by itself. 14 THE CHAIR: You're correct. You're 15 correct. And I'm trying to reflect on the 16 conversation that we had about that; because I know 17 we had a discussion about that. And you're going to 18 have to give me a second. Because I know we did -- 19 I know we did discuss that, that there was not going 20 to be a roll-up score for this. And I'm going to 21 try to remember why we decided that. 22 And anyone here is certainly willing and 23 able to help me out on this. I wasn't here alone. 24 DR. DEL ROSARIO: And I wasn't there; 25 so...</p>	<p>1 year is negative. That tells me they have some 2 issues this year that they're not working on. To 3 me, that would be not meeting. 4 So any current year negative would be not 5 meeting. If they have a positive and a negative in 6 either of the first- or second-year measures, but 7 their overall is positive, that would be meeting, in 8 my -- that would be the way I would change this 9 measure. 10 And the first one, I think Meets Standard 11 I think is adequate, that they're positive in the 12 net income and positive, the current year is; so... 13 THE CHAIR: Okay. So I will talk with Tim 14 about that and some financial folks. But I think 15 that's a point well-taken. And I will agree with 16 you. I think the working conversation was that this 17 was really just kind of more of a tool for the 18 school to generate a conversation with their 19 governance council at the end of the year, so that 20 this is the framework for our audit committee to 21 have the discussion with you, that it's not 22 ultimately a score for us to say, "Oh, we have to do 23 something about this." 24 We may have to do something about any of 25 these individual areas as a -- as a concern to the</p>

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1 school. But this was -- all of them are supposed to
2 be a tool for the school. But this more -- this was
3 supposed to be more of a -- I thought like a
4 dashboard kind of thing so that the school would use
5 this as a worksheet.

6 DR. DEL ROSARIO: Yeah. And the new --
7 quote, new performance framework does -- the
8 organizational piece does have a financial
9 management oversight piece to it, just for everybody
10 to know.

11 THE CHAIR: Right. Right. Yeah. And
12 that's why we also felt it wasn't as imperative that
13 we finish this; because what concerns us most with
14 the financial is embedded in that organizational
15 piece.

16 DR. DEL ROSARIO: Yes.

17 THE CHAIR: So that we could hold onto
18 this. And this was, once again, more of that
19 working tool.

20 But I will certainly -- we'll look at that
21 and see whether we need to change that or not.

22 Yeah. I just have to finish my note. You
23 can start talking. I have to finish my notes.

24 COMMISSIONER ARMBRUSTER: I just wanted to
25 go back with David. So when it says, "Meets

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1 "Approaching Standard." But when it gets down to
2 this particular measure, it says, "Working to Meet
3 Standard." So --

4 THE CHAIR: I'm sorry. Where are you
5 again?

6 COMMISSIONER PERALTA: Up here. It says,
7 we rate "Meets Standard" or "Approaching Standard"
8 or "Falls Far Below." Then we get down into actual
9 measures. Down below in the calculations, we have
10 "Working to Meet Standard." Shouldn't it be the
11 same wording?

12 THE CHAIR: So we have to say "Approach."

13 COMMISSIONER PERALTA: Which is better.
14 "Working"?

15 THE CHAIR: We use "Working to Meet"
16 throughout the academic and the organizational. So
17 we should change that, yes. Thanks for bringing
18 that up. Yeah. Yeah.

19 Okay.

20 COMMISSIONER ARMBRUSTER: As long as we're
21 making changes, let me just ask a literary question.

22 THE CHAIR: Okay. Where are you?

23 COMMISSIONER ARMBRUSTER: I am on -- I
24 don't know -- the page that's after 1 that doesn't
25 have a number.

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1 Standards, the aggregate three-year net income is
2 positive," blah, blah, blah, then it says, "Note."
3 "Schools in their first or second year of operation
4 must have positive annual net incomes."

5 So if you have a first-year school or a
6 second-year school and it's negative, then what do
7 they -- how do they do the scores?

8 THE CHAIR: It's going to be Falls Far
9 Below, because you're in the negative.

10 COMMISSIONER ARMBRUSTER: So a negative
11 all the way down.

12 THE CHAIR: Because if your first year
13 and/or -- and your second year are negative, we've
14 got a problem. But, yeah, you're falling far below.
15 Yeah. Yeah.

16 COMMISSIONER ARMBRUSTER: Okay. I see. I
17 just wasn't thinking that same thought.

18 THE CHAIR: If the first year was negative
19 and their second year was positive, they'd be
20 Working to Meet, as we're probably going to change
21 it.

22 COMMISSIONER PERALTA: Madam Chair? So I
23 don't know if this is a biggy or not. But I came --
24 Page 1 at the top, second paragraph, where it
25 describes the ratings, the middle one showing

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1 THE CHAIR: Okay. We'll make that "2."

2 COMMISSIONER ARMBRUSTER: Starts at
3 measure 1.b.; right?

4 THE CHAIR: Got you.

5 COMMISSIONER ARMBRUSTER: Okay. So when
6 you -- this is just language. On the second
7 sentence that starts, "But given the cyclical nature
8 of cash inflows for New Mexico charter schools, cash
9 on hand should be higher in the first two quarters
10 of the schools year..., I think it's apostrophe S.

11 THE CHAIR: Or should it just be "the
12 school year."

13 COMMISSIONER ARMBRUSTER: Well -- or
14 either way.

15 THE CHAIR: So, yeah, we need to eliminate
16 the "S." Yeah. Yeah.

17 So, Baylor, I have a question. And I
18 don't know whether you can answer or Tim's going to
19 answer it. Because under measure 1.c., the
20 Enrollment Growth Variance -- and it says the
21 targets are going to be determined based on the
22 trial run. So -- and I don't -- I don't really
23 recall having an in-depth conversation on that.

24 But are we looking to create a -- how are
25 we going to do that? Because it says, "...based on

<p style="text-align: right;">Page 78</p> <p>1 the trial run." 2 So what are we going to get so that we 3 know what that variance is going to be? Do you know 4 how he's going to calculate that? 5 DR. DEL ROSARIO: How he's going to -- I 6 don't. But I know he just tied the growth to, 7 obviously, the finance piece. But I -- I'll have to 8 ask him. 9 THE CHAIR: Because I guess here's my 10 concern. I'm concerned -- could -- and I'm not the 11 math person. But if -- let's say we had a lot -- 12 let's say we had a lot of schools that 13 over-projected, so that when we run the trial run, 14 could we end up with a variance that ends up being 15 too high because the trial run was of schools that a 16 significant number of them over-projected, so that 17 our variance -- it could happen. 18 Well, I figured out a math problem. 19 So I have a concern. So now I'm trying to 20 figure out how this is going to run, you know, so 21 that at least through the trial run, I think 22 that's -- that's an additional piece that we have to 23 take a look at. 24 We have to look at schools that don't 25 over-project so that we end up with an appropriate</p>	<p style="text-align: right;">Page 80</p> <p>1 lot. And that's how a lot of financial measures 2 are. 3 I mean, you could have a lot of cash on 4 hand. But if your current ratio is poor, that's not 5 good. 6 So this is one of the things when I taught 7 financial management is you have to look at all of 8 these ratios. And whatever this ratio is, if all of 9 these other ratios are good, but their growth is not 10 good, I'm not so concerned about that. 11 But if they have poor ratios, like the 12 current ratio isn't good, or if their year-to-date 13 operating margin is not good, if they have 14 deficiencies there and their growth -- they have 15 growth deficiencies, now I'm more concerned. 16 But a growth deficiency, in and of itself, 17 if they're managing their finances well, and they're 18 keeping a positive operating margin, and they're 19 just not hitting the growth target they thought they 20 were going to get -- a lot of things can affect the 21 growth target. But if they're managing their 22 finances and staying positive, I'm not going to be 23 so concerned. 24 But this is going to probably tie into one 25 of the other factors. But this could be an</p>
<p style="text-align: right;">Page 79</p> <p>1 variance. 2 DR. DEL ROSARIO: Yeah. 3 COMMISSIONER ARMBRUSTER: Should we be 4 looking at schools who have been successful in the 5 last -- as opposed to new schools, who -- 6 THE CHAIR: Well, we want to do both, only 7 because we want to see what the -- well, yeah. But 8 you -- but we have to account for the fact that we 9 may always have new schools. So they have to be 10 factored in for that variance; because we can't 11 have -- you can't have a zero because that's 12 unrealistic. 13 So you kind of have to put in the good, 14 the bad, and the ugly, so that you come out with an 15 acc- -- a relatively accurate. But I don't -- 16 but I'm concerned that if the -- you know. 17 DR. DEL ROSARIO: Yeah. It seems like it 18 would -- it probably shouldn't be a school that's 19 still growing; because if we're looking at projected 20 and comparing it to actual, I think that's the 21 concern is that how big of a difference that's going 22 to be. So it's going to skew it if it's schools 23 that are expanding or still growing grades. 24 COMMISSIONER ROBBINS: Well, if -- this is 25 a measure that, taken by itself, won't mean a whole</p>	<p style="text-align: right;">Page 81</p> <p>1 indicator. And that's all it was going to be is an 2 indicator. It -- by itself, it will not tell us a 3 whole lot. 4 THE CHAIR: Right. Obviously, the biggest 5 concern is that these schools don't end up owing 6 back, you know, \$300,000 at the end of the year 7 because they're consistently over-projecting and 8 can't figure it out or trying to figure that out. 9 But, you know, I saw this, and I couldn't 10 remember having a discussion on exactly how we were 11 going to figure out this ratio. And then when I 12 looked at it again last night, I said, "I don't 13 remember, you know, how this is going to be done." 14 So if you could -- what else do we have to 15 check with Tim for? It was this and -- 16 DR. DEL ROSARIO: Where we talked about 17 how he would -- how to calculate that piece, that -- 18 THE CHAIR: All right. So does anyone 19 have anything they want to add? Do they feel that 20 there's something not in the picture? 21 COMMISSIONER ARMBRUSTER: I guess the only 22 thing, again -- 23 THE CHAIR: Do we have the picture, and we 24 haven't made out the five mistakes in this picture? 25 COMMISSIONER ARMBRUSTER: Right. Going</p>

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1 back to what David said -- and I don't understand
2 this, so that's why I'm going back to you. So is it
3 more significant if a school continually
4 overestimates their enrollment than if they do it
5 once? Or -- you know what I mean?

6 THE CHAIR: Oh, certainly.

7 COMMISSIONER ARMBRUSTER: Certainly, when
8 you're going from a K-1 to a K-1-2 or whatever,
9 that's a hard one. But it's --

10 THE CHAIR: But they still have to -- I
11 mean, yes, it's hard. But they still have to be
12 able to -- you know, they know what their growth was
13 for these two years. They have to -- they have to
14 do their homework and know -- because they've done
15 the reach-out to the community, so that they -- you
16 know, they have to have a good handle on how many
17 kids we think we're going to get.

18 Because if they say, "We're going to get
19 50," and they only get 10, they owe a boatload of
20 money back to the State after the 40th day, and it
21 becomes devastat- -- you know, look at how many
22 schools that have, you know, gotten into close to
23 failing because they were on austerity forever
24 because they have to keep paying this money back.

25 So, yes, it is a problem. But -- and

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1 going to have to tie and be taken into consideration
2 with other things.

3 And so, I mean, you could have, you know,
4 a current ratio that's negative, but your growth
5 numbers are positive. I mean, you're actually
6 hitting 105 -- well, that, to me, tells me maybe
7 you're spending too much, see?

8 So you may not have a whole lot of cash on
9 hand. But if your growth numbers are going up and
10 you're exceeding your growth projections but you
11 have a poor current ratio, well, why is your current
12 ratio so poor if you're growing and you're getting
13 more money? What are you doing with that?

14 So that's why you have to take all of
15 these pieces together to look at -- like, you said,
16 the five pieces of the puzzle, perhaps.

17 This is only one piece of the puzzle. And
18 I think looking at these schools, I think you'll get
19 an idea. I mean, 10 out of 50, 55 schools,
20 statistically, you'd like to have a little bit
21 better sample than that. But it'll probably give us
22 a fairly reasonable sample.

23 Is it going to be perfect? No, because we
24 have such divergent schools across the state. But
25 it's probably the best they can do without sampling

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1 that's part of training, and it's also, you know, an
2 ongoing discussion with their governance council on
3 figuring this all out so that they make a thoughtful
4 decision. It's always better to shortfall yourself
5 because you'll get that money back; right?

6 COMMISSIONER ROBBINS: If I could just
7 give you one example? Say, a school has 45 days'
8 cash on hand, and they have a current asset ratio --
9 a current ratio of 1.2, which is pretty good. But
10 their growth numbers are, like, 90 percent. Well,
11 that's -- that's a 10 percent shortfall.

12 Now, if they have a 1.2 current ratio,
13 that will probably cover that 10 percent. They're
14 probably okay for that year. But if it's consistent
15 that way, they could run into problems. But then
16 it's going to show up on days of cash on hand. So
17 those things are going to go together.

18 But if this ratio -- they could say,
19 "Well, we have -- current cash on hand is, you know,
20 30 days," but they have a growth figure that's
21 60 percent, now you got a problem. So that's why
22 I'm saying this number, by itself, doesn't mean a
23 whole lot.

24 So you can have a -- a number less than 1,
25 and it's not that big of a concern, because it's

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1 every school.

2 THE CHAIR: Right.

3 COMMISSIONER TOULOUSE: Madam Chair? I
4 think this part is only going to apply anyway to the
5 new or struggling schools. The other schools are at
6 cap. So not going to have growth. If they do,
7 they've already come to us to increase it, and
8 they've done a good study of where that's going to
9 go. And they usually already have those students to
10 put in those places.

11 COMMISSIONER ROBBINS: You're right.

12 COMMISSIONER TOULOUSE: So it's only --
13 the first two years, they don't know anyway. I have
14 talked to new people planning schools. "Oh, yeah,
15 we're going to get 150 students."

16 I say, "The year you're going into, you're
17 going to be lucky to get 50. You're going to have
18 to work it."

19 "I would not estimate for more than -- at
20 most, if you have to overestimate, 75 students,
21 because you don't want to pay it back."

22 You don't want -- you know, some people
23 have listened and some haven't.

24 The same thing goes the second year,
25 because you don't yet know how many. By the third

<p style="text-align: right;">Page 86</p> <p>1 year, you're going to have a good idea of knowing 2 how many are coming back, and the word of mouth 3 coming through a community that says, "Yeah, the 4 school has gone for two years now and I'm ready to 5 go into it." 6 That's my concern for our new one in its 7 planning year for the South Valley. Because there's 8 been some opposition there -- because there is for 9 any school going into the South Valley. You've 10 always got those actions there. 11 But after the second year, that school 12 will either fail or really jump off the mark, 13 because people will wait that long to see. 14 And I think that's true in many areas, 15 because they also don't want to move their kids. 16 Even if they think their neighborhood school isn't 17 that great, they don't want to move them if they're 18 going to have to move them back. So they're going 19 to watch it. 20 And then our schools that are in trouble, 21 they're losing students. And for them to keep 22 estimating without doing the other things they need 23 to do to improve -- so those are the two areas that 24 are going to have to be watched here. 25 The others are at max, and they're going</p>	<p style="text-align: right;">Page 88</p> <p>1 COMMISSIONER TOULOUSE: Maybe the third 2 year, and they're still adding classes and those 3 things. 4 THE CHAIR: Someone we just gave a cap 5 increase to. 6 DR. DEL ROSARIO: I'll get clarification 7 of this piece, because my understanding of this was, 8 just like we had said, Commissioner Toulouse, it 9 looks like to me when it's -- trying to determine 10 for schools their plan for increasing student 11 enrollment, it really does kind of just apply to 12 these schools that don't have a cap and are still 13 growing. 14 THE CHAIR: And if I remember looking at 15 the sample, I think most of them were established 16 schools. I don't know if any of them were growing. 17 MS. LESLIE KELLY: We'll look at it. 18 THE CHAIR: Okay. Are we good? Okay. 19 So I'll communicate back to Tim that we're 20 good with using this as our preliminary trial, and 21 we will continue to move on, and, hopefully, get the 22 quarterly report. 23 So do we want to break for lunch and come 24 back and take a look at the new application process 25 and changes to the rubric? And I didn't look. Is</p>
<p style="text-align: right;">Page 87</p> <p>1 to do fine because they're real good with their 2 waiting lists to if they have one student who 3 transfers out or who drops out, they've got somebody 4 ready, even the last couple of months of school, to 5 plug into that place. So they're never more than 6 one or two people under their maximum enrollment. 7 So I think this is going to be one of 8 those that's a gauge to watch for the struggling 9 schools, even more than the new schools. 10 THE CHAIR: But that's a point well-taken 11 to make sure that in that sample, we're using more 12 growing schools than schools that are at cap; 13 because it's not going to give us what we -- what we 14 need. 15 COMMISSIONER TOULOUSE: And you don't want 16 to put Cottonwood in there. You don't want to put 17 several of the others -- you don't want to put 18 the -- 19 THE CHAIR: No. I may ask who's growing, 20 so it would be -- 21 COMMISSIONER TOULOUSE: Some of those you 22 don't want in there, because it's where it is. They 23 have very large waiting lists and all. So -- 24 THE CHAIR: They're not going to give us 25 the right --</p>	<p style="text-align: right;">Page 89</p> <p>1 there a rubric in here? 2 DR. DEL ROSARIO: I don't think there is. 3 We can -- 4 THE CHAIR: If you could, yeah. That way 5 when we come back from lunch, we'd have it -- we'd 6 have eyes on it. 7 DR. DEL ROSARIO: We do. We'll get that 8 to you all. 9 THE CHAIR: I appreciate that. And then 10 we'll also take a quick look at the work session 11 calendar, okay? All right. An hour? 12 (A discussion was held off the record.) 13 (A recess was taken at 11:32 a.m., and 14 reconvened at 12:50 p.m., as follows:) 15 THE CHAIR: Okay. Before we dig into the 16 rubric, we're going to take the broad definition of 17 discussion of policy considerations and 18 recommendations and take a look at our closure 19 procedures. All right? 20 And I'll just let everyone know, there's 21 been some concerns that have been raised very 22 recently about the process that has or has not taken 23 place with the two schools that we've recently 24 closed. And that would be Anthony and SAHQ. 25 I happened to be somewhere last Sunday,</p>

1 and the mayor of Anthony was there.

2 I'll back up a little bit. Since we
3 closed Anthony, I've been contacted numerous times
4 by interested parties of the City of Anthony wanting
5 the portables and everything in the portables. They
6 wanted all the stuff.

7 COMMISSIONER ARMBRUSTER: The people who
8 said they want it are schools or just people?

9 THE CHAIR: No, no. City of Anthony.

10 COMMISSIONER ARMBRUSTER: That's
11 different.

12 THE CHAIR: Yeah. City of Anthony wanted
13 it. So the contact to me came via contacts to
14 Representative Gallegos, who then referred them to,
15 me because she didn't know, and then the County
16 Commissioner. I spent a long time with the County
17 Commissioner.

18 And at that point in time, I understood
19 that the City -- that the Anthony school was going
20 to gift the portables, and that was a done deal.

21 And those portables are challenging,
22 because they had removed the axles from the
23 portables. So they're not very portable, you know.
24 It's going to be very expensive if someone wants to
25 move them. So I don't think they were going to be

1 And she said, "Everything. All the
2 computers are there. All the kitchen equipment,
3 everything."

4 They locked the door and that school is
5 frozen in time. So that's -- so I was then quite
6 concerned, number one, because those portables are
7 sitting there unattended.

8 I will say, to the credit of the City of
9 Anthony, they've placed a police car across the main
10 gate of the school to make -- to discourage others
11 from getting into it.

12 COMMISSIONER ARMBRUSTER: So Anthony is
13 like a building and portables.

14 THE CHAIR: No, it's only portables.

15 COMMISSIONER ARMBRUSTER: Oh, only
16 portables.

17 THE CHAIR: That I know, nine portables.
18 And it sits on property that's owned by the Anthony
19 water company.

20 COMMISSIONER ARMBRUSTER: So there are
21 nine double portables.

22 THE CHAIR: No, they're not all double.

23 COMMISSIONER ARMBRUSTER: Okay.

24 THE CHAIR: They're varying. Yeah. But
25 there's nine platforms with some form of portable on

1 very attractive to any other entity that wanted the
2 portables.

3 But the City wanted the computers.
4 There's kitchen equipment. So they wanted those
5 things. And I had -- I had told them at that point
6 in time that they don't get those, that those
7 materials go to, first, other charters, then other
8 schools that may want them. It goes on a list and
9 people say, "I want that."

10 And we were opening schools, so that
11 there's -- you know, I'm sure that there's a need
12 for most of it.

13 I happened to be somewhere last Sunday,
14 and I was talking to -- with the mayor of Anthony,
15 and there's been no transfer of the portables. And
16 it's been an issue. And people have been trying to
17 figure out why the City hasn't gotten the portables.
18 So we were trying to figure that out.

19 And when I happened to meet the mayor, she
20 said, "Well, is part of the problem that three of
21 the portables have been appraised at over \$100,000?"

22 And I said, "I find that hard to believe."

23 So she said, "Well, is that because all
24 the equipment is in there?"

25 And I said, "What equipment?"

1 them.

2 So -- and the City had -- so the City
3 would like to have all that equipment; because
4 they're trying to make a senior center.

5 So I contacted Baylor. And the person
6 that was contracted to close the school apparently
7 contacted Gadsden school district, asked them if
8 they wanted the materials. When Gadsden said no,
9 they then said, "Okay, it can go to the City."

10 Yeah.

11 So the City, from what I know -- but now
12 that it's going to be public record -- the City is
13 not aware that they've been gifted the equipment.
14 Their understanding is they're just getting the
15 portables; 'cause -- but they have a complete
16 inventory of what's in those portables.

17 So it is -- you know, we have concerns
18 about the process of closure, and we need to be a
19 little more vigilant in making sure the process is
20 going correctly and what is happening. Because this
21 is now languishing, from our understanding, on the
22 desks of General Counsel.

23 COMMISSIONER PERALTA: Do we know if those
24 portables were loaned by PSFA?

25 THE CHAIR: No. They were purchased from

<p style="text-align: right;">Page 94</p> <p>1 either the school district or the City of Deming. 2 Actually, the water company in Anthony purchased the 3 portables and did all the site work for them so that 4 they did -- because that was checked out, that they 5 did have full title to those portables. So that's 6 not an issue. 7 But there's -- there are materials in 8 there that the City will have absolutely no use for, 9 like textbooks. And at the very least, the concern 10 is that those textbooks would end up just being 11 tossed; because what are they going to do with them, 12 when schools could use them? 13 But certainly, by my understanding, is 14 there's three full computer labs that are contained 15 in those portables. So we've got schools that I'm 16 sure could use them. So we need to examine how this 17 process is taking place. 18 And our best guess at this point in time 19 is SAHQ is in the same position, except we don't 20 know if they've gifted anything, because they didn't 21 have property to gift over, because that was owned 22 by the foundation, anyway. But our understanding -- 23 because they do know that the locks have been 24 rekeyed at SAHQ, so that anyone that might have even 25 been contracted to close it down probably can't get</p>	<p style="text-align: right;">Page 96</p> <p>1 contacted, on behalf of -- no, Mark. I meant Mark 2 Chaiken. I'm speaking on his behalf. 3 COMMISSIONER CRONE: I thought you had 4 changed my name. Don't call me "Mark." 5 MS. JAEGER: So after the PEC meeting, 6 Mark was directed to follow up with PSFA, and we 7 did, to try to make sure that that school could have 8 been offered to another charter school, that the 9 property was. And so we did follow up. 10 And they were very clear that it's going 11 to the County, and, "You don't have any say in it 12 for this transaction." 13 So we did follow up, and Mark communicated 14 with folks around that. And I do have the e-mails, 15 or the paper trail, to follow up on the discussion. 16 So we did try. 17 COMMISSIONER CRONE: Okay. 18 THE CHAIR: Because there was a charter 19 school actually that offered a dollar more than 20 what -- than what they were getting from the County 21 or the City or whoever it was that -- that purchased 22 it. And they -- they didn't consider it. 23 So it is unfortunate that if the school 24 has clear title to it, they can do what they -- 25 really, they have to still go through the Board of</p>
<p style="text-align: right;">Page 95</p> <p>1 in it. 2 Commissioner Crone? 3 COMMISSIONER CRONE: Yeah. I would like 4 an explanation of what role we play in the 5 disposition of property. I discovered this week 6 that the Cariños property in Española, which was 7 bought for 1/10 of its valuation by the County and 8 was supposed to be dedicated to a kind of a drug 9 program -- not a treatment program, but a drug 10 program -- has now been redesignated as a low rider 11 museum. 12 And I was looking at the minutes of the 13 meeting, where the County was there, Cariños was 14 there. 15 THE CHAIR: Board of Finance. 16 COMMISSIONER CRONE: Yeah. And it made it 17 appear as if we had approved all of this. 18 COMMISSIONER ARMBRUSTER: I somehow don't 19 remember that. 20 THE CHAIR: We don't have -- we do not 21 have a say in who they transfer that property that 22 they had clear title to. Ami did have a discussion, 23 and she might want to -- because we tried to address 24 it. 25 MS. JAEGER: Yeah. So Mark -- we</p>	<p style="text-align: right;">Page 97</p> <p>1 Finance when it's over \$25,000, is it, to get it 2 approved. But we don't have a say. 3 But we do have a role if it's P- -- if 4 it's public property, in assuring that it's being 5 distributed appropriately. 6 COMMISSIONER CRONE: Okay. 7 THE CHAIR: And that's where, you know, we 8 didn't have a say in those portables. That was 9 Anthony's, you know, right. But the materials that 10 are contained in -- we have a serious concern as to 11 whether they do -- they did it appropriately and if 12 the individual who was contracted to close the 13 school did it appropriately; so -- and followed 14 their contractual duties as they should have. 15 It's, I guess, just fortunate and 16 unfortunate that we only found out because the 17 City's concerned because they haven't received any 18 of their property, and I just happened to have a 19 conversation with someone who self-disclosed that. 20 So I think we need to create a little bit 21 more of a checklist to say, "This is what needs to 22 be done." 23 And we've always gotten kind of updates. 24 But I don't think they have been the updates that, 25 at this point in time, we all think we need in terms</p>

1 of what's in that update. Because it's always just
2 been, "Well, you know, the closure procedure is
3 being carried out." And I think that would happen
4 if the monthly report --

5 DR. DEL ROSARIO: You didn't receive
6 those? I'm sorry. You didn't receive any monthly
7 reports or anything like that in the past?

8 THE CHAIR: No. 'Cause my -- I did not
9 know that there were monthly reports until PED
10 contracted with REC, Regional Educational
11 Cooperative, to issue the contract for the closure.
12 So in that contract from REC to the provider was a
13 requirement for monthly reports to go to CSD.

14 And we -- I didn't know there was
15 anything. And I don't know if, honestly, in
16 previous contracts, if that requirement has been
17 there. I know they are with this current contract.
18 But I don't know if that's something that's been
19 usual before; because I don't know if all of those
20 contracts have been run through REC. I don't know.

21 So that's part of what -- you know, what
22 we need to -- we need to know who's -- you know, my
23 und- -- and this is my fault. My understanding has
24 always been that it's actually been PED that's done
25 the closing. I've -- that's what I've always

1 this one, please figure it out, because they've got
2 warehouses, I guess, everywhere, with stacks of
3 school files. So, you know, you're right.

4 COMMISSIONER TOULOUSE: But that did
5 happen in the past but has not happened recently.
6 But we've still gotten kind of reports through time
7 that, you know, "The finances are wrapped up, the
8 material has been distributed," those kinds of
9 things.

10 But those used to be -- you know, the --
11 you know, just the regular project planning software
12 that just needed to get updated every single month
13 and was in our reports.

14 COMMISSIONER JOHNSTON: Madam -- go ahead.
15 Well, you mentioned a Regional Educational property.
16 There are nine in the state. I would be curious to
17 know.

18 THE CHAIR: Right. This is the one out of
19 T-or-C.

20 COMMISSIONER JOHNSTON: CES, Central
21 Education, or ACES, this offshoot, or the Central
22 Regional Educational Cooperative would be excellent
23 contractors, rather than you trying to pick that up,
24 because they all understand procurement code and
25 anti-donation and chain of distribution and all of

1 assumed, and that not that they've contracted out to
2 someone else to contract to someone else to do the
3 work.

4 So that's what we need to -- need to know,
5 who's doing what and the information that's coming
6 back to us, so that there's -- you know, we don't
7 have property potentially just lost out there when
8 schools can use it.

9 COMMISSIONER TOULOUSE: Madam Chair, the
10 State law says it has to be done this way. But in
11 the past, when I first came on the Commission,
12 anyway, we got, every single month until everything
13 was finished, a regular project planning report that
14 showed what had been done, what was being done and
15 what needed to be done, and the time limits, and
16 checked it off, which included great detail.

17 It was a four- or five-page deal, and it
18 ended up with the final piece was transferring the
19 records from the school. And it was always hardest
20 to find a repository for those school records that
21 have to be kept -- what was it? -- 10 years or
22 something -- something -- you know.

23 THE CHAIR: You're right. Because Deputy
24 Secretary Aguilar had asked us, at one point in
25 time, if you can figure out how we can get out of

1 those things.

2 I would say contact one of them. I am
3 surprised that Tucumcari did not follow up with
4 knowing --

5 THE CHAIR: No, Truth -- from my -- no,
6 Truth or Consequences.

7 COMMISSIONER JOHNSTON: Truth or
8 Consequences. Okay.

9 THE CHAIR: My understanding is that they
10 believe that their only role is to be the conduit
11 for the contract.

12 COMMISSIONER JOHNSTON: I can tell you
13 that CES would definitely take this very seriously,
14 as would, I'm sure, ACES, too.

15 THE CHAIR: Me, too. So would I. I'm not
16 going to get into the particular individual. But
17 the person that is charged with the closure, this
18 isn't their first rodeo. So it shouldn't be because
19 of lack of knowledge on how -- they've closed other
20 of our charters.

21 COMMISSIONER JOHNSTON: Must not have paid
22 attention somehow this time.

23 THE CHAIR: So that's a -- if I was the
24 contractor, I would want to make sure the person I
25 was contracting with did an appropriate job, so

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1 whoever was paying me knew that I was providing.
 2 But I had a conversation with them, and they said,
 3 "No. What we do is do the contract, and that's it."
 4 COMMISSIONER ARMBRUSTER: So is where we
 5 are now the next step? I mean, we --
 6 THE CHAIR: We need to create what we're
 7 going to do with future schools. We're trying to
 8 find out what, if anything, we can do with what has
 9 currently happened. But there's not currently going
 10 to be a whole lot of fixings. I think there's -- I
 11 think we perhaps can get a little bit more of a hand
 12 into SAHQ, because we don't think anything has been
 13 done.
 14 COMMISSIONER ARMBRUSTER: So it seems like
 15 I'm sure there's some bureaucratic procedure here.
 16 But I think computers in closed-up
 17 un-air-conditioned portables might not be their best
 18 place to be stored.
 19 THE CHAIR: Especially when it was 110.
 20 COMMISSIONER ARMBRUSTER: I was trying not
 21 to say that; but, yes.
 22 And as far as textbooks, when we have our
 23 state and kids in different school districts saying,
 24 "Well, they can't to their homework because they're
 25 not allowed to take the textbooks home," I think

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1 it's done appropriately for you. And they will go
 2 back. It will cost some dollars in retrospect. But
 3 you want it to be clean; because those records
 4 eventually end up in the Attorney General's Office,
 5 because that's State property.
 6 THE CHAIR: And I believe there's not an
 7 issue with the actual student records.
 8 COMMISSIONER JOHNSTON: No. I'm talking
 9 about the computers and the desks and the boards,
 10 because that's all accounted for, because it was
 11 paid for with taxpayer money. And I don't know
 12 about it gifting it to the City. To me, it has to
 13 go to another school.
 14 THE CHAIR: There's provisions in the
 15 procurement code for --
 16 COMMISSIONER JOHNSTON: For anti-donation
 17 to another State entity.
 18 THE CHAIR: But there has to be steps
 19 taken in between. Like I said, my understanding
 20 always was -- and I think Baylor agreed -- that if
 21 it's a charter school that's being closed, charters
 22 get the first dibs on the equipment.
 23 And I know, because we -- I think we've
 24 all heard from schools that said, "Oh, I got this
 25 because you clos-" -- no. When we closed CEPi, a

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1 that's -- if we care about children, that would
 2 be -- I don't know what you do. Should I drive down
 3 and put them in my car? I mean, I don't know.
 4 What -- what procedure should we do here?
 5 THE CHAIR: I'm sorry. What?
 6 COMMISSIONER ARMBRUSTER: I'm just sort of
 7 wondering why. Is there some sort of zookeeper up
 8 there?
 9 THE CHAIR: The person that was given the
 10 contract to close the school is the zookeeper.
 11 COMMISSIONER ARMBRUSTER: Oh, I see.
 12 That's the problem.
 13 THE CHAIR: So we're checking to see if
 14 there's anything that can be done or what exactly
 15 the process was to transfer the materials to see if
 16 there's any way that that can be --
 17 COMMISSIONER JOHNSTON: The Attorney
 18 General is going to get involved if we don't do this
 19 correctly; because we have a procurement code. We
 20 have to follow distribution of those materials.
 21 THE CHAIR: It's less on us and --
 22 COMMISSIONER JOHNSTON: But, I mean,
 23 that's what I'm saying is you guys need to contract.
 24 I would recommend you go to CES. They have years of
 25 experience in this, and they will make sure that

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1 bunch of schools got equipment and so on from it; so
 2 that we know that that actually happened.
 3 COMMISSIONER JOHNSTON: And it's
 4 documented.
 5 THE CHAIR: And I foolishly assumed that
 6 the same thing was happening until, you know, I was
 7 informed that, you know, the cookie jar is still
 8 full. And, you know, there's a lot of people who
 9 want their hands in that cookie jar. And I -- you
 10 know, I believe the schools have the -- certainly,
 11 the need and the right to have first options for
 12 that.
 13 So we're going to see if there's something
 14 that we can do with what is currently happening.
 15 But, obviously, we need to take a look at -- and
 16 I'll also include Anthony with this.
 17 I have a concern with the initial
 18 announcement to parents that the school is going to
 19 close, because I had the opportunity to be invited
 20 to what ended up to be a very large parent meeting,
 21 unbeknownst to myself, at Anthony, with the
 22 current -- when Anthony was still open. It was,
 23 like, April or May, I think. And at that point in
 24 time, the parents had not been told that the school
 25 was absolutely closing.

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1 And when I said, "You're provided the
2 letter to use as" -- either the letter or the
3 outline -- for a letter to go out to parents in
4 January, and the head administrator looked at me
5 like, "I'm not sure, I don't remember, I don't know
6 if I got that letter, really not sure."

7 But it was clear that those parents --
8 because when I went down in April, they had been
9 told that I was there to tell them how they could
10 still save the school.

11 So it turned into a really pleasant
12 experience for me; so -- and so I had to -- so then
13 unfortunate-- -- so we need to take a look at that as
14 well, to make sure that that communication --
15 because our obligation, first and foremost, is to
16 those kids, so that we need to make sure that we get
17 copies of those communications to those parents so
18 that we know absolutely.

19 And, I think -- not to place a burden on
20 people -- but I think there needs to be a meeting
21 and that we -- we need to be, at the very least,
22 invited to that meeting so that we can
23 participate -- at the very least, the person from
24 that district -- that the school is in, they be
25 given an opportunity to be there -- might not be an

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1 We're always going to end up, at times,
2 with a governance council or a head administrator
3 that may not be that cooperative. We'll deal with
4 that. But we need a clearer process in place so
5 that we know what you folks can do, we know what we
6 need to do, and we know if work is going to have to
7 be contracted out, we're clear on who it is and what
8 they're going to do to communicate back to us so
9 that everyone knows -- and everyone knows who's
10 doing the communicating, you know.

11 So why don't we take a look, first, at the
12 easier of them, which is after renewals and
13 nonrenewals; because we've got a -- I think we've
14 got a longer timeline we can deal with, with that
15 process.

16 If we're revoking a school, we may only
17 have this much time before the end of a school year;
18 so everything gets crunched. So let's take a look
19 at the easier timeline, and then we can figure out
20 how we might have to shorten it, depending on, you
21 know, when we end up revok-- -- if it's in the
22 spring, we've got a short leash a little bit.

23 So if we're looking at, reasonably,
24 January -- and I think this is what is already in
25 the current policy -- is that a letter goes out to

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1 easy meeting -- but so that we know that this
2 process is being carried out appropriately.

3 Because, obviously, the letter didn't go
4 out; so they didn't have any of those interim
5 meetings to give the parents the options of where
6 those students could go, so that they were in,
7 now -- I'm sure I was there in mid-April; it was
8 mid-April -- and those kids still thought they were
9 going to come back to Anthony in August. And --

10 COMMISSIONER ARMBRUSTER: Where are those
11 records, the children's records?

12 THE CHAIR: The PED has the records,
13 absolutely, yeah. That was taken care of. And we
14 know SAHQ, those records are out. So we know that
15 that's been provided for, which is -- you know, of
16 all things, that's the most important, that their
17 privacy is being safeguarded, and also that they've
18 gone to appropriate schools. So that's -- that's
19 the good thing out of this.

20 But the communication to parents -- and I
21 don't know -- well, I do know -- that, obviously,
22 the communication that came out of SAHQ was not
23 appropriate, you know. And so -- and part of that
24 is because we don't have a clear process on, "This
25 is how you're going to do it."

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1 families in January notifying them that the school
2 is closing.

3 Now, I'm going to ask Ami if it would be
4 appropriate, in that letter, to include something to
5 the effect that the school has, or still can, fight
6 an appeal. Because in January -- because it's,
7 like, around February 5th-ish? -- somewhere between
8 the 5th and the 15th of February would be the
9 timeline for them to be able to appeal our closure.

10 MS. JAEGER: So the Commission may want to
11 consider whether or not they want us to send a
12 letter to the families in January or wait until the
13 time period for the school to file a Notice of
14 Appeal; because --

15 COMMISSIONER ARMBRUSTER: Then we can --
16 even if they -- I'm agreeing with you. But you
17 sending them a notice and then the appeal takes
18 forever; so they still don't really know. But I
19 guess they could plan "Do I want to wait it out or
20 do I want to put my child in for a lottery?"

21 MS. JAEGER: For example, you could wait
22 until the time to file a Notice of Appeal had
23 expired. And, for example, if the school decided
24 that they wanted to appeal the decision, you could
25 send a letter saying, you know, "We non-renewed.

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1 The school has filed for appeal. We'll have the
2 hearing." You could lay those things out so that
3 the families could have the most information for
4 their planning.

5 The statute is very clear. Statute says
6 the PEC is responsible for school closure, not PED.
7 It's very clear that the authorizer is completely
8 responsible. And it also says -- in the charter
9 school part of the statute, it says, "And you have
10 to communicate with the parents and the students."

11 So it's really clear it is the PEC's
12 obligation, and their number-one responsibility is
13 to the students and their families.

14 THE CHAIR: Right. And, unfortunately, to
15 this point in time, the reliance has been through a
16 form letter that has been generated out of PED that
17 gets sent to the school saying, "You can use this if
18 you want," you know.

19 And I don't even think it comes out of --
20 I could be wrong. I don't even think it comes out
21 of CSD.

22 DR. DEL ROSARIO: I'm not clear on it,
23 either.

24 THE CHAIR: I think it came out of
25 someplace in PED. But I don't think it came from --

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1 COMMISSIONER PERALTA: I'm going to remind
2 you of your conversation with the Financial Bureau,
3 okay?

4 THE CHAIR: I know. I know. The first
5 thing we need to try to find out, Baylor, is who
6 sends that form letter to -- because they don't --
7 PED doesn't send the letter out to the parents; but
8 they do extend a form letter as a suggestion -- as a
9 suggested letter.

10 And I -- and I don't think I've ever
11 actually seen a copy of it; but I know it comes from
12 PED. So if we could find out who generates that
13 letter --

14 DR. DEL ROSARIO: Will do.

15 THE CHAIR: -- that would help. But I can
16 almost guarantee it doesn't come from CSD -- it
17 doesn't come from any CSD staff. And someone, I
18 think, would know whether they went out in January
19 or February this year.

20 COMMISSIONER ARMBRUSTER: Madam Chair?
21 When does a -- generally, the lottery begin? And
22 the reason -- oh -- because I think that regardless,
23 with the appeal and all the things we've been
24 talking about, which I agree, I would also want
25 parents to think they could win. We've not been

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1 from CSD, to be honest. Because it was always my
2 kind of understanding that once we voted to close
3 the school, CSD kind of backed off from the process
4 and let PED somehow run with it. And I think that's
5 been part of the problem.

6 COMMISSIONER PERALTA: So it would be
7 problematic in the sense that if we generate the
8 letter, and we know what's -- what needs to be in
9 the letter, the more informative the better, that
10 the parents are well informed as to what they want
11 to do with their child. But it would be problematic
12 to me, seeing that we're sending a good letter --
13 not that it's a good letter that we're closing the
14 school, but we think a letter that is appropriate
15 for the kids and the school and the parents -- but
16 the PED also sending a letter that may not be as --
17 you know, and the parents are getting two different
18 letters.

19 THE CHAIR: The PED's letter wouldn't
20 happen, that we're saying --

21 COMMISSIONER PERALTA: They're so used to
22 sending the letter. Who's in the role to say, "PED,
23 you've got to stop sending these letters"?

24 THE CHAIR: Well, that would be us. But
25 the first thing that we have to find out is --

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1 doing so well with closing lately. But they may
2 also say, "Well, I don't know. Maybe I will apply
3 to this other charter school," which is more like an
4 Albuquerque thing that --

5 THE CHAIR: Than a lot of other places,
6 right?

7 COMMISSIONER ARMBRUSTER: But they
8 looked -- I mean, there's a lot that they can choose
9 from.

10 THE CHAIR: Anthony didn't have other
11 charter schools to choose from.

12 COMMISSIONER ARMBRUSTER: Right. I wanted
13 to make sure that they had an opportunity to choose
14 another school, or they could move. Some people
15 say, "We're not living here; we're moving."

16 THE CHAIR: And that's true. I mean, some
17 families can do that.

18 So I have two answers to that. It varies.
19 And there is -- is there not, Baylor, going to be
20 rule-making on lotteries? Or no?

21 DR. DEL ROSARIO: It's still -- it's still
22 being worked on.

23 THE CHAIR: So we don't know if it's
24 actually going to happen this --

25 DR. DEL ROSARIO: No.

1 THE CHAIR: But there was -- right. And
2 there was, in that rule-making, there was the
3 creation of time frames for lotteries so that the
4 schools all were having their lotteries; so it's
5 not, "Oh, I missed this one and" -- it's all over
6 the place.

7 So -- but you're right. But I think in
8 that letter needs to be an identification of
9 potential options for parents for the immediate
10 area, so that -- you know, just so that you're
11 aware, you know.

12 COMMISSIONER ARMBRUSTER: If you're
13 choosing that in the lottery for this -- but that
14 would be nice if the lottery fell at the same time.

15 THE CHAIR: I don't know whether we can
16 actually get into putting in the letter when the
17 lottery for -- especially when you're looking at
18 Albuquerque. Because you're looking at, you know,
19 district charters; you're looking at State charters;
20 you are looking at magnet schools. But at least a
21 listing of -- you know, the charters in a two-mile
22 radius -- five-mile radius of that school might be
23 helpful.

24 MS. KAREN WOERNER: I was just going to
25 suggest you could put a link to the website where

1 have to be two different letters.

2 MS. KAREN WOERNER: School and parents?
3 Or no?

4 THE CHAIR: One for the school that has
5 not appealed; so that's a done deal, and this is
6 what's going to happen. But then that other letter
7 for a school that is in the process of appealing, we
8 need to let those families know what the time frame
9 may look like, so that, you know, this school, boom,
10 you can start, you know, the process and have the
11 parent meetings a whole lot earlier because they're
12 not appealing; so it's a done deal.

13 But this school who's appealing, you know,
14 you still want to have the parent option meetings so
15 that they can make that decision whether they want
16 to keep their child in the school and roll the dice
17 on the appeal or make the move, or at least put
18 their child's name in the lottery and be able to
19 make that decision.

20 DR. DEL ROSARIO: This is the initial
21 closure letter, one or the other.

22 THE CHAIR: Correct. Right. Notifying
23 the parents that at the PEC meeting in December, the
24 PEC voted to not renew the charter contract. And
25 then we'll send that out probably in February

1 the list of schools is. Like you said, there are a
2 lot of schools in Albuquerque, and maybe a link in
3 your letter. Would these letters be written, then,
4 like you talked about earlier, by your counsel, like
5 we talked about letters earlier?

6 THE CHAIR: Yeah. I think we can -- I
7 think similar to the letters of concern and so on,
8 we can come up with a basic -- because it's not
9 going to change; because we don't need statute
10 necessari- -- we may need some statute, but I don't
11 know. We don't have to cite the reasons for the
12 closure.

13 MS. KAREN WOERNER: You don't.

14 THE CHAIR: No, not in that letter. But
15 we do need to outline -- I don't think -- I don't
16 think we probably have to cite statute, per se, in
17 that letter. But we should know, you know, the
18 content of that letter and figure out what's going
19 to go in it. Because there should be -- also
20 included in that letter should be, you know, "There
21 will be a parent engagement meeting," you know,
22 with -- by a certain date, so that parents will know
23 that -- you know, so that you'll know -- I know
24 by -- and we will probably make that -- we'd have to
25 figure that out, because, actually, there's going to

1 instead of January, so that we know for sure whether
2 the school is or is not appealing.

3 DR. DEL ROSARIO: Appealing.

4 THE CHAIR: So -- Melissa.

5 MS. MELISSA BROWN: Excuse me,
6 Commissioner Gipson. But as a parent who had my
7 child at New Mexico Connections Academy because I
8 didn't know it was an "F" when I put him there,
9 couldn't the letter go out in January stating that
10 the PEC voted to not renew, the school still may
11 be -- the school has the opportunity to appeal,
12 which could take place in February; so -- you know,
13 that there's --

14 THE CHAIR: The appeal won't happen.

15 MS. MELISSA BROWN: The letter from the
16 PEC is just, like, "We voted to not approve it, and
17 they may appeal. But it might be closed, and there
18 you go."

19 MS. JAEGER: So I think you could do one
20 of two things. In either case, you'd need to
21 basically protect the due process rights of the
22 school that's been non-renewed. So you could do it
23 in January with a single letter that would basically
24 say, "The Commission has voted to non-renew the
25 school," and then we would describe the due process

1 rights that they would have for an appeal.
2 And we could say -- if you do it in
3 January, you could say, "We don't know whether or
4 not they are going to appeal this. They may. But
5 this is at least to let you know what the timeline
6 is."

7 But you also don't want to be accused of
8 prejudicing the school that because they didn't
9 exercise their appeal rights timely, we went in and
10 jeopardized their reputation and forced -- you know,
11 kind of scared everybody away to kind of force them.

12 So we would just -- I think it's a little
13 bit of a case-by-case basis. We just need to be
14 pretty sophisticated that we protect their due
15 process rights and we don't run afoul of damaging
16 their reputation during the pendency of the appeal.

17 THE CHAIR: Right. And for -- I lost my
18 train of thought. God, that was quick.

19 COMMISSIONER ARMBRUSTER: But sometimes, I
20 think, clearly, Albuquerque, probably Santa Fe,
21 probably Las Cruces, they look at -- they have
22 reporters or someone up here who are kind of
23 reporting what we did; is that right or wrong?

24 MS. MELISSA BROWN: I don't read the
25 newspaper.

1 and students.

2 And as a parent -- not at CSD, I don't
3 want to do more letters. But as a parent, I would
4 want to know that a vote had taken place if I was
5 not aware of that meeting in December. I would want
6 to know a vote had taken place, that a vote had been
7 taken not to approve the school, if you put in that
8 the school has a right to appeal and be very factual
9 about it. I would want to know that from you and
10 not the paper and not later. That's just -- I just
11 want to underscore what she says.

12 THE CHAIR: Right. Part of it is concern
13 that it could confuse parents. Because, "Oh, they
14 might be open, they may not be open," because the
15 school may not be communicating appropriately with
16 those parents, so they may not know that they did
17 not appeal it.

18 So they get a letter saying they may
19 appeal, they may not appeal; and I, as a parent,
20 don't know whether they did or did not.

21 MS. KAREN WOERNER: But could you do a
22 second letter, then, that once the decision is
23 made -- we're delaying letting parents know. And I,
24 as a parent, if I missed the fact that there was a
25 renewal meeting in December and don't know anything

1 THE CHAIR: Las Cruces rarely does.

2 COMMISSIONER TOULOUSE: Albuquerque has
3 been, what, twice in its last several years.

4 THE CHAIR: And people may know because
5 it's in the paper. People don't read the paper.

6 COMMISSIONER ARMBRUSTER: No. But I'm not
7 saying, "No, don't send a letter." I'm just kind of
8 expanding to what Ami said, which is we don't want
9 to take away the school's right of doing that. But
10 I'm just saying maybe for some that it's already out
11 there.

12 THE CHAIR: For some, it might be, within
13 certain communities. But a lot of people don't read
14 the local newspapers.

15 COMMISSIONER ARMBRUSTER: Or it's on TV
16 or -- I don't know.

17 THE CHAIR: I'll be honest. For, like,
18 down by me, it's certainly not going to hit the news
19 at all. And it won't even hit the newspaper, in all
20 likelihood. The only time it's going to hit the
21 newspaper is if there's, you know, the police in.

22 MS. KAREN WOERNER: I just want to
23 underscore what Melissa is saying. And I hear what
24 Ami is saying about you don't want to offend. But
25 we all have a right, a responsibility to the parents

1 about it, and then I'm getting something later -- I
2 don't know.

3 THE CHAIR: I think -- in all honesty, I
4 think you're delaying it by about two weeks for when
5 the letters actually went out. Because the letters
6 usually, I think, went out by the end of January.

7 MS. KAREN WOERNER: That's good.

8 THE CHAIR: So it's really not a big, you
9 know -- those letters aren't. Because we meet in
10 December. They're not sent those sample letters
11 until sometime in January.

12 MS. KAREN WOERNER: Understood.

13 THE CHAIR: So I don't think it's a
14 lengthy delay with it. But I think it would be
15 clearer for parents to -- to know I've got a letter
16 saying, "Yes, there is an appeal"; "No, there
17 isn't."

18 MS. KAREN WOERNER: Thank you.

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 think in Albuquerque, the schools themselves do the
21 rabble-rousing. They're the ones that go to the
22 newspaper. They're the ones that go to the TV
23 stations, and they're the ones that come up here. I
24 don't know that the other communities do that the
25 way they do.

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1 But Albuquerque is close to here. And
2 because when we take any negative action on a
3 charter school, that's the only time I'm used to
4 seeing it in the Journal or seeing anything, other
5 than if the Secretary Designate shows up at a school
6 on TV. But when we're doing something negative, the
7 schools get that out there right away.

8 So I think in some ways, it might be
9 better to do that letter soon to have a very factual
10 letter about what the process is and that a
11 consideration has been -- you know, there were a
12 number of factors. You don't have to say what they
13 are, just, "A full review was done, and under
14 consideration of all of the information provided,
15 these people were selected to do this, you know,
16 were elected to do this, and decided," and, you
17 know, let it go at that.

18 Because otherwise, it's already all
19 negative stuff. It's going to get played up. And
20 it's better to give them that very factual approach
21 to what we're doing. That's -- the other thing is
22 in Albuquerque, for people who want to get their
23 kids into a school in the Albuquerque Public School
24 system that is in a district other than the one they
25 live in, there's also a very short time limit close

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1 doesn't have any money to pay for that.

2 THE CHAIR: That's a conversation for
3 their governing council to have with why they
4 decide -- the governance council has to vote whether
5 they're going to appeal or not.

6 COMMISSIONER ARMBRUSTER: True.

7 THE CHAIR: So I think that's the
8 discussion for their governance council to decide,
9 "Yes, we have the money." "No, we don't have anyone
10 that's going to pony up the money for this." But
11 that's not something that needs to go into the
12 letter.

13 COMMISSIONER PERALTA: So they're just
14 going to tell the guy at PED, "Cut it," which I
15 don't think he'll -- I don't think he'll --

16 DR. DEL ROSARIO: Is that the same guy you
17 talked to?

18 COMMISSIONER PERALTA: I mean, "I'm the
19 guy that has to write the letter to tell the school
20 they're closing. Now, you're telling me I don't
21 have to write the letter? Yeah, I'm all good with
22 that."

23 And between Ami and Mark, they'll come up
24 with a good letter in our behalf. And then we can
25 take a look at it and then -- and vote or decide to

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1 to when we're doing this for them to apply to get
2 that transfer.

3 So I think if they're looking at that,
4 that's also something that they ought to be able to
5 do; not just getting into the lottery for another
6 charter school.

7 So that's my take on it, since I won't be
8 here when all this hits in January. I'll be sitting
9 there watching the newspaper.

10 COMMISSIONER ARMBRUSTER: We're going to
11 send them to you.

12 And the other thing, I guess, that's kind
13 of a deal with this, the school applying for an
14 appeal, they, the school, have to use their money,
15 not State money, for an attorney. So that's a big
16 thing. This is not a \$100 deal here.

17 So part of the reason someone -- a school
18 may not choose to -- to appeal --

19 THE CHAIR: Oh, that's why Anthony did not
20 appeal. They didn't have funds to do it.

21 COMMISSIONER ARMBRUSTER: I was thinking
22 that could be perhaps part of the statute or
23 whatever you're going to be quoting for doing it, so
24 that they understand that it's not just that my
25 school is not paying for it; it's because my school

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1 go forward with that.

2 COMMISSIONER ARMBRUSTER: What were you
3 thinking, Gilbert? One letter for January? A
4 different one for February? Or just one letter.

5 COMMISSIONER PERALTA: I will leave that
6 up to Mark and Ami. I'd like to.

7 MS. MELISSA BROWN: So with regards to all
8 of this, when you do finally come up with the whole
9 closure procedure, do you envision that being a
10 training that is offered to charter schools?

11 No. Okay.

12 DR. DEL ROSARIO: She's our Technical
13 Assistance.

14 THE CHAIR: No. I think there will be --
15 I think that the procedure that is outlined on a
16 spreadsheet can be provided to the school so that
17 the school knows, "This is -- this is the time
18 frame, and this is what's going to be done," so that
19 the school doesn't, you know -- someone comes down
20 to say, "We're here to do this," and it's, like, "I
21 didn't know you were going to do that."

22 So we need to make sure we clearly
23 communicate with the school that's closing what the
24 process is going to be, what -- what, if anything,
25 they need to do to facilitate that, you know,

<p style="text-align: right;">Page 126</p> <p>1 especially, more probably, just purely in terms of 2 access, so that when, you know, someone comes down 3 and says they need to do inventory or whatever, that 4 they provide the access to those individuals. 5 But beyond that, I don't see this as, you 6 know, training. I don't want to have to train 7 schools on "what's going to happen in case we close 8 you." 9 MS. MELISSA BROWN: I don't, either. I 10 just wanted to make sure. 11 THE CHAIR: No, no. I think as long as we 12 have a good line of communication open with the 13 school, that we've done our level-best to explain to 14 you how this process is going to be, they know who 15 to call if they have a question about it. I think 16 then, you know, the ball's in our court to -- to do 17 it, okay? 18 COMMISSIONER TOULOUSE: This is a 19 peripheral question; but I think it's something 20 somebody should ask information on. It has to do 21 with the licensure of the principal, executive 22 director, whoever they are, of the school after they 23 have closed it. 24 THE CHAIR: That's on my list. 25 COMMISSIONER TOULOUSE: Because they're</p>	<p style="text-align: right;">Page 128</p> <p>1 somewhere else. 2 THE CHAIR: But one thing that we do need 3 to make sure is when we are -- when we know the 4 school is closing -- they've chosen not to appeal or 5 they've lost the appeal -- there has to be a 6 designated contact person that is going to be 7 available beyond the end of the school year, because 8 that closure is going to not happen, you know, as we 9 know now, for a while. 10 So that there has to be either someone 11 from the governance council -- you know, unlikely 12 going to be, like, the head administrator, because 13 chances are they've taken another job -- but there 14 has to be -- and we have to figure out how we can 15 get this sealed so that this person has this 16 obligation. You know what I'm saying? There has to 17 be this one person identified as being the contact 18 person for that school even beyond the close of the 19 school. 20 There's going to have to be access. 21 There's going to have to be communication about 22 that. So I don't know. In terms of how we can 23 force someone or even enforce that, we can't, 24 really. But we need some kind of written commitment 25 by that contact person.</p>
<p style="text-align: right;">Page 127</p> <p>1 not allowed to be the head of another charter school 2 again if they've been in charge of one that has 3 closed. 4 THE CHAIR: Oh, no, no, no. Only if it's 5 financial. 6 COMMISSIONER TOULOUSE: Okay. Is there -- 7 does licensure make a notation of that? Because 8 there's nothing that says -- I mean, they can go to 9 another school, a non-charter school -- but that the 10 licensure folks ought to know that so that a school 11 isn't picking them up. So that's just peripheral. 12 DR. DEL ROSARIO: Sounds like a procedure 13 thing that, yes, CSD will be responsible for 14 conveying it to the Licensure Bureau. 15 THE CHAIR: That would probably happen 16 more often with a revocation, because we do the 17 revocations more for -- and also notifications to 18 the governance council; because if they're closed 19 for financial reasons, they cannot serve on another 20 governance council. So if that's the case, then 21 there needs to be another letter. 22 COMMISSIONER TOULOUSE: Also, there needs 23 to be some kind of master list kept at CSD on those. 24 Okay. My mind just thought of that. I thought I'd 25 better jump it in before it leaves and goes</p>	<p style="text-align: right;">Page 129</p> <p>1 MS. JAEGER: Well, initially, in the back 2 of my mind, as the Commissioners would review and 3 make the decision about a non-renewal or a 4 revocation, as part of that motion, you would 5 negotiate who would be in charge of it and who would 6 be the contact person as part of the closure. And 7 maybe there's two motions at that time, in the 8 second motion. And that would need to be 9 negotiated. 10 They would have to identify a person, and 11 they would have to identify it as one person. What 12 do you think? 13 THE CHAIR: And that's fine with me. I'm 14 just trying to figure out how exactly we would do 15 that; because we wouldn't want to -- we wouldn't 16 want to necessarily put it into the renewal packet. 17 "In case you're not renewed, you know, please 18 identify who's going to" -- that makes it a little 19 awkward. 20 But so how do we put that in the motion? 21 Or do we put it in the motion that within 10 days, 22 the school will give us notification of who will be 23 the contact person? 24 MS. JAEGER: I think what my 25 recommendation would be is you would have more than</p>

1 one motion. I think you'd want to keep the motion
2 to non-renew or to revoke very clean.

3 THE CHAIR: Right.

4 MS. JAEGER: And you would state the
5 reasons for the revocation or non-renewal at that
6 time.

7 THE CHAIR: Right.

8 MS. JAEGER: Then there would be a second
9 motion. If the first motion passed, then there
10 would be a second motion around I'll say
11 implementing the closure proceeding -- or the
12 procedure. Sorry. And as part of implementing the
13 closure procedure, we would say, "Who from the
14 school is going -- or which two or three people will
15 be identified," and have that as part of the motion
16 as well. I mean, it's not like the Commissioners
17 are going to discuss that.

18 THE CHAIR: No.

19 MS. JAEGER: But we would need that on the
20 record.

21 THE CHAIR: Right. Okay. So we'll
22 have -- so in December, we'll have that person
23 identified. Okay.

24 So then -- so then do we think that in
25 March/early April, it's reasonable to, have, like

1 The other thing, too, is having -- I
2 haven't been in the charter world long enough to
3 know that if there have been any other instances
4 where gifting of property to -- or tangible property
5 to -- to a -- to a non-school has ever happened.
6 Not clear. But my understanding is that was done in
7 a -- in a school governing council meeting late in
8 the year.

9 And it -- you know, quite honestly, it was
10 just overseen. We will certainly take the blame on
11 that piece with the oversight. Maybe that needs to
12 be pushed up earlier in the spring, early spring, so
13 these things can be vetted, make sure it's
14 appropriate. Because if it's decided by the GC at
15 that school in June they're closing in July, it's
16 hard to track things down, or --

17 THE CHAIR: No, I think you're right. I
18 think that by -- depending on whether -- in
19 February, depending on whether we know if the school
20 is appealing or not. So if the school is not
21 appealing, then I think we need to know who is being
22 contracted.

23 Because I'm assuming that PED doesn't have
24 the manpower to do that physically themselves,
25 because they've obviously consistently contracted

1 the school fair so that families have, you know --

2 DR. DEL ROSARIO: Options.

3 THE CHAIR: -- options, that there's
4 someone from Charter School Division, someone from
5 the PEC there, so that parents will be informed on
6 the process of the school records, so that what they
7 need to do, what the school will do in terms of
8 safeguarding the school records, transferring the
9 school records, and, hopefully, even have an
10 opportunity to have whatever other school options
11 are available, that there's representatives from
12 those schools there so that parents can ask any
13 questions that they might have of that school and
14 they can be shown whatever enrollment, you know,
15 form there is.

16 DR. DEL ROSARIO: Yeah, I think it's a
17 good idea. Because it's my understanding of the
18 closure checklist, there is almost all of it for --
19 that makes sense. It's the school responsibility
20 staffing the school. Thinking about the situation
21 we currently have with Anthony, having an oversight
22 there, the PEC, and/or PED, actually, almost your
23 mini site visit, because even to get that piece, I
24 think it isn't in the closure protocol that we
25 currently have.

1 that out. So that we need to know in February who's
2 getting that contract and that we get monthly
3 reports from that provider, and that we are clear in
4 that contract that that provider understands the
5 procurement responsibilities that they have so that
6 they know -- so that it is -- you know, they're
7 clear on -- so that they can communicate to the
8 school appropriately how or how they can't dispose
9 of that property.

10 MS. JAEGER: Right. Just to add to that,
11 I think that it might be smart for the PEC to
12 consider whether or not they really would want to
13 delegate so much authority to a person contracted
14 with the closure process, about notifying the State
15 Board of Finance.

16 THE CHAIR: Oh, right.

17 MS. JAEGER: Because we may not want to
18 delegate that authority, because it's too much
19 responsibility. If it slips through the cracks,
20 ultimately, the Public Education Commission is
21 responsible.

22 So they would have to notify us of the
23 values and the process for decommissioning any
24 public property. But we would be the ones that
25 would still be responsible for working with the

1 State Board of Finance.

2 Because you're right. The threshold is
3 \$25,000, yeah?

4 THE CHAIR: Okay. So then, obviously,
5 that would be delayed just a little bit if they were
6 appealing. You know, that timeline is -- but I want
7 to go back to March/April and the parent fair for
8 just a second and say that I think we also need to
9 do something for staff, so that staff knows what
10 their options are as well.

11 They understand -- they're being fully
12 apprised of what's going to happen with their health
13 insurance, what's going to happen with their
14 retirement, you know, so that there's a fair process
15 there.

16 COMMISSIONER ARMBRUSTER: What I would
17 hope would only be a two-minute conversation for
18 Laurel, I think. But, you know, when you're --
19 because you're doing the governing council things,
20 right?

21 I just think -- you know, you can say it
22 in a very light way, "In the likely case that you
23 should close, you need to know your obligations are
24 you cannot give away your stuff. It belongs to the
25 State."

1 MS. LAUREL PIERCE: That is something we
2 could put in the introductory training that is to
3 all new governing board members. It could be a
4 simple slide, "Just please be aware, in the unlikely
5 event... ."

6 MS. MELISSA BROWN: Excuse me. I don't
7 think that's appropriate for the introductory
8 training, because those people have so much to
9 remember.

10 THE CHAIR: Last thing they want to
11 remember is having something to do with the closing
12 of the school they're barely getting involved with.

13 "Holy crap, they're going to close."

14 MS. MELISSA BROWN: I think something
15 along the lines that once December comes around and
16 the vote is taken, that gets sent out to those
17 particular schools.

18 THE CHAIR: Right. I think that
19 spreadsheet on who's responsible for what. And I
20 think it's also important for us -- and it does
21 create a little bit of a burden for the one who
22 collects the e-mails. But I think documentation
23 from the governance council so that we know that in
24 the minutes, there's been a discussion of the
25 closure, that it's documented in their minutes that

1 I don't think it has to be a long thing.
2 But why would you be talking with your staff -- I
3 think Melissa was talking about, "Am I sort of
4 supposed to be doing training about doing that?"

5 No, I don't think that you should. But it
6 ought to be mentioned and written down in something
7 that they get. Don't they get stuff written down?
8 Do they get anything? Handouts? I don't know.

9 THE CHAIR: Not about closure.

10 MS. LAUREL PIERCE: Not about closure
11 unless it's on the horizon. And then we start
12 trying to direct the schools to, you know, be
13 cognizant that, "There are protocols and procedures
14 you must follow," and things of that nature. But
15 it's not --

16 COMMISSIONER ARMBRUSTER: I thought there
17 was some basic handout they got. You could put
18 under "Closures," you must check with somebody
19 first. That's all I'm saying.

20 MS. LAUREL PIERCE: You could put that in
21 the introductory training that everybody has to
22 take.

23 COMMISSIONER ARMBRUSTER: That's all I'm
24 saying. I didn't want you to have to put huge
25 preparations. Maybe people don't think about that.

1 they sent the letter out. Even though we may have
2 it, you know, they may not have sent it out.

3 You know, it's -- so that we know that
4 that's been -- that the -- you know, the governance
5 council has notified the -- the --

6 MS. MELISSA BROWN: Families and staff.

7 THE CHAIR: Whoever is there. Because
8 sometimes people from the governance council don't
9 all come up, or any of them come up, to a meeting.
10 So we know that the governance council itself has
11 been fully apprised of the fact that, "In December,
12 we voted not to keep the school open," so that that
13 January governance council meeting should indicate
14 that they were made aware of the fact that the
15 school -- you know, and -- so -- and that starts
16 their discussion on the appeal or not. Because they
17 would have to have that in January.

18 MS. LAUREL PIERCE: So a question. You
19 had talked about sending out a checklist, a closure
20 checklist to the school, listing all of the
21 procedures for them. Is that -- what was the
22 timeline on that? Would that be appropriate to
23 include the governing board, all the members of the
24 governing board in that same send; so it would not
25 only go to the head administrator, but it would go

1 to the governing board? Would that fit with your
2 timelines as far as getting your notice to the
3 governing board?

4 THE CHAIR: I think that checklist could
5 go out in January.

6 MS. LAUREL PIERCE: Okay. And just make
7 sure we copy all the governing board members so that
8 they're all fully aware of their responsibilities.

9 THE CHAIR: Yes. So then it goes beyond
10 who's listed in the contract as the contact, so that
11 it goes to all the governance council so that we
12 haven't -- someone can't say, "I didn't know," yeah.

13 So March or April, we're doing the school
14 fair. I guess we'll have to look at -- because the
15 bulk of the closure is going to happen after school
16 closes, you know, that the only thing that could
17 potentially begin to happen, and really can't, is --
18 I guess we have to look at how quickly after the
19 last day of school do we want the records removed
20 from the school.

21 What's a practical timeline for that? I
22 would say the day of; but that's me. I know it has
23 to happen quickly. But that, I am sure, has -- or
24 maybe I'm not sure -- has to come from PED.

25 Is it PED that are the only ones that pick

1 DR. DEL ROSARIO: I mean, we also take the
2 personnel records. But the last school, it was
3 SAHQ, I know that they had actually taken the
4 personnel and vendor records, I believe, to close
5 things out for the year.

6 THE CHAIR: Okay. So let me ask you.
7 What happened to those personnel records after they
8 took them?

9 DR. DEL ROSARIO: I want to say it's still
10 with them.

11 COMMISSIONER ARMBRUSTER: Don't personnel
12 records have recommendations and that --

13 THE CHAIR: Absolutely, sure, a lot of
14 confidential information in them, absolutely. I'm
15 not even sure if a financial manager has the
16 authority to look at those personnel records.

17 COMMISSIONER ARMBRUSTER: I'm not
18 understanding why a financial manager takes --

19 COMMISSIONER TOULOUSE: Payroll records,
20 but not personnel records.

21 MS. LESLIE KELLY: But they already have
22 payroll in their system.

23 THE CHAIR: Nor should they have their
24 eyes on them.

25 MS. JAEGER: And they may not separate

1 up those records?

2 DR. DEL ROSARIO: Yeah. Yeah, we're the
3 ones that primarily take the records; although, I
4 know that one of the business management folks, like
5 the Vigil Group, has taken some of the -- some of
6 the personnel to close things out, yes.

7 THE CHAIR: So, yeah, that's -- well --
8 and that's actually two different things. We're
9 talking about the student records, and then we've
10 got personnel records.

11 DR. DEL ROSARIO: The student records, for
12 sure, we take.

13 THE CHAIR: But the Vigil Group has only
14 taken personnel records for schools that they've
15 been working with.

16 DR. DEL ROSARIO: Yes. That's right.
17 Yes.

18 THE CHAIR: Maybe that's something we need
19 to look at. Because I think we need to make sure
20 that it's not just -- because let's be honest.
21 We've got issues with some business managers. So I
22 have concerns with what they might do with those
23 personnel records. So I think we might need our
24 hand in who is picking up those personnel records
25 and making sure that they're being --

1 them. They should be separated.

2 COMMISSIONER ARMBRUSTER: That's something
3 that all schools should be doing; is that right? In
4 general, should all schools -- I don't know what the
5 TPS's do. But for charters, should we have adult
6 personnel files separate from the payroll things?

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER ARMBRUSTER: So they never
9 need to take those other ones.

10 COMMISSIONER TOULOUSE: That's basic
11 management.

12 COMMISSIONER ARMBRUSTER: So they always
13 should be --

14 COMMISSIONER TOULOUSE: Any business
15 should have them separate.

16 THE CHAIR: So we need to look at who
17 would be the appropriate agent to take the personnel
18 records to -- and where they should go; because
19 that's a good question.

20 DR. DEL ROSARIO: Absolutely. It's --

21 THE CHAIR: Where do personnel records go?
22 Do they go with these 70 years of other files?

23 MS. KAREN WOERNER: I don't think you're
24 required to do that. I don't know what the
25 requirement is.

1 THE CHAIR: You have to keep them for a
2 while; because if I -- if I want -- if I want to --
3 I have to be able to access my personnel files,
4 certainly, for a period of time. If I want to go
5 someplace else, I have to be able to access my
6 personnel files.

7 MS. KAREN WOERNER: And some would be
8 needed to provide a verification of employment.

9 DR. DEL ROSARIO: We do have a vast
10 majority of personnel records of other schools that
11 have closed. Poor Dolores actually has to do the
12 employment verifications when, you know, former
13 employees apply.

14 THE CHAIR: But what happens to the
15 letters of reprimand and the evaluations?

16 COMMISSIONER JOHNSTON: Lots of things go
17 away at the end of the school year. If I'm
18 reprimanded in a school year, at the end of the
19 year, my file is expunged if that's a reprimand.
20 Your evaluation is always there. But it doesn't go
21 to anyone else. And no other school district can
22 request it. And you send a copy of the evaluation.

23 THE CHAIR: I understand that. But my
24 question is, what actually physically happens to the
25 personnel files that has those evaluations in them

1 the school year, and I'm not -- my school is
2 closing. Odds are those letters of reprimand and
3 everything else for that year are staying in there,
4 because I'm just locking the door and going away;
5 and the evaluations, that they just need to be
6 disposed of appropriately.

7 That's what we need to -- that would have
8 to be in the scope of the contract. It's amazing
9 what doors this opens.

10 DR. DEL ROSARIO: It's -- yeah. We've had
11 these discussions even before these two situations
12 came up.

13 THE CHAIR: Yeah, yeah. Okay. So do we
14 want to establish an actual time frame for when the
15 student records need to be removed from that closed
16 school? Or no?

17 DR. DEL ROSARIO: Well, it seems like
18 someone had mentioned the last day of -- of when the
19 students are there; because at least staff will
20 still be there to help out, to gather that
21 information.

22 THE CHAIR: That's fine. Last school day,
23 someone from PED is there, or people, depending on
24 probably the size of the school, that PED will
25 remove all student records and personnel records?

1 when the school closes? Where do they go?

2 DR. DEL ROSARIO: We don't discard them.
3 We're looking at potentially digitizing -- because
4 we have a lot of files. We don't discard those
5 personnel files.

6 (Commissioners speak simultaneously.)

7 MS. JAEGER: I think it would go, once
8 again, to the scope of work for the person who -- or
9 the entity that's contracted to do the closure. But
10 I think you're going to -- you know, I suggest --
11 you know, you have to sort out whether if it's
12 licensed personnel or other employees. Because the
13 licensure information needs to stay with PED, that
14 information around licensure, because that will go
15 with the person throughout their career.

16 But there's the same level of
17 confidentiality that would attach to staff that's
18 not licensed. And then we would just sort out in
19 the scope of who is authorized to do the work and
20 have a responsibility around confidentiality and
21 work through who gets the records and how they're
22 stored.

23 THE CHAIR: And if someone needs to shred
24 them, then they'd shred them, you know. And that's
25 fine, if it's -- you know, because it's the end of

1 Well, if -- because if we're putting the personnel
2 records in that contractor's -- I think we'd have to
3 put that timeline, that -- in that contract, that
4 that provider will also remove personnel records.

5 MS. JAEGER: Well, help me out. I mean --
6 so for the -- yes, they can go in and get the
7 personnel records. But don't you want to make a
8 distinction between licensed personnel and certified
9 personnel that PED licensure would want to have
10 access to and retain, as opposed to non-licensed,
11 non-certified staff?

12 THE CHAIR: Yes.

13 MS. JAEGER: If they're going in to secure
14 the student records, they at least would want to
15 secure certified and licensed personnel?

16 MS. MEGAN SHANNON: With all due respect
17 also, what's the difference? Licensure is just a
18 piece of paper in the file, right? The licensure is
19 tagged to the person, and it's in our database. If
20 we're talking about personnel, we should be talking
21 about personnel, licensed or not. What's the
22 difference?

23 MS. JAEGER: There's a huge difference
24 between the authority supervising, you know, a
25 custodian or supervising -- I'm not talking about an

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1 EA -- but even administrative staff.
 2 MS. MEGAN SHANNON: But EAs, right?
 3 MS. JAEGER: I said not EAs, not teachers,
 4 because you -- PED has an obligation, and there's a
 5 huge provision in statute as to what happens and the
 6 rights of individuals who are licensed and so on.
 7 MS. MEGAN SHANNON: But we're talking
 8 about a file; right? So we're trying to establish a
 9 policy for a file of that person. If we are
 10 required by statute to retain records, it wouldn't
 11 constitute a licensed or a non-certified employee.
 12 It would be an employee, correct? Paid by State
 13 money.
 14 MS. JAEGER: Right. So get all the
 15 records for all personnel, regardless.
 16 DR. DEL ROSARIO: Take it all. Yeah.
 17 THE CHAIR: Okay. Does anyone have any
 18 suggestions they want to add into this? So that I
 19 think by the middle of May, is it reasonable to say
 20 that we get notification of the fact that all
 21 students have been appropriately placed in a school
 22 so that the school knows where everyone's going?
 23 And if there's someone --
 24 COMMISSIONER PERALTA: Who does that? The
 25 school?

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1 THE CHAIR: Yeah. Because the school
 2 would have the request for the transfer of the
 3 record, so that they would know. And it's part of
 4 their job to make -- to facilitate -- you know, even
 5 if the parents are reluctant in making that move, by
 6 the middle of May, we have to have this figured out,
 7 so that by the middle of May -- you know, by our
 8 May meeting, we get a notification that all of the
 9 students in the school have --
 10 DR. DEL ROSARIO: Transitioned, yeah.
 11 THE CHAIR: -- transitioned to another
 12 school?
 13 DR. DEL ROSARIO: I think -- yeah. I
 14 mean -- yeah.
 15 COMMISSIONER PERALTA: What happens if
 16 they don't have all of the --
 17 THE CHAIR: Well, then the school has to
 18 identify why. You know, they've moved. You know,
 19 the parents have, you know, not communicated with
 20 us. But at least the school -- the burden is on the
 21 school to --
 22 DR. DEL ROSARIO: To place the kids.
 23 THE CHAIR: Yeah. Yeah, that they're not
 24 just sitting back and saying, "We're done." But
 25 they should be able to -- let's face it. There's

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1 not much we're going to be able to do if they
 2 haven't. But at least we know if the bulk of the
 3 kids haven't been placed somewhere, what's going on
 4 there? There's got to be something wrong.
 5 So now let me ask, should we put something
 6 in there about closing out the financial records and
 7 assuring that everything's been -- we get an
 8 assurance that everything has been paid, there's no
 9 outstanding debt, so that we need an assurance from
 10 the business manager that everything has been closed
 11 out appropriately?
 12 And I don't have the -- I don't
 13 necessarily have the wording for that. But we need
 14 to know that they have paid all their bills.
 15 MS. JAEGER: Sort of like an audit, a
 16 final audit. And also just remember that the
 17 statute defines who gets paid. If there are not
 18 enough funds, there's a priority that's in statute
 19 for when a school closes.
 20 THE CHAIR: And if I remember correctly,
 21 there is actually -- PED does -- does PED do the
 22 final audit? Or is that done by their business
 23 manager? Or do they contract that out to do a final
 24 audit for -- because I know there is a final audit.
 25 And I do believe they put an assessment on the

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1 school of about \$10,000 for that audit.
 2 DR. DEL ROSARIO: Okay. Like, you mean in
 3 addition to the regular annual audit?
 4 THE CHAIR: Correct. There's a separate
 5 final audit that's done of the school. And I -- if
 6 I remember correctly, that dollar amount from one of
 7 the last schools that we closed was about \$10,000.
 8 So could you check to see if that's contracted out
 9 to a separate group, if they rely on the business
 10 manager to do that with a separate contract, or how
 11 exactly that's done?
 12 But I know there is -- because I think I
 13 saw with some closure work that -- you know, the
 14 \$10,000 for the final audit.
 15 DR. DEL ROSARIO: I'll check on that.
 16 THE CHAIR: Okay. Thanks. And that way,
 17 we can plug that in for that May time frame, if
 18 that's -- it would depend. I don't -- I honestly
 19 don't know how long it takes for that final audit.
 20 So that might be into June, that by the end of June
 21 we have that information.
 22 DR. DEL ROSARIO: Yes.
 23 THE CHAIR: So if you could get an idea,
 24 either from past closures, what that -- you know,
 25 what that time frame looks like and who exactly does

<p style="text-align: right;">Page 150</p> <p>1 that final audit. 2 DR. DEL ROSARIO: Will do. 3 THE CHAIR: Okay. Thanks. Okay. Are we 4 good? Okay. 5 And this, we'll work this up into a 6 spreadsheet so that we can vote on it, like -- 7 because I -- it's something that we need to vote on. 8 Not tomorrow, because it's not on the agenda. But 9 it is something that we will have to vote on. 10 DR. DEL ROSARIO: Okay. So you'd like us 11 to write up the timeline, duties, responsibilities, 12 and then have that be ready, correct? Okay. 13 THE CHAIR: Right. I think that'll -- and 14 by that time, you'll have the -- that last financial 15 piece. 16 DR. DEL ROSARIO: Yes. 17 THE CHAIR: Okay. Thanks. Appreciate it. 18 Okay. Why do I have the academic 19 framework? 20 MS. MELISSA BROWN: It's the new 21 application you wanted. Rubric. 22 DR. DEL ROSARIO: Rubric for the new 23 applicant applications. It just happens to be 24 titled, the first part, "Academic Framework." 25 THE CHAIR: Oh, I got you. Because I</p>	<p style="text-align: right;">Page 152</p> <p>1 attention that, you know, given the last meetings 2 that we had, that maybe there was something missing 3 in there, in either the rubric or the application. 4 THE CHAIR: Right. And I think if we look 5 at the renewal and kind of look at them together and 6 track them together, that would be better for us. 7 MS. JAEGER: Okay. 8 THE CHAIR: Okay? So hold onto these. 9 COMMISSIONER ARMBRUSTER: Just one thing, 10 Madam Chair. If you all heard feedback when you 11 were presenting and doing that, I think that's 12 probably more where I was coming from in terms of 13 someone said, "Oh, this was" -- I don't know -- last 14 year, we did the budget, because it wasn't -- 15 something about the budget, whatever. 16 So I think if you all have feedback, that 17 would be good to give somebody to send out. Because 18 you're on the front lines there. We sort of just 19 get it. 20 And we might have something, too. But 21 more feedback from people who are going through. 22 "Gee, I wish you had had -- wish it said this, or 23 wish it didn't do that." 24 That's just for your information. 25 DR. DEL ROSARIO: No, absolutely. That's</p>
<p style="text-align: right;">Page 151</p> <p>1 think I'm looking at the academic framework. 2 DR. DEL ROSARIO: No. 3 MS. MELISSA BROWN: There's a single first 4 page. 5 THE CHAIR: Got you. Sorry. Actually, 6 I'm going to beg forgiveness. Can I take a short 7 break? 8 (Recess taken, from 2:12 p.m. to 2:30 9 p.m.) 10 THE CHAIR: I'm going to make a 11 suggestion, that we hold off with this rubric and 12 application. And she's going to take my suggestion 13 before I even make it. But we're not ending, hon, 14 so hang in. 15 COMMISSIONER RUIZ: I know. 16 THE CHAIR: And we hold off. And at the 17 next work session, we look at the rubric for renewal 18 applications, and we can do both of them together. 19 DR. DEL ROSARIO: Well, we kind of left it 20 open. You know, we had talked about -- I think it's 21 easy enough to update any grammatical errors, update 22 any dates that were put in there, so we could do it 23 for the next year, June 1st, et cetera. That's 24 straightforward, easy enough. 25 But I was just bringing it to you all's</p>	<p style="text-align: right;">Page 153</p> <p>1 what we meant about trying to get -- 2 THE CHAIR: Right. And as schools are now 3 finishing up their renewal applications, they may 4 also have verbalized, you know, "Why did we have to 5 do this?" 6 And sometimes it's, "Because." But other 7 times it's, like, "Okay, it really doesn't make 8 sense that you have to do that. Or maybe we can do 9 it some other way." So if there -- if we can look 10 at both of them, that would probably be helpful. 11 So as we're getting ready to actually 12 close out this year, we wanted to take a look at 13 what -- and lay out, if we could, a tentative work 14 session calendar for next year. 15 So I'm going to ask you folks if there's 16 some kind of policy and/or procedure that you feel 17 is either missing and/or needs updated that you can 18 think of so that we can put that on for sure. 19 We regularly need to look at the new 20 applications before they go out, the renewal 21 applications before we go -- before they actually go 22 out so that we've got them tweaked. So we have to 23 put them in a timely fashion. And I think if we do 24 it at the next work session, we'll be good to go -- 25 DR. DEL ROSARIO: Okay.</p>

1 THE CHAIR: -- for the -- for next year.

2 There was something else I was thinking.

3 MS. LAUREL PIERCE: Madam Chair, the
4 Notice of Intent needs to be updated, too; because
5 that has a January deadline that it needs to be
6 posted.

7 THE CHAIR: Okay. And we do vote on that.
8 So that we should put that on the -- we don't need
9 to put that on the work session, because I think
10 it's really the date.

11 MS. LAUREL PIERCE: Dates.

12 THE CHAIR: Yeah. But thanks for
13 reminding us. We'll put that on the agenda for the
14 next meeting, so that any date that needs to be
15 changed, we can do that.

16 So that's -- that's on there. I had
17 something that I was thinking of, and now I can't --

18 COMMISSIONER TOULOUSE: Madam Chair, if
19 you remember, several months ago, I had requested
20 just to have it on the record that down the line, I
21 felt there should be training in the Indian
22 Education Act for both the staff and us. We have
23 more reservation schools; we have more students off
24 the reservation but who are under that Act at our
25 schools.

1 And I'm not sure that it's clearly
2 understood, because we've kind of neglected it. But
3 I think it's important. Because I know in at least
4 one instance, we could have been sued. And we
5 weren't, and they worked with us. But we could have
6 been.

7 And I just -- and I know we had so many
8 other things on our plate, I wasn't going to get
9 into an argument about dealing with that. But I
10 would recommend that even though I won't be here.

11 Another item -- I'm not sure it's work
12 study -- but I wanted to bring up again, I had asked
13 a few months back also for a listing of schools that
14 had made exceptions to the nepotism rule for their
15 employees. Because I think that's important for
16 everybody to be aware of, before you go out and do
17 your site visit, for us to know; because I mean,
18 that's part of what got us in trouble at La Promesa.
19 And it's gotten us in trouble other places.

20 And I'm not sure that -- and I think maybe
21 that should be part of the training for the
22 governance council, also; because I don't see in our
23 schools, in general -- most of our schools are in
24 areas where it's not necessary to hire a relative.
25 That's in the tiny school districts where everybody

1 is related to everybody, you know, in the district.

2 But I think anywhere in Albuquerque -- for
3 instance, I think in Santa Fe, I think there's
4 enough schools in Taos that -- you know, in
5 Las Cruces, and those are our main areas -- that
6 there's absolutely no reason for a governance
7 council to allow, especially the head of school or a
8 governance council member, to hire one of their
9 relatives.

10 MS. MELISSA BROWN: Can you clarify
11 whether you want to know if they have it in their
12 bylaws, or whether they've actually hired someone?

13 THE CHAIR: If they've hired someone. But
14 they can have it in the bylaws also.

15 MS. MELISSA BROWN: They can have in their
16 bylaws that they will not waive the nepotism.

17 MS. KAREN WOERNER: They could have a
18 waiver.

19 COMMISSIONER TOULOUSE: Yeah. But if
20 that's in the bylaws, we still need to have a
21 listing, I think.

22 MS. MELISSA BROWN: I don't think there's
23 anything in statute that says they have to inform us
24 if they have waived.

25 COMMISSIONER TOULOUSE: We ask them to

1 inform us on a lot of things that aren't in the
2 statute or aren't clear in the statute. But I think
3 it important because of the problems that it's
4 caused. Just the most recent one was the
5 La Promesa; so...

6 DR. DEL ROSARIO: Just who's hired a
7 relative.

8 MS. MELISSA BROWN: Do you mean Indian Ed
9 training for the PEC? But the implementation of
10 your training does include a presentation from --

11 COMMISSIONER TOULOUSE: No. I think it
12 needs to be for all of the staff here, not just you
13 that does the training, and everybody here. Because
14 there's some -- you know, real intricacies with some
15 of that that we haven't taken into account. And,
16 say, we have several schools that are strictly on
17 reservations whose board members are completely on
18 the reservation, that makes that one a real touchy
19 subject, as opposed to just groups of students that
20 still come into our schools that are on the
21 reservation.

22 So I just thought it was time; because as
23 I say, I knew that we were real close to getting
24 sued, and, luckily, they weren't. They chose to
25 work with us, but they could have. And I'd just as

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1 soon not ever get in a legal situation, because when
2 you do that, it's always adversarial after that.

3 Just like any time there's been an appeal
4 of one of our decisions and the appeal has been
5 overturned, whether it's by the Secretary or by the
6 courts, it creates, from that point on, a tension
7 between this body and the schools. And the schools
8 think they really don't have to do what we say,
9 because they just have to go to the Secretary or go
10 to the court again.

11 And so any of those things lets us at
12 least know where there might be a problem coming so
13 you we can look at it.

14 THE CHAIR: I think it might have to be a
15 policy that we pass; because it's not -- there's
16 nothing statutorily that requires them to make
17 that --

18 COMMISSIONER TOULOUSE: No. But it could
19 be in our policy; or if it comes down to it, we
20 could have for a rule-making. But I don't think it
21 has to be a rule-making.

22 MS. JAEGER: PED has rules.

23 COMMISSIONER TOULOUSE: But of reporting
24 to us.

25 THE CHAIR: But not to report to us,

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1 when it's something unique. You know, the -- maybe
2 the Sign Language Academy, there might be a specific
3 instance. They don't have one right now. But there
4 could be.

5 MS. MELISSA BROWN: I can give an example
6 of Hózhó. The only -- one of the therapists that
7 can work with kids is related to Patrick, who's one
8 of the founders of the school; it's his sister. So
9 how could they get a contract with her?

10 COMMISSIONER TOULOUSE: Well, that's
11 suspicious right there. That whole school has been
12 suspicious, and we lost appeals on that one. So
13 there's going to be tension there.

14 MS. MELISSA BROWN: Well, I don't have
15 that type of opinion about the school. But that is
16 an example of -- of a situation where if there's a
17 specific therapist, and there is --

18 COMMISSIONER TOULOUSE: Then they would
19 have to explain that there are no others available.
20 And there -- you know, as long as that's clear. But
21 then it might take special questioning then -- you
22 know, on a visit to make sure, you know, just --
23 again, we're responsible for every cent of the State
24 money that's being spent. And I want to make sure
25 we're not getting taken like we have been several

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1 right.

2 MS. JAEGER: Oh.

3 COMMISSIONER TOULOUSE: But --

4 THE CHAIR: If we simply passed a policy
5 that schools need to notify us when they have voted.
6 Because all it requires is a vote of the governance
7 council. But the schools need to notify us when the
8 governance council has taken that vote, just so that
9 also there's that assurance that the governance
10 council has, in fact, taken that vote so everyone is
11 aware.

12 COMMISSIONER TOULOUSE: And probably a
13 brief justification. If it's a position that
14 anybody could fill, as opposed to a specific kind.
15 For instance, in an area -- I mean, you know,
16 special ed teachers are at a premium. If you need a
17 special ed teacher, maybe you have to look at
18 something like that.

19 But just a regular teacher, you can
20 probably find. Because I know -- I don't think the
21 charter schools in Albuquerque have any trouble
22 finding teachers that the regular public schools
23 don't, because they're going from the public school,
24 often, to the charter school.

25 But I'm just saying there's a difference

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1 times in the past.

2 DR. DEL ROSARIO: Oh, absolutely. It's a
3 good point. And we haven't done it at every school,
4 only when it's come up. And there are schools, even
5 in Albuquerque, that those -- those things have been
6 waived.

7 COMMISSIONER TOULOUSE: Oh, I'm well aware
8 of several that they've done that. I mean, ask some
9 questions at MAS, you know.

10 THE CHAIR: I don't necessarily have a
11 huge issues with it; but, you know, it's --

12 COMMISSIONER TOULOUSE: It needs to be
13 upfront, though. It needs to be known by everybody.

14 THE CHAIR: That's what makes it okay,
15 because everyone knows, and it's -- you know, it
16 doesn't come out after the fact and create issues
17 within the -- you know it, can create morale issues.
18 That's where it -- you know.

19 COMMISSIONER TOULOUSE: And, personally, I
20 can't imagine any one of my relatives I would want
21 to work with. But, you know, it -- and I have a
22 large number of them. I'd be glad to let any one of
23 you work with the relatives, and you'd probably be
24 fine. But I wouldn't want to do it.

25 COMMISSIONER ROBBINS: You're asking for a

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1 list of schools that have a provision where they are
2 waiving the nepotism rule.

3 COMMISSIONER TOULOUSE: I want to know the
4 specific -- I want the Charter School Division to
5 know -- whether we have to know or not might be a
6 separate deal -- who that person is that the school
7 has waived it for.

8 COMMISSIONER ROBBINS: Okay.

9 THE CHAIR: That there's been a vote by
10 the governance council, which is a requirement that
11 the governance council has to vote.

12 COMMISSIONER ROBBINS: But -- and again,
13 this is for transparency and accountability for
14 everyone, is do we want them to let us know that
15 they've done that or give us a list? Or are we just
16 asking them, "Please go do that"?

17 THE CHAIR: I think we have to pass a
18 policy; otherwise, they're going to tell them to go
19 pound salt because they don't have to do it.

20 COMMISSIONER ROBBINS: Okay.

21 THE CHAIR: If we really want it done,
22 then it's going to have to be a policy. And there's
23 going to be some pushback, because they're going to
24 say, "It's not in my contract." But that's okay.

25 COMMISSIONER TOULOUSE: So that would be a

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1 understand why Hózhó might hire -- I don't know what
2 kind of therapist this person is. Do they just
3 automatically say, "I'm going to hire you, Melissa,
4 who happens to be my sister," or, "We looked for and
5 advertised, and, you know, did all of those
6 hoop-jumping activities to find a
7 speech-and-language therapist or a physical
8 therapist or whatever"? Did they do that? Or did
9 they just say, "Melissa, I'm hiring you"?

10 MS. MELISSA BROWN: In their
11 implementation year, they asked. They said, "The
12 only person in the Gallup area that's licensed to do
13 this just happens to be my sister."

14 So then what do we do?

15 COMMISSIONER TOULOUSE: When did they tell
16 you that?

17 MS. MELISSA BROWN: I did not ask how they
18 came across that information. And actually, it
19 wasn't -- I wasn't -- they weren't asking me. They
20 were asking Katie. And Katie suggested that one way
21 for them to hire people like that would be to
22 contract through the school district, Gallup; so
23 it's, you know, another separation. But I think
24 that he left the board because of that.

25 THE CHAIR: Yeah, he has.

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1 work study -- or a work session.

2 DR. DEL ROSARIO: The few cases that we
3 had asked, there hadn't necessarily been any
4 problems, because they knew we were looking. Hey,
5 whoever that might be, husband, wife, whatever,
6 hadn't been an issue. But he said, if it's mass, we
7 want it from everyone, obviously, I think there will
8 be pushback from that.

9 THE CHAIR: That's okay. That's why we
10 have (indicates).

11 COMMISSIONER TOULOUSE: And in many cases,
12 it's better to have it from everybody than to only
13 have it --

14 THE CHAIR: We're not picking on --

15 COMMISSIONER TOULOUSE: We're not singling
16 people out then. We have relatively fewer than we
17 used to have. Again, I can think of at least four
18 schools in Albuquerque, and there could be more in
19 my district, that I know there's been -- that
20 currently, there are people who it's been waived
21 for; so...

22 THE CHAIR: I have no clue. I can't tell
23 you.

24 COMMISSIONER ARMBRUSTER: I'm not sure if
25 this is what you meant or not, Carmie. But I can

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1 COMMISSIONER TOULOUSE: Now he's the Chair
2 of the foundation.

3 THE CHAIR: I don't think so.

4 COMMISSIONER ARMBRUSTER: There's
5 difference of hiring someone who happens to be your
6 whatever, as opposed to asking for and not being
7 able to find somebody and, therefore, they got it.

8 MS. MELISSA BROWN: The other thing is,
9 who would present the Indian education?

10 COMMISSIONER ARMBRUSTER: You would be
11 presenting to us, Melissa?

12 MS. MELISSA BROWN: Good god, no. I
13 have -- I asked the people in the Indian Education
14 Department to come to implementation year trainings.

15 COMMISSIONER ARMBRUSTER: Because I would
16 think when we do that, it would be advantageous.
17 Doesn't sound like it's a meeting thing. Sounds
18 more like a work session, that we have a
19 transcriber. Because if someone's not here for the
20 work session, then that person or persons has no way
21 to hear the information that we --

22 THE CHAIR: Cindy's becoming our full-time
23 job.

24 COMMISSIONER TOULOUSE: We have an
25 attorney who's knowledgeable.

1 COMMISSIONER ARMBRUSTER: But I think it's
2 that person's responsibility, and it's hard to get
3 it if we don't have it written down. That's all I'm
4 saying.
5 THE CHAIR: Right. Got it. Yeah. Okay.
6 COMMISSIONER ARMBRUSTER: Because I think
7 it's important.
8 COMMISSIONER TOULOUSE: So, otherwise, I'm
9 out of this, because I only have a couple of more
10 months. But those were the suggestions I had made
11 previously. I just wanted to carry forward.
12 And now for the ones of you who will be
13 here, enjoy next year.
14 COMMISSIONER RUIZ: Does she have a
15 question?
16 THE CHAIR: She does.
17 MS. MEGAN SHANNON: I don't think it will
18 be something that will need to be voted on. But I
19 think it's definitely something you will need to be
20 providing us some feedback.
21 Our 15 schools now operating under the new
22 performance accountability review, half of it is on
23 site stuff that we're observing; but a large portion
24 of it is through a desktop monitoring model. I've
25 started mapping out what that looks like. But, of

1 course, we would like you guys to take a look and
2 see if that's kind of what you had in mind.
3 Our first site visits for that is in --
4 for those specific schools is in November. So that
5 kind of is time-sensitive. You can look at it
6 through October's work session. I can make sure I
7 have it ready for you. I'm not sure it requires a
8 vote. It is process. At least you can provide some
9 feedback, if that was what you were thinking in this
10 whole desktop monitoring model, because it's really
11 kind of loose right now. so -- and it's
12 time-sensitive.
13 THE CHAIR: Okay. Absolutely. Sure. And
14 in addition to that, I think we need to take a look
15 at, in the spring, because -- no, I'll take that
16 back. We need to look at -- sometime during the
17 year, take a look at the performance framework and
18 see if there are -- if there's any tweaks. Because
19 we had said it would run for the year, and we would
20 see if there was anything that we needed to -- you
21 know, to tweak a little bit.
22 So when do you think that would be an
23 appropriate time, based on the information that you
24 all have?
25 DR. DEL ROSARIO: Like the new

1 accountability review? See if it needs to be --
2 THE CHAIR: And the whole -- right, yeah.
3 DR. DEL ROSARIO: Because we're
4 anticipating it -- well, we're anticipating it
5 potentially for those who are renewed, right?
6 THE CHAIR: Well, we've got the 15 schools
7 that we just did. And, in fact, if the contract
8 goes through, Public Impact will run that
9 performance framework information.
10 DR. DEL ROSARIO: Yes.
11 THE CHAIR: So they'll run that, and he'll
12 create a report for that; so that it would be nice
13 if we had that in the fall. But because we don't
14 have the contract out, we don't know what his -- you
15 know, originally, he said it wouldn't take that
16 long. And it maybe could be the end of October,
17 sometime in November that he had it.
18 But he wasn't -- you know, he wasn't going
19 to commit to a complete time frame for that. So
20 that maybe for our purposes, maybe if we look at it
21 in January or February, for sure, we would have that
22 information. And we would then be able to see how
23 that online DASH worked and what we might have to
24 change from the site visit protocol based on what
25 you saw in October-November.

1 MS. KAREN WOERNER: Would that change for
2 the current schools that have already signed onto
3 the contract, or just for schools going forward?
4 THE CHAIR: It would depend on what the
5 tweak was, to be honest. Some of them could be, I
6 think, small enough that it still doesn't change
7 the -- the spirit of it, you know, especially not
8 the protocol.
9 MS. KAREN WOERNER: Like whether it's on
10 site or not on site, is the --
11 THE CHAIR: That would matter what
12 contract they were on, you know. And the actual
13 protocol can change at any time. But if it was a
14 substantial change in the language of the
15 performance framework, that it really did change,
16 you know, how it was being scored or something like
17 that, then that would only be for those schools
18 moving forward, you know.
19 But I don't anticipate those big changes.
20 But we do have to see what kind of, you know, bumps
21 in the road came as a result of it, what we might
22 have to do to alter, you know, that site visit
23 protocol or something like that, you know, or if
24 we're experiencing some -- any kind of issues with
25 the notification process with the accountability

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1 model, you know, and how we're going to move forward
2 and how well we're moving forward with the --
3 because we are looking at, at the end of twenty
4 nine-- the closure of this current school year,
5 being able to provide that report out that we're
6 going to have on the website; so for those 15 and
7 then ongoing schools.

8 So we have to take a look at the timeline
9 for that. When do we think we can actually do that?
10 Are we on track to be able to do that? When can we
11 tell schools they can anticipate --

12 DR. DEL ROSARIO: Yes.

13 THE CHAIR: -- they're going to have
14 their -- you know, the roll-up report for this year,
15 you know, or are we going to do it without the
16 report card and then just slide the report card into
17 it? Or if we think that the report card actually is
18 going to be able to come out early, and do we just
19 wait and do it all together?

20 And part of that is how much extra work
21 would that be if we did two separate ones? If we
22 waited? So you'll have to think about that in terms
23 of just the actual physical process of getting that
24 done.

25 DR. DEL ROSARIO: Yes.

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1 The organizational piece may add a glitch to their
2 running it that he may not be anticipating.

3 DR. DEL ROSARIO: Yeah.

4 THE CHAIR: I don't know what those
5 challenges for him are going to be. So --
6 Anyone else have any suggestions?

7 MS. KAREN WOERNER: I'm sorry.
8 Commissioner, are you talking about the overall
9 calendar for meetings for next year?

10 THE CHAIR: For work sessions. Our
11 meetings are kind of set. But we're looking at what
12 we have to do for work sessions and figuring out --
13 you know, there are certain things that we've got to
14 get done in a more timely fashion so we're not
15 racing through an application because it needs to
16 get out next week and we're rushing through. So we
17 want to plug those in in appropriate time.

18 And I think if we do at the next work
19 session, if we do the renewal and the new
20 application together, I think we'll then be good for
21 the rest of the year in that term.

22 And then if we do -- if we look in January
23 for the performance framework and hopefully have the
24 information from Tim so we can see what potential
25 issues there were, you have done some.

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1 THE CHAIR: And how you think you're going
2 to be able to do it. And then we can work out a
3 time frame so that we can notify schools, "This is
4 what we hope it's going to look like."

5 DR. DEL ROSARIO: Yeah. Yeah. I guess a
6 lot will depend on what that trial -- whatever Tim
7 is going to do.

8 THE CHAIR: Right. Once they run that
9 trial, we'll see how -- if there are any
10 difficulties with the trial and plugging in those --
11 at this point, a handful of schools. But going
12 forward, we may have more schools that may have the
13 mission-specific goals; so we have to look at what
14 challenges doing that may be.

15 DR. DEL ROSARIO: Yeah. When he did the
16 2016-2017, and the schools got those for all of the
17 schools, Tier 1, 2, 3, 4, he obviously didn't
18 include the finance piece. And he obviously didn't
19 include the organizational piece.

20 THE CHAIR: Right. So it does add -- and
21 this time around, he won't have the financial
22 piece -- well, he might. It would be nice if he
23 could do it at the same time, because he's doing the
24 trial run of the financial. If we can work that all
25 together, that would be nice. But you're right.

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1 MS. KAREN WOERNER: Not too many.

2 THE CHAIR: But at least he can kind of
3 get a gauge. And if something big comes up, we can
4 always go back and revisit it. But at least you've
5 had, you know, some hands-on with it, and we can see
6 if there's any big issue that's come up that we need
7 to -- to fix. So we can do that in January.

8 We'll look at the policy for -- but that
9 shouldn't take long -- the nepotism policy should be
10 a quick discussion. So we'll look at that. We'll
11 set -- and will you make a reach-out to -- for the
12 Indian Education?

13 DR. DEL ROSARIO: I will.

14 THE CHAIR: And see what fits best in
15 their schedule.

16 DR. DEL ROSARIO: I will.

17 THE CHAIR: So we'll leave that open, that
18 sometime in the spring, we can hopefully do that.

19 COMMISSIONER ARMBRUSTER: Do you think
20 that should be before spring, if we're -- the Indian
21 Education? I don't know where you thought it should
22 be.

23 COMMISSIONER TOULOUSE: Just sometime
24 coming up.

25 COMMISSIONER ARMBRUSTER: So spring is

1 fine.
2 COMMISSIONER TOULOUSE: Yeah.
3 THE CHAIR: Oh. And we wanted to vote
4 sometime to take a look at the appeals process.
5 COMMISSIONER ARMBRUSTER: Good idea.
6 THE CHAIR: So we'll set that up for maybe
7 February.
8 Anything else? I know things will come up
9 as we go along. But...
10 COMMISSIONER ARMBRUSTER: I think things
11 could easily come up with -- regardless of who. But
12 a new administration, I think things will come up,
13 and we want to allow time for that.
14 THE CHAIR: Sure.
15 COMMISSIONER ARMBRUSTER: Whenever.
16 THE CHAIR: I think we've plugged in the
17 big-ticket items that we need to at this point in
18 time. Maybe on the -- maybe at the same time that
19 we look at the performance framework, we take a --
20 we put eyes back on the contract to see if there's
21 any -- because we do have to, I guess, take a look
22 at that 30-day and 14-day issue to see if there's
23 anything else that we need to perhaps change. Okay.
24 MS. FRIEDMAN: Pattie, I have down October
25 to look at the renewal contract and the new

1 NOI for the October meeting.
2 THE CHAIR: Yeah. October, we have --
3 yeah, that's where I -- it's the NOI, because we
4 need to change the dates on that.
5 MS. FRIEDMAN: I don't have anything for
6 November. Did you want to divide some of these out
7 is what I mean?
8 THE CHAIR: Well, for sure, we have to do
9 the performance framework in October. That, we have
10 to look at in October. So that's number one
11 priority. And we'll do the NOI, because that'll
12 take two seconds. And we can do the policy for
13 nepotism.
14 MS. KAREN WOERNER: The new application
15 review, we have new application training starting in
16 November.
17 MS. MELISSA BROWN: No. I've put a
18 pre-NOI training for November. So the trainings for
19 the new applicants and -- the new applicants will
20 start in January. Implementation trainings continue
21 throughout the year from last week -- no, earlier
22 this week -- through May, I think. And then the
23 renewal trainings generally start in February.
24 THE CHAIR: Okay. The NOI training.
25 MS. MELISSA BROWN: So I was asked to have

1 applications. And you said something about --
2 THE CHAIR: No. The renewal applications
3 and the new applications.
4 MS. FRIEDMAN: And the new applications.
5 And then to look at policies?
6 THE CHAIR: We're going to look at -- no.
7 Well, we could do the nepotism. We probably could
8 do it; because that'll take five minutes, the
9 nepotism policy, create -- taking a look at creating
10 a nepotism policy/procedure.
11 MS. FRIEDMAN: And that would be for
12 October.
13 THE CHAIR: Yeah.
14 MS. FRIEDMAN: And November.
15 MS. KAREN WOERNER: Also in October.
16 MS. MEGAN SHANNON: Yeah. Performance
17 accountability review, just the process. I don't
18 think it's a policy, but a process.
19 But one other thing, probably, like, maybe
20 February and March is any revisions to the
21 implementation year checklist. It'll be about that
22 time to be -- the new one to be online. So that'll
23 probably be, like, February, March-ish.
24 THE CHAIR: Sure. Sure.
25 MS. LAUREL PIERCE: And, Commissioner, the

1 a pre -- we used to do a pre-NOI going around the
2 state banging a drum saying, "Do you want to start a
3 charter school?" A former PED employee reached out
4 about a potential charter school applicant who
5 wanted some assistance.
6 And, you know, I could give them a
7 presentation. I've created a presentation on,
8 "Here's where you find the statute, the regulations.
9 Here are some suggested readings to do," you know,
10 kind of like a how they need to plan for what's
11 going to start in January.
12 If I had my druthers, I'd move the NOI to
13 September. I think all these schools need more
14 time; but --
15 THE CHAIR: Right.
16 MS. MELISSA BROWN: -- just trying to give
17 them a little bit more of an opportunity to come to
18 the first training, then, even more prepared; so...
19 THE CHAIR: So when is the -- refresh my
20 memory -- the new application goes up what date?
21 MS. MELISSA BROWN: As soon as it's
22 available.
23 THE CHAIR: That doesn't help.
24 MS. MELISSA BROWN: I don't know that
25 there's a time.

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<p>1 THE CHAIR: We used to outline that date. 2 And, actually, we used to vote on -- 3 MS. MELISSA BROWN: The first Tuesday in 4 January is when you want the NOIs. 5 THE CHAIR: Right. But the new 6 application, dated -- 7 MS. MELISSA BROWN: I don't know. Yeah. 8 THE CHAIR: When do we -- 9 MS. MELISSA BROWN: I wasn't planning on 10 it. November 13th was when I was going to be giving 11 my pre-NOI intro kind of talk-through -- I was not 12 going to go over the application at all at that 13 point. I would love to go through it. 14 THE CHAIR: So if someone called and said, 15 "We're thinking about doing an application" -- and I 16 don't think it's unreasonable to say, "Well, you 17 could use the current application as your guide, 18 because it's not going to change substantially"; so 19 that it would -- 20 MS. MELISSA BROWN: That's what we 21 generally do. 22 THE CHAIR: So what would be your 23 preference for when the actual application that 24 folks can use and know that, "I'm not going to have 25 to go back and say, 'Oh, I have to do this over,</p>	<p>1 done? 2 Okay. Hásta mañana. We are in recess 3 until tomorrow. Not in recess, because we never 4 officially opened. 5 (Proceedings concluded at 3:06 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 because they've changed it on me"?" 2 DR. DEL ROSARIO: It's due June 1st, 3 right? June 1st? 4 MS. KAREN WOERNER: That's when it's due. 5 MS. MELISSA BROWN: That's when it's due. 6 I'd like it by January. If it could be by the time 7 the NOI -- 8 THE CHAIR: So we'd have to do that in 9 November. We'd have to review it in November, which 10 I think would -- so I don't -- so we do the new 11 application and the renewal in November, which is 12 kind of what we said. And that way, it'll be set. 13 And they can go up whenever after that, because we 14 would hopefully be able to do it in the work session 15 and vote on it on Friday. 16 Because I don't think there's going to be 17 significant changes, that we're going to hit a 18 roadblock and say, "We're going to have to put this 19 aside and come back another time." 20 DR. DEL ROSARIO: Yeah. By then, I think 21 November, we'll be able to get not just the 22 grammatical, all that stuff in there, but people's 23 input. We'll make sure we'll highlight that for 24 you, so you all see. 25 THE CHAIR: Okay. Are we good? Are we</p>	<p>1 BEFORE THE PUBLIC EDUCATION COMMISSION 2 STATE OF NEW MEXICO 3 4 5 6 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 October 2, 2018. 17 18 19 20 21 22 23 24 25</p> <hr/> <p>Cynthia C. Chapman, RMR-CRR, NM CCR #219 BEAN & ASSOCIATES, INC. 201 Third Street, NW, Suite 1630 Albuquerque, New Mexico 87102</p> <p>Job No.: 1079N (CC)</p>

1 RECEIPT
2 JOB NUMBER: 1079N CC Date: 9/20/18
3 PROCEEDINGS: WORK SESSION
4 CASE CAPTION: In re: Work Session 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 ____
14 DATE DELIVERED: _____ DEL'D BY: _____
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18 DOCUMENT: Transcript / Exhibits / Disks / Other ____
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20 REC'D BY: _____ TIME: _____
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23 DOCUMENT: Transcript / Exhibits / Disks / Other ____
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25 REC'D BY: _____ TIME: _____

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