

## 1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                   STATE OF NEW MEXICO

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7                                   REPORTER'S CERTIFICATE8                   I, Cynthia C. Chapman, RMR, CCR #219, Certified  
9 Court Reporter in the State of New Mexico, do hereby  
10 certify that the foregoing pages constitute a true  
11 transcript of proceedings had before the said  
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
13 State of New Mexico, County of Santa Fe, in the  
14 matter therein stated.15                   In testimony whereof, I have hereunto set my  
16 hand on September 30, 2019.17  
18  
19                                   *Cynthia Chapman*  
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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

September 20, 2019

9:00 a.m.

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

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

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

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1                   A P P E A R A N C E S  
 2   COMMISSIONERS:  
 3   MS. PATRICIA GIPSON, Chair  
 4   MS. TRISH RUIZ, Vice Chair  
    MS. KARYL ANN ARMBRUSTER, Secretary  
    MR. R. CARLOS CABALLERO, Member  
 5   MR. MICHAEL CHAVEZ, Member  
    MR. TIM CRONE, Member  
 6   MS. GEORGINA DAVIS, Member  
    MR. DAVID ROBBINS, Member  
 7   MS. GLENNA VOIGT, Member  
 8   NMPED STAFF:  
 9   MS. KAREN WOERNER, Deputy Director,  
       Options for Parents and Families  
 10  
    MS. BEVERLY FRIEDMAN, PED Custodian of Record  
       and Liaison to the PEC  
 11  
    PEC COUNSEL:  
 12   MS. AMI JAEGER, Attorney at Law  
 13  
 14  
 15  
 16  
 17  
 18  
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 23  
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1           THE CHAIR: I'm going to bring to order  
 2   this meeting of the Public Education Commission.  
 3   Today is Friday, September 20th, and it is 9:02 a.m.  
 4   And I will ask Commissioner Armbruster to do roll  
 5   call, please.  
 6           COMMISSIONER ARMBRUSTER: Commissioner  
 7   Robbins?  
 8           COMMISSIONER ROBBINS: Present.  
 9           COMMISSIONER ARMBRUSTER: Commissioner  
 10   Voigt?  
 11          COMMISSIONER VOIGT: Present.  
 12          COMMISSIONER ARMBRUSTER: The next one,  
 13   Commissioner Armbruster, is here.  
 14          Commissioner Davis?  
 15          COMMISSIONER DAVIS: Present.  
 16          COMMISSIONER ARMBRUSTER: Commissioner  
 17   Chavez?  
 18          COMMISSIONER CHAVEZ: Present.  
 19          COMMISSIONER ARMBRUSTER: Commissioner  
 20   Gipson?  
 21          THE CHAIR: Here.  
 22          COMMISSIONER ARMBRUSTER: Commissioner  
 23   Raftery is not here.  
 24          Commissioner Crone is not yet here.  
 25          COMMISSIONER RUIZ: There he is, right

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1           I N D E X   T O   P R O C E E D I N G S  
 2                                    P A G E  
 3   1   Call to Order, Roll Call, Pledge           4  
    of Allegiance and Salute to the  
    New Mexico Flag  
 4   2   Approval of Agenda                       5  
 5   3   Open Forum - No Requests               6  
 6   4   Consent Agenda                           6  
 7   5   Report from Options for Parents and       8  
    the Charter School Division - Discussion  
    and Possible Action  
 8   6   Discussion and Possible Action on Charter   27  
    Contracts for Schools with Pre-Kindergarten  
    or Early Childhood Education Programs  
 9   7   Discussion and Possible Action on       30  
    Revision to the New Charter School  
    Application for Indicators C and G3,  
    Bilingual Multicultural Indian Education and  
    Hispanic Education  
 10   8   Discussion and Possible Action for       32  
    the School Name Change Policy and Supporting  
    Documents That Are Required  
 11   9   Discussion and Possible Action on Public   35  
    Education Commission/Public Education  
    Department Memorandum of Understanding  
    (PEC/PED MOU)  
 12   10   Report from the Chair                   41  
 13   11   PEC Comments                           132  
 14   12   Adjourn                                 146  
 15   REPORTER'S CERTIFICATE                 147  
 16   ATTACHMENTS:  
 17   1. Visitors' Sign-In Sheets

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1   there.  
 2           COMMISSIONER ARMBRUSTER: I'm changing  
 3   that.  
 4           Commissioner Ruiz?  
 5           COMMISSIONER RUIZ: Yes.  
 6           COMMISSIONER ARMBRUSTER: Commissioner  
 7   Caballero is not present yet.  
 8           THE CHAIR: I won't add "yet" at this  
 9   point in time; just, he's not here.  
 10          COMMISSIONER ARMBRUSTER: I'm changing  
 11   that.  
 12          So we have eight of us.  
 13          THE CHAIR: There are eight Commissioners  
 14   present. Thank you.  
 15          I will ask Commissioner Armbruster to lead  
 16   us in the Pledge, and I will do the Salute to the  
 17   New Mexico Flag.  
 18          (Pledge of Allegiance and Salute to  
 19   the New Mexico Flag conducted.)  
 20          THE CHAIR: We are on to Item No. 2, which  
 21   is the approval of the agenda.  
 22          Okay. All right.  
 23          COMMISSIONER VOIGT: I move that the  
 24   agenda be adopted.  
 25          THE CHAIR: There is a motion by

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1 Commissioner Voigt.  
 2 COMMISSIONER RUIZ: Second.  
 3 THE CHAIR: A second by Commissioner Ruiz.  
 4 All in favor?  
 5 (Commissioners so indicate.)  
 6 THE CHAIR: Opposed?  
 7 (No response.)  
 8 THE CHAIR: Hearing no opposition, the  
 9 motion passes.  
 10 No one signed up for public comment.  
 11 So we are on to Item No. 4, which is the  
 12 Consent Agenda. And I do have at least one change  
 13 for that. And I just have to double-check.  
 14 I am asking to remove La Tierra Montessori  
 15 from the Consent Agenda and Estancia Valley  
 16 Classical Academy from the Consent Agenda.  
 17 La Tierra Montessori will go on the regular agenda  
 18 for today. Estancia Valley will --  
 19 MS. KAREN WOERNER: We're waiting to get a  
 20 copy of their bylaws.  
 21 THE CHAIR: So do you want to hold them or  
 22 just remove them for next month?  
 23 (Chair consults with counsel.)  
 24 THE CHAIR: Okay. All right.  
 25 COMMISSIONER RUIZ: Madam Chair?

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1 So I move that we approve the Consent  
 2 Agenda with the aforementioned changes, the removal  
 3 of La Tierra Montessori and Estancia Valley  
 4 Classical.  
 5 COMMISSIONER DAVIS: I second that.  
 6 THE CHAIR: There's a motion by  
 7 Commissioner Ruiz, a second by Commissioner Davis.  
 8 Any discussion?  
 9 (No response.)  
 10 THE CHAIR: If not, roll call, please.  
 11 COMMISSIONER ARMBRUSTER: Commissioner  
 12 Ruiz?  
 13 COMMISSIONER RUIZ: Yes.  
 14 COMMISSIONER ARMBRUSTER: Commissioner  
 15 Crone?  
 16 COMMISSIONER CRONE: Yes.  
 17 COMMISSIONER ARMBRUSTER: Commissioner  
 18 Gipson?  
 19 THE CHAIR: Yes.  
 20 COMMISSIONER ARMBRUSTER: Commissioner  
 21 Chavez?  
 22 COMMISSIONER CHAVEZ: Yes.  
 23 COMMISSIONER ARMBRUSTER: Commissioner  
 24 Davis?  
 25 COMMISSIONER DAVIS: Yes.

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1 COMMISSIONER ARMBRUSTER: Commissioner  
 2 Armbruster votes "Yes."  
 3 Commissioner Voigt?  
 4 COMMISSIONER VOIGT: Yes.  
 5 COMMISSIONER ARMBRUSTER: Commissioner  
 6 Robbins?  
 7 COMMISSIONER ROBBINS: Yes.  
 8 COMMISSIONER ARMBRUSTER: It is an  
 9 eight-to-zero vote. It passes.  
 10 THE CHAIR: Hold on. Is there someone on  
 11 the phone now?  
 12 MS. KAREN WOERNER: I just was setting it  
 13 up for Leslie to call in and for the report to come  
 14 in. My bad. She texted me, "I'm on, but I can't  
 15 hear anything"; so --  
 16 THE CHAIR: So the motion passed  
 17 eight-zero. Thank you.  
 18 We are now on to Item No. 5, which is  
 19 Report from Options for Parents and the Charter  
 20 School Division.  
 21 MS. KAREN WOERNER: Good morning,  
 22 Madam Chair, Commissioners. As you know, Alan  
 23 Brauer is out of town today working in other parts  
 24 of the state; so I'm filling in for him.  
 25 I noticed on the agenda the CSD staff

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1 hiring. As you know, we've had a lot of vacancies  
 2 for quite some time. But all I can report today is  
 3 that we do have someone to fill the authorizing  
 4 administrator position who has asked for a couple of  
 5 days to make the final decision with her family; so  
 6 to we hope to have my former position filled soon.  
 7 Also, we're working on the final steps for  
 8 the training and technical assistance specialist,  
 9 which was Laurel's old position. But at this point,  
 10 I'm not able to share the names yet; so it's not  
 11 officially done.  
 12 And then the other -- the next thing on  
 13 the agenda was Charter School Program Grant. And I  
 14 have asked Leslie Kelly, our program grant manager,  
 15 to give you an update on the applications and  
 16 things.  
 17 And I want to recognize her for her work  
 18 on the grant project and all the work that has gone  
 19 into doing that. But she is on the line.  
 20 Leslie, can you hear us?  
 21 MS. LESLIE KELLY: Yeah. Can you hear me?  
 22 MS. KAREN WOERNER: Loud and clear.  
 23 MS. LESLIE KELLY: Oh, perfect. Perfect.  
 24 So, good morning, Commissioners and Chairwoman. I'm  
 25 just going to give everybody a brief update of the

<p style="text-align: right;">Page 10</p> <p>1 status of the Charter School Program Grant.  2 I ran the 2019-'20 subgrant competition  3 advertising for new charter schools, which was  4 completed. And peer reviewers completed the  5 reviews. There were three schools that applied:  6 ACES Technical, Polaris and Voz. The last two  7 schools were not authorized, so became ineligible.  8 ACES Technical, their application met the  9 minimum threshold; so they are going to receive an  10 award of \$750,000 over the next three years.  11 And then the expansion, the growth  12 subgrant competition, the applications for those  13 schools were submitted on the due date of  14 September 6th and then were forwarded to the peer  15 reviewers. The peer reviewers will have completed  16 reviewing those applications on October 4th.  17 I can tell you there was ten schools that  18 applied for the funding. And I can list them off if  19 you're interested in hearing which schools applied.  20 MS. KAREN WOERNER: Madam Chair is nodding  21 her head. Yes, please do.  22 MS. LESLIE KELLY: Okay. Perfect. So  23 Data Charter, which is an APS school. South Valley  24 Prep. New Mexico International School. Albuquerque  25 Sign Language Academy. Turquoise Trail Charter.</p>	<p style="text-align: right;">Page 12</p> <p>1 THE CHAIR: Thanks.  2 MS. KAREN WOERNER: Thank you, Leslie.  3 MS. LESLIE KELLY: You're welcome. You're  4 welcome.  5 THE CHAIR: Okay. Do you have others?  6 MS. KAREN WOERNER: I wanted to make sure  7 there were no questions before I moved on.  8 I don't have much other to report, except  9 I do want to note that the Center for Research in  10 Education Outcomes, CREDO, from Stanford University,  11 recently completed a study on charter schools in  12 New Mexico. The Commission has received the link to  13 that. But I just wanted to document that that has  14 been done.  15 As you may know, CREDO does research and  16 provides reports with the goal of trying to improve  17 public education. And there was an agreement to do  18 a study of the charter schools. Apparently, they  19 hadn't done one -- they had done one in 2009.  20 And this one shows improvement in our  21 charter school sector from that time. It does show  22 that in terms of academic performance, reading and  23 math, that our State charter schools in general are  24 on par with the traditional public schools.  25 And the one negative I would say in that</p>
<p style="text-align: right;">Page 11</p> <p>1 Sidney Gutierrez Middle College Charter.  2 Estancia Valley Classical. Albuquerque Charter  3 Academy. And New Mexico School for the Arts.  4 MS. KAREN WOERNER: And, Leslie, would you  5 e-mail that to me later so we can forward the list  6 to the Commissioners? They were writing, but then  7 so they have it.  8 MS. LESLIE KELLY: Yes, I will. And I'm  9 just adding one more note, and then I'll forward it  10 to you.  11 MS. KAREN WOERNER: Thank you.  12 MS. LESLIE KELLY: The other bit of  13 information that I have is yesterday I received an  14 e-mail from the U.S. Department of Ed grant manager  15 that our funding for 2019-'20 has been approved.  16 It's in the G-5 system. They were closed down  17 yesterday. So I just need to go in and approve  18 that. So the money going forward has been approved  19 for Year 3 of this grant.  20 I can't tell you the dollar amount, but --  21 because I can't get in there yet because they were  22 closed down for maintenance. But I will make sure  23 that that information is noted.  24 THE CHAIR: Okay. Thank you so much.  25 MS. LESLIE KELLY: And that's it.</p>	<p style="text-align: right;">Page 13</p> <p>1 report was really around virtual charter schools and  2 that their performance is not as adequate as  3 traditional public schools and affects the overall  4 standing of our charter school sector.  5 But overall, it was a pretty positive  6 report and I would encourage you to read it. It's  7 pretty lengthy; but I wanted to summarize it and  8 share it publicly.  9 As for governing board concerns, we don't  10 have any. Those two schools that are listed on your  11 agenda have actually submitted all the  12 documentation.  13 THE CHAIR: La Tierra Montessori goes  14 under that.  15 MS. KAREN WOERNER: My bad. The La Tierra  16 Montessori that was removed from the Consent Agenda  17 appears here, and then the Estancia Valley, if you  18 need to discuss them as well. So -- shall I pause?  19 (Chair consults with PEC counsel).  20 MS. KAREN WOERNER: So Aldo Leopold and  21 Albuquerque Collegiate are no longer a concern.  22 Evidence has been submitted for those two.  23 Did you want me to stop there?  24 THE CHAIR: Let's take a -- I asked for  25 La Tierra Montessori to be removed from the consent</p>

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1 agenda, because when I looked at the consent agenda,  
2 there was the notation that there was only three  
3 board members seated. So that is concerning on a  
4 number of levels.

5 First and foremost, there -- and I'll get  
6 to that. First and foremost, their contract that  
7 they sign with us stipulates that they will not fall  
8 below five. There's -- we've always been guided by  
9 the fact that if they fell below five, they lost  
10 their Board of Finance status.

11 We're not at a point where we're looking  
12 to have Budget swoop in and take over their  
13 finances. But it is concerning as to whether they  
14 can actually pay bills with only three seated.

15 So that was worrisome.

16 In addition, since I had that conversation  
17 about do they really have three, I think there's  
18 additional information that's come in regarding that  
19 governing board that makes it even more concerning.

20 MS. KAREN WOERNER: Oh, I'm sorry. I was  
21 just making sure that I had this phone thing here.

22 So on Monday -- Tuesday, I believe -- this  
23 week -- I received an e-mail -- so earlier this  
24 week, I received an e-mail directly from a governing  
25 board member on La Tierra's board, one of the

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1 things going on in the school; so that my  
2 recommendation at this point in time is that a  
3 Letter of Concern be sent to the school.

4 They will have the appropriate time to  
5 respond to it. That response would come in prior to  
6 our October meeting, so that we would be able to do  
7 some further investigation, look at their response  
8 to the Letter of Concern and determine -- of course,  
9 with the Letter of Concern, they have every right to  
10 come up before us, anyway. But it may have to be  
11 based on whatever new information that we get that  
12 we're going to ask them to come up, regardless.

13 So that I will -- I move that the Public  
14 Education Commission send a Letter of Concern  
15 regarding governing council -- oh, do you have it  
16 here? Thank you. It's all good.

17 I move -- I move that the Public Education  
18 Commission send a Letter of Concern to La Tierra  
19 Montessori School of the Arts and Sciences due to  
20 its failure to comply with the material term of its  
21 charter by failing to maintain at least five  
22 governing board members and to timely replace board  
23 members who have resigned.

24 COMMISSIONER VOIGT: I'll second.

25 COMMISSIONER ARMBRUSTER: I have a

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1 remaining three, who is submitting a letter of  
2 resignation effective immediately. It went to the  
3 school as well. So that would put them down to two  
4 members.

5 And in that letter, e-mail, it did mention  
6 that at least one of the other governing board  
7 members intended to resign in the near future. That  
8 would be the president. And she assured me that she  
9 was intending to resign effective November 1st.

10 But that may not happen now that they're  
11 scrambling to try to resolve their problems. But I  
12 just wanted to let you know that's the information I  
13 received this week.

14 Of course, the school doesn't have to  
15 report that -- they have 30 days to submit their  
16 information to us. But it is something we are aware  
17 of and wanted to share with you.

18 THE CHAIR: Could the record also reflect  
19 that Commissioner Caballero is now present?  
20 (Record so reflects.)

21 THE CHAIR: So, thank you. So it becomes  
22 even more concerning as to what's happening at the  
23 school, because I think we all know that when the  
24 governing board starts to become this erratic, that  
25 it is often an indicator that there may be other

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1 question, Madam Chair.

2 THE CHAIR: The motion goes through; then  
3 we can have a discussion.

4 COMMISSIONER VOIGT: Second.

5 COMMISSIONER ARMBRUSTER: Thank you,  
6 Madam Chair. When did their 30 days start?

7 THE CHAIR: The 30 days starts when we get  
8 the notice.

9 MS. KAREN WOERNER: The 30 days to notify  
10 the Commission starts when the board member submits  
11 their letter of resignation. So technically, that  
12 doesn't normally come to us directly; but in this  
13 case, it did. But it starts that day that they  
14 submit the resignation --

15 THE CHAIR: The problem is --

16 MS. KAREN WOERNER: -- to submit the  
17 documentation.

18 THE CHAIR: And let me just add, the  
19 problem is normally, they've got five members. So  
20 that if a number six or a number seven or a number  
21 five resigns, but at the same time, the -- the  
22 addition comes in, they haven't lost.

23 But for them to get those additional days,  
24 which aren't automatic -- but for a school, when  
25 they fall below five, to get the automatic days,

<p style="text-align: right;">Page 18</p> <p>1 that's giving them too much time where they don't 2 have a board of five seated. 3 So that's something that we have to look 4 at, you know, because we've always agreed that, 5 yeah, the schools can have, automatically, that 6 additional day. But I think we have to look at 7 there has to be an exception. If they're falling 8 below five, they don't get granted that automatic 9 extension. 10 COMMISSIONER ARMBRUSTER: And the other 11 question I had for the Deputy Director -- 12 MS. KAREN WOERNER: Yes, ma'am. 13 COMMISSIONER ARMBRUSTER: How many 14 students do they have? Do you know that? Don't go 15 looking. If you happen to know it. 16 MS. KAREN WOERNER: I don't know off the 17 top of my head, but I can quickly find out. 18 COMMISSIONER ARMBRUSTER: I just was 19 curious. 20 THE CHAIR: I don't care how you vote. 21 COMMISSIONER ARMBRUSTER: I just wanted -- 22 I was just curious how the school was doing as a 23 whole. 24 THE CHAIR: I never assume because someone 25 has a question, they're not supporting the motion.</p>	<p style="text-align: right;">Page 20</p> <p>1 look at. 2 So I need a roll-call vote. 3 COMMISSIONER ARMBRUSTER: Fine. 4 Karyl Ann votes "For." 5 Commissioner Robbins? 6 COMMISSIONER ROBBINS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Caballero? 9 COMMISSIONER CABALLERO: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Davis? 12 COMMISSIONER DAVIS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Voigt? 15 COMMISSIONER VOIGT: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner -- 17 Commissioner Chavez? I couldn't find -- 18 COMMISSIONER CHAVEZ: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Ruiz? 21 COMMISSIONER RUIZ: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Crone? 24 COMMISSIONER CRONE: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p style="text-align: right;">Page 19</p> <p>1 I -- you know, your vote is your vote. But, you 2 know, I'm glad you brought that first point up, 3 because it is something that we have to look at, 4 whether we have to adopt a policy to -- to address 5 that so that schools that don't -- that fall below 6 the five, they don't get that automatic extension. 7 MS. AMI JAEGER: Yeah. I think we should 8 look at our policies. But I think because they're 9 out of statutory compliance as well as not being 10 compliant with the material provision in their 11 contract, as well as jeopardizing their Board of 12 Finance certification, that it should not be 13 automatic. They have to take care of that. 14 But we need to take care of it to make it 15 clear. 16 THE CHAIR: Yes. So that it's clearer for 17 staff, so that they can, you know -- they can send 18 them that notice automatically that, "Sorry, you 19 don't -- you don't get the -- the additional days. 20 You've got to fill this." 21 And we can figure out what we want to 22 determine is a reasonable amount of time to give 23 them. But it shouldn't be, you know, 48 hours, you 24 know, something like -- it's not going to be a lot 25 of time. But that's something that we do have to</p>	<p style="text-align: right;">Page 21</p> <p>1 Gipson? 2 THE CHAIR: Yes. 3 COMMISSIONER ARMBRUSTER: That's a 4 nine-to-zero vote. The motion passes. 5 MS. KAREN WOERNER: Commissioner 6 Armbruster, I'm sorry for the delay. They have 7 70 students in grades K through 6. Yes. K through 8 6. 70. 9 MS. AMI JAEGER: Seven zero? 10 THE CHAIR: Yes. Seven zero. 11 So I also asked for EVCA to be removed off 12 the consent agenda. I'm not really clear as to what 13 the change really is that they're making. Because 14 the change says that they've made a change to their 15 bylaws to change the qualifications for a board 16 member. 17 But Dylan brought down their bylaws, and I 18 don't see, in the bylaws, qualifications listed. So 19 I don't know what -- what those changes are. So I 20 think we need to get some clarity on that and see 21 whether it's something that we need to look further 22 at, or if they can just be put on the consent agenda 23 for October. 24 But I -- you know, I looked through these 25 bylaws quickly, and I don't see qualifications</p>

<p style="text-align: right;">Page 22</p> <p>1 listed. So I'm unclear as to where exactly that 2 change is in their bylaws. 3 MS. KAREN WOERNER: Okay. We will follow 4 up and prepare that for -- I assume, then, we would 5 just follow up and prepare it for October, put it on 6 the consent agenda, and if we have additional 7 problems, we'll let you know. 8 THE CHAIR: Right. Right. I appreciate 9 that. Thanks. Okay. 10 MS. KAREN WOERNER: One question on the 11 La Tierra. I know -- I understand about the Letter 12 of Concern. Are you -- are we putting this on the 13 agenda for the bylaw change? Or can we approve that 14 today? Or is that going on October's agenda as 15 well? So -- the bylaw change that they submitted. 16 THE CHAIR: That's -- 17 MS. KAREN WOERNER: All for October? 18 THE CHAIR: Yes. Yeah. 19 MS. KAREN WOERNER: Okay. 20 So the next section is the highlights and 21 appreciations. And though the schools were not 22 listed, I did contact both schools and let them 23 know. I don't see the schools here. 24 But I would first like to just recognize 25 Roots &amp; Wings. They recently -- Bellwether</p>	<p style="text-align: right;">Page 24</p> <p>1 Under his leadership, the school now has, 2 for the first time, a regular social-emotional 3 learning program, a healthy living program called 4 "Taos Alive," and two music classes, both guitar and 5 violin. 6 Their commitment is to teaching the whole 7 student and the strong emphasis on each individual's 8 relationship with their natural environment. 9 As you well know, their focus is on 10 Expeditionary Learning and outdoor learning 11 activities. And that presents some challenges in 12 rural schools trying to recruit teachers. To do 13 that type of learning is a challenge for the school; 14 but they obviously are doing a really good job. 15 Mr. Richert did send me a message that -- 16 and I just want to read and share with you, because 17 he couldn't be here. 18 He says, "Thanks for thinking of Roots &amp; 19 Wings and our work in this little nook of the state. 20 It is much appreciated. Because we are so small, I 21 try not to miss school days unless absolutely 22 required. Every day counts. Please give my regards 23 to PEC members and thanks for noting our efforts." 24 And then the second -- 25 COMMISSIONER VOIGT: A quick question</p>
<p style="text-align: right;">Page 23</p> <p>1 Education Partners out of Washington, D.C., selected 2 Roots &amp; Wings out of hundreds of rural charters 3 nationally for a case study. 4 A team of three visited the school 5 apparently last February for three days. The 6 Bellwether report was recently released. Roots &amp; 7 Wings was one of the featured four schools in the 8 document. 9 The case study report is available online. 10 If it has not been sent to the Commission, I will 11 make sure it is. But I just wanted to highlight a 12 couple of things in the support. 13 Roots &amp; Wings, it states here, has 14 outperformed district and statewide averages since 15 2014 with one year exception, when they -- the board 16 transitioned authorizers, and they made some 17 adjustments to their academic model. That was when 18 they came to you-all. 19 And they also -- Roots &amp; Wings' 20 economically disadvantaged students and students 21 with disabilities outperformed the district and 22 statewide averages also. 23 Another thing at the end here is the new 24 head administrator there, Mark -- I don't know how 25 to pronounce his last name -- Richert, I think.</p>	<p style="text-align: right;">Page 25</p> <p>1 about Roots &amp; Wings. Thank you. How long has that 2 school been around? 3 MS. KAREN WOERNER: Twenty years, I 4 believe? 5 COMMISSIONER VOIGT: I remember when it 6 first opened, it was really progressive for its 7 time. 8 MS. KAREN WOERNER: They were 15 years 9 with the Questa School District, but since then have 10 been with the PEC, I believe. 11 THE CHAIR: They struggled a little bit, 12 because they were an Expeditionary school. 13 COMMISSIONER VOIGT: Right. 14 THE CHAIR: But then that program is very 15 expensive. And they actually had someone that was 16 working with their school that just happened to be 17 an Expeditionary trainer. So that was just fabulous 18 for the school. And that helped them. They 19 transitioned away from being an Expeditionary school 20 to being -- to using the Expeditionary model without 21 having to pay for the funding, because they had that 22 support from that woman to help them really create 23 that foundation so that they could stay true to that 24 mission but not have to spend the -- all the money 25 that went to Expeditionary.</p>



<p style="text-align: right;">Page 26</p> <p>1           So it's always interesting to -- because 2 they are like "The little school that could." 3           COMMISSIONER VOIGT: They are. I remember 4 when they were starting to gain traction. And they 5 have a great success story. 6           THE CHAIR: It is. And they've -- you 7 know, it's -- as small -- they're rural. So the 8 small-school-size adjustment doesn't affect them. 9 But the small school size, period, does absolutely 10 affect them, because it's very challenging to try to 11 keep a school small and alive with the budget 12 constraints that you have. 13           So it's -- I always like to hear that 14 they're still able to do it. Thank you. 15           MS. KAREN WOERNER: Thank you. 16           And the second school we wanted to 17 acknowledge has also been recognized in a national 18 report. That is Taos Academy. They are one of the 19 schools featured by the Clayton Christensen 20 Institute as leading innovation in our nation. 21           The school was recognized for its efforts 22 in personalized learning and striving to teach the 23 whole student. And the Christensen Institute was, 24 and still is, one of the key organizations bringing 25 attention to the promise of the blended learning</p>	<p style="text-align: right;">Page 28</p> <p>1           this is a one-year -- we need the notification and 2 the information to populate into their contracts to 3 identify the pre-K programs that the State gave the 4 planning year grants for, so that this just keeps us 5 and the CSD staff all in the loop about who has 6 what. 7           And in October, we're planning, on the 8 work session, digging into what do we need to do in 9 regards to our contracts, the pre-K programs going 10 forward. 11           So there was -- we made a change to this 12 yesterday. But this reflects -- did we make a 13 change to it? 14           COMMISSIONER VOIGT: Under Section 3. 15           THE CHAIR: And the change is reflected 16 there. 17           COMMISSIONER VOIGT: Uh-huh. 18           THE CHAIR: So any comments? Otherwise, 19 I'll entertain a motion. 20           COMMISSIONER CABALLERO: So move. 21           COMMISSIONER CRONE: Second. 22           THE CHAIR: We have -- do we have the 23 motion? 24           COMMISSIONER CABALLERO: Let me read the 25 motion. No. 6. Thank you.</p>
<p style="text-align: right;">Page 27</p> <p>1           model with an online but in-house also. And without 2 schools doing something different, we don't have any 3 models for effective change. 4           So they're really proud of being featured 5 in this article. It's called The Canopy Project, 6 and I will be sure to send that out to you as well. 7 Traci Filiss, their head administrator, was planning 8 to be here; but she's probably busy running her 9 school and is not here today. But I just wanted to 10 acknowledge their success with blended learning and 11 their national recognition. 12           COMMISSIONER VOIGT: Super. 13           THE CHAIR: Okay. Thank you so much. 14           We are -- you don't have anything else, do 15 you, before I move on? 16           MS. KAREN WOERNER: No, ma'am. Thank you. 17           THE CHAIR: Okay. Thanks. 18           We are on to Item No. 6, which is 19 Discussion and Possible Action on the Charter 20 Contracts for Schools with Pre-Kindergarten or Early 21 Childhood Education Programs. 22           And just to remind Commissioners, those 23 are -- at the work session yesterday, we did work on 24 this. And this is only pertaining to the schools 25 that have an existing program. So this is a one --</p>	<p style="text-align: right;">Page 29</p> <p>1           I move that the Public Education 2 Commission adopt a charter contract change for 3 schools with pre-kindergarten or early childhood 4 education program. 5           COMMISSIONER ROBBINS: Second. 6           THE CHAIR: There's a motion by 7 Commissioner Caballero; there's a second by 8 Commissioner Robbins. 9           Any discussion? 10           (No response.) 11           THE CHAIR: Hearing none, roll call, 12 please. 13           COMMISSIONER ARMBRUSTER: Commissioner 14 Crone? 15           COMMISSIONER CRONE: Yes. 16           COMMISSIONER ARMBRUSTER: Commissioner 17 Ruiz? 18           COMMISSIONER RUIZ: Yes. 19           COMMISSIONER ARMBRUSTER: Commissioner 20 Gipson? 21           THE CHAIR: Yes. 22           COMMISSIONER ARMBRUSTER: Commissioner 23 Armbruster votes "Yes." 24           Commissioner Robbins? 25           COMMISSIONER ROBBINS: Yes.</p>

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<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Caballero? 3 COMMISSIONER CABALLERO: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Chavez? 6 COMMISSIONER CHAVEZ: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Davis? 9 COMMISSIONER DAVIS: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Voigt? 12 COMMISSIONER VOIGT: Yes. 13 COMMISSIONER ARMBRUSTER: Nine-to-zero 14 vote. Motion passes. 15 THE CHAIR: Motion passes, nine-zero. 16 Thank you. 17 We are on to Item No. 7, which is 18 Discussion and Possible Action on Revision to the 19 New Charter School Application for Indicators C and 20 G3, Bilingual Multicultural Indian Education and 21 Hispanic Education. 22 And I want to thank the CSD staff, because 23 they did get in touch with the -- that bureau. And 24 the bureau made recommendations as to how the new 25 application should be changed.</p>	<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Crone? 3 COMMISSIONER CRONE: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Caballero? 6 COMMISSIONER CABALLERO: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Robbins? 9 COMMISSIONER ROBBINS: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Armbruster votes "Yes." 12 Commissioner Davis? 13 COMMISSIONER DAVIS: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Gipson? 16 THE CHAIR: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Ruiz? 19 COMMISSIONER RUIZ: Yes. 20 COMMISSIONER ARMBRUSTER: It's 21 nine-to-zero. Motion passes. 22 THE CHAIR: We are now on to Item No. 8, 23 which is Discussion and Possible Action for the 24 School Name Change Policy and Supporting Documents 25 That Are Required.</p>
<p>1 And we spent some time yesterday looking 2 at it. And we adopted, for the most part, all of 3 those changes. The only thing we really didn't 4 adopt was the identification of the NMAC in there. 5 So that -- but the spirit of it is what we did 6 adopt. 7 So are there any questions about those 8 changes? If there is not, I'll entertain a motion. 9 COMMISSIONER RUIZ: Madam Chair, I move 10 that the Public Education Commission adopt the 11 revisions to the New Charter School Application for 12 Indicators C and G3, Bilingual Multicultural Indian 13 Education and Hispanic Education. 14 COMMISSIONER CRONE: Second. 15 THE CHAIR: There's a motion by 16 Commissioner Ruiz and a second by Commissioner 17 Crone. 18 Any discussion? If not, roll call, 19 please. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Voigt? 22 COMMISSIONER VOIGT: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Davis? 25 COMMISSIONER DAVIS: Yes.</p>	<p>1 And I want to thank the Deputy Director 2 for bringing this to our attention, because we don't 3 have school name changes a lot. But it was brought 4 to CSD staff's attention that there's some federal, 5 especially, reporting that needs to be done when 6 that name change is done so that they're compliant 7 with IRS and other agencies. 8 And we didn't take that into consideration 9 when we made the name change process, that we do 10 need to check and make sure that the school is 11 making those appropriate changes with those other 12 agencies. Because part of the problem was without 13 that official name change, there was the potential 14 that they wouldn't get reimbursements from PED, and 15 there were IRS issues, so that we have needed to 16 clean that up a little bit and make that change. 17 So we did make that change to the 18 amendment process, that they're required to make 19 appropriate changes with those -- there were three 20 specific areas that they needed to make that 21 notification by the time they submit their next 22 budget, so that they should be -- because the name 23 change doesn't go into effect until the following 24 school year, so that they should have everything in 25 place by the time they're submitting their budget</p>

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1 with that new name. So that was where the changes  
 2 that were made.  
 3 MS. KAREN WOERNER: And it's just --  
 4 THE CHAIR: And it is. We did get a copy  
 5 of it.  
 6 MS. KAREN WOERNER: The last section.  
 7 THE CHAIR: Commissioner Robbins?  
 8 COMMISSIONER ROBBINS: Madam Chair, I move  
 9 the Public Education Commission adopt the revisions  
 10 to the school-name-change policy and supporting  
 11 documentation.  
 12 COMMISSIONER RUIZ: Second.  
 13 THE CHAIR: There's a motion by  
 14 Commissioner Robbins, a second by Commissioner Ruiz.  
 15 Any further discussion?  
 16 (No response.)  
 17 THE CHAIR: If not --  
 18 COMMISSIONER ARMBRUSTER: Commissioner  
 19 Chavez?  
 20 COMMISSIONER CHAVEZ: Yes.  
 21 COMMISSIONER ARMBRUSTER: Commissioner  
 22 Robbins?  
 23 COMMISSIONER ROBBINS: Yes.  
 24 COMMISSIONER ARMBRUSTER: Commissioner  
 25 Caballero?

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1 COMMISSIONER CABALLERO: Yes.  
 2 COMMISSIONER ARMBRUSTER: Commissioner  
 3 Voigt?  
 4 COMMISSIONER VOIGT: Yes.  
 5 COMMISSIONER ARMBRUSTER: Commissioner  
 6 Armbruster votes "Yes."  
 7 Commissioner Davis?  
 8 COMMISSIONER DAVIS: Yes.  
 9 COMMISSIONER ARMBRUSTER: Commissioner  
 10 Crone?  
 11 COMMISSIONER CRONE: Yes.  
 12 COMMISSIONER ARMBRUSTER: Commissioner  
 13 Ruiz?  
 14 COMMISSIONER RUIZ: Yes.  
 15 COMMISSIONER ARMBRUSTER: Commissioner  
 16 Gipson?  
 17 THE CHAIR: Yes.  
 18 COMMISSIONER ARMBRUSTER: Nine-to-zero  
 19 vote. Motion passes.  
 20 THE CHAIR: Thank you.  
 21 We are on to Item No. 9, which is  
 22 Discussion and Possible Action on the Public  
 23 Education Commission/Public Education Department  
 24 Memorandum of Understanding.  
 25 And I don't know if you want to say

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1 something or you just want me to say it.  
 2 Okay. There's nothing new to report.  
 3 COMMISSIONER CABALLERO: I'll say that.  
 4 MS. AMI JAEGER: It's still with PED.  
 5 THE CHAIR: It is.  
 6 MS. KAREN WOERNER: I just wanted you to  
 7 know that Traci Filiss arrived.  
 8 THE CHAIR: Oh. So you didn't think we'd  
 9 be that quick.  
 10 MS. KAREN WOERNER: I think I misguided  
 11 her.  
 12 THE CHAIR: So after -- I'm fine. We'll  
 13 get to you in just a second.  
 14 So, you know, unfortunately, this is --  
 15 and I can't even say it's an ongoing discussion,  
 16 because we have not heard anything from PED since a  
 17 while ago. I can't even -- yeah, it was sometime in  
 18 the early summer.  
 19 So it's unfortunate. We thought we  
 20 were -- and we were informed that we were close and  
 21 we'd get something. And so far, we have not gotten  
 22 any response back.  
 23 COMMISSIONER ROBBINS: Madam Chair? I  
 24 realize that the former Secretary was released from  
 25 PED a couple of months ago, and they just have a new

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1 Secretary on board recently.  
 2 But I do want to go on record that I'm  
 3 disappointed that PED has been dragging its feet on  
 4 this. We have been asking for this for some time.  
 5 And I think it is very important for this  
 6 Commission, this constitutionally and  
 7 statutorily-established Commission, to be able to  
 8 effectively perform its duties, that we have such an  
 9 MOU in effect as soon as possible.  
 10 And I urge PED to take the steps necessary  
 11 to work with us in order to effect this as soon as  
 12 possible, preferably within the next month.  
 13 Thank you.  
 14 COMMISSIONER CRONE: Chair?  
 15 THE CHAIR: Commissioner Crone?  
 16 COMMISSIONER CRONE: Commissioner Robbins,  
 17 would you think we need to send a letter, something  
 18 formal?  
 19 COMMISSIONER ROBBINS: I would highly  
 20 approve that and recommend that. So I would  
 21 recommend that we do send a Letter of Concern, I  
 22 guess it would be, that we, you know, are lacking  
 23 such an updated MOU and that it is urgent and  
 24 necessary for this Commission to perform its  
 25 statutory and constitutional responsibilities.

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1 THE CHAIR: And I -- and I wholeheartedly  
 2 agree with you. And I know at this moment in time,  
 3 the response could possibly be, "Well, we've got a  
 4 new Secretary."  
 5 But this conversation began back in --  
 6 March? -- back in March, when the draft of the MOU  
 7 was submitted. And there were -- there was a  
 8 preliminary conversation that our attorneys had with  
 9 PED attorneys, and we thought we were moving in the  
 10 right direction.  
 11 We kept getting told that it was going to  
 12 get done; so that I am less supportive of the idea  
 13 that, "Well, we've got a new -- we've got a new  
 14 Secretary, and that's what's held it up." Because  
 15 this should have been done, and the new Secretary  
 16 should just be saying, "Well, what is it?" You  
 17 know.  
 18 COMMISSIONER ROBBINS: I agree.  
 19 THE CHAIR: So I agree with you. This --  
 20 and something else that's going to come up in my  
 21 report is very frustrating at this point in time;  
 22 because I get, on one hand, "We really want to be  
 23 cooperative and we want to work together."  
 24 But at the same time, when it appears that  
 25 we are trying to do things so that we can better

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1 cooperate and work together, it is just continually  
 2 unresponsive. So that's really disappointing.  
 3 So I will -- we'll have Ami draft up a  
 4 letter and get it sent out.  
 5 COMMISSIONER CRONE: Do you need a motion  
 6 on that?  
 7 THE CHAIR: No, no, no, because it's not  
 8 about a school.  
 9 COMMISSIONER CRONE: It's not on the  
 10 agenda.  
 11 MS. AMI JAEGER: It is on the agenda.  
 12 COMMISSIONER CRONE: Is it an action item?  
 13 MS. AMI JAEGER: Yes.  
 14 THE CHAIR: It is.  
 15 COMMISSIONER CABALLERO: Okay.  
 16 THE CHAIR: Do you want a motion?  
 17 MS. AMI JAEGER: Sure.  
 18 THE CHAIR: Sure. Okay.  
 19 COMMISSIONER ROBBINS: Well, I'll move  
 20 that the PEC send a letter to -- of concern to PED  
 21 regarding the PED/PEC MOU and our concern of  
 22 inaction by PED on effecting such MOU.  
 23 COMMISSIONER CABALLERO: Second.  
 24 COMMISSIONER CRONE: Second.  
 25 COMMISSIONER CABALLERO: Second and third.

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1 THE CHAIR: There's a motion by  
 2 Commissioner Robbins and seconds by Commissioner  
 3 Caballero and Commissioner Crone.  
 4 So any further discussion?  
 5 (No response.)  
 6 THE CHAIR: If not, roll call.  
 7 COMMISSIONER ARMBRUSTER: Commissioner  
 8 Davis?  
 9 COMMISSIONER DAVIS: Yes.  
 10 COMMISSIONER ARMBRUSTER: Commissioner  
 11 Robbins?  
 12 COMMISSIONER ROBBINS: Yes.  
 13 COMMISSIONER ARMBRUSTER: Commissioner  
 14 Crone?  
 15 COMMISSIONER CRONE: Yes.  
 16 COMMISSIONER ARMBRUSTER: Commissioner  
 17 Chavez?  
 18 COMMISSIONER CHAVEZ: Yes.  
 19 COMMISSIONER ARMBRUSTER: Commissioner  
 20 Armbruster votes "Yes."  
 21 Commissioner Voigt?  
 22 COMMISSIONER VOIGT: Yes.  
 23 COMMISSIONER ARMBRUSTER: Commissioner  
 24 Gipson?  
 25 THE CHAIR: Yes.

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1 COMMISSIONER ARMBRUSTER: Commissioner  
 2 Ruiz?  
 3 COMMISSIONER RUIZ: Yes.  
 4 COMMISSIONER ARMBRUSTER: Commissioner  
 5 Caballero?  
 6 COMMISSIONER CABALLERO: Yes.  
 7 COMMISSIONER ARMBRUSTER: Passes in a  
 8 nine-to-zero vote.  
 9 THE CHAIR: Okay. Motion passes,  
 10 nine-zero. Thank you.  
 11 Before we move on to Item No. 10, I'm  
 12 going to ask for a short break.  
 13 (Recess taken, 9:41 a.m. to 10:06 a.m.)  
 14 THE CHAIR: We are now on to Item No. 10.  
 15 But there are a couple of items here that may take a  
 16 little bit of time.  
 17 So I'm -- the head administrator, Traci  
 18 Filiss, from Taos Academy, did come in late. So I'd  
 19 just like the opportunity to have her say something,  
 20 if -- so we can give her a few minutes so she  
 21 doesn't have to sit through all the report if she  
 22 doesn't want to.  
 23 Not that it won't be riveting. But, you  
 24 know, school is in session. So I wanted the  
 25 opportunity to say thank you to her. And so come on

<p style="text-align: right;">Page 42</p> <p>1 up.</p> <p>2 You can sit if you --</p> <p>3 MS. TRACI FILISS: Okay. I wasn't quite</p> <p>4 prepared. Madam Chair and members of the PEC, I</p> <p>5 just want to thank you all for your work and your</p> <p>6 time. I know that you put in quite a bit of time</p> <p>7 for charter schools, and, specifically, State</p> <p>8 charter schools, being our authorizers. We are</p> <p>9 grateful for your time and your efforts.</p> <p>10 And as a high performing school, and now</p> <p>11 after ten years being recognized on the national</p> <p>12 level for innovation in education, I just want to</p> <p>13 say that success of charter schools has to do with</p> <p>14 engagement, engagement of administration, engagement</p> <p>15 of teachers, and, most importantly, engagement of</p> <p>16 kids.</p> <p>17 And, yes, compliance is part of that</p> <p>18 picture. But it's engagement. And I would say that</p> <p>19 your engagement and your efforts to us as</p> <p>20 administrators of charter schools is important to us</p> <p>21 to know that you're there, you're rooting for us to</p> <p>22 be successful. It is part of the picture.</p> <p>23 And not to be critical, but, rather, for</p> <p>24 improvement, in ten years -- this is our eleventh</p> <p>25 year, by the way. In eleven years, our eleventh</p>	<p style="text-align: right;">Page 44</p> <p>1 Please reflect on engagement. It's hugely</p> <p>2 important. It's what is the success for Taos</p> <p>3 Academy, specifically. And I just -- it's a great</p> <p>4 place to improve.</p> <p>5 So thank you. And thanks again for</p> <p>6 letting me speak. And thank you.</p> <p>7 THE CHAIR: Thanks and congratulations.</p> <p>8 So the first item on my report is McCurdy</p> <p>9 Charter School budget reporting.</p> <p>10 There was an article in the Rio Grande Sun</p> <p>11 newspaper that highlighted some concerns regarding</p> <p>12 the school and issues with the Budget Bureau. And</p> <p>13 it appeared through the article that there was a</p> <p>14 lack of reporting, and that reports that are</p> <p>15 supposed to go in to the Budget Bureau were not</p> <p>16 being done in a timely fashion.</p> <p>17 I went and looked through governing board</p> <p>18 minutes after that. And it did seem to be that</p> <p>19 there appeared, by the minutes, to be a concern that</p> <p>20 the governing board was not receiving the financial</p> <p>21 reports from their business administrator that they</p> <p>22 needed. And it appeared, just through the minutes,</p> <p>23 that that might be some of the issue with why those</p> <p>24 reports weren't getting to PED.</p> <p>25 So that this is not, at this point in</p>
<p style="text-align: right;">Page 43</p> <p>1 year, other than the one Commissioner who was an</p> <p>2 employee at the Taos Academy, no other Commissioner</p> <p>3 has ever visited Taos Academy.</p> <p>4 THE CHAIR: Well, I'm going to -- we had a</p> <p>5 meeting --</p> <p>6 MS. TRACI FILISS: Awesome.</p> <p>7 THE CHAIR: -- at Taos Academy.</p> <p>8 MS. TRACI FILISS: I would love for -- and</p> <p>9 we have invited you. And I know it's a long way,</p> <p>10 and I get that. But that's the engagement piece</p> <p>11 that I'm talking about. It would be good to engage</p> <p>12 with your district -- your area charter schools,</p> <p>13 especially the ones that you authorize so we can</p> <p>14 show you the innovation and the creativeness and the</p> <p>15 engagement of our kids, our teachers, and our</p> <p>16 administrators.</p> <p>17 Guys, it's about engagement, 100 percent,</p> <p>18 relationship and engagement.</p> <p>19 So, again, I want to thank you all. I</p> <p>20 know you're busy. And I realize that it's an</p> <p>21 unthankful and unpaid job that you do.</p> <p>22 THE CHAIR: That's later on in my report.</p> <p>23 MS. TRACI FILISS: You're going to ask for</p> <p>24 a raise; right?</p> <p>25 And I want you to know that I am thankful.</p>	<p style="text-align: right;">Page 45</p> <p>1 time, a part of the -- of the agenda where there</p> <p>2 would be action taken. But I felt that it would be</p> <p>3 most appropriate to at least have a preliminary</p> <p>4 discussion to see what was going on so that we would</p> <p>5 get a clearer picture and not just rely on brief</p> <p>6 governing council minutes and a newspaper report</p> <p>7 that isn't, you know, always as reliable.</p> <p>8 So I had a brief discussion with Karen and</p> <p>9 Alan about this earlier in the week so that the</p> <p>10 school would be notified that this would be on the</p> <p>11 agenda so that they could come up. And they do have</p> <p>12 people here. And their business administrator is on</p> <p>13 the phone, or going to be on the phone.</p> <p>14 MS. KAREN WOERNER: She is -- at the</p> <p>15 break, she was on the phone. I'm assuming she's</p> <p>16 still there.</p> <p>17 THE CHAIR: Okay. If the folks at the</p> <p>18 school want to come up, we'd certainly welcome it.</p> <p>19 And I don't know if there's anything you want to say</p> <p>20 first. I don't know.</p> <p>21 MS. KAREN WOERNER: I think it's -- I</p> <p>22 don't have anything further to report.</p> <p>23 THE CHAIR: This took both myself, and</p> <p>24 when I was speaking to the Director and the Deputy</p> <p>25 Director, by surprise. They -- McCurdy is on</p>

<p style="text-align: right;">Page 46</p> <p>1 monthly reporting, and none of us knew that they 2 were on monthly reporting. 3 And that's something that, for quite a 4 while, we were getting the reports so that we knew 5 if there were potential issues developing with the 6 school because they're on monthly reporting. But 7 neither the Director or Deputy Director knew that 8 McCurdy was on monthly reporting either. 9 So that's kind of another side issue, but 10 it does reflect a concern. 11 So thank you for coming up and helping us 12 navigate through this issue. I will ask the three 13 of you that are physically here and the one on the 14 phone to please identify yourself for the record. 15 MS. SARAH TARIO: So I'll go first. I'm 16 Sarah Tario. I'm the director of McCurdy Charter 17 School. I've been with McCurdy Charter for six 18 years. This is my seventh year. This is my 19 sixth -- I'm going into my sixth year. I always get 20 lost on that time. It blends together. 21 I was a teacher, and then I was the test 22 coordinator. Last year, I was the high school 23 coordinator. This year, I'm the director. So I 24 began as the director in July. 25 MS. NANCY O'BRYAN: And I'm Nancy O'Bryan.</p>	<p style="text-align: right;">Page 48</p> <p>1 because we just are unclear on a lot of the issues, 2 that there appears to be, first, the lack of 3 reporting from back last spring to PED. And those 4 reports, as far as I know, have not been submitted 5 yet to PED. 6 And there is -- appears to be concerns 7 with the governance council not getting the 8 financial reports on a monthly basis. 9 So I'm also going to add in, I believe, 10 another issue. I think there were at least two 11 occasions where the board was unable to meet because 12 you didn't have quorum? So that's another concern 13 outside of the financial concerns. 14 And that the school -- I'm assuming, but 15 you can correct me -- because of the lack of the 16 reports going into PED, is that why there is the 17 monthly reporting requirement? 18 So if we can just kind of dig into that 19 and get some clarity as to what happened, why it 20 happened, why it appears to be continuing to happen, 21 and why those financial reports, even to the school, 22 to the governance council, have not been made 23 available. 24 MS. SARAH TARIO: Deanna, would you like 25 to address it first?</p>
<p style="text-align: right;">Page 47</p> <p>1 I'm a -- the governance board treasurer. So I've 2 been with McCurdy since the start. I was also a 3 director at Taos Charter School for nine years. 4 MS. DEANNA GOMEZ: Hi. I'm Deanna Gomez. 5 I'm with McCurdy Charter School, along with Taos 6 Academy and Vista Grande High School. I work with 7 several charter schools as a finance director. And 8 I have been since 2014, when PED hired me, to help 9 with McCurdy. 10 MS. SARAH TARIO: Are you able to hear her 11 okay? 12 THE CHAIR: No. And she's going to have 13 to speak up for the record, because the recorder is 14 having difficulty as well. 15 MS. SARAH TARIO: Can you be a little 16 louder? 17 MS. DEANNA GOMEZ: This is Deanna Gomez. 18 I'm with McCurdy Charter School as the finance 19 director, contracted. I have been since 2014 when 20 PED brought me in. 21 THE CHAIR: Okay. Thank you. 22 MS. DEANNA GOMEZ: I also work with 23 several other charter schools. 24 THE CHAIR: Okay. Okay. Thank you. 25 So I guess I'm going to open it up to you,</p>	<p style="text-align: right;">Page 49</p> <p>1 MS. DEANNA GOMEZ: Yes, thank you. 2 Commissioner Gipson, Commissioners, thank you for 3 letting us speak to this matter. And this is 4 Year 18. We changed software because of some issues 5 in Apta with security and some staff issues that I 6 was made aware of with security. And we were told 7 that our information was not protected. 8 So we had an opportunity to go with a new 9 system that was in New Mexico, coming to New Mexico 10 as our first year, their first year. Another 11 business manager had been working with SchoolAbility 12 to work on it. They had a lot of the same features 13 in mind for the software that I had always wanted. 14 So myself and a couple of other 15 administrators that I work with, Traci Filiss being 16 one of them, we went to look at this -- at the 17 software, decided that would be in the best 18 interests of the school. So we asked the schools if 19 they would be willing to change. 20 So we changed software. Come to find out 21 there were issues all through that year. But they 22 got worked on and they got fixed. We were assured 23 that everything would be compliant for the following 24 year. 25 When we went into the new system, we</p>

<p style="text-align: right;">Page 50</p> <p>1 started having accrual issues.  2 THE CHAIR: I'm sorry.  3 MS. SARAH TARIO: Hold on, Deanna. Hold  4 on.  5 MS. NANCY O'BRYAN: It's an accrual  6 software program. And of course New Mexico doesn't  7 have accrual accounting.  8 MS. DEANNA GOMEZ: In New Mexico, we're  9 cash basis with modified accrual for reporting basis  10 for our audits. So it caused some issues. They  11 assured me that that was all fixed.  12 But when we went to do our quarterly  13 reports, our end-of-year balances -- those should be  14 our beginning balances for cash reports -- had  15 changed. And it's because it was going back into  16 the prior system.  17 Support has been notified of the issue. I  18 got answers for my issues in March. Some of the  19 schools were very easy to fix; myself, I could  20 [inaudible ] to make it work.  21 McCurdy is a big system. We had tried to  22 hire an in-house business manager at the school. He  23 quit in December; so issues were compounded.  24 So it's taken a very long time to get  25 McCurdy's end-of-year completed. I finished the</p>	<p style="text-align: right;">Page 52</p> <p>1 try to fix so that we're in compliance and that we  2 are on track to report for August by the date that  3 it's due for August, which is September 30th.  4 THE CHAIR: Okay.  5 MS. NANCY O'BRYAN: I'll just add that we  6 had a governance board meeting last night. All of  7 our members were there. We did go over last year's  8 financials in detail.  9 THE CHAIR: I guess for me -- and just so  10 that Commissioners that are newer -- it actually was  11 before I was on. But McCurdy had significant  12 financial issues. And the State had, in fact, taken  13 over the finances. So that when financial concerns  14 come up -- I think it was right as I came on -- you  15 received your Board of Finance back.  16 So that it's always certainly an  17 additional concern, when a school who's -- who  18 underwent significant issues and had to have the  19 State come in and take over, that it appears they're  20 heading down that road again. And you hope that you  21 can put a stopgap in before it gets any worse.  22 I guess one of my questions is, was there  23 a thorough vetting -- because it doesn't seem that  24 there was -- to see that the new software program  25 was going to be friendly with New Mexico reporting?</p>
<p style="text-align: right;">Page 51</p> <p>1 end-of-year last week. That's been put in. We are  2 working on bringing our ending balances into our new  3 system; because we went back to the Apta system.  4 But we went to 4.1, which is secured. And it's  5 working very well. So I'm home again in a system  6 that I understand how to fix.  7 So the only problem I had is we tried to  8 import balances. And the imports were not working  9 properly.  10 I have also been working with Stan, and  11 I'll be working with him a little bit more today  12 because I'm still having some errors on my input to  13 bring in there. Once that is accomplished, we  14 should be able to start reporting timely.  15 THE CHAIR: Okay. Is there anything?  16 MS. SARAH TARIO: So I will just add that  17 this is of great concern to the school. We're  18 taking it very seriously. Deanna and I are talking  19 almost on a daily basis about where are we at,  20 what's happening, how long.  21 We did create a Corrective Action Plan  22 that we put in place that we're working with. And I  23 have met with David Craig and had interactions with  24 Adan Delgado. So it's an ongoing conversation, and  25 it's something that we are working hard and fast to</p>	<p style="text-align: right;">Page 53</p> <p>1 That's the -- that's one of my concerns, that did  2 anyone look at that?  3 Because to me, from what Deanna just said,  4 that appears to be the crux of the problem is that  5 this system is not talking to New Mexico. And we've  6 had some other schools that have had minor issues  7 because they're using some platform out of state.  8 And, you know, this -- the state that the business  9 is housed in, that state doesn't have to report A,  10 B, or C, and it's not reporting it to New Mexico as  11 well.  12 They've -- it's raised concerns. But it  13 has certainly not been to this level of concern that  14 the reports can't get, you know, accepted at all.  15 So my first question is, was that -- was  16 that vetted? Because it isn't -- why didn't people  17 figure out? And when you figured out that the  18 report wasn't going well, which was back in '18, I  19 believe, why would you stick with it when there  20 appeared to be these truly significant issues?  21 Because you're bringing heartbreak onto yourself  22 for, to me, you know, no reason.  23 MS. SARAH TARIO: So, Deanna, I'm going to  24 let you speak to that.  25 MS. DEANNA GOMEZ: Commissioner Gipson and</p>

<p style="text-align: right;">Page 54</p> <p>1 Commission, we weren't aware of the accrual issues 2 from the prior year. Everything else had been fixed 3 prior year. But we wouldn't have had the accrual 4 issues, because we weren't bringing a brand new -- 5 we weren't rolling over a year into a new year. So 6 we were not aware of that.</p> <p>7 Back in December of '18, after we realized 8 there were so many problems, the schools that I work 9 with and I decided it was time to move back to Apta. 10 So we started having conversations with Apta at that 11 point.</p> <p>12 Those conversions have gone very well. 13 This one has gone very well as well. It's working 14 really well. I just need to get my starting 15 balances into Apta to be able to work.</p> <p>16 And also, Commissioner Gipson, I don't 17 know if you were aware, but PED hired me to take 18 care of McCurdy when they were in trouble; so...</p> <p>19 COMMISSIONER VOIGT: Madam Chair, I have a 20 follow-up question.</p> <p>21 MS. DEANNA GOMEZ: I'm the one that 22 cleaned up the school. And I understand that this 23 has been very frustrating. It's very frustrating 24 for me that it's taken so long to fix.</p> <p>25 But there's a lot of things in the system,</p>	<p style="text-align: right;">Page 56</p> <p>1 information couldn't have been communicated to the 2 school; because it appeared that the GC was very 3 unclear as to what the financial status of the 4 school was during those months.</p> <p>5 And I get that maybe the reporting part 6 may have been a problem. But why the information -- 7 some basic information couldn't have been 8 communicated to the GC, that's where I have an 9 additional concern, that there seemed to be a 10 breakdown of communication. And you've got a GC 11 that doesn't -- doesn't know what the status of the 12 school is.</p> <p>13 COMMISSIONER VOIGT: Madam Chair, if I 14 may?</p> <p>15 THE CHAIR: I guess I'm not getting an 16 answer.</p> <p>17 COMMISSIONER VOIGT: Okay. All right. 18 Good morning.</p> <p>19 Deanna, hi. This is Glenna Voigt.</p> <p>20 MS. SARAH TARIO: Are you still there, 21 Deanna?</p> <p>22 MS. DEANNA GOMEZ: I am.</p> <p>23 COMMISSIONER VOIGT: So I know that 24 there's other charter schools in New Mexico that use 25 Apta. So it seems like the New Mexico compatibility</p>
<p style="text-align: right;">Page 55</p> <p>1 the SchoolAbility, that I couldn't fix myself. In 2 Apta, I know exactly what I'm doing. I know how to 3 get into my [inaudible] to find what I need to find, 4 to figure out where I'm off and why I'm off.</p> <p>5 In the other system, it was very difficult 6 and very cumbersome. There were a lot of features 7 in that new system that worked really well in 8 California, but they weren't ready for New Mexico.</p> <p>9 But we just weren't aware of how much 10 hadn't been tested. The owner of SchoolAbility was 11 the original owner of AptaFund. So we were assured 12 that they were doing the same kind of work that they 13 had done with AptaFund. And AptaFund was working 14 really well. It's just there were some security 15 issues with it. But they've taken care of that with 16 the 4.1 edition.</p> <p>17 THE CHAIR: Okay. And just to follow up 18 quickly on that, I understand that maybe formal 19 reports may have been problematic to get to the 20 governance council. But from the minutes that I 21 went through, there seemed to be a frustration on 22 the part of the finance committee of the governance 23 council that they weren't -- that they weren't 24 getting reports on the finances of that school.</p> <p>25 And I don't -- I don't understand why the</p>	<p style="text-align: right;">Page 57</p> <p>1 is a non-issue. Did you ever reach out to the 2 vendor or --</p> <p>3 MS. SARAH TARIO: Sorry. Apta is not the 4 one that had the non-compatible issue. 5 SchoolAbility is the one that had the problem.</p> <p>6 COMMISSIONER VOIGT: SchoolAbility is the 7 umbrella organization for Apta?</p> <p>8 MS. SARAH TARIO: Totally different.</p> <p>9 COMMISSIONER VOIGT: Any reach-out to the 10 vendor or the Apta representative for support?</p> <p>11 MS. SARAH TARIO: For SchoolAbility?</p> <p>12 COMMISSIONER VOIGT: Or SchoolAbility, 13 either vendor.</p> <p>14 MS. SARAH TARIO: It's confusing to us, 15 too. Do you understand the question, Deanna?</p> <p>16 MS. DEANNA GOMEZ: I can speak to that. 17 We did reach out to SchoolAbility. We got our 18 answers in March, at the same time as we were 19 preparing for budgets and all of those things. So 20 we were working in combination with present work and 21 past work.</p> <p>22 I was unable to balance the bank until I 23 got those problems resolved. So it took quite a bit 24 of time and working back and forth with the 25 SchoolAbility people in order to do it.</p>



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1 The people that do use SchoolAbility in  
 2 the State of New Mexico were actually part of the  
 3 SchoolAbility -- they not only sold the software,  
 4 but they also did work like I do for schools; they  
 5 did an outside business management form of work.  
 6 They have since split off. And now -- but  
 7 they do have a more -- they're more aware of how the  
 8 system works because they worked with the system for  
 9 a year prior.  
 10 COMMISSIONER VOIGT: Okay. So was  
 11 SchoolAbility the software that you opened with at  
 12 McCurdy? So you're on your third software --  
 13 financial software?  
 14 MS. NANCY O'BRYAN: I think so. What was  
 15 the first one that we used? Visions, or --  
 16 COMMISSIONER VOIGT: Okay. So you've had  
 17 three different ones.  
 18 MS. DEANNA GOMEZ: We used AptaFund prior,  
 19 but a different version of it.  
 20 COMMISSIONER VOIGT: So I -- just a point  
 21 of -- for future reference going forward, and for  
 22 all schools, it seems like whatever software program  
 23 you're using for your financial and your budgeting  
 24 should be OBMS compatible. There has to be that  
 25 slide-in that will make your life 2,000 times

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1 easier.  
 2 So it seems also, since you knew you had  
 3 this challenge of collecting data and creating  
 4 reports, was there any thought given to even just a  
 5 simple Excel spreadsheet that would provide the  
 6 financial report to the governing board meetings,  
 7 just some basis of reporting for your governing  
 8 board meetings? Or was that ever requested by the  
 9 governing board?  
 10 MS. NANCY O'BRYAN: So, Deanna, to get  
 11 back to Chairman Gipson's question, would you like  
 12 to tell them why you didn't give us -- we got bank  
 13 statements -- why you didn't want to run the reports  
 14 that SchoolAbility was generating?  
 15 MS. DEANNA GOMEZ: Okay. So when -- when  
 16 you run financial reports and put them out as  
 17 financial reports, they should be accurate. I did  
 18 give them some updated information regarding -- we  
 19 would do bank statements, we would do expenditures  
 20 and revenues. We did a few [inaudible] reporting.  
 21 But to do real financials, you need to  
 22 balance your bank. You need to know that everything  
 23 is tied to even do a balance sheet report or a  
 24 statement of revenues and expenditures change in  
 25 fund balance. So for those to be accurate is really

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1 important. And I don't want to give false data.  
 2 THE CHAIR: And I appreciate that. But  
 3 the fact that months went by, that the finance  
 4 committee, it appears, reported in the minutes that  
 5 they were unable to meet, they requested reports and  
 6 they didn't have them, this -- the charge of this  
 7 governance council is to operate the school and  
 8 maintain their fiduciary responsibility, and they're  
 9 unable to do that month after month after month.  
 10 So that is -- that is a concern for us  
 11 that --  
 12 MS. NANCY O'BRYAN: To be clear, we did  
 13 meet. The finance committee met often, once or  
 14 twice a month, to talk with Deanna about what the  
 15 status was. And then we would report back. But  
 16 you're correct; it was pretty much verbal. "Where  
 17 are we?" "What can we do?" "How can we help to get  
 18 it going?"  
 19 THE CHAIR: Right. Because the minutes  
 20 that I saw reported that the finance committee asked  
 21 for reports and didn't get them.  
 22 MS. NANCY O'BRYAN: Yes, yes, correct.  
 23 THE CHAIR: So that's what I have to go  
 24 by.  
 25 MS. NANCY O'BRYAN: Yes.

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1 THE CHAIR: I can't imagine how  
 2 frustrating that is. But it --  
 3 MS. NANCY O'BRYAN: It was worrying. It  
 4 was very worrying.  
 5 THE CHAIR: It's highly problematical for  
 6 us that a school isn't getting the reports that are  
 7 not only requested, but required.  
 8 MS. NANCY O'BRYAN: Uh-huh.  
 9 MS. KAREN WOERNER: Madam Chair? I just  
 10 wanted to share with the Commission that the budget  
 11 analyst for this school has provided a Corrective  
 12 Action Plan that the school provided. So it's  
 13 September 5th, I guess, is when they met and agreed  
 14 to this Corrective Action Plan. And Ms. Gomez, or  
 15 Mooney, agreed to it.  
 16 So it outlines some steps -- if you'd like  
 17 me to give this to you, Madam Chair? It outlines  
 18 steps that the school develop their own Corrective  
 19 Action Plan with Ms. Mooney to make sure things get  
 20 filed timely going forward.  
 21 I do know that the deadline dates on here  
 22 weren't met. At least not -- the July monthly  
 23 report was due September 9th and has still not been  
 24 received by Mr. Vigil here in the PED.  
 25 THE CHAIR: I'm sorry. Could you repeat

<p style="text-align: right;">Page 62</p> <p>1 the date? The Corrective Action Plan was finalized 2 when?</p> <p>3 MS. KAREN WOERNER: September 5th. 4 THE CHAIR: And in that Corrective Action 5 Plan, the July report was due by -- 6 MS. KAREN WOERNER: September 9th. 7 THE CHAIR: And that hasn't happened yet. 8 MS. KAREN WOERNER: As of yesterday, it 9 had not. And then there's other things in here that 10 don't involve us; so I'm not sure if those were 11 timely. Then there was -- for example, a CDC report 12 was due September 11th, which isn't us; so I don't 13 know if that was done on time, and then, 14 September 13th, a board report. But that's the July 15 report provided to the board for review. 16 So I suspect, but don't know, if that was 17 provided to the board on September 13th. 18 But my point is that the school has 19 developed a Corrective Action Plan that I think you 20 need to be aware of, and that some of those are 21 still not being met. But they are working on that. 22 THE CHAIR: Okay. At this point in time, 23 because this is not an actionable item -- it's in my 24 report. But I felt that we needed to at least get a 25 preliminary idea of where we should go -- I'm going</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. KAREN WOERNER: And, Madam Chair, to 2 that point, if I may, Commissioners, in speaking 3 with Mr. Vigil yesterday, he did show me a report in 4 the OBMS system that allows us to see which -- by 5 month, who's on monthly reporting, when it's been 6 submitted, when it's been approved in a view-only 7 access. 8 And I asked him, "Well, then, how do I 9 access that?" 10 So to your point, I wholeheartedly agree 11 with you. It's disappointing that we didn't know 12 either. But I did ask and submitted a request to 13 have access to view-only, so that moving forward, 14 our division can at least review those reports in 15 the OBMS ourselves, even if Budget doesn't provide 16 it to us. 17 THE CHAIR: So let me just get some 18 clarification on that. If you went into that, you 19 would see all the schools that were on monthly 20 reporting. You would not have to go into every 21 school to see if they were on monthly reporting. 22 But when you went in, you would be able to see all 23 the schools that were. 24 MS. KAREN WOERNER: Yes and no. I would 25 be able to see a list of the schools. It's not</p>
<p style="text-align: right;">Page 63</p> <p>1 to make a recommendation that the school be put on 2 the October agenda. 3 We have -- that'll give us an opportunity 4 to get our eyes on the Corrective Action Plan. 5 It'll give a little more time for -- to see where 6 the school is in terms of their Corrective Action 7 Plan and we'll have some clearer information. And 8 it would then -- if it's on the agenda, it could 9 potentially be an actionable item if we felt like a 10 Letter of Concern or whatever needed to go out. 11 But I will also put on the public record 12 that I'm disappointed that we -- not from the 13 school, but from PED Budget, that we were not 14 notified that one of our schools was on monthly 15 reporting. That's something that we regularly -- we 16 used to get that information from Budget. They 17 would simply give us, you know, that information. 18 It's not that we're necessarily going to 19 move on it; but it's information that we need to 20 know. So that was -- that's disappointing, and 21 that's not on the school. 22 MS. NANCY O'BRYAN: No, of course. We 23 assumed you did know. 24 THE CHAIR: One would. 25 MS. NANCY O'BRYAN: One would.</p>	<p style="text-align: right;">Page 65</p> <p>1 clear to me how I know which ones are on monthly 2 reporting yet until I get access to the system. 3 But it was -- what he showed me briefly 4 was a list of schools. And then it had columns that 5 showed "S" for Submitted, "A" for Approved, 6 et cetera, et cetera. So from that, I assume -- but 7 I don't know yet. But I assume that the columns 8 indicate months. And so those that are on each 9 month would be monthly reporting. 10 But it is a list of schools and where 11 they're at in their reporting, in terms of 12 submission or approval. So I think it's going to 13 answer our question in terms of whether it's 14 quarterly or monthly, we'll be able to see if 15 they've been submitted timely with a quick view. 16 And that will help us keep ourselves and you more 17 informed. 18 THE CHAIR: I appreciate that. I just 19 don't want it to have to be that someone every month 20 has to go into every school and check to see whether 21 they're on monthly reporting, because that's -- 22 that's adding too much to what you already -- 23 already do. 24 So I'm trying to figure out, how is the 25 best way to navigate this? Is it that we simply</p>

<p style="text-align: right;">Page 66</p> <p>1 request Budget to give us a notification? If it's 2 easy, and you can just get in there and look and 3 see, that's fine. But if it's -- if we have to 4 check every school every month, that's -- 5 COMMISSIONER VOIGT: Madam Chair? I think 6 it would be great if the PEC got notifications from 7 every bureau and PED, if there were some type of 8 arising issue that might be a concern. And it would 9 be proactive, you know, so that we could further 10 support them; I mean from Special Education -- it 11 would be just great if every bureau could 12 accommodate that. 13 THE CHAIR: It would be. And it used to 14 be. And I don't know where that -- where it went 15 and took a U-turn. So once again, that's one of 16 those disappointing areas. 17 COMMISSIONER VOIGT: Also it would show 18 support for the schools, that there was that 19 knowledge of the State charter schools, you know, 20 that the bureaus at PED know about them and are 21 helping to support their work. 22 MS. KAREN WOERNER: And I will say that 23 many bureaus do work very closely with us; but we 24 are working on improving the communications with the 25 others.</p>	<p style="text-align: right;">Page 68</p> <p>1 THE CHAIR: Yes. They were on the consent 2 agenda a month or two months ago. They were on the 3 consent agenda. And we did vote on that, yes, 4 ma'am. 5 COMMISSIONER ARMBRUSTER: I thought I 6 would check on that. Of course, it's fine. 7 THE CHAIR: Because, actually, when that 8 reporter called, we were between meetings, so that 9 it wasn't that -- you know, you hadn't let us know. 10 You didn't need to let us know until probably 11 another ten days or whatever. But they were on the 12 next consent agenda. 13 Commissioner Caballero? 14 COMMISSIONER CABALLERO: Yes. Thank you. 15 Questions. Did you mention that the -- the 16 timelines and the plan were submitted by you, and 17 you set up the -- the school set up the dates? 18 MS. SARAH TARIO: So we created the 19 Corrective Action Plan with our business manager. 20 And we set the dates in collaboration with her. And 21 then it was her responsibility to report to me and 22 the finance committee when things happened and to 23 provide copies of the things that she provided. 24 So I have an updated version of that plan, 25 where I've made notes about when we had the</p>
<p style="text-align: right;">Page 67</p> <p>1 COMMISSIONER VOIGT: Sure. 2 THE CHAIR: Okay. Commissioners, any 3 other questions? Commissioner Armbruster? 4 COMMISSIONER CABALLERO: Concern after 5 you. 6 COMMISSIONER ARMBRUSTER: And this is 7 because I don't remember. So -- but we -- and on a 8 different subject with you. 9 And so maybe, Deputy Director, you may 10 know the answer, or McCurdy can tell me. 11 I had a call from the Sun -- I know, it's 12 like I'm on quick-dial or something. And so the 13 question was were -- was the governing board allowed 14 to change -- I thought he was saying -- it's been a 15 while now -- like, the bylaws that would change the 16 number of members of the governing board from nine 17 to -- I think he said range five to seven; it's been 18 a while, I'm not really remembering. 19 He says, "Are they allowed to do that?" 20 I said, "Absolutely." I said, "In fact, 21 I'm really actually happy they're doing that, 22 because having nine is an unwieldy group." 23 So the answer to the question is, "Yes, 24 that is fine." 25 My question is, "Do they know that?"</p>	<p style="text-align: right;">Page 69</p> <p>1 conversation or what point it's at so that I know 2 where it's at so that when we did miss dates, I have 3 a note as to why or what I'm expecting. 4 COMMISSIONER CABALLERO: Well, I may 5 suggest that you have another conversation and 6 update your plan. 7 MS. SARAH TARIO: Yes. 8 COMMISSIONER CABALLERO: You missed pretty 9 much all of those. And then talk to whoever you're 10 having to make those reports with PED and our 11 department so that you come up with some real -- 12 realistic dates. And they really have to be 13 realistic. 14 And if you need to bring in additional 15 personnel, even if it's part-time, I may suggest you 16 do that. Because what I see is just a long 17 timeline. And I -- and I understand why those 18 things and those problems occurred. But you don't 19 want to be in our agenda next month and then come up 20 with more excuses. 21 MS. SARAH TARIO: No, we don't. 22 COMMISSIONER CABALLERO: It's better to be 23 on target, be realistic, and have completed a bunch 24 of what you believe is crucial or what they believe 25 is crucial.</p>

<p style="text-align: right;">Page 70</p> <p>1 MS. SARAH TARIO: I absolutely concur.  2 COMMISSIONER CABALLERO: That way, it's  3 only minor stuff that we're dealing with.  4 MS. SARAH TARIO: Thank you. I absolutely  5 100 percent concur.  6 THE CHAIR: Okay, Commissioners. Any  7 other questions?  8 (No response.)  9 THE CHAIR: Okay. Well, thank you for  10 coming up. We do appreciate this. And we know  11 we're taking you away from school time; but we're  12 actually getting out way quicker than anyone ever  13 imagined. So we appreciate this, and we will look  14 forward to seeing you in October with hopefully --  15 MS. SARAH TARIO: Good news.  16 THE CHAIR: Good news. Yes, we do. So  17 thank you so much.  18 MS. SARAH TARIO: Thank you.  19 MS. NANCY O'BRYAN: Thank you.  20 MS. KAREN WOERNER: Can you also hang-up  21 the phone? We don't need the phone participation  22 anymore. Thank you.  23 THE CHAIR: Okay. So a couple of cleanup  24 items at this point in time since we last met.  25 There was an art- -- the newspaper is just so</p>	<p style="text-align: right;">Page 72</p> <p>1 THE CHAIR: -- to the board by the  2 superintendent at the August meeting was that the  3 board not renew the application of Monte del Sol  4 with the district.  5 And there were two areas that were  6 identified for that; a facility issue and financial  7 issues. The board did not vote. The board tabled  8 it. So it is still on the table.  9 But there was, in fact, an actual  10 application for renewal submitted by Monte Del Sol.  11 And our attorney did contact Santa Fe Public  12 Schools' attorneys for the -- for the record of  13 that. And she's in receipt of the application. So  14 that it is a concern for us, because they've already  15 submitted an application, and not with us. So it's  16 something that is currently being worked on.  17 (Chair consults with PEC counsel).  18 THE CHAIR: There has been an indication  19 that the school does intend to apply to the PEC for  20 renewal. And just as a historical piece, when the  21 PEC has not renewed a school's application, I have  22 been contacted by other school districts. When the  23 school that we turned down tried to apply then with  24 the school district, we have always told the school  25 districts that they cannot consider the application</p>
<p style="text-align: right;">Page 71</p> <p>1 informative lately.  2 There was an -- there was -- actually,  3 there was an article in the newspaper. And I  4 received a phone call from a newspaper reporter from  5 the Santa Fe New Mexican in reference to Monte del  6 Sol and their -- their renewal with Santa Fe Public  7 Schools instead of the PEC.  8 And I didn't have a very long discussion  9 with him, because his intention at that point in  10 time was to say, "Well, why is it better to go with  11 the district?" Or, "Why is it better to go with the  12 PEC?"  13 And that's not a conversation I engage in.  14 It's up to the school. It's not what -- I'm not  15 selling PEC. I'm not unselling a district. It's  16 whatever the school wants to do. That's what the GC  17 does.  18 However, Monte del Sol did, in fact,  19 submit an application to Santa Fe Public Schools for  20 their renewal. So that is on the table at this  21 current time.  22 The recommendation by the superintendent?  23 or the board? The recommendation --  24 MS. AMI JAEGER: By the superintendent to  25 the board.</p>	<p style="text-align: right;">Page 73</p> <p>1 because the school has already submitted an  2 application. And you don't get to submit multiple  3 applications to authorizers. You get to submit a  4 renewal application.  5 COMMISSIONER CABALLERO: Is that by  6 statute, Madam Chair? Or understanding between us  7 and public schools?  8 THE CHAIR: It's not an understanding.  9 I'll tell you that when the issue last came up, our  10 current attorney was not on. It was an attorney  11 from the AG's Office. And that was the opinion of  12 the attorney from the AG's Office, that you don't  13 get to submit multiple applications, that you submit  14 your renewal application. And there's not a plural  15 there.  16 COMMISSIONER DAVIS: You can't shop  17 around?  18 THE CHAIR: No, no, you can't. And I  19 guess the statute says, "You will submit your  20 renewal application by October."  21 So the -- you know, there's not a -- a  22 flat date that it can only be in October. But a  23 renewal application was, in fact, submitted to an  24 authorizer; so it's -- you know --  25 COMMISSIONER VOIGT: So I have just a</p>

<p style="text-align: right;">Page 74</p> <p>1 procedural question. So if a charter school -- a  2 PEC charter school is looking at reauthorizing with  3 their district, they don't relinquish their charter  4 with the PEC.  5 What about the reverse of that? If a  6 district-authorized charter school wants to renew  7 with the PEC, do they relinquish their district  8 status?  9 Okay. So there's no --  10 THE CHAIR: No. Your contract expires.  11 The contract -- when we renew, we're renewing as of  12 July of 2020.  13 COMMISSIONER VOIGT: Uh-huh.  14 THE CHAIR: So the old contract expires;  15 the new contract starts. So you're not  16 relinquishing anything.  17 COMMISSIONER VOIGT: So you don't really  18 end up in no-man's land. Okay. Okay. Thank you.  19 THE CHAIR: No, no. So that by statute,  20 all of our contracts have to begin and end at the  21 same time.  22 COMMISSIONER VOIGT: Okay.  23 THE CHAIR: So that, you know, we had the  24 concern when Middle College was having the  25 difficulties with Gallup-McKinley. There was a</p>	<p style="text-align: right;">Page 76</p> <p>1 So it is -- you know, it's a concern. And  2 it is something that, you know, we have to look at  3 quickly, because October is right around the corner.  4 COMMISSIONER VOIGT: It is, yeah.  5 THE CHAIR: So just to let the Commission  6 know that it is a concern that has come up on  7 October 4th, as far as I know. I have not -- the  8 date hasn't been confirmed or not confirmed.  9 There is going to be a meeting regarding  10 the traffic concerns with MAS. There has been a --  11 a third party contracted by PED to run the meeting.  12 And MAS, PED, PEC, community -- the community  13 associations in the area, and I believe the State  14 Representative and some City folks have been invited  15 to come to the meeting.  16 Commissioner Voigt is going to be there.  17 I will be there. And our counsel will be there as  18 well.  19 It is a public meeting, but they're not  20 taking public comment. The parties have been asked  21 to submit a position paper. And Ami did draft a  22 position paper and submit it in the time frame that  23 the attorney had asked for.  24 I've received no further communication  25 from that attorney beyond the initial one, saying,</p>
<p style="text-align: right;">Page 75</p> <p>1 concern that if Gallup-McKinley did not renew their  2 contract or went to revocation, they could  3 potentially have had a lapse.  4 COMMISSIONER VOIGT: Right.  5 THE CHAIR: But that was their concern,  6 not ours. But we had some conversations with them,  7 because, obviously, if Gallup-McKinley had not --  8 had revoked their contract based on financial  9 concerns, we -- it never would have been an option  10 for us to look at them as a new applicant or as a  11 renewal, whatever that -- the time frame would have  12 been; because statute does dictate that for  13 financial reasons, you know -- so -- but you don't  14 relinquish. It's also -- just to add on, we don't  15 take a charter --  16 (Shouting heard from outside the building.)  17 THE CHAIR: It's the climate-change kids.  18 We should invite them in. Our charter students are  19 protesting.  20 If a -- if a charter school -- and this  21 came up with Middle College as well. They asked for  22 us to renew them early, while they were still under  23 contract with Gallup-McKinley. And that, we do not  24 do. You know, you're -- it begins and ends at  25 midnight of whatever that day is.</p>	<p style="text-align: right;">Page 77</p> <p>1 "You know, we're setting this meeting up."  2 I sent him an e-mail yesterday asking him  3 to please confirm the date, and I have not heard  4 back from him.  5 So I'm under the assumption it's still  6 October 4th; but I haven't received any -- any  7 confirmation from him.  8 So just to let you know that, you know, we  9 will be there, and we'll see what happens, and we'll  10 report back at the October meeting as to what  11 happened there.  12 Bev, are we good, or --  13 MS. FRIEDMAN: Madam Chair, our Deputy  14 Secretary for Finance and Operations, Marian Rael,  15 is here, and she would like to -- you know, if you  16 have any questions regarding the travel  17 reimbursements.  18 THE CHAIR: And thanks for coming. We  19 appreciate this.  20 MS. MARIAN RAEL: Yes. Good morning.  21 THE CHAIR: So we had a brief discussion  22 yesterday in regards to this, 'cause there -- there  23 appears to be a significant delay in our travel  24 reimbursement. As -- the Commissioners that do the  25 long travel I'm sure are aware of the fact that we</p>

1 haven't been paid since June.

2 So speaking for myself, even though I'm  
3 not on salary here, it's -- you know, it's amassing  
4 to a significant sum of money that I'm laying out on  
5 credit cards to do the travel for the PEC.

6 So on one level, I find that dismissive  
7 and unprofessional that our travel is delayed so  
8 long. I think it's unfair to ask Commissioners to  
9 have to wait that kind of time and accrue,  
10 potentially, interest on charges for work that is  
11 the work of an elected official. So that's one --  
12 that's one piece of it.

13 We had gotten to a point where we were  
14 doing fairly well and getting -- approximately every  
15 month, there was a reimbursement. So we were  
16 running just about a -- you know, a month behind.  
17 And that's, I think, fair. May not be reasonable by  
18 some people; but it's -- it's kind of fair.

19 But when it's running into three months  
20 now, that's, I think, burdensome. And for a number  
21 of us, when we -- when we're also putting on a  
22 significant charge for October for a national  
23 conference that PED used to pay part of it out first  
24 for us, and we're having to put out all of it, we  
25 now have, on our credit cards, a significant amount

1 of money in addition to what's already on it.

2 So that's -- that's a concern. And  
3 it's -- you know, I'm airing out personal stuff  
4 here.

5 But on another level, there has been this  
6 additional request for myself to sign off on  
7 Commissioners' travel. And I'm going to be  
8 perfectly honest and make this very personal as  
9 well.

10 I'm uncomfortable with doing so for two  
11 reasons: Number one, each and every one of us are  
12 elected. Each and every one of us have the exact  
13 same vote up here. I don't have any bigger vote  
14 than anyone else. And I was also not elected to be  
15 your gatekeepers.

16 If we are -- as elected officials, if we  
17 sign on our vouchers here, we sign, we're attesting  
18 that what we did was what we did. And if we didn't,  
19 as far as I'm concerned, that's on every one of you.  
20 And no offense to any one of you. But if it is not  
21 accurate, I'm not putting my name to it, because I'm  
22 putting my name on, potentially, something -- and  
23 I'm not saying anyone is -- but if something is  
24 fraudulent, I'm putting my name and attesting to the  
25 fact that that fraudulent thing was correct.

1 And I'm unwilling to do that for me  
2 personally. And in addition, Commissioner Ruiz is  
3 being asked to do that for me. So I think that's a  
4 position that neither one of us want to be in.

5 But most importantly, I'm not your keeper,  
6 you know. So if -- you know, if someone needs a  
7 handler, it's called the Ethics Commission. And if  
8 there's a concern that a Commissioner is not  
9 reporting appropriately, then that goes to the  
10 Ethics Commission.

11 But as far as I'm concerned, asking us to  
12 do this is tantamount to saying, "We're questioning  
13 whether you were there or not." And I'm somewhat  
14 insulted by that.

15 COMMISSIONER CABALLERO: Madam Chair, I  
16 may add on a personal basis, my wife is a  
17 legislator. And so you have two in the household  
18 traveling. And -- and it is getting very -- very,  
19 very costly, or I don't travel. That's -- that's  
20 the way it is.

21 She's now in Mexico City. It's costing us  
22 a lot of money. And we end up having to put on hold  
23 budget items that we -- that the family has to pay  
24 on. And some of those, she screams and yells  
25 because it's the car, and it's her credit.

1 And so I will tell you that Finance gets  
2 called from me constantly. And even our secretary.  
3 And I have to be nice and -- but I have to be  
4 persistent, because I have somebody being persistent  
5 on me.

6 THE CHAIR: To you.

7 COMMISSIONER CABALLERO: And I had gotten  
8 to the point of -- she asked me, "What are you going  
9 to do?"

10 I said, "One, I think we're being treated  
11 like a department, where the department head has to  
12 sign off on its employees."

13 That's what I feel, that we're just a  
14 department. We're vendors, and so we have to pay  
15 taxes. But we're employees when it comes to travel.  
16 But when I talk to PED, I say -- I'll always say,  
17 "None of your head administrators are waiting the  
18 time for reimbursement as we are."

19 My stuff is sitting on your desk. And  
20 I'm sure they're not waiting the month, month and a  
21 half, two months that I'm having to wait.

22 And so she asked, "What's the solution?"

23 I said, "Well, I don't know if there's a  
24 solution in PED. We have to be on our own. But if  
25 we cannot be on our own quickly, maybe I'll ask

<p style="text-align: right;">Page 82</p> <p>1 Legislative Counsel to take over on our 2 reimbursements." Because they reimburse legislators 3 not past two weeks. 4 THE CHAIR: Right. 5 COMMISSIONER CABALLERO: And they're very 6 efficient. And she asked me, will he agree to it? 7 I don't know. How much influence do we have? 8 But I'm at the point of trying to do 9 something else, other than trying to convince PED to 10 not treat us like an employee. I know they have to 11 treat us like a vendor. But treat us like a head of 12 a department, individually, and not have to be 13 waiting and waiting and waiting and waiting. You 14 know, we had to resort to a travel credit card. And 15 the fees are high. 16 THE CHAIR: Right. 17 COMMISSIONER CABALLERO: So it's the fees. 18 It's putting off our payment. It's too much. And I 19 don't think it should be that way. 20 Thank you, Madam Chair. 21 THE CHAIR: Commissioner Ruiz? 22 COMMISSIONER RUIZ: Thank you, Ms. Rael, 23 for giving us your time to come and visit with us 24 and clarifying some questions that I think several 25 of us have had. And I just have to say that I know</p>	<p style="text-align: right;">Page 84</p> <p>1 gone a long time, some of us, and -- without getting 2 reimbursed. And I'm sure that you're just doing 3 something that you've been told to do. But I do 4 appreciate that you're here, and you're, you know, 5 speaking with us. 6 COMMISSIONER ROBBINS: Madam Chair? 7 THE CHAIR: And I just also want to add 8 that I -- you know, I feel bad for Beverly, because 9 she takes the brunt of a lot of our -- you know, why 10 isn't this -- and where is this? 11 COMMISSIONER CABALLERO: What happened? 12 THE CHAIR: And she's -- you know, she's 13 just -- I don't even know if she's in the middle, 14 you know. There are so many people that have gotten 15 into this; so that it's also become very burdensome 16 on Beverly to have to keep running around to see 17 where the forms are, that there seems to be also 18 that forms go to die on some people's desks. 19 And that's where some of the delay is 20 coming in. And that just also seems unfair as well, 21 that, you know, Bev is -- and I think Debbie is in 22 some of it as well. And it's trying to keep track 23 of, "Well, where did it go?" "Oh. And it's still 24 sitting on this person's desk and it's been there." 25 And that just doesn't seem appropriate,</p>
<p style="text-align: right;">Page 83</p> <p>1 that we've had several changes, and I totally 2 understand what everybody that's spoken has said, 3 and I agree with it somewhat. 4 One of the things that concerns me is that 5 the current issue and the current changes almost 6 seem punitive, you know. And here's my thing. So 7 if there's -- and I'm not saying there is. What I'm 8 saying is if there is an individual that is abusing, 9 submitting times that are arrived or leaving or 10 meals or travel reimbursement, then I think that 11 that person should be addressed, if that is an 12 issue. I'm not saying it is. 13 However, I take personal offense to the 14 fact that it's a blanket statement. "Everybody's 15 going to do this." Because I will tell you, I am 16 still employed with the public schools. And even on 17 that level in that arena, if one individual is doing 18 something, then that individual is addressed. Or -- 19 you know. And, of course, now we have a newly 20 created Ethics Commission. 21 But I think to paint us all with one brush 22 almost gives a visual of a lack of trust, a lack of 23 credibility, you know, for us. 24 And so I just really want you-all to, you 25 know, think about that. Because, you know, we have</p>	<p style="text-align: right;">Page 85</p> <p>1 either. So we've got a level of frustration here 2 that I don't know what the fix is; but it's -- but 3 it seems that this has become quite an issue. And, 4 Commissioner Robbins? 5 COMMISSIONER ROBBINS: Thank you, 6 Ms. Rael. And I appreciate the fact you're 7 responding to what DFA has put down. 8 I'm looking at the FIN 5.8 that apparently 9 was issued in June of this year as an adjustment to 10 travel and per diem, primarily, I guess, looking at 11 public officers, which we are. 12 Then it goes on to talk about, you know, 13 non-salaried public officials, board, committee 14 members. By putting that in parentheses, I don't 15 know if that means including or the board and 16 committee members. 17 We're not a committee. We're not a board. 18 We are duly elected. And I think that that's one 19 thing that DFA fails to note. 20 The other thing is this goes beyond the 21 New Mexico Administrative Code. I was a CFO in two 22 different agencies, Tax and Rev and Workforce 23 Solutions, for a total of almost eight years prior 24 to this year. And this goes far beyond what the 25 New Mexico Administrative Code says. This is an</p>

<p style="text-align: right;">Page 86</p> <p>1 internal-only document by DFA putting greater 2 restrictions. 3 And I talked with the Secretary at length 4 last week. And she said they were going -- this was 5 an internal decision and that they were going to 6 continue to have discussions. 7 And I told her I didn't think it was 8 appropriate, and I think, you know, for them to make 9 changes without going in and notifying and making 10 changes to the Administrative Code, this is one of 11 the clever things that agencies try to do. They 12 change internal policies and everything. They don't 13 change the Administrative Code, because the 14 Administrative Code requires a public hearing, 15 public notice of changing the Administrative Code. 16 This was not done. 17 They're doing this internally. Not on 18 you; it's on them. And I strongly said -- told the 19 Secretary of DFA that I felt it was inappropriate. 20 It's inappropriate, because what they're doing is 21 they're creating a whole new bureaucracy. And it 22 sounds like they're trying to justify hiring a lot 23 more staff at DFA, because this will take a lot 24 extra time of people there to validate all of this 25 paperwork and things like that. It takes additional</p>	<p style="text-align: right;">Page 88</p> <p>1 Thank you. 2 THE CHAIR: Thank you. And I 3 wholeheartedly concur. When people ask me, "How 4 much do you get paid," I say, "Well, A, I don't get 5 paid; but, B, if you" -- 6 COMMISSIONER CABALLERO: That's funny. 7 THE CHAIR: -- "if you can't afford to 8 front coming from the southern part of the state 9 \$2,000 to \$3,000 worth of travel reimbursement -- I 10 think it was April, I received a \$2,500 check, 11 because I hadn't been paid for months. And then I 12 received a payment in May, and I think in June. And 13 then that was it. 14 So -- and July was our road trip. August 15 was busy. And with the NACSA conference, I'm 16 figuring it's -- we're well over \$2,500 that I'm in 17 on this easily. And that's -- you know, you're 18 absolutely right. You're -- I'm having to tell 19 people, "If you can't afford to do this then you 20 can't sit on this Commission." 21 And that is -- that is not right, you 22 know. It shouldn't be just because you can afford 23 to serve. And that's what this is -- that's what 24 this has become. 25 So I appreciate you being on the firing</p>
<p style="text-align: right;">Page 87</p> <p>1 time for Beverly to do this, and then for DFA -- for 2 PED staff to verify that all of this is -- is there. 3 You know, we're trying to cut down on bureaucracy, 4 not create more. 5 And as has been mentioned, individuals 6 have been abusing their ability to receive per diem 7 or travel reimbursements. I think those individuals 8 need to be taken before the Ethics Commission and 9 addressed that way. I do not believe making a 10 blanket thing to make hundreds, literally hundreds 11 of public officials and board and committee members 12 throughout New Mexico, who donate their time -- this 13 sounds like what this was; this was a way to try to 14 weed out people that cannot financially afford it. 15 And for this administration to be taking aim at 16 people who cannot personally afford to front months 17 and months of travel expenses out-of-pocket, that's 18 very contrary to what this administration stands for 19 in terms of standing for the little person. 20 So I wholeheartedly disagree, not only 21 with FIN 5.8, because the New Mexico Administrative 22 Code clearly states what is allowable and not 23 allowable. This goes beyond that, and it's 24 unnecessary. And I think this should be rescinded 25 by DFA.</p>	<p style="text-align: right;">Page 89</p> <p>1 line. 2 MS. MARIAN RAEL: Madam Chair, members of 3 the Commission, I just wanted to clarify that I am 4 not the Deputy Secretary for Public Ed. I am the 5 administrative services division director and the 6 CFO. 7 So Beverly came to me yesterday and 8 enlightened me of your situation. I wasn't aware 9 that you were having issues with your travel 10 reimbursements being rejected. So this is all 11 something that is very new to me, and I'm willing to 12 help you all. 13 So what I did do was I called in my staff 14 to identify what exactly the situation was; because 15 we have been submitting your reimbursements over to 16 the Department of Finance and Administration. 17 They've been coming back, and they've been asking 18 for additional information, something that's new, 19 which is new based on the FIN 5.8 is that they're 20 asking for minutes, roll sheets, clarification, just 21 proof that you're attending these meetings off-site. 22 When you're here in Santa Fe, this is a formal 23 meeting, you do have minutes, this is something 24 that's easy to justify to them. 25 So the second piece of it was what about</p>



<p style="text-align: right;">Page 90</p> <p>1 the meetings that you attend in your -- in the 2 audience and you're not necessarily the person 3 presenting, but you're there on official business? 4 How are we going to be able to get your vouchers 5 presented to DFA without them being rejected back? 6 So I did reach out to DFA this morning and 7 asked if they could actually come and answer your 8 questions themselves. And they were unfortunately 9 unable to do that. They provided me with this. And 10 they wanted me to refer you to No. 4. So after 11 reading -- 12 THE CHAIR: I'm sorry. I don't know what 13 you're looking at. Sorry. I didn't -- I didn't 14 have it. 15 MS. MARIAN RAEL: Okay. Sorry. This is 16 out of the Model of Accounting Practices. This is a 17 DFA rule. And it's No. 4, where they're talking 18 about -- this is what they've pushed us to -- is 19 "Non-salaried public employees, board committee 20 members. It doesn't say "commission," and so we've 21 asked that, and they said, "Well, it would fall in 22 line here" -- "must provide certification of 23 attendance of roll sheet, minutes of the meeting, 24 et cetera, for each meeting attended, or 25 justification for travel."</p>	<p style="text-align: right;">Page 92</p> <p>1 committees. These are not elected officials that 2 this Item No. 4 is speaking to. 3 And for me to have to -- and it's no 4 offense to anyone at PED. But for me to have to 5 call someone at PED and say, "Please sign that I was 6 here..." -- because some of us go off to meetings 7 with schools, and we're also asking them to 8 potentially sign off on something that someone may 9 not have done, because they don't know if someone's 10 going to go to a -- you know, a regional meeting of 11 charter schools. PED is not invited. It's the 12 charter schools that are going. 13 You know, Matt's organization has a 14 regional meeting so that a Commissioner goes off to 15 it. PED is not invited to the meeting. So how is 16 PED going to sign off that, A, I was there or 17 actually justify that I, as an elected official, 18 that they have to justify what I'm doing? I'm not 19 asking them permission to do something as an elected 20 official in the charge of my duties. 21 And that's what that's asking. And I'm 22 going to tell you, that is even more insulting, that 23 we're not being treated as elected officials. We 24 are not -- we -- we are not a board. We are not a 25 volunteer committee. So we are -- should be treated</p>
<p style="text-align: right;">Page 91</p> <p>1 So this is where I saw a loophole where it 2 said "...or justification". So I did call the State 3 Controller this morning before coming down here to 4 talk to Donna Trujillo to say, "Okay. This 5 Commission is being asked to present to you some 6 sort of justification. What can they present to you 7 if they do not have minutes and they do not have a 8 roll sheet to provide with their ISTE?" 9 What she has asked is she said that other 10 agencies that have similar situations, that if PED 11 or the board chair -- and you've made it quite clear 12 that you do not want to be the one responsible for 13 this. But she has also said that if someone with 14 PED drafts a memo to attach to your ISTE certifying 15 that official business was conducted at this 16 meeting, that they will accept that. 17 THE CHAIR: Okay. But I'm going to 18 interrupt and say we're elected. And we are only 19 administratively attached to PED. And it is highly 20 insulting for me to have to ask PED to sign off and 21 justify what I, as an elected official, am doing in 22 the charge of my elected duties. 23 This refers, as Commissioner Robbins 24 pointed out -- because I had no idea what he was 25 looking at here -- that these are boards and</p>	<p style="text-align: right;">Page 93</p> <p>1 as the other elected officials in the state. And we 2 are not. 3 Commissioner Caballero is correct. We're 4 being treated -- no offense to employees of PED. 5 But we're being treated as employees and not as 6 elected officials. And that's what this is 7 referring to. 8 COMMISSIONER ROBBINS: Madam Chair? 9 THE CHAIR: Commissioner Robbins? 10 COMMISSIONER ROBBINS: Ms. Rael, again, I 11 appreciate you being here. We're not venting at 12 you. 13 THE CHAIR: We are; but it's not at -- 14 COMMISSIONER ROBBINS: But I would -- I 15 would suggest that a letter be sent to the Secretary 16 of DFA expressing our concerns, and that this is 17 inappropriate, and that by making this change to the 18 Model of Accounting Practices was inappropriate as 19 it applies to public officials, elected public 20 officials, and to apply this standard to elected 21 public officials I think is beyond their legislative 22 or statutory authority, and that only the 23 Legislature can make those changes. 24 And if they want to make a change, they 25 have to do it through amending the Administrative</p>

<p style="text-align: right;">Page 94</p> <p>1 Code, which will require public comment and a 2 hearing. 3 Thank you. 4 THE CHAIR: I agree with you. And, 5 actually, when this conversation got bigger, Ami and 6 I had had a discussion about whether she should send 7 a letter. We were hoping that this -- today would 8 fix it. Unfortunately, it hasn't. So I agree. 9 COMMISSIONER ROBBINS: And the reply I got 10 back from the Secretary in a text was this was 11 internal, and that they made an internal change, and 12 it was basically, "That's it. You just have to live 13 with it." 14 I don't think that was an appropriate 15 response. And I mentioned to her. I said, "We are 16 elected officials. When I go to a PSCOC meeting, 17 why is the Chair, who doesn't have authority over 18 me -- he's the Chair as you are the Chair -- he 19 cannot control what I do with my vote or anything. 20 He's not my boss. Why does he have to then sign off 21 that I have attended a PSCOC meeting or a 22 subcommittee meeting, which happens to be chaired by 23 the Secretary of DFA? 24 THE CHAIR: And I agree with you. Because 25 in my mind, by asking -- having to go up with your</p>	<p style="text-align: right;">Page 96</p> <p>1 he said was, "This administration represents certain 2 things, and that this time it's not representing 3 them." 4 I would like to add to the request for the 5 letter -- and this is for discussion -- to have a 6 copy sent to our Governor -- 7 THE CHAIR: Sure. 8 COMMISSIONER CABALLERO: -- to appraise 9 her of what our sentiments are, and if she doesn't 10 do anything, at least she knows what the issue is in 11 case it will pop up, either in legislation or 12 discussion, and she would be appraised of what is 13 going on. 14 COMMISSIONER ROBBINS: I would agree with 15 that. And I think if they're applying this equally 16 to all elected officials -- and I'll say this 17 publicly. It will backfire on them, because the 18 Legislature will take action. 19 THE CHAIR: No, I think that's a good 20 idea. So I appreciate that. 21 Commissioner Armbruster? 22 COMMISSIONER ARMBRUSTER: I'm being 23 proactive here for just a minute, because I don't 24 have any issues here with this. 25 But so at least three of us are going to a</p>
<p style="text-align: right;">Page 95</p> <p>1 little piece of paper to ask that you sign -- it's 2 insulting. And it also can be viewed as, "Ooh, they 3 must have a concern about her, because now they have 4 to have their travel signed off," when it had never 5 been done before. 6 So it's that hidden message that I 7 certainly -- I certainly don't want someone to -- to 8 be thinking about that. So that's a concern. 9 And I'll also be honest. If someone's 10 asking for an agenda to be attached, let's be 11 honest. I can pull off an agenda off the website 12 from LFC and LESC. It doesn't mean that I went. 13 But I can attach an agenda. 14 So that's a ridiculous notion to say, "Oh, 15 attach the agenda." Sure, I sat there on my 16 computer and pulled down the agenda. It has no 17 indication that I ever went to that meeting. So 18 it's -- that's equally as insulting. 19 So I think you're right; because -- I'm 20 sorry. That doesn't -- that doesn't fix this 21 problem, because it just continues, that the 22 treatment is not what -- we're not being treated as 23 the elected officials that we are. 24 COMMISSIONER CABALLERO: Madam Chair? I 25 heard, loud and clear, Commissioner Robbins. What</p>	<p style="text-align: right;">Page 97</p> <p>1 conference in October to this NACSA conference, and 2 it's a charter school conference. So we each paid 3 already for airlines and -- and we will be paying 4 for the hotel. 5 So are you saying that each session we 6 would go to, we need to have somebody sign that? Is 7 that what you're asking us to do? Or -- I'm going 8 to this conference. It's in St. Louis. What would 9 you need from me? Because I don't normally spend 10 the night, so it's not something I do at all. 11 But I'm just trying to understand from 12 this, when I send that in, I don't think I'm going 13 to be happy. See, I'm not one of the unhappy ones 14 right now. But I will be unhappy. 15 THE CHAIR: You'll be unhappy three months 16 from now when your reimbursement hasn't happened. 17 COMMISSIONER ARMBRUSTER: Exactly. So I 18 thought I would maybe be proactive and ask, "What is 19 it the three of us needs to give to whomever so we 20 can get reimbursed?" 21 THE CHAIR: And I'm going to respond to 22 you by saying, "Absolutely nothing." 23 COMMISSIONER ARMBRUSTER: Okay. That's 24 what I have. 25 THE CHAIR: Because if -- and I'm going to</p>

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1 say for myself -- and I can only speak for me out of  
 2 those that are going. But I am certainly not going  
 3 to go around with some petty little piece of paper  
 4 and ask someone to sign it to prove that I traveled  
 5 all the way to St. Louis because I wanted to do it  
 6 on the dime of the State, you know. So that's where  
 7 I'm all in on that one.

8 COMMISSIONER CABALLERO: Madam Chair?  
 9 I never considered going to the conference  
 10 because --

11 THE CHAIR: Because you had to pay it out  
 12 first.

13 COMMISSIONER CABALLERO: Yes. And my wife  
 14 was scheduled to go to Taiwan and Mexico City. So  
 15 that pretty much canceled me out; because there's  
 16 only so much -- because we're dealing with cash  
 17 only. And that was it. I had to forget about it.

18 So I was prevented from having to even  
 19 consider it, even if we had the cash, because we had  
 20 to think about, "Well, we're going to get it back in  
 21 three months. Are we going to be able to cut it?"

22 And the answer is, "Maybe not. More than  
 23 likely not, Carlos. And so don't think about it  
 24 anymore."

25 THE CHAIR: I fully agree. Because in

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1 other years, the hotel was always prepaid. And that  
 2 changed this year.

3 MS. FRIEDMAN: We used the PCard.  
 4 THE CHAIR: We used to use the PCard. Now  
 5 all of a sudden, we can't use the -- and if we  
 6 wanted the State to make the airline, they would --  
 7 they would pay it.

8 MS. FRIEDMAN: Do that, too.  
 9 THE CHAIR: But most of us wanted to make  
 10 the reservations ourselves so we could travel -- we  
 11 could book the flight when we wanted to. And  
 12 actually, we ended up booking flights that were  
 13 cheaper, because we'd book them earlier than what  
 14 the State would do.

15 But this year, we have to lay out the  
 16 hotel as well, because we're told the PCard was out  
 17 of the question.

18 So that adds even more to -- you know,  
 19 when people say, "Yeah, we're going to go," and then  
 20 it was after that they said that, "Oh, by the way,  
 21 the hotel is not being paid for anymore until after  
 22 the fact." So people have already committed, and  
 23 then the rules changed.

24 So that also seems -- you know, once  
 25 again, when -- we haven't been paid, to ask to pay

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1 out even more.

2 MS. FRIEDMAN: We have indeed used the  
 3 PCard in the past. But I have been told that you  
 4 can't use it because you are not State employees.  
 5 And even when David, Commissioner Robbins, was a  
 6 State employee, I could not use it because he was  
 7 not --

8 THE CHAIR: Doing State business, State  
 9 employee business.

10 MS. FRIEDMAN: I guess. I'm not exactly  
 11 sure. But I tried to get David's paid on the PCard;  
 12 but I couldn't.

13 COMMISSIONER ROBBINS: Right. Last year.  
 14 MS. FRIEDMAN: But, yes, we did that two  
 15 or three years ago. We did pay for the room and the  
 16 airline, and we always paid for your registration.

17 THE CHAIR: We're -- it may seem like we  
 18 are. But we're truly not trying to be antagonistic.  
 19 But this is becoming beyond frustrating for us to  
 20 try to figure this out. Because we had a  
 21 significant delay in the wintertime, when there was  
 22 a change of administration. And I get that that  
 23 happens sometimes. And there was almost three  
 24 months that we went without reimbursements, because  
 25 there was all of this change taking place.

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1 It really shouldn't be. People still have  
 2 the same obligations; so that -- you know. But we  
 3 thought we weathered that storm. And then a tsunami  
 4 came. And I don't -- you know, I don't understand  
 5 it.

6 And I was hoping we didn't have to  
 7 escalate it, that we could, you know, get some  
 8 reasonable accommodation. But it doesn't -- it  
 9 doesn't seem like there's going to be a reasonable  
 10 accommodation. If DFA is going to stick to  
 11 identifying us with what we aren't and not recognize  
 12 the fact that we're elected officials and we're not  
 13 just a random board or committee that's meeting,  
 14 that's -- you know, it's unfortunate that we can't  
 15 come to some reasonable solution for this.

16 So...

17 MS. MARIAN RAEL: So, Madam Chair, like I  
 18 mentioned --

19 THE CHAIR: I don't know if the mic's on.  
 20 MS. MARIAN RAEL: Madam Chair, like I  
 21 mentioned before, this is something that is new to  
 22 the agency as well when we first heard that this was  
 23 happening. It was unusual that you would have to  
 24 provide all of this information.

25 So I want you to understand that PED is

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<p>1 not the one developing these rules. This is 2 something that is governed by DFA, that we have to 3 follow their policies. And so that is why I reached 4 out to the Controller to hear from her how I could 5 help you. 6 I will continue to work with that and go 7 back to her, share your concerns. I know you're 8 going to draft a letter. But I will continue to see 9 if there's something that we can develop in the 10 interim between the time they receive your letter to 11 get these vouchers that are pending processed. 12 THE CHAIR: Right. And I appreciate that. 13 And I understand that it's not PED that's the -- 14 that's the stumbling block. But, unfortunately, 15 you're the one that was sent. 16 COMMISSIONER ARMBRUSTER: Please take a 17 peach. 18 THE CHAIR: There's peaches there. And I 19 appreciate that. And I know that it's not PED 20 that's -- PED is kind of like the messenger as well. 21 COMMISSIONER CABALLERO: But to some 22 extent, PED does drag its feet. My forms have been 23 on people's desks for a long time. And they admit 24 to me, "Yes, it's there. "He hasn't had..." or, 25 "She hasn't had any time."</p>	<p>1 Maybe I won't get it all. But I'm just going to say 2 goodbye to it." And that was it. 3 THE CHAIR: And I'll agree -- and I'll 4 agree with you. And I did mention that, that it's 5 not fair to Bev and/or Debbie that they have to keep 6 running around to find out whose desk the papers are 7 languishing on; so that there is -- there's a little 8 bit of a snafu internally here, because they're 9 sitting on people's desks. 10 "Oh, they were out for a week," so, you 11 know, they sit there. 12 And Bev goes out on some personal leave, 13 and then she has to say, "Where are those forms?" 14 And it's, like, running around to say, "Where are 15 they?" 16 "Oh, they're still on someone's desk." 17 And I've actually had legislators tell me, 18 "Well, if that was the case, I wouldn't -- I 19 wouldn't be on the Commission any longer. I 20 wouldn't do that. I wouldn't stand for that," you 21 know. 22 And it shouldn't be. Because we're not 23 here because of the money. But it also shouldn't be 24 because of the money that someone's not doing it. 25 That shouldn't be the determining factor. I can't</p>
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<p>1 And I'm, "Look, I really need some gas 2 money. Can you pull it out from the bottom, put it 3 at the top?" 4 And -- okay. But still no movement. And 5 so -- and it still has to go two more steps. And 6 so, you know, I called the other step, "Hi, guy. 7 It's Carlos again." 8 "Mr. Caballero, yes, got your messages. 9 I'm so sorry." 10 And so I'm -- my voice is heard in PED a 11 lot. And it shouldn't have to. I shouldn't have to 12 beg. I shouldn't have to get frustrated. I 13 shouldn't have to give my wife excuses. It's not 14 pleasant. 15 My predecessor, the woman that I took over 16 for, that was one of the items. She said, "Carlos, 17 it's four months before you get a reimbursement. 18 I'm just telling you. Because I did call you. You 19 said you still wanted to do this, go for Public 20 Education Commission. But I'm just letting you know 21 that this is one of the bad parts of being in PEC." 22 And I said, "Well, I guess I'll deal with 23 it." 24 But she says, "I don't know how much I'm 25 owed. It's four months ago. I kind of lose track.</p>	<p>1 serve because I can't, any longer, afford to carry 2 that financial burden. Because it's not just on me; 3 it's on our families that we're responsible to. 4 And that's -- you know, I do answer to 5 that some, too. It's like, "When was the last time 6 you got a check?" It's like, "Well, let's not talk 7 about that right now." 8 And it's like, "Hey, you know, any 9 movement there?" 10 It's, like, "No, not really," you know. 11 "Let's not worry about it." 12 But it becomes, "Oh, let's change the 13 subject. How's the weather today," you know, 14 because you don't want to -- that shouldn't be part 15 of the conversation on whether I want to do this or 16 not. 17 So I do appreciate your time. I truly do. 18 MS. MARIAN RAEL: Madam Chair, thank you 19 for the opportunity to come in front of you. And I 20 will take a peach. 21 THE CHAIR: Send some to DFA, if it'll 22 help. 23 MS. MARIAN RAEL: I will share your 24 concerns with our Deputy Secretary of Finance and 25 Operations and alert him of -- of your concerns and</p>

<p style="text-align: right;">Page 106</p> <p>1 see if we can streamline your processes in-house as 2 well.</p> <p>3 THE CHAIR: It is his desk that a lot of 4 the papers languish on.</p> <p>5 MS. MARIAN RAEL: I will share that with 6 him, that you have noticed it.</p> <p>7 THE CHAIR: Thank you. I appreciate it.</p> <p>8 MS. MARIAN RAEL: Thank you.</p> <p>9 THE CHAIR: I think I only have one other 10 quick thing. I just -- to let people know. I had 11 an opportunity to sit on a panel on public education 12 last Sunday. So it's always nice to talk with 13 folks. It amazes me sometimes when you've got an 14 audience of people who are very active and aware and 15 concerned and what they don't know, you know, it 16 always amazes me some of the questions that come.</p> <p>17 It's, like, "You didn't know that?" You 18 know. So it's -- you know, it's enlightening. But 19 it's also enlightening in that it was some very good 20 conversations. And I appreciate when the community 21 is concerned and interested and everyone is very 22 much interested in the changes that are taking 23 place.</p> <p>24 So it was -- it was a lively conversation, 25 and I enjoyed it.</p>	<p style="text-align: right;">Page 108</p> <p>1 the 16th, 17th, and 18th are contract negotiations, 2 and then the 19th and 20th will be our actual work 3 session and meeting date.</p> <p>4 And then in April, the same thing, we're 5 breaking up the contract negotiations into two 6 months; so we're looking at the week of the 13th 7 through the 17th, with the 13th through the 15th 8 being negotiations and the 16th and 17th being the 9 work session and the meeting itself.</p> <p>10 In May, it's the 14th and 15th.</p> <p>11 In June, the 11th and 12th.</p> <p>12 And in July, we have our community input 13 hearings. So that will be the week of the 20th 14 through the 24th of July.</p> <p>15 And then in August, we will meet the 19th 16 through the 21st.</p> <p>17 In September --</p> <p>18 COMMISSIONER VOIGT: Excuse me. What's 19 that extra day in August for?</p> <p>20 THE CHAIR: We vote on new applications. 21 So it's flexibility. Just depending on how many 22 applications we have, how much time we would need.</p> <p>23 COMMISSIONER VOIGT: Okay.</p> <p>24 COMMISSIONER RUIZ: And the only reason 25 we're giving you all the dates is because we know</p>
<p style="text-align: right;">Page 107</p> <p>1 And I think that's it for now, for me.</p> <p>2 Commissioner Ruiz has a discussion on our 3 calendar for next year.</p> <p>4 COMMISSIONER RUIZ: I promise mine's 5 quick.</p> <p>6 So I made copies of the calendar of 2020 7 for each of you. And if you will just take your 8 pen, pencil, whatever, and circle the days that we 9 are looking at meeting at next year.</p> <p>10 So for January, we are going to be meeting 11 on the 16th and 17th.</p> <p>12 And for February, the 13th and 14th.</p> <p>13 MS. AMI JAEGER: That's right at the end 14 of Session.</p> <p>15 THE CHAIR: It is. But it's the end of 16 Session.</p> <p>17 MS. AMI JAEGER: It's the end of Session, 18 but not the end. Oh. It ends Thursday at noon.</p> <p>19 THE CHAIR: No. It ends -- I have it 20 here. I put it on my -- Session ends on the 20th. 21 Session goes January 21st to February 20th.</p> <p>22 COMMISSIONER RUIZ: So February, I had the 23 13th and the 14th.</p> <p>24 And then in March, we've got a whole week 25 lined out there. And part of that is because March</p>	<p style="text-align: right;">Page 109</p> <p>1 how lodging is such an issue. So if you have this 2 calendar here, you have tentative dates you can 3 start making reservations or travel arrangements or 4 whatever.</p> <p>5 COMMISSIONER VOIGT: As long as I'm not 6 billed.</p> <p>7 THE CHAIR: No. Indian Market is 8 August 15th.</p> <p>9 MS. AMI JAEGER: The third weekend, okay.</p> <p>10 COMMISSIONER CABALLERO: So July, start on 11 the 20th?</p> <p>12 COMMISSIONER RUIZ: Yes, July is the 20th 13 through the 24th.</p> <p>14 And then August is the 19th through the 15 21st.</p> <p>16 September is the 17th and the 18th.</p> <p>17 October is the 22nd and the 23rd. And 18 that's kind of late in the month. So that means 19 that we're not going to have a meeting in November. 20 Yay.</p> <p>21 And then in December, the 10th and 11th.</p> <p>22 THE CHAIR: Actually, December would be 23 longer, because we've got renewals. But there's 24 only five -- seven, something like that. So it 25 probably would just be --</p>

<p style="text-align: right;">Page 110</p> <p>1 COMMISSIONER RUIZ: One extra day.  2 THE CHAIR: One extra day and maybe little  3 to no work session, depending on -- but we'll know  4 in October how many schools are renewing, just in  5 case there's district ones that are coming over.  6 We'll have the number and enough time.  7 COMMISSIONER RUIZ: So if you can go ahead  8 and include the 9th. And then that way, you have a  9 schedule, a tentative schedule.  10 COMMISSIONER VOIGT: Thank you very much.  11 COMMISSIONER DAVIS: You said no meeting  12 in November; is that --  13 COMMISSIONER RUIZ: No meeting in  14 November.  15 THE CHAIR: Unless.  16 COMMISSIONER DAVIS: Something happens.  17 THE CHAIR: Unless something happens,  18 yeah.  19 COMMISSIONER RUIZ: That's all I had.  20 THE CHAIR: And the only thing I'll add at  21 this point in time is I asked Commissioner Ruiz this  22 morning to tag on those dates for the contract  23 negotiations before the meetings. That's just --  24 that's a placeholder.  25 If the Commissioners would prefer to do it</p>	<p style="text-align: right;">Page 112</p> <p>1 principal's office. Because the school that was in  2 with us, it wasn't going well.  3 He came by himself, and he began to  4 question whether he should have come by himself  5 because he could just hear the noise. And he  6 started to panic and say, "Oh, my God. What's going  7 on in there?"  8 And, you know, he -- it wasn't good.  9 So it's difficult. So I was thinking, you  10 know, one in the morning, two in the afternoon; two  11 in the morning, one in the afternoon, you know,  12 spacing it out somewhere like that. That's six  13 days, you know.  14 MS. KAREN WOERNER: And then remember,  15 Madam Chair, there are two schools that are already  16 on the new contract. So those could be easy. May  17 not need a session.  18 THE CHAIR: Yeah. It should be a little  19 bit easier. And we could always hopefully maybe  20 schedule them at the end.  21 MS. KAREN WOERNER: Or maybe those could  22 be a fourth in the day, because that wouldn't be so  23 bad.  24 THE CHAIR: We could certainly look at  25 that. Those two schools could end up being a No. 4</p>
<p style="text-align: right;">Page 111</p> <p>1 at a different time than tagging it onto that same  2 week, that's -- you know, weigh in on that. But  3 just so you're aware that we have to do those  4 contract negotiations for everyone's sanity.  5 Because there are so many, we need to  6 break it up for everyone's sake, you know. No  7 offense. Don't want to see everyone for two weeks  8 straight, you know. So that it just gets -- it's  9 too intense. It's not fair to the schools; it's not  10 fair to the staff to have to get all that paperwork  11 populated and do all that extra work that is  12 involved with that many contract negotiations.  13 It's also on our legal counsel, because  14 they spend a lot of time reviewing the MOUs and the  15 contracts beforehand. So that we need to space it  16 out.  17 So we -- we need -- I'm thinking six days?  18 MS. KAREN WOERNER: We've done four -- as  19 many as four in a day.  20 THE CHAIR: I know. But that's tough.  21 MS. KAREN WOERNER: It's tough. You can't  22 do that long-term.  23 THE CHAIR: If you get stuck, then  24 someone's sitting out there. I'll never forget  25 Arrow from Walatowa. He was, like, sitting in the</p>	<p style="text-align: right;">Page 113</p> <p>1 at the end of a day, because they should be easier.  2 But it's -- it's difficult. So I will ask  3 Commissioners to think about it. And I guess we'll  4 have Beverly send out an e-mail letting people take  5 this home, look at it and weigh in if there's  6 something that's extraordinary and doesn't seem to  7 fit, or if you would prefer to take those contract  8 negotiations off those weeks. I don't care. I just  9 ask for it to be a placeholder there so people knew  10 that we have to do that.  11 So we'll set a timeline so that hopefully  12 we can vote on this at the October meeting and get  13 it set so that Matt can schedule his next conference  14 on those dates. So -- yeah. It's --  15 MS. FRIEDMAN: Madam Chair, can I ask that  16 Commissioner Ruiz send me a copy of this  17 electronically?  18 COMMISSIONER RUIZ: Yes, I will.  19 MS. FRIEDMAN: Thank you very much.  20 THE CHAIR: Okay. Thanks.  21 All right. I think I'm -- I think I'm  22 done with my updates. I think I've covered  23 everything. So next on is Public Charter Schools.  24 MR. MATT PAHL: Thank you, Madam Chair,  25 members of the Commission. Just a couple of quick</p>

<p style="text-align: right;">Page 114</p> <p>1 announcements and updates for you today.  2 (A discussion was held off the record.)  3 MR. MATT PAHL: The -- as you mentioned,  4 this year's conference is overlapping with the  5 Public Education Commission meeting in November.  6 Again, it's the 14th and 15th.  7 We do have a 70-minute session set aside  8 for the PEC to present or just leverage that as time  9 to have a room to have discussions with schools,  10 whatever it may be. I just want to let the  11 Commission know that, and, you know, probably within  12 that first week of October we'll need a topic to  13 write in our program so we can get it printed.  14 So I'll just follow up with the Chair or  15 anybody else designated; just let me know who you'd  16 like me to follow up with. But we'll make sure to  17 articulate that appropriately. Want to make sure  18 we're giving you-all time.  19 Similarly, during that conference --  20 because there is overlap -- we will be providing  21 space at the Rankin Center to be able to conduct the  22 PEC meeting on that Friday.  23 If you need space for the work session --  24 a work session, we can accommodate that as well.  25 THE CHAIR: We won't be doing a work</p>	<p style="text-align: right;">Page 116</p> <p>1 and we don't have to do a meeting at 3:00, and folks  2 that are driving have to drive out at 4:00 or 5:00,  3 you know.  4 So I think that Friday morning is  5 probably -- but once Matt gets that schedule out,  6 we'll look at it, and we'll send it out so that we  7 have a clearer idea of what works best.  8 So I appreciate that. And I don't  9 anticipate that it's going to take a long time. I'm  10 hoping it doesn't take a long time. But it is Alma  11 and a consent agenda if there is things that we have  12 to vote on through the consent agenda. But beyond  13 that, we're trying to keep that agenda really just  14 to Alma. Thanks. Sorry.  15 MR. MATT PAHL: That's all right. Just a  16 couple of highlights that I'd like to share around  17 our programming for that conference. On Friday,  18 we'll have a legislative panel to preview the  19 legislative session. Both Senator Padilla and  20 Senator Ivey-Soto are confirmed, and we're hoping to  21 have about four State Representatives and Senators  22 at the table there to just preview what will be  23 going on regarding charters this legislative  24 session.  25 Certainly, anything -- anything around the</p>
<p style="text-align: right;">Page 115</p> <p>1 session.  2 MR. MATT PAHL: Okay. Great. I am  3 getting an updated program right now from Donna, and  4 I will get that sent out to Chairwoman and Beverly  5 once I have that. That way, you can pick a time  6 that gives you enough space to have the meeting in  7 conjunction with the conference.  8 But we do have a room in which you'll be  9 able to do that. And we'll have a room number for  10 you as well, a little closer to the conference but  11 in plenty of time for public notice for the meeting.  12 THE CHAIR: Right. And Matt and I had a  13 brief discussion about that, about what the time  14 might look like. And originally, we talked a little  15 bit about Friday afternoon. But that's tough for --  16 because we're talking 3:00-ish; so that's late.  17 And also for the -- because we're having  18 this meeting, remember, primarily because that's --  19 Alma is coming back up, so I didn't think that was  20 really fair for them as well. We're hoping that  21 they'll be there, anyway, for the conference, so  22 that it might be best to try to do it Friday  23 morning, because the school will be there.  24 Then they can go to the conference. And  25 then everyone can leave when the conference is over,</p>	<p style="text-align: right;">Page 117</p> <p>1 money will involve us, too. But by that time, there  2 may be some additional items of note, and we think  3 that's an exciting opportunity.  4 We also received confirmation from Dr. Tim  5 Hand about doing a presentation on the new  6 dashboards. They're scheduled for release right  7 around that time. So we're hopeful that we're one  8 of the first places you can get an in-person  9 engagement with the Public Ed Department on the  10 dashboard.  11 So that's just kind of serendipity around  12 the timing, but we're really happy we're able to  13 offer that, and we thank PED for the collaboration  14 on that session.  15 That's it for the conference. Now, I'll  16 be touch with the Chairwoman and with Beverly on  17 those items, and we look forward to having each and  18 every one of you there. I'll send out an RSVP link  19 for you-all in the coming weeks so you can note that  20 you'll be there. It'll be free for any of the  21 Commissioners, and you'll have lunch provided and a  22 name tag for you, everything like that. So --  23 COMMISSIONER ARMBRUSTER: But you're not  24 paying for the hotel or mileage; right?  25 MR. MATT PAHL: You'll have to take that</p>

<p style="text-align: right;">Page 118</p> <p>1 up with the DFA.</p> <p>2 COMMISSIONER DAVIS: I don't remember if</p> <p>3 you told us this or not; so -- I'm old. So have we</p> <p>4 gotten information about hotel or reservations? Or</p> <p>5 is this a one-day deal?</p> <p>6 MR. MATT PAHL: It's a two-day event.</p> <p>7 It's on the 14th and 15th. We will be bookending</p> <p>8 the conference with governing board training. So</p> <p>9 we'll be there from the 13th until the 16th. But</p> <p>10 the conference is on the 14th and the 15th.</p> <p>11 COMMISSIONER DAVIS: Right. So any</p> <p>12 information about the hotel?</p> <p>13 MR. MATT PAHL: Just save the date right</p> <p>14 now. We do have a reserved block. We are working</p> <p>15 with a vendor on a registration link that is taking</p> <p>16 a little bit more time than we like. So just note</p> <p>17 that will be in the information as well with the</p> <p>18 RSVP.</p> <p>19 COMMISSIONER DAVIS: Just want to be sure</p> <p>20 I hadn't --</p> <p>21 THE CHAIR: It's not being held at a</p> <p>22 hotel. It's at Albuquerque Public Schools' training</p> <p>23 center. But what hotel are you -- do you know?</p> <p>24 MR. MATT PAHL: It's the same one we had</p> <p>25 last year. I just can't remember which one it is.</p>	<p style="text-align: right;">Page 120</p> <p>1 rooms generally in that vicinity, you're not going</p> <p>2 to be far away from the conference then.</p> <p>3 COMMISSIONER DAVIS: Thank you.</p> <p>4 MR. MATT PAHL: Let's see. Lease</p> <p>5 assistance. Just a quick update on that.</p> <p>6 The Public School Capital Outlay Council</p> <p>7 moved forward with both their recommendation and</p> <p>8 some of our proposals for the PSCOC funding. So</p> <p>9 while they still went with square footage in which</p> <p>10 they are not reimbursing schools for things like</p> <p>11 hallways and bathrooms, they did add a 20 percent</p> <p>12 tare rate and a "hold harmless" for anyone losing</p> <p>13 more than 15 percent.</p> <p>14 So no one had their lease assistance cut</p> <p>15 more than 15 percent as a result of this.</p> <p>16 Doesn't -- doesn't mean we know what's going to</p> <p>17 happen next year. And it is disappointing. It's</p> <p>18 disappointing that -- when we're looking at a fund</p> <p>19 that's fueled by oil and gas revenues, that we're</p> <p>20 making any cuts right now. And it's disappointing</p> <p>21 that they're taking such a conservative stance on</p> <p>22 language in statute -- which, again, just to remind</p> <p>23 you, says "Classroom facilities"; so they're in a</p> <p>24 setting that they only fund square footage in which</p> <p>25 instruction takes place.</p>
<p style="text-align: right;">Page 119</p> <p>1 I think it's a Hilton Garden Inn or something. It's</p> <p>2 maybe five blocks away.</p> <p>3 THE CHAIR: There is also -- because we</p> <p>4 stayed last year, the Marriott Fairmont --</p> <p>5 Fairfield, I think. Because there's a couple of</p> <p>6 hotels right there in close proximity. And I know</p> <p>7 we stayed at the Marriott Fairfield because it's</p> <p>8 just a two-minute drive to the -- to the place.</p> <p>9 I think the -- not the Embassy Suites, the</p> <p>10 one that PED has used a lot. Crowne Plaza. The</p> <p>11 Crowne Plaza is right there as well. So there's a</p> <p>12 number of hotels that are close; not within walking</p> <p>13 distance, but it's, like, a two-minute drive.</p> <p>14 COMMISSIONER DAVIS: Okay. I just wanted</p> <p>15 to be sure I hadn't missed an opportunity to reserve</p> <p>16 my room.</p> <p>17 THE CHAIR: We just knew, because it's the</p> <p>18 same place as it was last year. So I just booked</p> <p>19 where -- you know. And they have a government rate.</p> <p>20 So it's probably fine.</p> <p>21 MR. MATT PAHL: Yeah. Madam Chair and</p> <p>22 Commissioner Davis, I just note for those of you who</p> <p>23 might not live in Albuquerque, it's right off of</p> <p>24 I-25 and Comanche, which is only a couple of exits</p> <p>25 from the Big I. So as you're searching for hotel</p>	<p style="text-align: right;">Page 121</p> <p>1 Want to thank Commissioner Robbins, the</p> <p>2 only dissenting vote on that.</p> <p>3 It's disappointing, but I will say we were</p> <p>4 heard, based on their proposal. They proposed this</p> <p>5 long ago. We saved charter schools -- through our</p> <p>6 advocacy and our work with the PSCOC, we saved</p> <p>7 charter schools about \$3.8 million. Some schools</p> <p>8 are still feeling the hurt a little bit.</p> <p>9 So just a note there and another plug for</p> <p>10 the facilities bill. We're literally asking for</p> <p>11 bread crumbs when we only ask for \$10 million in</p> <p>12 this day and age. \$1.85 billion in new money over</p> <p>13 the last few years, \$10 million isn't much.</p> <p>14 And we're not doing that because we're not</p> <p>15 grabbing for as much as we can. We're doing it</p> <p>16 because that can turn into \$30 million and</p> <p>17 \$40 million in loans. And we don't think it's</p> <p>18 appropriate for every school to just get a new</p> <p>19 building. It should be deliberated, should have</p> <p>20 some phasing in as we move forward here.</p> <p>21 As we have these discussions with the LFC,</p> <p>22 the LESC, and the PED, I'd just like to remind folks</p> <p>23 here at the PEC -- because I know you're having</p> <p>24 conversations -- is charter schools are getting</p> <p>25 incredible value for the facilities they purchase.</p>



<p style="text-align: right;">Page 122</p> <p>1 Cottonwood Classical, a school of 770 2 kids, paid \$13 million for their building. The 3 PSCOC meeting was at Los Lunas High School. I don't 4 know how much it was. But I can guarantee you it 5 was multitudes more. 6 And also just note that Cottonwood 7 Classical is a building that works for them. They 8 don't need a gym, like Los Lunas High School does. 9 But they found a building that was appropriate for 10 them and takes -- takes good -- takes State money 11 and puts it to good use and good value. 12 And that's important to us. And I think 13 we have a number of examples of that. And I will 14 have some information for the Commission and for 15 legislators moving into the session that shows what 16 kind of value we're getting. 17 Once we solve the financing piece of it. 18 If these schools get a good value, but pay 7 or 19 8 percent on their loan, it becomes less of a good 20 value. We have the ability to allow them to pay 21 something closer to 2 or 3 percent. And that will 22 provide better value for the State and keep those 23 dollars in New Mexico. 24 So we're excited about the prospect of 25 making that happen. There's never been a better</p>	<p style="text-align: right;">Page 124</p> <p>1 disappointment, because during the -- before the 2 Spring Budget Workshop and before the charter 3 conference that CSD did, I had asked that we be able 4 to have a meeting with the charter schools to go 5 through and talk about how are we dealing with the 6 budget issues in light of what's happening so that 7 we could have a good conversation. 8 And I know Commissioner Chavez, after 9 that, also publicly asked for that. 10 And I was resoundingly turned down by PED. 11 There will be no participation in a meeting like 12 that. And that was very disappointing, because I 13 appreciate the fact that PED is having conversations 14 with charter schools in regards to this. But we are 15 completely left out of that conversation. 16 And that's where I have the -- that's 17 where I have the disconnect with we're trying to be 18 a good partner, we're trying to work together. But 19 when the initiation came from us to have this 20 conversation, I was denied, denied, denied. But 21 then that conversation was going on, and we're not 22 part of it. 23 So I'm deeply disappointed in that. 24 Because my request was that not -- I assumed PED was 25 partnering with us in that meeting. But the</p>
<p style="text-align: right;">Page 123</p> <p>1 time to spend money. So we'll see if we can. 2 And just a note for everyone here as you 3 have those conversations, it is a one-time 4 expenditure of \$10 million. They're not committing 5 to recurring expenditures. That revolving loan fund 6 will make four, five loans to schools. As they pay 7 back in, the fund will be able to make new loans in 8 the future. 9 So it is -- we think it's smart policy, 10 and we've had several other organizations validate 11 us in that. 12 So we appreciate your push on that, or 13 just taking that in, and when you have conversations 14 independently in your -- in your districts, just 15 knowing those facts. 16 I believe that is -- that is it for today. 17 THE CHAIR: Thanks. And I -- that meeting 18 that we were at, it appeared to me that there seemed 19 to be support for that fund. 20 MR. MATT PAHL: Yes. 21 THE CHAIR: Because it does. It makes a 22 lot of sense. I'm going to -- because I forgot to 23 mention this in my report. But Matt brought it to 24 my attention with the budget. 25 I'm just going to express a little bit of</p>	<p style="text-align: right;">Page 125</p> <p>1 reverse. PED is not partnering with us to allow us 2 to be part of that conversation. So -- and I don't 3 know why. And you're sitting there, and you have 4 nothing to do with this. 5 MR. MATT PAHL: That's okay. I do have a 6 quick add-on on that, Madam Chair. If -- I just -- 7 that was a light on for me that that could be a 8 topic for the PEC session at our conference. 9 THE CHAIR: Absolutely, I would love that. 10 I'm sure there will be no one from Budget or 11 anything that will be there. But I think -- I just 12 think it's a really good conversation. Because we 13 all know that schools have unique differences so 14 that it's not a one-size-fits-all in how you're 15 going to fix this. 16 But because so many schools are small, 17 their resources are limited, they may be isolated 18 because they're not in a larger community. And 19 they -- they're frustrated in trying to figure out 20 the solution when someone there might have a simple 21 fix. "I didn't think about that." 22 "Why don't you try this"? And, "Maybe we 23 could partner with each other and provide this 24 service so that we're not both paying on this, and 25 that'll ease our budget as well."</p>

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1           So I think there are -- we've got experts  
 2 out there, because they're living it every day. And  
 3 we -- we should be able to engage in that  
 4 conversation.  
 5           And when you opened that up, that was the  
 6 first thing that came to my mind. It's like, "Okay,  
 7 we've been turned down, so we're just going to go  
 8 forward and have this," and talk about the -- you  
 9 know, there are schools that are still struggling  
 10 with budget constraints besides lease. Because  
 11 lease is eating up.  
 12           MR. MATT PAHL: Madam Chair, just  
 13 something for -- something that's been illuminated  
 14 recently, including from the survey questions that  
 15 were asked by CSD and Alan, you know, regarding  
 16 budget, you know, this year isn't when the hurt  
 17 happens. And so when we talk about budget impact  
 18 and we ask, "Hey, how did this impact your budget,"  
 19 this year, you're not going to find a ton of  
 20 jaw-dropping stuff there.  
 21           What everyone's concerned about is what  
 22 this looks like in three years. Because this is  
 23 only step one. So the question that's asked really  
 24 matters.  
 25           And I just think that, you know, you could

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1           come away -- if we asked people on their budget  
 2 impact for this school year, you could come away  
 3 saying, "Oh, it's not that bad."  
 4           But just a reminder that this is a  
 5 five-year policy, and we're only scratching the  
 6 surface here.  
 7           THE CHAIR: You're right. And that was --  
 8 many of the responses were that. "Oh, we're okay  
 9 this year," and, "This year looks pretty good." But  
 10 we don't know what is -- what next year and the year  
 11 after.  
 12           And I think that's the engagement of the  
 13 conversation. It's like everyone's thinking, "Oh,  
 14 not bad. You know, I really didn't."  
 15           And that gives also false information to  
 16 the Legislature that, "Oh, it really went well."  
 17           But it's -- you know, it may not for small  
 18 school districts. And also for charters, it's --  
 19 and now that they're in it and actually now looking  
 20 to next year's budget, now they're having those  
 21 conversations of, "What does the future forecast?"  
 22           And it may also give some schools, you  
 23 know, "Oh, I didn't think about that," when some  
 24 schools are thinking about this.  
 25           So it gives people maybe a little more

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1           information as they go forward to work on the  
 2 budgets. And, for us, because in November, we're  
 3 doing -- we're going to have a conversation about  
 4 the planning and the Legislative Session. So what  
 5 are -- what are our priorities and what are we  
 6 looking at in terms of the conversations that we  
 7 have to continue and/or begin? So I appreciate  
 8 that.  
 9           COMMISSIONER VOIGT: Madam Chair, just to  
 10 tag along with what you were saying about this --  
 11 even if it's not a partnership, it's sharing of  
 12 information that help both sides not do this  
 13 catch-up thing all the time with each other. It  
 14 seems like that would be obviously beneficial to  
 15 both sides and help us both do our jobs in a more  
 16 supportive way, you know.  
 17           And it's just crazy that there's not that,  
 18 and that -- I think we need to keep knocking at that  
 19 door, though, because it's just -- you know.  
 20           THE CHAIR: I know.  
 21           COMMISSIONER VOIGT: And what it does in  
 22 the public eye, it makes both entities look kind of  
 23 like not necessarily incompetent, but like, "Well,  
 24 they should have known that," when there's no  
 25 sharing of information. And that's a kind of a

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1           problem with most bureaucracies, that siloing of  
 2 operations that creates redundant work, you know.  
 3 And it's -- I understand your frustration.  
 4           THE CHAIR: Yeah. And trust me, I'm --  
 5 I've always been known to, you know, not know when  
 6 to let up; so...  
 7           COMMISSIONER VOIGT: Really.  
 8           THE CHAIR: So, you know, just because you  
 9 say -- and, you know, we tried the second time  
 10 around. And so this is -- this is that opportunity.  
 11 And I did think about that. So -- and you're right.  
 12 Schools have, you know, great ways of figuring this  
 13 out.  
 14           So it's just -- you know, let's work  
 15 together, and let's try to make this -- you know,  
 16 let's try to make this better.  
 17           COMMISSIONER VOIGT: I'm sure the schools  
 18 have got this on their radar, this three- to  
 19 five-year pinch. But, you know who doesn't? The  
 20 legislators that passed it. Now it's just forgotten  
 21 about, "Let's move on to the next." So that's  
 22 where, in November, we can have that.  
 23           THE CHAIR: Because we thought we fixed  
 24 it.  
 25           COMMISSIONER VOIGT: Right. Next thing.

<p style="text-align: right;">Page 130</p> <p>1 THE CHAIR: And right now, most of them 2 are. There are very few that really identified a 3 serious impact for this year, you know. Most of the 4 impact really was identified in a little bit of a 5 struggle with instructional materials in light of 6 trying to implement a more culturally responsive -- 7 so changing some instructional material so that 8 there was a little bit of a bite to the budget in 9 trying to, A, find it, or, B, get it, so that that 10 was -- but that wasn't significant. 11 But, you're right. It's -- it's the 12 future that is a little bit of an unknown. So if we 13 can, you know, help schools out to navigate that, 14 bring something to their attention that they hadn't 15 thought about, this is a great time to do that. 16 MR. MATT PAHL: Madam Chair, a quick 17 question for the Commission. I'm hoping that in 18 November, when you all talk about your legislative 19 priorities, that we could have an agenda item to 20 share ours, whether it's before or after. 21 It could be at this moment. But it would 22 be great if it was right adjacent to your 23 conversation so it could help inform whether we know 24 whether we're doubling down on something or 25 diverging on something, just so it's clear. Just a</p>	<p style="text-align: right;">Page 132</p> <p>1 won't even have to put that on your calendar to 2 attend. 3 MR. MATT PAHL: Perfect. 4 THE CHAIR: And I appreciate that. 5 Because the Legislative Session is going to be here 6 sooner than you think. 7 And we all know what a 30-day session 8 feels like. So it's -- you know, it's up and 9 running, and, boom, it's over. So it's -- we 10 have -- we truly have to get our priorities, because 11 there's not going to be a lot of time for other 12 conversations. 13 MR. MATT PAHL: Yeah. 14 THE CHAIR: Yeah. Okay. Thank you. I 15 appreciate it. 16 MR. MATT PAHL: Thank you. 17 THE CHAIR: So we are on -- I'm assuming 18 no one is here from the School Boards Association. 19 So we're on to PEC comments. 20 Commissioner Chavez? 21 COMMISSIONER CHAVEZ: I'm good. 22 THE CHAIR: Okay. Commissioner Voigt? 23 COMMISSIONER VOIGT: Things are great. 24 Just wanted to report myself and Commissioner 25 Robbins were able to attend a very large governing</p>
<p style="text-align: right;">Page 131</p> <p>1 request from our end. 2 THE CHAIR: Sure. And I think it'll 3 appear both in our work session, so we -- you know, 4 so that, you know, on Friday we would, then, if we 5 felt the need to vote on something to support 6 something, we would do that. 7 So just keep that in mind, that it's 8 probably best to be at the work session. 9 MR. MATT PAHL: Okay. 10 COMMISSIONER VOIGT: Oh. Are we having a 11 work session in November? 12 COMMISSIONER CABALLERO: November is a 13 maybe; so -- if not, December. 14 THE CHAIR: No. December, we've got all 15 the renewals. There is no time in December. 16 We'll have to think about that. Maybe 17 we'll have to carve out some time to have that 18 discussion during the conference. 19 MR. MATT PAHL: Okay. Sure. 20 THE CHAIR: Maybe we would make an item 21 for a work session solely for that, and only that 22 for November, when we're there. So -- yeah. Thanks 23 for -- 24 MR. MATT PAHL: Sounds good. Okay. 25 THE CHAIR: So we'll all be there. So you</p>	<p style="text-align: right;">Page 133</p> <p>1 board training at Southwest Secondary Learning 2 Center, which was very rich and a joy to see so many 3 governing boards represented there in that 4 innovative space at Southwest Secondary. 5 So thanks for that training, Melissa. And 6 Christine Lutz had invited us. And it was great to 7 see so many members and field so many great 8 questions. 9 THE CHAIR: Thanks. Commissioner Robbins? 10 COMMISSIONER ROBBINS: Well, I will ditto 11 the appreciation that we had. And the attendance by 12 Melissa and her presentation there was very 13 well-received by the charter schools, by governance 14 members. 15 I wanted to follow up with what Matt was 16 saying about the meeting last week down in Los Lunas 17 with the PSCOC on the lease and the land -- lease -- 18 land leases. Although no school lost more than 19 15 percent on their building leases. You know, 20 they're doing the lesser of, per mem -- it's \$737 21 and some-odd cents per member, or what the actual 22 lease is. So if the lease is less than that works 23 out, then it works out. 24 I've done some calculations and 25 everything. And it's kind of interesting. Because</p>

<p style="text-align: right;">Page 134</p> <p>1 if you look at it, they also -- if you have a 2 building, and if you have to lease the land 3 separate, if you have portables, whatever, or you 4 have to lease the land, they also limit you to a 5 3-and-a-half-to-1 ratio. 6 So let's say you have a school and 10 or 7 15 portables on there and everything. You could 8 actually be limited to one acre and have 9 100 students, and you have one acre of land. 10 My personal house sits on a third of an 11 acre. And if I tripled that, I couldn't have 100 12 students there. I mean, you wouldn't have room for 13 parking and a playground or anything like that. 14 So I think it's very, very -- especially 15 for a small school. I think the size is 16 disproportionate. They just used this blanket 17 3-and-a-half-to-1. 18 I did some calculations. APS has anywhere 19 from a 6- to 7-to-1 ratio of land to buildings. 20 That's for elementary, middle school, and high 21 school, you know. A typical high school in APS has 22 60 to 70 acres for a high school for about 23 2,000 students. 24 An elementary school has eight to ten 25 acres; middle school, about 15 to 20 acres.</p>	<p style="text-align: right;">Page 136</p> <p>1 didn't make the decision last April, where they 2 could have gone in and negotiated leases for this 3 year or made some adjustments. No, they're in the 4 school year, and they're kind of stuck. 5 So they're having to actually take 6 operating dollars to help pay for these leases and 7 things like that. 8 And I did a calculation that it works out 9 to about \$7.00 or \$8.00 a square foot for a charter, 10 for a charter school. 11 Now, I don't know where you can go and 12 find a building that has E-Occupancy and everything 13 and only pay \$7.00 a square foot, and then you have 14 to pay utilities on top of that. 15 So, you know, especially in a city like 16 Santa Fe, Albuquerque, Las Cruces, you're probably 17 closer to \$10 to \$12 a square foot. 18 And then I've also raised the issue -- so 19 you have minimum standards for a school, elementary, 20 middle school, high school, pre-K, K. You have 21 these standards, minimum standards. You have to 22 have bathrooms. You have to have halls. You have 23 to have janitors' closets, mechanical rooms. You 24 have to have an IT space. You have to have a 25 teachers' lounge.</p>
<p style="text-align: right;">Page 135</p> <p>1 So if you start looking at these numbers 2 and you start saying, "Well, wait a minute. Why are 3 they so restrictive?" 4 Granted, APS may be a little bit larger 5 than some areas and everything. Because I know 6 there was one school down in Hobbs or Roswell. They 7 have a school with several hundred students, and 8 they only have like two acres. There's no on-site 9 parking, which becomes a real issue for drop-offs, 10 for buses, for things like that. 11 But they do these really restrictive 12 limits for charter schools. 13 The other thing that really concerned 14 me -- and, again, I voted against it -- was the idea 15 that, you know, you have to lease a building and 16 then you have to put the building somewhere. If you 17 have portables, you have to put it on land 18 somewhere. 19 And, you know, so they cut back. And I 20 think SODA was one that really took a hit. Mesa Del 21 Sol also took hit, a big hit on the amount that 22 they're going to allow for leases. 23 One of my huge objections was the fact 24 that they're doing this retroactive back to July 1st 25 of this year. So they made the decision -- they</p>	<p style="text-align: right;">Page 137</p> <p>1 But because many of those things I just 2 identified, or any of those things are not 3 classrooms, they don't get counted in the square 4 foot of what they will allow to be reimbursed. 5 And so one of the things, I said, "Well, 6 you can be creative, and say you're really in a 7 10,000-square-foot building, but only 8,000 square 8 foot is actually classrooms, just tell them, "Well, 9 my cost per square foot." 10 But you're limited to that \$737. So even 11 if your cost per square foot for that 8,000 square 12 feet happens to be \$9 or \$10 a square foot, you're 13 not going to get that. You're only going to get 14 about \$7.00 a square foot. 15 So they're really put at a disadvantage. 16 And these are the district schools. And district 17 schools, they will invite their charters to come in. 18 APS does this. They say, "Come into our school and 19 we'll take your per mem thing and we'll let you stay 20 here." 21 Well, they use tax dollars to build those 22 schools. And now they have maintenance. And, 23 really, if you look at the long-term, you build a 24 high school -- APS builds a high school, 25 \$200 million for a high school or more, that</p>

<p style="text-align: right;">Page 138</p> <p>1 actually works out, just for that original cost, at 2 about \$900 per student. That does not include any 3 future maintenance and repairs that capital dollars 4 will be used to replace. 5 Because this is an interesting thing. And 6 a lot of times, I think legislators get into this 7 thing. We built a school that's supposed to last 8 40 years. A furnace or a boiler will not last 9 40 years. Your air conditioning system will not 10 last 40 years. Your security system will not last 11 40 years. Most of your light fixtures will not last 12 40 years. Most of your plumbing fixtures will not 13 last. 14 The structure, yes; but you're going to 15 have to put millions of dollars in a building over 16 its life in capital dollars for major system 17 replacement, and that doesn't get factored in. 18 So the 737 is a very low number. I think 19 it should be closer to \$850 and \$900 per square 20 foot. I'll continue to push for those things, 21 continue to push that they actually include required 22 square footage, not just classroom educational 23 space, but all of the requirements that minimum 24 specs call for that you have to have; janitor 25 closets. You have to have maintenance areas; you</p>	<p style="text-align: right;">Page 140</p> <p>1 just -- I believe -- I have not an explanation -- 2 but I think they're using the lowest common 3 denominator. 4 So if the lowest cost is that 737, that's 5 what they're going to use for everyone. Regardless 6 if that happens to be the least cost area in the 7 state, that's what they're going to apply. It would 8 be like saying, Well, you know, I can buy gas in 9 Albuquerque. I used to buy it for \$2.28 a gallon. 10 That was cheaper than almost everywhere else in the 11 state, you know. 12 It's -- it can be 10 to 20 cents a gallon 13 more here or some other parts. You can go to some 14 areas it can be 30 or 40 cents higher than that. If 15 you use that low thing and say, "That's going to 16 apply for everyone," it doesn't take into account 17 the geographic differences that exist and the 18 construction standards that exist in different parts 19 of the state. 20 You know, some parts of the state, you 21 have very good soil and everything; in other parts 22 of the state, very sandy and everything, and 23 requires a lot more foundation work and hydrology 24 engineering that has to go into that land and 25 everything.</p>
<p style="text-align: right;">Page 139</p> <p>1 have to have these things. 2 That should be included in the square 3 footage that you're going to allow. And that 737 4 needs to be adjusted upward, because especially when 5 you get into areas such as the large cities, you 6 can't find buildings that only cost \$6.00 or \$7.00 a 7 square foot to rent that meet E-Occupancy and meet 8 the needs of a school. 9 So thank you. 10 THE CHAIR: Thanks. And I appreciate you 11 continuing that concern over when these decisions 12 are made. Because it's something that we've raised 13 year after year after year, that budgets are made, 14 school years have started. And then in late 15 September or October, decisions are made about how 16 this is going to be funded, and now you have to go 17 back, and you've already got your budget done, and 18 you're in the year, and how fair is that to the 19 school to now have to cut into operational. It's 20 cattywampus. 21 COMMISSIONER CABALLERO: Madam Chair, has 22 there ever -- have we ever gotten what the rationale 23 is for the differences of \$7.00, \$8.00 to why is it 24 so low? Why is it they apply a reduced -- 25 COMMISSIONER ROBBINS: I think they</p>	<p style="text-align: right;">Page 141</p> <p>1 You get down to Hobbs. You know, they get 2 a one-inch rain and what? It floods, because it's 3 flat. The water doesn't have anywhere to go. I can 4 get a 2-inch rain at my house. And in five minutes, 5 I won't see water standing anywhere, because I have 6 a slope on my property and it all runs off. 7 So sometimes we set standards just 8 thinking, "Well, let's just go to the lowest common 9 denominator and apply that in everything." Plus, I 10 don't think they take into consideration the real 11 tax capability that districts have to build and go 12 beyond. 13 They have minimum standards. About 130 14 square feet per student is a minimum. APS, for a 15 high school, is building schools that are close to 16 200 square feet for a student. The minimum is 130. 17 So I don't know. They go and say, "We 18 want to have really nice schools and everything." 19 Yeah. But it's 50 percent bigger than what is 20 necessary, really, the absolute minimum. I can 21 understand 10, 15, 20 percent. But 50 percent 22 larger than minimum standards? 23 I mean, it really goes beyond. And yet 24 our charters, in many cases, don't even meet that 25 130 square foot per student because if you calculate</p>

<p style="text-align: right;">Page 142</p> <p>1 it out, it really works out that many charters are 2 only utilizing, you know, 70, 80, 90, 100 square 3 feet. Very few schools have more than 100 square 4 feet per student in charters. 5 But the minimum standard in a district 6 school is 130 square feet. So it really -- it goes 7 to just say, "Well, we'll do this, but we really 8 don't want to fully fund what it costs to support 9 the charter schools." 10 And the charter schools, you know, 11 district schools have the ability to go to voters, 12 persuade them and everything. The charters don't 13 have that taxing authority. Although districts can 14 give them a portion, through mill levies and things 15 like that. For the most part, charters don't get 16 any money in the capital money that districts raise. 17 THE CHAIR: Our local charters have been 18 completely unsuccessful in getting into the bonds. 19 COMMISSIONER CABALLERO: Thank you, 20 Commissioner. 21 THE CHAIR: Thanks. 22 Commissioner Crone? 23 COMMISSIONER CRONE: I can't get my button 24 on. There we go. This discussion about the per 25 diem, the reimbursement and so forth reminds me. I</p>	<p style="text-align: right;">Page 144</p> <p>1 apparently. Maybe; but maybe not. So I keep 2 getting those from you. 3 I don't live near the Southwest in 4 Albuquerque. Why are they asking me to do this? So 5 I sent it back to them to forward it to you. My 6 good deed of the day. 7 COMMISSIONER RUIZ: I'm good. 8 THE CHAIR: I just -- Ami's going to 9 contact the Secretary of State's Office? Yes? 10 Regarding the realignment. Because we did get 11 the -- you know -- Beverly happened to have a 12 conversation with the Attorney General's Office and 13 was notified that the realignment was overturned at 14 the Supreme Court level. So... 15 COMMISSIONER CABALLERO: We're back? 16 THE CHAIR: It appears that we may have to 17 go back to our old district numbers. But Ami is 18 going to confirm that. We all got an e-mail when we 19 had -- when it was going to change. But none of us 20 have gotten any notification that it's unchanging. 21 So Ami is going to confirm it before IT 22 does anything to have to change it back. 23 COMMISSIONER VOIGT: So for now, just hold 24 off. We're still -- 25 THE CHAIR: We can't do anything. IT has</p>
<p style="text-align: right;">Page 143</p> <p>1 taught a course, Sociology of Substance Abuse. 2 And there was actually no legislation that 3 initially made drugs illegal. It was actually 4 internal policy changes within the Treasury 5 Department. They passed two separate tax acts; the 6 Harrison Act in 1914 and the Marijuana Tax Act in 7 1937. And it was through taxation authority that 8 they essentially made drugs illegal. And look at -- 9 look at the mess they created. 10 Okay. I'm done. 11 COMMISSIONER CABALLERO: Thank you, 12 Commissioner. 13 THE CHAIR: I so appreciate you. 14 Commissioner Armbruster? 15 COMMISSIONER ARMBRUSTER: I want to thank 16 Dylan, as always, for my parking place, and PED for 17 all the work that they've been doing, and Beverly, 18 who left. So she'll have to re- -- 19 THE CHAIR: No, she's here. 20 COMMISSIONER ARMBRUSTER: If I look right 21 here I -- wow, where did she go? Anyway. And -- 22 and I will tell you, too, that I get this thing 23 from -- "Oh, that you can come," because it went to 24 the PE- -- our e-mails weren't quite right. Now 25 that mine's right, we're going to change them back,</p>	<p style="text-align: right;">Page 145</p> <p>1 to change it. 2 COMMISSIONER VOIGT: But I was talking 3 about we're not announcing anything to anybody, 4 because right now it's not even a change until we 5 hear from Ami. 6 THE CHAIR: No, no. So -- until there is 7 an official word -- 8 COMMISSIONER VOIGT: Right. Thank you. 9 THE CHAIR: -- we're still at our present 10 numbers. 11 COMMISSIONER VOIGT: Okay. That's what I 12 thought. 13 THE CHAIR: With a license plate that 14 doesn't match. 15 COMMISSIONER VOIGT: Perfect. 16 THE CHAIR: Commissioner Caballero? 17 COMMISSIONER CABALLERO: I'm good. Thank 18 you. 19 THE CHAIR: Commissioner Davis? 20 COMMISSIONER DAVIS: I have two things. 21 First I want to thank Commissioner Ruiz for my 22 calendar. 23 And then I also want to thank Commissioner 24 Robbins, in our conversation about reimbursement, 25 for his succinct and clear and knowledge-based</p>

1 comments. I think it was really important, and I'm  
 2 glad it's in the record. And I think that we should  
 3 all march up to the Governor's Office and --  
 4 THE CHAIR: Okay. Thank you.  
 5 COMMISSIONER RUIZ: Motion to adjourn.  
 6 THE CHAIR: There's a motion to adjourn.  
 7 COMMISSIONER CRONE: Second.  
 8 THE CHAIR: Second by Commissioner Crone.  
 9 All in favor.  
 10 (Commissioners so indicate.)  
 11 THE CHAIR: We are adjourned.  
 12 (Proceedings adjourned at 12:25 p.m.)  
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1 RECEIPT  
 2 JOB NUMBER: 2366N CC Date: 9/20/19  
 3 PROCEEDINGS: OPEN PUBLIC MEETING  
 4 CASE CAPTION: In re: Public Meeting of the Public  
 5 Education Commission  
 6 \*\*\*\*\*  
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED  
 8 DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_  
 9 DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
 10 REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_  
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 12 ATTORNEY:  
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1 BEFORE THE PUBLIC EDUCATION COMMISSION  
 2 STATE OF NEW MEXICO  
 3  
 4  
 5  
 6  
 7 REPORTER'S CERTIFICATE  
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified  
 9 Court Reporter in the State of New Mexico, do hereby  
 10 certify that the foregoing pages constitute a true  
 11 transcript of proceedings had before the said  
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
 13 State of New Mexico, County of Santa Fe, in the  
 14 matter therein stated.  
 15 In testimony whereof, I have hereunto set my  
 16 hand on September 30, 2019.  
 17  
 18  
 19 \_\_\_\_\_  
 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219  
 21 BEAN & ASSOCIATES, INC.  
 22 201 Third Street, NW, Suite 1630  
 23 Albuquerque, New Mexico 87102  
 24  
 25 Job No.: 2366N (CC)

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