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BEFORE THE
PUBLIC EDUCATION COMMISSION
SANTA FE, NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS
December 13, 2012
8:30 a.m.
Mabry Hall - Jerry Apodaca Education Building
300 Don Gaspar
Santa Fe, New Mexico

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1 APPEARANCES

2 COMMISSIONERS:

3 MR. M. ANDREW GARRISON, Chair
 4 MS. CAROLYN SHEARMAN, Vice Chair
 5 MR. EUGENE GANT, Secretary
 6 MS. CARLA LOPEZ
 7 MR. JEFF CARR
 8 MR. VINCE BERGMAN
 9 MR. GILBERT PERALTA

10 STAFF:

11 MR. TONY GERLICZ, Director, Office of Options for
 12 Parents, Public Education Department
 13
 14 MS. KELLY CALLAHAN, General Manager, Charter Schools
 15 Division
 16 MS. SHELLY CHERRIN
 17 MS. RACHEL STOFOSIK
 18 MR. BRAD RICHARDSON
 19 MS. KAREN EHLERT
 20 MS. SUSAN COATES

21 ALSO PRESENT:

22 DEPUTY SECRETARY PAUL AGUILAR, PED - Finance and
 23 Operations
 24 MR. MARK REYNOLDS, New Mexico Attorney General's
 25 Office
 MS. ABBY WEAR, PED Counsel

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1 COMMISSIONER GARRISON: Good morning,
2 everyone. The New Mexico Public Education
3 Commission meeting, Thursday and Friday, December 13
4 and 14, 2012, is now in session. We will begin with
5 a roll call. Secretary Gene Gant.

6 COMMISSIONER GANT: Commissioner Bergman?

7 COMMISSIONER BERGMAN: Here.

8 COMMISSIONER GANT: Commissioner Peralta?

9 COMMISSIONER PERALTA: Here.

10 COMMISSIONER GANT: Commissioner Carr?

11 COMMISSIONER CARR: Here.

12 COMMISSIONER GANT: Commissioner Lopez?

13 COMMISSIONER LOPEZ: Here.

14 COMMISSIONER GANT: Commissioner Shearman?

15 COMMISSIONER SHEARMAN: Here.

16 COMMISSIONER GANT: Commissioner Garrison?

17 COMMISSIONER GARRISON: Here.

18 COMMISSIONER GANT: Commissioner Gant.

19 You have a quorum.

20 COMMISSIONER GARRISON: Thank you,
21 Commissioner. Commission Vince Bergman will lead us
22 in the pledge of allegiance and Commissioner Lopez
23 will lead us through the salute to the New Mexico
24 flag. Please stand.

25

1 (Pledge of Allegiance and Salute to the
2 New Mexico Flag)

3 COMMISSIONER GARRISON: I will be giving
4 the statement of aspiration this morning. This is
5 my last meeting, today and tomorrow. I was elected
6 to the Public Education Commission in 2004, just
7 after the State Board of Education was abolished and
8 a ten-member commission was formed for the state of
9 New Mexico.

10 I have learned so much about education,
11 about systems, about charters, obviously. I better
12 have, huh? But the take-away for me is all the
13 relationships that I have built and all the great
14 people that I have learned from in my time as a
15 commissioner. And so I want us just to think about
16 our purpose, our purpose as adults who take care of
17 children, who should be loving and encouraging
18 children versus just teaching them. Loving and
19 encouraging.

20 I was thinking about reading this morning
21 when I was driving up. I'm probably hitting about
22 three books a week because I'm writing my own with
23 an MD. But I thought about reading in the schools,
24 and they say that we learn to read and the rest of
25 our life we're reading to learn. And I have truly

1 not really appreciated my ability to read until
2 pretty late in adulthood here. I'm in my 40s. And
3 we don't just teach children to read at third grade.
4 We need to love and encourage them to love reading
5 for the rest of their lives. So I can be exposed to
6 a lot of things, and the things that stick are few
7 and far between. But I'll tell you what, reading --
8 we better make it stick.

9 Approval of the agenda, item number 5.
10 Commissioners, if you have had a chance to read the
11 agenda, Jeff Carr is really excited about approving
12 it.

13 COMMISSIONER CARR: So moved.

14 COMMISSIONER GARRISON: Do I have a
15 second?

16 COMMISSIONER BERGMAN: Second.

17 COMMISSIONER GARRISON: A second by
18 Commissioner Bergman. All those in favor say,
19 "Aye." Opposed, "No." The agenda is approved.

20 Number 6 is approval of the minutes of the
21 November 1, 2012, PEC meeting. Commissioners, if
22 you have had a chance to read them -- I hope you
23 have -- I will entertain a motion.

24 COMMISSIONER PERALTA: So moved.

25 COMMISSIONER GARRISON: Moved by

1 Commissioner Peralta. Second?

2 COMMISSIONER LOPEZ: Second.

3 COMMISSIONER GARRISON: Seconded by
4 Commissioner Lopez. All those in favor say, "Aye."
5 Opposed, "No"? The minutes of the November 1, 2012,
6 PEC meeting have been approved.

7 I want to introduce someone real quick. I
8 have already lost her name twice. Mary Abernathy
9 Seal will be our reporter today and tomorrow. We
10 are aware of the inclement weather that's supposed
11 to come in this afternoon, so we'll just keep tabs
12 on that and perhaps Tony and Kelly can help us with
13 making a game-time decision for tomorrow morning, if
14 there's going to be a delay or not for people coming
15 up from Albuquerque.

16 I want to remind everyone to please turn
17 your cell phones on vibrate or off for the meeting.

18 We are on item number 7, open forum, which
19 is a timed item at 8:40, so we'll just take a few
20 minutes of break.

21 (Recess from 8:38 a.m. to 8:40 a.m.)

22 COMMISSIONER GARRISON: Back in session.
23 Item number 7, as previously mentioned, is open
24 forum, public comments and observations regarding
25 education policy and governance issues, as well as

1 the strategic plan for education are heard at this
2 time. There is a four-minute time limit per
3 presenter. Persons from the same group and having
4 similar viewpoints are asked to select a
5 spokesperson to speak on their behalf. Multiple and
6 repetitious presentations of the same view will be
7 discouraged.

8 Do we have the sign-in sheet? I saw
9 someone walk out. I don't know if that was staff.

10 I have three people representing North
11 Valley Academy, community, parent, and teachers.
12 And North Valley Academy is on the agenda already,
13 and so this is an item on the agenda at a later
14 time.

15 So we will not be hearing from Mary Homan,
16 Jennie Trinkaus, Brian Wilkening or Monica Beasley.
17 Thank you.

18 Number 8 on our agenda are recognitions.
19 And this is my favorite part of my job. We have
20 certificates for the following educators. Well, let
21 me not mention their names yet, but I would like the
22 executive committee to be presenting the
23 certificates.

24 Today the Public Education Commission will
25 recognize some of the best teachers and

1 administrators that work with New Mexico children
2 every day. Charter school teacher of the year. The
3 New Mexico Coalition for Charter Schools, the state
4 of New Mexico's only membership organization that
5 serves and supports the charter schools of over
6 15,000 students throughout the state. The coalition
7 rewarded a teacher and principal this year with top
8 honors.

9 They are 2012 charter school teacher of
10 the year, Ray Nance of the Ask Academy, who received
11 the 2012 charter teacher of the year award. Ray's
12 passion, energy and dedication to the Ask Academy
13 scholars and innovative programs are what make the
14 school's mission successful.

15 Charter school principal of the year.
16 Cindy Montoya of the New Mexico School for the Arts
17 received the award as principal and superintendent,
18 Ms. Montoya has shown transformational and effective
19 leadership as well as an unparalleled commitment to
20 the students and school community that she serves.
21 She is a visionary for not just the charter school
22 movement, but for public education itself.

23 Administrators of the year. The
24 New Mexico Association of Elementary Principals
25 selected Paula Menefee, Artesia Public Schools, as

1 their principal of the year. Paula has been in
2 education for 25 years and served as a teacher,
3 assistant principal of Santa Fe High School, teacher
4 of Santa Fe Community College, principal at Capshaw
5 Middle School, director of student data with
6 Santa Fe Public Schools, and assistant principal at
7 Sandia High School in Albuquerque. She is currently
8 the principal at Hermosa Elementary School in
9 Artesia.

10 New Mexico Association of Secondary School
11 Principals has chosen Gary Miller of Logan schools,
12 the secondary principal, as secondary principal of
13 the year. Mr. Miller has 33 years in teaching and
14 administration at the secondary level. While
15 principal at Logan, the district was recognized for
16 meeting adequate yearly progress, which brought
17 honor to the district by US News & World Report as a
18 bronze star school for being one of the best small
19 schools in the nation. While serving as athletic
20 director of the Logan schools, the boys' basketball
21 team won the 2012 state tournament.

22 I would like to have all of these fine
23 folks come forward, if you are here, to receive some
24 recognition. Ray Nance, are you here? Please come
25 forward, sir. If you want to pull up a chair, also.

1 Cindy Montoya, are you here? Paula
2 Menefee, are you here? Gary Miller. I like this.
3 Like a round table of people that I need to learn
4 from. I love it.

5 I would love to hear from Mr. Ray Nance
6 first.

7 MR. NANCE: First of all, ladies and
8 gentlemen of the Public Education Commission, thank
9 you very much for the opportunity to attend the
10 meeting today and receive this recognition. I would
11 ask you to be mindful that I'm just another person
12 who puts their daily passion out there working with
13 the children of New Mexico, and I'm in many ways
14 just a token representative of many, many, many
15 people who really pursue the passion every day in
16 trying circumstances.

17 I would like to thank you for that day
18 about three years ago that you voted the Ask Academy
19 into being. I have had some of the most phenomenal
20 experiences teaching there. It's an incredible
21 place to work, and again, thank you for this
22 recognition and thank you for the opportunity to
23 explore my passion in unique ways in the Ask Academy
24 Charter School.

25 COMMISSIONER GARRISON: Thank you,

1 Mr. Nance. We appreciate your service, and all the
2 great folks that never get credit, huh? That's good
3 stuff.

4 Cindy Montoya, good morning.

5 MS. MONTOYA: Good morning, Commissioners,
6 and thank you all for this honor. I have to agree
7 that any success I enjoy is because of the efforts
8 of the many good people with whom I work. We have a
9 supportive and vibrant governing counsel. The
10 teachers are outstanding. We have dedicated
11 parents. But we have the most passionate and
12 motivated students, and so it makes it easy and
13 joyful for me every day to go to work. So while
14 it's a challenge, it's the best worst job on the
15 planet. So thank you.

16 COMMISSIONER GARRISON: I want to
17 recognize and thank the New Mexico Coalition for
18 Charter Schools, and we have the executive director,
19 Bruce Heguer, here. Good morning, sir. It is so
20 important to recognize -- I always ask, how can an
21 unloved child grow to love? How? It doesn't
22 happen. How can an unloved teacher teach their
23 best? That doesn't happen, either. So recognizing
24 great folks throughout New Mexico that work with
25 charter schools is first class and I just appreciate

1 it. I'm getting teary-eyed right now because
2 celebrating excellence is what needs to be done in
3 New Mexico, and you're doing it. I appreciate it.

4 The New Mexico Association of Elementary
5 Principals. The principal of the year is Paula
6 Menefee, and we would love to hear from you.

7 MS. MENELEE: Thank you, Commissioners.
8 It's an honor to be here, and it's an honor to be
9 selected as principal of the year for the elementary
10 principals. I started out in secondary here in
11 Santa Fe as a teacher, and then as an administrator.
12 I have had many great mentors and experiences
13 throughout my 25 years here. But just like these
14 two have said, it's the students and it's the
15 teachers you mentioned at the beginning of the
16 meeting who love and care about the students'
17 well-being that is one of the most important things,
18 and I agree. And also loving and caring for your
19 staff and the parents, because we're all a team, and
20 it's definitely not me that's doing what's being
21 done. It's the team and I just happen to be lucky
22 enough to be a part of it. So I appreciate the
23 honor. Thank you.

24 COMMISSIONER GARRISON: Thank you. Are
25 there any representatives from the New Mexico

1 Association of Elementary Principals here? If so,
2 please stand up and say good morning. Thank you.

3 The New Mexico Association of Secondary
4 School Principals chose Gary Miller of Logan Schools
5 as secondary principal of the year. Good morning,
6 sir.

7 MR. MILLER: Good morning. Thanks for
8 inviting me to speak before the Commission and be
9 recognized. I really appreciate it. And the staff
10 will, too, because like everybody said, you know,
11 one person can't do it all. I was at Logan when I
12 received the award, but since then, I moved to
13 Clayton, up there in the northeastern part of the
14 state. And I'd like to recognize my superintendent.
15 He came with me, and if he'll stand up, it's Rich
16 Anderson.

17 Also, it's a great honor, nice honor, but
18 like everyone said, you can't do it yourself and you
19 have to have the concept of, you know, students
20 getting to believe in themselves, having the
21 confidence that they all can learn. I went to
22 Clayton with Mr. Anderson, both of us in our first
23 year, because we have kind of the same belief in
24 things, and with the Common Core, and what we're
25 doing out there is, you know, we're putting in the

1 Common Core, we're getting 21st century education
2 started really the year before it's supposed to be
3 implemented. We take some time to have professional
4 development every Wednesday for an hour and a half
5 to place some new criteria that are coming in
6 education with our teachers so we can get it set by
7 our staff for our students, as they come in.

8 So I'm really excited about being there, I
9 think we're going to lead the change, you know, in
10 the state of New Mexico, and hopefully we can be one
11 of the best rural schools in the nation. That's our
12 goal. And the thing is -- I don't want to take too
13 much of your time -- to me, the time is the factor.
14 You mentioned compassion and things, but teachers
15 have to take the time to be with their students and
16 let them know they care. And I think you're right
17 on with what you're saying, you know, and I really
18 believe that. And so we don't have time to waste in
19 this era of accountability, and that's the point
20 we're trying to get across to our students out
21 there. Work hard, give us your best every minute,
22 and good things are going to happen. Because it
23 used to be where education was an opportunity, you
24 know, and now it's a responsibility. So I want to
25 thank you again.

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1 COMMISSIONER GARRISON: Beautifully said.
2 Congratulations to you all. Let's take some
3 commissioner comments real quick.

4 COMMISSIONER SHEARMAN: I just have to
5 recognize Paula Menefee from Artesia.

6 COMMISSIONER GARRISON: You got it.

7 COMMISSIONER SHEARMAN: Paula Menefee is
8 from Artesia. She's a hometown girl, my own
9 children's age, and it's so wonderful to have her
10 back in Artesia. She does a great job, and the
11 association could not have made a better selection.
12 And Mr. Chairman, could I respectfully ask that
13 Ms. Menefee and any of our recipients who have
14 family here today might introduce their family
15 members that are here with them today, please?

16 COMMISSIONER GARRISON: Splendid idea.
17 Let's start here.

18 MR. NANCE: I'm on my own.

19 MS. MONTOYA: Not family, but my executive
20 director, Riis Gonzales, is here with me.

21 MS. MENEFE: And I'm blessed to have my
22 mom and dad, Wesley and Beth Menefee, with me today.

23 COMMISSIONER GARRISON: From what I read
24 and heard, you two did a pretty darned good job.
25 Thank you all. I have been working 43 years to be

1 camera-ready. It's not going to happen today. This
2 is a photo op, if we want to take those to the front
3 here. Commissioner Gant loves the camera. And
4 Carolyn Shearman will come up, too.

5 And there is one more award recipient that
6 will come next, whom I haven't forgotten.

7 COMMISSIONER GANT: I won't let him.

8 (Certificates presented.)

9 COMMISSIONER GARRISON: The next award is
10 the New Mexico teacher of the year. Pamela Cort,
11 Las Cruces Public Schools, has been selected as the
12 New Mexico 2013 teacher of the year. Ms. Cort works
13 as a high school French teacher for the Las Cruces
14 High School. Pamela has taught for 23 years and has
15 taught French in her current position for 19 years.

16 Mr. Jed Hendee, principal of the
17 Las Cruces High School, in his nomination letter
18 said, "In an era when public educators' dedication
19 and effectiveness are continually being questioned,
20 it is extremely refreshing to work with a teacher
21 who exemplifies all of the attributes that define a
22 master educator. Through her dedication to her
23 classroom practice, as well as her devotion to being
24 involved in the overall school experience of all
25 students, Pam is well deserving of this

1 acknowledgment. Teachers of her caliber are rare
2 and deserve to be recognized and applauded for their
3 efforts. I sincerely thank you for considering
4 Ms. Cort for this award."

5 In her application essay about her
6 philosophy of teaching, Ms. Cort says, "All students
7 have unlimited potential. I feel that our main
8 mission as teachers should be to create a passion
9 for learning and to feed that passion so that
10 learning continues even after the formal education
11 process is completed. For me, one of the most
12 exciting aspects of teaching is that I am learning
13 every day along with my students. The natural
14 curiosity Anatole France speaks of is alive in the
15 teachers of today who engage and awaken their
16 students to the wonders of learning."

17 That's beautiful.

18 MS. CORT: Thank you.

19 COMMISSIONER GARRISON: "After all,
20 Anatole France reminds us that curiosity itself can
21 be vivid and wholesome only in proportion as the
22 mind is contented and happy."

23 Pamela's New Mexico Teacher of the Year
24 message: "I love coming to school and working with
25 my students. I am most proud of the relationships I

1 have formed and the connections I have made with my
2 students. I do not just teach French; I teach
3 creativity, confidence, and pathways to student
4 success."

5 The National Teacher of the Year Program
6 began in 1952, and continues as the oldest, most
7 prestigious national honors program that focuses
8 public attention on excellence in teaching. The
9 New Mexico Public Education Department and the
10 New Mexico Teacher of the Year Program are proud to
11 have such a wonderful, caring professional as our
12 representative in the National Teacher of the Year
13 competition.

14 Mr. Andrew Rendon, manager of the
15 Professional Development Bureau of the Public
16 Education Department, will now present Ms. Cort with
17 an award from the Public Education Department.
18 After that, the PEC will present you a certificate.

19 Good morning, sir.

20 MR. RENDON: Good morning. On behalf of
21 the Public Education Department I would like to
22 congratulate Ms. Cort for this prestigious award. A
23 certificate reads, "New Mexico Public Education
24 Department certificate of recognition. This
25 certificate is awarded to Pamela Cort, the 13th day

1 of December 2012 as the 2013 New Mexico Teacher of
2 the Year." We also have a special award for her and
3 will be giving her a flag when we have her formal
4 luncheon later on in the summer.

5 Congratulations, Ms. Cort.

6 MS. CORT: Thank you so much.

7 COMMISSIONER GARRISON: Commissioner Gene
8 Gant will present you with a Public Education
9 Commission certificate as he represents your area
10 down there.

11 MS. CORT: Absolutely.

12 COMMISSIONER GANT: First, before I go
13 down there, it's an honor for me, because our three
14 children went through that school. Now, one of them
15 is almost as old as you are. I'm not saying you're
16 old.

17 MS. CORT: I am. That's okay.

18 COMMISSIONER GANT: Because of the
19 education they got at Las Cruces High School, they
20 all went on to New Mexico State University. I
21 believe that's the only university in the state.
22 And they went on to get all their degrees. They
23 actually went all the way through college. Two of
24 them got their master's degrees. They have all
25 taught. One is an SLP, the oldest, who helps our

1 children on an Air Force base in Japan with her
2 family over there. Our son teaches in a private
3 arts school here in Albuquerque. And our daughter
4 taught alternative children in a middle school for
5 many years before she went to work for the FBI.

6 So because of Las Cruces High School,
7 because of the teachers in that school, they are
8 very dedicated, and to be chosen by Mr. Hendee,
9 first, as a nominee out of that school is difficult.
10 You have some very good teachers in that school.

11 MS. CORT: Absolutely.

12 COMMISSIONER GANT: And for Las Cruces, we
13 have four comprehensive high schools and it has the
14 most AP courses in Las Cruces. So we're very proud.
15 So this is an honor for me to do this. When I read
16 that in the newspaper, I just cried.

17 MS. CORT: Thank you. Hopefully for joy.

18 COMMISSIONER GANT: We need to hear from
19 you.

20 MS. CORT: I am truly humbled and thrilled
21 by this award, but it is, as Commissioner Gant said,
22 because of the people that I work with and the
23 people that I teach that I'm here today. I learn
24 from my students every day. They're the most
25 amazing beings ever, and I am most proud of the

1 relationships that I form with them, because they
2 are all truly amazing and all of them have the
3 propensity to learn and to become fantastic
4 individuals, to become teachers of the year, to
5 become president of the United States. Everybody
6 does.

7 I hope to represent New Mexico well. Not
8 hope. I will represent New Mexico well. I am a
9 New Mexico girl. I was raised here in Santa Fe,
10 publicly educated here in Santa Fe, with fantastic,
11 amazing teachers, and I model a lot of the things
12 that they used with me in the classroom now in my
13 classroom. So it truly is a tribute to how we are
14 educating our students here in New Mexico. We're an
15 amazing state and we're doing some fantastic things
16 and I want to show the nation that's what we are.
17 We're New Mexico.

18 COMMISSIONER GARRISON: Deputy Secretary
19 Aguilar.

20 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
21 just another good piece of news for Las Cruces High
22 School and Commissioner Gant. As part of the Public
23 School Capital Outlay Council, the Council awarded
24 funding for the new renovation of Las Cruces High
25 School on Tuesday. So not only do they have great

1 teachers, they'll have a great facility.

2 I was fortunate yesterday to walk through
3 Centennial High School, and if the Las Cruces
4 renovation and reconstruction comes out anywhere
5 near that, it's going to be an amazing school. So
6 congratulations to Las Cruces, and congratulations.

7 MS. CORT: Thank you. We're so happy to
8 have the money.

9 COMMISSIONER GARRISON: As I'm looking
10 through my executive summary, there's some more good
11 stuff on some of our award winners. This is on Ray
12 Nance. The Ask Academy's mission of providing
13 engaging, authentic, relevant career-readiness
14 learning experiences are met through Mr. Nance's
15 methodology every day. Mr. Nance's engineering lab
16 creates career-readiness skills of teamwork, work
17 space organization, exploration of engineering
18 vocabulary, real life work practice, and more. He
19 has also helped redefine the relationships between
20 community STEM partners and STEM high schools. He
21 has brought nanotechnology opportunities to the Ask
22 Academy by partnering with the National Science
23 Foundation, CNM, and UNM.

24 He's also been the engineer manager in a
25 collaborative effort between the UNM electrical and

1 computer engineering departments and the Ask
2 Academy. His passion, energy, and dedication to the
3 school scholars and innovative programs are what
4 truly make the school's mission successful.

5 Thank you, Mr. Nance.

6 Cindy Montoya, principal and
7 superintendent. "Ms. Montoya has shown
8 transformational and effective leadership as well as
9 unparalleled commitment to the students and the
10 community that she serves. Along with leading the
11 New Mexico School for the Arts to an A grade in
12 2012, she has designed and implemented new programs
13 and interventions to increase student achievement
14 year-round.

15 "Ms. Montoya has created a mandatory math
16 club which has increased math proficiency scores for
17 students in one year, inspired a Scholars Program,
18 which has taught all incoming ninth graders the soft
19 skills they were lacking, and she has initiated a
20 senior seminar course, which prepares all seniors to
21 research, select, and apply for higher education
22 post graduation.

23 "Ms. Montoya has a heart and mind that
24 never stops thinking about what needs to be done to
25 make her students and school community more

1 successful. She's a visionary for not just the
2 charter school movement, but for public education
3 itself, and greatly deserves this award."

4 Pamela Cort. These are her words on paper
5 here. "My life is filled with educators and
6 education. Both of my parents were teachers. My
7 father, Edward McClatchey, was a professor at the
8 College of Santa Fe for 35 years, and my mother,
9 Elizabeth, was an elementary schoolteacher with the
10 Santa Fe Public Schools. Education is in my blood.
11 After a short time working at a bank, I fulfilled my
12 dream of living in France for a year. It was while
13 in France I discovered teaching as my love. I was
14 drawn to it everywhere I went. I tutored French
15 students in English, and taught three- and
16 four-year-olds how to ski in the French Alps.

17 "After I returned to the United States and
18 completed my master's degree in curriculum and
19 instruction at New Mexico State University, I
20 started teaching with Albuquerque Public Schools.
21 Now, 23 years later, I still love coming to school
22 and working with my students. I am most proud of
23 the relationships I have formed and the connections
24 I have made with my students."

25 And I'm going to read this again because

1 it was in the other part, but it was good. It's
2 good stuff.

3 MS. CORT: Thank you.

4 COMMISSIONER GARRISON: "I do not just
5 teach French. I teach creativity, confidence, and
6 pathways to student success."

7 MS. CORT: I used that twice because one
8 of my students actually wrote that about me, so I
9 thought, Oh, okay.

10 COMMISSIONER GARRISON: Good stuff. I
11 need his name and number so he can be my
12 speech-writer.

13 MS. CORT: You got it.

14 COMMISSIONER GARRISON: Thank you.

15 MS. CORT: Thank you.

16 COMMISSIONER GARRISON: Public Education
17 Commissioners leaving the commission. Let me see if
18 I have an executive summary for this. Perfect,
19 there's not one. It states here, vice-chair Carolyn
20 Shearman will present the certificates. The floor
21 is yours, ma'am.

22 COMMISSIONER SHEARMAN: Thank you very
23 much. This seems a perfect time to recognize the
24 contributions of our three commissioners who will be
25 leaving us at the conclusion of today's meeting, and

1 I think all of us as commissioners would like to
2 thank them for their contributions. So let's all
3 gather there at the end of the table and we'll make
4 the presentation of the certificates. I would ask
5 you join me, please, Commissioners.

6 We have one commissioner whose term ends
7 today and that's Michael Canfield, who represents a
8 section of Albuquerque, and he's done a great job.
9 He was appointed about a year ago to join us, and
10 we're really sorry to lose him. We will see that he
11 gets his certificate through the mail.

12 Next is Carla Lopez, and let me tell you,
13 I have my comments all written out because I don't
14 want to forget anything. Carla represents the
15 Santa Fe area, and it has truly been a pleasure to
16 work with you. Your love of education and
17 New Mexico kids is so clear in everything that you
18 do. It's so genuine, and we wish you and your
19 family all the best.

20 COMMISSIONER LOPEZ: Thank you.

21 COMMISSIONER SHEARMAN: The next to be
22 leaving us is Andrew Garrison, who represents the
23 South Valley of Albuquerque. If you have ever been
24 to one of our meetings when we're looking at new
25 applications, you know that Andrew represents the

1 South Valley of Albuquerque. He's very passionate
2 about protecting those children's access to
3 education, as well as every single child in
4 New Mexico.

5 Andrew, we're going to miss you. Thank
6 you so much.

7 COMMISSIONER GANT: He's paying me off so
8 he can leave.

9 COMMISSIONER GARRISON: I have owed him
10 money for like three years now. I figure if I'm
11 leaving, I might as well take care of my debts.

12 COMMISSIONER SHEARMAN: We're not finished
13 with you yet.

14 Andrew has been our chair for the last two
15 years. He has done an absolutely outstanding job.
16 This is a group that's evolving, and when you're
17 leader of an evolving group, it's interesting. It's
18 also really tough sometimes. We appreciate your
19 leadership. Thank you.

20 COMMISSIONER GARRISON: I have a
21 three-year old daughter at home, so this might come
22 off.

23 COMMISSIONER SHEARMAN: She's beautiful.
24 Thank you all.

25 COMMISSIONER GARRISON: Deputy Secretary

1 Aguilar.

2 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
3 Secretary Skandera is out-of-state today, but I
4 spoke with her this morning and she wanted me to
5 extend her heartfelt thanks and congratulations to
6 those members that are leaving. She recognizes that
7 it's a tough job and she recognizes the commitment
8 that the members have made, and extends her thanks
9 and congratulations.

10 On a personal note, Mr. Chairman, I have
11 had the opportunity to work with this Commission for
12 the last year and a half, and we often talk about
13 adult issues in education. It seems that in the
14 last few years, adult issues seem to dominate the
15 conversation, and not the children. One of the
16 things that I have noted from all the members of the
17 Commission is that the kids seem to come first with
18 this group of folks. As a teacher and as an
19 administrator it warms my heart that there are folks
20 looking out for the welfare of the kids, and so I
21 want to thank those members that are leaving,
22 Mr. Canfield, Ms. Lopez, and you, Mr. Chairman, for
23 the work that you have done. The kids in New Mexico
24 are better off for it, and I think the alternatives
25 and the options that parents are given through your

1 efforts to improve public education are well granted
2 and I want to add my personal thanks and
3 congratulations.

4 And on a little note, my first interaction
5 with the chairman, I was sitting here, I'm sure I
6 was being looked at with suspicion, Who is this guy
7 that showed up, and the chairman leaned over and
8 said, "I like those Oakleys," because he wears the
9 Oakley glasses, as well. So that was our first
10 interaction, and it broke the ice, and it's been a
11 good relationship ever since.

12 So Mr. Chairman, Ms. Lopez -- and
13 Mr. Canfield is not here -- thank you very much.

14 COMMISSIONER LOPEZ: Mr. Chair.

15 COMMISSIONER GARRISON: Commissioner
16 Lopez.

17 COMMISSIONER LOPEZ: I just want to say
18 that some of you know I served on the Santa Fe
19 Public School Board in the '90s and one of my
20 colleagues on the board would say that school board
21 members are like the Rodney Dangerfields of elected
22 office, can't get no respect. Now, when I didn't
23 run for this position, nobody ran. Nobody ran for
24 my position.

25 I was very pleased to learn today that

1 there's a really excellent person who's interested
2 in taking the appointment, and anyone who wants to
3 support that appointment could do so with the
4 governor if she decides to do it. Her name is Ellen
5 Biderman. She was one of the founders of the
6 Children's Museum here in town, which is a
7 nationally recognized, amazing organization. She
8 will be a fabulous addition to this commission. So
9 I'm really pleased that there's someone else who
10 respects this work and wants to be a part of this
11 commission. Thank you.

12 COMMISSIONER GARRISON: Thank you,
13 Commissioner Lopez.

14 I have some gifts for the Commissioners.
15 You probably guessed, they're books. My father was
16 friends with Ernest Stapleton. Ernest Stapleton
17 wrote a book with John B. Mondragon, Public
18 Education in New Mexico, and this is the history
19 from way back to now. It opened my eyes. My father
20 gave it to me when I first came on the Commission.

21 There has been a lot of talk and
22 discussion about the state board of education being
23 abolished and a Public Education Commission being
24 formed. Well, reorganization isn't new news, folks.
25 From 300-some school districts to the current 89,

1 just on and on and on, it's been a lot of change
2 over the years, so I have a book for each one of
3 you. And University of New Mexico Press -- they
4 love me now. I have one for Millie Pogna and Mike
5 Canfield. He's out of here. Have you read this,
6 Tony?

7 MR. GERLICZ: I have.

8 COMMISSIONER GARRISON: Have you read it?

9 MS. CALLAHAN: I have.

10 COMMISSIONER GARRISON: I'm giving it
11 away.

12 SPEAKER FROM THE FLOOR: I haven't read
13 it.

14 COMMISSIONER GARRISON: You must be from
15 the South Valley. That hand went up quick.

16 SPEAKER FROM THE FLOOR: We'll miss you.

17 COMMISSIONER GARRISON: Thank you.

18 DEPUTY SECRETARY AGUILAR: Just a reminder
19 that every action this Commission takes and the
20 action everyone takes adds to the chapters in this
21 book as the history of education moves forward.

22 COMMISSIONER GARRISON: Thank you, sir.

23 DEPUTY SECRETARY AGUILAR: Mr. Chairman,
24 as you go into deliberations on the schools, I will
25 not be present, as I need to advise the Secretary of

1 any issues that may come up independent of your
2 deliberations. So I'll be leaving the meeting.

3 I will be available upstairs, however, and
4 staff has my phone number if you need for me to come
5 down. And then I will be here later for the
6 Secretary's Report on Public Education.

7 COMMISSIONER GARRISON: Thank you, sir.

8 (Deputy Secretary Aguilar left the
9 meeting.)

10 COMMISSIONER GARRISON: Let's take a
11 ten-minute recess and then we'll continue with item
12 number 9.

13 (Recess from 9:26 a.m. to 9:40 a.m.)

14 COMMISSIONER GARRISON: Let's make our way
15 back to our seats, please. We're back into session.

16 Item number 9 on the agenda is vote on
17 contract for Health Leadership High School. One new
18 charter application for Health Leadership High
19 School was approved at the September Public
20 Education Commission meeting. Health Leadership
21 High School will need a preliminary contract for
22 their planning year. The main role of the
23 preliminary contract is to ensure that Health
24 Leadership High School completes the planning year
25 checklist. Health Leadership High School will then

1 seek approval to commence operation in fall 2013.

2 Since there are no students or school
3 information, negotiating the full performance
4 contract will not be effective at this time. The
5 full contract will need to be negotiated in the
6 spring of 2013 as Health Leadership High School
7 approaches approval for commencement of operations.

8 The preliminary contract steps taken:
9 Number one, the Public Education Commission Charter
10 School Committee and the Charter School Division
11 held a meeting to go over the preliminary contract
12 and discuss process.

13 Number two. Health Leadership High School
14 was provided a copy of the preliminary contract
15 template for review.

16 Number three, the Charter School Division
17 held training about the preliminary contract with
18 the Health Leadership High School governing board
19 and administration.

20 Four, the Charter School Division
21 populated the blanks of the preliminary contract and
22 sent it to Health Leadership High School to add
23 and/or correct information in the contract.

24 Number five. Health Leadership High
25 School governing board held a meeting on December 4

1 to approve the language and conditions of the
2 preliminary contract.

3 Number six. The Charter School Division
4 sent completed contract document to the PEC for
5 review.

6 And number seven, the PEC votes to approve
7 or disapprove the preliminary contract with Health
8 Leadership High School.

9 Mr. Tony Gerlicz, the director of Options
10 for Parents, will lead us.

11 MR. GERLICZ: Commissioner Garrison and
12 the rest of the Commissioners, it's a pleasure to
13 address you in my first PEC meeting of the season.
14 I'm sorry to say good-bye to you, Commissioner
15 Garrison and Commissioner Lopez. Thank you for your
16 good work.

17 The items that have been described in the
18 executive summary are accurate as far as the Charter
19 School Division is concerned. Our recommendation is
20 to approve this contract. I'm going to turn over
21 the details of the analysis to General Manager Kelly
22 Callahan, who has worked with Health Leadership High
23 School in the preparation of this contract and is
24 very, very familiar with the details.

25 We have representatives of Health

1 Leadership High School here who are available for
2 further illumination and answering questions that
3 you have, and it is our recommendation at the
4 Charter School Division that this preliminary
5 contract be approved.

6 General Manager Callahan.

7 MS. CALLAHAN: Mr. Chair, Commissioners, I
8 also would like to congratulate Commissioner Lopez
9 and Commissioner Garrison for the great work that
10 you have done. It's been an honor and a pleasure to
11 work with you, and I look forward to our future
12 endeavors as I'm sure our paths will cross again in
13 this wide world of education. So thank you.

14 The executive summary basically outlined
15 the steps that we took with the preliminary
16 contract, and just to add a bit of background,
17 Senate Bill 446, which is the amendment to the
18 Charter School Act, added some language to the law
19 that required a formal contract between an
20 authorizer and a charter school applicant or a
21 renewed charter school. The contract language is
22 outlined in statute, as well as the timelines that
23 were set.

24 The statute requires a 30 day from
25 approval to this contract signatures, and we had to

1 ask for an extension on that just because this is a
2 brand-new process. The school that was approved,
3 Health Leadership High School, will be the first to
4 have a full five-year term under a contract.
5 However, they get six years to implement their
6 charter, so the first year is considered a planning
7 year.

8 And what the Charter School Division did
9 with the assistance of the Public Education
10 Commission Charter School Committee is to work with
11 the contract and craft a preliminary draft that
12 would be utilized to focus entirely on the planning
13 year checklist that is required of the new schools
14 in regulation.

15 So in the past, the charter itself was the
16 contract. Now with the SB 446 language in the new
17 Charter School Act, the contract is a separate
18 document that sits on top of the approved charter.
19 And so this preliminary contract is -- the language
20 is all about completing the planning year checklist.
21 This is nothing different than any new charter
22 school has done in the past. They have their one
23 year to fulfill their requirements on the planning
24 year checklist, acquire a facility, begin the
25 staffing process, and then in the spring of 2013

1 they will come before the Commission to request a
2 commence operations approval. And this will happen
3 hopefully as close to June 1 as possible, so there
4 will be time if there's any necessary remediation
5 that needs to occur.

6 The school governing board has gone
7 through a couple of trainings with the charter
8 schools staff, and we went over the contract and
9 they met as a board on December 4 and approved the
10 draft. So what we're asking for at the meeting
11 today is for the approval of the Public Education
12 Commission of this contract. We will then ask the
13 school to go back to their governing board to
14 formally approve the contract and add the signatures
15 at this time.

16 So if there are any questions about
17 process, I'm free to entertain anything. Other than
18 that, the documents that you have in your notebook
19 and that you received in your materials prior to the
20 meeting include the preliminary contract itself, as
21 well as the planning year checklist, which is what
22 they are going to be working from for this planning
23 year.

24 COMMISSIONER GARRISON: Thank you,
25 Ms. Callahan. Thank you, Mr. Gerlicz. The chair

1 opens up the floor for any questions from
2 Commissioners at this time.

3 COMMISSIONER BERGMAN: Not a question so
4 much, Mr. Chair, as chairman of the Charter School
5 Committee, I wanted to note for the record what a
6 great pleasure it has been to work with General
7 Manager Callahan as these processes have been
8 rolling out, and her staff, also.

9 As she's noted, it's been a difficult
10 process. The history of all this just starts on
11 July 1, 2007, when the PEC was given the authority
12 to be the state authorizer. And I was fortunate to
13 come on this Commission on January 1, 2009, so I
14 have seen most of the process as it unrolled. It is
15 an ongoing thing. Senate Bill 446 just went into
16 effect this July 1, so it's going to be another year
17 or two as we work on all those processes. And as
18 with anything new, as we all know, there's always a
19 little glitch that comes, something we didn't
20 foresee, something the legislature didn't perceive.
21 But Kelly and her staff have done an outstanding
22 job, and it's been a pleasure to work with them, and
23 I'm looking forward to establishing that same
24 relationship with Director Gerlicz.

25 COMMISSIONER GARRISON: Director Gerlicz,

1 would you mind introducing your staff? There are
2 some here?

3 MR. GERLICZ: It would be my pleasure to
4 introduce my staff. As I said at the prior PEC
5 meeting, it's a privilege for me to work with these
6 people day in and day out. They are first-class
7 professionals and, more importantly, they are
8 first-class people. So I'd like to introduce Brad
9 Richardson, who's one of our educational
10 administrators. Ms. Shelly Cherrin, another one of
11 our educational administrators. Ms. Rachel
12 Stofocik. I hope I pronounced that correctly.

13 COMMISSIONER GARRISON: We just call her
14 Rachel.

15 MR. GERLICZ: Ms. Susan Coates, who's come
16 on board recently and added tremendously to our
17 staff. And I do not see Ms. Cordelia Chavez here.
18 And Ms. Linda Olivas. She's upstairs. And Karen
19 Ehlert, whom I have mentioned in my director's
20 report.

21 And I'm going to take that opportunity to
22 double up on my director's report, because there has
23 been quite a bit of change in the Charter School
24 Division in the options for parents office. As all
25 of you know, in organizations transitions raise a

1 lot of questions, and Karen Ehlert is the voice of
2 not only history, but of reason and wisdom for all
3 of us in that office. So thank you very much,
4 Karen.

5 COMMISSIONER GARRISON: Thank you,
6 Mr. Gerlicz. There's a proposed motion in your
7 executive summaries under item 9. Commissioner
8 Bergman.

9 COMMISSIONER BERGMAN: Are you ready for
10 me to offer it, sir?

11 COMMISSIONER GARRISON: Yes, sir.

12 COMMISSIONER BERGMAN: I would move to
13 approve the preliminary charter school contract
14 between the Public Education Commission and Health
15 Leadership High School.

16 COMMISSIONER GARRISON: Do we have a
17 second?

18 COMMISSIONER PERALTA: Seconded.

19 COMMISSIONER GARRISON: Seconded by -- it
20 was like a tie. I always wanted to do that game of
21 chance that's in statutory rule, but, oh, well.
22 We'll give to it Commissioner Peralta. Let me ask
23 counsel. Can we just do a verbal vote, or should we
24 do a roll call vote on this item?

25 MR. REYNOLDS: I would advise with an item

1 such as this, a roll call.

2 COMMISSIONER GARRISON: Thank you,
3 Mr. Reynolds. Commissioner Gant, please proceed to
4 a roll call vote.

5 COMMISSIONER GANT: Commissioner Peralta.

6 COMMISSIONER PERALTA: Yes.

7 COMMISSIONER GANT: Commissioner Bergman.

8 COMMISSIONER BERGMAN: Yes.

9 COMMISSIONER GANT: Commissioner Carr.

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER GANT: Commissioner Lopez.

12 COMMISSIONER LOPEZ: Yes.

13 COMMISSIONER GANT: Commissioner Shearman.

14 COMMISSIONER SHEARMAN: Yes.

15 COMMISSIONER GANT: Commissioner Garrison.

16 COMMISSIONER GARRISON: Yes.

17 COMMISSIONER GANT: Commissioner Gant

18 votes yes. You have a seven/zero in favor.

19 COMMISSIONER GARRISON: It's unanimous

20 that we approve the preliminary charter school

21 contract between Public Education Commission and

22 Health Leadership High School.

23 MS. CALLAHAN: Mr. Chair?

24 COMMISSIONER GARRISON: Ms. Callahan.

25 MS. CALLAHAN: Mr. Chair, just as a point

1 of protocol, I have an original document for your
2 signature that then, when we go back with Health
3 Leadership High School, they will sign that when and
4 if they approve the final contract, that language,
5 and so we have the original documentation on record
6 at this Charter School Division.

7 COMMISSIONER GARRISON: Should I sign it
8 now?

9 Item number 10 on the agenda, vote of
10 approval of Board of Finance for Health Leadership
11 High School.

12 Could we have the Health Leadership High
13 School folks come on up to the front table? You can
14 pull these chairs around the circular table up. You
15 drove all this way. Why hang out in the back of the
16 room; right? Hug people and kiss babies.

17 All the documents as approved by the
18 Public Education Commission to qualify the Health
19 Leadership High School Board of Finance have been
20 received and verified by the Charter School Division
21 staff.

22 Tony Gerlicz, please lead us.

23 MR. GERLICZ: Commissioner Garrison, this
24 is another in the same vein as what we had in agenda
25 item 9. As we move to this new world of the

1 amendment to the Charter School Act, some things
2 remain the same. And approval of being the Board of
3 Finance is one of those things that remains the
4 same.

5 So agenda item number 10 verifies that all
6 of the work needed to be a Board of Finance has been
7 completed, and it is the charter school's
8 recommendation that this motion be adopted.

9 COMMISSIONER GARRISON: Thank you,
10 Mr. Gerlicz.

11 Commissioners, under item number 10 in
12 your books, there is a proposed motion and there's a
13 resolution to be read. The chair will entertain a
14 resolution. Commissioner Lopez.

15 COMMISSIONER LOPEZ: I hereby move
16 adoption of the following resolution: Whereas the
17 governing body of Health Leadership High School has
18 submitted an application to be designated as a Board
19 of Finance that included an affidavit of a business
20 manager who holds a license as a certified school
21 business official for the state of New Mexico
22 including a copy of the business manager's license,
23 a statement signed by all the governing body members
24 that they agree to consult with the Public Education
25 Department on any matter not covered by the manual

1 of accounting and budgeting before taking any action
2 relating to funds held as a Board of Finance, an
3 affidavit from each governing body member that she
4 or he is not currently a member of any governing
5 body of any other charter school and has never been
6 a member of any governing body of any other charter
7 school that was suspended or failed to receive or
8 maintain their Board of Finance designation, a
9 certificate of insurance that indicates that Health
10 Leadership High School is adequately bonded and
11 insured, therefore, be it resolved that Health
12 Leadership High School's governing body be
13 designated as a board of finance.

14 COMMISSIONER SHEARMAN: Second.

15 COMMISSIONER GARRISON: Seconded by
16 Commissioner Shearman.

17 Commissioner Gant, please proceed with the
18 roll call vote.

19 COMMISSIONER GANT: Commissioner Peralta.

20 COMMISSIONER PERALTA: Yes.

21 COMMISSIONER GANT: Commissioner Bergman.

22 COMMISSIONER BERGMAN: Yes.

23 COMMISSIONER GANT: Commissioner Carr.

24 COMMISSIONER CARR: Yes.

25 COMMISSIONER GANT: Commissioner Lopez.

1 COMMISSIONER LOPEZ: Yes.

2 COMMISSIONER GANT: Commissioner Shearman.

3 COMMISSIONER SHEARMAN: Yes.

4 COMMISSIONER GANT: Commissioner Garrison.

5 COMMISSIONER GARRISON: Yes.

6 COMMISSIONER GANT: Commissioner Gant

7 votes yes. You have a 7/0 in favor.

8 COMMISSIONER GARRISON: It is unanimous.

9 The charter school Board of Finance for Health
10 Leadership High School is approved. Please
11 introduce yourselves and tell us about your lives.

12 MS. BLAKEY: Well, how much time do you
13 have? I'm Gabriella Duran Blakey, principal of
14 Health Leadership High School. Do you want to know
15 more about my life? I grew up in Albuquerque and
16 went through -- I'm a graduate of Highland High
17 School in Albuquerque. I also taught in Albuquerque
18 Public Schools and in Seattle, and I graduated from
19 New Mexico State University, and I am currently a
20 doctorate student at the University of New Mexico.

21 MS. JAMES: My name is Lisa James. I am
22 the governing council board president of the Health
23 Leadership High School. I'm an industry person,
24 former CFO of the Heart Hospital of New Mexico, and
25 I have had a 15-year career in health care, which is

1 where my interest is for this particular school.

2 COMMISSIONER GARRISON: What's your
3 position with the Heart Hospital?

4 MS. JAMES: Former CFO.

5 COMMISSIONER GARRISON: CFO. Good
6 hospital.

7 MS. JAMES: Thank you.

8 COMMISSIONER GARRISON: Well,
9 congratulations and thank you.

10 MS. CALLAHAN: Mr. Chair?

11 COMMISSIONER GARRISON: Ms. Callahan.

12 MS. CALLAHAN: I have a certificate that
13 we'll be able to give to the school. You're going
14 to be signing away. That we will keep the original,
15 and they'll get a copy, so you can have it in your
16 files.

17 COMMISSIONER GARRISON: Mr. Gerlicz, if
18 you would keep an eye on Ms. Callahan, I'm afraid
19 she's going to slip some financial documents in on
20 me at some point today or tomorrow.

21 MR. GERLICZ: Commissioner, this is an
22 ongoing issue.

23 COMMISSIONER GARRISON: Item number 11.
24 Vote on seven current charter schools. The Charter
25 School Division has prepared recommendations to the

1 Public Education Commission that will be presented
2 prior to the vote for charter school renewals by the
3 Public Education Commission. The renewal decision
4 documents for each charter school will be included
5 in the PEC notebooks. The Public Education
6 Commission will need to read the resolutions into
7 the record which document their renewal decision.
8 For each renewal charter school, the Public
9 Education Commission will have the following
10 documents: Recommendation from the director,
11 Options for Parents, Tony Gerlicz; renewal
12 application analysis with school response, and then
13 the resolution.

14 This meeting is being conducted pursuant
15 to New Mexico Statutes Annotated, Title 22, Section
16 8B-12.1.K, and New Mexico Administrative Code
17 6.80.4.13.

18 The purpose of this meeting is to consider
19 and vote on the renewal applications for seven
20 charter schools. The Commission will hear the
21 recommendations from the Charter School Division,
22 hear the applicant's responses or input concerning
23 the recommendations, provide the opportunity for
24 discussion amongst the commissioners, and take an
25 official vote on whether to approve the school's

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1 renewal applications. According to 22-8B-12K, NMSA
2 1978 and NMAC 6.80.4.13D, the Commission may deny
3 the charter renewal if the Commission finds that the
4 charter school did any of the following. A charter
5 may be suspended, revoked, or not renewed by the
6 chartering authority if the chartering authority
7 determines that the charter school did any of the
8 following: One, committed a material violation of
9 any of the conditions, standards, or procedures set
10 forth in the charter.

11 Two. Failed to meet or make substantial
12 progress toward achievement of the department's
13 minimum educational standards, or student
14 performance standards identified in the charter
15 application.

16 Three. Failed to meet generally accepted
17 standards of fiscal management.

18 Or four, violated any provision of the law
19 from which the charter school was not specifically
20 exempted.

21 Prior to taking action on each of the
22 renewal applications, the Commission will follow
23 this process. The Charter School Division will have
24 15 minutes to present its recommendation. The
25 applicant will have 15 minutes to respond to the

1 Charter School Division's recommendation. The
2 Public Education Commission has as much time as it
3 deems necessary to ask questions of the applicant
4 and/or CSD, but is not required to do so. The
5 Commission will then hold discussion as it deems
6 necessary prior to holding a vote on the
7 application. The Commission will then vote to
8 approve, approve with conditions, or deny the
9 application.

10 If the Commission does not approve a
11 charter school renewal application or approves a
12 renewal application with conditions, it shall state
13 its reasons for the nonrenewal or imposition of
14 conditions on the record and in writing within 14
15 days of the meeting.

16 Commissioners, are you ready to proceed?
17 (Commissioners indicated assent.)

18 Mr. Tony Gerlicz, director of Options for
19 Parents, you have 15 minutes for your presentation.

20 MR. GERLICZ: Thank you, Commissioner
21 Garrison and fellow PEC commissioners. The Charter
22 School Division has taken quite a bit of time and
23 analysis in Academia de Lengua y Cultura's renewal
24 application, and it is the Charter School Division's
25 recommendation that this application be denied for

1 renewal.

2 We find that the documents and the
3 specific reasons for the recommendations follow the
4 following categories that we have determined exist.
5 That the application did present one or more
6 material violations of the conditions, standards, or
7 procedures set forth in the charter; that the school
8 has not met or is not making substantial progress
9 towards the achievement of the minimum educational
10 standards as set by PED or students' performance
11 standards identified in the charter; that the school
12 has not met generally accepted standards of fiscal
13 management, and has violated a provision of the law
14 for which the state chartered school was not
15 specifically exempted.

16 Academia de Lengua y Cultura is an
17 Albuquerque authorized charter school who is making
18 petition to the PEC for its renewal, and the Charter
19 School Division recommends denial for those reasons.

20 Thank you, Commissioners.

21 COMMISSIONER GARRISON: Thank you, Mr.
22 Gerlicz.

23 MS. WEAR: I'm sorry, the general counsel
24 of PED asked me to disclose -- she's not here -- but
25 she asked me to disclose that she knows governing

1 counsel Imelda DeLaRue, for the record.

2 COMMISSIONER GARRISON: Thank you, Abby.
3 Thank you, general counsel. Thank you,
4 Mr. Reynolds.

5 I'd like to ask the representatives from
6 Academia de Lengua y Cultura to come up to the front
7 table, please. Good morning. Please introduce
8 yourselves.

9 MS. CORONA: Good morning, Mr. Chair,
10 members of the Commission. My name is Linda Corona,
11 and I'm the school leader of Academia De Lengua y
12 Cultura.

13 MS. SIERRA: My name is Teresa Sierra.
14 I'm a member of the governing council.

15 MS. RASKOM: My name is Greta Raskom and I
16 have been working this year in the capacity of the
17 superintendent for the school, very part-time.

18 MS. SIERRA: And if I may, I'd like to
19 begin.

20 COMMISSIONER GARRISON: Just one moment.
21 You have 15 minutes to respond to the Charter School
22 Division's recommendation. You may proceed.

23 MS. SIERRA: As I stated, my name is
24 Teresa Sierra. I'm a current member of the
25 governing counsel. I'm also a founding member of La

1 Academia. I was a member of the original planning
2 committee. I was asked to join the planning
3 committee as a grant writer by my supervisor.

4 La Academia is the brain child of a former
5 professor of linguistics and Chicano studies at the
6 University of New Mexico. It was under his request
7 that I joined the planning committee to help write
8 the original authorization to APS. Upon the
9 approval of that authorization, I joined the
10 governing council as a very exciting project. I was
11 very happy to join.

12 About a year into that first charter, the
13 founder had a disagreement with Dr. Michael Kaplan
14 of the PED Charter School Division, and that founder
15 walked away from the governing council. He was the
16 chair and director of the school one week, and the
17 next week we never heard from him again.

18 Additional governing council members left
19 the governing council with him at that time, and
20 shortly thereafter, two other members also left the
21 governing council. That left two members, myself
22 and a man named Norman Colter, who then shortly
23 thereafter left the governing council to become the
24 business manager of the school.

25 I share this with you to help explain that

1 in the interim, several years, eight or nine years,
2 we have been challenged to maintain full membership
3 on the governing council. There has been
4 unfortunately something of a revolving door to
5 membership on the governing council. But I do
6 believe -- in fact, I know -- that that is changing.
7 It has changed over the past year.

8 But what I have just shared with you is
9 actually just half or a part of the story, because
10 the other part of the story is the very strong
11 academic performance by the school over the years.
12 Over this time -- and we're talking two
13 authorizations -- the school has met AYP at least
14 twice and perhaps a third time. I'm uncertain of
15 that. During this period we've had multiyear
16 tenures by two of our principals. They were very
17 strong, they are very strong and were very strong
18 and capable role models for their teaching staff.
19 Very innovative. We are an affiliate of the NCLA
20 Charter School Initiative, the National Council of
21 La Raza. We are still an affiliate. And
22 particularly in the early years, they directed a
23 number of resources to the school and helped the
24 instructional quality and teacher performance in the
25 classroom.

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1 There are many good things that are
2 happening and have happened over the years to this
3 population, and we have had a range of students from
4 very good, high-performing students to students who
5 have been more challenged, coming from difficult
6 home environments and schools that did not always
7 meet their needs. Over this period of time, we have
8 had success with these students, as I said. We met
9 AYP at least twice and I believe we're on the road
10 to doing that again. We also have the trust and
11 confidence of the parents over these years and they
12 have been very strong supporters. Those are my
13 comments.

14 MS. CORONA: Members, I wanted to speak to
15 the most recent history. I have been there for
16 the -- I walked in two and a half years ago. And I
17 must admit that it wasn't the type of school that I
18 would have sent my child to. It was going through
19 transition, had been going through transition in all
20 areas, and the students were coming and going.
21 Teachers were coming and going, and the school had
22 had -- I was its fifth principal in a time span of
23 ten years.

24 As soon as I walked in, I immediately
25 started getting to work and trying to provide

1 students everything that I possibly could. The
2 building -- started painting walls, started breaking
3 down walls, and trying to help the teachers to see
4 that these kids are not at risk; they just need some
5 rules, some limitations. And so we started that,
6 and I think that in the two complete years, we've
7 really changed it into something that I would now
8 take my child to.

9 I would like to speak and thank the
10 Charter School Division for coming in and doing
11 their analysis. I agreed with most of it. In the
12 part of the achievement, I think that they said it
13 very well. We have made a big change. We are,
14 according to the New Mexico school report card --
15 they do a ranking, several pages, report card. But
16 in one of those pages, there's some ranking going
17 on. Right now, out of the six categories that are
18 introduced in that report card, we are hitting the
19 top 5 percent with the lowest-performing students.
20 And looking at some of the statistics where they
21 tell us about the whole country, I think we're
22 hitting the population that we have to hit.

23 We're doing really well. When I walked
24 in, the first rule was: No suspensions. These guys
25 aren't going home. They're going to have Saturday

1 school. So instead of sending them home, I brought
2 them in.

3 I talked to all the parents, established
4 the discipline system, and started making some time
5 for messing around with the schedule, making sure
6 that they needed to get any additional support, they
7 got it, even if it meant the principal tutors, the
8 parents tutor, the teachers tutor, everybody works,
9 because these kids deserved it.

10 My population is mostly immigrants,
11 first-generation, second-generation immigrants from
12 Mexico, most of them. The parents I believe wanted
13 to send you guys letters. I don't know if they did
14 send you letters. You're going to receive them in
15 Spanish, because that's mostly what they speak.
16 They're very supportive. They send me their kids
17 every day. Unless there's blood, those kids are
18 going to come to school. And we, I believe, as part
19 of the school have stepped it up and given them what
20 they are giving us, which is their children every
21 day.

22 So based on that, my teachers and myself
23 have done everything possible and have started to
24 see growth. It's our second full year, it's my
25 third full year. I really do feel that the Charter

1 School Division has some concerns that I think need
2 to be investigated and settled, but I think that as
3 far as the school is concerned, we are doing good
4 things. I'm not going to lie to you and say that
5 we've always done good things, but we are on the
6 right track right now, and to stop that would be not
7 right.

8 So I ask that you recertify us with
9 whatever conditions you deem necessary.

10 MS. RASKOM: And I would like to just
11 further ask, Mr. Chair and members of the
12 Commission, that you consider the potential of this
13 school. I have been working with the school for
14 less than a year, and I have seen growth,
15 improvement. It's an incredibly dedicated staff,
16 hardworking, very committed to the mission of the
17 school, and I see the sense of belonging that the
18 students feel there. There's a sense of community.
19 It would concern me greatly to contemplate what
20 happens to those students if the school were to
21 close. Thank you.

22 COMMISSIONER GARRISON: Thank you all for
23 your presentation. Commissioners, the floor is open
24 for questions and/or comments of the applicants or
25 the Charter School Division.

1 Commissioner Carr.

2 COMMISSIONER CARR: I just wanted to
3 commend you on your work and your efforts and your
4 good hearts for working with children like that.
5 You know, I just wanted to recognize that. I can
6 tell that your hearts are in the right place and
7 that you're wanting to help children. And I work
8 with a lot of first-and-second-generation
9 immigrants, as well, and so I know the difficulties
10 and the joys of doing that.

11 I have I guess a question for the charter
12 division. What are the alternatives? I'm sure
13 there are, and I know there are, and I'm not as
14 familiar with Albuquerque as I should be. Are there
15 other alternatives for this particular group of
16 children?

17 MR. GERLICZ: Commissioner Carr, I don't
18 think I would be the best person to answer that,
19 just having been new for five weeks on the job, but
20 I'm sure my colleagues could answer that.

21 MS. CALLAHAN: Mr. Chair, Commissioner
22 Carr, this is a school coming from the Albuquerque
23 area, the largest school district in the state. The
24 charter school director from APS is here, and I
25 don't want to get into specifics because I don't

1 know exact schools, but I know that there are
2 dual-language programs, other charter schools that
3 have similar missions that are available.

4 But Mr. Tolley, if you have any other
5 insight maybe that you can share with the
6 commissioners, I would hate not to include something
7 that was important.

8 MR. TOLLEY: Mr. Chairman, members of the
9 committee, in Albuquerque currently there's about 55
10 charter schools. We also have magnets, all our
11 traditional schools. We have several dual-language
12 programs for elementary school, and we have several
13 charters that deal with at-risk kids. We do have
14 also bilingual programs within the charter schools
15 there. The location of Academia de Lengua y Cultura
16 being so close to the airport, most of the kids I
17 believe travel in, have to come by car anyway, so in
18 that area and into the South Valley there are
19 several alternatives.

20 COMMISSIONER GARRISON: Any other comments
21 or questions from Commissioners? The chair will
22 entertain a motion.

23 COMMISSIONER SHEARMAN: Mr. Chair, before
24 we get into the motion, we have several documents in
25 front of us that I'm sure legal counsel has had a

1 hand in preparation. I would appreciate information
2 from either legal counsel or the CSD people to tell
3 us, what is the proper order to go through these
4 documents to make the correct recommendation motion
5 to this group. Could we have that, please?

6 MS. WEAR: I did not have a hand in
7 preparing them.

8 MR. GERLICZ: Commissioner Garrison,
9 Commissioner Shearman, could you repeat that
10 question, please? I'm not exactly clear on what
11 you're asking, if it's a procedural question on the
12 order?

13 COMMISSIONER SHEARMAN: Yes.

14 MR. GERLICZ: On the proposed resolution,
15 my understanding is that a motion can be entertained
16 to do one of three things: Approve the charter
17 school, or approve with conditions, or to deny for
18 any one of those reasons.

19 COMMISSIONER SHEARMAN: Thank you. I
20 appreciate that. We have this sheet that is
21 executive summary for item number 11, proposed
22 motion, and then number one, it also says, "Move to
23 approve the attached resolution to be read into the
24 record."

25 MS. WEAR: After that green sheet in your

1 binder, there's the resolution. Yes. That's it.

2 COMMISSIONER SHEARMAN: Okay. In its
3 entirety, or the shaded areas? I just want to be
4 correct.

5 MR. GERLICZ: Commissioner Shearman,
6 you'll notice on that sheet that you have
7 essentially A, B, or C. You do not need to read the
8 entire document. Just the germane section of that
9 document, either A, B, or C.

10 MS. CALLAHAN: Mr. Chair?

11 COMMISSIONER GARRISON: Ms. Callahan.

12 MS. CALLAHAN: Mr. Chair, Commissioner
13 Shearman, Mr. Gerlicz, maybe a clarification. The
14 resolution letter A is the framing introduction, and
15 letter B explains about one of the options that they
16 have, that you have on your vote. B1 is, "The vote
17 of the Commission was to approve the renewal
18 application without conditions."

19 B2 is, "The vote of the Commission was to
20 approve the renewal application with conditions."
21 And the conditions are outlined underneath that.

22 And then B3 is, "The vote of the
23 Commission was to deny the renewal application," and
24 in that denial there needs to be a statement of
25 which of the four reasons that are listed in the

1 executive summary are there for that denial.

2 Does that help, Commissioner?

3 COMMISSIONER SHEARMAN: Yes, it does.

4 Thank you.

5 COMMISSIONER GARRISON: The chair is going
6 to call a brief recess to discuss this with
7 Mr. Gerlicz and legal counsel, if you all would come
8 back.

9 (Recess from 10:21 a.m. to 10:31 a.m.)

10 COMMISSIONER GARRISON: We're back in
11 session. I was remiss earlier. I would like
12 general counsel to introduce themselves. This is
13 how my memory works. So I know it's Mr. Reynolds
14 and I know it's Abby. So instead of saying Abby
15 Reynolds, I'd better clarify things. They'd better
16 clarify things.

17 MS. WEAR: I'm not actually general
18 counsel for PED. That's Hilary Noskin. My name is
19 Abby Wear, and I am here bridging the gap for the
20 PEC as their attorney, and Mark Reynolds is here
21 helping me do that.

22 MR. REYNOLDS: Mr. Chair, my name is Mark
23 Reynolds, director of the civil division for the
24 attorney general's office. The civil division is
25 the division of the AG's office that provides

1 counsel to boards and commissions. We recently had
2 a request to take over representation of counsel for
3 this Commission in a way that would be at no further
4 cost to the State. And I'm happy to say that my
5 division is able to absorb representation and
6 counsel to this Commission with our current staffing
7 levels and, therefore, our counsel won't require any
8 additional cost to the State. I'm happy to be here.

9 I'm also just doing a transition, because
10 I'm director of the division, and by your next
11 meeting in January, I'll assign your permanent
12 lawyer from the civil division who will be your
13 counsel henceforth. So I'm happy to be here and I'm
14 learning a lot. Thanks.

15 COMMISSIONER GARRISON: Thank you for your
16 guidance. So we have clarified, Commissioners, that
17 we will now vote to approve, approve with
18 conditions, or deny the application. And actually,
19 would this be called a renewal?

20 MR. GERLICZ: This is a renewal
21 application.

22 COMMISSIONER GARRISON: The renewal
23 application. Thank you. In your books, you would
24 have the white sheet that states the recommendation
25 options with regard to each one of those boxes. The

1 one that is marked with an X will give specific
2 stated reasons that must be read into the record
3 during the motion. The resolution after our vote is
4 what the chair will read into the record. Not the
5 full resolution, but the choice that we have made
6 with regard to our vote. Am I correct in that?

7 MR. REYNOLDS: That is fine, yes.

8 COMMISSIONER GARRISON: Thank you very
9 much.

10 The floor is open for comments or
11 questions by Commissioners. If none, I will
12 entertain a motion.

13 COMMISSIONER PERALTA: Mr. Chair.

14 COMMISSIONER GARRISON: Commissioner
15 Peralta.

16 COMMISSIONER PERALTA: I would like to
17 propose a motion to deny the renewal application of
18 the Academia de Lengua y Cultura for the reasons
19 identified in 22-8B-12K NMSA 1978, and for the
20 following reasons. There have been presented one or
21 more material violations of the conditions,
22 standards, or procedures set forth in the charter.

23 Number two, not met or was not making
24 substantial progress toward achievement of the PED's
25 minimum education standards or student performance

1 standards identified in the charter application.

2 Number three, has not met generally
3 accepted standards of fiscal management, and noted
4 audit findings reported in the Academia de Lengua y
5 Cultura renewal application were not the same as the
6 published audit report from Albuquerque Public
7 Schools. This was discovered after the renewal
8 analysis was completed.

9 And number four, has violated a provision
10 of the law from which the state charter school was
11 not specifically exempted.

12 COMMISSIONER GARRISON: Thank you,
13 Commissioner Peralta. I'll entertain a second.

14 COMMISSIONER BERGMAN: Second.

15 COMMISSIONER GARRISON: Second by
16 Commissioner Bergman.

17 Commissioners, is there any discussion on
18 the proposed motion? Seeing none, we will proceed
19 with a roll call vote with Secretary Gant.

20 COMMISSIONER GANT: Commissioner Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER GANT: Commissioner Bergman.

23 COMMISSIONER BERGMAN: Yes.

24 COMMISSIONER GANT: Commissioner Carr.

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER GANT: Commissioner Lopez.

2 COMMISSIONER LOPEZ: Yes.

3 COMMISSIONER GANT: Commissioner Shearman.

4 COMMISSIONER SHEARMAN: Yes.

5 COMMISSIONER GANT: Commissioner Garrison.

6 COMMISSIONER GARRISON: Yes.

7 COMMISSIONER GANT: Commissioner Gant

8 votes yes. It's a 7/0 in favor of the denial.

9 COMMISSIONER GARRISON: It is unanimous.

10 The resolution is as follows. The vote of this
11 Commission is to deny the renewal application for
12 the reasons stated on the record of the meeting that
13 was recorded by a certified court reporter. The
14 Commission agrees to submit its reason to the
15 charter school's governing body by no later than 14
16 days from the date of the decision-making meeting.
17 Thank you.

18 MR. GERLICZ: Mr. Chair.

19 COMMISSIONER GARRISON: Commissioner
20 Gerlicz. Wow. You got my joke. Yes, sir.

21 MR. GERLICZ: Commissioner Garrison,
22 Academia de Lengua y Cultura is currently not a
23 state-authorized charter school, so for the record,
24 I want to reiterate that they are an Albuquerque
25 Public Schools authorized charter school, and will

1 therefore have to create proceedings, negotiate
2 proceedings with the Albuquerque Public Schools
3 regarding the closure process.

4 COMMISSIONER GARRISON: Thank you for that
5 clarification.

6 Counsel, do I need to reread anything with
7 regard to his clarification?

8 MR. REYNOLDS: I think as long as that
9 clarification is on the record, you are covered.
10 You don't need to read anything further.

11 COMMISSIONER GARRISON: Mr. Reynolds,
12 thank you.

13 Thank you, Mr. Gerlicz.

14 Item number 11, number 2, is the Anthony
15 Charter School, Anthony New Mexico. If they would
16 like to come up to the front table, we invite you,
17 and we'll introduce your fine folks in just a little
18 bit.

19 We're going to begin with the Charter
20 School Division's evaluation and recommendation.

21 Mr. Gerlicz.

22 MR. GERLICZ: Commissioner Garrison,
23 members of the Commission, the Anthony Charter
24 School comes to us with a renewal application to the
25 PEC as a state authorized charter school. They are

1 currently authorized in the Gadsden Independent
2 School District. That fact alone presented some of
3 the challenges that we had as a Charter School
4 Division to accurately analyze this application.
5 Yes, we have made site visits, we've analyzed the
6 documents, but we did uncover a not-harmonious
7 relationship between the Anthony Charter School and
8 the Gadsden Independent School District, and that
9 made the acquisition of information more difficult
10 than it would have otherwise.

11 And so therefore, our findings are that we
12 recommend a renewal of this application or an
13 acceptance of this application to be a state charter
14 school with the following conditions.

15 We recommend that the Anthony Charter
16 School negotiate a renewal contract with the Public
17 Education Commission pursuant to 22-8B-9.1, that
18 they will need to resubmit part B of its renewal
19 application, work with the Charter School Division
20 to write goals that clearly indicate vigor,
21 relevance, and with metrics that allow indicators to
22 be properly measured. This document will be the
23 basis of the performance contract for the proposed
24 renewal period, the use of the short-cycle
25 assessment that Anthony needs to be better aligned

1 with the academic program of the school.

2 Three, governing counsel of the school,
3 which will conduct a strategic plan -- that plan
4 needs to clearly indicate how the school will
5 measure progress in growing its lower 25 percent
6 population scores and its upper 75 percent
7 population scores, what we say Q1 and Q3.

8 Number four, the governing council of the
9 school needs to clearly state what leadership
10 competencies and indicators it will use to evaluate
11 the principal.

12 Number five, the school needs to align its
13 curriculum to match the needs of the student
14 population and identify how individualized learning
15 plans will be created using that curriculum. This
16 will align to the vision and mission of the school.

17 These proposed conditions and this
18 proposed renewal shall be for a period of 18 months,
19 is our recommendation. And the reason that the
20 charter school has articulated 18 months is because
21 these were the conditions and these were the facts
22 that we found it difficult to ascertain properly in
23 order to make a professional decision. Had this
24 been a state-authorized charter school, I think that
25 could have been a lot easier and much more

1 comprehensively done. The fact that that
2 contentious relationship does exist made the
3 analysis more challenging, and that is our
4 recommendation, Commissioner Garrison.

5 COMMISSIONER GARRISON: Thank you,
6 Mr. Gerlicz.

7 Any questions from Commissioners at this
8 point? Commissioner Bergman?

9 COMMISSIONER BERGMAN: So that would mean
10 we would see them June after next for an additional
11 renewal or how will that work?

12 MR. GERLICZ: Commissioner Bergman and
13 Commissioner Garrison, that is correct. Within that
14 18 months, it would be our responsibility in the
15 Charter School Division as well as the
16 responsibility of the Anthony Charter School to
17 address all of the points in those conditions and we
18 would return in front of this Commission in, that's
19 right, June of the following year.

20 COMMISSIONER BERGMAN: Thank you. We
21 would take a vote at that time again; correct?

22 MR. GERLICZ: Commissioner Bergman,
23 Commissioner Garrison, that's correct.

24 COMMISSIONER BERGMAN: Thank you.

25 COMMISSIONER GARRISON: Applicants, please

1 introduce yourselves, and after you do that -- this
2 doesn't count against your 15 minutes -- then you
3 may respond to the Charter School Division's
4 recommendation. Good morning.

5 MS. ADOLPH: Good morning.

6 COMMISSIONER GANT: If I may, please, will
7 you introduce yourself, spell your names for the
8 reporter so she can definitely have the correct
9 spellings?

10 MS. ADOLPH: Thank you. Good morning.
11 I'm Colleen Adolph, and I'm the director of Anthony
12 Charter School. Colleen is C-O-L-L-E-E-N. Adolph
13 is A-D-O-L-P-H.

14 To my right, I have Mr. Pat Banegas, who
15 has been the governing council president from the
16 start of the school. B-A-N-E-G-A-S.

17 And on this side I have Dr. Vangie
18 Rodriguez. She's a former consultant, and she's a
19 former special ed. coordinator at the school, who
20 helped with the initial development of the
21 curriculum of the school.

22 COMMISSIONER GARRISON: Thank you. You
23 have 15 minutes to respond to the Charter School
24 Division's recommendation. You may proceed.

25 MS. ADOLPH: Thank you, Mr. Chairman and

1 members of the Commission. Good morning. I'm
2 Colleen Adolph, principal of Anthony Charter School.
3 I'm here today to represent the students, parents,
4 and staff of the school and to respond to the
5 renewal recommendation provided by the Charter
6 School Division.

7 The Anthony Charter School accepts the
8 recommendation as given by the division. We are
9 certain that all of the conditions recommended by
10 the division can be achieved within that time period
11 to the satisfaction of the Commission.

12 Anthony Charter School began the charter
13 school process in 2007 and officially opened in
14 2009. The school is currently in the middle of its
15 fourth year of operation. The school is located in
16 the old administration building of the Gadsden
17 District and serves grades 7 through 12.

18 The town of Anthony lies in the
19 southernmost part of Dona Ana County, approximately
20 20 miles south of Las Cruces and 18 miles from
21 El Paso and Juarez, Mexico. Anthony Charter
22 students maintain ties socially and culturally to
23 Mexico and New Mexico. Approximately 95 percent of
24 our 2012/13 students identify as being of Hispanic
25 origin, and 5 percent identify as being Caucasian.

1 Anthony Charter School provides a flexible
2 educational setting and a rigorous academic program
3 for anyone in the Gadsden District seeking a high
4 school diploma. We have parents who drive up to 60
5 miles per day to bring their students to school.
6 There is, of course, no transportation.

7 Some of the highlights over the last three
8 years of Anthony Charter School are, we have higher
9 percentages of students proficient in math than the
10 other Gadsden middle schools and high schools on
11 both the 2010/2011 and 2011/2012 reports, and higher
12 percentages of students proficient in reading than
13 five of the seven other Gadsden middle and high
14 schools on the 2010/11 reports. Higher percentages
15 of students proficient in reading than all the other
16 Gadsden middle schools on the 2011/2012 reports.

17 We met AYP and AMO goals in reading and
18 math for two years, and obtained a school rating of
19 B the first time and C the second time. We've
20 obtained and maintained a designation of progressing
21 for the last three years. We've met the attendance
22 rate. We met the graduation rate one of two years.
23 There was a cohort error in a student transferring
24 from us back to the district. We received a B
25 rating on the opportunity to learn on the 2012 grade

1 report card. B rating is our current standing based
2 on how well students met proficient targets for the
3 grade level.

4 Some highlights of Anthony Charter School
5 over the last three and a half years that I would
6 like to share with you include the following.
7 During the first year of operation, we had four
8 students who attended DACC. This year we have 14
9 students attending DACC or taking a online course
10 through Central New Mexico University. One student
11 who started at DACC in his ninth grade year will
12 complete his associate's this December in mechanical
13 drafting because of the opportunity he had to attend
14 DACC during the school, during the summer. He's in
15 school all the time. The school had two graduates
16 after the first year of operation. One completed
17 his EMT certification while at the school, and now
18 attends NMSU. The other graduate is currently
19 attending DACC. Our second year yielded five
20 graduates. Three were early graduates who attended
21 Harvard University summer school program where they
22 acquired post secondary credits. They earned full
23 scholarships to out-of-state universities,
24 Quinnipiac University, and they'll be transferring
25 to University of Houston with an eye toward medical

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1 school. The other two graduates are attending
2 cosmetology school in Las Cruces and will graduate
3 this spring. Last year two students graduated. One
4 is attending NMSU on a full scholarship. This year
5 we expect to have five graduates. And this will
6 make all the Las Cruces people happy: One is an
7 early graduate and all five are going to NMSU.

8 Other highlights which demonstrate that
9 we've created a community at Anthony Charter. The
10 students, even though we're small, have worked to
11 establish a student council which deals with
12 planning for schoolwide celebrations. A fledgling
13 dance troupe that performed at the Anthony Community
14 Fair this fall, and took first prize. The school
15 will have its first high school prom this spring,
16 the high school. The students have participated in
17 the Anthony Community Health Fair for the last four
18 years and this year again won top prize for their
19 health and wellness presentation. One of the
20 Anthony Charter School staff members was trained
21 this summer at the Binational Council of La Raza to
22 facilitate parent involvement programs that empower
23 parents to advocate for their child's education by
24 helping them navigate and understand the educational
25 system.

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1 We are currently forming a partnership
2 with Sierra del Sol Housing Corporation, Rose
3 Garcia, who is going to transfer -- we have some
4 computer technology issues down there. She's going
5 to transfer her computer learning center to
6 somewhere near the school where we're moving, so
7 that our students will have better technology
8 resources. She and I are also working together on a
9 grant that would be able to provide stipends for
10 some of our students who would like to get into the
11 building trades careers.

12 John Martinez, who is the statewide
13 president of Health New Mexico, is currently an
14 affiliate and he has been supporting the school
15 through their affiliate relationship he has with
16 them so that our teachers can get training on
17 literacy, working with literacy in students. We
18 would like to become our own affiliate so that our
19 high school students can participate in their
20 Lideres and Escalera program so they can come back
21 to the community with leadership skills and
22 hopefully we can keep them more interested in not
23 only completing high school, but in seeking further
24 training.

25 We recently conducted an informal survey

1 of our students asking them to respond to the
2 question, Why are you here? Why are you at Anthony?
3 Why did you choose Anthony Charter School?

4 Students said they liked the small size of
5 the school and the access they have to their
6 teachers and instruction. Students attend the
7 school because they were bullied in a larger
8 environment. Students attend the school because
9 they felt they just couldn't function academically
10 or socially in the large school environment.

11 Students commented on their little survey
12 that they had never thought about college before,
13 but because we emphasized it all the time, they have
14 begun to think about education beyond high school,
15 and are asking for help in taking dual-credit
16 courses. Initially it was me going after the
17 students and saying, "Are you interested? Are you
18 interested?"

19 I think this is the first year that the
20 students have come to us and said, "You know, can
21 you help me get into that?"

22 Parents were asked a similar question.
23 They reported that they like having direct and more
24 immediate access to teachers and the administration.
25 They felt that academic and social issues were taken

1 care of more quickly than at a larger school. Most
2 stated that they were there because they wanted
3 their children to have a good education. They were
4 at the school because of the school's emphasis on
5 education, finishing high school, finishing early,
6 taking dual-credit courses, doing some online
7 learning to recover credits.

8 They appreciate the frequent contacts with
9 the school. We send progress reports home every two
10 weeks and we have many one-on-one conferences,
11 whether they're formal or informal with parents,
12 because we can access them easily as they come and
13 pick up our students.

14 Our teachers explain the results of
15 short-cycle assessments and the state SBA exam to
16 parents to help them understand the importance of
17 them, and just to understand them. Their children
18 are at the school because it provides a safe, secure
19 environment.

20 We're grateful for the Charter School
21 Division for recognizing the potential of the school
22 in light of the facts that were presented in our
23 renewal application. If the Commission will see fit
24 to approve our renewal, we look forward to working
25 closely with the Charter School Division to

1 accomplish the recommended conditions and to receive
2 the level of authorizer for support that the school
3 needs. We wish to point out that all the criteria
4 for renewal were met, but we also understand the
5 reasons given by the Charter School Division for a
6 conditional approval. We are certain that once we
7 begin our new relationship with the Charter School
8 Division, both they and we will gain an enhanced
9 understanding of the challenges faced by and
10 opportunities available to our students through the
11 required clarification and revisions of our program.

12 We fully understand and accept the need
13 for designing truly measurable school and student
14 goals and objectives that were missing in the
15 original charter. These new goals and objectives
16 will provide students, faculty, and the
17 administration with the ability to clearly see the
18 direction that our instructional programs must take
19 in order to continue and surpass our previous levels
20 of student achievement.

21 Just as importantly, we are relocating to
22 a new facility in the center of the Gadsden
23 District. The community will become more informed
24 of the expectations and opportunities provided by
25 our school. We agree that our short-cycle

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1 assessments need to better align with the academic
2 program in order to provide more reliable measures
3 of continuous student growth that will inform our
4 instructional processes and allow teachers to carry
5 out more effective classroom interventions when
6 needed.

7 We understand and we wish to promote the
8 value of these regular measures of student
9 achievement throughout the year. In the past we
10 used NWEA. This year is the first year that we have
11 adopted and are using Discovery. We've just
12 completed our first round of testing. We recognize
13 that there's a need to align the educational plan
14 which includes the instructional program. Our
15 program focuses on providing students a rigorous
16 academic course of studies which includes providing
17 scientifically researched-based instructional
18 strategies in a flexible education setting.

19 Students can accelerate learning. They
20 can come to our school to recover credits that they
21 have lost. We currently are using Ideal New Mexico,
22 online courses through Ideal New Mexico. CNM is
23 providing the financial literacy course for us down
24 there. Our students go out to DACC to take courses,
25 and AP courses are available through Ideal also.

1 Once we are established in our new
2 facility we're confident that the high student
3 mobility rates will decrease, thus resulting in more
4 reliable academic achievement performance data. Our
5 governance council looks forward to the opportunity
6 to create a more thorough strategic plan for
7 increasing student achievement and improving the
8 measurement of student growth for all segments of
9 our student population, as well as clarifying the
10 leadership competencies required of the principal.
11 Also, both the board and the school administration
12 understand the need to more closely align our
13 curriculum with student needs and the importance of
14 creating individualized learning plans that will
15 enable all of our students to successfully
16 accomplish challenging academic goals.

17 We do have a curriculum in place and it's,
18 of course, aligned to the current standards and
19 benchmarks. We are currently working on aligning
20 our curriculum to the Core Standards.

21 Finally, we again wish to express our
22 appreciation for the thorough and insightful
23 analysis and recommendation provided by the Charter
24 School Division, which included a constructive site
25 visit to our school and the opportunity for

1 professional conversation about our school's
2 progress, the need for an option for parents in the
3 Gadsden District.

4 We are eager to begin working with the
5 division on the details of our performance contract,
6 especially considering the short term of the
7 conditional renewal period. And we are certain that
8 the Anthony Charter School will meet all of the
9 performance standards that will be negotiated
10 between us.

11 Thank you for this opportunity to address
12 the Commission.

13 COMMISSIONER GARRISON: Thank you very
14 much.

15 Mr. Gerlicz.

16 MR. GERLICZ: Mr. Chair, as a point of
17 clarification, and Commissioner Bergman, you're
18 absolutely correct that 18 months from today would
19 be June of 2013. The Anthony Charter School's
20 charter isn't renewed or expire until June of 2013.
21 So 18 months from that will put it to December, just
22 as a point of clarification. So that 18-month
23 period would end in December of 2013, as their
24 current charter under which they are operating
25 expires in June 2013. Thank you.

1 COMMISSIONER BERGMAN: I'm a little
2 confused. They will then appear before us in
3 December of 2013? Not 18 months after that.

4 MR. GERLICZ: That's correct, Commissioner
5 Bergman.

6 COMMISSIONER BERGMAN: Thank you.

7 COMMISSIONER GARRISON: Thank you for that
8 clarification, Mr. Gerlicz.

9 The floor is open for questions by
10 Commissioners of the applicant or the Charter School
11 Division.

12 Commissioner Bergman.

13 COMMISSIONER BERGMAN: Thank you,
14 Mr. Chair.

15 You answered part of my question because I
16 heard the words "new facility" near the end of your
17 remarks. You are moving from the facilities that
18 you're in now. Have you already identified the new
19 facility?

20 MS. ADOLPH: The foundations for our
21 portable are being poured as we speak, and we're
22 trying to get our portables that are already down
23 there moved onsite.

24 COMMISSIONER BERGMAN: Is the school going
25 to be entirely in portables, then?

1 MS. ADOLPH: That's our only option.
2 We've explored everything in the town of Anthony and
3 this is our only option.

4 COMMISSIONER BERGMAN: So you don't
5 anticipate having a problem with the PSFA getting
6 your E-occupancy certificate, then?

7 MS. ADOLPH: No, we've been working with
8 them very closely setting this whole thing up.

9 COMMISSIONER BERGMAN: Thank you.

10 Thank you, Mr. Chair.

11 COMMISSIONER GARRISON: Thank you,
12 Commissioner Bergman.

13 Commission Gant.

14 COMMISSIONER GANT: Chair, Members, first
15 of all, I do have to agree with CSD. Being from
16 that part of the world, I hear a lot of things that
17 just disturb me all along about how the relationship
18 was with this charter school and the Gadsden
19 Independent School District. So I understand where
20 you're coming from. And the conditions you have
21 here, the five you have here, I understand we had a
22 discussion about part B, so I'm not going to go into
23 that. But the last four should have been in place.
24 I mean, any charter school that understands
25 government -- and all this should have had these

1 items in place. That disturbed me. And if it
2 hadn't been for the fact that the CSD is
3 recommending 18 months, I would have been
4 hard-pressed to vote yes on this. Just a minute.
5 Hard-pressed to vote on this.

6 And then you talk about moving. Well,
7 there was a slight indication on page 49 of your
8 application that you had the property, that you were
9 thinking about moving, and that you have talked to
10 the PSFA. I was in a PSCOO task force meeting
11 yesterday with the PSFA and talked to the lady who
12 is responsible for looking at charter school plans
13 for the future, what's going on now, and she gave me
14 the deer-in-the-headlight look.

15 So somewhere there's a disconnect on this.
16 Are you telling me that you're having an 18-month
17 renewal and you don't know whether you're going to
18 make that renewal in 18 months after the end of this
19 one charter, but you're going to take the chance to
20 move to another facility where you're paying for all
21 the infrastructure, you're paying for the moving
22 costs, and all this other stuff?

23 Now, just a minute, please. Listen.
24 These are the issues I have. Now, if it hadn't been
25 for them recommending 18 months, I wouldn't have

1 gone with this charter for this renewal.

2 Thank you, Mr. Chair.

3 COMMISSIONER GARRISON: Commissioner
4 Shearman.

5 COMMISSIONER SHEARMAN: Thank you.

6 Commissioner Gant referred to the proposed
7 conditions and I won't belabor that point. I too am
8 disappointed that these items are not already in
9 place in a school that's currently in operation. It
10 would seem to me you would have great difficulty in
11 running a school with no road map, and these items
12 are roadmaps, to me.

13 The comment I want to make concerns
14 condition number 1, where it says Anthony School
15 will need to resubmit part B of its renewal
16 application. As we discussed yesterday in our
17 Charter School Committee, General Manager Kelly
18 Callahan clarified this to us, that part B is truly
19 not part of the renewal application as far as
20 renewal decision goes; that it is more the basis for
21 the performance contract, should the school be
22 renewed.

23 My point that I really want to make to
24 everyone is that the Public Education Commission has
25 never, and as far as I am aware has no intention of

1 ever accepting any rewrites, resubmission, redos of
2 any application. The process has always been that
3 once an application is submitted, it's final. There
4 may be clarifications, there may be questions
5 answered. But there is no redoing, no resubmitting.

6 So I just wanted to clarify the usage, the
7 verbiage there, and make sure that there is no
8 confusion.

9 The next thing I'd like to look at is on
10 page 124 of your application. Are you there?

11 MS. ADOLPH: Can you tell me what the
12 heading is? Because these numbers are not
13 corresponding to yours.

14 COMMISSIONER SHEARMAN: Actually, it looks
15 like page 123 of the numbers on the pages. Mission
16 statement, educational program.

17 MS. ADOLPH: Okay.

18 COMMISSIONER SHEARMAN: We all use the
19 wrong words on occasion. Just one point of
20 clarification, though, right above the side heading
21 "mission statement" you refer to Ideal New Mexico,
22 College of New Mexico, and Dona Ana Community
23 College. To whom were you referring when you said
24 "College of New Mexico"?

25 MS. ADOLPH: CNM. It should have been

1 CNM.

2 COMMISSIONER SHEARMAN: Thank you very
3 much. If you'll look below that under "Educational
4 Program," it says, "Anthony Charter School provides
5 a traditional instructional program and a web-based
6 curriculum platform that provides a complete
7 computer-based high school curriculum, both core
8 study areas and course electives."

9 I do not see anywhere in any of the
10 information that was provided to us where Anthony
11 Charter School was authorized to conduct a virtual
12 school.

13 MS. ADOLPH: Can I respond?

14 COMMISSIONER SHEARMAN: Please do.

15 MS. ADOLPH: What that's referring to is,
16 we use E2020 to help the students recover credits,
17 and that's done under the supervision of a teacher
18 who's certified in that content area.

19 COMMISSIONER SHEARMAN: I understand that.
20 But you say, "Provides a complete computer-based
21 high school curriculum."

22 Let me just clarify my question, then. Do
23 you have students who are doing their entire
24 curriculum computer-based?

25 MS. ADOLPH: No. It's more of a blended

1 instruction. And again, the E2020 -- Ideal, of
2 course, is Ideal. CNM is CNM. DACC -- those
3 courses are intact. But when we use E2020 with the
4 student to help them with the credit recovery, it's
5 under the supervision of a teacher who's licensed in
6 that content area.

7 COMMISSIONER SHEARMAN: And the student is
8 onsite in the classroom?

9 MS. ADOLPH: Yes. Yes. Yes.

10 COMMISSIONER SHEARMAN: Okay. Do you do
11 any computer-based courses for students who are not
12 high school students?

13 MS. ADOLPH: No. No. We currently don't.

14 COMMISSIONER SHEARMAN: No community --

15 MS. ADOLPH: Not currently. We don't have
16 the facility to do that.

17 COMMISSIONER SHEARMAN: When you say
18 "currently," does that mean you have?

19 MS. ADOLPH: No, we haven't. We never
20 have.

21 COMMISSIONER SHEARMAN: And that's not
22 your intention to?

23 MS. ADOLPH: No.

24 COMMISSIONER SHEARMAN: Because you would
25 need to change -- request a change in your charter.

1 MS. ADOLPH: No.

2 COMMISSIONER SHEARMAN: I did have one
3 other question about enrollment, and I believe it's
4 back on page 7. On page 7 of the recommendation.
5 I'm sorry.

6 MS. ADOLPH: Okay.

7 COMMISSIONER SHEARMAN: I'm looking at the
8 narrative and it says, "At this time the school has
9 60 students enrolled."

10 MS. ADOLPH: This is correct.

11 COMMISSIONER SHEARMAN: In 2011/2012 you
12 had 82.

13 MS. ADOLPH: Correct.

14 COMMISSIONER SHEARMAN: So your enrollment
15 is declining.

16 MS. ADOLPH: It has declined this year.

17 COMMISSIONER SHEARMAN: And you have an
18 enrollment cap of 200?

19 MS. ADOLPH: Right.

20 COMMISSIONER SHEARMAN: And the closest
21 you have ever come to that is 82?

22 MS. ADOLPH: There's no way we could have
23 put 200 students in the facility that we're
24 currently in. That's why we have been working from
25 the very first year of the school to find an

1 appropriate facility or to have the facility that
2 could accommodate the students. We're in the old
3 Gadsden administration building.

4 COMMISSIONER SHEARMAN: Could you give me
5 your thoughts on why your enrollment is declining?

6 MS. ADOLPH: I want to keep this positive.
7 I think it has to do with -- part of it is
8 transportation. It's difficult for our parents to
9 transport kids to school. Part of it has been --
10 which goes back to the difficulty with the district,
11 and I want to say that I feel like we have a good
12 relationship with the superintendent and the people
13 in his office, where some of the difficulty has been
14 at the building level.

15 And I know that we have some current
16 students who came to our school and they were told
17 one of two things. If you leave, you can't come
18 back. And we have that documented. And another
19 thing was they were told that -- I guess they got
20 wind that we were moving, and they were told that we
21 were not going to be around. So I think those
22 things impacted our student enrollment for this
23 year.

24 COMMISSIONER SHEARMAN: Thank you.

25 MS. ADOLPH: You're welcome.

1 COMMISSIONER GARRISON: Thank you,
2 Commissioner Shearman.

3 COMMISSIONER CARR: A more simple
4 question. Currently you have 60 students right now.

5 MS. ADOLPH: Correct.

6 COMMISSIONER CARR: How many certified
7 teachers, classroom teachers, do you have?

8 MS. ADOLPH: We have the cores, language,
9 math, science, social studies, and then we have a
10 music and an art. Everybody teaches -- everybody
11 performs lots of different roles.

12 COMMISSIONER CARR: And all of your
13 teachers are currently highly qualified?

14 MS. ADOLPH: They are.

15 COMMISSIONER CARR: So you have 100
16 percent on that now?

17 MS. ADOLPH: I believe we do, yes.

18 COMMISSIONER CARR: Okay. Good. Thank
19 you.

20 MS. ADOLPH: I'd like to respond to the
21 use of the short-cycle assessment. We have used the
22 NWEA every year since we started. We do have that
23 mobility that happens in our population. Many times
24 students are sentenced to our school, so they come
25 to our school because they have been suspended from

1 Gadsden. So they come and they stay a while, and
2 then they leave.

3 And I think that's part of the -- I know
4 that's part of the reason for the difficulty in the
5 NWEA. But we have used NWEA from the very beginning
6 of the school. That information was in the binders
7 that the Charter School Division reviewed when they
8 went, and it was there.

9 We also have a curriculum. We've always
10 had a curriculum aligned to standards and
11 benchmarks, and we use that. Our teachers do sit
12 down and analyze the short-cycle assessment data as
13 well as the SBA data to plan what the map for the
14 next year is going to be.

15 So for example, if our kids are highly
16 proficient in measurement, you know, measurement
17 goes back down a little bit on that map and we focus
18 on things that they are not highly proficient in.

19 And I hope that clarifies that a little
20 bit from our standpoint. And then Mr. Banegas would
21 like to say this.

22 MR. BANEGAS: Mr. Chairman and
23 Commissioners, I'd like to address --

24 COMMISSIONER GARRISON: I believe
25 Commissioner Gant asked me to ask the follow-up

1 question --

2 COMMISSIONER GANT: I'd like you to
3 clarify. One thing I want clarified is who you're
4 dealing with in the PSFA by name.

5 MR. BANEGAS: Earl Franks and Jorge Au are
6 the two representatives from down south.
7 Commissioner Gant, when we begin to look at this
8 other site, the portable site. We formed a
9 partnership with an entity there, a utility district
10 that has land available. First of all, we started
11 with Construction Industries Commission about how to
12 proceed with this, designing and planning and
13 specifications.

14 After going through that, they encouraged
15 us to go see PSFA. I talked to Brent Flannigan
16 about how to proceed with that, because there was a
17 question. There was a concern on Au and Earl
18 Franks' about their role in dealing with or
19 reviewing our plans and specs. So it took a while
20 to get that cleared up. Senator Nava helped us with
21 that.

22 So once we provided the plans and
23 specifications, Earl Franks and them reviewed them
24 and approved them after some changes and
25 recommendations for some changes. And so I'm

1 wondering why there was a question about what was
2 going on. They have been reviewed and stamped by
3 PSFA.

4 COMMISSIONER GANT: Mr. Chair, Members, in
5 your application, yes, on page 49, you did talk
6 about it. But then I talked to some people in PSFA,
7 not the ones down south, so there may be a lack of
8 communication here, but still, if you're planning to
9 go through all this, if we approve your renewal
10 today, somehow we have to be involved with the final
11 approval for what you're doing. The PSFA has to
12 give us a statement, not you. The PSFA has to give
13 us a statement, this Commission, that they have
14 approved what you have in the form of plans, et
15 cetera, for moving onto this property.

16 And then I go back and ask the question.
17 You're getting, if you approve today, an 18-month
18 extension, basically, on your charter. And you're
19 willing to go out and spend all the money for
20 infrastructure, moving of the portables onto the
21 property, everything else that goes with that, with
22 the chance -- there's always that chance -- that at
23 the end of the 18 months, now it's 24 months if you
24 go talk to the end of the school year, that you may
25 not be renewed.

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1 MS. ADOLPH: We included in our
2 application the letter from PSFA.

3 COMMISSIONER GANT: I'll go through that,
4 Mr. Chair, I'll go through it and look, to make
5 sure. But I'll guarantee you, I will go back to the
6 PSFA to make sure everything's current. Okay? And
7 I advise you to do the same. All right?

8 I have one more question. That's enough
9 on that subject. One question. When was your EPS
10 for this school year finalized?

11 MS. ADOLPH: Before the due date. It's on
12 there.

13 COMMISSIONER GANT: I'm asking you.

14 MS. ADOLPH: We did do an EPS plan. We
15 uploaded it.

16 COMMISSIONER GANT: Can you tell me --

17 MS. ADOLPH: The exact date? September?
18 In September? I can't give you the exact date. It
19 is done, it is complete, it has been uploaded, and
20 it was uploaded by the due date.

21 COMMISSIONER GANT: Thank you.

22 COMMISSIONER GARRISON: Commissioner
23 Bergman.

24 COMMISSIONER BERGMAN: Thank you. One
25 additional clarification, because I didn't ask.

1 When you get your mobiles, portables all onsite,
2 what's your capacity going to be in those portables?

3 MS. ADOLPH: We're moving five portables.
4 We're using one for the office, so it should be 20
5 times -- 20 students in a classroom times nine.
6 We're anticipating that for the coming year, we
7 don't want to go over 130 students in those mobiles.
8 We have about two acres of land. An acre and a half
9 of land.

10 COMMISSIONER BERGMAN: That's the one area
11 I don't have expertise. I don't know how many
12 students you're allowed to have in these portables.
13 Mr. Gant or perhaps someone else can educate me.

14 COMMISSIONER GANT: Sure, Members. It
15 depends on the usage of the portable. If it's a
16 special ed. portable, which I don't think that's
17 what we're going to have, but then you have to have
18 a bathroom and everything else. So whatever their
19 usage is depends on which ones they buy or have
20 moved in.

21 COMMISSIONER BERGMAN: Theoretically
22 you're going to have room for certainly your 60 or
23 82, whatever is it you have now, but maybe some room
24 for growth?

25 MS. ADOLPH: I think we do. All of the

1 portables that we purchased have bathrooms in them,
2 and are handicapped accessible.

3 COMMISSIONER BERGMAN: I would think they
4 would need that anyway, with special needs and
5 everything; right? Thank you.

6 MS. ADOLPH: You're welcome.

7 COMMISSIONER BERGMAN: Thank you, Mr.
8 Chair.

9 COMMISSIONER GARRISON: Thank you,
10 Commissioner Bergman. Any other questions by
11 Commissioners of the CSD or the applicant? Seeing
12 none the chair will entertain a motion.

13 COMMISSIONER BERGMAN: Mr. Chair, you want
14 me to take a stab at this?

15 COMMISSIONER GARRISON: Commissioner
16 Bergman.

17 COMMISSIONER BERGMAN: Thank you. I move
18 that the Public Education Commission approve the
19 Anthony Charter School's renewal application for an
20 18-month term with the following included
21 conditions. The applicant will negotiate a renewal
22 contract with the Public Education Commission
23 pursuant to 22.8B-9.1, bullet 1. Anthony Charter
24 School will need to resubmit part B of its renewal
25 application, working with CSB to write goals that

1 clearly indicate rigor, relevance, and with metrics
2 that allow indicators to be properly measured. This
3 document will be the basis of the performance
4 contract for the proposed renewal period.

5 Two, the use of the short-cycle
6 assessments that Anthony uses need to be better
7 aligned to the academic program of the school.

8 Three, the governing council of the school
9 needs to conduct a strategic plan that clearly
10 indicates how the school will measure progress in
11 growing its Q1 population scores and its Q3
12 population scores.

13 Four, the governing council of the school
14 needs to clearly state what leadership competency/
15 indicators it will use to evaluate the principal.

16 Five, the school needs to align its
17 curriculum to match the needs of their student
18 population and identify how individualized learning
19 plans will be created using that curriculum. This
20 will align to the division/mission of the school.

21 COMMISSIONER GARRISON: Thank you,
22 Commissioner Bergman. There is a motion on the
23 floor. The chair will entertain a second.

24 COMMISSIONER CARR: Second.

25 COMMISSIONER GARRISON: Seconded by

1 Commissioner Carr. Is there any discussion from
2 Commissioners on the proposed motion? Seeing none,
3 we will proceed with a roll call vote through
4 Secretary Gant.

5 COMMISSIONER GANT: Commissioner Peralta.

6 COMMISSIONER PERALTA: Yes.

7 COMMISSIONER GANT: Commissioner Bergman.

8 COMMISSIONER BERGMAN: Yes.

9 COMMISSIONER GANT: Commissioner Carr.

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER GANT: Commissioner Lopez.

12 COMMISSIONER LOPEZ: Yes.

13 COMMISSIONER GANT: Commissioner Shearman.

14 COMMISSIONER SHEARMAN: No.

15 COMMISSIONER GANT: Commissioner Garrison.

16 COMMISSIONER GARRISON: Yes.

17 COMMISSIONER GANT: Commissioner Gant.

18 Yes. Six/one in favor.

19 COMMISSIONER GARRISON: Thank you,

20 Commissioner Gant. The vote of the Commission is to
21 approve the renewal application with conditions.

22 The Commission has approved the renewal application
23 with the following conditions that shall be included
24 with the material terms of the performance contract
25 to be negotiated between the charter school and the

1 Commission, and shall be incorporated fully into the
2 renewal charter. Congratulations.

3 MS. ADOLPH: Thank you, Commissioners, and
4 Charter School Division.

5 COMMISSIONER GARRISON: Someone come up
6 and get my card, please, because you had mentioned a
7 health and wellness report, an award-winning report
8 from your children. Can you e-mail that to me?

9 MS. ADOLPH: Yes.

10 COMMISSIONER GARRISON: Agenda item number
11 11, vote on 7 current charter schools. We're at
12 number 3, the Cottonwood Classical Preparatory
13 School in Albuquerque.

14 If you need more chairs, feel free to pull
15 some up.

16 SPEAKER FROM THE FLOOR: I think we'll
17 just spread around here, if that's all right.

18 COMMISSIONER GARRISON: That's fine.
19 You'll introduce yourselves in a few moments, but
20 we'll start with the Charter School Division's
21 evaluation and recommendation. Director Gerlicz.

22 MR. GERLICZ: Commissioner Garrison, the
23 rest of the PEC Commissioners, it's a pleasure to
24 recommend to the Public Education Commission
25 approval of the Cottonwood Classical Preparatory

1 School's renewal applications with no conditions.
2 Full-on approval is our recommendation. Thank you.

3 COMMISSIONER GARRISON: Thank you, sir.
4 Applicants, please introduce yourselves.
5 And I don't know what you will respond to, but you
6 will have 15 minutes to do it.

7 MR. GERLICZ: Commissioner Garrison, we
8 debated whether a haircut and a shave might be in
9 order for the applications, but decided against it
10 in such an august arena such as this. Thank you.

11 COMMISSIONER GARRISON: Fellow South
12 Valleyan and friend of mine, I will disregard that
13 comment.

14 COMMISSIONER CARR: For the record, I like
15 it.

16 COMMISSIONER GARRISON: We need to give
17 them a chance.

18 MR. OBENSHAIN: Mr. Chairman,
19 Commissioners, Mr. Gerlicz, Ms. Callahan, Counsel, I
20 do not believe there's statutory authority for a
21 condition that manscapes, if you will. I appreciate
22 not adding that condition into the recommendation.

23 My name is Sam Obenshain. I'm the
24 executive director for Cottonwood Classical
25 Preparatory School, and as you can see, we have

1 members of our school here. I'd like to introduce
2 those folks. If there are any questions that you
3 have of these people, they're here and available to
4 answer any questions.

5 To my left is Ms. Lynn Barr. She was here
6 before you about six years ago presenting the
7 original charter. There are a number of firsts that
8 Cottonwood has undergone, one of the first two
9 charter schools under the state authorization, and
10 now the first renewal, state-chartered renewal, to
11 come back under a full-year term. So I believe that
12 Ms. Barr has been a pioneer in the charter school
13 movement, and is here again as the founder.

14 I also have to my right Mr. Darrell
15 Garcia, who is a faculty member, a founding faculty
16 member of the school, has taught in all areas of the
17 school, and up and down the grade levels.

18 Mr. Garcia has this year taken on a half-time
19 administrative position as our activities director,
20 and he's available for any questions.

21 Behind me we have Mr. Michael Vigil, who
22 is our business manager. Mr. Vigil has been the
23 business manager with the school since its
24 inception. To his left, is Ms. Lynn Mosher, who is
25 our governing council president, a very active

1 business member in the Albuquerque community.

2 To her left is Ms. Kathy Nunn, a governing
3 council member, who is acting as our secretary
4 currently, and she is a long time APS educational
5 administrator.

6 So thank you all for giving us this
7 opportunity. All of us will be available for
8 questions if you do have any. I know that
9 Mr. Garrison gets impatient right around lunchtime,
10 so I'll make this as quick as I can, and hopefully
11 get us out of here.

12 Just a quick synopsis of the history that
13 Cottonwood has undergone in its initial charter
14 term. I mentioned we were the first of two state
15 charters under the PEC. We set out in the original
16 mission statement as well as the marketing material
17 that Cottonwood put out that the mission really was
18 to create a private school education at a public
19 school price, to have high expectations for
20 students, to prepare them well for college, and I
21 believe as you have seen in our application and our
22 track record that the school has met its mission.

23 The school also went through the
24 International Baccalaureate accreditation, the first
25 public high school in the state to do so, and was

1 granted accreditation by the International
2 Baccalaureate organization. This past spring we
3 graduated the first public IB diploma students in
4 the state of New Mexico. So once again, another
5 pioneering moment for Cottonwood.

6 Cottonwood, as you have seen in our
7 material, has met AYP every year since it's been in
8 existence, and for the past two years has received
9 an A in the school grading scale that's put together
10 by the Public Education Department. We are now
11 poised, because of some of the unbelievable work of
12 our stakeholder groups -- our parents, our
13 foundation and our governing council -- this fall to
14 move into a brand-new facility for us. We are
15 hoping to close a bond transaction today on that
16 deal and the key, of course, is a renewal of a new
17 five-year term.

18 One of the other things I think that's
19 important to recognize, it's probably not
20 necessarily in the documentation that you have, but
21 Cottonwood takes seriously its obligation as a state
22 charter school and as a charter school in general,
23 to be a pioneer and innovator for other schools in
24 the state, and to lead as a model the kinds of
25 practices that we think will be successful with

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1 students, and I believe Cottonwood has demonstrated
2 that over the course of the initial term. You have
3 seen other public high schools in the state,
4 particularly in APS, pursuing the certification,
5 because they see the kind of success I think that
6 schools like Cottonwood have had. So we take that
7 seriously, and continue to want to be a champion for
8 innovative practices in the state.

9 If you will indulge me very quickly, I do
10 have some accolades I wanted to just pass along.
11 I'm not sure that all of this made it into the --

12 COMMISSIONER GARRISON: Are we allowed to
13 accept any paperwork?

14 COMMISSIONER CARR: We haven't in the
15 past.

16 MR. OBENSHAIN: I know you have, because I
17 have seen you accept paperwork in the past. Maybe
18 something has changed significantly. I think
19 counsel can decide. There's nothing material to the
20 application, so if you want to review this, it's
21 merely some accolades. I don't have to read it into
22 the record, if that's something that would be
23 problematic.

24 MR. REYNOLDS: Mr. Chair, I don't see
25 anything wrong with the Commission receiving this

1 information. However, I would just tell the
2 Commission members that their decision on the
3 renewal should be made upon the application
4 materials that were submitted to the Department.

5 COMMISSIONER GARRISON: Thank you,
6 Mr. Reynolds.

7 Mr. Obenshain, you may read from your
8 accolade.

9 MR. OBENSHAIN: Thank you, Mr. Chair,
10 Commissioners. Some of the highlights that I don't
11 think necessarily get counted in the application
12 process but I think are important and are an
13 indicator of our success, 95 percent of Cottonwood
14 Classical graduates have been accepted to and
15 enrolled in colleges and universities across the
16 country. The only exception was a student who chose
17 to pursue the military as his post secondary option.

18 We had a Cottonwood student honored as the
19 charter school student of the year for New Mexico in
20 2011. Two 2012 Cottonwood Classical grads were
21 National Merit finalists and one current senior is a
22 National Merit semi-finalist. A 2012 Cottonwood
23 Classical graduate was selected as a US Presidential
24 Scholar, one of only two in the state of New Mexico.

25 Nearly half a million dollars in college

1 scholarships were offered to the 2012 class of 17
2 Cottonwood Classical graduates.

3 Cottonwood Classical has been recognized
4 by a national independent school rating service as
5 the third-best middle school in the state and the
6 second-best high school in the state for the school
7 year 2011/2012, and we've earned a five out of five
8 star rating for the past three years from that
9 organization, as well.

10 As I mentioned, Cottonwood is the first
11 public high school in the state to be accredited by
12 the International Baccalaureate program, and last
13 year graduated the first set of public IB diploma
14 students ever in the state of New Mexico.

15 Cottonwood hopefully, we hope to hear
16 today, will be the second charter school in the
17 state to receive public bond funding for the
18 acquisition of a permanent facility.

19 Cottonwood has a viable governing council,
20 PTA, parent advisory council and foundation that all
21 support our efforts to maintain a private school
22 education at a public school price.

23 We want to thank you for the last five
24 years of existence under your authorization. I want
25 to commend the Charter School Division for a

1 rigorous and comprehensive review. I know how tough
2 that job is, but somebody has to do it. So I
3 appreciate their efforts and the flexibility that
4 they have utilized moving with Senate Bill 446. I
5 know that's a complicated, complex bill that puts a
6 significant burden on both the PEC and the Charter
7 School Division, so I know exactly what they're
8 dealing with and I appreciate their efforts.

9 Thank you very much for your time, and we
10 all stand for questions if you may have any.

11 COMMISSIONER GARRISON: Thank you,
12 Mr. Obenshain. Questions from the Commissioners?
13 The floor is open.

14 COMMISSIONER BERGMAN: Mr. Chair, I might
15 ask one, then.

16 COMMISSIONER GARRISON: Commissioner
17 Bergman.

18 COMMISSIONER BERGMAN: As I looked at the
19 analysis provided by the CSD, I noted on page 11 --
20 it's the only thing negative I think I saw anywhere,
21 and I just was curious. In the very last sentence
22 it says, "For seventh grade, it appears that the
23 school has gone down" -- and the term they used was
24 significantly -- "in their reading, but increased
25 proficiency in math," and later on, on page 12 in

1 the middle of the page, it noted that you discussed
2 these variances and fluctuations and attributed them
3 mostly to large increases in your population and
4 diversity in your seventh and eighth grade.

5 Well, since those seventh graders, in
6 particular, are going to become your eighth graders,
7 are you trying to address -- get that reading up, or
8 do you just attribute it to -- it was one of those
9 classes?

10 MR. OBENSHAIN: Mr. Chair, Commissioner
11 Bergman, I think a little bit of both. I think if
12 you look at the trajectory of student progress, it's
13 very hard to follow a cohort, so you're looking at a
14 different group of students when you see those
15 drops. You try and make some cohort-to-cohort
16 comparisons, but it's not a very scientific process.

17 But I do believe and agree with the idea
18 that as the number of students increases, that to
19 maintain that level that you had with the smaller
20 group is very, very challenging. I think what
21 you'll see -- and again, with our trajectory and our
22 history, you'll see that the pedagogical practices
23 that we're utilizing do impact students as they move
24 through our school, and we think sometimes that
25 there is a group of students, for whatever reason,

1 that has not done well in a reading test or in a
2 math section. But if you look at the trajectory of
3 our scores, they have risen, in general, over time,
4 and we feel like the longer students are at our
5 school, the more they get those skills that are
6 necessary to be successful.

7 COMMISSIONER BERGMAN: And I think I noted
8 that you have almost already reached your new
9 enrollment cap; is that correct?

10 MR. OBENSHAIN: That is correct.

11 COMMISSIONER BERGMAN: And you mentioned
12 new facilities. Do you still have a waiting list or
13 has that been emptied?

14 MR. OBENSHAIN: Mr. Chair, Commissioner
15 Bergman, we still have a waiting list. We
16 anticipate an even larger waiting list, even though
17 we're moving into a bigger facility. We have
18 received over 600 requests from families who are
19 interested in coming to our school next year
20 already. We do an informational meeting in January
21 and February. We do a number. Now we're having to
22 increase those. We've had waiting lists upwards of
23 400 students when the initial enrollment process
24 begins. Of course, then you go through the lottery
25 and pull students.

1 But we anticipate a very robust waiting
2 list in the coming years. As I mentioned, the
3 Senate Bill 446 process and the performance contract
4 is a little different than things have normally been
5 done. We are asking for an increase in our
6 enrollment cap because of the move to our new
7 facility. When we put the application together, we
8 were still in the acquisition process. We were
9 looking at a number of different facilities. As we
10 have gone through the process, we have narrowed our
11 facility choice down, so now we're very confident in
12 a matter of hopefully hours, we'll be able to know
13 exactly that the deal is done. So we are asking for
14 an increase in enrollment. I know that's not
15 necessarily what we're doing here today, but moving
16 forward we'll need that to accommodate the demand.

17 COMMISSIONER BERGMAN: So we can look
18 forward to seeing the beard again next year?

19 MR. OBENSHAIN: I don't know. I don't
20 know.

21 COMMISSIONER GARRISON: Thank you,
22 Commissioner Bergman.

23 Any other questions from Commissioners of
24 the CSD or the applicant? Seeing none, the Chair
25 will entertain a motion. Commissioner Bergman.

1 COMMISSIONER BERGMAN: Mr. Chair, I would
2 move that the Public Education Commission approve
3 the renewal application of the Cottonwood Classical
4 charter school for a five-year term.

5 COMMISSIONER GARRISON: Thank you,
6 Commissioner Bergman. Do we have a second?

7 COMMISSIONER CARR: Second.

8 COMMISSIONER GARRISON: Seconded by
9 Commissioner Carr. Is there any discussion? Seeing
10 none we will proceed with a roll call vote through
11 Secretary Gant.

12 COMMISSIONER GANT: Commissioner Peralta.

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER GANT: Commissioner Bergman.

15 COMMISSIONER BERGMAN: Yes.

16 COMMISSIONER GANT: Commissioner Carr.

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER GANT: Commissioner Lopez.

19 COMMISSIONER LOPEZ: Yes.

20 COMMISSIONER GANT: Commissioner Shearman.

21 COMMISSIONER SHEARMAN: Yes.

22 COMMISSIONER GANT: Commissioner Garrison.

23 COMMISSIONER GARRISON: Yes.

24 COMMISSIONER GANT: Commissioner Gant

25 votes yes. It's a seven-zero in favor.

1 COMMISSIONER GARRISON: So it is unanimous
2 with a seven-zero vote. The vote of the Commission
3 is to approve the renewal application without
4 conditions.

5 Congratulations. The floor is yours, Mr.
6 Obenshain.

7 MR. OBENSHAIN: Commissioners, thank you
8 very much. I want to have a personal privilege to
9 wish Mr. Garrison and Ms. Lopez an outstanding
10 career after the Public Education Commission. I
11 don't know what can follow this, but I'm sure you'll
12 find something. But I appreciate, and we do, on
13 behalf of the school, appreciate your service on the
14 Commission. So thank you.

15 COMMISSIONER GARRISON: You're making me
16 think of many jokes, and every single one is very
17 inappropriate.

18 MR. GERLICZ: Mr. Chair, on the basis of
19 the vote that has just taken place by the Public
20 Education Commission, I can request that because of
21 Cottonwood Classic's necessity to show their bond
22 authorizers and moving into a new building
23 immediately the vote of the Commission, I have
24 drafted a letter in preparation on the chance that
25 the application would be approved for a signature.

1 COMMISSIONER GARRISON: For a signature.
2 And then just a quick personal note, Ms. Barr, thank
3 you for that kind note.

4 MS. BARR: Thank you for attending.

5 COMMISSIONER GARRISON: I guess that was
6 the one student that actually listened to me. Thank
7 you. I want to present something to the
8 Commissioners before we continue. Tony Gerlicz
9 mentioned to me this morning, and I indeed spoke
10 with representatives of the Horizon Academy West,
11 who came up here today, drove from -- I'm going to
12 remember this -- Edgewood and I believe Los Lunas.
13 Wow. They drove up today, and they would be able to
14 go through the process if we wanted to pick up one
15 more school here today, and then have three for
16 tomorrow.

17 I expect to go through a lot of the agenda
18 today as it continues after lunchtime. But I just
19 wanted your thoughts on that, folks, because they
20 are next in line on the agenda. We were planning on
21 them for tomorrow, but inclement weather is supposed
22 to come in. Any thoughts?

23 COMMISSIONER BERGMAN: I have no problem
24 with that, but can we legally advance an item like
25 that?

1 COMMISSIONER GARRISON: It's still in
2 order on the agenda. I'll acquiesce to Counsel.

3 MR. REYNOLDS: Mr. Chair, I will say yes.
4 I will say that there is a little bit of dispute
5 about a movement such at this. It is within the
6 public body's discretion to move things around in
7 their agenda as necessary and within reason. I do
8 believe that it would be in order for you to take it
9 now, even though it's noted on the agenda as
10 tomorrow. I just do have to note, I have dealt with
11 complaints, Open Meetings Act complaints, where this
12 very thing occurred, and a member of the public
13 showed up on the next day because they wanted to
14 hear what happened on this, and only found out on
15 that day that it was discussed on the previous day.
16 I have issued an opinion on those types of
17 complaints that it was not a violation of the Open
18 Meetings Act for that body to do that, so I believe
19 this body can do it. I will just caution you that
20 somebody could take issue with that.

21 COMMISSIONER GARRISON: Thank you, sir.

22 MR. REYNOLDS: It's probably a much longer
23 answer than you were anticipating, but it's my best
24 answer.

25 COMMISSIONER GARRISON: That sounds very

1 accurate, Mr. Reynolds.

2 MR. GERLICZ: Mr. Chair. I'm not sure if
3 other representatives of the other charter schools
4 are here in attendance. They are? Is North Valley
5 here? Okay. Yes. And so if we accelerated that
6 agenda process, we could do Horizon West and North
7 Valley, given that there's inclement weather
8 possibilities. Thank you.

9 COMMISSIONER GARRISON: The floor is open
10 for discussion, Commissioners. Speak up.

11 COMMISSIONER BERGMAN: I have no problem.

12 COMMISSIONER SHEARMAN: I would not have a
13 problem with that.

14 COMMISSIONER LOPEZ: It seems efficient to
15 me. They're here. They're ready.

16 COMMISSIONER CARR: I don't have a
17 problem.

18 COMMISSIONER GANT: I don't have a problem
19 since they're here. But in the future, if we have
20 an agenda, let's live to the agenda. Thank you.

21 COMMISSIONER GARRISON: What's the cause
22 for your concern? We're following the agenda.

23 COMMISSIONER GANT: I know you're
24 following the agenda, but -- disregard. We'll talk
25 about it on the side.

1 COMMISSIONER LOPEZ: Mr. Chair, I'm sorry
2 to be so personal, but are we going to take a lunch
3 break?

4 COMMISSIONER GARRISON: You know that's
5 happening.

6 COMMISSIONER LOPEZ: We're adding schools.

7 COMMISSIONER GARRISON: Who are you
8 talking to? So we're going to break for lunch. It
9 is 17 until noon. Commissioners, do you want to do
10 1:00 or 1:15?

11 COMMISSIONER BERGMAN: 1:00 should be
12 adequate.

13 COMMISSIONER GARRISON: 1:00. We're going
14 to recess until 1:00.

15 (Recess from 11:43 a.m. to 1:00 p.m.)

16 COMMISSIONER GARRISON: I will call this
17 meeting of the Public Education Commission back into
18 order. I hope everyone had a wonderful lunch.

19 We will continue with item number 11 on
20 the agenda, vote on current charter schools, and we
21 are at number 4, the Horizon Academy West in
22 Albuquerque.

23 I'd like to ask Horizon Academy West to
24 come to the front table, and you will introduce
25 yourselves in a little bit, but first we will direct

1 your attention to Director of Options for Parents,
2 Tony Gerlicz, to give the Charter School Division
3 evaluation and recommendation.

4 MR. GERLICZ: Thank you, Commissioner
5 Garrison. This is Horizon Academy West's tenth year
6 in operation, and their third renewal, their second
7 one in front of the Public Education Commission.
8 They were originally authorized with Albuquerque
9 Public Schools and have been with the State for the
10 last -- what would that be -- four years. After a
11 thorough analysis, the Charter School Division
12 recommends approval of another five-year term for
13 the Horizon Academy West with no conditions, and
14 that is our recommendation. Thank you.

15 COMMISSIONER GARRISON: Thank you,
16 Director Gerlicz.

17 Please introduce yourselves, and this does
18 not count against your 15 minutes, and then you will
19 proceed to respond to the Charter School Division
20 recommendation. Good afternoon.

21 MS. DURAN: Good afternoon. First let me
22 say thank you so much for getting us on the agenda.
23 We appreciate being moved forward and the
24 opportunity to speak with you all today. I'm Amy
25 Duran, the director of Horizon Academy West, and to

1 my left is our principal, Cynthia Carter, and to my
2 right is our business manager, Deanna Cordova.

3 I'd also like to say, again, we appreciate
4 the opportunity to be commissioned twice through the
5 PEC. We were one of the first charter schools to be
6 able to have the opportunity to be commissioned
7 through the PEC versus our local district, which was
8 Albuquerque Public Schools. We've had a wonderful
9 relationship with the Charter School Division, and
10 we feel like we have a very good collaborative
11 working relationship at this point.

12 We opened our doors in 2002 and if I'm
13 still correct, we are the largest elementary charter
14 school in the state. We recently added a pre-K a.m.
15 and p.m. class to our roster, 40 kids total. Last
16 year starts our second year as a pre-K for the State
17 Department. We are also proud to be a B-rated
18 school, only three points away from an A, which
19 we're working very hard to attain at this point.
20 And we're also committed to high academic standards
21 and moving forward in the next five years working
22 with the PEC and the Charter School Division and
23 beyond.

24 Thank you very much for having us today.

25 COMMISSIONER GARRISON: Thank you. You

1 now have 13 minutes to make your response to the
2 PEC. Please proceed.

3 MS. DURAN: If anyone has any specific
4 questions for us, we'd love to entertain them.
5 Other than that, we don't really have anything else
6 at this point.

7 COMMISSIONER GARRISON: Thank you very
8 much. The Chair is going to open up the floor for
9 questions and/or comments from Commissioners to the
10 Charter School Division or the applicant.

11 Commissioner Bergman.

12 COMMISSIONER BERGMAN: Thank you,
13 Mr. Chair. Just one thing. The results speak for
14 themselves, but I had a question about part of that
15 analysis from the CSD. It was on page 14 under the
16 mathematics, your short-cycle assessment. The very
17 last sentence says you experienced challenges in
18 grades 1 and 2 while you did real well in 3 through
19 6. I was just curious. Have you been able to
20 identify why you had those challenges?

21 MS. DURAN: We have. We have identified
22 the challenges in grades 1 and 2 essentially based
23 upon the fact that the kids are coming in -- we're
24 very proud of our efforts to assess these children
25 and their needs. This is when kids are going

1 through SAT team, student assistance team, to
2 identify those needs, if needed, and also maybe
3 place an IEP during those times, as well.

4 And we looked towards third through sixth
5 grade to really identify those needs and to meet
6 their needs, and that's where you see the engagement
7 with students and really meeting them on their level
8 and the gains to progress throughout the upper years
9 of school.

10 COMMISSIONER BERGMAN: So have you
11 determined, is there anything you can do to increase
12 the first and second grades, or have you not got to
13 that point yet?

14 MS. DURAN: Absolutely, we're always
15 looking for other assessments, for other academic
16 measures to meet their needs and are working really
17 diligently with our teams to more quickly identify
18 student needs and to address them specifically.
19 It's different for each child.

20 COMMISSIONER BERGMAN: Thank you. I was
21 just curious.

22 Thank you, Mr. Chair.

23 COMMISSIONER GARRISON: Thank you,
24 Commissioner Bergman.

25 COMMISSIONER CARR: I have a question,

1 Mr. Chair.

2 COMMISSIONER GARRISON: Commissioner Carr.

3 COMMISSIONER CARR: It looks like you have
4 had a great deal of success. I think you're
5 probably above the average when you look at fourth,
6 fifth, and sixth grade. Is there anything specific,
7 or what do you think you're doing that some other
8 schools aren't? Because we have so many -- after
9 fourth grade, I mean, kids start falling off. I
10 mean, after third grade, in some cases. So what
11 suggestions do you have for the rest of the schools
12 in our state that might help us out?

13 MS. DURAN: It's funny you should ask
14 that, because when we were here five years ago, the
15 same question was asked and my response at that time
16 was, being a school for only five years at that
17 point, we don't have an aeronautics program, we're
18 not specialized in some really crazy kind of
19 technology. But what we do specialize in is really
20 centering in on children's needs and we're very
21 proud of the fact that we assess constantly. And so
22 we're meeting students at their level of need,
23 whether it's at grade level, below grade level, or
24 accelerated. So we're able to advance students
25 within their grade level for academic subjects

1 according their needs. We're focused in on a
2 smaller group to assess those needs, as well. So
3 wherever their needs are, we feel like we're really
4 meeting them constantly.

5 COMMISSIONER CARR: Are you specifically
6 using differentiated education models?

7 MS. DURAN: Essentially, yes.

8 COMMISSIONER CARR: Okay. Makes total
9 sense to me.

10 MS. DURAN: Thank you.

11 COMMISSIONER GARRISON: Any other
12 questions or comments from Commissioners?

13 Commissioner Bergman.

14 COMMISSIONER BERGMAN: I just saw
15 something else that I wanted to comment on. At one
16 point you had indicated that approximately 25
17 percent of your student population participate in
18 the community service. But then later you say 100
19 percent do. And it sounds to me like you might want
20 to revisit that goal, because it sounds like you
21 didn't include a lot of community service, which is
22 why you arrived at -- but it doesn't sound right
23 when you look at it, when you say we're going to
24 have 100 percent, and we only had 25, but then later
25 on it turns out you had 100 percent. Any thoughts

1 on that?

2 MS. DURAN: I'm glad that you brought that
3 up, because that's been a point of contention within
4 our goal-writing, I suppose you would say. The goal
5 was supposed to read that 100 percent of students
6 would have the opportunity to participate in
7 community service through groups such as our Wild
8 Friends group. We have an after-school group called
9 Crew. We have various things during the year where
10 all students are able to participate.

11 And so we wanted to allow 100 percent of
12 our population to participate, but it's not
13 mandated. So at this point we have about 25 percent
14 of our population that's supporting community
15 service. But we also have things schoolwide
16 constantly, so even though it's not an organized
17 group, per se, it is an opportunity where we all
18 contribute to our community.

19 COMMISSIONER BERGMAN: Well, that's kind
20 of what -- I'd like to think it was a little
21 confusing to me because in every school in the
22 state, 100 percent of the students have an
23 opportunity to do a service project. That doesn't
24 mean they're going to do it. So maybe that's what
25 my confusion is, coming in.

1 Anyway, thank you. Appreciate it.

2 COMMISSIONER GARRISON: Thank you,
3 Commissioner Bergman.

4 Other questions or comments?

5 MR. GERLICZ: Commissioner Garrison,
6 Commissioner Bergman, on that point, which I think
7 is also an excellent observation, this is the kind
8 of thing the new SB 446 that we enter into will
9 allow us the opportunity to sit down and dialogue,
10 negotiate, and have exactly that kind of question,
11 and be much more specific and much more professional
12 about that detail and the goals. That's how we can
13 see that new legislation really assisting us.

14 Thank you.

15 COMMISSIONER GARRISON: Thank you for that
16 comment, Director Gerlicz.

17 COMMISSIONER CARR: Mr. Chair, is it okay
18 if I speak?

19 COMMISSIONER GANT: Commissioner Carr, of
20 course. The floor is yours.

21 COMMISSIONER CARR: What just popped in my
22 head, too, one of the reasons we want charter
23 schools is because -- one of the reasons why we have
24 charter schools is to try to do something different
25 maybe that hasn't been done before. And I don't

1 know if we're doing a good job of documenting and
2 getting information out, you know, as far as to make
3 sure people know about practices that have been very
4 successful in other schools, so that other schools
5 can take a look at it and say, "Hmmm, maybe we
6 should adopt some of the things that they're doing."

7 So I don't know if we're addressing that
8 and actually getting that information out to other
9 schools or not, but it's something that we need to
10 think about.

11 MR. GERLICZ: Commissioner Garrison,
12 Commissioner Carr, a great question, and I'm
13 currently looking at my computer screen at the
14 responses that I have gotten back from a letter that
15 I sent out to all of the charters asking for their
16 number-one innovation that they believe that they
17 have contributed to the field of education.

18 And so far I'm looking at -- I'm not sure
19 that Horizon is on here. South Valley, Masters,
20 AIMS, Anansi, Bataan. The list is impressive, I
21 might say.

22 And I would invite you, Amy, and your crew
23 to send me what you believe is your number-one
24 innovation, whether it's that that's gotten the
25 fourth grade reading hump or whatever it is, as we

1 compile exactly this list of innovations that are
2 working.

3 COMMISSIONER CARR: Good.

4 MR. GERLICZ: Thank you.

5 COMMISSIONER GARRISON: Great news. Thank
6 you, Director Gerlicz.

7 Thank you, Commissioner Carr.

8 The floor remains open.

9 COMMISSIONER BERGMAN: Can I take one more
10 stab?

11 COMMISSIONER GARRISON: Commissioner
12 Bergman, of course you can.

13 COMMISSIONER BERGMAN: I'm working my way
14 through my notes, so I come to them as I come to
15 them. This is not an attack or anything like that,
16 but I'm more curious. Under the fiscal management
17 section, actually, your findings are low, but the
18 one note that was there was that you had a repeat
19 finding, and it was for expenditures exceeding
20 budget authority. And I'm not an accountant, but
21 that sounds pretty major to me. Is that current, or
22 has that been taken care of in the past?

23 MS. DURAN: It's been taken care of in the
24 past. We've had previous business managers, and are
25 happy to say that we have been with our current

1 business manager for two years and as an employee
2 four years. So we went through some trials and
3 tribulations early on, and have sorted through
4 those, and that's why you see the decline in
5 findings. We have really, really good hands around
6 our finances.

7 COMMISSIONER BERGMAN: I just wanted to be
8 reassured that it was not current and you have
9 reassured me. Thank you very much.

10 Thank you, Mr. Chair.

11 COMMISSIONER GARRISON: Thank you,
12 Commissioner Bergman.

13 Any other questions or comments from
14 Commissioners? Seeing none, the Chair will
15 entertain a motion. Commissioner Shearman.

16 COMMISSIONER SHEARMAN: Mr. Chair, I move
17 for approval of the renewal application of Horizon
18 Academy West with no conditions.

19 COMMISSIONER CARR: Second.

20 COMMISSIONER GARRISON: The motion and a
21 second, seconded by Commissioner Carr. Is there any
22 discussion?

23 COMMISSIONER BERGMAN: Is that the correct
24 name? My form says Horizon West Charter School. I
25 don't see the word "Academy" there.

1 MS. DURAN: It's Horizon Academy West.

2 COMMISSIONER GARRISON: Thank you for that
3 correction. Horizon Academy West. Any discussion
4 on it?

5 Seeing none, we will proceed with a roll
6 call vote. Secretary Gant.

7 COMMISSIONER GANT: Commissioner Peralta.

8 COMMISSIONER PERALTA: Yes.

9 COMMISSIONER GANT: Commissioner Bergman.

10 COMMISSIONER BERGMAN: Yes.

11 COMMISSIONER GANT: Commissioner Carr.

12 COMMISSIONER CARR: Yes.

13 COMMISSIONER GANT: Commissioner Lopez.

14 COMMISSIONER LOPEZ: Yes.

15 COMMISSIONER GANT: Commissioner Shearman.

16 COMMISSIONER SHEARMAN: Yes.

17 COMMISSIONER GANT: Commissioner Garrison.

18 COMMISSIONER GARRISON: Yes.

19 COMMISSIONER GANT: Commissioner Gant

20 votes yes. You have seven-zero in favor.

21 COMMISSIONER GARRISON: It's unanimous.

22 The vote of the PEC is to approve the renewal
23 application without conditions for Horizon Academy
24 West.

25 Congratulations. Thank you for your hard

1 work.

2 MS. DURAN: Thank you very much.

3 COMMISSIONER GARRISON: I need to ask a
4 question from counsel. I'm looking at the agenda
5 here and up to this point, we've still stayed in
6 order, and you mentioned earlier that we're allowed
7 to move things around. You warned us about what
8 could potentially happen if someone came tomorrow
9 and found that they didn't get an opportunity to see
10 the proceedings that were indeed declared in the
11 public notice. So my question is this. Are we okay
12 to go out of order, being that the Media Arts
13 Collaborative is not here, and we would be moving
14 from five to six to hear the North Valley Academy
15 application?

16 MR. REYNOLDS: Mr. Chair, I have
17 absolutely no problem with that. That much is
18 clear. I have much more heartburn with not hearing
19 them today rather than tomorrow. Changing around
20 like this, there's absolutely no problem at all with
21 that.

22 COMMISSIONER GARRISON: And three of us
23 had Frito pie for lunch, so we have heartburn, too.

24 COMMISSIONER CARR: Mr. Chair, I would
25 think we should entertain a motion to change the

1 agenda, we make a motion to approve the agenda. And
2 then I think -- I mean, just to cover our bases, I
3 think we should make a motion to change the order of
4 the agenda, and I'd be happy to do that.

5 COMMISSIONER GARRISON: I'll entertain a
6 motion.

7 COMMISSIONER CARR: Mr. Chair, I'd like to
8 make a motion that we move item 6 to item number 5.

9 COMMISSIONER BERGMAN: Second.

10 COMMISSIONER GARRISON: Seconded by
11 Commissioner Bergman. All in favor say, "Aye."
12 Opposed, no.

13 We will continue with item number 11 on
14 the agenda, vote on seven current charter schools,
15 and be hearing the North Valley Academy.

16 If you would all come up, folks, to the
17 front table. You'll introduce yourselves in a bit.

18 We will begin with Director Tony Gerlicz
19 of the Options for Parents Division, to hear the
20 Charter School Division's evaluation and
21 recommendation. Director Gerlicz.

22 MR. GERLICZ: Thank you, Commissioner
23 Garrison, members of the PEC.

24 North Valley Academy. This is their third
25 overall renewal process, their second with the

1 Public Education Commission. They also began being
2 authorized by Albuquerque Public Schools. So you
3 can see it's a school that's been in existence for
4 ten years.

5 After a thorough analysis, this was a
6 little more challenging. However, we do believe
7 that approval with conditions for North Valley is in
8 order, and we put a three-year restriction on that
9 approval, so that they could address the following
10 conditions.

11 Our recommendation is that North Valley
12 Academy negotiate a renewal contract with the Public
13 Education Commission pursuant to 22.8B-9.1, that
14 they address the connective action for the material
15 violations from the previous charter as part of the
16 material terms of the performance contract going
17 forward. Number two, they negotiate new academic
18 and performance goals that have rigorous metrics and
19 measures as part of the performance contract.

20 That is our recommendation to the PEC.
21 Thank you.

22 COMMISSIONER GARRISON: Thank you,
23 Director Gerlicz.

24 Please introduce yourselves, and after
25 that, I will let you know when your time commences

1 for the 15-minute -- not rebuttal, I always say
2 "rebuttal" -- comments on the Charter School
3 Division recommendations. Good morning.

4 MR. FITZGERALD: Good afternoon, Mr.
5 Chairman, Commissioners. I'm Scott Fitzgerald, I'm
6 the president of the governing council of North
7 Valley Academy. To my right is Stephanie Belmore.
8 She's the new principal of North Valley Academy.
9 And along with serving with the PED, she's a
10 passionate leader, a lot of experience in
11 administration and digital education.

12 To my left is Ray Barton, retired CEO of
13 St. Joseph Healthcare. He's also a member of the
14 governing council, he's the chairman of strategic
15 planning, and coordinator of our charter application
16 process.

17 And also, if there's time, we have several
18 teachers and parents who have come with us. In
19 respect of everybody's time, I'll just introduce
20 them.

21 COMMISSIONER GARRISON: Introduce them.

22 MR. FITZGERALD: Okay, Sarah Pina is our
23 business manager. And Ms. Beasley is a third-grade
24 teacher. Mr. Wilkening is our seventh-grade and
25 eighth-grade literature, and I apologize. Jennie

1 Trinkaus is a parent.

2 COMMISSIONER GARRISON: Thank you, and
3 thank you for coming. You have 15 minutes to
4 comment on the Charter School Division's
5 recommendation. You may proceed.

6 MR. FITZGERALD: Okay, I thought I'd start
7 out and just give you a brief background of our
8 school. We're pleased to be here and represent the
9 stakeholders of our school. We're a fairly large
10 charter school. We have approximately 480 students,
11 about 50 teachers and staff, and hundreds of parents
12 and grandparents.

13 I will give you a brief background here,
14 and Ms. Belmore will take over after that.

15 The North Valley Academy is located in the
16 north Rio Grande Valley in the Village of Los
17 Ranchos, pretty much in the heart of Albuquerque.

18 On our campus, about 80 percent of the
19 students are Hispanic, Native American,
20 non-Caucasian. About 60 percent qualify for free or
21 reduced lunch. In the past, North Valley Academy
22 has concentrated mainly on two areas of educating.
23 The education philosophy was developing the whole
24 child, which really means focusing on individual
25 development of each child; and secondly was the

1 health and wellness, the teaching and practicing of
2 the principles of our charter, health and wellness.

3 Our governing council about a year ago
4 asked all the North Valley Academy parents to
5 complete a comprehensive survey and give a letter
6 grade to many things, from the bathrooms to homework
7 to grounds to curriculum, the teachers,
8 administration. We wanted to find out what the
9 stakeholders thought of our school.

10 The results were really striking. The
11 most important feedback items were overwhelming
12 reason for parents to bring their kids to our school
13 was for our core of exceptional teachers. And the
14 second thing they were in favor of was North Valley
15 Academy parents feel very strongly that developing
16 the whole child and providing individual attention
17 to their students is really important. They also do
18 feel that the principles of health and wellness are
19 having a positive impact on their kids.

20 Just as striking to us, however, was the
21 fact that a rigorous and challenging academic
22 program was not among their leading positives for
23 the school.

24 Now, last year when the PED distributed
25 its first preliminary report card in January of

1 2012, the growing concerns for the governance
2 council were pretty much confirmed. The state
3 preliminary grade for North Valley Academy was an F.
4 Okay? The North Valley Academy students and parents
5 were shocked. This is certainly not the grade that
6 our 500 students' families were expecting.

7 Now, the irony of all this is that when
8 the PED did issue that report card grade of an F,
9 they actually did North Valley Academy a great
10 favor. It woke us up. The New Mexico state report
11 card for the schools giving us an F is the best
12 thing that happened to the school in many years.

13 As a result, it became very clear to the
14 governing council that a new action plan was
15 necessary. In addition to offering exceptional
16 teachers, developing the whole child and promoting
17 health and wellness, it was imperative that we raise
18 our academic standards and achieve higher education
19 test scores.

20 To help our school achieve these goals,
21 the governing council of North Valley Academy
22 brought in Ms. Stephanie Belmore, and with that
23 being said, I'd like to introduce to you
24 Ms. Belmore, the new principal, and let her take it
25 over from here. Thank you.

1 MS. BELMORE: Thank you, Mr. Fitzgerald.

2 Good afternoon, Mr. Chairman, members of
3 the Commission, and PED.

4 As a result of the foregoing months and my
5 actually ten months there, we have undergone an
6 impressive transformation, and "transformation" is
7 the word that I choose in that that's what I use to
8 measure, and my ability to come in and look at what
9 could be done at the school.

10 I have experience, as Mr. Fitzgerald has
11 stated, as an administrator and I thought that there
12 was great value in what has already begun at the
13 school. This effort has resulted in a completely
14 unified leadership team at North Valley Academy.
15 I'll share with you that as a school, it is
16 important to have the support of the board members,
17 and not only that, an administrative team. We have
18 undergone lots of transformation with regard to
19 replacement of other folks on my administrative
20 team. We have hired a finance director. She was
21 introduced earlier, which I believe is imperative to
22 moving forward.

23 The difference in our school over the past
24 18 months is palpable. Virtually anyone who visits
25 our campus, from regulators to our facility

1 inspectors to substitute teachers and parents state
2 that they have the idea that there's a positive feel
3 about what is going on at North Valley Academy.
4 They not only state that, but they also state that
5 there is a culture change and a shift. And for
6 this, I am very grateful.

7 The focus of this effort of transformation
8 of the school's very culture has already resulted in
9 a drastic improvement of the SBA scores this past
10 year. The current PED report card grade for NVA is
11 now a B. The teachers and staff have instituted a
12 ploy to add over 100 hours of extra time to the
13 calendar schedule. We now have blocks that are
14 identified as health and wellness and enrichment
15 blocks that help support underachieving students.

16 Our teachers have taken extra effort and
17 worked very hard at assuring that our teachers are
18 taught with interdisciplinary focus on our
19 classrooms.

20 We also follow the Common Core, and have
21 built upon that and introduced a higher level of
22 looking at the middle school as per expectations to
23 increase the population in that particular age
24 level.

25 North Valley Academy has also been able to

1 retain a core of exceptional teachers, which, coming
2 in new, I welcome.

3 NVA wants to demonstrate to the Charter
4 School Division and PEC that individualized
5 education and development of the whole child while
6 concurrently raising the academic standards would be
7 our hope.

8 Change is visible at North Valley Academy.
9 We aspire to be partners with PED and PEC and those
10 who are dedicated to educational excellence, reform,
11 and innovation. Within my short few months I have
12 contacted other administrators within the charter
13 world and have already looked at sharing
14 professional services to help budget concerns and
15 constraints. This I'm exceptionally happy about.
16 We've got Ask Academy that's not so far away that
17 has the high-school level, so we're looking at
18 partnering with them in order to look at our STEM
19 initiative, which will be forthcoming.

20 In short, we are your allies. We are
21 simply seeking your support and encouragement to
22 continue what we have already started. North Valley
23 believes that PED did a thorough and very
24 professional job in gathering information in
25 evaluating our school. We agree with the support in

1 both the staff report and the staff recommendations
2 that we have received. We believe that three years
3 is enough time to clearly demonstrate continued
4 advancement in academic performance as well as our
5 commitment to real innovation in the charter
6 setting.

7 The entire North Valley Academy school
8 community appreciates your time and service to the
9 opportunity to serve the best interests of our
10 students and families.

11 At this time, I'd like to share with you
12 also that we have Mr. Barton here. He was a
13 preliminary author of our application, and I will
14 ask him to address any questions that you might
15 have, as well. Thank you.

16 COMMISSIONER GARRISON: Thank you for your
17 presentation. The floor is open for Commissioner
18 questions and/or comments from the Charter School
19 Division or the applicant.

20 Commissioner Bergman.

21 COMMISSIONER BERGMAN: I guess I'm the
22 designated first goer here. I don't mind. I rarely
23 talk. This is the only time I ever get to talk.

24 You talked about the turmoil and the
25 transformation and you discussed it clearly in your

1 application.

2 On page 15 I saw a few things I just
3 wanted to touch upon. You noted that the North
4 Valley Academy has experienced a difficult and
5 fundamental transformation, and then later on you
6 state -- and I'll find it in here in a second --
7 "This 18-month struggle has been nothing short of
8 the school's internal struggle for its future
9 identity," and then you close that little section
10 with, "After more than a year of focused effort, a
11 unified leadership team is finally complete and in
12 place."

13 Now, my question is this. Is this new
14 governing council -- are you guys in it for the long
15 haul? And you as the new administrator, are you in
16 it for the long haul, if I'm going to vote yes on
17 this application?

18 MS. BELMORE: Thank you, Commissioner
19 Bergman. I will share with you that I have spent 33
20 years in education, and I feel that having children
21 in my life not only gives me purpose, but I will
22 share with you that I do commit to seeing this
23 charter school through this turmoil into a charter
24 school that is reputable and gives innovation to
25 other schools.

1 I always have believed, in my
2 administrative leadership, that we should share
3 great things and I'm all about giving them away. It
4 was mentioned earlier about how we go about sharing
5 these things. I look to PED leadership and commend
6 them for their efforts to make that happen.

7 MR. BARTON: Commissioner Bergman,
8 Chairman Garrison, I think that the question is,
9 we've been working on this question because we've
10 had so much governing council turnover. I was
11 chairman of the board during the first year of this
12 transition. The thing that we've identified, more
13 than the issue of how long our governing council
14 members stayed, is that we have not done a good job
15 at all in the transition and education of new
16 members and the planning for that.

17 So what we've concentrated on -- yes, you
18 see the leadership team. But what we've been
19 concentrating on and discussing at length is
20 beginning to identify our future transition members
21 now and starting to educate them, prepare them, so
22 that when we make those transitions, it is seamless.
23 Does that help?

24 COMMISSIONER BERGMAN: Thank you. I just
25 wanted to hear you say it. I knew you'd say it.

1 Thank you very much. Thank you,
2 Mr. Chairman.

3 COMMISSIONER GARRISON: Thank you
4 Commissioner Bergman.

5 Commissioner Shearman.

6 COMMISSIONER SHEARMAN: A note on page 2
7 of the recommendation, the recommendation that
8 addressed corrective action for material violations.
9 I would like to ask Director Gerlicz, what are those
10 violations?

11 MR. GERLICZ: One of them, Commissioner
12 Shearman, is that North Valley Academy exceeded
13 their enrollment cap without going through the
14 proper -- I believe it's one of the material
15 violations. And that can be a serious matter if the
16 school is designed for a certain size and they have
17 gone over it. There are revenue implications.
18 There are educational implications. And that has
19 implications for its performance, as well. So that
20 was one of the material violations.

21 And I believe that that was the only one
22 that we feel can be easily corrected, but worth
23 noting. Thank you.

24 COMMISSIONER SHEARMAN: I'm looking at
25 violations, plural, which made me wonder if there

1 were others than the enrollment cap.

2 MR. BARTON: Mr. Chairman, Commissioner
3 Shearman, there were two listed in the report. The
4 one was the enrollment violation. Absolutely, we
5 did it. It was caught by the State in preparation
6 for the annual visit. And the school and the
7 governing council passed approval of a higher
8 enrollment cap. That was brought to the PEC at that
9 time and approved, but I have read the transcripts
10 of that meeting very carefully several times, and
11 you were all absolutely correct in expressing anger,
12 that this can't go on, and we worked very hard the
13 last 12 to 18 months to make sure that all
14 compliance is dramatically changed at the school,
15 and we feel we're doing a good job with that now.

16 There was a second item listed, which we
17 self-reported, and that was that in our charter it
18 calls for a teacher governance committee, and that
19 has never been formed at the school until we brought
20 Ms. Belmore on, and she has formed that, and it's
21 active and working for us.

22 MR. GERLICZ: Commissioner Garrison. Of
23 those two, Commissioner Shearman and -- we probably
24 should be more judicious in borrowing the language
25 of the law that says "material violations." One of

1 those we considered material, enrollment cap. The
2 teacher governance, yes, but not really material to
3 the functioning of the school. It's included in the
4 plural.

5 COMMISSIONER SHEARMAN: Okay. I also note
6 on page 24 of the compliance issues, I'm really
7 shocked to see that many compliance issues. I
8 assume they have all been addressed --

9 MR. FITZGERALD: Yes, ma'am.

10 COMMISSIONER SHEARMAN: -- completely to
11 this point, but what procedures have you put in
12 place to see that this does not happen again?

13 MR. BARTON: Commissioner Shearman and
14 Chairman Garrison, when we looked at forming a new
15 policy and procedure manual by which we operate, we
16 had three different policy and procedure manuals
17 that conflicted, and so we just started over. It
18 was impossible to determine which ones were the old
19 ones and which ones were approved and new. So we
20 started over and we used the application process to
21 finish that and complete those in which we had never
22 been in compliance, such as the safety plan, the
23 security schools, the health and wellness plans. We
24 had never completed those, and had those reviewed by
25 the Bureau. Those are at the Bureau. They received

1 the initial review. We are correcting some minor
2 things there, and they'll be done.

3 Everything else has been complied with.
4 Now, through the policies and procedures of the
5 school, that's our mechanism.

6 COMMISSIONER SHEARMAN: I just want to
7 say, the more I read in your application, I got the
8 impression of a school in turmoil, and I think you
9 all have told us that you agree with that today.
10 Frankly, I'm a little reluctant to vote to approve
11 the renewal of a school in turmoil. I'm somewhat
12 reassured by what you have said today, that you're
13 addressing that, and that you have a team in place
14 that's capable of addressing that. But I think
15 three years may even be more than I am willing to
16 go. I'm almost thinking maybe another 18 months.

17 But neither here nor there. I'm pleased
18 to see that you have a team in place and that you
19 know what your problems are and that you are
20 addressing them. Thank you.

21 MR. BARTON: Mr. Chairman, can I respond?

22 COMMISSIONER GARRISON: Commissioner
23 Shearman.

24 COMMISSIONER SHEARMAN: Please do, yes.

25 MR. BARTON: I think your concerns are

1 well placed. We've stated this internally. If we'd
2 been sitting here a year ago, in good conscience, I
3 could not recommend approval. If I were to
4 characterize this school now, it is not a school in
5 turmoil at this point. What we tried to do in the
6 application was to fully and completely disclose
7 where the holes were in the past, what has happened
8 in the transition, and where we are now. I think I
9 can say that with some authority, in that in my
10 executive life, my role was a turnaround specialist
11 of large companies. That's why I came to
12 Albuquerque with St. Joseph Healthcare. They were
13 bankrupt and we turned them around.

14 So I have turned around now about eight
15 different companies, going in where it was just
16 hopeless. And I'm a pretty good judge of when it's
17 stabilized. This organization is stabilized. And
18 the key, again, was the unified leadership team.

19 The governing council is absolutely of one
20 mind, and I think that's probably the first time
21 that that's happened in the school's history, based
22 on the historical documents. So I would not
23 characterize this in turmoil at this point.

24 The reason we wanted to make sure -- we
25 probably overdid that in the application -- was full

1 disclosure, make sure we -- clean slate, this is
2 where we are now. But had we not made the
3 transition and the turn this last 12 to 18 months, I
4 would absolutely agree with you.

5 One other quick comment if I can,
6 Commissioner, and that is on the issue of three
7 years. I have served on commissions like this
8 before around the country. Personalizing a little,
9 my initial statement as we started to put this
10 together and as the primary author of all of the
11 information was the Commission should not approve a
12 five-year charter for this school at this point.
13 However, it's my opinion, it should not also approve
14 a one- or two-year. And ironically, I felt three
15 years was the perfect term without any conversation
16 of that with PED. And the reason is that you have
17 some ups and downs as you make the turn. And you
18 need enough time to be able to say, without those
19 bumps evened out, let us show you what we have done.
20 If it's too short, it's difficult to do. But we
21 don't deserve longer.

22 And so when the recommendation came out of
23 three years, in my opinion, that was the absolutely
24 perfect time frame to demonstrate that.

25 COMMISSIONER SHEARMAN: Thank you for that

1 reassurance.

2 COMMISSIONER GARRISON: Thank you,
3 Commissioner Shearman.

4 Commissioner Gant.

5 COMMISSIONER GANT: Mr. Chair, members.

6 Okay, you say you have a team in place,
7 everything is stable. I want to know why you had so
8 much trouble with your governance council. Because
9 of my background on school boards, serving on one
10 for eight years, a big school district, and knowing
11 what goes on in school districts across the state,
12 and the fact that the State has actually taken over
13 because of turmoils in school boards, I want to know
14 why and what you did to change that turmoil.

15 MR. BARTON: Commissioner Gant, Chairman
16 Garrison, that's a really good question,
17 Commissioner Gant. And this was really very
18 different than all of the corporate turnaround that
19 I have been involved in. A very different flavor.
20 If we look back on any one thing and you say, "What
21 would you do differently," clearly that's the right
22 question to ask. It would have been to move faster
23 and move sooner, more aggressively. I think we've
24 bent over backwards as a board to repeatedly try and
25 make sure everyone was in on it, that there were

1 compromises, can we get everybody together and move
2 forward.

3 There were never any acrimonious
4 relationships in the board or with the principal
5 through this process. Rather, a difference of
6 philosophy and where we're going. The feeling of
7 the more status quo philosophy was, we have a kind
8 of a down-home feeling here at the school, it's very
9 independent, very small for a public school, and it
10 feels good, and we think it's working. The parents,
11 the feedback that they like what the parents and
12 children are getting, it's true, they did.

13 However, the three parent members of the
14 governing council, as we saw the scores year after
15 year, different parent members, but consistently the
16 parent members, felt that we're going the wrong
17 direction in terms of our academic performance.
18 That was the issue. It never went to bad feelings
19 among the governing council members. Even those
20 that resigned, the community members -- still
21 friends with two of those.

22 So it was a difference of philosophy and
23 finally sorting out, what could this school become.
24 It's a good school for individual attention, a
25 really great school for teachers. That's why I

1 brought my two kids, 12 and 8, to that school. But
2 we were not focused in and did not have the proper
3 framework, my words, for being able to move that
4 academic platform. And I agree with the term that
5 Ms. Belmore used. You said to me, What one thing
6 could you point to in this last year that has
7 changed, and make such a dramatic difference in your
8 academic performance in one year? It's the culture.
9 We really concentrated on the kids, and I'm getting
10 that culture change in the kids.

11 COMMISSIONER GANT: Mr. Chair, thank you
12 for that.

13 MR. BARTON: You bet, sir.

14 COMMISSIONER GANT: On page 7 -- you don't
15 have to look at it -- you show your demographics
16 scattered all over.

17 MR. BARTON: Right.

18 COMMISSIONER GANT: You know, they all
19 come from South Valley through the North Valley to
20 the mountain. How are you able to make that a
21 cohesive school with kids, parents, families
22 scattered out so far? The second part of the
23 question is: On your governance council, are there
24 representatives from across the -- I'm looking at
25 your charter -- across the miles of your district?

1 MR. BARTON: Yes, in the governance
2 council, yes, it is. We're spread all over the
3 place. It actually creates some problems in terms
4 of getting together sometimes for committees and so
5 forth. Yes, we are. You're right. That's why we
6 did the scatter diagram, is to show the dramatic
7 reach from Belen, halfway to Santa Fe.

8 I'm amazed at the distances that some of
9 our parents come. Probably the biggest challenge
10 that creates is making sure we get everybody to
11 school on time every day, because of all the driving
12 and the distances. And we really worked on that
13 this last year, and I would say, giving you my gut
14 instinct, since Ms. Belmore's arrival, we have
15 improved our on-time attendance probably 50 percent
16 in the last year. If they're not there, we can't do
17 anything.

18 As far as pulling it together and finding
19 some cohesiveness, I think it's the curriculum and
20 the focus of the school. In my opinion -- we can
21 ask Ms. Belmore to comment -- you had two schools
22 here before us that we know very well, and are close
23 to, and friends with, and we've shared some best
24 practices both ways. But we want to be sitting here
25 in three years where they are today, and that's our

1 goal and our objective, and whatever it takes for us
2 to get there, that's our primary goal.

3 COMMISSIONER GANT: Thank you.

4 COMMISSIONER GARRISON: Mr. Carr.

5 COMMISSIONER CARR: Mr. Chair.

6 I have a question about teacher turnover.
7 How many teachers do you have that have been with
8 the school since the beginning?

9 MR. FITZGERALD: Three?

10 MR. BARTON: An amazing number of our
11 teachers have only taught at North Valley Academy.
12 They came in as student teachers, they finished
13 their training, became certified and licensed, and
14 stayed. Surprising number.

15 That does two things, as you can imagine.
16 On the negative side is that inbreeding, in one way.
17 On the positive side, you train them. You train
18 them the way you want them to do it. However, in
19 the last 24 months, with normal turnover and a
20 couple evaluations, we've seen more replacement of
21 teachers than they previously had experienced in a
22 similar period.

23 In my mind, that's been a very positive
24 thing, and what we were not doing very well is, we
25 were not evaluating and motivating, setting up

1 development plans for teachers in the past. Again,
2 another advantage of Ms. Belmore is that she's a
3 stickler on that, get in the classroom, work with
4 the teachers.

5 COMMISSIONER CARR: And another comment I
6 have, I guess, what were you calling the committee
7 where you were including teachers?

8 MS. BELMORE: The PAC.

9 COMMISSIONER CARR: Teacher governance.
10 You know, to me, that's a key. That's a continuing,
11 to me, key issue. Based on studies, my experience,
12 if you don't get teachers to buy in to what
13 leadership wants, if you're doing top-down and not
14 including everyone in those things, then it's not
15 going to work. I don't care how much you give
16 orders from the top down.

17 So I think that maybe that's one of the --
18 it may not have looked -- maybe not considering it a
19 material violation, but it was something that was
20 promised to do and I think it's a very important
21 thing to do, is to include your staff as part of
22 what's going on, because then they buy in, and I
23 think you know that. So I hope you continue to do
24 that.

25 Another comment. I'm more inclined to go

1 with 18 months to -- I mean, I really want to --
2 based on what had been going on, I would like us to
3 take a strong look at this a little sooner than
4 three years, personally, before I would be really
5 comfortable in voting yes on this.

6 COMMISSIONER GARRISON: Thank you,
7 Commissioner Carr.

8 Commissioner Shearman.

9 COMMISSIONER SHEARMAN: Can I just ask for
10 clarification? I have read so much in the last
11 month, and it's all starting to run together. But
12 aren't there reporting dates set in this new
13 performance contract or even the initial contract?
14 The thought that occurs to me, if we approve a
15 three-year contract, we're going to be hearing from
16 this school during that period of time rather than
17 just waiting until the next renewal cycle. So there
18 are deadlines in there for reports and so forth from
19 the school.

20 MR. GERLICZ: Mr. Chair, Commissioner
21 Shearman, that's absolutely correct. And that would
22 be true not only for North Valley Academy but for
23 every school that comes in under this new
24 legislation and new amended contract. The advantage
25 of that additionally is that really, even though we

1 say three years, it's two years' worth of data,
2 because we'll begin year two when looking at year
3 three. As opposed to the other school that we felt
4 needed far more rigorous attention immediately, at
5 least we'll have two years of data and annual
6 reviews at the same time.

7 COMMISSIONER SHEARMAN: Thank you.

8 COMMISSIONER GARRISON: Commissioner
9 Bergman.

10 COMMISSIONER BERGMAN: If everybody else
11 is done. I don't want to cut into anybody else's
12 time. This is more for Director Gerlicz and General
13 Manager Callahan. The little map you mentioned -- I
14 thought that was really cool. Now, in this next
15 cycle of renewal applications, could you guys think
16 about at least working on -- maybe we should require
17 a little placement map where the students are coming
18 from in those charter schools. Just think about it.
19 That's all I wanted to say. Thank you.

20 Thank you, Mr. Chair.

21 COMMISSIONER GARRISON: Thank you,
22 Commissioner Bergman.

23 Other questions? Director Gerlicz, thank
24 you for that clarification on the two-year data
25 versus three years, 36 months. It sounds scary,

1 until you clarify what we're really looking at.

2 Seeing no other questions or comments, the
3 Chair will entertain a motion.

4 COMMISSIONER LOPEZ: Commissioner Chair.

5 COMMISSIONER GARRISON: Commissioner
6 Lopez.

7 COMMISSIONER LOPEZ: I move that we
8 approve the renewal of the contract of the North
9 Valley Academy charter school for three years with
10 the following conditions. One, address corrective
11 action for material violations from the previous
12 charter as part of the material terms of the
13 performance contract. And two, negotiate new
14 academic and performance goals that have rigorous
15 metrics and measures as part of the performance
16 contract.

17 COMMISSIONER SHEARMAN: Second.

18 COMMISSIONER GARRISON: The motion has
19 been seconded by Commissioner Shearman. Is there
20 any discussion? Seeing none, we'll proceed with the
21 roll call vote with Secretary Gant.

22 COMMISSIONER GANT: Commissioner Peralta.

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER GANT: Commissioner Bergman.

25 COMMISSIONER BERGMAN: Yes.

1 COMMISSIONER GANT: Commissioner Carr.

2 COMMISSIONER CARR: No.

3 COMMISSIONER GANT: Commissioner Lopez.

4 COMMISSIONER LOPEZ: Yes.

5 COMMISSIONER GANT: Commissioner Shearman.

6 COMMISSIONER SHEARMAN: Yes.

7 COMMISSIONER GANT: Commissioner Garrison.

8 COMMISSIONER GARRISON: Yes.

9 COMMISSIONER GANT: Commissioner Gant
10 votes yes. Six-one in favor.

11 COMMISSIONER GARRISON: With the six-one
12 vote, the vote of the Commission is to approve the
13 renewal application with conditions. The Commission
14 has approved the renewal application with the
15 following conditions that shall be included with the
16 material terms of the performance contract, to be
17 negotiated between the charter school and the
18 Commission and shall be incorporated fully into the
19 renewal charter.

20 Congratulations. Thank you for your time
21 today.

22 MR. FITZGERALD: Thank you all. We
23 appreciate it very much.

24 MR. BARTON: Thank you for your support.

25 COMMISSIONER GARRISON: We're going to

1 move on into some reports to take care of some
2 things that will give us a short tomorrow,
3 hopefully, depending on the weather. So we'll move
4 away from item number 11. I'll just make a note,
5 Commissioners, that tomorrow we will begin the day
6 with the Media Arts Collaborative in Albuquerque and
7 then be voting on what is number 7 under item number
8 11, the Village Academy in Bernalillo.

9 We shall now continue with today's
10 proceedings with item number 12, the Charter School
11 Division Director's report. Tony Gerlicz, director
12 of the Options for Parents Division, will present a
13 report on activities of the division and the Charter
14 School Division.

15 Director Gerlicz.

16 MR. GERLICZ: Commissioner Garrison,
17 members of the PEC, thank you for the opportunity to
18 address what's been going on. We have been very
19 busy and enjoying it, actually, very much. And I'm
20 saying that on behalf of my staff. You already know
21 the professionalism and the expertise that exists
22 there, and we're coordinating even more than we ever
23 have before with each other. We're designing a
24 vision of what we want to do as a Charter School
25 Division. It's not yet ready to be shared with you,

1 but as soon as we have that document -- and I can
2 tell you that folks are taking a very introspective
3 and visionary approach to it as we move forward.

4 The reason that we're doing that is that
5 we see a number of things lining up. Number one is
6 that I'm new; and number two, the amendment to the
7 charter contract is changing the game and changing
8 how we do things. So all of that is proceeding
9 very, very well.

10 We have made partnerships with the
11 New Mexico Coalition of Charter Schools, seeing
12 Mr. Heguer is still in the audience, which is great,
13 and we have collaborated on a number of things.
14 Again, the philosophy is that if we in the Charter
15 School Division of the PED collaborate with the
16 independent association and New Mexico Coalition of
17 Charter Schools, and Lisa Grover on the national
18 scene, and all of us working together, we just get
19 much more done and much higher quality in our
20 schools across the board. So we're excited about
21 that.

22 I mentioned earlier that we are very
23 interested in the issue of innovation to education.
24 And charters, if anyone, have a tremendous
25 opportunity to demonstrate innovation across the

1 board, and there are some great innovations.
2 Perhaps we haven't articulated them well enough or
3 loudly enough for folks, but that's in the works,
4 and anytime you'd like for me to articulate that,
5 I'd be happy to do so, in the next meeting or going
6 forward.

7 The Charter School Conference that
8 Mr. Heguer was really in charge of in his
9 organization had a tremendous presence by PED and
10 the Charter School Division and again, primarily
11 working out on Senate Bill 446, but in general being
12 a support to charter schools.

13 Mr. Heguer did a wonderful job. The
14 attendance at the charter was robust, very well
15 attended, one of the higher ones in recent years,
16 apparently, and was highlighted by visits from the
17 Secretary of Education as well as the Governor, who
18 spoke to the audience, both of them very much in
19 support of charter schools in New Mexico. So that
20 was a highlight.

21 Things continue to move forward at a very,
22 very rapid pace. If anyone would ask me, "Are you
23 concerned about anything up ahead," I'd have to say
24 that there's nothing that our team cannot address.
25 I feel extremely confident about the team that we

1 have going forward. The demands that are placed
2 upon us by this new amended charter are going to be
3 significant, and they're correct. They're right.
4 No argument with them whatsoever. We should visit
5 every school every year. We should have an analysis
6 of every school every year. That's just fundamental
7 good practice. It's good oversight. It's good
8 governance. We don't need a law to mandate it, but
9 we're now required to, to mandate it.

10 In addition to that, we're going to have
11 to provide training for other authorizers, school
12 districts that authorize charter schools. That has
13 not been done to the extent that it really needs to.

14 Training on what this new amended contract
15 means to local authorizers. The partnership that we
16 have with the National Association of Charter School
17 Authorizers, NACSA, the conference that Commissioner
18 Shearman, General Manager Callahan, and EA Shelly
19 Sherman attended gives a glimpse of the level of
20 quality that is happening in charters nationwide,
21 and part of that is more rigor on the part of all
22 authorizers on their charter schools.

23 So some local districts quite frankly
24 don't do very much, or they think that, oh, that's
25 not our school, so we don't need to do anything.

1 That's our job, to turn that paradigm around. So
2 that may be a concern.

3 How are we going to do all of that? We're
4 not that large a staff. We're very busy as is. And
5 so that is probably my largest question.

6 But I continue to -- and I haven't been
7 around to near as many schools as I want to. I'm in
8 communication with a lot of them, and I can tell you
9 that there are great things happening.

10 And that is essentially the report from
11 the charter schools. We're all doing very well.
12 Thank you.

13 COMMISSIONER GARRISON: Thank you,
14 Director Gerlicz. Questions, comments,
15 Commissioners?

16 Commissioner Shearman.

17 COMMISSIONER SHEARMAN: Thank you.

18 Director Gerlicz, you and I had talked
19 earlier, e-mailed earlier, about the NCAA question.
20 I see it's on your -- somewhat referred to and that
21 you had invited Dr. Glasrud to be here, and since we
22 moved this up, I'm sure that's why he's not here.

23 But I was able to contact Donna Martinez,
24 who is the NCAA compliance officer at UNM, and if it
25 would be all right with you and with Chairman

1 Garrison, I would like to share the information that
2 she provided to me on the NCAA, their point of view,
3 and why they have made the rulings that they have.

4 COMMISSIONER GARRISON: Please proceed.

5 COMMISSIONER SHEARMAN: Thank you. And
6 there are extra copies if anyone in the audience and
7 the reporter might like to have it. Our attorneys
8 need some, if you would, please.

9 I certainly am not going to read this to
10 you. I start off with the e-mail that Ms. Martinez
11 sent to me, and then the information follows. What
12 she told me on the phone when I asked specifically
13 what was the issue with high school athletes who
14 want to participate on the collegiate level, what is
15 the question regarding their eligibility when they
16 take nontraditional courses, and what are
17 nontraditional courses?

18 And I think you'll see in here they have
19 quite a definition of nontraditional, but it's
20 essentially a course that is not taught in the
21 classroom by a dedicated full-time teacher. They
22 want that face-to-face interaction between student
23 and teacher. And again, that was their concern with
24 online courses, is that there is not that
25 face-to-face interaction with students.

1 You'll also notice that the last of the
2 issues that she brings forward is on page 2. Pardon
3 me, not the last. It's F. It says the course
4 includes a defined time period for completion. That
5 is a real issue with NCAA. They want a defined
6 start date and they want a defined end date, and
7 they even talk about four-week courses and so forth,
8 that that is not acceptable.

9 So I'll leave the rest of it to your
10 reading and your interpretation, but those were the
11 things that she told me when I talked on the phone.

12 So I just wanted to share this information
13 with you. She did say that she had met with many
14 athletic directors during a recent conference and
15 they are trying to get the word out about the
16 students, being sure they take courses that are
17 going to count towards their eligibility. And I
18 think that's our purpose, as well, is to be sure
19 that word gets out to everyone so that there are no
20 students caught in the situation where a course they
21 have taken perhaps will not count for their
22 eligibility.

23 So thank you. I just wanted to share.

24 And in Chairman Garrison's absence, I will
25 take over the meeting. Are there any other comments

1 on that? Commissioner Gant?

2 COMMISSIONER GANT: Madam Chair, we have
3 something coming down the road that we don't have an
4 answer to. And we didn't know about this in
5 September, but we have an appeal coming in like next
6 week, statewide virtual. And I think we need to
7 know the impact. I realize that the virtual
8 applicant may say, "Well, this was not part of the
9 discussion, therefore, we cannot bring it up."

10 Well, we didn't know about it at that
11 time. So I guess we need some kind of guidance in
12 that we're going to have this statewide. If you
13 look at Farmington, their school that's got 40
14 percent of their kids in Albuquerque. How is that
15 impacting that school? And I have to tell you,
16 there are some very sharp students, children out
17 there who, in high school, may or may not take
18 athletics, but they go off to the collegiate world
19 and all of a sudden, wake up and realize that they
20 can do that, they can be a volleyball player, they
21 can be a soccer player, whatever. But if they
22 haven't fulfilled all the requirements laid down by
23 NCAA, they're out.

24 So I think we've got a real conundrum
25 here, and we, as the PEC and the PED, have an

1 obligation to these students to have the answer in
2 place before we go much further with all these
3 virtual schools and blended schools, et cetera, et
4 cetera. And I think we're coming up against a wall
5 next week that -- and, quite frankly, if we don't
6 have the answer and somewhere down the road some
7 parent wakes up and says, "Oh, my kid wasn't taken
8 care of," you're talking about a lawsuit. And if we
9 don't take care of it now, there's going to be a
10 lawsuit because, being on a school board for eight
11 years, people will sue you for anything. And that's
12 my point.

13 So I don't know what we're going to do
14 next week or what the PED is going to do next week.
15 But I know what I'm going to do. Thank you.

16 COMMISSIONER SHEARMAN: Are there further
17 comments? All right. I see the Chair walking in
18 the door. So let's wait on him to take over the
19 meeting and see where we want to go from here.

20 COMMISSIONER BERGMAN: Carolyn's coup
21 didn't last very long.

22 COMMISSIONER GARRISON: How did she do?

23 COMMISSIONER SHEARMAN: Got through it.

24 COMMISSIONER GARRISON: We just concluded
25 the NCAA basketball tournament. That's another

1 joke. Lighten up. I want to make a comment on
2 that. I did my due diligence, also. I was talking
3 to Scott Glasrud and, of course, received the letter
4 from Superintendent Winston Brooks from APS, and
5 this is something that's going to continue to be --
6 I don't want to say an issue, I don't want to say a
7 problem, but the NCAA as a whole separate silo is
8 going to do what they're going to do. So this is
9 going to have implications for Ideal New Mexico, I
10 think already for some of Albuquerque public
11 schools.

12 So as the NCAA starts to dig into things,
13 then we'll have to make responses as New Mexico
14 educators. Scott had made a comment that the NCAA
15 has like three people assigned to all of this work,
16 and so it's really a cumbersome thing. He wanted to
17 give us more information on the process because they
18 thought they'd be done with it, and it hasn't even
19 begun. So I told him we understand, and we will
20 move forward in looking at the NCAA rulings and
21 policies and virtual education. We've already
22 talked about it for, what, two, three years now,
23 that things are going to change and government,
24 usually because of its bureaucratic structure, which
25 is there for accountability, will always have to

1 react. The proactive stuff, the technology, all
2 these things -- this didn't exist five years ago.
3 An app -- that wasn't even a term. So as these
4 innovative things keep coming at us and different
5 trends move in and out of education, we will be
6 reacting to it.

7 So we concluded 12, yes?

8 COMMISSIONER SHEARMAN: Right.

9 COMMISSIONER GARRISON: Item number 13 is
10 the Charter School Division update report on Senate
11 Bill 446.

12 MR. GERLICZ: Commissioner Garrison,
13 members of the PEC --

14 COMMISSIONER GARRISON: Just one moment.
15 With all this great work, I'd better at least read
16 it.

17 Commissioners, the following documents are
18 included in your PEC notebook. The New Mexico
19 Public Education Commission Charter School
20 Performance Framework, final draft; New Mexico
21 Public Education Commission Charter School
22 Performance Contract, final draft; and the
23 New Mexico Public Education Commission Charter
24 School Preliminary Performance Contract, final
25 draft.

1 The consultation process. Number one,
2 Public Education Commission has the copies of the
3 most current draft of the performance contract,
4 performance frameworks, and preliminary performance
5 contract, as I stated, in your notebooks.

6 Two. Number two of the consultation
7 process. The Charter School Division held five
8 public consultation and comment meetings. October
9 19, they were in West Las Vegas Schools. Public
10 Education Commission working group for consultation
11 and comment. November 2nd and 3rd, New Mexico
12 Coalition of Charter Schools state conference as
13 part of the Public Education Department Charter
14 School Division presentation. PEC working group for
15 consultation and comment.

16 November 15th, in Las Cruces, Public
17 Education Commission working group for consultation
18 and comment.

19 November 27th, in Albuquerque, Public
20 Education Commission working group for consultation
21 and comment.

22 Additionally, the Charter School Division
23 posted a link to take public comment on their
24 website and also solicited e-mail submissions.

25 Number three, the consultation process.

1 The Charter School Division and the National
2 Association of Charter School Authorizers team took
3 the input and comments and incorporated it into a
4 final draft that is included in your notebooks.

5 Number four. The monitoring tools and
6 process will be developed by the Charter School
7 Division during the spring of 2013 for
8 implementation in July 2013.

9 Director Gerlicz.

10 MR. GERLICZ: Thank you, Commissioner
11 Garrison, members of the PEC. As you can see in
12 front of you, the documents are extensive. They're
13 interesting. We are robustly anticipating your
14 questions because we've had terrific questions from
15 every one of these meetings. What do they mean, how
16 do they impact our work, et cetera.

17 Before I turn it over to General Manager
18 Callahan, who has helped to be the midwife of this
19 process throughout the whole endeavor, we as well in
20 the Charter School Division are learning a
21 tremendous amount about our role in how we're going
22 to do that. I think it's fair to say that we're
23 excited about it. We do think that it's a movement.
24 It's a turn in the right direction for education.
25 It offers something to charter schools that regular

1 and traditional public schools will not have, and
2 that's the ability to really negotiate with us as a
3 PEC and as a staff about what they want to do as
4 charters. That is all very, very interesting.

5 How it's going to work, that's going to be
6 a work in progress. So I'd like to turn it over to
7 General Manager Callahan for more concerns on that
8 process. Kelly.

9 MS. CALLAHAN: Mr. Chair, Commissioners,
10 thank you. Just a couple of comments before we take
11 some questions. The comment consultation process
12 resulted in 70 comments that came in about the
13 frameworks, the contract, and everything that
14 occurred as part of this new implementation of the
15 amended Charter School Act, a/k/a SB 446. And the
16 comments came from governing board members, from
17 administrators, from authorizers, and parents,
18 community.

19 We received a lot of feedback on all of
20 this process, and so what we did is, we worked --
21 again, just as a reminder, the Charter Schools
22 Division received an in-kind grant from the National
23 Association of Charter School Authorizers to assist
24 in developing this performance framework process and
25 contract process. As you recall, they were part of

1 the gang that put this legislation together,
2 including the National Alliance of Charter Schools,
3 Lisa Grover and NACSA, along with our own
4 legislative educational segment.

5 So with all those groups together, they
6 put SB 446 in motion that has now been identified as
7 the fourth-strongest charter school law in the
8 country, which is a huge kudo to this organization,
9 but it also carries a lot of responsibility. And so
10 the NACSA group, the consultants, worked with the
11 Charter School Division team. We have Shelly
12 Cherrin working as a project lead, and a contract
13 with Julia Barnes, who is assisting in putting these
14 documents together. So it has been a comprehensive
15 effort that the staff of the CSD has been involved
16 in review and interpretations, and we've gone
17 through legal process.

18 This has been going on since the middle of
19 March of 2012, and so we've done trainings, we've
20 done consultations, there have been over a dozen
21 communication kinds of process, whether it's
22 training or consultation with the stakeholders
23 involved in the implementation of SB 446.

24 That being said, what Director Gerlicz is
25 referring to is, we are finally at a place where the

1 Commission can decide if this is the framework and
2 the contract that we want to move forward with.
3 That being said, a new process is going to require
4 some transition and some time. And I spoke with the
5 Charter School Committee yesterday, the group, and
6 we are moving very quickly. Our law time frame is a
7 lot more condensed than other states'. Many of the
8 states, we've leapt over the timeline of the states
9 that are also doing this process, and so we feel
10 this constraint of time, but we also want to make
11 sure that we are communicating adequately, there's a
12 thorough vetting, and that we get as much feedback
13 as we possibly can. We feel like we've done our due
14 diligence and, you know, knowing that we're probably
15 going to have to make some discoveries that are
16 going to occur that maybe we can't anticipate yet,
17 but with the knowledge that I think we've made a
18 very good-faith effort and I think that the
19 documents that you see in front of you are very
20 strong. The NACSA team is extraordinarily
21 complimentary of what we have done with the
22 frameworks.

23 The original work in March was taking a
24 set of generic frameworks from NACSA and tailoring
25 it to the New Mexico statutes. And this document is

1 still a fairly long document, but it was actually
2 double the size of this. We streamlined it. We've
3 pointed and focused on what is absolutely necessary
4 to ensure that schools, one, are meeting
5 accountability expectations, but two, are also
6 fairly assessed.

7 And so I think that, again, having a great
8 amount of input from many different stakeholders has
9 really given us a very strong document. So the
10 NACSA team, the national team, is very complimentary
11 of the strength of the frameworks that we've put
12 together, the strength of the contract, the strength
13 of the language of the contract, and what it is that
14 it's going to do.

15 So the next turn for us in the spring of
16 2013 is going to be taking -- if these are approved,
17 and then putting in the systems, putting in the
18 process of how do you ensure that the schools are
19 meeting the terms of the contract? How do you
20 ensure that they're performing to the levels that
21 they have promised in this contract? And so we will
22 be developing the tools, the process, of how we're
23 actually going to bring this to the schools and look
24 at an assessment that the CSD can do to meet the
25 obligations of SB 446.

1 So just as a reminder, the law went into
2 effect July 1, 2012. However, the impact of who is
3 going to be directly involved in this doesn't take
4 effect until July 2013, because the first group of
5 schools that are going to meet and negotiate an
6 actual long-term contract that you're looking at
7 here are the renewal schools that you're addressing
8 today and tomorrow. And so their current charters
9 go until June 30, 2013. And so starting in July is
10 when these high-stakes decisions that are going to
11 need to happen for schools will go into effect. And
12 so we have a little time.

13 I'm happy to say that we have volunteer
14 guinea pig schools that want to take on the
15 contract, want to take on the frameworks, want to
16 become accountable, because they want that ability
17 to share the story in a complete fashion.

18 Again, as Mr. Gerlicz was talking about,
19 this is a very unique opportunity for a school to
20 tell a complete story that maybe isn't just from the
21 school report card. There are a lot of things that
22 go on in a charter school, not just academic but
23 also operational and financial that are just as
24 critical.

25 So this is a great opportunity for us. I

1 have been living, breathing, eating, sleeping SB 446
2 and the performance frameworks and the contract, and
3 I can say with a great certainty that this work is
4 very thorough and I think that until we actually can
5 test it on schools, we're not really going to know,
6 but I think we've anticipated as best we can, and I
7 feel very confident that this is a strong, solid
8 document in terms of the performance frameworks to
9 measure accountability for a school, and I believe
10 that the contract also is going to ensure that both
11 the authorizer and the school are on equal terms in
12 understanding what the obligations of the school and
13 the performance are.

14 So at this time, I'm happy to entertain
15 questions about the frameworks and contract.

16 Oh, excuse me, Mr. Chair, one more thing.
17 The preliminary contract -- the approval for this is
18 going to be the template. We worked with the
19 Charter School Committee, and it's very boilerplate
20 because it is just a planning year checklist that is
21 being addressed in this, but we wanted to include it
22 in here so it can be used as a template by other
23 authorizers, and so that's definitely something that
24 we're willing to do, is share these documents with
25 other authorizers. Because again, if it's strong,

1 it needs to be something that you can walk in and
2 work with right off the bat.

3 Thank you.

4 COMMISSIONER GARRISON: Thank you,
5 Ms. Callahan.

6 Commissioner Gant.

7 COMMISSIONER GANT: A couple of points,
8 Mr. Chair, Members.

9 First of all, those schools that
10 volunteered -- I can only assume -- of course, I
11 don't know who they are; they're probably the more
12 high-achieving schools, or do you have any that --
13 or is there an across-the-board where it may appear
14 to be a low-achieving, low successful up to a high,
15 you know, the bell curve, if you will?

16 MR. GERLICZ: Commissioner Gant,
17 interesting question. And it turns out that it's a
18 spectrum. They're across the board. If there's a
19 common denominator, it's the confidence of the
20 leadership in their schools that want to do that.
21 So we do have some EPP schools that have
22 volunteered. We have some A schools and B schools,
23 and across the board it's an example of confident
24 and excellent leadership that says, "I want this, to
25 see how it's going to impact my school."

1 So it's across the board.

2 COMMISSIONER GANT: With that in mind, I
3 would suggest that you would probably have a better
4 result and proof of the pudding, if you want to use
5 that, of what CSD and others have developed for our
6 documents here. I would also say that we've come a
7 long way in the last years for the applications, new
8 or renewals, and in our discussion yesterday we've
9 got more to go. And I think we're going to have to
10 lay the applications down beside these documents and
11 say, "Do they mirror each other?"

12 And I think that's going to be a hard
13 process to do, and I think that -- this is just me;
14 the rest of them can agree or disagree, and we can
15 talk about it -- but maybe the PEC needs a workday
16 or two to sit and do this with you all, so that we
17 also understand fully the changes before they
18 happen, et cetera.

19 And my last comment is, I'm going to take
20 these documents that you have put together and I'm
21 going to pull out the applications, both new and
22 renewal, and I'm going to put them in some binder,
23 so that I can crosswalk myself because right now, I
24 have some disconnect in this old mind of mine how
25 I'm going to do it. But that's the only way I know

1 how to do it.

2 MR. GERLICZ: Commissioners Gant, you can
3 take your disconnect and connect it to others'
4 disconnect, and pretty soon it will be a strong
5 network.

6 COMMISSIONER GANT: Okay.

7 MS. CALLAHAN: Mr. Chair?

8 COMMISSIONER GARRISON: Ms. Callahan.

9 MS. CALLAHAN: Commissioner Gant, I
10 appreciate that, because I agree 100 percent, and I
11 want to reiterate what I said at the meeting
12 yesterday. The applications were created before the
13 frameworks were put in place. And you know, it's a
14 classic chicken-egg, cart-horse, whatever you want
15 to call it, that we had to take the basic skeleton
16 of what was in the statute, develop an application,
17 because of the timelines that were, you know, very
18 tight.

19 And in developing the frameworks, I think,
20 absolutely 100 percent, the Charter School Division
21 is actually reviewing the new application process as
22 we speak, and looking at it, how it ties to the
23 framework. So I would welcome, absolutely, 100
24 percent, the PEC. I think the more we have in terms
25 of crosswalking and aligning and integrating, it's

1 going to make that much stronger of a document, and
2 process.

3 COMMISSIONER GANT: If I may, one more
4 comment. Today we had a charter that we questioned.
5 We gave them 18 months. And when that board down
6 there would corner me, wherever, or the recorder,
7 Commissioner Shearman, because she is on a school
8 board, and I was one, and I live in that part of the
9 world, and they would say, "Well, we don't know what
10 to do."

11 Well, I think these documents -- I'm going
12 to say, "Here. Don't ask that question again. This
13 is what you do. And if you can't read it, then you
14 need to find another job, as a school board member."

15 MR. GERLICZ: Commissioner Gant, to
16 reiterate what Ms. Callahan mentioned earlier, we
17 predict and we already see that those local
18 authorizers who don't know how to do this are going
19 to learn how to do this, and this is the
20 opportunity.

21 And an idea that I had is that these
22 volunteer schools are not coming up for immediate
23 renewal, but they want to practice, so let's
24 practice together. Let's bring them in and go
25 through a simulated renewal process that doesn't

1 mean anything so we can learn how the process works.

2 COMMISSIONER GARRISON: Thank you,
3 Director Gerlicz and Commissioner Gant and Ms.
4 Callahan.

5 Commissioner Bergman.

6 COMMISSIONER BERGMAN: Manager Callahan
7 mentioned the leapfrogging ahead. I'm one of the
8 many people in this state who is tired of us being
9 at the bottom of every list published at the
10 national level. We're running at the back of the
11 herd, and it's time for us to leap forward over
12 these people, and I'm looking forward to the day
13 when the director gets a call and the general
14 manager gets calls from other states saying, "You
15 guys are doing an outstanding job. We'd like to
16 steal your work."

17 I want to run in front of the facilities
18 instead of at the back of the pack. Thank you.

19 COMMISSIONER GARRISON: Mr. Bergman, we do
20 rank ahead of Guam and a couple of other
21 territories.

22 Other questions?

23 COMMISSIONER SHEARMAN: I have one
24 comment.

25 COMMISSIONER GARRISON: Commissioner

1 Shearman.

2 COMMISSIONER SHEARMAN: I think you all
3 have done great work, and I have told you that
4 before. I have had concerns, some questions, you
5 have allayed my concerns, you have answered my
6 questions, and I appreciate it.

7 There's only one other thing that I think
8 might be helpful to those of us, all of us, with the
9 disconnect network that are reading so many
10 different documents right now that we're getting
11 them confused.

12 I think on the cover of this, every
13 document, it would be helpful to identify if it's a
14 renewal document, if it's a new charter application
15 document. You put in the revision date, you have
16 done everything that we've asked up to this point,
17 but it just occurred to me, these are starting to
18 look alike, and I think if we had some distinction
19 there, it might simply help me deal with them a
20 little better, and I appreciate that.

21 MR. GERLICZ: Good.

22 COMMISSIONER GARRISON: Thank you,
23 Commissioner Shearman.

24 Any other questions or comments from of
25 the Charter Schools Division?

1 There is a proposed motion in the
2 executive summary for item number 13. If there are
3 no other comments or questions, the Chair will
4 entertain a motion.

5 Commissioner Bergman.

6 COMMISSIONER BERGMAN: Thank you,
7 Mr. Chair. I would move to approve the charter
8 performance contract and charter performance
9 framework documents to implement the SB 446 charter
10 school accountability process.

11 COMMISSIONER SHEARMAN: Second.

12 COMMISSIONER GARRISON: Seconded by
13 Commissioner Shearman. Is there any discussion?
14 Seeing none, we will move forward with a roll call
15 vote with Commissioner Gant.

16 COMMISSIONER GANT: Commissioner Peralta.

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER GANT: Commissioner Bergman.

19 COMMISSIONER SHEARMAN: Yes.

20 COMMISSIONER GANT: Commissioner Carr.

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER GANT: Commissioner Lopez.

23 COMMISSIONER LOPEZ: Yes.

24 COMMISSIONER GANT: Commissioner Shearman.

25 COMMISSIONER SHEARMAN: Yes.

1 COMMISSIONER GANT: Commissioner Garrison.

2 COMMISSIONER GARRISON: Yes.

3 COMMISSIONER GANT: Commissioner Gant
4 votes yes. Seven-zero, in favor.

5 COMMISSIONER GARRISON: The motion passes
6 unanimously.

7 Director Gerlicz, I spoke with Diana Dorn
8 of the Josephine Dorn Charter School, and it was her
9 belief that she was coming on Friday.

10 MR. GERLICZ: Correct.

11 COMMISSIONER GARRISON: So it looks like
12 we're at the point where we're going to recess until
13 tomorrow, when we will then start with the
14 continuation of agenda item number 11, with what is
15 indicated as number 5, Media Arts Collaborative, in
16 Albuquerque, and then proceed with number 7, the
17 Village Academy in Bernalillo, and then we will jump
18 down to number 14, and go through adjournment, item
19 number 17, tomorrow.

20 MR. GERLICZ: A reminder and an apology
21 that in the Village Academy documents, for some
22 reason it wasn't entirely copied, so a reminder to
23 please look at those appended sheets.

24 Secondly, Mr. Glasrud will be here
25 tomorrow, and we had set that as agenda item number

1 12 as part of the director's report. And given what
2 Commissioner Shearman just shared with us, I think
3 we should go back to that agenda item number 12,
4 that portion of it, so he can speak, as well.

5 COMMISSIONER GARRISON: I think we should
6 revisit and we will see where we place that. Do you
7 recommend that he just goes first at the beginning,
8 or just wait until tomorrow and see if we get here
9 at 8:30 because of the weather and decide then?

10 MR. GERLICZ: We can.

11 COMMISSIONER BERGMAN: Since we moved
12 Media Arts Collaborative to the front of the line
13 tomorrow, they may not be aware of these change
14 having taken place. Should someone call someone and
15 let them notify their people that they probably
16 should be here first thing in the morning?

17 MR. GERLICZ: We will do that.

18 COMMISSIONER BERGMAN: Thank you.

19 COMMISSIONER GARRISON: Before I call a
20 recess, I want to thank Mark Reynolds, from the
21 Attorney General's office. Have you all noticed
22 that I have been asking if there's any discussion?
23 I have been inviting it? Mark called me out on it.
24 It only took two votes and he caught me. We kind of
25 have a feel for each other. He'll let me know. But

1 he's always improving me. At my last meeting, I'm
2 improving, finally.

3 And Ms. Wear, thank you so much, Abby. I
4 appreciate it. Finally got her last name.

5 We'll see what the weather is like, and
6 Director Gerlicz, if you and I can stay in close
7 contact, if we need to do a two- or four-hour delay,
8 we'll do it. If we don't, we don't.

9 MR. GERLICZ: Commissioner Garrison, that
10 means getting up at 4:00 in the morning to notify
11 the television authorities about the PEC meeting,
12 and I'll defer to your expertise.

13 COMMISSIONER GARRISON: Good luck with
14 that when you get up at 4:00. We'll both call Larry
15 Barker together. We are in recess.

16 (The proceeding recessed at 2:30 p.m.)
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1 STATE OF NEW MEXICO)
) ss
 2 COUNTY OF BERNALILLO)

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REPORTER'S CERTIFICATE

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I, Mary Abernathy Seal, New Mexico
 Certified Shorthand Reporter, DO HEREBY CERTIFY that
 I did report in stenographic shorthand the testimony
 set forth herein, and the foregoing is a true and
 correct transcription of the proceeding had upon the
 taking of this hearing.

I FURTHER CERTIFY that I am neither
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