

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE  
PUBLIC EDUCATION COMMISSION  
SANTA FE, NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS  
December 14, 2012  
8:30 a.m.  
Mabry Hall - Jerry Apodaca Education Building  
300 Don Gaspar  
Santa Fe, New Mexico

REPORTED BY: Mary Abernathy Seal, RDR, CRR, CCR 69  
Bean & Associates, Inc.  
Professional Court Reporting Service  
201 Third Street, Northwest, Suite 1630  
Albuquerque, New Mexico 87102

(6152K) MAS

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

## 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 MS. KELLY CALLAHAN, General Manager, Charter Schools  
 14 Division  
 15 MS. BEVERLY FRIEDMAN, PED Liaison to the PEC  
 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  
 26 MS. ABBY WEAR, PED Counsel

## 27 I N D E X T O P R O C E E D I N G S

28	1. CALL TO ORDER by Chairman Garrison	4
29	2. ROLL CALL by Secretary Gant	4
30	11. VOTE ON 7 CURRENT CHARTER SCHOOLS	4
31	11-5.MEDIA ARTS COLLABORATIVE (ALBUQUERQUE)	6
32	11-7.VILLAGE ACADEMY (BERNALILLO)	14
33	14. STATUS REPORT AND DISCUSSION ON JOSEPHINE DORN CHARTER SCHOOL by Director Gerlicz	51

SANTA FE OFFICE  
 119 East Marcy, Suite 110  
 Santa Fe, NM 87501  
 (505) 989-4949  
 FAX (505) 843-9492



MAIN OFFICE  
 201 Third NW, Suite 1630  
 Albuquerque, NM 87102  
 (505) 843-9494  
 FAX (505) 843-9492  
 1-800-669-9492  
 e-mail: info@litsupport.com

1	6.	SECRETARY-DESIGNATE'S REPORT TO PEC	83
2	12.	REPORT BY LESLIE LUJAN, SECONARY LEARNING CENTER	97
3			
4	17.	UPDATE ON NM CARL PERKINS PROGRAM by Eric Spencer, Director, College and Career Readiness Bureau	117
5			
6	18.	PEC BUSINESS	142
7			
8	18-a.	Committee Reports	143
9	18-b.	PEC Calendar	154
10			
11	18-d.	Memberships	168
12			
13	19.	PEC COMMENTS	173
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

SANTA FE OFFICE  
 119 East Marcy, Suite 110  
 Santa Fe, NM 87501  
 (505) 989-4949  
 FAX (505) 843-9492



MAIN OFFICE  
 201 Third NW, Suite 1630  
 Albuquerque, NM 87102  
 (505) 843-9494  
 FAX (505) 843-9492  
 1-800-669-9492  
 e-mail: info@litsupport.com

1 COMMISSIONER GARRISON: Good morning,  
2 everyone. Our meeting is back in session. Before  
3 we proceed with item number 11 on the agenda, we  
4 will proceed with a roll call vote from Secretary  
5 Gant.

6 COMMISSIONER GANT: Commissioner Peralta.

7 COMMISSIONER PERALTA: Here.

8 COMMISSIONER GANT: Commissioner Bergman.

9 COMMISSIONER BERGMAN: 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 is  
19 here. You have seven. That gives you a quorum.

20 COMMISSIONER GARRISON: Thank you, sir.

21 This meeting is being conducted pursuant  
22 to New Mexico Statutes Annotated, title 22, Section  
23 8B-12IK and New Mexico Administrative Code  
24 6.80.4.13. The purpose of this meeting is to  
25 consider and vote on the renewal applications for

1 seven charter schools. The Commission will hear the  
2 recommendations from the Charter School Division,  
3 hear the applicants' responses or input concerning  
4 the recommendations, provide the opportunity for  
5 discussion among the Commissioners, and take an  
6 official vote on whether to approve the schools'  
7 renewal applications.

8           According to 22-8B-12K NMSA 1978 and NMAC  
9 6.80.4.13.D, the Commission may deny the charter  
10 renewal if the Commission finds that the charter  
11 school did any of the following. A charter may be  
12 suspended, revoked, or not renewed by the chartering  
13 authority if the chartering authority determines  
14 that the charter school did any of the following.  
15 One, committed a material violation of any of the  
16 conditions, standards, or procedures set forth in  
17 the charter. Two, failed to meet or make  
18 substantial progress toward achievement of the  
19 department's minimum education standards or student  
20 performance standards identified in the charter  
21 application. Three, failed to meet generally  
22 accepted standards of fiscal management. Or four,  
23 violated any provision of law from which the charter  
24 school was not specifically exempted.

25           Prior to taking action on each of the

1 renewal applications, the Commission will follow  
2 this process. The Charter School Division will have  
3 15 minutes to present its recommendations. The  
4 applicant will have 15 minutes to respond to the  
5 Charter School Division's recommendations. The  
6 Public Education Commission then has as much time as  
7 it deems necessary to ask questions of the applicant  
8 and/or the Charter School Division, but is not  
9 required to do so.

10 The Commission will hold discussion as it  
11 deems necessary prior to holding a vote on the  
12 application. The Commission will then vote to  
13 approve, approve with conditions, or deny the  
14 renewal application. If the Commission does not  
15 approve a charter renewal application, or approves  
16 the renewal application with conditions, it shall  
17 state its reasons for the nonrenewal or imposition  
18 of conditions on the record and in writing within 14  
19 days of the meeting.

20 Commissioners, are you ready to proceed?

21 (Commissioners indicated assent.)

22 COMMISSIONER GARRISON: Agenda item number  
23 11, vote on the seven current charter schools. We  
24 are on number 5, the Media Arts Collaborative. If I  
25 could ask the representatives from the Media Arts

1 School to come forward. If you need extra chairs,  
2 please pull them up to the round table. You will  
3 introduce yourselves in a bit, after the Charter  
4 School Division's presentation.

5 Charter School Division, you have 15  
6 minutes to present.

7 MR. GERLICZ: Commissioner Garrison,  
8 members of the Public Education Commission, good  
9 morning. And we are reviewing firstly the Media  
10 Arts Collaborative. Welcome.

11 Media Arts was, you may recall, the very  
12 first school to be authorized under the new state  
13 chartered act back in 2007, and this is their first  
14 renewal after having been so authorized. After  
15 careful review by the Charter School Division, we  
16 wanted to applaud Media Arts not only for its fine  
17 renewal application but for the innovation and the  
18 success that it's showing its students, and we  
19 recommend a full five-year renewal with some  
20 conditions. And those conditions, as set forth, are  
21 the following.

22 We ask that they establish and set  
23 measures for one or more mission-specific goals,  
24 that they negotiate and set with the Public  
25 Education Commission or its designee goals relative

1 to student academic growth, and that they negotiate  
2 and set with the Public Education Commission or its  
3 designee optional supplemental goals measuring  
4 student academic performance.

5 That is our recommendation. Thank you.

6 COMMISSIONER GARRISON: Thank you,  
7 Director Gerlicz.

8 Media Arts Collaborative, please introduce  
9 yourselves, give us your title, and we won't ask for  
10 life stories. We did that yesterday, and it went  
11 too long. This is not against your time, so --

12 MS. VOIGT: Thank you. Good morning,  
13 Commissioner, members of the Commission. My name is  
14 Glenna Voigt, and I'm the founding principal of the  
15 Media Arts Collaborative Charter School. At my  
16 left, I have Patty Gladstone, who is the governing  
17 board chair and also a founder of the Media Arts.  
18 And at my right I have Pat Kelly, who is our  
19 business manager for Media Arts.

20 Sitting with us here for support we have  
21 got Mr. Marvin Gladstone, who is a member and  
22 secretary of our foundation board, and also a  
23 founder of our school. Behind Mr. Gladstone is  
24 Shannon Beyer. She's the head teacher of Media  
25 Arts. Behind her we have Janet Bridgers, who is the



1 president of our foundation board and also a founder  
2 of our school. And next to Janet we have Gina  
3 Yaker, who is a member of our governing board. To  
4 her left we have Mr. John Dunphy, who is the  
5 facilities chair and also a member of our governing  
6 board, and also the president-elect. And we are  
7 thrilled to be here today.

8 COMMISSIONER GARRISON: Thank you very  
9 much. Good morning, everyone. We appreciate you  
10 making the drive up. You have 15 minutes to respond  
11 to the Charter School Division recommendation.

12 MS. VOIGT: First of all, thank you so  
13 much, Charter School Division, for your hard work  
14 and your advice over these seemingly fast four  
15 years. We've had many great success stories, as I'm  
16 sure you have read through our application, and also  
17 many challenges, having been the first  
18 state-authorized charter school for the state of  
19 New Mexico.

20 It's been a tremendous learning experience  
21 and we've gained a lot of knowledge. We feel pretty  
22 confident and solid in what we are doing at our  
23 school that works. We have had two graduating  
24 classes, and of those we've had over half a million  
25 dollars in scholarships provided to a graduating

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 class last year of only 38 students. And we've had  
2 students graduate and gone straight to work in the  
3 media industry.

4 So we feel like we're doing the right  
5 thing within our mission, and of course, as you  
6 know, inherent with all charter schools, mobility is  
7 a big challenge, so right now we are working really  
8 hard to retain our students and have them stick with  
9 us for three more years.

10 You'll notice in our goals that we have  
11 been successful with that. The students that have  
12 been able to stay with us for six or more semesters  
13 are showing great growth. And so this is the path  
14 that we want to continue on, and as the initiatives  
15 coming from PED are clearly outlined to us, I think  
16 that we'll be able to do our job successfully.

17 Thank you. Is there anything you'd like  
18 to add? Okay.

19 COMMISSIONER GARRISON: Thank you very  
20 much.

21 Commissioners, the floor is open for  
22 comments and/or questions of the Charter School  
23 Division or the Media Arts Collaborative.  
24 Commission Bergman.

25 COMMISSIONER BERGMAN: Thank you,

1 Mr. Chair.

2 I was just curious, I know there's no data  
3 yet, but what's your sense of how your new sixth  
4 grade class is doing? You're almost halfway through  
5 your first year with that.

6 MS. VOIGT: Yes, Mr. Chairman, members of  
7 the Commission. Thank you so much for asking. They  
8 are a bright star in our school. Our sixth graders  
9 are doing true project-based learning. They have  
10 already had three grade-level presentations of  
11 learning and exhibitions. We have one going on next  
12 Tuesday, beginning at 9:00, if you're in  
13 Albuquerque. They're going to be presenting on life  
14 of the sea, so they are wonderful. And so through  
15 this cultivation and growth with their retention at  
16 Media Arts, they're going to be stellar high school  
17 students. Thanks for asking.

18 COMMISSIONER BERGMAN: Thanks. Appreciate  
19 it.

20 Thank you, Mr. Chairman.

21 COMMISSIONER GARRISON: You're very  
22 welcome.

23 COMMISSIONER CARR: Mr. Chair.

24 COMMISSIONER GARRISON: Commissioner Carr.

25 COMMISSIONER CARR: I notice that your

1 scores went down last year from previous. What do  
2 you attribute that to?

3 MS. VOIGT: Last year, as you know, was  
4 the first year that we had the initiative  
5 implementation of the school letter grades, and our  
6 students coming into Media Arts were measured versus  
7 the AYP system with the letter grade. Students that  
8 were entering our school within a month or even  
9 weeks before the standards-based assessment, their  
10 test scores did count toward their proficiency, our  
11 school's proficiency, as well, whereas in the AYP  
12 system, students had to be enrolled for 120 days to  
13 make full academic year, and that measurement is not  
14 calculated into the AS school grade.

15 COMMISSIONER CARR: Thank you.

16 COMMISSIONER GARRISON: Any other  
17 questions?

18 Thank you, Commissioner Carr.

19 Seeing none the chair will entertain a  
20 motion. Commissioner Bergman.

21 COMMISSIONER BERGMAN: Thank you,  
22 Mr. Chair. I would move that the Public Education  
23 Commission approve the Media Arts Collaborative  
24 charter school for a full five-year term with the  
25 following conditions: The applicant will negotiate

1 a renewal contract with the Public Education  
2 Commission pursuant to 22-AB-9.1, one, establish and  
3 set measures for one or more mission-specific goals;  
4 two, negotiate and set with the PEC or its designee  
5 goals relative to student academic growth; negotiate  
6 and set with the PEC or its designee optional  
7 supplemental goals measuring student academic  
8 performance.

9 COMMISSIONER PERALTA: Second.

10 COMMISSIONER GARRISON: Seconded by  
11 Commissioner Peralta. Is there any discussion on  
12 the motion? Seeing none, we will proceed with a  
13 roll call vote through Secretary Gant.

14 COMMISSIONER GANT: Commissioner Peralta.

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER GANT: Commissioner Bergman.

17 COMMISSIONER BERGMAN: Yes.

18 COMMISSIONER GANT: Commissioner Carr.

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER GANT: Commissioner Lopez.

21 COMMISSIONER LOPEZ: Yes.

22 COMMISSIONER GANT: Commissioner Shearman.

23 COMMISSIONER SHEARMAN: Yes.

24 COMMISSIONER GANT: Commissioner Garrison.

25 COMMISSIONER GARRISON: Yes.

1 COMMISSIONER GANT: Commissioner Gant  
2 votes yes. It's 7/0 in favor.

3 COMMISSIONER GARRISON: It is unanimous.  
4 The vote of the Public Education Commission is to  
5 approve the renewal application with conditions that  
6 shall be included with the material terms of the  
7 performance contract to be negotiated between the  
8 charter school and the Commission and shall be  
9 incorporated fully into the renewal charter.  
10 Congratulations.

11 MS. VOIGT: Thank you so much.

12 MR. GERLICZ: Mr. Chair.

13 COMMISSIONER GARRISON: Director Gerlicz.

14 MR. GERLICZ: Glenna and members of Media  
15 Arts, congratulation, as well, and just a request  
16 that I have. You may know we're compiling a list of  
17 innovations that charter schools have contributed to  
18 public education, and we know that Media Arts has,  
19 so just send that to us.

20 MS. VOIGT: Thank you.

21 COMMISSIONER GARRISON: Continuing with  
22 item number 11, vote on current charter schools, we  
23 will move to number 7, the Village Academy,  
24 Bernalillo.

25 If you folks would come on up. If you

1 need more chairs, you're welcome to pull some up  
2 from the round table. You will introduce yourselves  
3 in just a few moments. So as you get settled in,  
4 please direct our attention to Director Gerlicz, who  
5 will give a 15-minute presentation on the renewal  
6 application.

7 MR. GERLICZ: Commissioner Garrison,  
8 members of the Public Education Commission, Village  
9 Academy comes to us after having been initially  
10 authorized in 2004 by the Bernalillo School  
11 District. They applied for renewal application in  
12 2009 with the Public Education Commission, and were  
13 granted a three-year conditional renewal at that  
14 time. They are now applying again in front of this  
15 Commission.

16 After careful review by the Charter School  
17 Division, it's our recommendation that the renewal  
18 and application be denied for the following reasons,  
19 two and four in your packets. That the school has  
20 not met or is not making substantial progress toward  
21 achievement of the PED's minimum educational  
22 standards or student performance standards  
23 identified in the charter application, and has  
24 violated a provision of the law from which the state  
25 charter school was not specifically exempted. And

1 that is our recommendation.

2 COMMISSIONER GARRISON: Thank you,  
3 Director Gerlicz.

4 Welcome, Village Academy. Please  
5 introduce yourselves and give your titles. This  
6 doesn't count against the 15 minutes. And then  
7 you'll proceed with your presentation after  
8 introductions. Good morning.

9 MS. MAYHEW: Good morning. Good morning,  
10 Commissioners, Chair, and Commissioners. I am Karen  
11 Mayhew. I'm the principal at Village Academy  
12 Charter School. And to my left is Chris Pino. He's  
13 our governance council president. And to the left  
14 of him is Norma Powdrell. She is also a governance  
15 council member.

16 To my right is Gilbert Mondragon. He is  
17 our business manager. And another governance  
18 council member is Gail Goldstein.

19 COMMISSIONER GARRISON: Thank you. You  
20 have 15 minutes to comment on the Charter School  
21 Division's presentation and recommendation.

22 MS. MAYHEW: Thank you. As you may know,  
23 back to the very small rural-based charter school,  
24 we serve sixth, seventh and eighth grades for the  
25 town of Bernalillo and surrounding areas.



1 Over the past two years it has experienced  
2 a lot of transition and inconsistency. Demographics  
3 have shifted dramatically to higher enrollment in  
4 Native American and Hispanic populations at our  
5 school.

6 The school has experienced changes in  
7 administration each year and has struggled to  
8 increase enrollment. However, even with these  
9 challenges, the students that stayed at VACS  
10 demonstrated an increase in their academic skills.  
11 In the 2010/2011 school year, Village Academy  
12 Charter School made an unprecedented increase of 53  
13 percent over the previous year in reading and 31  
14 percent in math. This demonstrates the success of a  
15 small school setting, and while it is true that the  
16 following year our gains were not as substantial, we  
17 were inundated with a variety of challenges. Even  
18 with these challenges, our students that stayed with  
19 us grew in their academic school level.

20 VACS' enrollment of students with  
21 disabilities during that year increased from 30  
22 percent school wide in 2010/11 to 40 percent school  
23 wide in 2011/12. Total enrollment also declined  
24 12.5 percent during that same period. Due to the  
25 small number of students tested, this high

1 population in this category can drastically impact  
2 proficiency levels in both reading and math. So the  
3 single year performance varies from year to year.  
4 It is not unusual that this type of challenging  
5 group would drop the scores. All charter schools  
6 experience this, as you just spoke to previously,  
7 that there was this charter school before us. We  
8 all have that struggle, especially since they  
9 changed the dynamics of how they calculated  
10 proficiency from allowing FAY students, full  
11 academic year students, in 2010/11 and then saying  
12 all students in 2011/12. So that's going to change  
13 statistically, it's relevant, and it's going to  
14 change your numbers.

15           Unfortunately for most of us, in the  
16 charter world, it changed it to the negative, as  
17 actually in the public schools.

18           So student growth is our main focus here  
19 at VACS, and we demonstrate a great success in the  
20 area by getting Bs on the report card in both the  
21 growth of highest-performing students and the growth  
22 in lowest-performing students. So focusing on  
23 student growth in the lowest 25 percent, Village  
24 Academy Charter School ranked second out of 32 in  
25 English language learner category, fifth out of 30

1 in students with disabilities, seventh out of 30 in  
2 ethnicity, fifth out of 30 in economically  
3 disadvantaged, and fourth out of 30 in mobile  
4 category. Also we ranked 90 and 31 in the composite  
5 category.

6 So that means that when it all was  
7 calculated, we were in the top five schools of  
8 recognition for the lowest 25 percent performing.  
9 So we made great, great gains with those students  
10 who came to us at their lowest levels.

11 So it should be noted that based on this,  
12 we really are able to make great successes with our  
13 students, even though the numbers may not show it  
14 clearly as we would like it to show it. So we  
15 appreciate the opportunity to explain these things.  
16 We understand that last year we met with great  
17 challenges, but this year we have worked intensively  
18 to overcome these challenges. Currently we've taken  
19 corrective action to remedy compliance deficits that  
20 occurred early in the charter term, to increase our  
21 enrollment, to establish stronger relationships with  
22 the local community, and to establish a professional  
23 development plan to address the high number of ELL  
24 population; and also, of course, to help with the  
25 transition to the Common Core. So we believe that

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 we are now on the right path, and we look forward to  
2 serving our community in years to come.

3 With that, I would like to introduce Chris  
4 Pino, our governance council president.

5 MR. PINO: Good morning, Commissioner  
6 Chair, Vice Chair. I'd just like to express a  
7 little of my own personal feelings towards this  
8 thing. I'm very honored to be able to serve on the  
9 Village Academy Charter School governing board for  
10 the last five years. I'm also sorry to hear that,  
11 you know, we were not approved for renewal. It is  
12 very unfortunate to hear that you feel that this is  
13 the only recourse of action that can be taken.

14 We as a board have been progressively  
15 adhering to the stipulations you have set forth for  
16 the school's renewal, and although we've had a minor  
17 setback last year, which I think this is based on,  
18 we have continued to improve and move forward  
19 throughout adversity with various actions such as  
20 hiring an entirely new staff from the principal to  
21 all the new teachers, and adding new governance  
22 council board members to our board. We know on the  
23 report we were only, I believe, at three members on  
24 the board for quite some time because we had some  
25 trouble initially recruiting board members from

1 within the local communities. But we seem to have  
2 come out of that by, you know, progressively  
3 promoting ourselves and, you know, kind of a lot of  
4 our constituents did not really know that we were  
5 around, according to a lot of our initial new  
6 clients that we have picked up.

7           So we have started a progressive campaign  
8 to, you know, make ourselves more visible, make  
9 ourselves more known within our local communities,  
10 within our local pueblos. That was our main  
11 clientele that we deal with. And you know, like she  
12 said, we are, you know, able to bring up our kids'  
13 grades because, as you know, the grade levels have  
14 changed, but we are inheriting most of our, you  
15 know, our kids. We don't have a K through five  
16 school, so we're kind of dealing with whatever we  
17 get from within our local school district, and we  
18 kind of have to work with what we get.

19           And you know, kind of like she said, we've  
20 been SPED by denomination at least more or less  
21 equal to or with the state levels, and you know,  
22 recently we've had more -- almost 50 percent SPED,  
23 and it's been a challenge, but we've been working  
24 with it. And like we said, we did initially -- the  
25 year before we did make our gains that you expected

1 of us, and I think we kind of went above and beyond,  
2 and kind of, you know -- I mean, not to say that it  
3 wasn't a good thing, but it kind of put us, you  
4 know, in a hard place because of our transitional  
5 kids that are coming in and be able to maintain that  
6 criteria, and you know, we do, like I said, our best  
7 that we can, and we did have, you know, a little  
8 shakeup there. That's why we kind of got rid of,  
9 you know, our entire staff there, and started anew,  
10 because we felt that they were not following what we  
11 wanted to actually have implemented there.

12           And it's kind of created a few problems,  
13 but we're working through that. And that's not to  
14 say that that's because of the transitions that  
15 happened over the past couple of years. Like she  
16 said, we have had a new principal for every year of  
17 the renewal process that we had been renewed for.  
18 And I'm not sure if that's because of the  
19 stipulations that were set forth in the charter and,  
20 you know, they have not been able to, I guess, you  
21 know, come up with a remedy for that. But we've  
22 been diligent in our process and making sure that  
23 our students are being taught, being able to, you  
24 know, carry on to that next level for us, which is  
25 high school, and, you know, be successful in the

1 public schools, even though it would be more  
2 populated than our current school. But we are  
3 trying to help, you know, help them be viable  
4 students in their high school career and into the  
5 future, and be productive and, you know, amicable  
6 members of their communities. Thank you.

7 MS. POWDRELL: My name is Norma Powdrell.  
8 I'm the governance council secretary, and my son has  
9 been attending the school for three years.

10 COMMISSIONER GARRISON: Do me a favor,  
11 move the microphone closer to you.

12 MS. POWDRELL: My son has been attending  
13 the school three years. He's now currently in  
14 Cleveland High School and he made extreme advances  
15 in math, reading, due to their curriculum. So I  
16 want to applaud their effort and the support. Thank  
17 you very much.

18 MS. GOLDSTEIN: I have such a loud voice,  
19 I hesitate to use the microphone.

20 Good morning. My name is Gail Goldstein.  
21 I recently joined the governance council of Village  
22 Academy Charter School. I am a lifelong educator.  
23 I retired from the public education system some four  
24 years ago, and apparently, I failed retirement,  
25 although I hesitate to use that word in this room.

1           But I have been a parent in the Bernalillo  
2 Public School District, and I want to speak from  
3 that perspective more than my role as an educator of  
4 educators. I actually worked as a teacher educator.

5           When my daughter went to school in  
6 Bernalillo, she was absolutely a square peg trying  
7 to fit into a round hole, and there were no round  
8 hole places for her to go. Her middle school years  
9 were a disaster and high school almost worse. And  
10 thank God I worked for Albuquerque Public Schools  
11 then, and by reason of exemption could bring her  
12 with me to an alternative school within APS for her  
13 final years.

14           I can't stress to you how important I  
15 think it is to have an alternative to the Bernalillo  
16 Public Schools in the town of Bernalillo. In a  
17 school district where less than 50 percent of high  
18 school entrants complete high school, an alternative  
19 setting is vital to the health and well-being of our  
20 children and our community, and I hope, given that,  
21 that you will consider renewing the charter for  
22 Village Academy Charter School for another term.

23 Thank you.

24           MS. MAYHEW: Thank you. That concludes  
25 our remarks.



1 COMMISSIONER GARRISON: Thank you very  
2 much. Commissioners, the floor is open for comments  
3 and/or questions of the Charter School Division or  
4 the applicant. We'll begin with Commissioner Gant  
5 and then Commissioner Lopez will follow.

6 COMMISSIONER GANT: Mr. Chair, members,  
7 good morning. I have a few questions here, and they  
8 may seem simple, but right now you have 31 students;  
9 is that correct?

10 MS. MAYHEW: Thirty-three.

11 COMMISSIONER GANT: I have got to go by  
12 what I see here. All right, 33. You started out in  
13 2008/2009 with 60. It's continually dropped. I  
14 need to hear why. There's got to be a reason other  
15 than staff. There's got to be more reason than just  
16 what was said.

17 MS. MAYHEW: I can tell you from my  
18 perspective and being new to the school, just hired  
19 this year, I came in assuming that the community  
20 knew us, because this is Village Academy Charter  
21 School's eighth year. What I did not realize was  
22 that with all the changes prior to my coming in, the  
23 previous principals did not ever target enrollment,  
24 and the community kind of forgot about us, with no  
25 direction and goal-setting to keep the enrollment at

1 that level.

2           Sixty is the charter max, so even if they  
3 would have targeted enrollment as one of their goals  
4 to work on, they would not have tried to go over 60.  
5 That is in our charter. So what happened was -- and  
6 again, I wasn't there -- as new people came in,  
7 families were disappointed in them, and left, and  
8 then as the second new person came in, they still  
9 didn't realize that this declining enrollment was  
10 affecting the school negatively, and did not put a  
11 lot of effort into it. And then when the third new  
12 person came in last year, she obviously gave  
13 absolutely no time to promoting the school, to up  
14 enrollment.

15           When I came in, in July, that was my  
16 number one goal, to get the charter renewed and  
17 increase enrollment. It was quite obvious to me.  
18 And it was quite shocking that it took a little  
19 while to realize that the community was like  
20 thinking we had disappeared or we had closed up.  
21 When the charter was denied originally, they thought  
22 that we weren't there anymore.

23           So now we started the school at 23, we  
24 increased by ten, we are having more lottery  
25 applicants to start semester two. It's starting to

1 pick up. But when you're coming from so far behind  
2 the eight ball, it is hard to pick up.

3 COMMISSIONER GANT: Mr. Chair, a couple of  
4 points. One, I did see somewhere you don't have a  
5 waiting list.

6 MS. MAYHEW: No, we don't have a waiting  
7 list per se. We have lottery applicants. We have  
8 several families that are going to start semester  
9 two. It's too late to start right now.

10 COMMISSIONER GANT: I understand that.  
11 But you say you have a lottery waiting list.

12 MS. MAYHEW: If I did, I apologize.

13 COMMISSIONER GANT: That's an indication,  
14 because you say you have a waiting list -- that's  
15 okay. But the gentleman said here that -- well,  
16 from your comments, I get the indication there  
17 should be students and family talking to other  
18 students and family in the community, telling them  
19 about -- don't your students and families talk to  
20 each other in the community and tell them of the  
21 opportunities of this school?

22 MS. MAYHEW: Yes, sir, that's probably our  
23 primary way of increasing enrollment this year.

24 COMMISSIONER GANT: Okay. Next question.  
25 On your chart on page 7, or 5, or however it breaks

1 out -- what shows up on my computer is page 7 -- you  
2 have zero ELL and then on page 25 or whatever page  
3 it is, you show 79 percent ELL. Now, I'm used to  
4 facts being facts across the board. Which is it?  
5 Zero or 79 percent?

6 MS. MAYHEW: It was zero in the past  
7 because the previous two principals did not test for  
8 ELL. And that was one of the things that I  
9 discovered upon coming, that there was never any  
10 testing done for ELL students. And so right away I  
11 contracted with Tracy Silva and brought her in and  
12 she tested all the students. And we have a very  
13 large population of ELL. So that's why professional  
14 development training went towards the teachers this  
15 year for ELL. Ms. Goldstein, Gail, is helping us  
16 with that also. That's one of her areas of  
17 expertise. So we are zeroing in on that. I can't  
18 speak to why the other two principals chose not to  
19 do this, but it's being done now.

20 COMMISSIONER GANT: That is a violation.

21 MS. MAYHEW: Yes, sir, it is.

22 COMMISSIONER GANT: Back to the  
23 population, school population. You're up and down,  
24 up and down. How can you manage the staff, maintain  
25 the staff numbers, pay for the overhead, and

1 everything of the school, you're based on SEG. 98  
2 percent of the SEG for each student. And I don't  
3 understand how you can maintain a budget or even  
4 build a budget when you really don't know what your  
5 total population is going to be from year to year.

6 MS. MAYHEW: That's correct. Last year  
7 the school went through a major RIF. They lost  
8 about half of their staff, so this year we're  
9 starting with what I call a skeleton crew. Not only  
10 am I the principal, but I teach in the afternoons  
11 and I am the special ed. coordinator, teacher,  
12 because I have all those licenses. So I am highly  
13 qualified as special ed., as general ed., and a  
14 principal.

15 So one of the things to help, because the  
16 budget is so tiny, is that in a charter school,  
17 people take on multiple hats, and I have taken on  
18 quite a few, as have my teachers. The new teachers  
19 coming in are highly -- we have one teacher who does  
20 both math and science. She's full-time, and she is  
21 highly qualified in both. It was hard to find her,  
22 but we got her, and are blessed to have her.

23 We have another teacher who is highly  
24 qualified in reading and English and language arts  
25 and gifted, and so she tackles all of that. So we

1 only have two full-time teachers at the school right  
2 now. We do have a contract teacher that does our PE  
3 and health. We have a part-time teacher that does  
4 social studies, and because we have such a -- we are  
5 living within our budget now.

6 I can't speak to what happened in the  
7 past. I know that the budget was dramatically hurt  
8 last year. And so when Mr. Mondragon talked to me  
9 about where we were at, I understood the cuts that  
10 had to happen. I took on more hats. We never even  
11 tried to advertise for special ed. I knew I would  
12 be doing that also in my duties, and we're making it  
13 work. Is it difficult? Is it a lot of work? Yes,  
14 but we are living within our means.

15 COMMISSIONER GANT: With that said, you  
16 are the SPED teacher, et cetera, but who does your  
17 speech and language? Who does your OT/PT and all  
18 that? How can you afford those? Because those  
19 don't come cheap.

20 MS. MAYHEW: No, they don't, but we do  
21 contract with CES. And unfortunately, in the past,  
22 the person in charge didn't understand special ed.,  
23 and so they brought in an OT for an entire day and  
24 there wasn't an entire day worth of students to do  
25 OT. So if you do it correctly and you're just

1 bringing in the therapist just for the students who  
2 need it, our IDAB funds will cover that.

3 Same thing with speech. We are  
4 contracting for speech currently. Those are the  
5 only two therapies our students with special ed.  
6 IEPs need, and so we're bringing them in just for  
7 that time, and we do have -- IDEA monies do cover  
8 that.

9 The other little bit that it helps us with  
10 is we have one EA who does a tremendous job of doing  
11 all types of things, not just special ed., but does  
12 the lunches in the cafeteria, and as I said, all of  
13 us are wearing multiple hats. But every student  
14 this year is covered. The IEPs that were due in  
15 first semester have been done. The parents have  
16 reported back on parent surveys that they are  
17 extremely satisfied this year with how the special  
18 ed. student is being serviced at our school.

19 COMMISSIONER GANT: Does the EA have the  
20 qualifications required by the state education  
21 requirements?

22 MS. MAYHEW: Yes, sir, she does. If  
23 you'll check our STARS reporting, all of our staff  
24 members are highly qualified.

25 COMMISSIONER GANT: Thank you.

1           COMMISSIONER GARRISON: Thank you,  
2 Commissioner Gant.

3           Commissioner Lopez.

4           COMMISSIONER LOPEZ: You know, I was one  
5 of the people that went to bat for your school three  
6 years ago, two years ago, whenever it was, and you  
7 know, this is hard. You know, losing all your staff  
8 and having a principal who doesn't know what she was  
9 doing speaks to some issues on the governing  
10 council. Was there micromanagement? Did they get  
11 in the way? What is happening with the governance  
12 council that, you know -- I mean, you should have  
13 had a principal like this woman. And if one of you  
14 from the council wants to address that.

15           MR. PINO: Yes, that is unfortunate, and  
16 we did, you know, try to address it. We did have  
17 one of our initial principals that, you know,  
18 brought us up on that. He did move on to a  
19 different charter school and we were kind of left  
20 behind, you know, just trying to scramble into  
21 finding a principal. And the next principal that  
22 was chosen didn't -- as you said, did not, you know,  
23 follow rules and was kind of, you know, not up to  
24 par, per se, because, as you said, we did not  
25 micromanage. We let -- you know, we hired the



1 administrator, you know, hoping that they were  
2 capable of doing their job, and obviously, you know,  
3 the last two that we hired weren't.

4           And we found Karen here, and you know,  
5 she's really turned it around, and she's a very  
6 qualified applicant that, you know, we were able to  
7 take because we weren't, as you say, a big school  
8 and able to offer, you know -- the minimum is all we  
9 could offer them basically for the principal job.

10           So it wasn't like we could offer them more  
11 funding, you know, and it was kind of hard to, like  
12 I said, find a qualified applicant that was capable  
13 and had the credentials that she does.

14           And mainly I think the most worst part of  
15 our hiring here that came back to us was that a lot  
16 of our principals that we hired were not  
17 superintendent-qualified. They really didn't know  
18 the budgets and stuff like that, which really kind  
19 of hurt us, and they didn't know rules and you know  
20 I -- based on their qualifications it said that they  
21 did, but when we put them in the actual position,  
22 they were not capable of performing up to their  
23 qualifications.

24           So that's why we've had a transition, like  
25 I said, the past, you know, since we got renewed,

1 because, you know, with the stipulations and  
2 basically, you know, just being able to offer the  
3 minimum, we were kind of, you know, losing more  
4 qualified applicants, I guess you would say, that  
5 were looking for a better-paying type of deal, and  
6 we were only able to offer \$70,000, which was, you  
7 know, minimum that the State requires.

8           And you know, that on our end, you know,  
9 is -- you know, that probably involves more training  
10 for us, you know, because as I said, we are  
11 basically just volunteering for this position, and  
12 we're basically learning as we go, and you know, I  
13 like to applaud her for her training that she had  
14 this year at the state charter, which, you know,  
15 opened up a lot of things that I think that we've  
16 been overlooking, you know, and that I guess as a  
17 board, we've never really been trained on it.

18           So there's a lot of newer things that came  
19 up on that process, and to make us look at, you  
20 know, the hiring of a principal differently. And  
21 you know, I think that was our main downfall the  
22 first two years, was that we did hire a principal  
23 that was capable of doing it academically, but you  
24 know, they chose to go elsewhere, where, you know,  
25 pay was basically better, and, you know, the next

1 two were, like I said, not superintendent material,  
2 which, you know, that was kind of where that stands  
3 on that.

4 COMMISSIONER LOPEZ: How many governing  
5 council members do you have?

6 MR. PINO: We currently have six.

7 COMMISSIONER LOPEZ: And how stable is the  
8 council? How many have been on the council and for  
9 how long?

10 MR. PINO: I've been on initially, I  
11 think, a year or two after it opened. And then  
12 Norma came on.

13 MS. POWDRELL: I have always attended the  
14 meetings but never been a board member until this  
15 year.

16 MR. PINO: She basically came on last  
17 year. And Gail came on earlier this year, and we  
18 have another board member, a vice chair, Elvis, and  
19 he's been with us for four years. Melanie Martinez,  
20 she's been with us for four years, also. And Daniel  
21 Trujillo. He's our treasurer, and he's actually a  
22 CPA accountant, and he's been with us now for going  
23 on two years.

24 COMMISSIONER LOPEZ: Okay. And my  
25 question for the principal is, what is your

1 commitment to this school, if it's low-paying and a  
2 really challenging population and huge problems?

3 MS. MAYHEW: Low-paying is in the eye of  
4 the beholder, I guess, because I'm not making 70,  
5 I'm making less. But it's not about money. I have  
6 never -- I have been in education since the early  
7 1980s and I never went into education for the money.  
8 I went in because about six, seven years ago, I got  
9 into charter schools -- I was in public school prior  
10 to that, all those years -- and I saw something in  
11 charters that I think this state really needs, and I  
12 truly believe that these students that we have in  
13 our school would definitely -- are the square pegs,  
14 and they are not going to be successful. And I go  
15 home every day thrilled with my job, when I am  
16 teaching these kids and being with these kids and  
17 giving them a school where they are successful.

18 We had a little boy come to us who cried  
19 every morning. He had school phobia something  
20 terrible. And that little boy comes to school now  
21 every day smiling. It used to be we had to have him  
22 half-day and then finally he was able to come full  
23 day and every Monday he'd come crying into my office  
24 because he'd been off for two days, and so he was  
25 going back into that old way. We've had Mondays go

1 by now where he just comes in and he's just as happy  
2 as can be, and successful as can be. And I have  
3 story after story like that. That's why I'm doing  
4 this.

5 COMMISSIONER LOPEZ: Thank you. After  
6 your students were tested for English language, how  
7 many languages are you dealing with at your school?

8 MS. MAYHEW: Okay. So the main language,  
9 of course, is Spanish and Keris. Now, we have five  
10 pueblos that speak a variety of Keris, so I don't  
11 know if you count that as five or one, but those are  
12 the two languages, two or six languages that we  
13 have.

14 COMMISSIONER LOPEZ: Okay, thank you.  
15 I have a question for Mr. Gerlicz. I  
16 zeroed in on those growth numbers also, and they  
17 look pretty impressive, you know. The composite is  
18 for the high 75 percent, they're number ten out of  
19 31 and for the lowest 25 percent, they're number  
20 nine out of 31. Seems to me we want to see growth.  
21 And that's good growth, isn't it? What am I  
22 missing?

23 MR. GERLICZ: Commissioner Lopez, we saw  
24 the same thing, and we congratulate Village Academy  
25 Charter School for that demonstrated growth. The

1 declining population makes the analysis of those  
2 numbers statistically difficult to put a value  
3 judgment on it. Yes, they had it for those students  
4 that have stayed with Village Academy Charter  
5 School, but they were low in number, those students  
6 that had stayed with Village Academy Charter School.  
7 So that makes it a bit challenging to put a value on  
8 it for the same value as if you had a school of 400  
9 and 500 who had the same numbers that were number 2  
10 in the state relative to a certain performing group.

11           And that was this year's numbers. The  
12 prior year numbers, this school -- I don't know if  
13 we used the term probationary status, but it was  
14 granted three-year provisional renewal and that's  
15 one year's growth. That hasn't been consistent in  
16 the prior year, but it was evident this year. And  
17 so our feeling was that a school that is on such  
18 thin ice and that was given a three-year renewal  
19 ought to have that consistency during its period of  
20 probationary status.

21           COMMISSIONER LOPEZ: Thank you. Are  
22 there -- I mean, I think you said this, but please  
23 respond. Are there any other options for middle  
24 school in Bernalillo or for the pueblos around that  
25 area?

1 MS. MAYHEW: No, ma'am.

2 COMMISSIONER LOPEZ: In Rio Rancho?

3 MS. MAYHEW: No, ma'am, there's one  
4 charter school in Rio Rancho, but it's a high  
5 school, so not for middle school. We are it for the  
6 entire surrounding area.

7 COMMISSIONER LOPEZ: Thank you. That's  
8 all I have.

9 COMMISSIONER GARRISON: Thank you,  
10 Commissioner Lopez.

11 COMMISSIONER CARR: Mr. Chair.

12 COMMISSIONER GARRISON: Commissioner Carr.

13 COMMISSIONER CARR: I think this is the  
14 first school where they were recommended to deny and  
15 we went the other direction, if I remember  
16 correctly. And I think that, you know, a big thing  
17 with charter schools is: Are you providing a  
18 service, you know, that the local community is not  
19 providing?

20 You clearly are attempting to do that, and  
21 it looks like you're trying to turn around, and I  
22 know one thing that, you know, was mentioned last  
23 time, that tugged at my heart because I have dealt  
24 with and taught Native American students for a good  
25 number of years, and dealt with the cultural

1 differences and everything, and I know one of the  
2 issues was going to the regular high school was a  
3 problem, and I see that all the time. Taos has  
4 their day school up through eighth grade, and then  
5 if they have gone through that, then they go through  
6 culture shock coming to the high school, to a  
7 certain extent. They do have a lot of support from  
8 the other Native Americans that go. I'm talking all  
9 around. Do you have any parents here?

10 MS. POWDRELL: I'm a past parent.

11 COMMISSIONER CARR: Past?

12 MS. MAYHEW: We have two past parents  
13 here. Current parents we do not have here at this  
14 time.

15 COMMISSIONER CARR: Okay. I'm trying to  
16 remember if there was a lot of -- trying to  
17 remember. It seemed to me at the time three years  
18 ago you had a lot more community people here.

19 MS. MAYHEW: Yes.

20 COMMISSIONER CARR: I remember that, as  
21 well. Do you still feel like you have a lot of  
22 community support?

23 MS. MAYHEW: I do. I do have to  
24 apologize. We let the parents know, but we didn't  
25 realize we'd be going on this early, and so because



1 of the weather, they were waiting to come up later.  
2 So I apologize. We would have. We had several  
3 parents call yesterday, ask for maps, and said that  
4 they would be up. But unfortunately, we had told  
5 them the wrong time. So I do apologize for that.

6 COMMISSIONER CARR: Okay. I don't have  
7 any more questions, but I am tending to want to give  
8 them 18 months or something, another time period,  
9 not the full length. I don't know how the rest of  
10 you feel, but I'm leaning in -- you know, I'm  
11 leaning in that direction. Maybe I'm letting my  
12 emotions take control over my pragmatist side, but  
13 I'd like to hear how the rest of you all feel about  
14 giving them a little bit more time.

15 COMMISSIONER LOPEZ: I would agree with  
16 that.

17 COMMISSIONER GARRISON: Thank you,  
18 Commissioner Carr.

19 Commissioner Shearman.

20 COMMISSIONER SHEARMAN: In response to  
21 Commissioner Carr's comment, I was one of those  
22 three years ago that thought this was a clearly  
23 failing school, and that it should have been closed.  
24 In hindsight, I don't think we did the school or the  
25 students any favor by keeping it open, because it

1 truly, perhaps until this year, has not served the  
2 students well at all.

3 I think had we closed the school at that  
4 time, the people who are genuinely concerned about  
5 students and wanted a charter school perhaps would  
6 have joined together and created a new charter  
7 school that would have served the students.

8 I'm very concerned about those ELL  
9 students who are never even tested, never mind their  
10 needs met. And it seems that has been the pattern.

11 The other thing that truly bothers me is,  
12 this Commission put very specific requirements,  
13 stipulations, on the three-year term of this school,  
14 and they have not been met. Perhaps for one year  
15 that big spike, one year, those requirements were  
16 met. But they were very specific and the school  
17 agreed to them, that they would meet those  
18 conditions, and I think it's sheer folly of us to  
19 come back and say, "Okay, you weren't doing well,  
20 you were clearly failing, we put conditions, you  
21 didn't meet those, now let's put some more  
22 conditions on you and we'll try it again."

23 I think that is not serving the students  
24 well, even though there may be a group in place now  
25 that is doing better, that is trying harder. My

1 thought is a clean break, and if there is really a  
2 need and a desire for that charter school in this  
3 community, then let those people band together and  
4 come back with an application for a school that from  
5 day one is going to serve the students' needs. This  
6 school has too much baggage that it's carrying with  
7 it.

8           And I cannot support again saying, "Well,  
9 never mind what's happened in the past, let's go  
10 forward with some more requirements."

11           I think a clean break would serve everyone  
12 much better. And I have to disagree with your heart  
13 strings.

14           COMMISSIONER GARRISON: Thank you,  
15 Commissioner Shearman.

16           Commissioner Gant.

17           COMMISSIONER GANT: Mr. Chair, members,  
18 I'm going to go back and talk a little bit or  
19 question a couple of questions about fiscal  
20 management. I don't understand how it happened that  
21 audits for this school, which is a state  
22 requirement, a PED requirement annually, to be  
23 completed, and this says you had completed only one  
24 over the time. That's what it says.

25           MR. MONDRAGON: That's not accurate. We

1 have completed all of our audits. And they have  
2 been submitted on time. And we have the audits.

3 MS. MAYHEW: Yes.

4 MR. MONDRAGON: The actual audits were  
5 completed. That is incorrect. Our auditor was Moss  
6 Adams, and they were completed on time.

7 COMMISSIONER GANT: It says here only one  
8 audit -- one year of audit by this fiscal year 2011  
9 for the current charter term was available at the  
10 time of submitted application.

11 MR. MONDRAGON: Yeah, because the other is  
12 being submitted to the State as of right now.

13 COMMISSIONER GANT: All right. I can buy  
14 that.

15 MS. MAYHEW: Sir, this is only two years.  
16 Even though we have a three-year charter, you only  
17 had two years with information because this current  
18 year is the third year. So that first audit for  
19 that first year, 10/11, was approved last year.  
20 That's the only one you can look at because last  
21 year's is not available yet for any charter school.  
22 So you only have one audit available.

23 MR. MONDRAGON: But it has been completed.

24 MS. MAYHEW: Yes.

25 MR. MONDRAGON: It's been completed, and

1 it's currently -- we came down Tuesday for the exit  
2 conference with Moss Adams, and that will be  
3 submitted.

4 COMMISSIONER GANT: I'll give you that.  
5 But I find it very disturbing to have five findings,  
6 some of which are noncompliant, okay. And specific  
7 deficiencies for a very small school, very small  
8 budget, very small number of children, and very  
9 small staff. It just -- I got to say, I was on a  
10 school board with 24,000 students. We might have  
11 had a minor over a year. A small school like this  
12 should be able to manage its budgets and its  
13 finances better than this. That's my opinion, for  
14 what it's worth, but I had eight years of school  
15 board and I knew the budget well, very well. So I  
16 don't understand. I really don't. Okay. I got to  
17 be honest. Thank you.

18 COMMISSIONER GARRISON: Thank you,  
19 Commissioner Gant.

20 Other comments or questions by the  
21 Commission? Commissioner Bergman.

22 COMMISSIONER BERGMAN: Thank you. I  
23 vividly remember that hearing three years ago in  
24 2009, how emotional it was, and there was an  
25 administrator sitting there where you are now, that

1 was just as positive as you are, and was going to  
2 fix the problem, and was going to take care of the  
3 situation and it was all going to be great. And  
4 sadly, it did not work out that way.

5           And then you have had another  
6 administrator, and that one did not work out. That  
7 is a major concern, that certainly is of a concern  
8 that the governing council is having trouble finding  
9 someone to really get in and do the job. That is a  
10 major concern for me.

11           And you were given the one chance. The  
12 fact that you're down to 33 students now when your  
13 cap is apparently 60 -- I don't remember, so I'll  
14 take your word on that -- certainly is a concern to  
15 me about whether there is a need for this school. I  
16 understand that for these 33 students, that they  
17 felt like in their families that there was a need.  
18 And yet, I would question why you don't have the  
19 full 60, whether you promoted it, whether you  
20 advertised it, whether it was not done by word of  
21 mouth, as has been pointed out from your parents.  
22 That's just a really major concern for me.

23           And we did give this school another chance  
24 three years ago. We gave you another bite at the  
25 apple. And now we're back to: Are we going to do

1 that again? And my concern then, three years ago,  
2 was about the need. And at that time I did support  
3 the renewal at that time. I certainly voted for it.  
4 And I remember how long it took this Commission to  
5 come up with those conditions. We wanted specific  
6 measurable conditions that you could come back with  
7 and say, "See, we did this. We fixed this problem."

8           And the results are mixed right now.  
9 Yeah, you have had some success, but yeah, you  
10 haven't had other success in other areas. So it's  
11 just -- this is going to be just as difficult for me  
12 as it was three years ago, because I really do  
13 remember how emotional it was. I understand the  
14 parents' feelings, I understand the administration's  
15 feelings, I understand the governing counsel's  
16 feelings.

17           And yet, as Commissioner Sherman just  
18 pointed out, we have to consider whether this really  
19 is a viable option again for another -- and how many  
20 three-year terms do we give you until -- so, yeah,  
21 I'm having a very difficult time. Perhaps it is  
22 time to stop this option and go back and let  
23 somebody -- you all reapply again in the next cycle.  
24 And of course, I understand that will affect those  
25 33 students and their families, so boy, it's a tough

1 decision, folks, but we did give you a chance. We  
2 really did, three years ago.

3 So thank you. Thank you, Mr. Chair.

4 COMMISSIONER GARRISON: Thank you,  
5 Commissioner Bergman.

6 Any other questions or comments? The  
7 chair will entertain a motion. Commissioner  
8 Peralta.

9 COMMISSIONER PERALTA: Mr. Chair, at this  
10 time I'd like to move for a motion to deny the  
11 application for the Village Academy.

12 COMMISSIONER GARRISON: There's a second  
13 by Commissioner Shearman.

14 Is there any discussion on the motion?

15 COMMISSIONER BERGMAN: Shall we not read  
16 into the record the reasons why we're denying it?

17 COMMISSIONER PERALTA: Did Mr. Gerlicz do  
18 that?

19 COMMISSIONER GARRISON: Commissioner  
20 Peralta, let me get a recommendation from general  
21 counsel.

22 MR. REYNOLDS: Yes, Mr. Chair, I believe  
23 the motion in some way should have in the record the  
24 reasons for the denial. If the motion is for the  
25 reasons announced by the director earlier in the



1 meeting, that is fine. But you need to incorporate  
2 the reasons for the denial into the motions.

3 COMMISSIONER GARRISON: If you will,  
4 Commissioner Peralta.

5 COMMISSIONER PERALTA: My motion for  
6 denial for the Village Academy is for the following  
7 reasons. Number one, presented one or more material  
8 violations of conditions, standards, or procedures  
9 set forth in the charter. Number two, not met or is  
10 not making substantial progress toward achievement  
11 of the PED's minimum educational standards or  
12 student performance standards, identified in the  
13 charter application. Number three, has not met  
14 generally accepted standards of fiscal management.  
15 And number four, has violated a provision of the law  
16 from which the state chartered school was not  
17 specifically exempted.

18 COMMISSIONER SHEARMAN: Second.

19 COMMISSIONER GARRISON: Seconded by  
20 Commissioner Shearman.

21 Is there any discussion? Seeing none, we  
22 will proceed with a roll call vote through Secretary  
23 Gant.

24 COMMISSIONER GANT: Commissioner Peralta.

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER GANT: Commissioner Bergman.

2 COMMISSIONER BERGMAN: Yes.

3 COMMISSIONER GANT: Commissioner Carr.

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER GANT: Commissioner Lopez.

6 COMMISSIONER LOPEZ: No.

7 COMMISSIONER GANT: Commissioner Shearman.

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER GANT: Commissioner Garrison.

10 COMMISSIONER GARRISON: Yes.

11 COMMISSIONER GANT: Commissioner Gant

12 votes yes. Six-one in favor of the motion to deny.

13 COMMISSIONER GARRISON: With the vote of  
14 six to one, the vote of the Commission is to deny  
15 the renewal application for the reasons stated on  
16 the record of this meeting recorded by a certified  
17 court reporter. The Commission agrees to submit its  
18 reasons to the charter school's governing body by no  
19 later than 14 days from the date of this  
20 decision-making meeting.

21 Thank you very much, and I appreciate all  
22 your hard work.

23 MS. MAYHEW: Thank you.

24 COMMISSIONER GARRISON: We'll call a  
25 ten-minute recess.

1 (Recess from 9:35 a.m. to 9:50 a.m.)

2 COMMISSIONER GARRISON: We're back in  
3 session. Good morning, everybody. The Public  
4 Education Commission requested a status report on  
5 the William W. and Josephine Dorn Charter School, so  
6 Commissioners, we are on item number 14 to receive  
7 that status report and to discuss the William W. and  
8 Josephine Dorn Charter School.

9 We also requested the school to present a  
10 written report based on the following questions from  
11 the Public Education Commission. The Public  
12 Education Commission is requesting that the William  
13 W. and Josephine Dorn Charter School provide a plan  
14 that details, one, how the William W. and Josephine  
15 Dorn Charter School will successfully meet the  
16 requirements of its mission and student goals as  
17 stated in the charter; number two, how classes are  
18 being covered with qualified and licensed teachers;  
19 three, how the school is being operated by qualified  
20 administrative staff; and four, how the school is  
21 financially viable with so few students and will  
22 continue to be financially viable for this school  
23 year and the term of the charter.

24 I will turn the floor over to Director of  
25 Options for Parents, Mr. Tony Gerlicz.

1 MR. GERLICZ: Thank you, Commissioner  
2 Garrison, members of the Commission. Welcome to  
3 representatives of the school.

4 The Commission had asked at our prior  
5 meeting in November for a status update on this  
6 school. We have met with the representatives during  
7 that time and asked them to prepare a written report  
8 which is included in the packet. And I would  
9 suggest that the Commission would ask the members of  
10 the William and Josephine Dorn School forward to  
11 satisfy their concerns on this matter.

12 COMMISSIONER GARRISON: Thank you,  
13 Director Gerlicz.

14 If the representatives from the William W.  
15 and Josephine Dorn Charter School would come on up,  
16 and introduce yourselves to the Commission. Good  
17 morning. If you need an extra chair, you can pull  
18 it up or sit in the comfy one in the back.

19 MS. JONES: Good morning, Commissioners.  
20 My name is Diana Dorn Jones, and I work with United  
21 South Broadway as executive director and as the  
22 founder of the William W. and Josephine Dorn Charter  
23 School.

24 We're here today to respond to the  
25 Commission's request for information regarding the

1 school, specifically to answer the questions that  
2 were put forth by the Commission regarding  
3 enrollment and sustainability.

4 I'm joined by Dr. Elizabeth Valenzuela,  
5 better known as Dr. Elizabeth to us of the Dorn  
6 Charter School, our director, and she will be  
7 responding to those questions that have been  
8 prepared for us. We've been working with PED staff,  
9 as has been mentioned, and our business manager is  
10 joining to us today, as well, Mr. Vigil, and he's  
11 going to answer and be able to respond to any  
12 budgetary questions that you may have today.

13 Before Dr. Elizabeth begins, I'd like to  
14 say that we have certainly not anticipated being in  
15 this position. We kind of got out of the gate a  
16 little bit late. The local school in our area  
17 started in July. We started in August. So we had  
18 some delays. Unfortunately, we got off to a slow  
19 start. We are really working diligently to get our  
20 enrollment up. As a matter of fact, we will have  
21 nine people from the neighborhood along with some of  
22 the children, young people, that have graduated from  
23 some of our programs or after-school programming and  
24 educational efforts that we have had in the  
25 neighborhood -- they'll be on the street today going

1 door to door talking about our program and trying to  
2 recruit.

3           So we're really working hard on this.  
4 We'd like to have the opportunity to make it happen.  
5 We think we can make it happen. But whenever we  
6 feel like we're struggling, we came forward and  
7 self-reported this issue, and said, "We're getting a  
8 little nervous about what's going on."

9           So we're hoping to be able to get a fresh  
10 start and over this holiday period when school is  
11 out we're going to be going door to door and talking  
12 to parents and trying to build this enrollment. So  
13 I just want you to know that. We're committed to  
14 it, we want to see it work, it's needed. We just --  
15 when school starts two weeks later than parents need  
16 it to, parents are going to go where it's  
17 convenient. There's no question about that and we  
18 get it.

19           So we've learned a lot in this process.  
20 We've made some mistakes, we've learned from those  
21 mistakes, and we intend to put our best foot forward  
22 to make it happen and we're going to try our level  
23 best to support this school until it gets its  
24 wheels. Thank you.

25           DR. VALENZUELA: Good morning. My name is

1 Elizabeth Valenzuela. I'm glad to be here this  
2 morning with you guys. I will be going over, just  
3 like you mentioned, the questions that were asked of  
4 us and that we've responded to and sent via e-mail,  
5 and I'm sure you have all received a copy of that.

6           So I just wanted to talk a little bit in  
7 terms of the mission and our student goals. In  
8 terms of how it's stated in our charter, we've been  
9 working diligently since the beginning of the school  
10 year, working on curriculum and developing that, and  
11 we've been very fortunate that United South Broadway  
12 has really been a resource to us in terms of really  
13 helping us not only in terms of supporting us in the  
14 development of that, but also one of the things that  
15 the center, in terms of our charter, is using our  
16 community garden, which is also provided free of  
17 charge by United South Broadway. So since the  
18 school year began on August 26, which was the first  
19 day of classes, we've been working with our students  
20 and our teachers in making sure we cover all  
21 curriculum Core Standards, reading, writing, math,  
22 science, social studies, all utilizing our community  
23 gardens. But also we have, you know, the core  
24 reading program and math program, The Treasurers and  
25 Everyday Math.

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1           So we've been doing that, and also through  
2 the grants, which Mr. Vigil will talk a little bit  
3 more, been using some of that money to buy a lot of  
4 the curriculum and other materials that we need to  
5 be able to cover those goals. Also, you know, a lot  
6 of materials and supplies, especially everything  
7 that has to do with the garden has been provided by  
8 United South Broadway, so we didn't have to, you  
9 know, incur those expenses.

10           In terms of how our class is being covered  
11 by qualified and certified teachers and also by the  
12 administrator, we've started out as a charter at the  
13 beginning that we would try to be funded for 90  
14 students so it would be two kinder classrooms, two  
15 first grade classrooms, two second grade classrooms.

16           But since like Ms. Jones just stated, you  
17 know, one of the things, knowing that we had started  
18 late in terms of our location, we decided that we  
19 would just hire one kinder, one first, and one  
20 second-grade teacher to make sure that we would have  
21 those grades covered, but not take on other teachers  
22 just because of the situation, how things started.

23           So the teachers that we have, of course,  
24 are qualified staff. Myself, I have been worked  
25 with APS for 14 years as the bilingual educator, and



1 so I have had, you know, experience in classrooms, K  
2 through fifth grade. And also the last seven years  
3 of my teaching career with APS I had the fortune to  
4 work with a really great mentor at my prior school,  
5 Dolores Gonzales Elementary School, with Dora Ortiz,  
6 so a lot of the administrative skills that I was  
7 able to bring to WWJDC has been from my experience  
8 working directly with Mrs. Ortiz, you know, and at  
9 our local elementary school.

10 Also, in working with the PED and also  
11 with Mr. Vigil, you know, looking at how we were  
12 going to restructure some of our resources based on,  
13 you know, not getting the 90 students that we  
14 expected, and being where we're at in terms of  
15 enrollment.

16 And of course, also during all this time,  
17 since we started, you know, in August, we've just  
18 been doing different things in terms of recruiting  
19 students, so we haven't just been sitting back and  
20 waiting for students to walk through our doors. We  
21 really have been doing different activities, open  
22 houses, we did deliver flyers around the  
23 neighborhood before school started, you know, just  
24 talking to different other charter schools in terms  
25 of their recruitment efforts and working with those

1 directors at the schools to try to see if any of  
2 their students, with their waiting list, would  
3 benefit from our program at our school.

4 In terms of how the school is financially  
5 viable with so few students and how we will continue  
6 to operate for the rest of the school year, one of  
7 the things that, like I mentioned earlier, is that  
8 we've been fortunate that United South Broadway has  
9 provided a lot of resources and a lot of support to  
10 our school. We have a free breakfast and lunch  
11 program, and all that money, the money for the  
12 program, for the food, to be able to feed our  
13 students breakfast and lunch, and also snacks for  
14 the after-school program, has been donated by United  
15 South Broadway. So they will continue to be able to  
16 provide that support for us because we want to be  
17 able to, you know, keep what we have in terms of the  
18 two teachers and myself, to be able to continue to  
19 grow and really do more recruitment.

20 One of the things, like Ms. Dorn-Jones  
21 just said, during the break, we will be, you know,  
22 doing some -- going house to house. One of the  
23 things that we didn't realize at the beginning of  
24 the school year was that you can actually request a  
25 list of students from different schools and

1 different neighborhoods around our school. So we  
2 have obtained that from the Albuquerque Public  
3 Schools, that list of the students that are K  
4 through second grade, and the addresses to those  
5 families, and so we will be doing some direct  
6 contacting of those families and offering our school  
7 as a choice. Because one of the things that we have  
8 heard from parents who are at our school right now  
9 is that one of the things that they love about the  
10 school is the fact that we offer a small classroom  
11 size, but also the fact, in terms of the curriculum,  
12 really is a different way, is very hands-on, very  
13 projects-based, it gets students to really think  
14 critically, to problem solve. And so they're just  
15 very happy when our children go home and they're  
16 able to talk about how their day went and they're  
17 able to explain everything that they learned and  
18 everything that they're gaining. They really see  
19 those gains.

20           So we really believe strongly in terms of  
21 what we're doing at our school, and feel that it  
22 would be beneficial for many students, but you know,  
23 one of the things that we found out during this  
24 whole process is that at the elementary level  
25 parents are not so willing to kind of pull their

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 children out, you know, as they would be in the  
2 middle and high school.

3           So we're really working, like I said, with  
4 other resources around our neighborhood, but also  
5 from other charter schools. And one of the things  
6 that we've been told is, now that the first semester  
7 is done and going into January, that, you know,  
8 parents at the elementary level are more willing to  
9 move their children at this point and so we're  
10 really going to try to capitalize on that. Thank  
11 you.

12           And Mr. Vigil will talk a little bit about  
13 the budget in terms of really going through and  
14 letting you know about how we plan to -- what we  
15 have in terms of based on what we had on the 40th  
16 day in student enrollment and then what other  
17 resources we'll be utilizing to be able to make it  
18 through this school year. Thank you.

19           MR. VIGIL: Good morning, Commissioners,  
20 members of the Commission. When I started working  
21 with the school, I, too, realized we had a problem,  
22 you know, small enrollment. We went immediately to  
23 look at that budget, because this is a big impact on  
24 the school's operational budget. So what we have  
25 done is, we have been meeting with the board every

1 Sunday for a month or so, trying to put together a  
2 budget that will work for this school to carry it  
3 through the fiscal year. And so we have put  
4 together an operational budget and the planning  
5 grant budget.

6 We have submitted a bar that the board  
7 recently approved at the last meeting on OBMS to  
8 modify the planning grant budget. So it is BMS  
9 currently, and it's a proposal where we would move  
10 most of the expenditures that qualify, allowable,  
11 under the grant into the grant. We would only  
12 maintain what is required by the operational fund in  
13 the operational fund. Items such as rent, as we've  
14 been told United South Broadway is donating, they're  
15 not going to have to pay rent. Our services, we're  
16 not -- we're helping the school. We want to help  
17 the school. So it's very nominal.

18 COMMISSIONER GARRISON: Mr. Vigil, move  
19 the microphone a little bit closer so the rest of  
20 the room can hear you.

21 MR. VIGIL: Sorry about that. I do have  
22 copies, which, if you would like, I could give you a  
23 breakdown of this budget that I did bring, if it's  
24 all right with the Commission.

25 COMMISSIONER GARRISON: It's absolutely

1 all right. Yes, sir, I'd love to see it.

2 MR. VIGIL: I did not include all funds on  
3 this budget because we will have to work with the  
4 different program areas. For example, the IDEAL  
5 special ed. program people -- they will be modifying  
6 based on enrollment, but we have not budgeted any  
7 funds that we would receive any from them or any  
8 other additional funds. We have worked with a  
9 budget analyst at PED to come up with the  
10 operational dollars as estimated using the current  
11 unit value and the current funding that's out there.

12 In talking with the budget office this  
13 morning, though, they are in the process of  
14 validating the 40-day count for the whole state, and  
15 with that validation, there may be -- there may not  
16 be, but there may or may not be -- an increase in  
17 the unit value. So it's a possibility there would  
18 be a slight increase in funding there. But we're  
19 being conservative in that we have the lowest  
20 revenues that we would have.

21 So this plan is what we have shared.  
22 We've talked to the charter school office, you know,  
23 orally about how we would do this, and how we would  
24 split the cost. This budget would carry the school  
25 through the year with the current staffing, and

1 staff has been changed, restructured, moved,  
2 released.

3 We don't budget rent. We're not going to  
4 pay rent. Things of that nature. So this would get  
5 us through the fiscal year. The key element that I  
6 have expressed to the school is, number one, getting  
7 this approved and looking at the charter school  
8 office to make sure we can get this through.

9 Then the second step is doing some  
10 strategic planning for next year and years on,  
11 because the 40th day passed, the 80th day passed.  
12 So now we need to maximize our average, because, you  
13 know, we're funded in our prior years, the 80th and  
14 the 120th. The 120th day is February 12th, I  
15 believe, and so we would need to increase that  
16 student count as much as possible, maximize the  
17 class loads of the classes we do have, so that our  
18 average will generate revenues into next year.

19 The school also in the charter had plans  
20 to phase in grades over the next few years, and I  
21 think we need to look at what grades would be phased  
22 in and what the real projection would be based on  
23 the facility that they currently have. So we do  
24 have the next steps in place and we need to meet as  
25 a governance council and administration to be

1 strategic in how we move forward after this.

2 So I can answer any questions that you  
3 would like on the budget, also.

4 COMMISSIONER GARRISON: Thank you, Mr.  
5 Vigil. Thank you.

6 Commissioner Gant.

7 COMMISSIONER GANT: Good morning. Just a  
8 couple -- first of all, I hope, good morning. I  
9 hope you are successful because you need to show  
10 some -- what the charter was set up to do. And when  
11 I first got this notice, you only had five students.  
12 Oh, my God.

13 Well, first of all, what kind of guarantee  
14 do you have from the United South Broadway that they  
15 will hang with you for the next few years? Because  
16 why I ask this, I'm on several boards down there in  
17 Las Cruces, that we do depend on donations like  
18 United Way and others, some other sources, but we  
19 don't hang our hat on it when we build a budget. We  
20 hope. We worst-case it, we're not necessarily  
21 promised that we're going to get it.

22 Do you think you're going to have this for  
23 years to come, or is this a one-year thing? Explain  
24 the relationship with United South Broadway, how  
25 long you expect this to last.



1 MS. DORN-JONES: Commissioner Garrison,  
2 Commissioner Gant, United South Broadway has been  
3 around for 30 years now. This organization was  
4 cofounded, actually started by my mother, whom the  
5 school is named for. The board has a huge  
6 commitment to this program because we have been  
7 doing educational work in the community for probably  
8 17 years before ever starting a charter school.

9 The United South Broadway has been getting  
10 grant funding from a major foundation. That  
11 foundation knows that we are in -- that part of that  
12 work is -- our work is to help this school. And so  
13 we get money from the Marguerite Casey Foundation.  
14 We've received those dollars for probably the last  
15 five years. They're long-term funders, and they  
16 provide operating money for the work that we do.

17 So if our work is housing, economic  
18 development, and youth development, then they see  
19 this is our youth development component. And I have  
20 reported it as such.

21 Our board has met and they are fully  
22 supportive of making sure that this school -- at  
23 least is doing our level best to make sure that this  
24 school survives. Of course, you're right, one never  
25 knows what's going to happen in terms of funding.

1 But we have a pretty good track record in terms of  
2 receiving these dollars, and so we're committed to  
3 making sure that a portion of those dollars,  
4 particularly next year -- because right now we're  
5 continuing to fund what we have. We have resources  
6 to fund the school lunch program. We don't owe a  
7 debt on the building. So the school is easy to give  
8 them.

9 We were operating after-school and youth  
10 programs in there anyway, and we had lots of  
11 materials and equipment and supplies that the school  
12 was able to get started with and continue to do. So  
13 we're operating on a bare bones budget. There's no  
14 question about it. But we feel we can navigate  
15 through this.

16 And we're looking at the next school year,  
17 hoping to do the kind of recruitment that we're  
18 talking about, and then we will look at a better  
19 budget, but at the same time, we know that the  
20 school may need even more because that 80-day,  
21 120-day count is average, and that still isn't going  
22 to put us back to the original budget that we had.

23 So in May of next year, April, we will  
24 be -- United South Broadway is prepared to put  
25 another \$100,000 at minimum into keeping the school

1 going, making sure that teachers are paid,  
2 particularly, and that children, we're meeting our  
3 charter.

4 COMMISSIONER GANT: I guess this next  
5 question is for your -- I'm going to ask a question  
6 because of my business background and et cetera.  
7 Okay? You have fixed costs. You just can't get  
8 around that, and I guess the United South Broadway  
9 is picking up some of those fixed costs. But  
10 there's an economic break-even point, and this is a  
11 business.

12 Is there an economic break-even point in  
13 the number of students that where you really are  
14 going to feel comfortable that you're over the hump?  
15 Because right now, you're just hanging on with your  
16 claws, and there's got to be an economic break  
17 point, a certain number of kids or students where  
18 you'll feel comfortable that you take the scare  
19 factor out of what you're doing.

20 DR. VALENZUELA: I know we probably can  
21 answer this question together, but I know the 120th  
22 day, which is February 12, we're really trying to  
23 recruit 20 more students, which would give us 30,  
24 you know, which is -- 25, 30 was what we were  
25 talking about in terms of something that we feel

1 like it can be doable.

2 But Michael, I don't know if you want to  
3 talk a little bit more about what would get us  
4 over --

5 MR. VIGIL: Mr. Gant, that's an excellent  
6 question. My comfort level for the staffing that we  
7 have and such -- I have told the school, I would  
8 like 40 kids, students, in there. But I think what  
9 really we could do -- because United South  
10 Broadway -- most charter schools don't have someone  
11 that just comes in and gives them \$100,000, to be  
12 honest with you. And that's a big contribution,  
13 where it gives them the building for free, and, you  
14 know, pick up the utilities. We have very minimal  
15 costs we're going to pay.

16 So because of this, the 30 number is what  
17 we've been working with for this year. But to be on  
18 the conservative side, we need to build the student  
19 base. And the key thing is, as we plan for next  
20 year, the original charter only had one grade phased  
21 in per year. And my question -- and we talked to  
22 the charter school office about this -- maybe we  
23 need to phase in two grades next year and start  
24 bringing these children, because, you know, siblings  
25 sometimes hold other siblings out. You can bring

1    them both in, that type of situation.  So my goal  
2    would be 40 or 50 kids next year and then build in  
3    addition from there.

4                    COMMISSIONER GANT:  Thank you.  I think it  
5    also may be -- correct me -- that the more students  
6    you have, the better chances are that your debt is  
7    going to actually show that you're doing what the  
8    charter -- you know what I'm saying?

9                    MR. VIGIL:  Correct.

10                   COMMISSIONER GANT:  Okay.  And I guess, do  
11   you have any SPED students at this time?

12                   DR. VALENZUELA:  Right now we don't have  
13   any, but we have the resources to service any  
14   students if we got -- in terms that were interested  
15   in our school and wanted to attend our school.  We  
16   do have the services in terms of the IDEA B funding,  
17   but also in terms of teachers.  We all have  
18   experience with working with inclusion classes.  And  
19   so yes, so we're prepared to be able to service,  
20   provide those services for students.

21                   COMMISSIONER GANT:  Okay.  One more  
22   question, Mr. Chair, that you pointed out to me.  If  
23   you don't mind, I'll ask it.

24                   COMMISSIONER GARRISON:  Go ahead.  
25   Proceed.

1 COMMISSIONER GANT: On advertisement, you  
2 got \$15,466 for advertisement. And you know the  
3 state law about charter schools advertising.

4 MR. VIGIL: Mr. Chair, Mr. Gant, the state  
5 law is that with the state guarantee, we're not  
6 allowed to use advertising but the federal grant  
7 does allow advertising. So it's a distinction. We  
8 know the rules. We did finish our audit, we did  
9 attend the exit conference that was here Tuesday.  
10 As a matter of fact, you all were here. And the  
11 audit went pretty good, to be honest with you, from  
12 the standpoint of the planning grant. And so we're  
13 aware and we want to make sure we're in compliance  
14 with all those aspects.

15 COMMISSIONER GANT: That's a big number.  
16 That number jumped up for the Chair and myself,  
17 thinking, okay, \$15,000, they're short of money, I  
18 don't know.

19 Okay. Thank you.

20 COMMISSIONER GARRISON: Thank you,  
21 Commissioner Gant.

22 Commissioner Shearman and then  
23 Commissioner Carr.

24 COMMISSIONER SHEARMAN: I just wanted to  
25 be clear on the number. You have nine students or

1 ten enrolled?

2 DR. VALENZUELA: Commissioner Shearman, on  
3 the 40th day we had ten students and virtually the  
4 child that left -- now we have nine, because he  
5 left. They left out of Albuquerque, sorry, out of  
6 the state, out of New Mexico.

7 COMMISSIONER SHEARMAN: So you have nine  
8 students and 1.7 teachers; is that correct? Am I  
9 reading that correct on your budget?

10 DR. VALENZUELA: Yes.

11 COMMISSIONER SHEARMAN: Tell me how 1.7  
12 teachers covers -- how many grades, how many --  
13 those students are in what grades and how are those  
14 grades covered by the teachers?

15 DR. VALENZUELA: So we have three grades,  
16 kinder, first, and second grade, and so one of the  
17 things that I will be doing is covering the kinder  
18 classroom. And then the other two teachers will be  
19 doing the first and second grade. Again, one of the  
20 reasons that we set it this up way is so we could be  
21 able to continue to grow and be able to reach the --  
22 by the 120th day have the students, the 30 students  
23 or 40, if that would be possible, to be able to have  
24 that for, you know, the 120 days for funding for  
25 next school year.

1           COMMISSIONER SHEARMAN: But you said, "I  
2 will be covering the kindergarten class." Who's  
3 covering it now?

4           DR. VALENZUELA: We have one of the  
5 teachers -- the other teacher, so we do not only  
6 just in terms of individual classrooms, but we do a  
7 lot of grouping together, a lot of -- between the  
8 different grade levels, since we only have nine  
9 students. So yes, so that's who's covering the  
10 class right now. But I mean, I'm doing it, too. So  
11 I have been doing it in there.

12           So during the day, you know, there will be  
13 times where I'm in directly working with students in  
14 the classroom, and other times when they're all  
15 together. And then I could get to do some of the  
16 administrative things that need to be done.

17           COMMISSIONER SHEARMAN: Okay, thank you.  
18 And United South Broadway is providing your building  
19 and your utilities. Do you have a formal commitment  
20 from them on how long this will continue, how long  
21 they will continue to provide the building, the  
22 utilities, and possibly some monetary support?

23           MS. DORN-JONES: Commissioner Garrison,  
24 Commissioner Chairman, United South Broadway  
25 provides the building free of charge. I believe the



1 utilities are charged on this budget. We then also  
2 provide the free breakfast, lunch, and snack. So in  
3 terms of commitment, our board has met. They're  
4 planning on having another meeting after the first  
5 of the year, and we can actually put it in writing,  
6 if need be, but they have made a commitment in a  
7 board meeting to support this organization, to  
8 support the school.

9 COMMISSIONER SHEARMAN: Has any mention of  
10 a time period, this year, next year, for five years,  
11 what?

12 MS. DORN-JONES: We certainly have talked  
13 about helping infusing some dollars for the next  
14 school year, in addition to what we're currently  
15 doing, in hopes that we can help build that  
16 enrollment, whether it's a five- or ten-year  
17 commitment, I can't tell you. But we're hoping that  
18 we can get it up and running by the next school year  
19 and be able to help it support itself through the  
20 next school year, at minimum.

21 If the school can't support itself through  
22 the next school year, I think there are some very  
23 serious decisions to be made about what the future  
24 of the school is. There's no question about that.  
25 We're optimistic and coming from a place of some

1 caution and some reservations because I'm a realist.  
2 It is what it is. But I also believe in working  
3 like all get-out to make things a success, as do  
4 members of our board. And we're recruiting children  
5 that have been through our programs. As I said,  
6 nothing is better than that testimonial. These kids  
7 have gone through our programs, they're in college,  
8 they're working and doing well in the neighborhood.  
9 They're the future leaders.

10 So that's part of our investment, is  
11 fostering future leadership. So I would imagine  
12 that our board would be quite comfortable working  
13 through the next school year at minimum. As the  
14 responses that you received indicate at the very  
15 bottom of the page 2, the board is doing some real  
16 serious strategic planning about how they're going  
17 to carry this out. And United South Broadway plans  
18 to ride along for at least the next school year, I  
19 would imagine. I can't imagine them stopping short  
20 of that. But we will have a more in-depth  
21 discussion after the first of the year with the  
22 board about long-term commitment. And we are happy  
23 to come back and report to the Commission.

24 COMMISSIONER SHEARMAN: I appreciate your  
25 candor, and I, for one, would certainly appreciate a

1 report later in the year.

2 Speaking of your recruiting efforts, I  
3 hear your passion. I know you're working. I don't  
4 see that it has been very successful, up to this  
5 point. Again, I would like to hear after the first  
6 of the year if those have been successful.

7 The other question in my mind is: My  
8 understanding of SEG funding, and I'm happy to see  
9 that Deputy Secretary Aguilar is now here, possibly  
10 can give us some information, should we need it. My  
11 understanding of SEG funding is in July you begin  
12 receiving that SEG funding based on the number of  
13 students that you project the student will have, the  
14 school will have. Since enrollment came in so much  
15 lower, I assume that you had to pay back some SEG  
16 funding; is that correct?

17 MR. VIGIL: Mr. Chair, Commissioner  
18 Shearman, the school has received more than what we  
19 are going to receive when the adjustment is made.  
20 And yes, the school will have to pay back. At this  
21 point we haven't paid back. What we will be doing  
22 is, on the grant we have some requests for  
23 reimbursement that are in, so what I was planning to  
24 do was to work with PED staff to determine is it  
25 going to be where they send us a check, we send it

1 back, or do we do an accounting-type issue.

2 That's just some -- it will be paid back,  
3 but exactly how that's done is something that we  
4 need to work out with PED staff, which we haven't,  
5 you know, talked specifics yet.

6 DEPUTY SECRETARY AGUILAR: Mr. Chairman.

7 COMMISSIONER GARRISON: Deputy Secretary  
8 Aguilar.

9 DEPUTY SECRETARY AGUILAR: Mr. Chairman  
10 and Commissioner Shearman, the other thing is that  
11 final funding is based on the final unit value which  
12 the Secretary will set no later than January 31st.  
13 At that time we'll know the exact amount of money  
14 that they should have received for their ten  
15 children that were on that reporting date, while  
16 there's ten children on the 40th day, and so they'll  
17 receive funding for those ten children. But we want  
18 to wait until we get the final unit value set so we  
19 don't have them send money back and then we send  
20 them a little bit of money back.

21 And I agree with Mr. Vigil that we'll work  
22 so we net out and that that will be repaid before  
23 the end of the fiscal year.

24 COMMISSIONER SHEARMAN: Thank you. I  
25 appreciate that clarification.

1 I really don't have another question.  
2 Just a comment. I was very gratified to hear you  
3 say you're a realist, and that at the end of another  
4 school year, if things have not significantly  
5 improved, there would be some really tough decisions  
6 to be made, and I appreciate you going into this,  
7 your entire group going into this with your eyes  
8 open to the possibility that things may not go the  
9 way you had hoped and planned, and that you are  
10 willing to look at the situation and make those  
11 decisions and bring that to us. I very much  
12 appreciate this.

13 MS. DORN-JONES: Thank you.

14 COMMISSIONER SHEARMAN: Thank you.

15 COMMISSIONER CARR: Mr. Chair.

16 COMMISSIONER GARRISON: Commissioner Carr.

17 COMMISSIONER CARR: A quick question.

18 What's your renewal date?

19 DR. VALENZUELA: Commissioner Carr, this  
20 is our first year. This is our first year. So we  
21 started in August, so I believe it's every five  
22 years; correct?

23 COMMISSIONER CARR: Right. But you didn't  
24 have a planning year? 2016? Okay. So you have  
25 some time. So something that came up with me that

1 came up earlier that Director Gerlicz called my  
2 attention to was we were talking about statistics  
3 being a problem when you get to a certain number,  
4 and so this is a prime example here. If I mean,  
5 even if you get up to 25 or 30 -- this is a  
6 suggestion of something to think about in the  
7 future -- is maybe we need to be looking at  
8 individual test scores, you know, not with names,  
9 but you know, something along those lines when you  
10 get down to a certain number. If I have got one  
11 great kid out of ten or fifteen, that can change the  
12 scores dramatically. If you have one kid who scores  
13 terribly, you know, either way, it can go. So maybe  
14 we need to look at the individual scores when it  
15 gets down to a certain number. I don't know what  
16 that number should be. But, you know, it is a  
17 concern. And the minimum number to keep a school  
18 open is five; is that correct? Oh, eight. Eight.  
19 Okay.

20 MR. GERLICZ: Mr. Chair?

21 COMMISSIONER GARRISON: Director Gerlicz.

22 MR. GERLICZ: Commissioner Garrison,  
23 Commissioner Carr, it's a very good question. And  
24 it's a question that we at the Charter School  
25 Division ask ourselves. And beyond discourse,

1 numbers are numbers, and we know that that's only a  
2 part of the picture and not the larger picture at  
3 all, and nor do we want to put all of our eggs in  
4 the numbers basket. And we do feel that SB 446 is  
5 going to give us some flexibility to use other  
6 measures.

7 Now, we're never going to get away, nor  
8 should we, from those numbers, but I think it's  
9 going to give us the opportunity to look at a much  
10 broader spectrum of analysis for schools like Dorn  
11 and other schools with smaller populations.

12 COMMISSIONER CARR: Good.

13 COMMISSIONER LOPEZ: My question is,  
14 Ms. Callahan or Commissioner Gerlicz, somebody  
15 remind me. In our process of renewal, don't we ask  
16 them to demonstrate that there's support out there  
17 for the school?

18 MS. CALLAHAN: Commissioner Claire,  
19 Commissioner Lopez, part of the application process  
20 that with this new group that we just reviewed in  
21 September put a heavy emphasis on community support  
22 and community following. This application was prior  
23 to that, and so upon renewal, however, there is a  
24 requirement of community by signing of a petition  
25 that's required by law, and so that will definitely

1 become a factor in that. But they were in the  
2 previous application prior to the new SB 446  
3 guidelines going in, which emphasizes community  
4 support.

5 COMMISSIONER LOPEZ: Thank you very much.

6 COMMISSIONER GARRISON: Commissioner  
7 Bergman.

8 COMMISSIONER BERGMAN: Thank you,  
9 Mr. Chair. Now, I specifically remember even though  
10 the requirement was not there for community need,  
11 you were very sure you had community need at the  
12 time, and I also appreciate your candor that you  
13 understand that there may become a point that you  
14 will have to pull the plug on this, unfortunately.

15 So my question is: If, next August, your  
16 community does not respond and you still have nine  
17 or ten or eleven students, will you still try and go  
18 ahead with that second year? In other words, I  
19 guess my question is: When do we pull the plug on  
20 this, if you can't get the students?

21 MS. DORN-JONES: I think that's going to  
22 probably come up in our strategic planning process,  
23 but as I mentioned earlier, Commissioner Bergman,  
24 that we will be looking -- the board is going to be  
25 looking at this again in January. They are



1 committed to helping through the next school year.  
2 But I mean, we're a business. United South Broadway  
3 is a business, as well. And we haven't been in  
4 business for 30 years making bad decisions. And so  
5 we will not let any one element of our work bring  
6 the organization down. So we're going to work with  
7 the school to see, and we're going to try to make  
8 that call sooner rather than later, because time is  
9 money in this world.

10 But I do see a full commitment through the  
11 second year. But if it's not making it -- and I  
12 think we will know by, what, the 30th, the 40th day  
13 of the second year, where we're going to. And I  
14 think it will -- that will kind of gauge where we're  
15 going to go with this. And I would like to say that  
16 we did have community support. But you know,  
17 community support is one thing, but if you're not  
18 open when parents need you, it doesn't matter.  
19 Parents need to go to work, need to get the kids in  
20 school. So that was a shortfalling that we had.

21 As I said, we learned a lot and we've made  
22 some adjustments along the way. We had some support  
23 from our neighborhood association, our charter. We  
24 had a letter from the neighborhood association. We  
25 could have brought you a petition at the same time.

1 But that still doesn't matter if your doors aren't  
2 open. It's just a matter of opportunity, and we  
3 missed that window.

4 So we have got to go back and make some  
5 changes, and we've got to go out and really do some  
6 grass roots work, which is the work of United South  
7 Broadway. We do grass roots work, go door to door.  
8 And I don't think it's because people don't think we  
9 have a good school. I think we had 46 applications.  
10 And when we couldn't get there on time, of course,  
11 we called all these people, but you know, they're in  
12 school now, parents are moving on.

13 We're hoping to use this period of time  
14 right now, this break, to really make some headway  
15 and this summer to do that. And we have talked  
16 about bringing on extra grades like third and  
17 possibly fourth grade. Dr. Elizabeth is making some  
18 assessments around that with the governance council.  
19 So we'd like to give it a really good try and make  
20 sure and see if it can make it. But if it can't,  
21 I'm a realist.

22 COMMISSIONER BERGMAN: Thank you. It is  
23 reassuring. I understand a lot of hard work is  
24 being done, and that there's a plan in place, and  
25 you got to work the plan sometimes, but at some

1 point, yes, difficult decisions are going to have to  
2 be made. We understand that, too.

3 Thank you. Thank you, Mr. Chair.

4 COMMISSIONER GARRISON: Commissioners, are  
5 there any other questions?

6 Thank you very much for attending this  
7 morning, and for giving us insight on the status.

8 MS. DORN-JONES: Thank you very much for  
9 your comments and feedback. We will use that and  
10 try to make it work out. Thanks for waiting on us.

11 DR. VALENZUELA: Yes, thank you.

12 COMMISSIONER GARRISON: Item number 15 is  
13 the Secretary-Designate's report to the PEC. The  
14 report will highlight the Public Education  
15 Commission budget, the 2013 legislation, and an  
16 update on Questa School District. The school  
17 district, right?

18 And with us today is Deputy Secretary  
19 Mr. Paul Aguilar. Welcome, good morning.

20 DEPUTY SECRETARY AGUILAR: Thank you,  
21 Mr. Chairman, members of the Commission. I'm going  
22 to distribute a little packet here for discussion.  
23 Mr. Chairman and members, what I'm handing out is  
24 the hearing officer report for the Questa  
25 Independent School District Board of Education. In

1 compliance with the statute, the Secretary scheduled  
2 a hearing before a hearing officer on November 5th.  
3 The school district, with our oversight and with the  
4 cooperation of the New Mexico School Board  
5 Association provided access to legal counsel to the  
6 board. That legal counsel was the Cuddy McCarthy  
7 law firm. They prepared a response, a written  
8 response, to the original suspension that the  
9 Secretary had implemented. Two days before the  
10 hearing, the Cuddy McCarthy law firm withdrew from  
11 representing the board, feeling that they would not  
12 be able to sufficiently represent the board because  
13 of the divide amongst the board members.

14           And so at that time the hearing officer  
15 held a prehearing meeting with all parties and  
16 determined that he would extend the date from  
17 November 5th until December 10th to hold that  
18 hearing. During that time, the board members asked  
19 that -- three of the board members determined that  
20 they did not require or desire any representation.  
21 Three of the board members decided that they did.  
22 And so because there's not a provision in statute --  
23 actually, there is a provision in statute that  
24 precludes the public funds from being used to  
25 represent individual interests, and because the

1 board could not come together, additional  
2 representation was not provided.

3           The hearing officer was aware of that and  
4 agreed that that was a reasonable decision on the  
5 part of the department. And so the matter went  
6 forward on December 10th, this last Monday. The  
7 hearing officer, Mr. G.T.S. Khalsa, held the hearing  
8 in Taos. It was scheduled for three hours from 9:00  
9 until noon. It actually lasted I think until 2:00.

10           There was a lot of community input that  
11 was part of this. What you have before you is the  
12 hearing officer report. You can read it at your  
13 pleasure. I do want to point out on page 18 -- I'm  
14 sorry, there aren't 18 pages. Pardon me. On page  
15 5, number 18, there we go, you'll see there were  
16 four charges that were brought by the department.

17           Two of them were with regard to a board  
18 interference and inappropriate behavior by the  
19 board. One was a violation of the Open Meetings  
20 Act, and then the final one was having to do with  
21 board members that were involved with procurement  
22 issues with the district sitting as board members.

23           That last charge was withdrawn by the  
24 department after the board provided information that  
25 they had voted as a board to allow two of the board

1 members to enter into procurement contracts with the  
2 district. The other, as you'll notice in section 3,  
3 number 24, the hearing officer felt that the  
4 department did not present evidence to indicate that  
5 there was a pattern of conduct with the Open  
6 Meetings Act.

7           But the largest, in our view, the most  
8 important decision is number 18, that the department  
9 provided by preponderance of the evidence that the  
10 current suspension of the board should continue  
11 until new board members are sworn in after the  
12 February 2013 school board election.

13           Now, this is the hearing officer's report.  
14 The Secretary now has until Monday to issue her  
15 final decision. It may align with the hearing  
16 officer's report in its entirety, it may align in  
17 part, or it may be contrary to the hearing officer's  
18 information. That's her decision to be made, and I  
19 have not spoken with her. She will issue that  
20 order, will enter that order on Monday and at that  
21 time, as soon as it is made public, I will e-mail  
22 copies to each of the Commission so you have the  
23 final hearing.

24           With regard to the district, however,  
25 things are running smoothly. Dr. Lester Beason is

1 the internal superintendent. He started his career  
2 in Carlsbad, New Mexico, served most of his career  
3 in Mississippi and Tennessee, has a lot of  
4 experience with consolidating schools, and with  
5 dealing with schools that are in distress, and so he  
6 sort of was a Godsend. He has done an outstanding  
7 job keeping the district running, in spite of being  
8 confronted daily with issues regarding the board  
9 that now sits as a suspended board. And so when  
10 he's done, which will be later this spring, I would  
11 like to bring him before the Commission to introduce  
12 him. He really has done an outstanding job.

13 The district is running well. I serve as  
14 the board. And yes, there are a lot of jokes you  
15 can make about that. I appreciate that. The one  
16 that comes to mind most is if I'm thinking about  
17 anything dealing with Questa while I'm driving, is  
18 that a rolling quorum? That's the one that comes up  
19 most often.

20 But actually, things are going well. We  
21 are on track to hold -- the resolution has been  
22 filed with the Taos County clerk for the new board  
23 election. There are three seats that would normally  
24 have been coming up for that election, and then  
25 there's a fourth vacancy from a resignation. So

1 there will be four seats that are up at that time.  
2 And we are prepared to brief the board. If they  
3 receive their authority back prior to that, then we  
4 will certainly be helping guide them to get through  
5 to the election. If the suspension is upheld until  
6 after the election, we're fully prepared to brief  
7 the new board on all of the issues.

8 We believe that there are a number of  
9 initiatives in place that are leading to good  
10 student achievement or the possibility of good  
11 student achievement, and we think that in spite of  
12 the issues with the board, the district continues to  
13 function well, and so we're pleased with that.

14 Mr. Chairman, with regard to your budget,  
15 I don't have a handout. However, as we looked at  
16 the budget preparation and request for next year,  
17 it's anticipated that we will be able to provide a  
18 similar amount of money to the Commission to operate  
19 next year, and maybe even grow it a little bit. But  
20 of importance to note is that we spent a lot of  
21 money with the Cuddy McCarthy law firm to provide  
22 you representation. The attorney general's office  
23 will be providing that representation to you. It's  
24 not our intent to reduce your budget by that amount,  
25 so we believe that there will be more, for lack of a



1 better word, disposable revenue for you to perhaps  
2 attend some of the more important conferences that  
3 you think are important or pay for some memberships  
4 or do some other things.

5           So we think you'll be in a good position  
6 financially next year. As soon as we get a sense of  
7 what the final appropriations are from the  
8 legislature, I will meet with the executive  
9 committee and start laying out a budget. Beverly  
10 has been really good at helping with that, and we'll  
11 get that laid out quickly, so that if there are any  
12 changes that need to be made, we can certainly  
13 address those, as well.

14           And then finally, Mr. Chairman, the only  
15 piece of legislation that the department is  
16 sponsoring that would impact the Public Ed  
17 Commission is when the statutes were written  
18 creating the whole charter school process, there was  
19 that provision that districts could keep 2 percent  
20 of the operating cost to provide the administrative  
21 services and things that they do. Any of those  
22 monies that are not spent by school districts go  
23 into their cash, and they carry over year to year.  
24 The department, in order to provide the  
25 administrative services that we do for the

1 Commission and for the charter schools, 2 percent is  
2 also transferred to our operating account. But if  
3 we don't spend that money, it gets reverted. And so  
4 a piece of legislation that we're asking for is the  
5 creation of a charter school fund at the Department,  
6 so that those 2 percent monies would be deposited  
7 into the fund. Any monies not spent at the end of a  
8 given year would remain available to continue doing  
9 the work of the administration, including the  
10 operation of the PEC.

11 So if we could get that through, we  
12 believe that it would be a good opportunity to look  
13 at some revenue enhancements for the Commission that  
14 we can make possible, because we wouldn't be  
15 reverting those revenues. And so we're going  
16 forward, we're identifying sponsors to run that bill  
17 for us, and we intend to go forward with that.

18 Mr. Chairman, with those, that's my  
19 report, and I stand for questions.

20 COMMISSIONER GARRISON: Deputy Secretary,  
21 I appreciate all your efforts with regard to budget  
22 and your hard work, being a whole board by yourself,  
23 trying to avoid a rolling quorum. I'm thinking of a  
24 Cessna or some type of aircraft to get around that.

25 Commissioner Shearman.

1           COMMISSIONER SHEARMAN: Thank you for that  
2 report. Very comprehensives, as usual. A thought  
3 just occurred to me. If a charter school fund  
4 should be created in the Public Education Department  
5 for unspent 2 percent monies, what would happen to  
6 the districts that have charter schools and the 2  
7 percent monies? Would that allow them to keep their  
8 leftover 2 percent money also?

9           DEPUTY SECRETARY AGUILAR: Mr. Chairman,  
10 Commissioner, yes, in fact, that's what they do now.  
11 That's the difference in the rule, because state  
12 equalization guaranteed payments to districts don't  
13 revert. They just at the end of a year, if they're  
14 unspent, become a cash balance. And so any 2  
15 percent money that a district receives now, if it's  
16 unspent, becomes a cash balance for next year. And  
17 it goes into sort of their general cash balance. It  
18 doesn't necessarily have to be spent on charter  
19 school administration. It loses its identity.

20           All we're asking for is that the public  
21 education piece be set aside, as well, so it doesn't  
22 revert, because we have ongoing expenses that, you  
23 know, PEC -- discussions with Ms. Callahan prior to  
24 Mr. Gerlicz being here, and I visited with  
25 Mr. Gerlicz, as well, about the idea of how we can

1 support the PEC a little better. If they had -- as  
2 an example, if they thought that another FTE would  
3 be worthwhile to help support the PEC, or to support  
4 charter school operations or whatever, we might have  
5 a little bit better opportunity because instead of  
6 reverting these funds back, we would have that pot  
7 of money to deal with.

8 COMMISSIONER SHEARMAN: Thank you.

9 COMMISSIONER GARRISON: Commissioner Gant.  
10 One second. There's cookies passing around, Deputy  
11 Secretary, so please indulge. I felt like I was  
12 hoarding them for a while. I was, but --

13 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I  
14 was wondering.

15 COMMISSIONER GARRISON: Mr. Gant.

16 COMMISSIONER GANT: Mr. Chair, Deputy  
17 Secretary, I appreciate your comment about FTEs,  
18 particularly for the CSD, because I sit and watch,  
19 you know. We just renewed some, denied one, but we  
20 have some coming down the road and I know we're  
21 starting the whole thing all over again in January,  
22 and I think the CSD -- and this is my opinion -- you  
23 and the staff over there know what you're doing, and  
24 how hard it is.

25 I think the CSD needs at least two or

1 maybe three more staff members, because all of the  
2 visitations to all these charter schools add up with  
3 time and reports and everything else, and we as a  
4 PEC depend upon detailed analysis of new charter  
5 applications and renewals, and they run out of time.  
6 It's just a fact of life. You can't spend 26 hours  
7 a day doing what they do. And I think if you can  
8 get that bill through and if there's enough -- I  
9 would support, you know, more staff for the CSD.  
10 I'm really serious about that.

11 COMMISSIONER LOPEZ: Hear, hear.

12 DEPUTY SECRETARY AGUILAR: Mr. Chairman  
13 and Commissioners, thank you, I was remiss. I  
14 thought I had given you a comprehensive, so I  
15 appreciate Commissioner Shearman's comments. I  
16 didn't talk about a public school budget. One of  
17 the things in the department budget that was  
18 submitted September 1 -- and I thought I mentioned  
19 this back in the October meeting, but maybe not --  
20 we've asked for funding. We have a number of  
21 positions that are vacant and unfunded in the  
22 department just because of lack of appropriations.  
23 But we did request four additional positions for the  
24 CSD in our department-based budget. And so we're  
25 hoping that the legislature will be supportive of

1 that. I don't expect all four, although we asked  
2 for them. But if we could get two, I think that  
3 would be helpful. And then if we were to be  
4 successful in establishing this fund, it may allow  
5 some opportunities for perhaps a third. So we did,  
6 in fact, ask for four.

7 COMMISSIONER GANT: Mr. Chair, thank you,  
8 Deputy Secretary. What I would suggest to my fellow  
9 commissioners, because we are across the straight  
10 state. We have many legislators in our area. We  
11 know many of these legislators well, personally. I  
12 suggest that we get up and get on talking and  
13 talking their ears off about giving the PED what  
14 they want in the way of staffing the CSD. And I  
15 really would like for the Commissioners to go out  
16 there and try to help get that done.

17 COMMISSIONER GARRISON: Thank you,  
18 Commissioner Gant.

19 Commissioner Carr.

20 COMMISSIONER CARR: Mr. Chair, I concur  
21 with Commissioner Gant on that, as well, and I'm  
22 planning on spending more time with the legislature  
23 this coming session. I want to do this, make sure I  
24 say the right thing legally. But over the number of  
25 years, I have seen a lot of serious issues on the

1 local level. And I want to give you, the  
2 Secretary-Designate, and the PED a compliment in  
3 acting quickly when you saw the serious issues.

4 I think it's kind of a narrow road to  
5 walk. You don't want to get involved in, you know,  
6 local issues lightheartedly, but if there are  
7 serious issues that we need to take a closer look  
8 at, then we really need to be on it, and you have  
9 done that. And I appreciate that.

10 I have been very frustrated in the past  
11 when actions have not been taken. I believe that if  
12 people think that somebody's paying attention, just  
13 like my students, if I'm paying attention to them,  
14 they're going to behave in a much more civilized  
15 manner. And so I think that's important. And maybe  
16 if the rest of the districts -- if they feel like  
17 they want to behave in a way that's not  
18 professional, not legal, I think they're going to  
19 think twice before they do that again. So I want to  
20 give you a compliment.

21 DEPUTY SECRETARY AGUILAR: Mr. Chairman,  
22 Commissioner, thank you very much. I do appreciate  
23 it. They don't come often, so I appreciate it.

24 COMMISSIONER GANT: Oh, we're nice to you  
25 at the PEC.

1 DEPUTY SECRETARY AGUILAR: Mr. Chairman,  
2 you are.

3 COMMISSIONER GARRISON: Any other  
4 questions or comments from Commissioners for Deputy  
5 Secretary Aguilar? Seeing none, Deputy Secretary,  
6 thank you very much. I hope you notice we're  
7 wearing the Oakleys today.

8 DEPUTY SECRETARY AGUILAR: Mr. Chairman, I  
9 did. Thank you.

10 COMMISSIONER GARRISON: Make sure we're  
11 looking at commonality versus differences.

12 DEPUTY SECRETARY AGUILAR: I want to talk  
13 to you about your Stetson, as well. We may have to  
14 start wearing hats.

15 COMMISSIONER GARRISON: I'm down with  
16 that, yes, sir.

17 COMMISSIONER CARR: And facial hair.

18 MR. GERLICZ: Mr. Chair.

19 COMMISSIONER GARRISON: Director Gerlicz.

20 MR. GERLICZ: No comment. I just wanted  
21 to remind the Chair that we have a left-over item  
22 from number 12 on the agenda and we have a  
23 representative from Southwest Secondary who's here  
24 who's ready to give her report.

25 COMMISSIONER GARRISON: Thank you,



1 Director Gerlicz. We will segue to item number 12,  
2 the Charter School Division director's report, and I  
3 cede the floor to Director Tony Gerlicz.

4 MR. GERLICZ: Thank you, Commission  
5 Garrison.

6 This was a request, again, by Commission  
7 members for us to look into the issue of a state  
8 chartered -- a student in a state chartered school  
9 who had taken an online class and then apparently  
10 had issues with the NCAA, and we were asked to  
11 provide some clarification to the Commission on that  
12 issue. So we were hoping that Scott Glasrud, whose  
13 official title is --

14 MS. LUJAN: Head administrator.

15 MR. GERLICZ: -- of the Southwest  
16 Secondary Learning Center could be here. His chief  
17 financial officer, who's very involved with the  
18 issue and knows all of the facts, is here to give a  
19 report on that and answer questions from the  
20 Commissioners. We heard a little bit about it  
21 yesterday. We see all of the letters in the  
22 packets. So she is here to answer those questions.  
23 Thank you.

24 COMMISSIONER GARRISON: The floor is  
25 yours.

1 MS. LUJAN: I'm not really sure how much  
2 you heard about the situation, but I'll give you the  
3 progress now.

4 So Mr. Chair, Commissioners, where we're  
5 at with it right now, we are currently in the middle  
6 of compiling our appeal with the NCAA. What I want  
7 to clarify today is that there are two issues that I  
8 think are getting confused. One is the Southwest  
9 Secondary Learning Center curriculum, which affected  
10 the NCAA ruling, affected three students, one of  
11 whom no longer attends, graduated and moved on, and  
12 two students who are currently attending the schools  
13 right now.

14 And then there's the extended learning  
15 classes, of course, which have been an issue in the  
16 past that have come up in front of the Commission  
17 before. So currently our appeal only will apply to  
18 Southwest Secondary.

19 We're not attempting to address the  
20 extended learning classes because we have actually  
21 just ended those courses, and the NCAA did actually  
22 rule that any courses, whether they're extended  
23 learning or Southwest Secondary, will be accepted if  
24 they were taken before October 22, 2012.

25 So right now, we're appealing. We'll be

1 ready to file that appeal. We've answered all the  
2 questions. The NCAA -- we did provide them access  
3 to the E2020 system. We gave them passwords because  
4 we had PURPA issues when they initially gave us a  
5 request for student files. So we did actually --  
6 we're in the middle of -- it's a lot of work, trust  
7 me. It's taken our principal weeks to compile.  
8 They wanted all the course work from the three  
9 students concerned, and so we can only provide them  
10 really with the two students that currently attend  
11 our school.

12           So we're in the middle of getting that to  
13 them, scanning it all. It's a big duty. They  
14 wanted everything, essays, and so instead of us  
15 having to print out E2020 stuff, they have actually  
16 agreed to go ahead and we've given them access, a  
17 password, and they can go in and take a look at the  
18 curriculum themselves.

19           I believe this is a national problem, as  
20 you may know. We're not the only school being  
21 affected by this, I believe Onate High School in  
22 Las Cruces and Rio Rancho Public Schools also  
23 deliver E2020 curriculum.

24           And nationally online, you know,  
25 curriculum is being questioned by the NCAA for

1 obvious reasons. We have various types of online  
2 learning out there that they need to review. My  
3 understanding is that they're very understaffed,  
4 they have ten people, or ten staff members, that sit  
5 on their high school curriculum review. They  
6 receive over 500 a day courses to review. So you  
7 can imagine it's a big job for them, and so we don't  
8 anticipate hearing anything anytime soon about it.

9           But we are filing the appeal, and, you  
10 know, the issue really came down to whether or not a  
11 teacher was in the classroom. That was their  
12 concern. And you know, they have been very vague  
13 throughout the process. They won't tell us what  
14 contact hours they want. "Well, tell us your  
15 contact hours."

16           "Well, minimum would be this."

17           "Well, what's your minimum?"

18           "Well, we can't give you that  
19 information."

20           It's really vague right now. So all we're  
21 doing is responding with a rather lengthy  
22 explanation of our course work and how we do  
23 actually have teachers in the classroom, and so  
24 that's really their biggest concern.

25           COMMISSIONER GARRISON: Thank you,

1 Ms. Lujan. Any questions from Commissioners?

2 Commissioner Bergman.

3 COMMISSIONER BERGMAN: Certainly not a  
4 question, and I'm not an expert on the NCAA, but I  
5 do know that. I know that the colleges and the  
6 universities in this country that have to deal with  
7 that that have sports programs that deal with the  
8 NCAA on a daily basis, their athletic directors and  
9 their administrators, the NCAA regulations and  
10 things based on eligibility are so complex, these  
11 universities and colleges routinely run afoul of the  
12 NCAA and have to confront these issues. And I do  
13 know that even though Southwest Secondary was  
14 specifically mentioned under what we're talking  
15 about here today, every online school in this  
16 country that's offering these classes is affected by  
17 this new -- it's a new NCAA rule, and it hasn't even  
18 been mentioned, but these statewide virtual schools,  
19 like the one in Farmington, they have to confront  
20 this issue because their students are working at  
21 home and there's not a teacher sitting in front of  
22 those students. They're going to have to ask that  
23 question.

24 And so it affects schools all over this  
25 country. So it's not just this one school, even

1 though they're ones that are specifically mentioned  
2 and specifically having to try and deal with this.  
3 This affects every school. It's not even just the  
4 E2020. It's going to affect K-12 and all the rest  
5 of those communities that are offering this, and is  
6 really a complex issue, and it's not going to be  
7 easily solved, and there's going to be a lot of kids  
8 going to get snared under this that are going to  
9 want to play football or basketball or volleyball  
10 and they're going to get up to that point where the  
11 scholarship's coming up and they're going to find  
12 out that some of the classes they took are not going  
13 to be accepted by the NCAA.

14 So this is a major concern. And perhaps  
15 it's good that this did come up with Southwest  
16 Secondary, and, in fact, Mr. Brooks wrote his letter  
17 as superintendent. He has schools that have been  
18 affected directly by this very ruling, even though  
19 he wrote the letter and talked about Southwest  
20 Secondary.

21 So there are perhaps thousands of students  
22 across this country that are going to be affected by  
23 this. So it needs to be resolved by somebody.  
24 Maybe the NCAA needs to resolve and clarify it  
25 because their rules and regulations -- boy, they can

1 get really complex sometimes.

2           So I just want to be sure everybody  
3 understood it's not just this one school that we're  
4 talking about here. There's lots of schools going  
5 to get snared in this before this is all over.  
6 Thank you.

7           COMMISSIONER GARRISON: Thank you,  
8 Commissioner Bergman.

9           Commissioner Gant.

10           COMMISSIONER GANT: Commissioner Chair,  
11 members, I do want to pick up where Commissioner  
12 Bergman -- I do have a very big concern about that,  
13 because of Farmington and the virtual statewide  
14 schools that may come into this state. I say "may."  
15 And I just don't see how any virtual school like  
16 that can meet. And there are students out there,  
17 folks, that probably would be successful if they  
18 were at a virtual school, but when they decide to go  
19 to the collegiate level and all of a sudden they  
20 realize, "I can play football, I can do this," some  
21 of them are great soccer players in the local  
22 community. And they may or may not even go to a  
23 brick-and-mortar school, or may go to a home school  
24 or whatever. And then they get up there and the  
25 NCAA says, "No. You went to this virtual school,

1 statewide virtual school. We don't accept that,  
2 because you didn't do so many hours," or whatever it  
3 is at a brick-and-mortar.

4           So we need to be looking out for all  
5 students, not just some. Yes, we have one in  
6 Cruces, and I was rather shocked that Stan Rounds  
7 would allow that to happen, but he and I have talked  
8 already. Or in Rio Rancho. But they're probably  
9 not the only districts in the state -- and APS --  
10 that have this problem, and I really hope PED has  
11 put the word out there across charters and all 89  
12 school districts, Get your act together, because I  
13 don't want one kid -- because some families depend  
14 on those athletic scholarships for their students to  
15 be successful in college. That is the only saving  
16 grace for some families to raise up in this world to  
17 get their children to school. And I just hope we're  
18 not being part of the problem and not the solution  
19 for these students to be successful at the  
20 collegiate level. Thank you.

21           COMMISSIONER CARR: Mr. Chair.

22           COMMISSIONER GARRISON: Commissioner Carr.

23           COMMISSIONER CARR: To add on to

24 Commissioner Bergman and Commissioner Gant, you

25 know, Farmington's already operating. And we do --



1 a lot of the public schools have some amount of  
2 cyber schooling. Now, I know a lot of them -- they  
3 do their computer work under the supervision of a  
4 certified teacher onsite, but not all of them. And  
5 maybe a letter -- at least a letter, you know, and a  
6 confirmation that the parents and the students fully  
7 understand that there might be issues with the NCAA,  
8 that, you know, you keep that -- to protect  
9 yourself -- to protect us, I mean. We could be sued  
10 later on for approving schools that the charter  
11 schools -- any public schools that are doing that.

12 We need to make sure parents and students  
13 are fully aware of all the ramifications of the  
14 decisions to go to a particular school, or to take  
15 particular courses. Even then, you know, I mean,  
16 there could still be issues. But I think that would  
17 be important.

18 MS. LUJAN: Mr. Chair, Commissioner Carr,  
19 we actually did -- when we first got contacted by  
20 the NCAA on their ruling, we actually did conduct a  
21 parent meeting, and letters went out to our entire  
22 school informing them of what had happened. We did  
23 actually hold a meeting at the school in regards to  
24 the two children right now currently attending our  
25 school. We've enrolled them in CNM courses so they

1 can proceed forward while we're working out the  
2 appeal process. But all of the community, our  
3 school, has been notified.

4 So we're well aware and watching those  
5 students who could potentially be candidates for  
6 those types of scholarships, and will follow those  
7 students. And in the meantime until we get a  
8 response to the appeal, we will be assisting them  
9 with enrolling in school enrollment courses.

10 COMMISSIONER CARR: Good.

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

13 MS. LUJAN: Mr. Chair, Commissioners, if I  
14 could add one more thing, you know, in the  
15 discussions. I think of all the points that you all  
16 brought up, I think there is out there with online  
17 education very much a differentiation that needs to  
18 be made and what we are actually now having to put  
19 in papers and responses and such is that there's a  
20 very big difference between virtual schooling and  
21 delivering online curriculum.

22 And that's -- you know, we've really had  
23 to prove -- people get us confused with the virtual  
24 school, and we do have to explain to people that we  
25 just deliver online curriculum. We have teachers in

1 the classroom, we have teachers who instruct those  
2 kids, we have teachers who follow them all day long,  
3 not just momentarily. They're not tutors. And I  
4 think that is a huge problem with the virtual  
5 schools being introduced, and this now confusion  
6 that we have going on nationally with those  
7 different types of curriculum which are delivered.

8 COMMISSIONER LOPEZ: Thank you.

9 COMMISSIONER GARRISON: Any other  
10 questions or comments?

11 Ms. Lujan, thank you very much for the  
12 presentation. We appreciate you attending and hope  
13 you have happy holidays, and we give our well wishes  
14 to everyone at Southwest Secondary, and tell Scott  
15 Glassrud that the PEC said hi.

16 MS. LUJAN: I will. He escaped all the  
17 craziness of the week.

18 COMMISSIONER GARRISON: He sent you.

19 MS. LUJAN: Yes, exactly. Thank you for  
20 having me here today.

21 COMMISSIONER GARRISON: Have a good  
22 morning.

23 I want to introduce the Public Education  
24 Commission to the District 3 elect-commissioner,  
25 Carmie Lynn Toulouse, in attendance here today.

1 Good morning.

2 COMMISSIONER-ELECT TOULOUSE: Thank you.

3 COMMISSIONER GARRISON: Come on up front.

4 Just quickly introduce yourself to the Commission,  
5 Commissioner.

6 COMMISSIONER-ELECT TOULOUSE: Can I stand  
7 right here?

8 COMMISSIONER GARRISON: Actually, use the  
9 microphone.

10 COMMISSIONER-ELECT TOULOUSE: My voice is  
11 hoarse because the weather is cold. It always  
12 happens.

13 COMMISSIONER GARRISON: No worries.

14 COMMISSIONER-ELECT TOULOUSE: Well, I'm  
15 glad to be here. I got a ride up with a state  
16 senator who's over at Ethics, so that's why I was a  
17 little late getting in here. And I appreciate very  
18 much the chance to introduce myself. I'll try to be  
19 brief.

20 I come from a legal family. I don't know  
21 how to be brief. But I'm Carmie Toulouse. I have  
22 lived my whole life in Albuquerque, in the southeast  
23 part of Albuquerque. I'm retired 13 years ago after  
24 30 years in the state Human Services Department. I  
25 was on the CNM governing board for 12 years. The

1 last five of those I was also on the national board  
2 of the Association of Community College Trustees.

3 My life at the moment is having fun with  
4 politics, because I was raised to believe you can't  
5 take it seriously. And I have five grandchildren,  
6 three of whom are school age and all in charter  
7 schools. I also have a great-niece in a charter  
8 school, I have a niece that graduated from a charter  
9 high school, I have a cousin who has a son in a  
10 charter school, so each one of them are different  
11 schools. So I have a perspective of that.

12 But I'm also a product of the Albuquerque  
13 Public Schools, of UNM, all of that, and I had some  
14 time, and I had a state senator, Tim Keller, who  
15 suggested to me since nobody ran for this position  
16 two years ago that I might want to try to fill it  
17 for two years.

18 So I thought, okay, you guys ought to be  
19 able to put up with me for two years. And I do have  
20 an expertise in budgeting, both from my experience  
21 in state government for 30 years and ending up a  
22 bureau chief, and also from my 12 years at CNM,  
23 where I chaired the finance committee all of those  
24 12 years. I can read budgets. I used to drive some  
25 of the folks at CNM nuts when I would go through a

1 100-page budget and go down and ask them a specific  
2 question.

3           So I think that my general knowledge of  
4 education that I had to get from CNM about, you  
5 know, the K-through-12 programs, too, gives me  
6 something I can bring in and get up to speed  
7 hopefully to participate.

8           So that's what I'm doing here, and I'm  
9 sorry to come in late but I got a ride up, and I'm  
10 here until my ride texts me that she's ready to go  
11 or until you guys are through.

12           So thank you very much for letting me  
13 introduce myself, and I just wanted you to know I  
14 was here. I didn't necessarily need the  
15 introduction.

16           COMMISSIONER GARRISON: Commissioner-Elect,  
17 welcome. They put up with me for eight years, so I  
18 think you're good.

19           COMMISSIONER-ELECT TOULOUSE: Thank you.  
20 I do know how to be part of a board, which is what I  
21 was trying to explain, that I don't think that  
22 because I'm in an elected position it gives me the  
23 right to tell anybody what to do. Only when you're  
24 sitting in your board and you do a formal vote and  
25 you're part of the majority do you have any right to

1 say you made a decision. So I already learned that  
2 part. So thank you very much.

3 COMMISSIONER GARRISON: We wish you a  
4 happy holiday.

5 COMMISSIONER-ELECT TOULOUSE: To all of  
6 you, too, and I'm really looking forward to getting  
7 to know people. I'm a talker, so I'll be glad to  
8 talk to anybody anytime.

9 COMMISSIONER GARRISON: Thank you.

10 COMMISSIONER-ELECT TOULOUSE: Thank you  
11 very much.

12 COMMISSIONER GANT: Deputy Secretary  
13 Aguilar.

14 DEPUTY SECRETARY AGUILAR: Mr. Chair, I  
15 have just been notified that there was a shooting in  
16 Connecticut at an elementary school, and 27 people  
17 were killed, including 18 elementary schoolchildren.  
18 It was a parent of one of the kids, including a  
19 principal and a school psychologist was involved.  
20 So I wanted to let the Commission know.

21 COMMISSIONER GARRISON: Item number 16 on  
22 the agenda, special election of PEC officers and PEC  
23 general counsel. Hilary Noskin is here.

24 MS. NOSKIN: Good morning.

25 COMMISSIONER GARRISON: Good morning.

1 MS. NOSKIN: What I'm going to do today is  
2 direct the election of the officers for 2013. So  
3 you won't be taking office today, as has been  
4 custom, but this way you'll be able to walk in to  
5 2013, your first meeting, and know who the officers  
6 are. Okay? Thank you, Chair.

7 COMMISSIONER GARRISON: That will work.  
8 So I'm wondering if my executive summary would be  
9 incorrect, then, if I went through those procedures.

10 MS. NOSKIN: They are correct until item  
11 5. You can say now the chair-elect. Where it says  
12 you are the chair, use chair-elect, and you would  
13 not turn over the meeting to -- you, Mr. Chair,  
14 would continue to be the chair throughout the end of  
15 this meeting.

16 COMMISSIONER GARRISON: Thank you. Okay.  
17 Shall we just follow your lead, then?

18 MS. NOSKIN: Absolutely. My name is  
19 Hilary Noskin. I'm general counsel for the Public  
20 Education Department. These are the nominations for  
21 the chair-elect of the Public Education Commission.  
22 Just to let everybody know, Mr. Chair, that these  
23 nominations do not require a second. Okay? At this  
24 time are there any nominations for chair-elect of  
25 this Commission?



1 COMMISSIONER GARRISON: Commissioner  
2 Lopez.

3 COMMISSIONER LOPEZ: It's a pleasure and  
4 I'm very pleased to nominate Commissioner Shearman  
5 for chair.

6 You have been a leader, you're great on  
7 budgets and you know schools, and I think you'll do  
8 a really good job as chair. And I proudly nominate  
9 Commissioner Shearman.

10 COMMISSIONER SHEARMAN: Thank you.

11 COMMISSIONER GARRISON: Thank you,  
12 Commissioner Lopez.

13 Any other nominations?

14 MS. NOSKIN: Seeing no other nominations,  
15 all those in favor of Commissioner Shearman as  
16 chair-elect of the Commission, please signify by  
17 saying "Aye." Those opposed, please signify by  
18 saying "No."

19 Ms. Shearman is chair-elect of the Public  
20 Education Commission.

21 COMMISSIONER SHEARMAN: Thank you all.

22 MS. NOSKIN: Using the same procedure I  
23 just used, I'm now turning the matter over to the  
24 chair to elect a vice-chair and secretary-elect.  
25 We're just changing the order just a little bit to

1 adjust to the new form.

2 So Mr. Chair, I can either run that for  
3 the vice-chair-elect and the secretary-elect, or we  
4 can have you do that, whichever you like.

5 COMMISSIONER GARRISON: I got myself lost  
6 here, so let me catch up.

7 MS. NOSKIN: It's the same thing.

8 COMMISSIONER GARRISON: See, I only have  
9 number one and two on my executive summary.

10 MS. NOSKIN: So let me go ahead.

11 COMMISSIONER GARRISON: If you would save  
12 me, I'd appreciate it.

13 MS. NOSKIN: I would be happy to do that,  
14 Mr. Chair.

15 At this time are there any nominations for  
16 vice-chair-elect of this Commission?

17 COMMISSIONER CARR: Mr. Chair.

18 COMMISSIONER GARRISON: Commissioner Carr.

19 COMMISSIONER CARR: I'd like to nominate  
20 Gene Gant for vice-chair.

21 COMMISSIONER GARRISON: Mr. Gene Gant has  
22 been nominated. Any other nominations for  
23 vice-chair?

24 MS. NOSKIN: Seeing only one nominee, all  
25 those in favor of Mr. Gant as vice-chair-elect of

1 the Commission, please signify by saying "Aye."

2 Those opposed, please signify by saying "No."

3 COMMISSIONER GARRISON: No. I mean,

4 excuse me.

5 MS. NOSKIN: This is great. I don't have

6 to be nervous. I thank you very much. I know you

7 did that just to help me out there.

8 COMMISSIONER GARRISON: I apologize,

9 Commissioner Gant.

10 COMMISSIONER GANT: You want a ride to

11 Albuquerque?

12 COMMISSIONER GARRISON: I'm picturing La

13 Bajada from a whole new vantage point, with a

14 vehicle right behind me. Sorry, Commissioner Gant.

15 That was unanimous decision. Commissioner

16 Gant is the vice-chair for the Public Education

17 Commission.

18 Now the Chair will take nominations for

19 Secretary.

20 COMMISSIONER CARR: Mr. Chair.

21 COMMISSIONER GARRISON: Commissioner Carr.

22 COMMISSIONER CARR: I would like to

23 nominate Commissioner Vince Bergman for Secretary.

24 COMMISSIONER GARRISON: Commissioner

25 Bergman has been nominated. Are there any other

1 nominations for the position of secretary? Seeing  
2 none, all those in favor of Mr. Vince Bergman as  
3 secretary of the Public Education Commission, please  
4 say, "Aye." Opposed, say "No."

5           Congratulations, Commissioner Bergman.

6           MS. NOSKIN: I believe that my job is done  
7 here. Thank you very much.

8           COMMISSIONER GARRISON: Thank you for the  
9 cookies.

10           MS. NOSKIN: You're welcome. I appreciate  
11 it. And thank you for helping Abby Wear along.  
12 We're very happy to have her in the office of  
13 general counsel, and we're very happy that the  
14 Attorney General's office has agreed to provide an  
15 assistant attorney general for your meetings coming  
16 up in 2013, as well. Thank you.

17           COMMISSIONER GARRISON: That guy they  
18 sent -- he's kind of a coffee snob. We'll work on  
19 him.

20           We don't have much budget, sir.

21           MS. NOSKIN: Thank you.

22           COMMISSIONER GARRISON: Thank you, general  
23 counsel.

24           COMMISSIONER GANT: Merry Christmas.

25           MS. NOSKIN: Happy holidays to you all.

1           COMMISSIONER GARRISON: Item number 17,  
2 update on the New Mexico Carl Perkins Program.  
3 Leighann Lenti, Public Education. It's not going to  
4 be Leighann, is it?

5           MR. SPENCER: I'm here to do the report.

6           COMMISSIONER GARRISON: Oh, come on up,  
7 sir, and introduce yourself.

8           MR. SPENCER: Good morning. Good morning,  
9 Chair. Good morning, Members of the Commission. My  
10 name is Eric Spencer. I'm the director for the  
11 College and Career Readiness Bureau here at the  
12 New Mexico Public Education Department, replacing  
13 the former director, Dr. Melissa Lomax, with whom  
14 some you have worked.

15           COMMISSIONER GARRISON: Good morning.

16           MR. SPENCER: Thank you. So in your  
17 packet of information that was provided to you, you  
18 had a document that was indicated as Carl B.  
19 Perkins, and this was a report to the Public  
20 Education Commission dated for December 13.

21           Just to give you just a little bit of a  
22 framework as to where we are, on an annual basis,  
23 the Public Education Department is required to  
24 prepare a consolidated annual report that gives a  
25 report on the programmatic progress made in the

1 state, in the schools that were funded with this  
2 federal resource, and to also include the  
3 data-reporting component and a fiscal component, as  
4 well, in terms of how the funds were expended, et  
5 cetera.

6 That report is due to Washington, D.C., on  
7 December 30. The Public Education Department  
8 typically takes until the last week of December to  
9 finalize that report, and so that final consolidated  
10 annual report will be presented to you in the  
11 February meeting that will be approaching, and we'll  
12 share with you the report going into Washington.

13 But to give you an anticipatory set in  
14 terms of where we've been in the state for school  
15 year 2011/12, you have got this document that was  
16 included in your binder. And for the benefit of the  
17 Commissioners that may not have been with the  
18 Commission since the inception of Carl Perkins IV,  
19 the current technical education improvement document  
20 of 2006, you have some trend data that has been  
21 prepared and revealed to you here so that you can  
22 have an idea of where we've been since the beginning  
23 of Perkins IV.

24 And so if you have had an opportunity to  
25 take a look at this -- and some of you have had an

1 opportunity to be involved in the Perkins Grant  
2 implementation at the local level, and overseeing  
3 that in your districts in which you serve -- but one  
4 of the primary goals that we like to point out with  
5 regard to the Carl Perkins Grant is that it's a  
6 piece of work that ensures and works to ensure that  
7 students' skills and knowledge and competency is  
8 going to be acquired through a meaningful  
9 integration of career and technical education course  
10 work and academic course work.

11           And so we rolled this framework out  
12 through the utilization of what we call a program of  
13 study. And for those of you who have taken a look  
14 at the Department of Education's revised next step  
15 plan template that is on the Public Education  
16 Department's website, you're going to see a lot of  
17 commonality between that next step plan and the  
18 program of study that we have been able to develop  
19 over several years with the Carl Perkins funding  
20 source.

21           So you're going to see a lot of alignment  
22 there where we began with identifying what the  
23 students' career goal would be, what's their  
24 personal goal, what is their academic goal, and  
25 being able to frame from that particular step a

1 program of study and an occupational area that a  
2 student would be interested in pursuing while in  
3 high school, with some articulation, if you will,  
4 some collaboration with the post secondary  
5 institution where a student could be earning  
6 dual-credit opportunities, other college-level  
7 course work, while they're in this particular  
8 sequence, all of it with a goal toward achieving a  
9 higher academic skill attainment of a student and a  
10 skill base, as well, for work leading to perhaps an  
11 industry certification.

12           And so we aligned the 16 career clusters  
13 for career technical education as we support schools  
14 in the development in the implementation of these  
15 programs of study.

16           So in the report on page 2 you have a  
17 financial breakdown of the funding and this is the  
18 report for 2011/2012 school years, as I said, but if  
19 you take a look at page 3 you have a couple of  
20 illustrations here, I think, that will provide a  
21 little bit more focus on how these monies really are  
22 allocated, because it can be a little bit confusing.

23           On page 3, the first identifier you have  
24 here is just a visual illustration to show that  
25 since 2006/2007, which was the first year of Perkins



1 IV, we have seen in our state a reduction of about  
2 13 percent in the federal resource over that period  
3 of time to today. That's primarily due to changes  
4 in census information, not just in the state of  
5 New Mexico but in other states across the country,  
6 as well, because this federal resource is based on  
7 5-to-17-year-old individuals living in service areas  
8 of districts, and then a percentage of those that  
9 are living in poverty.

10 So as, say, a population of 5-to-  
11 17-year-olds shifts, say, for example, the state of  
12 Nevada, and let's say that we see an increase in  
13 that, well, it's going to affect the funding for the  
14 rest of the states in the country because it's  
15 formula-based.

16 Then, in like manner, it affects the  
17 funding from school district to school district  
18 within our state, as well. So there's typically a  
19 little bit of shift, but we have realized a 13  
20 percent reduction in the federal resource.

21 One of the other components that comes  
22 into play is that the US Congress does not typically  
23 increase the budget appropriation for Carl Perkins,  
24 and we have seen over the last couple of years some  
25 budget reductions at the congressional level, as

1 well, which also have a component to this downward  
2 slope of the funding trajectory.

3           The way these funds are broken out, as you  
4 can see on the bottom of page 3, is that if you take  
5 a look at the Perkins IV grant set-asides, we take a  
6 look at components of administration, basic grant to  
7 LEAs, and state leadership setaside, as well, but  
8 when we break that out, for example, into the  
9 leadership component, you see that we fund state  
10 institutions, and this is a project that we have  
11 with the Children, Youth & Families Department with  
12 their schools for adjudicated youth and implementing  
13 a career technical education program of study in an  
14 agriculture, ag science pathway, where they're  
15 building a greenhouse and equipping a greenhouse and  
16 teaching students how to work within that particular  
17 occupational area.

18           You see another slice of the leadership  
19 component here which is nontraditional, and we work  
20 with the Santa Fe Community College to provide  
21 expertise assistance across the state in assisting  
22 secondary and post secondary schools in trying to  
23 increase the number of students that would  
24 participate and more so complete in nontraditional  
25 type of programs of study.

1           So to give you an example of that, this  
2 might be where we're encouraging females to take on  
3 maybe a male-dominated role in the field of  
4 engineering, or even in an occupational skill set  
5 like welding. Or maybe it would be a male student  
6 bringing them into the area of teaching or into  
7 health sciences.

8           And so that's a campaign that we're  
9 required to do within the federal law that we  
10 appropriate funds toward from the federal grant in  
11 order to implement that particular initiative.

12           Other state-level-type activities you see  
13 here, we continue to support the Jobs for America's  
14 Graduates Program which is a dropout-prevention  
15 program that we have in five schools across the  
16 state. And if you go a little deeper into the  
17 report, you'll find some performance data about that  
18 JAG program over at the top of page 10, and you'll  
19 note that the graduation rates are certainly  
20 something to commend that organization for, and that  
21 leadership of those schools, because they're able to  
22 take some of the hardest-to-serve youth in those  
23 schools, engage them in a sequence of courses, that  
24 assists them in developing occupational skill sets  
25 and some of the soft skills of knowing how to

1 present themselves in an interview, how to even go  
2 out and seek a job, and whatnot, and where do you  
3 look. Showing up to work on time. Things of that  
4 sort. And really just trying to reinforce some of  
5 those soft skills but they do it in such a way where  
6 they bring about the business and industry  
7 collaboration to this, to provide the support for  
8 these students, and therefore, we see that  
9 engagement to where we're able to retain them.

10           The program is primarily administered at  
11 the 11th- and 12th-grade level because that happens  
12 to be the national model for the particular  
13 curriculum that they implement.

14           Other state leadership activity happens to  
15 be that of High Schools That Work. Some of you may  
16 be familiar with that. It's a program that we're  
17 implementing and we directly fund about 13 high  
18 schools across the state. But across the state  
19 there are 24 schools that have chosen to be a part  
20 of this statewide network that focuses on  
21 redesigning the high school around what they call  
22 ten-key practicing. And this is based on national  
23 research of about 30 years of longitudinal data that  
24 shows that in those schools that perform at the  
25 highest levels across the country, what seem to be

1 the most common thread that are identified in those  
2 schools, and then how do they replicate what those  
3 common threads might be?

4 Well, they do so through a sequence of  
5 what they call ten-key practices that you'll also  
6 see identified on page 10 of your report, as well,  
7 those being focusing on high expectations and  
8 ensuring that we have a program of study for  
9 students that embed career technical education,  
10 academic integration, ensuring that we emphasize and  
11 reinforce the academic skill set, work-based  
12 learning, et cetera, teachers working together in  
13 collaboration for the design of unit plans.

14 And so as we start rolling out these  
15 ten-key practices within our network schools, what  
16 we find is that on the High Schools That Work  
17 assessment that is administered in every other even  
18 year, it's a NAEP-like assessment, NAEP, so in the  
19 NAEP-like assessment, the data for how those  
20 students are performing is revealed to you on page  
21 11. The top of page 11 shows that from the 2008  
22 implementation to the 2012, we saw a bump in  
23 performance of reading from 44 percent to 53  
24 percent.

25 What this is demonstrating is that the cut

1 score happens to be what they would identify as a  
2 basic level of proficiency, and the basic level of  
3 proficiency meaning that that would be aligned to an  
4 individual having the ability to take on college  
5 coursework or engage in a workplace-readiness type  
6 pathway or on-the-job training, apprenticeship  
7 program, whatever it might be.

8           So we see that the number of students that  
9 are testing at basic proficiency and above has  
10 escalated in reading, mathematics and science.

11           One observation to make, though, is that  
12 when we take a look at those same schools and we  
13 analyze them or analyze the performance based on the  
14 standardized assessment, the standards-based  
15 assessment, they don't necessarily show the same  
16 type of progress on that assessment. So that's  
17 something else that we're trying find out, you know,  
18 what might be that performance gap, if you will, in  
19 terms of why the NAEP-like assessment -- you know,  
20 it's referenced and all of that. Why is it that  
21 they can show gains there, but they're not showing  
22 gains on the standards-based assessment.

23           So that's certainly a research question  
24 that we're now asking, and we want to be able to  
25 tease out the details there and find out what the

1 differences might be.

2           But when you do take a look at this larger  
3 component of the pie here on the bottom of page 3,  
4 local funds, well, the local funds -- 85 percent of  
5 the Perkins resource has to be allocated out to  
6 school districts. And we carve out about 10 percent  
7 of that setaside, and we hold that into something  
8 called a reserve account. It doesn't mean we get to  
9 save it for a rainy day, but what it is is that we  
10 get to pilot these demonstration projects, such as  
11 JAG and High Schools That Work. So schools are  
12 receiving funding from this setaside of reserve.

13           So the remainder of those funds are split  
14 50/50. Fifty percent go to the secondary schools,  
15 fifty percent go over to the post secondary schools,  
16 to implement these programs of study around career  
17 technical education, focusing on work and employment  
18 needs, working with local work force development  
19 boards, identifying what jobs are going to be in  
20 existence, where is the high demand, where is the  
21 high growth, what are the high-wage-earning jobs,  
22 and then focusing and developing these programs of  
23 studies in schools to allow the opportunity for  
24 students to elect to be part of that particular  
25 career pathway if their career interest inventory

1 demonstrates the interest.

2           So what you can take a look at is over on  
3 page 4, we did a disaggregation of the data, just  
4 taking a look at how schools are budgeting these  
5 funds with regard to the pathways. The pathways  
6 that you see represented here, arts and  
7 entertainment, business services, et cetera, are  
8 aligned to New Mexico's seven career clusters, and  
9 those seven career clusters identified in New Mexico  
10 are aligned to the national 16 career clusters.  
11 We've maintained the direct alignment there, and you  
12 can see the differences between secondary and post  
13 secondary institutions, to show, for example, in the  
14 post secondary institution health and biosciences  
15 seems to be a program area in which they're doing  
16 quite a bit of work and implementation with regard  
17 to 14 percent of the funds being expended there.  
18 But then at the high school level, only 4 percent of  
19 that budget is being spent in the health occupations  
20 program.

21           So it's not that high schools don't want  
22 to be a part of a career occupational pathway that  
23 students can engage in with regard to that high  
24 wage, high demand, high skill set occupation, but  
25 it's that those programs are very expensive for high



1 schools to implement.

2           When you take a look at the appendix in  
3 your report, we've given you a snapshot of what  
4 districts are receiving in terms of their financial  
5 allocation, and you know, in some cases it's not a  
6 whole lot of money. We take a look at Lovington  
7 Municipal Schools at \$23,000. Rio Rancho Schools at  
8 \$79,000.

9           Well, some of these pieces of medical  
10 equipment can be \$8,000, \$9,000, \$12,000, \$14,000  
11 per unit, and it's quite difficult for secondary  
12 schools to be able to get that kind of equipment in  
13 their system. So in many cases, what they do is  
14 they'll do some dual credit with a post secondary  
15 institution, they'll offer a health sciences program  
16 but it may not be that they're acquiring the  
17 inventory and equipment at the secondary level; the  
18 post secondary, through a partnership is taking care  
19 of that component.

20           So that was a very quick overview of  
21 Perkins, but if you take a look at, let's say, page  
22 6, for example, looking at the per-pupil expenditure  
23 here, you can find that, you know, in the Perkins  
24 basic grant, for us to be able to show the gains  
25 that we show in mathematics and reading scores and

1 those Perkins-funded sites versus non-Perkins-funded  
2 sites, you know, your Perkins-funded schools are  
3 out-performing the non-Perkins-funded schools in  
4 both mathematics, literacy, and in graduation.

5           And so it certainly raises the level of --  
6 I have a question about what is so different about  
7 these Perkins-funded sites, that they're able to  
8 achieve more gains in those particular areas?

9           And then looking at the per-pupil  
10 expenditure, you can see that in Perkins setaside,  
11 we affect about 56,000 students across the state,  
12 about \$54 per student, but keep in kind that Perkins  
13 is a supplemental funding source for current  
14 technical education. It's not the only source of  
15 funds to implement that Perkins program of study or  
16 career technical education at that particular  
17 school.

18           So it just kind of gives you an idea of  
19 the fact that I think we get a lot of bang for our  
20 buck. The Commission is getting a lot of bang for  
21 the buck because you are the authorized agent to  
22 receive these funds, and as those are being  
23 implemented at the school level, you know, they're  
24 in need of the dollars and they're structuring them  
25 in such a way that for the most part they're showing

1 some progress and gains.

2 One last data set I want to point your  
3 attention to, and then I'll be done with the report,  
4 is the data set. Some of you have already seen it.  
5 It looks like Christmas -- it's green and red -- on  
6 page 7. And this particular report here shows how  
7 the State is performing on its core indicators of  
8 performance that are outlined in the federal law.  
9 And to know what, for example, 1-S-1 is or 1-S-2 is,  
10 just take a look at page number 6, and that's the  
11 key to the data tables.

12 So 1-S-1 is academic attainment to  
13 reading. 1-S-2 is academic attainment to  
14 mathematics, and you can see where we have been  
15 since the implementation of Perkins III. The  
16 secondary schools have fared very well on achieving  
17 those levels of performance on an annual basis.  
18 This year, since 2007, is the first year since we've  
19 missed one of those performance measures at the  
20 secondary level.

21 This particular component here you see of  
22 6.2 at the secondary level of the performance  
23 measure not being met is for nontraditional  
24 participation. So we're going to redirect some of  
25 our grant funds, especially the redistribution

1 dollars, so dollars that schools didn't spend in  
2 '10/'11 end up being redistributed through the  
3 formula in '11/'12, and they're targeted for these  
4 particular focus areas where we need to maybe engage  
5 some further activity in expenditure in order to  
6 change the trajectory of the outcome.

7           And so secondary schools have done  
8 extremely well, and this will be one area of focus  
9 in the upcoming year for them.

10           Taking a look at the post secondary  
11 schools, you can see that they didn't fare very well  
12 in 2011/2012. They met the technical skill  
13 attainment of performance measure, but in terms of  
14 the certification, the completion of a certification  
15 or a degree, they did not meet the performance  
16 level.

17           The retention of students, they did not  
18 meet the performance level. Then nontraditional  
19 participation and nontraditional completion, they  
20 did not meet the performance level.

21           In preliminary conversations and dialogue  
22 with the data administrators, if you will, at the  
23 post secondary institutions, just trying to get an  
24 idea of, okay, what happened in the state of  
25 New Mexico that so many post secondary institutions

1 missed the target that caused the State to miss the  
2 target, it's a common thread across those  
3 institutions where they had indicated that in 2008,  
4 when the economy was starting to take its dive, and  
5 then in 2009, when it was a reality, they saw an  
6 increase in enrollment in post secondary  
7 institutions. And so performance measures and  
8 levels of achieving those levels of performance were  
9 on the positive side, because they had more students  
10 to start counting and a numerator and denominator  
11 for the performance measures.

12           Then what happened in '09/'10 was the  
13 continued trajectory. '10/'11 they saw plateauing  
14 enrollment, and then in '11/'12, they saw a mass  
15 exodus of individuals from their institutions,  
16 because many of those that came into the post  
17 secondary institutions came in for the short-term  
18 training option. They came in for a sequence of  
19 two, three courses to develop a particular skill  
20 set. Or maybe it was a short-term certificate  
21 option that only took six months for a student to  
22 achieve.

23           So there are a variety of reasons why they  
24 saw the increased enrollment and then the immediate  
25 decline in enrollment, because their students

1 attained the credential they were looking for and  
2 they exited. Or in some cases, they just couldn't  
3 afford to be living on, for example, financial aid;  
4 they just have to go find any type of employment  
5 they could, and they have to exit from the program.

6 So there's a few reasons out there why  
7 these performance measures are not as desirable as  
8 we'd like to see, but we're also finding that on a  
9 national level it seems that many states are telling  
10 the same story.

11 And so it certainly is something that  
12 we're going to have to take a look at and engage in  
13 the conversation with the fed as we negotiate these  
14 particular performance measures for the future  
15 years, to ensure that we can adequately assess what  
16 we need to assess, but then also accommodate for  
17 those types of anomalies that would occur because of  
18 what we just saw in the economy.

19 And so Mr. Chair, members of the  
20 Commission, that concludes my report. I stand for  
21 questions.

22 COMMISSIONER GARRISON: Thank you,  
23 Mr. Spencer.

24 Questions from Commissioners? Comments?  
25 Commissioner Gant.

1                   COMMISSIONER GANT: Mr. Chair, Members,  
2 you mentioned you took the place of Dr. Lomax. Did  
3 you really think you could match her?

4                   MR. SPENCER: I don't think I'm as tall or  
5 as skinny, but just to give you a little bit of  
6 background, I have been with the Public Education  
7 Department for over 11 years. I started in what was  
8 called the Career Technical and Work Force Education  
9 Bureau, which was the bureau that administered  
10 Perkins.

11                   I have been with the bureau for over 11  
12 years administering the Perkins Grant. The role I  
13 played for a number of years, probably nine or so,  
14 was that of the staff manager, or the assistant to  
15 Dr. Lomax.

16                   I left the bureau in early spring to take  
17 on the position of the budget director for the  
18 Public Education Department, and held that position  
19 for about five years before I kept getting a nudge  
20 to, you know, potentially apply and go back over to  
21 the College and Career Readiness Bureau as the  
22 bureau chief. And so I went ahead and put my name  
23 in the hat, and was selected for the position. But  
24 I think you can have quite a degree of confidence  
25 that I know a little bit about the grant.

1           COMMISSIONER GANT: Mr. Chair, Members, I  
2 was just being facetious, because I have attended  
3 meetings with him, and he's really dazzled us at  
4 every meeting, and he could answer every question  
5 and he knew the right answer, the right time. So  
6 I'm sure he will do a very great job.

7           But my question goes back to these  
8 performance indicators that the post secondary have.  
9 Is that going to impact the State overall in  
10 funding, or with the support from the feds and  
11 all -- I mean, I'm really concerned. That piece  
12 right there, the feds will jump right out on that  
13 one.

14           MR. SPENCER: Well, you're right. I think  
15 over the long-term, there's going to be -- in the  
16 long-term there could potentially be an impact if we  
17 don't change the trajectory of this section. 113 of  
18 the federal act describes the implementation of the  
19 Perkins performance measures, and what you see here,  
20 starting at the top level, at the state level, what  
21 the federal law calls for is that if a state does  
22 not meet a single Perkins performance measure for  
23 three consecutive years, the State then is placed on  
24 a corrective action plan with the US Department of  
25 Education. And so we would have to go about getting



1 some input from the -- in this case, let's say, post  
2 secondary institutions for performance measure  
3 2-P-1. So if 2-P-1 is not met in 2012/2013, then in  
4 2013, school year '13/'14, the State would be placed  
5 on that corrective action plan. And we would have  
6 to be doing something drastically different. It  
7 wouldn't be until a couple of years down the road,  
8 if the State doesn't change that performance level,  
9 that then the fed could have a little bit more say  
10 in terms of how the State's going to be using its  
11 funds for post secondary institutions.

12 And so it might be that -- you know,  
13 there's just a variety of things that could come  
14 about. They might ask for a certain percentage of  
15 funds to be targeted to that specific activity that  
16 can change the performance measure or, you know,  
17 just say, well, you can't fund X, Y, and Z because  
18 you have got to fund A, B, C. And so it's those  
19 types of things in a long-term impact.

20 In the short-term, the State does not have  
21 to write a performance plan or be placed on a  
22 corrective action plan, but we do have to write a  
23 performance plan, include that within the  
24 consolidated annual report, to show that we are  
25 aware of it, we're going to do something about it,

1 here's what we're going to do, and here's the  
2 timeline for getting it done. So it's definitely  
3 something we'll be addressing.

4           On the local level, obviously, there's a  
5 number of institutions that are not meeting these  
6 levels of performance, which is why we're not  
7 meeting it at a state level. But if, let's say, you  
8 have an institution out there that has not met a  
9 performance indicator for three consecutive years,  
10 then the Public Education Commission, through  
11 College and Career Readiness, places that  
12 institution on a corrective action plan and then the  
13 Commission, the PED, can also be more  
14 straightforward about how they want that institution  
15 to be utilizing their funds in order to meet that  
16 level of performance.

17           We try and be proactive with that, in a  
18 consolidated annual report or in the annual report  
19 that institutions submit to the PED, to report their  
20 data, and they're to prepare some action steps or  
21 action plans around how they're going to change that  
22 trajectory. And then it becomes part of the  
23 monitoring and the technical assistance that comes  
24 out of the office to assist the school in trying to  
25 move that particular level of performance forward.

1 I know that some of these performance  
2 measures, post secondary institutions do feel that  
3 the level is not attainable, so the score that has  
4 been set just seems to be out of reach. And what  
5 they sometimes ask for is that the State go back to  
6 the fed and renegotiate a more realistic level of  
7 performance, and after digging deeper into this  
8 data, that might be something that we might have to  
9 consider.

10 COMMISSIONER GANT: Mr. Chair, just one  
11 thing. Later this afternoon -- well, it could be  
12 this afternoon, we're going to be figuring out our  
13 calendar for next year. And do you have an idea  
14 when you have to -- you know, each year we have to  
15 go forward and we have to approve it as a  
16 Commission. When do you have to have that -- it's  
17 usually the first part of March, or is it April --  
18 April -- that you have to turn in the next go-round?

19 MR. SPENCER: Mr. Chair, Members of the  
20 Commission, Commissioner Gant, we've included in  
21 your 2013 calendar the February meeting to provide  
22 you with a final report of the consolidated annual  
23 report that's being submitted to Washington on  
24 December 30.

25 And then also, at that particular time,

1 we'll be bringing to you the State's proposal that  
2 we would be submitting to the fed for the next year  
3 of funding. Carl Perkins, Perkins IV, comes to a  
4 conclusion June 30, 2013. So this is the final year  
5 of it.

6 Now, what we know is that the president's  
7 office is advocating for a continuing resolution,  
8 and so we understand that that's on its way to  
9 congressional level, but we just don't know what  
10 Congress will do with regard to the appropriations  
11 act, as to whether they would fund it or not.

12 Keep in mind that Carl Perkins really goes  
13 back to the Smith-Hughes Act of the 1920s, and so  
14 it's been around for quite some time, and this is  
15 typically one of those programs that Congress looks  
16 at as one of those to help get individuals back on  
17 target and back into the work force through a  
18 training program.

19 So on a national level, individuals  
20 sitting in my role are not too concerned about not  
21 getting funding in 2013/14 through a continuing  
22 resolution. And then there's some pretty healthy  
23 and active dialogue around a reauthorization of that  
24 coming about for the next six-year plan. But we're  
25 going to have to address that continuing resolution

1 with an update to the plan that we're going to have  
2 to bring forward to you.

3 We've also made a recommendation to give  
4 you a Perkins update in terms of where we are in  
5 your July meeting, and then also again in your  
6 September meeting, and then finally again December  
7 of 2013. So we've plugged in with Ms. Friedman some  
8 potential dates that we can come and give you some  
9 ongoing reports.

10 COMMISSIONER GANT: Thank you. And I am  
11 personally -- this is just my opinion -- glad you're  
12 there, because I have seen you work, and I think  
13 Carl Perkins is well-served by having you at the  
14 helm. Thank you.

15 MR. SPENCER: Thank you.

16 COMMISSIONER GARRISON: Any other  
17 questions or comments from Commissioners?

18 Mr. Spencer, thank you for your time. We  
19 appreciate the information and look forward to  
20 seeing you in January. This is my last meeting. So  
21 thank you very much.

22 MR. SPENCER: Thank you.

23 COMMISSIONER GARRISON: Is Leighann Lenti  
24 in the back there?

25 MS. LENTI: How are you?

1                   COMMISSIONER GARRISON: Director of  
2 policy. I still love your title.

3                   MS. LENTI: Thank you. I'm sorry I  
4 couldn't be here earlier. I actually wanted to  
5 introduce Eric, but I was tied up on a conference  
6 call. But as you can see, the Perkins program is in  
7 great hands.

8                   COMMISSIONER GARRISON: Thank you so much.  
9 Happy holidays.

10                  MS. LENTI: Same to you. Be safe on the  
11 roads this afternoon.

12                  COMMISSIONER GARRISON: Thank you.

13                         Item number 18 is Public Education  
14 Commission business. We'll begin with the Public  
15 Education Commission committee reports. The Public  
16 Education committees are Legislative, Charter  
17 School, Career and College, and Strategic Plan.

18                         Following that, as Commissioner Gant  
19 alluded to earlier, the Commission will discuss the  
20 2013 calendar of meetings, and we'll also review the  
21 Public Education Commission budget. Deputy  
22 Secretary Aguilar gave us some information in his  
23 report already. And then we'll discuss memberships,  
24 the Commission will discuss the National Association  
25 of Charter School Authorizers and the National

1 Association of State Boards of Education.

2 So we will begin with the legislative  
3 committee chair, Carolyn Shearman.

4 COMMISSIONER SHEARMAN: Thank you, Mr.  
5 Chairman. The Legislative Committee and the Charter  
6 School Committee met Wednesday afternoon at 3:00.  
7 It was a very informative meeting. Francis Maestas  
8 from LESC met with us, and she had a very  
9 informative handout. I have copies for everyone, so  
10 if we could get those distributed. I'm going to  
11 give part of the report and I'll turn some of it  
12 over to others to complete.

13 First of all, the information that Frances  
14 brought to us is the endorsed legislation, the  
15 legislation that has been endorsed by LESC, that  
16 they endorsed during their November 2012 interim  
17 meeting that they will be proposing to the next  
18 legislative session beginning in January. And as  
19 you will see, the first concerns virtual schools,  
20 which, of course, we're extremely interested in.  
21 They propose prohibit virtual charter schools, delay  
22 approval of other virtual charter schools until  
23 outstanding questions and issues can be addressed,  
24 or review the public school code and perhaps other  
25 parts of state law to identify those sections that

1 may affect or be affected by virtual charter schools  
2 and amend or repeal them as needed or enact new  
3 sections to accommodate and regulate virtual charter  
4 schools.

5           So there's some opportunities there for  
6 the legislation, certainly in my view, to go either  
7 way. She did let us know that they had discussion  
8 of a possible statewide virtual school. Not a  
9 statewide charter virtual school, but a statewide  
10 virtual school that would be authorized by PEC and  
11 overseen, but not a charter school. And we really  
12 didn't get into more specifics than that.

13           They're very concerned about virtual  
14 schools being able to verify student attendance,  
15 they're very concerned with student assessment in  
16 virtual schools. How do you verify? How do you  
17 arrange for that assessment, in some cases?

18           They're also very concerned with  
19 connectivity for students all across the state, not  
20 only for virtual schools, but for the required  
21 assessments that are now going to be online. So it  
22 affects not just the virtual schools, but all  
23 schools in New Mexico.

24           There is concern that some groups, some  
25 areas in the state that simply do not have



1 connectivity -- if this moves forward, there will be  
2 lawsuits over that lack of available connectivity  
3 for their students.

4           The other thing that certainly concerns  
5 the PEC is lower down on that first page, Public  
6 Education Commission, they proposed to amend the  
7 statute to make the Public Education Commission an  
8 independent body, authorizing PEC to carry out all  
9 statutory duties and responsibilities, rule-making  
10 in matters of charter schools, operational control  
11 of dedicated staff sufficient to support the work of  
12 the Commission, and a line item budget sufficient to  
13 accommodate the Commission's duties and  
14 responsibilities. Additionally, eliminate the  
15 appeal process, which in law is 22-8(b)(7)(a), (b)  
16 and (e), retaining only sections (e) and (f), and  
17 section (f) would need to be amended to read, "A  
18 person aggrieved by a final decision of the PEC or  
19 local school board may appeal the decision to the  
20 district court pursuant to the provisions of section  
21 39-3-1.1 NMSA 1978."

22           I think Chairman Garrison will agree that  
23 these were many of the items that were included in  
24 his presentation to the LESC in August of this year,  
25 and we are very grateful that they chose to agree

1 with the items that we said were important to moving  
2 our work forward in a more uniform and a more  
3 cohesive manner, and that they support our request.

4 At this point I'd like to turn the  
5 presentation over to Commissioner Bergman, and I  
6 know Commissioner Carr also has some information to  
7 bring to us.

8 COMMISSIONER GARRISON: So we'll proceed  
9 with the Charter School Committee. Chair Bergman.

10 COMMISSIONER BERGMAN: Thank you. As  
11 noted, we did meet together a couple of days ago,  
12 because these two issues, the legislative stuff --  
13 we're intertwined between the Charter School  
14 Committee and the Legislative Committee.

15 As noted, the executive director of the  
16 LESC was present at our meeting and brought three of  
17 her staff, so they were trying very hard to work  
18 with us. And as Commissioners, we all remember that  
19 we've been working towards this for at least the  
20 last two years, and perhaps longer, trying to get  
21 these things and trying to get it to where we have  
22 opportunities to be more immersed in what's going on  
23 in the education of the children in this state.

24 Now, Director Maestas pointed out that the  
25 average, when you want legislation accomplished, is

1 three years. Well, we don't want to drag it on for  
2 three more years. We need to get this done now. So  
3 what I'm going to ask is that we finally have gotten  
4 perhaps these bills introduced. Now it is incumbent  
5 on each one of us as members of the Public Education  
6 Commission -- it may not be in our statutory  
7 authority, but as private citizens -- it's now, when  
8 these bills get introduced, we have to become  
9 lobbyists. We have to work with the legislators.  
10 Each of us knows legislators in our own area where  
11 we live, and now that we've gotten the legislation  
12 perhaps introduced, now it's time for to us go to  
13 work and get it passed, get our legislators to pass  
14 it, and give us the authority that we've asked for.

15 Like I say, the hard part is still in  
16 front of us. It's not behind us. But we need to  
17 get behind this, we need to get it passed, so we can  
18 move forward and we have some say in what's going on  
19 in the education in this state beyond what already  
20 is. Particularly in the charter schools, since  
21 we're the state authorizer, we certainly need that.

22 So that's where we're at right now, and  
23 January is going to be very busy, as the legislature  
24 starts. Commissioner Shearman and I have talked  
25 about -- I think we're going to see if it's

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 possible -- I don't know if it's even possible --  
2 but we're going to try and see legislation that  
3 affects us before it actually gets dropped into the  
4 hopper. I don't know why they wouldn't share that  
5 with us, so we're already on top of that. We're  
6 going to try to see it. And of course, we'll make  
7 the rest of you aware of it if we do get to see it  
8 so we can, you know, be sure that what they're  
9 asking, what authorities they are going to give us,  
10 and then when we do our lobbying, we'll be factual  
11 in what we're asking our legislators to do.

12           And of course, it definitely needs to be a  
13 bipartisan thing. This affects everybody. It's not  
14 just a Democrat issue or a Republican issue. It's a  
15 bipartisan issue, and we're talking about, as we've  
16 noted, the kids, so it's important that we get this  
17 legislation.

18           Once it's introduced, then it becomes  
19 incumbent to get it passed and get it in the books  
20 and get us going toward -- give us that authority.

21           So I appreciate all the hard work that  
22 went into getting this. It culminated with our  
23 chairman presenting that report at the August LESC  
24 meeting and apparently they acted on it in November.  
25 But that's just the first step. Now it's still in

1 front of us.

2 So I appreciate all your hard work, but we  
3 still got a bunch in front of us. Thank you, Mr.  
4 Chair.

5 COMMISSIONER GARRISON: Thank you,  
6 Commissioner Bergman.

7 Commissioner Carr, do you have something  
8 to add?

9 COMMISSIONER CARR: Yes, for the  
10 Legislative Committee.

11 COMMISSIONER GARRISON: Proceed.

12 COMMISSIONER CARR: I may pass these out.  
13 Some of you already have these. I'm going to  
14 present to the LESC next Tuesday afternoon somewhere  
15 around 2:00 or thereafter a constitutional amendment  
16 that I have talked to this body about before. And  
17 the wording here -- we can adjust it here and there.  
18 This is the wording as it stands in the New Mexico  
19 Democratic party's official platform right now. I  
20 had hoped that it would be introduced to the  
21 New Mexico Republican party, as well, because, like  
22 Commissioner Bergman said about the legislation that  
23 he requested, I consider this bipartisan. Everybody  
24 has their opinion on it.

25 I can read the amendment, and there are

1 six items that follow as the rationale arguments  
2 against the current law. And the amendment is quite  
3 simple and it would not be put up to a vote until  
4 2014, at the time of the next governor's election.  
5 So it would not even come into play until the next  
6 administration comes in. And of course, the statute  
7 would have to be rewritten to abide by the  
8 constitutional amendment, which will take some time,  
9 as well.

10 Be it resolved that the New Mexico  
11 legislature supports an amendment to the  
12 constitution giving oversight and regulatory  
13 authority to the New Mexico Public Education  
14 Commission in regard to budget, licensing, and  
15 policy.

16 Be it further resolved that Secretary of  
17 Education be a statewide elected position and having  
18 a New Mexico education administration certification.

19 Be it further resolved that if a vacancy  
20 occurs in the Public Education Commission, the  
21 Public Education Commission shall appoint a resident  
22 from the district in which that vacancy occurs to  
23 that position until the next regular election.

24 For the biggest part, it takes us back to  
25 where we were as a state school board before 2003.

1 Not completely, you know. You guys, I don't need to  
2 go through that. But five members were appointed by  
3 the governor, then ten members were elected. And  
4 about ten years ago -- well, before that 2003  
5 amendment was passed, the State Board of Education  
6 chose the Superintendent of Education. About ten  
7 years before that, almost twenty years ago, we used  
8 to have a statewide elected Superintendent of  
9 Education.

10 So that's it. I'm open to any questions.  
11 But that's my report.

12 COMMISSIONER GARRISON: Thank you,  
13 Commissioner Carr.

14 (Recess from 12:00 p.m. to 12:11 p.m.)

15 COMMISSIONER GARRISON: We're back in  
16 session. We are at item number 18, letter A, Career  
17 and College Committee. Gene Gant.

18 COMMISSIONER GANT: I will just leave  
19 Career and Colleges. The report we got from  
20 Mr. Spence, that will be the report.

21 I will make a comment to the Legislative  
22 Committee thing. I will make a comment to the  
23 Legislative Committee briefing and all that. I got  
24 to thinking about it, and I sat through two other  
25 meetings up here this week. I really urge, like the

1 LESC and the task force and all those, they put  
2 forward their ideas for legislation. I see no  
3 reason, because we are an elected body, that we  
4 can't start working on what legislation we would  
5 like to recommend. Maybe we need to take it through  
6 the LESC. But we could give it to them to carry for  
7 us, and I think we need, in the future years, in the  
8 next year, to start doing that because we need to  
9 hear our voices through that legislation that way,  
10 and not wait for somebody else to do it for us, but  
11 carry ideas for legislation already written, if we  
12 can, to the LESC or whoever.

13 COMMISSIONER GARRISON: On that point,  
14 Commissioner Shearman, was there any discussion  
15 between the committee and Executive Director Maestas  
16 about drafting the legislation?

17 COMMISSIONER SHEARMAN: It has not been  
18 done yet. Help me, Commissioner Bergman. I believe  
19 that's as far as I got with it.

20 COMMISSIONER BERGMAN: We asked her, and  
21 it is going to be drafted. She assured us that.  
22 But I concur with Commissioner Gant that in the  
23 future, we need to get to the point where we're  
24 drafting our own legislation, and we may have to run  
25 it through the LESC, but there's no reason why we



1 can't present, "We've drafted this bill." We don't  
2 have a budget to hire, you know, professional bill  
3 drafters. You just don't throw those together.

4 But yes, I agree we're going to have to  
5 figure out a way in this coming year to do our own  
6 legislation, and I'm pretty sure it's going to be  
7 drafted -- like I say, we intend to follow up and be  
8 sure that something ends up in the legislature on  
9 January 15th, or whenever the bills are introduced.  
10 So we're going to keep following that.

11 COMMISSIONER GANT: Mr. Chair, I believe  
12 it's the Legislative Council that will do the  
13 drafting the bills, the various councils or  
14 committees or task forces bringing them together.  
15 Then I believe it's the Legislative Council that  
16 does all the writing because they know exactly --  
17 and then they have to go research the impacts to  
18 other statutes, and on and on and on. So they take  
19 care of that.

20 COMMISSIONER BERGMAN: But then it would  
21 be incumbent upon us to work with the Legislative  
22 Council, I guess.

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER GARRISON: Thank you. Letter  
25 D, Strategic Plan Committee. Commissioner Peralta.

1           COMMISSIONER PERALTA: Mr. Chair, nothing  
2 to report at this time other than I did touch base  
3 with Larry Behrens of PED last week just to see if  
4 there was anything coming up on the calendar or  
5 anything like that. And at this point nothing is  
6 up. So I'll continue to just touch base with him  
7 and follow up on anything so that he can keep me up  
8 to date, so I can keep everybody informed.

9           COMMISSIONER GARRISON: I would just  
10 suggest, being outgoing Commissioner, that the dates  
11 get solidified as far as the Public Education  
12 Commission actually drafting something and having  
13 some meaningful work with the Public Education  
14 Department. I know it seemed like Commissioner  
15 Peralta and Commissioner Bergman had made some solid  
16 contact and now things have gone a little bit cloudy  
17 on us, for lack of a better term.

18           I think that a strategic plan is super  
19 important for us to stay involved in, especially  
20 with the virtual schools coming up. Thank you,  
21 Commissioner Peralta.

22           The PEC calendar, letter B. The  
23 Commission will discuss the 2013 calendar of  
24 meetings and I want to thank Beverly Friedman for  
25 providing us some information on the public schools,

1 capital outlay subcommittee meeting schedules.  
2 We'll talk about budget in a minute. But she gave  
3 us some information on NASBE also.

4 So Beverly, if you'll help us through  
5 this, you have a list of important dates here.

6 MS. FRIEDMAN: Commissioner Garrison and  
7 Commissioners, these dates on the calendar for 2013  
8 are suggested meeting dates, and I would like to --  
9 with some further input from the Charter School  
10 Division, we would like to recommend a February  
11 meeting date of the 21st or the 22nd rather than the  
12 15th. It seems like the 21st or 22nd would be  
13 better for the CSD for that meeting.

14 The next two meetings, the April 26th and  
15 the June 7th meeting, would be suggestions, and  
16 those were made in light of some charter school  
17 decisions that would need to be made. I believe the  
18 April -- I'm not quite sure. The April and the June  
19 meeting, maybe Kelly, you could give me some  
20 indication what those meetings were.

21 But the next one is the community input  
22 hearings around the state would be scheduled for  
23 August 12th, the week of August 12th. The  
24 approval/denial for new charter schools, that  
25 meeting date is the 19th and 20th of September, and

1 then the November 1st meeting, again, to coincide  
2 with the New Mexico Charter School Coalition  
3 meeting. And then the December 12th and 13th  
4 meeting would be for approval or denial of renewal  
5 applications. So those meeting dates are open for  
6 discussion, and any other suggestions or comments.

7 COMMISSIONER GARRISON: Thank you,  
8 Ms. Friedman.

9 Commissioner Shearman.

10 COMMISSIONER SHEARMAN: Could we look at  
11 August, please? Originally, this year, the second  
12 Monday in August was the date set to begin the  
13 community input hearings. We pushed that back a  
14 week and we also pushed back, did we not, Kelly --  
15 to the best of my knowledge, we pushed back that  
16 September meeting also to give more time to review  
17 and to come up with recommendations and so forth.

18 But the August 12th meeting is a huge  
19 problem for me, and if it could possibly be changed  
20 either to the preceding week or the next week, it  
21 would certainly be better for me.

22 Commissioner Carr, when does your school  
23 start? Do you know yet?

24 COMMISSIONER CARR: No, we don't, but  
25 probably the 12th of August, so if we did it the

1 preceding week, I could take full part without  
2 having to worry about missing the first week of  
3 school.

4 COMMISSIONER SHEARMAN: I would like to  
5 recommend that the August date be changed to the  
6 19th. Can I do that?

7 MR. GERLICZ: That's fine with me.

8 MS. CALLAHAN: I'm just thinking about  
9 timing, Commissioner Shearman. The only thing that  
10 I'm just thinking about the timing, the applications  
11 come in July 1, requiring quite an extensive review  
12 prior to -- we want to get these preliminary reviews  
13 done prior to the visit. So this would be helpful  
14 in that part.

15 And by pushing the meeting back in  
16 September, it gives us time to do the final analysis  
17 and recommendations. So I think that we would be  
18 able to work within that timeline very well.

19 COMMISSIONER SHEARMAN: So are you  
20 suggesting September dates be changed, as well?

21 MS. CALLAHAN: Mr. Chair, Commissioner  
22 Shearman, no.

23 COMMISSIONER CARR: I think that gives us  
24 almost three weeks to get everything finished to the  
25 PEC. Excuse me, Mr. Chair. What about the week of

1 August 5th? Does that give you too much of a  
2 short --

3 MS. CALLAHAN: Mr. Chair, Commissioner  
4 Carr, depending on the number of applications, we  
5 had 14 that we had to review, and the year before we  
6 had 21. You know, the average number of hours for  
7 the teams to review them is running 30 to 40 hours.  
8 That's the time to analyze, review, meet, interview,  
9 et cetera. If we get ten, that would be pushing it,  
10 and I totally understand. Because of the school  
11 issue, it's hard to be out of your classroom.

12 So you know, if we had a crystal ball to  
13 know how many we were going to get -- because last  
14 year we received 45 letters of intent and 14 ended  
15 up applying. So it's hard to gauge, until you  
16 actually get that July 1st submission, how many  
17 there are. And you know, remember that there's a  
18 Fourth of July holiday, and we're talking probably  
19 20 days, 22 days that we'd actually have to --

20 COMMISSIONER SHEARMAN: And we have to  
21 read them, too.

22 MS. WEAR: Commissioner Garrison, just a  
23 quick question. Are we talking about schools that  
24 would be opening in 2013? Because the statute  
25 requires that -- okay. I just want to point out the

1 statute requires that they be heard by September 1.  
2 Okay. Sorry about that. Just wanted to clarify.

3 COMMISSIONER GARRISON: Thank you.

4 COMMISSIONER CARR: I'm fine. We'll work  
5 it out.

6 COMMISSIONER GARRISON: And I believe the  
7 statutory requirement you're speaking of is the one  
8 that we have had agreement and negotiated that that  
9 be moved out. So the charter school applicants have  
10 been amenable to that request each year because of  
11 the aggressive timeline. Thank you for mentioning  
12 that.

13 Commissioner Gant.

14 COMMISSIONER GANT: Commissioner Chair,  
15 just a couple of comments. I guess you'd say these  
16 were personal. Go ahead and set the February date  
17 to whatever you wish to do. Just to let the  
18 Commission know that I will be here if I have to  
19 fly, ride, or hitchhike. But my wife will be going  
20 in maybe in February for her second hip. So we've  
21 already negotiated with Mayo on that deal. But I  
22 think the 15th would work.

23 I'd like the April date because I'm  
24 already in Santa Fe, so it would save me an extra  
25 ride up and down that beautiful road between here

1 and Las Cruces. So I do appreciate that date. The  
2 other dates do not conflict with the PSCOC, so that  
3 will work also.

4 COMMISSIONER GARRISON: Thank you,  
5 Commissioner Gant.

6 Ms. Friedman.

7 MS. FRIEDMAN: Commissioner Garrison and  
8 the rest of the Commission, Mr. Gant, we were  
9 talking about February 22nd.

10 COMMISSIONER GANT: Well, see, it's  
11 actually scheduled right now for the 17th of  
12 January, but because of my wife's dedication to her  
13 company, she's going to ask to slide it until  
14 February, and we haven't set that date. But set  
15 whatever date is on the calendar, and I will make it  
16 work.

17 COMMISSIONER CARR: And in February, I  
18 would prefer a Friday, of course, the 22nd, if we're  
19 going to do it the 22nd or the 15th.

20 COMMISSIONER GARRISON: Speak up, please.

21 COMMISSIONER CARR: The 22nd is George  
22 Washington's birthday. But we don't celebrate it on  
23 that day anymore. And I think I'm pretty good with  
24 all the other dates. Most of them are on Friday, so  
25 that helps.



1 COMMISSIONER GARRISON: Ms. Callahan, you  
2 had a comment?

3 MS. CALLAHAN: Mr. Chair, Commissioners,  
4 just to put a little frame around why the February  
5 meeting needs to happen and the Charter School  
6 Committee is actually coming in and spending some  
7 extra time with myself and Mr. Gerlicz to look at  
8 the contract negotiation process.

9 We have five schools that we're going to  
10 have to negotiate these full contracts, and I gave a  
11 draft of the timeline to the Charter School  
12 Committee and we're going to discuss that further,  
13 to take a look at it. But the way that the  
14 negotiation kind of falling out with holidays and  
15 everything that's coming in, we need the 22nd or the  
16 21st -- 22nd, if it's used -- just because of the  
17 tight timeline between final approvals from the  
18 governing boards and then bringing the  
19 recommendations for these contracts to the PEC.  
20 Because we have to do some negotiating over the  
21 goals and everything. And it's the first time.  
22 It's going to be a very -- this first time through  
23 is going to be longer, just because we don't know  
24 exactly what kind of things we will encounter.

25 So I'm trying to back the date out as far

1 as I can, and we're already going to have to look at  
2 an extension because of the fact that the 30 days is  
3 just an insurmountable deadline. So I just wanted  
4 to give a little context as to why, in February, we  
5 wanted look as far as we could and stay, you know,  
6 within a reasonable amount of time within the  
7 deadline that the statute...

8 COMMISSIONER CARR: And Mr. Chair, I think  
9 this will be the first time we had ever met during a  
10 legislative session. Is there anything that can be  
11 arranged for parking? That will be a major issue.  
12 So I don't know.

13 COMMISSIONER GARRISON: If you had the  
14 meeting here.

15 COMMISSIONER CARR: That's true. We don't  
16 have to have the meeting here.

17 COMMISSIONER GARRISON: I think sites can  
18 be figured out at a later date.

19 Ms. Friedman.

20 MS. FRIEDMAN: Commissioners, I can talk  
21 to the legislative group that owns the garage and  
22 ask them for that day to have special parking maybe  
23 cordoned off or something like that.

24 COMMISSIONER CARR: That would be nice.

25 MS. FRIEDMAN: See if they would consider

1 that. I'm sure they would. As far as hotels and  
2 motels go, I can't say.

3 COMMISSIONER GARRISON: Director Gerlicz.

4 MR. GERLICZ: Just to resurrect an old  
5 idea, if we met offsite, to meet in our state  
6 chartered schools, which would be well-received by  
7 many, many people, including myself, and the people  
8 running that school.

9 COMMISSIONER GARRISON: That's a great  
10 call and a great reminder. I think it's just a  
11 perfect option, because I know schools are clamoring  
12 for us to go visit, and it needs to happen more. A  
13 lot more.

14 Commissioner Bergman.

15 COMMISSIONER BERGMAN: That would, of  
16 course, help with the parking, too. I assume they  
17 would have adequate parking. Who will take the lead  
18 on that? Will you guys want to take the lead?  
19 Beverly? Thanks.

20 COMMISSIONER SHEARMAN: We have the phone  
21 conference call to set the agenda for that meeting.  
22 That certainly would be solidified at that time.

23 MS. FRIEDMAN: Mr. Garrison?

24 COMMISSIONER GARRISON: Ms. Friedman.

25 MS. FRIEDMAN: Mr. Garrison,

1 Commissioners, would you like to meet at a charter  
2 school in Santa Fe, opening the opportunity if you  
3 wanted to, after or before the meeting, do some  
4 lobbying with the legislators about certain issues?  
5 Is that a possibility?

6 COMMISSIONER SHEARMAN: I think so.

7 COMMISSIONER GARRISON: I think that's a  
8 good idea.

9 MS. FRIEDMAN: Okay.

10 COMMISSIONER SHEARMAN: I think in all  
11 fairness, the last time we met at a charter school,  
12 it was in Albuquerque. So if we're going to stay in  
13 this part of the country, it probably would be more  
14 fair certainly to rotate, and Santa Fe would be  
15 logical. Just a thought.

16 COMMISSIONER GARRISON: Or we could go to  
17 Arizona, to Starshine.

18 COMMISSIONER BERGMAN: If we're going to  
19 travel, let's go to Honolulu.

20 COMMISSIONER SHEARMAN: Las Vegas.

21 COMMISSIONER GARRISON: Sorry I started  
22 something.

23 COMMISSIONER SHEARMAN: Are we ready for a  
24 motion?

25 COMMISSIONER GARRISON: Well, hold on,

1 folks. I'm wondering if this discussion isn't  
2 enough for now, and we table this until the  
3 executive committee can make those final decisions,  
4 as we move along. My experience has been every year  
5 we're moving or shaking something as we go along, so  
6 I don't know that a vote now will be not be changed  
7 in the future anyway.

8 COMMISSIONER SHEARMAN: Okay.

9 COMMISSIONER CARR: And Mr. Chair, another  
10 point, for the Commissioners-Elect and Commissioners  
11 who have been reelected, then there's the question  
12 that we traditionally have sworn people in the first  
13 meeting in January. If not, of course, you can get  
14 sworn in by, I think, any judge in the state. And I  
15 just am putting that out there and make sure new  
16 Commissioners are informed that you will get your  
17 certificate of election and everything, but I didn't  
18 know if we want to make an arrangement for that or  
19 not.

20 COMMISSIONER GARRISON: Ms. Friedman.

21 MS. FRIEDMAN: Mr. Garrison and  
22 Commissioners, there are two hearings next week on  
23 appeals, and if either of those appeals go against  
24 your decision, there is usually a special meeting  
25 called within 30 days after that hearing. And so

1 that is also a variable. And that may cause a  
2 meeting in January, depending on the Secretary's  
3 decision.

4 But the first meeting, according to this  
5 calendar, a suggested date is February 22nd. And if  
6 that's the date -- I have talked to both  
7 Ms. Toulouse and Mr. Conroy, who is from Bloomfield,  
8 and both of them would like to be sworn in at the  
9 first meeting, in addition to those of you who are  
10 just newly elected, you would be resworn in. And if  
11 we did that meeting here in Santa Fe, here in this  
12 building, I was planning on going across the street  
13 and getting, you know, someone from the Supreme  
14 Court or someone like that. If we go to a charter  
15 school, we may ask former Judge Vigil.

16 COMMISSIONER LOPEZ: I think you have to  
17 be a judge or a notary. He's not a judge anymore.  
18 He can't do it.

19 MS. FRIEDMAN: Okay. I'll have to find  
20 somebody else. All right.

21 COMMISSIONER BERGMAN: Mr. Chair.

22 COMMISSIONER GARRISON: Mr. Bergman.

23 COMMISSIONER BERGMAN: Is it a requirement  
24 that we be sworn in here? I have been making  
25 arrangements to get sworn in in Chaves County. They

1 have two commissioners and a county clerk there.  
2 Down in Chaves County, they just do one swearing in.  
3 I'm already working on getting myself sworn in with  
4 that group. So I assume I'm all right doing that  
5 then.

6 For our soon-to-be Commissioner Toulouse,  
7 you might want to look into that.

8 But that's her decision. I'm going to try  
9 to get sworn in just before the first of the year.

10 MS. FRIEDMAN: Commissioner Garrison and  
11 Commissioners, let me know which way you would like  
12 to go, and if you would like to do it at the  
13 Commission meeting, or if you'd like to do your own,  
14 private, in your own community. That would be fine.

15 COMMISSIONER GARRISON: Any more  
16 discussion on the calendar at this point? Seeing  
17 none, the Chair would entertain a motion to table  
18 this item until Chair Shearman can determine the  
19 course of action for the Public Education Commission  
20 for the new year.

21 COMMISSIONER BERGMAN: So moved.

22 COMMISSIONER GANT: Second.

23 COMMISSIONER GARRISON: Seconded by  
24 Commissioner Gant. Any discussion?

25 COMMISSIONER CARR: Well, shouldn't we at

1 least set the first meeting, so that -- I mean --

2 COMMISSIONER GARRISON: Well, as stated by  
3 Ms. Friedman, the first meeting may very well be an  
4 appeal result.

5 COMMISSIONER CARR: Okay. I'm fine.

6 COMMISSIONER GARRISON: Mr. Reynolds.

7 MR. REYNOLDS: From a legal perspective,  
8 under the Open Meetings Act, the setting of your  
9 calendar or your setting of your meeting is actually  
10 not something that you have to vote on. As a matter  
11 of fact, the members of this committee should never  
12 discuss something outside of a public meeting that  
13 deals with the public business of this Commission,  
14 to the extent that it reaches a quorum, except you  
15 can all be talking about when to set your meeting.  
16 Okay?

17 So it's perfectly fine to, outside of a  
18 public meeting, determine when you're going to meet.  
19 So it's not necessary for you to take a vote on when  
20 you're going to meet, as long as, once those  
21 meetings are set up, you have proper notice of those  
22 meetings.

23 COMMISSIONER GARRISON: Thank you, Mr.  
24 Reynolds. Where have you been the past eight years?

25 To move forward with the discussion,



1 memberships, National Association of Charter School  
2 Authorizers and the National Association of State  
3 Boards of Education. I just want to make the  
4 comment that both organizations are -- there is so  
5 much wonderful information out there, not just  
6 regionally, nationally, but internationally, that  
7 New Mexico can glean from, that New Mexico can share  
8 with, through these organizations. And so I hope  
9 that the Commission is adamant about keeping those  
10 memberships.

11           And Beverly, you have been great at making  
12 things happen when the money wasn't even there. And  
13 I know Commissioner Lopez' husband won the lottery,  
14 so we'll do whatever is needed.

15           Commissioner Gant.

16           COMMISSIONER GANT: Mr. Chair, on that  
17 subject, I would suggest that until we have more  
18 information, which would probably be the February  
19 meeting, if that's what it is, then we decide who's  
20 going and where we're going for membership in these  
21 things.

22           Do we have to do it, Beverly, soon?

23           MS. FRIEDMAN: Commissioner Garrison,  
24 Commissioner Gant, NASBE would like their dues paid  
25 as of January 1st. I think last year we paid them

1 in May or June. And I'd also like to note on that  
2 NASBE bill, that you'll note that there are three  
3 options. And if we take the \$5,000 off for  
4 professional development, it goes down to \$11,000.  
5 But that \$5,000 is the travel and registration for  
6 the Commissioners who would go on any NASBE travel.  
7 Baseline dues for NASBE is \$11,000.

8 COMMISSIONER CARR: Mr. Chair, there will  
9 be training for new commissioner -- new board  
10 members in July of next year. I never took part in  
11 that, and I would be interested in doing that next  
12 year. And two of our new commissioners coming on  
13 might be interested, as well. Are any of us, I  
14 think, who have not taken part in that?

15 COMMISSIONER SHEARMAN: In what?

16 COMMISSIONER CARR: They have a training.

17 COMMISSIONER GARRISON: An induction  
18 program for new Commissioners. Excuse me,  
19 Commissioner Carr.

20 And so Ms. Wear, can you discuss with  
21 general counsel -- because general counsel in the  
22 past -- and I'm talking like the way past, like  
23 2005, when I came on board -- there was a structured  
24 induction program for new commissioners. And so  
25 there was a historical perspective, there was

1 obviously the travel, the reimbursements, all those  
2 little things that you better cross your T's and dot  
3 your I's to keep yourself out of trouble. Some kind  
4 of new employee orientation, if you will, that was  
5 given at that time. And I think it would be  
6 beneficial. I'm sure the incoming commissioners  
7 would greatly appreciate it, and it would make this  
8 a much more efficient bunch.

9 Ms. Friedman.

10 MS. FRIEDMAN: Commissioner Garrison and  
11 Commissioners, there is -- I'll come back to it.  
12 I'm sorry. It is about training.

13 COMMISSIONER GARRISON: Training, travel,  
14 reimbursement? Induction? Orientation?

15 MS. FRIEDMAN: It will come back to me.

16 COMMISSIONER GARRISON: That's the story  
17 of my life.

18 MS. FRIEDMAN: I know what it was. Excuse  
19 me. I'm very sorry. By the token of the Public  
20 Education Commission paying NASBE dues, our general  
21 counsel for the department is a member of NASBE, and  
22 participates in NASBE-related issues, and so I just  
23 wanted to make both of you aware of that.

24 COMMISSIONER SHEARMAN: Mr. Chair.

25 COMMISSIONER GARRISON: Commissioner

1 Shearman.

2 COMMISSIONER SHEARMAN: Mr. Chair, I would  
3 like to put off a decision on membership in both  
4 these organizations until our first meeting in 2013,  
5 so that the new commissioners can be part of that  
6 discussion and also be part of the discussion of  
7 what the benefits are of belonging to both of these  
8 organizations. And perhaps at that time we'll have  
9 a little bit better idea, too, of our budget.

10 COMMISSIONER GARRISON: Thank you,  
11 Commissioner Shearman. Any other discussion on  
12 agenda item number 18?

13 COMMISSIONER SHEARMAN: That was a motion.

14 COMMISSIONER GARRISON: Oh, I'm sorry.

15 COMMISSIONER GANT: I'll second it.

16 COMMISSIONER GARRISON: Do we need to vote  
17 on it?

18 COMMISSIONER SHEARMAN: Uh-huh.

19 COMMISSIONER GARRISON: So seconded by  
20 Commissioner Gant.

21 COMMISSIONER SHEARMAN: It's an action  
22 item.

23 COMMISSIONER GARRISON: Everything is an  
24 action item. Is there any discussion on the  
25 proposed motion? All those in favor say, "Aye."

1 Opposed, "No"? The motion passes unanimously.

2 COMMISSIONER SHEARMAN: Thank you.

3 COMMISSIONER GARRISON: Item number 19 is  
4 Public Education Commissioner comments. We'll start  
5 with Commissioner Carr.

6 COMMISSIONER CARR: Well, I think the only  
7 thing I want to say is I'm going to miss  
8 Commissioner Lopez and Commissioner Garrison, who  
9 have done an outstanding job. And Chairman  
10 Garrison, you have done an outstanding job as chair  
11 of this Commission, and you will be sorely missed.  
12 I wish you the best of luck in your writing and  
13 whatever endeavors you will take up.

14 COMMISSIONER GARRISON: The only thing I'd  
15 say is debauchery. Thank you.

16 COMMISSIONER SHEARMAN: Hear, hear.

17 COMMISSIONER LOPEZ: That sounds like fun,  
18 and now I have money to do it, so hey. I'm just too  
19 old to get away with it.

20 It's been a great experience, and I really  
21 appreciate getting to know all of you and working  
22 with all of you. I think we've done some really  
23 good work here, and I'm so impressed with what the  
24 staff does. I don't know how you get it all done,  
25 frankly.

1           And I do have to say that when I was first  
2 asked to take the appointment, Dr. Garcia said to  
3 me, "Oh, it's not very much work at all. Don't  
4 worry. It's a few meetings a year, and it's really  
5 not very much work."

6           It has been an astonishing amount of work.  
7 But it's been really good work, and I can't say I'll  
8 miss the work, but I will be watching everything  
9 you're doing from the newspaper and other ways. So  
10 it's been great. Thank you.

11           COMMISSIONER GARRISON: Mr. Gant.

12           COMMISSIONER GANT: Mr. Chair, members, I  
13 will keep it brief. I did attend the PSCOC meeting  
14 on Tuesday, and the PSCOO task force on Wednesday,  
15 and I will just keep it like this. It's a lot of  
16 discussion, and those two meetings centered on  
17 charter schools. And some of it was kind, some of  
18 it wasn't, but a lot of it will affect what happens  
19 with charter schools, because legislators are  
20 definitely waking up to -- how they put it is, the  
21 state-chartered charter schools, if you combine them  
22 all under one head, which is the PEC, is the  
23 third-largest school district in the state of  
24 New Mexico, just for your information.

25           Thank you.

1 COMMISSIONER GARRISON: Thank you,  
2 Commissioner Gant. We'll continue with Commissioner  
3 Peralta.

4 COMMISSIONER PERALTA: Again, I just want  
5 to state best wishes to Mr. Garrison and Ms. Lopez.  
6 It's been a pleasure knowing you and working  
7 alongside you. Your professionalism, your  
8 knowledge, everything that you have done on this  
9 Commission has been excellent. So best of luck in  
10 your future endeavors, and I wish everybody happy  
11 holidays, and your families.

12 COMMISSIONER GARRISON: Thank you,  
13 Commissioner Peralta.

14 Commissioner Bergman.

15 COMMISSIONER BERGMAN: I just concur with  
16 all these thoughts and just a suggestion for Carla  
17 and Andrew. Maybe follow Dennis Roach and you guys  
18 can get in the legislature and then we'd have a  
19 couple more friends there.

20 COMMISSIONER GARRISON: No.

21 Commissioner Shearman.

22 COMMISSIONER SHEARMAN: I simply want to  
23 add my thank-you to both of you for the privilege of  
24 knowing you and getting to work with you. We'll  
25 certainly try to continue the good work that you

1 have started, and we appreciate you very much. And  
2 happy holidays, best of luck to your families.

3 COMMISSIONER GANT: Be safe.

4 COMMISSIONER LOPEZ: Thank you.

5 COMMISSIONER GARRISON: Thank you. Very  
6 quick, I want you all to please attend on December  
7 18th from 9:00 a.m. to 12:00 noon the Health Science  
8 Academy appeal that will be here in Mabry Hall.  
9 Please attend the next day -- there's two appeals --  
10 December 19th is the New Mexico Connections Academy  
11 from 9:00 to 12:00. And then also on December 19th  
12 in the afternoon, slated from 1:00 to 4:00 is the  
13 Taos International School. So next Tuesday at 9:00  
14 a.m. and then next Wednesday, 9:00 a.m.

15 MS. FRIEDMAN: And 1:00 in the afternoon.

16 COMMISSIONER GARRISON: And 1:00 in the  
17 afternoon. So there are three appeals over two  
18 days. They usually, from our experience, are not  
19 the full three hours. It's usually like one and a  
20 half or two, but it's slated for the three, for  
21 coverage.

22 Mr. Ramon Vigil recommended that we try to  
23 go full force, because it just looks good, as far as  
24 that appeal process and what the Secretary of  
25 Education has to consider. So I invite you to come



1 represent the Public Education Commission.

2 I want to thank everyone. I kind of did  
3 that yesterday, but just thank you for your  
4 knowledge and for your expertise. I learned a lot  
5 about budget, a lot of crossing your T's and dotting  
6 your I's, and just enjoyed each and every one of  
7 you. I feel like I have personal relationships with  
8 you all. I have had conversation with most all of  
9 you outside of the Public Education Commission, and  
10 it's personal to me, and I applaud you for  
11 everything that you do. It's been an honor to work  
12 with you. Being vice-chair for two years and chair  
13 for three years was quite an experience, and I'll  
14 never forget it.

15 (A discussion was held off the record.)

16 COMMISSIONER GARRISON: The Chair will  
17 entertain a motion to adjourn.

18 COMMISSIONER SHEARMAN: So moved.

19 COMMISSIONER CARR: So moved.

20 COMMISSIONER GARRISON: It's been moved by  
21 two or three people. Second?

22 COMMISSIONER BERGMAN: Second.

23 COMMISSIONER SHEARMAN: Two or three  
24 people.

25 COMMISSIONER GARRISON: So moved by

1 Commissioner Shearman, seconded by Commissioner  
2 Bergman. All those in favor say, "Aye." Opposed,  
3 "No." Meeting adjourned.

4 (The proceeding adjourned at 12:45 p.m.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 STATE OF NEW MEXICO )  
 ) ss  
2 COUNTY OF BERNALILLO)

3

4

REPORTER'S CERTIFICATE

5

I, Mary Abernathy Seal, New Mexico  
6 Certified Shorthand Reporter, DO HEREBY CERTIFY that  
7 I did report in stenographic shorthand the testimony  
8 set forth herein, and the foregoing is a true and  
9 correct transcription of the proceeding had upon the  
10 taking of this hearing.

8

9

10 I FURTHER CERTIFY that I am neither  
11 employed by nor related to any of the parties or  
12 attorneys in this case, and that I have no interest  
13 whatsoever in the final disposition of this case in  
14 any court.

12

-----  
13 Mary Abernathy Seal  
14 BEAN & ASSOCIATES, INC.  
15 NM Certified Court Reporter #69  
16 License expires: 12/31/13

13

14

15

16

(6152K) MAS  
17 Date taken: December 14, 2012  
18 Proofread by: KW

18

19

20

21

22

23

24

25