

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
OPEN PUBLIC MEETING  
VOLUME TWO

August 23, 2019

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Jerry Apodaca Education Building - Mabry Hall  
Santa Fe, New Mexico

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JOB NO.: 2365N (CC)

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. M. SONIA RAFTERY, Member
- 11 MR. DAVID ROBBINS, Member
- 12 MS. GLENNA VOIGT, Member

13 PED STAFF:

- 14 MR. ALAN BRAUER, Acting Director
- 15 Options for Parents and Families
- 16 MS. KAREN WOERNER, Deputy Director
- 17 Options for Parents and Families
- 18 MS. MELISSA BROWN, Training and Support Administrator
- 19 Options for Parents and Families
- 20 PEC COUNSEL:
- 21 MS. AMI JAEGER, Attorney at Law

1 THE CHAIR: I'm going -- I am reconvening  
 2 this meeting of the Public Education Commission. We  
 3 left off, we were able to complete Item No. 6  
 4 yesterday with all the new applications. So we --  
 5 we are now on to Item No. 7, which is the report  
 6 from Options for Parents.

7 MR. ALAN BRAUER: Good morning,  
 8 Madam Chair, members of the Commission.

9 I wanted to first start out and cordially  
 10 invite you all to join the NMPED's tailgate party  
 11 today from 11:30 to 1:00. I know you have a lot of  
 12 work ahead of you. If you needed APS incentive to  
 13 take a break or to join us, I wanted to make that  
 14 formal invitation to you-all. It's going to be just  
 15 outside -- just outside the main doors there where  
 16 you guys parked.

17 But we're bringing folks together -- it  
 18 was Jersey Day today. I missed that part of the  
 19 memo. But if you have your jersey or a hat that  
 20 you'd like to take part in the tailgate party, we'd  
 21 love to have you there, for sure.

22 THE CHAIR: I would have worn my Aggie  
 23 gear.

24 MR. ALAN BRAUER: In terms of staffing  
 25 updates, I wanted to share a little bit more of the

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1 decision around the Charter School Director role.  
 2 In July's meeting, I believe I mentioned to the  
 3 Commission that the PED was exploring transitioning  
 4 the -- you know, my role as an appointed role by the  
 5 Governor to making it a classified role so that we  
 6 could create salaries that were commensurate with  
 7 the experiences that we are looking for for the  
 8 permanent -- permanent Charter School Director.

9 So we are in that process. We're in the  
 10 final throes of getting that launched. My hope is  
 11 next week will be the week we are able to formally  
 12 launch that, and we'll go through the similar  
 13 process as any State Personnel Office hire needs to.  
 14 And so we'll do a formal interview and things of  
 15 that nature, for sure.

16 In terms of CSD staffing updates, we do  
 17 have four positions that we have interviewed for;  
 18 some since July, some before July. And they are  
 19 with HR right now. We have gotten offers out to a  
 20 few folks. We're waiting to hear back from them in  
 21 terms of their final decision. So I'm really  
 22 hopeful that we're going to be able to hire two  
 23 people during August. And, hopefully, early  
 24 September, the other two people will be cleared so  
 25 that we can make that offer as well.

<p style="text-align: right;">Page 211</p> <p>1 That will get us to almost full staff. I 2 think we'll have one other position that we need to 3 fill at that time. 4 In terms -- the next thing I wanted to 5 share was updates on the pre-opening of the two new 6 schools that the Public Education Commission 7 authorized to commence operations this year. Our 8 staff went out and did beginning-of-the-year visits 9 to the schools on -- on July 29th. Solare -- I'm 10 going to start with Solare first. 11 Solare Collegiate Charter School 12 successfully opened its doors on the first day of 13 school with 134 students. The school was 14 current- -- however, the school was currently 15 serving 140 students. According to the head 16 administrator, roughly 120 students ride the bus 17 each day from the Southwest Mesa area. 18 Solare currently has a head administrator, 19 one operations manager, one office 20 manager/educational assistant, nine teachers, and 21 one other educational assistant. 22 The school is looking to hire a third 23 special ed teacher, as the school's students with 24 special needs population was larger than 25 anticipated; currently, 40 students, with nine</p>	<p style="text-align: right;">Page 213</p> <p>1 the school moved very close to the beginning of 2 the -- of the -- of the school year, and so they 3 were just still putting paint on the walls and 4 getting new carpeting in there as well. 5 One -- one other thing. I know that our 6 team has been working to get E-Occupancy as well as 7 the capacity of each of the different portables. 8 The capacity for the portables was incomplete during 9 that visit as well. 10 THE CHAIR: Shouldn't CPS hold those 11 E-Occupancy certificates? Because those are LCPS. 12 MR. ALAN BRAUER: Madam Chair, they do 13 have E-Occupancy. And I think I'll be able to 14 answer that in my next few comments here. 15 But they -- to my understanding, the 16 school did not have evidence of, you know, each of 17 the portables, "This is the capacity for this" -- 18 THE CHAIR: Like, a fire -- 19 MR. ALAN BRAUER: That's right. Like, the 20 fire marshal was not able to go in there. But on 21 August 18th, this past Monday, the fire marshal did 22 do a walk-through, and the school was waiting to 23 hear back from the fire marshal on the capacity 24 overall. 25 THE CHAIR: Because he's been too busy.</p>
<p style="text-align: right;">Page 212</p> <p>1 students being D-level and one student requiring a 2 one-to-one aide all day. 3 The school's permanent facility is making 4 solid progress. The plumbing and foundation work is 5 complete, and the tentative move-in date for 6 January 2020 is still scheduled. 7 For Raíces, the team visited Raíces also 8 on August the 29th [verbatim]. And Raíces opened 9 its doors on August the 8th. During the 10 beginning-of-the-year site visit, there were a few 11 concerns. 12 (Commissioner Caballero enters meeting.) 13 MR. ALAN BRAUER: The school did report 14 that they had 28 kindergarteners and 22 15 first-graders as of August the 2nd. 16 Some of the concerns that arose during the 17 visit on the 29th of July were not all the 18 background checks were confirmed at the time. The 19 special education contracted services, the contract 20 itself was not in place, but there was an assurance 21 that they were working with CES to get that in place 22 for the school. 23 Not all the classrooms were furnished at 24 the time, and not all the curricular resources were 25 there at the time. I will say that's partly because</p>	<p style="text-align: right;">Page 214</p> <p>1 COMMISSIONER CHAVEZ: Yeah. Let's not go 2 there. 3 MR. ALAN BRAUER: The fire marshal did say 4 they did not see any concerns, and the school was 5 following through with them to get that last 6 specific work done. 7 Also, on August 20th, I had a chance to 8 talk to the principal, Angela Stock. 9 All the other concerns were corrected with 10 the exception of capacity information. And so I 11 don't think that the -- there will be an issue with 12 their -- their current enrollment and the capacity 13 of the room, that each of the portables' square 14 footage is 718 square feet, which was part of their 15 paperwork that they sent to us. There was a map 16 indicating that. 17 And so I don't think there's going to be 18 an issue in terms of the square footage for the 19 kindergarteners and first-graders at this time. 20 The school did agree to send us 21 notification of the portable capacity once they 22 receive it, and that's the reason why there is a 23 governing council concern. That was their concern: 24 Notification. 25 THE CHAIR: Okay. So are they still</p>

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1 anticipating that they're going to stay in till the  
 2 winter break, or -- because I haven't spoken to them  
 3 since, you know, when we had the DOT issue.  
 4 MR. ALAN BRAUER: Yeah. Madam Chair,  
 5 members of the Commission, their anticipation to  
 6 move is the winter break, similar to Solare. I  
 7 think they were interested in moving earlier in  
 8 October. My professional opinion for the school was  
 9 I think you're going to dip in enrollment if you do  
 10 that midstream, and --  
 11 THE CHAIR: I said similarly, when they  
 12 were first discussing it, that the winter seemed to  
 13 be a -- just a better break time for that and the  
 14 families and everything.  
 15 MR. ALAN BRAUER: Yeah, absolutely. I --  
 16 but those are the updates on the -- the site visits,  
 17 the pre-opening site visits.  
 18 In terms of -- I already mentioned Raices,  
 19 their governing board concern is around capacity.  
 20 THE CHAIR: Okay.  
 21 MR. ALAN BRAUER: Evidence -- I'm going to  
 22 pass it over to Deputy Director Woerner to share a  
 23 little bit more about AIMS.  
 24 MS. KAREN WOERNER: Good morning,  
 25 Chairwoman, Commissioners.

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1 So Albuquerque Institute of Math and  
 2 Science, there's some concern due to the lack of  
 3 submission of paperwork regarding a couple of  
 4 designations on their board. They do have some  
 5 extenuating circumstances, and I was supposed to  
 6 hold off till September, but I felt this was up to  
 7 the Commission how they want to treat this.  
 8 So just wanted to present the situation  
 9 and share with you what I know.  
 10 So first is that, originally, on May 7th  
 11 of 2019, paperwork was submitted regarding three  
 12 resignations and one designation. And those were  
 13 provided to you at the June meeting. However, two  
 14 designations are significantly overdue, if you  
 15 caught that. There were three resignations, one  
 16 designation; so two other designations are  
 17 significantly overdue.  
 18 Those should have been done by October of  
 19 last year and one by April 1st of this year. They  
 20 do have six board members currently seated. So they  
 21 do have enough members in terms of Board of Finance.  
 22 They have six seated members. But they had eight.  
 23 So what's happening -- and just to let you  
 24 know, in our -- Dolores has spent a lot of time  
 25 communicating back and forth with the school. And

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1 the school has written a response to me, addressed  
 2 to me, but I think it really should be to you.  
 3 So what this says is that -- that their  
 4 board of trustees -- their bylaws state that they  
 5 have no more than nine members; so they're still in  
 6 compliance with their bylaws.  
 7 They have a -- all voting members must  
 8 hold a bachelor's degree or higher, because they are  
 9 a college prep school, for bylaws.  
 10 One board member shall be a parent of a  
 11 current student attending for two or more years.  
 12 The parent member serves a one-year term and may  
 13 serve two terms. All other board members serve  
 14 four-year terms and may serve for two terms. A  
 15 board member may serve for additional terms beyond  
 16 two terms upon two-thirds vote of the board.  
 17 Four members shall be faculty of the UNM,  
 18 University of New Mexico; and then it says the  
 19 University of New Mexico president or nominee, one  
 20 faculty member nominated by the dean from the School  
 21 of Engineering, one by the dean of the College of  
 22 Arts and Sciences, and one by the dean of the  
 23 College of Education.  
 24 And to complicate things, they also have  
 25 an MOU with UNM that dictates the makeup of their

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1 board members, which, again, says that four  
 2 representatives will serve -- that the UNM president  
 3 will select four members to serve, one each from  
 4 those colleges I just mentioned.  
 5 They recently lost their engineering  
 6 representative as well as their parent member. And  
 7 they're having a difficult time finding willing  
 8 replacements for both of those positions.  
 9 However, they do have two nominees ready  
 10 for the September board meeting. And they would  
 11 like to have this brought before you again for the  
 12 September meeting.  
 13 I think that's a fair request. But,  
 14 again, I thought that the Commission needed to be  
 15 apprised of the situation and why those two  
 16 designations haven't happened yet and leave it to  
 17 you for how you want to handle this matter.  
 18 THE CHAIR: I appreciate the information  
 19 that they've given. But I think because of the  
 20 significant time lapse that has occurred, I think a  
 21 Letter of Concern is more appropriate. Of course,  
 22 not that they're in the Letter of Concern, simply  
 23 we're going to send the letter saying, "We have a  
 24 concern over this."  
 25 Okay. Thanks.

<p style="text-align: right;">Page 219</p> <p>1 MR. ALAN BRAUER: For clarification, Ami, 2 you provide that -- right? -- the letter? 3 MS. AMI JAEGER: (Indicates.) 4 MR. ALAN BRAUER: Madam Chair, members of 5 the Commission, I wanted to close out on some 6 highlights and appreciations. 7 I've had the privilege to join our Deputy 8 Secretary and Secretary on several different school 9 visits, traditional public school visits, district 10 visits, as well as some charter school visits. And 11 so I wanted to just highlight four charter school 12 visits that I had the chance to visit over the last 13 month. 14 Southwest Aeronautics, Math-Science 15 Academy invited us in to join them in their opening 16 day with staff back in late July. I've never been 17 out to the Double Eagle -- 18 THE CHAIR: To the hangar? 19 MR. ALAN BRAUER: -- airport area before. 20 And so seeing their beautiful, you know, like 21 football field was pretty impressive. Their 22 building was impressive. The staff is equally 23 really great and was really welcoming. 24 I think one of the big highlights for me 25 is I've never actually seen a flight simulator in</p>	<p style="text-align: right;">Page 221</p> <p>1 I had a chance to go to Albuquerque School 2 of Excellence as well. I've never had the chance to 3 go to that school; although, it took me a minute to 4 realize that 20 years ago, when I first came to 5 New Mexico, I was in that building. It was an 6 Albertson's at that time. And it finally kind of 7 came back to me that it doesn't look a bit like that 8 anymore; but the footprint kind of gave me a 9 flashback. 10 And so it was wonderful to visit with 11 their new -- new principal, their new head 12 administrator. He was here for a little bit 13 yesterday in the back. And the team was just really 14 welcoming and had a chance -- yeah, Mr. Ayik. 15 That's right. He was here yesterday to just learn a 16 little bit more about the process for, you know, how 17 new schools are -- are authorized. 18 So much appreciation for Albuquerque 19 School of Excellence. 20 And then most recently, on Wednesday, I 21 had a chance to go to Commissioner Voigt's old 22 stomping grounds, Media Arts Collaborative, and join 23 their team in an ice cream social with their staff 24 and their parents and students. And they were 25 super-prepared with a lot of questions for me and</p>
<p style="text-align: right;">Page 220</p> <p>1 person before. And they have two of them. Many of 2 their students go to SAMS in order to get their 3 pilot license. 4 They have a pilot there -- a certified 5 pilot, who -- who takes care of that for students 6 who are on that pathway. 7 And so I would really highly encourage 8 Commissioners, if you haven't had a chance to go to 9 that school, I think it was something that was 10 really impressive. And I don't know, off the top of 11 my head, how many states have a charter school that 12 provides access to roles such as getting your 13 pilot's license. So something to really highlight 14 and appreciate on them. 15 I had a chance to go to Mission 16 Achievement and Success Charter School as well a 17 couple of weeks back. I was invited in with several 18 other leaders from across Albuquerque. And the 19 school was very welcoming in providing us an 20 opportunity to engage with their leadership as well 21 as to get into some classrooms and engage with their 22 students. 23 And I just want to appreciate them for 24 putting up their doors to us during that time. 25 [Verbatim.]</p>	<p style="text-align: right;">Page 222</p> <p>1 were ready to really engage deeply around things 2 that really mattered for that -- that school, one of 3 which is the Small School Size Subsidy being sunset. 4 And so there are many parents and students 5 who had a lot of questions around charter school 6 funding. And so I really appreciate Mr. Dooley 7 there for his welcoming -- welcoming me into his 8 school on Wednesday. And I look forward to 9 continuing to collaborate with these schools as well 10 as the other schools that the Commission works 11 closely with. 12 So that's all I have for today. 13 THE CHAIR: Okay. Thank you. We're going 14 to have to skip 8 right now because we don't have 15 the new -- 16 MS. KAREN WOERNER: I think it's just 17 arriving, if you wanted to proceed. 18 THE CHAIR: Okay. The paper copy that we 19 were given was not right. So there's a new version 20 that's just arriving. 21 So that's why I was not moving on that, 22 because no one had seen it yet. So what you already 23 had this morning, ignore. 24 (A discussion was held off the record.) 25 THE CHAIR: So this is not yet fully</p>

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1 complete for the record. So we're just going to  
2 hold onto this for a second. And I'm going to move  
3 to No. -- right now, because Ami had to leave to  
4 make the copies that we need, I'm going to move to  
5 No. 11 because it's an easy out.

6 COMMISSIONER VOIGT: Quick fix.

7 THE CHAIR: All right. There has been no  
8 new communication from PED regarding the MOU, so  
9 that we're taking no action at this time until we  
10 hear. But we're anticipating that it's going to be  
11 forthcoming soon. I guess the transition with the  
12 new Secretary has delayed it a bit.

13 COMMISSIONER CABALLERO: Madam Chair,  
14 would that require a special meeting, or just the  
15 next regular meeting?

16 THE CHAIR: I think it'll just be the next  
17 regular meeting. There's nothing that's that --  
18 obviously, there's nothing that urgent in it,  
19 because we haven't moved on it in months. So I  
20 don't think it would -- it would necessitate a  
21 special meeting.

22 COMMISSIONER ROBBINS: Madam Chair, with  
23 regard to the MOU, one of the things that we had  
24 previously discussed was our proposed budget for  
25 FY '21. And I just -- because that does

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1 100 percent, because it's been a little bit since I  
2 last looked at it. But I don't think it did.

3 This -- Commissioner Robbins is correct.

4 This did have a specific line item that said, you  
5 know, that PED would submit the budget. And I get  
6 the good faith. But in good faith, the budget --  
7 our budget was not submitted with the PED budget  
8 last year.

9 MR. ALAN BRAUER: Okay. I will --  
10 Madam Chair, members of the Commission, I'll work  
11 with the leadership team to make sure that we figure  
12 out a resolution, for sure.

13 COMMISSIONER ROBBINS: Thank you,  
14 Mr. Brauer.

15 THE CHAIR: Thank you.

16 Okay. So we are now quickly back to Item  
17 No. 8; so that -- Commissioners, we had this  
18 discussion at the Work Session. And the new page  
19 that you were just given reflects the new verbiage  
20 for the old contracts, that the reference to the  
21 A-to-F grading system is stricken out.

22 And what is -- what will be -- it will be  
23 replaced with is identified -- by the New Mexico  
24 System of School Support and Accountability, as  
25 being -- and if you are Exceeding, it's going to be

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1 interconnect with this MOU, in getting the budget  
2 submitted -- our budget submitted -- as part of the  
3 PED submission, I think, is time-sensitive, because  
4 that is due to DFA September 1st.

5 THE CHAIR: But we're submitting the  
6 budget regardless of the MOU.

7 MS. AMI JAEGER: Because we have statutory  
8 authority.

9 COMMISSIONER ROBBINS: Have we had any  
10 conversations back from PED that they're going to  
11 submit that or they're going to put it in a file  
12 somewhere?

13 MR. ALAN BRAUER: Madam Chair, members of  
14 the Commission, Commissioner Robbins. I believe you  
15 all have submitted a budget to us, correct? And I  
16 think that happened last year as well. And so in  
17 good faith, we do want to respect that for sure.

18 There also is an MOU that is in place  
19 right now between the PEC and the PED. It was  
20 signed in 2013 without any sunset or termination; so  
21 there is information in there. I cannot remember  
22 off the top of my head if any --

23 THE CHAIR: It does. The old MOU does --  
24 I do not recall it saying anything specifically  
25 about the budget. I -- you know, I can't say

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1 in the top 25 percent of schools in the state. If  
2 you're Meeting standard, it's going to be the middle  
3 50 percent of all public schools in the state. And  
4 we have the Does Not Meet, which is identified by  
5 the New Mexico System of School Support and  
6 Accountability as being in the lowest 25 percent of  
7 all public schools in the state. And we've taken  
8 out the Falls Far Below.

9 COMMISSIONER ROBBINS: Madam Chair -- I'm  
10 sorry. I'm sorry to interrupt. I just want to go  
11 on record that although this was put forth and  
12 approved by PED, I think it does a disservice to  
13 students in schools by having only three categories,  
14 that you have such a broad middle category that,  
15 really, it doesn't give a clear indication of what's  
16 happening within the schools of schools that are  
17 really struggling and those that are maybe just at  
18 the -- you know, the bottom of that 50 percent,  
19 they're struggling, and they may not be doing very  
20 well, and those students aren't doing well.

21 When we have over, you know, 40 percent of  
22 our students statewide not proficient in math, not  
23 proficient in reading, that's a concern. And if you  
24 just say, well, the middle 50 percent, well, if  
25 they're still struggling, that's a concern. You can

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<p>1 say they're in the middle 50 percent; but if -- you 2 know, that means you can still have a lot of 3 students in that category that are struggling with 4 proficiencies in these areas. 5 And I think that's a concern that we 6 aren't really putting enough emphasis that we just 7 say it's the bottom 25 percent. 8 THE CHAIR: Right. And I'll partly agree 9 with you. However, in -- as you dig further into 10 the performance framework, we do go into the 11 sub-group categories, so that that hopefully will 12 help to identify those schools that are on the cusp 13 between the bottom and that broad middle. 14 So that that's the best we can mitigate it 15 at this point in time. But I think -- and I think 16 the accountability system will -- I hope. We won't 17 know till we see it. 18 COMMISSIONER ROBBINS: I understand. 19 THE CHAIR: And then dig into it a little 20 bit. But I hope that through the other pieces that 21 we've put into the performance framework, we can 22 ferret that out. 23 COMMISSIONER ROBBINS: Right. And I trust 24 that we at PED will understand that. 25 THE CHAIR: Right.</p>	<p>1 I've asked this before, and I do apologize in 2 advance, but -- 3 (Reporter requests microphone use.) 4 COMMISSIONER ARMBRUSTER: So when you're 5 School A and you're in the middle 50, does each 6 school get a number within that -- like "40" or 7 "74"? 8 THE CHAIR: Yeah. 9 COMMISSIONER ARMBRUSTER: So it's not just 10 if you're in the middle 50. You actually have your 11 own -- your own score. So it's not quite as bad. 12 THE CHAIR: These range of scores -- my 13 understanding is this range of scores falls into 14 that 50 percent, this range of scores into the 15 spotlight, so that, yes, you'll get a score. It's 16 just -- correct? 17 MS. KAREN WOERNER: Madam Chair, yes, 18 absolutely. There will be a score out of 19 100 points based on how the schools score the top 20 25 percent. I don't think there's a cutoff score 21 that makes you in the 75 percent. It's based on all 22 the schools, right? So that might fluctuate. But 23 the top 25 percent will be based on the overall all 24 schools. 25 But, yes, they will all get a score out of</p>
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<p>1 COMMISSIONER ROBBINS: It's just my 2 concern is that the average parent will not 3 understand that. And that's -- that's one of the 4 big things, when we -- when we take it to a level 5 that you have to dig down into the detail, not a lot 6 of the average individuals in the state are going to 7 take that time to dig into it to really understand 8 what's happening. 9 THE CHAIR: And I agree. And I hope that 10 that's going to be part of PED's goal is to truly do 11 a -- a big explanation to parents about this new 12 dashboard and make it as user-friendly as you can; 13 because we all know that trying to find those school 14 report cards was difficult, and there were a lot of 15 things in it that people didn't understand. 16 And my understanding is the dashboard is 17 supposed to be friendlier, because it is supposed to 18 be used by parents and, truly, the community, to see 19 how their schools are doing. So that I hope PED 20 helps to get out there to the communities to help 21 support the understanding of how this works and make 22 it easier for folks. 23 Okay. So I need a motion -- oh, I'm 24 sorry. You have a question? 25 COMMISSIONER ARMBRUSTER: Yes. I'm sure</p>	<p>1 100 points. What you're looking at today, 2 Commissioner Robbins, for this vote is just for the 3 pre-2018, yeah, how we will rate them on their 4 academic framework for those schools still on the 5 pre-2018 contract. 6 THE CHAIR: Yeah. And it's really after 7 this renewal cycle -- what did we say? Six to 8 eight, something like that, schools -- 9 MS. KAREN WOERNER: Exactly. 10 THE CHAIR: -- that it still affects. 11 MS. KAREN WOERNER: So there were several 12 this year. But the next year -- yeah. 13 THE CHAIR: Right. Yeah. Okay. 14 Commissioner Voigt? 15 COMMISSIONER VOIGT: Madam Chair, I'd like 16 to make the motion. 17 THE CHAIR: Certainly. 18 COMMISSIONER VOIGT: I'd like to move to 19 have the Public Education Commission adopt the 20 changes to the academic performance frameworks for 21 charter schools under contract in effect before 2018 22 or 2019, to align with the changes in the School 23 Accountability and Support System. 24 COMMISSIONER RAFTERY: Second. 25 THE CHAIR: There's a motion by</p>

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<p>1 Commissioner Voigt, a second by Commissioner Davis.  2 COMMISSIONER DAVIS: No. Raftery.  3 THE CHAIR: Oh, I'm sorry. I just heard  4 to the left. Sorry.  5 COMMISSIONER DAVIS: Ventriloquist.  6 THE CHAIR: Any further discussion?  7 (No response.)  8 THE CHAIR: If not, roll call, please.  9 COMMISSIONER ARMBRUSTER: Commissioner  10 Robbins?  11 COMMISSIONER ROBBINS: Yes.  12 COMMISSIONER ARMBRUSTER: Commissioner  13 Voigt?  14 COMMISSIONER VOIGT: Yes.  15 COMMISSIONER ARMBRUSTER: Commissioner  16 Armbruster votes "Yes."  17 Commissioner Davis?  18 COMMISSIONER DAVIS: Yes.  19 COMMISSIONER ARMBRUSTER: Commissioner  20 Chavez?  21 COMMISSIONER CHAVEZ: Yes.  22 COMMISSIONER ARMBRUSTER: Commissioner  23 Gipson?  24 THE CHAIR: Yes.  25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 school to come up?  2 MS. PATRICIA MATTHEWS: I'm sorry. I  3 thought the item on No. 10 was Discussion of  4 Possible Action on the school. So are we going to  5 hear about the audit now, before you talk to us?  6 THE CHAIR: It's part of the -- okay.  7 MS. PATRICIA MATTHEWS: However you want  8 to do --  9 MS. KAREN WOERNER: Four people.  10 MS. SHELLY CHERRIN: It's up to you.  11 MS. PATRICIA MATTHEWS: She's the auditor.  12 MS. AMI JAEGER: Why don't you wait until  13 after she presents? Thank you.  14 MS. SHELLY CHERRIN: Hi.  15 THE CHAIR: Good morning.  16 MS. SHELLY CHERRIN: Good morning.  17 THE CHAIR: Is that on?  18 MS. SHELLY CHERRIN: I believe it's on.  19 THE CHAIR: Okay. If you could just  20 identify yourself for the record.  21 MS. SHELLY CHERRIN: Okay. So I am Shelly  22 Cherrin. And I conducted the audit for the Charter  23 School Division.  24 I will apologize up front, because we all  25 realize -- well, I did yesterday -- that it was</p>
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<p>1 Raftery?  2 COMMISSIONER RAFTERY: Yes.  3 COMMISSIONER ARMBRUSTER: Commissioner  4 Crone?  5 COMMISSIONER CRONE: Yes.  6 COMMISSIONER ARMBRUSTER: Commissioner  7 Ruiz?  8 COMMISSIONER RUIZ: Yes.  9 COMMISSIONER ARMBRUSTER: Commissioner  10 Caballero?  11 COMMISSIONER CABALLERO: Yes.  12 COMMISSIONER ARMBRUSTER: The motion  13 passes, ten-to-zero.  14 THE CHAIR: Okay. Thanks. And I -- in  15 speaking with Shelly Cherrin, who did the  16 operational audit. And I appreciate the fact that  17 she made the effort to come up today so we would --  18 to accommodate, hopefully, her ability to get to a  19 doctor, we would take her next.  20 So we're going to move to Item No. 10,  21 which is the report of the operational audit. So  22 folks from the school can come up.  23 MS. PATRICIA MATTHEWS: No. 10 is on the  24 audit.  25 MS. SHELLY CHERRIN: Did you want the</p>	<p>1 dated 2018. But I assure you it was done in the  2 last three weeks.  3 THE CHAIR: So I don't know. If you want  4 to just give some highlights? If not, we can just  5 start with any questions, concerns, that  6 Commissioners have with it.  7 (Chair consults with PEC Counsel.)  8 MS. SHELLY CHERRIN: So, Madam Chair,  9 members of the Commission, I was contracted to start  10 this on July 26th, I believe. And the goal was to  11 conduct a thorough review of the operational and  12 governing council practices, policies and systems of  13 the school. More specifically, I was supposed to  14 review the academic structure systems and policies  15 to support special education students and English  16 Learners.  17 So in order to do that, I think, on  18 Page -- Page 2, I did a lot of digging. I received  19 a lot of documents from the Charter School Division.  20 I received copies of all of the correction --  21 Corrective Action Plans.  22 I also ended up reviewing the minutes from  23 all the Public Education Commission meetings  24 beginning after the renewal hearings this past year.  25 I attended a meeting with the -- members of the</p>



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1 school and the special ed department and their  
 2 attorney shortly after I started. And I also went  
 3 down and spent a morning at the school reviewing  
 4 documents and having discussions with not only the  
 5 head administrator, but the special ed coordinator  
 6 and the EL coordinator as well, and the governing  
 7 council president, who also -- and I sent them as an  
 8 attachment to this report -- had sent in all of  
 9 their required policies that the PEC were concerned  
 10 about, that the PEC was concerned about, and minutes  
 11 and agendas from their governing council meetings  
 12 over the past year.

13 And so what I did is I summarized  
 14 everything, and then I put the supporting detail in  
 15 my report in each of the areas: The governing  
 16 board, the special education, and the English  
 17 Learners.

18 THE CHAIR: Okay. So I'm -- in reading  
 19 this -- well, I wanted to make one thing -- it  
 20 appeared to me, when the -- in the section on the  
 21 English -- on the ELs, that there was a reference  
 22 that it appeared that our CAP had been satisfied.

23 And we have not -- just to remind  
 24 Commissioners, we have not closed out the EL CAP.  
 25 The only piece of the CAP that we closed out was the

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1 with the numerous times the school has been before  
 2 us, that compensatory time had been completed by  
 3 May. And I'm just wondering how that has been  
 4 figured out.

5 I know there was a mention here that  
 6 parents were questioned as to how many hours were  
 7 still needed. And I have significant concern and a  
 8 huge question of how is that? Because I don't know  
 9 too many parents that keep track of the compensatory  
 10 hours that are owed, needed and owed. They probably  
 11 know what's needed, because they're at the IEP  
 12 meetings and they're in discussion of it.

13 But in terms of a parent keeping their own  
 14 log to know how many compensatory hours are still  
 15 required -- we were talking, early on, 300 --  
 16 approximately 300 hours around January. And the  
 17 discussion, whenever the school came up here --  
 18 sorry -- always -- always was that the plan was  
 19 we're going to do this after-school compensatory  
 20 time makeup, and that we have to do an intensive  
 21 summer program to make up that time; and then, not  
 22 to mention that opt-out letter that had been sent.

23 So now, there's this, oh, all the  
 24 compensatory time was made up by May. And I  
 25 don't -- and we've had Special Ed Bureau here. And

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1 financial piece quite a while ago, so that the EL  
 2 and the SpEd CAP is still open.

3 And that's what brought us the Letter of  
 4 Concern and the Notice of Breach.

5 MS. SHELLY CHERRIN: Madam Chair, members  
 6 of the Commission, if I could just clarify that a  
 7 little bit as well. I did receive a copy of that  
 8 latest EL CAP. And I guess that maybe it didn't get  
 9 to the Commission in time for the Commission to  
 10 review it. But my assessment was that it did  
 11 cover -- it took care of all of the concerns. So I  
 12 don't believe that I stated that it had been  
 13 approved. I think I just --

14 THE CHAIR: No, I didn't -- but in -- so I  
 15 just wanted that clarification that we have to close  
 16 that out.

17 MS. SHELLY CHERRIN: Okay.

18 THE CHAIR: Yeah. Yeah. So that being  
 19 said, I still have concerns and questions about  
 20 special ed servicing. And I don't know whether you  
 21 can answer them or the school has to answer them;  
 22 because the report indicated that the school  
 23 indicated that the compensatory time had been made  
 24 up in May.  
 25 There had been no communication to us,

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1 they've identified, time and time again, that they  
 2 can't figure out how many hours are owed. And there  
 3 was no indication from them that the school was  
 4 clear with their compensatory time.

5 So I'm just -- (Indicates.)

6 COMMISSIONER ARMBRUSTER: Before you  
 7 answer, a second -- somewhere I'm remembering that  
 8 they were getting compensatory time through the end  
 9 of school but that they still needed hours in the  
 10 summer.

11 THE CHAIR: Oh, yeah.

12 COMMISSIONER ARMBRUSTER: And my question  
 13 was, because this is a high school, how were they  
 14 going to do it? And I thought they were going to do  
 15 something in July. But maybe I'm not -- and I  
 16 didn't know --

17 THE CHAIR: And I'll also add to that that  
 18 I was at at least one governance council meeting  
 19 where a parent questioned, "I thought there was  
 20 going to be a summer program. And school is  
 21 starting in two weeks, and there's been no summer  
 22 program."

23 So that's where I'm -- I still have this  
 24 huge question. And I'm at a loss.

25 MS. PATRICIA MATTHEWS: Madam Chair, may I

<p style="text-align: right;">Page 239</p> <p>1 address the Commission? Because I think we're 2 putting the cart before the horse here. 3 THE CHAIR: I don't think we are. 4 MS. PATRICIA MATTHEWS: The plan that the 5 school has developed -- and I think that, in all 6 fairness, both the SpEd director, the head 7 administrator, and every special education and ELL 8 person is a complete turnover. And they began their 9 positions just briefly after Ms. Cherrin came to the 10 school to do the audit. 11 And we have submitted a plan that 12 addresses, I believe, your question about what's 13 happening with those six kiddos and other 14 compensatory services. And I think we should be 15 able to present that plan, because that plan was not 16 developed by the time Ms. Cherrin came to the 17 school, nor were we required to do so. 18 THE CHAIR: Oh. And I'm going to 19 completely disagree with that. Because part of the 20 Corrective Action Plan that has been in place 21 since -- what date did we establish this Corrective 22 Action Plan -- part of that Corrective Action Plan 23 has consistently, every month that you've been up 24 here, was, "How are you fixing the compensatory 25 time?"</p>	<p style="text-align: right;">Page 241</p> <p>1 council -- regardless of who the new people on the 2 block are with running the school, the governance 3 council ultimately is responsible for what's 4 happening there. They've been consistently through 5 this. They've known. They have been the ones that 6 have been here at every meeting and know what we 7 have been asking for. 8 So, you know, to say, "Hey, we've figured 9 it out now" -- and I don't see the documentation to 10 prove to us that those services were completed by 11 May, when the school sat here in May and was still 12 doing the plan to have the Saturdays and the summer 13 school. So how, all of a sudden, do they 14 miraculously get in completion by May, all of a 15 sudden, when they never said that when they were 16 here? 17 MS. PATRICIA MATTHEWS: I assume we'll 18 have the opportunity to respond, which is reflected 19 in the report. Because what you just said is not 20 what the report says. And the school is not 21 representing in that report that everything was done 22 by May. That was a misstatement by Dr. Lonergan to 23 Ms. Cherrin. And it's unfortunate that Ms. Cherrin 24 included it in the report before the school 25 presented its comprehensive response to the Notice</p>
<p style="text-align: right;">Page 240</p> <p>1 So that to say, "Hey, everyone is just on 2 board, and we're all the new people on the block" 3 isn't sufficient at this point in time. 4 And we've also said that, that this is 5 not -- we're moving forward for this year. This is 6 an issue that we have raised and asked to be 7 addressed consistently every month. 8 And to -- you know, I don't care how many 9 students it is. All right. There was an outrageous 10 number of hours that were owed to servicing these 11 students. And to say, "Now we've figured it out and 12 we're going forward" -- we have been asking for the 13 answer on how the school did this. 14 And the plan was always presented to us -- 15 the only plan that was ever presented to us was, 16 "We're doing after-school. We're going to do 17 Saturdays, and we're going to do this program in the 18 summer." 19 And now all of a sudden we're going back 20 and we're saying, "Hey, we fixed it all by May," and 21 we have no -- no -- where is the documentation? How 22 do we know that that did happen? Because as far as 23 I know, the Saturdays didn't happen and the summer 24 didn't happen. 25 And that's on -- there was a governance</p>	<p style="text-align: right;">Page 242</p> <p>1 of Breach, which was what we were asked to do. 2 THE CHAIR: And the Notice of Breach is -- 3 the compensatory time is part of that Notice of 4 Breach. It's been the fabric of the discussion 5 every time the school has been up here. 6 MS. PATRICIA MATTHEWS: I appreciate that. 7 And we responded. 8 THE CHAIR: So you're telling me it wasn't 9 completed in May. This is a misrepresentation. 10 MS. PATRICIA MATTHEWS: It was a 11 misunderstanding between Ms. Cherrin and 12 Ms. Lonergan at the time she was at the school. 13 MS. SHELLY CHERRIN: Madam Chair and 14 members of the Commission, if I can respond to that? 15 And I think Dr. Lere will probably substantiate 16 this, because he was sitting at the table when I had 17 the conversation with the new special ed 18 coordinator. 19 She had said that she -- she had checked 20 the service logs up until May that suggested that 21 all -- or that indicated that all of the students 22 had been caught up with their compensatory hours. 23 We, then, the three of us, had a 24 discussion about remaining hours and how they were 25 going to figure out if those remaining hours had</p>

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<p>1 been taken care of. And that's when they decided 2 that they would take some action to check with the 3 parents to be able to determine if any were left 4 over that they would then have to address. 5 THE CHAIR: But, see, the struggle that I 6 have is every time the Special Ed Bureau came here, 7 they said they couldn't identify, through the 8 service logs, that the hours had been. 9 So I'm not -- I just -- I'm at a loss as 10 to what's going on here; because we've all been here 11 with the Special Ed Bureau standing up and saying, 12 "We -- there's -- we can't identify through service 13 logs." And now all of a sudden, we've got service 14 logs, you know? 15 So I'm -- you know, truly, I'm at a loss 16 here with what's -- what's happening and happened. 17 MS. PATRICIA MATTHEWS: Madam Chair, that 18 statement that there are no service logs is 19 incorrect. It is absolutely incorrect that there 20 are no service logs. They're not what Special 21 Education wanted. But there are absolutely service 22 logs. And we have them at the school. They were 23 provided to Special Education. 24 The issue is whether or not they were the 25 way Special Education wanted them. And --</p>	<p>1 MS. SHELLY CHERRIN: I have the May 4th 2 report here from the Special Ed Bureau. 3 MS. PATRICIA MATTHEWS: It's misdated. 4 It's dated wrong. 5 MS. SHELLY CHERRIN: This May 4th is -- 6 I'm sorry. I have a report dated May 4th from the 7 Special Ed Bureau. But Ms. Matthews is saying that 8 that was a mistake. 9 MS. PATRICIA MATTHEWS: I can show you the 10 packet from PED that has that date on it. 11 MS. SHELLY CHERRIN: Where it does discuss 12 compensatory services. 13 THE CHAIR: We'd have to go back to our -- 14 we could easily check through our transcripts when 15 it was put in. But that's right. You -- and I 16 apologize. You can continue. 17 MS. SHELLY CHERRIN: Well, that was -- 18 anyway, I mean, that was the report about 19 compensatory services. 20 The special ed coordinator did have a 21 binder, and she had been checking through up until 22 May. And like I said, the issue appeared to be that 23 going forward, they didn't know how many were left 24 over, and they didn't -- there was no documentation 25 about that, and that they were going to contact</p>
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<p>1 THE CHAIR: No. The issue always was -- 2 I'm sorry. The issue -- when the Special Education 3 Bureau came here and spoke to us, they said they 4 could not identify -- and correct me if I'm wrong -- 5 they could not identify from service logs the hours 6 that each student was receiving. So they could not 7 identify. 8 MS. PATRICIA MATTHEWS: That's right. 9 That's what -- 10 THE CHAIR: So how does a school then 11 attest to the fact that -- and why? Why didn't the 12 school say, in April, May, June, that, "We're caught 13 up, there isn't an issue"? 14 MS. PATRICIA MATTHEWS: Madam Chair, if 15 you recall, the Special Education's Bureau's first 16 report on this issue was June 4th. The first time 17 the Special Education Bureau was asked to review the 18 IEPs was after the May PEC meeting. 19 So it wasn't until June 4th that these 20 things were identified and that subsequent action 21 was to be taken. There was never a mention about 22 special education logs before the June 4th report 23 from SpEd. 24 THE CHAIR: Oh. And I'm going to somewhat 25 disagree with that.</p>	<p>1 parents and find out if they were still owed 2 compensatory services and then develop a plan for 3 that. 4 THE CHAIR: Okay. Commissioners, any 5 other questions? 6 COMMISSIONER ROBBINS: Madam Chair? 7 THE CHAIR: Commissioner Robbins. 8 COMMISSIONER ROBBINS: Ms. Cherrin, I 9 guess just a simple question. From what I gather -- 10 and I just ask you rather than stating it. Can it 11 be clearly stated, either yes or no, that all of the 12 services that were owed to the students through 13 their IEPs have been delivered and that 14 documentation exists that those services were 15 delivered as required? 16 MS. SHELLY CHERRIN: Commissioner Robbins, 17 no. 18 COMMISSIONER ROBBINS: Thank you. So, 19 Madam Chair, from that standpoint, I would say that 20 they're failing to meet the Corrective Action Plan 21 based upon the audit that was just completed two 22 weeks ago. 23 Thank you. 24 THE CHAIR: Thanks. Do you want to talk 25 about OMA and governance council?</p>

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1 MS. SHELLY CHERRIN: Well, I can. Were  
 2 there any questions? From my report, I -- and I --  
 3 okay.  
 4 MS. PATRICIA MATTHEWS: To the extent --  
 5 Madam Chair, I'd like to make an objection for the  
 6 record that this issue of the governance council is  
 7 being raised as part of the Notice of Breach,  
 8 because it wasn't in the Notice of Breach.  
 9 This is -- I understand -- and we're  
 10 not -- we're not contesting what Ms. Cherrin's  
 11 report reveals. But it was not part of the Notice  
 12 of Breach. And so if it's an issue to go forward,  
 13 fine. But just to put that on the record.  
 14 MS. SHELLY CHERRIN: Were there any  
 15 specific questions from members of the Commission?  
 16 In my summary report -- and if you reviewed the  
 17 policies and also the minutes, they weren't all  
 18 addressed.  
 19 THE CHAIR: All right. That they're  
 20 still --  
 21 MS. SHELLY CHERRIN: They weren't all  
 22 found.  
 23 THE CHAIR: There are still minutes  
 24 missing.  
 25 MS. SHELLY CHERRIN: There are minutes

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1 missing. There were minutes that didn't match the  
 2 agendas. There were -- you know, I think I forget  
 3 his last name, Gene -- the governing council  
 4 president sent me all that he had.  
 5 And when I met with him and Dr. Lere, they  
 6 talked about collecting all of that at the school  
 7 and maintaining all of those records at the school.  
 8 THE CHAIR: At the school. Right.  
 9 MS. SHELLY CHERRIN: Yes.  
 10 THE CHAIR: Right. Commissioners, any  
 11 additional questions?  
 12 (No response.)  
 13 THE CHAIR: Thank you. I appreciate it.  
 14 I appreciate your time.  
 15 COMMISSIONER ARMBRUSTER: I hope you're  
 16 feeling better.  
 17 COMMISSIONER ROBBINS: Thank you.  
 18 THE CHAIR: So if the school would like to  
 19 come up? Good morning.  
 20 FROM THE FLOOR: Good morning.  
 21 THE CHAIR: And I would ask you if you  
 22 could identify yourselves for the record.  
 23 DR. DAN LERE: Dr. Dan Lere, interim  
 24 principal at Alma d'Arte Charter School.  
 25 FROM THE FLOOR: Adam Lucero, special

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1 educator, Alma d'Arte High School charter.  
 2 THE CHAIR: Okay.  
 3 MS. PATRICIA MATTHEWS: Patricia Matthews  
 4 for Alma d'Arte. Madam Chair, Mr. Elliott was not  
 5 able to attend. He is, I guess, literally flat on  
 6 his back.  
 7 THE CHAIR: Oh, I'm sorry.  
 8 MS. PATRICIA MATTHEWS: So he's not doing  
 9 well. So, Madam Chair, I think that I will take the  
 10 lead, only because -- and I know you don't like to  
 11 hear from lawyers first up. But, unfortunately,  
 12 Dr. Lere and Mr. Lucero are in a -- I assume, from  
 13 your perspective earlier, that that doesn't really  
 14 matter who's here on first, that new or not, they  
 15 should have figured it out and got on board and  
 16 quickly solved the problem from last year.  
 17 I guess I'm a bit puzzled at the approach  
 18 of the Commission and the way the audit was  
 19 presented as a defense of continuing grounds for the  
 20 breach.  
 21 When we were here in June, I understood  
 22 the intent -- in fact, what's on the record is that  
 23 two consultants were going to be hired. One was a  
 24 mentor for special education. And I have the  
 25 minutes right here, if you'd like for me to pull

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1 them out and read what was in the motion. And then  
 2 there was another one to do an operational audit on  
 3 the school.  
 4 It wasn't my understanding that that  
 5 operational audit was to come back -- it's not said  
 6 on the record to come back and use as added support  
 7 for your Notice of Breach or that we would ignore  
 8 the aspect of special education mentoring  
 9 altogether; because, certainly, that first prong did  
 10 not happen.  
 11 I do recall Mr. -- Commissioner Caballero  
 12 saying how difficult special education compliance  
 13 is. I can guarantee you that I have looked back  
 14 from January to June multiple times over the  
 15 sequencing of what has happened. I've also looked  
 16 at your letter of intervention as far as how this  
 17 thing -- the process is supposed to fall out. And  
 18 this has not followed that path.  
 19 And the school has tried to work with the  
 20 Commission. And I think we've all been working  
 21 cooperatively. So I'm a little surprised at the  
 22 tenor of the conversation today and the use of  
 23 Ms. Cherrin as a sort of a final stab of the school.  
 24 I thought we were going to come here and  
 25 be able to present the work that we did, the school

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<p>1 has done, and the roughly 30 days Dr. Lere, 2 Dr. Lonergan, Mr. Lucero, Mr. Ruiz have been on 3 board. 4 I understand that the Commission -- I 5 mean, that the council is responsible ultimately. 6 But we got the Notice of Breach on the 25th of June. 7 Dr. Schullo was let go on the 3rd of July. Mr. -- 8 Dr. Lere started on the 15th of July, Dr. Lonergan 9 on the 22nd. 10 I think what we've proposed as a plan to 11 address the special education issues go further than 12 what you asked us to do, which is not only figure 13 out what happened with those six kiddos, which we 14 feel comfortable -- although the documentation is 15 not particularly clear, picking up -- that those 16 kids did get the services. 17 So I think that's why Dr. Lonergan 18 represented to Ms. Cherrin that she thought they 19 were there -- those hours were there. 20 But, you know, the proposal is for the 21 school to go back and effectively audit what did get 22 done. If they determine that, not just for these 23 six kids, but for all of those kids who special ed 24 has dumped into the did-not-get-services category, 25 which we disagree with, and then immediately hold</p>	<p>1 she's addressed the issues of the Special Education 2 Bureau with regard to specialized instruction, how 3 it's delivered, how it's monitored, how it's 4 recorded. 5 There is -- we have two special education 6 people now on board. Dr. Lere is looking to hire 7 other folks to support special education. We have 8 Mr. Lucero, who started on the 12th, and we have 9 Mr. Ruiz, who is the EL person, which they did not 10 have on board before. 11 I think that they are doing what you -- I 12 understand the Commission's -- well, I'm not sure I 13 understand it. 14 But the school is trying very, very hard 15 to do what's right for these children and to make 16 sure that they are getting all of the services as 17 quickly as they can, as quickly as -- to make sure 18 that they have all of the help that they needed. 19 I don't think -- and, you know, what we 20 decided is it made -- it would delay going back and 21 trying to track what that special education teacher 22 did in the classroom by interviewing teachers, 23 interviewing families. We decided that's not on 24 them. 25 We will go forward. The school will go</p>
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<p>1 review hearings with the parents if we can't sort 2 out who got what -- because there's clearly logs 3 that show those -- the teacher was in the classroom 4 providing special education services to those kids 5 who were owed them on their IEP. It's in the logs. 6 So they are proposing that they take the 7 time in the next 30 to 60 days to do that process. 8 They are expediting the renewal IEPs for all of the 9 kids with IEPs at the school to make sure some of 10 the other deficiencies that the SpEd Bureau 11 identified; for example, the goal issue, which is to 12 get those goals written -- rewritten as quickly as 13 possible, to hold the renewal IEPs as quickly as 14 possible, and then to provide those compensatory 15 services, not just to the six, which we still 16 haven't determined if they did or didn't get some or 17 all of it. 18 Mr. Robbins, I understand your concern. 19 But the idea would be that they compress 20 the upcoming renewal -- the IEP annual renewal, but 21 also to hold another IEP just to address the issue 22 of compensatory services within the next 30 to 23 60 days, if they can -- once they've sorted out who 24 is owed compensatory services from what they have. 25 Dr. Lonergan has clearly established --</p>	<p>1 forward and assume, just assume, that those things 2 didn't happen if we can't find documentation in the 3 next 30 days and move it forward to amend the -- 4 or -- excuse me, that is apparently not the correct 5 process -- to do a PWN for whatever compensatory 6 services are, get those on track and go, expedite 7 the IEPs for all 41 of their students so that we 8 make sure that the goals are written properly, 9 monitoring is identified correctly, et cetera. 10 And those were things, again, that were 11 identified in the June 4th report of the Special 12 Education Bureau. They were not previously 13 identified. And so according to your own processes, 14 once the Notice of Breach is issued, the school is 15 supposed to come forward with a CAP at that time. 16 And so we've kind of stumbled through 17 either it's an amalgamation of the last contract 18 version versus this contract version. But I would 19 say that Dr. Lere and Mr. Lucero here stand for 20 questions with regard to the response. 21 And I feel like -- I understand that 22 Ms. Cherrin was asked to do what she was asked to 23 do. But to not give the school the opportunity to 24 present its plan, even though we're -- you know, it 25 was a five-day gap, I understand that. But they</p>

<p style="text-align: right;">Page 255</p> <p>1 were running fast to get a report to you in response 2 to the Notice of Breach. And that's what they've 3 done. 4 And I think that, you know, some things 5 weren't quite finalized by the time Ms. Cherrin got 6 there. Understand. But they're still trying -- 7 first order of business was to make sure when the 8 doors opened that the IEPs were implemented 9 properly, first order of business. And so that 10 obviously took the new SpEd coordinator some time. 11 THE CHAIR: Thank you. 12 MS. PATRICIA MATTHEWS: I mean, obviously, 13 the school is asking for the ELL piece of it to be 14 closed. But if there -- I mean -- and for the 15 special education plan that they've presented to be 16 accepted by the Commission. Whether you want to 17 roll it into a new CAP -- because this has never 18 been presented in a CAP. And then if the governance 19 piece, which is a part of the audit, which was not 20 part of these discussions for the last six months -- 21 understand them. 22 Understand those concerns. I will say -- 23 and I'm talking over Dr. Lere; he can say this if he 24 wants to. But I was in Las Cruces on Monday and 25 gave a two-hour training for that board. And I</p>	<p style="text-align: right;">Page 257</p> <p>1 item. 2 MS. PATRICIA MATTHEWS: I understand that. 3 THE CHAIR: So it was not a condition of 4 the renewal, and we did that CAP in January. And 5 January, February, March, April, consistently, this 6 school was not showing the Commission that it was 7 providing the services, the special ed services and 8 the EL services. 9 And as a result of us being unable to 10 close out that CAP, our backs were to the wall. 11 So to give -- actually, to give the school 12 more time to try to fix this, the Letter of Concern, 13 the Notice of Breach. And that if the operational 14 audit had come out where the school was in full 15 compliance, everyone would have been happy with that 16 operational audit. 17 But because the operational audit comes 18 out with, still, findings, now it's viewed as, oh, 19 it's used as a weapon against us. The understanding 20 was that operational audit was going to show us 21 what, if any, deficiencies there might still be, 22 because we were still so unclear about this. 23 So to say that we're weaponizing it now is 24 only because there were findings in it. 25 So I'll let the -- I'll let Dr. Lere speak</p>
<p style="text-align: right;">Page 256</p> <p>1 would like for Dr. Lere to speak about governance. 2 But -- so I'll let him talk about the governance 3 piece. 4 THE CHAIR: Okay. Hold on. Hold on, 5 because I just want to say a couple of things. 6 We're not doing an iteration of one 7 contract versus another contract. But the school 8 left us little opportunity to do much else. We had 9 two choices, because we were consistently unable to 10 close out that CAP out of frustration of the school 11 not fixing the problem. 12 So we had two choices. We had a choice of 13 holding a revocation hearing or going to the Notice 14 of Concern and then the Notice of Breach. 15 Because that CAP existed as a result of 16 the renewal. When we renewed it, we renewed it with 17 the CAP, that there would be a Corrective Action 18 Plan. 19 MS. PATRICIA MATTHEWS: Madam Chair, I 20 have the minutes before me. You made it very clear 21 at that hearing that it was not a condition of 22 renewal. 23 THE CHAIR: It wasn't. We were going to 24 have a Corrective Action Plan to deal with -- it was 25 not a condition of the renewal; it was a separate</p>	<p style="text-align: right;">Page 258</p> <p>1 if he wishes. 2 DR. DAN LERE: Well, Madam Chair and 3 Commissioners, first of all, thanks for giving us 4 the time. We did realize as soon as I came on board 5 that the special ed staff was understaffed with one 6 special ed teacher and 41 IEPs. 7 We did -- we felt we did not have adequate 8 documentation from the previous year to make 9 assumptions that compensatory hours had been done. 10 So as Pattie Matthews has said, we made the 11 assumption that those still had to be done. And so 12 at that point, rather than spending time digging 13 through documents and trying to find some evidence 14 that this -- those compensatory hours were actually 15 taken care of, we made the assumption that some of 16 them -- and we have identified actually seven 17 students; one of the students has left the school -- 18 at least six of them, we have such doubts that they 19 were not done that we were going to -- we're going 20 to go ahead and do that. 21 This is in conjunction with a complete 22 review of all 41 IEPs and a rescheduling of those 23 IEPs. Because what we see is that -- well, the law 24 says you have to have an IEP annually or before that 25 annual date. We are going to fast-forward some of</p>

<p style="text-align: right;">Page 259</p> <p>1 those by as much as 60 days so we can get a jump on  2 getting these IEPs scheduled and get in there and  3 work on them.  4 For the most part, the IEPs themselves are  5 fairly well-written, but in some parts of it are  6 incomplete. For instance, there are goals, but  7 they're not very -- they're not very -- the  8 measurable part of it is not very well -- it's not  9 clear at all. So we're going to go back and look at  10 those goals and then come up with measurements.  11 Now, all of these are going to require --  12 because in talking to the Special Ed board -- the  13 Special Education Bureau -- there is very, very  14 little you can change on an IEP without an IEP  15 meeting.  16 And so we actually have to schedule many,  17 many IEP meetings. We have to make sure we have the  18 right people there, and we have to go through each  19 one of those and make sure that they truly are an  20 Individualized Education Plan. Because one of the  21 concerns identified by the Special Education Bureau  22 was that there was -- there was too much  23 similarities between the IEPs.  24 And so that's one of our goals is to  25 actually turn these into true IEPs, truly</p>	<p style="text-align: right;">Page 261</p> <p>1 category. And so we have about 20 of them that are  2 probably more on monitoring. But still, we have 20  3 that we do -- that have pretty extensive IEPs that  4 we have to make sure that we're following.  5 So at this point, the plan is not just a  6 plan. It's already been -- it's being implemented.  7 We've been doing it now. Mr. Lucero could talk a  8 little bit more about detail about this.  9 But we are -- the plan is operational.  10 Students are being serviced in the classroom in  11 small group and individually. The two areas that we  12 are probably doing the most work in are math and  13 writing, probably math being number one. And that  14 seems to be a very common one with a lot of our  15 students. But the plan is -- is in operation.  16 We are working on taking care of those  17 compensatory hours right now. Probably one of the  18 reasons why Dr. Lonergan isn't here today, she has  19 got some of those things that she's made a  20 commitment to take care of today. So that's what  21 she's doing.  22 So we feel the plan is -- is going to  23 meet -- is going to meet the requirements and  24 address the concerns of the Special Education  25 Bureau.</p>
<p style="text-align: right;">Page 260</p> <p>1 independent -- I mean, Individual Education Plans  2 and that are different and appropriate for each one  3 of these students.  4 That's going to take some time. That's  5 one of the reasons why I hired Mr. Lucero, because I  6 knew that 41 -- a 41 caseload for one person is  7 almost impossible to do. We are actually at a point  8 now where we're not even sure that 20 is going to be  9 reasonable. We have had conversations about  10 bringing in a third person to make sure we can get  11 this done in a timely fashion.  12 The services for the students that have  13 their IEPs have already started. Those services  14 are -- are a combination of in-class, small-group,  15 and individualized specialized instruction, given by  16 the special ed staff.  17 Our schedule is such that four days a week  18 that we have 90-day [verbatim] periods. We are  19 pulling these kids out for 30 minutes of each of  20 those 60-minute times. We are actually exceeding  21 the number of minutes that are actually required on  22 their IEP just to make sure that we are fulfilling  23 the specialized instruction piece of their IEP.  24 Now, not all of them have that; because we  25 have -- most of our students are in the A-B</p>	<p style="text-align: right;">Page 262</p> <p>1 We believe that it's going to be refined  2 in the future. We think we've got a pretty good  3 plan at this point. We don't think it's perfect;  4 but we think we're on the right track.  5 We would certainly welcome, like, a site  6 visit from the Special Education Bureau to come make  7 sure we're on the right track and we're doing what  8 we're supposed to do. We feel pretty confident that  9 we have sort of righted the ship when it comes to  10 special ed.  11 The ELL piece with Mr. Ruiz is going along  12 very nicely. It's working actually better than I  13 was expecting it to at this point. It really has  14 fulfilled all the requirements that we had hoped  15 for. So I'm pretty confident about that.  16 I don't know if you'd like me to address  17 the governance issues at this point.  18 THE CHAIR: Yeah, I'd appreciate that.  19 DR. DAN LERE: Okay. First of all, let me  20 say I've been a superintendent for 12 years in three  21 different states. A good portion of my doctoral  22 dissertation was on the roles and responsibilities  23 of school boards. And so I don't want to paint  24 myself as an expert; but it is something I know  25 something about.</p>

1 Every board I've worked for has had some  
2 level of function and dysfunction. I would say that  
3 there are some things that our current board does  
4 need to do better. They need -- they intend to work  
5 on it. I would suggest that those are things that  
6 are fixable and can be taken care of actually in a  
7 relatively short period of time.

8 I think our attorney has started with some  
9 training. I believe there's additional training  
10 they could use. More than anything, I think they  
11 need to start actually practicing in a very, very  
12 deliberate way and accounting and documenting  
13 exactly what they're doing and how they're doing it.

14 For instance, we've -- I've arranged to  
15 have a staff member take minutes rather than have  
16 one of the board members take minutes, with the idea  
17 that this staff member would take the minutes and  
18 have the minutes back to the board within 72 hours  
19 for them to review.

20 We would also be able, then -- since we  
21 have updated our website, we would be able to put  
22 the draft minutes on the website probably the next  
23 day, and then after approval by the board, we would  
24 then be able to put the approved minutes on the --  
25 on the website within a month.

1 MS. KAREN WOERNER: But some of these  
2 concerns have existed in prior year site visits as  
3 well. But -- so additional things were added in  
4 April of this year.

5 THE CHAIR: Right. And we have brought it  
6 up when we did contract negotiations. And that was  
7 April; correct?

8 MR. ALAN BRAUER: May.

9 MS. AMI JAEGER: We did contracts in May.

10 THE CHAIR: Okay. And so you were  
11 actually present at that. And we brought up the OMA  
12 concerns at that point in time. And the response  
13 was, "I'd have to hire someone to try to be  
14 OMA-compliant. And who has the time to do that?"

15 That was -- that was the -- that was the  
16 governance council head's response to us at that  
17 point in time. And nothing -- there was no attempt,  
18 from that point in time. And I believe our legal  
19 counsel contacted Sue, because there was supposed  
20 to -- you know, there was supposed to be an attempt  
21 to try to at least get the notices on the website  
22 and so on.

23 And it still had -- you know, that was  
24 June. July. So that's the frustrating part,  
25 that -- you know --

1 I think that there are several things that  
2 the board is aware of that they need -- they know  
3 that they need to update things and get things back  
4 to where they should be. But I think it's one of  
5 those things that is -- needs a few trainings. And  
6 I would be more than willing to work with them to  
7 make sure that we get to where we're supposed to be.

8 I think they're open to the -- they're  
9 open to this. They are not saying -- they are not  
10 advocating that what they're doing is perfect and is  
11 right and they've done it right. They know, and  
12 they have told me, "We need to work on this. We  
13 need to make sure we do this better."

14 THE CHAIR: And I appreciate that -- this.  
15 But this is still one of those very frustrating  
16 pieces. Because it's been identified in the site  
17 visit report that goes back to -- when was that site  
18 visit?

19 DR. DAN LERE: It was in April.

20 THE CHAIR: It was in the spring, right.  
21 It was prior to our negotiations.

22 MS. KAREN WOERNER: Madam Chair,  
23 Commissioners, the initial visit last school year  
24 was in October.

25 THE CHAIR: In October. Yeah.

1 MS. PATRICIA MATTHEWS: Madam Chair, I  
2 want to be gentle in the way I say this. Yes. And  
3 we're very clear what needs to be done. And I'm not  
4 going to say it in an open meeting.

5 So we know. We know. And so like I said,  
6 I was down there training. His expertise. I don't  
7 think the previous administrator had any of that  
8 capacity. And so I think Dr. Lere has a good -- I  
9 understand the gap. Understand.

10 THE CHAIR: Right. Because in all  
11 honesty, to me, it's not on the head administrator  
12 to make sure that the board is being compliant.  
13 It's on the head of the board to make sure they're  
14 being compliant. And he shouldn't be monitoring the  
15 people who are monitoring him.

16 MS. PATRICIA MATTHEWS: I understand that,  
17 Madam Chair; but...

18 THE CHAIR: That really goes cattywampus.

19 MS. PATRICIA MATTHEWS: I've been doing  
20 this for 20 years. And I can guarantee you that's  
21 exactly how it works. So unless the superintendent  
22 of the charter school takes the bull by the horns --  
23 it is hard. It's very hard. And -- and there are  
24 politics and feelings and individuals in the mix;  
25 so...



<p style="text-align: right;">Page 267</p> <p>1 THE CHAIR: Yeah. So can I ask? Because 2 I don't know if you know. Has anything happened 3 with the -- with the IPRA complaint that went in? 4 Because I don't know. 5 MS. PATRICIA MATTHEWS: I can update you 6 on that. Madam Chair, members of the Commission, on 7 Monday, what I got back -- Tuesday, when I got back 8 from Las Cruces, I -- one of the things I had 9 represented to the AG was that I would do what we 10 did, which was to present the training. 11 I sent the certificates and verification 12 of the PowerPoint that I had done the training on 13 both IPRA and OMA. And so I did get correspondence 14 from Mr. Brian Kemp on Tuesday that he acknowledged 15 that. But he hasn't sent anything. I've not 16 received any response from the AG's Office on, you 17 know, "Do this" or "Do that." We're just moving 18 forward. I haven't received a bad-school letter or 19 anything like that. So -- yeah. 20 THE CHAIR: Okay. All right. Yeah. 21 MS. PATRICIA MATTHEWS: Dr. Lere did just 22 hand to me something that we received from the 23 Department of Education about a special education 24 complaint that's been dismissed as well. 25 So one of the -- there was a special</p>	<p style="text-align: right;">Page 269</p> <p>1 the school? 2 THE CHAIR: Yes and no. We -- just to let 3 you know, we were having a discussion on our work 4 session about what we would like to see schools have 5 on the websites. And one of those is, you know, 6 there's -- whoever is the head administrator, a 7 contact, the board members. 8 And, actually, they had had most of that 9 on the previous website. There was the drop-down 10 for all their governance council members. There was 11 even a bio on the governance council members. 12 So they actually -- I think the only 13 concern might be with the school -- we have a 14 concern when schools go on, like, a summer break, 15 and there's no one available to speak to, you know. 16 So that's what we're wrestling with. 17 And I think that was actually brought up 18 as a concern at a GC meeting I was with, with the 19 school, because when that head administrator was let 20 go, there was nobody to answer the phones, because 21 they don't have a staff person, any other staff 22 person there. So it's -- 23 COMMISSIONER VOIGT: Madam Chair? 24 THE CHAIR: Commissioner Voigt? 25 COMMISSIONER VOIGT: Thank you,</p>
<p style="text-align: right;">Page 268</p> <p>1 education complaint that had been filed. 2 THE CHAIR: Was that back from quite a bit 3 ago? 4 MS. PATRICIA MATTHEWS: It looks like it. 5 THE CHAIR: Yeah, okay. Okay. 6 MS. PATRICIA MATTHEWS: "All findings of 7 non-compliance have been documented and addressed." 8 That's what it says. 9 THE CHAIR: Okay. All right. Thanks. 10 MS. PATRICIA MATTHEWS: So, yeah, we 11 definitely are working -- and I have -- I have 12 Dr. Lere now that I can work with on developing 13 policies. On Monday, we did pass an annual 14 resolution, because Shelly noted that Mr. -- 15 THE CHAIR: That the OMA -- 16 MS. PATRICIA MATTHEWS: Couldn't find the 17 OMA resolution in the file. They passed one Monday 18 night. 19 THE CHAIR: And I do appreciate the new 20 website. 21 DR. DAN LERE: Okay. 22 THE CHAIR: Commissioners, any other 23 questions? 24 COMMISSIONER CABALLERO: Does the website 25 satisfy your being bugged about the office hours by</p>	<p style="text-align: right;">Page 270</p> <p>1 Madam Chair. 2 In just listening to the presentation 3 given by the new administrator at Alma d'Arte, and 4 since January, it has -- there's a demonstration 5 of -- of a capacity of knowledge that possibly 6 wasn't there before. 7 They're turning a corner. It looks like 8 they have a grasp on what needs to be done and are 9 working expediently to -- to come into compliance 10 with all of their special education CAP 11 requirements. So I just want to give kudos to the 12 new administration in recognizing that and in 13 working diligently toward getting there. 14 DR. DAN LERE: Commissioner, thank you. 15 THE CHAIR: So the question for the 16 Commission is twofold. We basically have two 17 choices. We give additional time for the school and 18 determine what that additional time is for the 19 school to come back and show that they are now in 20 compliance and the plans are, you know, definitely 21 in motion, and there's -- you know, there's success 22 with those. Or we go to revocation. That's our two 23 choices. 24 So... 25 COMMISSIONER CABALLERO: I have a question</p>

<p style="text-align: right;">Page 271</p> <p>1 prior to that that keeps bugging me. And that is, 2 you mentioned 41 IEPs, total. What is the 3 percentage of -- between the 40 IEPs and the total 4 population, how many students percentage-wise in 5 your school population is in the IEP category? 6 DR. DAN LERE: We have a total of 140 7 students attending the school. 41 of them have 8 IEPs. 9 THE CHAIR: And I will attest to the fact 10 that that has been an upward trend over the past 11 couple of years with the school. They have seen a 12 significant increase in the number of special ed 13 students in the school. 14 I -- and I just know that from all the 15 discussions that we've had. 16 MS. PATRICIA MATTHEWS: That seems like 17 two times last year. 18 COMMISSIONER CABALLERO: And what are the 19 schools close by surrounding your charter school? 20 DR. DAN LERE: Well, we're in the 21 Las Cruces Public School District. The schools that 22 are closest -- right next door to us, we have 23 J. Paul Taylor Charter School, which is an 24 elementary school. Within a couple of blocks is 25 Central Elementary. The nearest other high school</p>	<p style="text-align: right;">Page 273</p> <p>1 THE CHAIR: Also one of those pieces that 2 attracts a number of parents, too, of special ed 3 students, because it is that, you know, other way 4 of -- 5 COMMISSIONER VOIGT: Of expression, you 6 know. 7 THE CHAIR: So I think that also helps to 8 lead some parents to that as well. But, absolutely. 9 That small nurturing community, which the school 10 does have, has always had that reputation in having. 11 And I do know that they've made an effort this year 12 to refocus on the arts, which kind of was getting 13 set aside, unfortunately, for a couple of years 14 there. So that I do believe you've increased the 15 staffing for some of those programs; at least a 16 dance teacher you've added. 17 DR. DAN LERE: Yes, we've added a dance 18 class. We've reinstated the theater program. We've 19 added a sculpture class. And then our culinary arts 20 program, we've added an advanced baking class and 21 we've also reintroduced Spanish. 22 THE CHAIR: I've been to events where the 23 culinary program has catered. 24 DR. DAN LERE: And we do it all. The 25 culinary students make lunch for all the students</p>
<p style="text-align: right;">Page 272</p> <p>1 to us is probably Mayfield High School, which is -- 2 would be several miles to the north of us. 3 THE CHAIR: Or you're probably equally 4 distant between Mayfield and Las Cruces High School. 5 DR. DAN LERE: And Las Cruces, that's 6 true. 7 COMMISSIONER VOIGT: Madam Chair? 8 THE CHAIR: Oh, I'm sorry. 9 COMMISSIONER VOIGT: That's okay. And 10 also, just, Commissioner Caballero, I know special 11 education numbers are increasing in the charter 12 school world. 13 COMMISSIONER CABALLERO: Yes, 14 tremendously. 15 COMMISSIONER VOIGT: Because what parent 16 of a special education student would not want their 17 child to go to a small, inclusive, supportive 18 environment with smaller class size, right? 19 DR. DAN LERE: Absolutely. 20 COMMISSIONER VOIGT: So it's great to see 21 you're staffing up and meeting the requirements of 22 those students. 23 THE CHAIR: And I think even that arts 24 component. 25 COMMISSIONER VOIGT: Is huge, yeah.</p>	<p style="text-align: right;">Page 274</p> <p>1 every day. 2 THE CHAIR: Can you use any of the produce 3 that J. Paul Taylor's little garden -- I don't know 4 if they got anything out of that garden. 5 DR. DAN LERE: We actually share that with 6 them. There are 12 raised beds out there. They 7 have six, and we have six. 8 THE CHAIR: Okay. 9 DR. DAN LERE: And so we're planning on 10 how we're going to use ours. There are things 11 growing out there. I'm not sure they're edible 12 vegetables, though. 13 THE CHAIR: It's Las Cruces. We don't do 14 vegetables well. 15 COMMISSIONER VOIGT: There were lots of 16 edible weeds in New Mexico that are called "weeds," 17 but it's actually -- 18 THE CHAIR: But can you grow a tomato? 19 COMMISSIONER VOIGT: I was going to add to 20 that, Madam Chair, that given the fact that you-all 21 are turning the corner now and you're on a positive 22 trend towards becoming -- in compliance with what 23 you need to do with your service logs, your 24 ancillary logs, and you're hustling to get all of 25 these 41 IEPs done at the beginning of the school</p>

<p style="text-align: right;">Page 275</p> <p>1 year, I would support giving the new administration 2 more time to get all of their ducks in a role. 3 It's a heavy lift. I don't know. A 4 couple of months. I mean, since -- 5 THE CHAIR: As much as I'd like to see 6 them, I don't -- and we've got some new faces here. 7 COMMISSIONER VOIGT: Right. 8 THE CHAIR: I'm not trying to make this is 9 a monthly event on their part that they have to 10 calendar -- 11 COMMISSIONER VOIGT: Driving up each 12 single month, I understand that. This has been 13 going on since January. And we're in August. You 14 know, September, October. If this is something that 15 they can demonstrate and also collaborate closely 16 with the Special Education Bureau, send them an 17 invitation to come down. And so you know that the 18 next time you come here, you know, you're going to 19 ace it. 20 DR. DAN LERE: Thank you, Commissioner. 21 THE CHAIR: And I just want to say that I 22 do believe we said the special -- the Special Ed 23 mentoring, it's not that it's not going to happen. 24 But we put that in. But then the special ed 25 teacher -- there was no special ed teacher. So</p>	<p style="text-align: right;">Page 277</p> <p>1 So I'm inclined to agree with Commissioner 2 Voigt, that we let you proceed and try to continue 3 to improve on those issues and concerns that we have 4 faced for several months, and -- you know, and wish 5 you the best. 6 DR. DAN LERE: Commissioner, thank you. 7 THE CHAIR: Let me ask the school. 8 Because we're trying to figure out a time. 9 Reasonably, when do you anticipate that the -- all 10 the IEP meetings can be held and that you can -- and 11 don't say May. But -- you know, so let's be 12 reasonable and say that you -- you know, you can 13 have this done, and you can adequately attest to the 14 fact that the meetings took place, and we're 15 implementing everything that was -- that has been 16 provided in the IEPs? 17 (Ms. Matthews consults with clients.) 18 MS. PATRICIA MATTHEWS: Madam Chair, 19 apologize. We just -- I don't want to over-commit. 20 That would be the dangerous thing. 21 THE CHAIR: Right. And we don't want to 22 do that as well. We don't -- that's why I asked, so 23 that we're not putting an unreasonable deadline of 24 September, when you just can't physically get that 25 all done. So...</p>
<p style="text-align: right;">Page 276</p> <p>1 there's no sense in hiring a mentor to go sit in an 2 empty room. 3 So that's not something that's off the 4 table. 5 MS. PATRICIA MATTHEWS: Okay. Thank you 6 very much. 7 THE CHAIR: But the timing was just -- 8 (Indicates.) 9 Commissioner Ruiz? 10 COMMISSIONER RUIZ: Yes, Madam Chair. I 11 would just like to first thank you and commend you 12 for absolutely working hard to correct the problems 13 that have been there. I really appreciate that 14 you-all hired Dr. Lere. Welcome to you. And I 15 think your experience in governance council and 16 leadership, I think is going to be a really good 17 thing for the school. 18 And, Mr. Lucero in SpEd, I'm glad that 19 you're on that, and that they're looking at hiring 20 additional teachers for that; because that is a big 21 pool, a big lift, 41 kids out of 100-and -- 22 whatever. 23 COMMISSIONER CABALLERO: 40. 24 COMMISSIONER RUIZ: And I am real pleased, 25 too, that Mr. Ruiz is working with the ELL kids.</p>	<p style="text-align: right;">Page 278</p> <p>1 MR. LUCERO: We're trying to accomplish 2 one bite of the elephant at the time. And we're 3 looking at the whole elephant right now; so -- 4 MS. PATRICIA MATTHEWS: I know what the 5 team has done. And I don't know what that schedule 6 looks like, as has, I think -- is this correct, 7 Mr. Lucero? -- put together an expedited schedule 8 for those IEPs that actually are not up for renewal 9 until May. So we want to get those done early. 10 But also those that are up, those are also 11 being expedited. But in addition to those, I want 12 him to express the sort of -- the review IEP to deal 13 with comp time. And so -- 14 THE CHAIR: So if we did October -- 15 because we meet later in October. You've got all of 16 September and half -- well -- 17 MS. PATRICIA MATTHEWS: Are you asking 18 them to be completed or for us to bring you very 19 specific deadlines for every item? 20 THE CHAIR: No. I was hoping that they -- 21 not the -- not the ones that have to be done in May. 22 I appreciate the fact that you're going to get them 23 done early. They don't have to get done early. But 24 the work that you absolutely have to get done now, 25 that you can have that -- I would appreciate knowing</p>

<p style="text-align: right;">Page 279</p> <p>1 that it had been done, not that we still have this 2 in the planning. 3 So that's why I was asking whether you can 4 reasonably say that the ones that absolutely are due 5 now. And if you want to say, "And we've also been 6 able to complete five others that aren't even due 7 until May," that's fine. But the finalizing of 8 those that need to be done, and that those -- that 9 whatever is provided in those IEPs, that that plan 10 has been started. 11 COMMISSIONER VOIGT: And, Madam Chair, so 12 basically whatever is outstanding, come into current 13 standing with -- 14 MS. PATRICIA MATTHEWS: All the IEPs are 15 currently -- they're not out of date. There's not a 16 single IEP out of date. I'm trying to compress the 17 time because of the goal issues that need to be -- 18 for the renewal IEP to happen early. But I'm also 19 trying to address the comp time issue, so that we're 20 not waiting until renewal of an IEP to deal with 21 comp time. 22 COMMISSIONER VOIGT: Sure. 23 MS. PATRICIA MATTHEWS: And so that's 24 the -- we're going to effectively have to have a 25 preliminary IEP and then a full IEP --</p>	<p style="text-align: right;">Page 281</p> <p>1 you would only have September. 2 COMMISSIONER CABALLERO: How about 3 November? 4 DR. DAN LERE: I think we'd be more 5 comfortable, knowing that, November. 6 COMMISSIONER CABALLERO: Commissioner 7 Voigt, what do you think? November -- you're more 8 familiar with IEP; I'm not. I know it's a lot of 9 stuff. That's not my take. Do you think that 10 November would be more adequate? And we're looking 11 at one-third of the student population. They have 12 one full-time special ed. 13 THE CHAIR: No, they have two. But not 14 all the IEPs are expiring now. So they've got some 15 they don't have to do till the spring. 16 COMMISSIONER VOIGT: I would ask the 17 school. I mean, what seems realistically doable 18 for -- 19 THE CHAIR: So you're saying November, 20 because October is really September. You've got 21 September to -- because August is gone. 22 DR. DAN LERE: Yes. And to build-in to 23 that mix, the second week of October is our fall 24 break. 25 THE CHAIR: Okay. So are we good with</p>
<p style="text-align: right;">Page 280</p> <p>1 COMMISSIONER VOIGT: Right. 2 MS. PATRICIA MATTHEWS: -- for some of 3 them. 4 Is that right, Dr. Lere? 5 DR. DAN LERE: Yes. Madam Chair, if 6 you're asking that if by your October meeting, if we 7 can come back and -- 8 THE CHAIR: I'm sorry. 9 DR. DAN LERE: If you're asking if by your 10 October meeting, we can come back and definitively 11 say, "We've taken care of the compensatory hours and 12 that we are -- have successfully done IEPs that are 13 due up to that point and maybe even beyond," I would 14 say we can do that. 15 THE CHAIR: Okay. Understanding the fact 16 that when we say our October meeting, we're talking 17 about our October meeting minus ten days, because 18 that's our -- that information needs to be at CSD so 19 that it can be populated into our information for 20 the meeting. 21 MS. PATRICIA MATTHEWS: Do you know the 22 date of the October meeting? That's two full 23 workweeks. That's why I struggle with that. 24 THE CHAIR: Oh. I thought it was later in 25 October. Oh. It's October -- so it -- actually,</p>	<p style="text-align: right;">Page 282</p> <p>1 November? 2 COMMISSIONER CABALLERO: I am. 3 THE CHAIR: Okay. Commissioner Armbruster 4 did have a -- something. 5 COMMISSIONER ARMBRUSTER: A lot of 6 somethings. You know who I am. So I just wanted to 7 check on a couple of things. 8 And I do thank you for taking this over, 9 because it was really overwhelming. I mean, I know 10 that it was overwhelming for you, because I sort of 11 started this. Sorry. I'm never going to say a 12 thing again. 13 So on -- on your 41 kids, you have about 14 20 who are on A-level or B-level. So a B-level 15 student could be in an inclusion -- I think you call 16 it input or output or something like that? 17 MR. LUCERO: Pullout. 18 COMMISSIONER ARMBRUSTER: It was another 19 word you said. "Pullout," I understood. I think it 20 was in -- it doesn't matter. I'm assuming the other 21 word meant inclusion. I'll just leave it at that. 22 So if you have some of the As and Bs, and 23 you have about 20 of them, some doing inclusion but 24 have goals, the A-level kids generally don't -- I'm 25 thinking this is correct -- that they don't really</p>

<p style="text-align: right;">Page 283</p> <p>1 have goals that you have to do a lot of, other than 2 their working -- their succeeding in their 3 classroom. They're doing their homework. They're 4 doing whatever. 5 MR. LUCERO: Yes, ma'am, because they're 6 above present levels and they're -- 7 COMMISSIONER ARMBRUSTER: Just monitoring 8 that. 9 So how many of them are As? You can just 10 guess. You don't have to be exact. 11 MR. LUCERO: Around ten, I believe; a 12 fourth of them. 13 COMMISSIONER ARMBRUSTER: So we have ten 14 Bs who are going to have an active IEP. The As, how 15 long do you keep them on A-level? 16 MR. LUCERO: They're on A-level for most 17 of their career. Until they get reevaluated every 18 three years by the team. 19 COMMISSIONER ARMBRUSTER: Okay. So how 20 many are your three-year evaluations? Are some of 21 those due at this time, since we're talking about 22 November? 23 MR. LUCERO: A few are, yes, ma'am. 24 THE CHAIR: Okay. And how many of your 25 kids -- again, since you didn't know I was going to</p>	<p style="text-align: right;">Page 285</p> <p>1 DR. DAN LERE: My understanding from the 2 information we got from the Special Education Bureau 3 was that there were -- there were several that were 4 almost identical, where they're -- it's very 5 possible you could have three or four kids have the 6 same writing goal or the same math goal. 7 I think what their concern was, was they 8 saw several parts of IEPs that were identical, to 9 the point where maybe the entire IEP looked the same 10 as maybe three or four other ones did, which 11 probably is improbable. And so that was their 12 concern. 13 And when we looked at them, we thought 14 maybe that they did need to be differentiated a 15 little bit more. That's one of the reasons why we 16 were going through and reviewing every one of these 17 IEPs. 18 THE CHAIR: Okay. Can I just ask on that 19 point? So that all of the IEPs, if they did not 20 include goals, you're looking at that and fixing 21 that, even if they're -- if you don't have to have 22 the IEP meeting until May, because the -- because of 23 that timing? 24 DR. DAN LERE: My understanding from the 25 Special Education Bureau is if we were going to do</p>
<p style="text-align: right;">Page 284</p> <p>1 ask this, I'm not going to hold you to an exact 2 number. But approximately how many of your kids are 3 EL and SpEd? 4 MR. LUCERO: Approximately five, I 5 believe, three to five. 6 COMMISSIONER ARMBRUSTER: Okay. And so 7 what I -- you know, I do have copies of some of what 8 was written in the IEP, because the former special 9 ed teacher talked to me about them. And many of 10 them, I thought, were really quite good. Some, I 11 didn't see how you were going to measure them. But 12 I think in terms of what they said in the 13 Common Core standards that they addressed were right 14 on. 15 And I know -- and I haven't taught for ten 16 years. So let me say that. But I don't know why it 17 would be in the law that you -- no two kids could 18 have the same IEP. I think they very well could 19 have the same IEP. But maybe the Special Ed Bureau 20 and I disagree and they win on that argument. 21 But I think it would be easy that kids 22 could still have the same writing goal, or they 23 could still have the same reading goal or whatever. 24 So I'm sort of confused about Special Ed Bureau's 25 take on that. Do you want to address that?</p>	<p style="text-align: right;">Page 286</p> <p>1 something like add goals or change goals, we would 2 have to have an IEP meeting. 3 THE CHAIR: Right. Okay. 4 COMMISSIONER ARMBRUSTER: Yeah. And they 5 do have to have one. 6 THE CHAIR: Yeah. I knew that. 7 COMMISSIONER ARMBRUSTER: So the other 8 thing is -- and I don't even remember why I would 9 think this. I've understood that the former special 10 ed teacher was doing compensatory time occurring on 11 Saturdays? It was occurring after school on some 12 day. I don't remember. 13 MS. PATRICIA MATTHEWS: Tuesdays. 14 Tuesdays. 15 COMMISSIONER ARMBRUSTER: Do you have 16 records of that? Or you don't have any records of 17 that? 18 DR. DAN LERE: I wouldn't say there 19 weren't any records. I would just say that they 20 were inadequate. 21 COMMISSIONER ARMBRUSTER: So you don't 22 really know. 23 DR. DAN LERE: They were not specific 24 enough for us to put a lot of trust into them. We 25 know those hours occurred. We know that the teacher</p>

<p style="text-align: right;">Page 287</p> <p>1 spent the time with them. That part, we know.  2 What -- specifically what was addressed in  3 detail during those times is not well -- not as  4 well-documented as we'd like it to be.  5 COMMISSIONER ARMBRUSTER: So, in essence,  6 possibly these children did -- did compensatory  7 skills. And I would say --  8 DR. DAN LERE: Yes.  9 COMMISSIONER ARMBRUSTER: -- 99 percent  10 assurance that they were addressing the deficiencies  11 that these kids had; is that --  12 DR. DAN LERE: Yes, I think that's an  13 accurate statement.  14 COMMISSIONER ARMBRUSTER: So maybe  15 contacting her, you could get something. I mean, I  16 can't imagine why someone would stay after school  17 and come on Saturday if you weren't addressing the  18 goals that were -- she can't give any information?  19 They can't collect it? Okay. Take that back.  20 DR. DAN LERE: All right.  21 COMMISSIONER ARMBRUSTER: And my other  22 question -- two other things. One is I was  23 looking -- sorry, Shelly, because I know you're  24 sick. Because on Page 14 of this document that you  25 have, one of the concerns I had was on this election</p>	<p style="text-align: right;">Page 289</p> <p>1 copy of the most recent site visit report?  2 DR. DAN LERE: This one here is from the  3 April.  4 MS. PATRICIA MATTHEWS: Okay. We can --  5 THE CHAIR: I'm sorry. I don't know -- it  6 looked like Shelly wanted to say something; but I'm  7 not sure.  8 MS. SHELLY CHERRIN: (Indicates.)  9 THE CHAIR: Okay. Okay.  10 COMMISSIONER ARMBRUSTER: So my other --  11 I'm just thinking that maybe we could have this CSD  12 and -- I don't know if this is possible. I love  13 laying things on other people. If the CSD and the  14 Special Ed Bureau and whomever else needs to go  15 there could just come down and do a site visit and  16 see what's going on and maybe make sure that you're  17 going in the right direction. Because I, as my  18 fellow Commissioners, don't want you to have to come  19 up here, because it's not what we need.  20 THE CHAIR: The site visit for what?  21 COMMISSIONER ARMBRUSTER: To see that  22 these things that they're working on are actually --  23 and the Special Ed Bureau is going down to look at  24 the IEPs, right?  25 THE CHAIR: No. Special Ed is not going</p>
<p style="text-align: right;">Page 288</p> <p>1 of officers on January 21st -- I think it's on  2 Page 14 -- it says that --  3 THE CHAIR: We have to talk about it --  4 sorry.  5 COMMISSIONER ARMBRUSTER: Is it okay? So  6 I was concerned that there were -- they opened  7 nominations for vice president, secretary, and  8 treasurer for one-year terms, but they're not -- the  9 nominations for president were not requested. So  10 not that there weren't any; but they weren't even  11 requested. So that concerned me in terms of any  12 number of those letters that we could talk about.  13 Do you understand what I'm saying?  14 THE CHAIR: That came as a result of the  15 Charter School Division's -- it didn't come from --  16 that was documented by Shelly, because it was part  17 of what CSD had provided. It wasn't something that  18 Shelly noted. It was something that CSD had noted  19 from a site visit or a governance council review,  20 for want --  21 COMMISSIONER ARMBRUSTER: I assume.  22 Because I've gone to Ms. Matthews -- so I assume  23 that's been addressed. Yes?  24 MS. PATRICIA MATTHEWS: It will be.  25 Ms. Woerner -- Dr. Lere, do you have a</p>	<p style="text-align: right;">Page 290</p> <p>1 down to look at the IEPs. To my knowledge -- but  2 from the Special Ed Bureau -- they could upload  3 anything. Special Ed Bureau does not have to go  4 down there. They can upload to Special Ed as  5 they -- as they did before.  6 So that's -- they don't have to travel  7 down. And that was an issue when we asked them to  8 go down. It can be uploaded. So that's not a  9 problem.  10 But I don't know exactly what you want  11 this -- that would be something separately. If we  12 wanted a -- an additional site visit, what exactly  13 would it be for?  14 COMMISSIONER ARMBRUSTER: Well, I guess I  15 was thinking this school's been having issues since  16 a year ago, pretty much. And we kind of got off on  17 this, I'm sure you notice, in December. I believe  18 it was since the renewals. And you've been going  19 and coming, and going -- and, "We didn't do this  20 part, and we did part of that part, and this" -- and  21 it just seems we want to get you on the  22 straight-and-narrow.  23 I feel personally that you have good  24 people on board now who actually get how to run this  25 school -- a school, not, in particular, this school.</p>

<p style="text-align: right;">Page 291</p> <p>1 But I just wanted to make sure that we don't have to 2 keep going back and forth. And I thought maybe a 3 check -- 4 THE CHAIR: But they're coming up in 5 November -- 6 COMMISSIONER ARMBRUSTER: Correct. But 7 maybe they could -- 8 THE CHAIR: -- and show the documentation 9 that they're doing it. So what in addition do you 10 want in a site visit? 11 COMMISSIONER ARMBRUSTER: Whatever they 12 generally do. 13 THE CHAIR: But they're going to do a site 14 visit in the fall; correct? 15 MR. ALAN BRAUER: Madam Chair, members of 16 the Commission, yes. And we do -- although this is 17 not directly connected, but we do have probably 18 18 school renewals that will be -- really keeping us 19 busy during a similar time period. So if you'd like 20 to -- 21 THE CHAIR: To ask you to do something in 22 addition, I think would be burdensome. 23 MR. ALAN BRAUER: Madam Chair, members of 24 the Commission, I think it would be feasible for us 25 to do that earlier on in that time frame. So</p>	<p style="text-align: right;">Page 293</p> <p>1 we've got everything that we should need. I think 2 that's greater timing for me. 3 COMMISSIONER ARMBRUSTER: I think maybe 4 the end of October or November, depending on your 5 schedule. So rather than say in November, kind of 6 in October-November. Because I want the school to 7 succeed because I care about the kids. And I've 8 heard very good things about the school itself and 9 what they offer. 10 But sometimes we just keep going back and 11 forth requesting. I just want it to be over. So 12 that's why I'm saying that. But Karen and -- you 13 all can address that. 14 COMMISSIONER DAVIS: So I agree with 15 Commissioner Armbruster, that they seem like they're 16 going to be successful. But I would rather that we 17 don't have to do again after November. So if 18 there's a way to kind of ensure that this is the 19 last time we ever see them... 20 COMMISSIONER CHAVEZ: Madam Chair? 21 THE CHAIR: Commissioner Chavez? 22 COMMISSIONER CHAVEZ: I think one of the 23 things -- I think I heard Dr. Lere say that he 24 welcomed -- that he would invite the Special Ed 25 Bureau. And I believe Commissioner Voigt had</p>
<p style="text-align: right;">Page 292</p> <p>1 sometime in early September probably would be a 2 little more conducive. 3 THE CHAIR: But I'll be honest with you. 4 If you do in early September and they're just 5 starting the implementation of this, I don't think 6 we're going to get the information. I think we're 7 going to get a false positive out of this, if 8 that's -- you know. 9 So I -- I don't think it's wise to make 10 it -- to expedite that visit, because that's -- puts 11 them in a position that we're going to get a report 12 we don't want. 13 MR. ALAN BRAUER: Madam Chair, members of 14 the Commission, we could do -- we could do early 15 November as well. Or we could work with the school, 16 and maybe it's not that formal site visit, but just 17 an opportunity for us to connect and do a systems 18 check that would be over -- you know, over what we 19 typically do. 20 THE CHAIR: Early November, I think, would 21 be ideal. 22 MR. ALAN BRAUER: We can do that. 23 THE CHAIR: Because they're coming to us 24 in November. You go down in November; so, 25 therefore, at the November meeting, we've got --</p>	<p style="text-align: right;">Page 294</p> <p>1 suggested, you know, "Invite them." 2 I think one of the things that -- the 3 frustrating piece with all this has been a lack of 4 communication between the different bureaus, not 5 just the Special Ed Bureau, but also the -- the 6 Language and Culture Bureau. And it seems like 7 there hasn't been really good communication between 8 the school and those different bureaus. 9 And if -- if, as you're suggesting, the 10 school would just keep the bureaus -- you know, 11 given updates as to what's going on, then we can 12 have a better idea of what is going on, without an 13 official audit or visit or anything like that. 14 I hear what you're saying, Commissioner 15 Armbruster. I think we all want the same thing. 16 COMMISSIONER ARMBRUSTER: I'm sure we do. 17 COMMISSIONER CHAVEZ: It's just more 18 communication that needs to happen between the 19 bureaus to make sure that they are on track and they 20 are on the straight-and-narrow. 21 THE CHAIR: Right. 22 COMMISSIONER ARMBRUSTER: I just want -- 23 you know, my goal is if we say, "Oh, we're going to 24 revoke your charter" -- first of all, we're still 25 going to finish the year. I'm not saying we're</p>

<p style="text-align: right;">Page 295</p> <p>1 doing that; I'm just saying if that is one of the 2 options. Or giving more time. 3 So even if we say, "We're going to revoke 4 your charter," you still have children for eight 5 more months. And we want them to get the correct 6 everything. 7 And as I said before, I'm really thrilled 8 that it appears that you're on that path, and you're 9 going forward, and I think that's really good. But 10 there's just a lot that needs to be done. 11 And I want to make sure that all those 12 things are in line; because, actually, the school is 13 up for renewal in two years, pretty much, because 14 we -- 15 THE CHAIR: No. They have a five-year -- 16 COMMISSIONER ARMBRUSTER: No, they don't. 17 It's three. 18 THE CHAIR: We gave them a three? 19 MS. KAREN WOERNER: Yes, ma'am. 20 MS. PATRICIA MATTHEWS: We'll take five. 21 COMMISSIONER ARMBRUSTER: So that's why 22 I'm wanting to get things going so -- so that they 23 can be renewed and so that we don't have to do all 24 this; because they don't really have three years. 25 It's two more until they are renewed. It was</p>	<p style="text-align: right;">Page 297</p> <p>1 MS. PATRICIA MATTHEWS: -- looking at our 2 bylaws, policies, that process, and having all of 3 the members at the table. And, you know, he's 4 certainly willing to do that. I've done it before. 5 And so I don't know if that is sufficient to get 6 forward on this -- to address the concerns that were 7 in Ms. Cherrin's report. But I do sort of have an 8 ask for -- 9 THE CHAIR: So you're asking us for the -- 10 to provide it? 11 MS. PATRICIA MATTHEWS: Well, to say that 12 that's part of the plan on the governance piece. 13 THE CHAIR: Okay. I guess I just need 14 clarity on is the expectation that PEC and/or CSD 15 provide that? Or is the school saying that that's 16 what they're going to do as part of this plan? 17 MS. PATRICIA MATTHEWS: That's what we 18 would like to do. I think it's -- in fact, the 19 feedback I got from the training, that it was much 20 better training than what the Division provides 21 because it was one-on-one with the school with their 22 specific issues. And I think -- that's always been 23 my experience. 24 So I would like to ask Mr. Brauer, 25 perhaps, that this training be allowed to count as</p>
<p style="text-align: right;">Page 296</p> <p>1 because of the special ed issue. 2 It was because of a lot of issues. And 3 that's why we didn't have -- so that's why I'm 4 proposing dropping things on CSD since they have 5 nothing to do. 6 MS. PATRICIA MATTHEWS: Madam Chair, I 7 have an idea, if I can say so. Because we did talk 8 about a special ed coordinator, or a consultant, who 9 would take it off their backs, would take it off 10 SpEd Bureau's back. If we did have that individual 11 come and work with -- track this plan with them, 12 tweak it as they go, and then they -- that 13 individual could come back with you in November. 14 THE CHAIR: Then they could come back in 15 November. 16 MS. PATRICIA MATTHEWS: So that's one 17 idea. We haven't talked about the governance piece; 18 so I'll put that on the side. But we also had 19 another idea for some work there. If you want to 20 hear that it, I can do that. 21 THE CHAIR: Sure. 22 MS. PATRICIA MATTHEWS: Dr. Lere and I 23 think the board would benefit from an all-day sort 24 of training on roles and responsibilities -- 25 DR. DAN LERE: Yes.</p>	<p style="text-align: right;">Page 298</p> <p>1 credit for their five hours. And to me -- 2 THE CHAIR: The problem is the -- that 3 pesky rule. 4 MR. ALAN BRAUER: Madam Chair, members of 5 the Commission, I think I -- you know, we do have a 6 process to approve trainings like this. I can work 7 with Melissa Brown for us to use that process. So 8 if you do provide us, you know, the scope of the 9 training -- 10 MS. PATRICIA MATTHEWS: Do I have to swear 11 an affidavit that I will, on penalty of perjury, not 12 veer from the PowerPoint? Because that's what it 13 says. 14 MR. ALAN BRAUER: Ms. Matthews, I would 15 like to say in the spirit of generosity, "No, I'm 16 not going to expect you to do an affidavit." But I 17 think I would like to -- before we get too 18 loosey-goosey on a rule that we really are wanting 19 to shift, that we really do -- do what they think is 20 reasonable within the rule. 21 And so I would ask that we would -- before 22 I can say -- give you an affirmative "For sure," I 23 would like for us to work together to have some type 24 of an approval process, in the spirit of getting 25 this out and getting the training on the -- you</p>



<p style="text-align: right;">Page 299</p> <p>1 know, out to the governing council, for sure.  2 MS. PATRICIA MATTHEWS: All right. Thank  3 you.  4 THE CHAIR: We're good.  5 COMMISSIONER VOIGT: Madam Chair, just to  6 follow up with that about governing board --  7 embedded governing board training, I think is a lot  8 more meaningful to schools; because every school has  9 different needs and challenges regarding their  10 boards.  11 And if we can eventually move to a  12 relevant school-specific governing board training  13 model, where perhaps trainers can go into governing  14 board meetings, find out what their strengths,  15 weaknesses are, their challenges, and address  16 training in that fashion, it might be able to parse  17 down, you know, some of the hours -- the overall  18 hours that are needed. Because I know the  19 boilerplate of governing board training sometimes is  20 not meeting every school's needs.  21 THE CHAIR: Well, then, of course, part of  22 the problem was that miserable rule.  23 COMMISSIONER VOIGT: I know.  24 MR. ALAN BRAUER: Madam Chair?  25 THE CHAIR: So I think we're looking at --</p>	<p style="text-align: right;">Page 301</p> <p>1 I move that the Public Education  2 Commission take into consideration the response to  3 the Notice of Breach by Alma d'Arte and extend the  4 Notice of Breach until our November meeting.  5 At that time, the school will provide  6 information verifying that IEP reviews, IEP meetings  7 have taken place and that the goals in the IEPs are  8 being implemented, and that they have documentation  9 of governance council training having taken place.  10 COMMISSIONER RUIZ: Second.  11 COMMISSIONER CABALLERO: Second.  12 THE CHAIR: There is a second by  13 Commissioner Ruiz and Commissioner Caballero.  14 COMMISSIONER CABALLERO: And two others.  15 THE CHAIR: Any discussion?  16 COMMISSIONER ARMBRUSTER: I just have one.  17 Maybe this is a friendly amendment; I'm not sure.  18 But I would also -- as well as the  19 governing council getting information on these IEPs,  20 I'm not sure that the staff shouldn't get that,  21 because, actually, teachers in the classroom are  22 responsible for fulfilling those IEP goals as well.  23 THE CHAIR: But -- so let me ask you,  24 wouldn't that be the verification that there's the  25 implementation of the goals?</p>
<p style="text-align: right;">Page 300</p> <p>1 MR. ALAN BRAUER: Absolutely, Madam Chair,  2 Commission Voigt, Commissioners. 100 percent agree  3 with you. The Department is absolutely in alignment  4 with that. The prioritization of changing the rule  5 is down the chart a little bit for our policy shop.  6 And so something we definitely wanted to do.  7 Within reason, we have been working  8 with -- with schools and the departmental trainings  9 that we provide, we have made shifts. And I also  10 wanted to share that the public schools -- Public  11 Charter Schools of New Mexico also has proposed  12 specific school-based trainings as well that are  13 available for our schools to partner.  14 So I do want to share, like, on the  15 record, absolutely, we are in agreement with that,  16 Commissioner Voigt.  17 COMMISSIONER VOIGT: Super.  18 MR. ALAN BRAUER: And we're working to  19 address that. But in the time-being, we want to  20 work and do -- reasonably within the current rule.  21 COMMISSIONER VOIGT: Thank you very much.  22 MS. PATRICIA MATTHEWS: I very much  23 apologize for the deflection.  24 THE CHAIR: That's okay. Thank you. So  25 I'm going to make a motion.</p>	<p style="text-align: right;">Page 302</p> <p>1 COMMISSIONER ARMBRUSTER: Okay.  2 THE CHAIR: Because how could the goals be  3 implemented if the staff isn't aware of what the  4 goals are?  5 DR. DAN LERE: Madam Chair, could I  6 address that? I just wanted --  7 THE CHAIR: Actually, you can't, because  8 there's a motion at the table. So you can't.  9 DR. DAN LERE: Oh, you're right. Okay.  10 Sorry. Sorry.  11 COMMISSIONER ARMBRUSTER: I can go with  12 that. I just wanted to make sure that that was a  13 part of that. That's fine.  14 THE CHAIR: And I think that's an  15 understood. And maybe --  16 COMMISSIONER ARMBRUSTER: I understand.  17 THE CHAIR: But it's an understood with  18 me. So if there's no other discussion, roll call,  19 please?  20 COMMISSIONER ARMBRUSTER: Commissioner  21 Caballero?  22 COMMISSIONER CABALLERO: Yes.  23 COMMISSIONER ARMBRUSTER: Commissioner  24 Ruiz?  25 COMMISSIONER RUIZ: Yes.</p>

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<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Robbins? 3 COMMISSIONER ROBBINS: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Armbruster votes "Yes." 6 Commissioner Voigt. 7 COMMISSIONER VOIGT: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Chavez? 10 COMMISSIONER CHAVEZ: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Davis? 13 COMMISSIONER DAVIS: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Crone? 16 COMMISSIONER CRONE: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Gipson? 19 THE CHAIR: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Raftery? 22 COMMISSIONER RAFTERY: Yes. 23 THE CHAIR: The motion passes, ten-zero. 24 Thank you so much, and we're glad we're not seeing 25 you next month.</p>	<p>1 So if this school would like to come down. 2 And I'll just also remind Commissioners that we 3 received yesterday a copy of the demand letter. 4 MS. AMI JAEGER: No, it was a response. 5 THE CHAIR: No, the school's response. 6 The demand letter was -- 7 MS. AMI JAEGER: Demand letter. 8 THE CHAIR: No, it should be the demand 9 letter. 10 MS. AMI JAEGER: It was the demand letter. 11 THE CHAIR: It's the demand letter. 12 MS. AMI JAEGER: Sorry. 13 THE CHAIR: I received a phone call -- 14 just so folks know, I received a phone call from the 15 property management on Monday saying that they were 16 going to send a demand letter. And then they sent 17 me the copy of it Monday, and that's why it wasn't 18 in the books, because I just got it. 19 So Ami -- and so Ami passed it out 20 yesterday. 21 So everyone has their copy of that? It's 22 in your book. 23 COMMISSIONER ARMBRUSTER: I know. I'm 24 just looking to see where I may have stuck it. 25 Okay.</p>
<p>Page 304</p> <p>1 DR. DAN LERE: Thank you. 2 THE CHAIR: I'm guessing some at the 3 table, we'll probably see next month, not all. 4 MS. PATRICIA MATTHEWS: I'm trying not to 5 be here. 6 THE CHAIR: I don't know anything; but it 7 just has -- it's just a guess. Thank you so much, 8 and safe travels back home. 9 MS. PATRICIA MATTHEWS: Let me know, 10 Ms. Jaeger, if I need to be here next month. 11 THE CHAIR: Hopefully, I'll pass you on 12 the road at some point in time. 13 MS. PATRICIA MATTHEWS: It looks like that 14 might happen. 15 THE CHAIR: I'm going to indulge us in a 16 short break. 17 (Recess taken, 11:02 a.m. to 11:22. a.m.) 18 THE CHAIR: Okay. We've skipped around so 19 much. 20 COMMISSIONER RUIZ: Yes, we did. 21 THE CHAIR: I am on No. 9. Okay. So. 22 We are now on to Item No. 9, which is 23 Discussion and Possible Action Related to Altura 24 Preparatory School's Move Outside of Area Served as 25 Identified in Application.</p>	<p>Page 306</p> <p>1 THE CHAIR: So the concern of the school's 2 move was somewhat addressed at the last meeting with 3 the notice? Was it our last meeting that the notice 4 of the move came? I've lost our timing a little 5 bit. But I think it was the last meeting. But 6 that, of course, in our process, is merely a notice. 7 And we had -- I had asked at that time for it to be 8 moved off, because I had a concern about the length 9 of the move. 10 In the meantime, a concern was raised, I 11 believe, both to the Charter School Division and 12 myself, about how the move took place; so that I, at 13 our July meeting -- actually, it was the June 14 meeting, the notice came to us of the move. 15 At the July meeting, I had spoken -- prior 16 to our July meeting, right before, I had a 17 conversation with the property management firm, and 18 I gave the Commission the update as to what the 19 property management company had indicated to me. 20 And for the most part, that is outlined in that 21 demand letter, the concerns that the property 22 management company is now addressing, outside of I 23 didn't know about the playground equipment when I 24 spoke with them in July. That's the only new 25 addition to the concern is the -- the equipment</p>

<p style="text-align: right;">Page 307</p> <p>1 that's left there, and, of course, the damage that 2 they're claiming.</p> <p>3 At that time, they hadn't indicated to 4 me -- they simply indicated they weren't sure what 5 they were going to do at that moment in time, but 6 that they did indicate to me that the school had 7 been late a number of times with their -- with their 8 rent and that they felt that the -- the request for 9 the build-out coming a little bit earlier than they 10 had anticipated was burdensome on them and not 11 necessary at the time. And then the remaining came 12 in the demand letter. There was other items.</p> <p>13 So it does raise some serious concerns for 14 us, that the school did, in fact, leave the area 15 that they had indicated that they were going to 16 serve. And in the documentation, it does indicate 17 that the number of students that are coming from 18 that original area is smaller, and, I would 19 anticipate as a rollout, would continue to be 20 smaller; so that we have, I think, expressed a 21 concern about the move and moving into another 22 neighborhood and servicing.</p> <p>23 In addition, when a school makes a move -- 24 and I know it's not part of our processes right now. 25 But when a school makes a move into a completely</p>	<p style="text-align: right;">Page 309</p> <p>1 And we certainly do have concern when 2 there's late payments of rent, when we can't figure 3 out -- and I know in your response, you said the CSP 4 money was late. CSP money should not be being used 5 to pay rent; so that that's where I had a confusion, 6 that if that's the response for why rent was late, 7 that shouldn't be the response, because you're 8 getting that budgeted lease reimbursement. So the 9 two don't jibe for me.</p> <p>10 So I'll let the school speak.</p> <p>11 FROM THE FLOOR: Madam Chairwoman, 12 Commissioners.</p> <p>13 THE CHAIR: Can you just identify yourself 14 for the record?</p> <p>15 MS. MEAGHAN HINDMAN: My name is Meaghan 16 Hindman, M-E-A-G-H-A-N, H-I-N-D-M-A-N. I'm one of 17 the co-directors of Altura Preparatory School. I 18 also have our board chair, Christine Sargent, our 19 board vice chair, Patrick Barnes; and our other 20 board vice chair is Dr. Robert Wilson. And I'm also 21 here with Paul Aguilar and our attorney, Jason 22 Burnett.</p> <p>23 So I just want to take a second. I 24 appreciate the comments and the questions that you 25 all have and want to make sure that we address the</p>
<p style="text-align: right;">Page 308</p> <p>1 different neighborhood, there is no impact 2 information that comes to us.</p> <p>3 When a school is first opening in an area, 4 we have a community input hearing so that we hear 5 from that piece of the community they're expressed 6 interest for the school to be there. And the school 7 district also gets to weigh in on their sense of the 8 impact that it might have.</p> <p>9 Now the school moves into a completely 10 different area, and that potential impact hasn't 11 been -- hasn't been weighed. So that is part of a 12 concern.</p> <p>13 But it is the servicing of those students 14 in that area simply isn't -- isn't taking place. So 15 that is a concern, in addition to, now, a potential 16 cost-bearing through this demand letter of \$64,000.</p> <p>17 And one of the things that we're 18 consistently, I think, trying to communicate to the 19 public is that we're trying to be a good -- charters 20 are trying to be a good partner in a community. And 21 when you leave -- and these are State funds that 22 help pay that rent. So that's part of our 23 responsibility is oversight of that, and that it 24 doesn't -- on the surface level, it's not showing 25 that there was a good partnership there.</p>	<p style="text-align: right;">Page 310</p> <p>1 points that you made.</p> <p>2 When we moved into our building last 3 August, it was a few days before school started. 4 The build-out had taken a very long time, put us in 5 a very tough position to move in right before school 6 started. Mr. Jerry Geist, who was the landlord at 7 that time, had worked with the school to create a 8 lease agreement that had -- and we had discussed the 9 possibility and the opportunity to grow, to serve 10 additional grade levels within that space when the 11 time came.</p> <p>12 Mr. Geist unfortunately passed away after 13 an illness in late March. And in early April, we 14 met with his son, Mr. Bruce Geist. He reached out 15 to us asking us to meet to talk about the school, 16 our plans, and anything else, you know, related to 17 the building.</p> <p>18 So we met with -- with him and his wife in 19 person. And we wanted to discuss the plans that the 20 school had to grow.</p> <p>21 We opened -- if you remember, we opened 22 K-2 last year. This year we added third grade. We 23 will add fourth grade and then fifth grade; and then 24 ultimately, our cap is just under 400 students. 25 What we brought up at that meeting was</p>

<p style="text-align: right;">Page 311</p> <p>1 that the school's plans are to grow to serve more 2 students in that area. And it was our plan to work 3 with the Geist family to serve students in that 4 building. And that was what we had brought up. 5 We also asked to start discussing that 6 future growth sooner rather than later, because it 7 was so difficult to move into a building the week 8 before school started and actually run classes out 9 of our cafeteria/multi-purpose room, because the 10 remainder of the building and the classrooms weren't 11 completed. 12 So our purpose in bringing that up to 13 Mr. Geist in that meeting was simply to express our 14 interest in staying there and in growing there and 15 to do it in a way that didn't put undue pressure on 16 the landlord to complete a project right up against 17 when we were going to try to put students in the 18 classrooms. 19 So that was the point of that request to 20 expand. 21 He did ask us, you know, per the lease, to 22 submit that to him in writing. So we did, 23 articulating at the earliest that we would be asking 24 this for would be the 2020-2021 school year. So we 25 were not asking for any building to be prepared for</p>	<p style="text-align: right;">Page 313</p> <p>1 and very unfortunately and wished hadn't happened 2 that way. But that was what happened. 3 And so when Mr. Geist received our letter 4 to request future space to grow into to serve the 5 students that we planned to serve K-5, we received a 6 letter notifying us that we needed to vacate the 7 building by August 26th. 8 So at that time, we began to search for 9 other options. That building had been the last 10 building we were able to find in the 87108 ZIP code, 11 near the 87106 ZIP code. So as we received that 12 letter, we started to look, expanding incrementally 13 outward. 14 The building with E-Occupancy that we were 15 able to find was 10 miles -- 10.5, the route that 16 you would go through the streets -- 10.5 miles away 17 from the school. So we contracted with the 18 transportation provider to have a bus that leaves 19 from a day-care partner that we have around the 20 corner from the school to take our students from our 21 former neighborhood to the new building. 22 The transportation was not a cost that we 23 had included in our first year. And I think we 24 remember the conversation -- I think I addressed 25 that before at some point. But that was something</p>
<p style="text-align: right;">Page 312</p> <p>1 us for this year. We just simply wanted to start 2 that planning process together earlier than we had 3 been able to the year before -- or this -- the past 4 year. 5 We then received a letter -- in that 6 meeting, he brought up a concern that our rent had 7 been late. It indeed had been late in October one 8 time, and it was currently overdue for March, 9 because we had fronted our operational dollars on 10 things like furniture, things like, you know, 11 professional development for our teachers, for our 12 literacy assessment, curriculum. 13 That is, indeed, CSP-reimbursable. And so 14 to put the operational dollars into spending those 15 and then requesting the reimbursement, it was 16 actually the reimbursement and not the funds 17 themselves that we were going to use for our rent. 18 But because the process took longer than 19 planned and anticipated, we did end up notifying our 20 landlords and letting them know, which we did in 21 October, with Mr. Jerry Geist as well, saying, "That 22 is -- that is where we are. And we promise we're 23 not trying to not pay rent." 24 It was never our intent to -- to not pay 25 our rent. It was a position we found ourselves in</p>	<p style="text-align: right;">Page 314</p> <p>1 that we felt was incredibly necessary to provide to 2 our students and family to maintain the access that 3 we -- that we committed to. 4 We have still recruited students from that 5 area. We have new students coming that did not 6 attend the school last year coming from that 7 neighborhood, taking the bus, or their parents are 8 dropping them off. We've helped families set up 9 carpools and helped them figure out the best way to 10 get to the school. 11 And, actually, I ran our numbers. We had 12 eleven ZIP codes represented in our school last 13 year. This year we have 13 ZIP codes represented. 14 And the number of students per ZIP code, the highest 15 number by far is the 87108 ZIP code. And that 16 includes students new this year that had not 17 attended the school last year. The highest number 18 of students per ZIP code are still coming from the 19 87108 ZIP code. 20 And those partnerships are not something 21 that we're going to change because that was the 22 commitment that we made, where the school is. 23 THE CHAIR: But that's not part of the 24 information -- because the numbers you presented to 25 us with the notice of the move did not indicate</p>

<p style="text-align: right;">Page 315</p> <p>1 that, I don't believe.</p> <p>2 MS. MEAGHAN HINDMAN: And that was</p> <p>3 submitted I think the early June. So these numbers</p> <p>4 I have were the ones I pulled.</p> <p>5 THE CHAIR: Do you have a copy of the</p> <p>6 letter the Geists sent you to vacate?</p> <p>7 MS. MEAGHAN HINDMAN: Yes.</p> <p>8 THE CHAIR: Because I'm going to tell you</p> <p>9 that they indicated to me that you broke the lease,</p> <p>10 that they did not -- they were not the ones who</p> <p>11 broke the lease. That was their words.</p> <p>12 Because I called them back up and said,</p> <p>13 "Could you tell me, did the school break the lease</p> <p>14 or did you break the lease?"</p> <p>15 And they said, "The school broke the</p> <p>16 lease."</p> <p>17 MS. MEAGHAN HINDMAN: My water bottle</p> <p>18 spilled on my copy. But it's right here.</p> <p>19 Do you want me to walk it up to you?</p> <p>20 THE CHAIR: Yes. I'm not Judge Judy.</p> <p>21 There's no --</p> <p>22 MS. MEAGHAN HINDMAN: I have one without</p> <p>23 water on it. I'm sorry. I have a dry copy.</p> <p>24 MS. AMI JAEGER: And we don't want it in</p> <p>25 the public record.</p>	<p style="text-align: right;">Page 317</p> <p>1 And, you know, the Albuquerque School of</p> <p>2 Excellence, which is in my neighborhood, they have</p> <p>3 students coming from all over the city, even from</p> <p>4 the South Valley, and I think they even have a few</p> <p>5 coming from Los Lunas all the way up. That's a</p> <p>6 45-minute drive for their parents.</p> <p>7 And I think, you know, the school has</p> <p>8 shown an effort and -- to provide transportation,</p> <p>9 which I think is necessary from the previous site.</p> <p>10 And I think as long as they are meeting that need in</p> <p>11 that local community -- unfortunately, there's not a</p> <p>12 lot of E-Occupancy buildings in Albuquerque that are</p> <p>13 readily available for the number of charters that</p> <p>14 are there.</p> <p>15 APS has a lot of excess capacity in their</p> <p>16 schools; but they are not necessarily closing down</p> <p>17 schools and moving them. They're just having the</p> <p>18 excess capacity. So it becomes a challenge for</p> <p>19 charters that, you know, either APS has approved or</p> <p>20 that we have approved to find locations.</p> <p>21 And I think, you know, for the growth that</p> <p>22 they're looking at trying to do and expanding all</p> <p>23 the way up to their fifth grade, you know, I just</p> <p>24 would go with their judgment.</p> <p>25 And if we, in the future, want to put</p>
<p style="text-align: right;">Page 316</p> <p>1 THE CHAIR: If I could keep this dry copy,</p> <p>2 because I'll call them.</p> <p>3 MS. MEAGHAN HINDMAN: Okay.</p> <p>4 COMMISSIONER ROBBINS: Madam Chair, I</p> <p>5 don't know if we should be getting involved in</p> <p>6 tenant-landlord disputes and issues, if it comes</p> <p>7 down to a -- a fiscal solvency issue for the charter</p> <p>8 school. I think we should let the school, their</p> <p>9 attorney, and the attorney for the representative</p> <p>10 for the landlord discuss these things and hash them</p> <p>11 out.</p> <p>12 You know, the school has no -- based upon</p> <p>13 the letter of termination from the landlord, yes, it</p> <p>14 is, you know, approximately 10-and-a-half or 11</p> <p>15 miles; it's about a 20-minute drive. And in</p> <p>16 Albuquerque -- you know, Albuquerque is a very large</p> <p>17 city. It's about 140 square miles. It can take the</p> <p>18 average commuter in Albuquerque -- from what I've</p> <p>19 read and everything, takes between 20 and 30 minutes</p> <p>20 to commute.</p> <p>21 If you live outside of Albuquerque -- and</p> <p>22 there are a lot of people that live in Rio Rancho</p> <p>23 that commute to Albuquerque, even from the</p> <p>24 East Mountains or from Los Lunas, you know, they</p> <p>25 drive 45, 50 minutes.</p>	<p style="text-align: right;">Page 318</p> <p>1 restrictions -- and I think it's a good idea to have</p> <p>2 a requirement for a community input when they do</p> <p>3 change locations beyond a certain mile limit. But</p> <p>4 Albuquerque, like I said, 140 square miles, it's a</p> <p>5 very large city, and people drive all over. I mean,</p> <p>6 there are people, they'll drive 30 minutes just to</p> <p>7 go have dinner, you know. People will go all the</p> <p>8 way from the far eastside out to Cottonwood.</p> <p>9 They'll come from the far eastside up to Coronado or</p> <p>10 Winrock Center.</p> <p>11 You know, transportation in Albuquerque is</p> <p>12 not quite the same. And there is good public</p> <p>13 transit in Albuquerque, also. It doesn't</p> <p>14 necessarily reach all the far reaches, you know, the</p> <p>15 way everyone would like to. But Albuquerque has a</p> <p>16 very good transportation network, and you can get</p> <p>17 around the city pretty quickly.</p> <p>18 Eleven miles sounds like a lot if you're</p> <p>19 used to traveling two or three miles to and from</p> <p>20 work or to your school and things like that. But in</p> <p>21 Albuquerque, it's not an uncommon thing to spend</p> <p>22 that much time.</p> <p>23 I do agree that probably we should have a</p> <p>24 requirement for a public input hearing, or at least</p> <p>25 public input notification and meeting with the</p>

<p style="text-align: right;">Page 319</p> <p>1 public when a move out of an original site beyond a 2 few miles is being made or contemplated. 3 But when a school receives a termination 4 letter, I think they're put in a very precarious 5 situation, and they have to scramble to find a new 6 location. 7 So while I think we may not have had all 8 of the information when the original notification 9 was provided, or have all the background, I really 10 would advise that we try to stay out of the 11 tenant-landlord disputes; because it sounds like 12 we're acting like, you know, the parent of a grown 13 child trying to deal with a situation between the 14 landlord and the school. And I don't think that's 15 really our role. 16 THE CHAIR: And I want to make it clear 17 that I'm not trying to intervene in a 18 landlord-lessee dispute. But as I said before, I 19 think we do have an obligation to show that we're a 20 good partner in the community. And that the school 21 is now on the hook for \$64,000 to this -- of public 22 monies -- so that is a concern. And I think it has 23 to be a concern. 24 In addition, there is -- and I know there 25 was earlier conversation with Mr. Aguilar -- about</p>	<p style="text-align: right;">Page 321</p> <p>1 That didn't happen. And that's my 2 concern. 3 Also, again, the -- the community, that 4 neighborhood, has to have access. When I went to 5 school, we weren't provided with transportation. 6 The Hispanic community was not provided with 7 transportation; only the other community. And so 8 that bugged the hell out of me. 9 And so we were told, "There's a bus right 10 in front of your house." So I had to walk it, 11 two-and-a-half miles. 12 So when you have a community that is 13 already there, they're coming to the school, if the 14 school is awesome, then they see this awesome school 15 leaving. And that shouldn't be. We should be able 16 to -- they should be able to have a parent meeting 17 on the fly. And if they can't -- I'm sure they 18 didn't leave from one day to the other. There had 19 to be days and weeks. 20 And so if you can't pull it off, that 21 means that you were having very little communication 22 with your parents. And that's not charter schools. 23 That should not be charter schools. Charter schools 24 should be able to bring in parents, at least some 25 majority of the parents that can come in. And</p>
<p style="text-align: right;">Page 320</p> <p>1 the disposal of -- there's State property. There's 2 playground equipment that's there. So that is 3 something that we do have to have a concern about, 4 too. 5 COMMISSIONER ROBBINS: I agree. 6 THE CHAIR: So that it's not -- I'm not 7 intervening in the argument about the lease itself. 8 But the fact that on the surface it appears that one 9 of our schools that we do authorize was not a good 10 partner in that community, we have to be concerned 11 about that, because there may very well be, at some 12 point in time, another charter that wants to open in 13 that community, and look at what happened when this 14 other school came in; so that there should be that 15 partnership there and some guarantees by us about 16 that good partnership. 17 Commissioner Caballero? 18 COMMISSIONER CABALLERO: Madam Chair? And 19 I agree. I don't want to have to look at the lease 20 and the lease fight, per se. But the whole idea of 21 moving into a neighborhood -- and we understand 22 where it is. Charters have to come in and say, 23 "We're going to move." 24 "Where are you going to move? Are you 25 going to have occupancy?"</p>	<p style="text-align: right;">Page 322</p> <p>1 that's -- in a very poor neighborhood, that's 2 evening, late evening. That bugs me the way it 3 was -- 4 THE CHAIR: Just to be clear, they 5 finished out the school year in the current 6 facility, and they opened the new school year in 7 the -- in the new. So they didn't leave on the fly. 8 COMMISSIONER CABALLERO: So that means 9 that they had more time to be able to communicate 10 with parents and bring them in. 11 THE CHAIR: Right. Right. 12 COMMISSIONER CABALLERO: They weren't 13 busy; so they could have done a meeting in the 14 morning, meeting in the evening, and say, "We have 15 no choice. This is the only "-- 16 THE CHAIR: And I think she's going to say 17 they did. 18 MS. MEAGHAN HINDMAN: Yes. Commissioner 19 Caballero, we -- we telephoned or met with every 20 single family of every single child that was in the 21 school to let them know what was happening and what 22 our plans may end up being and to help them think 23 about the best option for their child, whether that 24 was the bus, whether that was a carpool, or whether 25 it was another option that we could help them with,</p>

<p style="text-align: right;">Page 323</p> <p>1 depending on what they needed.  2 It definitely was a conversation that my  3 cofounder, co-director, Lissa Hines, and I had with  4 every family together.  5 THE CHAIR: Okay. Are there any other  6 questions?  7 COMMISSIONER ARMBRUSTER: Well -- so -- I  8 do, Madam Chair.  9 THE CHAIR: Uh-huh.  10 COMMISSIONER ARMBRUSTER: So in this new  11 area -- well, I'm going to go backwards, where you  12 were -- what were the percentage of free-and-reduced  13 lunch? And then what is that percentage now?  14 MS. MEAGHAN HINDMAN: So our  15 free-and-reduced lunch percentage last year was  16 78 percent. Our numbers this year aren't confirmed  17 yet. But it's looking like between 70 and 75 or so.  18 COMMISSIONER ARMBRUSTER: Not a huge  19 difference, apparently. Okay. Thank you.  20 THE CHAIR: Oh. Okay.  21 COMMISSIONER ARMBRUSTER: It was just -- I  22 wanted to see if we went from 80 percent to  23 10 percent or something. I'm not going to quibble.  24 THE CHAIR: No. So I guess -- and I don't  25 know whether this can be answered at this point in</p>	<p style="text-align: right;">Page 325</p> <p>1 have any time to look at it, and we don't have any  2 role in that response. So I guess I'm good with  3 that.  4 But we do -- we do need to see what's  5 being done with the playground equipment and making  6 sure that the State and -- and I know it's not  7 disposal because it's not a closure.  8 But I think maybe the Charter School  9 Division might be able to help with that, in the  10 sense that if there was communication out that this  11 equipment was available for purchase, that might  12 help the school perhaps get rid of the equipment  13 earlier, if that's -- you know.  14 MR. ALAN BRAUER: Madam Chair?  15 THE CHAIR: I don't think that would  16 violate anything.  17 MR. ALAN BRAUER: Madam Chair, members of  18 the Commission, Altura team. Is there any interest  19 in taking the playground equipment to their new  20 site?  21 THE CHAIR: It doesn't fit. That's the  22 problem. The playground -- the size of the  23 playground equipment doesn't fit the anticipated  24 playground space that they have in the new. So they  25 need to sell what they -- my understanding -- they</p>
<p style="text-align: right;">Page 324</p> <p>1 time. What's going to be done about that \$64,000  2 that's in the demand letter and where you anticipate  3 that -- those funds coming from, if, in fact, it is  4 \$64,000?  5 Let's just say that's what it is. I don't  6 know if you want -- I don't know if you want to  7 respond to that at this point in time. That's up to  8 your counsel, you know.  9 MR. JASON BURNETT: This is Jason Burnett.  10 Thank you, Madam Chair. I think our response at  11 this point would be that the demand is pretty  12 vigorously disputed. And please keep in mind, this  13 is just a demand; it has no binding value at this  14 point. We were just served this letter on Monday  15 and are evaluating the response at this point.  16 THE CHAIR: Right. So I guess the  17 question is if the Commission wishes to, you know,  18 do anything or not, or hold off -- at the very least  19 hold off until we find out what the end result is of  20 the demand letter, you know; because that may beg a  21 larger conversation, depending on what that dollar  22 amount is, if any.  23 So that -- and I appreciate that you don't  24 want to respond at this moment in time because it is  25 so -- so new. It's new to us, because we didn't</p>	<p style="text-align: right;">Page 326</p> <p>1 need to sell what they have so that they can  2 purchase new when that playground is available. So  3 they can't take it with them.  4 COMMISSIONER ROBBINS: Madam Chair, if I  5 could suggest that maybe we request an update on the  6 status of that in two or three months, that we  7 request that they provide us a status, and that we  8 continue -- CSD would receive continuing monthly  9 updates after that until such time as the equipment  10 disposition has been resolved.  11 THE CHAIR: So let me ask you, when are  12 you -- do you have an anticipated date to move it  13 off of the current property? Because I know you  14 mentioned that it was going to go into storage. So  15 do you already have a plan -- a plan to remove it?  16 MS. MEAGHAN HINDMAN: Madam Chair, I'll  17 have Paul Aguilar speak on behalf of the school.  18 MR. PAUL AGUILAR: Thank you, Madam Chair.  19 Madam Chair, so the -- the contractor that is  20 currently doing the construction on Solare School  21 has offered -- not free -- but he has offered to  22 remove the -- the playground and to place it in  23 storage at the current school.  24 There is a fenced-in area within the  25 school that would provide security for it. If</p>

<p style="text-align: right;">Page 327</p> <p>1 necessary, and to our points, we would prefer that 2 we have an end user available so that it could be 3 removed, transported immediately, and not have to be 4 put into storage. 5 But there is an area at the school that is 6 asphalt, and it has a wrought iron fence totally 7 around it that will provide security for that 8 material, if it needs to be stored. 9 Again, we're hoping not to have to store 10 it so that we can get it moved out and begin 11 construction on the new playground as quickly as 12 possible. 13 THE CHAIR: Okay. So that you have an 14 approximate dollar amount, what it would cost to 15 remove off. Obviously, the delivery, if it was 16 significantly outside of the area, there might be an 17 additional cost to get it delivered to a school if 18 they were significantly outside of the -- the area, 19 I would presume. 20 MR. PAUL AGUILAR: Madam Chair, at the 21 risk of sounding glib, which I'm trying not to, as 22 you know -- 23 THE CHAIR: Why change? 24 MR. PAUL AGUILAR: -- my brother and I 25 actually own a 16-foot trailer and a 20-foot bobcat</p>	<p style="text-align: right;">Page 329</p> <p>1 get up to speed with our second floor to make sure 2 that we are following the proper disposal process. 3 THE CHAIR: It's not disposal. 4 MR. ALAN BRAUER: Or if we are -- I don't 5 want us to say that we're -- 6 THE CHAIR: Because disposal is if we're 7 closing. 8 MR. ALAN BRAUER: Okay. Thank you for 9 that correction. I -- I need to -- before we agree 10 that they can sell the equipment, you know, since it 11 was paid with federal funds, I think we just -- I 12 want to make sure we're following the process. And 13 I want to make sure that I work with Altura and our 14 second floor to be sure we have a key partner with 15 you, and Mr. Aguilar for sure, want to make sure 16 we're following that protocol before we start 17 selling it to a school and -- 18 THE CHAIR: Right. But it does say -- the 19 code does say, with the federal grants, you have to 20 just follow the state procurement and disposal. So 21 that I -- I'm going to give you my legal opinion. 22 COMMISSIONER ARMBRUSTER: Madam Chair? 23 THE CHAIR: Yeah. 24 COMMISSIONER ARMBRUSTER: I just had some 25 questions, and I'm sure it's not all that important.</p>
<p style="text-align: right;">Page 328</p> <p>1 trailer. And so we've offered at no cost, other 2 than fuel, to transport -- to have the product 3 loaded in those trailers and transported to the new 4 site at no cost, other than fuel. 5 THE CHAIR: Okay. 6 MR. PAUL AGUILAR: So -- 7 THE CHAIR: Thank you. I appreciate that. 8 So maybe the Charter School Division could then, at 9 the very least, reach out to -- especially because 10 some of the schools that we have with those pre-K 11 programs might be looking for playground equipment. 12 So that Mr. Aguilar has an approximate dollar amount 13 that they're looking for for that playground 14 equipment. So he can communicate that to you, and 15 we can put it out there. 16 So maybe we can at least help to mitigate 17 this situation by getting it -- and putting it in 18 use. 19 COMMISSIONER CABALLERO: Madam Chair, the 20 Charter School Association has a really nice website 21 of services by folks, and buy and sell, and stuff 22 like that. It could work that way. 23 THE CHAIR: Right. Right. 24 MR. ALAN BRAUER: Madam Chair, members of 25 the Commission, team of Altura. I do -- I need to</p>	<p style="text-align: right;">Page 330</p> <p>1 But I'm just curious, and I don't want to leave here 2 curious. 3 So this playground equipment, for which 4 they're charging you rent, I guess, does that 5 preclude them the ability to rent this place? I 6 mean, is it in the middle so that you can't walk 7 around it? 8 THE CHAIR: No. But it's taking up space. 9 So they're charging the rent for the space that it's 10 occupying. 11 COMMISSIONER ARMBRUSTER: It's petty. All 12 right. I just wanted to say that. 13 Second of all, I'm just curious. So when 14 they're talking about \$11,000 for painting and 15 \$8,000 for windows, did you, like, knock out the 16 windows? 17 THE CHAIR: I'm going to say that I think 18 that's -- because that's part of the demand letter, 19 I don't think they want to respond to that at this 20 point in time; because that's -- 21 COMMISSIONER ARMBRUSTER: I see. 22 THE CHAIR: -- because that's in the 23 demand letter that they just got. So I'm going to 24 give them my legal -- 25 MR. JASON BURNETT: Thank you.</p>



<p style="text-align: right;">Page 331</p> <p>1 THE CHAIR: -- advice once again.  2 COMMISSIONER ARMBRUSTER: I'm available  3 to -- I just want you to know.  4 THE CHAIR: Yeah, yeah.  5 COMMISSIONER VOIGT: Madam Chair?  6 THE CHAIR: Commissioner Voigt?  7 COMMISSIONER VOIGT: Thank you. Back to  8 the conversation about the relocation of your  9 school. I empathize with the school having to  10 scramble and find a facility -- which is such a huge  11 challenge, as we know in our charter school world in  12 New Mexico -- having to scramble and find a location  13 in such a short amount of time. And because Altura  14 was authorized before I came on to the PEC, was  15 their application specifically stated that they were  16 going to serve a geographic location?  17 THE CHAIR: Well, it was -- because it's  18 Albuquerque, it was ZIP-coded, you know. I'm  19 fascinated all the time about this, that Albuquerque  20 identifies by ZIP code. And I don't even know what  21 all the ZIP codes in Las Cruces are.  22 COMMISSIONER VOIGT: It's probably a  23 trend.  24 THE CHAIR: People throw out these ZIP  25 codes. I need a map with ZIP codes, because I know</p>	<p style="text-align: right;">Page 333</p> <p>1 all there was to it.  2 THE CHAIR: Right. And you're right.  3 That's not on them at this moment in time; but it's  4 on us to look at -- and oftentimes, that's what  5 happens. Something happens, and then we realize  6 that maybe the process that we had wasn't as  7 complete as it should be. So we're always in  8 motion.  9 COMMISSIONER VOIGT: Yeah, I know.  10 Evolution. It's called "evolving."  11 THE CHAIR: Yeah. So will the record  12 reflect that Commissioner Caballero has left the  13 building? Thank you.  14 Okay. So are we good? So we'll just  15 simply get an update whenever there's a resolution  16 with the demand letter so that we've got an update  17 on that. And we'll get some communication whenever  18 the disposal -- whenever the removal of the -- of  19 the playground equipment has been satisfied and how  20 it happened.  21 And, hopefully, we can get, you know, some  22 help with it in terms of getting it to -- it would  23 be great if it just could go to another charter  24 school, it really would, or at the very least  25 another public school, you know. But we always</p>
<p style="text-align: right;">Page 332</p> <p>1 locations in Albuquerque, but not coded to areas.  2 COMMISSIONER VOIGT: So one school  3 probably did it, so other schools do it, you know.  4 It might be a pigeonhole for schools. If they're  5 committing to physically be in a specific geographic  6 area and then something unexpected arises like this,  7 it really -- it becomes a huge challenge, you know,  8 to obtain a facility that's E-Occupancy-approved.  9 And moving forward, though, with future  10 application language for charter schools, we might  11 want to consider something that allows for charter  12 schools to make some type of amendment to their  13 charter should this emergency type of facility  14 situation arise.  15 THE CHAIR: You're absolutely right. We  16 need to look at that; because right now the move is  17 only a notice. And I think we have to look at  18 should it be an amendment, and if that's so, should  19 this also include a community meeting so that there  20 is an understanding about that as well.  21 COMMISSIONER VOIGT: Especially if the  22 language of said application stated specifically  23 that you're going to be serving a certain geographic  24 area or quadrant of Albuquerque. If the application  25 didn't say that, then you had to move, and that's</p>	<p style="text-align: right;">Page 334</p> <p>1 prefer to go to a charter first.  2 COMMISSIONER VOIGT: A State charter.  3 Just kidding.  4 THE CHAIR: It would be great if it was  5 free; but I understand why it's not.  6 Okay. Thank you so much for your time.  7 We appreciate it.  8 MS. MEAGHAN HINDMAN: Thank you for your  9 time.  10 THE CHAIR: Okay. So we are on to,  11 actually, Item No. 12, which is Discussion and  12 Possible Action on the Revised PEC Budget for 2020.  13 So we had -- we briefly mentioned before that the  14 budget had been -- we voted last month to use the  15 budget that we submitted last year. There were some  16 revisions to it that were provided to you.  17 I don't know if there are any questions.  18 And I -- and I'm not 100 percent sure if we have to  19 actually vote on the revision or not.  20 COMMISSIONER ARMBRUSTER: Here comes Ami.  21 THE CHAIR: Do we have to vote on the  22 revision?  23 MS. AMI JAEGER: To what?  24 THE CHAIR: On the budget.  25 MS. AMI JAEGER: If we're going to submit</p>

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<p>1 it. And maybe you want to submit the changes.  2 COMMISSIONER ROBBINS: Madam Chair, if I  3 can just --  4 THE CHAIR: Sure.  5 COMMISSIONER ROBBINS: I reviewed this  6 yesterday. I didn't look at it in our SharePoint.  7 But Ms. Jaeger did send it to me. I did review it.  8 And it's a roughly \$100,000 increase in total  9 spending -- actually about \$140,000 in total  10 proposed spending with a -- roughly a \$99,000  11 projected increase in revenue. So the surplus drops  12 from about \$628,000 to about \$575,000, still  13 remaining as a surplus that could be used for other  14 items or by PED or could be reverted.  15 THE CHAIR: Okay. Thank you.  16 COMMISSIONER ROBBINS: Okay? So I would  17 like to move that we approve the adopted -- or the  18 revised budget --  19 THE CHAIR: For 2020.  20 COMMISSIONER ROBBINS: -- for Fiscal  21 Year 2020.  22 COMMISSIONER RUIZ: Second.  23 THE CHAIR: There's a motion by  24 Commissioner Robbins, a second by Commissioner Ruiz,  25 to adopt the revised PEC budget for 2020.</p>	<p>1 THE CHAIR: Yes.  2 COMMISSIONER ARMBRUSTER: Commissioner  3 Raftery?  4 COMMISSIONER RAFTERY: Yes.  5 COMMISSIONER ARMBRUSTER: That's  6 nine-to-zero.  7 THE CHAIR: The motion passes, nine-zero.  8 Thank you very much.  9 So now we are on to Item No. 13, which is  10 the December meeting. So let's just reflect back to  11 yesterday, all right, which I think is still  12 hopefully fresh in everyone's mind; so that we  13 have -- and the timing of those hearings are almost  14 exactly the same, from my recollection. We set it  15 out the same way, with the timing for the renewals  16 as we do the new applications. Because we do the  17 public; we do the school; we do you; we do us.  18 Boom.  19 MS. KAREN WOERNER: Yeah, pretty similar.  20 THE CHAIR: So it's basically the same  21 timing that we did yesterday. So we have, I'm going  22 to say, 18 schools that are up for renewal.  23 COMMISSIONER ROBBINS: And it'll take  24 about an hour-and-a-half apiece.  25 THE CHAIR: That's a minimum.</p>
<p>Page 336</p> <p>1 Any further discussion?  2 (No response.)  3 THE CHAIR: Roll call, please?  4 COMMISSIONER ARMBRUSTER: Commissioner  5 Voigt?  6 COMMISSIONER VOIGT: Yes.  7 COMMISSIONER ARMBRUSTER: Commissioner  8 Robbins?  9 COMMISSIONER ROBBINS: Yes.  10 COMMISSIONER ARMBRUSTER: Commissioner  11 Caballero is not here.  12 Commissioner Ruiz?  13 COMMISSIONER RUIZ: Yes.  14 COMMISSIONER ARMBRUSTER: Commissioner  15 Crone?  16 COMMISSIONER CRONE: Yes.  17 COMMISSIONER ARMBRUSTER: Commissioner  18 Davis?  19 COMMISSIONER DAVIS: Yes.  20 COMMISSIONER ARMBRUSTER: Commissioner  21 Armbruster votes "Yes."  22 Commissioner Chavez?  23 COMMISSIONER CHAVEZ: Yes.  24 COMMISSIONER ARMBRUSTER: Commissioner  25 Gipson?</p>	<p>Page 338</p> <p>1 COMMISSIONER ARMBRUSTER: That's a good  2 one, an easy one.  3 THE CHAIR: And I hate to use the phrase  4 "good," you know; but, yeah, that's -- that's a  5 seamless one, you know. And that's also -- you  6 know, some schools do -- like yesterday, some  7 schools do take the 15 minutes for the public  8 comment and bring a host of people up. Some don't.  9 So that's the variable.  10 But the bigger variable always is how many  11 questions we have. We can -- we can, spot-on, how  12 long the school is going to take, the public  13 comments, CSD. But depending on the school, we have  14 some schools that there is a lot of questions; we  15 have some schools that -- you know, let's be honest.  16 There's two schools that we just did contract  17 negotiations with. They're coming up for renewal.  18 So there may not be as many questions with  19 a school like that, because we've just had a lot of  20 conversations with them.  21 So there's a lot in there. But,  22 absolutely, a minimum of an hour-and-a-half.  23 That's -- so two -- so there's a couple of factors  24 here. We have to be fair and reasonable to all of  25 us here. And it's not always all about us; but lots</p>

<p style="text-align: right;">Page 339</p> <p>1 of times, it is, you know. So that's a piece of it.  2 But we have to be fair and reasonable to  3 the schools. Because there are so many schools, we  4 can't expect a school to come up on Monday and hang  5 out until it's their time to go. And that's a piece  6 that we have always struggled with.  7 We spent a year where there were flat  8 times, and we had, like, two-hour gaps at times,  9 because, like, "Oh, my God, we finished with them  10 early, and the school is not here yet."  11 So we, at the very least, have to be able  12 to communicate to schools, I think, a day.  13 MS. KAREN WOERNER: That's fair.  14 THE CHAIR: "We're going to hear you on  15 Tuesday. So that we can't tell you what time on  16 Tuesday, but you have to be up here for Tuesday, and  17 we'll get to you on Tuesday." So that that's, I  18 think, fairer to the schools, and also to the  19 community that they may want to bring up with them  20 so that they can figure that out.  21 I think it's also fairer to schools -- you  22 know, let's be honest. If you're the No. 18 school,  23 you don't want to be sitting there, and we look like  24 deer in headlights, because we've done this, and do  25 they feel like -- let's just say we say no to the</p>	<p style="text-align: right;">Page 341</p> <p>1 four -- it seems like we could do four or five a  2 day.  3 COMMISSIONER RUIZ: If we did lunch like  4 we have in the past, where Beverly brought in lunch  5 and we had a working lunch, I think we could do two  6 in the morning and two in the afternoon.  7 COMMISSIONER VOIGT: That's what I  8 thought, two and two.  9 THE CHAIR: And my only concern about that  10 is the concern about the interests of the schools.  11 So if I get a concern of if you're school No. 4, and  12 we actually didn't get to you, and we have to say  13 come back tomorrow --  14 COMMISSIONER VOIGT: I think -- well, you  15 know, I think schools might have an understanding  16 about having to do that.  17 THE CHAIR: No, they don't. They don't.  18 Honestly.  19 COMMISSIONER VOIGT: I've been on that  20 side, where we've come down and we've had to come  21 back, and -- you know.  22 THE CHAIR: You're in Albuquerque. Not  23 all of these schools are in Albuquerque.  24 COMMISSIONER VOIGT: So all of these will  25 be in Mabry?</p>
<p style="text-align: right;">Page 340</p> <p>1 school. I don't want them to come back and say,  2 "Hey, we really didn't get a fair hearing because  3 they had no idea what they were talking about," that  4 it's fair -- I think we have to be fair to the  5 school for them to feel like we -- we truly heard  6 them, and we read it.  7 So we need to look at how we want to roll  8 out these December days, understanding the fact that  9 it'll take us approximately three -- a day for three  10 schools. Because that's what we did yesterday. We  11 did three schools. And, really, the only thing we  12 did yesterday were the new applications.  13 COMMISSIONER VOIGT: I have a -- just a  14 typical operational question. So do we go into  15 closed session after each school?  16 THE CHAIR: It's up to us.  17 MS. AMI JAEGER: We can.  18 THE CHAIR: We can. But we have not.  19 COMMISSIONER VOIGT: Okay.  20 THE CHAIR: But we can.  21 COMMISSIONER VOIGT: Because it adds more  22 time.  23 THE CHAIR: It would add way more time.  24 We generally have not.  25 COMMISSIONER VOIGT: So 18 schools,</p>	<p style="text-align: right;">Page 342</p> <p>1 THE CHAIR: We do these in Mabry. Not all  2 the schools are in Albuquerque. We dealt with --  3 last year we dealt with the Office for Open  4 Government, because they wanted an exact time that  5 the school was being heard; because it was -- their  6 parent -- you know, we've gotten calls, "It's not  7 fair, we're going to call the Attorney General's  8 Office."  9 COMMISSIONER VOIGT: So let's look at our  10 schools that are coming the furthest away. We can  11 look at the schools that are coming the longest  12 distance and lock them into a date then.  13 THE CHAIR: I think we have to lock every  14 school into a date. I think if we do it for one --  15 COMMISSIONER VOIGT: But what we should  16 do, though, to be ahead of this, is that the schools  17 that are either in the first of the day or the last  18 of the day, give them that flexibility, that -- and  19 us the flexibility that there might -- they might  20 have to -- it might have to be a different day,  21 either the day before or the day after. And it  22 would be a school that's closest to Santa Fe that  23 would be less painful, you know.  24 THE CHAIR: Yes and no. Because the  25 schools will respond back and say, "But we've got</p>

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1 this schedule; so, you know, it's tough for us."  
 2 And it is December, so there -- you know,  
 3 schools close out differently. It's hard to do  
 4 that.  
 5 COMMISSIONER DAVIS: And there's weather.  
 6 THE CHAIR: And there is weather, too.  
 7 COMMISSIONER ROBBINS: Madam Chair, if we  
 8 scheduled four a day, and we started at 8:30 and had  
 9 a working lunch, we -- I'm sure we could get four  
 10 done a day. That way, we could be definitive in the  
 11 times, and we hopefully would have no more than 30  
 12 to 45 minutes in between. If there were time in  
 13 between, we could schedule them one at 8:30, one at  
 14 10:30, you know, and do that.  
 15 We could maybe give ourselves a  
 16 half-an-hour -- order lunch in, only give us a  
 17 half-an-hour, and then the 10:30 would end at 12:30.  
 18 At 1:00 -- so we have one at 1:00, one at 3:00. We  
 19 could potentially be done approximately at 5:00 each  
 20 day. That would be an 8:30 to 5:00 approximate  
 21 time.  
 22 For people that are coming up the day  
 23 before that travel long distances that are going to  
 24 come up the day before and spend the night. If you  
 25 come up for the meetings we had yesterday -- or

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1 Wednesday, you probably came up Tuesday night,  
 2 correct? So you came up Tuesday night. So you  
 3 would do the same thing.  
 4 THE CHAIR: Who came up Tuesday night?  
 5 Who are you talking about?  
 6 COMMISSIONER ROBBINS: People who came for  
 7 the work session on Wednesday.  
 8 THE CHAIR: You mean us, not --  
 9 COMMISSIONER ROBBINS: No. The  
 10 Commissioners. We can start at 8:30. There's no  
 11 reason to wait until 9:30. And for the 8:30  
 12 meeting, we try to get closer schools for those  
 13 8:30 times, in and around Santa Fe or the  
 14 Albuquerque schools, because that's not a burden for  
 15 them.  
 16 For the other schools, they could be later  
 17 in the day. Or if it's a 9:00, it still gives them  
 18 time -- if they come up the day before or whatever,  
 19 it gives them the time to arrange that. If we plan  
 20 on four a day, let's just start at 8:30.  
 21 THE CHAIR: I'm fine with that, because  
 22 I'm just across the street.  
 23 COMMISSIONER ROBBINS: For the  
 24 Commissioners who travel from out of town, you're  
 25 sitting -- I'm not saying you're sitting around

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1 doing nothing. But you'd rather go ahead and get  
 2 started and be done.  
 3 That way, we could end each day. And yes  
 4 we may have a seven- or eight-hour day. But we'd be  
 5 pushing it to a longer time, and we're not going to  
 6 be stressing ourselves out, that that way we're  
 7 really allowing two hours for each one.  
 8 And if one, you know, took a little bit  
 9 less or one took a few minutes longer, it's not  
 10 going to bump others that much. I mean, we could go  
 11 ahead and schedule that. That would be my  
 12 suggestion.  
 13 COMMISSIONER VOIGT: I like that.  
 14 THE CHAIR: And I'm fine with starting at  
 15 8:30. Like I said, because it's -- I'm usually here  
 16 by a couple of minutes after 8:00; so that's -- you  
 17 know, it's for the folks that are driving up. And  
 18 also, obviously, if -- you know, weather can always  
 19 be -- who knows what weather is going to be. That  
 20 is what it is.  
 21 COMMISSIONER ROBBINS: With global  
 22 warming, it probably won't be a problem.  
 23 COMMISSIONER DAVIS: We have more snow  
 24 because of global warming.  
 25 COMMISSIONER ROBBINS: We could have three

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1 feet of snow; that's true.  
 2 COMMISSIONER ARMBRUSTER: Madam Chair?  
 3 THE CHAIR: Uh-huh.  
 4 COMMISSIONER ARMBRUSTER: I was asking  
 5 Melissa to give me a list -- those of you may have  
 6 it, but I didn't. So let me just think. Is Monte  
 7 Del Sol going with Santa Fe?  
 8 THE CHAIR: I can't answer that.  
 9 COMMISSIONER ARMBRUSTER: We don't know  
 10 that.  
 11 MS. KAREN WOERNER: I think not.  
 12 THE CHAIR: We won't know who's going with  
 13 anyone until October.  
 14 COMMISSIONER ARMBRUSTER: Okay. So we  
 15 have 18.  
 16 THE CHAIR: And there's at least one  
 17 district charter that's coming our way. At least  
 18 one.  
 19 COMMISSIONER ARMBRUSTER: Right. I wrote  
 20 that one.  
 21 THE CHAIR: What one did you write?  
 22 COMMISSIONER ARMBRUSTER: 21st.  
 23 THE CHAIR: Okay.  
 24 COMMISSIONER ARMBRUSTER: I'm looking at  
 25 distance. So Deming, that's far. We would agree

<p style="text-align: right;">Page 347</p> <p>1 that, right? La Montañas from Las Cruces? That's a 2 long distance. And Taos is really long-distance. 3 It is not close and it is a horrible road. And DEAP 4 is long-distance. We have four that are 5 long-distance ones. I was trying to listen to David 6 when I was doing this. 7 COMMISSIONER ROBBINS: We could do those 8 at 1:00 in the afternoon. That way -- 9 THE CHAIR: And honestly, we don't need 10 to -- we don't need to schedule the schools right 11 now. We simply need to make the schedule of what 12 days. And it's on them to figure the schedule out. 13 We don't have to dig into who's going when 14 at this moment in time. I'm simply asking folks to 15 look at how many schools, how many days, so that 16 we've got our block of dates that we will be 17 meeting. 18 That's all I'm looking for now. And the 19 details of when -- and it will -- that'll certainly 20 at least give them the opportunity to say, "Well, 21 you know, the meetings are going to take place 22 between these dates," so we know that for sure. And 23 the schedule will come out later. And those details 24 can be figured out. 25 So we were originally scheduled for --</p>	<p style="text-align: right;">Page 349</p> <p>1 the 9th; so 9, 10, 11, 12. 2 THE CHAIR: 9, 10, 11, 12, 13. And 3 hopefully, if they're -- generally, we do not -- the 4 only other things that we would have -- and then I 5 would ask is that there be no amendment submissions 6 for December. 7 MS. KAREN WOERNER: If any are submitted, 8 you want me to hold those till the next meeting? 9 THE CHAIR: That's tough. I would just 10 try to use your powers of persuasion, unless it was 11 absolutely an emergency -- 12 MS. KAREN WOERNER: Okay. 13 THE CHAIR: -- that something came up and 14 said, "Hey, we have to do this now," you know, then 15 we can look at that. But otherwise, we don't want 16 to be digging into -- you know, we'll do a consent 17 agenda, so that anything that -- you know, notices 18 and governing councils and thing like that, that'll 19 take five minutes to do. 20 But that if they're -- unless there's an 21 emergency amendment that the school absolutely needs 22 done in December.. 23 MS. KAREN WOERNER: Madam Chair, I just 24 propose that if any are -- we will do our best to 25 encourage them another time. If anything comes up,</p>
<p style="text-align: right;">Page 348</p> <p>1 excuse me -- December 10th through the 13th. 2 COMMISSIONER RUIZ: So if we added the 3 9th. 4 THE CHAIR: So we would have to add the 5 9th. 6 COMMISSIONER ROBBINS: And we could 7 potentially be finished early on Friday. 8 THE CHAIR: And that's always my 9 preference. 10 COMMISSIONER ROBBINS: That last person on 11 Friday, we're not running up until 5:00 on Friday. 12 So I think, you know, if we are tired, we're not 13 going to be as tired. 14 COMMISSIONER CRONE: If you look on the 15 next page, it does say the 9th. 16 COMMISSIONER ARMBRUSTER: Oh. That we'd 17 already blocked it off? 18 THE CHAIR: Did we? 'Cause I have -- 19 COMMISSIONER DAVIS: I've got the 10th. 20 THE CHAIR: I have the 10th on my 21 calendar. 22 MS. KAREN WOERNER: I think Beverly put 23 the 9th on there. 24 COMMISSIONER ARMBRUSTER: She probably 25 knows us better than we do. So we're starting on</p>	<p style="text-align: right;">Page 350</p> <p>1 we'll be in touch with you before we have set the 2 agenda anyway, and we can bring those to your 3 attention. 4 THE CHAIR: Yeah. Yeah. 5 Okay. So we're good with those dates? 6 Okay. So if it's already there, then I 7 guess we don't have to vote to make any changes, 8 because, apparently -- is that on the website? The 9 9th? 10 COMMISSIONER DAVIS: The last time I 11 looked, it wasn't. It was the 10th. 12 MS. KAREN WOERNER: I would say better 13 safe than sorry. 14 MS. AMI JAEGER: Because we do vote on -- 15 THE CHAIR: We do. We vote on the 16 calendar at the meeting. So I guess if it's not on 17 the website, then we should amend the calendar by 18 vote. 19 Okay. So I am going to move that the 20 Public Education Commission amend their calendar for 21 December to indicate that we will be meeting from 22 December 9th through December 13th. 23 COMMISSIONER DAVIS: Second. 24 THE CHAIR: There's a second by 25 Commissioner Davis.</p>

<p style="text-align: right;">Page 351</p> <p>1 Any further discussion?  2 (No response.)  3 THE CHAIR: Yeah. Do we have roll call?  4 MS. AMI JAEGER: You can do voice.  5 THE CHAIR: Okay. We can do voice. All  6 in favor?  7 (Commissioners so indicate.)  8 THE CHAIR: Opposed?  9 (No response.)  10 THE CHAIR: Hearing no opposition, the  11 motion passes.  12 Oh. So we're on to Report from the Chair.  13 I'll make this as quick as I can.  14 Let's see. I had -- I had the opportunity  15 last Thursday to attend a meeting from the LESC and  16 the LFC staff. And that meeting included the  17 director, the interim acting secretary, interim  18 secretary, LESC, LFC staff, Albuquerque Public  19 Schools, myself -- I guess that -- that -- oh,  20 yes -- and the public charters were there as well.  21 And the discussion went in a lot of  22 directions. We talked about the -- the impact that  23 the budget has had on charters, what has happened as  24 a result of the increase or what hasn't happened as  25 a result of the -- the increase, where schools are</p>	<p style="text-align: right;">Page 353</p> <p>1 positive direction in terms of a cooperative  2 relationship and trying to -- to reach out and  3 understand that we all really do have the same goal  4 of servicing kids here in New Mexico the best that  5 we can, and that hopefully, we can create those --  6 those partnerships.  7 We talked a little bit about the  8 partnership between State and district-authorized  9 schools and what does that look like, should look  10 like.  11 So once again, I appreciate that. I also  12 appreciate the fact that they scheduled it the week  13 of Indian Market, so it obligated me to three nights  14 here instead of just the one night up and back. So  15 it was a little hit to my budget; but that's okay.  16 It was well-intended.  17 I also had lunch with folks from 21st  18 Century Charter School. And that's how I knew that  19 they were intending on renewing with the State.  20 They're currently an APS-authorized school. And it  21 was -- it was a good conversation. They actually --  22 their intention initially was they wanted to renew  23 early with us, and they wanted to be on the  24 September agenda.  25 And I told them that that just can't</p>
<p style="text-align: right;">Page 352</p> <p>1 still struggling in terms of servicing.  2 And, certainly, we talked a little bit  3 about any struggles with trying to implement the  4 multicultural framework and where schools are having  5 some challenges with that.  6 We talked lease assistance. We talked --  7 we even talked expansion, which kind of threw me for  8 a loop a little bit. But the LFC staff wanted to  9 know what our -- what we saw as -- did we see MAS as  10 our model for expansions, which I was surprised when  11 that came up.  12 So it was a -- I thought a good  13 conversation. And I appreciate, absolutely, that  14 the LFC and the LESC staff included us in that  15 conversation; because it is the first time that  16 we've been invited to that table. And I'm presuming  17 that those conversations have taken place before.  18 So I appreciate that they're reaching out  19 and asking for our input on that. Touched a little  20 bit on a couple of things that maybe legislatively  21 might be going forward for -- for coming-up budget  22 year, understanding that it's only a 30-day session,  23 so that depending on the call, what the limitations  24 of -- of that session might be.  25 So I think it's -- we're moving in a</p>	<p style="text-align: right;">Page 354</p> <p>1 happen. It's outside of our processes. It's  2 outside of the statute. We didn't have the State  3 Accountability information until November, so that  4 there was absolutely no way that this could take  5 place.  6 And we already told our own schools that  7 were renewing that we couldn't hear them in  8 November, so we couldn't take a district charter and  9 take them earlier.  10 But that does lead me to a caution to  11 Commissioners when we're looking at the significant  12 number of schools that are renewing. We all have  13 schools in our district, and we all have to be  14 responsive to the schools in our district. But  15 there's a fine line with the conversation that we  16 have when the school is up for renewal, that we do  17 have to steer clear of giving any direct  18 recommendation to a school about what they should be  19 putting in an application, because you don't want it  20 coming back to you when they're sitting here,  21 saying, "Commissioner X said I should do this, so we  22 thought this was okay, and now you're all saying  23 it's not."  24 So conversations about how the process  25 works and answering questions about that is -- is</p>

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<p>1 all well and good, and certainly encouraged. But 2 specifics about what should go into an application 3 should be left to CSD to be able to answer those 4 questions. 5 And I'm also going to lead into a little 6 bit of an ethics caution in terms of -- and I know 7 it's, in all likelihood, not intended by a school. 8 But if a school invites you to lunch to go talk 9 about something, there is no problem with you -- and 10 they're up for renewal, there is no problem with 11 going. 12 But you should be paying for it yourself, 13 that it's -- and I know with 21st Century, they were 14 kind of offended, you know. And I simply told them, 15 you know, "I'm sorry, but I -- I need to pay for 16 this myself, 'cause you just don't want that -- you 17 know, any semblance of it looking like" -- 18 COMMISSIONER VOIGT: You're being bribed. 19 THE CHAIR: -- "there might be something." 20 So just be a little cautious. And like I said, the 21 schools are not -- this isn't an intent on the 22 school to buy your vote. But you have to look at 23 what appearances look like. So I'll just offer that 24 caution. 25 I also, on my way up on Tuesday, had an</p>	<p>1 conference. It's happening at the same time. And 2 Matt made a phone call to me. And, unfortunately, 3 it's -- you know, he's owning that his -- that the 4 staff didn't look at our calendar, you know. And 5 they scheduled it -- they are unable to move it 6 because they made a commitment to the space. 7 So I'm going to make this proposition to 8 the Commission, that we simply don't schedule -- we 9 don't have our November meeting. If we have to have 10 a November meeting -- because I know we did ask 11 Alma -- I know -- Matt has promised space where 12 they're having their conference -- that we could 13 hold a short meeting there in Albuquerque, so that 14 we can look at -- we'll change our meeting date and 15 time to Albuquerque. 16 We won't have a work session, and we'll 17 have a short meeting at some point in time at a 18 space provided by Public Charters. 19 And where is the conference? 20 MR. MATT PAHL: It's at the Rankin 21 Conference -- same as last year. 22 THE CHAIR: The same as our November 23 meeting. 24 COMMISSIONER ARMBRUSTER: Madam Chair, 25 it's -- it's a Thursday-Friday conference?</p>
<p>Page 356</p> <p>1 opportunity to stop in -- MAS had asked me to be 2 there for their first day of opening. And it was 3 the Monday before Thursday that I was coming. And I 4 said, "I just can't make it that Monday." But I did 5 stop in Tuesday and spent three hours with the 6 tiny -- mostly the tiny ones. 7 So I had an opportunity to speak with the 8 school and go through the school. And that's always 9 the nice part of what we do is to go in and, you 10 know, see the kids at work. 11 So I want to thank them for taking that 12 time out and inviting me. 13 And I think I'm done. Unfortunately, I'm 14 missing LESC, because they're meeting now. 15 COMMISSIONER CRONE: In Red River? 16 THE CHAIR: No, that's LFC in Red River. 17 LESC is in Aztec. So it's -- so I think that's -- 18 because you already know that I had the conversation 19 with the property manager, so we've gone through 20 that. So I think I'm good at this moment in time. 21 COMMISSIONER ARMBRUSTER: Matt was just 22 out there. 23 THE CHAIR: Oh, I think he's on the phone. 24 Oh, ding. The calendar. There's a conflict with 25 our November date and the Public Charters'</p>	<p>Page 358</p> <p>1 MR. MATT PAHL: Yes. 2 COMMISSIONER ARMBRUSTER: And not 3 Saturday? 4 MR. MATT PAHL: Not Saturday. 5 COMMISSIONER RAFTERY: So what day would 6 the meeting be, if we had a meeting? 7 THE CHAIR: Because it's already on your 8 calendar for November, so just plan on going to 9 the -- 10 COMMISSIONER DAVIS: So will we get 11 information about the conference? 12 THE CHAIR: Yeah. Yeah. But just target 13 those. We already have the dates blocked out. So 14 for those of you who live in Albuquerque, you don't 15 have to drive as far. For those of you that 16 don't -- I don't have to drive as far. 17 So it's -- we'll just figure out -- 18 because right now, the only thing that we would have 19 to do so far is the -- anything that's on the 20 consent agenda, we can easily do that; so notices 21 and things like that. And if there was an 22 amendment, we'll certainly do those. And we'll deal 23 with the Alma issue. 24 But that should be -- you know, that 25 should be short.</p>

<p style="text-align: right;">Page 359</p> <p>1 MS. KAREN WOERNER: I hope so.  2 THE CHAIR: And based on whenever we get  3 eyes on what the conference looks like, we can  4 figure out the best time for the meeting based on  5 the schedule of the conference. If it's best to do  6 it first thing in a morning, we can do that, okay?  7 MS. KAREN WOERNER: That will be the 15th,  8 the Friday, that meeting, then?  9 COMMISSIONER ARMBRUSTER: Or are you  10 thinking it might be Thursday?  11 THE CHAIR: It could be Thursday. Like I  12 said, it depends on what the conference schedule  13 looks like, which day it would be best -- you know,  14 if we think it's best just to get it over with  15 Thursday morning or Friday morning, or whenever  16 we -- we'll get that information to you as soon as  17 Matt gets us the information, which he already told  18 me a week and a half ago he was going to send out  19 the "Save the Date" to us, and that hasn't happened.  20 So I'm not anticipating this information coming  21 quickly.  22 COMMISSIONER DAVIS: And all our e-mails  23 work.  24 THE CHAIR: Do you have all our new  25 e-mails?</p>	<p style="text-align: right;">Page 361</p> <p>1 THE CHAIR: If we could do that in  2 October, yeah. Yeah.  3 MS. KAREN WOERNER: Okay. Thank you.  4 THE CHAIR: Thanks.  5 COMMISSIONER RUIZ: Who do we give this  6 to? I'm sorry. (Indicates.)  7 THE CHAIR: Wait. Matt has to go. I'm  8 done. Yeah.  9 MR. MATT PAHL: Okay. Madam Chair,  10 members of the Commission, it's a great segue to  11 talk about our conference on November 14th and 15th  12 at the APS Rankin Training Facility. The theme of  13 this year's conference is Looking Back and Looking  14 Forward. It's a nod to the 20th anniversary of  15 having charter schools in the state of New Mexico.  16 We'll have some panels and discussions  17 that really take some of the people who were at the  18 founding parts of the movement and get to hear how  19 they've watched it grow over time. And in  20 looking -- looking forward, I'll see -- in looking  21 forward, we'll highlight some schools and some of  22 the great work they're doing. We'll note some of  23 the innovations we've accomplished as charter  24 schools that have actually been adopted by school  25 districts.</p>
<p style="text-align: right;">Page 360</p> <p>1 MR. MATT PAHL: Not new, if they're new  2 from what's on the website; so...  3 COMMISSIONER VOIGT: The website is  4 correct.  5 MS. KAREN WOERNER: It has changed  6 yesterday. If you were looking at an old page of  7 the website, please check again.  8 THE CHAIR: Certainly, if you send it out  9 to all the Commissioners, we'll get it, because  10 someone will get it.  11 MR. MATT PAHL: Fair enough.  12 THE CHAIR: Because the -- it's still all  13 the same numbers. The faces have changed that go  14 with the numbers.  15 MR. MATT PAHL: Oh, I see. Okay.  16 THE CHAIR: Karen?  17 MS. KAREN WOERNER: I just made notes from  18 what you want us to prepare for November. So I just  19 want to ask about -- we had talked about having some  20 work session discussion in November on the pre-K  21 early childhood.  22 THE CHAIR: I know. We're going to have  23 to change that.  24 MS. KAREN WOERNER: Do you want to have  25 that in October?</p>	<p style="text-align: right;">Page 362</p> <p>1 You know, that never looks like, you know,  2 a school district starts a new program and says,  3 "This is thanks to that charter school." It doesn't  4 look like that.  5 And -- but I do think there's more  6 collaboration going on than people give it credit  7 for. And we actually are engaging with some  8 superintendents to co-present with charter schools  9 to talk about how they've pushed one another in the  10 work that they do.  11 At the end of the day, if you're a charter  12 school in Roswell, and you're working within the  13 Roswell school district, you're all serving the same  14 kids at the end of the day. And I think there's  15 some really good examples of superintendents and  16 charter school leaders that showed this. And I  17 think it's important for other people to see that,  18 because it doesn't always look that way.  19 So we're really excited for the  20 conference. I will get that sent out to you.  21 We're trying to join the current century  22 and have online registration. Up until this point,  23 you called Donna and you e-mailed Donna. And it  24 turns out Donna does a lot of work to get all that  25 done.</p>



<p style="text-align: right;">Page 363</p> <p>1           So we're having our initial stumbles in 2 making sure we have online registration; but that 3 link will be available to you. But just to ask you 4 to hold the calendars for the 14th and 15th. 5           There are just a couple of other 6 announcements. And if it's okay, Madam Chair, I'd 7 like to give some updates on NM ACES as well during 8 this time. 9           THE CHAIR: Sure. 10          MR. MATT PAHL: Now that the two 11 organizations are formally working together, NM ACES 12 recently approved two vendors for security training 13 and unarmed security personnel to be on campus. The 14 RFP was completed a couple of weeks ago. So this 15 makes it so schools can contact ACES and work with 16 either of these two vendors to provide training to 17 their staff or unarmed security personnel, either at 18 events or just on campus in general. 19          In addition, we just want to note -- I 20 mean, today, and yet in general, a lot of talk about 21 facilities. And not a -- I mean, Madam Chair, we've 22 spoken about this many times outside of meetings. 23 No real clear answers on -- on how to make sure 24 we're doing the right thing without burdening 25 schools to the point where there's no way they're</p>	<p style="text-align: right;">Page 365</p> <p>1           available. Right now, they simply have to say, "No, 2 we don't, it's not available." 3           And we know that there are districts that 4 have space available that a charter could go into, 5 and they're simply not making it available. So if 6 we can put it into statute that they have to make it 7 available -- 8          MR. MATT PAHL: Madam Chair, that is 9 certainly a piece of it. And that is in the bill, a 10 provision to strengthen that. 11          And another element is funding to help 12 make some of these long unused or under-used 13 facilities, something that's good for a charter 14 school to move in. 15          And if you go down Paseo on the south end 16 here in town, there's the Alvord School that was 17 sold by the district. It was offered to charters. 18 It was offered. To get that school into good shape 19 would cost \$3 million. And there's just nobody 20 with -- no schools are sitting on that kind of money 21 to renovate that. And so that's actually a small 22 amount of money to put a public facility to good use 23 for a charter school. 24          So these are some of the challenges that 25 we're facing. And I know you all know it well.</p>
<p style="text-align: right;">Page 364</p> <p>1           going to be able to find -- find facilities. 2           I just want to note that we really want to 3 start thinking about that and trying -- proposing 4 some items as a matter of policy, whether it's for 5 the PEC or in State statute. We have our facilities 6 bill. And Senators Candelaria and Ortiz y Pino are 7 planning on working on that again this next upcoming 8 session. 9           That does some things. But I don't 10 know -- as I was watching the new school 11 applications -- if it would fix anything for those 12 schools. So it's important for us to just give some 13 thought to that. As we get closer to Session, I'll 14 get copies of that bill as we think it will be 15 dropped to see if there's any ideas there. 16          But just to remind everyone, that went out 17 of the Senate Education unanimously. So we feel 18 like we have some decent traction. It's rare for a 19 first-year bill to get passed in the first year. 20 But unanimous votes mean something. So we're real 21 hopeful we can do something in this next 30-day and 22 get some feedback. 23          THE CHAIR: We did talk this last week 24 about holding districts more to the fire, if they 25 do, in fact, have space, that they have to make it</p>	<p style="text-align: right;">Page 366</p> <p>1           Just know that we're open to feedback on what would 2 be presented in that bill if we find there are some 3 provisions that would help that process. 4          COMMISSIONER ARMBRUSTER: Madam Chair? 5 Because I wanted to ask you a question. 6          MR. MATT PAHL: Uh-huh. 7          COMMISSIONER ARMBRUSTER: So if a school 8 district has facilities they rent out, and they're 9 making -- people are making lease payments to them, 10 do they have to get rid of those people to give it 11 to the charter? 12          MR. MATT PAHL: That's a good question. 13          THE CHAIR: What do you mean? Rent it out 14 to whom? 15          COMMISSIONER ARMBRUSTER: A preschool, 16 a -- the Lab. 17          THE CHAIR: Oh, okay. 18          COMMISSIONER ARMBRUSTER: So I don't know 19 the answer. That's why I'm asking. 20          MR. MATT PAHL: I actually don't, either. 21 There hasn't been a lot of challenging on this 22 provision of statute in the courts from what I know. 23 But "available" is the term in statute. So you 24 know, if you're under a current lease, I would 25 assume that's probably not available. But at what</p>

<p style="text-align: right;">Page 367</p> <p>1 point was it unavailable prior to that lease? I 2 don't know. Yeah. "Don't know" is the answer. 3 THE CHAIR: And I'm going to say if there 4 could be a look at -- and I don't know whether there 5 is a possible fix to this -- is that if a -- if a 6 charter is currently leasing space from a district, 7 that the district can't just arbitrarily say, "No, I 8 need that space back," that we fix that, that the -- 9 you know, that they -- you know, they have an 10 assurance that as long as that charter is still 11 using the space, that the district can't just 12 arbitrarily say, "No." 13 Because now that we're expanding pre-K, 14 districts are saying, "Hey, I'd like to centralize 15 my pre-K program." So that's looking pretty good 16 right now. So it's -- it's worrisome. You should 17 be assured that you can keep the space. 18 COMMISSIONER ARMBRUSTER: And the other 19 part of that -- and I just missed, because I think 20 you did answer it. So if School Q in Albuquerque is 21 going to be empty now, in order for a charter to go 22 in there, number one, do they get lease 23 reimbursement payments or not? 24 And, number two, the probability that it's 25 an E-Occupancy now is probably pretty low.</p>	<p style="text-align: right;">Page 369</p> <p>1 really, it is a good thing, because there have been 2 some offers to charters where the school -- to take 3 the whole school over is too large for the charter. 4 The school may be able to accommodate 600 students 5 and a charter with 150 students. 6 They have tried, with some of the APS 7 charters, to get two or three charters to move into 8 an existing school to co-locate. And they've had 9 difficulty, because they feel the programs are so 10 different, and they -- you know, they cannibalize 11 each other's students. 12 That becomes somewhat of a challenge, 13 because of that. But again, with the way the 14 demographics in Albuquerque has changed -- and 15 they've had a lot of elementary schools built, which 16 right now, are only half of the students that they 17 were built for. And so that's a challenge, also. I 18 mean, they don't have portables or anything, and 19 they have 300 students in a school that's built for 20 500 or 600 students. 21 So that is a challenge. They still have 22 these facilities, and then they have the outlying 23 ones they're having to build because the city is 24 growing that direction. But a charter being able to 25 use it, I think accommodations in statute to address</p>
<p style="text-align: right;">Page 368</p> <p>1 So would they have to give the school to a 2 charter and make the E-Occupancy -- make the 3 building up to E-Occupancy, and then they get the 4 lease payments? 5 MR. MATT PAHL: My guesses on that are 6 that they would need to make it available. The 7 school has to say, "Yeah, we want to go into that 8 building." There's kind of an offer and consent on 9 the offer there. 10 And then, secondly, it's likely that it 11 probably still would be E-Occupancy. But whether 12 the conditions index is something that would be -- 13 something that would be acceptable to the school -- 14 and, Commissioner Robbins, you probably know more 15 than I do on this. 16 COMMISSIONER ROBBINS: Well, since the 17 school still owns the building, they could apply for 18 PSCOC funding. And if they're leasing it to a 19 charter, the lease payments would go to the school. 20 Generally, from what I've seen, like in 21 APS, what they've done is they've at least tried to 22 cover maintenance and utility expenses. They don't 23 try to cover improvements. They let the capital 24 bonds handle any capital improvements. 25 But just routine maintenance and -- so,</p>	<p style="text-align: right;">Page 370</p> <p>1 that would be very helpful. 2 MR. MATT PAHL: And, Madam Chair, I think 3 you'll remember this from the meeting that, you 4 know, from a macro sense -- David Abby of the LFC -- 5 and he's said this for years, "There's a lot of 6 unused square footage." That is true. 7 I think more often than not, we have a 8 location issue, because we have a lot of square 9 footage in areas that don't have charter schools. 10 But also this condition that Commissioner Robbins 11 brings up, schools that are maybe half-full or 12 two-thirds full, that doesn't always mean that the 13 other third is ripe for use from a charter school. 14 And I think that's something -- it's just 15 a complex part of whatever the solution is in the 16 long-term. 17 THE CHAIR: Right. But I think it begs 18 that greater conversation that how could we attempt 19 to accommodate that co-location? And is there 20 anything in either statute or something that we can 21 help with the process, to bring the parties together 22 and figure this -- figure this out? 23 It can work in some cases. You're right. 24 I think it's harder if you're asking three charters 25 to be in the same space. Because unless you're a</p>

<p style="text-align: right;">Page 371</p> <p>1 K-5, a 6-8, and a 9-12, that may work.  2 But when you're all high school, yeah,  3 you're thinking "Oh, wait a minute. You're going to  4 start poaching my kids," and things like that.  5 So that's -- but I think to be able to  6 facilitate that bigger conversation is important.  7 MR. MATT PAHL: Yeah. Yeah.  8 One last item for the Commission,  9 Madam Chair, and it was mentioned by Commissioner  10 Voigt, that the best kind of training for boards  11 happens right there with them.  12 Our pilot -- and I think Alan --  13 Mr. Brauer -- mentioned this as well -- I don't know  14 that we're calling it a pilot. But we kind of kept  15 the numbers low this year.  16 Kelly Callahan will be doing on-site board  17 training for schools. She'll be at four board  18 meetings each year. And there will be bookend board  19 meetings to kind of determine strategy, the things  20 we want to work on, and then closing out based on  21 those goals.  22 We're real excited about this, and it  23 turns out the schools are, too. It took about four  24 days for us to fill up our six slots. And we had  25 four more on a waiting list before we said, "Okay, I</p>	<p style="text-align: right;">Page 373</p> <p>1 Chair.  2 THE CHAIR: Okay. Thank you. We're on to  3 comments. Commissioner Chavez?  4 COMMISSIONER CHAVEZ: I just think it's a  5 great idea when you can partner, like with this  6 conference. And if we need to meet there, it just  7 kind of kills two birds with one stone. I really  8 like that idea. That's all I have.  9 THE CHAIR: Thanks.  10 Commissioner Voigt?  11 COMMISSIONER VOIGT: I was at MAS Charter  12 School on their first day. And it was really great  13 to see that environment. I had never been to MAS,  14 and they had a lot of really great things going on.  15 It was really nice that they hosted us and talked  16 about their program and did a really nice formal  17 presentation, as well as a great school tour.  18 I'll be going to Southwest Secondary later  19 this month. I think Mr. Robbins will be joining me  20 there. They're having some governing board  21 training, and they just invited us to see what's  22 going on at their school.  23 So it's really great to be receiving these  24 invitations to be coming out to the schools. I miss  25 being on a campus and having that energy, you know,</p>
<p style="text-align: right;">Page 372</p> <p>1 don't know that we're going to get past ten."  2 There's a desire by schools to get  3 training like this. And we'll learn a lot in the  4 first year and leverage all the resources in the  5 larger charter community to be able to meet boards  6 where they're at, and also get that coaching during  7 the board meeting.  8 I've been in a number of board meetings  9 where they're just not quite -- "Do we do a motion  10 right now?" I think they are appropriately  11 conservative when they make their choice and just  12 make sure they over-process things. Having somebody  13 that has run boards and been on boards and have that  14 experience, they can have that confidence to push  15 that through and be a well-oiled machine and feel  16 confident walking into each of their board meetings.  17 We're excited about that, and I think the schools  18 are too.  19 THE CHAIR: I think New America is one of  20 them.  21 MR. MATT PAHL: Yes.  22 THE CHAIR: Not to take business away from  23 you, but there may be schools that can help the  24 other schools in their community.  25 MR. MATT PAHL: Yes. Thank you, Madam</p>	<p style="text-align: right;">Page 374</p> <p>1 of the heart and soul of what's going on.  2 I also met with Mary Tarango and Virginia  3 Trujillo, before you did, for lunch. And they  4 introduced the idea that they were going to be  5 applying as a State charter school. Of course, I  6 just advised them of the general procedure of going  7 to the website and looking at the application.  8 And Mary and I used to work together at  9 Valley High School. Full disclosure. And we also  10 played soccer together, and her daughter, back when  11 my knees were fully functional. Can't do that  12 anymore. Now I think I need shoulder surgery also.  13 But I think it would be great to consider  14 for next year, 2020, for the Public Education  15 Commission to present at the NACSA conference. I  16 would be up for that, if someone else would join me,  17 to talk about our authorizing practices in  18 New Mexico, along with someone from the Charter  19 School Division.  20 I know there are many states that have --  21 that are just now forming their authorization  22 practices or just now implementing charter school  23 laws.  24 This will be my first NACSA conference. I  25 have been to other charter school conferences, but</p>

<p style="text-align: right;">Page 375</p> <p>1 not as an authorizer. When I go in October, I'm 2 going to be scoping that out to see where there 3 might be a fit for the PEC to possibly come in as a 4 presenter. I think it's always good to talk about 5 the great work we're doing here; not from a boastful 6 place, but from a sharing of information and sharing 7 knowledge place. 8 And it would be healthy, I think, for us 9 to do that. So -- cool. All right. Robbins. 10 Thank you. He just volunteered. Yeah. Thanks. 11 COMMISSIONER ROBBINS: Next. Me? 12 THE CHAIR: Uh-huh. 13 COMMISSIONER ROBBINS: PSCOC is having 14 public input hearings or meetings in Los Lunas. I 15 get Los Lunas and Las Cruces tongue-tied. I know 16 they're different. They're 200 miles apart. Or 17 they're 180 miles apart. 18 COMMISSIONER CHAVEZ: It's a "Los" and a 19 "Las." 20 COMMISSIONER ROBBINS: L-A-S. L-O-S. 21 Okay. It's like Las Vegas and Los Lunas. L-A-S. 22 Both on the 9th and 10th of November, two 23 days, probably won't last all day, but just give the 24 opportunity for public input on the funding and 25 things like that.</p>	<p style="text-align: right;">Page 377</p> <p>1 ag land or something like that you're putting a 2 school on, that may be high. 3 But they're going to be looking at that. 4 So they're not -- I think they're open to the idea 5 that the land leases and the building lease may be 6 two separate entities. So it's valid that you have 7 a land lease, so they're not excluding it totally. 8 What they're trying to do is, you know, 9 you don't lease 50 acres and utilize three, and 10 you're paying for all this extra stuff, and you're 11 just getting lease assistance. So I hope we get 12 some movement on that. 13 THE CHAIR: Thank you. 14 Commissioner Crone? 15 COMMISSIONER CRONE: We had a NMPSIA 16 meeting in the Taos Ski Valley at The Blake. So I 17 recommend that we have a meeting there. I've got my 18 little pin from there. 19 Under the discussion, I don't think it 20 impacts charters. But in the south, in your part of 21 the country, school buildings are being utilized for 22 people crossing the border. And so if it's a gym or 23 a school facility. And NMPSIA is looking at perhaps 24 a new provision, where you would have to -- if 25 you're going to do something like that, the same</p>
<p style="text-align: right;">Page 376</p> <p>1 They are looking at, and we have an ASM 2 subcommittee meeting next Tuesday. And then at 3 those public input hearings, I'm hoping that we'll 4 have some sort of additional information on the 5 lease assistance and what they're looking at and 6 everything and their land leases. 7 One of the things that David Abby had 8 requested is that they look at property values from 9 a property tax standpoint, what's on the tax records 10 for this property; because if the property, you 11 know, is -- they were saying SODA. You know, you 12 look at land or the school that's out at -- what's 13 the word -- Mesa del Sol -- you know, you look at an 14 acre of land, a dollar a square foot for an acre of 15 land that has utilities and all that isn't an 16 unreasonable price for leasing, because it would 17 sell for around 10, maybe even more if it has all 18 the infrastructure in place and all you have to do 19 is put a building up. 20 It could go for \$10 or \$12 a square foot. 21 I talked to a Realtor who was at the last PSCOC 22 meeting. She said, "You're right on." 23 So if you're only paying 50 cents, a 24 dollar a square foot for land, that's cheap in some 25 areas. Now, in other areas, you know, if it's just</p>	<p style="text-align: right;">Page 378</p> <p>1 kind of thing occurs in weather situations -- 2 THE CHAIR: Right. 3 COMMISSIONER CRONE: -- where the schools 4 have to open up. And they're looking at possibly 5 maybe a little bit more, like opening costs, if 6 those schools -- it wouldn't be universal; but if 7 they do that. 8 THE CHAIR: Okay. So -- 9 COMMISSIONER CRONE: Go ahead. 10 THE CHAIR: So let me just ask. Because 11 it was -- it really was temporary, because it was 12 during break time that that was being used. So 13 would this be a -- I don't know how they're looking 14 at it, which, if you used it, there would be some 15 additional cost that you'd have to pay? 16 Or is this, like, a surcharge that they're 17 going to charge because you did use it and 18 potentially you may in the future have to? I'm 19 not -- because we don't -- we don't regularly, 20 because there were no students in when it was used. 21 COMMISSIONER CRONE: Yeah. I don't know 22 that we got that far in the discussions. It seemed 23 to me that it would be if you ever planned to do 24 that. But you can't predict the weather. 25 COMMISSIONER ROBBINS: I'd suggest maybe,</p>

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<p>1 in this conversation, that -- again, getting statute 2 changed is not easy. But if the Governor declares a 3 weather emergency or things like that -- because we 4 had this a few years back in Northern New Mexico 5 with gas supplies and everything. And if you can 6 get a declaration, either by a local governing body, 7 maybe it's the County Commission, or it's the 8 Governor, that that would relieve the school 9 district of liability, provided it was an emergency 10 declaration by some authorized thing. 11 But that would relieve them. Then the 12 school is not in the position, "We really can't let 13 you have use the facility because we have increased 14 risk and we can get sued and all that." 15 You can change the statute to state, 16 "We're going to protect you and prevent you in tort 17 claims from being sued." 18 So that might be one thing NMPSIA could do 19 to pursue that as an alternative to raising rates. 20 COMMISSIONER CRONE: Yeah. We're meeting 21 in a couple of weeks; so I'll bring that up. 22 THE CHAIR: Okay. Thanks. And it's -- 23 yeah, I didn't know that was an -- it's an 24 interesting issue. 25 COMMISSIONER CRONE: Yeah. Also, we</p>	<p>1 room. And I really -- I really enjoy the 2 conversations and listening to all the input from 3 everybody, because it helps me understand better and 4 make better decisions, I hope. 5 THE CHAIR: Thanks. 6 Commissioner Raftery? 7 COMMISSIONER RAFTERY: I just want to say 8 I was really happy to hear that we're going to have 9 board trainings. And in addition to board 10 trainings, I really think that they should have, 11 like, a set of questions to ask when they interview 12 for the superintendent or for the people who are 13 going to be driving the schools; because a lot of 14 them will hire people who are not qualified just 15 because they think that they're a doctor or a Ph.D. 16 or whatever. 17 So, you know, if you would put that in 18 there that they need to be trained as to who they 19 need in those positions, you know. Also, I want to 20 thank everybody for all of your comments. It's 21 really interesting to hear everybody. I won't be 22 here for the September meeting; I will be out of 23 pocket. But I will be up here for the November and 24 look forward to the December. 25 THE CHAIR: Okay. Thanks. Do I have a</p>
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<p>1 continued to discuss the school safety and some of 2 the plans that the vendors -- trainings and so 3 forth, things like that. And, otherwise, I plead 4 the Fifth. 5 THE CHAIR: Okay. Thanks. 6 Commissioner Armbruster? 7 COMMISSIONER ARMBRUSTER: I'm fine. I'm 8 done. 9 THE CHAIR: Commissioner Ruiz? 10 COMMISSIONER RUIZ: Just thank you. Thank 11 you all. I want you to know that when I'm sitting 12 here trying to make sure that I'm alert, I just 13 watch you. 14 THE REPORTER: To make sure I'm still 15 awake? 16 COMMISSIONER RUIZ: Short, sweet, and 17 simple. 18 THE CHAIR: I just want to say the same 19 thing. There's a lot of supports that go into 20 especially yesterday, you know. And I appreciate 21 all the -- the work that goes into what gets us 22 ready, especially for those new applications. 23 Commissioner Davis? 24 COMMISSIONER DAVIS: Well, I appreciate 25 all the experience and expertise that's in this</p>	<p>1 motion to adjourn? 2 COMMISSIONER RUIZ: So move. 3 COMMISSIONER ROBBINS: Second. 4 (Proceedings concluded at 12:59 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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 September 5, 2019.

Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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Job No.: 2365N (CC)

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JOB NUMBER: 2365N CC Date: 8/23/19  
PROCEEDINGS: OPEN PUBLIC MEETING, Volume Two  
CASE CAPTION: In re: Public Meeting of the Public Education Commission

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## A

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