

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

May 10, 2019

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

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Page 2

1 APPEARANCES

2 COMMISSIONERS:

3 MS. PATRICIA GIPSON, Chair

4 MS. TRISH RUIZ, Vice Chair

5 MS. KARYL ANN ARMBRUSTER, Secretary

6 MR. R. CARLOS CABALLERO, Member

7 MR. MICHAEL CHAVEZ, Member

8 MR. TIM CRONE, Member

9 MS. GEORGINA DAVIS, Member

10 MS. SONIA RAFTERY, Member

11 MR. DAVID ROBBINS, Member

12 MS. GLENNA VOIGT, Member

13

14 PED STAFF:

15 MR. ALAN BRAUER, Acting Director, Options for

16 Parents and Families Division

17 MS. KAREN WOERNER, Deputy Director, Options for

18 Parents and Families Division

19

20 MS. BEVERLY FRIEDMAN, PED Custodian of Record

21 and Liaison to the PEC

22 PEC COUNSEL:

23 MS. AMI JAEGER, Counsel to the PEC

24

25

Page 4

1 INDEX TO PROCEEDINGS, Continued

2 PAGE

3 13 PEC Comments 196

4 14 Executive Session 204

5 REPORTER'S CERTIFICATE 210

6

7 ATTACHMENTS:

8 1. Visitors' Sign-In Sheets

9 2. Open Forum Sign-In Sheet

10 3. Letter, Alma d'Arte Charter High School

11 to Chair P. Gipson, 5/8/19

12 4. Proposed Changes to Charter Contract,

13 for consideration by the PEC Commissioners,

14 5/10/19

15

16

17

18

19

20

21

22

23

24

25

Page 3

1 INDEX TO PROCEEDINGS

2 PAGE

3 1 Call to Order, Roll Call, 5

4 Pledge of Allegiance, and

5 Salute to New Mexico Flag

6 2 Approval of Agenda 6

7 3 Open Forum 7

8 4 Consent Agenda 9

9 5 Discussion and Update on Career Technical 11

10 Education (CTE)

11

12 6 Report from Options for Parents 34

13 and the Charter School Division -

14 Discussion and Possible Actions

15

16 7 Discussion and Possible Action on 48

17 a Corrective Action Plan (CAP) for

18 La Academia Dolores Huerta

19

20 8 Discussion and Possible Action on 55

21 Response by Alma D'Arte to PEC

22 Letter of Concern

23

24 9 Discussion and Possible Action on 140

25 Requirements for Submission of Amendment

Request or Notification for New School,

School Site, or School Location Within

District

10 Discussion and Possible Action on 164

the PEC Charter Contract and PEC

Authorized Performance Review and

Accountability Documents to Insure

Alignment with the New State School

Accountability System and Other Minor

Changes

11 Discussion and Possible Action on the 170

Definition of "Re-Engagement High Schools"

12 Report From the Chair 178

Page 5

1 THE CHAIR: Good morning, everyone. I'm

2 going to bring to order this meeting of the

3 New Mexico Public Education Commission. It is

4 Friday, May 10th, and it is 9:02 a.m.

5 And, Commissioner Armbruster, will you do

6 roll call, please?

7 COMMISSIONER ARMBRUSTER: Certainly.

8 Commissioner Robbins is not here.

9 Commissioner Voigt?

10 COMMISSIONER VOIGT: Present.

11 COMMISSIONER ARMBRUSTER: Commissioner

12 Armbruster is here.

13 Commissioner Davis?

14 COMMISSIONER DAVIS: Present.

15 COMMISSIONER ARMBRUSTER: Commissioner

16 Chavez?

17 COMMISSIONER CHAVEZ: Present.

18 COMMISSIONER ARMBRUSTER: Commissioner

19 Gipson?

20 THE CHAIR: Here.

21 COMMISSIONER ARMBRUSTER: Commissioner

22 Raftery?

23 COMMISSIONER RAFTERY: Present.

24 COMMISSIONER ARMBRUSTER: Commissioner

25 Crone?

Page 6

1 COMMISSIONER CRONE: Here.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Ruiz?
 4 COMMISSIONER RUIZ: Present.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Caballero?
 7 COMMISSIONER CABALLERO: Here.
 8 THE CHAIR: Thank you very much.
 9 I will ask Commissioner Voigt to lead us
 10 in the Pledge of Allegiance, and I'll lead us in the
 11 Salute to the New Mexico Flag.
 12 (Pledge of Allegiance and Salute to the
 13 New Mexico Flag conducted.)
 14 THE CHAIR: We are on to Item No. 2, which
 15 is the approval of the agenda. And I do have two
 16 items to change. Under the Consent Agenda, letter
 17 B, we need to remove No. 2, Alma d'Arte; and in Item
 18 No. 6, letter B, No. 2, Sandoval Academy of
 19 Bilingual Education.
 20 COMMISSIONER CRONE: Say that again?
 21 THE CHAIR: Item 6, B-2.
 22 COMMISSIONER CRONE: Oh, B-2. Thank you.
 23 COMMISSIONER VOIGT: Madam Chair, I move
 24 to accept the agenda.
 25 THE CHAIR: There's a motion to approve

Page 8

1 second sites for schools. It seemed like there was
 2 a cap; but it was a cap that allowed for some
 3 additional sites.
 4 It seems, from the reports I've heard from
 5 yesterday's work session, that the -- that the
 6 proposed policy would actually allow for no
 7 additional sites.
 8 I do have concerns about that, because
 9 it's provided for in statute. And, just, when a
 10 policy is made by an entity that operates under
 11 statute, I just worry about the amount of resources
 12 that are going to go into challenging something like
 13 this.
 14 I don't think most of our schools want to
 15 have second, third sites. I don't think we have
 16 schools that want to have five sites, six sites.
 17 I do think there are going to be a handful
 18 of schools that want -- that are interested in
 19 having a second or third site. And I do think that
 20 a policy that doesn't allow for a second site,
 21 though statute does, will lead to litigation and
 22 wasted resources from the schools and wasted
 23 resources from the PEC.
 24 So I just stand here to make those
 25 comments and flag those for you-all. It's not a

Page 7

1 the agenda --
 2 COMMISSIONER RUIZ: Second.
 3 THE CHAIR: -- as amended.
 4 There's a second by Commissioner Ruiz.
 5 All in favor.
 6 (Commissioners so indicate.)
 7 THE CHAIR: Opposed?
 8 (No response.)
 9 THE CHAIR: Hearing no opposition, the
 10 motion passes.
 11 We are on to Item No. 3, Open Forum. And
 12 there is one person that signed up, and that's Matt
 13 Pahl.
 14 MR. MATT PAHL: Good morning, Madam Chair,
 15 members of the Commission. Thanks for allowing me
 16 to speak right now. I'm sorry I missed the work
 17 session yesterday. I think these comments would
 18 have been most appropriate then.
 19 But since I wasn't here and because agenda
 20 Item 9 will be addressed before I get to make
 21 additional comments at the end, which I thank you
 22 for that time, I thought it would be appropriate to
 23 make these now.
 24 I liked the conversation that was
 25 happening in April during the working session about

Page 9

1 threat of litigation. I don't know of anything
 2 going on there. I just can read the statute and
 3 heard where the direction was going.
 4 You guys all have a decision to make
 5 today. And I'm not sure what's being proposed, but
 6 I wanted to make sure those -- that that was known
 7 prior to Agenda Item 9.
 8 So thank you, Madam Chair.
 9 THE CHAIR: Thanks. We are on to Item
 10 No. 4, which is the Consent Agenda. I'll entertain
 11 a motion.
 12 COMMISSIONER RUIZ: So move. Oh. Did we
 13 do that?
 14 THE CHAIR: No, we did the Agenda. We
 15 didn't do the Consent Agenda.
 16 COMMISSIONER RUIZ: Oh. So move to
 17 approve.
 18 THE CHAIR: As amended.
 19 COMMISSIONER RUIZ: As amended.
 20 COMMISSIONER RAFTERY: Second.
 21 THE CHAIR: There's a motion by
 22 Commissioner Ruiz, a second by Commissioner Raftery.
 23 Any discussion?
 24 (No response.)
 25 THE CHAIR: If not, Commissioner

Page 10

1 Armbruster, roll-call vote, please.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Caballero?
 4 COMMISSIONER CABALLERO: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Ruiz?
 7 COMMISSIONER RUIZ: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Crone just disappeared.
 10 Commissioner Raftery?
 11 COMMISSIONER RAFTERY: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Gipson?
 14 THE CHAIR: Yes.
 15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Chavez?
 17 COMMISSIONER CHAVEZ: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Davis?
 20 COMMISSIONER DAVIS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Armbruster votes "Yes."
 23 Commissioner Voigt?
 24 COMMISSIONER VOIGT: Yes.
 25 THE CHAIR: Okay.

Page 11

1 COMMISSIONER ARMBRUSTER: So we have
 2 eight.
 3 THE CHAIR: The motion passes eight-zero.
 4 Correct. Thank you.
 5 We are on to Item No. 6 which is the -- a
 6 Discussion and Update on Career-Technical Education.
 7 So Dr. Perea asked for time today so that
 8 she could offer us an update on this.
 9 Oh, it is. It's Item No. 5. Thank you.
 10 DR. ELAINE PEREA: Good morning. Thank
 11 you for having me to everybody on the Commission and
 12 Chairwoman Gipson. I've presented to this council
 13 several times. Some of you are new, though, and
 14 maybe haven't heard about CTE very much.
 15 So just to make sure we have a very basic
 16 understanding, career-technical education is the
 17 component of high school education and
 18 post-secondary education that -- that offers
 19 training in real skills that are needed by workforce
 20 in order to get students quickly employed. That's
 21 kind of the basic mission of what we're doing in
 22 CTE.
 23 For as long as anyone can remember in
 24 New Mexico, CTE has been funded only by federal
 25 funds through the Carl B. Perkins Technical

Page 12

1 Education Act.
 2 And as part of that act, the most recent
 3 iteration of which was passed in 2006, small schools
 4 were not eligible for funding. And so several times
 5 I've been in here, and we have talked about that and
 6 been very frustrated by that.
 7 As I reported the last time I was here,
 8 the Perkins Reauthorization, while it did not change
 9 those rules about those floors of 15,000 for
 10 districts and 50,000 for community colleges, it did
 11 open up some additional avenues for us to -- to
 12 build some different structure. And so what I
 13 wanted to talk to you guys about today is the -- the
 14 structure that we have proposed to the Department of
 15 Education, specifically that makes room for charter
 16 schools to participate.
 17 So what we've proposed to the Department
 18 of Education is that all schools, all districts,
 19 secondary and post-secondary, that want CTE funding
 20 will do so through a consortia. And there will be a
 21 lead applicant for the consortia that is a business.
 22 It's either going to be something like Presbyterian
 23 Hospital, or it's going to be a consortia itself.
 24 For example, we have the STEM-NM
 25 initiative, which is a partnership of the Labs and

Page 13

1 the Air Force Research Lab that's based at Kirtland.
 2 That would be a lead applicant. The -- both the
 3 secondaries and the post-secondaries that want to
 4 participate will do so in partnership with the lead
 5 business applicant.
 6 We have asked for a waiver from the
 7 Department of Education to completely waive the
 8 15,000/50,000 floors. Our intention is for any
 9 school that wants to participate to be eligible for
 10 CTE funding. That is what we have proposed to the
 11 feds, and I anticipate will be approved. That opens
 12 up CTE funding for charters.
 13 That being said, it -- CTE funding, we are
 14 putting some -- some bumpers on it. So in the past,
 15 a large district could propose funding for anything
 16 that they thought was reasonable.
 17 And I'll apologize in advance to anyone
 18 who is a beautician. But cosmetology is one such
 19 example of a program that is expensive to run that
 20 requires a license that is -- meets the parameters
 21 of career-technical education from that perspective;
 22 but, in fact, it does not meet the most basic
 23 threshold of the Perkins V requirements, which is
 24 high-wage.
 25 So going forward, Perkins funds will not

<p style="text-align: right;">Page 14</p> <p>1 be available for cosmetology programs, not big 2 cosmetology programs, not little cosmetology 3 programs, and only programs that are high-skill, 4 high-wage, in-demand. Those are the three 5 requirements: high-skill, high-wage, in-demand, as 6 determined by labor market information published by 7 our Department of Workforce Solutions and as 8 determined by industry. That's what gets funded. 9 And so if there isn't a -- a compelling 10 labor market argument for program of study, it will 11 not be eligible for CTE funding. 12 It's not up to me to say whether it's 13 valuable or not valuable for students. But it's not 14 going to be eligible for CTE funding. So I'll take 15 a really out-there example. Let's talk about 16 marching band. 17 Marching band is a great program. I was a 18 band geek; I loved marching band. 19 Somebody might want to come up and say -- 20 a charter -- might say, "Well, we don't have 21 marching band; but we want to have guitar, and we're 22 going to have a guitar teacher come, and we want to 23 use CTE funds for that." 24 Well, the labor market information in 25 New Mexico wouldn't support that as a career.</p>	<p style="text-align: right;">Page 16</p> <p>1 for film, fashion for film, okay, and very 2 important, construction for film. All of those are 3 high-need areas that absolutely fall within the CTE 4 realm. 5 Basic fashion design, not fundable. 6 COMMISSIONER VOIGT: Excuse me. For 7 clarification, all of those film-related craft 8 skills are considered below the line. And so that 9 would be a below-the-line occupation within the film 10 industry. That's basically considered crew. 11 So they would fall under that crew -- even 12 the IATSE union folks that -- enter that umbrella 13 probably before it would cosmetology; so that 14 beautician might have the cosmetology degree. But 15 she could -- that student could bring it under a 16 film pathway. 17 DR. ELAINE PEREA: Yeah. And so going 18 back to what I said about applying through a 19 consortia, when -- film, we've been through contacts 20 we made from Chairwoman Voigt -- I mean 21 Commissioner. Thank you. 22 The union in Albuquerque, the film union, 23 has been giving us great direction and -- in terms 24 of what we should and shouldn't be funding. 25 The -- they have given us very clear</p>
<p style="text-align: right;">Page 15</p> <p>1 So I'm not saying anything about band. 2 I'm not saying anything about guitar. But I'm 3 saying that it doesn't fit in the parameters of CTE 4 education, okay, just to be really clear about that. 5 And to go back to my cosmetology example, 6 someone may still want to have a cosmetology 7 program; but it's not fundable by CTE. Because in 8 particular, in our state right now, there's three 9 cosmetologists for every job. So it doesn't meet 10 in-demand, and it doesn't meet high-wage. 11 THE CHAIR: So let me just ask you, 12 because [unintelligible] was introduced to me. 13 That's okay. 14 If someone wanted to craft that around, 15 like, the film industry and say that -- and get the 16 cosmetology hair and makeup through the film 17 industry, then they could meld those together. 18 DR. ELAINE PEREA: Absolutely. In fact, 19 we're working with CEC right now in Albuquerque to 20 help them build their cosmetology program into a 21 film makeup program. 22 So, absolutely. Film is a high -- it is a 23 high-demand area in our state. It's one of the 24 Governor's priorities, priority sector. So film, 25 absolutely. And that includes -- so hair and makeup</p>	<p style="text-align: right;">Page 17</p> <p>1 indication that post-production film editing, which 2 students love, is not a New Mexico career that we 3 should be pursuing. And so as much as kids love it, 4 in terms of CTE programs that are fundable, we need 5 to be focusing on pre-production and production and 6 not on post-production, because they have been 7 super, super clear that those jobs are staying in 8 LA. 9 COMMISSIONER VOIGT: I know. It's 10 unfortunate. 11 DR. ELAINE PEREA: And whether we like it 12 or not, we need to be focusing on places where we 13 can grow our economy. And if pre-production and 14 production are where we can grow our economy, well, 15 let's help kids be ready for those jobs; because if 16 we make them ready for post-production jobs, we're 17 preparing students to have to move out of state. 18 THE CHAIR: Commissioner Crone? 19 COMMISSIONER CRONE: So there's a 20 program -- excuse me -- at Northern. Does it 21 receive Perkins funding? 22 DR. ELAINE PEREA: Yes, sir. We fund 23 Perkins for Northern. 24 COMMISSIONER CRONE: Okay. 25 DR. ELAINE PEREA: As well as the feeder</p>

<p style="text-align: right;">Page 18</p> <p>1 schools, Española, Taos, Peñasco, and Los Alamos 2 have been in and out. I expect that will be in with 3 the reduced -- by taking that 15,000 floor away, I 4 think we'll see both of them participating as well. 5 THE CHAIR: So what's the start date 6 for -- is this going -- 7 DR. ELAINE PEREA: So we're in a 8 transition year. 9 THE CHAIR: Okay. 10 DR. ELAINE PEREA: So '19-'20 is a 11 transition year. Applications for '19-'20 are using 12 the old rules. So the 15,000 floor still applies. 13 THE CHAIR: Okay. 14 DR. ELAINE PEREA: But '20-'21 is where 15 the new rules will come into effect. I want to, 16 very quickly, tell you one other piece that's really 17 important. If you were paying attention during 18 Legislative Session, you might have heard that there 19 is State CTE funding for the first time. 20 THE CHAIR: Right. Right. 21 DR. ELAINE PEREA: This is a huge deal; 22 really, really important for our state. We got 23 \$3 million in recurring funds and \$2 million in 24 one-time funds for CTE. That will start in July. 25 My team is very, very busy developing an</p>	<p style="text-align: right;">Page 20</p> <p>1 of study. And we're interpreting that to mean that 2 a fundable STEM program of study will have a student 3 organization attached to it, so that students get 4 the leadership and presentation skills and the team 5 building skills that are part of student 6 organizations. That's how we're marrying all those 7 obligations. 8 We have not yet released an application. 9 We are still working on a lot of details. But that 10 will be coming out -- as I said, our target is first 11 of June. It's coming like a fast freight train. I 12 don't know if I'll actually get there. 13 But we will be releasing, rolling out an 14 application as quickly as we can that will provide 15 for new funding with no floor for new STEM programs 16 of study. 17 THE CHAIR: So let me ask you. Is there 18 the requirement that that -- that this money has to 19 funnel through a business, like the -- the '20-'21 20 program? Or no? 21 DR. ELAINE PEREA: No. We're going to 22 make a requirement that you have to have a business 23 partner. 24 THE CHAIR: You have to have the business 25 partner, that's what I meant. So that's still</p>
<p style="text-align: right;">Page 19</p> <p>1 application process right now that will hopefully be 2 in place by June so that we can get that funding out 3 to the field as quickly as possible. 4 It will look very similar to what I just 5 described that is going to be the Perkins plan going 6 forward. We didn't want to have two different sets 7 of rules out there. 8 We think that the Perkins parameters that 9 we've proposed in our transition plan are best 10 practice, best practice for the state. We believe 11 that using that state CTE money to push the priority 12 sectors, to push high-skill, high-wage, in-demand 13 jobs is the right thing for the state. 14 And so the same sorts of things that we 15 are planning to do for Perkins in '20-'21, we are 16 going to be rolling out in advance this summer using 17 state CTE funding. 18 The state CTE funding through House Bill 19 91 specifically is for new programs of study, not 20 existing programs of study. They have to be STEM, 21 and -- and the -- there's a requirement for 22 professional development as part of the -- so the 23 program-of-study funds can't just buy equipment. 24 There has to be PD involved in that. 25 There has to be soft skills in the program</p>	<p style="text-align: right;">Page 21</p> <p>1 there. 2 DR. ELAINE PEREA: We're not actually -- 3 so for summer of '20, we expect that the lead 4 applicant will be business. But for summer of '19, 5 we're just going to ask that you've identified a 6 local business partner. 7 THE CHAIR: Okay. 8 COMMISSIONER VOIGT: Madam Chair? 9 THE CHAIR: Yes, Commissioner. 10 COMMISSIONER VOIGT: So I just want to 11 thank Dr. Perea for bringing charter schools into 12 this mix. Because we know a good portion of the 13 charter schools in New Mexico do have a CTE focus 14 already. So thank you very much for bringing them 15 into this funding. 16 DR. ELAINE PEREA: Thank you. 17 COMMISSIONER CHAVEZ: Madam Chair? 18 THE CHAIR: Commissioner? 19 COMMISSIONER CHAVEZ: My mic doesn't work. 20 I hope you can hear me. 21 For the new State monies, is it focused 22 just on high school or higher education? Or will it 23 also include middle school? 24 DR. ELAINE PEREA: So there is a 25 middle-school component. Our intention at this</p>

Page 22	Page 24
<p>1 point is to support the middle schools, not through 2 a competitive grant application, but, rather, 3 through probably an IGA, to have professional 4 development, career development. 5 I am in conversations -- I'm really 6 super-excited; I don't know if I'm going make it 7 work yet; but I'll put it out here publicly -- to 8 try to develop a course that would be available for 9 middle schools that would be pre-algebra as career 10 exploration. It would meet all of the pre-algebra 11 core requirements and would also do career 12 exploration of all 16 career clusters. 13 I think we're going to be able to make 14 that happen with the part of the money that we've 15 set aside for middle schools. But at this point, we 16 don't have enough money to really be looking at 17 rolling down specific training programs into the 18 middle school. 19 So middle school really needs to be about 20 career exploration, and career exploration not only 21 for students but, actually for faculty as well, 22 because the teachers really are, for the most part, 23 not familiar with the world of work well enough to 24 talk about it with their students. 25 COMMISSIONER CHAVEZ: So would, for</p>	<p>1 to fund DECA in the high schools and things like 2 that? Or is that not part of -- 3 DR. ELAINE PEREA: When I was saying CTOs, 4 DECA is a student organization. Yes, ma'am. We're 5 looking at state funding for the first time actually 6 providing a stipend for those teachers that are 7 running those programs. We are budgeting for that 8 statewide, so that it's not a district-by-district 9 decision; because some districts really support 10 their student advisers -- student organization 11 advisers and some don't. 12 We want, at the state level, to say, "We 13 value this. We value the extra work that the 14 teachers are doing, and we think it should be 15 compensated." 16 COMMISSIONER RAFTERY: Is BPA part of 17 that? 18 DR. ELAINE PEREA: Yes, ma'am. All the 19 student organizations. There's eight of them in our 20 state. So I'll just go over them so that everyone 21 knows. 22 FFA is the largest. Then DECA. Then 23 after that, I'm not quite sure what the size is. 24 SkillsUSA is probably next. HOSA. BPA. DECA. TSA 25 is -- and who have I left -- FCCLA.</p>
Page 23	Page 25
<p>1 example, Project Lead the Way's Gateway Program 2 focused on middle school and career exploration, 3 would that be a viable program for middle schools to 4 pursue? 5 DR. ELAINE PEREA: They would probably 6 need to support that through their SEG, not 7 through -- because at this point, I don't 8 anticipate -- unless there's additional funding 9 going into the next year, at \$3 million, I don't 10 expect that we can have enough impact to actually 11 pay for a specific program like Project Lead the Way 12 at the middle-school level. 13 COMMISSIONER CHAVEZ: Thank you. 14 THE CHAIR: Okay. Thank you. 15 COMMISSIONER ARMBRUSTER: What is an IGA? 16 DR. ELAINE PEREA: IGA is an 17 intergovernmental agreement. It's a jargony way of 18 saying a contract. Sorry. 19 COMMISSIONER ARMBRUSTER: Oh, okay. It's 20 like the IEPs, the ESLs, the ELLs -- I got it. 21 DR. ELAINE PEREA: We actually have a, 22 like, a 10-page abbreviation glossary for new 23 employees. 24 THE CHAIR: Commissioner? 25 COMMISSIONER RAFTERY: Is it still going</p>	<p>1 Okay. So -- and each of those has a 2 little bit different focus. Like SkillsUSA is 3 particularly the trades. But one thing that you may 4 be aware of is that film has not been claimed by any 5 of these student organizations in a really -- in a 6 really robust sort of way. 7 I just had a conversation with national 8 SkillsUSA last week. And I said, you know, "Come 9 on." 10 If New Mexico is going to really lean into 11 film, I need a student organization to partner with 12 me and lean into film. Because video editing is not 13 the same as pyrotechnics. And -- and film requires 14 things like pyrotechnics, right? I mean, that's 15 part of production is knowing how -- 16 THE CHAIR: I don't know if we want to be 17 doing pyrotechnics with high school kids. 18 DR. ELAINE PEREA: I think you do, 19 actually. Talk about engagement. You think you're 20 going to get some high school kids excited in a film 21 career, let them blow stuff up. 22 COMMISSIONER VOIGT: Were they open to 23 that? 24 DR. ELAINE PEREA: So they were open to 25 that. But my conversation actually fueled several</p>

1 e-mails. There's a lot of e-mail traffic going
2 around right now; because all the student
3 organizations are kind of trying to figure out how
4 to -- how to come out of last century and move into
5 this century. And some of them are a little further
6 ahead than others.

7 But film I think is the one that we need
8 most to have a really authentic student organization
9 that we can partner with.

10 COMMISSIONER VOIGT: Thanks.

11 THE CHAIR: Well, thank you. And we're
12 excited about this. Because as you mentioned,
13 there's been a lot of pushback from us and not
14 really you having any control over it. It's more
15 frustration that, you know, we have these schools
16 that have these great programs, and they can't
17 access the money because they're just not large
18 enough.

19 So this is exciting that there is --
20 there's this opportunity. So I hope that schools do
21 start to reach out and get these business partners
22 so that they're aligning themselves so that they're
23 ready for this for the upcoming year.

24 DR. ELAINE PEREA: And this year, the
25 state funding will be mostly in support of that.

1 THE CHAIR: So when you mentioned
2 transportation, so that it would be an appropriate
3 use of money to use for transporting students to?
4 Is that allow -- would that -- is that going to be
5 allowable going forward so that kids had to get to
6 someplace for, you know, training or --

7 DR. ELAINE PEREA: Perkins has always
8 allowed that use of funds for special populations,
9 which most of our students fall into one or more
10 special populations because low-income is kind of
11 the first one right there; and Hispanic and Native
12 American are two other big ones. Once you've hit
13 those three, you've picked up most CTE participants.

14 But Perkins V, the new Perkins Act, allows
15 transportation for all CTE students.

16 And then at the state level, we also
17 recognize that a huge barrier to dual credit is --
18 is transportation. So they'll be evaluated on a
19 case-by-case basis. That may or may not be the best
20 use of funds. But there will not be an outright
21 prohibition.

22 THE CHAIR: Right. And I guess -- I'm
23 sorry. I guess it's going to be a little bit of
24 a -- a learning curve; because so many of our
25 charters haven't been able to avail themselves of

1 THE CHAIR: Right. Good.

2 DR. ELAINE PEREA: We're too late in the
3 season for new classes to start, right? I don't
4 anticipate any of that money is going to be going
5 toward a class that starts in August.

6 THE CHAIR: Right.

7 DR. ELAINE PEREA: Right? I don't have my
8 application up yet. I expect that money -- the
9 state money will be toward that, toward building
10 capacity and getting teachers skilled-up,
11 recruiting. In some cases that may be what's
12 necessary.

13 If a school wants to launch an IT program
14 and they don't have a computer science teacher, they
15 can and should use the money toward -- you know,
16 toward finding teacher, toward -- you know,
17 there's -- because it's state funds, there's lots of
18 flexibility in ways that we haven't had with federal
19 funds to address transportation needs, to address
20 staffing needs, to address curriculum requirements
21 that maybe are outside of an instructional materials
22 fund.

23 So we are looking at and excited about
24 being able to support schools in some of the ways
25 that Perkins has not been able to support.

1 the opportunity, so they're really not familiar that
2 much with the -- with the process, and they've sort
3 of closed off because it's always, "We can't do that
4 because we're not big enough."

5 So I think the -- you know, there's going
6 to have to be a little bit of a push to get schools
7 to be aware that, you know, yes, this is available,
8 yes, you can do it, and help to navigate the road
9 for that for a while, so that we're -- you know,
10 we're sure that they're part of this.

11 Commissioner Caballero?

12 COMMISSIONER CABALLERO: Yes. I'm a
13 little confused as to where does the data come from,
14 the feds or state, in terms of determining
15 high-demand areas within the State of New Mexico?

16 DR. ELAINE PEREA: Yes, sir. The
17 Department of Workforce Solutions, which is our
18 State Department of Labor, they have a -- a -- a
19 wealth of data. They have statisticians that
20 calculate those data, and they're published on their
21 website. They're updated quarterly.

22 That's what we call Labor Market
23 Information, LMI. They have a website that's called
24 LASER, which is the -- the public-facing data
25 exploration page that my team uses and that my team

<p style="text-align: right;">Page 30</p> <p>1 coaches schools to use to justify their -- their 2 assertions.</p> <p>3 And then every state is allowed to define 4 high-wage differently. We've defined high-wage as 5 three -- let's see if I get this right -- twice -- 6 twice the poverty level for a family of three, at -- 7 which -- it's just a way of us linking to the 8 poverty data, which is a national number.</p> <p>9 In our state right now, that calculation 10 comes up to about \$36,800. The median salary in 11 New Mexico is about \$42,000. So -- so at 36, we're 12 still below the median salary, but we're well above 13 minimum wage.</p> <p>14 And the reason that we link that high wage 15 to a family of three is because we often talk about 16 family sustaining wages. And at 36, we believe that 17 a family can afford the necessities of life. They 18 can afford a car payment and a mortgage and to take 19 care of themselves and their children effectively. 20 So that's how we've defined high-wage.</p> <p>21 As the poverty level moves nationally, our 22 number will move with it.</p> <p>23 COMMISSIONER VOIGT: Madam Chair? Just to 24 clarify about the transportation, when you say 25 there's funding for transportation, I don't think it</p>	<p style="text-align: right;">Page 32</p> <p>1 trades would then be aligned with ABC, because 2 the -- that association is better able to say what 3 students need to know than I am.</p> <p>4 THE CHAIR: Commissioner? 5 COMMISSIONER CRONE: This is not directly 6 related to charters. But Northern is getting back 7 into the CTE business. Harry Rommel at the Higher 8 Ed Department found a way where a constitution 9 school, like Northern, can actually tap into the tax 10 base, which has always been unavailable, through 11 partnering with local school districts.</p> <p>12 Now, this will require an election. 13 Because it is a mill levy. So the three districts 14 right now are Española, Pojoaque, and Mesa Vista; 15 although we could do pretty much all of Rio Arriba 16 County and possibly part of Taos and other counties. 17 They are partnering with the Plumbers and 18 Pipefitters. And so pretty much every plumber in 19 the state could eventually be taking courses at 20 Northern.</p> <p>21 And then, of course, the rest of their 22 training would be at particular job sites through 23 the Plumbers and Pipefitters.</p> <p>24 The other program is electricity. And I'm 25 not sure the arrangement there. But it will also</p>
<p style="text-align: right;">Page 31</p> <p>1 necessarily means renting a bus. It could be 2 reimbursement of bus fare or mileage. Is that 3 right?</p> <p>4 DR. ELAINE PEREA: Yes. 5 COMMISSIONER VOIGT: Okay. Thank you. 6 DR. ELAINE PEREA: And it does have to be 7 specifically around CTE. So you can't use CTE to 8 provide for your charter pickup in the morning or 9 for the whole charter school. It's about CTE.</p> <p>10 So it's more about an internship to a work 11 site or dual credit to your partner, post-secondary. 12 That's the sort of transportation needs that we're 13 looking at addressing. Field trips, career 14 exploration field trips, might be something that 15 would be fundable.</p> <p>16 COMMISSIONER CABALLERO: Madam Chair? 17 THE CHAIR: Commissioner Caballero? 18 COMMISSIONER CABALLERO: Will we be more 19 apt to use union training sites and their resources? 20 DR. ELAINE PEREA: I believe we will. 21 That's part of why we're pushing for the 22 partnerships, is we are expecting that, like the -- 23 Associated Builders and Contractors, ABC, down in 24 Albuquerque, I expect them to be a lead applicant 25 for the trades. And so schools that are offering</p>	<p style="text-align: right;">Page 33</p> <p>1 revive the El Rito campus. It will become 2 functional once again.</p> <p>3 There will also be a component which is a 4 solar array at the El Rito campus.</p> <p>5 In terms of the transportation, they're 6 going to partner with the school districts to bring 7 students to campus.</p> <p>8 When I started at UNM-Northern branch back 9 in the '70s, there was actually a bus system 10 throughout the north to shuttle students to the -- 11 the El Rito campus first, and then later, the 12 Española campus.</p> <p>13 They're also looking at getting a fleet, 14 of electric vehicles, buses. So this should be a 15 big economic boon. And there are charters in that 16 area, too, so -- thank you.</p> <p>17 THE CHAIR: They may not want to talk to 18 Albuquerque about electric buses, though. 19 COMMISSIONER CRONE: Okay. 20 THE CHAIR: Commissioners, any other 21 questions? 22 Thanks. And once again, thank you so 23 much, because this is exciting for what schools are 24 going to be able to do. And I hope we also partner 25 with that in making sure that, you know, we're</p>

<p style="text-align: right;">Page 34</p> <p>1 reaching out to as many schools as we can so that 2 they're making use of this, because it is, it's 3 important. 4 DR. ELAINE PEREA: Yes. Thank you so 5 much. Thank you all for your time. And please feel 6 free to reach out to me anytime if you have a 7 question. I'm happy to talk at more length about 8 this topic to anyone who wants to talk about it, 9 anyone who will listen. Thank you. 10 MS. KAREN WOERNER: To anyone who will 11 listen? 12 THE CHAIR: We are on to Item No. 6, and 13 that's the report from Options for Parents and 14 Charter School Division. 15 MR. ALAN BRAUER: Madam Chair, members of 16 the Commission, thank you for this time, and thank 17 you for having us today. 18 I wanted to just share that my -- my 19 discussion notes will start with celebrations and 20 acknowledgments and end with celebrations and 21 acknowledgments. So this is going to be a 22 celebration sandwich for us today. 23 I, first and foremost, want to celebrate 24 the Public Education Commission and Ms. Jaeger and 25 our staff for all our work and doing a full baker's</p>	<p style="text-align: right;">Page 36</p> <p>1 of those constituents. 2 I also want to share gratitude to Karen, 3 Dylan, and Megan for the ongoing support of our 4 schools and their most recent site visits. I think 5 they've done some important work in supporting and 6 celebrating our schools in ensuring that they're 7 meeting their visions for students and providing 8 technical assistance where our schools need it. 9 Most recently, they -- they trekked 10 from -- from -- ranging from Albuquerque to Walatowa 11 and Jemez Pueblo, went out to Shiprock, down to 12 Gallup, and then across the -- not across the 13 border -- but right to the border for DEAP in 14 Navajo, New Mexico. 15 And this was all in the same week that we 16 were doing contract negotiations at the end. So I 17 just have a lot of gratitude for them. And I know 18 that drive very, very well from the last 12 years or 19 so in my life. And I know that it -- there's a lot 20 of time away from family. And I just want to 21 acknowledge that and celebrate that one. 22 I also want to celebrate Leslie Kelly for 23 her ongoing efforts in supporting the creation of 24 the financial framework with Chairwoman and I and 25 for doing the legwork in submitting crucial</p>
<p style="text-align: right;">Page 35</p> <p>1 dozen of contract negotiations within one week. 2 This was my first time on this side of the 3 negotiation process, and I am -- I am really 4 thankful personally and professionally for the 5 learning that I've been able to take from you all. 6 And I just wanted to share my admiration for 7 everyone involved in that and the amount of time and 8 effort and smart thinking that went into truly 9 building partnership with that school. So thank you 10 very much all around. 11 I also wanted to take -- take some time to 12 show some thanks for the CSD staff. Especially at 13 this time of the year as we close out one fiscal 14 year and start to really ramp up for the next fiscal 15 year, there's just a lot of work that everyone is 16 really involved in. And I just wanted to pause and 17 reflect and share some key -- key areas of 18 celebration and thankfulness. 19 First, I wanted to thank Dolores and 20 Melissa for all their work with regard to the 21 ongoing trainings, both for our current to 22 implementation five-year schools governing council 23 members, as well as our charter -- our aspiring 24 charter applicants. They have done just an amazing 25 amount of work across the state in support of each</p>	<p style="text-align: right;">Page 37</p> <p>1 amendments to our CSP grant so we create more 2 accessibility and equity so that more of our schools 3 can benefit from this grant. So thank you to 4 Leslie. 5 Our business manager, Debbie, has been 6 working relentlessly over the last few weeks. 7 That's going to continue as we close out the Fiscal 8 Year '19 and start out Fiscal Year '20, to truly 9 support the closeout and to get us, like, a really 10 strong jump-start on the upcoming year. 11 I'm also personally grateful for her 12 continued teaching that she's given to me as I learn 13 about state budgets and state processes and 14 financial systems. And so I just wanted to 15 acknowledge her today. 16 Finally, I wanted to acknowledge Karen and 17 Megan for the incredible work and the contract 18 negotiations. I think both staffers have traveled 19 across the state alongside the Public Education 20 Commission for the last week or so and have provided 21 some critical support and assistance so that our 22 schools and our Public Education Commission can 23 really do the important and hard work and having 24 some negotiations. So thanks to each and every one 25 of you for that.</p>

<p style="text-align: right;">Page 38</p> <p>1 Staff hires. I'm pleased to announce that 2 Megan Maestas has officially begun her work as the 3 authorizing practices head administrator. We're 4 super excited for that. A well deserved promotion. 5 In other good news, we have made a -- an offer and 6 the offer has been accepted by Carolyn Bayne, who 7 will be joining us starting on Monday as our new 8 executive assistant to the Charter School Division. 9 So we're really excited about that. I think Dolores 10 is probably particularly excited so that she can 11 move into just one position on our technical 12 assistance team. 13 I'll move along to some training updates. 14 The last implementation year training was 15 April 19th for our two schools who are in the 16 process of commencing operations. 17 The last new applicant training is 18 scheduled for this Monday, May 13th, here in Mabry 19 Hall, I believe -- oh, it's in Albuquerque. Thank 20 you, Melissa. 21 And then I also wanted to share that 22 training that Melissa and Dolores are working on for 23 governing councils. We are, where possible, 24 creating online versions of certain trainings where 25 rule and statute allow us to do that. And I'm</p>	<p style="text-align: right;">Page 40</p> <p>1 COMMISSIONER VOIGT: It's Berna. 2 MR. ALAN BRAUER: Berna Facio, B-E-R-N-A, 3 and then Facio, F-A-S-I-O. 4 COMMISSIONER VOIGT: F-A-C-I-O. 5 THE CHAIR: F-A-C- -- right. 6 COMMISSIONER VOIGT: F-A-C-I-O. 7 THE CHAIR: Oh. There's no "S"? 8 COMMISSIONER VOIGT: It's at Comanche and 9 Louisiana. 10 MR. ALAN BRAUER: Thank you, Commissioner. 11 COMMISSIONER VOIGT: Sure. 12 MR. ALAN BRAUER: Yeah. It's -- sorry if 13 I missed that, Commissioner. But it's on Louisiana 14 and Comanche is the cross-section. 15 And so our plan is to send out 16 registration information and save-the-date and a 17 request for presenters starting next week, as soon 18 as we have the interim paperwork completed for that. 19 THE CHAIR: Okay. So let me just ask you, 20 for those of us that travel in. Are -- when you say 21 Thursday, the 20th, is the anticipation that it's 22 going to start first thing Thursday morning, or 23 Thursday afternoon into Friday? 24 MR. ALAN BRAUER: Madam Chair, we're 25 going -- the definitive plan is to start at 11:00</p>
<p style="text-align: right;">Page 39</p> <p>1 really thankful for the work in making that happen, 2 as I know that many governing council members are 3 appreciative of those opportunities, too. 4 I wanted to share a quick update on the 5 charter school conference. I think, last meeting in 6 April, I shared a tentative schedule -- or date. 7 And I wanted to share a new and improved definitive 8 schedule. 9 We are in the process of -- and this is 10 where Debbie has really helped me understand the ins 11 and outs about creating intergovernmental agreements 12 and processes to -- to create this charter school 13 conference. 14 And so we're in the process of that. But 15 we're tentatively scheduled to have the charter 16 school conference in alignment to when it was last 17 year, which is Thursday, June 20th, and Friday, 18 June 21st. And it'll be in Albuquerque, most likely 19 at the Berna Facio Training Center, which is the new 20 training center that APS has -- has built over the 21 last year. 22 THE CHAIR: Is that -- I'm sorry. Is that 23 the one that you used, Matt? 24 MR. MATT PAHL: No. We used Rankin. This 25 is the Montgomery --</p>	<p style="text-align: right;">Page 41</p> <p>1 with registration and then start with lunch. And 2 then after the lunch hour, that's when the actual 3 preliminary discussion with our PED leadership will 4 start. 5 And so, yeah, we took that feedback from 6 years past. And I think it's great to put in as 7 much as we can for learning, but also ensure that we 8 give as many people as possible who are traveling 9 from across the state to have some time to -- to get 10 to where we want them to be to be fully present. 11 THE CHAIR: Okay. Thank you. 12 MR. ALAN BRAUER: School closures. I have 13 a brief update on that. 14 Anthony Charter School has been completed 15 as of May the 4th. That's when the disbursement of 16 inventory happened, as well as the process to give 17 ownership to the City of Anthony with regard to 18 the -- the portable buildings there. 19 SAHQ is also in process and has been 20 initiated, and we're hopeful that that is closed out 21 shortly. 22 THE CHAIR: Thank you. 23 MR. ALAN BRAUER: Moving on, governing 24 council concerns, we do have one concern for the 25 month, which is regarding Alma d'Arte.</p>

<p style="text-align: right;">Page 42</p> <p>1 As of 8:30 a.m. this morning, the last 2 time that I -- that I was able to check with our 3 staff, there were some shifts in governing council 4 membership. And as of 8:30 this morning, we have 5 not received notification of those. 6 All right. 7 THE CHAIR: Before we move on, just a 8 second. 9 (Chair consults with Commission counsel.) 10 COMMISSIONER ARMBRUSTER: Madam Chair, can 11 I ask the Director a question very quickly? 12 THE CHAIR: About Alma? 13 COMMISSIONER ARMBRUSTER: No. I just 14 wanted to know who was in charge of closing the 15 schools. 16 THE CHAIR: Oh. Sandy Beery. 17 Yes. Alan, just to double-check. SAHQ is 18 going to be closed out -- we anticipate SAHQ will be 19 closed out by July 1 for sure; correct? 20 MR. ALAN BRAUER: Madam Chair, members of 21 the Commission, yes. 22 THE CHAIR: Okay. 23 MR. ALAN BRAUER: And -- 24 THE CHAIR: We're good to move on unless 25 someone --</p>	<p style="text-align: right;">Page 44</p> <p>1 provides an engaging and challenging educational 2 program emphasizing direct experience, inquiry 3 learning, stimulation of the creative process, and 4 stewardship of our community and natural 5 environment. 6 In the most recent site visit for this 7 year, the charter school team came back and reported 8 that they observed many photos from students from 9 their required internships. One student's 10 internship revolved around pursuing his pilot's 11 license. Another student was exhibiting a project 12 around his volunteer work with Wolfsong Sanctuary, 13 which is a facility dedicated to saving and caring 14 for wolf hybrid animals. 15 So we just wanted to provide some 16 acknowledgment and appreciation for the work that 17 Aldo Leopold Charter School is doing in the south. 18 THE CHAIR: Do we know what a wolf hybrid 19 is? Just -- I'm just curious. Are they pets or -- 20 because I know people that have wolf hybrids that 21 were pets. 22 COMMISSIONER CABALLERO: Madam Chair, I 23 had one. 24 THE CHAIR: Do you, really? 25 COMMISSIONER CABALLERO: I did have one.</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. ALAN BRAUER: Okay. Great. 2 MS. PATRICIA MATTHEWS: I have a question. 3 Because I understood that Mr. Brauer just said that 4 the CSD had not received updated information about 5 the governing board. And I have an e-mail from 6 Mr. Elliott that was sent to Ms. Woerner yesterday. 7 THE CHAIR: I think the concern is that we 8 don't have the paperwork. Just an e-mail notifying 9 isn't -- isn't -- we need all the documentation for 10 it to no longer be a concern. 11 MS. PATRICIA MATTHEWS: Got it. 12 THE CHAIR: And I hope I'm correct in 13 that. 14 MS. KAREN WOERNER: Absolutely, 15 Madam Chair. I wanted to note the e-mail was about 16 a very recent change; so it was within the 30-day 17 limit. But the reason for the school being on the 18 agenda is the prior change that is still not 19 completed in its documentation. 20 MR. ALAN BRAUER: And, Madam Chair -- 21 Madam Chair, members of the Commission, I wanted to 22 close out with highlights and appreciations to our 23 schools; so the second part of the sandwich. 24 I wanted to show some appreciation to 25 Aldo Leopold Charter School, which their mission</p>	<p style="text-align: right;">Page 45</p> <p>1 It passed away for -- picked up an ailment. But the 2 dog is called a "tundra shepherd." And his top 3 weight ended up at 155 pounds. 4 THE CHAIR: Oh, my gosh. Wow. 5 COMMISSIONER CRONE: Madam Chair? 6 MR. DYLAN WILSON: I was going to say, it 7 basically -- because I was looking at their website 8 recently. Wolf and dog breed. So you've got this 9 kind of half-wolf, half-dog. So it doesn't quite 10 fit domestically as a pet. It's in a weird limbo. 11 So they take these animals in where they can 12 actually have a home. 13 COMMISSIONER CABALLERO: They were great 14 for the military. And the people buy them. And 15 they concentrate on the East Coast, where they're 16 originally bred. Our dog was the friendliest dog, 17 had some special skills. We now are -- are noticing 18 dogs that can smell epilepsy, diabetes, 19 telecommunications and so forth. 20 My dog had special skills. And he was 21 very, very friendly to everybody, unless he sensed, 22 through us, that we were apprehensive, and his hair 23 would stand up. And he obeyed commands. 24 So I thought it was dangerous to have such 25 a dog, but he turned out to be very good for us.</p>

1 COMMISSIONER CRONE: Madam Chair? Wolves,
2 dogs, and coyotes can interbreed. A coyowolf is a
3 very dangerous animal. They attack humans. I had a
4 student who had a wolf hybrid, a female. And one
5 day, she decided that she was going to be the alpha
6 person, and she almost ripped his arm off. He was
7 in the hospital for six weeks.

8 THE CHAIR: I shared with everyone
9 yesterday that my dog makes me answer the door,
10 because he's not -- he's -- he believes in stranger
11 danger. "So go and let me know if it's okay. Then
12 I'll come out."

13 So it's -- so thank you.

14 And I will applaud, once again, anyone who
15 takes seventh-graders on an outward-bound
16 experience, because they're required to do -- I
17 think it's a weeklong prior to school that they go
18 out. So God bless them. I can't imagine. So thank
19 you.

20 MR. ALAN BRAUER: Madam Chair?

21 And finally, but definitely not least, we
22 wanted to acknowledge and celebrate South Valley
23 Preparatory School. South Valley Prep's mission is
24 to provide a small, safe, and unique family learning
25 community, where students are prepared for high

1 Charter School, this year.

2 THE CHAIR: Thanks. And you're absolutely
3 right. It was exciting to walk into that school for
4 that meeting, because those kids were so proud of
5 the building they had. It's sad when a charter
6 closes; but that's the ideal situation, when one
7 closes down and someone else has the opportunity to
8 make use of that property.

9 And, yeah, that school is just giddy with
10 excitement over having that. And it has made a
11 profound impact for them to be able to move into
12 that new building. So it's -- it's good to see that
13 building was able to stay as a school. So thank you
14 very much.

15 Could we take just a short break before we
16 move on to the next piece of the agenda?

17 Thank you.

18 Let's try to make it, like, 10, if we can.
19 That always melds into 20; but -- you know, I should
20 say 5.

21 (Recess taken, 9:56 a.m. to 10:15 a.m.)

22 THE CHAIR: If the record will please
23 reflect that Commissioner Crone is not here. Thank
24 you.

25 So we are back to Item No. 7, which is a

1 school and beyond.

2 You know, one of my first official acts of
3 being part of the CSD team was to attend the school
4 leader meeting at South Valley Prep's newer building
5 that they just moved into this year.

6 And one of the most memorable experiences
7 for me from that day was meeting several of the
8 student leaders and scholars there and engaging with
9 them around their experiences at the school and just
10 hearing how that school has really impacted them as
11 people and as leaders.

12 One highlight from our most recent visit
13 was that the visits that are -- sorry -- from the
14 visits from earlier in the year, from the first site
15 visit, there are very minor concerns, for lack of a
16 better word. And as a result in partnering with
17 South Valley Prep, the CSD team decided that a full
18 second visit was unnecessary, given the really
19 strong start that the school had in their new
20 facility.

21 And so that was conducted over -- over a
22 conference call instead of going in and then doing
23 another one at the end of the year.

24 And so we're really proud of the work that
25 South Valley Prep has done, as well as Aldo Leopold

1 Discussion and Possible Action on the Corrective
2 Action Plan for La Academia Dolores Huerta.

3 And there are no documents associated with
4 this, because we don't have the Corrective Action
5 Plan completed. We're -- we kept this on the agenda
6 so that I could give Commissioners an update as to
7 where we are.

8 Because last month, you remember, we voted
9 to create a Corrective Action Plan for the school.
10 And as we were scheduling the contract
11 negotiations -- and I noted that there might
12 possibly be some free time, and that's not
13 allowed -- I suggested that while everyone was down
14 in Las Cruces, we would be able to have the
15 opportunity to open up the discussion with the
16 school then for the Corrective Action Plan.

17 So the Thursday afternoon before contract
18 negotiations began, staff -- Charter School Division
19 staff, Commissioner Voigt, Commissioner Armbruster,
20 and myself -- and Counselor Mark Chaiken was there
21 for that discussion. It was -- I think it was a --
22 I walked out of there thinking it was a relatively
23 productive meeting. I thought we had gotten
24 ourselves to a point of understanding.

25 It was frustrating at first, because I had

<p style="text-align: right;">Page 50</p> <p>1 sent the school an idea from the Commission. So 2 let's use this as a starting point from us, so that 3 the school would then be able to offer the input on 4 two things; benchmarks, because on the reading and 5 math skills and the WIDA reports from the school, I 6 didn't know what they were. So I wanted them to 7 propose benchmarks for the school as a starting 8 point for our discussion; and anything else the 9 school felt that they thought was appropriate to put 10 into the Corrective Action Plan, any input from 11 them.</p> <p>12 They came with nothing. And they came 13 with supposed confusion as to what we were doing 14 there. "We thought you were imposing this. We 15 thought there was no point for discussion."</p> <p>16 I don't know what they thought we were 17 going to do for the two hours that we allotted for 18 it; so it took a little bit of time to get through 19 that.</p> <p>20 And then we did have discussion. The 21 school is using a new assessment program, 22 Illuminate. And they were unclear that they would 23 be able to associate a year-and-a-half growth with 24 the data Illuminate provided.</p> <p>25 We weren't sure, either, because we didn't</p>	<p style="text-align: right;">Page 52</p> <p>1 it by that time, because Commissioner Voigt, 2 Commissioner Armbruster, and myself would be here 3 during the next two days. And CSD staff would be 4 here, so we would then be able to look at it and 5 have a discussion about it and hopefully then be 6 able to offer input back to the school to see where 7 we could come to a decision that we wanted to be 8 able to vote on this at the June meeting. So, 9 therefore, this is how the time line for this 10 communication needed to take place.</p> <p>11 I received an e-mail -- and I think Ami 12 was copied on it as well, and, I think, Alan -- were 13 you copied on that e-mail?</p> <p>14 MR. ALAN BRAUER: I don't think I was.</p> <p>15 THE CHAIR: Oh, okay. So it did come 16 from -- you're right. It did come from their 17 counsel. So I received an e-mail at 3:00 saying, 18 "We need more time, and we won't have this until the 19 20th of May."</p> <p>20 So it's very frustrating on my part that 21 we were clear on the time frame that we needed. And 22 the school was -- they were asked, "When do you 23 think you could have this by?"</p> <p>24 They were clear that they had that phone 25 call in, and they were clear that they would have</p>
<p style="text-align: right;">Page 51</p> <p>1 know they used Illuminate; so there was no 2 opportunity for anyone on our side to take a look 3 and come with any idea.</p> <p>4 So the school had agreed that -- on 5 Thursday, they indicated to us that they had a call 6 scheduled with the Illuminate staff, and they would 7 be able to communicate to them what the information 8 was that they needed so that they would be able to 9 come back to me by Wednesday afternoon at 4:30 with 10 the data they would be able to provide that could 11 hopefully correlate with the one-and-a-half years' 12 growth.</p> <p>13 And they were also not sure of their WIDA 14 scores when they came on Thursday, so that they were 15 going to go back, look at their WIDA scores, and 16 then be able to suggest a -- a benchmark for that as 17 well.</p> <p>18 At 3:00, I received an e-mail from their 19 counsel saying --</p> <p>20 COMMISSIONER ARMBRUSTER: 3:00? 21 THE CHAIR: 3:00 on Wednesday. 22 COMMISSIONER ARMBRUSTER: Right. 23 THE CHAIR: Because they were supposed to 24 provide it at 4:30 on Wednesday. And the intention 25 was -- and I was clear with them -- that we needed</p>	<p style="text-align: right;">Page 53</p> <p>1 that information and that they would call me by 4:30 2 on Wednesday.</p> <p>3 So it's incredibly frustrating that that 4 didn't happen and that the communication about this 5 has broken down; because I don't -- you know, the 6 path forward for this becomes a little more 7 difficult for us to get this in place for -- for 8 June.</p> <p>9 And the purpose of that June deadline is 10 so that they can work with their staff to be ready 11 for the start of this new school year so that they 12 know what the -- what the plan is and professional 13 development and their Illuminate scores and WIDA, so 14 that -- they can spend that time in preparation for 15 the school year. Because on the school's part, 16 their contention was, "We needed more time."</p> <p>17 We're trying to give them that time, but 18 also be ready at the same time. And it's -- it's 19 discouraging.</p> <p>20 (Chair confers with Commission counsel). 21 THE CHAIR: Okay. So the Commissioners 22 were copied the filing of the appeal by the school 23 in regards to our Corrective Action Plan. And that 24 was also quite discouraging that -- on one level, it 25 appears that the school doesn't want to have to do a</p>

<p style="text-align: right;">Page 54</p> <p>1 Corrective Action Plan.</p> <p>2 Ami and I spent some time after the</p> <p>3 Corrective Action Plan meeting speaking with their</p> <p>4 counsel, and there was an agreement that was made</p> <p>5 that they would dismiss that appeal; because I think</p> <p>6 they felt -- I thought they felt okay with the</p> <p>7 discussion that took place about the CAP.</p> <p>8 So I thought as a result of that two hours</p> <p>9 that we spent with them, that we were comfortable</p> <p>10 with the place we were at, and there was an --</p> <p>11 there -- they indicated that they were going to, in</p> <p>12 fact, ask for a dismissal of that.</p> <p>13 They then did ask for an extension; but</p> <p>14 the new rule, apparently, that -- part of the</p> <p>15 December rules didn't allow for extensions in this</p> <p>16 case. So -- this morning -- yes? This morning,</p> <p>17 they did file a dismissal of that appeal.</p> <p>18 (Chair confers with Commission counsel.)</p> <p>19 THE CHAIR: Right. Right. So hopefully,</p> <p>20 we are moving forward in good faith. But we're</p> <p>21 going to have to see what they offer us on May 20th.</p> <p>22 I don't know what they're going to send. So we're</p> <p>23 just going to have -- we're on a wait-and-see at</p> <p>24 this point in time with how -- how this is going.</p> <p>25 So, unfortunately, I asked for this to be</p>	<p style="text-align: right;">Page 56</p> <p>1 original.</p> <p>2 But in their packets, there is the</p> <p>3 original response.</p> <p>4 MS. KAREN WOERNER: Yes.</p> <p>5 THE CHAIR: So in your packet is the</p> <p>6 original response from the head administrator. And</p> <p>7 then what you were handed this morning came in</p> <p>8 later.</p> <p>9 MR. ALAN BRAUER: Madam Chair.</p> <p>10 THE CHAIR: That's titled updated</p> <p>11 response.</p> <p>12 MR. ALAN BRAUER: Apologies, Madam Chair</p> <p>13 and members of the Commission. I wanted to share</p> <p>14 that we do have some staff from the Special</p> <p>15 Education Bureau here as well, just in case you need</p> <p>16 to hear from them.</p> <p>17 THE CHAIR: They can come on down if you</p> <p>18 want. It's up to you. If you don't want to come</p> <p>19 down, you don't have to come down.</p> <p>20 MS. PATRICIA MATTHEWS: Madam Chair,</p> <p>21 members of the Commission, first, I'd like to</p> <p>22 apologize for interrupting earlier because I had</p> <p>23 incomplete information.</p> <p>24 Patricia Matthews on behalf of Alma</p> <p>25 d'Arte. Commissioners, just very quickly, the only</p>
<p style="text-align: right;">Page 55</p> <p>1 put on the agenda, because I thought I would be able</p> <p>2 to give you the Corrective Action Plan that had been</p> <p>3 negotiated.</p> <p>4 But right now, there's -- we're still on</p> <p>5 hold with it. So I'll answer any questions you</p> <p>6 might have. But, otherwise, we're not voting on</p> <p>7 anything, obviously.</p> <p>8 (No response.)</p> <p>9 THE CHAIR: Okay. Thank you.</p> <p>10 So we are on to Item No. 8, Discussion and</p> <p>11 Possible Action on the response by Alma d'Arte to</p> <p>12 the PEC Letter of Concern.</p> <p>13 And Commissioners were given, this</p> <p>14 morning, the response that was in --</p> <p>15 COMMISSIONER CABALLERO: Yeah. Second</p> <p>16 response.</p> <p>17 COMMISSIONER RUIZ: Yeah, updated</p> <p>18 response. It says "Updated" on it? Yeah, that's</p> <p>19 it.</p> <p>20 THE CHAIR: I don't think -- does it say</p> <p>21 "Updated" somewhere?</p> <p>22 COMMISSIONER RUIZ: Right here, honey.</p> <p>23 Look.</p> <p>24 THE CHAIR: Oh. Got you. Okay. Because</p> <p>25 when I first look at these, I think it's the</p>	<p style="text-align: right;">Page 57</p> <p>1 revision, if you unfortunately read the first</p> <p>2 version and then are now scrambling to find out what</p> <p>3 was different from the second, really, if you look</p> <p>4 at beginning on Page 3 of the letter, it starts, "In</p> <p>5 response to... ." That's a new paragraph.</p> <p>6 And then the next paragraph on Page 4,</p> <p>7 "Compensatory services ...," that paragraph has been</p> <p>8 revised. But the rest of it is verbatim from the</p> <p>9 original letter.</p> <p>10 COMMISSIONER ARMBRUSTER: I'm sorry.</p> <p>11 What's the second paragraph you cited?</p> <p>12 THE CHAIR: The middle paragraph on</p> <p>13 Page 4, which is the last page, where it starts with</p> <p>14 "Compensatory services... ."</p> <p>15 COMMISSIONER ARMBRUSTER: Got it. Thank</p> <p>16 you.</p> <p>17 MS. PATRICIA MATTHEWS: I apologize. I</p> <p>18 don't know why I numbered only one page.</p> <p>19 THE CHAIR: And I apologize, because they</p> <p>20 just -- they just got it this morning.</p> <p>21 MS. PATRICIA MATTHEWS: We'll sit quietly.</p> <p>22 THE CHAIR: So as Commissioners may still</p> <p>23 be reading, I will ask also if Charter School</p> <p>24 Division wants to weigh in on any of this.</p> <p>25 Certainly, we'll -- we're more than willing to hear</p>

Page 58

1 from them as well.
 2 So -- and I don't know.
 3 MR. ALAN BRAUER: Madam Chair, members of
 4 the Commission, I think if it would be -- if it
 5 would be useful and helpful for the conversation, I
 6 think it would be best to hear from the Special Ed
 7 Department as well as a person from the Language and
 8 Culture Bureau. And so if there are other, you
 9 know, talking points or areas of discussion that
 10 either team would like to share as we get into it, I
 11 would defer my time to them.
 12 THE CHAIR: Certainly. And we certainly
 13 appreciate that. So I don't know if they're
 14 prepared or -- I don't know.
 15 MS. CHARLENE MARCOTTE: Just come up?
 16 Okay.
 17 MR. TIMOTHY CRUM: Good morning,
 18 Madam Chair. And good morning, Commissioners.
 19 THE CHAIR: Good morning. And thank you
 20 for taking the time. And if -- I'm going to ask
 21 you, if you would, please identify yourself for the
 22 record.
 23 MR. TIMOTHY CRUM: I will do. My name
 24 is --
 25 THE CHAIR: I'm sorry. Is that on?

Page 59

1 MR. TIMOTHY CRUM: I believe it's on.
 2 Yes, ma'am. Yes, ma'am.
 3 THE CHAIR: Okay. Thanks.
 4 MR. TIMOTHY CRUM: My name is Timothy
 5 Crum, and I am the Deputy Director of the Special
 6 Education Bureau.
 7 MS. CHARLENE MARCOTTE: Good morning. My
 8 name is Charlene Marcotte, and I am the education
 9 administrator who is assigned for oversight of Alma
 10 d'Arte.
 11 THE CHAIR: Okay. I think I'm going to
 12 have to ask you to move that mic just a little bit
 13 closer to you.
 14 MR. TIMOTHY CRUM: Will do. How's that?
 15 We'll get it.
 16 THE CHAIR: So once again, thank you for
 17 taking the time out to review this and offer your
 18 input. So we're open for anything you wish to -- to
 19 add to this discussion.
 20 MR. TIMOTHY CRUM: Thank you, Madam
 21 Chairman.
 22 I think I'll open up with just a basic
 23 skeleton of what we look at. The IEP -- the "I" in
 24 IEP is "Individualized." And it seems to be that
 25 there might be a concern that curriculum or services

Page 60

1 are more uniform and not individualized. That may
 2 be the crux of a concern. It was some findings that
 3 we had when we reviewed IEPs some months ago.
 4 And having said that, it has been some
 5 months ago since we've reviewed Individual Education
 6 Plans for children with disabilities at Alma d'Arte
 7 And it should be noted. So we don't know what the
 8 current operation is at this time.
 9 So I guess maybe I would ask Charlene just
 10 to give maybe a little bit of background from what
 11 some of our findings were before to sort of set the
 12 pace or to give the body some background information
 13 in our concerns, if they, in fact, exist.
 14 THE CHAIR: Certainly.
 15 MS. CHARLENE MARCOTTE: So we asked --
 16 when this issue first came up, we asked Alma d'Arte
 17 to submit their IEPs, all their IEPs. And myself
 18 and my supervisor, we went through them. We
 19 reviewed them.
 20 And the first thing that we noticed that
 21 was a concern is that all the services for every
 22 student, regardless of the disability, regardless of
 23 the need, they all looked the same in regard to
 24 services. And that cannot be when you have students
 25 with varying levels of needs, various disabilities.

Page 61

1 And that still seems to be how it's being done
 2 today.
 3 I know they've given us different
 4 iterations of responses, and they've changed names
 5 in what they're calling the class now. But it still
 6 appears that the model in which they're providing
 7 services is the same.
 8 And like Tim said, IEPs are supposed to be
 9 individualized based on the students' needs. And
 10 that's where the concern still lies is that they're
 11 not individualized, and being that they're changing
 12 the name what they're calling a certain class. But
 13 it still could possibly not be meeting the needs of
 14 students.
 15 For example, if they need special ed math,
 16 but all they're being offered is this content
 17 mastery elective class, how do we know that they're
 18 getting special ed math? The same for reading or
 19 any other need that a student may have, we're not
 20 seeing that that is being provided based on the
 21 responses provided and based on those initial IEPs
 22 that we saw.
 23 THE CHAIR: Thank you.
 24 MR. TIMOTHY CRUM: Than back to -- if I
 25 may, Madam Chairman?

<p style="text-align: right;">Page 62</p> <p>1 THE CHAIR: Sure.</p> <p>2 MR. TIMOTHY CRUM: Back to some of the</p> <p>3 basic construct and the structures of IEPs, they are</p> <p>4 very individualized. They are a team approach. So</p> <p>5 any IEP has to have a team input. And that program,</p> <p>6 that plan, must be individualized by the team. So</p> <p>7 it has the autonomy outside of the scope of any kind</p> <p>8 of curriculum. It's very important to note that it</p> <p>9 does have that autonomy.</p> <p>10 Now, it should be based on the needs and</p> <p>11 then measurable progress, which you'll see there was</p> <p>12 a recent Supreme Court decision based on the need to</p> <p>13 provide measurable progress. That's so that the</p> <p>14 student achieves graduation ultimately, and if they</p> <p>15 don't need special education services anymore, that</p> <p>16 they would be removed from special education.</p> <p>17 So those are very -- very fundamental and</p> <p>18 very important.</p> <p>19 And I want to say this as the Deputy</p> <p>20 Director. I'm not implying that this isn't</p> <p>21 happening. What I'm saying is I am here to say this</p> <p>22 is more of laying out the construct of IEPs and the</p> <p>23 uniqueness of IEPs and the importance of each and</p> <p>24 every IEP team member.</p> <p>25 I'd like to direct you to a point in the</p>	<p style="text-align: right;">Page 64</p> <p>1 And so that -- that's -- that was a</p> <p>2 concern. And, again, I don't know the full dynamics</p> <p>3 of it; but I wanted to bring that up as well.</p> <p>4 And then there was the area about content</p> <p>5 mastery. And that was on Page 4. It was pointed</p> <p>6 out -- let me see. That's on Page 3, actually.</p> <p>7 Page 3? Uh-huh. Bottom of Page 3.</p> <p>8 That -- I looked at this, and I said,</p> <p>9 "...content mastery elective... ." Fine. Now, with</p> <p>10 that would be that in the scope of content mastery</p> <p>11 and that elective, that there would be a mechanism</p> <p>12 to provide the individualized services for that</p> <p>13 student and their particular disability, educational</p> <p>14 disability. Because there's a difference.</p> <p>15 And so if that's there, and there's a</p> <p>16 mechanism there, then I don't see a fundamental</p> <p>17 problem; you know, a fundamental problem. The idea</p> <p>18 is we keep going back to -- Charlene and I -- and we</p> <p>19 need to, the IDEA B goes there, too -- it goes back</p> <p>20 to the individual and their needs based on the</p> <p>21 team's decision to lay out a program and a process</p> <p>22 with the service time, the needs of the time,</p> <p>23 severity level, and a number of other factors based</p> <p>24 around objectives and goals and achieving those</p> <p>25 things to get them to the next grade, to get them to</p>
<p style="text-align: right;">Page 63</p> <p>1 letter that I read -- and this is the first time I</p> <p>2 saw the letter was around 9:00 or so. But the</p> <p>3 letter did say something that concerned me a little</p> <p>4 bit. And that is that some IEPs aren't being held</p> <p>5 because of cancellations.</p> <p>6 THE CHAIR: Oh. Can you --</p> <p>7 MR. TIMOTHY CRUM: Sure. I can tell you</p> <p>8 where it is.</p> <p>9 THE CHAIR: So we can look at it?</p> <p>10 MR. TIMOTHY CRUM: I think it's on Page 4.</p> <p>11 Yeah. "Compensatory services... ." So there's</p> <p>12 something important to note there, that if, in fact,</p> <p>13 a parent is unable to make it, participate, or in</p> <p>14 the case of a child being allowed to, depending on</p> <p>15 where they are and their age, then there is not a</p> <p>16 reason to cancel the IEP.</p> <p>17 And I would like to state why that reason</p> <p>18 is. It's because students with IEPs, a big part of</p> <p>19 their achieving the goal of graduating from high</p> <p>20 school is time. So if a parent can't make it, and,</p> <p>21 say, they repeatedly can't make it, that doesn't</p> <p>22 mean that the team can't meet and sort of, like you</p> <p>23 say, get a quorum and then lay out what's necessary</p> <p>24 to provide those services. We can't stop the clock</p> <p>25 for these kiddos.</p>	<p style="text-align: right;">Page 65</p> <p>1 the next grade, to either exit from special</p> <p>2 education, and, of course, to raise their hand at</p> <p>3 the end and graduate from high school.</p> <p>4 THE CHAIR: Okay. Thank you.</p> <p>5 MR. TIMOTHY CRUM: Thank you.</p> <p>6 THE CHAIR: Commissioners, do you have any</p> <p>7 questions at this point in time?</p> <p>8 Commissioner Armbruster?</p> <p>9 COMMISSIONER ARMBRUSTER: I just want to</p> <p>10 clarify something. So you're saying that -- I,</p> <p>11 think, but I'm not sure. That's why I want to</p> <p>12 clarify. If students are assigned to a content</p> <p>13 mastery elective class, which would be kind of where</p> <p>14 you would have only special education students, and</p> <p>15 you were working on improving their areas of</p> <p>16 needs -- generally, I would say that's probably</p> <p>17 language and math -- reading -- ELA and math --</p> <p>18 that's okay? Is that what you said? Or not?</p> <p>19 MR. TIMOTHY CRUM: Well, thank you for</p> <p>20 asking the clarifying question, Madam Commissioner.</p> <p>21 What I am saying is if, in fact, they are in that</p> <p>22 elective class, those individualized services that</p> <p>23 are required by the IEP which are autonomous, which</p> <p>24 are -- they trump anything else. They have that</p> <p>25 level of authority -- those services need to be</p>

<p style="text-align: right;">Page 66</p> <p>1 embedded into whatever is being provided. Those 2 particular individualized services are required to 3 be there; and then, ultimately, to meet those 4 objectives or goals that are in the IEP themselves. 5 That's what's so unique about it. 6 COMMISSIONER ARMBRUSTER: So if that 7 indeed is being addressed, then having this pullout 8 program is okay? Am I saying -- 9 MR. TIMOTHY CRUM: It could be. It could 10 be. 11 COMMISSIONER ARMBRUSTER: So we don't know 12 that actually, yet. 13 MS. CHARLENE MARCOTTE: It has to be based 14 on what the student needs. 15 COMMISSIONER ARMBRUSTER: Right. 16 MS. CHARLENE MARCOTTE: And that's the 17 concern is that they're trying to put -- and we 18 can't say for sure. But it appears from what we've 19 seen so far and how they've responded, is there's a 20 certain model, and every kid fits into that model. 21 And that's not how an IEP is supposed to 22 be. It's supposed to be whatever services the 23 student needs, that's what they're supposed to 24 receive. 25 So if I need special ed reading, I should</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. CHARLENE MARCOTTE: As long as they're 2 meeting whatever the student needs and the student 3 is getting what they need for the amount of time it 4 says on their IEP and they're documenting the 5 services they're providing, then that would be okay. 6 COMMISSIONER ARMBRUSTER: And we seem to 7 not know that right now is the issue? 8 MS. CHARLENE MARCOTTE: We seem to not 9 know that. From what we've seen in the IEPs and 10 from the responses we've received, we don't know if 11 that's happening. 12 COMMISSIONER ARMBRUSTER: So that's sort 13 of what we need to find out. 14 MR. TIMOTHY CRUM: And, Madam 15 Commissioner, you bring up a really interesting and 16 important point, too, is that ultimately, the 17 goal -- it's in, like, the first few sentences that 18 you find in the IDEA B, is that the provision of 19 free and appropriate public education is done in the 20 least restrictive environment, which is in the 21 letter, which is encouraging, because that's the 22 goal ultimately. So that we do -- so that services 23 are provided in the least restrictive environment, 24 whenever possible. 25 And so there's a whole other area as an</p>
<p style="text-align: right;">Page 67</p> <p>1 be -- and it needs to be individualized -- I should 2 be able to get special ed reading individualized for 3 whatever amount of time it says in my IEP. 4 That's -- that's where the concern lies. 5 So we don't know if that's happening, if all that's 6 being offered is this content mastery elective 7 class. 8 COMMISSIONER ARMBRUSTER: So then if -- I 9 understand what you're saying. And many students 10 can have reading needs and language needs, I would 11 say, regardless of exactly the word in the IEP. 12 MS. CHARLENE MARCOTTE: Right. 13 COMMISSIONER ARMBRUSTER: Some would write 14 one paragraph, might write two, that sort of thing. 15 So if those services -- and we don't know that yet. 16 But if the school -- and I'm sure they can tell 17 us -- what is being presented in this specialized 18 class -- and some may be on math, and some may be on 19 reading; that's how it would go -- then that would 20 be acceptable? Is that -- am I saying that 21 correctly? 22 If they're addressing the IEP through 23 instruction in, let's just say, writing right now, 24 and those are goals on their IEP, then that would be 25 acceptable for the kids who need that?</p>	<p style="text-align: right;">Page 69</p> <p>1 indicator for that. So that's encouraging to see 2 that kind of language. And that would be a good 3 objective. 4 COMMISSIONER VOIGT: Madam Chair, I have a 5 question. 6 THE CHAIR: Commissioner Voigt? 7 COMMISSIONER VOIGT: Thank you. Beyond 8 the fact that you have received no documentation 9 within an IEP that satisfies the individualized goal 10 planning or services for the students, do you feel 11 that making up -- compensatory time for services is 12 a best practice, as far as doing -- conducting the 13 IEP meetings with parents that weren't happening and 14 then trying to go back and pack in the compensatory 15 services for the students? Do you consider that a 16 good practice? 17 MR. TIMOTHY CRUM: That would not be a 18 good practice. It's a consequence of 19 non-compliance. Simple as that. 20 COMMISSIONER VOIGT: Thank you. 21 COMMISSIONER CABALLERO: Question, 22 Madam Chair? 23 So -- 24 MR. TIMOTHY CRUM: Now providing them -- 25 sorry to interrupt, Commissioner. But now providing</p>

<p style="text-align: right;">Page 70</p> <p>1 the compensatory services according to a timeline is 2 certainly the proper practice after the 3 non-compliance. 4 COMMISSIONER CABALLERO: Okay. So that's 5 what I was getting at. Not every school is going to 6 be in compliance. So once they're getting into 7 non-compliance, it could be obviously 8 non-compliance, or seems to be that if it's not 9 individualized instruction, and they get there, 10 compensatory -- some plan with timelines that would 11 be acceptable, not only to the rules and the law, 12 but to your Department, so that we know that it's 13 balanced for the student. 14 And so my understanding, from reading what 15 was presented, is that something was caught. An 16 explanation as to what may have happened. There 17 were people visiting. And now people were added. 18 And now there's an effort to do compensatory 19 services. They may -- that plan may be a good plan 20 or short of what we feel should be a good plan. 21 But we don't know that yet; right? We 22 still need to get a good handle as to are they doing 23 what they say they're doing and what they should be 24 doing. We still have to determine that. 25 MS. CHARLENE MARCOTTE: Right. Yes. We</p>	<p style="text-align: right;">Page 72</p> <p>1 on it. And I read the material. I tried to read as 2 much about what was mentioned. 3 A lot of it was acronyms, and I had to 4 deal with those. It's a very involved area. 5 It's -- to me, it's very difficult. I would have 6 found it hard to be a teacher doing that. And 7 teaching is not easy to begin with. And this one 8 is -- you have to be very special teacher to get 9 into this. 10 But it seems to me that the problem is a 11 little bit exacerbated, because we're at the end of 12 the school year, one. Two, if I'm a parent and I 13 have a child, and I now discovered that the child 14 needs compensatory services, as a parent, I'm -- am 15 I going to take the risk, because now I'm teed off 16 and move somewhere else? Or do I feel -- and it's 17 necessary to keep the child, to come back in for the 18 next school year so that we can bring him up to 19 date? 20 And if -- and if parents do move around -- 21 and they do with charter schools -- how should those 22 plans be set up so that that child moves with his 23 plans? And, of course, the new charter school is 24 going to have a good time with that one. 25 But the idea that I get from you all is</p>
<p style="text-align: right;">Page 71</p> <p>1 haven't seen -- we haven't seen the service logs, 2 because they should be tracking the compensatory 3 services they're providing. We haven't seen service 4 logs or seen what that entails for students yet. 5 So we haven't asked for it yet, either, to 6 be fair. So that's something that we could request 7 to see if that's being implemented appropriately. 8 MR. TIMOTHY CRUM: And your points, 9 Mr. Commissioner, are very important, too, because 10 what you have with students with IEPs are students 11 that are always dealing with time, as I mentioned 12 before. So it's a very, very delicate balance to 13 introduce compensatory time; because they already 14 have their standing time. 15 And so you don't want to overwhelm them. 16 That's a good reason for an IEP team to visit and 17 meet and determine which each individual -- how much 18 they can handle of compensatory and when and how, to 19 introduce that, get to the point where you -- you 20 mitigate all the compensatory, and then you're back 21 on a regular schedule again. So points are 22 well-taken. 23 COMMISSIONER CABALLERO: Now, I take it -- 24 and I'm not familiar as all my Commissioners with 25 this area of education, so I'm trying to get a grasp</p>	<p style="text-align: right;">Page 73</p> <p>1 that it has to be a workable plan, a balanced plan 2 for the child; no matter what, individualized. 3 MR. TIMOTHY CRUM: That would be correct, 4 Mr. Commissioner. 5 COMMISSIONER VOIGT: Madam Chair? 6 THE CHAIR: Commissioner Voigt? 7 COMMISSIONER VOIGT: Did I hear you just 8 say that you had not received -- or that you had not 9 requested the goals from the school? 10 THE CHAIR: The service logs. 11 COMMISSIONER VOIGT: The service logs, the 12 logs; is that right? 13 MS. CHARLENE MARCOTTE: Yes. 14 COMMISSIONER VOIGT: So the documentation 15 that you do have from the school, does it -- do they 16 reference in any of their -- in the IEP documents 17 that you have that they did have a team meeting 18 around the student services? 19 MS. CHARLENE MARCOTTE: They have their 20 signature page from the IEP indicating that the team 21 was present. 22 COMMISSIONER VOIGT: Okay. Okay. Super. 23 Thanks. 24 THE CHAIR: Well, before you -- can I just 25 ask just out of the bizarre chance that you have any</p>

1 service logs here with you?

2 MS. REBECCA BEIDLER: I did not bring any
3 service logs because they were not requested.

4 THE CHAIR: That was a super-wish; so I --
5 I'll let Commissioner Armbruster, then -- I just
6 wanted to check, because then we would be able to
7 look at it. So I'm good.

8 COMMISSIONER ARMBRUSTER: I wanted to
9 check on the procedural. Because there are parents,
10 for any number of reasons, who cannot come to an IEP
11 meeting, regardless if you're having it at 7:00 in
12 the morning or 8:00 at night. That's just life.

13 But I thought you could convene an IEP
14 meeting -- tell the parent, send out the prior
15 notice and all that kind of thing, have the team
16 meet, the special ed teacher, an administrator, the
17 teacher, blah, blah, blah, and produce an IEP, send
18 it home to the parents with the signature page, ask
19 them -- with the return address and stamps and all
20 that kind of stuff, and they could approve it that
21 way. Is that true?

22 Or what would you do, I guess, if that's
23 not okay? What would you do?

24 MS. CHARLENE MARCOTTE: So what we do
25 recommend is that LEAs do the best they can to make

1 COMMISSIONER CABALLERO: Somewhere I read
2 that the parents have an option to opt out. Is that
3 according to law? Can -- if my child needs a lot of
4 help, I can -- because now I'm more concerned about
5 the emotional well-being, and the child says, "I
6 don't want to be in special ed, blah, blah, blah, I
7 want to be out," can a parent really pull out the
8 child, put them in regular class and no more IEP for
9 that child, no more special attention, can actually
10 come into nothing but "F"s, eventually drop out, can
11 that happen?

12 MS. CHARLENE MARCOTTE: Yes.

13 MR. TIMOTHY CRUM: Yes.

14 THE CHAIR: All of us -- it is -- and I'll
15 express -- and I'm sure everyone else who's been
16 there -- it is incredibly frustrating. But, yes, a
17 parent can opt out of services. And it's --
18 there's --

19 COMMISSIONER CABALLERO: Wow.

20 THE CHAIR: Yeah. It's -- and
21 unfortunately, I think we've all

22 been-there-done-that. And --

23 MS. PATRICIA MATTHEWS: Just as a
24 technicality, if the district so chose, they can go
25 to hearing and force the IEP; so there is a

1 contact with parents and to document their efforts
2 in contacting the parent. And if they have at least
3 three -- I don't know where that came from -- but
4 three is what's acceptable -- is that they have
5 three attempts to contact the parent and they're not
6 successful, they can go through with the IEP meeting
7 and make the decisions that are best for that
8 student without the parent there, based on the
9 documentation that they have that the parent
10 couldn't attend or didn't attend.

11 And they have all the attempts made to
12 contact the parent and invite them to the meeting.
13 And then we do recommend that they do send the IEP
14 to the parent to get their signature or input if
15 there -- I mean, they could still provide input at
16 that point, too. So that is usually the process
17 for --

18 COMMISSIONER ARMBRUSTER: Right. So
19 there's some way to update an IEP, certainly not an
20 initial one, I'll say; but --

21 MS. CHARLENE MARCOTTE: Yeah, if they
22 cannot attend in person.

23 COMMISSIONER CABALLERO: One more
24 question-clarification, please?

25 THE CHAIR: Sure, absolutely.

1 mechanism.

2 THE CHAIR: But how often does that --

3 MS. PATRICIA MATTHEWS: It doesn't; so...

4 THE CHAIR: Yeah. It is. It is. So it's
5 sad. Beyond the frustration, it's -- it's sad that
6 that happens.

7 COMMISSIONER ARMBRUSTER: I have one more
8 point that I'd like to address.

9 So in addition to -- not necessarily
10 instead of, but could be -- of a pullout program,
11 where you're specifically addressing IEP goals
12 that -- because this child may be four years below
13 the class; so it's hard to expect a teacher to do
14 everything.

15 But could you also be fulfilling the IEP
16 by providing a service within the regular classroom,
17 which I guess we would consider that inclusion, an
18 inclusion classroom. You could also be doing a
19 program or teaching a specific way that -- we'll
20 call them regular ed for whatever that -- I'm not
21 defining that word -- but regular ed as well as the
22 identified special ed students could all benefit
23 from that program within the regular classroom in an
24 inclusion setting. Yes?

25 MS. CHARLENE MARCOTTE: Yes. That would

<p style="text-align: right;">Page 78</p> <p>1 all be based on the student's need. That would go 2 back to the individualized part. So if a student 3 can handle being in their general ed class with just 4 the teacher coming in and providing the support in 5 the classroom, definitely, that's what the student 6 needs. 7 But, again, it all goes back to what the 8 student needs. If a student can handle that, and 9 that's the best thing for that student, then, yes, 10 definitely, yes. 11 COMMISSIONER ARMBRUSTER: So it could be 12 both, actually. 13 MS. CHARLENE MARCOTTE: So it could be 14 both. They could get special ed math in the 15 resource room and then get special ed math inclusion 16 also in the classroom. So it could be both. 17 But, again, it's based on what the student 18 needs, based on the data, based on all of that you 19 have to look at when you're developing an IEP. So 20 it just -- again, it depends on that student. 21 COMMISSIONER ARMBRUSTER: Thanks. Thanks. 22 MR. TIMOTHY CRUM: To reiterate, 23 Madam Chair, the -- the enrollment aspect of the 24 student with disabilities, they are first a general 25 education student, and then they're a student with</p>	<p style="text-align: right;">Page 80</p> <p>1 I have reviewed the EL area of the 2 document several times for the school for this 3 purpose. 4 THE CHAIR: Okay. Thank you. 5 MS. KIRSI LAINE: So I think one of the 6 concerns -- this -- actually, this time when I 7 reviewed it, it looked -- the steps are all there, 8 except for an annual notification of program 9 placement. 10 So under Title I, any student -- any EL 11 student within an EL program, there has to be an 12 annual notification to parents. 13 We have a sample letter. It's actually 14 pretty detailed, the pieces that have to be in that 15 notification letter. So we have a sample actually 16 on our web site. It would be nice to see if that 17 sample is maybe being used. 18 There has to be an initial notification 19 letter in case the school is actually initially 20 identifying a student as an EL; so there has to be 21 an initial notification letter as well. 22 And both letters have to be sent within 23 30 days of beginning of school to the families. 24 And if a student enrolls within the school 25 year, they have two weeks, basically, to look at</p>
<p style="text-align: right;">Page 79</p> <p>1 disabilities. So there is an emphasis and a best 2 practice, if you will, around that language in the 3 context of that. And that, of course, plays into 4 the LRE, the least restrictive environment. 5 THE CHAIR: Commissioners, any other 6 questions? 7 (No response.) 8 THE CHAIR: Thank you. And if I could 9 just ask you to hang around for a little bit so that 10 if there is any other -- any additional questions 11 after the school has time to respond, we'd 12 appreciate the time, if you have it. 13 MR. TIMOTHY CRUM: We're happy to do it, 14 and it's good to see you. 15 THE CHAIR: Thank you very much. We 16 appreciate this. 17 MR. ALAN BRAUER: Madam Chair, members of 18 the Commission, we do have someone from the Language 19 and Culture Bureau here, too, if you do wish. 20 THE CHAIR: Absolutely. Thanks. I 21 apologize. We don't recognize all the faces. So 22 when you're out there, I don't know the "Who's Who." 23 MS. KIRSI LAINE: Thank you, Madam Chair. 24 My name is Kirsi Laine. I'm the Deputy Director of 25 the Language and Culture Bureau.</p>	<p style="text-align: right;">Page 81</p> <p>1 program placement and then notify the parents. 2 So that piece was missing. 3 Everything else seemed to be in 4 consecutive order on there. 5 I think one of the questions that I still 6 have is, is it -- how is this really being 7 implemented? Because we've revised it several 8 times, which is great, because as we revise 9 documents, we learn. But I think that is kind of 10 the question back, like how is this going to be 11 rolled out? 12 And there was a few things that leave a 13 little bit of a question still is the WIDA Screener 14 was mentioned as an assessment. It is really a 15 screening tool, and it is not the same as the WIDA 16 ACCESS for ELLs. Both assessments were mentioned in 17 there and kind of in the correct order. But the way 18 WIDA Screener was put in there made me think it is 19 not the annual assessment; it is just the screening 20 assessment for EL placement. I wasn't sure if that 21 was exactly clear because of the wording. 22 Those are the only comments that we would 23 have for that document. 24 THE CHAIR: Okay. Thank you so much. 25 COMMISSIONER CABALLERO: Point of</p>

<p style="text-align: right;">Page 82</p> <p>1 clarification, Madam Chair? 2 THE CHAIR: Oh, sure. Absolutely. 3 COMMISSIONER CABALLERO: Somewhere I read 4 in the letters, English sufficiency -- or 5 proficiency -- one of those. And it came to mind, 6 what is that? At what point is that? And does the 7 child play into, "No, I'm not ready for -- to leave 8 help with English"? 9 At what point is that? 10 MS. KIRSI LAINE: Commissioner, so English 11 proficiency is measured in school with the ACCESS 12 for ELLs annual assessment. It's an annual -- it's 13 a statewide assessment from WIDA. 14 So if the student actually earns a 15 composite score of 5.0 or higher, they are 16 considered proficient in English and therefore they 17 would exit the EL program. 18 Of course, like in anything, any student 19 would be taught to the needs that the student has. 20 But for -- when a student is proficient and exits an 21 EL program, you have to, per state regulation, 22 monitor that student for two years to make sure that 23 the student actually is able to be in the classes 24 without language supports. 25 COMMISSIONER CABALLERO: Okay. Now, I --</p>	<p style="text-align: right;">Page 84</p> <p>1 get provided bilingual ed, I'm kind of not sure 2 whether that lead test is -- is a good measure; 3 because -- in other words, I think that to some 4 extent we need to test those kids in math -- if 5 they're already in seventh or eighth grade, and 6 they're taking advanced math, and it's 7 problem-solving, how good of a grasp do you have, 8 and get tested only in that, and see if they're able 9 to solve it. 10 I think that -- and the students that were 11 born in El Paso and their parents were primarily 12 English speakers did very, very well with flying 13 colors in that area. And I think some of us did 14 suffer by misinterpreting one word, and the formula 15 went one way, and the reality was another. 16 And we were very fortunate to have 17 Hispanic math teachers. But not all of them were 18 Hispanic. Once we got to high school, they were all 19 non- -- English speakers. 20 So that's just -- it stuck in my head, 21 how -- what determines proficiency? 22 MS. KIRSI LAINE: No. I think that's a 23 really good point. And thank you for bringing it 24 up. That WIDA ACCESS ELL Assessment is actually 25 interesting in that it looks at -- it's measured --</p>
<p style="text-align: right;">Page 83</p> <p>1 my language is Spanish, primarily, and I had to 2 learn English. And I was really good at math. And 3 so were my friends from Mexico. I mean, we were 4 awesome in math. 5 It became very, very hard, once we got 6 into the -- the solving problems that were written, 7 and the concepts, we would get confused with how it 8 was laid out. I don't think we had a true grasp of 9 the words and their meanings. And so, consequently, 10 if it weren't for the teachers that were bilingual 11 and would say it in Spanish, we wouldn't get it. 12 And all of us did very well, only because 13 we had to work as a group. And in U.S. schools, 14 that's not allowed; but it's very prevalent in 15 Mexico. You work as groups. And so we were able to 16 decipher what the question requested, how to solve 17 the -- the problem. And everyone continued, all of 18 us except me and another guy that went somewhere 19 else, that became engineers. 20 But the English portion was the hardest. 21 And I think we would have done better in 22 the testing of math, SAT, and all those, had we had 23 a much better grasp. 24 So I'm not quite sure at what point -- 25 since we weren't tested out or in because we didn't</p>	<p style="text-align: right;">Page 85</p> <p>1 it's linked to our EL standards, which are the 2 standards in all the content areas. So there's the 3 language of math, language of science, social 4 studies, English language arts, and then social 5 instructional language. 6 And the assessment actually really 7 measures language in those content areas; so whether 8 the student really has mastery of the academic 9 language of the content area. So that includes 10 math. And so as such, it does look at that academic 11 language piece. Before you actually can show 12 proficiency, you would have to have a fair measure 13 of academic language in each of the content areas on 14 there. 15 And I had another thought. Oh. My other 16 thought was in terms of a student who is coming here 17 and, say, is going to a school -- a high school and 18 is a newcomer, maybe came from Mexico, maybe came 19 from another country. But if the home language is 20 Spanish, we, as a state, do allow that a student 21 take the state assessment in Spanish for the first 22 three years, they can do that. And then that can be 23 waived for two additional years so that they can do 24 the content assessment in -- but it's only if the 25 home language is Spanish. But it doesn't work if</p>

<p style="text-align: right;">Page 86</p> <p>1 the student comes from another part of the world 2 where Spanish is not the home language. 3 COMMISSIONER CABALLERO: Thank you, 4 Madam Chair. 5 THE CHAIR: Okay. Thank you. 6 MS. KIRSI LAINE: Thank you. 7 THE CHAIR: Commissioners, any other 8 questions? 9 (No response.) 10 THE CHAIR: Thank you once again. We 11 appreciate the time. And if we could ask you to 12 just hang in with us for a little bit in case 13 there's questions that come up based on what the 14 school says, I'd appreciate it. 15 Thank you. 16 MS. KIRSI LAINE: Thank you. 17 MS. PATRICIA MATTHEWS: Madam Chair, 18 members of the Commission, I'm not sure how you want 19 us to respond. But I will -- I would like to make 20 some comments, at least, on the -- on the special ed 21 part. After my conversation with Ms. Jaeger on 22 Monday, I understood that the issues were -- were 23 primarily with those two paragraphs in the document. 24 So... 25 THE CHAIR: Okay. I'm sorry. Could you</p>	<p style="text-align: right;">Page 88</p> <p>1 THE CHAIR: Well, I'm willing to respond 2 to that. Because it was clear at the meeting 3 through our motion that we cleared out the financial 4 portion of the CAP, but we were not satisfied with 5 the school's response to the CAP. 6 We closed out, and the school was fine. 7 We were in a good place with the financial piece of 8 the CAP. But we were unwilling to continue -- this 9 was not a back-and-forth for the entire school year 10 to get to a place with the CAP on the ELL and the 11 special ed, that after two or three months, we were 12 still in a very unsatisfactory point with the 13 situation involving the ELLs and the special ed. 14 So at that point in time, the Commission 15 voted to write the Letter of Concern so that it was 16 clear in that letter what those concerns still 17 existed. 18 So I don't know why anyone would be 19 confused as to whether that ELL and the special ed 20 CAP was closed out, because we were clear in the 21 motion that we only closed out the financial. 22 MS. PATRICIA MATTHEWS: Okay. I don't 23 know if anyone is here to talk about ELL. 24 MS. REBECCA BEIDLER: I can talk about 25 ELL.</p>
<p style="text-align: right;">Page 87</p> <p>1 just -- which two -- which document? Which two 2 paragraphs? 3 MS. PATRICIA MATTHEWS: In the letter -- 4 the response. 5 MS. AMI JAEGER: No, the letter from the 6 school. 7 COMMISSIONER CABALLERO: The response. 8 COMMISSIONER VOIGT: The updated response. 9 THE CHAIR: The letter that came from the 10 head administrator. 11 MS. AMI JAEGER: Correct. 12 MS. PATRICIA MATTHEWS: On May the 1st, 13 Dr. Schullo sent her response. And then Ms. Jaeger 14 was kind enough to speak with me on Monday to 15 explain what we thought were the residual issues. 16 And so I don't know if the school is prepared to 17 speak about the issues still remaining with the ELL. 18 Unfortunately, this seems to be a 19 whack-a-mole procedure, because I'm not real clear 20 how the process is supposed to work. 21 We had a CAP. I thought the CAP was 22 finished. Now we're having the Notices of Concern. 23 I thought those -- we were on a path there. But I 24 don't need for that to be responded to. I think 25 that I --</p>	<p style="text-align: right;">Page 89</p> <p>1 MS. PATRICIA MATTHEWS: But I'm going to 2 talk about special ed real quickly. 3 I think what I did hear the Special 4 Education Bureau say is they have not looked at the 5 revised IEPs, which are all up to date at this time. 6 I was confused by the Deputy Director's 7 statement that -- and I thought I heard him say that 8 the school could proceed to hold IEPs and update -- 9 or address the amendment which would be required to 10 essentially negotiate the compensatory services that 11 are outstanding. I thought I heard him say that. 12 I don't believe that's correct. I 13 would -- it would make sense to me only that the 14 parent -- because you -- the compensatory services 15 are to resolve non-compliance. And so in order for 16 that to be resolved to the -- to the team's 17 satisfaction, there would have to be a team meeting. 18 And in the letter, we indicate that those meetings 19 are ongoing, because of difficulty in scheduling. 20 So I -- I do want -- 21 THE CHAIR: Let me just stop there so we 22 can get a clarification. And you can correct me if 23 I'm wrong from what I heard with that. 24 I believe the statement was that a team 25 meeting could take place without the parent being</p>

Page 90	Page 92
<p>1 there. So the negotiations were still taking place. 2 But the letter indicates that there's still seven or 3 nine that are outstanding because you can't get the 4 parent there. 5 And I believe the Bureau indicated that as 6 long as the team -- absent a parent being there, 7 they could meet and -- and make those additional 8 accommodations or agreement. 9 Is that what I heard? 10 MS. PATRICIA MATTHEWS: To address 11 compensatory services? 12 MR. TIMOTHY CRUM: Yes. In the -- 13 THE CHAIR: Can you hear him, Cindy? 14 THE REPORTER: (Indicates.) 15 THE CHAIR: Okay. 16 (Approximate entry of 17 Commissioner Robbins.) 18 MR. TIMOTHY CRUM: So in the context of 19 the team meeting, yes. If there's something beyond 20 the team meeting -- let's say that there was a 21 hearing. Let's say that there was an alternative 22 dispute resolution. Let's say there was something 23 more along the lines of negotiating services. 24 That's -- that's not the context I'm speaking of. 25 I'm speaking in the context of an IEP team</p>	<p>1 without them being there and asks you to hold off, 2 you hold off. And so that is why I have not held 3 those meetings; because they do want to discuss, 4 because transportation is an issue with our kids if 5 the parent is not in agreement. So I am not -- I 6 have not held those meetings with those parents 7 because they have asked me to hold off. 8 Many of my parents have asked if we can 9 carry into the next year, which I don't have a 10 problem carrying into the next year, because they do 11 not want their kids to come during summer; they do 12 not want their kids to come after school. 13 I have tried to comply with what the 14 parents are requesting. 15 THE CHAIR: Okay. And if that had been 16 indicated in the letter, that it was the parents 17 that were requesting not to have the meetings -- but 18 the letter says, "Oh, we haven't had these meetings 19 because we can't, I think, get ahold of the 20 parents," or, "The parents aren't coming." 21 There was no indication that it was a -- 22 MS. REBECCA BEIDLER: It says, "Due to 23 cancellations." 24 THE CHAIR: Yeah. Well -- but that 25 doesn't mean the parent is asking to hold off. That</p>
<p>Page 91</p> <p>1 meeting being held in order to expedite the 2 compensation that the student has lost. So that 3 would be the context that I would put it in. 4 THE CHAIR: All right. 5 COMMISSIONER CABALLERO: And they did 6 describe -- 7 THE CHAIR: And I'll be honest. I've had 8 those meetings. Absolutely. I think we all have, 9 that, unfortunately, you can't get ahold of the 10 parent. But that's not going to say we're not going 11 to do anything until, you know, the parent shows up, 12 that we hold -- we participated in those team 13 meetings without a parent there. 14 COMMISSIONER ARMBRUSTER: Sometimes they 15 say it's okay. 16 THE CHAIR: Absolutely. And you're right, 17 absolutely. Sometimes a parent will communicate and 18 say, "I can't be there, but it's okay." Where -- 19 you know, you'll -- we'll see what it is, and then 20 if the parent has a concern about it, they'll 21 communicate it back. Yeah. 22 MS. REBECCA BEIDLER: Okay. Madam Chair, 23 Rebecca Beidler, special education teacher, Alma 24 d'Arte. 25 When a parent asks you not to hold it</p>	<p>Page 93</p> <p>1 could just be they just continually cancel and 2 they're -- you know, they're -- it's disinterest. 3 So there's a difference between, "Hey, 4 they keep canceling," or, "They've asked us to 5 postpone this." So, you know, it's -- it's 6 semantics; but it's -- you know, it's what we're 7 reading. 8 MS. REBECCA BEIDLER: Yes, Madam Chair. 9 My next stop is law school. 10 THE CHAIR: And I'm not a lawyer. So, you 11 know, we're all lay people here trying to parse this 12 all out. 13 MS. REBECCA BEIDLER: I know. I know. 14 THE CHAIR: So it's how we're reading 15 this; so... 16 MS. REBECCA BEIDLER: I'm not trying to be 17 rude nor disrespectful. And I apologize. It's just 18 when language is involved, it get very convoluted at 19 times. And it's very difficult to make the readers 20 understand; because when one person writes 21 something, you may read it one way, whereas, I read 22 it totally a different way. 23 So when language is written, it is very 24 convoluted at times by the reader. And so I 25 apologize if I seem disrespectful, because I don't</p>

<p style="text-align: right;">Page 94</p> <p>1 at all mean to be disrespectful. 2 THE CHAIR: Thank you. 3 COMMISSIONER VOIGT: Madam Chair? 4 THE CHAIR: Commissioner Voigt? 5 COMMISSIONER VOIGT: You know, just -- in 6 the short time that I have been on this side of the 7 fence, this issue really seems about organization 8 and documentation. 9 MS. REBECCA BEIDLER: It is. 10 COMMISSIONER VOIGT: We hear these great 11 things, and you're doing these things that are in 12 compliance. But I think the PED Special Education 13 Bureau has not received the documentation. 14 MS. REBECCA BEIDLER: They haven't asked. 15 COMMISSIONER VOIGT: And you have to be 16 proactive. You can't wait for them to ask. You 17 have to be in front of it. They haven't received 18 the documentation to substantiate that these things 19 are being done with fidelity. And I think that's 20 really all this is about is having that 21 documentation brought forward, that evidence, you 22 know, to say that these things are being done. 23 MS. PATRICIA MATTHEWS: Madam Chair, 24 Commissioner Voigt, I don't believe that -- I will 25 say that I don't know what the CAP is. I don't have</p>	<p style="text-align: right;">Page 96</p> <p>1 services. And I apologize that the letter was not 2 that explicit that the parents had requested the 3 extensions. 4 I -- 5 THE CHAIR: Can I just tag on to that? 6 And I appreciate the concept of proactiveness. And 7 you're right. There wasn't a requirement placed in 8 that CAP. But if I was a school who compensatory 9 time and services and IEPs were -- it was a 10 question, I think to be able to close out that CAP, 11 to have the communication with the Special Ed Bureau 12 to say, "Please review this, please take a look at 13 our service logs so that we can communicate back to 14 the Commission that we have closed out this concern 15 with the Special Ed Bureau," and, therefore, 16 everyone should be satisfied. 17 But, you know, that's -- if I was in the 18 position of the scrutiny, I would want to be able to 19 provide the verifiable information that the Special 20 Ed Bureau is, in fact, satisfied, because we have 21 provided the sampling of the IEPs. We have provided 22 our service logs, and they have indicated to us that 23 it's -- we are now in compliance, because the issue 24 was compliance. 25 So -- but it's -- we learn everything</p>
<p style="text-align: right;">Page 95</p> <p>1 it in front of me. 2 But it's my understanding that it was not 3 a requirement, that once the things that were 4 identified to be wrong with the IEPs, that there was 5 a follow-up inspection of all IEPs, which hasn't 6 been done. 7 They have been -- all of the IEPs have 8 been rewritten since the ones that the Special 9 Education Bureau has reviewed. The logs that they 10 mentioned and admit they haven't even asked for -- 11 so when you say "proactive," I don't recall that 12 being a requirement that charter schools proactively 13 provide IEPs to the Department for compliance 14 reviews on all levels. 15 So that's a miscommunication on both ends, 16 if that's what was wanted. So I understand that 17 there could be some concerns there. But, you know, 18 certainly the doors are open. If SpEd wants to come 19 and reinspect all of the IEPs for compliance, they 20 can be made available, or they can certainly come to 21 the school for that review. So I just think there's 22 a crossways there on what was required. 23 So -- but the IEPs have been redone. They 24 are all up to date. And what we're talking about 25 are some amendments to deal with compensatory</p>	<p style="text-align: right;">Page 97</p> <p>1 every day. So it's also important for us to know 2 what we need to put into potentially future 3 Corrective Action Plans so that we -- that we do 4 have clarity for the schools as well. 5 MS. PATRICIA MATTHEWS: So just to be 6 clear, is the Commission asking the school to send 7 all of the IEPs to the Special Education Department 8 for review? 9 THE CHAIR: We haven't asked that, no. 10 MS. PATRICIA MATTHEWS: I just want to 11 make sure that's clear. 12 THE CHAIR: I've made it clear that that 13 was not in the CAP. 14 MS. PATRICIA MATTHEWS: All right. 15 I do want to address -- I think Ms. -- or 16 Commissioner Armbruster was getting into this 17 question. And it seemed to be suggested by the 18 Department representatives that this mastery class 19 that we're talking about here, some of the students, 20 depending on what their IEP says, would be assigned 21 to those classes, not all of them. 22 COMMISSIONER ARMBRUSTER: Right. 23 MS. PATRICIA MATTHEWS: Okay? So 24 depending on -- and I think that was exactly where 25 you were getting to, Commissioner Armbruster. And I</p>

Page 98

1 think the implication from the Division was that --
 2 or the Bureau -- was that that was happening, that
 3 they were all just being pushed into this one class,
 4 and that's how their IEPs were being dealt with.
 5 That is not what is happening. The
 6 students are receiving Individual Education Plans
 7 and services based on what's described in the IEP.
 8 So they are -- they could be in a regular classroom
 9 being served by the special education teacher, or
 10 they could be assigned to this particular classroom,
 11 depending on what each IEP says.
 12 COMMISSIONER ARMBRUSTER: I understood
 13 that.
 14 MS. PATRICIA MATTHEWS: Okay. I just
 15 wanted to make that clear, because I don't think
 16 that was a take-away from what SpEd said.
 17 THE CHAIR: No. And I'm going to speak
 18 for them. But I think they were clear. But just
 19 based on looking at a schedule of what this class
 20 looks like, because they have not seen the updated
 21 IEPs, so they can't verify for us that that is what
 22 is happening in that class, that that class, just by
 23 looking at the schedule, could have the appearance
 24 of a one-size-fits-all.
 25 But without, once again, seeing updated

Page 99

1 IEPs, they can't verify that there is individualized
 2 instruction going on there.
 3 Am I correct?
 4 MS. CHARLENE MARCOTTE: Yes.
 5 MR. TIMOTHY CRUM: Yes.
 6 MS. PATRICIA MATTHEWS: That's clear. And
 7 as soon as they ask for it, we'll be more than happy
 8 to provide it to them.
 9 Was there anything else you thought we
 10 needed to respond to, Ms. Beidler?
 11 Dr. Schullo, did you want to respond to
 12 anything about the ELL?
 13 DR. HOLLY SCHULLO: Actually, I want to
 14 thank you -- Madam Chair, thank you. I think we're
 15 coming to a clearer understanding. And some of this
 16 is coming down to just language.
 17 We have -- we've reviewed everything. And
 18 I wish on our site visit -- maybe something that
 19 would have been helpful would have been to have a --
 20 the Bureau members with the site team, you know, to
 21 open up our files once again and see the detailed
 22 work that we've produced.
 23 THE CHAIR: Right. And I'm going -- and
 24 CSD can --
 25 DR. HOLLY SCHULLO: Sorry.

Page 100

1 THE CHAIR: -- can correct me if I'm
 2 wrong. But I do know that they often try to
 3 schedule and bring other bureaus in. But bureaus
 4 are also very busy. So oftentimes, schedules don't
 5 coincide.
 6 So in a perfect world, where there's a
 7 huge staffing, that would be great, if that was part
 8 of every team with every site visit. But
 9 unfortunately, it's state government; so it -- we
 10 don't have the resources. And you can add, if you
 11 wish.
 12 MS. KAREN WOERNER: No, Madam Chair.
 13 Thank you. I would agree with what you just said.
 14 And per the CSD site visit team in October, the
 15 concerns that have been expressed were very readily
 16 apparent. And so -- and the things that the Bureau
 17 mentioned were big concerns.
 18 I do want to say that our second site
 19 visit in April, at least regarding the special ed
 20 pieces -- but I'm not the expert, so I rely on
 21 Special Ed -- but we did look at IEP folders. And I
 22 think Ms. Beidler has been hired since that first
 23 visit and has done a great job in getting things in
 24 order for the special ed students.
 25 Of course, I'm still very concerned about

Page 101

1 them and the lack of time that happened in the fall.
 2 But it's not of any fault of Ms. Beidler. She came
 3 after that.
 4 And I do think that from my limited
 5 special ed experience, I think that what I saw in
 6 the IEPs was vastly different and wouldn't have
 7 caused alarm for me had that been what I saw in
 8 October. So I do think there's been drastic
 9 improvements in the school in this regard.
 10 And I know that the Special Ed Bureau
 11 hasn't had a chance to actually review them
 12 themselves. So I defer to them.
 13 But what I saw did seem a vast
 14 improvement.
 15 Our bigger concern from the site visit
 16 team is just in the lack of response to, in the
 17 fall, to getting some of these students serviced.
 18 And the same applies to the EL students. I -- the
 19 school still doesn't have English Language
 20 Development, or ELD, courses offered, and they're
 21 going to next school year. It's the end of the
 22 school year now. But when we pointed out in
 23 October, it was because we were concerned then.
 24 So some of this has been in the continued
 25 responses that have come each step of the way. And

<p style="text-align: right;">Page 102</p> <p>1 causing further delay for students is our main 2 concern.</p> <p>3 THE CHAIR: Right. And that was -- I'll 4 simply say that's always been our concern from the 5 very beginning, that it's the -- it was the lateness 6 in getting services. And I understand the staffing 7 issue. But there were students that went 300 hours 8 without compensatory services at the beginning of 9 the year. It's a concern.</p> <p>10 And it -- and it has -- and it has to be, 11 not because of the specific hours that have to be 12 provided, but those specific hours represent 13 students that need services.</p> <p>14 And above all else and -- you know, I've 15 made this public record -- it ended up two hours 16 short. By statute, that's -- you know, you have to 17 have the hours; but the concept is we're not meeting 18 the needs of students. And the -- I can't imagine 19 the frustration of those students sitting in classes 20 that they can't be successful in because they're not 21 getting the help that they -- that they need.</p> <p>22 And I think that -- I don't know if that 23 potentially plays into numbers of students that left 24 the school out of frustration. And that's -- that's 25 sad, because that's not what we want to see</p>	<p style="text-align: right;">Page 104</p> <p>1 agree with them more. Because I walked into a mess. 2 And so I had -- I had -- I had two seniors who 3 needed compensatory services. One of our seniors 4 only had mental health services. And that senior 5 has been accepted by the Marine Corps. Don't know 6 if he's going to make it or not. But I think his 7 biggest problem is absences -- I'm not saying any 8 names.</p> <p>9 MS. PATRICIA MATTHEWS: Well, it's pretty 10 easy to identify one kid.</p> <p>11 THE CHAIR: I'm getting a little -- I'm 12 getting a little concerned.</p> <p>13 MS. REBECCA BEIDLER: But tests may be a 14 problem. That's all I can say. But it's not going 15 to be credits.</p> <p>16 THE CHAIR: All right. And, you know, 17 this was never anything ever addressed to you. And 18 we understand the -- the mess; but the -- you know, 19 our concern --</p> <p>20 MS. REBECCA BEIDLER: I understand. My 21 concern is that --</p> <p>22 THE CHAIR: -- goes to when the mess 23 started and that it wasn't addressed early enough 24 and successfully enough. And that's -- I do -- I do 25 have a question about -- because in our Letter of</p>
<p style="text-align: right;">Page 103</p> <p>1 happening in our schools.</p> <p>2 I will ask, out of the seniors that will 3 be graduating, do we have an idea of how many are 4 short? Because I -- I understand you're rolling 5 over compensatory time to next year. But that --</p> <p>6 MS. REBECCA BEIDLER: They're not short. 7 The seniors aren't short.</p> <p>8 THE CHAIR: So there weren't any seniors 9 in that cohort that were short?</p> <p>10 MS. REBECCA BEIDLER: There's three 11 seniors in that cohort. And the compensatory 12 service has been made up for those seniors. They're 13 all passing, doing very well.</p> <p>14 The only thing that might hold them back 15 would be a portion of the State exam, which 16 (indicates) I can honestly say -- I know what all 17 the technical assistance manuals say on the 18 New Mexico PED website concerning special education, 19 because I am very well-versed in them. I used to 20 teach special education in -- at the college level, 21 and I understand everything that Charlene was 22 saying.</p> <p>23 I understand everything that the -- that 24 the Assistant Director -- the Deputy -- yeah, Deputy 25 Director -- excuse me -- was saying. And I can't</p>	<p style="text-align: right;">Page 105</p> <p>1 Concern, there was -- we did address in there that 2 opt-out letter for the compensatory services and a 3 concern over that. And I don't think that was 4 addressed in -- in this.</p> <p>5 DR. HOLLY SCHULLO: Madam Chair, I 6 understand what you're asking, is were we, like, 7 hoping that our parents would opt out? You know, 8 when we sent that letter --</p> <p>9 THE CHAIR: Uh-uh. No, that wasn't -- 10 that wasn't our concern there. Our concern was 11 having the letter.</p> <p>12 DR. HOLLY SCHULLO: So when I sent that 13 letter -- and I drafted that letter for compensatory 14 services. And we mailed them, and then we talked 15 with the students and let them know. And then we 16 just -- I guess, like EL, you can have, "Yes, I want 17 this," or, "No, I don't." And we were notifying 18 parents.</p> <p>19 And in my good intentions, I'm expediting 20 and letting them know the urgency. I assumed that 21 most of our parents were satisfied with the way we 22 just hit the ground running and were fixing things 23 and improving things.</p> <p>24 Are we on the same page? 25 THE CHAIR: No, we're not. Because I</p>

<p style="text-align: right;">Page 106</p> <p>1 don't see how a letter that "I'm opting out" would 2 be an indication that, "Yes, I'm happy with these 3 services," and, "No, I'm not." 4 We had a concern over the opportunity -- 5 that that letter -- 6 DR. HOLLY SCHULLO: I didn't know how to 7 write the letter. 8 THE CHAIR: -- is appropriate. Right? 9 MS. REBECCA BEIDLER: Madam Chair, I have 10 worked for two of the larger school districts in the 11 State of New Mexico. And that has been their 12 practice for compensatory services for years. So if 13 it's incorrect, then Las Cruces Public Schools or 14 larger districts -- 15 THE CHAIR: I don't want to -- I'm not 16 talking about anyone else. I'd appreciate you -- so 17 please don't mention another school district, 18 because that's not what we're -- and I'm going to 19 say that just because it's happened in another 20 school district still doesn't make it right. 21 So I'm going to say that. But I am not 22 here to cast aspersions on -- 23 MS. REBECCA BEIDLER: I'm not, either. 24 THE CHAIR: But you are when you implicate 25 that school in that sentence.</p>	<p style="text-align: right;">Page 108</p> <p>1 MS. PATRICIA MATTHEWS: Madam Chair, yes, 2 it's January 25th. 3 THE CHAIR: Okay. So I -- you know, if 4 anyone had a copy of it that the folks at the 5 Special Ed Bureau could get their eyes on quickly, 6 I'd appreciate it, so that they'd have a better idea 7 of what they're speaking to. 8 And I don't want to paraphrase it because 9 it's been several months since I read the letter. 10 So I'm -- it was part of, I think, an original 11 packet when we were looking at the CAP. And I 12 just -- we -- and we placed that in the letter that 13 we sent the school from April 22nd. It's in -- 14 MS. PATRICIA MATTHEWS: Madam Chair, 15 Ms. Jaeger, I'm not finding that as an issue. 16 THE CHAIR: Yes. And I just -- I found it 17 before, and I'm trying to find it again. So... 18 MS. AMI JAEGER: And I'm looking, too. 19 MS. PATRICIA MATTHEWS: And I read it 20 yesterday, and I just don't recall seeing that. 21 THE CHAIR: I know. Because I thought I 22 double-checked on it just to make sure that we could 23 bring it up now because it was in there. Oh, it's 24 under compensatory services. 25 In our letter, it says, "Also the notice</p>
<p style="text-align: right;">Page 107</p> <p>1 Could I just ask -- could I just ask 2 Special Ed Bureau -- putting you on the spot at this 3 moment in time, because -- and I'm -- honestly, I 4 can't remember the letter -- how the letter was 5 exactly worded because I don't have it in front of 6 me any longer. 7 MS. PATRICIA MATTHEWS: Madam Chair, was 8 it the letter to me, or -- 9 THE CHAIR: It was the letter from us -- 10 okay -- yes. Well, you were, okay, copied on it. 11 But let me look -- find it. I think it's under 12 special education students -- no, sorry. I have to 13 go back to our letter. 14 MS. PATRICIA MATTHEWS: You're referring 15 to the January 25th letter to parents? 16 MS. AMI JAEGER: Probably. 17 THE CHAIR: No, I think it's April 22nd, 18 isn't it? 19 MS. AMI JAEGER: No, I'm referring to the 20 letter the school sent. 21 THE CHAIR: No, but it's referenced in the 22 April 22nd letter that we sent out. And I'm trying 23 to find the spot. But it was a letter that was sent 24 out by the school in January, was it not? Was it 25 January?</p>	<p style="text-align: right;">Page 109</p> <p>1 of compensatory services and parental consent or 2 non-consent checkoff does not comply with IDEA 3 notice requirements." 4 MS. PATRICIA MATTHEWS: So I just want to 5 make sure I'm following you, Madam Chair. So is it 6 the sentence that says offering makeup of a 7 school -- 8 THE CHAIR: It starts with that paragraph. 9 But, no, it says, "Also the Notice of Compensatory 10 Services and the parental consent or non-consent 11 checkoff does not comply with IDEA notice 12 requirements." 13 It's in that paragraph, but further down. 14 MS. PATRICIA MATTHEWS: Oh, I'm sorry. 15 THE CHAIR: And that was addressed, I 16 believe, in the CAP as well. But it has been 17 addressed with us, by us, since January or February 18 when we became aware of the letter. That's why it 19 was in here as well. 20 MS. PATRICIA MATTHEWS: Okay. I'm sorry. 21 I didn't understand that I needed to respond to that 22 particularly. I guess -- 23 THE CHAIR: I'm going to hold you off and 24 let Special Ed -- because they're looking at the 25 letter. So, you know, let them respond, and then</p>

<p style="text-align: right;">Page 110</p> <p>1 we'll see what further responses are necessary. 2 COMMISSIONER ARMBRUSTER: Madam Chair? 3 THE CHAIR: Do you want to ask a question 4 in between? 5 COMMISSIONER ARMBRUSTER: Yeah, I do. 6 THE CHAIR: Sure. Absolutely. 7 COMMISSIONER ARMBRUSTER: I wanted to make 8 sure I understood what they need to do for those 9 IEPs. Are we saying that they need to send them -- 10 copies of them to Special Ed Division, or -- 11 MS. PATRICIA MATTHEWS: That wasn't made 12 clear, Commissioner Armbruster. I was told no. 13 That was the response. That wasn't being asked of 14 the school. 15 COMMISSIONER ARMBRUSTER: I wasn't sure. 16 I wanted to make sure we get this correctly, and I 17 may have missed it. 18 So did CSD look at those IEPs that had to 19 be brought up to quality work? And then do you send 20 it to -- to Special Ed Division, or do they need to 21 make copies and -- I'm just unsure what needs to be 22 done, and I don't think they know, either. So maybe 23 if someone could tell me. 24 MS. KAREN WOERNER: Well, I can tell you 25 that from the CSD site visit team regarding special</p>	<p style="text-align: right;">Page 112</p> <p>1 and servicing. 2 And to your point earlier, there were 3 seven -- we didn't look at all IEP files after 4 the -- in October. After seeing five or six that we 5 just knew randomly were frankly horrible, we 6 stopped. But of the seven, I think it was, that we 7 wanted to see, four of those seven did withdraw 8 either that day or within the next month from the 9 school, and the others, we did see on the April 10 visit. 11 COMMISSIONER ARMBRUSTER: Okay. I'm 12 thinking we can just make clear to the school -- I 13 don't think they're saying, "No, we won't do it." 14 I'm not sure they know what to do. And I'm a little 15 confused on what it is we need them to do. 16 And it may be to send those to the Special 17 Ed Bureau; I don't know. I'm just not sure what we 18 need to do. 19 THE CHAIR: Right. Okay. So -- 20 MS. KAREN WOERNER: I did just look. We 21 had -- in response to the April 8th visit, not 22 knowing what was happening at that time, the 23 requested follow-up was that the school upload the 24 final PEC-approved special education Corrective 25 Action Plan. But if you are not doing that, that</p>
<p style="text-align: right;">Page 111</p> <p>1 ed files, that we have been -- we have seen, as I 2 mentioned earlier, the improvement, and they have 3 complied with what we need to do based on that. 4 I have to check their site visit report to 5 maybe see if there's anything pending from CSD in 6 terms of the annual report. But in October -- we 7 went again on April 8th, and there is some 8 follow-up. But I would have to check if there is 9 any follow-up on the special ed that would be in 10 their site visit report. 11 But from memory, as I mentioned earlier, 12 we are -- we, at our level, are satisfied with what 13 we saw in terms of the IEPs. But I, again, defer to 14 the -- I could be missing some things that Special 15 Ed would not. 16 But they have not yet reviewed them. I 17 don't know if they plan to. They haven't been put 18 on a Corrective Action Plan from the Special Ed 19 Bureau. So I don't know that any follow-up is 20 expected from the Special Ed Bureau or not. You 21 have to ask them. 22 From CSD's perspective -- I'll check the 23 site visit report to be sure -- but we did, as I 24 mentioned, find that there was a vast improvement 25 from October to April in how they were documenting</p>	<p style="text-align: right;">Page 113</p> <p>1 would have to be removed from their report. 2 THE CHAIR: We have not closed out that 3 piece. We did not vote to close that out. 4 MS. KAREN WOERNER: So we left it that we 5 would expect to see the final Corrective Action Plan 6 approved by the PEC so that we could follow up on 7 that in the next visit next year. 8 THE CHAIR: Right. 9 MS. KAREN WOERNER: But if that changes, 10 Madam Chair, we will remove that from the report. 11 THE CHAIR: Okay. Thank you. So have you 12 had -- did you have an opportunity to review the 13 letter? 14 MR. TIMOTHY CRUM: Madam Chair, yes. 15 THE CHAIR: Are there any concerns with 16 it? 17 MR. TIMOTHY CRUM: Charlene, would you 18 like to speak? I would prefer Charlene speaks to 19 it. 20 MS. CHARLENE MARCOTTE: The concern would 21 be that it does say that they were -- that, you 22 know, we have -- 23 COMMISSIONER RUIZ: I can't hear. 24 THE CHAIR: Yeah. We can't -- sorry. The 25 acoustics up at this side are not good.</p>

<p style="text-align: right;">Page 114</p> <p>1 MS. CHARLENE MARCOTTE: It does indicate 2 to parents that it just lets them know, "Were you 3 aware that your -- that we didn't have services for 4 your student and we owe compensatory services to 5 you," basically. But it does say, "Do you want it, 6 or do you not want it," and allows them -- for them 7 to check off or decide which they want. 8 The concern would be is that they don't 9 understand what the compensatory -- what that means, 10 what does that mean. And to the extent to which 11 they're owed could play a part before they sign off 12 and how would that impact their student. 13 So if they never meet with them and they 14 just receive this letter, they're probably -- like, 15 want more school. It's just going to make more 16 problems for me; so no. But yet their student might 17 be struggling because they didn't have that 18 particular service for that amount of time. 19 So that would be -- those are the concerns 20 that I -- came to my mind when I saw the letter. 21 THE CHAIR: Okay. So I -- and I guess 22 there's two concerns to -- 23 COMMISSIONER ARMBRUSTER: Don't leave. 24 THE CHAIR: -- to be addressed with that. 25 Only, number one, how many opted out, so they</p>	<p style="text-align: right;">Page 116</p> <p>1 know a lot. 2 So -- so it's -- you know, it still 3 happens. You try to do this -- you know; but if you 4 e-mail and things like so that the parents can get 5 it -- you know. It's that also, that level of 6 concern that wasn't there that it's going to be 7 easier to hopefully get these parents to sign off, 8 and that way, we won't have to do that. 9 MS. PATRICIA MATTHEWS: Madam Chair, may 10 we respond to that issue? Because I think, 11 according to Ms. Beidler, only two parents signed 12 that paragraph. She spoke with them personally, and 13 they insisted they did not want to come in. So -- 14 and they refused the compensatory services. 15 So the rest of them, the IEP amendment 16 meetings are either scheduled or have occurred. And 17 I believe the school probably is not using that 18 letter after the original criticism of the letter. 19 THE CHAIR: But, see, through all this 20 time, there's never even been that indication to us 21 that, "We no longer use that letter." Because we've 22 addressed this letter time and time again. And 23 there's been no communication to us that, "We don't 24 use that letter," you know. 25 So there's a frustration there that, you</p>
<p style="text-align: right;">Page 115</p> <p>1 didn't -- you know, because of that lack of 2 understanding. So they end up opting out. So that 3 we can't have a correlation. 4 We can only identify through the IEP 5 meetings that the compensatory component was 6 addressed in the team meeting for those that didn't 7 opt out. But for those that, because of a lack of 8 understanding -- and you're right. For a lot of -- 9 it's like, "Oh, I don't want extra stuff," and, you 10 know, they don't understand. 11 Because there would be a difference if I 12 knew perhaps that my child only needed, you know, 13 two hours, and, okay, they could probably -- it's 14 owed. What's two hours? Or is my child owed 15 30 hours of compensatory time? That's, like -- 16 yeah, they really -- there's a level of need when 17 you look at the number of hours. 18 So I think there's a fairness in parents 19 understanding, by the number of hours, what that 20 level of need for their student was. 21 And let's also be seriously honest. What 22 students don't sign stuff from their parents when 23 they get it home, you know? So there's also -- 24 there's also that; because, you know, way back when 25 I was in school, it -- you know, my parents didn't</p>	<p style="text-align: right;">Page 117</p> <p>1 know, I think we've been fairly clear with what our 2 concerns are. And yet just a simple, you know, 3 "We're not using -- we don't use that..." 4 MS. PATRICIA MATTHEWS: Madam Chair, I 5 just want to be respectful of the Commission. But I 6 will have to say I'm reading this letter, and I 7 don't see a statement that says, "You need to 8 respond to this specific issue"; because the 9 statement goes on to say, "The school must provide a 10 schedule for IEP team meetings to demonstrate that 11 the compensatory services are provided." 12 So that's exactly what they did, which 13 would have addressed the question of whether or not 14 they're using the form. 15 I guess I'm -- I'm very concerned that 16 we're not all being clear about specific -- I mean, 17 if you want a specific response to that specific 18 question, that is not clear to me, as an attorney 19 reading this letter. 20 THE CHAIR: Okay. 21 MS. PATRICIA MATTHEWS: And I -- we're 22 trying to cooperate. And I guess it's -- it's just 23 wordsmithing. I don't know the answer to the 24 question. But if there were a bullet, "You need 25 to do this, this, this and this," again, I'm reading</p>

Page 118	Page 120
<p>1 the letter. I don't see it to say, "You must 2 respond to this specific issue." 3 THE CHAIR: Okay. 4 MS. PATRICIA MATTHEWS: So I -- you 5 know -- I -- it -- had you -- 6 THE CHAIR: Okay. 7 MS. PATRICIA MATTHEWS: We're not trying 8 not to be transparent; we're just not understanding 9 specifically exactly what is it that you all want us 10 to respond to. 11 THE CHAIR: Well -- and I think orally, a 12 response could have happened when we've addressed 13 this at public meetings to say, "We no longer use 14 that letter." I think that could have happened. 15 You know, that's simple. But we've -- we've 16 expressed this not -- in a letter. We've expressed 17 this. 18 So, you know, if this -- we're -- you 19 know -- we're trying to cooperate. No one has said 20 you're not cooperating. But there's a level of 21 frustration on this side that this has been going on 22 since January. And we've got -- and we're closing 23 out a school year now, and this is where we still 24 are. 25 And it doesn't -- it's not our time; it's</p>	<p>1 THE CHAIR: That you wish you stayed 2 retired. 3 MS. REBECCA BEIDLER: I did say that. I 4 couldn't remember what I said. I was either 5 frustrated or retired, one of the two. 6 COMMISSIONER VOIGT: Just framing it in 7 that question, just processes and understanding and 8 your community -- just something to inspire -- 9 something that you might have learned from this 10 process that might help you, ongoing. 11 MS. REBECCA BEIDLER: What did I learn 12 from this process? When I worked for a former 13 district that I will not name, I was told by the LEA 14 that we currently have what great work I did. And 15 now I feel like I don't have great work. 16 So I've actually become very frustrated. 17 And I know the law very well. And what have I 18 learned? I learned that I need to wordsmith better. 19 MS. PATRICIA MATTHEWS: Madam Chair, 20 members of the Commission, Commissioner Voigt, you 21 weren't on the Commission. But this is -- this is 22 a -- and there is no excuse here. That's not the 23 intent. Maybe that there needs to be -- I'm not -- 24 to me, what a school can learn from these processes, 25 which is a transition from a very failed</p>
Page 119	Page 121
<p>1 not our efforts that -- that's the concern. It's 2 the students. And as indicated, you know, students 3 left. 4 COMMISSIONER VOIGT: Madam Chair? 5 THE CHAIR: And that's -- you know, that's 6 a concern when students are leaving a school, 7 because they feel they're not being serviced. And 8 they're frustrated. 9 COMMISSIONER VOIGT: Madam Chair? 10 THE CHAIR: So, you know, Commissioners, 11 do you have any -- Commissioner Voigt? Sure. I'm 12 sorry. 13 COMMISSIONER VOIGT: So I just have a 14 general question for the school. I know this has 15 been a very tumultuous process, all the trips to 16 Santa Fe. But I just want to know generally, 17 through the challenges that you've had, through the 18 upheaval, if you could just cite some of the key 19 elements that you might have learned from this whole 20 experience. Hopefully, there's some. 21 THE CHAIR: I think if Ms. Beidler's 22 honest, she's going to tell me what she told me in 23 the ladies room. 24 MS. REBECCA BEIDLER: What? That I'm 25 frustrated?</p>	<p>1 administration to transitioning and trying to clean 2 up, to somehow come up with some sort of an audit 3 process that identifies immediately, from the 4 get-go, what are the problems that we need to clean 5 up and move forward. 6 And I think -- I think the school, if they 7 could say it in that concise and succinct way, would 8 say it that way. But some of it is just pulling up 9 a rock and finding it. 10 COMMISSIONER VOIGT: Right. 11 MS. PATRICIA MATTHEWS: And I think you 12 know, as a former administrator of a charter school, 13 it's sometimes building the plane as you fly it. 14 And that is not an excuse for where the 15 school is now or where it was. But I think, 16 honestly, that would have been helpful -- or at 17 least a learning experience the school hopefully had 18 in this process. And, Ms. Schullo, if you want to 19 explain. 20 THE CHAIR: And I certainly appreciate 21 that. And I think we expressed that at renewal, 22 that we understand the struggles and acknowledge 23 that the school self-identified a number of those 24 issues early on. Outside of, "Oh, this is going to 25 affect our renewal," it was for the health and good</p>

<p style="text-align: right;">Page 122</p> <p>1 governance of the school. And we acknowledge and 2 support that process.</p> <p>3 But -- you know. And I -- and I hope 4 you're correct. And maybe it's something that we 5 need to also work on, so that when we look at a 6 school that does experience those struggles, and, 7 you know, notifies the change in administration -- 8 and I think anytime there's a change in 9 administration in a school, I think there's -- 10 there's a support element that we need to be more 11 cognizant of and involved in the support for so that 12 the -- the problems just don't become close to 13 insurmountable. So...</p> <p>14 COMMISSIONER VOIGT: Especially when 15 there's existing issues with the outgoing 16 administrator to build that transition, even just to 17 have a better transition.</p> <p>18 I know that many -- most schools in 19 general, charters and traditional schools, do not 20 have a clear success plan. And that -- that's going 21 to be if you're going five Septembers forward, then 22 you're going to go three Septembers back anytime you 23 change an administrator or move an administrator to 24 a new school.</p> <p>25 So if there's some kind of training or</p>	<p style="text-align: right;">Page 124</p> <p>1 a -- we're at a better place, that there can be a -- 2 you know, self-reporting a need shouldn't be a 3 self-reporting that, "I'm going to get myself in 4 trouble." That's where I think we're -- we're 5 hopefully -- I hope at; but at least moving towards 6 if folks don't think we're at that place yet, that 7 we're -- you know, that's the -- that's the climate 8 that's being created, so that a call can be made and 9 say, "Look. If this is -- this is what's 10 happening." And it's not going to -- it's not going 11 to escalate, that it's support first; and then if 12 that doesn't work -- so...</p> <p>13 MS. PATRICIA MATTHEWS: I can say from my 14 chair that I appreciate the new administration at 15 the Charter Schools Division.</p> <p>16 THE CHAIR: Okay. Thank you. 17 Commissioner Ruiz?</p> <p>18 COMMISSIONER RUIZ: Yes. So based on the 19 conversation and the exchange of mail and -- e-mails 20 and letters that we have received from the school, I 21 think we need to make it very clear what it is that 22 we're expecting of you-all and -- you know -- and so 23 what are we wanting to do with that, so they can 24 leave this meeting, and we all have a clear idea, 25 "This is exactly what we're requesting, and this is</p>
<p style="text-align: right;">Page 123</p> <p>1 something that the CSD could support perhaps, when 2 we know that there's going to be a transition in an 3 administrator, you know, what are some linkage 4 pieces that could help support the new administrator 5 coming in, especially a new administrator that does 6 not have previous charter school experience; because 7 we know charter schools are a beast among 8 themselves, and, you know, just the workload, in 9 general, is much different.</p> <p>10 THE CHAIR: Right. I was actually at the 11 governing council meeting in the spring when they 12 were actually having a discussion about the 13 transition plan. And I thought they had something 14 in place, you know. And unfortunately, it -- you 15 know. And I was really kind of happy that they were 16 actually thinking it through, and they thought they 17 had the plan, and it -- it obviously didn't 18 manifest; so -- for a variety of reasons.</p> <p>19 So that's -- that's unfortunate that that 20 happened. And there were a lot of people that were 21 unaware that that didn't -- that wasn't going to 22 happen. So that's where I guess better 23 communication is -- is important, you know, on 24 everyone's part, you know.</p> <p>25 And I hope that it -- it's -- we're at</p>	<p style="text-align: right;">Page 125</p> <p>1 exactly what we expect you to answer to," and that 2 way, we can move forward.</p> <p>3 THE CHAIR: Right.</p> <p>4 MS. PATRICIA MATTHEWS: Thank you, 5 Commissioner Ruiz.</p> <p>6 THE CHAIR: I'm sorry.</p> <p>7 MS. PATRICIA MATTHEWS: I was just 8 thanking her.</p> <p>9 THE CHAIR: Okay. I think -- I think the 10 service logs would be important for Special Ed to be 11 able to review, so that we're -- we're comfortable 12 that the services have been provided.</p> <p>13 Do Commissioners want anything else? 14 COMMISSIONER CABALLERO: I do.</p> <p>15 THE CHAIR: Okay.</p> <p>16 COMMISSIONER CABALLERO: I want to have 17 the documentation of those parents that opted out 18 and whether any of those parents that opted out left 19 the school. And that -- to me, I just want to see 20 that.</p> <p>21 THE CHAIR: I'm sorry. I missed -- 22 COMMISSIONER CABALLERO: Documentation or 23 data of those parents that opted out of the -- when 24 they were given that letter and whether any of those 25 parents that opted out left the school.</p>

<p style="text-align: right;">Page 126</p> <p>1 THE CHAIR: Oh. Disenrolled. 2 COMMISSIONER CABALLERO: Disenrolled the 3 school. Okay. 4 THE CHAIR: Oh. The school can provide 5 all of that. Yeah. Yeah. Okay. 6 COMMISSIONER CHAVEZ: Madam Chair, I'd 7 like to just talk a little bit about the EL. 8 THE CHAIR: Sure. 9 COMMISSIONER CHAVEZ: And in reading the 10 response, there's a lot of reference to staffing and 11 having staff that are TESOL or bilingually endorsed 12 and that sort of thing. And there's reference to PD 13 that they received from the school district that 14 they're located. 15 However, it wasn't really clear as to how 16 we're servicing our ELLs. And what I mean by that 17 is how are they providing equity for our ELLs? In 18 other words, what are they doing to go above and 19 beyond what they are providing all other students to 20 make sure that the ELLs that are at that school have 21 access and equity in the curriculum. 22 THE CHAIR: Okay. I don't know if the 23 school has a response to that now that perhaps could 24 clear this up, or if the school feels they need to 25 respond to that later.</p>	<p style="text-align: right;">Page 128</p> <p>1 MS. CHARLENE MARCOTTE: Looking at the 2 revised IEPs would be important; because if they're 3 indicating that they've changed their service model, 4 we would be able to verify that. 5 THE CHAIR: So how would that take place? 6 Is this your bureau going down? Or is this 7 something that they need -- so how do we accomplish 8 this? 9 MS. CHARLENE MARCOTTE: We have a secure 10 site, the special education monitoring site, which 11 is how they got us the IEPs the first time. So we 12 would ask that they upload their IEPs through that 13 same site this time around, and we will create a 14 different folder for them to put the new IEPs in, 15 and we will review that to make sure that those 16 changes they're indicating have been made. 17 THE CHAIR: Okay. Thank you. Can they do 18 the -- can they send the service logs through the 19 same process? 20 MS. CHARLENE MARCOTTE: Yes, definitely. 21 MS. KAREN WOERNER: And, Madam Chair, I 22 would also ask that the opt-out information and 23 withdrawal that Commissioner Caballero asked for 24 also be submitted the same way, so that we avoid the 25 use of student names, and we could get it from them</p>
<p style="text-align: right;">Page 127</p> <p>1 (Dr. Schullo consults with counsel.) 2 MS. PATRICIA MATTHEWS: Madam Chair, 3 members of the Commission, Commissioner Chavez, 4 we'll present something to you all in writing so we 5 can engage the EL -- individual at the school that's 6 responsible for EL. Because she's not here today. 7 I wrote down -- this is what I wrote down. 8 "Describe to the PED or provide evidence of what the 9 school's providing to ensure equity for those EL 10 students." 11 Commissioner Chavez, is that correct? 12 COMMISSIONER CHAVEZ: That's correct. And 13 how does that go above and beyond what all other 14 students receive in instruction and in the 15 curriculum? 16 THE CHAIR: Commissioner Ruiz? 17 COMMISSIONER RUIZ: Madam Chair? 18 And the other thing that I would ask is 19 from the Bureau or CSD, is there anything else 20 besides the logs that you would need to help you get 21 a better overview of improvements or the lack of 22 growth or whatever for -- for the school? 23 MS. CHARLENE MARCOTTE: I think looking at 24 the revised -- 25 THE CHAIR: I'm sorry. Can you -- thanks.</p>	<p style="text-align: right;">Page 129</p> <p>1 rather than -- 2 THE CHAIR: Actually, I think he was just 3 referring to a number. 4 MS. KAREN WOERNER: My correction. 5 THE CHAIR: "Five parents opted out and 6 five students left." Yeah. So we don't need -- 7 COMMISSIONER CABALLERO: Or one or 8 whatever. 9 THE CHAIR: Absolutely. We don't need 10 names for the opt-outs. And the -- yeah, we don't 11 want names. 12 MS. PATRICIA MATTHEWS: Can I -- just to 13 be clear, Commissioner Caballero asked for 14 documents, just statistics. 15 COMMISSIONER CABALLERO: Data, data, 16 knowing that -- that was -- 17 THE CHAIR: We just need that and -- 18 MS. PATRICIA MATTHEWS: No names. 19 COMMISSIONER CABALLERO: No, no. I just 20 want to see if there's a pattern. 21 COMMISSIONER ARMBRUSTER: Madam Chair, 22 very quick question. So the original opt-out 23 letter, did that go out by mail or home with the 24 students? 25 DR. HOLLY SCHULLO: It went out by mail.</p>

<p style="text-align: right;">Page 130</p> <p>1 COMMISSIONER ARMBRUSTER: Good. 2 MS. PATRICIA MATTHEWS: Madam Chair, 3 members of the Commission, I'm still confused. 4 On the opt-out information, Ms. Woerner, 5 what is it you want us to provide? 6 MS. KAREN WOERNER: I wanted you to 7 provide what -- 8 THE CHAIR: She wanted you to provide it 9 through the portal, because she thought you wanted 10 names. 11 MS. KAREN WOERNER: I wanted whatever he 12 wanted. 13 THE CHAIR: So the only thing we -- so 14 this is what's been requested so far. The -- 15 COMMISSIONER VOIGT: Service logs. 16 THE CHAIR: The information about the ELLs 17 and how they're being serviced and what they're 18 doing above and beyond; the service logs and the 19 updated IEPs to Special Ed Bureau; and just the 20 statistics of how many -- how many students opted 21 out and how many -- and how many of those 22 disenrolled from the school. 23 MS. PATRICIA MATTHEWS: Got it. 24 THE CHAIR: Okay? So at this point in 25 time, I'm going to make the recommendation that we</p>	<p style="text-align: right;">Page 132</p> <p>1 THE CHAIR: So that's Friday, the 17th. 2 MS. CHARLENE MARCOTTE: Yes. 3 THE CHAIR: So if the school will provide 4 the service logs and the updated IEPs by the 17th, 5 that would give the Bureau sufficient time to then 6 be able to turn around with that information by 7 June 5th for our printing. 8 MS. PATRICIA MATTHEWS: 5th or 4th? 9 THE CHAIR: June 4th. I'm sorry. June 10 4th. 11 MR. ALAN BRAUER: June 4th. 12 Madam Chair, just to clarify -- and 13 members of the Commission -- the Special Ed 14 Department will keep the -- the secured information 15 from the IEPs to themselves, and we would only want 16 the -- we would only want the documentation of what 17 was -- what did they see from that process. 18 THE CHAIR: Correct. "We reviewed X 19 amount of IEPs, and X amount of IEPs were 20 appropriately -- the appropriate accommodations were 21 there." 22 We just need numbers. 23 Same thing with the service logs, that 24 they are fine with what was shown, yes. We don't 25 want any names, numbers of students in terms of ID</p>
<p style="text-align: right;">Page 131</p> <p>1 do not close out the Letter of Concern until the 2 updated information is provided for our next meeting 3 in June. 4 MS. AMI JAEGER: June 4th. 5 THE CHAIR: Oh. I'm sorry. We need the 6 information -- we need the ELL information and the 7 statistics by June 4th to be populated into the -- 8 the book. I don't know -- so this is what I'm going 9 to ask. 10 Is it best to have the Special Ed Bureau 11 simply provide the information directly to CSD as to 12 whether the IEPs are all in compliance and they've 13 reviewed the service logs and their assessment of 14 it? I think that would be clearer than sending it 15 to the school and the school has to send it to us. 16 So my question is, if we're looking at 17 turnaround time for information for our books, we 18 need it by June 4th. So for the school to provide 19 that information to you and for you to have adequate 20 time to look at it, when would you need the 21 information from the school by? 22 MS. CHARLENE MARCOTTE: If we could get it 23 at least by next Friday, just because we are right 24 now under tight timelines with IDEA B applications, 25 and we're closing out.</p>	<p style="text-align: right;">Page 133</p> <p>1 numbers. 2 MS. PATRICIA MATTHEWS: And that goes to 3 CSD who will put it in your packet. 4 THE CHAIR: Special Ed Bureau will 5 communicate that directly to CSD. The only thing 6 that we get from the school to CSD is the ELL and 7 the disenrollment information. That has to be 8 populated by the school. Yeah. 9 MR. ALAN BRAUER: Madam Chair, I believe 10 there is one more piece of evidence that the 11 Language and Culture Bureau would like to -- 12 MS. KIRSI LAINE: Thank you, Madam Chair. 13 We would also like to see that the parent 14 notification is part of the EL notification process 15 and the annual notification is part of having an EL 16 program and the sample of the letter that the school 17 actually has adopted; so not just the sample that we 18 have, but the letter, as the school has adopted it. 19 MS. PATRICIA MATTHEWS: So can you say 20 that slowly, please? I'm writing this down. 21 THE CHAIR: And thank you for reminding 22 us. There was the concern that was raised. And 23 that was -- I think it was two letters. It was the 24 annual notification of placement to parents and the 25 initial notification of placement to parents.</p>

Page 134	Page 136
<p>1 MS. KIRSI LAINE: And if I can add, those 2 would be added into the ELL identification piece and 3 the program that it's part of. When you have a 4 program that you annually notify it. So when you 5 have your -- 6 MS. PATRICIA MATTHEWS: What are you 7 asking us to send to you? That's what I need to 8 know. 9 MS. KIRSI LAINE: So the EL identification 10 description needs to include the fact that you have 11 the letters. And then a sample of the letters. 12 MS. PATRICIA MATTHEWS: And those were, if 13 I understand, provided as part of the CAP. So we 14 will send those again. 15 MS. KIRSI LAINE: Yeah, that would be 16 nice; because it wasn't part of the description this 17 time. 18 MS. PATRICIA MATTHEWS: But you received 19 it in the -- 20 MS. KIRSI LAINE: I'm not sure. I can't 21 remember, sorry, if it was initially in the CAP. 22 MS. PATRICIA MATTHEWS: That's all right, 23 Holly. We'll get it taken care of. We'll do it 24 again. 25 THE CHAIR: If it's there and you can</p>	<p>1 THE CHAIR: Okay. All right. Thank you. 2 MS. PATRICIA MATTHEWS: Thank you, 3 Commissioner Gipson, Commissioners, and particularly 4 Commissioner Ruiz and Armbruster. 5 THE CHAIR: Thanks. 6 MS. PATRICIA MATTHEWS: Should we come 7 back on June 14th? 8 THE CHAIR: You should have run for a 9 spot. 10 MS. PATRICIA MATTHEWS: I think I'm just 11 Commissioner Emeritus. 12 THE CHAIR: I think I'm vying for that 13 spot. 14 MS. KAREN WOERNER: Madam Chair, I already 15 know the answer before the school leaves. The 16 initial letter was provided from the -- using the 17 State template. But I have noted in the site visit 18 report that the annual parent notification that has 19 the program description is missing. And also I 20 wanted to ask if I should be removing the references 21 to providing a CAP, then, that we mentioned earlier. 22 THE CHAIR: No, not yet. 23 MS. PATRICIA MATTHEWS: So all you need is 24 the annual notice to parents. 25 THE CHAIR: Correct, that the -- that CSD</p>
Page 135	Page 137
<p>1 confirm that it's there, that's okay. It'll just be 2 part of the packet that it had been provided and 3 it's okay. 4 MS. PATRICIA MATTHEWS: Okay. Thank you, 5 Madam Chair. 6 THE CHAIR: Well, I think if Karen -- can 7 you confirm that we have a receipt of that, or no? 8 MS. KAREN WOERNER: I was just looking up 9 on our -- 10 THE CHAIR: So can we do this? If CSD can 11 confirm that there -- that they do have it, we're -- 12 it can be reviewed, and we're okay. CSD will 13 confirm with the school whether they do, in fact, 14 still have the copies. And if they don't, then the 15 school will need to provide the copies of that. 16 COMMISSIONER VOIGT: Are those the 17 notification letters you're talking about? 18 MR. ALAN BRAUER: Madam Chair, we'll do 19 that by the end of the day today. 20 THE CHAIR: Thank you. 21 (Chair consults with Commission counsel.) 22 THE CHAIR: So we're -- we're clear on the 23 information and who's getting it, the parties that 24 have to receive it? 25 MS. PATRICIA MATTHEWS: Yes, ma'am.</p>	<p>1 does have a copy of the initial notification, and 2 they will have the Bureau look at it to make sure 3 that it is appropriate, and that the school will 4 also provide a copy of the annual letter so that the 5 Bureau will look at it and make sure that that is 6 what they are looking for. 7 MS. KAREN WOERNER: And there are some 8 very specific components that need to be contained 9 in that letter. And that's been outlined in the 10 site visit report as well. 11 THE CHAIR: Okay? Thank you. 12 MS. PATRICIA MATTHEWS: Got it. 13 THE CHAIR: And thank you so much for your 14 time as well. We truly do appreciate the input. 15 Thank you. 16 COMMISSIONER CABALLERO: Madam Chair, I 17 actually don't believe that a school can -- 18 THE CHAIR: Wait. Hold on. If you want 19 to address something about the school, then it's 20 only fair that the school -- 21 COMMISSIONER CABALLERO: This is just in 22 general, just a comment. I understand it's federal 23 law, this area of special ed. And I don't believe 24 it can be -- maybe it can be opt-out. But the 25 services -- we fail a year of services to a child,</p>

Page 138	Page 140
<p>1 "Do you want them?"</p> <p>2 I don't think so.</p> <p>3 THE CHAIR: Well, according to our legal</p> <p>4 counsel, it is whose --</p> <p>5 COMMISSIONER CABALLERO: They can?</p> <p>6 THE CHAIR: Yeah. Yeah.</p> <p>7 COMMISSIONER CABALLERO: At first, I</p> <p>8 thought it was, like, no.</p> <p>9 (Commissioner Caballero consults with</p> <p>10 Commission counsel.)</p> <p>11 THE CHAIR: And as the school's legal</p> <p>12 counsel identified, yeah, if the school district</p> <p>13 wants to continue to push the issue, they could take</p> <p>14 it to court; but then it becomes -- and especially</p> <p>15 if you're looking at a charter, it would almost be</p> <p>16 prohibitive for them to be able to afford those --</p> <p>17 but even for a district; because now you're looking</p> <p>18 at even more students.</p> <p>19 So it becomes, unfortunately, I think, a</p> <p>20 decision of where we're going to spend our money</p> <p>21 more wisely and what's going to be the end results</p> <p>22 of that lawsuit, you know. Because that -- as we</p> <p>23 all know, these litigations take years.</p> <p>24 So you're not serving the student, because</p> <p>25 the decisions could very well come after they've</p>	<p>1 program.</p> <p>2 And this is -- and I said, "Wow, I don't</p> <p>3 think you needed those services."</p> <p>4 "No, I was a slow reader."</p> <p>5 But he put the slow reader as slow here;</p> <p>6 but I don't think --</p> <p>7 THE CHAIR: Oh, slow thinker.</p> <p>8 COMMISSIONER CABALLERO: Right. But --</p> <p>9 but the school was real good at giving him services.</p> <p>10 They never let him go.</p> <p>11 THE CHAIR: Well -- and -- you know, it's</p> <p>12 a testament to, hey, those services did support him,</p> <p>13 and he was then able to be successful. So -- we're</p> <p>14 going to take another quick break.</p> <p>15 (Recess taken, 12:14 p.m. to 12:25 p.m.)</p> <p>16 THE CHAIR: So the record needs to reflect</p> <p>17 that Commissioner Caballero is not quite with us.</p> <p>18 There he is. "Quite" was the exact word.</p> <p>19 (A discussion was held off the record.)</p> <p>20 THE CHAIR: All right. We are on to Item</p> <p>21 No. 9, Discussion and Possible Action on</p> <p>22 Requirements for Submission of Amendment Request or</p> <p>23 Notification for New School Site or New School</p> <p>24 Location within a District.</p> <p>25 So just so we're clear on what we're --</p>
Page 139	Page 141
<p>1 graduated.</p> <p>2 COMMISSIONER CABALLERO: Madam Chair, I</p> <p>3 have a little story. A guy that I worked with in</p> <p>4 high school was in special ed all the way to, as a</p> <p>5 senior, he moved to regular class. And he was a</p> <p>6 cook, and I was a cashier at a burger place.</p> <p>7 And we all understood he was in special</p> <p>8 ed. And I asked him, and he says, "I'm just a slow</p> <p>9 reader."</p> <p>10 I said, "Oh, okay."</p> <p>11 And he says, "But I do want to be in the</p> <p>12 military. So I'm going to go to regular class my</p> <p>13 senior year."</p> <p>14 And he did. He became a lifer in the</p> <p>15 military, then as a civilian, still worked for the</p> <p>16 base and retired from the base as the manager of</p> <p>17 contract compliance. And he was very slow speaking</p> <p>18 and very gentle, very calm, wouldn't speak loud or</p> <p>19 fast. And when I met him --</p> <p>20 THE CHAIR: And he survived in the</p> <p>21 military.</p> <p>22 COMMISSIONER CABALLERO: He survived in</p> <p>23 the military. And when I did see him as an adult,</p> <p>24 he spoke so fast that I couldn't keep up with him.</p> <p>25 And he was in charge of a multimillion-dollar</p>	<p>1 what we're talking of here, this is not a school, as</p> <p>2 an example, a Turquoise Trail who needed to go a</p> <p>3 short ways away to be able to add on; this is a new</p> <p>4 school.</p> <p>5 So we're -- there's no confusion there,</p> <p>6 or, you know, "We added two portables, but they have</p> <p>7 a different address because they're facing" -- or,</p> <p>8 you know, "They're at the back end of a block," or</p> <p>9 something like that. This is a whole new, separate</p> <p>10 school that's looking to open.</p> <p>11 And just so that Commissioner Robbins is</p> <p>12 updated on this, we had a very lengthy discussion</p> <p>13 yesterday about this; because we've -- and this is</p> <p>14 the third month that we've spent the time on this.</p> <p>15 But I think -- I think it merited the detail of</p> <p>16 discussion, because I think, as Commissioners had</p> <p>17 the time to process the discussions from those work</p> <p>18 sessions and be able to self-reflect on those, I</p> <p>19 think that was important, because I think there</p> <p>20 might have been, at times, some confusion of exactly</p> <p>21 what we're talking about and what this is really</p> <p>22 going to look like.</p> <p>23 So we're not beating a dead horse; we're</p> <p>24 trying to get to the right place. And I think at</p> <p>25 this point in time, Commissioners are comfortable</p>

<p style="text-align: right;">Page 142</p> <p>1 with the point we got to through the discussion 2 yesterday. I think. And we'll know, if it is or 3 isn't expressed through the motion, whether 4 Commissioners are comfortable with it. 5 But I want to express for myself that -- 6 and I thought I made it clear yesterday -- that any 7 part of this discussion has never been about, "We 8 don't support the schools taking their model and 9 starting a new school." And I am somewhat offended 10 when it's opined that we could potentially be 11 breaking the law. It's offensive to me to think 12 that we would conduct ourselves in that manner. 13 So that was -- I'm going to say that. And 14 I'm going to say -- excuse me. I've got some tea 15 stuck in my throat. Herbal tea gets too fine. 16 Sorry. 17 So I think we expressed fairly well 18 yesterday that a great portion of our concern is 19 that we want to make sure there's good governance in 20 those schools so that a separate board, we truly do 21 believe, assures a quality governance, and that a 22 separate contract makes -- for both parties, it 23 helps to protect that new school, and it also helps 24 to protect the Commission as well, and that we're 25 sure that the model that is looking to go forward</p>	<p style="text-align: right;">Page 144</p> <p>1 COMMISSIONER CABALLERO: Yes, discussion. 2 THE CHAIR: Sure. 3 COMMISSIONER CABALLERO: On the motion 4 itself, my experience has been that when you have a 5 motion, it's very, very important to separate the 6 issues. And one is the -- the -- in other words, I 7 think it's important to separate the abbreviated 8 submission from the beginning portion and maybe have 9 the abbreviated portion as a separate motion. That 10 way, those people that like one or the other don't 11 have to vote for it because they like one aspect 12 very much. And it makes it very clear who's where. 13 So, personally, I would be -- it would be 14 very hard for me to vote for it, because I want to 15 be able to fully discuss, if we're going to 16 abbreviate, what that's going to be. 17 I know that it's something that we're 18 going to take on as a -- as an action item. But I 19 don't think it -- I don't want to be cornered 20 through the motion. I want to be able to have the 21 flexibility to do it, to discuss it. Otherwise, no, 22 you -- I need the abbreviated application that you 23 approve. 24 THE CHAIR: Okay. Could you just repeat 25 that last part, 'cause --</p>
<p style="text-align: right;">Page 143</p> <p>1 is, in fact, the model that is being proposed. 2 And that we're not saying that the -- that 3 we're not supporting those models and that we are 4 not supporting the opportunity for those models to 5 move forward, but that there's a process that we're 6 more comfortable with going forward in support of 7 that, and, most importantly, in support of the 8 students that they're servicing in those schools and 9 the communities that they're making those promises 10 to. 11 So that I'll -- if there's no further 12 discussion on that, I will offer a motion based on 13 that work that we did yesterday, okay? And then we 14 can further discuss, if needed. 15 So I am going to move that the Public 16 Education Commission remove the Second School Site 17 Amendment Request from the website, to be replaced 18 by an abbreviated new school application to be 19 completed by the Commission at a future work session 20 and voted on by the Commission at a regular public 21 education meeting. 22 COMMISSIONER RUIZ: Second. 23 THE CHAIR: There's a motion by 24 Commissioner Gipson, a second by Commissioner Ruiz. 25 Any further discussion?</p>	<p style="text-align: right;">Page 145</p> <p>1 COMMISSIONER CABALLERO: Yes. Because I 2 think that way, we're not cornered to producing that 3 abbreviated application, because it was in the 4 motion. So if we approve doing one thing, this is 5 the first part, the second part, the abbreviated, we 6 should do it at a separate motion or some other time 7 when we discuss that issue specifically. 8 THE CHAIR: Okay. And I agree with you. 9 But I have one concern about that. And my only 10 concern is that -- and I'm more than willing to 11 rescind and to do two separate motions. 12 I guess my concern over separating them 13 out is I have -- I don't want schools -- if that's 14 all we did was to remove the amendment possibility, 15 there can be an underlying thought that we're not 16 going to support the opening of -- you know, 17 through, potentially, a new application. 18 And I could be wrong. I thought yesterday 19 the expression was, "We do support the idea of the 20 opening of those schools through their model through 21 this vehicle." 22 And if we don't make that second motion, 23 I'm concerned that schools might think we're not in 24 support. 25 COMMISSIONER ROBBINS: Madam Chair, I --</p>

Page 146

1 THE CHAIR: That's my only reservation
 2 with separating them out, that -- yeah, it's -- it's
 3 tough for me to wrangle that right now, because I'm
 4 concerned because I don't want a lack of support to
 5 be insinuated through that. That's --
 6 COMMISSIONER CABALLERO: But, Madam Chair,
 7 we did not discuss the abbreviated or not.
 8 THE CHAIR: I know.
 9 COMMISSIONER CABALLERO: And I reserved my
 10 discussion on the issue of abbreviating an
 11 application. I don't support it. And so --
 12 THE CHAIR: Okay. Got it. I got it.
 13 COMMISSIONER CABALLERO: -- I'm in favor
 14 of the other completely.
 15 THE CHAIR: Okay.
 16 COMMISSIONER CABALLERO: But the
 17 abbreviated, I think it -- it should be separated to
 18 a separate motion today or maybe the next meeting.
 19 That way, we have a -- a better time and a full
 20 discussion on the issue.
 21 THE CHAIR: Okay. All right. Thank you.
 22 I appreciate it.
 23 Commissioner Robbins?
 24 COMMISSIONER ROBBINS: Madam Chair, I
 25 think -- you know, we can do that. But I think in

Page 147

1 this case -- and I understand what you're saying --
 2 that, you know, making it an abbreviated -- because
 3 the discussion may lead that it's not abbreviated.
 4 But I think -- I think -- I agree that
 5 taking down the current application is the right
 6 first step. What we do to replace that -- and I
 7 understand what the Chair's thoughts about not
 8 sending a -- an unintended signal.
 9 Because I think the signal that we've
 10 discussed is whether it's abbreviated or not, we --
 11 I think we discussed, from previous discussions,
 12 that we want to revise it. Whether it's abbreviated
 13 or not, we want to revise the current application.
 14 The current form is not sufficient. And so
 15 separating it for that reason is probably good.
 16 COMMISSIONER CABALLERO: The only thing
 17 that we actually can do, and not locking ourselves
 18 in to abbreviated, is that we will review that --
 19 that form of application. And that's it. Just that
 20 statement.
 21 But to say we're going -- we're going to
 22 do this plus this, then we -- we are locking ourself
 23 in on an issue that we did not fully discuss.
 24 THE CHAIR: Oh. So I apologize, because I
 25 thought yesterday -- that's why I put this in the

Page 148

1 motion. I thought yesterday we had come to that
 2 point. So that's why I made it.
 3 But let me also make a clarifying
 4 statement. One is an amendment; another is an
 5 application. Currently, now, it's just an
 6 amendment; so that we can't revise the amendment to
 7 make it an application. They are two separate
 8 items.
 9 So this addresses the fact that we're
 10 removing it as an amendment item and moving it to be
 11 in the application process in some form.
 12 So once again, I made this motion because
 13 I thought yesterday that was where we had come to.
 14 So I guess I need to know a little bit further from
 15 Commissioners if I need to rescind my motion.
 16 COMMISSIONER VOIGT: Can you repeat your
 17 motion?
 18 THE CHAIR: Certainly I can. My motion
 19 was --
 20 (The record was read as requested.)
 21 COMMISSIONER CABALLERO: So right now,
 22 Madam Chair, the discussion is to combine or to
 23 separate -- or to separate the issues. And that's
 24 all.
 25 THE CHAIR: Okay. All right. I mean, I

Page 149

1 will; but I don't know whether I need to.
 2 MS. AMI JAEGER: I'm sorry. I thought you
 3 asked procedural.
 4 THE CHAIR: No, no. I just don't know
 5 whether I need to withdraw it. But if people are
 6 more comfortable with my withdrawing it, I will.
 7 But I just don't know.
 8 COMMISSIONER ROBBINS: I think it would be
 9 cleaner.
 10 THE CHAIR: Okay. Sure. I will withdraw
 11 my previous motion and will propose a new motion.
 12 So I move that the Public Education
 13 Commission remove the Second School Site Amendment
 14 Request from the website.
 15 COMMISSIONER ROBBINS: Second.
 16 THE CHAIR: There's a motion by
 17 Commissioner Gipson, a second by Commissioner
 18 Robbins.
 19 Any discussion?
 20 Was your hand up? I don't know. I didn't
 21 know --
 22 COMMISSIONER ARMBRUSTER: Do Karen first.
 23 MS. KAREN WOERNER: I just had a specific
 24 question about --
 25 THE CHAIR: Okay. Hold on. This is a

<p style="text-align: right;">Page 150</p> <p>1 discussion on a motion; so that that's -- it's only 2 the Commissioners that get to weigh in on this. 3 MS. KAREN WOERNER: Sure. 4 COMMISSIONER ARMBRUSTER: Okay. Well, 5 obviously, this is a repeat of my statements from 6 yesterday. 7 And my belief is that we have a procedure, 8 we have a law that says that schools can have 9 another school, but it would be considered as one 10 facility. I understand that the "one facility" 11 means one charter, which means that the discussion 12 was that if that one charter is -- if one school 13 fails, the whole thing fails. I have some issues 14 with that; but that's another story. 15 But I think that after much thought from 16 the last meeting, where I thought, wow, we should 17 have two governing councils, that I realized that 18 I'm thinking that it shouldn't have two governing 19 councils, because governing councils are autonomous 20 groups, and they could change what they wanted for 21 this school for which they are in charge and 22 responsible for. And that change could then change 23 the original school's way of doing something. 24 They may say, "Oh, no, let's just change 25 this little thing or tweak this little thing," and</p>	<p style="text-align: right;">Page 152</p> <p>1 THE CHAIR: Because when you said "add 2 on," I thought you were looking to add on to the 3 motion. 4 COMMISSIONER ARMBRUSTER: No, I'm not 5 doing that to you. 6 THE CHAIR: No, not to me. 7 COMMISSIONER ARMBRUSTER: To the motion. 8 But one of the things that I don't recall seeing is 9 that that second school had to have, within X amount 10 of years, two or three, be a non-small school. And 11 by definition, that was 200 for elementary and 400 12 for high school; so that they weren't a school that 13 was very small and would continue to need help. 14 Financial help would be the point of that. 15 So -- let me see. And the other reason I 16 guess I support schools opening another school is we 17 know what we're dealing with. I know there was an 18 issue about, well, the money for this school goes to 19 this second school of a particular school that could 20 have been given to another school. 21 I don't see the difference. The money is 22 going to a school. It doesn't matter which school 23 it goes to, because we're talking about children. 24 And if it goes to a school who has a successful 25 record, I feel that they -- they deserve the money</p>
<p style="text-align: right;">Page 151</p> <p>1 then it wouldn't be a duplication of the original 2 school, which was highly successful. 3 If we look at even having an application 4 changed and much shorter and less to do, I'm not 5 even sure why we would need an application, because 6 the school who wishes to open another school would 7 have the same exact program and the same exact 8 everything. 9 Obviously, children are different. 10 Obviously, staff is different. But nothing else 11 would be different. So would they be able to then 12 accommodate children from a different place in town? 13 Well, yeah. Because kids would choose to go there 14 or not. And for every child in any school, one has 15 to make adjustments to ensure that that child is 16 learning in his or her best way. 17 I would probably add on to this, if this 18 were to be, that if a school wanted to open a second 19 site, that that second site, as well as the first 20 site, would have to have -- is this okay? Am I 21 okay? 22 THE CHAIR: I'm not -- I'm only confused 23 as to whether you're trying to add on to the motion. 24 COMMISSIONER ARMBRUSTER: No. I'm just 25 talking. I'm -- no, I'm just discussing.</p>	<p style="text-align: right;">Page 153</p> <p>1 to run a second school in the anticipation that it 2 would be as successful as the first one. 3 Thank you. 4 THE CHAIR: Okay. Sorry. 5 COMMISSIONER ARMBRUSTER: And I might add 6 that I foresee a lawsuit coming. 7 THE CHAIR: Okay. Sorry. I apologize. 8 Is there any other discussion? 9 Okay. Without further discussion, 10 Commissioner Armbruster, roll-call vote, please? 11 COMMISSIONER DAVIS: I have a question. 12 THE CHAIR: Oh, sorry. 13 COMMISSIONER DAVIS: So I got all mixed up 14 in my mind. 15 THE CHAIR: So do you want me to read -- 16 Cindy, could you please read the motion? 17 (The record was read as requested.) 18 THE CHAIR: okay. Are we clear? 19 COMMISSIONER DAVIS: So now I know if a 20 yes is a yes or a no is a no. 21 THE CHAIR: A yes is a yes is a yes and a 22 no is a no. Sometimes that get confusing and a yes 23 actually means no. 24 COMMISSIONER CABALLERO: That was -- can I 25 change it?</p>

Page 154	Page 156
<p>1 THE CHAIR: Yeah. But you're right. You 2 get lost in discussion. It's like wait a minute, 3 what am I voting on. So we appreciate the 4 clarification so everyone knows what they're 5 voting -- and what that "yes" means and "no" means. 6 So with that said, Commissioner 7 Armbruster? 8 THE CHAIR: Okay. Commissioner Chavez? 9 COMMISSIONER CHAVEZ: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Armbruster votes "no." 12 Commissioner Voigt? 13 COMMISSIONER VOIGT: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Davis? 16 COMMISSIONER DAVIS: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Gipson? 19 THE CHAIR: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Raftery? 22 COMMISSIONER RAFTERY: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Ruiz? 25 COMMISSIONER RUIZ: Yes.</p>	<p>1 THE CHAIR: There's a motion by 2 Commissioner Gipson, a second by Commissioner Ruiz. 3 Discussion? 4 COMMISSIONER ARMBRUSTER: I have a 5 question. 6 THE CHAIR: Sure. 7 COMMISSIONER ARMBRUSTER: On this new 8 application, these requirements that we set forth 9 before that we -- 10 THE CHAIR: Can't answer that, because we 11 haven't worked on the application yet. 12 COMMISSIONER ARMBRUSTER: So the 13 application can have conditions in order to apply 14 for a new school? Or no? Anybody who wants to can 15 apply. 16 COMMISSIONER CABALLERO: It's part of the 17 discussion. 18 THE CHAIR: I think it's part of the 19 discussion later on. 20 COMMISSIONER ARMBRUSTER: Okay. 21 THE CHAIR: Because it's a -- it's a work 22 to be determined. So in this motion, it wouldn't be 23 appropriate -- 24 COMMISSIONER ARMBRUSTER: Okay. 25 THE CHAIR: -- for me to outline</p>
Page 155	Page 157
<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Crone? 3 COMMISSIONER CRONE: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Caballero? 6 COMMISSIONER CABALLERO: Yes. 7 COMMISSIONER ARMBRUSTER: The motion 8 passes nine-to-one. 9 COMMISSIONER ROBBINS: You didn't ask me. 10 THE CHAIR: Oh. Commissioner Robbins? 11 COMMISSIONER ROBBINS: Yes. 12 COMMISSIONER ARMBRUSTER: That's why I had 13 nine-to-one. 14 THE CHAIR: So I have a second motion. 15 COMMISSIONER VOIGT: We knew that was 16 coming. 17 THE CHAIR: So I move that the Public 18 Education Commission -- wait a minute. I have to 19 think about this. 20 (Chair consults with Commission counsel.) 21 THE CHAIR: So I'm going to move that the 22 Public Education Commission develop a process for an 23 application for a school to be able to open up a 24 second site. 25 COMMISSIONER RUIZ: Second.</p>	<p>1 conditions that would constrict the Commission's 2 ability to make those decisions later in a more 3 thoughtful process. 4 COMMISSIONER CABALLERO: Can we have a -- 5 can we have the motion read again, please? 6 (The record was read as requested.) 7 THE CHAIR: I'm hearing -- 8 COMMISSIONER ARMBRUSTER: I'm not -- this 9 isn't a -- against it. What I was hearing, which is 10 confusing me about the motion only -- 11 THE CHAIR: Right. 12 COMMISSIONER ARMBRUSTER: -- is that we're 13 developing a process for the application. So that 14 means it can encompass a lot. It's not just an 15 abbreviated application. 16 THE CHAIR: We can't make that decision. 17 COMMISSIONER ARMBRUSTER: Okay. 18 THE CHAIR: That's -- in the development 19 of it, it's determined whether it's a whole new 20 application, or are we simply taking -- 21 COMMISSIONER ARMBRUSTER: Right. 22 THE CHAIR: -- what already exists. We're 23 just looking at looking at it. 24 COMMISSIONER ARMBRUSTER: Got it. I can 25 do that. I just was confused.</p>

<p style="text-align: right;">Page 158</p> <p>1 THE CHAIR: That's all it does is we're 2 looking at looking at it. So I'm not -- I don't 3 want to constrain the Commission in putting into 4 this motion anything that would limit what they 5 could and could not do in terms of that application. 6 COMMISSIONER ARMBRUSTER: Perfect for me. 7 COMMISSIONER CABALLERO: In that case, if 8 that's the intent, the motion reads that we have 9 determined that we are going to allow opening up of 10 a second school, the only way to clarify it is that 11 the PEC sets up a -- a process to decide whether or 12 not subsequent schools are allowed and how that is. 13 I hate to -- to -- to nitpick. But it 14 seems to me we are already making the decision 15 that -- that schools will be allowed to -- to open a 16 second site. And part of the discussion is whether 17 that is going to take place and how. 18 THE CHAIR: Okay. I'm going to -- I'm 19 going to agree with you in the fact that this is -- 20 this motion does, in fact, embed in it the concept 21 that the PEC does support the concept. 22 Because through the discussion yesterday, 23 to me, that was made clear. That's why I made the 24 original motion. But that we supported the concept 25 of opening up the -- a second school.</p>	<p style="text-align: right;">Page 160</p> <p>1 changed and put something else? 2 THE CHAIR: It's not in -- the word 3 "amendment" is not in there. 4 COMMISSIONER DAVIS: Yeah. But you just 5 said "amendment." 6 THE CHAIR: Oh. To amend my motion. 7 COMMISSIONER CABALLERO: Okay. But 8 "amendment" signifies a separate process. 9 THE CHAIR: Correct. 10 COMMISSIONER CABALLERO: And we're not 11 looking at that. 12 THE CHAIR: No, no, no. My motion 13 specifically says "application." My amendment was 14 to take the word "site" out. 15 COMMISSIONER CABALLERO: Okay. Thank you. 16 THE CHAIR: So just so that we're clear, 17 this is a motion to work on a process to create an 18 application for a school to be able to open up a 19 second school. 20 Commissioner Ruiz? 21 COMMISSIONER RUIZ: And I just want to 22 clarify for the Commissioners that weren't here 23 yesterday. So we are going to sit down and do that 24 during a work session. It will delineate clearly 25 what the process is.</p>
<p style="text-align: right;">Page 159</p> <p>1 Okay. 2 (A discussion was held off the record.) 3 (The record was read as requested.) 4 THE CHAIR: I need to amend the motion. 5 Yes, now, when I was -- 6 COMMISSIONER CABALLERO: That's what 7 triggered, Madam Chair, my attention. 8 THE CHAIR: So I need to amend my motion 9 to -- and remove the word "site," "second site," to 10 "second school." Someone needs to second that. 11 COMMISSIONER RUIZ: Second. 12 THE CHAIR: There's a second by 13 Commissioner Ruiz. 14 COMMISSIONER CABALLERO: And I heard a 15 third over here. She's too shy to -- 16 THE CHAIR: So I'll go back, and I want -- 17 so, yes, to make it clear, that is the -- that is 18 the intent of my motion, that we're in support of 19 that. We simply need to create a different process 20 than that amendment process. 21 So, yes, if you -- if you vote "yes" for 22 this amendment, it is in support of the possibility 23 of opening up a second school. 24 COMMISSIONER CABALLERO: Madam Chair, can 25 I interject and request that the word "amendment" be</p>	<p style="text-align: right;">Page 161</p> <p>1 I mean, it's not just going to be any 2 school can go and apply for a second school. It has 3 to be clearly defined that they have to be 4 successful, they have to have a proven track record. 5 THE CHAIR: We don't want to define that 6 yet. 7 COMMISSIONER RUIZ: Okay. I'm sorry. 8 COMMISSIONER ROBBINS: It's just that we, 9 the Commission, will decide the conditions on which 10 that second school would be allowed. 11 COMMISSIONER CABALLERO: Exactly. 12 Exactly. 13 COMMISSIONER ROBBINS: That's all we're 14 deciding. 15 THE CHAIR: And also if there will be 16 conditions. It's open for discussion. So, yes, 17 it's not -- 18 COMMISSIONER ROBBINS: What any conditions 19 would be. 20 THE CHAIR: Whatever any conditions -- you 21 know; so -- because we're not getting into that big 22 discussion now. Right. Right. 23 Commissioner Armbruster? 24 COMMISSIONER ARMBRUSTER: A point of 25 clarification. When we say "second school," it</p>

Page 162	Page 164
<p>1 could be the Ami School is going to open up an Alan 2 School. Or Ami's school could open up another Ami's 3 school; am I correct? 4 THE CHAIR: Honestly, I don't know what 5 you're asking. I don't know. 6 COMMISSIONER ARMBRUSTER: Could you make 7 up -- 8 COMMISSIONER CABALLERO: That's not up for 9 the discussion. 10 COMMISSIONER ARMBRUSTER: I just want to 11 make sure that's what -- 12 THE CHAIR: Okay. So I think I 13 understand. So I think you're correct. A Karyl Ann 14 School would have to open up another Karyl Ann 15 School. 16 COMMISSIONER ARMBRUSTER: Could. Or I 17 could open up an Ami School. 18 THE CHAIR: No, No. If the Karyl Ann 19 School wanted to open up an Alan School, which is a 20 whole new educational model, that's a whole new 21 application. This is simply, "I'm taking my model 22 of the Karyl Ann School, and I want to take the same 23 model to the other side of town." 24 COMMISSIONER ARMBRUSTER: Okay. It wasn't 25 clear to me. I got it.</p>	<p>1 Gipson? 2 THE CHAIR: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Armbruster votes "Yes." 5 Commissioner Robbins? 6 COMMISSIONER ROBBINS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Crone? 9 COMMISSIONER CRONE: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Raftery? 12 COMMISSIONER RAFTERY: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Ruiz? 15 COMMISSIONER RUIZ: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Chavez? 18 COMMISSIONER CHAVEZ: Yes. 19 COMMISSIONER ARMBRUSTER: Ten-to-zero, the 20 motion passes. 21 THE CHAIR: Okay. The motion passes, 22 ten-zero. And I'll just add my thanks to everyone 23 who engaged in that conversation yesterday, because 24 I think those are important, obviously, 25 conversations.</p>
<p>Page 163</p> <p>1 THE CHAIR: Because that's what I said at 2 the beginning of this discussion. This is for a 3 school to open up a second school -- yes. Just 4 so -- and thanks for the clarification, that this is 5 a school that wants to open up another school based 6 on their educational model. 7 COMMISSIONER ARMBRUSTER: I thought that's 8 maybe what you meant; but it didn't sound like this 9 so I wanted to make sure. 10 THE CHAIR: Yes. Absolutely, it is. 11 Is there any other discussion? 12 (No response.) 13 THE CHAIR: Hearing none, roll-call vote, 14 please? 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Voigt? 17 COMMISSIONER VOIGT: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Caballero? 20 COMMISSIONER CABALLERO: Yes. 21 COMMISSIONER VOIGT: I'm here. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Davis? 24 COMMISSIONER DAVIS: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>Page 165</p> <p>1 We are on to Item No. 10, just -- 2 Discussion and Possible Action on the PEC Charter 3 Contract and PEC Authorized Performance Review and 4 Accountability Documents to Insure Alignment with 5 the New State School Accountability System and Other 6 Minor Changes. 7 So this has been quite a process for a 8 number of reasons. You know, we're -- we have a new 9 state accountability system; so we've had to make 10 quick, and sometimes on-the-fly, modifications to 11 comport with the law now. And that's still kind of 12 a transition thing as well in some cases. 13 So it's been -- it's been an interesting 14 process. 15 In addition, as we have engaged in the 16 contract negotiations through this past week, we 17 knew, heading out, that there were certain pieces of 18 the contract language that might need to be tweaked 19 based on the new accountability system. So that was 20 understood. 21 But then as schools began to address 22 certain questions to us, we realized that there were 23 some words in the contract that could be a little 24 confusing. So we made -- also, through the week, we 25 made a list of those changes that schools and those</p>

Page 166	Page 168
<p>1 that -- those of the PEC that were involved in the 2 negotiations felt it was important to make those 3 changes. 4 So you received, through your packet, the 5 first best version of those changes. But those 6 changes came through before the negotiation was 7 road-showed. So you have a cheat sheet of those 8 changes that was provided this morning. Those of 9 you that were at the work session yesterday, we 10 went -- we went through it. But just to be clear, 11 this -- these are the changes. And as we spoke 12 about yesterday, we will also provide to all of the 13 schools who are having to sign these contracts, we 14 will provide this cheat sheet as well to them so 15 that -- because they're going to get the clean copy, 16 and this will hopefully guide them where to find 17 those changes in case they have any questions. I 18 hope this offers clarification to them. 19 So on the top part are the proposed 20 changes for the contract. And I will gladly go 21 through any of these if folks still have a question 22 or a concern about them. If you could just briefly 23 run through them just to see. 24 And then, of course, at the -- the second 25 piece is the proposed changes to the performance</p>	<p>1 you can actually see what happens, you're doing 2 your -- you know, your next best with it. 3 So I appreciate everyone's hanging in 4 there last night in trying to get this done, because 5 it is important for us to be able to get those clear 6 copies out to governance council members so that 7 they are absolutely sure of what they are, you know, 8 signing on the dotted line. 9 So if -- are there any questions or 10 comments about this? 11 COMMISSIONER VOIGT: I can make a motion. 12 THE CHAIR: Thank you. 13 COMMISSIONER VOIGT: I move that the PEC 14 adopt the changes to the PEC Charter Contract and 15 Performance Review and Accountability System and the 16 Tier Rating System. 17 COMMISSIONER RAFTERY: I second. 18 THE CHAIR: There's a motion by 19 Commissioner Voigt, a second by Commissioner Davis. 20 COMMISSIONER RAFTERY: No, Raftery. 21 THE CHAIR: Oh, I'm sorry. 22 COMMISSIONER DAVIS: I did it. 23 THE CHAIR: A second by Commissioner 24 Raftery. 25 Is there any discussion?</p>
<p>1 review and accountability system. And I want to 2 focus Commissioners' attention to the back page, 3 which was, thank you very much, having to deal with 4 numbers at literally hour 11 to try to figure out 5 the -- the breakdown of points for the tier system. 6 So that -- because we made the changes to 7 the performance framework last year, the -- the 8 rating system was based with the mission-specific 9 goals being only the 10 additional points. Now that 10 we've embedded those mission-specific goals with 11 points into the contract, we needed to retweak -- 12 and, actually, I think we found out that we really 13 didn't end up making huge tweaks to it. 14 Karen thoughtfully ran that blind run for 15 us. We really found that there weren't outrageously 16 big differences in how scores -- how schools are 17 going to end up, anyway. 18 COMMISSIONER VOIGT: And, you know, I 19 don't think we could have done that without those 20 two charts from -- the data from 2018 and from 2019. 21 So thanks for running that. 22 MS. KAREN WOERNER: Oh, good. 23 THE CHAIR: Because it really was 24 important. And, you know, when you're doing any of 25 these systems, before -- you know, it's -- before</p>	<p>1 (No response.) 2 THE CHAIR: Hearing none, roll-call vote, 3 please. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Robbins? 6 COMMISSIONER ROBBINS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Raftery? 9 COMMISSIONER RAFTERY: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Davis? 12 COMMISSIONER DAVIS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Voigt? 15 COMMISSIONER VOIGT: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Armbruster votes "Yes." Commissioner Chavez? 18 COMMISSIONER CHAVEZ: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Gipson? 21 THE CHAIR: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Ruiz? 24 COMMISSIONER RUIZ: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
Page 167	Page 169

<p style="text-align: right;">Page 170</p> <p>1 Caballero?</p> <p>2 COMMISSIONER CABALLERO: Yes.</p> <p>3 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>4 Crone?</p> <p>5 COMMISSIONER CRONE: Yes.</p> <p>6 COMMISSIONER ARMBRUSTER: Ten-to-zero</p> <p>7 vote. It passes.</p> <p>8 THE CHAIR: Thank you. The motion passes.</p> <p>9 And we are on now to Item No. 11, which</p> <p>10 originally, I was going to say we'll table it; but I</p> <p>11 do want to brief the Commissioners on what has gone</p> <p>12 on a little bit with this.</p> <p>13 When we engaged with one of the -- when we</p> <p>14 engaged with one of those reengagement schools</p> <p>15 during the contract negotiations, there was a</p> <p>16 noticeable level of angst over the potential fallout</p> <p>17 of this new system; and, you know, there are still</p> <p>18 those gray areas about knowing exactly what the</p> <p>19 accountability system is going to look like for each</p> <p>20 school until they actually see it the first time.</p> <p>21 So that there is a general level of concern, but for</p> <p>22 a school that services that really very specific</p> <p>23 special population.</p> <p>24 And we knew from the previous</p> <p>25 accountability system that it was virtually</p>	<p style="text-align: right;">Page 172</p> <p>1 conversation.</p> <p>2 But that actually led us to that let's try</p> <p>3 to make blind run of this system so that we could</p> <p>4 perhaps see how this school would -- would be</p> <p>5 through this new accountability system. So that at</p> <p>6 the very least, we could make that assurance that --</p> <p>7 because there was a concern addressed by the school</p> <p>8 that they were always going to be a Tier 4, and they</p> <p>9 could never get out of Tier 4.</p> <p>10 And we tried to address that, and I think</p> <p>11 we did adequately on Wednesday, that based on the</p> <p>12 performance framework and the point system, unless</p> <p>13 they absolutely did nothing, they did nothing</p> <p>14 towards the goal, they're still going to get points.</p> <p>15 And they thought they'd always be at zero points</p> <p>16 with that. And they won't be.</p> <p>17 So I think they felt better, because</p> <p>18 they -- they were looking more at the old system</p> <p>19 than the new system.</p> <p>20 So -- but we did -- and I think we do --</p> <p>21 want to look at the definition of a reengagement</p> <p>22 school. Not today.</p> <p>23 COMMISSIONER VOIGT: So just also to</p> <p>24 apprise the Commission of some of the factors that</p> <p>25 go in to creating a disengaged student, you know,</p>
<p style="text-align: right;">Page 171</p> <p>1 impossible -- because of the graduation rate issue,</p> <p>2 that a reengagement school could never be better</p> <p>3 than a "C." That was the bottom line. Because of</p> <p>4 the way the points are calculated and so on, they --</p> <p>5 they just -- they could not -- that was it. That</p> <p>6 was the best that they were going to be able to do.</p> <p>7 We've got a new system. There was a</p> <p>8 concern about how the performance framework was</p> <p>9 going to -- the new performance framework was going</p> <p>10 to affect reengagement schools in general; of</p> <p>11 course, this school, in particular, because we were</p> <p>12 meeting with them.</p> <p>13 We felt that the discussion was important</p> <p>14 enough, and to hopefully make this school as</p> <p>15 comfortable as we could at the time with this</p> <p>16 system, that we agreed to meet Wednesday afternoon</p> <p>17 with that school so that we could have a further</p> <p>18 discussion outside of the contract negotiations</p> <p>19 discussion, to see where the concerns were and how</p> <p>20 we could help to address them.</p> <p>21 And Ami was there. Commissioner Voigt was</p> <p>22 there for a good portion of the time. And I</p> <p>23 appreciate that time, and we certainly appreciate</p> <p>24 the time that Tani from Cesar Chavez was willing to</p> <p>25 give us; because it's -- it is a greater</p>	<p style="text-align: right;">Page 173</p> <p>1 that would need to be reengaged, you know, we have</p> <p>2 to look at things like their homeless -- is this a</p> <p>3 homelessness factor; illness factors; high incidence</p> <p>4 of student disciplinary actions; their overall</p> <p>5 attendance rates. You know, those are just --</p> <p>6 number of "F"s on their transcripts.</p> <p>7 Those are just some of the pieces that</p> <p>8 might cause disengagement from a school. But then</p> <p>9 also the reengagement piece we need to consider for</p> <p>10 future is what kind of programs are really bringing</p> <p>11 in those kids to be reengaged, perhaps that were</p> <p>12 lost out on the other schools' side that the student</p> <p>13 became disengaged; but those kind of factors when we</p> <p>14 start crafting the definition.</p> <p>15 THE CHAIR: Right. Because I think at</p> <p>16 this point in time, we -- you know, we're not</p> <p>17 exactly sure all the schools that would fall into</p> <p>18 that definition. So we need to engage with the</p> <p>19 schools --</p> <p>20 COMMISSIONER VOIGT: With the reengagement</p> <p>21 schools.</p> <p>22 THE CHAIR: -- to see what is the</p> <p>23 definition of "reengagement," which is completely</p> <p>24 separate from the SAMs definition.</p> <p>25 COMMISSIONER VOIGT: Right.</p>

<p style="text-align: right;">Page 174</p> <p>1 THE CHAIR: This is -- for the Commission, 2 this is what is reengagement. 3 But to continue down the road of that 4 discussion -- and we have less influence on this. 5 But part of the -- that conversation -- and it was 6 expressed by the school -- needs to be that as a 7 reengagement school, they really only work when 8 they're small. Yet the State is not supporting 9 small schools. 10 But their program really only works when 11 they truly have that one-on-one contact and know 12 everyone in the school, because that's where that, 13 you know, maybe a little bit more pressure that I -- 14 you know, that, "I need to be there," but also that, 15 "Someone knows me, I'm being heard, and people care 16 about me." 17 Because so many of the students that go to 18 those schools are those students that feel 19 disengaged, you know, and they've got those issues 20 outside of school so that school is their safe 21 harbor. That's their family. And that doesn't work 22 when there's 500 kids in a school. 23 So that, you know, I don't know where that 24 conversation comes in; but that conversation need 25 to -- needs to come in.</p>	<p style="text-align: right;">Page 176</p> <p>1 there being the advocate for the -- the student 2 population that she supports. 3 So -- and we want to make sure that all 4 the schools that fall into that are -- are being 5 heard, because I think a lot of them felt that they 6 were dismissed through legislation of not funding 7 over 22, that that was a message that, "We don't 8 want those schools any longer." 9 And from our perspec-- well -- and -- 10 and we didn't support that and made that known. But 11 we want to continue to let the schools know that 12 we're going to work within whatever parameters we 13 have to support them. 14 So only to that -- 15 COMMISSIONER ARMBRUSTER: Madam Chair? 16 THE CHAIR: Sure. I'm sorry. 17 COMMISSIONER ARMBRUSTER: Just three quick 18 clarifications. So when you're talking about an 19 engagement school. 20 THE CHAIR: Reengagement. 21 COMMISSIONER ARMBRUSTER: -- reengagement 22 school -- are you talking about the entire school, 23 or are you talking about they have a night class? 24 THE CHAIR: No, no, no. We're talking 25 about the school.</p>
<p style="text-align: right;">Page 175</p> <p>1 COMMISSIONER VOIGT: So, Madam Chair? 2 Also -- sorry, excuse me -- I just wanted to say 3 also that it would be really great if we could hear 4 from a consortium of schools that currently feel 5 they are reengagement schools to find out what their 6 specific needs might be around defining what 7 qualifies them as a reengagement school. 8 THE CHAIR: Right. And we made that 9 agreement with Tani that we would engage -- I keep 10 using the word "engage in the reengagement" -- that 11 the schools that felt that they preliminarily fell 12 into that umbrella, we would invite them into the 13 conversation. 14 Some of them may fall out of the umbrella 15 based on the definition. But any of the schools 16 that feel that they have, you know, a piece of that 17 apple, that we'll invite them in so that we have 18 a -- a good working definition of -- of what that 19 is. 20 So at a future -- soon -- work session, 21 that's -- that's on our plate as well. So I just 22 want to -- and I want to thank, once again, because 23 Tani does an incredible job of really being an 24 advocate for reengagement schools. There are many 25 others as well. But she's certainly always out</p>	<p style="text-align: right;">Page 177</p> <p>1 COMMISSIONER ARMBRUSTER: The school. 2 THE CHAIR: It is not a school that just 3 happens to have a small evening program, no. 4 COMMISSIONER ARMBRUSTER: And I'm just 5 curious. What number were they kind of throwing 6 around as would be a good number to have to 7 accomplish the most? I mean, like 100? 50? 22? I 8 just wanted to know. 9 COMMISSIONER VOIGT: But most schools that 10 are reengagement schools, they operate -- their 11 numbers are just like any other standard small 12 charter school; you know, 250, 300. They just 13 happen -- their mission just happens to be that they 14 focus on reengaging disengaged students or 15 returning-to-school students. 16 THE CHAIR: I think it would have to be at 17 least -- you know, that small-school threshold. 18 COMMISSIONER VOIGT: Right. 19 THE CHAIR: That concept. Not 50. 20 COMMISSIONER ARMBRUSTER: I really didn't 21 know. I didn't. 22 THE CHAIR: Yeah. The idea is we -- we 23 purposely state "small school," because that aligns 24 with our mission and the student population. It's 25 not that we stay purposely small, because we wanted</p>

<p style="text-align: right;">Page 178</p> <p>1 small-school size adjustments. 2 COMMISSIONER ARMBRUSTER: Right. 3 COMMISSIONER VOIGT: Which is going 4 bye-bye anyway. 5 THE CHAIR: They weren't gaming the 6 system. And that's the point. We need to look at 7 how, in any way, that we can still support that and 8 not them lose their ability to fulfill that mission. 9 Okay. So here are my kudos to all the 10 folks that went on the road trip with us. 11 It was an incredible amount of work by the 12 CSD staff in preparation for it in getting us ready 13 for each and every day, in getting us through those 14 meetings with tracking those changes; and without 15 that, we wouldn't have been able to be successful, 16 not even as successful as we were. We would not 17 have been successful, period. So, you know, we 18 certainly appreciate all that. 19 I appreciate Commissioner Armbruster and 20 Commissioner Voigt for traveling down to Cruces and 21 spending some time in my hometown. So that was -- 22 and it's always exciting when I get to travel three 23 miles for a meeting. It doesn't happen often. 24 And as I said, I can -- it's easier for me 25 to be late when I'm leaving home, because there's</p>	<p style="text-align: right;">Page 180</p> <p>1 schools felt that they were -- they were heard, and 2 we were able to represent much of that in the 3 mission-specific goals and through the contract 4 negotiations. 5 So I am confident that governance council 6 members are going to be supportive of this, and we 7 will be looking to June for a vote as CSD continues 8 on this never-ending work; so -- because now they 9 have to get those clean contracts available and to 10 the schools so that they can -- that they can make 11 the votes on it. 12 We have been -- I indicated that we spent 13 quite a bit of time, most recently, trying to deal 14 with the appeal of the Corrective Action Plan. And 15 I think that's been, hopefully, successful. And 16 we'll deal with some of the other items as we go 17 into Executive Session. So I think that's been my 18 time. 19 You know, we didn't put Matt on -- but we 20 didn't put him on the agenda. 21 MS. AMI JAEGER: Because we don't have a 22 vote. That's why. 23 COMMISSIONER VOIGT: It's No. 12, Public 24 charter schools of New Mexico. 25 THE CHAIR: I'm sorry. I'm looking at the</p>
<p style="text-align: right;">Page 179</p> <p>1 distractions; so it's -- I'm not used to that. 2 And I want to thank Ami, because she hung 3 in there with us. And Mark made the travel down for 4 Thursday. But it's -- it's exhausting work. It's 5 mentally exhausting work, let alone all the travel. 6 And then there's the other legal issues 7 that come up after we're leaving the meeting that 8 have to be wrangled for the next day. So there's 9 really -- there's a lot of -- there's a lot of work 10 on the fly that has to be done, and we appreciate 11 that. 12 And Commissioner Robbins was able to join 13 us through our Albuquerque adventures, and 14 Commissioner Raftery came in as well. So I 15 appreciate that time as well. 16 And then who was here yesterday? 17 Well, Commissioner Davis was here 18 yesterday, and Commissioner Ruiz was here yesterday. 19 So it's been a cast of characters that have been 20 floating in and out of this little scenario. So I 21 think it went -- it went very well. 22 Schools, I think, left clear on what the 23 expectations were. I hope they feel that they were 24 heard. Not everyone walks away with everything that 25 they thought they, you know, needed. But I hope</p>	<p style="text-align: right;">Page 181</p> <p>1 proposed motions. I'm not looking at the agenda. 2 We left Matt out. 3 COMMISSIONER CABALLERO: He's still here. 4 THE CHAIR: And I saw him move down. And 5 it's, like, wait a minute. He's not -- I apologize. 6 I was looking at the wrong document. 7 Okay. So now we have the update from 8 Public Charter Schools of New Mexico. Sorry. 9 MR. MATT PAHL: Thank you, Madam Chair. 10 Just a quick note on your -- one of your discussion 11 items for the reengagement high schools. 12 THE CHAIR: Uh-huh. 13 MR. MATT PAHL: There were a couple of 14 members of the Coalition who did some work on this 15 in the past, probably the most traction that has 16 gotten done. So in addition to the schools, I just 17 encourage you to reach out to Greta Roskom, to Kelly 18 Callahan, and to Jim Griffin, who was somebody they 19 contracted out with at the time. 20 He did a lot of work on this in Colorado 21 where they have a pretty good system. And he 22 actually did do work in New Mexico, too. He may -- 23 I won't say -- I won't say if he'll do it pro bono. 24 But I know every time I see him at random events 25 nationally, he's just so interested in pushing that</p>

<p style="text-align: right;">Page 182</p> <p>1 forward. And he did do some formalized work. So 2 just a few other names for you-all. 3 THE CHAIR: Thanks. 4 MR. MATT PAHL: The next thing I just note 5 from earlier in the conversation is on Illuminate Ed 6 and finding goals for that. I know there's -- right 7 now with Dolores Huerta, because they have that as 8 an interim assessment, there's this question of how 9 do we make goals for that. 10 I just want to note that it's important 11 to -- it's important that we find a path forward for 12 that, because I think a lot of interim assessments 13 are going to be moving in this way, where NWEA MAPs 14 will provide, like -- it'll just spit out a growth 15 score for you. 16 Illuminate is an assessment that allows 17 teachers to select the standards that they're trying 18 to assess, and it really provides some teacher 19 control that I think a lot of schools are seeing as 20 a real positive. 21 And so this is kind of a "canary in the 22 coal mine" of how we create an appropriate goal for 23 someone who uses assessments like that, because it's 24 just not going to be as clean as NWEA MAPs, which is 25 kind of the standard, or Istation.</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. MATT PAHL: Just a recap on the 2 regional workshops that we held over the last two 3 weeks. 4 THE CHAIR: That's what I forgot to 5 mention. 6 MR. MATT PAHL: Thank you, Commissioner 7 Gipson, for coming to our Las Cruces event. Thank 8 you, CSD staff, for coming to our Gallup event. 9 The big part that we went over was we 10 had -- there are a lot of passed bills; I think 47 11 was my count. So I don't envy PED staff who will 12 have to put out guidance. And not that it's any one 13 person, but, you know, multiple places here. 14 And I think for some of those schools are 15 very eagerly awaiting those rules and guidance. And 16 so we got to have those initial conversations, 17 though, which just raises awareness about what's 18 coming down the chute here. 19 I don't anticipate -- and I think we did 20 talk to the Chair at our meeting, you know -- until 21 these are really formalized, I don't -- the schools 22 might -- if it's an issue that they know is really 23 important to them or the bill is just so 24 crystal-clear in what the content is, they should go 25 ahead and respond to it.</p>
<p style="text-align: right;">Page 183</p> <p>1 So it's just something to think about. 2 It's a push, because I just see more schools, and 3 teachers at those schools, saying, "You know what? 4 This allows me to get the information I need to 5 inform instruction." 6 It doesn't fit in as well for school 7 goals, though. So it's a challenge. But I'm 8 hopeful that we're able to figure something out. 9 THE CHAIR: And just to be clear, it's not 10 a goal. It's not a mission-specific goal. 11 MR. MATT PAHL: Oh, okay. 12 THE CHAIR: It's not. It's part of -- the 13 discussion was in regards to the Corrective Action 14 Plan, benchmarks that we wanted to see. But it's 15 not a mission-specific goal. 16 MR. MATT PAHL: I see. Okay. 17 THE CHAIR: We didn't have any schools -- 18 because the recommendation from the Commission was 19 that they have to be mission-specific, so that they 20 are not math and reading goals in that sense. 21 MR. MATT PAHL: Okay. Appreciate that. 22 THE CHAIR: So -- but I do appreciate that 23 information. Because even when we're looking at 24 CAPs, we need to be able to figure out a benchmark, 25 whatever that is.</p>	<p style="text-align: right;">Page 185</p> <p>1 You know, the fire drill policy bill; 2 that's crystal clear. You don't need a piece of 3 guidance or a new rule from PED. 4 But there are several in which, yeah, you 5 can start brainstorming about this, but you should 6 probably wait until you get something from -- from 7 the folks who get to interpret this stuff. 8 So surprisingly that even just those 9 conversations held a lot of value for the schools, 10 and we were able to walk through a number of bills 11 to just highlight for them that things are changing. 12 One example that we used in every one -- 13 we kind of mixed them up based on the schools that 14 were there -- was medical marijuana in classrooms, 15 which is now -- you are now able to administer that 16 medical -- that medication in schools. 17 And that was after the conversation, 18 schools are -- "You know what? This is very similar 19 to how we handle other prescriptions." 20 And it may or may not be an issue right 21 away. But you better believe if you have a parent 22 that is an advocate for their student using that, 23 they're going to know right away on July 1 when 24 that's effective. So it was a good heads-up for our 25 members.</p>

<p style="text-align: right;">Page 186</p> <p>1 We also talked a little bit about the 2 budget and how that's going. Early on, after the 3 bills were passed, we knew that these would be 4 tougher times for our charter schools and for 5 getting close to having real numbers behind this. 6 And so as we get those numbers, we want to share 7 those with you and with the legislators. 8 Given the commitments that were made and 9 mandates through the legislation, mostly in teacher 10 salaries and the amount that was actually given, you 11 put in the change in ERB, you put in change in just 12 overhead costs for insurance, things like that, 13 people are finding they don't have a lot of money, 14 even if they weren't hit by small-school size 15 adjustment. 16 And so most first schools are okay for 17 this next year. But I think we really want to make 18 sure we're telling our story of how this impacted 19 our schools in a complete way. 20 So just anticipate we being up here each 21 month giving you a specific story about how this was 22 impacted; because we certainly agreed with many of 23 the policy notions that went forward. However, it's 24 becoming clear that the amount of money that went in 25 above the line just isn't quite cutting it for</p>	<p style="text-align: right;">Page 188</p> <p>1 better than you all. They've been approved; you 2 know how the schools are going. Out of anybody at 3 PED, it's likely that the CSD was the last group to 4 be in that school. 5 So it's -- they may have a better feel for 6 whether they're going to meet their enrollment goals 7 for next year based on all the other circumstances 8 that are in that. 9 And so I'm just identifying an issue 10 there. I don't really know what the path forward 11 is, though. But it does feel like there's -- 12 there's a role that the folks in this room can play 13 to add that context for when a school has 100 14 students, and next year saying, "You know what? I 15 think we're going to have 130. Is that realistic or 16 not?" 17 Because I -- what Mr. Craig really helped 18 me understand was, you know, whether you have a rosy 19 projection or a conservative one, they're both 20 probably going to be wrong. 21 How do we figure out a pathway that allows 22 people to really plan for a budget that's reasonable 23 for the students that they'll likely have without 24 making it really difficult for them to recruit 25 teachers at this point in the year, which is really</p>
<p style="text-align: right;">Page 187</p> <p>1 everyone. 2 So we want to tell those stories so people 3 know the impact and they have good information to 4 move forward on next session as we create the SEG 5 allocation for next year. 6 Lastly, as we go through the budget 7 cycle -- I'm just highlighting this for us because I 8 think it impacts -- it impacts our schools. As a 9 school is growing, if they're adding a new grade 10 level, or if they got a new facility that allows 11 them to enroll more students that's within the range 12 of their cap, there's this issue of being able to 13 budget for those students. 14 So if I had 200 students last year and was 15 serving grades K-1-2, and now I wanted to add a 16 third grade, and am approved to do so -- so I'm just 17 going ahead with growth -- there is an issue of 18 being able to budget for your anticipated students 19 next year. 20 And David Craig and I had a good 21 conversation last week on how that number is 22 calculated or figured out for schools. 23 And I do think there's an opportunity for 24 the Commission or the CSD to play a role in that, 25 because nobody knows the schools' growth plans</p>	<p style="text-align: right;">Page 189</p> <p>1 important, or -- and without them getting a bunch of 2 extra money that they shouldn't have, right? 3 So there's a balance there. And I just 4 want to note on the record that I really appreciate 5 the conversation I had with Mr. Craig and also just 6 feel like there just may be a role for the 7 Commission or the CSD to be able to just help with 8 some context around that so schools have a 9 reasonable budget. 10 THE CHAIR: We are supposed to look at 11 budgets. So -- and you're right. I guess it's 12 always better to err on caution, because it's not 13 going to hurt you as much. 14 But it does hurt you when you're doing, on 15 the recruitment side, the staffing and so on. But, 16 yeah, that over-projection, we've seen some schools 17 that it's come close to crippling because of that 18 over-projection. 19 There's also over-projection and then 20 over-projection. And I think if you go back a 21 number of -- not that long ago. But even 22 traditional school districts play that game fairly 23 well, you know. 24 So it's -- you know, it started to become 25 a fabric of what schools did. And then it's, like,</p>

<p style="text-align: right;">Page 190</p> <p>1 yeah, but that's not good. 2 So it -- you know, it takes a little 3 while. And, yeah, when you're talking about a 4 school of 30 starting out, you know, an 5 over-projection can be just a couple of kids; but 6 it's going to be a costly over-projection. 7 So -- and -- yeah, we do -- you're 8 absolutely right. We have to look at that. 9 I just want to add in that -- you know, 10 with that discussion about schools feeling a pinch 11 even though there's all this extra money, we're on 12 the -- because of our new e-mail addresses, we get 13 all the do-it notices and so on. 14 And I don't remember the individual's 15 name. But somehow they're involved in the 16 insurance -- school insurance. And we got the 17 e-mail that said, "Oh, bad news is that insurance is 18 going to go up 5 percent. But the good news is 19 teachers got a raise, so they can -- they can -- you 20 know, they can withstand that." 21 It's, like, so where did the raise come 22 in, you know? And not -- you know, it's also that, 23 that there's still that level of, "Oh, it's okay. 24 We can..." -- and I get, insurance is -- you know, 25 is never going to go down. But people need to</p>	<p style="text-align: right;">Page 192</p> <p>1 add something to that? Because I know PED is 2 hearing a lot about this. And PED can't add money 3 to the budget. 4 THE CHAIR: Got that. 5 MR. MATT PAHL: And so I'll let you guys 6 decide whether that's helpful to you. But I think 7 Deputy Secretary Delgado, during Thursday's charter 8 school call -- was that yesterday morning was the 9 charter school call? -- he had noted, and I think 10 correctly -- and I'll be echoing this to schools -- 11 that really, it's with the regulator that you need 12 to share this -- your -- this -- 13 THE CHAIR: My intent was not as a group 14 session to say, okay, and the expectation that PED's 15 coming with a suitcase of money and going to be able 16 to -- you know, here -- you know, here's your 17 \$100,000, and here's your \$100,000; but to take a 18 look at -- because some schools may not know some of 19 the options that they may have to explore within 20 the -- you know -- within grants, programs that -- 21 because they're -- you know, they've got a little 22 bit of blinders on in trying to just navigate this. 23 And I think just even the broader 24 conversation, that all schools are together. And a 25 school can say, "Hey, you know what? We did this,"</p>
<p style="text-align: right;">Page 191</p> <p>1 understand that when salaries go up and insurance is 2 going up, retirement is going to go up, that what 3 was the real raise that came into it? And I don't 4 think it was. 5 MR. MATT PAHL: And, Madam Chair, if I can 6 add on to that, I think most of the conversations in 7 the Roundhouse were kind of supply-side. It was, 8 like, yeah, but everybody is getting this much more 9 money. And I don't think there are a lot of 10 conversations about the elevated costs as well. And 11 those obviously go hand-in-hand when we're 12 budgeting; so... 13 THE CHAIR: Okay. So now that we're on 14 that conversation and we've got CSD staff here, 15 would it be most appropriate to have time allotted 16 at the June conference to be able to really engage 17 in more schools to say, "Okay, here's the problems 18 that..." -- because now they've done their budgets. 19 So, you know, during Session, people were 20 trying to play with their budgets; but they really 21 didn't have the time. But now they have the 22 absolute numbers. "This is -- this is what this is 23 going to look like. So now give me some suggestions 24 as to how I do this," you know. 25 MR. MATT PAHL: Madam Chair, if I can just</p>	<p style="text-align: right;">Page 193</p> <p>1 just to say -- but, no, my intention was not to 2 point a finger and say, "It's PED's fault," and -- 3 but I think we have to be part of the process of 4 trying to be as helpful in terms of giving out 5 whatever information can help in light of this, you 6 know. 7 And, yeah, understanding that there's no 8 more money that's going to come in from this; but it 9 would be nice if legislators were invited and able 10 to be part of that conversation. 11 MR. ALAN BRAUER: Madam Chair and members 12 of the Commission, I agree. And I think we can find 13 the space for that. And I think we can do that 14 without too much imagination and not making it -- 15 otherwise known as a gripe session -- but to really 16 be productive. 17 And I've been in many, many conversations 18 over the last two weeks with charter schools. And 19 it's -- they have -- the conversations have been 20 very focused in on -- on the -- the individual 21 schools. And I think there's an opportunity for us, 22 in a moment where we're really celebrating 20 years 23 of charters in New Mexico, to coalesce schools 24 about, yeah, how were we -- how were we going to 25 continue operation towards our mission and vision,</p>

<p style="text-align: right;">Page 194</p> <p>1 but also hear from -- there are some schools who are 2 like, "You know what? We got -- this is what it is, 3 and this is what we're doing." 4 So I see it as a best-practice share and a 5 listening campaign at the same time, if we can. I 6 know that's going to be hard to finesse; but -- 7 THE CHAIR: Sometimes you have to take the 8 hit and just let people spit it all out and say, 9 "Okay, we heard you." 10 You know, that's -- sometimes that's 11 important. And I appreciate those individual 12 conversations. 13 But, yeah, you're right. They're targeted 14 to a specific school, you know, and, yes, there's a 15 degree of, "What about me?" But there should be the 16 broader, "What about us?" 17 And schools -- you know, some schools 18 think out of the box better than others so that they 19 can -- you know, they've maybe figured something 20 out, you know. Or maybe when they get together, 21 they realize they can actually share a service, you 22 know. That's -- in some areas, that may be a 23 possibility. 24 So I appreciate that. 25 Okay. Thanks.</p>	<p style="text-align: right;">Page 196</p> <p>1 people. 2 So that'll be "to be determined." Maybe 3 Commissioner Robbins can have a discussion with -- 4 COMMISSIONER ROBBINS: Mr. Guillen, who's 5 now the -- he's the Chair and the Executive 6 Director. 7 THE CHAIR: Yes. Executive Director. 8 Yes. So -- okay. 9 All right. So before we move into 10 executive session, we will do PEC Comments so that 11 all we'll have is to come back and say goodbye. 12 The new Superintendent of Hatch Valley 13 Public Schools, Commissioner Chavez? Thank you for 14 surviving your first whole week, or less than a 15 first whole week. 16 COMMISSIONER CHAVEZ: Well -- and I 17 apologize for not being able to join you last week 18 and this week. Last week, I was finishing up in 19 Deming. And this week, I started in Hatch. So a 20 very busy schedule. And so I apologize for missing. 21 But I just want to say thank you for 22 everything. I continue to learn. And this is -- 23 what? Month five? And it's -- it continues to be a 24 learning process. And I'm just glad to be here. 25 THE CHAIR: Thanks.</p>
<p style="text-align: right;">Page 195</p> <p>1 MR. MATT PAHL: Thank you. 2 THE CHAIR: Sorry. I thought you weren't 3 on the agenda. 4 So -- but I do not see anyone from the 5 School Boards Association. 6 So... 7 MS. FRIEDMAN: Madam Chair, I'd like to 8 just mention that the School Board Association is 9 going to be holding the law conference -- 10 THE CHAIR: Oh, the law conference. 11 MS. FRIEDMAN: -- in early June. And I 12 have not received any of that information. And last 13 year, we had some discussion as to how many people 14 will attend and so forth. 15 THE CHAIR: Yeah. Last year, the School 16 Boards Association didn't want to extend an 17 invitation to all the Commissioners. They wanted 18 to -- they wanted to limit, because we're not a 19 member, and there's a per-person fee that's involved 20 with it. I think at the end, they finally relented 21 and said, "Anyone that wants to come can come." 22 But the early discussion was, "What?" You 23 know, when it was learned how many Commissioners 24 wanted to participate, they were -- they were a 25 little concerned that they were comping that many</p>	<p style="text-align: right;">Page 197</p> <p>1 Commissioner Voigt? 2 COMMISSIONER VOIGT: Thank you. I want to 3 thank the CSD and my fellow Commissioners and Chair 4 for the experience of working with the contract 5 negotiations. 6 It was so streamlined, compared to being 7 on the other side of the fence as a school and 8 working on those mission-specific goals. I remember 9 when mission-specific goals went bye-bye, to be 10 replaced by ELA and math. And now that they're 11 back, it's so refreshing. And it's so refreshing 12 that they can be implemented; so -- in such a 13 streamlined manner. 14 So that work was great. It's inspiring. 15 It's exciting. And I'm still honored to serve on 16 the Commission. 17 Thank you. 18 THE CHAIR: Commissioner Robbins? 19 COMMISSIONER ROBBINS: Well, I think we 20 were able to provide some clarity on the 21 mission-specific goals. I think most of the 22 charters had good goals; but some of them had to be 23 massaged a little bit because they were probably not 24 quantifiable or specific enough to meet the need of 25 what the Commission is actually after.</p>

Page 198

1 The PSCOC, this morning we were talking a
 2 lot about broadband and the work in broadband in a
 3 lot of schools. And they actually had a map showing
 4 the changes in the cost per megabytes of how it's
 5 happening. What was really interesting is, you
 6 know, I live in Albuquerque, which you would think
 7 has wonderful broadband and the access is there.
 8 But the costs are sometimes twice as high as other
 9 parts of the state. And I'm, like, "Okay, we have
 10 it, but it's not necessarily cheap."
 11 But the other thing was is how some areas,
 12 like Artesia, is like two to three times what it is
 13 in Roswell. And it's like, "You're not that far;
 14 you're right next to each other."
 15 And some of the places in Southeastern
 16 New Mexico have very high cost. And you're, like,
 17 why is it as high as it is in the Hondo Valley? You
 18 don't have the terrain issues that you have in
 19 Ruidoso and things like that.
 20 It was very interesting. Overall costs
 21 are coming down. But that is one of the big things
 22 is you can get the infrastructure in. But if the
 23 cost is what a local school can support -- and
 24 charters really have a huge issue in that area, one,
 25 because they're small. A lot of times they're in

Page 199

1 leased facilities, and bringing that in becomes a
 2 whole other issue.
 3 Another thing they look at is about
 4 \$360 million of authorized capital projects in
 5 schools statewide, and only about \$93 million have
 6 actually been identified and in progress and things.
 7 So they're working on -- they have this huge
 8 pipeline.
 9 David Abby also mentioned, with the
 10 Legislature, about \$1.8 billion of capital projects
 11 with all the additional funding and everything.
 12 Are we really reaching the capacity of
 13 what the construction industry in New Mexico is able
 14 to do? Is it going to push prices up; because
 15 usually, if you get up to where you're, you know,
 16 utilizing 100, 105 percent of your workforce, your
 17 costs are just going to start skyrocketing.
 18 So that's one of the big issues that PSCOC
 19 has asked PSFA, to start tracking, on bids and
 20 revisions, the costs per square foot, what's
 21 actually happening and seeing what's happening;
 22 because we've seen some costs go up from early
 23 estimates to revised estimates as much as 20,
 24 25 percent increases in costs.
 25 COMMISSIONER CABALLERO: Is that demand?

Page 200

1 COMMISSIONER ROBBINS: Partly, it's
 2 demand. Partly, it's labor shortages in certain
 3 skilled areas. It's quotas and certain things going
 4 on and tariffs driving up certain commodity prices,
 5 steel, aluminum, and things like that, which is very
 6 big.
 7 And then for monitoring, they're going to
 8 do a better job of monitoring. Right now, they just
 9 have this big spreadsheet with everything in it.
 10 It's really kind of hard to see with what the -- the
 11 \$50,000 broadband projects compared to your
 12 \$5 million or \$10 million school improvement
 13 projects.
 14 So we'll be working on those type of
 15 things. That's about all I have. I appreciate you
 16 giving me the allowance of not being here last
 17 month. I was attending the PSCOC. They are going
 18 to do better. In June, the meeting has been
 19 changed, or will be changed, so it will not conflict
 20 with this meeting. So, hopefully, they'll be
 21 considerate of that going forward also.
 22 COMMISSIONER ARMBRUSTER: That's good;
 23 because we can give them, in January -- December --
 24 what it will be for the next year.
 25 COMMISSIONER ROBBINS: And they have that

Page 201

1 for this year.
 2 Thank you.
 3 THE CHAIR: Commissioner Crone?
 4 COMMISSIONER CRONE: I apologize. I
 5 didn't notify anyone, I don't think, about missing
 6 last month's meeting. But it was for a good cause.
 7 It was my brother's 70th birthday. And our
 8 grandkids were there. And we went to NASA. If you
 9 ever get a chance to go to NASA, go to NASA.
 10 THE CHAIR: Oh, cool.
 11 Commissioner Armbruster?
 12 COMMISSIONER ARMBRUSTER: Thank you all
 13 for putting up with me. And -- but the other thing
 14 I just want to say, maybe Beverly, you were going to
 15 say this. When Beverly sends out an e-mail and asks
 16 if you're coming on Thursday and Friday, and if you
 17 want parking, I think it's really important, because
 18 there have been times when we didn't have a quorum.
 19 Then we're still having a meeting, and we can't
 20 vote.
 21 THE CHAIR: We've never been out of
 22 quorum.
 23 COMMISSIONER ARMBRUSTER: I'm saying it
 24 could happen that we do not have a quorum. Anyway,
 25 it's important for Beverly to know and people to put

Page 202

1 out parking; because Dylan is out there putting you
2 parking places.

3 And I was, "Wait, I didn't see one." And
4 there was space on the other side, which was fine.
5 Because I rely on that. And it's good to look at
6 your e-mail from the PEC, whatever you are,
7 District-something, you know, just to be able to
8 check even just once a day. Because if you're one
9 day late, it probably isn't going to make a
10 difference. I think for Beverly's help, just to be
11 able to do that. That's my comment for today.

12 THE CHAIR: I'm just going to say also,
13 because we ran into the trouble yesterday, without
14 knowing some people were or weren't coming, we ended
15 up with a quorum and having to ask people to leave,
16 because we didn't know they were coming.

17 So it becomes a little funky that way as
18 well. It gets pesky at times.

19 Commissioner Ruiz?

20 COMMISSIONER RUIZ: And I just want to
21 thank CSD always, and then Beverly and Dylan for
22 helping me with parking, and also IT for getting our
23 computers and setting them up.

24 THE CHAIR: Commissioner Caballero?

25 COMMISSIONER CABALLERO: Yes. I didn't

Page 204

1 have a dedicated computer for all my PEC business,
2 because that's really difficult to mix it up with my
3 other stuff.

4 I want to commend CSD for all their hard
5 work. I just can't believe how much they do in
6 keeping us on track.

7 Beverly, thank you for everything that you
8 do, okay? I continue to learn. I'm real happy to
9 be here, an honor to be here, to know all of you and
10 get to know all of you. And thanks a lot. That's
11 it.

12 THE CHAIR: Okay. Thank you.

13 I move that the Public Education
14 Commission enter into a closed session. The
15 subjects to be discussed are issues subject to
16 attorney-client privilege pertaining to threatened
17 or pending litigation in which the PEC is or may
18 become a participant; particularly to NMSA 1978
19 Section 10-15-1(H)(7), specifically, Case
20 D-101-CV-2019-00878, Public Education Commission of
21 the State of New Mexico versus the New Mexico Public
22 Education Department, PED Motion to Dismiss, and the
23 Notice of Appeal filed by La Academia Dolores Huerta
24 regarding March 22, 2019, Decision by -- oh, we've
25 already -- Decision by the Public Education

Page 203

1 expect getting the computer so fast. And I
2 appreciate that. I was really surprised, and thank
3 you. I thought it was going to be a smaller
4 computer. Thank God it's big, because I want to
5 have large print. It helps me out a lot.

6 And I never need parking, because I -- I
7 have a little stamp that says, "Legislator." It's
8 not mine; but I still use it. And so I'll make sure
9 I do let you know that I'm coming, be more -- more
10 in tune to that. And that's all I have.

11 THE CHAIR: Thank you. Commissioner
12 Davis?

13 COMMISSIONER DAVIS: Well, I would like to
14 have been with you on your road trip. But the rest
15 of my life gets in my way.

16 So -- but I did really appreciate being
17 here yesterday, and I thought it was really helpful
18 for me. I'm sorry I offended the folks in the
19 audience with some of my -- it wasn't my intention
20 at all. And I appreciate that we always get an
21 opportunity to say what's on our mind.

22 So thank you.

23 THE CHAIR: Uh-huh. Thank you.

24 Commissioner Raftery?

25 COMMISSIONER RAFTERY: I'm just thankful I

Page 205

1 Commission to develop a Corrective Action Plan.

2 I need a second.

3 (Multiple Commissioners second motion
4 simultaneously.)

5 THE CHAIR: There's been a motion and a
6 second.

7 Roll call, please.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Robbins?

10 COMMISSIONER ROBBINS: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Voigt?

13 COMMISSIONER VOIGT: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Armbruster votes "Yes."

16 Commissioner Davis?

17 COMMISSIONER DAVIS: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Chavez?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Gipson?

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Raftery?

Page 206

1 COMMISSIONER RAFTERY: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Crone?
 4 COMMISSIONER CRONE: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Ruiz?
 7 COMMISSIONER RUIZ: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Caballero?
 10 COMMISSIONER CABALLERO: Yay.
 11 THE CHAIR: So the motion passes, ten to
 12 zero.
 13 Thank you very much. We're going to stay
 14 here? I think it's easier for everyone.
 15 (Executive Session conducted
 16 off the record.)
 17 THE CHAIR: So I move that the Public
 18 Education Commission end closed session. The
 19 matters discussed in the closed meeting were limited
 20 only to those specified in the motion for closure,
 21 and no vote was taken during the closed session.
 22 COMMISSIONER RUIZ: Second.
 23 THE CHAIR: There's a second by
 24 Commissioner Ruiz. Roll-call vote, please.
 25 COMMISSIONER ARMBRUSTER: Commissioner

Page 208

1 Robbins?
 2 COMMISSIONER ROBBINS: Yes.
 3 THE CHAIR: Motion passes, ten-zero. I
 4 entertain a motion to adjourn.
 5 COMMISSIONER RUIZ: One second. On the
 6 law conference -- I was looking it up. We don't
 7 have to ask to go to that, because it's actually the
 8 same day as we're in session for PEC. It's June --
 9 MS. FRIEDMAN: 14.
 10 COMMISSIONER RUIZ: -- 14th and 15th, and
 11 we're here the 13th and 14th.
 12 THE CHAIR: Dang. That's a shame.
 13 Because that's one that we always like.
 14 COMMISSIONER RUIZ: So the only one we
 15 could make --
 16 THE CHAIR: We could do Wednesday.
 17 COMMISSIONER ROBBINS: 15th is Saturday.
 18 COMMISSIONER RUIZ: The 15th is Saturday.
 19 And it's over at noon.
 20 THE CHAIR: Yeah. So it's usually just
 21 like --
 22 COMMISSIONER RUIZ: It's only Friday and
 23 Saturday. So just wanting to throw that out there.
 24 I already checked.
 25 THE CHAIR: That's a shame. Thanks.

Page 207

1 Caballero?
 2 COMMISSIONER CABALLERO: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Ruiz?
 5 COMMISSIONER RUIZ: Yes.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Crone?
 8 COMMISSIONER CRONE: Yes.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Raftery?
 11 COMMISSIONER RAFTERY: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Gipson?
 14 THE CHAIR: Yes.
 15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Chavez?
 17 COMMISSIONER CHAVEZ: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Davis?
 20 COMMISSIONER DAVIS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Armbruster votes "Yes."
 23 Commissioner Voigt?
 24 COMMISSIONER VOIGT: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

Page 209

1 Motion to adjourn?
 2 COMMISSIONER CABALLERO: Can they change
 3 the meeting date?
 4 THE CHAIR: No, because we have all these
 5 contracts we have --
 6 COMMISSIONER CABALLERO: Oh, okay.
 7 COMMISSIONER VOIGT: Motion to adjourn.
 8 COMMISSIONER ROBBINS: Second.
 9 THE CHAIR: Motion to adjourn. There is a
 10 second.
 11 All in favor?
 12 (Commissioners so indicate.)
 13 THE CHAIR: We are adjourned.
 14 (Proceedings concluded at 2:16 p.m.)

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on May 20, 2019.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 2198N (CC)

RECEIPT

JOB NUMBER: 2198N CC Date: 5/10/19
PROCEEDINGS: OPEN PUBLIC MEETING
CASE CAPTION: In re: Public Meeting of the Public Education Commission

ATTORNEY: MS. BEVERLY FRIEDMAN - PED
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A

a.m 1:11 5:4 42:1 48:21,21	acknowledge 36:21 37:15,16 46:22 121:22 122:1	adopted 133:17,18
abbreviate 144:16	acknowledgment 44:16	adult 139:23
abbreviated 143:18 144:7,9,22 145:3,5 146:7,17 147:2,3,10,12 147:18 157:15	acknowledgments 34:20,21	advance 13:17 19:16
abbreviating 146:10	acoustics 113:25	advanced 84:6
abbreviation 23:22	acronyms 72:3	adventures 179:13
Abby 199:9	act 12:1,2 28:14	advisers 24:10,11
ABC 31:23 32:1	Acting 2:9	advocate 175:24 176:1 185:22
ability 157:2 178:8	action 3:11,12,13,15,18,22 49:1,2 49:4,9,16 50:10 53:23 54:1,3 55:2,11 97:3 111:18 112:25 113:5 140:21 144:18 165:2 180:14 183:13 205:1	affect 121:25 171:10
able 22:13 27:24,25 28:25 32:2 33:24 35:5 42:2 48:11,13 49:14 50:3,23 51:7,8,10,16 52:4,6,8 55:1 67:2 74:6 82:23 83:15 84:8 96:10,18 125:11 128:4 132:6 138:16 140:13 141:3,18 144:15,20 151:11 155:23 160:18 168:5 171:6 178:15 179:12 180:2 183:8,24 185:10 185:15 187:12,18 189:7 191:16 192:15 193:9 196:17 197:20 199:13 202:7,11	actions 3:10 173:4	afford 30:17,18 138:16
absences 104:7	acts 47:2	afternoon 40:23 49:17 51:9 171:16
absent 90:6	actual 41:2	age 63:15
absolute 191:22	add 59:19 100:10 134:1 141:3 151:17,23 152:1,2 153:5 164:22 187:15 188:13 190:9 191:6 192:1,2	agenda 3:5,7 6:15,16,24 7:1,19 9:7,10,14,15 43:18 48:16 49:5 55:1 180:20 181:1 195:3
absolutely 15:18,22,25 16:3 43:14 48:2 75:25 79:20 82:2 91:8,16,17 110:6 129:9 163:10 168:7 172:13 190:8	added 70:17 134:2 141:6	ago 60:3,5 189:21
Academia 3:12 49:2 204:23	adding 187:9	agree 100:13 104:1 145:8 147:4 158:19 193:12
academic 85:8,10,13	addition 77:9 165:15 181:16	agreed 51:4 171:16 186:22
Academy 6:18	additional 7:21 8:3,7 12:11 23:8 79:10 85:23 90:7 167:9 199:11	agreement 23:17 54:4 90:8 92:5 175:9
accept 6:24	address 27:19,19,20 74:19 77:8 89:9 90:10 97:15 105:1 137:19 141:7 165:21 171:20 172:10	agreements 39:11
acceptable 67:20,25 70:11 75:4	addressed 7:20 66:7 104:17,23 105:4 109:15,17 114:24 115:6 116:22 117:13 118:12 172:7	ahead 26:6 184:25 187:17
accepted 38:6 104:5	addresses 148:9 190:12	ahold 91:9 92:19
access 26:17 81:16 82:11 84:24 126:21 198:7	addressing 31:13 67:22 77:11	ailment 45:1
accessibility 37:2	adequate 131:19	Air 13:1
accommodate 151:12	adequately 172:11	Alamos 18:1
accommodations 90:8 132:20	adjourn 208:4 209:1,7,9	Alan 2:9 34:15 40:2,10,12,24 41:12,23 42:17,20,23 43:1,20 46:20 52:12,14 56:9,12 58:3 79:17 132:11 133:9 135:18 162:1,19 193:11
accomplish 128:7 177:7	adjourned 209:13	alarm 101:7
accountability 3:20,21 165:4,5,9 165:19 167:1 168:15 170:19,25 172:5	adjustment 186:15	Albuquerque 1:22 15:19 16:22 31:24 33:18 36:10 38:19 39:18 179:13 198:6 210:21
achieves 62:14	adjustments 151:15 178:1	Aldo 43:25 44:17 47:25
achieving 63:19 64:24	administer 185:15	aligned 32:1
	administration 121:1 122:7,9 124:14	aligning 26:22
	administrator 38:3 56:6 59:9 74:16 87:10 121:12 122:16,23 122:23 123:3,4,5	alignment 3:20 39:16 165:4
	admiration 35:6	aligns 177:23
	admit 95:10	Allegiance 3:3 6:10,12
	adopt 168:14	allocation 187:5
		allotted 50:17 191:15
		allow 8:6,20 28:4 38:25 54:15 85:20 158:9
		allowable 28:5
		allowance 200:16

allowed 8:2 28:8 30:3 49:13
 63:14 83:14 158:12,15 161:10
allowing 7:15
allows 28:14 114:6 182:16 183:4
 187:10 188:21
Alma 3:14 4:10 6:17 41:25 42:12
 55:11 56:24 59:9 60:6,16 91:23
alongside 37:19
alpha 46:5
alternative 90:21
aluminum 200:5
amazing 35:24
amend 159:4,8 160:6
amended 7:3 9:18,19
amendment 3:16 89:9 116:15
 140:22 143:17 145:14 148:4,6,6
 148:10 149:13 159:20,22,25
 160:3,5,8,13
amendments 37:1 95:25
American 28:12
Ami 2:15 52:11 54:2 87:5,11
 107:16,19 108:18 131:4 149:2
 162:1,17 171:21 179:2 180:21
Ami's 162:2,2
amount 8:11 35:7,25 67:3 68:3
 114:18 132:19,19 152:9 178:11
 186:10,24
angst 170:16
animal 46:3
animals 44:14 45:11
Ann 2:4 162:13,14,18,22
announce 38:1
annual 80:8,12 81:19 82:12,12
 111:6 133:15,24 136:18,24
 137:4
annually 134:4
answer 46:9 55:5 117:23 125:1
 136:15 156:10
Anthony 41:14,17
anticipate 13:11 23:8 27:4 42:18
 184:19 186:20
anticipated 187:18
anticipation 40:21 153:1
anybody 156:14 188:2
anymore 62:15
anytime 34:6 122:8,22
anyway 167:17 178:4 201:24
Apodaca 1:12

Apologies 56:12
apologize 13:17 56:22 57:17,19
 79:21 93:17,25 96:1 147:24
 153:7 181:5 196:17,20 201:4
apparent 100:16
apparently 54:14
appeal 53:22 54:5,17 180:14
 204:23
appearance 98:23
appears 53:25 61:6 66:18
applaud 46:14
apple 175:17
applicant 12:21 13:2,5 21:4
 31:24 38:17
applicants 35:24
application 19:1 20:8,14 22:2
 27:8 143:18 144:22 145:3,17
 146:11 147:5,13,19 148:5,7,11
 151:3,5 155:23 156:8,11,13
 157:13,15,20 158:5 160:13,18
 162:21
applications 18:11 131:24
applies 18:12 101:18
apply 156:13,15 161:2
applying 16:18
appreciate 58:13 79:12,16 86:11
 86:14 96:6 106:16 108:6 121:20
 124:14 137:14 146:22 154:3
 168:3 171:23,23 178:18,19
 179:10,15 183:21,22 189:4
 194:11,24 200:15 203:2,16,20
appreciation 43:24 44:16
appreciations 43:22
appreciative 39:3
apprehensive 45:22
apprize 172:24
approach 62:4
appropriate 7:18,22 28:2 50:9
 68:19 106:8 132:20 137:3
 156:23 182:22 191:15
appropriately 71:7 132:20
approval 3:5 6:15
approve 6:25 9:17 74:20 144:23
 145:4
approved 13:11 113:6 187:16
 188:1
Approximate 90:16
April 7:25 38:15 39:6 100:19

107:17,22 108:13 111:7,25
 112:9,21
APS 39:20
apt 31:19
area 15:23 33:16 64:4 68:25
 71:25 72:4 80:1 84:13 85:9
 137:23 198:24
areas 16:3 29:15 35:17 58:9
 65:15 85:2,7,13 170:18 194:22
 198:11 200:3
argument 14:10
arm 46:6
Armbruster 2:4 5:5,7,11,12,15
 5:18,21,24 6:2,5 10:1,2,5,8,12
 10:15,18,21,22 11:1 23:15,19
 42:10,13 49:19 51:20,22 52:2
 57:10,15 65:8,9 66:6,11,15 67:8
 67:13 68:6,12 74:5,8 75:18 77:7
 78:11,21 91:14 97:16,22,25
 98:12 110:2,5,7,12,15 112:11
 114:23 129:21 130:1 136:4
 149:22 150:4 151:24 152:4,7
 153:5,10 154:7,10,11,14,17,20
 154:23 155:1,4,7,12 156:4,7,12
 156:20,24 157:8,12,17,21,24
 158:6 161:23,24 162:6,10,16,24
 163:7,15,18,22,25 164:3,4,7,10
 164:13,16,19 169:4,7,10,13,16
 169:17,19,22,25 170:3,6 176:15
 176:17,21 177:1,4,20 178:2,19
 200:22 201:11,12,23 205:8,11
 205:14,15,18,21,24 206:2,5,8
 206:25 207:3,6,9,12,15,18,21
 207:22,25
arrangement 32:25
array 33:4
Arriba 32:15
Artesia 198:12
arts 85:4
aside 22:15
asked 11:7 13:6 52:22 54:25
 60:15,16 71:5 92:7,8 93:4 94:14
 95:10 97:9 110:13 128:23
 129:13 139:8 149:3 199:19
asking 65:20 92:25 97:6 105:6
 134:7 162:5
asks 91:25 92:1 201:15
aspect 78:23 144:11

aspersions 106:22
aspiring 35:23
assertions 30:2
assess 182:18
assessment 50:21 81:14,19,20
 82:12,13 84:24 85:6,21,24
 131:13 182:8,16
assessments 81:16 182:12,23
assigned 59:9 65:12 97:20 98:10
assistance 36:8 37:21 38:12
 103:17
assistant 38:8 103:24
associate 50:23
associated 31:23 49:3
Associates 1:20 210:20
association 32:2 195:5,8,16
assumed 105:20
assurance 172:6
assures 142:21
attached 20:3
ATTACHMENTS 4:7
attack 46:3
attempts 75:5,11
attend 47:3 75:10,10,22 195:14
attendance 173:5
attending 200:17
attention 18:17 76:9 159:7 167:2
attorney 117:18 211:7,12,17,22
attorney-client 204:16
audience 203:19
audit 121:2
August 27:5
authentic 26:8
authority 65:25
authorized 3:19 165:3 199:4
authorizing 38:3
autonomous 65:23 150:19
autonomy 62:7,9
avail 28:25
available 14:1 22:8 29:7 95:20
 180:9
avenues 12:11
avoid 128:24
awaiting 184:15
aware 25:4 29:7 109:18 114:3
awareness 184:17
awesome 83:4

B

B 6:17,18 11:25 64:19 68:18
 131:24
B-2 6:21,22
B-E-R-N-A 40:2
back 15:5 16:18 32:6 33:8 44:7
 48:25 51:9,15 52:6 61:24 62:2
 64:18,19 69:14 71:20 72:17
 78:2,7 81:10 91:21 96:13
 103:14 107:13 115:24 122:22
 136:7 141:8 159:16 167:2
 189:20 196:11 197:11
back-and-forth 88:9
background 60:10,12
bad 190:17
baker's 34:25
balance 71:12 189:3
balanced 70:13 73:1
band 14:16,17,18,18,21 15:1
barrier 28:17
base 32:10 139:16,16
based 13:1 61:9,20,21 62:10,12
 64:20,23 66:13 75:8 78:1,17,18
 78:18 86:13 98:7,19 111:3
 124:18 143:12 163:5 165:19
 167:8 172:11 175:15 185:13
 188:7
basic 11:15,21 13:22 16:5 59:22
 62:3
basically 16:10 45:7 80:25 114:5
basis 28:19
Bayne 38:6
Bean 1:20 210:20
beast 123:7
beating 141:23
beautician 13:18 16:14
becoming 186:24
been-there-done-that 76:22
Beery 42:16
began 49:18 165:21
beginning 57:4 80:23 102:5,8
 144:8 163:2
begun 38:2
behalf 56:24
Beidler 74:2 88:24 91:22,23
 92:22 93:8,13,16 94:9,14 99:10
 100:22 101:2 103:6,10 104:13

104:20 106:9,23 116:11 119:24
 120:3,11
Beidler's 119:21
belief 150:7
believe 19:10 30:16 31:20 38:19
 59:1 89:12,24 90:5 94:24
 109:16 116:17 133:9 137:17,23
 142:21 185:21 204:5
believes 46:10
below-the-line 16:9
benchmark 51:16 183:24
benchmarks 50:4,7 183:14
benefit 37:3 77:22
Berna 39:19 40:1,2
best 19:9,10 28:19 58:6 69:12
 74:25 75:7 78:9 79:1 131:10
 151:16 166:5 168:2 171:6
best-practice 194:4
better 32:2 47:16 83:21,23 108:6
 120:18 122:17 123:22 124:1
 127:21 146:19 171:2 172:17
 185:21 188:1,5 189:12 194:18
 200:8,18
Beverly 2:12 201:14,15,25
 202:21 204:7 211:7
Beverly's 202:10
beyond 47:1 69:7 77:5 90:19
 126:19 127:13 130:18
bids 199:19
big 14:1 28:12 29:4 33:15 63:18
 100:17 161:21 167:16 184:9
 198:21 199:18 200:6,9 203:4
bigger 101:15
biggest 104:7
bilingual 6:19 83:10 84:1
bilingually 126:11
bill 19:18 184:23 185:1
billion 199:10
bills 184:10 185:10 186:3
birthday 201:7
bit 25:2 28:23 29:6 50:18 59:12
 60:10 63:4 72:11 79:9 81:13
 86:12 126:7 148:14 170:12
 174:13 180:13 186:1 192:22
 197:23
bizarre 73:25
blah 74:17,17,17 76:6,6,6
bless 46:18

blind 167:14 172:3
blinders 192:22
block 141:8
blow 25:21
board 43:5 142:20 195:8
Boards 195:5,16
body 60:12
bono 181:23
book 131:8
books 131:17
boon 33:15
border 36:13,13
born 84:11
bottom 64:7 171:3
box 194:18
BPA 24:16,24
brainstorming 185:5
branch 33:8
Brauer 2:9 34:15 40:2,10,12,24
 41:12,23 42:20,23 43:1,3,20
 46:20 52:14 56:9,12 58:3 79:17
 132:11 133:9 135:18 193:11
break 48:15 140:14
breakdown 167:5
breaking 142:11
bred 45:16
breed 45:8
brief 41:13 170:11
briefly 166:22
bring 5:2 16:15 33:6 64:3 68:15
 72:18 74:2 100:3 108:23
bringing 21:11,14 84:23 173:10
 199:1
broadband 198:2,2,7 200:11
broader 192:23 194:16
broken 53:5
brother's 201:7
brought 94:21 110:19
budget 186:2 187:6,13,18 188:22
 189:9 192:3
budgeting 24:7 191:12
budgets 37:13 189:11 191:18,20
build 12:12 15:20 122:16
Builders 31:23
building 1:12 20:5 27:9 35:9 47:4
 48:5,12,13 121:13
buildings 41:18
built 39:20

bulleted 117:24
bumpers 13:14
bunch 189:1
bureau 56:15 58:8 59:6 79:19,25
 89:4 90:5 94:13 95:9 96:11,15
 96:20 98:2 99:20 100:16 101:10
 107:2 108:5 111:19,20 112:17
 127:19 128:6 130:19 131:10
 132:5 133:4,11 137:2,5
bureaus 100:3,3
burger 139:6
bus 31:1,2 33:9
buses 33:14,18
business 12:21 13:5 20:19,22,24
 21:4,6 26:21 32:7 37:5 204:1
busy 18:25 100:4 196:20
buy 19:23 45:14
bye-bye 178:4 197:9

C

C 1:20 2:1 3:1 4:1 171:3 210:8,19
Caballero 2:4 6:6,7 10:3,4 29:11
 29:12 31:16,17,18 44:22,25
 45:13 55:15 69:21 70:4 71:23
 75:23 76:1,19 81:25 82:3,25
 86:3 87:7 91:5 125:14,16,22
 126:2 128:23 129:7,13,15,19
 137:16,21 138:5,7,9 139:2,22
 140:8,17 144:1,3 145:1 146:6,9
 146:13,16 147:16 148:21
 153:24 155:5,6 156:16 157:4
 158:7 159:6,14,24 160:7,10,15
 161:11 162:8 163:19,20 170:1,2
 181:3 199:25 202:24,25 206:9
 206:10 207:1,2 209:2,6
calculate 29:20
calculated 171:4 187:22
calculation 30:9
call 3:3,3 5:6 29:22 47:22 51:5
 52:25 53:1 77:20 124:8 192:8,9
 205:7
Callahan 181:18
called 29:23 45:2
calling 61:5,12
calm 139:18
campaign 194:5
campus 33:1,4,7,11,12
canary 182:21

cancel 63:16 93:1
canceling 93:4
cancellations 63:5 92:23
cap 3:12 8:2,2 54:7 87:21,21 88:4
 88:5,8,10,20 94:25 96:8,10
 97:13 108:11 109:16 134:13,21
 136:21 187:12
capacity 27:10 199:12
capital 199:4,10
CAPs 183:24
CAPTION 211:4
car 30:18
care 30:19 134:23 174:15
career 3:8 14:25 17:2 22:4,9,11
 22:12,20,20 23:2 25:21 31:13
career-technical 11:6,16 13:21
caring 44:13
Carl 11:25
CARLOS 2:4
Carolyn 38:6
carry 92:9
carrying 92:10
case 54:16 56:15 63:14 80:19
 86:12 147:1 158:7 166:17
 204:19 211:4
case-by-case 28:19
cases 27:11 165:12
cashier 139:6
cast 106:22 179:19
caught 70:15
cause 144:25 173:8 201:6
caused 101:7
causing 102:1
caution 189:12
CC 1:25 210:25 211:2
CCR 1:20 210:8,19
CEC 15:19
celebrate 34:23 36:21,22 46:22
celebrating 36:6 193:22
celebration 34:22 35:18
celebrations 34:19,20
center 39:19,20
century 26:4,5
certain 38:24 61:12 66:20 165:17
 165:22 200:2,3,4
certainly 5:7 57:25 58:12,12
 60:14 70:2 75:19 95:18,20
 121:20 148:18 171:23 175:25

178:18 186:22
CERTIFICATE 4:5 210:7
Certified 210:8
certify 210:10
Cesar 171:24
Chaiken 49:20
chair 2:3,3 3:24 4:10 5:1,20 6:8
6:14,21,23,25 7:3,7,9,14 9:8,9
9:14,18,21,25 10:14,25 11:3
15:11 17:18 18:5,9,13,20 20:17
20:24 21:7,8,9,17,18 23:14,24
25:16 26:11 27:1,6 28:1,22
30:23 31:16,17 32:4 33:17,20
34:12,15 39:22 40:5,7,19,24
41:11,22 42:7,9,10,12,16,20,22
42:24 43:7,12,15,20,21 44:18
44:22,24 45:4,5 46:1,8,20 48:2
48:22 51:21,23 52:15 53:20,21
54:18,19 55:9,20,24 56:5,9,10
56:12,17,20 57:12,19,22 58:3
58:12,18,19,25 59:3,11,16
60:14 61:23 62:1 63:6,9 65:4,6
69:4,6,22 73:5,6,10,24 74:4
75:25 76:14,20 77:2,4 78:23
79:5,8,15,17,20,23 80:4 81:24
82:1,2 86:4,5,7,10,17,25 87:9
88:1 89:21 90:13,15 91:4,7,16
91:22 92:15,24 93:8,10,14 94:2
94:3,4,23 96:5 97:9,12 98:17
99:14,23 100:1,12 102:3 103:8
104:11,16,22 105:5,9,25 106:8
106:9,15,24 107:7,9,17,21
108:1,3,14,16,21 109:5,8,15,23
110:2,3,6 112:19 113:2,8,10,11
113:14,15,24 114:21,24 116:9
116:19 117:4,20 118:3,6,11
119:4,5,9,10,21 120:1,19
121:20 123:10 124:14,16 125:3
125:6,9,15,21 126:1,4,6,8,22
127:2,16,17,25 128:5,17,21
129:2,5,9,17,21 130:2,8,13,16
130:24 131:5 132:1,3,9,12,18
133:4,9,12,21 134:25 135:5,6
135:10,18,20,21,22 136:1,5,8
136:12,14,22,25 137:11,13,16
137:18 138:3,6,11 139:2,20
140:7,11,16,20 143:23 144:2,24
145:8,25 146:1,6,8,12,15,21,24

147:24 148:18,22,25 149:4,10
149:16,25 151:22 152:1,6 153:4
153:7,12,15,18,21 154:1,8,19
155:10,14,17,20,21 156:1,6,10
156:18,21,25 157:7,11,16,18,22
158:1,18 159:4,7,8,12,16,24
160:2,6,9,12,16 161:5,15,20
162:4,12,18 163:1,10,13 164:2
164:21 167:23 168:12,18,21,23
169:2,21 170:8 173:15,22 174:1
175:1,8 176:15,16,20,24 177:2
177:16,19,22 178:5 180:25
181:4,9,12 182:3 183:9,12,17
183:22 184:4,20 189:10 191:5
191:13,25 192:4,13 193:11
194:7 195:2,7,10,15 196:5,7,25
197:3,18 201:3,10,21 202:12,24
203:11,23 204:12 205:5,23
206:11,17,23 207:14 208:3,12
208:16,20,25 209:4,9,13
Chair's 147:7
Chairman 59:21 61:25
Chairwoman 11:12 16:20 36:24
challenge 183:7
challenges 119:17
challenging 8:12 44:1
chance 73:25 101:11 201:9
change 6:16 12:8 43:16,18 122:7
122:8,23 150:20,22,22,24
153:25 186:11,11 209:2
changed 61:4 128:3 151:4 160:1
200:19,19
changes 3:21 4:11 113:9 128:16
165:6,25 166:3,5,6,8,11,17,20
166:25 167:6 168:14 178:14
198:4
changing 61:11 185:11
Chapman 1:20 210:8,19
characters 179:19
charge 42:14 139:25 150:21
Charlene 58:15 59:7,8 60:9,15
64:18 66:13,16 67:12 68:1,8
70:25 73:13,19 74:24 75:21
76:12 77:25 78:13 99:4 103:21
113:17,18,20 114:1 127:23
128:1,9,20 131:22 132:2
charter 3:10,19 4:10,11 12:15
14:20 21:11,13 31:8,9 34:14

35:23,24 38:8 39:5,12,15 41:14
43:25 44:7,17 48:1,5 49:18
57:23 72:21,23 95:12 121:12
123:6,7 124:15 138:15 150:11
150:12 165:2 168:14 177:12
180:24 181:8 186:4 192:7,9
193:18
charters 13:12 28:25 32:6 33:15
122:19 193:23 197:22 198:24
charts 167:20
Chavez 2:5 5:16,17 10:16,17
21:17,19 22:25 23:13 126:6,9
127:3,11,12 154:8,9 164:17,18
169:17,18 171:24 196:13,16
205:19,20 207:16,17
cheap 198:10
cheat 166:7,14
check 42:2 74:6,9 111:4,8,22
114:7 202:8
checked 208:24
checkoff 109:2,11
child 63:14 72:13,13,17,22 73:2
76:3,5,8,9 77:12 82:7 115:12,14
137:25 151:14,15
children 30:19 60:6 151:9,12
152:23
choose 151:13
chose 76:24
chute 184:18
Cindy 90:13 153:16
circumstances 188:7
cite 119:18
cited 57:11
City 41:17
civilian 139:15
claimed 25:4
clarification 16:7 82:1 89:22
154:4 161:25 163:4 166:18
clarifications 176:18
clarify 30:24 65:10,12 132:12
158:10 160:22
clarifying 65:20 148:3
clarity 97:4 197:20
class 27:5 61:5,12,17 65:13,22
67:7,18 76:8 77:13 78:3 97:18
98:3,19,22,22 139:5,12 176:23
classes 27:3 82:23 97:21 102:19
classroom 77:16,18,23 78:5,16

98:8,10
classrooms 185:14
clean 121:1,4 166:15 180:9
 182:24
cleaner 149:9
clear 15:4 16:25 17:7 51:25
 52:21,24,25 81:21 87:19 88:2
 88:16,20 97:6,11,12 98:15,18
 99:6 110:12 112:12 117:1,16,18
 122:20 124:21,24 126:15,24
 129:13 135:22 140:25 142:6
 144:12 153:18 158:23 159:17
 160:16 162:25 166:10 168:5
 179:22 183:9 185:2 186:24
cleared 88:3
clearer 99:15 131:14
clearly 160:24 161:3
climate 124:7
clock 63:24
close 35:13 37:7 43:22 96:10
 113:3 122:12 131:1 186:5
 189:17
closed 29:3 41:20 42:18,19 88:6
 88:20,21 96:14 113:2 204:14
 206:18,19,21
closeout 37:9
closer 59:13
closes 48:6,7
closing 42:14 118:22 131:25
closure 206:20
closures 41:12
clusters 22:12
coaches 30:1
coal 182:22
coalesce 193:23
Coalition 181:14
Coast 45:15
cognizant 122:11
cohort 103:9,11
coincide 100:5
college 103:20
colleges 12:10
Colorado 181:20
colors 84:13
Comanche 40:8,14
combine 148:22
come 14:19,22 18:15 25:8 26:4
 29:13 46:12 51:3,9 52:7,15,16

56:17,18,19 58:15 72:17 74:10
 76:10 86:13 92:11,12 95:18,20
 101:25 116:13 121:2 136:6
 138:25 148:1,13 174:25 179:7
 189:17 190:21 193:8 195:21,21
 196:11
comes 30:10 86:1 174:24
comfortable 54:9 125:11 141:25
 142:4 143:6 149:6 171:15
coming 20:10,11 78:4 85:16
 92:20 99:15,16 123:5 153:6
 155:16 184:7,8,18 192:15
 198:21 201:16 202:14,16 203:9
commands 45:23
commencing 38:16
commend 204:4
comment 137:22 202:11
comments 4:3 7:17,21 8:25 81:22
 86:20 168:10 196:10
Commission 1:1 5:3 7:15 11:11
 34:16,24 37:20,22 42:9,21
 43:21 50:1 53:20 54:18 56:13
 56:21 58:4 79:18 86:18 88:14
 96:14 97:6 117:5 120:20,21
 127:3 130:3 132:13 135:21
 138:10 142:24 143:16,19,20
 149:13 155:18,20,22 158:3
 161:9 172:24 174:1 183:18
 187:24 189:7 193:12 197:16,25
 204:14,20 205:1 206:18 210:1
 210:12 211:5
Commission's 157:1
Commissioner 5:5,7,8,9,10,11,11
 5:13,14,15,15,17,18,18,21,21
 5:23,24,24 6:1,2,2,4,5,5,7,9,20
 6:22,23 7:2,4 9:12,16,19,20,22
 9:22,25 10:2,2,4,5,5,7,8,8,10,11
 10:12,12,15,15,17,18,18,20,21
 10:21,23,24 11:1 16:6,21 17:9
 17:18,19,24 21:8,9,10,17,18,19
 22:25 23:13,15,19,24,25 24:16
 25:22 26:10 29:11,12 30:23
 31:5,16,17,18 32:4,5 33:19 40:1
 40:4,6,8,10,11,13 42:10,13
 44:22,25 45:5,13 46:1 48:23
 49:19,19 51:20,22 52:1,2 55:15
 55:17,22 57:10,15 65:8,9,20
 66:6,11,15 67:8,13 68:6,12,15

69:4,6,7,20,21,25 70:4 71:9,23
 73:4,5,6,7,11,14,22 74:5,8
 75:18,23 76:1,19 77:7 78:11,21
 81:25 82:3,10,25 86:3 87:7,8
 90:17 91:5,14 94:3,4,5,10,15,24
 97:16,22,25 98:12 110:2,5,7,12
 110:15 112:11 113:23 114:23
 119:4,9,11,13 120:6,20 121:10
 122:14 124:17,18 125:5,14,16
 125:22 126:2,6,9 127:3,11,12
 127:16,17 128:23 129:7,13,15
 129:19,21 130:1,15 135:16
 136:3,4,11 137:16,21 138:5,7,9
 139:2,22 140:8,17 141:11
 143:22,24,24 144:1,3 145:1,25
 146:6,9,13,16,23,24 147:16
 148:16,21 149:8,15,17,17,22
 150:4 151:24 152:4,7 153:5,10
 153:11,13,19,24 154:6,8,9,10
 154:10,12,13,14,14,16,17,17,20
 154:20,22,23,23,25 155:1,1,3,4
 155:4,6,7,9,10,11,12,15,25
 156:2,2,4,7,12,16,20,24 157:4,8
 157:12,17,21,24 158:6,7 159:6
 159:11,13,14,24 160:4,7,10,15
 160:20,21 161:7,8,11,13,18,23
 161:24 162:6,8,10,16,24 163:7
 163:15,15,17,18,18,20,21,22,22
 163:24,25,25 164:3,3,5,6,7,7,9
 164:10,10,12,13,13,15,16,16,18
 164:19 167:18 168:11,13,17,19
 168:19,20,22,23 169:4,4,6,7,7,9
 169:10,10,12,13,13,15,16,16,17
 169:18,19,19,22,22,24,25,25
 170:2,3,3,5,6 171:21 172:23
 173:20,25 175:1 176:15,17,21
 177:1,4,9,18,20 178:2,3,19,20
 179:12,14,17,18 180:23 181:3
 184:6 196:3,4,13,16 197:1,2,18
 197:19 199:25 200:1,22,25
 201:3,4,11,12,23 202:19,20,24
 202:25 203:11,13,24,25 205:8,8
 205:10,11,11,13,14,14,16,17,18
 205:18,20,21,21,24,24 206:1,2
 206:2,4,5,5,7,8,8,10,22,24,25
 206:25 207:2,3,3,5,6,6,8,9,9,11
 207:12,12,15,15,17,18,18,20,21
 207:21,23,24,25,25 208:2,5,10

208:14,17,18,22 209:2,6,7,8
Commissioners 2:2 4:12 7:6
 33:20 49:6 53:21 55:13 56:25
 57:22 58:18 65:6 71:24 79:5
 86:7 119:10 125:13 136:3
 141:16,25 142:4 148:15 150:2
 160:22 170:11 195:17,23 197:3
 205:3 209:12
Commissioners' 167:2
commitments 186:8
commodity 200:4
communicate 51:7 91:17,21
 96:13 133:5
communication 52:10 53:4 96:11
 116:23 123:23
communities 143:9
community 12:10 44:4 46:25
 120:8
compared 197:6 200:11
compelling 14:9
compensated 24:15
compensation 91:2
compensatory 57:7,14 63:11
 69:11,14 70:1,10,18 71:2,13,18
 71:20 72:14 89:10,14 90:11
 95:25 96:8 102:8 103:5,11
 104:3 105:2,13 106:12 108:24
 109:1,9 114:4,9 115:5,15
 116:14 117:11
competitive 22:2
comping 195:25
complete 186:19
completed 40:18 41:14 43:19
 49:5 143:19
completely 13:7 146:14 173:23
compliance 70:6 94:12 95:13,19
 96:23,24 131:12 139:17
complied 111:3
comply 92:13 109:2,11
component 11:17 21:25 33:3
 115:5
components 137:8
comport 165:11
composite 82:15
computer 27:14 203:1,4 204:1
computers 202:23
concentrate 45:15
concept 96:6 102:17 158:20,21

158:24 177:19
concepts 83:7
concern 3:14 41:24 43:7,10
 55:12 59:25 60:2,21 61:10 64:2
 66:17 67:4 87:22 88:15 91:20
 96:14 101:15 102:2,4,9 104:19
 104:21 105:1,3,10,10 106:4
 113:20 114:8 116:6 119:1,6
 131:1 133:22 142:18 145:9,10
 145:12 166:22 170:21 171:8
 172:7
concerned 63:3 76:4 100:25
 101:23 104:12 117:15 145:23
 146:4 195:25
concerning 103:18
concerns 8:8 41:24 47:15 60:13
 80:6 88:16 95:17 100:15,17
 113:15 114:19,22 117:2 171:19
concise 121:7
concluded 209:14
conditions 156:13 157:1 161:9
 161:16,18,20
conduct 142:12
conducted 6:13 47:21 206:15
conducting 69:12
conference 39:5,13,16 47:22
 191:16 195:9,10 208:6
confers 53:20 54:18
confident 180:5
confirm 135:1,7,11,13
conflict 200:19
confused 29:13 83:7 88:19 89:6
 112:15 130:3 151:22 157:25
confusing 153:22 157:10 165:24
confusion 50:13 141:5,20
consecutive 81:4
consent 3:7 6:16 9:10,15 109:1
 109:10
consequence 69:18
consequently 83:9
conservative 188:19
consider 69:15 77:17 173:9
considerate 200:21
consideration 4:12
considered 16:8,10 82:16 150:9
consortia 12:20,21,23 16:19
consortium 175:4
constituents 36:1

constitute 210:10
constitution 32:8
constrain 158:3
constrict 157:1
construct 62:3,22
construction 16:2 199:13
consults 42:9 127:1 135:21 138:9
 155:20
contact 75:1,5,12 174:11
contacting 75:2
contacts 16:19
contained 137:8
content 61:16 64:4,9,10 65:12
 67:6 85:2,7,9,13,24 184:24
contention 53:16
context 79:3 90:18,24,25 91:3
 188:13 189:8
continually 93:1
continue 37:7 88:8 138:13
 152:13 174:3 176:11 193:25
 196:22 204:8
continued 4:1 37:12 83:17
 101:24
continues 180:7 196:23
contract 3:19 4:11 23:18 35:1
 36:16 37:17 49:10,17 139:17
 142:22 165:3,16,18,23 166:20
 167:11 168:14 170:15 171:18
 180:3 197:4
contracted 181:19
Contractors 31:23
contracts 166:13 180:9 209:5
control 26:14 182:19
convene 74:13
conversation 7:24 25:7,25 58:5
 86:21 124:19 164:23 172:1
 174:5,24,24 175:13 182:5
 185:17 187:21 189:5 191:14
 192:24 193:10
conversations 22:5 164:25
 184:16 185:9 191:6,10 193:17
 193:19 194:12
convoluted 93:18,24
cook 139:6
cool 201:10
cooperate 117:22 118:19
cooperating 118:20
copied 52:12,13 53:22 107:10

copies 110:10,21 135:14,15 168:6
copy 108:4 137:1,4 166:15
core 22:11
cornered 144:19 145:2
Corps 104:5
correct 11:4 42:19 43:12 73:3
 81:17 87:11 89:12,22 99:3
 100:1 122:4 127:11,12 132:18
 136:25 160:9 162:3,13
correction 129:4
Corrective 3:12 49:1,4,9,16
 50:10 53:23 54:1,3 55:2 97:3
 111:18 112:24 113:5 180:14
 183:13 205:1
correctly 67:21 110:16 192:10
correlate 51:11
correlation 115:3
cosmetologists 15:9
cosmetology 13:18 14:1,2,2 15:5
 15:6,16,20 16:13,14
cost 198:4,16,23
costly 190:6
costs 186:12 191:10 198:8,20
 199:17,20,22,24
council 11:12 35:22 39:2 41:24
 42:3 123:11 168:6 180:5
councils 38:23 150:17,19,19
counsel 2:14,15 42:9 51:19 52:17
 53:20 54:4,18 127:1 135:21
 138:4,10,12 155:20
Counselor 49:20
count 184:11
counties 32:16
country 85:19
County 32:16 210:13
couple 181:13 190:5
course 22:8 32:21 65:2 72:23
 79:3 82:18 100:25 166:24
 171:11
courses 32:19 101:20
court 1:21 62:12 138:14 210:9
coyotes 46:2
coyowolf 46:2
craft 15:14 16:7
crafting 173:14
Craig 187:20 188:17 189:5
create 37:1 39:12 49:9 128:13
 159:19 160:17 182:22 187:4

created 124:8
creating 38:24 39:11 172:25
creation 36:23
creative 44:3
credit 28:17 31:11
credits 104:15
crew 16:10,11
crippling 189:17
critical 37:21
criticism 116:18
Crone 2:5 5:25 6:1,20,22 10:9
 17:18,19,24 32:5 33:19 45:5
 46:1 48:23 155:2,3 164:8,9
 170:4,5 201:3,4 206:3,4 207:7,8
cross-section 40:14
crossways 95:22
Cruces 49:14 106:13 178:20
 184:7
crucial 36:25
Crum 58:17,23 59:1,4,5,14,20
 61:24 62:2 63:7,10 65:5,19 66:9
 68:14 69:17,24 71:8 73:3 76:13
 78:22 79:13 90:12,18 99:5
 113:14,17
crux 60:2
crystal 185:2
crystal-clear 184:24
CSD 35:12 43:4 47:3,17 52:3
 99:24 100:14 110:18,25 111:5
 123:1 127:19 131:11 133:3,5,6
 135:10,12 136:25 178:12 180:7
 184:8 187:24 188:3 189:7
 191:14 197:3 202:21 204:4
CSD's 111:22
CSP 37:1
CTE 3:8 11:14,22,24 12:19 13:10
 13:12,13 14:11,14,23 15:3,7
 16:3 17:4 18:19,24 19:11,17,18
 21:13 28:13,15 31:7,7,9 32:7
CTOs 24:3
Culture 58:8 79:19,25 133:11
curious 44:19 177:5
current 35:21 60:8 147:5,13,14
currently 120:14 148:5 175:4
curriculum 27:20 59:25 62:8
 126:21 127:15
curve 28:24
Custodian 2:12

cutting 186:25
cycle 187:7
Cynthia 1:20 210:8,19

D

D 3:1,1 4:1,1
D'Arte 3:14 4:10 6:17 41:25
 55:11 56:25 59:10 60:6,16
 91:24
D-101-CV-2019-00878 204:20
Dang 208:12
danger 46:11
dangerous 45:24 46:3
data 29:13,19,20,24 30:8 50:24
 51:10 78:18 125:23 129:15,15
 167:20
date 18:5 39:6 72:19 89:5 95:24
 209:3 211:2,9,14,19,24
David 2:7 187:20 199:9
Davis 2:6 5:13,14 10:19,20
 153:11,13,19 154:15,16 160:4
 163:23,24 168:19,22 169:11,12
 179:17 203:12,13 205:16,17
 207:19,20
day 46:5 47:7 97:1 112:8 135:19
 178:13 179:8 202:8,9 208:8
days 52:3 80:23
dead 141:23
deadline 53:9
deal 18:21 72:4 95:25 167:3
 180:13,16
dealing 71:11 152:17
dealt 98:4
DEAP 36:13
Debbie 37:5 39:10
DECA 24:1,4,22,24
December 54:15 200:23
decide 114:7 158:11 161:9 192:6
decided 46:5 47:17
deciding 161:14
decipher 83:16
decision 9:4 24:9 52:7 62:12
 64:21 138:20 157:16 158:14
 204:24,25
decisions 75:7 138:25 157:2
dedicated 44:13 204:1
defer 58:11 101:12 111:13
define 30:3 161:5

defined 30:4,20 161:3
defining 77:21 175:6
definitely 46:21 78:5,10 128:20
definition 3:23 152:11 172:21
 173:14,18,23,24 175:15,18
definitive 39:7 40:25
degree 16:14 194:15
DEL'D 211:9,14,19,24
delay 102:1
Delgado 192:7
delicate 71:12
delineate 160:24
DELIVERED 211:9,14,19,24
demand 199:25 200:2
Deming 196:19
demonstrate 117:10
Department 12:14,17 13:7 14:7
 29:17,18 32:8 58:7 70:12 95:13
 97:7,18 132:14 204:22
depending 63:14 97:20,24 98:11
depends 78:20
Deputy 2:11 59:5 62:19 79:24
 89:6 103:24,24 192:7
describe 91:6 127:8
described 19:5 98:7
description 134:10,16 136:19
deserve 152:25
deserved 38:4
design 16:5
detail 141:15
detailed 80:14 99:21
details 20:9
determine 70:24 71:17
determined 14:6,8 156:22
 157:19 158:9 196:2
determines 84:21
determining 29:14
develop 22:8 155:22 205:1
developing 18:25 78:19 157:13
development 19:22 22:4,4 53:13
 101:20 157:18
diabetes 45:18
difference 64:14 93:3 115:11
 152:21 202:10
differences 167:16
different 12:12 19:6 25:2 57:3
 61:3 93:22 101:6 123:9 128:14
 141:7 151:9,10,11,12 159:19

differently 30:4
difficult 53:7 72:5 93:19 188:24
 204:2
difficulty 89:19
direct 44:2 62:25
direction 9:3 16:23
directly 32:5 131:11 133:5
Director 2:9,11 42:11 59:5 62:20
 79:24 103:24,25 196:6,7
Director's 89:6
disabilities 60:6,25 78:24 79:1
disability 60:22 64:13,14
disappeared 10:9
disbursement 41:15
disciplinary 173:4
discouraging 53:19,24
discovered 72:13
discuss 92:3 143:14 144:15,21
 145:7 146:7 147:23
discussed 147:10,11 204:15
 206:19
discussing 151:25
discussion 3:8,10,11,13,15,18,22
 9:23 11:6 34:19 41:3 49:1,15,21
 50:8,15,20 52:5 54:7 55:10 58:9
 59:19 123:12 140:19,21 141:12
 141:16 142:1,7 143:12,25 144:1
 146:10,20 147:3 148:22 149:19
 150:1,11 153:8,9 154:2 156:3
 156:17,19 158:16,22 159:2
 161:16,22 162:9 163:2,11 165:2
 168:25 171:13,18,19 174:4
 181:10 183:13 190:10 195:13
 195:22 196:3
discussions 141:17 147:11
disengaged 172:25 173:13
 174:19 177:14
disengagement 173:8
disenrolled 126:1,2 130:22
disenrollment 133:7
disinterest 93:2
Disks 211:8,13,18,23
dismiss 54:5 204:22
dismissal 54:12,17
dismissed 176:6
dispute 90:22
disrespectful 93:17,25 94:1
distractions 179:1

district 3:17 13:15 76:24 106:17
 106:20 120:13 126:13 138:12
 138:17 140:24
district-by-district 24:8
District-something 202:7
districts 12:10,18 24:9 32:11,13
 33:6 106:10,14 189:22
Division 2:10,11 3:10 34:14 38:8
 49:18 57:24 98:1 110:10,20
 124:15
do-it 190:13
document 75:1 80:2 81:23 86:23
 87:1 181:6 211:8,13,18,23
documentation 43:9,19 69:8
 73:14 75:9 94:8,13,18,21
 125:17,22 132:16
documenting 68:4 111:25
documents 3:20 49:3 73:16 81:9
 129:14 165:4
dog 45:2,8,16,16,20,25 46:9
dogs 45:18 46:2
doing 11:21 24:14 25:17 34:25
 36:16,25 44:17 47:22 50:13
 69:12 70:22,23,24 72:6 77:18
 94:11 103:13 112:25 126:18
 130:18 145:4 150:23 152:5
 167:24 168:1 189:14 194:3
Dolores 3:12 35:19 38:9,22 49:2
 182:7 204:23
domestically 45:10
Don 1:12
door 46:9
doors 95:18
dotted 168:8
double-check 42:17
double-checked 108:22
dozen 35:1
Dr 11:7,10 15:18 16:17 17:11,22
 17:25 18:7,10,14,21 20:21 21:2
 21:11,16,24 23:5,16,21 24:3,18
 25:18,24 26:24 27:2,7 28:7
 29:16 31:4,6,20 34:4 87:13
 99:11,13,25 105:5,12 106:6
 127:1 129:25
drafted 105:13
drastic 101:8
drill 185:1
drive 36:18

driving 200:4
drop 76:10
dual 28:17 31:11
Due 92:22
duplication 151:1
Dylan 36:3 45:6 202:1,21
dynamics 64:2

E

E 2:1,1 3:1,1,1 4:1,1,1
e-mail 26:1 43:5,8,15 51:18
 52:11,13,17 116:4 190:12,17
 201:15 202:6
e-mails 26:1 124:19
eagerly 184:15
earlier 47:14 56:22 111:2,11
 112:2 136:21 182:5
early 104:23 121:24 186:2
 195:11,22 199:22
earns 82:14
easier 116:7 178:24 206:14
East 45:15
easy 72:7 104:10
echoing 192:10
economic 33:15
economy 17:13,14
ed 32:8 58:6 61:15,18 66:25 67:2
 74:16 76:6 77:20,21,22 78:3,14
 78:15 84:1 86:20 88:11,13,19
 89:2 96:11,15,20 100:19,21,24
 101:5,10 107:2 108:5 109:24
 110:10,20 111:1,9,15,18,20
 112:17 125:10 130:19 131:10
 132:13 133:4 137:23 139:4,8
 182:5
editing 17:1 25:12
education 1:1,12 3:8 5:3 6:19
 11:6,16,17,18 12:1,15,18 13:7
 13:21 15:4 21:22 34:24 37:19
 37:22 56:15 59:6,8 60:5 62:15
 62:16 65:2,14 68:19 71:25
 78:25 89:4 91:23 94:12 95:9
 97:7 98:6,9 103:18,20 107:12
 112:24 128:10 143:16,21
 149:12 155:18,22 204:13,20,22
 204:25 206:18 210:1,12 211:5
educational 44:1 64:13 162:20
 163:6

effect 18:15
effective 185:24
effectively 30:19
effort 35:8 70:18
efforts 36:23 75:1 119:1
eight 11:2 24:19
eight-zero 11:3
eighth 84:5
either 12:22 50:25 58:10 65:1
 71:5 106:23 110:22 112:8
 116:16 120:4
El 33:1,4,11 80:1,10,11,20 81:20
 82:17,21 84:11 85:1 101:18
 105:16 126:7 127:5,6,9 133:14
 133:15 134:9
ELA 65:17 197:10
ELAINE 11:10 15:18 16:17
 17:11,22,25 18:7,10,14,21
 20:21 21:2,16,24 23:5,16,21
 24:3,18 25:18,24 26:24 27:2,7
 28:7 29:16 31:4,6,20 34:4
ELD 101:20
election 32:12
elective 61:17 64:9,11 65:13,22
 67:6
electric 33:14,18
electricity 32:24
element 122:10
elementary 152:11
elements 119:19
elevated 191:10
eligible 12:4 13:9 14:11,14
ELL 84:24 87:17 88:10,19,23,25
 99:12 131:6 133:6 134:2
Elliott 43:6
ELLS 23:20 81:16 82:12 88:13
 126:16,17,20 130:16
embed 158:20
embedded 66:1 167:10
Emeritus 136:11
emotional 76:5
emphasis 79:1
emphasizing 44:2
employed 11:20
employees 23:23
encompass 157:14
encourage 181:17
encouraging 68:21 69:1

ended 45:3 102:15 202:14
endorsed 126:11
ends 95:15
engage 127:5 173:18 175:9,10
 191:16
engaged 164:23 165:15 170:13
 170:14
engagement 25:19 176:19
engaging 44:1 47:8
engineers 83:19
English 82:4,8,10,16 83:2,20
 84:12,19 85:4 101:19
enroll 187:11
enrollment 78:23 188:6
enrolls 80:24
ensure 41:7 127:9 151:15
ensuring 36:6
entails 71:4
enter 16:12 204:14
entertain 9:10 208:4
entire 88:9 176:22
entity 8:10
entry 90:16
environment 44:5 68:20,23 79:4
envy 184:11
epilepsy 45:18
equipment 19:23
equity 37:2 126:17,21 127:9
ERB 186:11
err 189:12
escalate 124:11
ESLs 23:20
Española 18:1 32:14 33:12
especially 35:12 122:14 123:5
 138:14
essentially 89:10
estimates 199:23,23
evaluated 28:18
evening 177:3
event 184:7,8
events 181:24
eventually 32:19 76:10
everybody 11:11 45:21 191:8
everyone's 123:24 168:3
evidence 94:21 127:8 133:10
exacerbated 72:11
exact 140:18 151:7,7
exactly 67:11 81:21 97:24 107:5

117:12 118:9 124:25 125:1 141:20 161:11,12 170:18 173:17 exam 103:15 example 12:24 13:19 14:15 15:5 23:1 61:15 141:2 185:12 exchange 124:19 excited 25:20 26:12 27:23 38:4,9 38:10 excitement 48:10 exciting 26:19 33:23 48:3 178:22 197:15 excuse 16:6 17:20 103:25 120:22 121:14 142:14 175:2 executive 4:4 38:8 180:17 196:5 196:7,10 206:15 exhausting 179:4,5 exhibiting 44:11 Exhibits 211:8,13,18,23 exist 60:13 existed 88:17 existing 19:20 122:15 exists 157:22 exit 65:1 82:17 exits 82:20 expect 18:2 21:3 23:10 27:8 31:24 77:13 113:5 125:1 203:1 expectation 192:14 expectations 179:23 expected 111:20 expecting 31:22 124:22 expedite 91:1 expediting 105:19 expensive 13:19 experience 44:2 46:16 101:5 119:20 121:17 122:6 123:6 144:4 197:4 experiences 47:6,9 expert 100:20 explain 87:15 121:19 explanation 70:16 explicit 96:2 exploration 22:10,12,20,20 23:2 29:25 31:14 explore 192:19 express 76:15 142:5 expressed 100:15 118:16,16 121:21 142:3,17 174:6	expression 145:19 extend 195:16 extension 54:13 extensions 54:15 96:3 extent 84:4 114:10 extra 24:13 115:9 189:2 190:11 eyes 108:5 <hr/> F <hr/> F-A-C- 40:5 F-A-C-I-O 40:4,6 F-A-S-I-O 40:3 F's 76:10 173:6 fabric 189:25 faces 79:21 facilities 199:1 facility 44:13 47:20 150:10,10 187:10 facing 141:7 Facio 39:19 40:2,3 fact 13:22 15:18 54:12 60:13 63:12 65:21 69:8 96:20 134:10 135:13 143:1 148:9 158:19,20 factor 173:3 factors 64:23 172:24 173:3,13 faculty 22:21 fail 137:25 failed 120:25 fails 150:13,13 fair 71:6 85:12 137:20 fairly 117:1 142:17 189:22 fairness 115:18 faith 54:20 fall 16:3,11 28:9 101:1,17 173:17 175:14 176:4 fallout 170:16 familiar 22:23 29:1 71:24 families 2:10,11 80:23 family 30:6,15,16,17 36:20 46:24 174:21 far 66:19 69:12 130:14 198:13 fare 31:2 fashion 16:1,5 fast 20:11 139:19,24 203:1 fault 101:2 193:2 favor 7:5 146:13 209:11 FCCLA 24:25 Fe 1:13 119:16 210:13	February 109:17 federal 11:24 27:18 137:22 feds 13:11 29:14 fee 195:19 feedback 41:5 feeder 17:25 feel 34:5 69:10 70:20 72:16 119:7 120:15 152:25 174:18 175:4,16 179:23 188:5,11 189:6 feeling 190:10 feels 126:24 fell 175:11 fellow 197:3 felt 50:9 54:6,6 166:2 171:13 172:17 175:11 176:5 180:1 female 46:4 fence 94:7 197:7 FFA 24:22 fidelity 94:19 field 19:3 31:13,14 figure 26:3 167:4 183:8,24 188:21 figured 187:22 194:19 file 54:17 filed 204:23 files 99:21 111:1 112:3 filing 53:22 film 15:15,16,21,22,24 16:1,1,2,9 16:16,19,22 17:1 25:4,11,12,13 25:20 26:7 film-related 16:7 final 112:24 113:5 finally 37:16 46:21 195:20 financial 36:24 37:14 88:3,7,21 152:14 find 57:2 68:13,18 107:11,23 108:17 111:24 166:16 175:5 182:11 193:12 finding 27:16 108:15 121:9 182:6 186:13 findings 60:2,11 fine 64:9 88:6 132:24 142:15 202:4 finesse 194:6 finger 193:2 finished 87:22 finishing 196:18 fire 185:1
---	--	--

first 18:19 20:10 24:5 28:11
33:11 34:23 35:2,19 40:22 47:2
47:14 49:25 55:25 56:21 57:1
60:16,20 63:1 68:17 78:24
85:21 100:22 124:11 128:11
138:7 145:5 147:6 149:22
151:19 153:2 166:5 170:20
186:16 196:14,15
fiscal 35:13,14 37:7,8
fit 15:3 45:10 183:6
fits 66:20
five 8:16 112:4 122:21 129:5,6
196:23
five-year 35:22
fixing 105:22
flag 3:4 6:11,13 8:25
fleet 33:13
flexibility 27:18 144:21
floating 179:20
floor 18:3,12 20:15
floors 12:9 13:8
fly 121:13 179:10
flying 84:12
focus 21:13 25:2 167:2 177:14
focused 21:21 23:2 193:20
focusing 17:5,12
folder 128:14
folders 100:21
folks 16:12 108:4 124:6 166:21
178:10 185:7 188:12 203:18
follow 113:6
follow-up 95:5 111:8,9,19 112:23
following 109:5
foot 199:20
force 13:1 76:25
foregoing 210:10
foremost 34:23
foresee 153:6
forgot 184:4
form 117:14 147:14,19 148:11
formalized 182:1 184:21
former 120:12 121:12
formula 84:14
forth 45:19 156:8 195:14
fortunate 84:16
Forum 3:6 4:9 7:11
forward 13:25 19:6 28:5 53:6
54:20 94:21 121:5 122:21 125:2

142:25 143:5,6 182:1,11 186:23
187:4 188:10 200:21
found 32:8 72:6 108:16 167:12
167:15
four 77:12 112:7
frame 52:21
framework 36:24 167:7 171:8,9
172:12
framing 120:6
frankly 112:5
free 34:6 49:12 68:19
freight 20:11
Friday 5:4 39:17 40:23 131:23
132:1 201:16 208:22
FRIEDMAN 2:12 195:7,11
208:9 211:7
friendliest 45:16
friendly 45:21
friends 83:3
front 94:17 95:1 107:5
frustrated 12:6 119:8,25 120:5
120:16
frustrating 49:25 52:20 53:3
76:16
frustration 26:15 77:5 102:19,24
116:25 118:21
fueled 25:25
fulfill 178:8
fulfilling 77:15
full 34:25 47:17 64:2 146:19
fully 41:10 144:15 147:23
functional 33:2
fund 17:22 24:1 27:22
fundable 15:7 16:5 17:4 20:2
31:15
fundamental 62:17 64:16,17
funded 11:24 14:8
funding 12:4,19 13:10,12,13,15
14:11,14 16:24 17:21 18:19
19:2,17,18 20:15 21:15 23:8
24:5 26:25 30:25 176:6 199:11
funds 11:25 13:25 14:23 18:23
18:24 19:23 27:17,19 28:8,20
funky 202:17
funnel 20:19
further 26:5 102:1 109:13 110:1
143:11,14,25 148:14 153:9
171:17

future 97:2 143:19 173:10
175:20

G

G 3:1 4:1
Gallup 36:12 184:8
game 189:22
gaming 178:5
Gaspar 1:12
Gateway 23:1
geek 14:18
general 78:3,24 119:14 122:19
123:9 137:22 170:21 171:10
generally 65:16 119:16
gentle 139:18
GEORGINA 2:6
get-go 121:4
getting 27:10 32:6 33:13 61:18
68:3 70:5,6 97:16,25 100:23
101:17 102:6,21 104:11,12
135:23 161:21 178:12,13 186:5
189:1 191:8 202:22 203:1
giddy 48:9
Gipson 2:3 4:10 5:19 10:13 11:12
136:3 143:24 149:17 154:18
156:2 164:1 169:20 184:7
205:22 207:13
give 41:8,16 49:6 53:17 55:2
60:10,12 132:5 171:25 191:23
200:23
given 16:25 37:12 47:18 55:13
61:3 125:24 152:20 186:8,10
giving 16:23 140:9 186:21 193:4
200:16
glad 196:24
gladly 166:20
GLENNA 2:7
glossary 23:22
go 8:12 15:5 24:20 46:11,17
51:15 67:19 69:14 75:6 76:24
78:1 107:13 122:22 126:18
127:13 129:23 139:12 140:10
141:2 142:25 151:13 159:16
161:2 166:20 172:25 174:17
180:16 184:24 187:6 189:20
190:18,25 191:1,2,11 199:22
201:9,9 208:7
goal 63:19 68:17,22 69:9 172:14

182:22 183:10,10,15
goals 64:24 66:4 67:24 73:9
 77:11 167:9,10 180:3 182:6,9
 183:7,20 188:6 197:8,9,21,22
God 46:18 203:4
goes 64:19,19 78:7 104:22 117:9
 133:2 152:18,23,24
going 5:2 8:12,17 9:2,3 12:22,23
 13:25 14:14,22 16:17 18:6 19:5
 19:5,16 20:21 21:5 22:6,13 23:9
 23:25 25:10,20 26:1 27:4,4 28:4
 28:5,23 29:5 33:6,24 34:21 37:7
 40:22,25 42:18 45:6 46:5 47:22
 50:17 51:15 54:11,21,22,23,24
 58:20 59:11 64:18 70:5 72:15
 72:24 81:10 85:17 89:1 91:10
 91:10 98:17 99:2,23 101:21
 104:6,14 106:18,21 109:23
 114:15 116:6 118:21 119:22
 121:24 122:20,21,22 123:2,21
 124:3,10,10 128:6 130:25 131:8
 138:20,21 139:12 140:14
 141:22 142:13,14 143:6,15
 144:15,16,18 145:16 147:21,21
 152:22 155:21 158:9,17,18,19
 160:23 161:1 162:1 166:15
 167:17 170:10,19 171:6,9,9
 172:8,14 176:12 178:3 180:6
 182:13,24 185:23 186:2 187:17
 188:2,6,15,20 189:13 190:6,18
 190:25 191:2,2,23 192:15 193:8
 193:24 194:6 195:9 199:14,17
 200:3,7,17,21 201:14 202:9,12
 203:3 206:13
good 5:1 7:14 11:10 21:12 27:1
 38:5 42:24 45:25 48:12 54:20
 58:17,18,19 59:7 69:2,16,18
 70:19,20,22 71:16 72:24 74:7
 79:14 83:2 84:2,7,23 88:7
 105:19 113:25 121:25 130:1
 140:9 142:19 147:15 167:22
 171:22 175:18 177:6 181:21
 185:24 187:3,20 190:1,18
 197:22 200:22 201:6 202:5
goodbye 196:11
gosh 45:4
gotten 49:23 181:16
governance 122:1 142:19,21

168:6 180:5
governing 35:22 38:23 39:2
 41:23 42:3 43:5 123:11 150:17
 150:18,19
government 100:9
Governor's 15:24
grade 64:25 65:1 84:5 187:9,16
grades 187:15
graduate 65:3
graduated 139:1
graduating 63:19 103:3
graduation 62:14 171:1
grandkids 201:8
grant 22:2 37:1,3
grants 192:20
grasp 71:25 83:8,23 84:7
grateful 37:11
gratitude 36:2,17
gray 170:18
great 14:17 16:23 26:16 41:6
 43:1 45:13 81:8 94:10 100:7,23
 120:14,15 142:18 175:3 197:14
greater 171:25
Greta 181:17
Griffin 181:18
gripe 193:15
ground 105:22
group 83:13 188:3 192:13
groups 83:15 150:20
grow 17:13,14
growing 187:9
growth 50:23 51:12 127:22
 182:14 187:17,25
guess 28:22,23 60:9 74:22 77:17
 105:16 109:22 114:21 117:15
 117:22 123:22 145:12 148:14
 152:16 189:11
guidance 184:12,15 185:3
guide 166:16
Guillen 196:4
guitar 14:21,22 15:2
guy 83:18 139:3
guys 9:4 12:13 192:5

H

hair 15:16,25 45:22
half-dog 45:9
half-wolf 45:9

Hall 1:12 38:19
hand 65:2 149:20 210:16
hand-in-hand 191:11
handed 56:7
handful 8:17
handle 70:22 71:18 78:3,8
 185:19
hang 79:9 86:12
hanging 168:3
happen 22:14 39:1 53:4 76:11
 123:22 177:13 178:23 201:24
happened 41:16 70:16 101:1
 106:19 118:12,14 123:20
happening 7:25 62:21 67:5 68:11
 69:13 98:2,5,22 103:1 112:22
 124:10 198:5 199:21,21
happens 77:6 116:3 168:1 177:3
 177:13
happy 34:7 79:13 99:7 106:2
 123:15 204:8
harbor 174:21
hard 37:23 72:6 77:13 83:5
 144:14 194:6 200:10 204:4
hardest 83:20
Harry 32:7
Hatch 196:12,19
hate 158:13
he'll 181:23
head 38:3 56:6 84:20 87:10
heading 165:17
heads-up 185:24
health 104:4 121:25
hear 21:20 56:16 57:25 58:6 73:7
 89:3 90:13 94:10 113:23 175:3
 194:1
heard 8:4 9:3 11:14 18:18 89:7
 89:11,23 90:9 159:14 174:15
 176:5 179:24 180:1 194:9
hearing 7:9 47:10 76:25 90:21
 157:7,9 163:13 169:2 192:2
held 63:4 91:1 92:2,6 140:19
 159:2 184:2 185:9 210:12
help 15:20 17:15 29:8 76:4 82:8
 102:21 120:10 123:4 127:20
 152:13,14 171:20 189:7 193:5
 202:10
helped 39:10 188:17
helpful 58:5 99:19 121:16 192:6

193:4 203:17
helping 202:22
helps 142:23,23 203:5
Herbal 142:15
hereunto 210:15
hey 93:3 140:12 192:25
high 3:23 4:10 11:17 15:22 21:22
 24:1 25:17,20 30:14 46:25
 63:19 65:3 84:18 85:17 139:4
 152:12 173:3 181:11 198:8,16
 198:17
high-demand 15:23 29:15
high-need 16:3
high-skill 14:3,5 19:12
high-wage 13:24 14:4,5 15:10
 19:12 30:4,4,20
higher 21:22 32:7 82:15
highlight 47:12 185:11
highlighting 187:7
highlights 43:22
highly 151:2
hired 100:22
hires 38:1
Hispanic 28:11 84:17,18
hit 28:12 105:22 186:14 194:8
hold 55:5 89:8 91:12,25 92:1,2,7
 92:25 103:14 109:23 137:18
 149:25
holding 195:9
Holly 99:13,25 105:5,12 106:6
 129:25 134:23
home 45:12 74:18 85:19,25 86:2
 115:23 129:23 178:25
homeless 173:2
homelessness 173:3
hometown 178:21
Hondo 198:17
honest 91:7 115:21 119:22
honestly 103:16 107:3 121:16
 162:4
honey 55:22
honor 204:9
honored 197:15
hope 21:20 26:20 33:24 43:12
 122:3 123:25 124:5 166:18
 179:23,25
hopeful 41:20 183:8
hopefully 19:1 51:11 52:5 54:19

116:7 119:20 121:17 124:5
 166:16 171:14 180:15 200:20
hoping 105:7
horrible 112:5
horse 141:23
HOSA 24:24
hospital 12:23 46:7
hour 41:2 167:4
hours 50:17 54:8 102:7,11,12,15
 102:17 115:13,14,15,17,19
House 19:18
How's 59:14
Huerta 3:12 49:2 182:7 204:23
huge 18:21 28:17 100:7 167:13
 198:24 199:7
humans 46:3
hung 179:2
hurt 189:13,14
hybrid 44:14,18 46:4
hybrids 44:20

I

IATSE 16:12
ID 132:25
idea 50:1 51:3 64:17,19 68:18
 72:25 103:3 108:6 109:2,11
 124:24 131:24 145:19 177:22
ideal 48:6
identification 134:2,9
identified 21:5 77:22 95:4 138:12
 199:6
identifies 121:3
identify 58:21 104:10 115:4
identifying 80:20 188:9
IEP 59:23,24 62:5,24 63:16
 65:23 66:4,21 67:3,11,22,24
 68:4 69:9,13 71:16 73:16,20
 74:10,13,17 75:6,13,19 76:8,25
 77:11,15 78:19 90:25 97:20
 98:7,11 100:21 112:3 115:4
 116:15 117:10
IEPs 23:20 60:3,17,17 61:8,21
 62:3,22,23 63:4,18 68:9 71:10
 89:5,8 95:4,5,7,13,19,23 96:9
 96:21 97:7 98:4,21 99:1 101:6
 110:9,18 111:13 128:2,11,12,14
 130:19 131:12 132:4,15,19,19
IGA 22:3 23:15,16

illness 173:3
Illuminate 50:22,24 51:1,6 53:13
 182:5,16
imagination 193:14
imagine 46:18 102:18
immediately 121:3
impact 23:10 48:11 114:12 187:3
impacted 47:10 186:18,22
impacts 187:8,8
implementation 35:22 38:14
implemented 71:7 81:7 197:12
implicate 106:24
implication 98:1
implying 62:20
importance 62:23
important 16:2 18:17,22 34:3
 36:5 37:23 62:8,18 63:12 68:16
 71:9 97:1 123:23 125:10 128:2
 141:19 144:5,7 164:24 166:2
 167:24 168:5 171:13 182:10,11
 184:23 189:1 194:11 201:17,25
importantly 143:7
imposing 50:14
impossible 171:1
improved 39:7
improvement 101:14 111:2,24
 200:12
improvements 101:9 127:21
improving 65:15 105:23
in-demand 14:4,5 15:10 19:12
incidence 173:3
include 21:23 134:10
includes 15:25 85:9
inclusion 77:17,18,24 78:15
incomplete 56:23
incorrect 106:13
increases 199:24
incredible 37:17 175:23 178:11
incredibly 53:3 76:16
indicate 7:6 89:18 114:1 209:12
indicated 51:5 54:11 90:5 92:16
 96:22 119:2 180:12
indicates 90:2,14 103:16
indicating 73:20 128:3,16
indication 17:1 92:21 106:2
 116:20
indicator 69:1
individual 60:5 64:20 71:17 98:6

127:5 193:20 194:11
individual's 190:14
individualized 59:24 60:1 61:9
 61:11 62:4,6 64:12 65:22 66:2
 67:1,2 69:9 70:9 73:2 78:2 99:1
industry 14:8 15:15,17 16:10
 199:13
influence 174:4
inform 183:5
information 14:6,24 29:23 40:16
 43:4 51:7 53:1 56:23 60:12
 96:19 128:22 130:4,16 131:2,6
 131:6,11,17,19,21 132:6,14
 133:7 135:23 183:4,23 187:3
 193:5 195:12
infrastructure 198:22
initial 61:21 75:20 80:18,21
 133:25 136:16 137:1 184:16
initially 80:19 134:21
initiated 41:20
initiative 12:25
input 50:3,10 52:6 59:18 62:5
 75:14,15 137:14
inquiry 44:2
ins 39:10
insinuated 146:5
insisted 116:13
inspection 95:5
inspire 120:8
inspiring 197:14
instruction 67:23 70:9 99:2
 127:14 183:5
instructional 27:21 85:5
insurance 186:12 190:16,16,17
 190:24 191:1
Insure 3:20 165:4
insurmountable 122:13
intent 120:23 158:8 159:18
 192:13
intention 13:8 21:25 51:24 193:1
 203:19
intentions 105:19
interbreed 46:2
interested 8:18 181:25
interesting 68:15 84:25 165:13
 198:5,20
intergovernmental 23:17 39:11
interim 40:18 182:8,12

interject 159:25
internship 31:10 44:10
internships 44:9
interpret 185:7
interpreting 20:1
interrupt 69:25
interrupting 56:22
introduce 71:13,19
introduced 15:12
inventory 41:16
invitation 195:17
invite 75:12 175:12,17
invited 193:9
involved 19:24 35:7,16 72:4
 93:18 122:11 166:1 190:15
 195:19
involving 88:13
issue 60:16 68:7 92:4 94:7 96:23
 102:7 108:15 116:10 117:8
 118:2 138:13 145:7 146:10,20
 147:23 152:18 171:1 184:22
 185:20 187:12,17 188:9 198:24
 199:2
issues 86:22 87:15,17 121:24
 122:15 144:6 148:23 150:13
 174:19 179:6 198:18 199:18
 204:15
Istation 182:25
it'll 39:18 135:1 182:14
item 6:14,17,21 7:11,20 9:7,9
 11:5,9 34:12 48:25 55:10
 140:20 144:18 148:10 165:1
 170:9
items 6:16 148:8 180:16 181:11
iteration 12:3
iterations 61:4

J

Jaeger 2:15 34:24 86:21 87:5,11
 87:13 107:16,19 108:15,18
 131:4 149:2 180:21
January 107:15,24,25 108:2
 109:17 118:22 200:23
jargony 23:17
Jemez 36:11
Jerry 1:12
Jim 181:18
job 1:25 15:9 32:22 100:23

175:23 200:8 210:25 211:2
jobs 17:7,15,16 19:13
join 179:12 196:17
joining 38:7
July 18:24 42:19 185:23
jump-start 37:10
June 19:2 20:11 39:17,18 52:8
 53:8,9 131:3,4,7,18 132:7,9,9
 132:11 136:7 180:7 191:16
 195:11 200:18 208:8
justify 30:1

K

K-1-2 187:15
Karen 2:11 34:10 36:2 37:16
 43:14 56:4 100:12 110:24
 112:20 113:4,9 128:21 129:4
 130:6,11 135:6,8 136:14 137:7
 149:22,23 150:3 167:14,22
Karyl 2:4 162:13,14,18,22
keep 64:18 72:17 93:4 132:14
 139:24 175:9
keeping 204:6
Kelly 36:22 181:17
kept 49:5
key 35:17,17 119:18
kid 66:20 104:10
kiddos 63:25
kids 17:3,15 25:17,20 28:5 48:4
 67:25 84:4 92:4,11,12 151:13
 173:11 174:22 190:5
kind 11:21 26:3 28:10 45:9 62:7
 65:13 69:2 74:15,20 81:9,17
 84:1 87:14 122:25 123:15
 165:11 173:10,13 177:5 182:21
 182:25 185:13 191:7 200:10
Kirsi 79:23,24 80:5 82:10 84:22
 86:6,16 133:12 134:1,9,15,20
Kirtland 13:1
knew 112:5 115:12 155:15
 165:17 170:24 186:3
know 9:1 17:9 20:12 21:12 22:6
 25:8,16 26:15 27:15,16 28:6
 29:5,7,9 32:3 33:25 36:17,19
 39:2 42:14 44:18,20 46:11 47:2
 48:19 50:6,16 51:1 53:5,12
 54:22 57:18 58:2,9,13,14 60:7
 61:3,17 64:2,17 66:11 67:5,15

68:7,9,10 70:12,21 75:3 79:22
 87:16 88:18,23 91:11,19 93:2,5
 93:6,11,13,13 94:5,22,25 95:17
 96:17 97:1 99:20 100:2 101:10
 102:14,16,22 103:16 104:5,16
 104:18 105:7,15,20 106:6 108:3
 108:21 109:25 110:22 111:17
 111:19 112:14,17 113:22 114:2
 115:1,10,12,23,24,25 116:1,2,3
 116:5,24 117:1,2,23 118:5,15
 118:18,19 119:2,5,10,14,16
 120:17 121:12 122:3,7,18 123:2
 123:3,7,8,14,15,23,24 124:2,7
 124:22 126:22 131:8 134:8
 136:15 138:22,23 140:11 141:6
 141:8 142:2 144:17 145:16
 146:8,25 147:2 148:14 149:1,4
 149:7,20,21 152:17,17 153:19
 161:21 162:4,5 165:8 167:18,24
 167:25 168:2,7 170:17 172:25
 173:1,5,16 174:11,13,14,19,23
 174:23 175:16 176:11 177:8,12
 177:17,21 178:17 179:25
 180:19 181:24 182:6 183:3
 184:13,20,22 185:1,18,23 187:3
 188:2,10,14,18 189:23,24 190:2
 190:4,9,20,22,22,24 191:19,24
 192:1,16,16,18,20,21,25 193:6
 194:2,6,10,14,17,19,20,22
 195:23 198:6 199:15 201:25
 202:7,16 203:9 204:9,10
knowing 25:15 112:22 129:16
 170:18 202:14
known 9:6 176:10 193:15
knows 24:21 154:4 174:15
 187:25
kudos 178:9

L

La 3:12 17:8 49:2 204:23
Lab 13:1
labor 14:6,10,24 29:18,22 200:2
Labs 12:25
lack 47:15 101:1,16 115:1,7
 127:21 146:4
ladies 119:23
laid 83:8
Laine 79:23,24 80:5 82:10 84:22

86:6,16 133:12 134:1,9,15,20
language 58:7 65:17 67:10 69:2
 79:2,18,25 82:24 83:1 85:3,3,4
 85:5,7,9,11,13,19,25 86:2 93:18
 93:23 99:16 101:19 133:11
 165:18
large 13:15 26:17 203:5
larger 106:10,14
largest 24:22
Las 49:14 106:13 184:7
LASER 29:24
Lastly 187:6
late 27:2 178:25 202:9
lateness 102:5
launch 27:13
law 70:11 76:3 93:9 120:17
 137:23 142:11 150:8 165:11
 195:9,10 208:6
lawsuit 138:22 153:6
lawyer 93:10
lay 63:23 64:21 93:11
laying 62:22
LEA 120:13
lead 6:9,10 8:21 12:21 13:2,4
 21:3 23:1,11 31:24 84:2 147:3
leader 47:4
leaders 47:8,11
leadership 20:4 41:3
lean 25:10,12
learn 37:12 81:9 83:2 96:25
 120:11,24 196:22 204:8
learned 119:19 120:9,18,18
 195:23
learning 28:24 35:5 41:7 44:3
 46:24 121:17 151:16 196:24
LEAs 74:25
leased 199:1
leave 81:12 82:7 114:23 124:24
 202:15
leaves 136:15
leaving 119:6 178:25 179:7
led 172:2
left 24:25 102:23 113:4 119:3
 125:18,25 129:6 179:22 181:2
legal 138:3,11 179:6
legislation 176:6 186:9
Legislative 18:18
Legislator 203:7

legislators 186:7 193:9
Legislature 199:10
legwork 36:25
length 34:7
lengthy 141:12
Leopold 43:25 44:17 47:25
Leslie 36:22 37:4
let's 14:15 17:15 30:5 48:18 50:2
 67:23 90:20,21,22 115:21
 150:24 172:2
letter 3:14 4:10 6:16,18 55:12
 57:4,9 63:1,2,3 68:21 80:13,15
 80:19,21 87:3,5,9 88:15,16
 89:18 90:2 92:16,18 96:1
 104:25 105:2,8,11,13,13 106:1
 106:5,7 107:4,4,8,9,13,15,20,22
 107:23 108:9,12,25 109:18,25
 113:13 114:14,20 116:18,18,21
 116:22,24 117:6,19 118:1,14,16
 125:24 129:23 131:1 133:16,18
 136:16 137:4,9
letters 80:22 82:4 124:20 133:23
 134:11,11 135:17
letting 105:20
level 23:12 24:12 28:16 30:6,21
 53:24 64:23 65:25 103:20
 111:12 115:16,20 116:5 118:20
 170:16,21 187:10 190:23
levels 60:25 95:14
levy 32:13
Liaison 2:13
license 13:20 44:11
lies 61:10 67:4
life 30:17 36:19 74:12 203:15
lifer 139:14
light 193:5
liked 7:24
limbo 45:10
limit 43:17 158:4 195:18
limited 101:4 206:19
line 16:8 52:9 168:8 171:3 186:25
lines 90:23
link 30:14
linkage 123:3
linked 85:1
linking 30:7
list 165:25
listen 34:9,11

listening 194:5
literally 167:4
litigation 8:21 9:1 204:17
litigations 138:23
little 14:2 25:2 26:5 28:23 29:6
 29:13 50:18 53:6 59:12 60:10
 63:3 72:11 79:9 81:13 86:12
 104:11,12 112:14 126:7 139:3
 148:14 150:25,25 165:23
 170:12 174:13 179:20 186:1
 190:2 192:21 195:25 197:23
 202:17 203:7
live 198:6
LMI 29:23
local 21:6 32:11 198:23
located 126:14
Location 3:17 140:24
locking 147:17,22
logs 71:1,4 73:10,11,12 74:1,3
 95:9 96:13,22 125:10 127:20
 128:18 130:15,18 131:13 132:4
 132:23
long 11:23 68:1 90:6 189:21
longer 43:10 107:6 116:21
 118:13 176:8
look 19:4 51:2,15 52:4 55:23,25
 57:3 59:23 63:9 74:7 78:19
 80:25 85:10 96:12 100:21
 107:11 110:18 112:3,20 115:17
 122:5 124:9 131:20 137:2,5
 141:22 151:3 170:19 172:21
 173:2 178:6 189:10 190:8
 191:23 192:18 199:3 202:5
looked 60:23 64:8 80:7 89:4
looking 22:16 24:5 27:23 31:13
 33:13 45:7 98:19,23 108:11,18
 109:24 127:23 128:1 131:16
 135:8 137:6 138:15,17 141:10
 142:25 152:2 157:23,23 158:2,2
 160:11 172:18 180:7,25 181:1,6
 183:23 208:6
looks 84:25 98:20
Los 18:1
lose 178:8
lost 91:2 154:2 173:12
lot 20:9 26:1,13 35:15 36:17,19
 72:3 76:3 115:8 116:1 123:20
 126:10 157:14 176:5 179:9,9

181:20 182:12,19 184:10 185:9
 186:13 191:9 192:2 198:2,3,25
 203:5 204:10
lots 27:17
loud 139:18
Louisiana 40:9,13
love 17:2,3
loved 14:18
low-income 28:10
LRE 79:4
lunch 41:1,2

M

ma'am 24:4,18 59:2,2 135:25
Mabry 1:12 38:18
Madam 6:23 7:14 9:8 21:8,17
 30:23 31:16 34:15 40:24 42:10
 42:20 43:15,20,21 44:22 45:5
 46:1,20 56:9,12,20 58:3,18
 59:20 61:25 65:20 68:14 69:4
 69:22 73:5 78:23 79:17,23 82:1
 86:4,17 91:22 93:8 94:3,23
 99:14 100:12 105:5 106:9 107:7
 108:1,14 109:5 110:2 113:10,14
 116:9 117:4 119:4,9 120:19
 126:6 127:2,17 128:21 129:21
 130:2 132:12 133:9,12 135:5,18
 136:14 137:16 139:2 145:25
 146:6,24 148:22 159:7,24 175:1
 176:15 181:9 191:5,25 193:11
 195:7
Maestas 38:2
mail 124:19 129:23,25
mailed 105:14
main 102:1
makeup 15:16,21,25 109:6
making 33:25 34:2 39:1 69:11
 143:9 147:2 158:14 167:13
 188:24 193:14
manager 37:5 139:16
mandates 186:9
manifest 123:18
manner 142:12 197:13
manuals 103:17
map 198:3
MAPs 182:13,24
March 204:24
marching 14:16,17,18,21

Marcotte 58:15 59:7,8 60:15
 66:13,16 67:12 68:1,8 70:25
 73:13,19 74:24 75:21 76:12
 77:25 78:13 99:4 113:20 114:1
 127:23 128:1,9,20 131:22 132:2
marijuana 185:14
Marine 104:5
Mark 49:20 179:3
market 14:6,10,24 29:22
marrying 20:6
massaged 197:23
mastery 61:17 64:5,9,10 65:13
 67:6 85:8 97:18
material 72:1
materials 27:21
math 50:5 61:15,18 65:17,17
 67:18 78:14,15 83:2,4,22 84:4,6
 84:17 85:3,10 183:20 197:10
Matt 7:12,14 39:23,24 180:19
 181:2,9,13 182:4 183:11,16,21
 184:1,6 191:5,25 192:5 195:1
matter 73:2 152:22 210:14
matters 206:19
Matthews 43:2,11 56:20,24
 57:17,21 76:23 77:3 86:17 87:3
 87:12 88:22 89:1 90:10 94:23
 97:5,10,14,23 98:14 99:6 104:9
 107:7,14 108:1,14,19 109:4,14
 109:20 110:11 116:9 117:4,21
 118:4,7 120:19 121:11 124:13
 125:4,7 127:2 129:12,18 130:2
 130:23 132:8 133:2,19 134:6,12
 134:18,22 135:4,25 136:2,6,10
 136:23 137:12
mean 16:20 20:1 25:14 63:22
 75:15 83:3 92:25 94:1 114:10
 117:16 126:16 148:25 161:1
 177:7
meanings 83:9
means 31:1 114:9 150:11,11
 153:23 154:5,5 157:14
meant 20:25 163:8
measurable 62:11,13
measure 84:2 85:12
measured 82:11 84:25
measures 85:7
mechanism 64:11,16 77:1
median 30:10,12

medical 185:14,16
medication 185:16
meet 13:22 15:9,10 22:10 63:22
 66:3 71:17 74:16 90:7 114:13
 171:16 188:6 197:24
meeting 1:10 5:2 36:7 39:5 47:4
 47:7 48:4 49:23 52:8 54:3
 61:13 68:2 73:17 74:11,14 75:6
 75:12 88:2 89:17,25 90:19,20
 91:1 102:17 115:6 123:11
 124:24 131:2 143:21 146:18
 150:16 171:12 178:23 179:7
 184:20 200:18,20 201:6,19
 206:19 209:3 211:3,4
meetings 69:13 89:18 91:8,13
 92:3,6,17,18 115:5 116:16
 117:10 118:13 178:14
meets 13:20
megabytes 198:4
Megan 36:3 37:17 38:2
meld 15:17
melds 48:19
Melissa 35:20 38:20,22
member 2:4,5,5,6,6,7,7 62:24
 195:19
members 7:15 34:15 35:23 39:2
 42:20 43:21 56:13,21 58:3
 79:17 86:18 99:20 120:20 127:3
 130:3 132:13 168:6 180:6
 181:14 185:25 193:11
membership 42:4
memorable 47:6
memory 111:11
mental 104:4
mentally 179:5
mention 106:17 184:5 195:8
mentioned 26:12 28:1 71:11 72:2
 81:14,16 95:10 100:17 111:2,11
 111:24 136:21 199:9
merited 141:15
Mesa 32:14
mess 104:1,18,22
message 176:7
met 139:19
Mexico 1:2,13,22 3:4 5:3 6:11,13
 11:24 14:25 17:2 21:13 25:10
 29:15 30:11 36:14 83:3,15
 85:18 103:18 106:11 180:24

181:8,22 193:23 198:16 199:13
 204:21,21 210:2,9,12,13,21
mic 21:19 59:12
MICHAEL 2:5
middle 21:23 22:1,9,15,18,19
 23:2,3 57:12
middle-school 21:25 23:12
mileage 31:2
miles 178:23
military 45:14 139:12,15,21,23
mill 32:13
million 18:23,23 23:9 199:4,5
 200:12,12
mind 82:5 114:20 153:14 203:21
mine 182:22 203:8
minimum 30:13
minor 3:21 47:15 165:6
minute 154:2 155:18 181:5
miscommunication 95:15
misinterpreting 84:14
missed 7:16 40:13 110:17 125:21
missing 81:2 111:14 136:19
 196:20 201:5
mission 11:21 43:25 46:23
 177:13,24 178:8 193:25
mission-specific 167:8,10 180:3
 183:10,15,19 197:8,9,21
mitigate 71:20
mix 21:12 204:2
mixed 153:13 185:13
model 61:6 66:20,20 128:3 142:8
 142:25 143:1 145:20 162:20,21
 162:23 163:6
models 143:3,4
modifications 165:10
moment 107:3 193:22
Monday 38:7,18 86:22 87:14
money 19:11 20:18 22:14,16
 26:17 27:4,8,9,15 28:3 138:20
 152:18,21,25 186:13,24 189:2
 190:11 191:9 192:2,15 193:8
monies 21:21
monitor 82:22
monitoring 128:10 200:7,8
Montgomery 39:25
month 41:25 49:8 112:8 141:14
 186:21 196:23 200:17
month's 201:6

months 60:3,5 88:11 108:9
morning 5:1 7:14 11:10 31:8
 40:22 42:1,4 54:16,16 55:14
 56:7 57:20 58:17,18,19 59:7
 74:12 166:8 192:8 198:1
mortgage 30:18
motion 6:25 7:10 9:11,21 11:3
 88:3,21 142:3 143:12,23 144:3
 144:5,9,20 145:4,6,22 146:18
 148:1,12,15,17,18 149:11,11,16
 150:1 151:23 152:3,7 153:16
 155:7,14 156:1,22 157:5,10
 158:4,8,20,24 159:4,8,18 160:6
 160:12,17 164:20,21 168:11,18
 170:8 204:22 205:3,5 206:11,20
 208:3,4 209:1,7,9
motions 145:11 181:1
move 6:23 9:12,16 17:17 26:4
 30:22 38:11,13 42:7,24 48:11
 48:16 59:12 72:16,20 121:5
 122:23 125:2 143:5,15 149:12
 155:17,21 168:13 181:4 187:4
 196:9 204:13 206:17
moved 47:5 139:5
moves 30:21 72:22
moving 41:23 54:20 124:5
 148:10 182:13
multimillion-dollar 139:25
multiple 184:13 205:3

N

N 2:1 3:1,1 4:1,1
name 58:23 59:4,8 61:12 79:24
 120:13 190:15
names 61:4 104:8 128:25 129:10
 129:11,18 130:10 132:25 182:2
NASA 201:8,9,9
national 25:7 30:8
nationally 30:21 181:25
Native 28:11
natural 44:4
Navajo 36:14
navigate 29:8 192:22
necessarily 31:1 77:9 198:10
necessary 27:12 63:23 72:17
 110:1
necessities 30:17
need 6:17 17:4,12 23:6 25:11

26:7 32:3 36:8 43:9 52:18
 56:15 60:23 61:15,19 62:12,15
 64:19 65:25 66:25 67:25 68:3
 68:13 70:22 78:1 84:4 87:24
 97:2 102:13,21 110:8,9,20
 111:3 112:15,18 115:16,20
 117:7,24 120:18 121:4 122:5,10
 124:2,21 126:24 127:20 128:7
 129:6,9,17 131:5,6,18,20
 132:22 134:7 135:15 136:23
 137:8 144:22 148:14,15 149:1,5
 151:5 152:13 159:4,8,19 165:18
 173:1,9,18 174:14,24 178:6
 183:4,24 185:2 190:25 192:11
 197:24 203:6 205:2
needed 11:19 51:8,25 52:10,21
 53:16 99:10 104:3 109:21
 115:12 140:3 141:2 143:14
 167:11 179:25
needs 22:19 27:19,20 31:12
 60:25 61:9,13 62:10 64:20,22
 65:16 66:14,23 67:1,10,10 68:2
 72:14 76:3 78:6,8,18 82:19
 102:18 110:21 120:23 134:10
 140:16 159:10 174:6,25 175:6
negotiate 89:10
negotiated 55:3
negotiating 90:23
negotiation 35:3 166:6
negotiations 35:1 36:16 37:18,24
 49:11,18 90:1 165:16 166:2
 170:15 171:18 180:4 197:5
never 104:17 114:13 116:20
 140:10 142:7 171:2 172:9
 190:25 201:21 203:6
never-ending 180:8
new 1:2,13,22 3:4,16,20 5:3 6:11
 6:13 11:13,24 14:25 17:2 18:15
 19:19 20:15,15 21:13,21 23:22
 25:10 27:3 28:14 29:15 30:11
 36:14 38:7,17 39:7,19 47:19
 48:12 50:21 53:11 54:14 57:5
 72:23 103:18 106:11 122:24
 123:4,5 124:14 128:14 140:23
 140:23 141:3,9 142:9,23 143:18
 145:17 149:11 156:7,14 157:19
 162:20,20 165:5,8,19 170:17
 171:7,9 172:5,19 180:24 181:8

181:22 185:3 187:9,10 190:12
 193:23 196:12 198:16 199:13
 204:21,21 210:2,9,12,13,21
newcomer 85:18
newer 47:4
news 38:5 190:17,18
nice 80:16 134:16 193:9
night 74:12 168:4 176:23
nine 90:3
nine-to-one 155:8,13
nitpick 158:13
NM 1:20 210:19
NMSA 204:18
non- 84:19
non-compliance 69:19 70:3,7,8
 89:15
non-consent 109:2,10
non-small 152:10
noon 208:19
north 33:10
Northern 17:20,23 32:6,9,20
note 43:15 62:8 63:12 181:10
 182:4,10 189:4
noted 49:11 60:7 136:17 192:9
notes 34:19
notice 74:15 108:25 109:3,9,11
 136:24 204:23
noticeable 170:16
noticed 60:20
notices 87:22 190:13
noticing 45:17
notification 3:16 42:5 80:8,12,15
 80:18,21 133:14,14,15,24,25
 135:17 136:18 137:1 140:23
notifies 122:7
notify 81:1 134:4 201:5
notifying 43:8 105:17
notions 186:23
number 30:8,22 64:23 74:10
 114:25 115:17,19 121:23 129:3
 165:8 173:6 177:5,6 185:10
 187:21 189:21 211:2
numbered 57:18
numbers 102:23 132:22,25 133:1
 167:4 177:11 186:5,6 191:22
NW 1:21 210:20
NWEA 182:13,24

O

O 3:1,1 4:1,1
obeyed 45:23
objective 69:3
objectives 64:24 66:4
obligations 20:7
observed 44:8
obviously 55:7 70:7 123:17 150:5
 151:9,10 164:24 191:11
occupation 16:9
occurred 116:16
October 100:14 101:8,23 111:6
 111:25 112:4
offended 142:9 203:18
offensive 142:11
offer 11:8 38:5,6 50:3 52:6 54:21
 59:17 143:12
offered 61:16 67:6 101:20
offering 31:25 109:6
offers 11:18 166:18
official 47:2
officially 38:2
oftentimes 100:4
oh 6:22 9:12,16 11:9 23:19 38:19
 40:7 42:16 45:4 52:15 55:24
 63:6 82:2 85:15 92:18 108:23
 109:14 115:9 121:24 126:1,4
 131:5 139:10 140:7 147:24
 150:24 153:12 155:10 160:6
 167:22 168:21 183:11 190:17
 190:23 195:10 201:10 204:24
 209:6
okay 10:25 15:4,13 16:1 17:24
 18:9,13 21:7 23:14,19 25:1 31:5
 33:19 40:19 41:11 42:22 43:1
 46:11 52:15 53:21 54:6 55:9,24
 58:16 59:3,11 65:4,18 66:8 68:5
 70:4 73:22,22 74:23 80:4 81:24
 82:25 86:5,25 88:22 90:15
 91:15,18,22 92:15 97:23 98:14
 107:10,10 108:3 109:20 112:11
 112:19 113:11 114:21 115:13
 117:20 118:3,6 124:16 125:9,15
 126:3,5,22 128:17 130:24 135:1
 135:3,4,12 136:1 137:11 139:10
 143:13 144:24 145:8 146:12,15
 146:21 148:25 149:10,25 150:4

151:20,21 153:4,7,9,18 154:8
 156:20,24 157:17 158:18 159:1
 160:7,15 161:7 162:12,24
 164:21 178:9 181:7 183:11,16
 183:21 186:16 190:23 191:13
 191:17 192:14 194:9,25 196:8
 198:9 204:8,12 209:6
old 18:12 172:18
on-the-fly 165:10
once 28:12 33:2,22 46:14 59:16
 70:6 83:5 84:18 86:10 95:3
 98:25 99:21 148:12 175:22
 202:8
one-and-a-half 51:11
one-on-one 174:11
one-size-fits-all 98:24
one-time 18:24
ones 28:12 95:8
ongoing 35:21 36:3,23 89:19
 120:10
online 38:24
open 1:10 3:6 4:9 7:11 12:11
 25:22,24 49:15 59:18,22 95:18
 99:21 141:10 151:6,18 155:23
 158:15 160:18 161:16 162:1,2
 162:14,17,19 163:3,5 211:3
opening 145:16,20 152:16 158:9
 158:25 159:23
opens 13:11
operate 177:10
operates 8:10
operation 60:8 193:25
operations 38:16
opined 142:10
opportunities 39:3
opportunity 26:20 29:1 48:7
 49:15 51:2 106:4 113:12 143:4
 187:23 193:21 203:21
Opposed 7:7
opposition 7:9
opt 76:2,17 105:7 115:7
opt-out 105:2 128:22 129:22
 130:4 137:24
opt-outs 129:10
opted 114:25 125:17,18,23,25
 129:5 130:20
opting 106:1 115:2
option 76:2

options 2:9,11 3:9 34:13 192:19
orally 118:11
order 3:3 5:2 11:20 81:4,17
 89:15 91:1 100:24 156:13
organization 20:3 24:4,10 25:11
 26:8 94:7
organizations 20:6 24:19 25:5
 26:3
original 56:1,3,6 57:9 108:10
 116:18 129:22 150:23 151:1
 158:24
originally 45:16 170:10
ourselves 147:22
out-there 14:15
outgoing 122:15
outline 156:25
outlined 137:9
outrageously 167:15
outright 28:20
outs 39:11
outside 27:21 62:7 121:24 171:18
 174:20
outstanding 89:11 90:3
outward-bound 46:15
over-projection 189:16,18,19,20
 190:5,6
overall 173:4 198:20
overhead 186:12
oversight 59:9
overview 127:21
overwhelm 71:15
owe 114:4
owed 114:11 115:14,14
ownership 41:17

P

P 2:1,1 3:1 4:1,10
p.m 140:15,15 209:14
pace 60:12
pack 69:14
packet 56:5 108:11 133:3 135:2
 166:4
packets 56:2
page 3:2 4:2 29:25 57:4,6,13,13
 57:18 63:10 64:5,6,7,7 73:20
 74:18 105:24 167:2
pages 210:10
Pahl 7:13,14 39:24 181:9,13

182:4 183:11,16,21 184:1,6
 191:5,25 192:5 195:1
paperwork 40:18 43:8
paragraph 57:5,6,7,11,12 67:14
 109:8,13 116:12
paragraphs 86:23 87:2
parameters 13:20 15:3 19:8
 176:12
paraphrase 108:8
parent 63:13,20 72:12,14 74:14
 75:2,5,8,9,12,14 76:7,17 89:14
 89:25 90:4,6 91:10,11,13,17,20
 91:25 92:5,25 133:13 136:18
 185:21
parental 109:1,10
parents 2:10,11 3:9 34:13 69:13
 72:20 74:9,18 75:1 76:2 80:12
 81:1 84:11 92:6,8,14,16,20,20
 96:2 105:7,18,21 107:15 114:2
 115:18,22,25 116:4,7,11 125:17
 125:18,23,25 129:5 133:24,25
 136:24
parking 201:17 202:1,2,22 203:6
parse 93:11
part 12:2 19:22 20:5 22:14,22
 24:2,16 25:15 29:10 31:21
 32:16 43:23 47:3 52:20 53:15
 54:14 63:18 78:2 86:1,21 100:7
 108:10 114:11 123:24 133:14
 133:15 134:3,13,16 135:2 142:7
 144:25 145:5,5 156:16,18
 158:16 166:19 174:5 183:12
 184:9 193:3,10
participant 204:18
participants 28:13
participate 12:16 13:4,9 63:13
 195:24
participated 91:12
participating 18:4
particular 15:8 32:22 64:13 66:2
 98:10 114:18 152:19 171:11
particularly 25:3 38:10 109:22
 136:3 204:18
parties 135:23 142:22
Partly 200:1,2
partner 20:23,25 21:6 25:11 26:9
 31:11 33:6,24
partnering 32:11,17 47:16

partners 26:21
partnership 12:25 13:4 35:9
partnerships 31:22
parts 198:9
Paso 84:11
passed 12:3 45:1 184:10 186:3
passes 7:10 11:3 155:8 164:20,21
 170:7,8 206:11 208:3
passing 103:13
path 53:6 87:23 182:11 188:10
pathway 16:16 188:21
Patricia 2:3 43:2,11 56:20,24
 57:17,21 76:23 77:3 86:17 87:3
 87:12 88:22 89:1 90:10 94:23
 97:5,10,14,23 98:14 99:6 104:9
 107:7,14 108:1,14,19 109:4,14
 109:20 110:11 116:9 117:4,21
 118:4,7 120:19 121:11 124:13
 125:4,7 127:2 129:12,18 130:2
 130:23 132:8 133:2,19 134:6,12
 134:18,22 135:4,25 136:2,6,10
 136:23 137:12
pattern 129:20
pause 35:16
pay 23:11
paying 18:17
payment 30:18
PD 19:24 126:12
PEC 2:13,14,15 3:14,19,19 4:3
 4:12 8:23 55:12 113:6 158:11
 158:21 165:2,3 166:1 168:13,14
 196:10 202:6 204:1,17 208:8
PEC-approved 112:24
PED 2:8,12 41:3 94:12 103:18
 127:8 184:11 185:3 188:3 192:1
 192:2 204:22 211:7
PED's 192:14 193:2
Peñasco 18:1
pending 111:5 204:17
people 41:8 44:20 45:14 47:11
 70:17,17 93:11 123:20 144:10
 149:5 174:15 186:13 187:2
 188:22 190:25 191:19 194:8
 195:13 196:1 201:25 202:14,15
per-person 195:19
percent 190:18 199:16,24
Perea 11:7,10 15:18 16:17 17:11
 17:22,25 18:7,10,14,21 20:21

21:2,11,16,24 23:5,16,21 24:3
 24:18 25:18,24 26:24 27:2,7
 28:7 29:16 31:4,6,20 34:4
perfect 100:6 158:6
performance 3:19 165:3 166:25
 167:7 168:15 171:8,9 172:12
period 178:17
Perkins 11:25 12:8 13:23,25
 17:21,23 19:5,8,15 27:25 28:7
 28:14,14
person 7:12 46:6 58:7 75:22
 93:20 184:13
personally 35:4 37:11 116:12
 144:13
perspec- 176:9
perspective 13:21 111:22
pertaining 204:16
pesky 202:18
pet 45:10
pets 44:19,21
phone 52:24
photos 44:8
picked 28:13 45:1
pickup 31:8
piece 18:16 48:16 81:2 85:11
 88:7 113:3 133:10 134:2 166:25
 173:9 175:16 185:2
pieces 80:14 100:20 123:4 165:17
 173:7
pilot's 44:10
pinch 190:10
Pipefitters 32:18,23
pipeline 199:8
place 19:2 52:10 53:7 54:7,10
 88:7,10 89:25 90:1 123:14
 124:1,6 128:5 139:6 141:24
 151:12 158:17
placed 96:7 108:12
placement 80:9 81:1,20 133:24
 133:25
places 17:12 184:13 198:15
 202:2
plan 3:12 19:5,9 40:15,25 49:2,5
 49:9,16 50:10 53:12,23 54:1,3
 55:2 62:6 70:10,19,19,20 73:1,1
 111:17,18 112:25 113:5 122:20
 123:13,17 180:14 183:14
 188:22 205:1

plane 121:13
planning 19:15 69:10
plans 60:6 72:22,23 97:3 98:6
 187:25
plate 175:21
play 82:7 114:11 187:24 188:12
 189:22 191:20
plays 79:3 102:23
please 5:6 10:1 34:5 48:22 58:21
 75:24 96:12,12 106:17 133:20
 153:10,16 157:5 163:14 169:3
 205:7 206:24
pleased 38:1
Pledge 3:3 6:10,12
plumber 32:18
Plumbers 32:17,23
plus 147:22
point 22:1,15 23:7 49:24 50:2,8
 50:15 54:24 62:25 65:7 68:16
 71:19 75:16 77:8 81:25 82:6,9
 83:24 84:23 88:12,14 112:2
 130:24 141:25 142:1 148:2
 152:14 161:24 172:12 173:16
 178:6 188:25 193:2
pointed 64:5 101:22
points 58:9 71:8,21 167:5,9,11
 171:4 172:14,15
Pojoaque 32:14
policy 8:6,10,20 185:1 186:23
populated 131:7 133:8
population 170:23 176:2 177:24
populations 28:8,10
portable 41:18
portables 141:6
portal 130:9
portion 21:12 83:20 88:4 103:15
 142:18 144:8,9 171:22
position 38:11 96:18
positive 182:20
possibility 145:14 159:22 194:23
possible 3:10,11,13,15,18,22 19:3
 38:23 41:8 49:1 55:11 68:24
 140:21 165:2
possibly 32:16 49:12 61:13
post-production 17:1,6,16
post-secondaries 13:3
post-secondary 11:18 12:19
 31:11

postpone 93:5
potential 170:16
potentially 97:2 102:23 142:10
 145:17
pounds 45:3
poverty 30:6,8,21
practice 19:10,10 69:12,16,18
 70:2 79:2 106:12
practices 38:3
pre-algebra 22:9,10
pre-production 17:5,13
prefer 113:18
preliminarily 175:11
preliminary 41:3
Prep 47:17,25
Prep's 46:23 47:4
preparation 53:14 178:12
Preparatory 46:23
prepared 46:25 58:14 87:16
preparing 17:17
Presbyterian 12:22
prescriptions 185:19
present 5:10,14,17,23 6:4 41:10
 73:21 127:4
presentation 20:4
presented 11:12 67:17 70:15
presenters 40:17
pressure 174:13
pretty 32:15,18 80:14 104:9
 181:21
prevalent 83:14
previous 123:6 147:11 149:11
 170:24
prices 199:14 200:4
primarily 83:1 84:11 86:23
print 203:5
printing 132:7
prior 9:7 43:18 46:17 74:14
priorities 15:24
priority 15:24 19:11
privilege 204:16
pro 181:23
proactive 94:16 95:11
proactively 95:12
proactiveness 96:6
probably 16:13 22:3 23:5 24:24
 38:10 65:16 107:16 114:14
 115:13 116:17 147:15 151:17

181:15 185:6 188:20 197:23
 202:9
problem 64:17,17 72:10 83:17
 92:10 104:7,14
problem-solving 84:7
problems 83:6 114:16 121:4
 122:12 191:17
procedural 74:9 149:3
procedure 87:19 150:7
proceed 89:8
proceedings 1:10 209:14 210:11
 211:3
process 19:1 29:2 35:3 38:16
 39:9,14 41:16,19 44:3 64:21
 75:16 87:20 119:15 120:10,12
 121:3,18 122:2 128:19 132:17
 133:14 141:17 143:5 148:11
 155:22 157:3,13 158:11 159:19
 159:20 160:8,17,25 165:7,14
 193:3 196:24
processes 37:13 39:12 120:7,24
produce 74:17
produced 99:22
producing 145:2
production 17:5,14 25:15
productive 49:23 193:16
professional 1:21 19:22 22:3
 53:12
professionally 35:4
proficiency 82:5,11 84:21 85:12
proficient 82:16,20
profound 48:11
program 13:19 14:10,17 15:7,20
 15:21 17:20 19:25 20:2,20 23:1
 23:3,11 27:13 32:24 44:2 50:21
 62:5 64:21 66:8 77:10,19,23
 80:8,11 81:1 82:17,21 133:16
 134:3,4 136:19 140:1 151:7
 174:10 177:3
program-of-study 19:23
programs 14:1,2,3,3 17:4 19:19
 19:20 20:15 22:17 24:7 26:16
 173:10 192:20
progress 62:11,13 199:6
prohibition 28:21
prohibitive 138:16
project 23:1,11 44:11
projection 188:19

projects 199:4,10 200:11,13
promises 143:9
promotion 38:4
proper 70:2
property 48:8
propose 13:15 50:7 149:11
proposed 4:11 8:6 9:5 12:14,17
 13:10 19:9 143:1 166:19,25
 181:1
protect 142:23,24
proud 47:24 48:4
proven 161:4
provide 20:14 31:8 44:15 46:24
 51:10,24 62:13 63:24 64:12
 75:15 95:13 96:19 99:8 117:9
 126:4 127:8 130:5,7,8 131:11
 131:18 132:3 135:15 137:4
 166:12,14 182:14 197:20
provided 8:9 37:20 50:24 61:20
 61:21 66:1 68:23 84:1 96:21,21
 102:12 117:11 125:12 131:2
 134:13 135:2 136:16 166:8
provides 44:1 182:18
providing 24:6 36:7 61:6 68:5
 69:24,25 71:3 77:16 78:4
 126:17,19 127:9 136:21
provision 68:18
PSCOC 198:1 199:18 200:17
PSFA 199:19
public 1:1,10 5:3 34:24 37:19,22
 68:19 102:15 106:13 118:13
 143:15,20 149:12 155:17,22
 180:23 181:8 196:13 204:13,20
 204:21,25 206:17 210:1,12
 211:3,4,4
public-facing 29:24
publicly 22:7
published 14:6 29:20
Pueblo 36:11
pull 76:7
pulling 121:8
pullout 66:7 77:10
purpose 53:9 80:3
purposely 177:23,25
pursue 23:4
pursuing 17:3 44:10
push 19:11,12 29:6 138:13 183:2
 199:14

pushback 26:13
pushed 98:3
pushing 31:21 181:25
put 22:7 41:6 50:9 55:1 66:17
 76:8 81:18 91:3 97:2 111:17
 128:14 133:3 140:5 147:25
 160:1 180:19,20 184:12 186:11
 186:11 201:25
putting 13:14 107:2 158:3
 201:13 202:1
pyrotechnics 25:13,14,17

Q

qualifies 175:7
quality 110:19 142:21
quantifiable 197:24
quarterly 29:21
question 34:7 42:11 43:2 65:20
 69:5,21 81:10,13 83:16 96:10
 97:17 104:25 110:3 117:13,18
 117:24 119:14 120:7 129:22
 131:16 149:24 153:11 156:5
 166:21 182:8
question-clarification 75:24
questions 33:21 55:5 65:7 79:6
 79:10 81:5 86:8,13 165:22
 166:17 168:9
quick 39:4 129:22 140:14 165:10
 176:17 181:10
quickly 11:20 18:16 19:3 20:14
 42:11 56:25 89:2 108:5
quietly 57:21
quite 24:23 45:9 53:24 83:24
 140:17,18 165:7 180:13 186:25
quorum 63:23 201:18,22,24
 202:15
quotas 200:3

R

R 2:1,4 3:1 4:1
Raftery 2:6 5:22,23 9:20,22
 10:10,11 23:25 24:16 154:21,22
 164:11,12 168:17,20,20,24
 169:8,9 179:14 203:24,25
 205:25 206:1 207:10,11
raise 65:2 190:19,21 191:3
raised 133:22
raises 184:17

ramp 35:14
ran 167:14 202:13
random 181:24
randomly 112:5
range 187:11
ranging 36:10
Rankin 39:24
rate 171:1
rates 173:5
rating 167:8 168:16
Re-Engagement 3:23
reach 26:21 34:6 181:17
reaching 34:1 199:12
read 9:2 57:1 63:1 72:1,1 76:1
 82:3 93:21,21 108:9,19 148:20
 153:15,16,17 157:5,6 159:3
reader 93:24 139:9 140:4,5
readers 93:19
readily 100:15
reading 50:4 57:23 61:18 65:17
 66:25 67:2,10,19 70:14 93:7,14
 117:6,19,25 126:9 183:20
reads 158:8
ready 17:15,16 26:23 53:10,18
 82:7 178:12
real 11:19 87:19 89:2 140:9
 182:20 186:5 191:3 204:8
realistic 188:15
reality 84:15
realize 194:21
realized 150:17 165:22
really 14:15 15:4 18:16,22,22
 22:5,16,19,22 24:9 25:5,6,10
 26:8,14 29:1 35:3,14,16 37:9,23
 38:9 39:1,10 44:24 47:10,18,24
 57:3 68:15 76:7 81:6,14 83:2
 84:23 85:6,8 94:7,20 115:16
 123:15 126:15 141:21 167:12
 167:15,23 170:22 173:10 174:7
 174:10 175:3,23 177:20 179:9
 182:18 184:21,22 186:17
 188:10,17,22,24,25 189:4
 191:16,20 192:11 193:15,22
 198:5,24 199:12 200:10 201:17
 203:2,16,17 204:2
realm 16:4
reason 30:14 43:17 63:16,17
 71:16 147:15 152:15

reasonable 13:16 188:22 189:9
reasons 74:10 123:18 165:8
Reauthorization 12:8
Rebecca 74:2 88:24 91:22,23
 92:22 93:8,13,16 94:9,14 103:6
 103:10 104:13,20 106:9,23
 119:24 120:3,11
REC'D 211:10,15,20,25
recall 95:11 108:20 152:8
recap 184:1
receipt 135:7 211:1
receive 17:21 66:24 114:14
 127:14 135:24
received 42:5 43:4 51:18 52:11
 52:17 68:10 69:8 73:8 94:13,17
 124:20 126:13 134:18 166:4
 195:12
receiving 98:6
Recess 48:21 140:15
recognize 28:17 79:21
recommend 74:25 75:13
recommendation 130:25 183:18
record 2:12 48:22 58:22 102:15
 140:16,19 148:20 152:25
 153:17 157:6 159:2,3 161:4
 189:4 206:16
recruit 188:24
recruiting 27:11
recruitment 189:15
recurring 18:23
redone 95:23
reduced 18:3
reengaged 173:1,11
reengagement 170:14 171:2,10
 172:21 173:9,20,23 174:2,7
 175:5,7,10,24 176:20,21 177:10
 181:11
reengaging 177:14
reference 73:16 126:10,12
referenced 107:21
references 136:20
referring 107:14,19 129:3
reflect 35:17 48:23 140:16
refreshing 197:11,11
refused 116:14
regard 35:20 41:17 60:23 101:9
regarding 41:25 100:19 110:25
 204:24

regardless 60:22,22 67:11 74:11
regards 53:23 183:13
regional 184:2
registration 40:16 41:1
regular 71:21 76:8 77:16,20,21
 77:23 98:8 139:5,12 143:20
regulation 82:21
regulator 192:11
reimbursement 31:2
reinspect 95:19
reiterate 78:22
related 32:6
relatively 49:22
released 20:8
releasing 20:13
relented 195:20
relentlessly 37:6
rely 100:20 202:5
remaining 87:17
remember 11:23 49:8 107:4
 120:4 134:21 190:14 197:8
reminding 133:21
remove 6:17 113:10 143:16
 145:14 149:13 159:9
removed 62:16 113:1
removing 136:20 148:10
renewal 121:21,25
renting 31:1
repeat 144:24 148:16 150:5
repeatedly 63:21
replace 147:6
replaced 143:17 197:10
report 3:9,24 34:13 111:4,6,10
 111:23 113:1,10 136:18 137:10
reported 1:20 12:7 44:7
Reporter 90:14 210:9
REPORTER'S 4:5 210:7
Reporting 1:21
reports 8:4 50:5
represent 102:12 180:2
representatives 97:18
request 3:16 40:17 71:6 140:22
 143:17 149:14 159:25
requested 73:9 74:3 83:16 96:2
 112:23 130:14 148:20 153:17
 157:6 159:3
requesting 92:14,17 124:25
require 32:12

required 44:9 46:16 65:23 66:2
 89:9 95:22
requirement 19:21 20:18,22 95:3
 95:12 96:7
requirements 3:16 13:23 14:5
 22:11 27:20 109:3,12 140:22
 156:8
requires 13:20 25:13
rescind 145:11 148:15
Research 13:1
reservation 146:1
reserved 146:9
residual 87:15
resolution 90:22
resolve 89:15
resolved 89:16
resource 78:15
resources 8:11,22,23 31:19
 100:10
respectful 117:5
respond 79:11 86:19 88:1 99:10
 99:11 109:21,25 116:10 117:8
 118:2,10 126:25 184:25
responded 66:19 87:24
response 3:14 7:8 9:24 55:8,11
 55:14,16,18 56:3,6,11 57:5 79:7
 86:9 87:4,7,8,13 88:5 101:16
 110:13 112:21 117:17 118:12
 126:10,23 163:12 169:1
responses 61:4,21 68:10 101:25
 110:1
responsible 127:6 150:22
rest 32:21 57:8 116:15 203:14
restrictive 68:20,23 79:4
result 47:16 54:8
results 138:21
retired 120:2,5 139:16
retirement 191:2
return 74:19
returning-to-school 177:15
retweak 167:11
review 3:19 59:17 95:21 96:12
 97:8 101:11 113:12 125:11
 128:15 147:18 165:3 167:1
 168:15
reviewed 60:3,5,19 80:1,7 95:9
 99:17 111:16 131:13 132:18
 135:12

reviews 95:14
revise 81:8 147:12,13 148:6
revised 57:8 81:7 89:5 127:24
 128:2 199:23
revision 57:1
revisions 199:20
revive 33:1
revolved 44:10
rewritten 95:8
right 7:16 15:8,19 18:20,20 19:1
 19:13 25:14 26:2 27:1,3,6,7
 28:11,22 30:5,9 31:3 32:14
 36:13 40:5 42:6 48:3 51:22
 52:16 54:19,19 55:4,22 66:15
 67:12,23 68:7 70:21,25 73:12
 75:18 91:4,16 96:7 97:14,22
 99:23 102:3 104:16 106:8,20
 112:19 113:8 115:8 121:10
 123:10 125:3 131:23 134:22
 136:1 140:8,20 141:24 146:3,21
 147:5 148:21,25 154:1 157:11
 157:21 161:22,22 173:15,25
 175:8 177:18 178:2 182:6
 185:20,23 189:2,11 190:8
 194:13 196:9 198:14 200:8
Rio 32:15
ripped 46:6
risk 72:15
Rito 33:1,4,11
RMR 210:8
RMR-CRR 1:20 210:19
road 29:8 174:3 178:10 203:14
road-showed 166:7
Robbins 2:7 5:8 90:17 141:11
 145:25 146:23,24 149:8,15,18
 155:9,10,11 161:8,13,18 164:5
 164:6 169:5,6 179:12 196:3,4
 197:18,19 200:1,25 205:9,10
 208:1,2,17 209:8
robust 25:6
rock 121:9
role 187:24 188:12 189:6
roll 3:3 5:6 205:7
roll-call 10:1 153:10 163:13
 169:2 206:24
rolled 81:11
rolling 19:16 20:13 22:17 103:4
Rommel 32:7

room 12:15 78:15 119:23 188:12
Roskom 181:17
Roswell 198:13
rosy 188:18
Roundhouse 191:7
rude 93:17
Ruidoso 198:19
Ruiz 2:3 6:3,4 7:2,4 9:12,16,19
 9:22 10:6,7 55:17,22 113:23
 124:17,18 125:5 127:16,17
 136:4 143:22,24 154:24,25
 155:25 156:2 159:11,13 160:20
 160:21 161:7 164:14,15 169:23
 169:24 179:18 202:19,20 206:6
 206:7,22,24 207:4,5 208:5,10
 208:14,18,22
rule 38:25 54:14 185:3
rules 12:9 18:12,15 19:7 54:15
 70:11 184:15
run 13:19 136:8 153:1 166:23
 167:14 172:3
running 24:7 105:22 167:21

S

S 2:1 3:1 4:1 40:7
sad 48:5 77:5,5 102:25
safe 46:24 174:20
SAHQ 41:19 42:17,18
salaries 186:10 191:1
salary 30:10,12
Salute 3:4 6:11,12
sample 80:13,15,17 133:16,17
 134:11
sampling 96:21
SAMs 173:24
Sanctuary 44:12
Sandoval 6:18
sandwich 34:22 43:23
Sandy 42:16
Santa 1:13 119:16 210:13
SAT 83:22
satisfaction 89:17
satisfied 88:4 96:16,20 105:21
 111:12
satisfies 69:9
Saturday 208:17,18,23
save-the-date 40:16
saving 44:13

saw 61:22 63:2 101:5,7,13 111:13
 114:20 181:4
saying 15:1,2,3 23:18 24:3 51:19
 52:17 62:21 65:10,21 66:8 67:9
 67:20 103:22,25 104:7 110:9
 112:13 143:2 147:1 183:3
 188:14 201:23
says 55:18 67:3 68:4 76:5 86:14
 92:18,22 97:20 98:11 108:25
 109:6,9 117:7 139:8,11 150:8
 160:13 203:7
scenario 179:20
schedule 39:6,8 71:21 98:19,23
 100:3 117:10 196:20
scheduled 38:18 39:15 51:6
 116:16
schedules 100:4
scheduling 49:10 89:19
scholars 47:8
school 3:10,16,17,17,20 4:10
 11:17 13:9 21:22,23 22:18,19
 23:2 25:17,20 27:13 31:9 32:9
 32:11 33:6 34:14 35:9 38:8
 39:5,12,16 41:12,14 43:17,25
 44:7,17 46:17,23 47:1,3,9,10,19
 48:1,3,9,13 49:9,16,18 50:1,3,5
 50:7,9,21 51:4 52:6,22 53:11,15
 53:22,25 57:23 63:20 65:3
 67:16 70:5 72:12,18,23 73:9,15
 79:11 80:2,19,23,24 82:11
 84:18 85:17,17 86:14 87:6,16
 88:6,9 89:8 92:12 93:9 95:21
 96:8 97:6 101:9,19,21,22
 102:24 106:10,17,20,25 107:20
 107:24 108:13 109:7 110:14
 112:9,12,23 114:15 115:25
 116:17 117:9 118:23 119:6,14
 120:24 121:6,12,15,17,23 122:1
 122:6,9,24 123:6 124:20 125:19
 125:25 126:3,4,13,20,23,24
 127:5,22 130:22 131:15,15,18
 131:21 132:3 133:6,8,16,18
 135:13,15 136:15 137:3,17,19
 137:20 138:12 139:4 140:9,23
 140:23 141:1,4,10 142:9,23
 143:16,18 149:13 150:9,12,21
 151:2,6,6,14,18 152:9,10,12,12
 152:16,18,19,19,20,22,22,24

153:1 155:23 156:14 158:10,25
 159:10,23 160:18,19 161:2,2,10
 161:25 162:1,2,2,3,14,15,17,19
 162:19,22 163:3,3,5,5 165:5
 170:20,22 171:2,11,14,17 172:4
 172:7,22 173:8 174:6,7,12,20
 174:20,22 175:7 176:19,22,22
 176:25 177:1,2,12,23 183:6
 187:9 188:4,13 189:22 190:4,16
 192:8,9,25 194:14 195:5,8,15
 197:7 198:23 200:12
school's 53:15 88:5 127:9 138:11
 150:23
schools 3:23 8:1,14,16,18,22 12:3
 12:16,18 18:1 21:11,13 22:1,9
 22:15 23:3 24:1 26:15,20 27:24
 29:6 30:1 31:25 33:23 34:1
 35:22 36:4,6,8 37:2,22 38:15
 42:15 43:23 72:21 83:13 95:12
 97:4 103:1 106:13 122:18,19
 123:7 124:15 142:8,20 143:8
 145:13,20,23 150:8 152:16
 158:12,15 165:21,25 166:13
 167:16 170:14 171:10 173:17
 173:19,21 174:9,18 175:4,5,11
 175:15,24 176:4,8,11 177:9,10
 179:22 180:1,10,24 181:8,11,16
 182:19 183:2,3,17 184:14,21
 185:9,13,16,18 186:4,16,19
 187:8,22 188:2 189:8,16,25
 190:10 191:17 192:10,18,24
 193:18,21,23 194:1,17,17
 196:13 198:3 199:5
schools' 173:12 187:25
Schullo 87:13 99:11,13,25 105:5
 105:12 106:6 121:18 127:1
 129:25
science 27:14 85:3
scope 62:7 64:10
score 82:15 182:15
scores 51:14,15 53:13 167:16
scrambling 57:2
Screeener 81:13,18
screening 81:15,19
scrutiny 96:18
season 27:3
second 7:2,4 8:1,15,19,20 9:20
 9:22 42:8 43:23 47:18 55:15

57:3,11 100:18 143:16,22,24
 145:5,22 149:13,15,17 151:18
 151:19 152:9,19 153:1 155:14
 155:24,25 156:2 158:10,16,25
 159:9,10,10,11,12,23 160:19
 161:2,10,25 163:3 166:24
 168:17,19,23 205:2,3,6 206:22
 206:23 208:5 209:8,10

secondaries 13:3
secondary 12:19
Secretary 2:4 192:7
Section 204:19
sector 15:24
sectors 19:12
secure 128:9
secured 132:14
see 18:4 30:5 48:12 52:6 54:21
 62:11 64:6,16 69:1 71:7 79:14
 80:16 84:8 91:19 99:21 102:25
 106:1 110:1 111:5 112:7,9
 113:5 116:19 117:7 118:1
 125:19 129:20 132:17 133:13
 139:23 152:15,21 166:23 168:1
 170:20 171:19 172:4 173:22
 181:24 183:2,14,16 194:4 195:4
 200:10 202:3

seeing 61:20 98:25 108:20 112:4
 152:8 182:19 199:21
seen 66:19 68:9 71:1,1,3,4 98:20
 111:1 189:16 199:22
SEG 23:6 187:4
select 182:17
self-identified 121:23
self-reflect 141:18
self-reporting 124:2,3
semantics 93:6
send 40:15 54:22 74:14,17 75:13
 97:6 110:9,19 112:16 128:18
 131:15 134:7,14
sending 131:14 147:8
sends 201:15
senior 104:4 139:5,13
seniors 103:2,7,8,11,12 104:2,3
sense 89:13 183:20
sensed 45:21
sent 43:6 50:1 80:22 87:13 105:8
 105:12 107:20,22,23 108:13
sentence 106:25 109:6

sentences 68:17
separate 141:9 142:20,22 144:5,7
 144:9 145:6,11 146:18 148:7,23
 148:23 160:8 173:24
separated 146:17
separating 145:12 146:2 147:15
Septembers 122:21,22
seriously 115:21
serve 197:15
served 98:9
service 1:21 64:22 71:1,3 73:10
 73:11 74:1,3 77:16 96:13,22
 103:12 114:18 125:10 128:3,18
 130:15,18 131:13 132:4,23
 194:21
serviced 101:17 119:7 130:17
services 57:7,14 59:25 60:21,24
 61:7 62:15 63:11,24 64:12
 65:22,25 66:2,22 67:15 68:5,22
 69:10,11,15 70:1,19 71:3 72:14
 73:18 76:17 89:10,14 90:11,23
 96:1,9 98:7 102:6,8,13 104:3,4
 105:2,14 106:3,12 108:24 109:1
 109:10 114:3,4 116:14 117:11
 125:12 137:25,25 140:3,9,12
 170:22
servicing 112:1 126:16 143:8
serving 138:24 187:15
session 4:4 7:17,25 8:5 18:18
 143:19 160:24 166:9 175:20
 180:17 187:4 191:19 192:14
 193:15 196:10 204:14 206:15
 206:18,21 208:8
sessions 141:18
set 22:15 60:11 72:22 156:8
 210:15
sets 19:6 158:11
setting 77:24 202:23
seven 90:2 112:3,6,7
seventh 84:5
seventh-graders 46:15
severity 64:23
shame 208:12,25
share 34:18 35:6,17 36:2 38:21
 39:4,7 56:13 58:10 186:6
 192:12 194:4,21
shared 39:6 46:8
sheet 4:9 166:7,14

Sheets 4:8
shepherd 45:2
shifts 42:3
Shiprock 36:11
short 48:15 70:20 94:6 102:16
 103:4,6,7,9 141:3
shortages 200:2
shorter 151:4
shortly 41:21
show 35:12 43:24 85:11
showing 198:3
shown 132:24
shows 91:11
shuttle 33:10
shy 159:15
side 35:2 51:2 94:6 113:25
 118:21 162:23 173:12 189:15
 197:7 202:4
sign 114:11 115:22 116:7 166:13
Sign-In 4:8,9
signal 147:8,9
signature 73:20 74:18 75:14
signed 7:12 116:11
signifies 160:8
signing 168:8
similar 19:4 185:18
simple 69:19 117:2 118:15
simply 102:4 131:11 157:20
 159:19 162:21
simultaneously 205:4
sir 17:22 29:16
sit 57:21 160:23
site 3:17 8:19,20 31:11 36:4 44:6
 47:14 80:16 99:18,20 100:8,14
 100:18 101:15 110:25 111:4,10
 111:23 128:10,10,13 136:17
 137:10 140:23 143:16 149:13
 151:19,19,20 155:24 158:16
 159:9,9 160:14
sites 8:1,3,7,15,16,16 31:19 32:22
sitting 102:19
situation 48:6 88:13
six 8:16 46:7 112:4
size 24:23 178:1 186:14
skeleton 59:23
skilled 200:3
skilled-up 27:10
skills 11:19 16:8 19:25 20:4,5

45:17,20 50:5
SkillsUSA 24:24 25:2,8
skyrocketing 199:17
slow 139:8,17 140:4,5,5,7
slowly 133:20
small 12:3 46:24 152:13 174:8,9
 177:3,11,23,25 198:25
small-school 177:17 178:1
 186:14
smaller 203:3
smart 35:8
smell 45:18
social 85:3,4
soft 19:25
solar 33:4
Solutions 14:7 29:17
solve 83:16 84:9
solving 83:6
somebody 14:19 181:18
someplace 28:6
somewhat 142:9
SONIA 2:6
soon 40:17 99:7 175:20
sorry 7:16 23:18 28:23 39:22
 40:12 47:13 57:10 58:25 69:25
 86:25 99:25 107:12 109:14,20
 113:24 119:12 125:6,21 127:25
 131:5 132:9 134:21 142:16
 149:2 153:4,7,12 161:7 168:21
 175:2 176:16 180:25 181:8
 195:2 203:18
sort 25:6 29:2 31:12 60:11 63:22
 67:14 68:12 121:2 126:12
sorts 19:14
sound 163:8
south 44:17 46:22,23 47:4,17,25
Southeastern 198:15
space 193:13 202:4
Spanish 83:1,11 85:20,21,25
 86:2
speak 7:16 87:14,17 98:17
 113:18 139:18
speakers 84:12,19
speaking 54:3 90:24,25 108:7
 139:17
speaks 113:18
special 28:8,10 45:17,20 56:14
 58:6 59:5 61:15,18 62:15,16

65:1,14 66:25 67:2 72:8 74:16
 76:6,9 77:22 78:14,15 86:20
 88:11,13,19 89:2,3 91:23 94:12
 95:8 96:11,15,19 97:7 98:9
 100:19,21,24 101:5,10 103:18
 103:20 107:2,12 108:5 109:24
 110:10,20,25 111:9,14,18,20
 112:16,24 125:10 128:10
 130:19 131:10 132:13 133:4
 137:23 139:4,7 170:23
specialized 67:17
specific 22:17 23:11 77:19
 102:11,12 117:8,16,17,17 118:2
 137:8 149:23 170:22 175:6
 186:21 194:14 197:24
specifically 12:15 19:19 31:7
 77:11 118:9 145:7 160:13
 204:19
specified 206:20
SpEd 95:18 98:16
spend 53:14 138:20
spending 178:21
spent 54:2,9 141:14 180:12
spit 182:14 194:8
spoke 116:12 139:24 166:11
spot 107:2,23 136:9,13
spreadsheet 200:9
spring 123:11
square 199:20
staff 2:8 34:25 35:12 38:1 42:3
 49:18,19 51:6 52:3 53:10 56:14
 126:11 151:10 178:12 184:8,11
 191:14
staffers 37:18
staffing 27:20 100:7 102:6
 126:10 189:15
stamp 203:7
stamps 74:19
stand 8:24 45:23
standard 177:11 182:25
standards 85:1,2 182:17
standing 71:14
start 18:5,24 26:21 27:3 34:19
 35:14 37:8 40:22,25 41:1,4
 47:19 53:11 173:14 185:5
 199:17,19
started 33:8 104:23 189:24
 196:19

starting 38:7 40:17 50:2,7 142:9
 190:4
starts 27:5 57:4,13 109:8
state 1:2 3:20 15:8,23 17:17
 18:19,22 19:10,11,13,17,18
 21:21 24:5,12,20 26:25 27:9,17
 28:16 29:14,15,18 30:3,9 32:19
 35:25 37:13,13,19 41:9 63:17
 82:21 85:20,21 100:9 103:15
 106:11 136:17 165:5,9 174:8
 177:23 198:9 204:21 210:2,9,13
stated 210:14
statement 89:7,24 117:7,9
 147:20 148:4
statements 150:5
statewide 24:8 82:13 199:5
statisticians 29:19
statistics 129:14 130:20 131:7
statute 8:9,11,21 9:2 38:25
 102:16
stay 48:13 177:25 206:13
stayed 120:1
staying 17:7
steel 200:5
STEM 19:20 20:2,15
STEM-NM 12:24
step 101:25 147:6
steps 80:7
stewardship 44:4
stimulation 44:3
stipend 24:6
stop 63:24 89:21 93:9
stopped 112:6
stories 187:2
story 139:3 150:14 186:18,21
stranger 46:10
streamlined 197:6,13
Street 1:21 210:20
strong 37:10 47:19
structure 12:12,14
structures 62:3
struggles 121:22 122:6
struggling 114:17
stuck 84:20 142:15
student 16:15 20:2,5 24:4,10,10
 24:19 25:5,11 26:2,8 44:11 46:4
 47:8 60:22 61:19 62:14 64:13
 66:14,23 68:2,2 70:13 73:18

75:8 78:2,5,8,8,9,17,20,24,25
 78:25 80:10,11,20,24 82:14,18
 82:19,20,22,23 85:8,16,20 86:1
 91:2 114:4,12,16 115:20 128:25
 138:24 172:25 173:4,12 176:1
 177:24 185:22
student's 44:9 78:1
students 11:20 14:13 17:2,17
 20:3 22:21,24 28:3,9,15 32:3
 33:7,10 36:7 44:8 46:25 60:24
 61:14 63:18 65:12,14 67:9
 69:10,15 71:4,10,10 77:22
 84:10 97:19 98:6 100:24 101:17
 101:18 102:1,7,13,18,19,23
 105:15 107:12 115:22 119:2,2,6
 126:19 127:10,14 129:6,24
 130:20 132:25 138:18 143:8
 174:17,18 177:14,15 187:11,13
 187:14,18 188:14,23
students' 61:9
studies 85:4
study 14:10 19:19,20 20:1,2,16
stuff 25:21 74:20 115:9,22 185:7
 204:3
subject 204:15
subjects 204:15
submission 3:16 140:22 144:8
submit 60:17
submitted 128:24
submitting 36:25
subsequent 158:12
substantiate 94:18
success 122:20
successful 75:6 102:20 140:13
 151:2 152:24 153:2 161:4
 178:15,16,17 180:15
successfully 104:24
succinct 121:7
suffer 84:14
sufficiency 82:4
sufficient 132:5 147:14
suggest 51:16
suggested 49:13 97:17
suggestions 191:23
suitcase 192:15
Suite 1:21 210:20
summer 19:16 21:3,4 92:11
super 17:7,7 38:4 73:22

super-excited 22:6
super-wish 74:4
Superintendent 196:12
supervisor 60:18
supply-side 191:7
support 14:25 22:1 23:6 24:9
 26:25 27:24,25 35:25 36:3 37:9
 37:21 78:4 122:2,10,11 123:1,4
 124:11 140:12 142:8 143:6,7
 145:16,19,24 146:4,11 152:16
 158:21 159:18,22 176:10,13
 178:7 198:23
supported 158:24
supporting 36:5,23 143:3,4
 174:8
supportive 180:6
supports 82:24 176:2
supposed 50:13 51:23 61:8 66:21
 66:22,23 87:20 189:10
Supreme 62:12
sure 9:5,6 11:15 24:23 29:10
 32:25 33:25 40:11 42:19 50:25
 51:13 62:1 63:7 65:11 66:18
 67:16 75:25 76:15 81:20 82:2
 82:22 83:24 84:1 86:18 97:11
 108:22 109:5 110:6,8,15,16
 111:23 112:14,17 119:11 126:8
 126:20 128:15 134:20 137:2,5
 142:19,25 144:2 149:10 150:3
 151:5 156:6 162:11 163:9 168:7
 173:17 176:3,16 186:18 203:8
surprised 203:2
surprisingly 185:8
survived 139:20,22
surviving 196:14
sustaining 30:16
system 3:21 33:9 165:5,9,19
 167:1,5,8 168:15,16 170:17,19
 170:25 171:7,16 172:3,5,12,18
 172:19 178:6 181:21
systems 37:14 167:25

T

T 3:1 4:1
table 170:10
tag 96:5
take 14:14 30:18 35:5,11,11
 45:11 48:15 51:2 52:10 71:23

72:15 85:21 89:25 96:12 128:5
 138:13,23 140:14 144:18
 158:17 160:14 162:22 192:17
 194:7
take-away 98:16
taken 48:21 134:23 140:15
 206:21
takes 46:15 190:2
talk 12:13 14:15 22:24 25:19
 30:15 33:17 34:7,8 88:23,24
 89:2 126:7 184:20
talked 12:5 105:14 186:1
talking 58:9 95:24 97:19 106:16
 135:17 141:1,21 151:25 152:23
 176:18,22,23,24 190:3 198:1
Tani 171:24 175:9,23
Taos 18:1 32:16
tap 32:9
target 20:10
targeted 194:13
tariffs 200:4
taught 82:19
tax 32:9
tea 142:14,15
teach 103:20
teacher 14:22 27:14,16 72:6,8
 74:16,17 77:13 78:4 91:23 98:9
 182:18 186:9
teachers 22:22 24:6,14 27:10
 83:10 84:17 182:17 183:3
 188:25 190:19
teaching 37:12 72:7 77:19
team 18:25 20:4 29:25,25 38:12
 44:7 47:3,17 58:10 62:4,5,6,24
 63:22 71:16 73:17,20 74:15
 89:17,24 90:6,19,20,25 91:12
 99:20 100:8,14 101:16 110:25
 115:6 117:10
team's 64:21 89:16
technical 3:8 11:25 36:8 38:11
 103:17
technicality 76:24
teed 72:15
telecommunications 45:19
tell 18:16 63:7 67:16 74:14
 110:23,24 119:22 187:2
telling 186:18
template 136:17

ten 206:11
Ten-to-zero 164:19 170:6
ten-zero 164:22 208:3
tentative 39:6
tentatively 39:15
terms 16:23 17:4 29:14 33:5
 85:16 111:6,13 132:25 158:5
 193:4
terrain 198:18
TESOL 126:11
test 84:2,4
testament 140:12
tested 83:25 84:8
testimony 210:15
testing 83:22
tests 104:13
thank 6:8,22 7:21 9:8 11:4,9,10
 16:21 21:11,14,16 23:13,14
 26:11 31:5 33:16,22 34:4,5,9,16
 34:16 35:9,19 37:3 38:19 40:10
 41:11,22 46:13,18 48:13,17,23
 55:9 57:15 58:19 59:16,20
 61:23 65:4,5,19 69:7,20 79:8,15
 79:23 80:4 81:24 84:23 86:3,5,6
 86:10,15,16 94:2 99:14,14
 100:13 113:11 124:16 125:4
 128:17 133:12,21 135:4,20
 136:1,2 137:11,13,15 146:21
 153:3 160:15 167:3 168:12
 170:8 175:22 179:2 181:9 184:6
 184:7 195:1 196:13,21 197:2,3
 197:17 201:2,12 202:21 203:2,4
 203:11,22,23 204:7,12 206:13
thankful 35:4 39:1 203:25
thankfulness 35:18
thanking 125:8
thanks 7:15 9:9 26:10 33:22
 35:12 37:24 48:2 59:3 73:23
 78:21,21 79:20 127:25 136:5
 163:4 164:22 167:21 182:3
 194:25 196:25 204:10 208:25
they'd 108:6 172:15
thing 19:13 25:3 40:22 60:20
 67:14 74:15 78:9 103:14 126:12
 127:18 130:13 132:23 133:5
 145:4 147:16 150:13,25,25
 165:12 182:4 198:11 199:3
 201:13

things 19:14 24:1 25:14 50:4
 64:25 81:12 94:11,11,18,22
 95:3 100:16,23 105:22,23
 111:14 116:4 152:8 173:2
 185:11 186:12 198:19,21 199:6
 200:3,5,15
think 7:17 8:14,15,17,19 18:4
 19:8 22:13 24:14 25:18,19 26:7
 29:5 30:25 36:4 37:18 38:9
 39:5 41:6 43:7 46:17 49:21
 52:11,12,14,23 54:5 55:20,25
 58:4,6 59:11,22 63:10 65:11
 76:21 80:5 81:5,9,18 83:8,21
 84:3,10,13,22 87:24 89:3 91:8
 92:19 94:12,19 95:21 96:10
 97:15,24 98:1,15,18 99:14
 100:22 101:4,5,8 102:22 104:6
 105:3 107:11,17 108:10 110:22
 112:6,13 115:18 116:10 117:1
 118:11,14 119:21 121:6,6,11,15
 121:21 122:8,9 124:4,6,21
 125:9,9 127:23 129:2 131:14
 133:23 135:6 136:10,12 138:2
 138:19 140:3,6 141:15,15,16,19
 141:19,24 142:2,11,17 144:7,19
 145:2,23 146:17,25,25 147:4,4
 147:9,11 149:8 150:15 155:19
 156:18 162:12,13 164:24
 167:12,19 172:10,17,20 173:15
 176:5 177:16 179:21,22 180:15
 180:17 182:12,19 183:1 184:10
 184:14,19 186:17 187:8,23
 188:15 189:20 191:4,6,9 192:6
 192:9,23 193:3,12,13,21 194:18
 195:20 197:19,21 198:6 201:5
 201:17 202:10 206:14
thinker 140:7
thinking 35:8 49:22 112:12
 123:16 150:18
third 1:21 8:15,19 141:14 159:15
 187:16 210:20
thought 7:22 13:16 45:24 49:23
 50:9,14,15,16 54:6,8 55:1 74:13
 85:15,16 87:15,21,23 89:7,11
 99:9 108:21 123:13,16 130:9
 138:8 142:6 145:15,18 147:25
 148:1,13 149:2 150:15,16 152:2
 163:7 172:15 179:25 195:2

203:3,17
thoughtful 157:3
thoughtfully 167:14
thoughts 147:7
threat 9:1
threatened 204:16
three 14:4 15:8 28:13 30:5,6,15
 32:13 75:3,4,5 85:22 88:11
 103:10 122:22 152:10 176:17
 178:22 198:12
threshold 13:23 177:17
throat 142:15
throw 208:23
throwing 177:5
Thursday 39:17 40:21,22,23
 49:17 51:5,14 179:4 201:16
Thursday's 192:7
tier 167:5 168:16 172:8,9
tight 131:24
Tim 2:5 61:8
time 7:22 11:7 12:7 18:19 24:5
 34:5,16 35:2,7,11,13 36:20 41:9
 42:2 49:12 50:18 52:1,9,18,21
 53:14,16,17,18 54:2,24 58:11
 58:20 59:17 60:8 63:1,20 64:22
 64:22 65:7 67:3 68:3 69:11
 71:11,13,14 72:24 79:11,12
 80:6 86:11 88:14 89:5 94:6
 96:9 101:1 103:5 107:3 112:22
 114:18 115:15 116:20,22,22
 118:25 128:11,13 130:25
 131:17,20 132:5 134:17 137:14
 141:14,17,25 145:6 146:19
 170:20 171:15,22,23,24 173:16
 178:21 179:15 180:13,18
 181:19,24 191:15,21 194:5
 211:10,15,20,25
timeline 70:1
timelines 70:10 131:24
times 11:13 12:4 80:2 81:8 93:19
 93:24 141:20 186:4 198:12,25
 201:18 202:18
Timothy 58:17,23 59:1,4,4,14,20
 61:24 62:2 63:7,10 65:5,19 66:9
 68:14 69:17,24 71:8 73:3 76:13
 78:22 79:13 90:12,18 99:5
 113:14,17
Title 80:10

titled 56:10
today 9:5 11:7 12:13 34:17,22
 37:15 61:2 127:6 135:19 146:18
 172:22 202:11
told 110:12 119:22 120:13
tool 81:15
top 45:2 166:19
topic 34:8
totally 93:22
tough 146:3
tougher 186:4
town 151:12 162:23
track 161:4 204:6
tracking 71:2 178:14 199:19
traction 181:15
trades 25:3 31:25 32:1
traditional 122:19 189:22
traffic 26:1
Trail 141:2
train 20:11
training 11:19 22:17 28:6 31:19
 32:22 38:13,14,17,22 39:19,20
 122:25
trainings 35:21 38:24
transcript 1:10 210:11 211:8,13
 211:18,23
transcripts 173:6
transition 18:8,11 19:9 120:25
 122:16,17 123:2,13 165:12
transitioning 121:1
transparent 118:8
transportation 27:19 28:2,15,18
 30:24,25 31:12 33:5 92:4
transporting 28:3
travel 40:20 178:22 179:3,5
traveled 37:18
traveling 41:8 178:20
trekked 36:9
tried 72:1 92:13 172:10
triggered 159:7
trip 178:10 203:14
trips 31:13,14 119:15
TRISH 2:3
trouble 124:4 202:13
true 74:21 83:8 210:10
truly 35:8 37:8 137:14 142:20
 174:11
trump 65:24

try 22:8 48:18 100:2 116:3 167:4
 172:2
trying 26:3 53:17 66:17 69:14
 71:25 93:11,16 107:22 108:17
 117:22 118:7,19 121:1 141:24
 151:23 168:4 180:13 182:17
 191:20 192:22 193:4
TSA 24:24
tumultuous 119:15
tundra 45:2
tune 203:10
turn 132:6
turnaround 131:17
turned 45:25
Turquoise 141:2
tweak 150:25
tweaked 165:18
tweaks 167:13
twice 30:5,6 198:8
two 6:15 19:6 28:12 38:15 50:4
 50:17 52:3 54:8 67:14 72:12
 80:25 82:22 85:23 86:23 87:1,1
 88:11 102:15 104:2 106:10
 114:22 115:13,14 116:11 120:5
 133:23 141:6 145:11 148:7
 150:17,18 152:10 167:20 184:2
 193:18 198:12
type 200:14

U

U.S 83:13
Uh-huh 64:7 181:12 203:23
Uh-uh 105:9
ultimately 62:14 66:3 68:16,22
umbrella 16:12 175:12,14
unable 63:13
unavailable 32:10
unaware 123:21
unclear 50:22
underlying 145:15
understand 39:10 67:9 93:20
 95:16 102:6 103:4,21,23 104:18
 104:20 105:6 109:21 114:9
 115:10 121:22 134:13 137:22
 147:1,7 150:10 162:13 188:18
 191:1
understanding 11:16 49:24
 70:14 95:2 99:15 115:2,8,19

118:8 120:7 193:7
understood 43:3 86:22 98:12
 110:8 139:7 165:20
unfortunate 17:10 123:19
unfortunately 54:25 57:1 76:21
 87:18 91:9 100:9 123:14 138:19
uniform 60:1
unintelligible 15:12
unintended 147:8
union 16:12,22,22 31:19
unique 46:24 66:5
uniqueness 62:23
UNM-Northern 33:8
unnecessary 47:18
unsatisfactory 88:12
unsure 110:21
unwilling 88:8
upcoming 26:23 37:10
update 3:8 11:6,8 39:4 41:13
 49:6 75:19 89:8 181:7
updated 29:21 43:4 55:17,18,21
 56:10 87:8 98:20,25 130:19
 131:2 132:4 141:12
updates 38:13
upheaval 119:18
upload 112:23 128:12
urgency 105:20
use 14:23 27:15 28:3,3,8,20 30:1
 31:7,19 34:2 48:8 50:2 116:21
 116:24 117:3 118:13 128:25
 203:8
useful 58:5
uses 29:25 182:23
usually 75:16 199:15 208:20
utilizing 199:16

V

V 13:23 28:14
Valley 46:22,23 47:4,17,25
 196:12 198:17
valuable 14:13,13
value 24:13,13 185:9
variety 123:18
various 60:25
varying 60:25
vast 101:13 111:24
vastly 101:6
vehicle 145:21

vehicles 33:14
verbatim 57:8
verifiable 96:19
verify 98:21 99:1 128:4
version 57:2 166:5
versions 38:24
versus 204:21
viable 23:3
Vice 2:3
video 25:12
virtually 170:25
vision 193:25
visions 36:7
visit 44:6 47:12,15,18 71:16
 99:18 100:8,14,19,23 101:15
 110:25 111:4,10,23 112:10,21
 113:7 136:17 137:10
visiting 70:17
Visitors' 4:8
visits 36:4 47:13,14
Vista 32:14
Voigt 2:7 5:9,10 6:9,23 10:23,24
 16:6,20 17:9 21:8,10 25:22
 26:10 30:23 31:5 40:1,4,6,8,11
 49:19 52:1 69:4,6,7,20 73:5,6,7
 73:11,14,22 87:8 94:3,4,5,10,15
 94:24 119:4,9,11,13 120:6,20
 121:10 122:14 130:15 135:16
 148:16 154:12,13 155:15
 163:16,17,21 167:18 168:11,13
 168:19 169:14,15 171:21
 172:23 173:20,25 175:1 177:9
 177:18 178:3,20 180:23 197:1,2
 205:12,13 207:23,24 209:7
volunteer 44:12
vote 10:1 52:8 113:3 144:11,14
 153:10 159:21 163:13 169:2
 170:7 180:7,22 201:20 206:21
 206:24
voted 49:8 88:15 143:20
votes 10:22 154:11 164:4 169:17
 180:11 205:15 207:22
voting 55:6 154:3,5
vying 136:12

W

wage 30:13,14
wages 30:16

wait 94:16 137:18 154:2 155:18
 181:5 185:6 202:3
wait-and-see 54:23
waive 13:7
waived 85:23
waiver 13:6
Walatowa 36:10
walk 48:3 185:10
walked 49:22 104:1
walks 179:24
want 8:14,16,18 12:19 13:3 14:19
 14:21,22 15:6 18:15 19:6 21:10
 24:12 25:16 33:17 34:23 36:2
 36:20,22 41:10 53:25 56:18,18
 62:19 65:9,11 71:15 76:6,7
 86:18 89:20 92:3,11,12 96:18
 97:10,15 99:11,13 100:18
 102:25 105:16 106:15 108:8
 109:4 110:3 114:5,6,7,15 115:9
 116:13 117:5,17 118:9 119:16
 121:18 125:13,16,19 129:11,20
 130:5 132:15,16,25 137:18
 138:1 139:11 142:5,19 144:14
 144:19,20 145:13 146:4 147:12
 147:13 153:15 158:3 159:16
 160:21 161:5 162:10,22 167:1
 170:11 172:21 175:22,22 176:3
 176:8,11 179:2 182:10 186:6,17
 187:2 189:4 190:9 195:16
 196:21 197:2 201:14,17 202:20
 203:4 204:4
wanted 9:6 12:13 15:14 34:18
 35:6,11,16,19 37:14,16 38:21
 39:4,7 42:14 43:15,21,24 44:15
 46:22 50:6 52:7 56:13 64:3
 74:6,8 95:16 98:15 110:7,16
 112:7 130:6,8,9,11,12 136:20
 150:20 151:18 162:19 163:9
 175:2 177:8,25 183:14 187:15
 195:17,18,24
wanting 124:23 208:23
wants 13:9 27:13 34:8 57:24
 95:18 138:13 156:14 163:5
 195:21
wasn't 7:19 81:20 96:7 104:23
 105:9,10 110:11,13,15 116:6
 123:21 126:15 134:16 162:24
 203:19

wasted 8:22,22
way 23:11,17 25:6 30:7 32:8
 74:21 75:19 77:19 81:17 84:15
 93:21,22 101:25 105:21 115:24
 116:8 121:7,8 125:2 128:24
 139:4 144:10 145:2 146:19
 150:23 151:16 158:10 171:4
 178:7 182:13 186:19 202:17
 203:15
Way's 23:1
ways 27:18,24 141:3
we'll 18:4 57:21,25 59:15 77:19
 91:19 99:7 110:1 127:4 134:23
 134:23 135:18 142:2 170:10
 175:17 180:16 196:11 200:14
we're 11:21 14:21 15:19 17:16
 18:7 20:1,6,21 21:2,5 22:13
 24:4 26:11 27:2 29:4,9,10 30:11
 30:12 31:12,21 33:25 38:3,9
 39:14,15 40:24 41:20 42:24
 47:24 49:5 53:17 54:20,22,23
 55:4,6 57:25 59:18 61:19 72:11
 79:13 87:22 91:10 93:6,11,14
 95:24 97:19 99:14 102:17
 105:25 106:18 117:3,16,21
 118:7,8,18,19,22 123:25 124:1
 124:4,4,6,7,22,25 125:11,11
 126:16 131:16,25 135:11,12,22
 135:22 138:20 140:13,25,25
 141:1,5,21,23,23 142:24 143:2
 143:3,5 144:15,17 145:2,15,23
 147:21,21 148:9 152:17,23
 157:12,22 158:1 159:18 160:10
 160:16 161:13,21 165:8 173:16
 176:12,24 179:7 183:8,23
 186:18 188:15 190:11 191:11
 191:13 193:22 194:3 195:18
 201:19 206:13 208:8,11
we've 12:17 16:19 19:9 22:14
 30:4,20 60:5 66:18 68:9,10
 76:21 81:7 99:17,22 116:21
 117:1 118:12,15,15,16,22
 141:13,14 147:9 165:9 167:10
 171:7 189:16 191:14 199:22
 201:21 204:24
wealth 29:19
web 80:16
website 29:21,23 45:7 103:18

143:17 149:14
Wednesday 51:9,21,24 53:2
 171:16 172:11 208:16
week 25:8 35:1 36:15 37:20
 40:17 165:16,24 187:21 196:14
 196:15,17,18,18,19
weeklong 46:17
weeks 37:6 46:7 80:25 184:3
 193:18
weigh 57:24 150:2
weight 45:3
weird 45:10
well-being 76:5
well-taken 71:22
well-versed 103:19
went 35:8 36:11 60:18 83:18
 84:15 102:7 111:7 129:25
 166:10,10 178:10 179:21,21
 184:9 186:23,24 197:9 201:8
weren't 50:25 69:13 83:10,25
 103:8 120:21 152:12 160:22
 167:15 178:5 186:14 195:2
 202:14
whack-a-mole 87:19
whereof 210:15
WIDA 50:5 51:13,15 53:13 81:13
 81:15,18 82:13 84:24
willing 57:25 88:1 145:10 171:24
WILSON 45:6
wisely 138:21
wish 59:18 79:19 99:18 100:11
 120:1
wishes 151:6
withdraw 112:7 149:5,10
withdrawal 128:23
withdrawing 149:6
withstand 190:20
Woerner 2:11 34:10 43:6,14 56:4
 100:12 110:24 112:20 113:4,9
 128:21 129:4 130:4,6,11 135:8
 136:14 137:7 149:23 150:3
 167:22
wolf 44:14,18,20 45:8 46:4
Wolfsong 44:12
Wolves 46:1
wonderful 198:7
word 47:16 67:11 77:21 84:14
 140:18 159:9,25 160:2,14

175:10
worded 107:5
wording 81:21
words 83:9 84:3 126:18 144:6
 165:23
wordsmith 120:18
wordsmithing 117:23
work 7:16 8:5 21:19 22:7,23
 24:13 31:10 34:25 35:15,20,25
 36:5 37:17,23 38:2 39:1 44:12
 44:16 47:24 53:10 83:13,15
 85:25 87:20 99:22 110:19
 120:14,15 122:5 124:12 141:17
 143:13,19 156:21 160:17,24
 166:9 174:7,21 175:20 176:12
 178:11 179:4,5,9 180:8 181:14
 181:20,22 182:1 197:14 198:2
 204:5
workable 73:1
worked 106:10 120:12 139:3,15
 156:11
workforce 11:19 14:7 29:17
 199:16
working 7:25 15:19 20:9 37:6
 38:22 65:15 175:18 197:4,8
 199:7 200:14
workload 123:8
works 174:10
workshops 184:2
world 22:23 86:1 100:6
worry 8:11
wouldn't 14:25 83:11 101:6
 139:18 151:1 156:22 178:15
wow 45:4 76:19 140:2 150:16
wrangle 146:3
wrangled 179:8
write 67:13,14 88:15 106:7
writes 93:20
writing 67:23 127:4 133:20
written 83:6 93:23
wrong 89:23 95:4 100:2 145:18
 181:6 188:20
wrote 127:7,7

X

X 3:1 4:1 132:18,19 152:9

Y

Yay 206:10
yeah 16:17 40:12 41:5 48:9 55:15
 55:17,18 63:11 75:21 76:20
 77:4 91:21 92:24 103:24 110:5
 113:24 115:16 126:5,5 129:6,10
 133:8 134:15 138:6,6,12 146:2
 151:13 154:1 160:4 177:22
 185:4 189:16 190:1,3,7 191:8
 193:7,24 194:13 195:15 208:20
year 18:8,11 23:9 26:23,24 35:13
 35:14,15 37:8,8,10 38:14 39:17
 39:21 44:7 47:5,14,23 48:1
 53:11,15 72:12,18 80:25 88:9
 92:9,10 101:21,22 102:9 103:5
 113:7 118:23 137:25 139:13
 167:7 186:17 187:5,14,19 188:7
 188:14,25 195:13,15 200:24
 201:1
year-and-a-half 50:23
years 36:18 41:6 77:12 82:22
 85:22,23 106:12 138:23 152:10
 193:22
years' 51:11
yesterday 7:17 43:6 46:9 108:20
 141:13 142:2,6,18 143:13
 145:18 147:25 148:1,13 150:6
 158:22 160:23 164:23 166:9,12
 179:16,18,18 192:8 202:13
 203:17
yesterday's 8:5
you-all 8:25 124:22 182:2

Z

zero 172:15 206:12

0

1

1 3:3 4:8 42:19 185:23

1.8 199:10

10 1:11 3:18 48:18 165:1 167:9
 200:12

10-15-1(H)(7) 204:19

10-page 23:22

10:15 48:21

100 177:7 188:13 199:16

100,000 192:17,17

105 199:16

<p> 10th 5:4 11 3:8,22 167:4 170:9 11:00 40:25 12 3:24 36:18 180:23 12:14 140:15 12:25 140:15 13 4:3 130 188:15 13th 38:18 208:11 14 4:4 208:9 140 3:15 14th 136:7 208:10,11 15,000 12:9 18:3,12 15,000/50,000 13:8 155 45:3 15th 208:10,17,18 16 22:12 1630 1:21 210:20 164 3:18 170 3:22 178 3:24 17th 132:1,4 19 21:4 37:8 19-'20 18:10,11 196 4:3 1978 204:18 19th 38:15 1st 87:12 </p> <hr/> <p style="text-align: center;">2</p> <hr/> <p> 2 3:5 4:9 6:14,17,18 18:23 2:16 209:14 20 21:3 37:8 48:19 193:22 199:23 210:16 20-'21 18:14 19:15 20:19 200 152:11 187:14 2006 12:3 201 1:21 210:20 2018 167:20 2019 1:11 167:20 204:24 210:16 204 4:4 20th 39:17 40:21 52:19 54:21 210 4:5 219 1:20 210:8,19 2198N 1:25 210:25 211:2 21st 39:18 22 176:7 177:7 204:24 22nd 107:17,22 108:13 </p>	<p> 25 199:24 250 177:12 25th 107:15 108:2 </p> <hr/> <p style="text-align: center;">3</p> <hr/> <p> 3 3:6 4:10 7:11 18:23 23:9 57:4 64:6,7,7 3:00 51:18,20,21 52:17 30 80:23 115:15 190:4 30-day 43:16 300 1:12 102:7 177:12 34 3:9 36 30:11 36,800 30:10 36,we 30:16 360 199:4 </p> <hr/> <p style="text-align: center;">4</p> <hr/> <p> 4 3:7 4:11 9:10 57:6,13 63:10 64:5 172:8,9 4:30 51:9,24 53:1 400 152:11 42,000 30:11 47 184:10 48 3:11 4th 41:15 131:4,7,18 132:8,9,10 132:11 </p> <hr/> <p style="text-align: center;">5</p> <hr/> <p> 5 3:3,8 11:9 48:20 190:18 200:12 5.0 82:15 5/10/19 4:12 211:2 5/8/19 4:10 50 177:7,19 50,000 12:10 200:11 500 174:22 55 3:13 5th 132:7,8 </p> <hr/> <p style="text-align: center;">6</p> <hr/> <p> 6 3:5,9 6:18,21 11:5 34:12 </p> <hr/> <p style="text-align: center;">7</p> <hr/> <p> 7 3:6,11 48:25 7:00 74:11 70s 33:9 70th 201:7 </p> <hr/> <p style="text-align: center;">8</p> <hr/>	<p> 8 3:13 55:10 8:00 74:12 8:30 42:1,4 87102 1:22 210:21 8th 111:7 112:21 </p> <hr/> <p style="text-align: center;">9</p> <hr/> <p> 9 3:7,15 7:20 9:7 140:21 9:00 1:11 63:2 9:02 5:4 9:56 48:21 91 19:19 93 199:5 </p>
--	---	--