

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

September 21, 2018

9:00 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 APPEARANCES
 2 COMMISSIONERS:
 3 MS. PATRICIA GIPSON, Chair
 4 MR. GILBERT PERALTA, Vice Chair
 5 MS. KARYL ANN ARMBRUSTER, Secretary
 6 MR. R. CARLOS CABALLERO, Member
 7 MR. JAMES CONYERS, Member
 8 MR. TIM CRONE, Member
 9 MS. DANIELLE JOHNSTON, Member
 10 MR. DAVID ROBBINS, Member
 11 MS. TRISH RUIZ, Member
 12 MS. CARMIE TOULOUSE, Member
 13
 14 PED STAFF:
 15 BAYLOR DEL ROSARIO, Ph.D., Deputy Director,
 16 Options for Parents and
 17 Families
 18
 19 MS. BEVERLY FRIEDMAN, PED Custodian of Record
 20 and Liaison to the PEC
 21
 22 PEC COUNSEL:
 23 MS. AMI JAEGER, Counsel to the PEC
 24 MR. MARK CHAIKEN, Counsel to the PEC
 25

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1 THE CHAIR: I'm going to call to order
 2 this meeting of the Public Education Commission. It
 3 is Friday, September 21st, and it is 9:05 a.m. And
 4 I'm going to ask Commissioner Armbruster to do roll
 5 call, please.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Robbins?
 8 COMMISSIONER ROBBINS: Present.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Toulouse?
 11 COMMISSIONER TOULOUSE: Présente.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Armbruster is here.
 14 Commissioner Conyers?
 15 COMMISSIONER CONYERS: Présente.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Peralta?
 18 COMMISSIONER PERALTA: Here.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Gipson?
 21 THE CHAIR: Here.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Johnston?
 24 COMMISSIONER JOHNSTON: Présente.
 25 COMMISSIONER ARMBRUSTER: Commissioner

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 5 New Mexico Flag
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1 Crone?
 2 COMMISSIONER CRONE: Absent-minded.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Ruiz?
 5 COMMISSIONER RUIZ: Présente.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Caballero?
 8 COMMISSIONER CABALLERO: Présente.
 9 THE CHAIR: So everyone is present. We
 10 have all ten. Thank you.
 11 I'm going to ask Commissioner Peralta to
 12 lead us in the Pledge, and Commissioner Conyers to
 13 lead us in the Salute to the New Mexico flag.
 14 (Pledge of Allegiance and Salute to
 15 the New Mexico Flag conducted.)
 16 THE CHAIR: Baylor, do you have the list
 17 of the four schools going off the consent agenda?
 18 Can I just see them? I forgot to circle them last
 19 night when we talked about it.
 20 Okay. Thanks.
 21 THE CHAIR: Next on our list -- and I
 22 apologize -- is the approval of the agenda.
 23 Do I have any changes?
 24 (No response.)
 25 THE CHAIR: If not, I'll entertain a

<p style="text-align: right;">Page 6</p> <p>1 motion. 2 COMMISSIONER RUIZ: (Indicates.) 3 THE CHAIR: There's a motion by 4 Commissioner Ruiz. 5 COMMISSIONER ROBBINS: (Indicates.) 6 THE CHAIR: A second by Commissioner 7 Robbins. 8 All in favor? 9 (Commissioners so indicate.) 10 THE CHAIR: Opposed? 11 (No response.) 12 THE CHAIR: Hearing no opposition, the 13 motion passes. 14 There is no one that signed up for Open 15 Forum. 16 So we are on to Item No. 4, which is the 17 Consent Agenda. And I have a slight modification to 18 the Consent Agenda. 19 So if you look at B, the notification 20 changes, I am -- I am taking off Albuquerque School 21 of Excellence, Aldo Leopold Charter School, Hózhó 22 Academy and Turquoise Trail Community Charter 23 School, not for discussion later, but they did not 24 get all their materials in on time. So we're not 25 going to vote on that. Okay?</p>	<p style="text-align: right;">Page 8</p> <p>1 (No response.) 2 THE CHAIR: Hearing no opposition, the 3 motion passes. 4 So we are on to No. 5, which is the Report 5 from Options for Parents. 6 DR. DEL ROSARIO: All-righty. Let me just 7 grab -- here. Good morning, everyone. Just a few 8 items regarding the update from the Charter School 9 Division. 10 Obviously, I'm doing the management piece, 11 the Deputy Director piece. But we are still 12 slightly short-staffed. About three individuals, 13 three positions, are still needing to be filled, 14 including myself. Just that -- a quick one. 15 THE CHAIR: So you could be absent twice. 16 DR. DEL ROSARIO: Yes. In reality and 17 practicality, yes. Yes. 18 THE CHAIR: So can I just ask a question 19 on that? 20 DR. DEL ROSARIO: Sure. 21 THE CHAIR: So the three openings, what 22 sort of positions are those? 23 DR. DEL ROSARIO: Yes. The -- one of the 24 openings is obviously on the authorizing side. The 25 CSD is divided between authorizing -- the</p>
<p style="text-align: right;">Page 7</p> <p>1 Does anyone else have any changes? 2 (No response.) 3 THE CHAIR: If not, I'll entertain a 4 motion for approval of the Consent Agenda. There's 5 a motion by -- 6 COMMISSIONER CRONE: Oh. I had -- first, 7 I just wanted -- there was a slight correction on 8 the -- let's see -- this was the minutes for the PEC 9 Work Session, August 23rd, 2018. It has 10 Commissioner Caballero absent twice. 11 MS. FRIEDMAN: Oh. Sorry. 12 THE CHAIR: Oh. 13 COMMISSIONER CRONE: Not a big deal. 14 COMMISSIONER CABALLERO: Thank you. 15 COMMISSIONER CRONE: But I do make the 16 motion as well. 17 THE CHAIR: With that one change -- so 18 there's a motion, with the one change that 19 Commissioner Caballero was only absent once. 20 There's a motion by Commissioner Crone. 21 COMMISSIONER RUIZ: (Indicates.) 22 THE CHAIR: A second by Commissioner Ruiz. 23 All in favor? 24 (Commissioners so indicate.) 25 THE CHAIR: Opposed?</p>	<p style="text-align: right;">Page 9</p> <p>1 authorizing team and the technical assistance team. 2 And the authorizing position, education 3 administrator position that I left, is open. 4 THE CHAIR: Okay. 5 DR. DEL ROSARIO: Also, in that -- it 6 actually can go back and forth between authorizing 7 and technical assistance -- is also an education 8 administrator position, but focus on finance, one 9 that we have not had in the past -- at least in the 10 recent past. 11 THE CHAIR: So that's not the position 12 that Dirk had had. 13 DR. DEL ROSARIO: It was the position that 14 Dirk had, yes. 15 THE CHAIR: It was the position that Dirk 16 had. Okay. 17 DR. DEL ROSARIO: Dirk had departed, so 18 that position has been left open. 19 And the third position is another -- 20 THE CHAIR: So -- okay. I'm sorry. So 21 does that individual do sort of double-duty in terms 22 of -- because it's an educational -- 23 DR. DEL ROSARIO: Administrator? Yeah. 24 THE CHAIR: -- administrator. So are they 25 expected or anticipated that they would also do --</p>

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1 some have some role with the non-financial
2 authorizing side?

3 DR. DEL ROSARIO: No. It's mainly the
4 finance piece.

5 THE CHAIR: Okay. Okay.

6 DR. DEL ROSARIO: The third position is
7 also an education administrator position that is on
8 the technical assistance side. And it's actually a
9 support position for Melissa and Laurel and what
10 they do.

11 THE CHAIR: Okay. Thanks.

12 DR. DEL ROSARIO: Sure. And just to let
13 the Commission know as well, I do -- I do report to
14 our Assistant -- let me find the exact title here,
15 if I can find it. I do report to Jane Henzerling.

16 She is the Assistant Secretary -- and I can't find
17 the actual title. But she's -- she's upper-level
18 management. And that's who I report to.

19 THE CHAIR: Okay.

20 DR. DEL ROSARIO: She is charged with
21 policy and -- and accountability. The bureau name
22 changed a little bit. I apologize. I should have
23 written it down. But that's who I report to.

24 THE CHAIR: Okay.

25 Is she chief of staff or --

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1 the -- the gym and the art room.

2 THE CHAIR: Since when?

3 MS. DIANA CORDOVA: When we got the
4 E-Occupancy, the following day.

5 THE CHAIR: See, that's the only issue
6 that I have is the fact that you move and then let
7 us know well after the fact; because, you know,
8 there -- it's our job to make sure that all -- that
9 the E-Occupancy and everything is -- is done before
10 we say, "Okay, you can move in."

11 Now you've done it. I know you got the
12 E-Occupancy. But it's -- it's a concern for us to
13 know after the fact that you've -- that you've
14 moved.

15 MS. DIANA CORDOVA: When we read the
16 instructions, the instructions say that we have to
17 notify you before the school physically moves
18 location. We didn't physically move to a location;
19 so we didn't think that part applies. So if you see
20 on our form, we didn't actually sign -- like,
21 check-mark that. That's why we put a note.

22 THE CHAIR: So it might be something we
23 need to do.

24 MS. DIANA CORDOVA: Yeah. Sorry about
25 that. But we took it as we're not physically moving

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1 DR. DEL ROSARIO: She's not the chief of
2 staff.

3 THE CHAIR: Okay.

4 DR. DEL ROSARIO: Let's see here. We do
5 have Item 5B. We do have notification of the --
6 regarding a school location involving Horizon
7 Academy West. And if the school would like to come
8 up and provide some information on their request.

9 MS. CYNTHIA CARTER: We weren't planning
10 on coming up. Hello.

11 THE CHAIR: Good morning.

12 MS. CYNTHIA CARTER: Good morning.

13 THE CHAIR: Just to remind you, the green
14 light has to be on. And if you would identify
15 yourself for the record.

16 MS. CYNTHIA CARTER: There we go. My name
17 is Cynthia Carter. I am the director of Horizon
18 Academy West. And I have Diana Cordova, our
19 business manager, here with me today.

20 MS. DIANA CORDOVA: Good morning.

21 THE CHAIR: Good morning. So I don't know
22 if there's anything you want to say. I just -- when
23 I was going through this, I just -- have you already
24 made the move?

25 MS. DIANA CORDOVA: The students are using

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1 anywhere; we're just adding this new building. But
2 we did notify PSFA, and we figured that we'd be okay
3 to go ahead and use the building since we got
4 E-Occupancy.

5 THE CHAIR: Okay. Commissioners? Excuse
6 me?

7 COMMISSIONER ARMBRUSTER: Another
8 unclear -- it's hard.

9 THE CHAIR: That's what happens. We do
10 these things, and until you start using them, then
11 you figure out, oh -- we thought it was clear; but
12 then we had a different idea of what that meant. So
13 it's -- it's no problem.

14 We just -- I -- I had some concerns. And
15 I just had -- and honestly, my concern was when
16 the -- when this came down to us, it was written in
17 a -- to me, a little confusing manner. And I was --
18 and I didn't have the paperwork; so I wasn't
19 100 percent sure if you were moving or just adding
20 the location.

21 And that's why I was reluctant to put it
22 on the Consent Agenda, because I wasn't clear,
23 because I didn't have the paperwork to see what it
24 meant.

25 MS. CYNTHIA CARTER: Right. And it can be

<p style="text-align: right;">Page 14</p> <p>1 kind of confusing. Because that location, even 2 though it's right in the same location as where 3 everything is located, it has a different address. 4 THE CHAIR: Different address, yeah. And 5 that happens fairly often, you know. Someone's on a 6 corner property, so this one's got the side street 7 address and things like that. 8 So that can be -- but, you know, I didn't 9 understand if the whole school -- you know. That's 10 what was confusing when it was written to us without 11 seeing the paperwork first. 12 MS. DIANA CORDOVA: And I did contact CSD 13 to make sure what form we needed to fill out; 14 because it didn't seem like this form really 15 applied. It seemed like it was more if you're 16 physically moving to a total separate location. But 17 they did say this was the form that we should use. 18 THE CHAIR: So we'll have to look at that. 19 MS. DIANA CORDOVA: Okay. 20 COMMISSIONER ARMBRUSTER: Yes, yes. 21 THE CHAIR: Thanks for letting us know 22 that. 23 Commissioner Toulouse? 24 COMMISSIONER TOULOUSE: Madam Chair, it 25 seems to me the issue can be cleared up simply with,</p>	<p style="text-align: right;">Page 16</p> <p>1 dragging you up here; but there was just that little 2 bit of confusion. 3 MS. CYNTHIA CARTER: No problem. 4 THE CHAIR: Thank you for making a number 5 of things clearer for us. 6 MS. CYNTHIA CARTER: No problem. 7 THE CHAIR: Thank you. I appreciate it. 8 We're probably going to have to put this 9 item on the Consent Agenda for next month. 10 DR. DEL ROSARIO: Okay. 11 THE CHAIR: Because it's not listed as an 12 action item here. 13 DR. DEL ROSARIO: Okay. 14 THE CHAIR: So we'll just formally vote on 15 it. They don't have to come up. But we'll have to 16 formally vote on it through the consent agenda next 17 month. 18 DR. DEL ROSARIO: We'll make sure to put 19 them in there. 20 THE CHAIR: Okay. Thanks. Okay. 21 Oh, it does say "Possible Action" there. 22 So we can vote on it. 23 DR. DEL ROSARIO: Okay. You can vote. 24 THE CHAIR: It does say "Possible Actions" 25 in the heading of 5; so we can vote on it now, on</p>
<p style="text-align: right;">Page 15</p> <p>1 next time around, looking at anytime you're putting 2 students in a new location that they have not been 3 in before, that would be the clarification you'd 4 need, that we need to make sure, still, that the 5 E-Occupancy and everything is there and you have 6 permission to do it before it happens. 7 And it's nobody's fault; but I think that 8 would be a quick clarification, that anytime a 9 student physically is located somewhere else, it 10 would be that. 11 COMMISSIONER ROBBINS: And perhaps new 12 location or facility, because that would mean a new 13 building on the same property. Because location 14 could be address; it could be interpreted as 15 address. So if we say "facility," "new facility," 16 "new location," it probably clarifies it. 17 THE CHAIR: Yeah. Because -- you're 18 right. If I read "new location," I might see it as 19 you could be moving across town, you know, because 20 it's a new loca- -- you know. 21 So, yeah, we'll have to -- we'll have to 22 wordsmith that. 23 Commissioners, any other questions? 24 (No response.) 25 THE CHAIR: Okay. And I apologize for</p>	<p style="text-align: right;">Page 17</p> <p>1 the -- the addition of a location. 2 COMMISSIONER TOULOUSE: Madam Chair, can I 3 make a motion? 4 THE CHAIR: Certainly. 5 COMMISSIONER TOULOUSE: Madam Chair, I 6 move that we, after the fact, approve the move to an 7 additional facility within the same location for the 8 Horizon Academy West. They meet all requirements 9 for that location to be E-Occupancy. 10 THE CHAIR: There is a motion by 11 Commissioner Toulouse and a second by Commissioner 12 Conyers. 13 COMMISSIONER CONYERS: Second. 14 THE CHAIR: Any discussion? 15 COMMISSIONER JOHNSTON: Madam Chair? 16 THE CHAIR: Certainly. 17 COMMISSIONER JOHNSTON: Just because you 18 made the trip -- are you pleased with the facility? 19 MS. DIANA CORDOVA: Yes. 20 COMMISSIONER JOHNSTON: You're excited? 21 MS. DIANA CORDOVA: Yes. 22 COMMISSIONER JOHNSTON: Good. Thank you. 23 THE CHAIR: Commissioner Armbruster? 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Caballero?</p>

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<p>1 COMMISSIONER CABALLERO: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Ruiz? I'm sorry. Can you hear me? 4 COMMISSIONER RUIZ: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Crone? 7 COMMISSIONER CRONE: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Johnston? 10 COMMISSIONER JOHNSTON: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Gipson? 13 THE CHAIR: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Peralta? 16 COMMISSIONER PERALTA: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Conyers? 19 COMMISSIONER CONYERS: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Armbruster votes "Yes." 22 Commissioner Toulouse? 23 COMMISSIONER TOULOUSE: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Robbins?</p>	<p>1 during that contract period? Or is it -- can it -- 2 back -- 3 THE CHAIR: This is -- there's a little 4 bit -- there has to -- the school is currently under 5 contract with Gallup-McKinley School District. They 6 renewed them last year. They're having a little bit 7 of a scuffle. So there has to be a settlement with 8 Gallup-McKinley -- with Gallup-McKinley School 9 District before we will formally go through with the 10 renewal process with them; because they still have a 11 contract. 12 So unless they can get a settlement with 13 Gallup-McKinley that releases them from that 14 contract that they're currently under, we do not 15 take schools mid-contract, that we've -- 16 DR. DEL ROSARIO: Okay. 17 THE CHAIR: -- we've expressed that. I do 18 believe Ami has had some discussion early on with 19 the director. 20 DR. DEL ROSARIO: Okay. 21 THE CHAIR: I've had some discussions with 22 the director as well. And we've made it clear that 23 that settlement has to take place -- 24 DR. DEL ROSARIO: Okay. 25 THE CHAIR: -- with Gallup-McKinley before</p>
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<p>1 COMMISSIONER ROBBINS: Yes. 2 COMMISSIONER ARMBRUSTER: 10-to-0 vote. 3 The motion passes. 4 DR. DEL ROSARIO: The next item in our 5 report involves the renewal -- just updating you all 6 in the renewal process. We do have 13 schools we 7 anticipate that will be applying this October. And 8 that actually includes -- currently includes a 9 school that is a district school. And that's Middle 10 College. And they're currently in their first year 11 as well, too; so there will be a little bit limited 12 data there. 13 THE CHAIR: No. Early College in Gallup 14 is one of the oldest charters in the state. 15 DR. DEL ROSARIO: Yes. I should have made 16 it clear that they recently -- 17 THE CHAIR: Renewed. 18 DR. DEL ROSARIO: Renewed, yes. And 19 they're in the first year of that contract. 20 THE CHAIR: But there should be -- there 21 should be data from prior years for them; correct? 22 DR. DEL ROSARIO: There is. We're in the 23 process of getting that from the district. And I 24 guess this is probably something I'll put out there. 25 If a school is considered for renewal, is it only</p>	<p>1 we'd formally vote -- 2 DR. DEL ROSARIO: Okay. 3 THE CHAIR: -- in December for them. 4 But the recommendation was for them to go 5 forward with us, assuming that that settlement is 6 going to take place; so everything will be clean and 7 their contract will be ending in May of 2019. 8 DR. DEL ROSARIO: Got it. And we've also 9 contacted the director as well and were attempting 10 to contact someone from the district. And our 11 understanding is that the district and the school 12 has a settlement of some sort. Yeah. 13 THE CHAIR: And I've had the same rumors. 14 But I have not seen anything. 15 DR. DEL ROSARIO: Okay. 16 THE CHAIR: And I have not been 17 actually -- the only thing I've been told, ever, is, 18 "We're going to have one." 19 DR. DEL ROSARIO: Okay. 20 THE CHAIR: I have not been informed that 21 there has been one; nor I have actually seen one. 22 (Chair consults with counsel.) 23 THE CHAIR: Do you want to speak to this? 24 MS. PATRICIA MATTHEWS: I just want to 25 make sure that if the Commission has questions, that</p>

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1 Sue really ought to be contacted, because I know
2 that they're in the process. I'd like to add one
3 already; but they're not being very -- playing in
4 the sandbox well; so -- so --

5 THE CHAIR: I know. And I know that's
6 been the difficulty. But, yes. And through the
7 director, I know we've kind of been discussing
8 with -- with Sue --

9 MS. PATRICIA MATTHEWS: And so feel free
10 to contact her if any of you have questions on the
11 status. And I'll give her an alert that that's your
12 position, that you don't want to consider the
13 renewal application until the settlement is final.

14 THE CHAIR: Right.

15 MS. MATTHEWS: But they're allowed to
16 submit; correct?

17 THE CHAIR: Absolutely, yes. I spoke with
18 him. And, actually, they used -- last year, they
19 used our renewal application. So the only thing he
20 had to do was put the updated. So it was -- it was
21 basically done. So -- and I've communicated that,
22 that we need to see it. We're not going to vote in
23 December unless we have the physical copy of a
24 settlement, that they absolutely don't have a
25 contract in May.

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1 Or --

2 THE CHAIR: The start of July of 2019,
3 yes. Yes.

4 COMMISSIONER ARMBRUSTER: Got it.

5 THE CHAIR: Yeah. So that makes 13.

6 DR. DEL ROSARIO: Yes.

7 THE CHAIR: Okay.

8 DR. DEL ROSARIO: We do want to note also
9 that we received written notification from one of
10 our -- one of your current State charters, Gilbert
11 Sena, that they'll be looking to reauthorize with --
12 with -- hopefully, with APS. And verbal notice from
13 New America-New Mexico --

14 THE CHAIR: Albuquerque.

15 MR. DEL ROSARIO: -- Albuquerque -- yes --
16 doing the same thing, or planning to do the same
17 thing.

18 We have -- just moving on here, we have a
19 number of -- obviously, quite a bit of renewal site
20 visits that need to take place. One has already
21 taken place: Taos Academy.

22 We had given schools options. Instead of
23 doing them all in October, we had given them options
24 to have site visits, submit their renewal
25 application earlier. And one of the schools was

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1 MS. MATTHEWS: I'll make sure that she's
2 aware of that.

3 THE CHAIR: Thank you.

4 MS. MATTHEWS: Thank you.

5 COMMISSIONER ARMBRUSTER: Madam Chair, I
6 just -- as a clarification for me -- somewhere I
7 know you and I have talked about this. But
8 Gallup-McKinley, I thought they wanted the building.

9 THE CHAIR: No. The Early College High
10 School owns the building.

11 COMMISSIONER ARMBRUSTER: Oh, okay. Got
12 you.

13 THE CHAIR: They want the program.

14 COMMISSIONER ARMBRUSTER: Oh, of course.

15 They want the program.

16 THE CHAIR: They don't want the building.

17 COMMISSIONER ARMBRUSTER: Okay. So
18 they'll be able to stay. There's no -- because
19 they're on the campus of the community college, I
20 believe.

21 FROM THE FLOOR: UNM.

22 THE CHAIR: So there's no issue of them
23 having to move.

24 COMMISSIONER ARMBRUSTER: And should they
25 move, they begin with us the beginning of 2019?

Page 25

1 Taos Academy. And that renewal site visit was
2 completed; just not the report yet.

3 THE CHAIR: So let me ask you. Because
4 my -- it was my understanding because, we gave
5 schools the opportunity if they wanted to to renew
6 early with us, so that if they took the early site
7 visit, they should be on the October agenda; because
8 that was the hope, that some of the schools -- so
9 that we didn't have 13 schools renewing in December,
10 and it taking a week to get through them
11 thoughtfully, so that that early renewal -- and my
12 understanding was Taos took us up on that early
13 renewal.

14 DR. DEL ROSARIO: They did.

15 THE CHAIR: So we're looking at them in
16 October?

17 DR. DEL ROSARIO: Well -- well, my
18 understanding was it was November. So the school
19 did their renewal site visit in October. We'd have
20 their materials done and completed by the December
21 meeting. But that was my assumption. If it's
22 wrong, obviously, we could --

23 THE CHAIR: Okay. Repeat what you just --
24 if they have their site visit in October --

25 DR. DEL ROSARIO: Yes, when --

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1 THE CHAIR: -- they would be up -- they
2 would be ready for when?
3 DR. DEL ROSARIO: At the December meeting.
4 THE CHAIR: So Taos asked for early
5 renewal.
6 DR. DEL ROSARIO: Yes.
7 THE CHAIR: They haven't had their site
8 visit yet.
9 DR. DEL ROSARIO: They actually had it,
10 I'd like to say, a couple of weeks ago.
11 THE CHAIR: Oh, that's right. You were up
12 there.
13 So will they be ready for November?
14 DR. DEL ROSARIO: They'll be ready for
15 November.
16 THE CHAIR: All right. All right. So
17 that we'll have 12 in December. I was actually -- I
18 guess they can't -- I was actually hoping that
19 Gallup-McKinley would be able to jump in there
20 early; but I don't think that's going to be able to
21 happen.
22 DR. DEL ROSARIO: Well, they did submit a
23 renewal application with us.
24 THE CHAIR: I know. I know. But I was
25 hoping, because they were so far along in the

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1 application process --
2 DR. DEL ROSARIO: Yes.
3 THE CHAIR: -- that they would be -- but
4 you have not done a site visit to them yet.
5 DR. DEL ROSARIO: We haven't. But there
6 is one planned for next week.
7 THE CHAIR: Okay. Well, if they could get
8 their settlement in, if they could get their
9 settlement to us, and they are willing, I -- you
10 know, I'm more than happy to throw them into the
11 November.
12 DR. DEL ROSARIO: Yes.
13 THE CHAIR: So if you can make contact
14 with them, and I'll try to contact them as well to
15 see if --
16 MR. DEL ROSARIO: Absolutely. We'll --
17 THE CHAIR: -- they have something in
18 writing yet.
19 DR. DEL ROSARIO: We'll make sure to get
20 any documents to you all.
21 THE CHAIR: Because I think he'd be more
22 than willing to get this done, and --
23 DR. DEL ROSARIO: No. Agree. Agree.
24 THE CHAIR: Yeah. Yeah. So if we could
25 do that, that would really be great. So let's see

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1 if we can do that. So maybe we can get it down to
2 11.
3 Commissioner Armbruster?
4 COMMISSIONER ARMBRUSTER: Theoretically.
5 THE CHAIR: In my perfect world.
6 COMMISSIONER ARMBRUSTER: In your perfect
7 world. So on -- I'm looking at this calendar that
8 you included.
9 DR. DEL ROSARIO: Okay.
10 COMMISSIONER ARMBRUSTER: So October 2nd
11 is Coral Community.
12 DR. DEL ROSARIO: Yes.
13 COMMISSIONER ARMBRUSTER: If they got all
14 their stuff in and you did their site visit, could
15 they be early in November? Or -- probably, this
16 first week of people? Or is it, like, done now?
17 DR. DEL ROSARIO: You know, that's a great
18 question. You know, perhaps we can push some of
19 them in November. That way, it's not so --
20 THE CHAIR: Right. I mean, I don't want
21 to push the school -- because I don't want a school
22 to say, "We rushed through this, and it didn't go
23 well because you pushed us to come here early, and
24 we weren't quite ready." That -- you know. So we
25 have to be careful with how we -- you know.

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1 DR. DEL ROSARIO: Absolutely. And that
2 push, I think, is actually affected a lot by what we
3 accomplish.
4 THE CHAIR: Because they have to do the
5 application and also do that. Right.
6 COMMISSIONER ARMBRUSTER: I'm totally
7 aware of that. That's why I just sort of asked if
8 all the moons lined up and stars and things, and
9 they wanted to, and they're ready, and you are able
10 to do that because you're short-staffed, could they
11 say, "Hey, I could be ready for November"?
12 And I'm asking you, I guess, whether that
13 could occur.
14 THE CHAIR: It could. I mean, it's
15 certainly -- because the November agenda certainly
16 hasn't been done yet. So we could. You know, that
17 was the intention of sending out the request was so
18 that they would be able to create that schedule,
19 knowing that five schools were asking for early
20 renewal, so that they could do the site visits and
21 know that they had to do X amount of reviews and
22 they could figure that out.
23 So it becomes a little more problematic
24 when it's now almost October. And so it's -- but, I
25 mean, if -- certainly, if you want to send another

1 reminder to schools --

2 DR. DEL ROSARIO: Yes.

3 THE CHAIR: -- that there is the
4 opportunity to renew early, if they feel they are
5 ready, that there's -- there is some availability.
6 Because we -- if we had too many, we have to -- we
7 have to alter the November schedule; so we have to
8 know that ahead of time as well.

9 But if -- you know, if a school wants to,
10 I've got no problem with it.

11 DR. DEL ROSARIO: And agree. And I think
12 we certainly like the idea of trying not to overload
13 November. And so we'll work with some of the
14 schools, especially those in the first- and
15 second-week visits in October, to see who might be
16 interested, and we'll certainly work hard to try and
17 get those analyses and all that to you all.

18 THE CHAIR: When would -- let me ask you.
19 The site visit analysis, when do they get that back?

20 DR. DEL ROSARIO: That's a bit of a
21 problem. That's why we'll work with the schools;
22 because there are timelines where they have an
23 opportunity to respond.

24 THE CHAIR: To respond back, right.

25 COMMISSIONER ARMBRUSTER: Right.

1 November; so --

2 THE CHAIR: All right. Thank you.

3 DR. DEL ROSARIO: And just -- just to kind
4 of remind about the timeline, if we were to keep
5 everyone -- or those -- you know, 12-plus schools on
6 the December agenda, the timeline that's specified
7 in the renewal application is CSD will provide the
8 analysis due to the schools and the Public Education
9 Commission by November 5th. And then the school can
10 respond to the analysis, which would be due
11 November 19th.

12 So if any schools being visited in October
13 would like to -- or are able to adjust to that so
14 that they can be on the November agenda, that would
15 be --

16 THE CHAIR: So let me ask you. That
17 becomes -- so let's say a school now readjusted, and
18 they're going to be on the November calendar. So
19 let's take a look at when would we be able to get
20 the packet so that we can look at it. Because
21 that's --

22 DR. DEL ROSARIO: The key, yeah.

23 THE CHAIR: So let's be practical about
24 this. So if I had -- if I'm -- as an example, Coral
25 Community. And I'm scheduled for a site visit when?

1 THE CHAIR: That becomes the timing issue,
2 that they get the site visit, they have an
3 opportunity to respond back. So for them to make a
4 decision, they have to have all of that information
5 available to them to be able to make that decision.

6 DR. DEL ROSARIO: That's correct.

7 THE CHAIR: You know, that I recall.

8 COMMISSIONER ARMBRUSTER: That was my
9 referral to the stars lining up. Yes. I wasn't
10 pushing it.

11 THE CHAIR: If you look in the sky, that's
12 why they don't line up.

13 COMMISSIONER ARMBRUSTER: And I wasn't
14 wanting to push CSD in any way, nor the schools. I
15 was just sort of asking, just, the question, if all
16 those things came together, would it be possible to
17 do that? They don't have to.

18 THE CHAIR: It certainly is; but we have
19 at least one.

20 DR. DEL ROSARIO: We have at least one.
21 And we don't mind being pushed, because I think
22 we're all on the same page trying to get maybe some
23 in October.

24 THE CHAIR: Right. Right.

25 DR. DEL ROSARIO: Or -- I'm sorry --

1 DR. DEL ROSARIO: They are scheduled on
2 the 2nd of October.

3 THE CHAIR: So the 2nd of October. Let's
4 be realistic. When will they get their site visit
5 report back and be able to respond back to it? How
6 long is that?

7 DR. DEL ROSARIO: How long -- we
8 potentially can get the report to them on the 8th,
9 which is the following week. So just, like, six
10 days, we could potentially --

11 THE CHAIR: And they have how long to
12 respond back?

13 DR. DEL ROSARIO: Good question. Let's
14 see here. So I think a reasonable -- and it --
15 well, there's roughly 14 days that they should be in
16 line.

17 THE CHAIR: They have 14 days to respond
18 back.

19 DR. DEL ROSARIO: Yes. But what I heard
20 also, if a school responds back earlier, it's
21 possible.

22 THE CHAIR: But we don't know that. So we
23 have to look at what's -- to give them the out --
24 you know, so that's October 22nd for them to respond
25 back.

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1 DR. DEL ROSARIO: Yes.
 2 THE CHAIR: So now you have to then take a
 3 look at the whole packet and do your analysis and be
 4 able to make a response back to us so that would
 5 happen by --
 6 DR. DEL ROSARIO: I mean, it could be the
 7 26th, if we have multiple schools.
 8 THE CHAIR: It's going to take -- so if --
 9 if it's only the one school, it would take you only
 10 three days to do the analysis of the whole -- now,
 11 the whole thing, and to get us the whole packet to
 12 us in three days? I'm looking at these incredulous
 13 faces out there.
 14 DR. DEL ROSARIO: I'm looking at them.
 15 THE CHAIR: Who's he looking at?
 16 COMMISSIONER TOULOUSE: Us.
 17 THE CHAIR: I'm trying to be reasonable
 18 here. I don't want to be the one making the phone
 19 call saying, "Hey, you promised this by tonight, and
 20 we don't have it, so where is it?" And then we get
 21 into that scuffle, which -- and it's not -- if it
 22 can't happen, it can't happen.
 23 So I want people to be honest that it
 24 can't happen; because I'm okay if it can't happen in
 25 that time. I just want to know -- you know. So...

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1 DR. DEL ROSARIO: Chairwoman, could we ask
 2 the staff?
 3 MS. KAREN WOERNER: Please, can we?
 4 THE CHAIR: That might be a good idea.
 5 MS. KAREN WOERNER: I love the idea of
 6 having them divided in November and December. But
 7 to be frankly honest with you, it's too late at this
 8 point. We've set a deadline for the schools to
 9 submit. The reason is we have pretty much
 10 back-to-back site visits for the month of October,
 11 except when you have your meeting and we're here.
 12 I don't know how we'd do all that, get
 13 those site visits out and prepare a good packet for
 14 you all.
 15 THE CHAIR: Me, too.
 16 MS. KAREN WOERNER: I love the idea; but I
 17 think it's too late.
 18 THE CHAIR: And so do I. That's why we
 19 put the offer out there early, so that we would be
 20 able to adjust the schedule back in July, or
 21 whenever the -- so that everyone would know, and the
 22 site visits could have been maybe a little bit
 23 earlier, and everyone know what that calendar was.
 24 But to now say, "Let's try to condense
 25 this," you know, I don't see it -- I don't see it

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1 happening. And I don't want to open the door for
 2 someone to say, "It went bad because you -- you
 3 know, you made us do this, this, this, and this, and
 4 you didn't have enough time to look at it," and --
 5 COMMISSIONER PERALTA: Taos was the only
 6 one.
 7 THE CHAIR: Taos. And there's a
 8 potential, I think, for Gallup.
 9 MS. KAREN WOERNER: The Early College. I
 10 think those two would be doable.
 11 THE CHAIR: And maybe -- we looked at
 12 Coral. Coral is not an option.
 13 MS. KAREN WOERNER: No.
 14 THE CHAIR: No. But is there a potential
 15 still for Gallup?
 16 DR. DEL ROSARIO: There is. We're looking
 17 at Taos Academy and Middle College.
 18 THE CHAIR: And that's okay. So that
 19 still leaves us 11 --
 20 DR. DEL ROSARIO: Correct.
 21 THE CHAIR: -- for December. So that's
 22 fine. But I think --
 23 COMMISSIONER ARMBRUSTER: I just was
 24 asking.
 25 THE CHAIR: And later on, we'll look at

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1 that calendar. But, yeah, I just -- you know, I
 2 don't want to -- I want to be fair about this to
 3 everyone, that it's -- yeah, they're in the middle
 4 of site visits -- you know.
 5 MS. KAREN WOERNER: We're all a little
 6 more relaxed.
 7 THE CHAIR: You can take your capes off
 8 now. You don't have to be Superwoman and -- okay.
 9 Okay. Back to reality.
 10 DR. DEL ROSARIO: All right. Item 5D,
 11 regarding the annual site visit reports.
 12 In the packet, we actually included just
 13 the summary pieces themselves. We can certainly
 14 print out the annual site visit reports themselves
 15 through that Web EPSS platform.
 16 THE CHAIR: Okay. So -- I'm sorry. What
 17 did you say about the Web EPSS platform?
 18 DR. DEL ROSARIO: Yeah. What we had
 19 provided in your packet is the summary --
 20 THE CHAIR: Is the summary.
 21 DR. DEL ROSARIO: -- piece. We had not
 22 done that before. We thought it might be a good
 23 abstract of some sort. But we can certainly provide
 24 you each of the schools' annual report, which is
 25 contained in the Web EPSS.

1 THE CHAIR: Will that be in the packet for
2 the -- that'll be in the renewal packet, will it
3 not? Or no?

4 DR. DEL ROSARIO: Not in the renewal --
5 I'm sorry. We're actually on item 5D, which is the
6 annual site visit reports.

7 THE CHAIR: Oh, I'm sorry. I'm thinking
8 renewal site visit. Yeah, sorry. I'm in a
9 different mode. Okay.

10 DR. DEL ROSARIO: Yeah. So the annual
11 site visit reports, they're pretty hefty. So if you
12 all -- I think you all might have seen those when
13 they're printed out as a PDF. It's really the only
14 way you can generate it as a report to hand out;
15 20 -- 24 -- some 30 pages long each. So we did
16 provide you all with --

17 THE CHAIR: Just a summary.

18 DR. DEL ROSARIO: -- a summary, yes.

19 THE CHAIR: Okay. Thank you.

20 DR. DEL ROSARIO: Absolutely.

21 COMMISSIONER RUIZ: Madam Chair, I'd like
22 to thank Mr. Del Rosario and his team for giving us
23 the summary and that calendar, because that was so
24 much easier for me, when I was reading through
25 there, to have that all together. So thank you all

1 THE CHAIR: Okay. All right. But the
2 only thing I'm going to ask, because this -- this
3 might be a good discussion item at some point in
4 time. But I think we have to make a distinction
5 when we do this between a school that's transferred
6 to another district; because it's technically not a
7 closure. They have not renewed with us, but that
8 school hasn't closed, you know?

9 So I think we need to -- you know, schools
10 that transitioned out, but they have it -- they're
11 not physically closed.

12 DR. DEL ROSARIO: Okay.

13 THE CHAIR: So I think in the future when
14 we look at updates for school closures, it's only
15 those schools that we are physically closing,
16 because that's what we need to have -- after
17 yesterday's discussion, that's what we need to
18 continue to have, I think, a regular agenda item, as
19 long as we do have schools that are in that closure
20 process.

21 But the schools that are no longer with
22 us, we don't need to include in a closure item.

23 DR. DEL ROSARIO: So only
24 State-authorized? Is that what you're saying?
25 (Chair consults with counsel.)

1 for the work you've done.

2 DR. DEL ROSARIO: Absolutely. Karen and
3 Megan have worked really hard on that piece, Karen
4 in particular, making sure -- color-coded because
5 I -- easier for me to see, "Oh, Working to Meet is
6 this color. Meets is green. Got it." The team
7 definitely worked really hard.

8 COMMISSIONER JOHNSTON: And, Madam Chair,
9 just if I may to add to that, I really liked the
10 color, in addition, because it -- so thank you. And
11 the printing in color. Because I know that's more
12 expensive. We all got it in color.

13 COMMISSIONER RUIZ: I loved it.

14 THE CHAIR: Okay. Thanks. Okay.

15 DR. DEL ROSARIO: All right.

16 The last item we have here is status on
17 the new school openings. We had three schools.

18 THE CHAIR: Okay. Hold on. Because I've
19 got the -- I've got a page on school closures.

20 COMMISSIONER TOULOUSE: It's not on the
21 agenda.

22 COMMISSIONER ARMBRUSTER: I do, too.

23 THE CHAIR: And it's not on the agenda.

24 DR. DEL ROSARIO: No. I think we may have
25 inadvertently put it in there.

1 THE CHAIR: They're still open under
2 another authorizer. So they're not closed. And
3 we -- and to put them on our agenda.

4 MS. KAREN WOERNER: It was my fault. So I
5 would like to just own it.

6 THE CHAIR: Okay.

7 MS. KAREN WOERNER: That was -- and you're
8 right. The terminology is wrong.

9 When we did all the site visit renewals, I
10 was making sure -- that probably shouldn't have been
11 in there. But I was making sure we had a report for
12 every school. And the exceptions were the ones that
13 are no longer -- they were in operation this past
14 year, but they're not moving forward.

15 THE CHAIR: Okay.

16 MS. KAREN WOERNER: So I was making a list
17 of those. So it's my fault on the terminology. And
18 you're absolutely correct. But I wanted to explain
19 what that was.

20 THE CHAIR: But like I said, we do need to
21 keep closure on the agenda, because we do need to
22 keep track of that. And we'll be working on that
23 policy next work session on what needs to happen
24 with closures.

25 Okay. Thanks.

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1 COMMISSIONER ARMBRUSTER: I mean, are we
 2 continuing, then, to have, like, "Transferred to" --
 3 wherever? Gallup? APS? We would still know that.
 4 THE CHAIR: No, not anymore, because
 5 they're not on our radar. So they've just -- not
 6 anymore, no.
 7 COMMISSIONER ARMBRUSTER: I just thought
 8 if they left us --
 9 THE CHAIR: They've left us.
 10 COMMISSIONER ARMBRUSTER: Oh, okay. So,
 11 like, these, you don't want to -- all right. Fine.
 12 Got it.
 13 THE CHAIR: Bye-bye.
 14 COMMISSIONER ARMBRUSTER: Because some of
 15 these were a long time ago. Okay.
 16 THE CHAIR: Okay. Sorry. So now,
 17 openings.
 18 DR. DEL ROSARIO: Yes, yes. That is on
 19 the new school openings, we had -- we did three
 20 pre-opening visits to the three schools, Altura
 21 Prep, Albuquerque Collegiate, Hózhó Academy. And we
 22 had two schools that did -- well, actually, all
 23 schools had issues around their E-Occupancy. And
 24 two of them -- one of them getting it so that they
 25 could open when they said they were supposed to

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1 open.
 2 But the other two did open later. They --
 3 the two other schools that did open later was Hózhó
 4 Academy and Albuquerque Collegiate. They did submit
 5 an updated, revised budget calendar to their -- to
 6 their budget analyst. At least as far as minimum
 7 statute for instructional hours, they did meet that
 8 piece.
 9 We also, I think, included in there not
 10 just the calendar, but also a summary of just, you
 11 know, what we found and what we reported on on the
 12 site visits.
 13 Do you all have that by chance?
 14 THE CHAIR: I don't believe so. We just
 15 have the calendar information. That's all we have.
 16 But as I -- as we discussed, we need to take a look
 17 at what their contract says about instructional
 18 days. And I expressed a concern, because I noted in
 19 the minutes of one of the schools' governance
 20 council that the business administrator gave the
 21 advice that they were okay. And they are by
 22 statute, but they may not be by contract.
 23 So that's something that we need to look
 24 at, because they may have promised us in their
 25 contracts that they're going to have X amount of

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1 instructional days. They've had to -- one of the
 2 schools had at least three changes in when they were
 3 going to open. So I know it was challenging.
 4 I'm going to ask, did they provide the
 5 E-Occupancy prior to their actually opening?
 6 DR. DEL ROSARIO: They did.
 7 THE CHAIR: Okay.
 8 DR. DEL ROSARIO: And we did review the
 9 contract. On the new contract, obviously -- we'll
 10 certainly relook at that again. You know, at least
 11 our first pass, it didn't look like there were any
 12 additional hours they were supposed to provide. But
 13 we'll take a look at that again.
 14 THE CHAIR: I'm pretty sure there is.
 15 Okay. All right. Thanks.
 16 All right. Oh. Good night.
 17 So our next item is Item No. 6, Discussion
 18 and Possible Action on the La Promesa Corrective
 19 Action.
 20 And we did have Mr. Jones here back in
 21 May, I believe it was, when we had -- or June -- it
 22 was May or June.
 23 MS. PATRICIA MATTHEWS: June.
 24 THE CHAIR: June, when he came up. And if
 25 you -- if you want to add anything now, that's fine.

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1 DR. DEL ROSARIO: Absolutely. We -- you
 2 know, we looked at the CAP -- I'll be honest. I
 3 wasn't charged with, you know, updating and
 4 reviewing the CAP until recently. But looking at it
 5 and then going back to the transcripts of when the
 6 meeting -- when the CAP was assigned and all, if you
 7 all like color -- that was me, due to my own
 8 analysis. The academic was green, purplish was
 9 operational items. Organizational --
 10 THE CHAIR: Ours isn't colored.
 11 DR. DEL ROSARIO: Oh, yeah. trying to save
 12 some money.
 13 And then the last part, salmon color was
 14 the finance piece.
 15 Just to summarize, the school did provide
 16 their own analysis; and it's very close. The only
 17 differences were, for example, there was a reference
 18 to -- pull it up here -- yeah. There were
 19 references to, like, governing council meetings that
 20 were held at -- we didn't observe, so I didn't put
 21 that down in here as part of the evidence. But we
 22 did -- you have a puzzled look on your face.
 23 THE CHAIR: Only -- I'm not -- because I
 24 thought I read this. I didn't think there was
 25 anything about governance council meetings.

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1 DR. DEL ROSARIO: There wasn't. But on
 2 one of the columns, it had asked for, like, a
 3 description of -- let me just get it here -- of,
 4 like, evidence required to support the requirement.
 5 It's, like, the last column.
 6 THE CHAIR: Right.
 7 DR. DEL ROSARIO: Almost the last column,
 8 second to the last. So it was a little bit
 9 different when we looked at it.
 10 THE CHAIR: Okay. Tell me what page
 11 you're on; because I'm -- I'm lost.
 12 DR. DEL ROSARIO: Like, for example, on
 13 Page 1.
 14 THE CHAIR: Right.
 15 DR. DEL ROSARIO: On that first column --
 16 or the second-to-the-last column, "Evidence Required
 17 to Support the requirement."
 18 THE CHAIR: Right.
 19 DR. DEL ROSARIO: Some of those items on
 20 there is what we had -- let me see here -- just,
 21 it's what we could observe from our vantage point as
 22 the Division, whether that item -- whether that goal
 23 was met or not. And what I was saying was it did
 24 differ from what the school had.
 25 THE CHAIR: On the first page, where is a

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1 discrepancy? Because are you saying that the "Met"
 2 says the school said it was met, and there's a
 3 discrepancy? I'm sorry. I'm just -- I'm lost here,
 4 because I don't see where there's evidence that's
 5 supposed to be provided by the school where there
 6 was a concern.
 7 DR. DEL ROSARIO: Okay. Well, let me pick
 8 an example here, like on Page 4, regarding NMDASH.
 9 THE CHAIR: Right.
 10 DR. DEL ROSARIO: Let's see here. I think
 11 we had noted -- and I don't have the schools. I'll
 12 pull up the schools one as well.
 13 We had listed, like, site visits, as we
 14 did observe implementation of NMDASH at one of the
 15 site visits.
 16 THE CHAIR: Okay. No. But these -- okay.
 17 I'm still confused. Because I don't see where
 18 there's anywhere that you're citing where there's a
 19 discrepancy that the school said -- because you
 20 mentioned that there was an issue with the
 21 governance council was supposed to provide
 22 something, and you don't have evidence of that.
 23 But on all of these column -- I don't
 24 see -- I'm asking. Where are you citing -- where
 25 are you saying that that's where it appears in that

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1 first-to-last column?
 2 DR. DEL ROSARIO: Well, if I could take a
 3 moment, I can compare it.
 4 THE CHAIR: Okay. Why don't we take a
 5 break?
 6 MS. PATRICIA MATTHEWS: Thank you. Maybe
 7 by then, Mr. Jones will be here.
 8 (Recess taken, 9:56 a.m. to 10:13 a.m.)
 9 THE CHAIR: After a brief discussion, I
 10 think we've ironed out what the wording issues were.
 11 And from the CSD analysis, the school has met its
 12 Corrective Action Plan.
 13 So I am going to make a motion that we
 14 close out the Corrective Action Plan and accept it
 15 as -- as "Met."
 16 COMMISSIONER PERALTA: I'll second that.
 17 THE CHAIR: There's a motion by
 18 Commissioner Gipson, a second by Commissioner
 19 Peralta.
 20 Is there any discussion?
 21 COMMISSIONER ARMBRUSTER: Yes.
 22 THE CHAIR: Okay.
 23 COMMISSIONER ARMBRUSTER: I just want --
 24 and just a clarification for my part. So when we
 25 look at the summary of the annual site visit, the

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1 one with the pretty colors, this one, and it says
 2 that they Fall Far Below in their growth and --
 3 THE CHAIR: Hold on. We're looking only
 4 at the Corrective Action Plan.
 5 COMMISSIONER ARMBRUSTER: That's not part
 6 of it in terms of overall --
 7 THE CHAIR: Correct. That's for this --
 8 so that has -- right. So the only --
 9 COMMISSIONER ARMBRUSTER: That's why it's
 10 confusing.
 11 THE CHAIR: Right. So that has nothing to
 12 do with compliance to the Corrective Action Plan.
 13 COMMISSIONER ARMBRUSTER: I see.
 14 THE CHAIR: Okay?
 15 COMMISSIONER ARMBRUSTER: Yes.
 16 THE CHAIR: That will be reflected in the
 17 performance framework at the end of the year.
 18 COMMISSIONER ARMBRUSTER: Got you.
 19 COMMISSIONER TOULOUSE: Madam Chair, I'd
 20 just like to congratulate the folks who are here,
 21 and to take it to Chris, either when he gets here or
 22 later. I wasn't sure you guys could do that; not
 23 because I didn't think you had the will to do it,
 24 but the amount of effort it was going to take to get
 25 it done.

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1 And that's why I want to congratulate you
 2 on doing a super-human effort to get it done. And I
 3 just hope the school stays there. I won't be there
 4 to vote on you after this year, and so I can just
 5 send my good wishes down the road and hope that it
 6 continues and improves and keeps going; because with
 7 that amount of energy and momentum you have, it
 8 should now be easier to keep going.
 9 But, anyway, congratulations.
 10 FROM THE FLOOR: Thank you.
 11 THE CHAIR: Thanks. And I will express
 12 similar, because I know being part of that
 13 subcommittee that negotiated the Corrective Action
 14 Plan, the expression was, "We're not going -- you're
 15 setting us up not to be able to do this."
 16 And I know it was -- a number of the areas
 17 were big reaches. And I'm glad that it worked out
 18 this way.
 19 FROM THE FLOOR: Thank you.
 20 MS. PATRICIA MATTHEWS: May I add one
 21 other thing, please --
 22 THE CHAIR: Maybe.
 23 MS. PATRICIA MATTHEWS: -- it's
 24 informational, because it came up at the June
 25 meeting -- was about the facilities, your question

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1 about the facility.
 2 THE CHAIR: Is this the balloon payment?
 3 MS. MATTHEWS: Yes, ma'am. We met with
 4 the investors. We met with the Park West, who owns
 5 the -- has the mortgage. And they agreed to extend
 6 it. So we have that also under our belt.
 7 THE CHAIR: Okay. Thank you.
 8 Okay. If there's no other discussion,
 9 Commissioner Armbruster.
 10 COMMISSIONER ARMBRUSTER: Commissioner
 11 Conyers?
 12 COMMISSIONER CONYERS: Yes.
 13 COMMISSIONER ARMBRUSTER: Commissioner
 14 Peralta?
 15 COMMISSIONER PERALTA: Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Robbins?
 18 COMMISSIONER ROBBINS: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Caballero?
 21 COMMISSIONER CABALLERO: Yes.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Crone?
 24 COMMISSIONER CRONE: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

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1 Gipson?
 2 THE CHAIR: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Toulouse?
 5 COMMISSIONER TOULOUSE: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Ruiz?
 8 COMMISSIONER RUIZ: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Armbruster votes "Yes."
 11 Commissioner Johnston?
 12 COMMISSIONER JOHNSTON: Yes.
 13 COMMISSIONER ARMBRUSTER: 10-to-0 vote.
 14 Motion passes.
 15 THE CHAIR: Thank you very much.
 16 Congratulations. Have a great rest of your school
 17 year.
 18 And apologize that he wasn't -- that we
 19 got to him before he got here.
 20 FROM THE FLOOR: Thank you.
 21 COMMISSIONER ARMBRUSTER: Text him and
 22 tell him to turn around.
 23 THE CHAIR: He's probably parking the car
 24 now.
 25 COMMISSIONER ARMBRUSTER: Oh, dear.

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1 THE CHAIR: We are on to, now, Item No. 6,
 2 Report from the Chair.
 3 COMMISSIONER CABALLERO: 7.
 4 COMMISSIONER ARMBRUSTER: 7.
 5 THE CHAIR: 7. Sorry. Sorry. I'm kind
 6 of -- Matt had some plumbing issues at his home.
 7 And I told him we probably wouldn't get to him till,
 8 like, 11:00 or 12:00. So we may be gone before he
 9 actually gets here.
 10 So I don't want to protract it; but
 11 hopefully -- hopefully, his plumbing issues aren't
 12 the only thing --
 13 COMMISSIONER TOULOUSE: Madam Chair, one
 14 of his board members is here.
 15 THE CHAIR: I know. But he's got the
 16 report.
 17 COMMISSIONER TOULOUSE: Okay.
 18 THE CHAIR: So -- I spoke with him, and
 19 he's coming with a report. So -- he said if he
 20 couldn't make it -- and I will look. He may send me
 21 an e-mail with it.
 22 Okay. So we need to look at or start
 23 looking at the calendar for 2019; so that I'm going
 24 to ask Commissioner Peralta, because he does such a
 25 stellar job with that, that he do -- so that if -- I

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1 will ask all the Commissioners that will still be
 2 here in January to start looking at their own
 3 calendars.
 4 And if there's something that really pops
 5 up that would be an absolute conflict, keeping in
 6 mind that we generally do the second week of the
 7 month -- is it the second? -- second, yeah --
 8 between the second and the third, depending on when
 9 the month begins and things like that. So if
 10 there's anything that really pops up that shows as
 11 an absolute conflict, if you could forward that
 12 information to Beverly, and Beverly will, you know,
 13 get it so that we've got an idea.
 14 Baylor, if you could take a look to see
 15 how many schools are up for renewal next for
 16 December of 2019 so that that'll give us a little
 17 bit of a handle on, you know, what we have to look
 18 for for December of next year, just so that
 19 Commissioners are aware, when you are looking at
 20 that, what looks like a really blank calendar for
 21 February and March, March into early April, we have
 22 13 schools that are up for renewal.
 23 So, potentially, we have 13 schools that
 24 we have to do contract negotiations with. And any
 25 of you that were involved in the 15, we don't want

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1 to do it in that same fashion. You know, we want to
 2 be able to, you know, break it out. And because
 3 these are -- there will be the full packet this time
 4 around, it may take longer.
 5 We may have schools -- because we will do
 6 the mission-specific goals at the same time this
 7 time around, so that they may be a little bit
 8 longer; so that it's -- you know, we will be having
 9 to alter that calendar, anyway, to add that in once
 10 we know how many schools we have to do negotiations
 11 with.
 12 It's a 60-day session as well, so that
 13 we -- we've got to work around that a little bit.
 14 So that -- and --
 15 COMMISSIONER TOULOUSE: And, Madam Chair,
 16 you will have contracts for the charter schools that
 17 are in their planning year.
 18 THE CHAIR: I'm sorry. Say that again?
 19 COMMISSIONER TOULOUSE: You'll have
 20 contracts for schools in their planning year as well
 21 as those 13.
 22 THE CHAIR: Right.
 23 COMMISSIONER TOULOUSE: So you will have
 24 15.
 25 THE CHAIR: Right. But we'll do them

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1 separately.
 2 COMMISSIONER TOULOUSE: We've always done
 3 them -- before, we do them at the same time.
 4 THE CHAIR: We're not doing 15 at the same
 5 time.
 6 COMMISSIONER TOULOUSE: But if you're
 7 doing it over the two-month period, then it all
 8 works out.
 9 THE CHAIR: So we've got -- so we'll look
 10 at -- we'll look at that. And we also have,
 11 obviously, not as much influencing our calendar.
 12 But there's a potential for any appeals with those
 13 renewal schools; so...
 14 COMMISSIONER ARMBRUSTER: So we're
 15 thinking two contract negotiations a day? Three?
 16 THE CHAIR: We've -- at least -- yeah.
 17 Yeah. Probably at least three, I would say. You
 18 know, I think -- I think four pushes it. I really
 19 do, because we end up -- if we end up with any kind
 20 of issue, then we've got a school sitting there
 21 waiting and waiting and waiting.
 22 So it's -- I think it's fairer to build in
 23 a cushion of time. We had no turnaround time the
 24 last time. And it was unfair to the schools to ask
 25 them -- some of them to wait as long as they had to.

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1 So I'm thinking probably three.
 2 Okay. So we'll take a look at that as
 3 we're moving closer to December and knowing we have
 4 to do there.
 5 I did not go -- I don't think I went to
 6 the LESC last month.
 7 COMMISSIONER TOULOUSE: I went.
 8 THE CHAIR: I'm trying to remember.
 9 COMMISSIONER TOULOUSE: I went to the
 10 August one in Santa Rosa; but there wasn't one
 11 between then and the one next week.
 12 THE CHAIR: It's next week. And I am not
 13 going to the September one, because there's nothing
 14 on the agenda that really pertains to charters at
 15 this moment in time; so that I -- I do not believe
 16 that I'll be -- that I'll be going to the -- the
 17 September one.
 18 We've -- a number of us have been
 19 participating, ongoing, with NACSA, taking a look at
 20 the conversation with authorizers around the state
 21 and opening up lines of communication with them. So
 22 that is an ongoing program I have in anticipation
 23 and preparation for a report to the LESC and the LFC
 24 for charters.
 25 I have -- I have reached out to all of the

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1 charters in the state to ask them if they would
 2 share their performance framework and/or their
 3 contract with me so that we can get a picture of
 4 what it looks like between district authorizers and
 5 ourselves.
 6 It's a challenge, because a number of them
 7 don't have anything, so that they don't have
 8 anything to share out, which is just good
 9 information. And, hopefully, through this
 10 conversation with NACSA, those singleton
 11 districts -- those singleton school districts won't
 12 be challenged to have to do that work on their own.
 13 They'll have access to -- and they actually have
 14 access to our information, because it's on the
 15 website.
 16 But maybe they don't know that. They
 17 don't know where to go look. So this is a -- you
 18 know, it's just opening up lines of communications
 19 for schools.
 20 As -- as I discussed yesterday in the work
 21 session, I've been entrenched in the closure issues
 22 that have arisen. So, hopefully, we will be able to
 23 get those clarified and get some resolution to the
 24 current ones so that we can actually see those
 25 schools closed out.

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1 So I think that's -- that's it for me
 2 right now. I guess I'll see a number of you -- oh,
 3 no. This is only September. I'll see you before
 4 the Coalition, because that's in November. So...
 5 COMMISSIONER ARMBRUSTER: Right.
 6 THE CHAIR: Okay.
 7 COMMISSIONER JOHNSTON: Madam Chair, as --
 8 as the Public Education Commission representative,
 9 or Commissioner who is assigned to represent us on
 10 the State Library Commission, I brought this up
 11 peripherally before, but I think it's something --
 12 we have some options. And I recognize that that --
 13 the membership of the PEC on the Commission is
 14 long-standing, back to when Commissioner Pogna did
 15 it for years --
 16 THE CHAIR: The State School Board.
 17 COMMISSIONER JOHNSTON: On the LESC,
 18 however, this month -- and the school librarians,
 19 because we are representing the Public Education
 20 Department, are a bit disenfranchised from the
 21 process of working on the State Library Commission.
 22 We have some options.
 23 I would think that we should work on
 24 perhaps looking at who can best represent the school
 25 librarians. Is it one of us? We can continue doing

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1 this.
 2 Or should we -- should -- on the part of
 3 the Commission, or should LESC, someone who -- who
 4 has -- who can speak to changing that assignment,
 5 because I feel very inadequate in talking about
 6 school librarians on the Commission.
 7 And the Commission is a small one. It
 8 only meets quarterly. But it's vital. Because you
 9 have the public libraries; you have the State
 10 Library; you have the higher ed library, all
 11 represented. But we don't have public school
 12 libraries represented fairly, unless someone wants
 13 to take that responsibility on.
 14 And it means -- you know, we were talking
 15 about going to the LESC meeting. I was thinking I
 16 probably should come up and listen to these folks,
 17 because I'm their representative.
 18 THE CHAIR: I apologize. I thought
 19 there -- because you raised that issue before, I
 20 thought that had generated a discussion within PED,
 21 because I thought the Director had said they were
 22 working on a solution.
 23 COMMISSIONER JOHNSTON: I don't know. I
 24 don't have any information.
 25 THE CHAIR: Right. But apparently, it

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1 hasn't -- it hasn't happened; so that -- so that
 2 school libraries really are not represented on that.
 3 COMMISSIONER JOHNSTON: They are
 4 represented by one of us; but we're not experts,
 5 like they are.
 6 THE CHAIR: But their voice really isn't
 7 there.
 8 COMMISSIONER JOHNSTON: I'll do what I
 9 want to do. But I don't want to be presumptuous in
 10 speaking. We have an LESC rep here. I think I've
 11 spoken to her.
 12 THE CHAIR: You know what I guess we have
 13 to look at? We have to look at how -- at statute,
 14 to see if it's statute that sets up that Commission
 15 and the membership in that Commission. Because
 16 you're correct. Commissioner Pogna was on it
 17 because she was on the State -- when the State
 18 School board. So the State School Board, which,
 19 really, I guess, did represent more, in general, the
 20 full population of public ed; so that it just
 21 carried over, and stayed on it, since 1978.
 22 COMMISSIONER JOHNSTON: And, really, the
 23 school librarians do need a voice on that
 24 Commission.
 25 THE CHAIR: They do. Because this is -- I

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1 think it's very timely. I think, as we're all
 2 aware, many schools are looking at -- I know the
 3 school district I worked at eliminated all the
 4 school libraries.
 5 COMMISSIONER JOHNSTON: And there's GO
 6 bond money that goes down and just all sorts of --
 7 THE CHAIR: And it was just devastating to
 8 me. But they just simply -- K through 12, there are
 9 no school libraries any longer; so that it's -- you
 10 know, I'm embarrassed by that. And it's a -- it's a
 11 shame.
 12 And I'm disappointed in the community that
 13 they didn't come out to support it. And it was a
 14 staff financial issue that they -- you know. And
 15 unfortunately, they look at librarians as having the
 16 easy job, because they don't have to do lesson
 17 plans; they don't have to grade papers. So, "We can
 18 get rid of them because they really don't work."
 19 And that's -- that's sad. That really --
 20 that's a sad commentary. So I know around the
 21 state, even, they're under attack in terms of
 22 looking at cutting budgets.
 23 So I think it's a voice that needs to be
 24 heard.
 25 COMMISSIONER JOHNSTON: And I'm -- so

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1 that's why --
 2 THE CHAIR: So, yes, we will look into
 3 that and see what we can do to try to --
 4 COMMISSIONER JOHNSTON: Thank you.
 5 THE CHAIR: Thanks. I appreciate it.
 6 Okay. If Matt gets here before adjourn --
 7 and let me -- I will look to see. I'm assuming
 8 there's no one here from the School Boards
 9 Association.
 10 COMMISSIONER TOULOUSE: And you can
 11 welcome Chris Jones, who just walked in.
 12 THE CHAIR: But I will say congratulations
 13 to Mr. Jones. Thank you for coming.
 14 COMMISSIONER JONES: Thank you, guys, all
 15 very much. My apologies.
 16 THE CHAIR: No problem. We were able to
 17 get it done seamlessly without you; not to say that
 18 you would have been an impediment.
 19 But -- and Matt hasn't sent me anything.
 20 He said he was, but he didn't. So I know -- I will
 21 speak for Matt, because I know we've had this -- we
 22 had this conversation on Wednesday -- he wanted to
 23 say thank you to you for your work on the PSCOC. So
 24 I'm going to ask you to speak more on that to see
 25 what happened with it.

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1 But I wanted to say thank you for the work
 2 that you've done there and what was able to be
 3 accomplished on Wednesday. So when -- I'll let you
 4 speak to that when we get a chance.
 5 But other than that, I don't know what
 6 else Matt wanted to say. But I do know that he
 7 wanted to say that.
 8 So with that, we're on to PEC comments.
 9 So, Commissioner Caballero?
 10 COMMISSIONER CABALLERO: I have no
 11 comments.
 12 THE CHAIR: Besides "Bye"?
 13 COMMISSIONER CABALLERO: Bye.
 14 THE CHAIR: Commissioner Conyers?
 15 COMMISSIONER CONYERS: Everything is good.
 16 THE CHAIR: Thank you. Commissioner
 17 Toulouse?
 18 COMMISSIONER TOULOUSE: Madam Chair, I
 19 will be at the LESC meeting, since it's in
 20 Albuquerque at Hawthorn Elementary. So I will be
 21 attending those three days.
 22 THE CHAIR: Okay. Thanks.
 23 Commissioner Peralta?
 24 COMMISSIONER PERALTA: Thank you, Madam
 25 Chair. And so as the Commissioner just spoke to, on

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1 Wednesday, the Capital Outlay Council did have our
 2 meeting, and, of course, the big item on the agenda
 3 was the lease assistance for charter schools.
 4 I anticipate that Matt probably wanted to
 5 speak a lot about that. He did share the stage a
 6 couple of times before the Council. He did a very
 7 good job in presenting on behalf of charter schools.
 8 And so, you know, maybe we'll hear from
 9 him. If not, I'm sure down the road, he'll speak to
 10 his experience at the meeting that was conducted on
 11 Wednesday.
 12 What I can say, in short, is that this
 13 year, again, as much like last year, the Council
 14 voted to keep the funding flat, or no change, and
 15 continue to fund the charter schools at the same
 16 rate, the same amount.
 17 There are probably -- some schools might
 18 see some slight adjustments. There was -- Council
 19 Member Fitzgerald added that she thought that we'd
 20 take a look at schools that, based on enrollment on
 21 their 80th, 120th, and this year's 40th day, we'd
 22 look at schools, and if those schools had an
 23 increase in enrollment, they would be able to get an
 24 adjustment to that in favor for that school. If
 25 that school lost their momentum, there would be a

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1 decrease as well.

2 But I think overall, it was a fair vote on
3 behalf of the Council. I can tell you that in the
4 discussion amongst the Council, there was a
5 consensus that the timeline being that we already
6 were into mid-September, that schools have already
7 gotten their school year on the way, that it's
8 possibly not a good time to be hitting these schools
9 with a reduction in funding for those schools. It
10 would have a significant impact on -- on their
11 resources, you know, that they rely on.

12 And so that was the outcome. It was voted
13 that school funding would remain the same.

14 Now, I know, based on the dialogue that
15 Matt has been able to share with the subcommittees,
16 I know he attended the awards subcommittee, which is
17 where the -- where the lease assistance starts. It
18 basically starts with the awards subcommittee. And
19 I know that Matt, as well as some 35, I believe,
20 schools were there to speak on behalf of the
21 charters and what they might be facing if there was
22 a reduction.

23 But I think what happened -- with that, I
24 think the positive thing about that is that now, not
25 only the council, but also PSFA, has recognized that

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1 this thing -- there might be a good policy or
2 procedure that would not raise such a stir-crazy
3 atmosphere, I guess, you know, that was in the
4 audience at the Council.

5 But I was pleased with the outcome, and I
6 assume that charter schools were very happy as well.

7 THE CHAIR: Yeah. I think they walked
8 away very relieved. And you're right. Hopefully,
9 Matt can -- I know he did a tremendous amount of
10 lobbying for it, because there were, you know,
11 last-minute changes being made, and it was the last
12 12 hours, he was doing a lot of work to try to get,
13 you know, people to better understand the impact of
14 some of the recommendations that were going out
15 there last minute to what might fix this problem.

16 And that's always very difficult. And as
17 Commissioner Peralta said, hopefully, there's a more
18 thoughtful process in terms of just the timing, that
19 school -- that this is done before a school has to
20 do their budget, not after they've done their budget
21 and started the school year. That that's -- it's
22 become catty-wampus.

23 So, Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: I'm --

25 THE CHAIR: Commissioner Johnston?

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1 Matt could be a very valuable resource in
2 collaborating and coming up with some solutions to
3 how we will, you know, address the funding issue,
4 because it will surface again next year, hopefully,
5 with the concern that the Council have shared, that,
6 you know, "Why are we looking at this in
7 mid-September when maybe we should be taking about
8 this in May or early June, so that we get these
9 schools prepared ahead of their school year, so that
10 they know exactly what they have to work with come
11 the school year"?

12 So I was pleased. I can tell you that me,
13 personally, sitting there, that I want to make sure
14 that Matt and I have some constant eye contact to
15 make sure that we did this right for charter
16 schools, you know. And so I do want to say I
17 appreciate his thankfulness, but I also want to say
18 that I think Matt had an integral part in opening
19 the eyes of other Council members about, you know,
20 how important this funding is to charter schools.

21 And so hopefully, between now and when it
22 comes up again next year, when that might be, I'm
23 not sure, but, hopefully, you know, what goes on
24 between the Council, PSFA, and the Coalition, and
25 maybe some charter school leaders, that, you know,

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1 COMMISSIONER JOHNSTON: I'm good. Thank
2 you.

3 THE CHAIR: Commissioner Ruiz?

4 COMMISSIONER RUIZ: I'm doing well.

5 THE CHAIR: Commissioner Crone?

6 COMMISSIONER CRONE: I'm good.

7 THE CHAIR: Commissioner Robbins?

8 COMMISSIONER ROBBINS: I just wanted to
9 add on to what Gilbert said about that. In general,
10 some of the, I guess, interpretations of the statute
11 in terms of what they determine as being school
12 facilities for the lease payment, you know, when
13 they say it includes administrative space and
14 classrooms, halls, bathrooms are not included. I'm
15 like, "Well, would they consider a resource room?"

16 A lot of schools now call their libraries
17 "resource areas." Would they include those? You
18 know, you cannot have an education facility without
19 a restroom. That's by code. You have to have
20 restrooms for the occupants. That's by law. So to
21 exclude those spaces, and unless they want to have
22 people -- and in the old-fashioned motels, with
23 outside doors going outside, you're going to have
24 halls.

25 So I think it's -- it's a narrow -- too

<p>Page 70</p> <p>1 narrow of a definition. And I hope over the next 2 few months, before they start looking at this for 3 next year, that they actually come up with a more 4 logical definition of what "school facility" 5 constitutes, and that they would also communicate 6 that, so that if they have to adjust leases, if they 7 have space that's unused, I think those charters 8 need to be put in line to where -- get that space 9 out of their lease. 10 Don't be leasing space that is not being 11 used. But if it is used space, whether it's for 12 moving students from classroom to classroom or into 13 the restrooms or from the restrooms back to the 14 classroom, all that space should be allowed to be 15 included in the square footage. 16 So, Gilbert, thank you very much. And my 17 appreciation also to -- to Matt. 18 THE CHAIR: And you're absolutely correct, 19 that at the very least, there has to be a 20 transparent definition of what it is. Because an 21 example, I know one school that's a 22 performance-based school. They were going to be 23 able to use their theater, because that was 24 educational space. But another school that has 25 civic engagement as part of theirs, their mock trial</p>	<p>Page 72</p> <p>1 Do I have a second? 2 COMMISSIONER RUIZ: Second. 3 THE CHAIR: There's a second by 4 Commissioner Ruiz. We have to do a roll-call vote. 5 COMMISSIONER ARMBRUSTER: Okay. 6 Commissioner Robbins? 7 COMMISSIONER ROBBINS: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Caballero? No answer. 10 COMMISSIONER RUIZ: He left. 11 THE CHAIR: Commissioner Caballero has 12 left. 13 COMMISSIONER ARMBRUSTER: Sorry. 14 Commissioner Ruiz? 15 COMMISSIONER RUIZ: Yes. Yes. Yes. I'm 16 sorry. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Toulouse? 19 COMMISSIONER TOULOUSE: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Crone? 22 COMMISSIONER CRONE: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Armbruster says "Yes." Votes "Yes." 25 Commissioner Johnston?</p>
<p>Page 71</p> <p>1 space wasn't going to be allowed to be included. 2 So it's a -- we all have to be working off 3 the same definition. And, absolutely. You know, if 4 I have to make adjustments for whatever 5 accessibility to make access and equity to restroom 6 facilities, then why can't -- should I not 7 include -- you know. And how do you not -- it's -- 8 it's -- it goes beyond ridiculous. 9 So thank you. 10 I'll entertain a motion to adjourn. 11 COMMISSIONER RUIZ: So move. 12 COMMISSIONER PERALTA: Are we going to 13 have Executive Session? 14 THE CHAIR: I forgot. Okay. 15 On to No. 9. I move that the PEC go into 16 Closed Session. The subjects to be discussed are 17 issues subject to attorney-client privilege 18 pertaining to threatened or pending litigation in 19 which the PEC is, or may, become a participant, 20 pursuant to NMSA 1978 Section 10-15-1(H)(7), 21 specifically, The Governing Council of Taos 22 International School v. Christopher Ruzkowski, in 23 his official capacity as the Secretary of the 24 New Mexico Public Education Department, Case 25 No. D-101-CV-2018-01196.</p>	<p>Page 73</p> <p>1 COMMISSIONER JOHNSTON: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Conyers? 4 COMMISSIONER CONYERS: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Peralta? 7 COMMISSIONER PERALTA: Yes. 8 COMMISSIONER ARMBRUSTER: And Commissioner 9 Gipson? 10 THE CHAIR: Yes. 11 COMMISSIONER ARMBRUSTER: That's a 9-to-0 12 vote. 13 THE CHAIR: Is 110 available? 14 MS. FRIEDMAN: It -- I reserved it, but 15 thinking that the meeting would last longer I 16 reserved it at noon. 17 THE CHAIR: Someone is losing it. So, 18 unfortunately, we're going to have to ask you folks 19 to go. Sorry. 20 (Executive Session held off the record.) 21 THE CHAIR: Okay. I'm going to move that 22 the Commission -- in Closed Session, the matters 23 discussed in the closed meeting were limited only to 24 those specified in the motion for closure and no 25 vote was taken during the Closed Session.</p>

1 COMMISSIONER ROBBINS: Second.
 2 THE CHAIR: There's a second by
 3 Commissioner Robbins.
 4 Commissioner Armbruster?
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Conyers?
 7 COMMISSIONER CONYERS: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Toulouse?
 10 COMMISSIONER TOULOUSE: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Peral- -- Commissioner Peralta?
 13 COMMISSIONER PERALTA: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Gipson?
 16 THE CHAIR: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Johnston?
 19 COMMISSIONER JOHNSTON: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Armbruster votes "Yes."
 22 Commissioner Ruiz?
 23 COMMISSIONER RUIZ: Yes.
 24 THE CHAIR: It's 9-to-0 vote.
 25 COMMISSIONER ROBBINS: Yes. Yes.

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 4, 2018.
 17
 18
 19 _____
 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
 21 BEAN & ASSOCIATES, INC.
 22 201 Third Street, NW, Suite 1630
 23 Albuquerque, New Mexico 87102
 24
 25 Job No.: 1032N (CC)

1 COMMISSIONER ARMBRUSTER: Both of those.
 2 Okay.
 3 THE CHAIR: It's still 9-to-0, now
 4 everyone's been recorded.
 5 Okay. I will entertain a motion to
 6 adjourn.
 7 COMMISSIONER RUIZ: So move.
 8 THE CHAIR: Motion by Commissioner Ruiz.
 9 All in favor?
 10 (Commissioners so indicate.)
 11 THE CHAIR: Opposed?
 12 (No response.)
 13 THE CHAIR: Hearing no opposition, it
 14 passes. Safe travels.
 15 (Proceedings concluded at 11:33 a.m.)
 16
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1 RECEIPT
 2 JOB NUMBER: 1032N CC Date: 9/21/18
 3 PROCEEDINGS: OPEN PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission
 6 *****
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____
 11 *****
 12 ATTORNEY:
 13 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 14 DATE DELIVERED: _____ DEL'D BY: _____
 15 REC'D BY: _____ TIME: _____
 16 *****
 17 ATTORNEY:
 18 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 19 DATE DELIVERED: _____ DEL'D BY: _____
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 21 *****
 22 ATTORNEY:
 23 DOCUMENT: Transcript / Exhibits / Disks / Other _____
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