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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
OPEN PUBLIC MEETING  
VOLUME THREE  
December 13, 2018  
9:00 a.m.  
Jerry Apodaca Education Building - Mabry Hall  
300 Don Gaspar  
Santa Fe, New Mexico

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## A P P E A R A N C E S

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MR. GILBERT PERALTA, Vice Chair  
MS. KARYL ANN ARMBRUSTER, Secretary  
MR. R. CARLOS CABALLERO, Member  
MR. JAMES CONYERS, Member  
MR. TIM CRONE, Member  
MS. TRISH RUIZ, Member  
MR. DAVID ROBBINS, Member  
MS. CARMIE TOULOUSE, Member

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MS. BEVERLY FRIEDMAN, PED Custodian of Record  
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## PEC COUNSEL:

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

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1 THE CHAIR: I'm going to reconvene this  
2 meeting of the Public Education Commission. It is  
3 Thursday, December 13, and it's 9:15 a.m. And next  
4 on our agenda is No. 9, which is the Report from  
5 Options for Parents.

6 MS. KAREN WOERNER: Good morning,  
7 Madam Chair, Commissioners. I have a few things to  
8 report. I think the Commission would be interested  
9 to know that there are nine State charter schools  
10 that are participating in the NAEP assessments this  
11 year; that's the National Assessment of Educational  
12 Progress, which you may know is used to determine  
13 the State's position in the national ranking. And  
14 it's by a sample of students. And so there are nine  
15 schools participating.

16 As you know, the Notice of Intent for new  
17 charter schools is posted on the website and is due  
18 on January 8 for any applicants interested in  
19 pursuing a new charter school. The training for  
20 those teams who plan to submit a charter application  
21 begins on January 28th.

22 It may be a bit early to discuss renewals  
23 for next year, since we just finished this year; but  
24 just so you know, there are 19 State charter schools  
25 due for renewal next year, maybe more.

1 COMMISSIONER ARMBRUSTER: How many?

2 MS. KAREN WOERNER: Nineteen. And the  
3 renewal application training will begin on  
4 February 11th in Albuquerque for any schools or,  
5 frankly, anyone who's interested in that process.

6 Implementation year training, the CSD has  
7 been hosting monthly trainings in Socorro. The last  
8 one was held this past Monday, December 10th. The  
9 next one is January 7th.

10 And I would like to know [verbatim] that  
11 the team added additional sessions this year beyond  
12 the monthly, which included two trainings in  
13 September. And there will also be two sessions in  
14 January. And those were to provide increased  
15 support before the submission deadlines. One was  
16 November, and the next one is -- the deadline is  
17 March 1st.

18 Melissa Brown is the lead for all of the  
19 trainings that I've mentioned, as well as all of the  
20 governing board trainings.

21 Moving on to the implementation year  
22 submissions and the checklists, the first round of  
23 submissions for the two applicant schools, Solare  
24 Collegiate Charter School and Raíces del Saber  
25 Xinachtli Community School, were due November 15th.

1 Solare provided all the documentation required prior  
2 to the deadline. They've identified their governing  
3 board and have begun meeting monthly.

4 And Solare representatives have attended  
5 all the trainings provided by the CSD, as required  
6 per the checklist.

7 Raíces has provided most of the  
8 documentation required for the November submission  
9 with one exception. That was an item 1154-A, "Bank  
10 records or other evidence that shows a public entity  
11 account has been established at a New Mexico banking  
12 institution."

13 The school did provide its intent to  
14 secure a public entity account; however, has not yet  
15 successfully secured that account. They did submit  
16 all their documents on November 15th. They have  
17 identified their governing board and begun meeting  
18 at least monthly. And their representatives have  
19 also attended all the implementation year trainings  
20 provided, as required.

21 Our next steps in that process is the CSD  
22 is working on a thorough review of all those  
23 submissions, all that documentation, and will be  
24 providing feedback to the schools, which is due to  
25 the schools next week. The schools will receive a

1 detailed response or report, including any areas  
2 that need to be revised or corrected to align with  
3 the statutes and regulations as outlined in the  
4 checklist.

5 The schools must then schedule a  
6 conference call with Megan Shannon; she's the lead  
7 on the submission and implementation year checklist.  
8 So they would need to schedule a conference call  
9 with her no later ten days after receiving that  
10 report if they wish to discuss any items that need  
11 to be addressed and/or revised.

12 School closures. I don't have much to  
13 report today, as I have not yet been briefed on the  
14 details for school closure in my new position.  
15 However, I know that things are moving forward. I  
16 know that I had to approve some invoices recently.  
17 And CSD will have a detailed report for the  
18 Commission next month. If you have specific  
19 questions, I can seek the answers.

20 THE CHAIR: Invoices for what?

21 MS. KAREN WOERNER: There was one for  
22 providing student records left over from the  
23 consulting firm that I had to review. There was --  
24 for schools that had already closed in the past,  
25 providing student records.

1 THE CHAIR: I'm still confused. Weren't  
2 those student records taken as soon as the schools  
3 closed?

4 MS. KAREN WOERNER: Oh, absolutely. Let  
5 me explain. The parents may request some of the  
6 records. And so when the parents make those  
7 requests, that was part of the contract for the  
8 consulting firm. And I think that that's going to  
9 be switching over. But we're finishing up things  
10 that were still outstanding.

11 THE CHAIR: That -- are we talking about  
12 the same firm that was initially contracted with?

13 MS. KAREN WOERNER: I'm not sure who the  
14 initial firm was; so -- but I --

15 THE CHAIR: Which -- what firm is it?

16 MS. KAREN WOERNER: Verde Consulting.

17 MS. AMI JAEGER: That's inappropriate.  
18 They're not authorized.

19 THE CHAIR: Yeah. And at this point --  
20 I'm going to say publicly, at this point in time,  
21 they have a conflict of interest still doing work.

22 MS. AMI JAEGER: A serious conflict.

23 THE CHAIR: A serious conflict of  
24 interest, which was identified by us before that  
25 contract was even executed. And if that is still --

1 if that work is still being continued and being  
2 paid, there's a conflict of interest that exists  
3 there.

4 MS. KAREN WOERNER: I understand. I  
5 believe this was for work done prior to that time  
6 that we're just closing out. So it was very small.  
7 But I can check on that and report back, because I'm  
8 sorry, I don't have the details.

9 THE CHAIR: Because if that work was done  
10 after July 1, that's when the conflict of interest  
11 began.

12 MS. KAREN WOERNER: I'll have to go back  
13 and check.

14 As for governing board concerns,  
15 essentially, there is not any to bring before you  
16 today. However, I do want to acknowledge that the  
17 PEC issued a Letter of Concern last month to  
18 La Tierra Montessori. And as evident in your  
19 consent agenda, the school has resolved that issue  
20 and has been approved; so...

21 THE CHAIR: All right.

22 MS. KAREN WOERNER: And that's all. Thank  
23 you.

24 THE CHAIR: Can I just ask that you check  
25 on those letters, that it was indicated last month

1 regarding those -- one -- one letter that was going  
2 out, and the status of the -- what's the legal term  
3 that they were using? -- the writ of replevin for  
4 SAHQ.

5 Last month, we were told that a letter was  
6 going to DFA regarding the disposition of the  
7 properties and that the writ of the replevin was  
8 being moved on. So if we could find the status of  
9 that, because, once again, we're still dealing with  
10 the property sitting there, especially down in  
11 Anthony.

12 MS. KAREN WOERNER: So it was for SAHQ and  
13 Anthony?

14 THE CHAIR: Well, the writ of replevin is  
15 for SAHQ, because that's the little wrinkle involved  
16 in that property is getting access to the building.  
17 The letter to DFA was for the disposition of the  
18 property in Anthony, so that the property could  
19 be -- the portables could be transferred to the city  
20 and that the physical property inside the portables,  
21 that charters be given the opportunity to -- to get  
22 those if they choose.

23 MS. KAREN WOERNER: Yes, I recall Director  
24 Anderson mentioning that last month; but I've not  
25 been involved in that process. So I will follow up.

1 THE CHAIR: Right. Okay. Thanks. Okay.  
2 Is that it?

3 MS. KAREN WOERNER: Oh, yes. That's all.  
4 Thank you.

5 THE CHAIR: Okay. Thanks.

6 So next on the agenda is Discussion and  
7 Possible Action on Raíces del Saber Xinachtli  
8 Community School. And they asked if they could have  
9 someone on the line so that they didn't have to  
10 drive up this morning. So Beverly is checking to  
11 see if they're here yet.

12 (A discussion was held off the record.)

13 THE CHAIR: Good morning. Can you hear  
14 us?

15 (Ms. Carmona appearing telephonically.)

16 MS. LUCÍA CARMONA: Yes.

17 THE CHAIR: Okay. Thanks. So I don't  
18 know if the school wants to provide the background  
19 for this. I think that's the most appropriate.

20 MS. LUCÍA CARMONA: The background about  
21 the --

22 THE CHAIR: For the extension, the request  
23 for the extension.

24 MS. LUCÍA CARMONA: Oh, yes. Yes. Let  
25 me -- let me take my notes, please.

1           Yes. My name is Lucía Carmona. I am the  
2 project coordinator with the school. And I'm taking  
3 the lead in terms of guiding and helping the --  
4 the -- the board, the school board, in place.

5           And we were -- we were given more than one  
6 day of submission with the deadline of the  
7 checklist. We had one day, and with the application  
8 on another date, to submit -- the deadline  
9 submission for the Board of Finance application.

10           We were into -- for the -- before ten days  
11 of this meeting of the session of December with the  
12 Commission to request for the approval. But when we  
13 were sending the application was 27 November. And  
14 then we saw the -- on the back of the instructions,  
15 the November 23rd.

16           During the -- during the third  
17 [incomprehensible] training, the one on November, we  
18 were advised just to be sure that we will send the  
19 application ten days before to be on the agenda by  
20 this month of December. So -- so we were -- and  
21 also, the -- the 120 days that saved [ph] after the  
22 written submission of approval, the approval from  
23 PEC, we were counting that we were okay since  
24 120 days will end in January.

25           THE CHAIR: Okay. Thank you. And

1 that's -- that's -- we have to own that fault, that  
2 the implementation year checklist has 120 days on  
3 it. And that violates the code, because the NMAC is  
4 90 days or 60 days?

5 MS. AMI JAEGER: I think it's 90 days.

6 THE CHAIR: Yeah. So we gave them, in the  
7 checklist, the direction that they could do it in  
8 120 days, which is accurate. That would be in  
9 January. It was part of the checklist for the  
10 November submissions. They thought they were fine,  
11 because they were going by what was indicated. And  
12 it's -- it's not correct.

13 So in order for us, however, to stay in  
14 line with NMAC, we have to -- we would have to vote  
15 to grant them an extension so that they fall into  
16 compliance with NMAC. And then we would be able to  
17 vote to approve their Board of Finance.

18 So we need two separate votes, the first  
19 one to grant them the extension, and the second one  
20 to grant them the Board of Finance. And we have to  
21 fix the implementation year checklist so that  
22 it's -- we're not putting all of us in a bind.

23 MS. KAREN WOERNER: It does --  
24 Madam Chair, on the implementation year checklist --  
25 oh, it does mention "120 days after receiving

1 written approval."

2 THE CHAIR: Correct. That violates NMAC,  
3 the 120 days. Giving them 120 days violates NMAC,  
4 which is what I said.

5 MS. KAREN WOERNER: So they -- okay.  
6 We'll follow up on that.

7 THE CHAIR: So that has to be changed for  
8 next year so that it falls into compliance with  
9 NMAC. So they're fine, except they're not fine with  
10 NMAC. So we have to give them -- we have to grant  
11 them the extension; because legally, we can't vote  
12 on something that violates NMAC. So we have to give  
13 them the extension, which puts them back into  
14 compliance, and then we vote to give them the grant  
15 of the Board of Finance.

16 So that's -- and we have to fix it for the  
17 implementation year checklist for next year so that  
18 we're all clear on the deadlines that they have  
19 to -- and there was a -- there was also -- there was  
20 a minor question about is it the date that they --  
21 that we vote on it, or is it the date that they  
22 officially get the letter, which could be up to  
23 14 days later?

24 So I think Ami was looking at that, just  
25 to see where we fall with that. But that's --

1 that's a minor issue, and it doesn't -- it doesn't  
2 really play into this concern right now. But it was  
3 just a question that was raised.

4 So here I go. I've got it.

5 I move that the Public Education  
6 Commission grant Raíces del Saber Xinachtli  
7 Community School's request for an extension to file  
8 an application for Board of Finance because the  
9 school showed good cause for the request.

10 COMMISSIONER CABALLERO: Second.

11 THE CHAIR: There's a motion by  
12 Commissioner Gipson, a second by Commissioner  
13 Caballero.

14 Any discussion?

15 (No response.)

16 THE CHAIR: Roll-call vote, please,  
17 Commissioner Armbruster.

18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Robbins?

20 COMMISSIONER ROBBINS: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Caballero?

23 COMMISSIONER CABALLERO: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner

3 Ruiz?

4 COMMISSIONER RUIZ: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner

6 Armbruster votes "Yes."

7 Commissioner Gipson?

8 THE CHAIR: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner

13 Peralta?

14 COMMISSIONER PERALTA: Yes.

15 COMMISSIONER ARMBRUSTER: That's

16 eight-zero.

17 THE CHAIR: The motion passes, eight-zero.

18 Thank you.

19 Now I move that the Public Education

20 Commission approve Raíces del Saber Xinachtli

21 Community School's application for Board of Finance.

22 COMMISSIONER ROBBINS: Second.

23 THE CHAIR: There's a motion by

24 Commissioner Gipson, a second by Commissioner

25 Robbins.

1 Any discussion?  
2 (No response.)  
3 THE CHAIR: Commissioner Armbruster,  
4 roll-call vote.  
5 COMMISSIONER ARMBRUSTER: Commissioner  
6 Toulouse?  
7 COMMISSIONER TOULOUSE: Yes.  
8 COMMISSIONER ARMBRUSTER: Commissioner  
9 Conyers?  
10 COMMISSIONER CONYERS: Yes.  
11 COMMISSIONER ARMBRUSTER: Commissioner  
12 Armbruster votes "Yes."  
13 Commissioner Robbins?  
14 COMMISSIONER ROBBINS: Yes.  
15 COMMISSIONER ARMBRUSTER: Commissioner  
16 Ruiz?  
17 COMMISSIONER RUIZ: Yes.  
18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Caballero?  
20 COMMISSIONER CABALLERO: Yes.  
21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Gipson?  
23 THE CHAIR: Yes.  
24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER ARMBRUSTER: Motion passes,  
3 eight-zero.

4 THE CHAIR: Motion passes, eight-zero.  
5 Thank you so much for bearing with us with the  
6 phone. Thank you.

7 MS. LUCÍA CARMONA: Thank you for  
8 providing this support. Good morning.

9 (Telephonic connection ended.)

10 THE CHAIR: We are on to Item No. 12,  
11 which is the PEC Year-End Report to the Legislature  
12 and LESC, which you just received copies of. So,  
13 Ami, you want to --

14 MS. AMI JAEGER: Sure. So I prepared this  
15 draft for your consideration. The statute is  
16 pretty -- it's not very specific about what can go  
17 into the year-end report. In large part, it's a  
18 requirement of CSD to provide the report; but there  
19 was no indication that they were going to do it.  
20 They haven't done it for a few years.

21 So I thought it was a good opportunity for  
22 the Public Education Commission to summarize kind of  
23 some of its efforts this year.

24 And the document would go to members of  
25 the Legislature. So some people have no familiarity

1 with what the PEC does. So I did a little bit of  
2 background, who are we and how are we comprised,  
3 what do we do in terms of authorizing the schools,  
4 and what have we done this year.

5 And I think we focused in this document on  
6 the performance frameworks, implementing it through  
7 the new contracts and doing the review of the  
8 schools that have come up as you've just completed  
9 under the performance frameworks, outlined a couple  
10 of our legal challenges, asked the Legislature to  
11 consider changing the appeals process so the appeals  
12 from PEC decisions would not be to the Secretary but  
13 would be to the District Court, as other independent  
14 commissions' authority is.

15 Those are kind of the highlights of it.  
16 If the Commission approves this draft, I would like  
17 to go back through it and proof it one more time; so  
18 the changes would be scrivener errors or things like  
19 that, or if there are major substantive errors that  
20 Commissioners would like to see included or  
21 tightened up.

22 COMMISSIONER ARMBRUSTER: Did we close  
23 Anthony as well on SAHQ and Cariños? Didn't we --

24 THE CHAIR: I'm sorry.

25 COMMISSIONER ARMBRUSTER: I was just

1 looking at it -- does Anthony belong there? Or is  
2 that -- I don't know. It's ongoing. On this first  
3 page.

4 THE CHAIR: These -- because --

5 COMMISSIONER ARMBRUSTER: Is that last  
6 year's?

7 THE CHAIR: So these school's letter  
8 grades are in that number. But since -- that's last  
9 year's numbers.

10 COMMISSIONER ARMBRUSTER: Oh, okay.

11 THE CHAIR: Not the grades that currently  
12 came out. Yeah, this is -- this is based solely on  
13 last year's.

14 COMMISSIONER ARMBRUSTER: Yeah. Didn't  
15 Anthony -- weren't they ours last year?

16 THE CHAIR: Right. And it says there,  
17 "Anthony Charter School is now closed."

18 COMMISSIONER ARMBRUSTER: Oh, I see.  
19 Sorry, sorry, sorry, sorry. Looked in the wrong  
20 place. My bad.

21 THE CHAIR: They had a "C" last year.  
22 Yeah. Okay.

23 COMMISSIONER ARMBRUSTER: So you want us  
24 to read this and approve it? Or do you want to just  
25 do it?

1 THE CHAIR: Well, I would -- I would like  
2 this to be able to get to the Legislature and the  
3 LESC fairly quickly. But I don't want to push  
4 something through that people haven't had time to  
5 really mull over.

6 So I'll leave it to the will of the  
7 Commission at this point in time. If this is  
8 something that they're comfortable enough just  
9 briefly glancing at right now and saying, "Okay," or  
10 we can put it on the January agenda. I have no --  
11 you know, I don't have any problem waiting till  
12 January.

13 Part of me would like to say I'd like to  
14 get it there soon. But I understand the -- the need  
15 to, you know, take a look at it if people are more  
16 comfortable taking a look at it. Or is there a way  
17 that people could look at it over the next -- but it  
18 is something we have to vote on.

19 MS. AMI JAEGER: You can -- it depends --  
20 it's really the will of the Commissioners. If  
21 they'd like to review the draft and send me comments  
22 and then send -- and then we would vote in January  
23 on the final draft.

24 THE CHAIR: Right. Yeah.

25 COMMISSIONER RUIZ: Madam Chair, I'd be

1 comfortable with that; because I -- because, you  
2 know, to just approve it, I wish we would have  
3 gotten an electronic copy prior to, you know,  
4 looking at it.

5 MS. AMI JAEGER: I own that.

6 COMMISSIONER RUIZ: So if we can just do  
7 that in January, I'll feel better about it.

8 THE CHAIR: Yeah. I think if we ask  
9 Commissioners to look at it, and between now and --  
10 Beverly, when are you going to be gone for break?

11 MS. FRIEDMAN: Christmas week.

12 THE CHAIR: Which --

13 MS. FRIEDMAN: Which is the 24th through  
14 the 28th.

15 THE CHAIR: Oh, okay. So if we had -- if  
16 I could ask Commissioners to look at this through  
17 the end of next week and by next Friday, submit  
18 comments to Beverly so that she can forward them  
19 to -- to Ami, that gives everyone just a touch over  
20 a week to look at it.

21 COMMISSIONER RUIZ: Yeah.

22 THE CHAIR: Okay? All right. Thanks.

23 And we'll put it on the change --

24 COMMISSIONER ROBBINS: Do you just want  
25 our general comments? Or do you want to send us an

1 electronic copy that we could red-line and send  
2 back? Which is easier?

3 MS. AMI JAEGER: I'm happy to provide a  
4 copy so you can red-line it. Everybody has a  
5 different -- what's easier. But I'll definitely  
6 send it to Bev, and then she can -- then you can  
7 forward it.

8 THE CHAIR: Yeah. So people can do  
9 whichever is more comfortable for them; just write  
10 out their comments. Or they can -- they can mark up  
11 on the copy that they're electronically sent,  
12 whichever everyone is more comfortable with.

13 COMMISSIONER ROBBINS: Thank you.

14 THE CHAIR: Okay. Thanks.

15 We're on to Item No. 13, which is my  
16 report, which isn't too long.

17 Last week, we had the -- a hearing for  
18 Raíces del Saber, which I drove up and attended.  
19 Unfortunately -- no, I'm sorry. I didn't come up  
20 for that. I came up for -- sorry -- I came up for  
21 the -- the hearing for the rule change. That's what  
22 I came up for.

23 So I want to thank -- the Matthews Fox  
24 firm representing a number of charter schools also  
25 attended and made public comment against the rule

1 change. The public Charter School Coalition was  
2 also there and offered comment. Other than that,  
3 there was -- there was no one that attended the  
4 hearing.

5 So it is unfortunate, as we mailed in our  
6 public comment, it's a -- it's a rule that would be  
7 very difficult to enforce, because it's literally  
8 going to take years to get schools under that tiered  
9 system; so that it's a rule that can't be applied  
10 for at least four years from now. And then going  
11 forward, it'll take close to 12 years to completely  
12 be able to roll it out.

13 So it's just, you know, as far as I'm  
14 concerned, a ridiculous notion.

15 But there's been -- there was one of the  
16 rules that I know I received yesterday that has been  
17 adopted. So I guess that's beginning to fall into  
18 place. I have not received any notification that  
19 that rule has been officially adopted. So we will  
20 just have to wait and see. But I appreciate those  
21 that did come up -- those other stakeholders that  
22 came up and provided comment as well against it.

23 So we'll see what happens going forward  
24 with that.

25 I think I was at the LESC prior to our

1 meeting the last time. But we did go over to the  
2 LESC today. I will be going to the LFC after --  
3 after this meeting today. I went to another  
4 assessment workshop that PSFA did, because it was  
5 down in my district. So I did attend that, because  
6 they are doing the reassessment.

7           There is a concern about those  
8 reassessments, because unbeknownst, apparently, to  
9 the PSFA staff, when I asked the question, "You're  
10 scheduling appointments so that people from the  
11 school have time to walk the building with you so  
12 that they're getting a clear picture of what's going  
13 on," and PSFA said, "Oh, absolutely."

14           And every school in my district that had  
15 been visited had not been scheduled, didn't know  
16 that they were coming that day. Some had scheduled,  
17 and they came a different day. And with one school,  
18 they came with the wrong plans for the school when  
19 they were going over with the head administrator the  
20 building, and she's looking and she's saying, "I  
21 have no idea what this is or where this is." And  
22 then she realized that they had the wrong plans that  
23 they were looking at for her school.

24           So I -- unfortunately I think they're  
25 going to have to do a lot of double-work with the

1 schools, because the reassessments are going to not  
2 be accurate. So that was a concern.

3 And I will tell you, just so that you are  
4 aware -- and let me pull up my calendar, because  
5 there are still several reassessment workshops. And  
6 there was actually one in Albuquerque on Monday, the  
7 17th, at the Mark Armijo Academy. And it starts at  
8 3:00. And there is another one -- because I just  
9 got -- and I'm assuming these are the updates, but  
10 I'm not 100 percent sure.

11 There is another one on the 19th of  
12 December; and that's at Taos Academy. There is one  
13 scheduled for Santa Fe, but I don't have any more  
14 information than that on it.

15 So if you're -- they're interesting to go  
16 to to learn about how they do do the assessment.  
17 And there's -- there's growing concern for some  
18 charters who have -- who have unique missions, and  
19 they use space that traditional schools, like a  
20 theater, maybe, that a traditional school may use  
21 only occasionally. This is a working classroom for  
22 them.

23 As another example, some schools have a  
24 culinary program, and they're using their cafeteria  
25 kitchen; but they're not allowed to count that as

1 classroom space because they don't use it enough  
2 because they have to allow the cafeteria staff in to  
3 do lunch. So it's down for that chunk of time; so  
4 therefore, it's not considered classroom space.

5 So I'm hoping that during the Legislative  
6 Session, there is some work on what adequacy is.  
7 And that's the whole issue, what -- what is  
8 considered adequacy.

9 So I think the Public Charter Coalition is  
10 working on that on behest of the charters, to be  
11 able to get a more accurate assessment of how -- how  
12 our schools, in particular, use their -- use their  
13 facilities.

14 So that should be interesting to take a  
15 look at.

16 I know the LESC today is looking at  
17 virtual schools. So when we're done here, if folks  
18 want to go over to the Roundhouse, that should be an  
19 interesting discussion; because some of that, I do  
20 believe legislatively is going to end up falling on  
21 our lap. So it's -- it's something that I think  
22 will -- we may end up having to have on the agenda  
23 for January, as we're looking at what we may or may  
24 not support in terms of legislation once the session  
25 starts. So we're going to have to keep our eyes and

1 ears on that.

2 I'd like to, once again, recognize that  
3 the three folks to my left, most immediate left,  
4 this is their final meeting. So we want to thank  
5 the Commissioners for -- and me, in particular,  
6 because I cut my teeth with these folks. So that  
7 it's invaluable service that they've given to the  
8 Commission and to me, in particular.

9 So we want to say thank you. And all will  
10 be given time to speak; so -- and I'm looking, and I  
11 don't see -- oh. I know why Matt is not here. Matt  
12 is speaking at the virtual school at the LESC. So I  
13 don't know if he's got anything in particular that  
14 he needs communicated. Apparently not. So we will  
15 skip that.

16 I actually had a brief conversation with  
17 Joe Guillen yesterday about his appearance on the  
18 agenda every -- each meeting. And he appreciated  
19 it. And I did communicate that if he wishes to  
20 simply send something so that he doesn't have to  
21 physically come here -- but if there's something  
22 important that the School Boards Association wants  
23 communicated out, I would certainly do that for him.

24 In addition, we -- we talked about, once  
25 again, taking a closer look at allowing charters to

1     become members.

2                     The difficulty with charter schools  
3     becoming members of the School Boards Association is  
4     the fee that's involved and because they're  
5     considered a school district. So the fee to join  
6     the School Boards Association is prohibitive for  
7     most of the charters. And because they are unique  
8     enough, they don't necessarily make use of the  
9     services of the School Boards Association that a  
10    traditional district does.

11                    But the training, especially the law  
12    conference and those events, are really important  
13    and valuable for the charters; so that we briefly  
14    touched on maybe being able to use an associate  
15    membership so that there's a reduced fee for them,  
16    because they do use them in a reduced manner as  
17    well.

18                    So that that would be -- I think we would  
19    all benefit. Because the School Boards Association,  
20    as well, offers training. But right now, they are  
21    not certified trainers through the rule.

22                    So that's something that we had a little  
23    discussion about, too. So hopefully, we can work on  
24    that. And I think that's really important for the  
25    schools to be able to access as much information as

1 they can. So hopefully, next year, things might be  
2 a little bit smoother with that; so hopefully, he'll  
3 keep us apprised of that.

4 So I think I'm done. So we are now on to  
5 Commissioners' comments.

6 Commissioner Robbins?

7 COMMISSIONER ROBBINS: Well, for the four  
8 Commissioners that will be leaving the Commission, I  
9 want to thank you for the almost year and a half --  
10 three? I thought there were four new Commissioners.  
11 I mean, Danielle. I mean, three here, and we have a  
12 fourth person coming.

13 But the three that are here that are  
14 leaving, I've appreciated the 14 months that -- or  
15 16 months -- that I've served with you. I have  
16 appreciated your experience, your input, and the  
17 knowledge that you've shared. It has helped me get  
18 up to speed a lot faster on a lot of the things that  
19 happen here.

20 I also appreciate your commitment to the  
21 charter schools and the dedication that you've shown  
22 to this Commission. So thank you very, very much  
23 for that, and I hope we can carry on and leave --  
24 the legacy you're leaving, that we can build on that  
25 as we go forward.

1 Thank you.

2 THE CHAIR: You're on. You're here and  
3 you're on.

4 COMMISSIONER CRONE: I apologize for being  
5 late. It rained and then snowed in Española last  
6 night. So it took me about 15 minutes to get my  
7 truck drivable. And then I drove the entire -- you  
8 know, it was snow-packed and icy the entire way,  
9 numerous accidents, dead stop, stop-and-go.

10 And I used the four-wheel-drive and the  
11 AVS the whole time. I apologize.

12 I would like to add to what David said,  
13 that as you know, it's a steep learning curve in  
14 this Commission, and, as Karyl Ann noted yesterday,  
15 a hell of a lot more homework than you bargained  
16 for. I thought I was back in grad school.

17 But I do appreciate your knowledge and  
18 what you've shared with us. And I frankly wish that  
19 you weren't going. I mean, we need this seniority.  
20 I guess I'll use that term. We need your wealth of  
21 knowledge, and we'll miss you guys. Thanks.

22 COMMISSIONER ARMBRUSTER: And I will  
23 simply ditto everything they said, and then add,  
24 Really? You're leaving us? So you will have phones  
25 available when we have a question of what happened

1 six years ago or eight years ago, because we don't  
2 know. At least I don't.

3 The other thing I wanted to say is that I  
4 went to the NACSA meeting. And one of the things  
5 that you three leaving will remember, and Pattie  
6 remembers, is that we were getting local charters to  
7 come; they were wanting to come to the State  
8 charter. And they had never been evaluated. They'd  
9 never had any support. They didn't have any rules,  
10 it seems like.

11 And I think ours were one of the four,  
12 maybe, or three that has been successful. But the  
13 other two actually ended up closing. For varying  
14 reasons, they just didn't have the capacity or the  
15 support that they needed, from the beginning, you  
16 know. It's hard to just go in after several years  
17 to do that.

18 So we did that.

19 And so anyway, that's what the NACSA is  
20 trying to do is trying to get -- and Escobedo is --  
21 he's kind of taking some charge of that. Because  
22 Albuquerque has a lot of charter schools, local  
23 charter schools; but other places have one. Like  
24 you have one in Socorro, for example, I think. You  
25 just have one?

1 COMMISSIONER PERALTA: Uh-huh.

2 COMMISSIONER ARMBRUSTER: So they were  
3 looking at doing that. The other thing, I had a  
4 question for Karen. Because I think this adds to  
5 the perception that charters are private schools,  
6 not public schools. I guess I never thought about  
7 the fact that they weren't doing the NAEP  
8 evaluations, as other public schools were doing for  
9 the eighth grade.

10 MS. KAREN WOERNER: I can't speak to  
11 whether they have been or not. I just know that  
12 nine are participating this year, which I thought  
13 was -- nine State charters, which is a high  
14 percentage of our charters, I think. I don't know  
15 the details on how those are selected or whether or  
16 not they have been included in the past; but I can  
17 find that out.

18 THE CHAIR: It's voluntary. Yeah.

19 MS. KAREN WOERNER: Okay. So I didn't  
20 know that. So I can find out more information,  
21 certainly. But I'm sorry that I don't know.

22 COMMISSIONER ARMBRUSTER: I'm just  
23 curious. It's one of those little facts that go in,  
24 and they don't have to -- I guess any school  
25 district can say, "I don't want to."

1 THE CHAIR: I believe it's voluntary.  
2 Commissioner Robbins might have a better -- because  
3 he sat on a district school board. But I understood  
4 that it was voluntary.

5 COMMISSIONER PERALTA: I don't -- in the  
6 elementary schools when I was there, we were asked  
7 if we'd like to participate.

8 COMMISSIONER ROBBINS: APS used to  
9 participate. But I'm not positive it was voluntary  
10 or requested. But I know --

11 COMMISSIONER PERALTA: They reach out.  
12 They'll reach out and ask.

13 COMMISSIONER ROBBINS: The PISA, which is  
14 an international test, that is a voluntary. And  
15 there's only a few schools in New Mexico that do  
16 participate in that. I know AIMS is one that does,  
17 one of the charters, that participates in that.

18 COMMISSIONER ARMBRUSTER: I probably would  
19 have never thought about it, except that you  
20 mentioned. I thought, "Oh, they're not." And I  
21 didn't even know it was voluntary, to be honest.

22 I know that for students with  
23 disabilities, you can ask them not to. For example,  
24 I had a child with visual issues, and they would,  
25 you know, have to have huge books. So they just

1 eliminated her.

2 But I didn't know it was voluntary. So  
3 that was just my comment. And, otherwise, I want to  
4 say thank you for parking spots. Actually, the  
5 little cones were nice, because I could pick it up  
6 and move it more easily. Thank you.

7 MS. KAREN WOERNER: Madam Chair, may I  
8 just acknowledge that that's Dylan Wilson who has  
9 been coming in early to do that. I wanted to  
10 acknowledge he has adjusted his schedule this week  
11 for your meeting.

12 MR. DYLAN WILSON: Sorry for not getting  
13 out there early this morning.

14 THE CHAIR: Sorry. I only cursed you for  
15 a short time. I'm watching the time because I have  
16 to feed the meter.

17 Commissioner Caballero?

18 COMMISSIONER CABALLERO: Yes. Thank you.  
19 Well, it -- I feel the same way. It's unfortunate  
20 that we're losing these folks. I certainly am  
21 thankful for all that I learned from them, even in  
22 times of I voted one way, they voted the other.

23 And I do take what they say, why they  
24 voted, into account, trying to learn why that was  
25 important or why I needed to learn more in order

1 to -- to be able to make a better decision. And so  
2 after every decision I make and people take, I  
3 assess with a view of how much do I know, how much  
4 do I know that -- of course, everything that I know  
5 goes into my decision. But the question is, what do  
6 I need to learn?

7 And a lot of times -- and Toulouse is more  
8 vocal than the other two; so I have to say that I'm  
9 going to miss her the most, because I don't know the  
10 folks that are coming in. So I'm going to be a  
11 little short and -- literally. But my pal here, I  
12 know that we had a great time. And I am going to  
13 miss him. So that's all I have.

14 THE CHAIR: Thank you.

15 Commissioner Conyers?

16 COMMISSIONER CONYERS: Okay. Yes, I have  
17 my farewell address prepared.

18 COMMISSIONER CRONE: How long is it, Jim?

19 COMMISSIONER CONYERS: It's -- you'll be  
20 okay. If you doze off, I'll understand; but --

21 Anyway, I do appreciate the -- both the  
22 privilege and honor of serving on the Commission. I  
23 was elected for this term in November of 2014. And  
24 in December, I got a diagnosis from my doctor of  
25 Stage 4 melanoma cancer. And at the time, I said,

1 "Well, is it terminal?"

2 He said, "Yes."

3 And I said, "Well, how long?"

4 He said, "Well, if you don't take  
5 treatment, it'll be six months. If you have  
6 treatment, it'll be a year and a half."

7 So I thought, "Well, what should I do,"  
8 you know. And, of course, I didn't like either of  
9 those options. But I wanted Option C.

10 But I thought, "Well, should I resign and  
11 move on or what?" I thought, "Well, the people  
12 elected me, so I'll go as long as I can. I can  
13 always resign later if I'm not able to do it."

14 So, fortunately, the treatment was more  
15 successful than they thought. And right now, I'm  
16 doing pretty good. So I appreciate that part.

17 I will miss the people here, the staff,  
18 the Commissioners. I won't miss the drive. I won't  
19 miss the work, you know, the reading that goes with  
20 all of this.

21 But I'm glad to pass that on to Georgina,  
22 my friend out there. She's, I'm sure, a good  
23 reader, and she'll get better as time goes on when  
24 she has to read through all this.

25 But I think public service is important.

1 But I think it's important that we not stay too long  
2 and give other people the opportunity.

3 I was telling Trish earlier that some of  
4 these recent hearings I watched on TV of the Senate  
5 and so on, I thought, "Well, some of those people  
6 maybe should have taken some other options sooner,  
7 you know, than what they did."

8 But I -- you know, I also served on a  
9 local school board for eight years and could have  
10 gone on. But I thought, "Well, other people need  
11 the opportunity to do that. And it's good for  
12 them."

13 So I do appreciate all of you.

14 I do have a little kind of a poem here to  
15 read. It's -- it's from an old song. It's really  
16 an old song. So other than Tim, most of you  
17 probably won't know the song.

18 It just says, "We'll meet again. Don't  
19 know where. Don't know when. But we'll meet again  
20 some sunny day."

21 Thank you.

22 COMMISSIONER CRONE: I do know that song.

23 COMMISSIONER ARMBRUSTER: And I am  
24 thrilled that you didn't think I would.

25 COMMISSIONER TOULOUSE: And I do know it.

1 THE CHAIR: Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I've  
3 been thinking a lot about this day. I was recruited  
4 by several legislators to run for a vacant position  
5 on this board. And I only intended to do two years.  
6 But there were several people in this board who are  
7 no longer here who talked me into running for a full  
8 term.

9 I am very divided about leaving. Part of  
10 me is absolutely thrilled, the part of me that had  
11 to get up this morning. You have no idea how close  
12 I came to not coming. The part of me that was  
13 raised in my family, you do public service. That's  
14 what my grandfather raised my dad, that's what he  
15 raised us also. All of my family has done it. All  
16 of my children are involved.

17 It isn't because -- you never want people  
18 to thank you -- it's very hard for me to accept the  
19 thanks. It's simply what you're supposed to do.  
20 Because all of us have so much that if you give,  
21 stuff comes back to you is what we were told.

22 So I did 30 years in the Human Services  
23 Department; I did 12 years on the CNM Board. I've  
24 done six years here. I do still have one board I'm  
25 on, the Albuquerque Indian Center, which deals with

1 the majority of the homeless population of Native  
2 Americans, plus a large number of the other homeless  
3 population in Albuquerque.

4 And I'm very proud of us, because when  
5 nobody else wanted to try the Tiny House Village, we  
6 volunteered the additional acre on our property to  
7 do a pilot of it; because when you look, they had  
8 hearing after hearing and everybody said, "It's a  
9 great idea, but not in my neighborhood, not in my  
10 neighborhood."

11 So we volunteered ours, and we're in a  
12 neighborhood where we already have the homeless.

13 But it's going to be hard for me to sit  
14 back in the sense that I'm used to being out, used  
15 to speaking out.

16 THE CHAIR: No.

17 COMMISSIONER TOULOUSE: Used to saying  
18 what I -- I do not intend to let go of the things I  
19 have learned when it comes to some legislative  
20 things. I've been very careful not to suggest  
21 legislation particularly, or anything, while I was a  
22 part of the Commission; because even when I say,  
23 "I'm speaking for me and not the Commission," people  
24 don't see it that way.

25 Now, I'm speaking for me, and I have a

1 couple of things I'm going to be suggesting.

2 You grow up in New Mexico politics, you  
3 know people in both parties. But I have enjoyed  
4 most of the people I have served with. I'm not  
5 going to say I enjoyed all the time with every  
6 single person. It's like I tell my grandchildren.  
7 "I love you all the time. It doesn't mean I like  
8 what you do all the time."

9 And that's how we all are. But I have  
10 always tried, any disagreement I may have had on  
11 policy or procedure stays right here. And when I  
12 leave, it stays here.

13 I do want to make sure that everyone here,  
14 though, realizes the importance -- and it's in here  
15 in this report -- we are an independent, elected  
16 State Commission. We are one of the few that is  
17 actually in the State Constitution; because we were  
18 the replacement for the State Board of Education.  
19 And we work with PED, not for PED.

20 We have an unfortunate situation that  
21 happens to the staff, who have divided loyalties.  
22 Because the law says they are our staff, but the  
23 people who hire them and house them are saying, "You  
24 work for us."

25 I hope in the next administration, they

1 don't have to deal with that kind of stress all the  
2 time.

3 But I just want this group to not be  
4 afraid to assert the independence and to continue to  
5 work to gain that independence.

6 I have enjoyed teaming up with these two  
7 men, because often, these three of us were a block  
8 of votes that everybody else voted the other way. I  
9 don't know who your left side over here is going to  
10 be. But I recruited the person who's replacing me,  
11 and I have worked for over a year with her after  
12 each of our meetings, shared documents. She has  
13 both a public school and a charter school  
14 background. And I am hoping she's ready to hit the  
15 ground running.

16 But, again, I want to thank everybody for  
17 my time here and for the relationship. I think we  
18 have a marvelous attorney right now. I think Pattie  
19 has gone above and beyond in the amount of time she  
20 puts in.

21 I just -- I think Beverly puts up with an  
22 awful lot when we're not her main job, but somehow,  
23 it seems like we become.

24 I wouldn't have gotten up here the last  
25 year, because I can no longer drive long distances

1 because my knees are too bad, if I hadn't had Cindy  
2 to give me my rides.

3 So I appreciate everybody in this room.  
4 So just remember, you're independent. And I'll come  
5 up occasionally, because Glenna has told me she  
6 would like me to come. She will tell me there are  
7 certain meetings. I may sign up to speak, and I may  
8 not.

9 But I will be going to meetings of the  
10 LESC and will be making suggestions to them when I  
11 can. And if anybody, as yesterday, wants a direct  
12 contact to some of the people on there, I've got  
13 over two-thirds of the LESC's cell phones right  
14 here. And they all respond to me; and also, the  
15 director of the LESC and several of the staff  
16 members.

17 And this is the best way to get anybody,  
18 on your cell phone. So if I need to say something  
19 that somebody here thinks maybe shouldn't come  
20 because it's too official, I don't have a problem.

21 So good luck. Have a good new  
22 administration. It's hard rebuilding; but it's also  
23 a challenge. And I went through a number of  
24 changes. And you usually get better each time. So  
25 good luck to everybody.

1 Thank you.

2 THE CHAIR: Thank you.

3 Commissioner Peralta?

4 COMMISSIONER PERALTA: Thank you,  
5 Madam Chair. I'll be real brief.

6 THE CHAIR: Tim's timing you.

7 COMMISSIONER PERALTA: I know.

8 As you know, I've had a great time on the  
9 Commission in the eight years I have been able to  
10 serve in this elected body. I've worked with some  
11 great people throughout and built up some great  
12 friendships that I'll never forget and I'll always  
13 remember.

14 But in my experience, I would say that  
15 this body as an elected body doesn't get the  
16 recognition that it deserves for all the work that  
17 we've done, past members and present, you know.

18 I think a lot of times, whether it's the  
19 Legislature or PED or whoever, a lot of times I  
20 think this body gets kind of just shunted aside and  
21 doesn't get the recognition that it truly deserves.

22 But I'm confident that under the  
23 leadership of Ms. Gipson and present members, and  
24 even new members, that this Commission will continue  
25 to do great things, like it's always done and even

1 better.

2 So thank you again. And I've appreciated  
3 the time that I've been able to spend on this  
4 Commission.

5 COMMISSIONER TOULOUSE: Madam Chair, may I  
6 say one more thing? I just want to remind  
7 everybody, too. As a part of the State  
8 Constitution, none of you can be removed by anything  
9 but impeachment by the State Legislature. So if  
10 somebody threatens a recall, which has happened a  
11 time or two, we're not subject to recall, because  
12 we're in the Constitution.

13 So don't worry about it. Since nobody  
14 knows who we are, nobody's going to take the trouble  
15 of getting it through the House and then a trial in  
16 the State Senate for impeachment. So you're safe,  
17 okay?

18 COMMISSIONER CABALLERO: Thank you.

19 THE CHAIR: Just one second. So thank  
20 you. And we do have a small token of our  
21 appreciation for each of you. And we also have some  
22 cider and some little munchies.

23 So -- and we want to welcome, once  
24 again -- Georgina is the only one that's stuck in  
25 here for the three days with us this time around.

1 So for staff and Georgina to come down when we've  
2 adjourned to -- to spend a little time with each  
3 other.

4 Karen?

5 MS. KAREN WOERNER: I want to apologize.  
6 During our update, I think I should have, on behalf  
7 of CSD and PED, also thanked you. And I really do  
8 want to -- I felt compelled to ask for a moment,  
9 because though I'm new to this process and just did  
10 renewals for the first time this week, I did share  
11 with Chairwoman Gipson that I was very impressed  
12 with the Commission's attention to all the detail,  
13 the questions that were asked and the decisions. I  
14 was impressed with how much you all knew down to the  
15 details.

16 And it was very -- you know, very humbling  
17 to be up here with you. I also know that a lot of  
18 work has gone on before I even arrived here at the  
19 PED. You all -- this Commission have done a great  
20 job establishing policies and procedures. And I  
21 didn't want you to leave without me acknowledging  
22 that work and thanking you on behalf of CSD and PED  
23 for that. It makes my job a lot easier going  
24 forward.

25 So thank you, and I wish you all well.

1 THE CHAIR: Do we have a motion to  
2 adjourn?

3 MS. FRIEDMAN: Madam Chair?

4 THE CHAIR: Oh, I'm sorry.

5 MS. FRIEDMAN: I'd like to just add my  
6 congratulations on -- on your terms here at PEC.  
7 And I've enjoyed working with each of you, Gilbert,  
8 and Carmie and James. And I will miss you.

9 COMMISSIONER CRONE: (Indicates.)

10 THE CHAIR: Thank you. There's a motion  
11 by Commissioner Robbins to adjourn. All in favor --  
12 I'm sorry. It was Commissioner Crone.

13 All in favor?

14 (Commissioners so indicate.)

15 THE CHAIR: Opposed?

16 (No response.)

17 THE CHAIR: Hearing no opposition, we  
18 stand adjourned.

19 (Proceedings in recess at 10:11 a.m.)  
20  
21  
22  
23  
24  
25

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 December 28, 2018.  
17  
18

19                                   *Cynthia Chapman*

20                                   Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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