

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
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VOLUME TWO

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300 Don Gaspar

Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

MS. PATRICIA GIPSON, Chair
 MR. GILBERT PERALTA, Vice Chair
 MS. KARYL ANN ARMBRUSTER, Secretary
 MR. R. CARLOS CABALLERO, Member
 MR. JAMES CONYERS, Member
 MR. TIM CRONE, Member
 MR. DAVID ROBBINS, Member
 MS. TRISH RUIZ, Member
 MS. CARMIE TOULOUSE, Member
 PED STAFF:
 MS. JULIA ANDERSON, Acting Director,
 Charter School Division

MS. BEVERLY FRIEDMAN, PED Custodian of Record
 and Liaison to the PEC

PEC COUNSEL:

MS. AMI JAEGER, Counsel to the PEC
 MR. MARK CHAIKEN, Counsel to the PEC

THE CHAIR: Good morning. I'm going to reconvene this meeting of the Public Education Commission and we were able to push through yesterday, and we are all the way to 17, the Report -- oh, you're right, sorry.

And as of this moment in time, we are not going to do the year-end report; correct?

Right. So we are going to take 15 off the agenda at this moment in time. And I thought yesterday, after Executive Session, we were going to deal first with 16? Yes?

MS. AMI JAEGER: This? 16 we're going to talk about --

(Chair consults with counsel.)

THE CHAIR: So we're -- we will do the reports. We'll go into Executive Session, and then we will come back and do 16, okay? We'll do all of that, reports and comments, come back into Executive Session and come back and do 16, and then we should be done.

All right. So first off, let's look at the calendar, which is -- should be under Tab 17. Sorry.

COMMISSIONER CABALLERO: Madam Chair, before we continue, was there -- is 16 off the

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agenda?

THE CHAIR: No, it is not. I'm sorry, I said we're going to go into Executive Session, and then we'll come back and do 16 after we've had the Executive Session.

COMMISSIONER CABALLERO: Oh, I thought we needed to have another motion.

THE CHAIR: No.

COMMISSIONER CABALLERO: Okay.

THE CHAIR: So with Tab 17, you have the -- the proposed calendar for next year -- oh, I just opened my book. I've got -- I pulled it out. I just made a mess, that's all.

So does anyone have any immediate concerns on how this calendar looks? For those of you that are going to be here next year. You know, I'll take -- I'll take comment from anyone who actually is impacted by this calendar at this moment in time.

And, please, I need to caution Commissioners that, you know, there's always those hidden things that don't appear on the calendar. And in particular, we have nine schools that we are undertaking renewal hearings with. So that means, as we move into this calendar, we will have nine schools we'll have to do contract negotiations with.

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1 FROM THE FLOOR: Are you talking about for
 2 next year, or for --
 3 THE CHAIR: No, for this year, 2019.
 4 After the first of this year, we have to enter into
 5 contract negotiations with those potentially nine
 6 schools that we renew. So there's a maximum of nine
 7 schools that we would have to negotiate contracts
 8 with. So that's slightly less than the 15 that we
 9 did this year in that marathon.
 10 I would like to not have to do it in four
 11 days, 15 schools, so that you have no idea what day
 12 of the week it is by the end. But it does have to
 13 be in a somewhat confined time frame. But,
 14 generally, we usually look at somewhere around March
 15 for that, waiting for after Session, because a lot
 16 of people are involved in a lot of things through
 17 that time period; so that -- and we're almost out of
 18 bad-weather time frame, so that that becomes less of
 19 a concern.
 20 So you need to keep that in the back of
 21 your mind, that that's not reflected in this
 22 calendar, but it takes up a significant amount of
 23 time. We usually leave anywhere from two to three
 24 hours for each school.
 25 So that just bear in mind that that's not

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1 there. What's also not reflected in there is the
 2 Spring Budget Workshop.
 3 COMMISSIONER ARMBRUSTER: Work sessions
 4 aren't necessarily. Is it?
 5 MS. FRIEDMAN: Yeah, it is, with the
 6 asterisk of the Public Education Commission work
 7 sessions.
 8 THE CHAIR: Yeah, the work sessions are.
 9 They are.
 10 MS. FRIEDMAN: Under the calendar.
 11 THE CHAIR: But there's a Spring Budget
 12 Workshop. I don't know if there will be a PED
 13 charter conference in the spring. But that's always
 14 a potential. The Law Conference that the School
 15 Boards Association conducts and generally invites us
 16 to, that also happens in the spring. So that
 17 there's -- there's a -- there's a lot.
 18 For those of you that haven't been on here
 19 before, anyone that told you it was two meetings a
 20 month lied to you; so -- I'm just saying.
 21 So at this point in time, does anyone have
 22 any concerns about this calendar as it -- as it
 23 shows?
 24 COMMISSIONER CABALLERO: On the July
 25 month, I've always asked to do a week before or

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1 after. That July, I think that's when the -- the
 2 Commission does all the community visits and stuff.
 3 That's why the -- isn't that the time we --
 4 THE CHAIR: That week there in July is for
 5 the potential community input hearings.
 6 COMMISSIONER CABALLERO: Right. And
 7 that's the only week that I have to attend the
 8 national conference.
 9 THE CHAIR: Oh. Got you.
 10 COMMISSIONER CABALLERO: And so if it can
 11 be moved before or after, I would appreciate. But
 12 if it can't be done, it can't be done.
 13 THE CHAIR: So let's look at that.
 14 Because those community input hearings and the
 15 timing of that is also based on the August meeting
 16 and CSD being able to get the analysis to us.
 17 That's always the -- the turnaround time is the
 18 concern, whether Commissioners can get the materials
 19 in time for that August meeting. So the only thing
 20 that really could be done would be --
 21 COMMISSIONER CABALLERO: After.
 22 THE CHAIR: Let's look at August. It's
 23 August 20th. I mean, I guess it's possible to move
 24 the August meeting to the next week, that's
 25 possible, and then take the July meeting and move it

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1 a week.
 2 COMMISSIONER ARMBRUSTER: CSD, are you --
 3 THE CHAIR: Well, that shouldn't affect
 4 them, because we're giving them the same amount of
 5 time. So my concern was if we moved July and we
 6 didn't move August, it's too soon.
 7 COMMISSIONER ARMBRUSTER: I'm fine.
 8 THE CHAIR: Unless we move July up a week.
 9 But then I don't know -- then they're getting the
 10 applications, and they won't have enough time there.
 11 MS. FRIEDMAN: Madam Chair, I might also
 12 mention that when we do schedule the meetings in
 13 July for the new charter schools, we sometime run
 14 into school districts and different areas starting
 15 school.
 16 THE CHAIR: Starting school.
 17 MS. FRIEDMAN: Right.
 18 COMMISSIONER CABALLERO: I really don't
 19 know how the school districts starting schools would
 20 have an impact.
 21 THE CHAIR: We oftentimes use their
 22 facilities for the community input hearings; because
 23 we try to use a free building.
 24 COMMISSIONER CABALLERO: Well, I haven't
 25 been to any of the community --

1 THE CHAIR: So that becomes the problem.
 2 Often we use district facilities to hold the
 3 meeting. So it limits where we can have them,
 4 especially if they're just getting up and running
 5 for the year. It's -- it's difficult.
 6 Do I have any --
 7 COMMISSIONER ARMBRUSTER: Could you tell
 8 me why the 16th of March has the little shadow on
 9 it?
 10 COMMISSIONER CABALLERO: Well, there's two
 11 shadows.
 12 MS. AMI JAEGER: Because it's the end of
 13 the Session. Is that why?
 14 MS. FRIEDMAN: It is. It's the end of the
 15 Session.
 16 THE CHAIR: That's the end of the Session.
 17 Yeah. So I'm asking -- because I didn't hear any
 18 feedback on it, I'm asking do you want to move July
 19 a week later? And August? Or do you want to move
 20 July -- I don't know if we can move July back a
 21 week, because that becomes difficult because of the
 22 applications coming in.
 23 MS. JULIA ANDERSON: Right.
 24 THE CHAIR: So the only alternative is to
 25 move ahead a week, not back a week.

1 MS. FRIEDMAN: Madam Chair, I also may
 2 caution, with the July time period, July begins our
 3 fiscal year. And what I have to do to get everyone
 4 on the DFA rolls for reimbursement is to put in new
 5 budgets for PEC for monies. And so we usually don't
 6 get those new purchase orders until around the 10th.
 7 And so it would be real difficult to be traveling
 8 that second week.
 9 THE CHAIR: No. We're looking at -- we
 10 said we can't move back; that we can only move
 11 forward --
 12 MS. FRIEDMAN: Oh, okay.
 13 THE CHAIR: -- you know, because the
 14 applications don't come in until June.
 15 MS. FRIEDMAN: Right.
 16 THE CHAIR: So it wouldn't give CSD, in
 17 particular, enough time to get that -- that
 18 information turned around to us. So -- Commissioner
 19 Ruiz?
 20 COMMISSIONER RUIZ: And here's my thing,
 21 Madam Chair. It's just that we have to go with the
 22 calendar that's -- I mean, everybody's going to have
 23 conflicts. I mean, you know, August is a really bad
 24 time for, you know, those of us that there still
 25 working in the school system. And so -- and July --

1 actually, I'm on contract in July.
 2 So I think that we just have to, you know,
 3 leave the calendar -- or my suggestion would be
 4 leave the calendar as is, and we do the best we can
 5 to be there when we can. And when we can't, we
 6 can't.
 7 THE CHAIR: Well -- but I have a concern
 8 when there's only two people that can show up to a
 9 community input hearing. That's a -- that's an
 10 optics for the PEC that does not look good, that we
 11 did not participate in the input hearing. It's part
 12 of our responsibility to do it; so that when we
 13 don't show up, it doesn't say a lot to the schools.
 14 So if -- if we've got a significant number
 15 of the Commissioners that have an issue with the
 16 date, we have to be responsive to that, because --
 17 we can't just keep showing up with two people.
 18 COMMISSIONER ARMBRUSTER: So what's hard
 19 is we have four new people, and we don't know where
 20 their -- what their life is like, because we're
 21 making the decision, which is fine. But I'm just
 22 saying it's hard to --
 23 COMMISSIONER TOULOUSE: Madam Chair, may I
 24 suggest this calendar has never been set in absolute
 25 concrete, anyway? That in a couple of months, it

1 could still be adjusted?
 2 THE CHAIR: We can make minor adjustments.
 3 COMMISSIONER TOULOUSE: Well -- but I'm --
 4 THE CHAIR: But these big weeks -- you
 5 know. And, obviously, we can't -- we don't know
 6 where these community input hearings are going to be
 7 held until we get the applications. So we don't
 8 know that. But for people to be able to block out
 9 this time, for CSD staff to be able to figure out
 10 their timing as they're doing other school issues so
 11 that they can block that time out, we have to do
 12 that -- that process so that everyone is -- is as
 13 clear as possible that they -- that the timing is
 14 available.
 15 COMMISSIONER PERALTA: Madam Chair, again,
 16 just keep in mind sometimes -- in most cases, the
 17 community input hearings usually only involve two or
 18 three days, depending on the geographic locations.
 19 So you can probably shrink that week in less than
 20 five, sometimes.
 21 THE CHAIR: Unless we -- yeah. The only
 22 time it extends is if there's big travel, that you
 23 end up with a travel day in there because you're
 24 going from north to south, that it becomes a
 25 challenge. Because I think we all remember

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1 galloping from Gallup to try to make it to the
2 Albuquerque hearing on time, because it was -- it
3 was tighter than it should have been, you know. So
4 we don't --

5 COMMISSIONER ARMBRUSTER: Like, lunch with
6 peanut butter crackers? That one?

7 THE CHAIR: From the Walgreens that
8 happened to be on the corner, fortunately. So I'll
9 entertain a motion then.

10 COMMISSIONER ROBBINS: I move that the
11 Public Education Commission adopt the meeting
12 calendar for 2019 and designate the first meeting of
13 the calendar year for the annual meeting.

14 COMMISSIONER CRONE: Second.

15 THE CHAIR: There's a motion by
16 Commissioner Robbins, a second by Commissioner
17 Crone. Any further discussion?

18 COMMISSIONER CABALLERO: Discussion. I
19 just appreciate the effort to accommodate. And
20 every year, I go through it, and every year, it is
21 difficult to accommodate. But I do bring it up with
22 the chance that I might get lucky.

23 THE CHAIR: And, unfortunately, we have
24 that hidden time frame with CSD that makes it a
25 little bit more of a challenge.

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1 COMMISSIONER RUIZ: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Caballero?

4 COMMISSIONER CABALLERO: Yes.

5 COMMISSIONER ARMBRUSTER: Nine to zero,
6 passes.

7 THE CHAIR: Motion passes, nine to zero.

8 I am now going to move that the Public
9 Education --

10 COMMISSIONER TOULOUSE: Before we do this,
11 could we introduce --

12 THE CHAIR: I will. I will. We didn't
13 finish -- I'm sorry. We didn't finish the rest of
14 our -- and I don't see -- Matt's not here. Huh.

15 Okay. So I will give you --

16 COMMISSIONER PERALTA: May I make a quick
17 announcement?

18 THE CHAIR: Oh, sure.

19 COMMISSIONER PERALTA: Thank you,
20 Madam Chair.

21 And so in regards to matter of 17C, as the
22 liaison on the New Mexico School Board Association,
23 I did -- I did have communication with Joe Guillen,
24 the Executive Director of the School Board
25 Association. And he is currently working on the

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1 COMMISSIONER CABALLERO: Yeah.

2 THE CHAIR: Commissioner Armbruster?

3 COMMISSIONER ARMBRUSTER: Commissioner
4 Robbins?

5 COMMISSIONER ROBBINS: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner
7 Toulouse?

8 COMMISSIONER TOULOUSE: I don't care at
9 all; so I'll be glad to say "Yes."

10 COMMISSIONER ARMBRUSTER: Yes. Thank you.

11 Commissioner Armbruster says "Yes."

12 Commissioner Conyers?

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER ARMBRUSTER: The same kind of
15 "Yes" that Commissioner Toulouse had.

16 Commissioner Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Gipson?

20 THE CHAIR: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Crone?

23 COMMISSIONER CRONE: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Ruiz?

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1 invitations for the Commissioners for their December
2 conference, I believe. That's in the first week,
3 5th or 6th, or something like that.

4 So as soon as I get word or an e-mail from
5 him, I'm -- I'll channel that to the Chair and
6 Ms. Friedman, and so that way, they can pass on
7 information.

8 But, again, the School Board Association
9 is interested in having us attend.

10 THE CHAIR: It's actually the 7th and 8th.

11 COMMISSIONER PERALTA: 7th and 8th. Thank
12 you.

13 THE CHAIR: It's a Friday and a Saturday.
14 at the --

15 COMMISSIONER RUIZ: Embassy Suites.

16 COMMISSIONER PERALTA: Embassy Suites.

17 THE CHAIR: Embassy Suites, yes. Yes.

18 COMMISSIONER PERALTA: Thank you.

19 THE CHAIR: I have just a brief update. I
20 attended the LESC in October and then also November.
21 So we've had two LESC meetings since our last
22 meeting. Both of those was a continuation of the
23 study that they've been doing, in particular, around
24 trauma-inspired learning. And if you have an
25 opportunity to look at the videos, the October

1 one -- I'm not sure if the -- if the stream is
2 there; but the PowerPoint is there from that
3 presentation.

4 And the one that was Wednesday of this
5 week, it's remarkable work that they are doing. And
6 that work that they are doing is helping to lay the
7 groundwork for another presentation that was done on
8 the school grades.

9 And there was a presentation by some from
10 the School Grades Committee that they are proposing
11 just a transformative change to the school grade,
12 going away from an A-to-F system, creating a
13 dashboard system, not doing a statewide end-of-year
14 assessment, but allowing schools to do Short Cycle
15 Assessments throughout the year that would be
16 uploaded onto the dashboard that the public has
17 access to, so parents can see how their school is
18 doing and track it during the school year.

19 And the whole intent of the school grade
20 is for improvement, not for -- not as a punitive
21 nature, that you've got an "F"; it's for the schools
22 to be able to see where they need to make that
23 improvement and also show that they are making that
24 improvement through the input on the dashboard. And
25 in an ideal world, they'd also be able to allow

1 for them, but that every school is also being --
2 that assessment is equitable.

3 So it's really very interesting. So it's
4 exciting to see that. And we'll just have to see
5 how this plays out and take a look at the
6 performance framework and see what modifications we
7 would have to do with that.

8 So it's really very interesting.

9 I also went Tuesday -- PSFA is -- they are
10 conducting assessment workshops -- reassessment
11 workshops, because they're in the process of doing a
12 reassessment of all charter schools. And I will
13 send Beverly -- now that they've got almost all of
14 the additional sites for the workshops set, I'll
15 send out -- because they're having another one in
16 Albuquerque; they're having one in Santa Fe; they're
17 having one in Taos; and they're having one in
18 Cruces. And when they originally sent the e-mail
19 out, they didn't have the locations. They got the
20 location Monday for Tuesday.

21 So I went to the one at RFK Middle School
22 Tuesday on my way up here. And it was, you know,
23 frustrating, because schools are dealing with,
24 unfortunately, a lot of underused large spaces,
25 because performance schools, auditoriums, don't

1 schools to put maybe one or two categories of their
2 own for their individual school on that dashboard
3 that they also felt helped to tell the story of
4 their school best.

5 So it's a -- it's an amazing change and a
6 completely different approach to the purpose of
7 those school grades. And it complies with ESSA, so
8 that they wouldn't be -- because ESSA doesn't
9 require an A through F, exactly; it just requires
10 categories. So that that would be there.

11 So if you have an opportunity to also take
12 a look at that, the PowerPoint should be on there,
13 at the very least. It's -- it's fascinating work.
14 And this was stakeholders from across -- from across
15 the state participated in this, so that they really
16 did a thoughtful process in creating this -- this
17 new plan.

18 No indication through Wednesday as to an
19 idea of the rollout of this. But it's -- it's not
20 going to be overnight, because it can't be, you
21 know. These are -- they're going to have to explore
22 what Short Cycle Assessments. Will it be a short
23 menu that a school can pick from three or four that
24 are all identified as reliable and rigorous, so that
25 a school can pick what they feel is most appropriate

1 count for the lease reimbursement.

2 I talked yesterday. The one school asked
3 about their hangar, their plane, you know. So that
4 it's -- you know, there's -- there's a lot of
5 what-ifs. Their farm. RFK just purchased a farm,
6 so they're doing a culinary program that's doing
7 farm to table. And those are great programs, but
8 the -- you know, the reimbursement for that just
9 isn't there.

10 We've got schools that don't have a --
11 another kitchen, so they're using their cafeteria's
12 kitchen for their culinary program. They can't
13 count it. So that it's, like -- but, you know, why
14 have to build a whole other kitchen?

15 So it's those things. So they're looking
16 at also what needs to be adjusted perhaps in that
17 concept of adequacy, so that maybe some of these --
18 these areas, there can be modifications on the
19 reimbursement.

20 But it's interesting. And it's great
21 to -- to see the schools and talk with the schools.

22 A number of us also attended, last
23 weekend, the charter -- the Coalition conference.
24 And I wanted to publicly thank the Coalition -- oh,
25 Matt's here now -- for the invitation and allowing

1 us an opportunity -- I was able to participate with
2 the renewal workshop, which was, I think, well
3 attended and a lot of good questions.

4 So schools are actively looking at their
5 applications and looking forward to next year. So
6 that was -- that was always a good conversation.

7 Matt was gracious enough to allow us space
8 to open the door for the conversation with the SAM
9 schools. We've known for a while that we didn't
10 address the SAM schools in our performance
11 framework. We felt, foolishly, that that was going
12 to be the easier, perhaps, thing to do. And it
13 certainly isn't. And if we do it well, it's going
14 to take us a while.

15 And I knew that that conversation that we
16 opened up on Friday was just purely for that, to get
17 the people together and let's get a plan for how we
18 see this going. And at this point in time, I think
19 the proposal may be that for the Public Education
20 Commission and the purposes of our performance
21 framework, we will create our own definition of what
22 a SAM school is.

23 And it won't -- obviously doesn't affect
24 the school grade; but it would affect how our
25 performance framework does add those SAM schools and

1 make those modifications that the schools feel
2 necessary.

3 I had a good conversation with Matt and
4 LaTricia from New America School in Albuquerque, who
5 they've been doing a lengthy research project with a
6 group in Denver on SAM schools, so that they've done
7 a bulk of the early work, which is great, so that
8 they've got a lot of good information.

9 So I think the way we'll proceed is to
10 reach out to the SAM schools and see if we can first
11 off come up with that, you know, laundry list of
12 what's at risk, what would qualify to qualify you as
13 a SAM school; and we can move from there and then
14 take a look at, well, then what other
15 modifications -- where do we have to go from there,
16 once we have an idea of who we think might be under
17 that umbrella of SAM schools.

18 So we'll be working forward on that
19 through this new calendar year.

20 I think that's -- oh, I'm sorry. We did
21 contract negotiations. How could I forget that? So
22 Thursday, before the Coalition conference, we did do
23 the contract negotiations with Taos International,
24 and we did, yesterday, ratify the contract; so we
25 should be good to go with them, and we'll see how

1 that proceeds.

2 Other than that, I think that's my month.

3 Thank you.

4 And, Matt, come on up.

5 MR. MATT PAHL: Thank us, Madam Chair,
6 members of the Commission. Turn this on here.

7 Thank you, Madam Chair, members of the
8 Commission. And thank you for those of you who were
9 able to attend that conference. Members really felt
10 like it was a productive time. We really switched
11 it this year to really engaging on issues. And SAM
12 schools was just one of those issues that was
13 addressed. And I think -- I think everybody at the
14 conference felt -- or generally, what we're getting
15 from our feedback -- is they felt good that their
16 voices were heard and that they provided a venue
17 that allowed for them to share with meaningful
18 representatives from the PEC and other entities that
19 are important in their lives.

20 So I just have a couple of announcements
21 for today. One, at the conference, we did announce
22 our name change: Public Charter Schools of
23 New Mexico.

24 There's two reasons why we made that
25 change, the first of which is, you know, we're

1 always going to be the Coalition. We're a
2 membership organization that serves our charter
3 schools. But we represent more than that. We
4 represent a community that's invested in charter
5 schools, whether they are a parent that sent their
6 kid to a charter school, a graduate from a charter
7 school, all of those groups have a vested interest
8 in charter schools being successful in this state,
9 and we want to represent that broader coalition of
10 charter school supporters.

11 We'll still be a member-driven
12 organization that's concerned about how we best
13 serve those schools, because when we serve those
14 schools, they're able to serve those parents and
15 those families better. So look for more on that
16 soon.

17 Right now, it's just kind of an
18 announcement. But soon, we'll have a new website
19 out and new ways to connect with us over social
20 media, things like that. So, you know, I'll have to
21 learn Twitter here.

22 Secondly, I just wanted to note that
23 this -- this morning on KANW, Barbara Petersen of
24 the Albuquerque Public Schools Board was talking
25 about charter schools. And she had some nice things

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1 to say about a few charter schools in Albuquerque,
2 which I think is great, and really appreciated the
3 comments that she was bringing in charter schools to
4 local authorization, because they thought they were
5 valuable.

6 However, there was a preceding comment in
7 her comments on the radio that charter schools were
8 resegregating schools in New Mexico. There wasn't a
9 lot to back that up, just a -- just a flat-out
10 statement that was said on the radio.

11 And I just want to flag it, because I -- I
12 don't know what information she's drawing on there.
13 And it's something that -- that I'll be interested
14 in finding out kind of more about that.

15 I put in an e-mail to Joseph, just to see
16 if there was some information presented at a Board
17 meeting. But I thought it would be useful for the
18 Commission to know that that kind of comment was
19 made in a very public forum this morning; and, you
20 know, as you think about how you represent the
21 Commission, just know that that narrative is out
22 there.

23 In my eyes, that is completely untrue.
24 But -- but let's look at some -- let's look at some
25 facts and some data and see where that comment came

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1 than some of the charter environments that are
2 across the country that are actually kind of
3 informing this national narrative. So there's no
4 clearinghouse for good information on charter
5 schools in our state with our context in mind.

6 So kind of mixing those two points. But,
7 yes, that's just some of the information that's out
8 there; so just wanted to make sure that
9 Commissioners were aware of that.

10 Lastly, I want to note that one of the
11 sessions that we had at the conference -- it was a
12 two-and-a-half-hour work session that focused on
13 some of the requests we would make of the new
14 administration. One of those was a -- was a pretty
15 long discussion on what we'd like to see from a
16 Charter School Division director and potential names
17 that are listed out as potential charter school
18 directors at the PED. I think we had Commissioners
19 in the room for part of that.

20 THE CHAIR: I was there for, I think, most
21 of it, yeah.

22 MR. MATT PAHL: So a pretty good list of
23 names, and at the very least some traits that we
24 wanted to see from the -- a new charter school
25 director, if there is a new one in place.

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1 from.

2 So just a note from something that
3 happened just this morning.

4 THE CHAIR: And it's not a conversation
5 that hasn't -- you know, it trails us, it does; from
6 the early days, it does.

7 MR. MATT PAHL: And, Madam Chair, I agree
8 with that. And I do think it's another space where
9 we succumb to a national narrative that may be true
10 in other places, but I don't think is true here.

11 THE CHAIR: Yes.

12 MR. MATT PAHL: And that's -- just to go
13 back to the first point, that's another big piece of
14 why we wanted to focus on public charter schools in
15 New Mexico and make that name change, is to really
16 reidentify who we are. We are about New Mexico
17 charter schools and for people who are looking for
18 charter school information.

19 If you type in, "charter schools
20 New Mexico," the first thing you get is the PED's
21 website, which is a great website. But it's also
22 not necessarily noting what charter schools are and
23 aren't.

24 We think that's our role, because
25 New Mexico charter schools are different than --

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1 So we'll be -- once we compile that
2 information, we'll be sending it to the new
3 administration, and we'll certainly copy the
4 Commission there so you know what our members
5 thought of that, and, you know, need some refining
6 from the conference. But just know that that's
7 coming, along with a list of other things that we'd
8 like put out there as far as policies and ways of
9 operating with the -- with our charter schools.

10 One of -- they can be as simple as, I
11 think four or five years ago -- and maybe this is
12 true now -- there was a calendar that just kind of
13 let you know when every due date was for any
14 program, any kind of form that needed to go to the
15 PED.

16 I hear about that -- I heard about it
17 three years ago; I still hear about it today. I'm
18 not sure if it exists right now. But that's
19 something. I mean, we really want to get to those
20 practical levels. And these are not only
21 charter-specific issues.

22 So just look for a copy on that. I think
23 everything we heard was very productive and isn't
24 about saying how bad things are right now. It's
25 about how we want to progress forward, moving on.

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1 So thank you again for those that were
2 able to come to the conference. We got great
3 feedback on the conference, and we'll give you more
4 as we -- as we move forward and get all that
5 feedback to just kind of let you know how people
6 felt about it, and the reason being because we want
7 to set up more opportunities to engage with the
8 schools like this.

9 And I think that depends on some of you up
10 here; because I think it's a -- it's a real good
11 opportunity to have those connections with the
12 Commission and our schools in a forum that isn't in
13 Mabry Hall.

14 So we'll look forward to trying to create
15 those opportunities with you all in the spring.

16 THE CHAIR: Right. Just so that you know,
17 because you weren't in the room when we did the
18 SAM's discussion, that we're looking at, most
19 likely, doing some regional meetings with those SAM
20 schools so that they don't have to, you know, all
21 drive up to Albuquerque, so that we can get some of
22 that work done in those small early meetings.

23 So that hopefully, the Coalition can help
24 with that in terms of -- I know some of the areas
25 are a little more tied down in the southern area,

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1 best be helpful there. But we would be happy to be.

2 THE CHAIR: Thanks.

3 COMMISSIONER CABALLERO: Comments,
4 Madam Chair?

5 I know that we believe there was a comment
6 without any basis. But I do -- will have to remind
7 you, because you did mention that maybe we got wind
8 of something. And we do have a school that's
9 100 percent Anglo in a community that's not
10 100 percent. And I made that inquiry. And I really
11 wasn't satisfied with the answer.

12 And that's in Moriarty. And how can a
13 charter school exist 100 percent of one. And I
14 bring out my -- my -- that, also, with charter
15 schools in the neighborhood, and say, "Is this
16 community 100 percent Hispanic?"

17 And we have to look at that. You have to
18 look at that.

19 MR. MATT PAHL: Yeah.

20 COMMISSIONER CABALLERO: But I -- I just
21 can't buy -- buy that.

22 Also, I was given information that a
23 school district has allowed a lot of charter
24 schools, so that families and parents do their own
25 little private school. And that's not good, either.

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1 the schools stay a little more connected, I think,
2 than in some areas of the state. So we've got to
3 work to be able to reach out to that.

4 I know there were APS schools there; but I
5 don't know how valuable their participa- -- I mean,
6 I certainly will take their input, but we're not
7 going to have any effect on them.

8 MR. MATT PAHL: Right, right. And,
9 Madam Chair, I know at our organization, we often
10 have the conversation, is, you know, there's
11 certainly a region in Taos, Santa Fe, Las Cruces,
12 and Albuquerque. And I think, just generally
13 speaking, we're talking more about Gallup being one
14 of those destinations as well.

15 THE CHAIR: Yeah. I think we tend to
16 leave -- we leave that out.

17 MR. MATT PAHL: Exactly.

18 THE CHAIR: I know we're stretching it to
19 ask Deming to come to Cruces, you know. It's --
20 it's tough. But that's sort of the way that plays
21 up. But you're right. There's enough schools there
22 that that has to be part of that -- that meeting
23 schedule has to go out west. Yeah, you're right.

24 MR. MATT PAHL: So I'll await
25 communication from the Commission about how we can

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1 And so I can tell you there's going to be
2 a lot of inquiry into that. Because this
3 legislature, there's a lot of teachers, and there's
4 a lot of rumor. And they're going to want to get to
5 the rumor. Is this true? How do we correct it?

6 But it is not baseless. The accusation
7 that charter schools affect other public schools,
8 even the schools that are doing good, it's also not
9 baseless; because I was invited to an elementary
10 school. And I went to listen. And I listened to --
11 I didn't participate. I listened.

12 But I understood from parents and teachers
13 and administrators that everybody felt that a
14 charter school close by was not going to impact that
15 school, because it was doing good.

16 But it did draw a lot of its students out
17 of that public school. And now that public school
18 has had to eliminate stuff, because they cannot
19 afford because their enrollment went down.

20 And so I'm bringing it up only in the
21 effort to come to a solution. Do we need to -- when
22 a school -- a charter school says, "We're going to
23 impact this area," how much of -- do we have to tell
24 them, "Okay, the majority of your students are going
25 to come from that area."

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1 And -- but when you -- when you cannot
2 discriminate, then it's very hard to contain.

3 MR. MATT PAHL: Yes.

4 COMMISSIONER CABALLERO: And so as a
5 state, how do we keep it open and how do we keep
6 both the charter schools thriving and the other
7 public schools thriving? We can't just throw away
8 the public schools. We have to force them to
9 improve. But if, in our effort to force the public
10 schools to improve, we're killing them through
11 abundance of charter schools -- in Mexico, there's a
12 lot of private schools. I went to private school in
13 Mexico. But the -- the Mexican government cannot
14 keep up with so many -- educating so many children.
15 So families that have a little bit of money, there's
16 private schools from very, very inexpensive to very,
17 very expensive.

18 And so I understand that. I understand
19 the whole notion. And I went -- I went to a private
20 school and public school in Mexico. I understand
21 that.

22 But I think the comments are not totally
23 without any basis. Probably there hasn't been a
24 true search to see if that's true and how extensive
25 that is. By saying 100 percent, well, when they

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1 One has been at the core of our
2 legislative platform for some time, which is
3 expanding transportation funding for charters. That
4 ride to school is important to a lot of families,
5 especially when we think about making sure
6 they're -- the availability of charter schools is
7 open to everyone.

8 And I think the second piece of that is
9 lunch. Lunch, we've been a little more -- it's been
10 tougher to feel out with our members. But there are
11 a number of schools that don't offer lunch. And
12 that serves as a barrier for schools as well.

13 So I just -- I -- I know the school you're
14 talking about. I don't know how -- what their
15 student population is. But it gives us something to
16 think about. You know, we do have schools that
17 are -- you know, there's one very good school in
18 Albuquerque that serves all Native students. That's
19 a whole school that's just Native students.

20 That's segregation; but I don't think
21 that's bad. It's embracing their culture and
22 allowing those students to learn in a way that's
23 relevant to them.

24 So it's a complex argument. But I do want
25 to note those two factors and that those could be

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1 were here, I didn't see any Hispanics. But maybe
2 there's a few.

3 But I can't really expect -- like, in my
4 high school in El Paso, they said 100 percent
5 Hispanic; but we had 6 percent African-American.
6 And it wasn't 100 percent. It was half a percent of
7 Anglo. But they all spoke Spanish. I mean, they
8 integrated.

9 So people could say it's 100 percent
10 Hispanic, but it wasn't, you know. So folks would
11 say stuff. And so my only point is that it's not
12 completely baseless. And I think that the Charter
13 School Coalition really needs to look into -- I
14 don't know if maybe your members are not. But those
15 that are out there, we need to get them to
16 understand that, yes, it's open, but you can't --
17 it's a problem of recruitment. It's a problem of
18 pushing those kids out. I don't know. But that
19 can't be.

20 MR. MATT PAHL: Madam Chair,
21 Commissioner Caballero -- do you mind if I respond
22 really quickly? I appreciate those comments,
23 Commissioner, mostly because of the switch to let's
24 figure out what the issue is, right? Because there
25 are two issues, I think.

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1 foundations for solutions if there is an issue on
2 hand.

3 THE CHAIR: Commissioner Toulouse?

4 COMMISSIONER TOULOUSE: Madam Chair, I
5 just want to say Barbara Petersen is my APS Board
6 member, and I will reach out to Barbara, because we
7 have a dialogue. But it's taken me years just to
8 get her to look at charter schools. So we're at
9 least making a step forward that she's doing that;
10 because when she came on board, she didn't want any
11 more of them, didn't want to hear them, didn't want
12 to talk about them. And I have spent a number of
13 years talking to her.

14 But I will reach out to her again. And I
15 think, just from the standpoint of this segregation,
16 it happens anyway; because in my area of town, the
17 majority of students are Hispanic. You're going to
18 have Hispanic kids, whether it's a charter school or
19 whether it's an Anglo school. But you go just a few
20 blocks away, and there's an awful lot of Native
21 Americans.

22 And it's just where you live. So whether
23 you choose to go to a charter school or not, or the
24 public school, to a certain extent, by choosing
25 where you live is going to segregate you.

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1 I mean, I went to a grade school where
2 there were only three families of Anglos, and those
3 were my best years, mainly because I had so many
4 Hispanic relatives, I fit right in. And those kids
5 were allowed to speak Spanish to me because nobody
6 knew that I spoke Spanish.

7 So the teachers that were still telling
8 kids, "Don't speak Spanish" thought they were
9 teaching me opposed to I had already spoken Spanish
10 from the time I was a year old.

11 So there's advantages. But I'm just
12 saying yes, we need to look at that. But when we
13 also have specialized schools, there's also a
14 self-selection for those.

15 But I -- you know, my point on this was
16 I -- just, I will reach out to Barbara and continue
17 to talk. And I think she would probably be more
18 than willing to meet with you, Matt, and discuss it,
19 because I have seen her consciousness being raised
20 toward charter schools over a few years.

21 She started out as simply representing the
22 teachers' union. And that's what she was going to
23 do. And first, I had to convince her that if you
24 wanted to be in on a union and were in a charter
25 school, you could be. And then we started moving

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1 And, you know, I hope there's a solution
2 at some point in time for lunch; because that's the
3 most -- I think that's literally the most
4 devastating vote I've ever taken here is to allow a
5 school to take out of their contract that they --
6 that they have to provide lunch. I never thought
7 I'd be taking a vote to do that, because it flies
8 against everything that we all believe in.

9 And that's, you know -- I understand why
10 the waiver is there on one level; but I can't
11 understand it. And it certainly does. If I -- you
12 know, you're a parent and deciding to send your
13 child to school, and that's a need you have, you're
14 not going to send your child to that charter school.
15 That's the bottom line.

16 So I -- you know. And I know it's -- it's
17 also related to the facility issue. If you don't
18 have a facility that can provide food or even keep
19 food warm, you know, that's -- that becomes -- that
20 becomes an issue.

21 So I don't know -- I guess we have to fix
22 facilities first. I don't know. Or if we can do it
23 both; so...

24 MR. MATT PAHL: And, Madam Chair, for
25 those schools that are interested in serving lunch

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1 from there.

2 So I would encourage you to reach out to
3 Barbara. But I will also.

4 MR. MATT PAHL: Okay. Thank you.

5 THE CHAIR: Thank you. And I think your
6 point is correct. I know the school district that I
7 worked in, currently there's a lawsuit because it's
8 not -- it's segregation through real estate. And it
9 was the real estate agents who were creating the
10 segregation in a very large township, you know.

11 And those -- that's that -- that hidden
12 segregation; so that sometimes it does occur that
13 way, you know --

14 But you're absolutely right.
15 Transportation. And I'm hoping that through this
16 legislative session, something will come about to
17 help the schools be able to, especially in that
18 first year --

19 MR. MATT PAHL: Yes.

20 THE CHAIR: -- be able to -- because it's
21 that first year that's going to set the foundation
22 for what that school is literally going to look
23 like; because you've got the sibling preference
24 then, and it creates a generation of what that
25 school is going to look like.

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1 but have faced a hurdle like that, there's been a
2 lot of conversations about encouraging them to make
3 capital outlay requests this session. There's a lot
4 of money right now. And I think there --

5 THE CHAIR: I'm so tired of hearing that.

6 MR. MATT PAHL: They're starting to say
7 across the street there's not actually that much
8 money; but I don't know, \$1.5 billion is a lot of --

9 THE CHAIR: But there is money there
10 available, yeah.

11 MR. MATT PAHL: Yes. And for a lot of our
12 schools, there are very few schools that aren't
13 using every square inch of their facilities. Even
14 that space to keep food warm is one less classroom.
15 That's a tough call for them to make. So thank you
16 for that.

17 THE CHAIR: And in some areas, there's no
18 opportunity to contract out, because there just
19 aren't any providers that -- you know, outside of
20 Albuquerque, you start going into more remote areas.
21 They can't even find -- even if they wanted to and
22 had the means to, you know, get a food truck or
23 whatever to provide it, it's just not there for
24 them.

25 MR. MATT PAHL: Yup.

1 THE CHAIR: And I don't know. Maybe you
2 know. Do we have any local school districts -- I
3 believe Gallup-McKinley did for a while, but no
4 longer do. Do we have any other school districts
5 that will contract out with the -- with charters to
6 provide that lunch outside of Albuquerque?

7 MR. MATT PAHL: Taos Municipal Schools
8 does.

9 THE CHAIR: Taos does? That's nice.

10 MR. MATT PAHL: I'm not sure about the
11 other ones. Some of our districts that just have
12 one school, like Roswell and Sidney Gutierrez, they
13 may have that in place. I don't know.

14 THE CHAIR: I think it would be an
15 interesting piece of information for us to have to
16 see; because I don't know how many schools we
17 actually have that do and don't provide some sort of
18 food service.

19 So I think that would help with our
20 conversation as well, you know.

21 MR. MATT PAHL: That's a good point.

22 THE CHAIR: Okay. Thanks.

23 COMMISSIONER ARMBRUSTER: I --

24 THE CHAIR: Oh, I'm sorry.

25 COMMISSIONER ARMBRUSTER: I hope it's okay

1 her name. She was actually excellent and had
2 incredible research, and I think you said that's
3 going to be on the website sometime, or some
4 connection or something.

5 MR. MATT PAHL: Madam Chair and
6 Commissioner Armbruster, we'd be happy to send that
7 report out. The website -- we're moving into a
8 space where the website is going to be offering more
9 materials. I'd be happy to send that out to the
10 Commission and Ms. Friedman.

11 COMMISSIONER ARMBRUSTER: I thought that
12 was really good, and also the information you got
13 from asking about people and their qualifications.
14 To me, the qualifications were probably more
15 significant than names. You know, they said it
16 should be this person or this person or this person.
17 And since I had no idea -- but I can certainly add
18 to what qualifications I think are necessary for
19 both. We were talking about the Secretary and CSD
20 Director.

21 I also thought it was great having Mimi
22 Stewart there, who was talking about education.
23 Even though we disagree on the dossier. That's
24 okay. I'm right.

25 Okay.

1 to say -- for Matt -- to say this, because I wanted
2 to talk about the conference. Is that okay, as
3 opposed to Public Education Commission comments.
4 That's what I was asking you.

5 THE CHAIR: No. That's what --

6 COMMISSIONER ARMBRUSTER: I was one of the
7 attendees at the conference. I do want to say when
8 I first looked at it, I said, "Huh, I don't know."
9 But I already signed up so I was going to go. I
10 thought the venue was actually really nice once I
11 went in.

12 On the outside, I was sort of thinking,
13 "Ooh, where am I?"

14 It was really very, very nice.

15 THE CHAIR: The optics were better than
16 last year's.

17 MR. MATT PAHL: Thank you for recommending
18 our growth.

19 COMMISSIONER ARMBRUSTER: Right. This
20 iron gate that locks.

21 THE CHAIR: Welcome to 2019 schools.

22 COMMISSIONER ARMBRUSTER: Right. Exactly.

23 And I also wanted to commend you on the
24 speakers. I went in to most of them, one of them
25 talking about the high standards -- I've forgotten

1 COMMISSIONER TOULOUSE: I'm going to text
2 Mimi right now.

3 COMMISSIONER ARMBRUSTER: I did say it to
4 her. I did. So it wasn't a secret.

5 And the other one that I thought was very
6 interesting that I went to was Kim from -- that
7 school, I never -- Gordon --

8 THE CHAIR: Oh. Gordon Bernell.

9 COMMISSIONER ARMBRUSTER: Bernell. It was
10 really interesting in terms of -- I think it wasn't
11 all of what you were able to see; it was not on the
12 website, because I went to go see at the LESC.

13 But I think the things that she said would
14 probably pertain to every school. I want to say
15 every school, just some of the concepts that she
16 covered.

17 I talked to someone in Los Alamos the
18 other day. I was telling them about that; because
19 every single school has children, whether you can
20 tell it or you cannot, has this trauma-based thing.
21 And I actually was pretty familiar with this. I'm
22 married to a psychologist, so that kind of tells you
23 those things.

24 But I think it's important for people to
25 know. And I think we've gotten so much into

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1 testing. And this is what's important, and that's
 2 what's important. But we've forgotten that. So I
 3 hope that is pushed, just in terms of the
 4 psychological effects of any number of things, not
 5 necessarily home and poverty.
 6 And let me see what else I have. Anyway,
 7 I think that's all of that. But I think that -- I
 8 really enjoyed the conference. I liked the high
 9 expectations. I liked the trauma. I liked Mimi. I
 10 liked talking about what we would -- or they,
 11 actually -- would like to see in a CSD director.
 12 So I'm, as I said, more -- putting more
 13 emphasis on qualifications. I'm not sure I think
 14 the person has to be from New Mexico. But that's
 15 fine. I just think someone needs to be really high
 16 quality. So I wanted to thank you for that.
 17 MR. MATT PAHL: Great. Thank you.
 18 COMMISSIONER ROBBINS: Madam Chair, could
 19 I just add a thing?
 20 THE CHAIR: Oh, sure.
 21 COMMISSIONER ROBBINS: Because it goes in
 22 with the segregation and all that. I think one
 23 thing that -- you know, the reason we have charters
 24 is to provide choice to parents and the children and
 25 everything. I think that needs to be kept in the

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1 conversation, the choice thing, that one size does
 2 not fit all.
 3 And the traditional school districts,
 4 especially large school districts, have kind of
 5 migrated to this one-size-fits-all, and they try to
 6 make every school exactly the same. And that really
 7 doesn't fit the -- the neighborhood. It doesn't fit
 8 the culture of individuals; it doesn't fit the
 9 learning styles of certain students.
 10 And I think, you know, that's something to
 11 keep in the conversation that's very, very important
 12 is the choice and the variety that charter schools
 13 bring to the education of our children.
 14 THE CHAIR: Thanks. Is former
 15 Representative Smith here because he's working with
 16 you or someone else? I'm just asking.
 17 MR. JAMES SMITH: Madam Chair, I'm not
 18 here in any capacity other than I apologize. I
 19 served in the Legislature for a long time, and you
 20 guys came to a lot of my committees. I never came
 21 to one of yours.
 22 THE CHAIR: Please don't apologize. I was
 23 just wondering if I could catch your ear as well, or
 24 Matt's ear. No, we appreciate you coming. I
 25 just -- I just wanted to know, if I see you, does he

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1 get the message?
 2 COMMISSIONER TOULOUSE: Madam Chair, he's
 3 also a retired charter school teacher.
 4 THE CHAIR: I understand that.
 5 MR. JAMES SMITH: Right.
 6 COMMISSIONER TOULOUSE: That, to me, is
 7 the most important reason to see him sitting there,
 8 thank you.
 9 THE CHAIR: I'm just really sorry that
 10 he's not across the street anymore.
 11 COMMISSIONER TOULOUSE: He still is a
 12 Bernalillo County Commissioner.
 13 THE CHAIR: I will express that -- I've
 14 told him that privately, that he's sorely missed.
 15 MR. MATT PAHL: Many agree with you.
 16 MR. JAMES SMITH: Thank you, Madam Chair.
 17 THE CHAIR: Anyone else? Thank you so
 18 much.
 19 And once again, thank you, because I truly
 20 thought it was a great conference, and I hope the
 21 format continues to grow in that capacity, because
 22 they were -- you know, even the ancillary
 23 conversations were greater through what was going on
 24 in those rooms.
 25 It just extended to lunch, which I didn't

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1 have an opportunity to eat because we were so
 2 engaged in -- which is -- to me, that's really
 3 great, because we get to see people, not here.
 4 MR. MATT PAHL: That's what it's all
 5 about.
 6 THE CHAIR: Important. So thank you so
 7 much.
 8 MR. MATT PAHL: Thank you, Madam Chair.
 9 THE CHAIR: Before I make the next motion,
 10 for those that were not here yesterday, I'd like to
 11 introduce the two of the three new Commissioners
 12 that are coming on.
 13 We have Georgina Davis, who is
 14 representing -- will be representing Commissioner
 15 Conyers' district.
 16 And Mike Chavez --
 17 MR. MIKE CHAVEZ: Yes.
 18 THE CHAIR: -- who will be representing
 19 Commissioner Peralta's district.
 20 So welcome once again. Hope we don't
 21 scare you away. And please understand that calendar
 22 grows like -- like crazy. So I had 46,000 miles on
 23 my car last year. So -- but welcome.
 24 I move that the Public Education
 25 Commission enter into a closed session. The

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<p>1 subjects to be discussed are issues subject to 2 attorney-client privilege pertaining to threatened 3 or pending litigation in which the PEC is or may 4 become a participant, pursuant to NMSA 1978, Section 5 10-15-1(H)(7); specifically, A, in regards to 6 New Mexico Public Education Department Notice to 7 Review Public Education Commission's Decision to 8 Grant Raíces del Saber Xinachtli Community School 9 Charter with Conditions; B, Appeal of the Governing 10 Council of New Mexico Connections Academy, and 11 New Mexico Connections Academy, vs. Christopher 12 Ruskowski, in his Official Capacity as the 13 Secretary of the New Mexico Public Education 14 Department. 15 Do I have a second? 16 COMMISSIONER CONYERS: (Indicates.) 17 THE CHAIR: There's a second by 18 Commissioner Conyers. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Robbins? 21 COMMISSIONER ROBBINS: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Toulouse? 24 COMMISSIONER TOULOUSE: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 Closed Session. The matters discussed in the closed 2 meeting were limited only to those specified in the 3 motion for closure, and no vote was taken during the 4 closed session. 5 Do I have a second? 6 COMMISSIONER RUIZ: Second. 7 THE CHAIR: There's a second by 8 Commissioner Ruiz. 9 Commissioner Armbruster? 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Ca- -- 12 THE CHAIR: Let the record please reflect 13 that Commissioner Caballero is no longer here. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Ruiz? 16 COMMISSIONER RUIZ: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Crone? 19 COMMISSIONER CRONE: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Gipson? 22 THE CHAIR: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Peralta? 25 COMMISSIONER PERALTA: Yes.</p>
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<p>1 Armbruster votes "Yes." 2 Commissioner Conyers? 3 COMMISSIONER CONYERS: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Peralta? 6 COMMISSIONER PERALTA: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Gipson? 9 THE CHAIR: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Crone? 12 COMMISSIONER CRONE: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Ruiz? 15 COMMISSIONER RUIZ: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Caballero? 18 COMMISSIONER CABALLERO: Yes. 19 COMMISSIONER ARMBRUSTER: We are nine to 20 zero. 21 THE CHAIR: We'll clear -- yeah. We will 22 come back after this to do 16 and PEC comments. 23 Thank you. 24 (Executive Session held.) 25 THE CHAIR: All right. I move to end</p>	<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Conyers? 3 COMMISSIONER CONYERS: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Armbruster votes "Yes." 6 Commissioner Toulouse? 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Robbins? 9 COMMISSIONER ROBBINS: Yes. 10 COMMISSIONER ARMBRUSTER: An eight-to-zero 11 vote. It passes. 12 THE CHAIR: Passes, eight-zero. 13 We are on to item No. 16, which is 14 Discussion and Possible Action on the PEC Response 15 to PED Proposed Rulemaking and Amendments to NMAC. 16 And I'll be perfectly honest. Outside of 17 A, I haven't looked at a lot of it. I've perused 18 it. And I don't know the dates of the hearings 19 outside of A. 20 That -- I know the hearing for A is 21 December 4th, here in Mabry. But beyond that, 22 because I think, you know, B can be, once again, 23 lots to do about nothing if the School Grade 24 Committee -- and that comes through legislation, 25 that's -- you know, I think whatever that rulemaking</p>

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1 is can -- can be changed, and I feel that it will --
2 that there's a very good chance that that school
3 grade proposal will turn into a piece of
4 legislation, so that this rule would maybe only be
5 effective through the next school year, you know.

6 So -- but I'm open for discussion on --
7 because I think, in particular, with A, we need a
8 direction on what, if anything, the PEC feels may be
9 an appropriate response, publicly, at that hearing
10 on December 4th; or if the PEC feels it's necessary
11 to have that public response.

12 So let's take a look at A. All of you
13 have been copied that rulemaking, which -- the
14 Albuquerque Journal actually called me, and I
15 couldn't respond, because it's -- we have the -- the
16 review, so that I was unable to really speak to it.

17 But when I did see the article on it, it
18 simply said that we're -- that the rule is trying to
19 codify the performance framework. That's what the
20 article said.

21 So I don't know where -- I don't know
22 where she obtained her information; because she did
23 not identify, "As a result of a conversation with,
24 this is what the -- you know, this is what --
25 whoever said. This is the purpose of the

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1 because it was just -- and you read it so long,
2 it's, like, isn't this the same -- isn't this the
3 same?

4 And then all of a sudden, they're making a
5 change, and it's almost like, "Ooh, I missed that."

6 So it was, to me, maybe because I don't
7 read those regularly, it was cumbersome to really
8 ferret out where the changes were.

9 MR. CHAIKEN: Madam Chair, members of the
10 Commission, Ami and I have reviewed under -- what
11 we're looking under A, which is the changes to 6.10
12 4 NMAC. And if you would, in your books, turn to
13 Pages 8 and 9 of that rule -- of that Tab 16, where
14 you have the proposed amendment. And, just briefly,
15 we would concur with the Chair and what some other
16 members of the Commission have expressed, that these
17 proposed changes rewrite the regulation and go
18 beyond the statute, vary from statutory language,
19 and, therefore, we would say that they're not
20 enforceable. They should not be adopted.

21 THE CHAIR: And I guess I'll ask now and
22 maybe put someone on the spot. But we have a new
23 Commission -- an oncoming Commissioner. Glenna
24 Voigt is taking Carmie's seat. And, Glenna, I'm
25 just going to ask, were you there when the LESC was

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1 rulemaking."

2 I didn't see it that way, you know. It
3 does speak to the performance framework in that
4 rulemaking. But it also -- and in a conference call
5 with the Acting Secretary that the Executive
6 Committee was on with counsel, I expressed my
7 concern about anything that would limit a
8 publicly-elected body, for them to be able to make a
9 decision.

10 And that, as I see, is the purpose of the
11 rulemaking, to administratively be able to say, "You
12 can only make your decisions based on this narrow
13 criteria, and that you don't have the free and
14 independent will to make your own decision."

15 And I don't believe -- I believe that that
16 goes above and beyond their authority.

17 COMMISSIONER ROBBINS: I agree.

18 COMMISSIONER TOULOUSE: Well -- and that
19 was the part that bothered me. The rest of it, an
20 awful lot of it seemed to be just rewriting the
21 statute, which they can't do anyway.

22 THE CHAIR: It got cumbersome -- I'll be
23 honest. It got cumbersome to read it, because at
24 times, it's like, am I reading what exists? And
25 what's a proposed change, you know, that it did;

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1 discussing the rulemaking?

2 MS. VOIGT: Yes, Madam Chair, I was. As a
3 matter of fact, their agenda was exactly like your
4 Item No. 16.

5 THE CHAIR: Right. So -- okay.

6 MS. VOIGT: And they -- the discussion
7 that some of the members had was also that this is
8 the 11th hour of the Administration, and to push
9 through these rules would be cumbersome, at best, to
10 try to unravel with the new administration coming
11 in.

12 (A discussion was held off the record.)

13 MS. VOIGT: So they pretty much have the
14 same consensus that you just spoke to, that they
15 didn't foresee these rules going through; although,
16 they felt also a little blindsided by the
17 presentation of these rules, since not many of
18 the -- the Council was privy to be at the table when
19 these were being formulated.

20 THE CHAIR: Well, welcome to our world.

21 MS. VOIGT: Thank you.

22 THE CHAIR: Thank you.

23 MS. VOIGT: You're welcome.

24 THE CHAIR: Okay. So I guess I will ask
25 at this moment in time if it is the -- unless you

<p style="text-align: right;">Page 183</p> <p>1 want to add anything else?</p> <p>2 MS. AMI JAEGER: We would flesh out that</p> <p>3 argument a little bit, yeah.</p> <p>4 THE CHAIR: Right. So I'm going to ask if</p> <p>5 it's the will of the Commission that there be a</p> <p>6 public statement made at the hearing December 4th on</p> <p>7 behalf of the PEC?</p> <p>8 (Chair consults with counsel.)</p> <p>9 THE CHAIR: Because there is also -- and</p> <p>10 there -- correct me if I'm wrong. The -- there's</p> <p>11 two mechanisms for written. Is it different if it's</p> <p>12 written on official paper? There's also that</p> <p>13 opportunity to provide it via e-mail.</p> <p>14 Is that -- are those separated out when</p> <p>15 they look at the comment? Because I know I've</p> <p>16 commented on rulemaking via the e-mail several times</p> <p>17 at least. I don't know if that is separated out as,</p> <p>18 "This is what was provided electronically to us, and</p> <p>19 this was what was provided more formally through</p> <p>20 a..." -- because I'm trying to remember.</p> <p>21 When you do it by e-mail, do you have to</p> <p>22 identify yourself? Do you remember, Tim? I don't</p> <p>23 remember. I know I've done it. But I can't</p> <p>24 remember if you have to identify yourself as to who</p> <p>25 or what you are. I'm not sure.</p>	<p style="text-align: right;">Page 185</p> <p>1 Well, because, you know, so few things are</p> <p>2 done on letterhead or on paper anymore that I think</p> <p>3 it looks much more official if we then submit a</p> <p>4 paper -- you know, a letter on letterhead. And we</p> <p>5 can always submit a duplicate e-mail; I don't care.</p> <p>6 But I just think professionally, we look better on</p> <p>7 our letterhead.</p> <p>8 THE CHAIR: Right. Okay. I don't think</p> <p>9 we need a motion on that. Right. I don't -- I'm</p> <p>10 not comfortable -- I haven't really looked at -- I</p> <p>11 haven't. I'll be honest. I think the one that</p> <p>12 affects us the greatest is A.</p> <p>13 Yeah. Okay. So we'll work on that. And</p> <p>14 I'll plan on being here December 4th.</p> <p>15 COMMISSIONER PERALTA: What time on</p> <p>16 December 4th?</p> <p>17 MS. AMI JAEGER: It's at 9:00. The</p> <p>18 written comments are by 5:00.</p> <p>19 THE CHAIR: Oh. But the hearing starts at</p> <p>20 9:00, okay. And I'm -- I didn't get a chance to</p> <p>21 talk to Matt about this most recently. But I think</p> <p>22 they're planning on asking folks to come up as well.</p> <p>23 So -- okay. Thank you.</p> <p>24 I guess we're on to PEC Comments.</p> <p>25 Commissioner Conyers?</p>
<p style="text-align: right;">Page 184</p> <p>1 MR. CHAIKEN: Madam Chair, we can find</p> <p>2 that out. But I would say that it should not matter</p> <p>3 whether you submit a written or an e-mail comment.</p> <p>4 They should be equally valid.</p> <p>5 They're, you know, public comments, and I</p> <p>6 don't believe the regs distinguish between the</p> <p>7 format that your written comments are received.</p> <p>8 THE CHAIR: I guess I do question</p> <p>9 sometimes, as I think many people do as we get those</p> <p>10 e-mails that say "Please respond," "Please send a</p> <p>11 message," how many of those e-mails are actually,</p> <p>12 you know, looked at, as opposed to formally</p> <p>13 written -- I think something that has an official</p> <p>14 heading and so on in that manner; but I will also</p> <p>15 ask do you feel it's, in addition, appropriate to</p> <p>16 have the public statement made at the December</p> <p>17 hearing?</p> <p>18 COMMISSIONER TOULOUSE: Madam Chair, I</p> <p>19 don't think it ever hurts to have both the public</p> <p>20 presence, because there will be reporters there, and</p> <p>21 the written. And I think because we are an official</p> <p>22 elected Commission who are in the State</p> <p>23 Constitution, it looks better if we use the</p> <p>24 letterhead paper that now, after almost six years, I</p> <p>25 now know we have.</p>	<p style="text-align: right;">Page 186</p> <p>1 COMMISSIONER CONYERS: Really, as always,</p> <p>2 I'm happy to see everyone and happy to be here. But</p> <p>3 that's all I have to say.</p> <p>4 THE CHAIR: Thank you.</p> <p>5 COMMISSIONER TOULOUSE: Madam Chair, I</p> <p>6 think you've covered everything. I was -- spent two</p> <p>7 days, one on the 23rd of October and then this 14th</p> <p>8 at the LESC; but you covered the LESC, so --</p> <p>9 THE CHAIR: Okay.</p> <p>10 COMMISSIONER PERALTA: I'm good, Chair.</p> <p>11 Thank you.</p> <p>12 THE CHAIR: I think I've made all the</p> <p>13 comments I need to at this point in time.</p> <p>14 Commissioner Armbruster?</p> <p>15 COMMISSIONER ARMBRUSTER: No.</p> <p>16 THE CHAIR: Commissioner Ruiz?</p> <p>17 COMMISSIONER RUIZ: I just have a report</p> <p>18 from NMPSIA, just a few things.</p> <p>19 The STOPit program that we had tried to</p> <p>20 implement but didn't have a lot of buy-in because of</p> <p>21 the financial implications for districts, we have</p> <p>22 two schools that still want to continue that. One</p> <p>23 of them is Clovis. And they're actually having</p> <p>24 success with it. They've, you know, been able to</p> <p>25 intervene on student -- students in crisis.</p>

1 And another school -- but I didn't get the
2 name -- but we're still looking at forging ahead
3 with Sandy Hook. I can speak for Hobbs Municipal
4 Schools. I've set something up where they're going
5 to come and try to implement that. And there's a
6 time in the future that we may be looking at asking
7 all school districts around the state to actually
8 partake of that, you know, or -- I don't know what
9 the option would be. But they're really wanting to
10 do that.

11 And then the other thing that's really
12 good for those people that are migraine sufferers, I
13 guess, Express-Scripts had a very low payment amount
14 in coverage for migraine medication, and so we
15 approved and passed to add another benefit for that.
16 And I guess some of the migraine medications are,
17 like, \$1,000 a month. And so now they're bringing
18 in five new prescription migraine pills that NMPSIA
19 will cover; so...

20 THE CHAIR: Great. My insurance just left
21 Express-Scripts.

22 COMMISSIONER ARMBRUSTER: So some of the
23 plans for the retiree insurance, you know, they have
24 Optimum.

25 THE CHAIR: That's what we currently use

1 is Optimum.

2 COMMISSIONER ARMBRUSTER: So when you're
3 talking about Express-Scripts, it's only for
4 Express-Scripts who's going to do this?

5 COMMISSIONER RUIZ: Right now, that's my
6 understanding is that it's Express-Scripts. But,
7 you know, that can possibly be expanded or changed.

8 THE CHAIR: So let me just add one thing.
9 It doesn't have anything to do with the
10 prescriptions; but it has to do with contract
11 negotiations.

12 We had difficulty when we did the last big
13 batch of contract negotiations with the forms that
14 NMPSIA provided the schools on their insurance
15 coverage. They varied greatly on what form they
16 even used. And some of the forms, it was just like
17 a check-off, "Yeah, they're covered."

18 And there was no identification of what
19 the schools are actually covered for, which we need
20 to see. So can there be a conversation about how
21 NMPSIA is communicating the insurance coverage for
22 the schools so that it's on a uniform form and that
23 it does identify all the levels of coverage that the
24 school has? That would really be appreciated.
25 Yeah.

1 And one of the areas that was very
2 difficult to see was the area around vehicles --

3 COMMISSIONER RUIZ: Okay.

4 THE CHAIR: -- you know. And we do -- I
5 was kind of surprised at the number of charters that
6 do have a vehicle, you know. And they are -- some
7 of them are transporting kids. So it's -- you know,
8 there's -- there's concerns about that, including
9 the school couldn't find their insurance card while
10 we were there.

11 Okay. Thank you. I appreciate it.
12 Commissioner Crone?

13 COMMISSIONER CRONE: I'm glad Trish was at
14 the meeting. I was playing hooky. I was visiting
15 my grandchildren in California.

16 THE CHAIR: That's always important.

17 COMMISSIONER CRONE: And we didn't get
18 burned up; so that was good.

19 And I do want to note that David and I did
20 not coordinate our wardrobe this morning.

21 THE CHAIR: Thank you.

22 Now, Commissioner Robbins.

23 COMMISSIONER ROBBINS: I don't know what
24 to say about the wardrobe. But -- no.

25 I did want to congratulate all of the

1 individuals that were elected, and, Chair Gipson, on
2 your reelection.

3 I did attend the NACSA conference in
4 October down in Orlando. And -- some good sessions.
5 I learned some things, made some good contacts and
6 things like that.

7 Also learned, you know, a little bit of
8 the variety that the different states, how they
9 handle things. And I think it was Maine that they
10 actually cap the number of charters at ten. They
11 only have nine charters in the entire state. Of
12 course, its population is only 1.6 million. But,
13 you know, they have a fraction of the number of
14 charters that we have in our state.

15 On the general session On Wednesday
16 morning, it was very interesting. We had two
17 individuals that came and spoke in the general
18 session.

19 One was Sylvia Mendez. I don't know if
20 that name means anything to you or not. But the
21 Mendez trial was in California back in 1947, and it
22 was about segregation and about how the Hispanic
23 students were not being educated and things. This
24 preceded the '57 -- this preceded what happened when
25 the stand-in, of a walk-in and everything in the

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1 South and everything.
 2 And, actually, Terrence Roberts was also
 3 there. And he was in the walk-in in the -- I think
 4 it was in Arkansas, trying to go into the schools
 5 and everything.
 6 And they both gave very good perspectives
 7 and everything. I didn't get the sense that they
 8 held grudges or anything like that; but they did
 9 warn about some of the issues and things like that.
 10 But it was very engaging to listen to them and their
 11 perspectives and what they've learned over the years
 12 and what we're sharing with the individuals that
 13 were at the conference.
 14 So I just wanted to share that with you.
 15 Karen Woerner and I also picked up several
 16 of the NACSA -- what are they called? The policy --
 17 MS. KAREN WOERNER: Principles and
 18 standards.
 19 COMMISSIONER ROBBINS: Principles about
 20 charter school and everything. I meant to bring
 21 those today. I have 10 or 11 copies. I will bring
 22 those, hopefully, so at least the new Commissioners
 23 that come on the Commission will be able to have
 24 those.
 25 Because we've done a lot of that. And

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1 that was one of the things that I really did
 2 appreciate is this Commission in New Mexico, along
 3 with CSD, has done a lot of the things that NACSA
 4 recommends. And I was very impressed at that,
 5 having only been on the Commission now a little over
 6 a year, very impressed with the work that you've
 7 done, my predecessors and things.
 8 So I just wanted to compliment the work
 9 that Commissioners have done before I arrived and
 10 what we're doing to move forward. Thank you.
 11 THE CHAIR: And on the issue of Maine,
 12 because they do have so few schools and they have a
 13 longer holdback for the charters. I spoke with him
 14 when we went last year. And they do all the -- they
 15 pay for all the Short Cycle Assessments through that
 16 holdback for -- granted, there are few schools. But
 17 they also gave them back several million dollars
 18 that they simply divided out what they hadn't used
 19 of the holdback. It doesn't revert.
 20 And they gave it to the schools so that
 21 they could use it for development -- for, you know,
 22 improvement. So it was really, wow, that's -- you
 23 know, that's a great concept. And, yeah, I guess
 24 it's easier when you only have nine, you know. And
 25 I think they've only been an authorizer for a short

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1 time --
 2 COMMISSIONER ROBBINS: Correct.
 3 THE CHAIR: -- that it's new to them. But
 4 it is. It's fascinating to hear how some states do
 5 it.
 6 COMMISSIONER ROBBINS: And there were some
 7 states -- I don't know if it's Ohio -- but I think
 8 there are some states that they have authorizers
 9 that are not local school districts or the state
 10 board of education. They have other authorizers
 11 that are allowed under their charter laws. So
 12 that's very interesting also.
 13 THE CHAIR: It is, because then it really,
 14 to me, starts to fracture out to who's watching
 15 what.
 16 COMMISSIONER TOULOUSE: But our state
 17 universities can authorize under our law.
 18 THE CHAIR: No, they can't. They can't.
 19 We are -- it's the district or us. The state
 20 universities can't. Some states, they do; but our
 21 state universities cannot.
 22 I'll -- I know a piece of legislation is
 23 going to be proposed this session to allow
 24 authorization through Indian Affairs, somehow.
 25 COMMISSIONER TOULOUSE: There's also a lot

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1 of rumblings about another moratorium on charter
 2 schools.
 3 THE CHAIR: Well, I'm less worried about
 4 that.
 5 COMMISSIONER TOULOUSE: I'm just saying
 6 there's rumblings on that one, too. But we're doing
 7 so few new schools anymore -- this is not like ten
 8 years ago, where there were the -- 20 new schools
 9 coming in, you know.
 10 THE CHAIR: Thank you so -- oh.
 11 Commissioner Crone?
 12 COMMISSIONER CRONE: Yes. Madam Chair, I
 13 wanted to acknowledge, recognize, that Trish is part
 14 of the transition team for the new governor. You're
 15 doing workmen's comp. What else?
 16 COMMISSIONER RUIZ: So it's workmen's
 17 comp and all the State personnel and staff
 18 positions, and labor as well. And so I just want
 19 you all to know that I will be a voice for the
 20 Governor's cabinet. There's 15 of us that have been
 21 appointed to serve on her transition team. And I am
 22 looking forward to taking the concerns of the PEC,
 23 and also for rural New Mexico, as I hail from Hobbs.
 24 And so thank you.
 25 COMMISSIONER CRONE: Congratulations.

1 THE CHAIR: Thank you. I'll entertain a
 2 motion to adjourn.
 3 MS. JULIA ANDERSON: Madam Chair, I have
 4 one updated -- if I may, I wanted to just return and
 5 provide you and the Commissioners an update about
 6 closures yesterday, if I may return to that?
 7 THE CHAIR: Okay. All right. Okay.
 8 MS. JULIA ANDERSON: Okay. Thank you. I
 9 wanted to let you know that based on your comments
 10 about charter schools, the language -- I spoke with
 11 PED General Counsel, the language in the letter for
 12 DFA and GSD has been changed. The request is going
 13 to be to provide the assets from Anthony in that
 14 closure to charter schools instead of to the school
 15 district. So I wanted to provide you with that
 16 update.
 17 THE CHAIR: Thank you. Appreciate that.
 18 Thanks.
 19 COMMISSIONER PERALTA: Madam Chair.
 20 (Chair consults with Vice Chair Peralta.)
 21 THE CHAIR: And, once again, we're
 22 expecting that letter to go out within the next week
 23 or so.
 24 MS. JULIA ANDERSON: Within the next week,
 25 Madam Chair. And the plan is to give them 10 days.

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 November 30, 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.: 602N (CC)

1 If we have not heard a response, we'll follow up.
 2 THE CHAIR: Okay. Thank you so much.
 3 Motion to adjourn?
 4 COMMISSIONER CRONE: Move to adjourn.
 5 COMMISSIONER ROBBINS: So move.
 6 COMMISSIONER ARMBRUSTER: Second.
 7 THE CHAIR: Anyone opposed?
 8 (No response.)
 9 THE CHAIR: Anyone in favor?
 10 (No response.)
 11 THE CHAIR: Thank you. See you all soon.
 12 (Proceedings adjourned at 11:16 a.m.)
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1 RECEIPT
 2 JOB NUMBER: 602N CC Date: 11/16/18
 3 PROCEEDINGS: OPEN PUBLIC MEETING, Volume Two
 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: _____
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 16 *****
 17 ATTORNEY:
 18 DOCUMENT: Transcript / Exhibits / Disks / Other _____
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 21 *****
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