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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS

September 19, 2012

8:00 a.m.

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

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A P P E A R A N C E S

COMMISSIONERS:

- MR. M. ANDREW GARRISON, Chair
- MS. CAROLYN SHEARMAN, Vice Chair
- MR. EUGENE GANT, Secretary
- MS. CARLA LOPEZ
- MS. MILLIE POGNA
- MR. VINCE BERGMAN
- MR. MICHAEL CANFIELD
- MR. GILBERT PERALTA

STAFF:

- MS. KELLY CALLAHAN, Director-Charter Schools Division
- MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
- MS. CHELLEY CHERRIN
- MS. RACHEL STOFICK
- MR. BRAD RICHARDSON
- MS. KAREN EHLERT

ALSO PRESENT:

- DEPUTY SECRETARY PAUL AGUILAR, PED-Finance and Operations
- MR. RAMON VIGIL, PEC Counsel

I N D E X T O P R O C E E D I N G S		PAGE
1		
2		
3	1. CALL TO ORDER	4
4	By Chairman Garrison	
5	2. ROLL CALL	4
6	By Secretary Gant	
7	3. PLEDGE OF ALLEGIANCE and	5
8	SALUTE TO THE NEW MEXICO FLAG	
9	4. STATEMENT OF ASPIRATION	5
10	By Commissioner Lopez	
11	5. APPROVAL OF AGENDA	6
12	6. APPROVAL OF MINUTES	8
13	7. OPEN FORUM	6
14	PED Secretary Consultation with the PEC re	9
15	Questa Independent Schools Board of Education	
16	8. APPROVAL/DISAPPROVAL OF	
17	NEW CHARTER SCHOOL APPLICATIONS	
18	A. ACADEMIC OPPORTUNITES ACADEMY-CARLSBAD	16
19	Withdrawal of Application	
20	B. ACADEMIC OPPORTUNITIES ACADEMY-ALAMOGORDO	17
21	Withdrawal of Application	
22	C. ACADEMIC OPPORTUNITIES ACADEMY-LAS CRUCES	17
23	Withdrawal of Application	
24	D. HEALTH SCIENCES ACADEMY-GADSDEN	28
25	E. ACADEMIC OPPORTUNITIES ACADEMY-ANTHONY	55
	F. COLUMBUS COMMUNITY SCHOOL	68
	G. ELECTUS ACADEMY	80
	H. HEALTH LEADERSHIP ACADEMY	95
	I. INDIGO HILLS CHARTER SCHOOL-ALBUQUERQUE	124
	Withdrawal of Application	
	REPORTER'S CERTIFICATE	125

1 September 19, 2012

2 (Hearing commences, 8:00 a.m.)

3 THE CHAIR: Good morning. We're calling
4 the Public Education Commission meeting of
5 September 19 and 20 to order. We'll do a roll call
6 by Commissioner Gant, please.

7 COMMISSIONER GANT: Commissioner Peralta.

8 COMMISSIONER PERALTA: Here.

9 COMMISSIONER GANT: Commissioner Canfield.

10 COMMISSIONER CANFIELD: Here.

11 COMMISSIONER GANT: Commissioner Bergman.

12 COMMISSIONER BERGMAN: Here.

13 COMMISSIONER GANT: Commissioner Lopez has
14 not arrived.

15 COMMISSIONER GANT: Commissioner Carr.

16 COMMISSIONER CARR: Here.

17 COMMISSIONER GANT: Commissioner Pogna.

18 COMMISSIONER POGNA: Here.

19 COMMISSIONER GANT: Commissioner Shearman.

20 COMMISSIONER SHEARMAN: Here.

21 COMMISSIONER GANT: Commissioner Garrison.

22 THE CHAIR: Here.

23 COMMISSIONER GANT: Commissioner Gant is
24 here. You have a quorum, Mr. Chair.

25 THE CHAIR: Thank you, sir. The Pledge of

1 Allegiance will be led by Commissioner Canfield, and
2 the Salute to the New Mexico Flag will be led by
3 Commissioner Peralta. Please stand.

4 (Pledge of Allegiance and Salute to the
5 New Mexico Flag conducted.)

6 THE CHAIR: For the record, Commissioner
7 Lopez is in attendance. And she was just trying to
8 make a grand entrance, because she has a Statement
9 of Aspiration that she will give to all of us. So
10 the floor is yours, when you're ready.

11 COMMISSIONER LOPEZ: Okay. Once again, I
12 trust that all of us have the best interests of
13 students at heart and that we work very hard to come
14 to a place that is accountable and is the best use
15 of State funds, taxpayer money, for everyone. And I
16 know that we'll all give our best to do that today.
17 Thank you.

18 THE CHAIR: Thank you, Commissioner Lopez.
19 Just housekeeping. If everyone -- I feel like I'm
20 talking to myself because I know they're on. Turn
21 off your cell phones, please.

22 COMMISSIONER LOPEZ: Pardon me?

23 THE CHAIR: Item No. 5 is approval of the
24 agenda. And I want to make note that I would like
25 to move Item No. 12, PED Secretary Consultation with

1 the PEC on the Questa Independent Schools Board of
2 Education by Paul Aguilar, PED Deputy Secretary --
3 I'd like to move that up in the agenda to Item
4 No. 7. And no other changes proposed. The Chair
5 will entertain a motion.

6 COMMISSIONER GANT: Mr. Chair, I move to
7 accept the agenda with the changes; also, with the
8 ability for you, as the Chair, to change the agenda
9 as necessary as we go through the next two days.

10 THE CHAIR: There's a motion, and seconded
11 by Commissioner Pogna.

12 COMMISSIONER CARR: Mr. Chair, we're at a
13 timed item. It's at 8:10 for the open forum.

14 THE CHAIR: That's why I'm trying to get
15 through this. All those in favor, "Aye"?

16 (Commissioners so indicate.)

17 THE CHAIR: Opposed, "No"? The agenda is
18 approved, and we are to Open Forum. And we do have
19 one person, Shirley Jones, of Carlsbad Schools. And
20 the topic is -- I can't -- I see "Charter, if
21 not" -- something.

22 UNIDENTIFIED SPEAKER: "If not,
23 withdrawn."

24 THE CHAIR: Oh. "If not, withdrawn"? So
25 this is a topic that is -- is actually on the

1 agenda, I believe. So let me just give the
2 instruction on Open Forum.

3 Public comments and observations regarding
4 education policy and governance issues, as well as
5 the Strategic Plan for Education are heard at this
6 time.

7 And so, Mrs. Jones, where are you at?

8 (Ms. Jones indicates.)

9 THE CHAIR: Was this a topic -- if it's a
10 charter school topic, then that's already on the
11 agenda.

12 MS. JONES: Yes.

13 THE CHAIR: Those items won't be heard at
14 this time. As far as being on the agenda, those
15 topics will be discussed; but those are probably
16 supposed to be given at the community input hearing.
17 But we do appreciate your attendance here today and
18 your concerns.

19 That closes Open Forum.

20 I'd like to move to Item No. 6, approval
21 of minutes, August 9, 2012, meeting, and August 20
22 through 24, 2012, public hearings. I'm sure this is
23 wonderful nighttime reading. And if everyone has
24 gone through those minutes, I will entertain a
25 motion.

1 COMMISSIONER SHEARMAN: Mr. Chairman, I
2 move for approval.

3 COMMISSIONER BERGMAN: Second.

4 THE CHAIR: Moved for approval by
5 Commissioner Shearman; seconded by Commissioner
6 Bergman. All those in favor, say "Aye."

7 (Commissioners so indicate.)

8 THE CHAIR: Opposed, "No"?

9 The minutes of the August 9, 2012, and
10 August 20 to 24 public hearings are approved.

11 We will now move to what was formerly Item
12 No. 12. This is the Public Education Department
13 Secretary consultation with the Public Education
14 Commission on the Questa Independent Schools Board
15 of Education. Good morning and welcome, PED Deputy
16 Secretary, Paul Aguilar.

17 DEP. SEC. AGUILAR: Good morning,
18 Mr. Chairman and members of the Commission. Thank
19 you for having me this morning. Mr. Chairman, at
20 2:00 yesterday afternoon, the Secretary issued an
21 order suspending -- doing an emergency suspension of
22 the authority of the Questa School Board. And
23 because it's an emergency circumstance, we wanted to
24 have a discussion and consultation -- or at least a
25 preliminary consultation -- with the school -- with

1 the Commission this morning, just to inform you.

2 Under the provisions of Sections 22-2C and
3 22-2-14 of the Public School Code, we wanted to have
4 this consultation as quickly as possible in order to
5 give the Commission time to ask questions prior to a
6 contemplated hearing.

7 And so, Mr. Chairman, as I mentioned
8 yesterday, Tuesday, September 18, the Public
9 Education Department Secretary served a detailed
10 notice upon the Questa Board of Education to
11 immediately suspend the authority of the School
12 Board. A hearing has been scheduled for November 5
13 to -- at 9:00 in the morning at the Taos Convention
14 Center to give the School Board the opportunity
15 to -- to respond to determine -- to respond to the
16 issues that were included in an order that you
17 received via e-mail yesterday afternoon, and to --
18 to show why the suspension should not be made
19 permanent.

20 Mr. Chairman, the law provides
21 interchangeably, and perhaps somewhat confusingly,
22 that the Secretary must consult with the Commission,
23 and the Commission must consult with the Secretary
24 prior to exercising such suspension authority.

25 We suggest that the law can only mean that

1 the Secretary must consult with the PEC, since the
2 PEC does not have independent authority to suspend a
3 school board or a district superintendent. We
4 believe that's a reading in statute that wasn't
5 changed after the constitutional amendment.

6 Mr. Chairman, we've provided you
7 yesterday -- and, Commissioners -- we provided you
8 yesterday with a copy of the order. And I emphasize
9 that we're not here -- that we're not here before
10 you for a hearing, and that this is not an
11 adversarial process before you today. An
12 adversarial process comes later before a hearing
13 officer, and only -- if and only that process goes
14 forward, based on board -- on the existing board
15 action.

16 As you are probably aware, Mr. Chairman,
17 the Public Education Commission statutory rule is to
18 recommend or not recommend an alternative action to
19 the Secretary. You do not interpret the law as
20 requiring or warranting public input, and today, we
21 will not participate in any public debate over the
22 proposed actions. In fact, in the interests of due
23 process, fairness, and issues of privacy to all
24 people all persons involved, we cannot.

25 And, moreover, your own rules of

1 procedure, Mr. Chairman, on Page 7 provide that the
2 Chair of the Public Education Commission will rule
3 out of order any presentation that addresses an
4 agenda item, a matter of pending litigation, or is
5 disruptive to the conduct of the meeting. And
6 that's not our intent today.

7 Mr. Chairman as we -- as you look at the
8 order, we received notice a few -- a few weeks ago
9 that the Superintendent of Schools at the Questa
10 Independent School District was resigning
11 immediately without notice, and his cause for his
12 resignation was his inability to conduct the
13 business of the -- of the District because of
14 interference from the Board of Education.

15 On that day -- on the following day,
16 myself and my Director of School Audits visited the
17 District. We participated -- not participated -- we
18 attended a Board meeting to observe things that --
19 to observe the behavior of the Board and to try to
20 ascertain if that was reason to move forward with an
21 investigation.

22 Based on a number of things that happened
23 at the Board meeting regarding behavior and
24 regarding what appeared to be interference in the
25 daily operations of the District, we sent a -- an

1 investiga- -- two investigators to Questa, and we
2 have gathered significant information, some of which
3 is detailed in the order; not all of it. And we
4 have affidavits from the members of the community,
5 from members of the staff, and from former
6 superintendents, significant enough to indicate that
7 the business of the District is unable to go forward
8 on a daily basis, both as a part of interference,
9 but also because the Board is unable to meet.
10 They're deadlocked. They have a seven-member Board,
11 and they're deadlocked three to three. They have a
12 vacancy, and they're unable to fill the vacancy, and
13 so they're unable to keep the business of the
14 District going forward.

15 And, secondly -- and probably, actually, I
16 say "secondly," but primarily -- the educational
17 process of the District is being affected. There
18 are sides being taken in this issue amongst
19 families, and it's starting -- it's starting to
20 impact the daily educational process of the
21 District.

22 And for those reasons, Mr. Chairman, the
23 Secretary issued her order yesterday, and we are --
24 we have been in consultation -- I'm sorry, not
25 consultation. We have informed the School Boards

1 Association. We've asked for their help in
2 developing a plan to assist the Board to mitigate
3 some of these issues going forward. And we look
4 forward to resolving the issues shortly and return
5 the authority of the School Board as quickly as
6 possible to the District when the Secretary is
7 assured that the business of the District and the
8 business of educating the children of the Questa
9 Independent Schools is no longer being hampered.

10 And with that, Mr. Chairman, again, we're
11 bringing this forward as quickly as possible after
12 the order. It was an immediate suspension order,
13 and so we have brought it the day after the order
14 was -- was invoked. And we have a hearing again, as
15 I mentioned, November 5, and we look forward to the
16 input of the -- of the Commission in advising the
17 Secretary as we go forward in the process.

18 I need to point out, Mr. Chairman, that in
19 the order, specific instances of interference and
20 inappropriate Board behavior are noted. I need to
21 point out that in the current statute, there is no
22 provision to remove individual members of the Board.
23 It's either you remove -- you suspend the authority
24 of the Board in its entirety or not. And so, going
25 forward -- and not necessarily for this discussion

1 today -- but going forward, we're trying to work
2 with the School Board Association to craft
3 legislation that provides for removing the bad
4 actors and not necessarily an entire school board.

5 We recognize the impact on a community
6 when we -- when the Department is forced to take
7 that action. And so, with that, Mr. Chairman, I
8 would stand for questions.

9 THE CHAIR: Just curious why the Board is
10 unable to fill the position. I know why the Public
11 Education Commission can't fill a position, because
12 the Governor hasn't assigned one to us. But --

13 DEP. SEC. AGUILAR: Mr. Chairman, at the
14 Board meeting that we attended, there were five
15 applicants for the vacant position. And in all five
16 cases, the Board tied three to three against --
17 against seating a member. And during that
18 meeting -- not to get into too much detail. But,
19 actually, during that meeting, the Board did ask
20 what the time frame was for the Secretary to appoint
21 a member. And that's 45 days after a resignation.
22 And the comment was made to myself, as I sat there
23 that, "Well, we'll probably see you in 45 days."

24 So there was -- it seems that they are at
25 an impasse right now with the three to three, and

1 not being able to fill that position is problematic
2 at this time. And last week, for example, because
3 of the split in the body, the School Board, last
4 Tuesday, I believe, was -- had a scheduled Board
5 meeting. Three of the members did not show up, and
6 so they did not have a quorum.

7 And so the business of the District,
8 including approval of contracts, expenditures, and
9 vouchers, did not take place. And so that's one of
10 the many things -- it's a Board that admits publicly
11 that they're dysfunctional and unable to conduct
12 business.

13 THE CHAIR: Thank you, Deputy Secretary.
14 Other questions? Deputy Secretary, do you need a
15 recommendation from the PEC this morning?

16 DEP. SEC. AGUILAR: Mr. Chairman, it would
17 be unfair to the Commission to ask for a
18 recommendation right now, because you haven't had
19 time to look at the order and to ask questions. And
20 so we look forward to working with you and your
21 Commissioners to answer any questions that you may
22 have in advance of the November 5th meeting.

23 THE CHAIR: Any other comments or
24 questions for the Deputy Secretary? Seeing none,
25 thank you very much, sir.

1 DEP. SEC. AGUILAR: Mr. Chairman, thank
2 you. I need to excuse myself today, Mr. Chairman.
3 I've got to be at the ERB. We want to make sure our
4 retirees continue to get paid.

5 COMMISSIONER SHEARMAN: Oh, please take
6 care of that.

7 DEP. SEC. AGUILAR: But I will be
8 available by phone or by e-mail, if you have any
9 questions.

10 COMMISSIONER CARR: Mr. Chair, real quick.
11 I'm sorry. I didn't get my question in on time.
12 But when you have the meeting on November 5th, are
13 you -- can you provide us minutes for that so we can
14 take a look at that?

15 DEP. SEC. AGUILAR: Mr. Chairman,
16 absolutely. And, Commissioner, we'll provide you
17 with that. And also we'll answer any questions that
18 you might have regarding the order in advance so you
19 can craft whatever questions you may have.

20 COMMISSIONER CARR: Thank you.

21 THE CHAIR: Thank you, Mr. Chairman.
22 Item No. 8 is Approval/Disapproval of New Charter
23 School Applications. We are at letter A, Academic
24 Opportunities of Carlsbad. The charter school has
25 informed the Public Education Commission that the

1 application has been withdrawn.

2 Letter B is Academic Opportunities,
3 Alamogordo. The Charter School Division has
4 informed the Public Education Commission that the
5 application has been withdrawn.

6 Item No. C, Academic Opportunities,
7 Las Cruces. The Charter School Division has
8 informed the Public Education Commission that the
9 application is withdrawn.

10 We will move to Item Letter D.

11 We have a question for our counsel; not
12 general counsel, but for Mr. Vigil.

13 (Chair Garrison consults with PEC Counsel.)

14 THE CHAIR: I apologize for that -- for
15 that interruption. We are at Letter D, Health
16 Science Academy, Gadsden. And we're going to hear
17 from the Charter School Division and their
18 recommendation. And they have ten minutes to do
19 that. So, Ms. Callahan, did you want to do
20 everything from up there?

21 MS. CALLAHAN: Mr. Chair, if that's okay
22 with you.

23 THE CHAIR: Absolutely.

24 MS. CALLAHAN: All my stuff is here. Just
25 a point of order, there is a statement that the

1 Chair needs to read into the record about the
2 process. And it's located under the top tab after
3 the Executive Summary.

4 THE CHAIR: I knew I was going to try to
5 rush through things that I need to read.

6 MS. CALLAHAN: We'll have a long time to
7 get all the pieces together.

8 THE CHAIR: So at 4:00 this morning, I was
9 ready to do that. And now I'm trying to burn
10 through.

11 Ms. Callahan, we have an agenda item,
12 Executive Summary. But I believe I'm reading my
13 statement; right?

14 MS. CALLAHAN: Mr. Chair, yes, that's
15 correct.

16 THE CHAIR: This meeting is being
17 conducted pursuant to New Mexico Statutes Annotated,
18 Title 22, Section 8B-6K, 2009. The purpose of this
19 two-day meeting is to hear the recommendations from
20 the Charter School Division, hear the applicants'
21 responses to the recommendations, provide the
22 opportunity for discussion among the Commissioners,
23 and for the Commissioners to take action on each
24 application.

25 According to NMSA 1978, 22-8B-6L, the

1 Commission may approve, approve with conditions, or
2 deny an application. The Commission may deny an
3 application, if: A, the application is incomplete
4 or inadequate; B, the application does not propose
5 to offer an educational program consistent with the
6 requirements and purposes of the Charter Schools
7 Act; C, the proposed head administrator or other
8 administrative or fiscal staff was involved with
9 another charter school whose charter was denied or
10 revoked for fiscal mismanagement, or the proposed
11 head administrator or other administrative or fiscal
12 staff was discharged from a public school for fiscal
13 mismanagement; D, for a proposed State-chartered
14 charter school, it does not request to have the
15 governing body of the charter school designated as a
16 Board of Finance or the governing body does not
17 qualify as a Board of Finance, or; E, the
18 application is otherwise contrary to the best
19 interests of the charter school's projected
20 students, the local community, or the school
21 district in whose geographic boundaries the charter
22 school applies to operate.

23 Prior to taking action on each of the
24 applications, the Commission will follow this
25 process:

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1 The Charter School Division will have ten
2 minutes to present its recommendation. The
3 applicant will have 15 minutes to respond to the
4 CSD's recommendations. The PEC has up to 30 minutes
5 to ask questions of the applicant and/or the Charter
6 School Division, but is not required to do so.

7 The Commission will hold discussion as it
8 deems necessary prior to holding a vote on the
9 application. As stated in the law, the Commission
10 will then vote to approve, approve with conditions,
11 or deny the application.

12 If the Commission decides to reject or
13 modify the Charter School Division's recommendation
14 to approve and/or the proposed conditions, the
15 Commission will articulate its reasons for rejecting
16 or modifying the recommendations and/or the
17 conditions.

18 Commissioners, are you ready to proceed?

19 (Commissioners so indicate.)

20 THE CHAIR: Was that better, Ms. Callahan?

21 MS. CALLAHAN: Mr. Chair, absolutely.

22 Thank you.

23 THE CHAIR: Thank you for catching me
24 there. Already in time-out and it's early morning.

25 Please proceed.

1 MS. CALLAHAN: Mr. Chair, Commissioners,
2 I'm going to do the -- just a run-through of the
3 Executive Summary, if I may, to kind of set the
4 process, because it is a little different than it
5 has been in the past, and so I'd like to get that
6 into the record, with your permission.

7 THE CHAIR: You have my permission.

8 MS. CALLAHAN: Mr. Chair, thank you.
9 Mr. Chair, Commissioners, the Charter School
10 Division is prepared to make recommendations based
11 upon the applications and information shared during
12 the capacity interviews by the current applicants.
13 The new charter school application process that took
14 place this year happened as a result of the
15 implementation of SB 446, the new charter
16 accountability law that went into effect July 1,
17 2012.

18 The charter application changed as well as
19 the review process. Based on recommendations from
20 the National Association of Charter School
21 Authorizers, NACSA, and review of other states' AP
22 authorizing practices, the Charter School Division
23 created a rigorous application that meets the
24 requirement of SB 446. It also utilizes a rubric
25 that assisted applicants with the expectations for a

1 top score, as well as making the scoring -- make
2 scoring the application a more objective process.

3 Included in your notes is a time line.

4 The application was due to the Charter School
5 Division July 2. From July 3 through the 29th, the
6 applications went through a screening and review
7 process. That was a rubric that was designed to
8 define the criteria with a two-point scale; that the
9 application section meets for a 2, partially meets
10 for a 1, or does not meet for a zero. The review
11 team was made up of the Charter School Division team
12 lead, a sitting charter school principal or
13 experienced charter school leader, and a current
14 charter school business manager reviewing the
15 applications, for a total of four teams.

16 The teams were comprised of Brad
17 Richardson, a Charter School Division Educational
18 Administrator; Greta Roskom, a current charter
19 school director; and Mary Scofield, a current
20 charter school business manager.

21 The second team was made up of Karen
22 Ehlert, another Charter School Division Education
23 Administrator; Sandy Beery, a current charter school
24 administrator; and Deana Gomez, a current charter
25 school business manager.

1 The third team was made up of Rochelle
2 Cherrin, a Charter Schools Division Educational
3 Administrator; Lisa Grover, a leader in the charter
4 school movement in New Mexico; and Rhonda Cordova, a
5 current charter business manager.

6 The fourth team was Rachel Stofick, a
7 Charter School Division Education Administrator,
8 Doug Wine; a current charter school head
9 administrator; and Gilbert Mondragon, a current
10 charter school business manager.

11 Each team reviewed three to four
12 applications, and the teams worked together and
13 completed the review team application analysis.

14 From the analysis, the team developed
15 school-specific questions for the capacity
16 interviews, and all schools had common questions.
17 There were twelve. And the Charter School Division
18 developed three questions, charter-school specific.

19 The capacity interviews were held with the
20 review team, and they were scored also on the
21 two-point scale of "meets" for two points,
22 "partially meets" for one, or "does not meet" for
23 zero.

24 From August 10 to August 14, the final
25 team analysis and capacity interview analysis were

1 sent to the Public Education Commission. In
2 addition, the -- to the analysis documents, the
3 Charter School Division compiled a report of
4 demographic information about the new applicants and
5 the communities and school districts they wish to
6 serve. And just to note that it -- it's located in
7 the back of your notebooks, that report in its
8 entirety.

9 From August 20th to 24th, the Public
10 Education Commission held community input hearings
11 across the state. And just a note that was already
12 read into the record. Academic Opportunities
13 Academy, Las Cruces, Alamogordo, and Carlsbad
14 withdrew their applications. And I'm not sure if
15 there's going to need to be a motion to take care of
16 that. So we're -- Mr. Vigil indicates there isn't.
17 So they were withdrawn.

18 The team leads and the Options for Parents
19 Director completed the final recommendations and
20 sent the final recommendation and evaluation
21 documents to the PEC, the applicants, and it was
22 posted also to the Web site. The final
23 recommendation and evaluation captures key findings
24 of the review team based on the team's review team
25 analysis and capacity interview team analysis, and,

1 if appropriate, any pertinent information gathered
2 at the PEC community input hearings.

3 And we are here today to make the final
4 decision from the Public Education Commission.

5 Pursuant to 22-8B-9, the State statutes
6 1978, charter schools approved after July 1, 2012,
7 shall enter into a contract with the authorizer that
8 shall be the final authorization for the charter
9 school. This contract must be negotiated within
10 30 days of the initial application approval.

11 In previous application cycles, charter
12 schools had conditions set at the approval hearing
13 that had to be met prior to the commencement of
14 operations. However, with the new contract
15 requirements, the authorizer and charter school must
16 agree to material terms to include in the contract,
17 which will be the conditions under which a charter
18 school will operate.

19 In the Charter School Division
20 recommendation statements we will read into the
21 record today, there will be references to provisions
22 which are statutory requirements for all charter
23 schools to operate. These are nonnegotiable. The
24 PEC may, however, identify other potential material
25 terms which will become part of the contract

1 negotiation process. These material terms may be
2 listed in the resolution for future contemplation.

3 Many of the deficiencies or concerns
4 identified in the new applications by the Charter
5 School Division are considered minor changes that
6 may be completed during the planning year for those
7 charters who are approved. If there were any
8 material concerns by the CSD, they were listed in
9 the recommendation document for PEC consideration.

10 The charter performance contract
11 negotiation process for the charter applications
12 approved today will have two parts. The preliminary
13 contract will spell out the material terms and
14 requirements for the planning year, as the new
15 schools will not have students or staff to determine
16 performance measures based on the performance
17 framework from 22-8B-9.1 NMSA 1978. This will be
18 negotiated in the 30-day window after the PEC grants
19 approval for a new application.

20 The final contract will be negotiated
21 prior to the approval to commence operations and
22 incorporate the required elements from 22-8B-9 NMSA
23 1978.

24 So, Mr. Chair and Commissioners, there's a
25 little bit of a difference for this year's approval

1 process. And so we are going to be looking at a
2 contract negotiation. And the reason that we wanted
3 to do the two parts, we -- we have this full
4 contract, which is in your -- the template is in
5 your materials. But, because the schools don't have
6 the staff that they need to do a full contract
7 negotiation, we felt that the -- the two-part
8 preliminary contract, which would then set the
9 expectations for a school to commence operations,
10 which includes the completing of the planning year
11 checklist, would fulfill the first part; and then,
12 as the school was ready to open, the material terms
13 and performance indicators and measures would be
14 negotiated in the spring.

15 Are there any questions?

16 THE CHAIR: Any questions from
17 Commissioners for Ms. Callahan? There are none.
18 Oh, is there one?

19 COMMISSIONER GANT: Yes.

20 THE CHAIR: Oh. Commissioner Gant.

21 COMMISSIONER GANT: I'm just slow today.
22 Mr. Chair and members, does the Chair designate who
23 does the negotiations with the new charter? What's
24 that process?

25 MS. CALLAHAN: Mr. Chair,

1 Commissioner Gant, the -- the negotiation process --
2 the work that we're going to have to do needs to be
3 determined. And my recommendation is that the
4 executive committee meet with Mr. Vigil and myself
5 to actually look at the process of what those
6 negotiations are going to entail.

7 This has never been done before. And so
8 we're going to need to work as a team to determine
9 how that's going to operate and what the actual
10 process is at this point.

11 COMMISSIONER GANT: Thank you.

12 THE CHAIR: Great question, Commissioner.
13 Any others? There are no more questions,
14 Ms. Callahan.

15 MS. CALLAHAN: Mr. Chair, Commissioners,
16 thank you. Mr. Chair, I have that we are at Agenda
17 Item 8D, which is the recommendation for the Health
18 Sciences Academy in Gadsden? Is that correct?

19 THE CHAIR: That is correct.

20 MS. CALLAHAN: And I believe there are
21 representatives here.

22 THE CHAIR: I would like to ask the
23 representatives to come on up to the front table.
24 And there's a handy-dandy clip there, so you don't
25 have to do what we're doing and hold these

1 antiquated microphones.

2 UNIDENTIFIED SPEAKER: The founder is out
3 of --

4 THE CHAIR: Come on up and introduce
5 yourself. And I need you to use the microphone, so
6 if you could use that clip. Mr. Vigil knows what to
7 do.

8 MR. M. VIGIL: Get it open.

9 THE CHAIR: Good morning.

10 MS. DUHIGG: Good morning, Mr. Andrew
11 Garrison. The founder, Lorna, is out of the
12 country. And I would like to request permission for
13 her to attend the meeting via Skype with my
14 computer, if that is okay with you.

15 THE CHAIR: That is okay.

16 MS. DUHIGG: Okay. I will connect.

17 THE CHAIR: So we're going to start with
18 the Charter School Division recommendation, and
19 you're free to get her set up.

20 MS. DUHIGG: Thank you.

21 THE CHAIR: Please introduce yourself,
22 sir.

23 MR. M. VIGIL: My name is Michael Vigil.
24 I'm the Chief Operating Officer for the New Mexico
25 Coalition for Charter Schools. We did work with

1 the -- my staff worked with the school in helping
2 with their -- their application and preparing some
3 of the budget items. And so I just have some
4 information regarding some of the budget discussion
5 that occurred earlier.

6 THE CHAIR: Good morning.

7 MR. M. VIGIL: Good morning.

8 THE CHAIR: Ms. Callahan?

9 MS. CALLAHAN: Mr. Chair, Commissioners,
10 in the matter of Health Sciences Academy in Gadsden,
11 the Charter School Division recommends that the
12 application for Health Sciences Academy in Gadsden
13 be denied. The basis for this recommendation is
14 stated in the Charter School Division's Application
15 Final Recommendation and Evaluation for the school,
16 which is located in the Public Education Commission
17 document notebook under Tab 8D.

18 In summary, the basis for the
19 recommendation is that the application is incomplete
20 and/or inadequate based on the evidence identified
21 from the application rubric, from the application
22 review team analysis, and from the capacity
23 interview team analysis, which is also located under
24 Tab 8D.

25 A recommendation for denial means that

1 overall, the application contained serious
2 deficiencies and is consequently incomplete or
3 inadequate. The deficiencies were not or could not
4 be clarified or corrected by the applicants during
5 the capacity interview or weren't addressed
6 substantively at the community input hearing.

7 Mr. Chair, Commissioners, I have a
8 resolution that I'm going to read into the record.

9 The New Mexico Public Education Commission
10 Charter School Application Resolution.

11 Whereas, the Public Education Commission,
12 pursuant to the provisions of the Charter School
13 Act, received and reviewed a charter school
14 application from Health Science Academy in Gadsden;

15 Whereas, the Public Education Commission,
16 pursuant to the provisions of the Charter School
17 Act, held a public hearing regarding said
18 application;

19 And, whereas, the Public Education
20 Commission, pursuant to the provisions of the
21 Charter School Act, held a meeting on September 19th
22 and 20th, 2012, to hear the recommendations of the
23 Charter School Division of the Public Education
24 Department and comments from the charter school
25 applicants.

1 Now, therefore, be it resolved that the
2 application of Health Science Academy, Gadsden, be
3 denied for the following reasons: Overall, the
4 application contains serious deficiencies and is
5 consequently incomplete and/or inadequate. The
6 deficiencies were not or could not be clarified or
7 corrected by the applicants during the capacity
8 interview or weren't addressed substantively during
9 the community input hearing.

10 Be it further resolved that the Public
11 Education Commission adopts the Application Final
12 Recommendation and Evaluation of this charter school
13 applicant issued by the Charter School Division of
14 the Public Education Department in support of the
15 above-listed reasons.

16 And when we're finished at the end, there
17 is a motion in your books to adopt or not adopt this
18 resolution. And that is the Charter School Division
19 presentation.

20 THE CHAIR: Thank you. We will move to
21 the applicants who have 15 minutes to respond. And
22 you have introduced yourselves. Did you give a
23 title also?

24 MS. DUHIGG: I am a founding member of the
25 Health Sciences Academy.

1 THE CHAIR: Excellent. And you may
2 proceed.

3 MS. DUHIGG: Okay. Good morning
4 Commissioner Garrison and other Commissioners and
5 interested guests and PED staff. My name is Nancy
6 Duhigg. I am a founder and board member of the
7 proposed Health Sciences Academy. I was born in
8 Guadalajara, Mexico, and am Mexican-American, as
9 well as a U.S. citizen. Today, I am completing
10 graduate studies in Albuquerque at the St. Francis
11 University in the Physician Assistant program.

12 I continue to enjoy a deep and powerful
13 bond with the Healthy Futures team working with two
14 other board members, Brenda Avila and Ben Lewinger,
15 interested in serving families near the U.S.-Mexico
16 border. Both Brenda and Ben have strong connections
17 with families in the target community.

18 With respect to children and families we
19 hope to reach and motivate with the HSA charter
20 school, I lived in Mesilla Park for over ten years
21 while my father worked as a physician in Santa
22 Teresa, New Mexico. I continue to maintain these
23 friendships and connections. Their struggles and
24 unmet needs have been evident as they grew in search
25 for good jobs and ways to improve their community

1 and quality of life. In the event our application
2 is approved, I plan to attend the New Mexico --
3 attend in November, the New Mexico Coalition for
4 Charter Schools training to add to my knowledge
5 base.

6 Mr. Chairman, because Lorna is out of the
7 country, I will be reading the following on her
8 behalf, and I have a copy if you guys would like it.

9 The purpose of this gathering is to
10 consider whether Healthy Futures, which is the
11 applicant for Health Sciences Academy, has the
12 capacity and wherewithal and the support of the
13 local community to offer an educational choice to
14 families in the Gadsden district. Health Sciences
15 Academy is a well thought-out plan and design for a
16 school program and curriculum that collaborates with
17 a set of outstanding partners: Health care
18 providers, technologists, academics, and business
19 professionals. It is an educational option that
20 does not currently exist for students.

21 In reviewing the evaluation report of the
22 Charter School Division, we feel that some reviewers
23 may have missed a number of material components of
24 our plan or may have misunderstood our emphasis. We
25 feel that reviewers sometimes focused on issues

1 beyond our control, as with budget forecasts that
2 were required to conform to PED regulations.
3 Accordingly, we present a brief summary of why we
4 believe our application merits further consideration
5 and that may impact your decision positively.

6 First, the question regarding our
7 capacity, we wish to say that even though the
8 evaluators did not recommend the application for
9 approval, they did recognize and acknowledge the
10 commitment and capacity of our team. Allow me to
11 quote a portion of their conclusion. "The capacity
12 interview revealed the dedication and expertise of
13 the school representatives."

14 So it came as a surprise to our team that
15 the reviewers suggested that somehow we might not
16 have proper capacities.

17 The application highlights founders' and
18 board members' qualifications that demonstrate their
19 value to the proposed charter school. In addition,
20 Healthy Futures is believed to be the only applicant
21 to assemble an unparalleled professional support
22 team, and the first to compete for an USDE charter
23 school planning grant, which, by the way, a copy of
24 the USDE application was submitted to members of the
25 capacity interview.

1 To amplify the team that will support the
2 design and development of the new teaching staff, we
3 have enlisted and received support from recognized
4 charter school leaders such as Dr. Lisa Grover and
5 Dr. Dolly Juarez. We also have the expertise of
6 Mr. Michael Vigil, a recognized leader in school
7 management and business administration. He is here
8 today to answer questions. Ms. Margie Lockwood, who
9 has over 30 years of classroom and administrative
10 experience in special education programs in
11 Albuquerque Public Schools is a member of our
12 advisory team.

13 We sat down in a meeting with Dr. Mark
14 Kittleson, Chair of the College of Health Science at
15 NMSU, and three of his colleagues in the department
16 to discuss initial plans for collaboration. His
17 support is evident in the letter included in the
18 appendix.

19 We have also enlisted and received support
20 from nationally recognized leaders in educational
21 technology, such as Dr. Julie Wood, Larry Myatt, and
22 Dr. Andrew Nevins. Dr. Glenn Christo has extensive
23 experience in creating new medical schools and
24 designing health curricula and teaching methods.
25 There are others on the team that I do not mention

1 here, but whose qualifications are no less than
2 outstanding. Brief bios are included in the
3 application appendix.

4 The Governing Board has unique educational
5 and business talent. Dr. Shinge has trained ELL
6 teachers and students and written extensively on
7 bilingual and ELL methodologies. Ken Cherian is a
8 graduate of both Harvard and Princeton and has over
9 25 years of health care administration and preparing
10 students for college entry.

11 Brenda Avila is another strong and unique
12 Board member. Born and educated in Mexico, Brenda
13 is a U.S. citizen and a graduate of UNM. She
14 previously served as founder and administrator for a
15 private elementary school in Albuquerque. Nancy
16 Duhigg, myself, knows the Gadsden district
17 firsthand, having grown up in the New Mexico-Mexico
18 border area. I have a degree in mechanical
19 engineering and am currently completing the
20 Physician Assistant program in Albuquerque. I serve
21 as a wonderful role model for underserved students
22 along the border.

23 Been Lewinger is a New Mexico native. Ben
24 has taught at a charter school and now serves as an
25 executive at the New Mexico Community Foundation.

1 Second, regarding the support for the
2 school, although the CSD evaluation team recognized
3 the strong support that we have received from
4 community members and professionals, they seem to
5 have failed to connect the support to proof of
6 capacity. The success of a new school is dependent
7 on the buy-in of all stakeholders, which our
8 application plainly demonstrates with letters from
9 the Mayor of Anthony and Bishop Ramirez of the
10 Diocese of Las Cruces.

11 The impending partnerships with New Mexico
12 State University and area medical providers will
13 serve to create innovative curriculum collaboration.
14 Over the last few months, the founders have met and
15 interacted with NMSU personnel, El Paso Children's
16 Hospital, and La Clinica de la Familia. And while
17 we could not at this time enter into formal
18 agreements, they have given us enthusiastic evidence
19 of their willingness to partner. The plan is to set
20 up additional partnerships. However, these initial
21 connections serve to demonstrate our capacity to
22 negotiate partnerships that will be vital to the
23 school.

24 So while founders and governing board
25 themselves are well qualified, together with the

1 support of the advisory team, who have been -- who
2 have given their commitment of support, we believe
3 that we are more than adequately qualified to
4 prepare to implement the plan with an application.

5 Third, there seems to be some ambiguity
6 between the relationship between Healthy Futures and
7 the proposed charter school. As explained during
8 both the capacity interview and the community input
9 hearings, the organizational chart in the
10 application failed to print a dotted line that was
11 drawn to indicate Healthy Futures' advisory role.

12 Healthy Futures is a New Mexico 501(c)(3). Such --
13 as such, it is not permitted to operate a charter
14 school by New Mexico law. As stated in the articles
15 of incorporation, Healthy Futures is organized
16 exclusively for charitable purposes.

17 Healthy Futures will advise and provide financial
18 assistance to the school.

19 I would like to draw attention to a number
20 of objections raised by the evaluators that appear
21 to be a direct result of misreading,
22 misunderstanding, or misinterpreting the text in the
23 application. We lost many points that have resulted
24 from evaluators missing relevant information. Since
25 time will not allow us to enumerate them all, we

1 have selected ones we thought appropriate.

2 I would like to briefly address a concern
3 that the CSD reviewers raised in their evaluation
4 with regard to board members who reside out of
5 state. They stated the physical location of board
6 members could potentially violate the Open Meetings
7 Act. In response, we'd like to say that, according
8 to the New Mexico Attorney General's Handbook for
9 Open Meetings Act Compliance Guide, Page 12, there's
10 no violation of the New Mexico Open Meeting law if
11 HSA board members who reside out of town attend
12 meetings via conference call, and those who attend
13 the meeting can hear and communicate with these
14 board members. HSA will make sure to comply with
15 the law stated above.

16 Evaluators objected that no provision is
17 made for transportation for internships. Page 62 of
18 the application states, "\$5,000 transportation of
19 students to and from internships for year one."

20 The expectation of student travel to
21 off-campus internships in the first year is low.
22 Although our application narrative addresses only
23 the first year, funds are dedicated to
24 transportation for all five years. See Budget,
25 Page 1, under Instruction, Other Purchased Services.

1 Year two has \$30,000; year three, \$40,000;
2 year four and five, \$50,000 for each year.

3 Second, evaluators suggested that
4 instructional assistants that supervise a classroom
5 when the teacher is out may be illegal. The
6 reference comes from the job description of
7 instructional assistants that we wrote. What we
8 wrote was when the teacher is out of the classroom,
9 not simply out. Appendix D. There may be reasons
10 why a teacher must step out of the classroom. It is
11 these brief instances that were implied in the job
12 description. Instructional assistants are
13 consistently described as being a support to the
14 classroom teachers. It is the intent that
15 instructional assistants will support and not
16 replace the role of teachers.

17 Third point. Evaluators point out that
18 special education plans and ancillary services are
19 inadequate. NMPED regulations do not permit charter
20 school applications to include special education
21 monies in the budget for year one. Nevertheless,
22 any student identified as a special education
23 student on the 40-day count will be eligible --

24 COMMISSIONER GANT: You have five minutes.

25 MS. DUHIGG: -- for IDEA government

1 special education government funding. These funds
2 will provide for the staff and services that special
3 education students will require. Page 61.

4 No funds dedicated to food services was
5 another point. That is correct, that while there
6 are no funds dedicated to food services in the
7 budget, in the narrative on Page 63 of the
8 application, we explain. "In the first year, HSA
9 will use USDA Title 1 funds for food services. The
10 projected budget for year two onwards includes
11 expenses for supplementary meals."

12 Now, in regard to provision for evening
13 students, evaluators stated that the evening program
14 was not explained or included in the budget, we make
15 no distinction between day program and evening
16 program. All will follow the same curriculum, have
17 the same opportunity to participate in all aspects
18 of the unique health sciences activities. Page 9,
19 paragraph 5.

20 The total school enrollment, including day
21 and evening students, is considered and included in
22 the budget, projected budget, in all line items that
23 concern students.

24 The evaluators commented that the salaries
25 for teachers appear low considering the high

1 expectations of HSA's teachers. We believe that
2 blending the experienced teachers with
3 well-qualified young teachers will permit us to
4 develop innovative teaching methods that are more
5 likely to be adapted. Evaluators were not clear how
6 much of the online instruction makes up the
7 curriculum. Online instruction will be minimal and
8 will supplement regular, face-to-face instruction.
9 In the applicant, we use the following word,
10 blendings, Page 14, 21; integrate, Page 16 and 19;
11 and complement instruction on Page 23.

12 Lastly, evaluators stated that we do not
13 understand clearly the enrollment policies that are
14 fair and equitable. They state that the home
15 language survey should not be used as part of
16 application process. What we did say in the
17 application, on Page 56, is that parents must
18 complete the home language survey as part of the
19 enrollment process and not as part of the
20 application process.

21 In conclusion, while many students succeed
22 in the traditional public schools, many do not.
23 Parents understand this is -- this well and have
24 given their support to HSA in the form of almost
25 400 signatures. It is to these students -- is to

1 give these students a chance to succeed, to prepare
2 for a college experience that might be first for a
3 young woman's family, to offer a young man a viable
4 pathway to a meaningful, well-paying, high-demand
5 health career.

6 We hope you will give these students a
7 chance through Health Sciences Academy. Thank you.

8 THE CHAIR: Thank you very much. And for
9 the record, can you --

10 COMMISSIONER GANT: Two minutes. They
11 have two minutes.

12 THE CHAIR: Yes, I believe you concluded
13 your presentation. Yes.

14 MR. M. VIGIL: Could I make a couple of
15 comments?

16 THE CHAIR: Give me a second here. For
17 the record, will you please introduce the name and
18 title of any and all people that are on Skype there?

19 MS. DUHIGG: Okay. Who is going -- on
20 Skype is Lorna Samraj and Rafael Nevins, who are
21 part of the founding members as well.

22 THE CHAIR: I appreciate that. You still
23 have time, Mr. Vigil.

24 MR. M. VIGIL: Thank you, Mr. Garrison,
25 members of the Commission, Ms. Callahan. You know,

1 I just wanted to just comment because I know there
2 were a few items on the budget that were questioned
3 during the public hearing and such.

4 We provided the training for the new
5 applicants, all the applicants, for development of
6 the five-year budget plan. And while we were
7 developing what would be trained, the Public
8 Education Department School Budget Finance and
9 Analysis Bureau and I met; Mr. Steve Burrell, Pam
10 Bowker, Beverly Aguilar -- and I forget the last
11 person. But we met to go over how these budgets
12 should be prepared.

13 The direction given to the charters -- and
14 I think it's important that you know this -- in year
15 one, the schools were not allowed to count special
16 ed, bilingual, elementary fine arts, or elementary
17 PE. Whether or not they would qualify in their
18 charter for that funding, they were told not to
19 budget them, not to budget the revenues, and to
20 explain to the PEC -- the PED was supposed to tell
21 the PEC and their evaluators that those were the
22 rules. I've talked to a number of evaluators, and
23 the business manager evaluators did not know these
24 were the rules.

25 In addition, in years two through five,

1 they were allowed to only budget 5 percent special
2 ed, even though the State average is approximately
3 17 percent. I believe it's 16-and-a-half percent.
4 And other funding was continued to not to be
5 allowed. And so some of the dual-language programs
6 that have submitted applications were not allowed to
7 count their dual-language program. So that is
8 another issue there.

9 The five-year plan on the Web site that
10 was asked to be completed was an older version and
11 was placed on the Web site. We changed from last
12 year's version, and that --

13 THE CHAIR: That concludes your time,
14 Mr. Vigil. Thank you very much.

15 MR. M. VIGIL: That plan was incorrect.
16 It has some errors.

17 THE CHAIR: Thank you very much. Whose
18 timer was that?

19 MS. CALLAHAN: Mine.

20 THE CHAIR: You were taking care of
21 business. I wasn't sure -- awesome. Thank you.

22 So now we come to the point where the
23 Public Education Commission can ask questions of the
24 applicant and of the CSD. So the Chair has the
25 floor open. Commissioner Gant.

1 COMMISSIONER GANT: Mr. Chair, members.
2 Ms. Callahan, would you address the comments made by
3 Mr. Vigil?

4 MS. CALLAHAN: Mr. Chair, Commissioner
5 Gant, the preparation for the budgets, indeed that
6 was information that was shared with the candidates.
7 I don't know about the business managers as far as
8 training. I thought we were pretty clear about the
9 conditions of what the budget expectations were by
10 the applicants. The information on some of the
11 budget narrative, I think, is where the reviewers
12 were talking about the inaccuracies of the special
13 ed programs and bilingual ed; not necessarily the
14 funding.

15 COMMISSIONER GANT: Thank you.

16 THE CHAIR: Thank you, Commissioner Gant.
17 Commissioner Carr?

18 COMMISSIONER CARR: Mr. Chair, just a
19 quick question. Do you -- to a prospective charter
20 school is, do you feel like you were afforded
21 adequate free training in preparing your
22 application?

23 MS. DUHIGG: Do you mind if I ask this --

24 COMMISSIONER CARR: Sure.

25 MS. DUHIGG: I don't want to assume things

1 without them.

2 MR. M. VIGIL: Mr. Garrison, I can address
3 that to some degree. We worked with the Public
4 Education Department -- New Mexico Coalition worked
5 with the Public Education Department Parent Options
6 division. And we did put together a training -- we
7 did bring in, for example, the Public School
8 Facilities Authority members to talk about the
9 facilities. We brought in Dr. Grover -- as a matter
10 of fact, Shelley Cherrin presented the application
11 and the instructional program that they would
12 submit. We did a session on budget preparation and
13 the rules that they would have to comply for that.

14 And so there were sessions that were
15 offered in, I think, three or four different areas.
16 Most of the applicants did attend the trainings.

17 COMMISSIONER CARR: So my -- the key word
18 was "free." Did you -- this was training you
19 charged for; correct?

20 MR. M. VIGIL: Mr. Garrison, Mr. Carr, we
21 did charge. We did have costs. We were providing
22 them lunches. We did break even. We did absorb the
23 cost.

24 COMMISSIONER CARR: My question is, if the
25 founder is on Skype still, one of the founders, how

1 did they feel about paying for training and -- and
2 were they given enough training that was free of
3 charge, or was that -- was there enough -- it sounds
4 like there wasn't enough offered that was free, but
5 you did have to pay a charge.

6 And I understand people get paid for their
7 services. But also, I believe there's a -- there is
8 an obligation on the part of the State of New Mexico
9 to -- also, to offer you adequate help in your
10 application without charging.

11 THE CHAIR: Ms. Callahan has a comment.

12 MS. CALLAHAN: Mr. Chair,
13 Commissioner Carr, the Charter School Division did
14 offer two days of free training. That is required
15 by law. So all the applicants were able to do
16 that -- participate in that training free of charge.

17 COMMISSIONER CARR: But my question still
18 stands for you. I wanted to know if you felt that
19 that was adequate.

20 MS. DUHIGG: They're writing.

21 MR. M. VIGIL: Mr. Garrison, while we're
22 waiting, I will tell you that in the past, there was
23 a grant.

24 THE CHAIR: Mr. Vigil, moving the
25 microphone towards you.

1 MR. M. VIGIL: Mr. Garrison, I know that
2 in the past, there was a grant that the Public
3 Education Department and the Coalition had
4 co-written and had provided funds to provide free
5 trainings. And so there was a lot of trainings
6 provided in the past because we did have a grant.
7 That grant is no longer in existence, as I
8 understand. And so, you know, that money that was
9 able to pay for those people and the food and stuff
10 went away.

11 MS. DUHIGG: They feel we would have
12 benefited -- we would have benefited more board
13 training prior to submission of application.
14 [Verbatim.]

15 COMMISSIONER CARR: Okay.

16 THE CHAIR: Thank you, Commissioner Carr.
17 Commissioner Lopez.

18 COMMISSIONER LOPEZ: I just want to go
19 after a little more clarification on when the Chair
20 asked Ms. Callahan to clarify what -- to respond to
21 what Mr. Vigil said.

22 I heard him say that the PED required a
23 cap on how much they could put into their budgets
24 for special ed; is that true?

25 MS. CALLAHAN: Mr. Chair,

1 Commissioner Lopez, yes, that's true.

2 COMMISSIONER LOPEZ: Thank you.

3 THE CHAIR: Thank you, Commissioner Lopez.
4 Other questions? Seeing none, the Chair will
5 entertain a motion. Commissioner Bergman?

6 COMMISSIONER BERGMAN: Let me get the
7 fancy system up and running here.

8 I am to understand that this motion had
9 already been read into the record, but I believe one
10 of us needs to read it again; is that correct?
11 Okay. I'll read the motion then.

12 THE CHAIR: Actually, that is incorrect.

13 MR. R. VIGIL: If it's been read into the
14 record once, we can just move that it be adopted or
15 approved without having to read the entire thing all
16 over again.

17 COMMISSIONER BERGMAN: Excellent. Then I
18 would so move that the resolution as read by
19 Director Callahan already into the record be
20 approved.

21 THE CHAIR: We have a motion.

22 COMMISSIONER SHEARMAN: Second.

23 THE CHAIR: We have a second by
24 Commissioner Shearman. Is there discussion? We
25 will proceed with a roll-call vote on the motion.

1 COMMISSIONER GANT: Commissioner Peralta.
2 COMMISSIONER PERALTA: Yes.
3 COMMISSIONER GANT: Commissioner Canfield.
4 COMMISSIONER CANFIELD: Yes.
5 COMMISSIONER GANT: Commissioner Bergman.
6 COMMISSIONER BERGMAN: Yes.
7 COMMISSIONER GANT: Commissioner Lopez.
8 COMMISSIONER LOPEZ: Yes. And I do want
9 to comment that I was a little taken aback by the
10 fact that there was a cap. But hearing that
11 today -- although I did go to all of the sessions,
12 all of the public input sessions. And I think there
13 were other issues with this school. And so I vote
14 yes.
15 COMMISSIONER GANT: Commissioner Carr.
16 COMMISSIONER CARR: Yes.
17 COMMISSIONER GANT: Commissioner Pogna.
18 COMMISSIONER POGNA: Yes.
19 COMMISSIONER GANT: Commissioner Shearman.
20 COMMISSIONER SHEARMAN: Yes.
21 COMMISSIONER GANT: Commissioner Garrison.
22 THE CHAIR: Yes.
23 COMMISSIONER GANT: Commissioner Gant
24 votes yes. That's nine in favor, zero against.
25 THE CHAIR: The motion passes unanimously.

1 The application of the Health Science Academy has
2 been denied. Thank you for your efforts and for
3 your attendance today.

4 MS. DUHIGG: Thank you.

5 THE CHAIR: Commissioner Shearman,
6 comment?

7 COMMISSIONER SHEARMAN: Just a procedural
8 comment. I know lots of things have changed this
9 year. But in the past, Commissioners have always
10 read the resolution to be voted on. Why the change,
11 and do we want to keep it that way?

12 THE CHAIR: I think, as part of
13 Ms. Callahan's presentation, it was -- she wanted to
14 read that into the record. I -- I don't think that
15 it was a change in procedure, per se. But since it
16 was read into the record, we were saving
17 Commissioner Bergman's singing voice. I don't see
18 that there was any other reason.

19 MS. CALLAHAN: Mr. Chair, Commissioner
20 Shearman, no, there's no reason, other than just
21 making it part of the presentation. I don't recall
22 directly -- I believe last year they were read into
23 the record by the CSD, but I could be mistaken. So
24 I serve at your pleasure. So whatever it is that
25 you would like me to do, I can do either way,

1 Commissioner Shearman.

2 COMMISSIONER LOPEZ: Save time.

3 COMMISSIONER SHEARMAN: I don't know that
4 I have a preference. It's just different -- and
5 kind of surprised. I would be interested to know
6 what other Commissioners think.

7 THE CHAIR: Commissioner Bergman.

8 COMMISSIONER BERGMAN: We have always read
9 them in the past. I want to be absolutely certain
10 that on Friday, we're not going to hear that all of
11 these proceedings were nullified because a
12 Commissioner did not read the resolution. I just
13 want to be absolutely certain about that.

14 MR. R. VIGIL: As long as you have voted
15 on it and it has been read into the record, it's
16 okay. If the Commissioners would prefer to read it,
17 you certainly can do it that way. I would then
18 recommend that Ms. Callahan not read it, so that
19 it's not read twice. It doesn't have to be read
20 twice.

21 THE CHAIR: Are we clear? Thank you.
22 Well, I want to -- the question was, does Kelly --
23 does Ms. Callahan read it, or do we read it? And my
24 response is that there will be, down the line,
25 different resolutions. And so, at some point, there

1 will be another reading of it. So those of you that
2 have that urge to read, make sure you raise your
3 hand. Commissioner Bergman.

4 COMMISSIONER BERGMAN: The only situation
5 I see is she's reading the resolution before we have
6 any discussion, hear from the applicant or anything
7 else. It's not -- is that not premature?

8 THE CHAIR: I see it as it was a statement
9 into the record, Mr. Vigil.

10 MR. R. VIGIL: It's part of her
11 recommendation, or the Department's recommendation
12 to the Commission, one that can either be adopted or
13 disapproved by the Commission.

14 COMMISSIONER BERGMAN: So what happens if
15 we're not going to follow her recommendation, which
16 has happened a few times in the past; not
17 necessarily hers, but the Assistant Secretary's or
18 Director's?

19 THE CHAIR: So I would like to move
20 forward on this subject. I would like the
21 Commissioners to go ahead and read your resolution.
22 And if we have any repeats among these applications,
23 then we don't have to reread it. Is everyone okay
24 with that?

25 COMMISSIONER CARR: Yes.

1 THE CHAIR: Okay. Let's proceed. We are
2 at letter E, Academic Opportunities of Anthony. We
3 would like the -- the prospective applicants --
4 well, the applicants to come up. And we will start
5 with the Charter School Division recommendation, and
6 then you gentlemen can introduce yourselves and
7 titles and so forth. And that won't be counted
8 against your 15 minutes.

9 Ten minutes to hear from the Charter
10 School Division, Ms. Callahan.

11 MS. CALLAHAN: Mr. Chair, Commissioners,
12 in the matter of Academic Opportunities Academy in
13 Anthony, the Charter School Division recommends that
14 the application for the Academic Opportunities in
15 Anthony be denied. The basis for this
16 recommendation is stated in the Charter School
17 Division's Application Final Recommendation and
18 Evaluation for the school, which is located in the
19 PEC document notebook under Tab 8.

20 In summary, the basis for the
21 recommendation is that the application is incomplete
22 and/or inadequate, based on the evidence identified
23 from the application rubric, from the application
24 and review team analysis, and from the capacity
25 interview team analysis, which is located under

1 Tab 8E.

2 A recommendation for denial means that the
3 overall application contains serious deficiencies
4 and is consequently incomplete and/or inadequate.
5 The deficiencies were not or could not be clarified
6 or corrected by the applicants during the capacity
7 interview, or weren't addressed substantively at the
8 community input hearing. And that is the
9 recommendation from the Charter School Division.

10 THE CHAIR: Thank you, Ms. Callahan.
11 Applicants, you have 15 minutes to present. And
12 before we start the clock, please introduce
13 yourselves, your titles, and any other person here
14 that's representing your school. Good morning.

15 MR. CASAVANTES: Good morning. Good
16 morning. My name is Mark Casavantes, and I am a
17 founder.

18 MR. HERNANDEZ: Good morning, ladies and
19 gentlemen. My name is Carlos Hernandez. I'm one of
20 the new founders.

21 THE CHAIR: Good morning, gentlemen. You
22 may proceed.

23 MR. HERNANDEZ: Thank you for taking your
24 time out to listen to our application process. I
25 saw the deficiencies that the Commission had. And

1 when I first started, I wanted to come back to
2 New Mexico and be an educator again.

3 And I'm a former educator for the State of
4 New Mexico, in 1996, when [inaudible] Pino gave me
5 that award. I served on a national Blue Ribbon
6 committee for Native Americans for Navajo Nation,
7 and that's part of the state here.

8 I think it's important that we give our
9 children the best in education; doesn't matter where
10 they get it from. And right now, I see 60 percent
11 of the charter schools failing, five, six years.
12 And when Mark gave a wonderful application, he had a
13 lot of deficiencies. And we know that; that was
14 pointed out by the Commission. We're not here to
15 deny that.

16 I took it upon myself, and I talked to
17 Mark, and we consulted together what the
18 deficiencies were. And I rewrote some of the things
19 that were missing.

20 The scope and sequence. There was no
21 mention of Common Core Standards, how is that going
22 to be implemented. We did that as well.

23 Our curriculum: We have a line for the
24 State for the curriculum [verbatim], teacher
25 training, professional development, and special

1 education. And I have just came -- and if you'd
2 like to just get copies of these, I did do the
3 revisions and so forth. And these filled out some
4 of the gaps that were in the application.

5 I was a teacher at Santa Teresa High
6 School in the Gadsden School District when it first
7 opened up. I was very proud to be there, a brand
8 new school in the State of New Mexico. We did very
9 well. Over the past years after I left, the school
10 started falling down in terms of education and so
11 forth. For six, seven years, Gadsden School
12 District never made AYP; only three out of 28
13 schools in the District.

14 We need to do more for our children.
15 There's a State report right now that 20 percent are
16 living in poverty. I don't want to be part of
17 creating another generation of that. Our kids
18 deserve the very best.

19 I'm coming back to the state because my
20 heart is here. Even though I was born in a foreign
21 state, Texas, my education is here, new Mexico State
22 University, Western New Mexico. And I love the
23 state. And I want to give back to the state.

24 And I've been away for two, three years
25 because my mother got sick. She asked me to go

1 home. [Statement in Spanish.] You know, we have
2 our parents. We've got to take care of them. And I
3 feel it's important, now that she's healthier again,
4 I can come back and be a leader in the state again,
5 work with the school districts, work with the
6 charter schools. Let's make this a model for
7 everybody to see.

8 I have made AYP at other different
9 schools. I have a plan of action. And this is the
10 one that was needed for Academic Opportunities
11 Academy.

12 I think it's important that you give every
13 charter school an opportunity to succeed. While
14 other ones are failing? No. Let's go do something
15 about it. And I feel it's important. "Solos niños
16 primero." The children come first. And I feel that
17 we've set up plans. I have everything corrected
18 that was needed in the plan, and I'd like to share
19 that with you and pass it out, because I only have
20 15 minutes. But I don't want to take much of your
21 time. I, in my heart, Mark's heart is in the right
22 place. But the deficiencies were corrected here.
23 Thank you.

24 THE CHAIR: Thank you, gentlemen. Does
25 that conclude your presentation?

1 MR. HERNANDEZ: Yes, sir.

2 THE CHAIR: Thank you very much. We're to
3 the point -- No. 7 is Public Education Commission's
4 question period. The floor is open. Seeing no
5 questions, the Chair will entertain a motion.

6 COMMISSIONER BERGMAN: I guess, since I
7 raised the issue, I guess I read it; right?

8 THE CHAIR: I was going to make you read,
9 it, Commissioner Bergman.

10 COMMISSIONER BERGMAN: Whereas, the Public
11 Education Commission, pursuant to the provisions of
12 the Charter School Act, received and reviewed a
13 charter school application from Academic
14 Opportunities, Anthony;

15 Whereas, the Public Education Commission,
16 pursuant to the provisions of the Charter School
17 Act, held a public hearing regarding said
18 application;

19 And, whereas, the Public Education
20 Commission, pursuant to the provisions of the
21 Charter School Act, held a meeting on September 19
22 and 20, 2012, to hear the recommendations of the
23 Charter School Division of the Public Education
24 Department, and comments from the charter school
25 applicant;

1 Now, therefore, be it resolved that the
2 application of Academic Opportunities, Anthony, be
3 denied for the following reasons:

4 Overall, the application contains serious
5 deficiencies and is consequently incomplete and/or
6 inadequate. The deficiencies were not or could not
7 be clarified or corrected by the applicants during
8 the capacity interview or weren't addressed
9 substantively during the community input hearing.

10 Be it further resolved that the Public
11 Education Commission adopts the Application Final
12 Recommendation and Evaluation of this Charter School
13 Act, when issued by the Charter School Division of
14 the Public Education Department, in support of the
15 above listed reasons.

16 COMMISSIONER PERALTA: Second.

17 THE CHAIR: Seconded by Commissioner
18 Peralta. Is there any discussion? We will proceed
19 with the roll call vote to Secretary Gant.

20 COMMISSIONER GANT: Commissioner Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER GANT: Commissioner Canfield.

23 COMMISSIONER CANFIELD: Yes.

24 COMMISSIONER GANT: Commissioner Bergman.

25 COMMISSIONER BERGMAN: Yes.

1 COMMISSIONER GANT: Commissioner Lopez.
2 COMMISSIONER LOPEZ: Yes.
3 COMMISSIONER GANT: Commissioner Carr.
4 COMMISSIONER CARR: Yes.
5 COMMISSIONER GANT: Commissioner Pogna.
6 COMMISSIONER POGNA: Yes.
7 COMMISSIONER GANT: Commissioner Shearman.
8 COMMISSIONER SHEARMAN: Yes.
9 COMMISSIONER GANT: Commissioner Garrison.
10 THE CHAIR: Yes.
11 COMMISSIONER GANT: Commissioner Gant
12 votes yes. It's 9-0 in favor, zero against.
13 THE CHAIR: The motion passes unanimously.
14 The Academic Opportunities Academy, Anthony, charter
15 school application has been denied.
16 Item F is Academic Opportunities, Deming,
17 and we will begin with the Charter School Division
18 recommendation with Ms. Callahan.
19 MS. CALLAHAN: Mr. Chair, Commissioners,
20 in the matter of Academic Opportunities Academy,
21 Deming, the Charter School Division recommends that
22 the application for Academic Opportunities, Deming,
23 be denied. The basis for this recommendation is
24 stated in the Charter School Division's Application
25 and Final Recommendation and Evaluation for the

1 school, which is located in the Public Education
2 Commission document notebook under Tab 8F.

3 In summary, the basis for the
4 recommendation is that the application is incomplete
5 and/or inadequate based on the evidence identified
6 from the application rubric, from the application
7 review team analysis, and from the capacity
8 interview team analysis, which is located under Tab
9 8F.

10 A recommendation for denial means that the
11 overall -- that overall, the application contained
12 serious deficiencies and is consequently incomplete
13 and/or inadequate. The deficiencies would not or
14 could not be clarified by the applicants during the
15 capacity interview or weren't addressed
16 substantively at the community input hearing.

17 And that is the Charter School Division
18 recommendation.

19 THE CHAIR: Thank you, Ms. Callahan. The
20 applicants have 15 minutes to respond.

21 MR. CASAVANTES: Okay. I just want to
22 respond to the training. I think -- the question
23 you had earlier about training. I think that
24 training could have been better. The other thing is
25 that it was only offered on a Thursday, and that --

1 and it had no other option. And I would love to
2 have it on a Saturday or some other day where it
3 wouldn't interfere with other duties that I have.
4 But I do think the training could have been better,
5 and it would have generated us a better application.

6 Since we've basically presented the same
7 thing on the Anthony application, we're -- we
8 conclude our remarks for Deming.

9 THE CHAIR: Does that conclude your
10 presentation?

11 MR. CASAVANTES: Yes, sir.

12 THE CHAIR: Okay. Thank you, gentlemen.
13 Questions from Commissioners? Seeing none, the
14 Chair will entertain a motion.

15 COMMISSIONER CANFIELD: I'll take this
16 one, Mr. Chair.

17 THE CHAIR: Commissioner Canfield, thank
18 you, sir.

19 COMMISSIONER CANFIELD: I move to adopt
20 the following resolution:

21 Whereas, the Public Education Commission,
22 pursuant to the provisions of the Charter School
23 Act, received and reviewed a charter school
24 application from Academic Opportunities, Deming;

25 Whereas, the Public Education Commission,

1 pursuant to the provisions of the Charter School
2 Act, held a public hearing regarding said
3 application;

4 And, whereas, the Public Education
5 Commission, pursuant to the provisions of the
6 Charter School Act, held a meeting on September 19
7 and 20, 2012, to hear the recommendations of the
8 Charter School Division of the Public Education
9 Department and comments from the charter school
10 applicants.

11 Now, therefore, be it resolved that the
12 application of Academic Opportunities, Deming, be
13 denied for the following reasons:

14 Overall, the application contains serious
15 deficiencies and is consequently incomplete and/or
16 inadequate. The deficiencies were not or could not
17 be clarified or corrected by the applicants during
18 the capacity interview or weren't addressed
19 substantively during the community input hearing.

20 Be it further resolved that the Public
21 Education Commission adopts the applicant Final
22 Recommendation and Evaluation of this charter school
23 applicant issued by the Charter School Division of
24 the Public Education Department in support of the
25 above-listed reasons.

1 COMMISSIONER PERALTA: Second.

2 THE CHAIR: Is there a motion? Seconded
3 by Commissioner Peralta. Is there any discussion
4 from Commissioners? Seeing none, we will proceed
5 with the roll call vote through Secretary Gant.

6 COMMISSIONER GANT: Commissioner Peralta.

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER GANT: Commissioner Canfield.

9 COMMISSIONER CANFIELD: Yes.

10 COMMISSIONER GANT: Commissioner Bergman.

11 COMMISSIONER BERGMAN: Yes.

12 COMMISSIONER GANT: Commissioner Lopez.

13 COMMISSIONER LOPEZ: Yes.

14 COMMISSIONER GANT: Commissioner Carr.

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER GANT: Commissioner Pogna.

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER GANT: Commissioner Shearman.

19 COMMISSIONER SHEARMAN: Yes.

20 COMMISSIONER GANT: Commissioner Garrison.

21 THE CHAIR: Yes.

22 COMMISSIONER GANT: Commissioner Gant

23 votes yes. Nine-oh in favor, none against.

24 THE CHAIR: The motion passes unanimously.

25 The Academic Opportunities, Deming, application has

1 been denied. I do want to make a quick comment that
2 this process starts again in January. And I just
3 wanted to let all applicants know, we're not
4 throwing you all into a pit of fire never to be seen
5 again. This is a -- this is the State of New
6 Mexico. And what's best for children. And
7 sometimes a process like this makes an application
8 better. In fact, I truly believe that it does. And
9 we'll -- some folks even in this room could attest
10 to that.

11 So I appreciate your hard work, and I wish
12 you luck, gentlemen.

13 MR. CASAVANTES: We look forward to being
14 back.

15 THE CHAIR: Thank you.

16 MR. CASAVANTES: Thank you.

17 THE CHAIR: Letter G is the Columbus
18 Community School. I'd like to ask the applicants to
19 come up. Before you introduce yourselves, we'll
20 begin with the Charter School Division's
21 recommendation.

22 MS. CALLAHAN: Mr. Chair, Commissioners,
23 in the matter of Columbus Community School, the
24 Charter School Division recommends that the
25 application for Columbus Community School be denied.

1 The basis for this recommendation is
2 stated in the Charter School Division's Application,
3 Final Recommendation and Evaluation for the school,
4 which is located in the Public Education Commission
5 document notebook under Tab 8G.

6 In summary, the basis for the
7 recommendation is that the application is incomplete
8 and/or inadequate based on the evidence identified
9 from the application rubric, from the application
10 review team analysis, and from the capacity
11 interview team analysis, which is located under
12 Tab 8G.

13 A recommendation for denial means that
14 overall, the application contains serious
15 deficiencies and is consequently incomplete and/or
16 inadequate. The deficiencies were not or could not
17 be clarified or corrected by the applicants during
18 the capacity interview or weren't addressed
19 substantively at the community input hearing. And
20 that is the Charter School Division recommendation.

21 THE CHAIR: Thank you, Ms. Callahan. We
22 have the applicants here. Please introduce
23 yourselves, your titles, and any other folks that
24 are here on your behalf. Good morning, gentlemen.

25 MR. SKINNER: Good morning. Thank you,

1 Chairman Garrison. Thank you Commissioners. We
2 want to thank the Public Education Department for
3 the opportunity to be here and to address this
4 Commission.

5 My name is Philip Skinner. I'm a founder.
6 And this is Jack Long, a founder. And we're here
7 today to ask you to not agree with the Public
8 Education Department and to approve our application.

9 Luna County is one of the poorest counties
10 in the state, and our community of Columbus is the
11 poorest community in that county. And we are trying
12 to be innovative and creative with the resources
13 that we have.

14 We recognize that we don't have all the
15 same resources that maybe a larger community would
16 have. But we are asking you to approve our
17 application with conditions, based on several very
18 important points. And that's that parents in our
19 community don't want to bus their children 30 miles
20 to the Deming Schools; that we are seeking a better
21 education for our children; our Deming Unified
22 Schools are failing our children. And we -- for our
23 community, which is a small, very small poor
24 community, to us, it's a real pathway out of
25 poverty.

1 And so at this time, I'm going to turn
2 this over to Jack Long for his comments.

3 MR. LONG: I would like to ask your
4 patience with me, because after the July 1
5 application, my vision started failing. So I have
6 to -- I have to read my presentation. And sometimes
7 I can't quite see the words, even though I revved it
8 up to 24 points.

9 We ask -- we asked others from our
10 community to accompany us here when we came.
11 However, the response was that it was already
12 decided to deny our application for a charter school
13 and that we had already been humiliated by the
14 Deming School District when they paid all their
15 staff to oppose us during the Commission's community
16 hearing. And why would we want to go all the way to
17 Santa Fe to be further humiliated, because the
18 Commission -- where we know that the Commission will
19 always accept the Charter School Division's
20 recommendation?

21 Our response was that, theoretically, the
22 law did not require the Commission to accept the
23 Division's recommendation. The Commission is
24 composed of elected people from different
25 communities around the state to represent us. The

1 idea is that the Commissioners are not a part of
2 established administrative structure and could
3 therefore give a fresh perspective to the type of
4 charter, which would better serve students and the
5 community.

6 Our response did not sell them. So here
7 we are today to ask you that you approve our
8 application over the Division's recommendation of
9 denial. We thought that the objective of the
10 Charter School Act was to bring a new perspective
11 into the education system that was failing many of
12 our children, and that was why parents and community
13 people were allowed to submit applications. I'm not
14 going to go into -- I'm not going to go item by item
15 of the Division's recommendation. The Division did
16 recognize our capacity to run a charter school.
17 They gave us 26 points out of 30, which is
18 87 percent, which is a B-plus.

19 They did like our vision, our -- they
20 liked our education philosophy and the research that
21 supported it, and they recognized that the community
22 wanted the charter school, as presented.

23 However, they did not like the way we
24 wanted to do the curriculum and instruction. They
25 did not like the way we wanted to staff our program.

1 In other words, we do not fit inside the established
2 box.

3 Let's review the Division's record. Of 37
4 charter schools that the Division recommended you
5 approve and that you approved, five received Fs, ten
6 received Ds, six received Cs, eleven received B's,
7 and five received As, in the last grading cycle.
8 This means that by accepting the Charter School
9 Division's recommendation, you have a 50/50 chance
10 of an acceptable performance from charter schools.

11 Look what has happened to us at a
12 community -- as a community under the present
13 system. Only 40 percent of the residents over
14 25 years of age have graduated from high school.
15 This is compared to 84.6 percent nationwide. All of
16 the families that have children under five years of
17 age live below the U.S. established poverty level.
18 The accumulated time that students are setting on
19 buses over the six years that they are transported
20 over 30 miles from Columbus to Deming is equal to
21 two-and-a-half academic years.

22 The Deming School District is racially
23 biased toward Columbus students, as seen by state
24 proficiency statistics. At the high school level,
25 Caucasian students are 1.7 times more proficient in

1 math than Columbus students; in reading, Caucasian
2 students are 1.92 times more proficient than
3 Columbus students.

4 We are asking you to approve our
5 application. Our fate is in your hands.

6 MR. SKINNER: Thank you. That concludes
7 our presentation.

8 THE CHAIR: Thank you, gentlemen. The
9 Chair will open up the floor for questions from
10 Commissioners of the applicant and the Charter
11 School Division.

12 Seeing none, the Chair will entertain a
13 motion. Commissioner Shearman.

14 COMMISSIONER SHEARMAN: I move the
15 Commission approve the following resolution.

16 Whereas, the Public Education Commission
17 pursuant to the provisions of the Charter School
18 Act, received and reviewed a charter school
19 application from Columbus Community School,
20 Columbus;

21 Whereas, the Public Education Commission,
22 pursuant to the provisions of the Charter School
23 Act, held a public hearing regarding said
24 application;

25 And, whereas, the Public Education

1 Commission, pursuant to the provisions of the
2 Charter School Act, held a meeting on September 19
3 and 20, 2012, to hear the recommendations of the
4 Charter School Division of the Public Education
5 Department and comments from the charter school
6 applicants.

7 Now, therefore, be it resolved that the
8 application of Columbus Community School, Columbus,
9 be denied for the following reasons:

10 Overall, the application contains serious
11 deficiencies and is consequently incomplete and/or
12 inadequate. The deficiencies were not or could not
13 be clarified or corrected by the applicants during
14 the capacity interview or weren't addressed
15 substantively -- pardon me for my pronunciation of
16 that word -- during the community input hearings.

17 Be it further resolved that the Public
18 Education Commission adopt the Application, Final
19 Recommendation and Evaluation of this charter school
20 applicant issued by the Charter School Division of
21 the Public Education Department in support of the
22 above-listed reasons.

23 COMMISSIONER BERGMAN: Second.

24 THE CHAIR: Seconded by Commissioner
25 Bergman. Is there any discussion?

1 Seeing none, I will proceed with a roll
2 call vote through Secretary Gant.

3 COMMISSIONER GANT: Commissioner Peralta.
4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER GANT: Commissioner Canfield.
6 COMMISSIONER CANFIELD: Yes.

7 COMMISSIONER GANT: Commissioner Bergman.
8 COMMISSIONER BERGMAN: Yes.

9 COMMISSIONER GANT: Commissioner Lopez.
10 COMMISSIONER LOPEZ: Yes, although this
11 one tears at my heart strings. I wish we had the
12 resources to put a school in every community, but I
13 have to vote "yes" on this one.

14 COMMISSIONER GANT: Commissioner Carr.
15 COMMISSIONER CARR: Yes, and I concur with
16 Commissioner Lopez as well.

17 THE CHAIR: Commissioner Pogna.
18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER GANT: Commissioner Shearman.
20 COMMISSIONER SHEARMAN: Yes.

21 COMMISSIONER GANT: Commissioner Garrison.
22 THE CHAIR: Yes.

23 COMMISSIONER GANT: Commissioner Gant
24 votes yes. Nine-oh in favor, none against.

25 THE CHAIR: The motion passes unanimously.

1 The Columbus School application has been denied.
2 Gentlemen, thank for you your efforts and good luck.

3 The Chair is going to call a 15-minute
4 break. We are in recess.

5 (Recess taken, 9:35 a.m to 9:50 a.m.)

6 THE CHAIR: I call this meeting back into
7 order from recess. And we are on Agenda Item 8H.
8 But before we start with this agenda item, I would
9 like to call Dr. Harrell up, please. It's not a
10 setup. I saw the look on your face. Dr. David
11 Harrell. Now, I'm going to mess up your title, so
12 just might as well give it to me. It's Assistant
13 Executive Director --

14 DR. HARRELL: Mr. Chairman, members of
15 the Commission, Deputy Director.

16 THE CHAIR: See? I told you.

17 DR. HARRELL: "Deputy Dave," as I'm
18 known.

19 THE CHAIR: "Deputy Dave." See? I'm good
20 with those. We just wanted to thank you. And we
21 had a card for you here, because we hear you're
22 trying to take off somewhere. Is it happening at
23 noon? Or what date are you retiring?

24 DR. HARRELL: Mr. Chairman, members of
25 the Commission, my official retirement date is a

1 week from Friday. The -- the final day of the
2 three-day LESC meeting in Las Cruces will be my
3 final day with the LESC, retirement effective
4 October 1. And I've told the staff that as long as
5 they get me back to Santa Fe by midnight, I could
6 legally ride in a State vehicle. After that time,
7 who knows? But --

8 THE CHAIR: Dr. Harrell even tells his
9 jokes with a straight face. A true professional.
10 We have a card for you, and we just want to say
11 thank you, sir.

12 (Applause.)

13 DR. HARRELL: Mr. Chairman, members of
14 the Commission, I don't know what to say. I'm very
15 grateful for this recognition. And I have
16 appreciated working with the Commission. Both in
17 and of itself, it has sort of liaised between the
18 Commission and the LESC. I respect what you do, and
19 I appreciate your efforts. It's very kind of you.
20 Thank you.

21 THE CHAIR: I just want to say that it's
22 been a pleasure working with you. And you know what
23 I mean by that. With the bureaucracy, different
24 systems talking to each other, charter schools,
25 school districts, virtual schools, all these studies

1 that you have to do, I have always felt and believed
2 that it was just through the lens of not just what
3 is best for children, but thorough research that is
4 valid. And it's just much appreciated because we
5 have something to glean information that we know was
6 well taken care of and well constructed.

7 DR. HARRELL: Thank you, sir. It's very
8 kind of you.

9 THE CHAIR: Any comments from
10 Commissioners? Commissioner Gant?

11 COMMISSIONER GANT: Dr. Harrell, you're
12 picking a good community to retire out of,
13 Las Cruces. You could come down there to live and
14 have a good life, unless you want to stay in
15 Santa Fe. But we do appreciate all that you've done
16 for us. You know, we knew that when you spoke at
17 the LESC, we Commissioners, some of us, got -- we
18 sat through many of those. You always were, like
19 the Chair mentioned, very thorough in what you --
20 and they listened, all the Senators and
21 Representatives listened to what you had to say.

22 And it was important. Because they knew
23 they were getting the right facts when you
24 presented. And that's all we ever wanted was the
25 real facts, the right facts. And we're for the good

1 of the kids in the State of New Mexico.

2 DR. HARRELL: Thank you, Commissioner.

3 THE CHAIR: Commissioner Pogna.

4 COMMISSIONER POGNA: Dr. Harrell, I have
5 appreciated you all the years. I was on the State
6 Board of Education. Thank you very much for all
7 your work.

8 DR. HARRELL: Thank you.

9 THE CHAIR: Commissioner Shearman.

10 COMMISSIONER SHEARMAN: Not to belabor the
11 point, we will miss you very much.

12 DR. HARRELL: Thank you. This is my last
13 meeting here in an official capacity. But don't be
14 surprised if, as an interested member of the public,
15 you see me again.

16 THE CHAIR: We hear there's not much to do
17 in Las Cruces, so we're expecting --

18 DR. HARRELL: Thank you again.

19 THE CHAIR: Thank so you much.

20 COMMISSIONER SHEARMAN: Thank you.

21 THE CHAIR: We will begin with Agenda
22 Item 8H, the Electus Academy. I would like to ask
23 the applicant to come forward. And before you
24 introduce yourself, we will receive the Charter
25 School Division ten-minute presentation.

1 Ms. Callahan.

2 MS. CALLAHAN: Mr. Chair, Commissioners,
3 on the matter of Electus Academy in Albuquerque, the
4 Charter School Division recommends that the
5 application for Electus Academy in Albuquerque be
6 approved with provisions that must be completed
7 pursuant to the Charter School Act and will become
8 material terms in the charter school performance
9 contract.

10 The PEC may identify other potential
11 material terms which will be part of the performance
12 contract negotiation process. The basis for this
13 recommendation is stated in the Charter School
14 Division's Application, Final Recommendation and
15 Evaluation for the school, which is located in the
16 PEC document notebook under Tab 8H.

17 The statutory provisions that must be
18 completed by Electus Academy Albuquerque are:

19 1. The Planning Year Checklist. The
20 applicant will complete the 2012-13 Planning Year
21 Checklist, as developed by the Charter School
22 Division, according to the time lines set forth
23 therein, which shall include regular progress
24 reporting to the Charter School Division.

25 No. 2: Board of Finance designation. The

1 governing body of the charter school must submit an
2 application to the Public Education Commission to be
3 designated as a Board of Finance, pursuant to
4 6.80.4.16 of the New Mexico Administrative Code, on
5 or before the end of its planning year, June 30,
6 2013.

7 The applicant acknowledges that it shall
8 not receive any state or federal funding, if
9 available, until such time as it has been granted
10 Board of Finance status by the Public Education
11 Commission.

12 No. 3: The Public Schools Facility
13 Authority Certification of Facilities. The charter
14 school will demonstrate to the Charter School
15 Division that prior to commencing operations, that
16 it has sought and obtained certification from the
17 PSFA, that the facility the charter school intends
18 to occupy will receive a weighted New Mexico
19 Condition Index, wNMCI, rating equal to or better
20 than the average condition for all New Mexico public
21 schools for the year the charter intends to occupy
22 the facility; or, the charter school can demonstrate
23 that, within 18 months of occupancy, that it has a
24 plan for achieving the wNMCI. This is pursuant to
25 22-8B-4.2(C), 2011, New Mexico Statutes 1978.

1 No. 4: Performance contract. The charter
2 will be effective upon the applicant and the Public
3 Education Commission negotiating and signing the
4 performance contract, pursuant to 22-8B-9,
5 New Mexico Statutes 1978.

6 No. 5: Commencement of operations. Prior
7 to the end of the planning year, June 30, 2013, the
8 charter school shall demonstrate that it has
9 completed the above provisions stated herein, or by
10 operation of law, before commencing full operation
11 for the remainder of its term; 22 -- pursuant to
12 22-8B-12, New Mexico Statutes, 1978.

13 And, Mr. Chair, and Commissioners, I draw
14 your attention to the recommendation document that
15 is in your packet, where it talks about the proposed
16 conditions. And in my opening statements, I refer
17 to approving with conditions as part of the statute.
18 The contract itself will determine what those
19 conditions are going to be. What we did is laid out
20 some provisions or observations that we made about
21 the application that we wanted to bring to the
22 attention of the Commission.

23 So if you look at Page 2 of the
24 recommendation document, where we recommend that
25 Electus Academy be approved with conditions, the

1 conditions that I just stated, along with these
2 areas of concern that be addressed during the
3 planning year, I'd like to read into the record with
4 your permission, Mr. Chair.

5 THE CHAIR: You have my permission.

6 MS. CALLAHAN: The areas of concern to be
7 addressed during the planning year by Electus
8 Academy.

9 No. 1: Select a short-cycle assessment
10 and reference the assessment in revised performance
11 related goals.

12 No. 2: Revise personnel policies
13 specifically in the following areas:

14 Discipline: Insure that the discipline
15 policy provides due process and paid military leave;
16 insure that it does not violate the State's
17 anti-donation law.

18 3: Revise performance and offerings goals
19 to make sure they are specific, measurable,
20 ambitious, and timed out.

21 4: Provide a plan and describe in full
22 the implementation of Student Assistance Teams and
23 response to intervention.

24 5: Adjust school's teacher salary
25 schedules so that it complies with State

1 expectations.

2 6: Insure that the school's Governing
3 Council committees include two committees of Finance
4 and Audit that comply with State guidelines. And;

5 7: Revise the school's sustainability
6 plan to address building the school's capacity in
7 the following areas: Finance, governance,
8 facilities, community relationships, student
9 enrollment, and charter compliance.

10 This is the -- includes the recommendation
11 from the Charter School Division.

12 THE CHAIR: Thank you, Ms. Callahan. We
13 ask the applicant to state your name, title, and any
14 other -- introduce any other folks that are here on
15 behalf of your school. Good morning.

16 MR. BAIARDO: Good morning. My name is
17 Justin Baiardo. I'm the founder of the Electus
18 Academy.

19 THE CHAIR: You may proceed with your
20 15-minute presentation, sir.

21 MR. BAIARDO: Thank you, Mr. Chair,
22 members of the Commission, Charter School Division.
23 Good morning. Thank you for allowing me to speak
24 before you once again.

25 The Electus Academy will provide an

1 innovative system in college preparatory education
2 by not only focusing on students, but by allowing
3 students, for the first time, to choose their own
4 individual educational path that best fits their
5 academic strengths and interests. This will be a
6 school built by teachers for the purposes of
7 providing all students with an extensive system of
8 academic opportunities for each student as an
9 individual to pursue his or her own path.

10 We feel this innovative approach is the
11 best way for all students to succeed by considering
12 each as an individual with unique desires,
13 strengths, and interests. We feel the system,
14 bottom-up in its approach, will provide for
15 increased levels of success for all New Mexico
16 students who want to attend. Thank you for your
17 consideration.

18 THE CHAIR: Does that conclude your
19 presentation?

20 MR BAIARDO: It does.

21 THE CHAIR: Thank you, sir. The Chair
22 will open up the floor for questions from
23 Commissioners. Commissioner Shearman.

24 COMMISSIONER SHEARMAN: As I read the
25 Charter School Act, it says, to me, among other

1 things, that new charter schools should be offering
2 a different and more innovative educational program
3 than the traditional and charter schools in the area
4 are currently providing.

5 "The Electus Academy proposes to offer
6 strong core academics and college readiness through
7 lectures and seminars." My first concern is that I
8 really fail to see how this differs from college
9 readiness and career choice programs offered at both
10 traditional and charter schools in Albuquerque. Of
11 the 55 charter schools in Albuquerque, many, many,
12 many focus on college preparation with added
13 emphasis, such as math and science, International
14 Baccalaureate, individualized curriculum, and so
15 forth.

16 My second concern deals with my duties
17 regarding the sustainability of teachers with a
18 26-to-1 pupil-to-teacher ratio being able to develop
19 and maintain a constantly changing range of
20 challenging, interesting, and rigorous instructional
21 seminars.

22 I think my strongest concern, though, may
23 be regarding the impact of withdrawing \$1,370,000
24 from an operational budget to use for building,
25 rent, and improvements. Regardless of the good

1 intentions of the founders, losing this much money
2 from the instructional budget has to adversely
3 affect- -- has to adversely impact the classroom and
4 the students' education.

5 Therefore, I strongly believe this
6 proposed school is not in the best interest of the
7 charter school's proposed students, the local
8 community, or the school district in whose
9 geographic boundaries the charter school has applied
10 to operate, for the reasons I just stated. Thank
11 you, sir.

12 THE CHAIR: Thank you, Commissioner
13 Shearman. Other questions and other comments?

14 COMMISSIONER CARR: Mr. Chair?

15 THE CHAIR: We have Commissioner Carr.

16 COMMISSIONER CARR: My statement would
17 have been longer, but Commissioner Shearman took
18 everything I was going to say and then some. I'll
19 just say that I concur with Commissioner Shearman.

20 THE CHAIR: Commissioner Canfield.

21 COMMISSIONER CANFIELD: Thank you,
22 Mr. Chair. I understand those comments. And I --
23 but I do have maybe a different approach. At first
24 off, I was wondering if it would be appropriate if I
25 could ask the applicant on the areas of concern to

1 be addressed during the planning year, if they have
2 any comments about those and feel like those are --
3 those are appropriate.

4 THE CHAIR: You may ask.

5 MR. BAIARDO: I do. I feel those concerns
6 are justified. But I am confident that those can be
7 remedied rather swiftly and with ease.

8 THE CHAIR: Commissioner Canfield, please
9 continue.

10 COMMISSIONER CANFIELD: Thank you. And
11 when it comes to the budget, I do understand that,
12 within the planning year, that there is some
13 flexibility on the budget as they come upon
14 different issues, and they're planning and finding
15 the facility that they're really looking for. I
16 mean, there's some flexibility to adjust that budget
17 to be more accurate. Am I correct in that?

18 THE CHAIR: Ms. Callahan?

19 MS. CALLAHAN: Mr. Chair, Commissioner
20 Canfield, that is correct. The planning year
21 purpose is to develop fully the budget based on more
22 information as they roll out their curriculum,
23 teaching, staff, their facilities needs, their
24 ancillary instructional materials, et cetera. All
25 of that is part of that planning year plan. So they

1 would have the opportunity to adjust the budget.

2 The final budget, then, would be prepared
3 in the spring, prior to opening, that would meet
4 approval by the Public Ed Department budget analyst
5 and Deputy Secretary Paul Aguilar.

6 COMMISSIONER CANFIELD: Thank you. So my
7 opinion -- I did attend the public comment session
8 on this one. And, I was impressed. I thought that
9 there was some -- some out-of-the-box thinking there
10 and was impressed by your presentation. I plan on
11 supporting this and wish you well if it does pass.
12 But I do -- would recommend, if it does pass, that
13 you take the comments that were made earlier into
14 consideration on your budget.

15 As you probably may have heard, that a lot
16 of charter schools are struggling with the budget
17 and their facilities issue. It is a big, big issue.
18 And I support the comments that -- that every dollar
19 that you spend extra in a facility, you know, if you
20 can find a way to spend it with the kids instead of
21 the facility. And so, hopefully, with your
22 creativeness that was demonstrated in that
23 presentation and your application, you'll be able to
24 solve those problems as well. Thank you, Mr. Chair.

25 THE CHAIR: Thank you, Commissioner

1 Canfield. Commissioner Bergman.

2 COMMISSIONER BERGMAN: I can't remember if
3 we addressed this budget issue about taking the
4 money out for buildings in the hearing. I wish I
5 could. I've lost that, if we've discussed that
6 already. But are you trying to raise private funds
7 so you don't have to divert that money?

8 MR. BAIARDO: Of course, yeah. The less
9 we can take from operational costs, the better. The
10 situation that is unfortunately very frustrating, I
11 think, is that the State provides no money to help
12 renovate a building. And, as such, if you're
13 looking to make a school -- to make a building into
14 a school, whether it be an office building or an old
15 church or warehouse, there is no money to help in
16 that regard.

17 And so you -- you're kind of at the whim
18 of finding an owner who, in these harsh economic
19 times, has liquid assets to be able to spend half a
20 million dollars in tenant improvements to turn his
21 previous building into a school. You know, it's a
22 hard thing to find, I guess, that type of
23 generosity.

24 We have found two individuals who can help
25 us in that regard. So we have two potential

1 buildings that we are in very strong considerations.
2 But the more we can get from private -- private
3 funding from grants, from donations, absolutely, the
4 more we'll use directly for the facility costs.

5 COMMISSIONER BERGMAN: Thank you.

6 THE CHAIR: Commissioner Gant.

7 COMMISSIONER GANT: Commissioner,
8 Mr. Chairman, and members, and others. I agree with
9 Commissioner Shearman, what she had to say. I
10 really had a lot of problem with the facilities and
11 the budgets and the general operations that were
12 proposed.

13 I come from the business world, from
14 corporate. And I come from a retired military,
15 where I had to have budgets worth millions and
16 millions and millions of dollars. And if I could
17 not set in front of my bosses, whether it be board
18 of directors or whatever, and fully explain the
19 budget at that time, if I was a businessperson that
20 had to go into a bank for a loan to start a business
21 and could not say where the facility was going to
22 be, how much they're going to cost, what the
23 budget -- solid budget is, they would tell me where
24 the door is.

25 And that's where I have a real concern

1 with a lot of budgets. And when somebody says, "I
2 can't answer that question, I'll get back to you,"
3 no. This is for kids. You should know the answers
4 going in. And I really have a problem with -- you
5 might have great ideas for curriculum. I'm not
6 sure. I'm not sure about your governance. But when
7 it comes down to the brick and mortar and putting
8 the whole thing together, I have a lot of concern.
9 I really, really do. You're not the only one that I
10 have a concern with.

11 And something has got to change. We
12 have -- this one was, like others -- too many of
13 them -- coming in not knowing the answers. And I
14 have a real problem with that. Thank you.

15 THE CHAIR: Thank you, Commissioner Gant.
16 Any other questions or comments? The Chair will
17 entertain a motion.

18 COMMISSIONER CARR: Mr. Chair?

19 THE CHAIR: Commissioner Carr.

20 COMMISSIONER CARR: I would like to
21 propose that we deny the application for Electus
22 Academy. Overall, the application is either
23 incomplete, inadequate, or, during the capacity
24 interviews, the candidate did not sufficiently
25 demonstrate the experience, knowledge, and

1 competence to successfully open and operate a
2 charter school.

3 The Charter School Act is paragraph 1,
4 Subsection (L), of Section 22-8B-6 NMSA 1978, which
5 states that, "A chartering authority may approve,
6 approve with conditions, or deny an application, and
7 may deny the application if..." and I will refer to
8 Item 1 and 5:

9 One: The application is incomplete or
10 inadequate;

11 And 5: The application is otherwise
12 contrary to the best interests of the charter
13 school's projected students, the local community, or
14 the school district in whose geographic boundaries
15 the charter school applies to operate.

16 COMMISSIONER SHEARMAN: Second.

17 THE CHAIR: Seconded by Commissioner
18 Shearman. Is there discussion? Seeing none, we
19 will proceed with a roll call vote on the motion to
20 Commissioner Gant.

21 COMMISSIONER GANT: Commissioner Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER GANT: Commissioner Canfield.

24 COMMISSIONER CANFIELD: No.

25 COMMISSIONER GANT: Commissioner Bergman.

1 COMMISSIONER BERGMAN: No.

2 COMMISSIONER GANT: Commissioner Lopez.

3 COMMISSIONER LOPEZ: Yes.

4 COMMISSIONER GANT: Commissioner Carr.

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER GANT: Commissioner Pogna.

7 COMMISSIONER POGNA: No.

8 COMMISSIONER GANT: Commissioner Shearman.

9 COMMISSIONER SHEARMAN: Yes.

10 COMMISSIONER GANT: Commissioner Garrison.

11 THE CHAIR: No.

12 COMMISSIONER GANT: Commissioner Gant

13 votes yes. It's five in favor, four against.

14 THE CHAIR: With a vote of five to four,

15 the application of Electus Academy is denied. Thank

16 you for your efforts today.

17 Next item on the agenda is the Health

18 Leadership Academy in Albuquerque. We will begin

19 with the Charter School Division recommendation, and

20 we would ask that the applicants come on up to the

21 front table, and we will have you introduced in a

22 little bit. Or I should say, you will introduce

23 yourselves in a bit.

24 Good morning. And God bless you. Was it

25 you that sneezed a while ago?

1 MS. JAMES: It was. Thank you,
2 Mr. Chairman.

3 THE CHAIR: Ms. Callahan, at your
4 pleasure.

5 MS. CALLAHAN: Mr. Chairman,
6 Commissioners, in the matter of Health Leadership
7 Academy, Albuquerque, the Charter School Division
8 recommends that the application for Health
9 Leadership Academy, Albuquerque, be approved with
10 provisions that must be completed pursuant to the
11 Charter School Act and will become material terms in
12 the charter school performance contract. The PEC
13 may identify other potential material terms which
14 will be part of the performance contract negotiation
15 process.

16 The basis for this recommendation is
17 stated in the Charter School Division's Application,
18 Final Recommendation, and Evaluation for the school,
19 which is located in the Public Education Commission
20 document notebook under Tab 8-I. The statutory
21 provisions that must be completed by Health
22 Leadership Academy Albuquerque are:

23 1: Planning Year Checklist. The
24 applicant will complete the 2012-'13 Planning Year
25 Checklist, as developed by the Charter School

1 Division, according to the timeline set forth
2 therein, which shall this include regular progress
3 reporting to Charter School Division.

4 No. 2: Board of Finance designation. The
5 governing body of the charter school must submit an
6 application to the Public Education Commission to be
7 designated as a Board of Finance, pursuant to
8 6.80.4.16 the New Mexico Administrative Code, on or
9 before the end of its planning year, June 30, 2013.

10 The applicant acknowledges that it shall
11 not receive any state or federal funding, if
12 available, until such time as it has been granted
13 Board of Finance status by the Public Education
14 Commission.

15 No. 3: The Public Schools Facility
16 Authority Certification of Facilities. The charter
17 school will demonstrate to the Charter School
18 Division that, prior to commencing operations, that
19 it has sought and obtained certification from the
20 PSFA that the facility the charter school intends to
21 occupy will receive a weighted New Mexico Condition
22 Index, wNMCI, rating, equal to or better than the
23 average condition for all New Mexico public schools
24 for the year the charter intends to occupy the
25 facility; or, the charter school can demonstrate

1 that, within 18 months of occupancy, that it has a
2 plan for achieving the wNMCI, pursuant to
3 22-8B-4.2(C) 2011, New Mexico Statutes 1978.

4 No. 4: Performance contract. The charter
5 shall be effective upon the applicant and the Public
6 Education Commission negotiating and signing the
7 performance contract, pursuant to 22-8B-9,
8 New Mexico Statutes 1978.

9 No. 5: Commencement of operations. Prior
10 to the end of the planning year, June 30, 2013, the
11 charter school shall demonstrate that it has
12 completed the above provisions stated herein or by
13 operation of law before commencing full operation
14 for the remainder of its charter term, pursuant to
15 22-8B-12, New Mexico Statutes 1978.

16 And in terms of the proposed conditions as
17 mentioned above, the Charter School Division
18 believes that the completion of the Planning Year
19 Checklist will address any of the deficiencies that
20 were in the application. And that is our
21 recommendation at this time.

22 THE CHAIR: Thank you, Ms. Callahan.
23 Applicants, good morning. Please introduce
24 yourselves. Give us your titles for the record,
25 please.

1 MS. DURAN-BLAKEY: Good morning. I'm
2 Gabriella Duran-Blakey, and I'm the principal of
3 Health Leadership High School. Joining me is
4 Mr. Tony Monfiletto -- and he's one of the founders
5 of the school -- and Mrs. Lisa James is the Board
6 President. And we thank you for your
7 recommendation, and we are agreeable to all the
8 terms and -- with the recommendation.

9 Thank you again for all of your time. I
10 really appreciate the diligence in the whole process
11 from the Charter School Division and from the Public
12 Education Commission.

13 MS. JAMES: I always thank you for all the
14 time that you've spent from that meeting in August
15 to all of the time that you're spending today. I
16 can't imagine the daunting process.

17 The innovation of the school in the -- in
18 the bylaws that Ms. Shearman spoke about earlier
19 with the Electus Academy, the laws talk about the
20 innovation of this school. And as a former industry
21 person in the health-care sector, being a CFO of a
22 local hospital, I wish that this type of -- of
23 opportunity was available for students back then,
24 so, then, as a corporate person, I could have
25 defended a very high clinical -- clinical

1 contract-labor budget overance.

2 But the careful due diligence that we have
3 gone through, with partnering with the health-care
4 sector, and our commitment to prepare the students
5 for that sector, I think is one thing that makes
6 this school very innovative.

7 Another thing is the model that has been
8 approved with the ACE Leadership High School
9 charter, that proven model, in terms of the type of
10 education that they give to the students, the
11 "learning by doing," the 360-degree support for
12 their students, and especially, the community
13 engagement piece, I think is another reason why that
14 makes this school very innovative.

15 MS. DURAN-BLAKEY: And once again, we do
16 want to reiterate. The desperate need that we have
17 for schools to attack the dropout problem in our
18 communities, with new models, it can reach the
19 40 percent of students that are not graduating from
20 high school and may never reach their potential.
21 So, again, we thank you for your recommendation.

22 THE CHAIR: Does that conclude your
23 presentation?

24 MS. DURAN-BLAKEY: Yes.

25 THE CHAIR: Thank you very much. The

1 Chair will open up the floor for questions from the
2 Public Education Commission of the applicants and of
3 the Charter School Division. Commissioner Canfield.

4 COMMISSIONER CANFIELD: Thank you,
5 Mr. Chairman, good morning. I just want to take the
6 opportunity to say a few things. First off, I
7 recognize the innovation that you're taking, and I
8 applaud it. I did have the opportunity to attend
9 the public hearing as well and review your
10 application. And I just want it to be known that I
11 am going to support this. I think it's a very
12 needed area of concentration in our community. And
13 after reviewing the application and attending --
14 attending the sessions, the public hearing session,
15 I am confident that you all will do a good job. And
16 so I just wanted to let you know that I am
17 definitely in support of this -- approval of this.
18 Thank you.

19 THE CHAIR: Thank you, Commissioner
20 Canfield. Commissioner Shearman.

21 COMMISSIONER SHEARMAN: Thank you. Good
22 morning. I think you all will probably remember,
23 during the community input hearings, I asked about
24 your use of the term "children of color" in the
25 application. I wonder if you had time to reflect on

1 that and have any observations or comments you'd
2 like to make in that regard.

3 MR. MONFILETTO: Mr. Chairman,
4 Ms. Shearman, we have talked about it. And we
5 believe that the community that the school is
6 targeted to serve is describ- -- that is how the
7 community is described. It's not discriminatory
8 against other students who might choose to join that
9 are not students of color. We welcome all kids.

10 But the school is located in a
11 high-poverty, high-minority community of
12 Albuquerque, and it's appropriate to name that in
13 the charter.

14 COMMISSIONER SHEARMAN: Thank you for
15 that. You don't think that a student, or possibly
16 their parents, who read your vision statement, an
17 Anglo student or Anglo parents, might be discouraged
18 from applying to your school if they read your
19 vision statement?

20 MR. MONFILETTO: Mr. Chair and
21 Ms. Shearman, we welcome all the kids. And it's
22 a -- true at ACE Leadership High School. We have
23 90 percent of our high school are poor kids of
24 color. We have 10 percent of our kids that are not.
25 Those kids are welcomed, just like any other

1 student. And when we engage with our families, we
2 don't -- we don't distinguish between who the kids
3 are. The mission statement is really directed
4 toward the challenge that our community has in being
5 able to address the needs of those young people.

6 COMMISSIONER SHEARMAN: And, certainly,
7 I'm not familiar -- that familiar with Albuquerque.
8 But through the work of this Commission, I
9 understand that the South Valley of Albuquerque is a
10 unique location. However, I did ask for some legal
11 guidance on this. And let me read to you just some
12 of what I received as legal guidance.

13 Quote, "A charter school shall be subject
14 to all federal and state laws and constitutional
15 provisions prohibiting discrimination on the basis
16 of disability or mental handicap, serious medical
17 condition, race, creed, color, sex, gender identity,
18 sexual orientation, spousal affectation, national
19 origin, religion, ancestry, or need for special
20 education services." And that's from 22-8-B4(A),
21 NMSA 1978.

22 It goes on to cite some other information.
23 I cannot help but think that the use of specific
24 wording speaking to "children of color" is, in some
25 way, discriminatory. And, certainly, if I lived in

1 the South Valley and wanted my child to attend your
2 school and read your vision statement, I would think
3 my child would not be welcome as an Anglo child.

4 Now, I read later in the application that
5 it says all students are welcome. And I -- so I'm
6 getting conflicting statements here. I could not at
7 all support this school unless those conflicting
8 statements and the perception of -- of
9 discrimination had been corrected. Thank you.

10 THE CHAIR: Thank you, Commissioner
11 Shearman.

12 COMMISSIONER CARR: Mr. Chair?

13 THE CHAIR: Commissioner Carr.

14 COMMISSIONER CARR: I concur with
15 Commissioner Shearman. I would have been -- I
16 think, you know, better terminology would be
17 "at-risk students." I would have been an at-risk
18 student. My two older brothers dropped out. They
19 were in constant trouble. It was a single-parent
20 household. I should have been in jail, too,
21 according to statistics. So I think that wording is
22 very important.

23 I -- I do have other concerns, too; same
24 concern as the other school. I see APS is already
25 offering -- and maybe the -- maybe a little bit --

1 maybe you're trying to do it in a little different
2 way. But APS already offers, for instance,
3 Certified Practical Nursing programs, Certified
4 Nursing Assistant programs, forensic programs. The
5 South Valley has over ten separate schools that
6 already offer programs for at-risk students.

7 So I have a concern about duplication of
8 effort and whether or not it's already being
9 offered, all these programs already being offered in
10 Albuquerque.

11 THE CHAIR: Thank you, Commissioner Carr.
12 Other comments, questions from Commissioners?

13 COMMISSIONER CANFIELD: Mr. Chair?

14 THE CHAIR: Commissioner Canfield?

15 COMMISSIONER CANFIELD: I need to, I
16 guess, just weigh in a little bit, too, because I
17 understand those comments. But I, personally, don't
18 believe those situations are enough to deny this. I
19 think this is an innovative approach to the health
20 employment issues that we have. And so I hope the
21 Commissioners understand the intent of what they
22 said. I certainly do. And I would hate to lose
23 this opportunity and the Albuquerque community and
24 the community in which I represent to help -- to
25 help address that problem in the health-care

1 community.

2 So I, again, intend to support it, and I
3 ask the Commission to consider that as well.

4 THE CHAIR: Thank you, Commissioner
5 Canfield. Commissioner Shearman.

6 COMMISSIONER SHEARMAN: I have to say, I
7 struggled with this application probably more -- or
8 at least as much as any other. On the one hand, I
9 think there are quite a number of schools in the
10 South Valley. There are eight, I believe, charter
11 schools in the South Valley. On the other hand, I
12 come from a background where you teach people to
13 work. And I think it has real value. So I'm torn.

14 Let me suggest this and see what other
15 Commissioners might think. If we could impose
16 conditions, nonnegotiable conditions -- and
17 Ms. Callahan, help me with this one, please. If we
18 could impose conditions on this application that,
19 number one, they go through their application -- and
20 I believe there are three references to "children of
21 color." And, of course, you all would have to be
22 agreeable to this -- those statements or those parts
23 of the application that speak to "children of color"
24 could be rewritten so that they are inviting to all
25 students, but still recognizing the unique student

1 makeup of the South Valley and the particular needs
2 of those students. If that could be condition No 1.

3 If condition No. 2 could be that the
4 enrollment procedure could be clarified to assure
5 that all qualified students have an equal
6 opportunity for enrollment, regardless of color and,
7 that students of color will not be given any
8 preferential treatment or implied or expressed
9 advantage in enrollment.

10 And then I would like to suggest a third
11 condition that says this school must be located in
12 the South Valley, regardless of the ability to find
13 an appropriate building. Some of things that we've
14 heard in the past. It is so tied to the
15 South Valley that I feel it must state that it must
16 reside in the South Valley.

17 I think if we could get those areas
18 clarified, at least for me, I could support this
19 application.

20 THE CHAIR: Thank you, Commissioner
21 Shearman. I'm going to expand on things just a bit,
22 because this is in my district. And I did my due
23 diligence with regard to the final reason -- I
24 should say the last listed reason why we could deny
25 an application.

1 From the bird's eye view -- and I respect
2 what the Local Education Agency presented; it was
3 very thorough work by Mr. Mark Tolley, and also a
4 letter from Superintendent Winston Brooks about some
5 of the issues, most of them systemic, that they have
6 to -- that they are challenged with.

7 So if you look at the South Valley -- and
8 I didn't highlight every school. But South Valley
9 Academy has a grade of C; Gordon Bernall Charter, D;
10 Nuestros Valores Charter, D; Academia del Esperanza,
11 D; El Camino Academy, D; Robert F. Kennedy Charter,
12 F; and New America School, F.

13 A couple of those schools are walking
14 distance from the proposed first-choice building of
15 this charter school. So we may say, "Okay, they're
16 bringing in a different model." And if you look at
17 the ACE Leadership school, what was previously an F
18 is now a D. So one could say it doesn't look too
19 good. Why would we duplicate that?

20 Well, let me take you to the short-cycle
21 assessments which shows this. This is at ACE
22 Leadership Academy.

23 Estimated overall math proficiency
24 increased from 20 to 80 percent. That is a
25 400-percent increase from fall 2010 to fall 2011.

1 Estimated overall reading proficiency
2 increased from 30 percent to 67 percent, 100-percent
3 increase from fall 2010 to fall 2011.

4 Analysis of raw scores of student growth
5 from 1/11 to 5/11: Fifty percent of cohort improved
6 faster than growth predicted by the NWEA MAPs test
7 for math.

8 Sixty-five percent of cohort improved
9 faster than growth predicted by the NWEA MAPs test
10 for reading.

11 Eighty-six percent retention rate in the
12 first year of students who were present on the 40th
13 day and on the last day of school: One
14 hundred percent of students present on the last day
15 matriculated to the next grade.

16 That is data I cannot ignore. And as we
17 look at high-risk student, low socioeconomic
18 student, students of color, however you want to word
19 it -- I think the language was benign, and we can
20 correct that. I don't think that that should be a
21 stopping point, although I do agree with the
22 contention of Commissioner Shearman.

23 The 360-degree education, curriculum and
24 assessment, and the community involvement, it's
25 working. And I would like to ask the applicants if

1 you, indeed, are planning on the first-choice
2 building. Where does that stand as we sit here
3 today?

4 MR. MONFILETTO: So, Mr. Chairman and
5 Commissioners, it is too early to say whether
6 that -- that site is going to work for us.
7 There's -- in the real estate world, I know, and
8 having developed two schools, you don't know until
9 it's done. And that's why the charter is written
10 actually for the South Valley, or Southwest side,
11 because that entire community is in need of another
12 option. And so I don't know if that site is going
13 to work out. And we are actively searching for not
14 only that site, but other sites as well.

15 I just know how this goes; that you have
16 your eyes set on one project, and that project
17 doesn't work out, and you really need to be ready
18 with Plan B and C. But we are committed to the
19 South Valley and Southwest Mesa. So I don't have --
20 I don't believe that any of us would have an issue
21 with -- with insuring that the project happens in
22 that general area of town, where the highest need
23 is.

24 THE CHAIR: And so that takes me to the
25 Public School Facilities Authority report on charter

1 schools in what they would grade out as below
2 average, the wNMCI, and a correlation between a
3 substandard facility and a poor grade for a charter
4 school. There's a strong correlation there. And
5 the Legislative Education Study Committee, in
6 August, that was -- that was declared by Bob
7 Gorrell. So that's another item of concern.

8 And then, of course, when you're staring
9 down at a substandard building, there aren't the
10 federal start-up dollars. So I just want to vet
11 this out totally, and I wanted to give my opinion on
12 me being -- living on Blake and Unser, obviously,
13 from that district, to not steer a decision, but
14 just give all the facts and to give you some
15 information on what I researched.

16 Other questions, comments? Commissioner
17 Gant.

18 COMMISSIONER GANT: Mr. Chair, members, I
19 can -- I was really upset when I read those words.
20 If I had put an application -- I'll be frank. If I
21 put an application together, and I had said it was
22 for Anglos, where would I be right now? Probably in
23 a lawsuit. Honestly. So if we can agree with those
24 stipulations, those conditions Commissioner Shearman
25 came up with, I might be able to go with this.

1 I'm also concerned because I asked the
2 question last time. Why didn't you just put the
3 school in ACE? Because all you're doing is doubling
4 the administration, doubling the facilities, the
5 costs of all these things, and it adds up
6 tremendously. You want money in the classroom; yet
7 you're spending it on another administration,
8 another support -- support for 400 kids, 500 kids,
9 when you can combine them and get economics working
10 for you. I just don't understand that.

11 Of course, that's not a reason to deny
12 this. You can do what you want when it comes to
13 that. But I know, because I sit on the PSCOC, where
14 you think -- where you're going to get your lease
15 assistance money, we're spending \$13.5 million on
16 charter schools for leases, when originally, charter
17 school movement said, "We aren't going to need
18 anything."

19 We're increasing leases by 20 percent a
20 year that the State is -- your money is paying for.
21 And there's a vast number of them, charter schools,
22 that are paying more out of their operational funds
23 for leases than they're getting from the State. So
24 here, you are putting together another building, on
25 the lease, and if somebody builds that -- renovates

1 a building for you, they're going to want that money
2 back, and they're going to take all their lease
3 assistance, plus whatever it is to cover the loan
4 they're going to take from the bank to renovate the
5 building.

6 So I really have a concern with that.
7 But, again, that's not a reason to deny this. But
8 I'm just telling you, this has got to stop. Thank
9 you.

10 THE CHAIR: Thank you, Commissioner Gant,
11 Commissioner Lopez.

12 COMMISSIONER LOPEZ: I have to agree with
13 the concern about the words "students of color." I
14 mean, I agree with Commissioner Carr. It's at-risk
15 kids. It breaks down around color; we know that.
16 It breaks down along color lines. But also I would
17 not like to see the school limited to the
18 South Valley, but to the Southwest side of town.
19 I'm familiar with that side of town, and there's
20 huge need all the way up the mesa.

21 THE CHAIR: And I think, to speak on that
22 point, the issue with the 90/90/90 school was they
23 explicitly stated zip code. They said 87105 and
24 87121; 87121 is more that Southwest Mesa. And then
25 they ended up on Yale, which is neither. So that's

1 where this is coming from, that some applicants say
2 this, and then we have the planning year. And then
3 Plan B and Plan C happens, and we're stuck.

4 So we're trying to tie people to the
5 intent of the population that you're going to serve
6 and geographic clarity. Whew. It's a lot.

7 COMMISSIONER CANFIELD: Mr. Chair?

8 THE CHAIR: Commissioner Canfield.

9 COMMISSIONER CANFIELD: I don't know that
10 we've heard from the applicants, if they're in
11 agreement to some of these conditions and if it
12 would be appropriate. I'd like to hear their
13 response to see if they're okay with changing the
14 verbiage and so forth.

15 THE CHAIR: That's an affirmation, but
16 please speak.

17 MR. MONFILETTO: Mr. Chair, would you mind
18 if we just take a second, because we haven't talked
19 about it either. Would you mind if we take a
20 second?

21 THE CHAIR: Let me just call a five-minute
22 recess.

23 MR. MONFILETTO: Thank you, Mr. Chairman.

24 (Recess taken, 10:40 a.m. to 10:45 a.m.)

25 THE CHAIR: We are back from that

1 delicious break. It only looks like I'm always
2 eating, because it's true. Ms. Callahan.

3 MS. CALLAHAN: Mr. Chair, Commissioners, I
4 just wanted to take an opportunity that there -- we
5 needed to do a correction on the agenda. And I
6 wanted to get it into the record, that the name of
7 the school is Health Leadership High School, and not
8 Health Leadership Academy. So I just wanted to make
9 sure that that was in the record, that that
10 correction was made. And so Health Leadership High
11 School is the official name of the charter
12 application. Thank you.

13 THE CHAIR: Thank you. Applicants, please
14 respond.

15 MS. JAMES: Thank you for that correction,
16 Ms. Callahan. I appreciate that. We are in
17 agreement to the conditions. Can you hear me?

18 THE CHAIR: No.

19 COMMISSIONER SHEARMAN: Press the lever
20 down. Oh, it's down. Okay.

21 MS. JAMES: We are in agreement with the
22 conditions that Commissioner Shearman has brought
23 forth; specifically, the sentence in our vision
24 statement that says, "The focus will be to work with
25 low-income children of color who have not been

1 successful in traditional schools." So we are
2 committed to work with Ms. Callahan to reflect an
3 inclusive statement that is appropriate.

4 We are also in agreement with the
5 condition of keeping the school in the South --
6 South Valley or Southwest Mesa at this time. Thank
7 you.

8 COMMISSIONER SHEARMAN: Can I just
9 clarify?

10 THE CHAIR: Commissioner Shearman.

11 COMMISSIONER SHEARMAN: Let me just
12 clarify, please. In the vision statement is the
13 "children of color" phrase. Also it's used in --
14 the statement, "is committed to serve students of
15 color and from low socioeconomic families." And
16 that's in Section 2F4 of the application. And let
17 me just -- let me just make the blanket statement
18 that anywhere the phrase "children of color" is used
19 in the application, that it will be removed and
20 rephrased in a more --

21 MS. JAMES: Inclusive.

22 COMMISSIONER SHEARMAN: There you go.
23 Thank for you that word. A more inclusive manner.

24 MS. JAMES: And our response, just to
25 confirm for the minutes, we agree to work with

1 Ms. Callahan. Anywhere in the application where
2 that phrase is, we will find a more inclusive term.

3 COMMISSIONER SHEARMAN: Thank you.

4 THE CHAIR: Commissioner -- do you like
5 that?

6 MS. CALLAHAN: I accept.

7 THE CHAIR: She popped up. Commissioner
8 Callahan.

9 COMMISSIONER GANT: But you don't get
10 paid.

11 MS. CALLAHAN: So I can retire then.

12 Mr. Chair, Commissioners, Commissioner
13 Shearman, there was a third condition. That
14 involved enrollment procedures that reflects equal
15 opportunity without preferential treatment. Did I
16 capture that adequately? I just want to make sure
17 that that was included in the application and
18 response.

19 THE CHAIR: Mr. Monfiletto?

20 MR. MONFILETTO: So, Mr. Chairman and
21 Ms. Callahan, that's going to be. That's federal
22 law and part of policies that we'll be developing
23 anyways. I mean, that's pro forma for any school.
24 So we're happy to --

25 MS. JAMES: Follow the law.

1 MR. MONFILETTO: Yeah. We would be in
2 violation of federal law if we didn't. So that's
3 part of the deal.

4 THE CHAIR: Thank you. Commissioner
5 Shearman.

6 COMMISSIONER SHEARMAN: Mr. Chairman,
7 fellow Commissioners, in light of the discussion
8 that's gone on, could we have -- could -- I'll learn
9 to talk tomorrow -- could Commissioners take a few
10 minutes to work with our counsel, Mr. Vigil, to get
11 the resolution worded correctly before we move any
12 further?

13 THE CHAIR: Yes. Do we have to go on
14 break for that, or does it matter? I just don't
15 want people just sitting here to stare at us.

16 MR. VIGIL: Well, do we have another --
17 you could delay the vote and go on to the next item
18 of business, and I could work with Kelly and these
19 folks, and I'm sure we could come back with
20 something and then present it to you all for review.

21 THE CHAIR: Ms. Callahan, we don't have
22 anything else on the agenda. So how much time do
23 you think that we would need?

24 MS. CALLAHAN: Mr. Chair, Commissioners,
25 Mr. Vigil, if we can knock it out here in the next

1 ten or fifteen minutes, would that be acceptable?

2 THE CHAIR: It's absolutely acceptable.
3 I'll give it a 15-minute break. Commissioner
4 Bergman, comment?

5 COMMISSIONER BERGMAN: Well, I know we've
6 gotten through the first day here before lunchtime.
7 But I would just also consider this. I wonder if we
8 couldn't do Items 9, 10, and 11 today, because those
9 are more internal items, even though you had them on
10 tomorrow's agenda, just get them out of the way?
11 But think about that.

12 THE CHAIR: Commissioner Gant had
13 mentioned it, and I would rather leave things as
14 they are for the public -- I've never had a huge,
15 standing-room-only audience for our comments or
16 anything, but you never know. So we are going to
17 take a -- would it be a recess, if we're all
18 discussing this or you just want to work with --

19 MR. VIGIL: I think a recess would be
20 appropriate.

21 THE CHAIR: Okay. Let's do a 15-minute
22 recess.

23 (Recess taken, 10:50 a.m. to 11:05 a.m.)

24 THE CHAIR: We call this meeting back into
25 session from recess. I'm turning off my phone,

1 again.

2 We'll continue with Agenda Item 8-I,
3 Health Leadership High School. And I would ask
4 Commissioner -- well, I was going to just get an
5 update, but maybe not. If you have it all wrapped
6 up and ready to give?

7 COMMISSIONER SHEARMAN: Yes.

8 THE CHAIR: The Chair will entertain a
9 motion, if there are no further questions from the
10 applicant or from the Charter School Division.

11 COMMISSIONER CANFIELD: Mr. Chair, I
12 propose that the Commission adopt the following
13 resolution:

14 Whereas, the Public Education Commission,
15 pursuant to the provisions of the Charter School
16 Act, received and reviewed a charter school
17 application from Health Leadership High School,
18 Albuquerque;

19 Whereas, the Public Education Commission
20 pursuant to the provisions of the Charter School
21 Act, held a public hearing regarding said
22 application;

23 And, whereas, the Public Education
24 Commission pursuant to the provisions of the Charter
25 School Act, held a meeting on September 19 and 20,

1 2012, to hear the recommendations of the Charter
2 School Division and comments from the charter school
3 applicants.

4 Now, therefore, be it resolved that the
5 applicant, the Health Leadership High School, be
6 approved, subject to the following provisions
7 required by law:

8 No. 1: Planning Year Checklist. The
9 applicant will complete the 2012-13 Planning Year
10 Checklist developed by the CSD according to the time
11 lines set forth therein, which shall include regular
12 progress reporting to CSD.

13 2: Board of Finance designation. The
14 governing body of the charter school must submit an
15 application to the Public Education Commission to be
16 designated as a Board of Finance, pursuant to
17 6.80.4.16 NMAC, on or before the end of its planning
18 year, June 30, 2013.

19 The applicant acknowledges that it shall
20 not receive any state or federal funding, if
21 applicable, until such time as it has been granted
22 Board of Finance status by PEC.

23 3: The Public Schools Facilities
24 Authority, PSFA, Certification of Facilities. The
25 charter school will demonstrate to the CSD that,

1 prior to commencing operations, that it has sought
2 and obtained clarification from the PSFA that the
3 facilities the charter school intends to occupy will
4 receive a weighted New Mexico Condition Index rating
5 equal to or better than the average condition for
6 all New Mexico public schools for the year the
7 charter intends to occupy the facility; or, the
8 charter school can demonstrate that, within
9 18 months of occupancy, that it has a plan for
10 achieving the New Mexico wNMCI, 22-8B-4.2C, 2011,
11 NMSA 1978.

12 4: Performance contract. The charter
13 shall be effective upon applicant and the Public
14 Education Commission negotiating and signing the
15 performance contract, pursuant to 22-8B-9 NMSA 1978.

16 5: The conditions and/or material terms
17 to be negotiated in the performance contract are:

18 One: All statements referring to
19 "students of color" in the vision statement and
20 application will be rewritten to reflect a more
21 inclusive term in compliance with Section 22-8B-4(A)
22 NMSA 1978;

23 Two: The enrollment procedures will be
24 rewritten to clarify equal opportunity for
25 enrollment without preferences, in compliance with

1 Section 22-8B-4(A) NMSA 1978;

2 And, Three: The school shall be located
3 in the South Valley or Southwest Mesa area of
4 Albuquerque.

5 6: Commencement of operations prior to the
6 end of the planning year, June 30th, 2013. The
7 charter school shall demonstrate it has completed
8 the above provisions stated herein or by operation
9 of law before commencing full operation for the
10 remainder of its charter term. 22-8B-12 NMSA 1978.

11 COMMISSIONER SHEARMAN: Second.

12 THE CHAIR: Seconded by Commissioner
13 Shearman. Is there any discussion? Seeing none, we
14 will proceed with the roll call vote through
15 Secretary Gant.

16 COMMISSIONER GANT: Commissioner Peralta.

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER GANT: Commissioner Canfield.

19 COMMISSIONER CANFIELD: Yes.

20 COMMISSIONER GANT: Commissioner Bergman.

21 COMMISSIONER BERGMAN: Yes.

22 COMMISSIONER GANT: Commissioner Lopez.

23 COMMISSIONER LOPEZ: Yes.

24 COMMISSIONER GANT: Commissioner Carr.

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER GANT: Commissioner Pogna.

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER GANT: Commissioner Shearman.

4 COMMISSIONER SHEARMAN: Yes.

5 COMMISSIONER GANT: Commissioner Garrison.

6 THE CHAIR: Yes.

7 COMMISSIONER GANT: Commissioner Gant

8 votes yes. Nine-oh in favor.

9 THE CHAIR: Unanimously, the Health
10 Leadership High School is approved.

11 Congratulations.

12 MS. DURAN-BLAKEY: Thank you.

13 MS. JAMES: Thank you.

14 THE CHAIR: Agenda Item 8J. We have
15 received a letter of withdrawal from Indigo Hills
16 Charter School.

17 And we are going to recess until
18 tomorrow -- is tomorrow 8:00 a.m., also?

19 MS. CALLAHAN: Mr. Chair, yes, it is.

20 THE CHAIR: So tomorrow at 8:00 a.m. And
21 we will go into recess. Thank you, everybody.

22 (Proceedings in recess at 11:15 a.m.)

23

24

25

1 REPORTER'S CERTIFICATE

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

9 In testimony whereof, I have hereunto set my
10 hand on September 28, 2012.

11
12
13 _____
14 Cynthia C. Chapman, RMR-CRR, NM CCR #219
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16 201 Third Street, NW, Suite 1630
17 Albuquerque, New Mexico 87102
18 License Expires: 12/31/12
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