

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING

November 15, 2019

11:00 a.m.

APS Rankin Professional Training Facility
720 Rankin Road, Northeast
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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JOB NO.: 2368N (CC)

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1 APPEARANCES

2 COMMISSIONERS:

3 MS. PATRICIA GIPSON, Chair

4 MS. TRISH RUIZ, Vice Chair

5 MS. KARYL ANN ARMBRUSTER, Secretary

6 MR. R. CARLOS CABALLERO, Member

7 MR. MICHAEL CHAVEZ, Member

8 MR. TIM CRONE, Member

9 MS. GEORGINA DAVIS, Member

10 MS. M. SONIA RAFTERY, Member

11 MR. DAVID ROBBINS, Member

12 MS. GLENNA VOIGT, Member

13

14 PED STAFF:

15

16 MR. ALAN BRAUER, Acting Director,

17 Options for Parents and Families

18 PEC COUNSEL:

19 MS. AMI JAEGER, Counsel to the PEC

20 MR. MARK CHAIKEN, Counsel to the PEC

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7 (No Attachments.)

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1 THE CHAIR: I'm going to -- I'm going to

2 call to order this meeting of the Public Education

3 Commission. It is Friday, November 15th, and it is

4 11:09 a.m.

5 Commissioner Armbruster, will you do roll

6 call, please?

7 COMMISSIONER ARMBRUSTER: Commissioner

8 Robbins?

9 COMMISSIONER ROBBINS: Present.

10 COMMISSIONER ARMBRUSTER: Commissioner

11 Voigt?

12 COMMISSIONER VOIGT: Here.

13 COMMISSIONER ARMBRUSTER: Commissioner

14 Armbruster is here.

15 Commissioner Davis?

16 COMMISSIONER DAVIS: Here.

17 COMMISSIONER ARMBRUSTER: Commissioner

18 Chavez?

19 COMMISSIONER CHAVEZ: Here.

20 COMMISSIONER ARMBRUSTER: Commissioner

21 Gipson?

22 THE CHAIR: Here.

23 COMMISSIONER ARMBRUSTER: Commissioner

24 Raftery?

25 COMMISSIONER RAFTERY: Here.

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1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Crone?
 3 COMMISSIONER CRONE: Here.
 4 COMMISSIONER ARMBRUSTER: Oh. You're over
 5 there.
 6 COMMISSIONER CRONE: My GPS took me all
 7 around Albuquerque.
 8 COMMISSIONER ARMBRUSTER: Okay.
 9 Commissioner Ruiz?
 10 COMMISSIONER RUIZ: Present.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Caballero.
 13 COMMISSIONER CABALLERO: Here.
 14 COMMISSIONER ARMBRUSTER: We have a
 15 quorum. All ten are here.
 16 THE CHAIR: Thank you very much. I'm
 17 going to ask Commissioner Chavez to lead us in the
 18 Pledge of Allegiance and Commissioner Davis in the
 19 Salute to the New Mexico Flag.
 20 And it's sad, but they're right here.
 21 (Pledge of Allegiance and Salute to the
 22 New Mexico Flag conducted.)
 23 THE CHAIR: We are on to Item No. 2, which
 24 is the approval of the agenda. And I have one
 25 change, and I'm requesting that we remove Item

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1 No. 11 from the agenda.
 2 Does anyone else have any additional
 3 changes?
 4 COMMISSIONER RUIZ: Madam Chair, motion to
 5 approve the agenda as amended.
 6 THE CHAIR: Okay. Thank you.
 7 COMMISSIONER CRONE: Second.
 8 THE CHAIR: We have a motion by
 9 Commissioner Ruiz, a second by Commissioner Crone.
 10 All in favor?
 11 (Commissioners so indicate.)
 12 THE CHAIR: Opposed?
 13 (No response.)
 14 MR. ALAN BRAUER: Hearing no opposition,
 15 the motion passes.
 16 We are then on to Item No. 4, which is
 17 the -- I apologize because I have a request for
 18 removal from the Consent Agenda. So we'll have to
 19 amend the agenda. That's my -- that's my fault.
 20 So I am asking for Item B-1 to be taken
 21 off of the Consent Agenda. The forms that were
 22 submitted were not the forms approved by the PEC.
 23 COMMISSIONER CABALLERO: Which item,
 24 Madam Chair?
 25 THE CHAIR: Item No. B-1.

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1 COMMISSIONER RUIZ: Madam Chair?
 2 THE CHAIR: Under Item No. 4, the Consent
 3 Agenda. It's Item No. B-1 --
 4 COMMISSIONER RUIZ: I move to --
 5 THE CHAIR: Okay.
 6 COMMISSIONER RUIZ: -- to approve with the
 7 following -- the aforementioned changes.
 8 THE CHAIR: Yes, to amend -- to approve
 9 the agenda with the amended --
 10 COMMISSIONER RUIZ: -- amended --
 11 THE CHAIR: Consent Agenda.
 12 COMMISSIONER RUIZ: -- Consent Agenda.
 13 COMMISSIONER CRONE: Second.
 14 THE CHAIR: There's a motion by
 15 Commissioner Ruiz, a second by Commissioner Crone.
 16 All in favor?
 17 (Commissioners so indicate.)
 18 THE CHAIR: Opposed?
 19 (No response.)
 20 THE CHAIR: Hearing no opposition, the
 21 motion passes. And I apologize. I should have done
 22 that first.
 23 Do we have anyone that signed up for
 24 Public Forum?
 25 Okay. So there is no one that's signed up

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1 for Open Forum.
 2 So we are on to item No. 4, which now is
 3 the Consent Agenda. So I will entertain a motion to
 4 approve the Consent Agenda.
 5 COMMISSIONER ROBBINS: I'll move for
 6 approval of the Consent Agenda.
 7 COMMISSIONER RUIZ: Second.
 8 THE CHAIR: There's a motion by
 9 Commissioner Robbins and a second by Commissioner
 10 Ruiz. We need a roll call.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Caballero?
 13 COMMISSIONER CABALLERO: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Ruiz?
 16 COMMISSIONER RUIZ: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Crone?
 19 COMMISSIONER CRONE: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Raftery?
 22 COMMISSIONER RAFTERY: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Gipson?
 25 THE CHAIR: Yes.

<p style="text-align: right;">Page 10</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Chavez? 3 COMMISSIONER CHAVEZ: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Davis? 6 COMMISSIONER DAVIS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Armbruster votes "Yes." 9 Commissioner Voigt? 10 COMMISSIONER VOIGT: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Robbins? 13 COMMISSIONER ROBBINS: Yes. 14 COMMISSIONER ARMBRUSTER: That is a 15 ten-to-zero vote. The motion passes. 16 THE CHAIR: The motion passes ten-zero. 17 Thank you. 18 We are on to Item No. 6 -- sorry -- 5, 19 which is Report from Options for Parents. Thanks. 20 MR. ALAN BRAUER: Madam Chair, members of 21 the Commission, thank you very much. I'll be 22 briefer than normal today. 23 I wanted to first share that I have 24 some -- some good news on staffing. We had a new 25 staff member join us this week, Valerie Cordova, who</p>	<p style="text-align: right;">Page 12</p> <p>1 next time we meet, I'm really excited to share the 2 final awardees for that, too. 3 We also wanted to -- I wanted to note with 4 the CSP grant we did have eleven schools apply. For 5 those who may not have -- who may not receive the 6 award this time around, we have decided, in the 7 Department, to allow them to apply again with 8 feedback. And we're hoping that that additional 9 aspect of the process will be able to support even 10 more schools. 11 THE CHAIR: So just one quick question, 12 and I don't know whether you can answer it. I know 13 there's been a big struggle with the schools that 14 have previously received the grant actually getting 15 their hands on the grant money. So is there 16 anything that can be done or has been done to make 17 that an easier process? 18 Because I think it was last year, the 19 recipients, it was well into the spring, I think, 20 before they received their first round of funds, 21 which is a struggle when they're trying to hire a 22 head administrator to help with the administration. 23 MR. ALAN BRAUER: Madam Chair, members of 24 the Commission, that has been a barrier in the past. 25 My team and the entire agency is working together to</p>
<p style="text-align: right;">Page 11</p> <p>1 is helping Leslie Kelly's work with the CSP grant. 2 And so she just started on Wednesday of this week 3 and joined our team. I'm also pleased to share that 4 we are going to be joined by Melissa Sanchez from 5 the Department of Finance and Administration. She's 6 transferring over to our department to support us in 7 the authorizing practices; specifically around 8 finance and data analysis. And so we're really 9 excited to have both of these two individuals 10 joining our team, and I think we're going to become 11 stronger as a result of their expertise for sure. 12 I wanted to also give an update on the 13 New Mexico Charter School Program Grant. We have 14 one new school applicant, ACES, who received the sub 15 award. We're working to get the letter out and to 16 work on getting the cash advance process set up for 17 Dr. Campbell so he can access those funds 18 immediately. My hope is next time we meet, we'll 19 have that all out of the wash and out to him so that 20 he can utilize those funds. 21 We do have several schools that are in the 22 process of completing their -- their -- their 23 interviewing with us for the expansion grant. And 24 it's a really great mix of schools that are 25 PEC-authorized and district-authorized. And so the</p>	<p style="text-align: right;">Page 13</p> <p>1 figure out how do we get that process unstuck. The 2 grant is set up as a request for reimbursement, 3 similar to a lot of Title funds that schools 4 receive. 5 So, first, they have to -- the way the 6 system is set up, they have to first make the 7 purchase or hire somebody and then do the 8 reimbursement process. 9 For a school like ACES, where there is not 10 other funding that is available to that school, it's 11 really important to us to have a cash advance set 12 up. 13 And so when I say "cash advance," that 14 means we can front the money and take down that 15 barrier, with additional assurances that the funds 16 are going to be utilized in the way the grant wants 17 it to be. And so we're hoping that we're going to 18 be able to do that with the new school, and also 19 just make the process with our existing grant 20 recipients, to make that process more smooth is 21 definitely a key objective for me and my team. 22 THE CHAIR: Right. Okay. Thanks. 23 MR. ALAN BRAUER: I just wanted to note we 24 have two amendment requests as well, for 25 Las Montañas High School and Middle College High</p>

<p style="text-align: right;">Page 14</p> <p>1 School.</p> <p>2 I also wanted to give a brief update on</p> <p>3 Altura Prep. They -- as you know, they transitioned</p> <p>4 from one facility to the other. I'm pleased to</p> <p>5 share that the playground equipment -- I feel a</p> <p>6 little bit -- kind of proud about myself, because I</p> <p>7 connected two schools. And it was an easy problem</p> <p>8 to solve, and I always look forward to easy</p> <p>9 problems.</p> <p>10 So I connected Altura to Estancia Valley</p> <p>11 Classical, and they worked it out. And so</p> <p>12 Estancia Valley will be receiving the playground</p> <p>13 equipment. And, hopefully, Mr. Aguilar's offer to</p> <p>14 bring it over with his trailer to that school is</p> <p>15 still --</p> <p>16 THE CHAIR: I spoke to his brother today</p> <p>17 who I think has the truck. He was with him today;</p> <p>18 so, yeah.</p> <p>19 MR. ALAN BRAUER: Great. And then the</p> <p>20 school also wanted to share that they're working on</p> <p>21 the -- an agreement with the landlord of Willow</p> <p>22 Village, Mr. Geist, with regard to the remaining</p> <p>23 amount that he believes he is owed. So they're</p> <p>24 still working on that.</p> <p>25 But they are working with the previous</p>	<p style="text-align: right;">Page 16</p> <p>1 also wanted to give a brief update on our two new</p> <p>2 schools, Solare and Raíces.</p> <p>3 I -- from -- my team shared that,</p> <p>4 typically, in November, we usually give an update on</p> <p>5 their enrollment. And so I wanted to provide that</p> <p>6 enrollment update to you all.</p> <p>7 Solare Collegiate is currently at</p> <p>8 137 students: 63 fifth-graders and 74</p> <p>9 sixth-graders.</p> <p>10 Raíces is currently at 28 students:</p> <p>11 16 kindergarteners and 12 first-graders.</p> <p>12 I have been in contact with the school. I</p> <p>13 know that they are doing a blitz of outreach to --</p> <p>14 to their community to continue to increase that --</p> <p>15 that number as well. But those are the numbers from</p> <p>16 the 40th day that we have available.</p> <p>17 THE CHAIR: Thanks. And, unfortunately,</p> <p>18 that's -- with Raíces, it's largely due to the fact</p> <p>19 that they couldn't move into the building. So they</p> <p>20 lost -- they lost families because they weren't</p> <p>21 moving into where they had intended to open with.</p> <p>22 And that's -- that's part of our</p> <p>23 continuing conversation with the struggle with</p> <p>24 facilities, that when it doesn't open, parents say,</p> <p>25 "No," you know. So it's -- it's hard. So thanks.</p>
<p style="text-align: right;">Page 15</p> <p>1 landlord around that. So hopefully, more to come</p> <p>2 around what the final proceedings are involved</p> <p>3 within that problem; so...</p> <p>4 THE CHAIR: Yeah. We'll get a final</p> <p>5 dollar amount that they settled with?</p> <p>6 MR. ALAN BRAUER: Absolutely. And she can</p> <p>7 provide -- Meaghan Hindman will provide another</p> <p>8 update when that is finished up. But good news on</p> <p>9 that piece.</p> <p>10 THE CHAIR: Right. I guess another piece</p> <p>11 of that story is also that Jaron Campbell is</p> <p>12 actually looking at taking over where Altura moved</p> <p>13 from. So he's been in negotiations with the</p> <p>14 landlord, because I think he figures that can fit</p> <p>15 into a three-year-plus plan for him.</p> <p>16 COMMISSIONER ROBBINS: I spoke with him</p> <p>17 yesterday. And he's a little iffy because he</p> <p>18 doesn't know if the landlord is willing to meet</p> <p>19 their needs for a three-year period or not. So</p> <p>20 that's still an iffy.</p> <p>21 THE CHAIR: Yeah. We're hoping it works</p> <p>22 out. And I know the landlord is a little gun-shy,</p> <p>23 too. So, hopefully, it works out.</p> <p>24 MR. ALAN BRAUER: Yeah. Great.</p> <p>25 Madam Chair, members of the Commission, I</p>	<p style="text-align: right;">Page 17</p> <p>1 MR. ALAN BRAUER: I wanted to also</p> <p>2 share -- I meant to share this before. Solare had</p> <p>3 137 students. That's definitely something to</p> <p>4 celebrate. I know in the last couple of years, you</p> <p>5 know, facilities has impacted our new schools to</p> <p>6 really -- to meet their enrollment targets. And so</p> <p>7 that's encouraging news that Rachael Sowards and her</p> <p>8 team are on track for that for sure.</p> <p>9 I also wanted to share that our team</p> <p>10 member, Megan Maestas, has been working with both</p> <p>11 the schools, and there are scheduled times for the</p> <p>12 initial site visit for each of those schools after</p> <p>13 the 40th day. So, in early December, the week of</p> <p>14 December the 2nd, there's -- those initial visits</p> <p>15 will take place at both of the schools.</p> <p>16 THE CHAIR: Okay. And as far as we know,</p> <p>17 they're both anticipating the move over the winter</p> <p>18 break? That's my understanding. Yes?</p> <p>19 MR. ALAN BRAUER: Madam Chair,</p> <p>20 Commissioners, that's my understanding at this</p> <p>21 point, too.</p> <p>22 THE CHAIR: Yeah. Okay. Thanks.</p> <p>23 MR. ALAN BRAUER: No problem.</p> <p>24 And then -- in terms of acknowledgments</p> <p>25 and celebrations, Madam Chair, members of the</p>

<p style="text-align: right;">Page 18</p> <p>1 Commission, I don't have a celebration, but I have 2 an acknowledgment and appreciation for Karen 3 Woerner, the Deputy Director. 4 As all of you know, she lost her father 5 and is at home right now with her family. And we 6 really just want to send our care and thoughts to 7 her during this time and just acknowledge the work 8 that she's done. Even in Rhode Island, she's 9 been -- even though we've tried to have her not be 10 involved, she's been involved. 11 THE CHAIR: Right. 12 MR. ALAN BRAUER: And we just really 13 appreciate her efforts, even in this time of great 14 challenges. And so I just wanted to use my time in 15 terms of appreciations to really appreciate her 16 today. 17 THE CHAIR: Absolutely. And we do as 18 well. Because you're right. It's a time where you 19 need to be with your family. And I do absolutely 20 appreciate the fact that she, during a lengthy 21 period of time, has been trying to go back and forth 22 and do the work here. And, certainly, this past 23 week, still, you know, I'll go on, and it's like, 24 "Oh, she submitted something else." 25 And it's, like, "I appreciate that, but I</p>	<p style="text-align: right;">Page 20</p> <p>1 planning and this is our first year of 2 implementation, the goals that we had the previous 3 four years didn't make sense for us with our 4 Redesign Blueprints, because things have drastically 5 changed with our academic program and the way we're 6 doing things as far as the framework of the way we 7 run our school. 8 So this amendment request has come from 9 conversations with the Charter School Division 10 during our site visit for renewal. And it was 11 agreed upon by both institutions, that it didn't 12 make sense to keep the NWEA MAP Short-Cycle 13 Assessment with the changes that have occurred with 14 the High School Redesign Network Blueprints. 15 THE CHAIR: So just so Commissioners are 16 aware, the Deputy Director did contact me and say 17 that there was a desire to change, because it just 18 didn't make sense. And my suggestion was that they 19 move into what we currently require in the 20 contracts. Because the school is also up for 21 renewal; so it's -- it will help to expedite things 22 later on, presuming renewal. 23 So this just made it eas- -- made it a 24 little more challenging for them. And I thanked 25 them for taking this extra time in doing this now.</p>
<p style="text-align: right;">Page 19</p> <p>1 truly hope she's taking care of herself as well." 2 And that's important. 3 MR. ALAN BRAUER: Madam Chair, that's all 4 I have. 5 THE CHAIR: Okay. So we can do the 6 amendment requests. 7 MR. ALAN BRAUER: Okay. 8 THE CHAIR: And I guess first is 9 La Montañas. 10 FROM THE FLOOR: Hello. 11 THE CHAIR: Good morning. And I'll just 12 ask you to identify yourselves for the record. 13 FROM THE FLOOR: My name is Valery 14 Ratliff-Parker, instructional coach at Las Montañas. 15 MR. CAZ MARTINEZ: And Caz Martinez, the 16 director at Las Montañas. 17 THE CHAIR: Thanks. So I guess you can 18 start, and then if the Charter School Division wants 19 to add anything, they can. 20 MR. CAZ MARTINEZ: Thank you, Madam Chair, 21 members of the Commission. 22 We have requested this amendment to our 23 performance framework mission goal because of our 24 high school redesign network work that we've been 25 involved in. Going back to last year as far as</p>	<p style="text-align: right;">Page 21</p> <p>1 But I think it -- it'll help tell their story at 2 renewal as well. So thanks. 3 MR. CAZ MARTINEZ: You're welcome. Thank 4 you. 5 THE CHAIR: Is there -- 6 MR. ALAN BRAUER: Madam Chair, we have 7 received everything we needed. 8 THE CHAIR: Right. So, Commissioners, do 9 you have any questions? 10 (No response.) 11 THE CHAIR: And, once again, I appreciate 12 everything that you've done with the redesign. I 13 was able to attend the workshop that you did -- I 14 don't remember where it was. I know it was -- was 15 it the Spring Budget Workshop time? 16 MR. CAZ MARTINEZ: No. It was the Charter 17 School Division conference. 18 THE CHAIR: Last year? 19 MR. CAZ MARTINEZ: Yes. 20 THE CHAIR: Okay. And it was a fabulous 21 presentation. And they've truly worked to move 22 this -- this school forward and meet the needs of 23 the student population that they have. 24 And I appreciate everything that you've 25 done with that and the work that you continue to do</p>

<p style="text-align: right;">Page 22</p> <p>1 and the fact that you did this so that it helps, 2 hopefully, work best for the school. And it's 3 something that you can use, as opposed to a tool 4 that was meaningless at this point in time. 5 So if there are no questions, I'll 6 entertain a motion. 7 COMMISSIONER VOIGT: Madam Chair, I move 8 that the Public Education Commission approve the 9 amendment request to revise the mission goals of 10 Las Montañas Charter School. 11 COMMISSIONER CHAVEZ: Second. 12 THE CHAIR: There's a motion by 13 Commissioner Voigt, a second by Commissioner Davis. 14 COMMISSIONER DAVIS: No. 15 THE CHAIR: Oh. 16 MR. CHAIKEN: Chavez. 17 THE CHAIR: Oh, Chavez. I'm sorry. 18 Any further discussion? 19 (No response.) 20 THE CHAIR: Roll call, please. 21 COMMISSIONER ARMBRUSTER: Sure. 22 Commissioner Davis. 23 COMMISSIONER DAVIS: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Robbins?</p>	<p style="text-align: right;">Page 24</p> <p>1 THE CHAIR: Motion passes, ten-zero. 2 MR. CAZ MARTINEZ: Thank you very much, 3 Madam Chair and the members of the Commission. And 4 we look forward to seeing you next month. 5 THE CHAIR: Yes. 6 And our second amendment request is Middle 7 College High School. 8 MR. DANIEL IVEY-SOTO: Good morning, 9 Madam Chair, members of the Commission. 10 THE CHAIR: You need to identify yourself 11 for the record, please. 12 DR. ROBERT HUNTER: Sure. Madam Chair, 13 members of the Commission, my name is Dr. Robert 14 Hunter, the director of the Middle College High 15 School. 16 MR. DANIEL IVEY-SOTO: And I'm Daniel 17 Ivey-Soto with InAccord, P.C., general counsel to 18 Middle College High School. This is an amendment 19 request to increase our cap from 100 to 120 -- I'm 20 sorry -- from 120 to 140. And -- I struggle with 21 math. 22 THE CHAIR: Me, too. 23 MR. DANIEL IVEY-SOTO: Yes. It's a 24 20-student student increase. 25 Our school is located on the UNM Gallup</p>
<p style="text-align: right;">Page 23</p> <p>1 COMMISSIONER ROBBINS: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Voigt? 4 COMMISSIONER VOIGT: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Chavez? 7 COMMISSIONER CHAVEZ: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Caballero? 10 COMMISSIONER CABALLERO: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Gipson? 13 THE CHAIR: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Armbruster votes "Yes." 16 Commissioner Raftery? 17 COMMISSIONER RAFTERY: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Crone? 20 COMMISSIONER CRONE: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Ruiz? 23 COMMISSIONER RUIZ: Yes. 24 COMMISSIONER ARMBRUSTER: Ten-to-zero 25 vote.</p>	<p style="text-align: right;">Page 25</p> <p>1 campus. And so the -- the proprietary area that we 2 have is a little bit down the hill. But the 3 students spend most of the time in classes up in 4 Gurley Hall, and then -- although we do have some 5 facilities down where we're at as well. 6 So there's no facility issue with this, 7 with making this change. 8 THE CHAIR: All right. And just so 9 that -- for future work, Dr. Hunter and I had had a 10 discussion about this -- that with some of the -- 11 probably particular to the early college programs, 12 that in the spring semester, they have a little more 13 opening, because more of their kids are taking 14 courses on the campus of the community college and 15 not in their proprietary -- 16 MR. DANIEL IVEY-SOTO: Correct. 17 THE CHAIR: -- building. So that it might 18 be something that we may want to look at. Because 19 our amendment request starts for the following 20 school year. But we may want to amend that and 21 allow programs, such as the early college programs, 22 to ask for an amendment request to begin midyear, 23 because they have that -- they have that opening. 24 So that it's -- and I appreciate you 25 contacting and opening up that conversation, 'cause</p>

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<p>1 it's not something that we really thought about. 2 But it is very, I think, specific to your types of 3 programming. So that is something that hopefully in 4 the future, we can -- we can look at. 5 DR. ROBERT HUNTER: Yeah. And if I may, 6 Commissioner. That makes sense for schools that are 7 built on a model where they're following the 8 semester schedule, yeah. And that's what we do at 9 the Early College. And so -- 10 THE CHAIR: Yeah. Like I said, I 11 appreciate the fact that you brought that up, 12 because it was never any part of the fabric of the 13 conversation before. But I think it's something 14 that could be easily fixed. So thanks for that. 15 And we'll -- we'll put it on the agenda 16 for January. Thanks. 17 Any other questions? 18 COMMISSIONER RUIZ: I move the Public 19 Education Commission approve the amendment request 20 to increase the enrollment cap for Middle College 21 High School. 22 COMMISSIONER DAVIS: I second it. 23 THE CHAIR: There's a motion by 24 Commissioner Ruiz and a second by Commissioner 25 Davis.</p>	<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Armbruster votes "Yes." 3 Commissioner Davis? 4 COMMISSIONER DAVIS: Yes. 5 COMMISSIONER ARMBRUSTER: Ten-to-zero 6 vote. 7 THE CHAIR: Motion passes, ten-zero. 8 Thank you very much. Thank you for everything you 9 do every day. We appreciate it. 10 MR. DANIEL IVEY-SOTO: Thank you very 11 much. 12 THE CHAIR: We are quickly moving on to 13 Item No. 6, Media Arts Collaborative Conversions to 14 the 2019 Charter Contract and Performance Framework. 15 I knew I saw you somewhere. 16 FROM THE FLOOR: Good morning, Madam and. 17 Commissioners. 18 THE CHAIR: Good morning. 19 MR. JONATHAN DOOLEY: Jonathan Dooley, 20 Principal of Media Arts Collaborative Charter 21 School. 22 Well, when we renewed two years ago with 23 the 2018 version, we heard that -- through the 24 Charter School Division -- that there was going to 25 be a little bit more freedom with the</p>
<p>1 Roll call, please. 2 COMMISSIONER ARMBRUSTER: Yes. 3 Commissioner Raftery? 4 COMMISSIONER RAFTERY: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Gipson? 7 THE CHAIR: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Robbins? 10 COMMISSIONER ROBBINS: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Caballero? 13 COMMISSIONER CABALLERO: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Voigt? 16 COMMISSIONER VOIGT: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Ruiz? 19 COMMISSIONER RUIZ: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Crone? 22 COMMISSIONER CRONE: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Chavez? 25 COMMISSIONER CHAVEZ: Yes.</p>	<p>1 mission-specific goals of the 2019 version. 2 Currently, with the 2018, it's, when I 3 look at it, 10 percent. And that involves our 4 career pathways and our internship, which is part of 5 our contract. 6 Well, our internship program is growing. 7 We're involving not only our seniors and juniors, 8 but also our freshmen in building a career after 9 college, whether it's a career or going to 10 college -- after high school, rather -- a career or 11 going to college. 12 When we heard that we could receive much 13 more, going from 10 percent to 37-and-a-half percent 14 as part of our mission-specific goals, we decided we 15 wanted to take advantage of that; also, the other 16 ways of adjusting the contract where some of the 17 assessments aren't weighed as much as they had been 18 weighed. 19 We really appreciate that and would like 20 to go forward because it puts a little more on us to 21 make sure our internship program continues to grow 22 and our pathways, we now have students completing 23 maybe even two or three pathways, what we call 24 Master Completers, where they complete all the 25 courses; not just what's required by the State, but</p>

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1 every course. And with that, they get a scholarship
 2 from the Foundation Board.
 3 We're excited about the growing internship
 4 program at MACCS. We know that we want at least
 5 50 percent last year -- with 40 graduates, we were
 6 able to achieve 60 percent of them completing an
 7 internship. But these were kids who hadn't even
 8 heard about it until they got to be seniors.
 9 So now we have freshmen and sophomores
 10 exited about an internship working with REELZ
 11 television, working with the Ice Wolves, working at
 12 local businesses as well as industry.
 13 We even have a student in a silversmithing
 14 internship. How is that media? Well, the
 15 presentation at the end involves something
 16 media-oriented.
 17 We've had students at Meow Wolf. We've
 18 had students working at Lovelace. So it's quite an
 19 array of internships with the focus of media.
 20 So to put the onus on us in order to mean
 21 that we're going to get more percentage points with
 22 it, I think it really ups the bar for us.
 23 THE CHAIR: Thanks. Did you see
 24 Commissioner Crone?
 25 THE REPORTER: (Indicates.)

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1 THE CHAIR: No?
 2 Can the record reflect that Commissioner
 3 Crone has -- is not here right now. He has stepped
 4 out.
 5 MR. JONATHAN DOOLEY: I'm good at clearing
 6 a room.
 7 THE CHAIR: I was waiting for you to take
 8 a breath, and you never took a breath.
 9 MR. JONATHAN DOOLEY: You know me. I just
 10 go. I need my compadres here.
 11 THE CHAIR: Thanks.
 12 MR. JONATHAN DOOLEY: Thank you.
 13 THE CHAIR: Well -- and we appreciate you
 14 doing this. And without a doubt, that was the
 15 driving force for -- we were disappointed, but
 16 understood why schools didn't buy into the extra
 17 10 points. You know, it's a lot of work, and
 18 there's no reward, really, for it, and it didn't
 19 help support the idea of the mission. And that's --
 20 that's why we're all here.
 21 So I appreciate you coming on board --
 22 MR. JONATHAN DOOLEY: Thank you.
 23 THE CHAIR: -- and saying that.
 24 MR. ALAN BRAUER: Madam Chair, members of
 25 the Commission?

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1 THE CHAIR: Sure.
 2 MR. ALAN BRAUER: Just one clarifying
 3 question, Mr. Dooley. I believe that the board --
 4 your governing council was going to meet this week,
 5 but I don't know if you were able to --
 6 MR. JONATHAN DOOLEY: We were able to.
 7 MR. ALAN BRAUER: You were able to?
 8 MR. JONATHAN DOOLEY: We were able to
 9 meet. We have all the documents signed, and I
 10 e-mailed them to Karen. And now I find out she's --
 11 MR. ALAN BRAUER: It's on SharePoint.
 12 MR. JONATHAN DOOLEY: Do you have that?
 13 THE CHAIR: I'm pretty sure it's on the
 14 SharePoint.
 15 MR. JONATHAN DOOLEY: I can send it to you
 16 right now.
 17 THE CHAIR: I thought it was. But after
 18 looking at a lot of things now, I -- but I thought I
 19 saw it.
 20 COMMISSIONER VOIGT: I saw it on the
 21 SharePoint.
 22 MR. JONATHAN DOOLEY: Thanks a lot. Thank
 23 you.
 24 THE CHAIR: We should be good.
 25 MR. JONATHAN DOOLEY: Yes. We were able

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1 to meet. We brought it together.
 2 THE CHAIR: Thanks. Thanks. And, yeah,
 3 because that was one of the -- I think -- when I saw
 4 that come through, I was, like, "She's still work --
 5 appreciate it, but, yeah."
 6 So thank you for that.
 7 Any further questions?
 8 (No response.)
 9 THE CHAIR: All right. If not, I'll
 10 entertain a motion.
 11 COMMISSIONER VOIGT: Madam Chair, I've got
 12 this.
 13 I move that the Public Education
 14 Commission approve and adopt the Media Arts
 15 Collaborative Charter School's conversion to the
 16 2019 PEC Charter Contract and Performance Framework.
 17 COMMISSIONER ROBBINS: Second.
 18 COMMISSIONER RAFTERY: I second.
 19 THE CHAIR: There's a motion by
 20 Commissioner Voigt, and there are seconds by
 21 Commissioner Raftery and Commissioner Robbins.
 22 And Commissioner Crone is now back. Okay.
 23 I think we need some kind of like
 24 scoreboard so that people can just --
 25 COMMISSIONER ARMBRUSTER: Sign-up sheets.

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<p>1 THE CHAIR: Roll call, please. 2 COMMISSIONER ARMBRUSTER: Sure. 3 Commissioner Chavez? 4 COMMISSIONER CHAVEZ: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Robbins? 7 COMMISSIONER ROBBINS: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Voigt? 10 COMMISSIONER VOIGT: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Caballero? 13 COMMISSIONER CABALLERO: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Davis? 16 COMMISSIONER DAVIS: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Raftery? 19 COMMISSIONER RAFTERY: Yes. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Crone? 22 COMMISSIONER CRONE: I have read this. 23 So, yes. 24 COMMISSIONER ARMBRUSTER: Okay. 25 Commissioner Ruiz?</p>	<p>1 front of them, they'll enjoy it and forget they're 2 poor." 3 I was a U.S. history major. So I applaud 4 myself on remembering anything from world history. 5 All right. We are on to Item No. 7, which 6 is Discussion and Possible Action on La Academia 7 Dolores Huerta Update on the CAP. 8 And that's something that we usually ask 9 schools to offer an update. So I appreciate the 10 fact that we have the school on the phone. 11 Okay. Thanks. So if they could just 12 identify for us on the record who is there on the 13 phone. 14 MR. ALAN BRAUER: Melissa, can you hear me 15 okay? 16 MS. MELISSA MIRANDA: Yes. 17 THE CHAIR: Can she hear us? 18 MR. ALAN BRAUER: The Chair just asked if 19 you all could identify yourselves. Can you hear 20 Commissioner Gipson when she speaks to you? 21 MS. MELISSA MIRANDA: It sounds, like, far 22 away. So we're really trying to hear closely. 23 But Melissa Miranda here. I'm present, 24 and the head administrator of La Academia. We have 25 Michelle Paz, who is assistant principal. And then</p>
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<p>1 COMMISSIONER RUIZ: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Gipson? 4 THE CHAIR: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Armbruster votes "Yes." 7 THE CHAIR: The motion passes ten-zero? 8 COMMISSIONER ARMBRUSTER: It does, yes. 9 MR. JONATHAN DOOLEY: Thank you very much. 10 THE CHAIR: Thank you. 11 Why don't we take a real short break, 12 because these others may take a little while. And 13 that, actually, would give you an opportunity to get 14 Dolores Huerta on the line. So we're good. So 15 we're going to take a short break because we have to 16 get a school on the phone. 17 (Recess taken, 11:37 a.m. to 12:05 p.m.) 18 THE CHAIR: So, hopefully, everyone is 19 happier because you've got a little food, 20 sustenance. We usually don't have "bread and 21 circus" during our meetings. But this is fun. 22 COMMISSIONER CABALLERO: Or even water. 23 THE CHAIR: Do you remember your world 24 history? The Romans? Bread and circus? "They're 25 poor, but if we feed them and kill some people in</p>	<p>1 we have Elaine Palma, who is one of our GC members. 2 THE CHAIR: Okay. Thank -- but if she's 3 not going to be able to hear us, we have a problem. 4 Okay. Well, we'll see. 5 So, Melissa, if you could just give us 6 your update in terms of where you are with the 7 assessment piece, the academic, and the GC piece, we 8 would just appreciate whatever information the 9 school wishes to share at this time. 10 MS. MELISSA MIRANDA: Okay. So we have -- 11 or the students have taken the first assessment of 12 Illuminate. And we have their initial scores. So 13 we plan on administering the winter assessment in 14 December. 15 However, we are also -- I'm not sure if 16 you're aware, but LCPS was attacked by ransomware. 17 And because we are in a facility, we are -- 18 THE CHAIR: I'm sorry. I missed -- and 19 everyone -- 20 MR. ALAN BRAUER: Hang on one second, 21 Melissa. 22 COMMISSIONER CRONE: Attacked by 23 ransomware. 24 THE CHAIR: Yeah, that I knew. 25 MR. ALAN BRAUER: You can go ahead.</p>

<p style="text-align: right;">Page 38</p> <p>1 MS. MELISSA MIRANDA: Okay. So 2 unfortunately, due to the ransomware that LCPS has 3 been attacked with, it also has impacted our school. 4 So we do not have Internet. So our initial test for 5 winter was December 9th, but we may have to push it 6 back to January, depending on when the Internet 7 issue will be resolved. 8 THE CHAIR: Okay. Thanks. 9 MS. MELISSA MIRANDA: And then I have 10 Elaine Palma here, who will give you an update 11 regarding the governing council portion. 12 MS. ELAINE PALMA: So the first request 13 was that we would contact the PEC for training that 14 we thought we needed. So I did that. And on 15 May 29th, we sent the e-mail to Chairwoman Gipson 16 explaining the training that the GC would like to 17 attend. And we sent a follow-up e-mail for 18 clarification on two of those issues. 19 The second one is that the GC would attend 20 or work with a contractor that the PEC identifies 21 for training and implementation and tool for the 22 evaluation of the head administrator. And we have 23 yet to be contacted with the name of that 24 contractor. So we have not done anything in that 25 area.</p>	<p style="text-align: right;">Page 40</p> <p>1 next one that we have scheduled is for 2 November 19th. 3 THE CHAIR: Okay. Thanks. So I guess a 4 concern that has come in since our CAP negotiations 5 was something that was brought to our attention, 6 that your enrollment currently sits at around 7 76 students. 8 So that since -- when we did the contract 9 negotiations with you, you were sitting at a -- I 10 believe around 140 students. My understanding is 11 you budgeted in the spring for 120, but now you're 12 at 76. 13 So the concern is, without a doubt -- the 14 loss of 50 students, approximately, over the course 15 of the summer. And there was, most recently, an 16 article in the newspaper that indicated that the 17 school hadn't done anything in terms of recruitment 18 for this current school year. 19 So there is -- without a doubt, there's, I 20 think, an immediate concern of the financial 21 stability of the school with the loss of that 22 funding. 23 So if you could share some insight as to 24 what do you think happened over the summer for that 25 exodus and what the school has done in the meantime</p>
<p style="text-align: right;">Page 39</p> <p>1 THE CHAIR: And I did -- just so 2 Commissioners are aware, I have been in contact with 3 LCPS in terms of the head administrator's evaluation 4 tool. So... 5 MS. ELAINE PALMA: Oh. And, Chairwoman 6 Gipson, I'm sorry. I did forget something to that. 7 I was contacted with -- Interim Superintendent Karen 8 Trujillo called me. We did speak. We -- I did send 9 her a follow-up e-mail this Thursday. And then I 10 have received a communication from her HR 11 representative, Jacob -- and he didn't give me a 12 last name. So I followed up with that phone call as 13 well. 14 THE CHAIR: Okay. Thank you. And we're 15 still in contracting processes. So that hasn't been 16 forgotten. So -- and I appreciate -- is there 17 anything else the school wishes to share? 18 MS. MELISSA MIRANDA: Yes, Commissioner 19 Gipson. This is Melissa Miranda. I just wanted to 20 give an update regarding the principal seeking out 21 some leadership development. 22 I have been accepted into the Principals 23 Pursuing Excellence pathway. I did attend the 24 initial meeting on September 30th. And I have met 25 with my coach via telephone on October 15th, and the</p>	<p style="text-align: right;">Page 41</p> <p>1 to deal with the -- I think what is a pretty severe 2 budget crunch right now. 3 MS. MELISSA MIRANDA: Okay. So last 4 school year, when we did -- when we were looking at 5 the CAP, the Corrective Action Plan, we were 6 actually sitting at 120 students. But we did take, 7 you know, a loss of students. 8 We're currently sitting at 79 students. 9 And the article is correct. We did not recruit at 10 the time because we weren't sure about our school, 11 how, going forward, if it was going to remain open, 12 and we didn't feel that it would be, you know, in 13 the students' best interest to recruit and then 14 we -- at the time, we were under the impression that 15 we would possibly be closing down. 16 THE CHAIR: Okay. But we did the contract 17 negotiations with you. We did the contract 18 negotiations for a two-year contract. And I know it 19 was stated there that regardless of whatever legal 20 action through the appeal that was taking place, 21 that that process would be at least two years, so 22 that we were in it for a two-year process. 23 And that was the contract that we signed. 24 So I'm a little confused as to why there was a -- 25 any concern that the school wasn't going to be still</p>

<p style="text-align: right;">Page 42</p> <p>1 there.</p> <p>2 MS. MELISSA MIRANDA: Well, then I guess</p> <p>3 on my end, I mis- -- I misunderstood. I thought</p> <p>4 with, you know, the pending litigation, that it was</p> <p>5 still possible that we could close.</p> <p>6 And then with the recruitment, we usually</p> <p>7 would go to various elementary schools to, you know,</p> <p>8 perform and recruit. And -- but we didn't, at the</p> <p>9 time, 'cause, you know, like I stated, I was under</p> <p>10 the impression that we were still -- it was still a</p> <p>11 possibility that we would not be open.</p> <p>12 THE CHAIR: Okay. Can you offer any</p> <p>13 insight as to the loss of those students? Because</p> <p>14 that -- that was -- the 50 students that you're</p> <p>15 down, is that students that -- new students that</p> <p>16 didn't enter are those 50 students --</p> <p>17 MS. MELISSA MIRANDA: So we lost -- of</p> <p>18 course --</p> <p>19 THE CHAIR: I'm sorry.</p> <p>20 MS. MELISSA MIRANDA: -- [Inaudible]</p> <p>21 through high school. And where we see --</p> <p>22 THE CHAIR: Tell her she needs to start</p> <p>23 over because she was talking over me.</p> <p>24 MR. ALAN BRAUER: Melissa, hang on one</p> <p>25 second. I think Chairwoman was still getting a</p>	<p style="text-align: right;">Page 44</p> <p>1 to stay open.</p> <p>2 And we did do some recruitment. However,</p> <p>3 students had been already enrolled in -- already at</p> <p>4 various middle schools throughout Las Cruces. And</p> <p>5 we still are, you know, in the process of</p> <p>6 recruiting. We still are accepting -- accepting</p> <p>7 students throughout the year.</p> <p>8 THE CHAIR: Thank you for that. But there</p> <p>9 is a difference between accepting enrollment and</p> <p>10 recruiting. And --</p> <p>11 MS. MELISSA MIRANDA: Correct.</p> <p>12 THE CHAIR: And it was pretty clear to me</p> <p>13 from your statement in the newspaper that you didn't</p> <p>14 do any recruitment. That was your statement in the</p> <p>15 newspaper.</p> <p>16 So that's -- you know, I'm concerned about</p> <p>17 the budget process, because the school is in close</p> <p>18 to an untenable position right now with that lack of</p> <p>19 funding and the money that you're now going to be</p> <p>20 facing being cut through the remainder of the school</p> <p>21 year, plus the makeup for the -- for the first</p> <p>22 40-day. So can you talk to us a little bit about</p> <p>23 how the school is addressing the budget issues?</p> <p>24 MS. MELISSA MIRANDA: Yes. So we met with</p> <p>25 our business manager, the Vigil Group, to discuss</p>
<p style="text-align: right;">Page 43</p> <p>1 question out.</p> <p>2 MS. MELISSA MIRANDA: Oh, sorry.</p> <p>3 THE CHAIR: So, once again, the question</p> <p>4 is were those 50 students that didn't -- new</p> <p>5 students? Or was it 50 students that did not come</p> <p>6 back? So where do we see the loss?</p> <p>7 MS. MELISSA MIRANDA: So we lost</p> <p>8 eighth-grade students, and we lost them to the high</p> <p>9 school. They moved on to high school.</p> <p>10 And so when -- because we didn't do too</p> <p>11 much recruitment, our deficit is in our</p> <p>12 sixth-graders. Most of our students did return. We</p> <p>13 had possibly two to three who left due to</p> <p>14 transportation issues.</p> <p>15 THE CHAIR: Did you get that, Cindy?</p> <p>16 THE REPORTER: (Indicates.)</p> <p>17 THE CHAIR: Okay. So, once again, the</p> <p>18 question is if your plan was not to recruit new</p> <p>19 students, why was the budget set at the 120 when</p> <p>20 there was no intention to recruit new students? How</p> <p>21 did you think you were going to get those -- the</p> <p>22 sixth-graders to come in?</p> <p>23 MS. MELISSA MIRANDA: Well, when we set</p> <p>24 the projections, we set them in October. So at the</p> <p>25 time, you know, we had hopes that we would continue</p>	<p style="text-align: right;">Page 45</p> <p>1 our budget. And we have carryover money that we</p> <p>2 will be using and special -- I guess, more next --</p> <p>3 or 20- -- 2020-'21 school year, if we don't start</p> <p>4 looking at our -- making some changes this year.</p> <p>5 MS. ELAINE PALMA: So, Commissioner</p> <p>6 Gipson, this is Elaine Palma. We had our monthly</p> <p>7 governing council meeting, and this was addressed.</p> <p>8 So we spoke to -- a representative of the</p> <p>9 Vigil Group was here. And we discussed the decrease</p> <p>10 in enrollment and how that would affect the</p> <p>11 2020-2021 budget.</p> <p>12 The finance committee has requested that</p> <p>13 the Vigil Group complete and present a presentation</p> <p>14 regarding how the budgetary cuts are going to affect</p> <p>15 the school, what cuts must be made and what their</p> <p>16 overall recommendation is. And this presentation</p> <p>17 will be done at the December meeting.</p> <p>18 THE CHAIR: Okay. Thank you. Has</p> <p>19 there -- is there any plan to do anything during</p> <p>20 this current school year?</p> <p>21 MS. ELAINE PALMA: For recruitment?</p> <p>22 THE CHAIR: No, no, no, no. For the</p> <p>23 budget.</p> <p>24 MS. ELAINE PALMA: Yes. So that is what</p> <p>25 we're looking at. There was a recommendation for a</p>

<p style="text-align: right;">Page 46</p> <p>1 Reduction In Force. And so we have a memorandum 2 from the school attorney regarding how that is to 3 proceed. And now we're asking for the Vigil Group 4 to specifically look at that, and that's what 5 they're going to present on in December. 6 THE CHAIR: Okay. All right. Thanks. 7 Commissioners, any questions? 8 COMMISSIONER VOIGT: I have a question. 9 THE CHAIR: Sure. 10 COMMISSIONER VOIGT: Is there a -- would 11 they be eligible for the "hold harmless" funding so 12 they wouldn't -- so that their budget would not be 13 affected by a drastic decrease in enrollment, that 14 "hold harmless" -- 15 MS. ELAINE PALMA: We didn't hear any of 16 that. 17 MR. ALAN BRAUER: Hang on one sec. 18 Commissioner Glenna -- Voigt -- sorry -- 19 was that for the school? Or are you asking -- 20 COMMISSIONER VOIGT: Well, I'm asking 21 anyone who might know, the room, you know. So -- 22 and maybe the school might know, too, if they are 23 eligible for the "hold harmless." And that is to 24 help schools out who have had a drastic decrease in 25 enrollment. Where their enrollment projections just</p>	<p style="text-align: right;">Page 48</p> <p>1 been able to do it; so I -- but I don't know. 2 COMMISSIONER VOIGT: Yeah. 3 THE CHAIR: I would imagine -- just 4 speaking, because the -- the Vigil Group does so 5 many charters, I would imagine if it was an option, 6 it was something that they would be more familiar 7 with. 8 But I think it's certainly worth 9 exploring. Sure. Yeah. And anyone out there that 10 can enlighten us, we're okay. But I've never -- you 11 know, it's never been able to be used by a school. 12 FROM THE FLOOR: They don't get -- 13 THE CHAIR: If you could just identify 14 yourself? 15 MS. BENNETT: I'm [inaudible] Bennett [ph] 16 with the Las Montañas Charter School. 17 From my understanding, charter schools are 18 not eligible for any of that. If it was a public 19 school, yes. But charter schools are not -- any 20 kind of extra funding. 21 COMMISSIONER VOIGT: Well, that's changed. 22 THE CHAIR: Okay. Thanks for that. 23 Any other questions? Okay. And there is 24 no recommended action. It's just this was really 25 more of an update so that we could get a little more</p>
<p style="text-align: right;">Page 47</p> <p>1 don't -- aren't being made, there's a "hold 2 harmless" eligibility. I don't know if they're 3 eligible for that or if they've even looked into 4 that. 5 MR. ALAN BRAUER: Melissa, did you hear 6 that? Did the Vigil Group and you-all discuss a 7 potential "hold harmless" protocol that might be in 8 place for schools that have a dip in enrollment? 9 MS. MELISSA MIRANDA: No. But now that -- 10 thank you for bringing it to our attention. We will 11 definitely talk to the Vigil Group regarding the -- 12 and am I understanding it correctly? "Hold 13 harmless"? 14 COMMISSIONER VOIGT: That's right. 15 THE CHAIR: And I'm just going to add, to 16 my knowledge -- I don't know 100 percent. But in -- 17 since I've been on, that has never been able to take 18 effect for any school that's faced this situation. 19 COMMISSIONER VOIGT: And the circumstances 20 around the decrease in enrollment might have 21 something -- might have something to play into that 22 eligibility or not. But it's just -- it's there. 23 And many schools don't know about it. 24 THE CHAIR: Yeah. But I -- and I agree. 25 But, like I said, we've never had a school that's</p>	<p style="text-align: right;">Page 49</p> <p>1 information. So thank you, and I appreciate your 2 time. 3 MS. MELISSA MIRANDA: Thank you. We 4 appreciate all your time. 5 MR. ALAN BRAUER: Thank you, Melissa. 6 Take care. 7 MS. MELISSA MIRANDA: Thank you, Alan. 8 Bye-bye. 9 THE CHAIR: We are on to Item No. 8, which 10 is Discussion and Possible Action on Alma d'Arte's 11 Notice of Breach. 12 So I know there's folks from the school 13 here. 14 DR. DAN LERE: Good morning. 15 THE CHAIR: Good morning. 16 DR. DAN LERE: I think it might be 17 afternoon now. 18 MR. STEVEN AQUINO: Yes. Good afternoon. 19 DR. DAN LERE: I'm Dan Lere, interim 20 principal of Alma d'Arte Charter High School. 21 MR. STEVE AQUINO: Madam Chair, 22 Commissioners, I am Steve Aquino. I am one of the 23 governance council members. 24 MR. ADAM LUCERO: Adam Lucero, Special 25 Educator.</p>

<p style="text-align: right;">Page 50</p> <p>1 THE CHAIR: Thank you for coming. So, 2 Commissioners, they're regulars here. But we do -- 3 we are in receipt of the update that the school 4 provided with all the information. And I appreciate 5 the time and effort. And I just -- I -- I just need 6 a little clarity, 'cause, like I said, math isn't my 7 forte. 8 You have approximately -- is it about 9 15 IEPs that still need to be completed? Is it 10 somewhere around there, out of the -- 11 DR. DAN LERE: Yes. 12 THE CHAIR: -- 34? 13 DR. DAN LERE: There's actually 42. And 14 we have probably about 15 left that we plan on 15 finishing up by winter break. 16 THE CHAIR: Okay. All right. So, you 17 know, we appreciate the challenges that you've faced 18 and the fact that -- and I'm -- and I am -- I know 19 that the Special Ed Bureau did -- 20 DR. DAN LERE: Yes. 21 THE CHAIR: -- travel down and spend some 22 time with you. So that I'm just assuming, because 23 we haven't heard anything to the contrary, that the 24 examples of the service logs and so on are what 25 they're deeming to be appropriate.</p>	<p style="text-align: right;">Page 52</p> <p>1 Three of the other ones, we have completed 2 all their compensatory hours. 3 One, we have three hours left; and, one, 4 we still have 27. That is the student that is not a 5 regular at Alma. 6 THE CHAIR: Not a regular attendee. Yeah. 7 So let me just ask you. How are you -- how do you 8 see the 27-and-a-half hours being completed? Let's 9 assume that they become a more regular attendee. 10 DR. DAN LERE: Okay. 11 THE CHAIR: Is this still -- is this 12 during school time? After -- it's after school? 13 Before school? 14 DR. DAN LERE: Yeah. We have set aside a 15 two-hour block two days a week until it's -- until 16 it's taken care of. 17 THE CHAIR: Until it's gone. 18 DR. DAN LERE: Until it's gone. We really 19 do anticipate all those compensatory hours being 20 taken care of prior to winter break. 21 THE CHAIR: Because most of them now are 22 down to minimum numbers. 23 DR. DAN LERE: Yes. 24 THE CHAIR: And I figured there had to be 25 some exception there for someone to be that -- still</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. ALAN BRAUER: Yeah. Madam Chair, 2 members of the Commission, Dr. Lere and team, I did 3 talk with Deborah Dominguez-Clark, the Special 4 Education Bureau Chief. And I believe she did 5 review it, and she did, I believe, reach out to you 6 all. She had a couple of conversations. 7 They're -- and so we're in -- they're 8 still in the process of doing a final evaluation. 9 But I think she had a couple of questions, and the 10 school did deliver on the questions that they had in 11 terms of other items that she wanted to review. 12 THE CHAIR: Okay. All right. So I think 13 we're in a much -- the only -- I guess the only 14 question I had was that one student was 15 27-and-a-half hours. 16 DR. DAN LERE: Yes. 17 THE CHAIR: Still short on services. 18 DR. DAN LERE: And part of that reason -- 19 Madam Chair, part of the reason for that is that 20 that student has had what I would call attendance 21 challenges. 22 The other six students that we brought up 23 at our last meeting, one of them, they were -- we 24 owe them a couple of hours. The parent waived those 25 two hours.</p>	<p style="text-align: right;">Page 53</p> <p>1 that short. It wasn't for negligence. 2 DR. DAN LERE: Right. 3 THE CHAIR: Right. Yeah. Yeah. And 4 we -- we are all familiar with those students. 5 DR. DAN LERE: I would -- with your 6 permission, I'd like to update you -- 7 THE CHAIR: Absolutely. 8 DR. DAN LERE: -- what's going on with the 9 governance council. 10 THE CHAIR: Okay. 11 DR. DAN LERE: We have -- we've had some 12 significant changes. We have two of our current 13 governance council members will be stepping down at 14 the end of this calendar year. One of them is our 15 long-time current president, Mr. Gene Elliott. 16 Mr. Aquino here is our newest GC member. 17 And, in January, the council, at their 18 regular meeting, will elect new officers. 19 We've hired -- the keeping and recording 20 and posting of minutes has been an issue in the 21 past. We've hired a staff member. He attends all 22 open meetings, records all the minutes, runs it by 23 the Secretary for approval and review. 24 They get posted on our website. They go 25 to the next GC meeting, where they get voted on.</p>

<p style="text-align: right;">Page 54</p> <p>1 And if they are approved, then they are immediately 2 posted on our website. 3 If you look at our website right now, we 4 are currently up-to-date on all our minutes. 5 THE CHAIR: Right. And it looks pretty 6 new. It's a nice new website. It is. 7 DR. DAN LERE: Mr. Aquino was very helpful 8 in improving that. 9 THE CHAIR: Thank you. 10 DR. DAN LERE: Also we've gone to pretty 11 good lengths to make sure that our governance 12 council is well-trained in the areas that they need 13 to be trained in. 14 Our attorney, Patty Matthews, provided 15 training on August 19th on the Open Meetings Act and 16 the Inspection of Public Records Act. We've also 17 done training in the areas of responsibility -- 18 roles and responsibilities of GC members and a 19 review of the council's bylaws. 20 We also have three of our council -- 21 actually, we only have three remaining at the end of 22 this year. The three will be -- are scheduled to 23 attend the December 7th training, which will cover 24 fiscal responsibilities, ethics, organizational 25 performance, academic data.</p>	<p style="text-align: right;">Page 56</p> <p>1 Another one is developing a long-range 2 strategic plan. There's -- we really feel that we 3 need to create an overall vision for the school and 4 a direction and make sure that we -- we're heading 5 in the right direction. 6 We also need to develop an evaluation tool 7 for the governance council so they can 8 self-evaluate. 9 And then when it comes to the finances, we 10 want to create a more understandable dashboard kind 11 of review of the budget; because, right now, it 12 looks -- when you -- I'm sure some of you have seen 13 school budgets. They look very, very complicated, a 14 lot of detail and sometimes not a lot of meaning. 15 And so we want to see if we can create something 16 that means a little more for the GC members. 17 And then sort of as a -- as a 18 down-the-road one, we would really like to look at 19 the possibility of starting a foundation for the 20 school. 21 So those are -- those are those areas. 22 We've touched a little bit on special ed. 23 I did want to review that. We're a little bit of a 24 special school, in that we have an enrollment of 25 131 students; that was our 40-day count. We have 42</p>
<p style="text-align: right;">Page 55</p> <p>1 And, in addition, we have decided we're 2 going to schedule some single-topic work sessions 3 where we can go deep into a subject. 4 And those areas, we want to look at the 5 review and revision of our council bylaws; we think 6 there are some areas where they're a little weak. 7 We also want to do a budget one, and also another 8 one on the performance framework, especially 9 emphasizing the academic, operational, and financial 10 aspects of the school. 11 And, in addition, other matters, the GC 12 has addressed and already taken action, or will take 13 action on, drafting a McKinney-Vento dispute 14 resolution, which is required, developing a 15 recruitment and selection process for any 16 principal -- because I am an interim principal -- 17 and refine the IPRA process for our school. 18 We have a letter from the Attorney General 19 giving us some guidelines in that area, and so I 20 think we're well on our way of correcting that and 21 doing it the right way. 22 We've already had -- we've already had the 23 opportunity to fulfill one of those requirements 24 already, a request, and we filled the request as per 25 the Attorney General suggested.</p>	<p style="text-align: right;">Page 57</p> <p>1 of those students have IEPs. Eighteen of them are 2 "A" level students. 3 Now, 11 of those 18 are gifted. And we do 4 have a gifted service -- service provider that is 5 contracted to work with those 11 students. 6 We have 24 that are at the "B" level. We 7 have no students at the "C" or "D" level. 8 So you can kind of see -- get a picture of 9 what our students are like, okay? 10 As of right now, we have scheduled 26 IEP 11 meetings. And as any time you schedule a meeting, 12 not everybody shows up. And so we've had six of 13 those parents request to be rescheduled. 14 So we have completed 20 IEPs so far. And 15 it looks like, according to the master calendar that 16 we've submitted, we will easily be able to finish up 17 the rest of them before winter break. 18 And also the compensatory hours, I think 19 we've made a really good dent in those. We do 20 believe that there -- there may be a few more 21 students who are owed compensatory hours. 22 One of the reasons why we set up this plan 23 to do the hours outside of classroom space, we know 24 we can take care of the ones that we've got. But if 25 we find other ones from that same time period that</p>

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1 require compensatory hours, we've got a plan; we've
 2 got a time slot; we've got staff that can take care
 3 of that. We're trying to be a little bit more
 4 proactive in that area.
 5 Just as a wrap-up, I know we had some
 6 talk -- this school has had some interesting history
 7 in the area of finances. And so in regards to
 8 financial responsibilities, you probably all know
 9 we've contracted with K12 Accounting.
 10 We have a representative from that
 11 building three days in our -- from that organization
 12 in our building for three days a week. He acts as
 13 our business manager. He attends all the finance
 14 committee meetings and all of our regular meetings
 15 and gives financial reports.
 16 We also have contracted with REC 9 --
 17 Vicki Chávez is running that organization -- to act
 18 as our CPO until we can get one of our staffs
 19 trained to be the CPO.
 20 COMMISSIONER CHAVEZ: Is that REC 9 or
 21 REC 10?
 22 DR. DAN LERE: Whichever one Vicki is at.
 23 COMMISSIONER CHAVEZ: REC 10.
 24 DR. DAN LERE: REC 10. Thank you,
 25 Mr. Chavez.

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1 And the accounting form, we did have some
 2 sort of -- I guess you might say misunderstandings
 3 on the staff about travel expenses, per diem pay and
 4 reimbursements. And so the K12 representative has
 5 met with the staff and gone through the training,
 6 and we have that documented that all of our staff
 7 have got that training. And our accounting business
 8 manager is holding us to that, as we found out when
 9 we came up here.
 10 So he's doing his job.
 11 So that's -- that's the update as to where
 12 we are right now. I will say that we are very
 13 hopeful that we've made significant progress in the
 14 areas that the Commission had concerns about. We
 15 would -- we serve a very unique student population.
 16 We would very much like to continue educating those
 17 young artists and give them a safe place to go to
 18 school.
 19 THE CHAIR: Thank you. And there is no
 20 doubt we've always been appreciative of your
 21 addressing your financial challenges, because you
 22 were forthcoming, discovered them, and
 23 self-disclosed. So we appreciate that.
 24 And, it's unfortunate, that was the easy
 25 part to close out with you folks. So -- but we do

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1 appreciate the fact that this governance council has
 2 always been proactive, especially on that front.
 3 So thanks for the update. Let me just ask
 4 you, just -- the -- your new rep from K12, Inc., you
 5 said. Is that what they call themselves?
 6 DR. DAN LERE: K12 Accounting.
 7 THE CHAIR: Accounting. It's a little
 8 wonky with K12, Inc., and K12 Accounting; so -- I
 9 already turned my stuff in. Sure. But he's local
 10 now. Yes?
 11 DR. DAN LERE: Yes. Yes.
 12 THE CHAIR: Because I think he had been
 13 with the Aggie Foundation.
 14 DR. DAN LERE: Randy Fry was part of them,
 15 yes.
 16 THE CHAIR: That's great. He doesn't have
 17 to travel. There's someone local. So that's great
 18 for you --
 19 DR. DAN LERE: It is.
 20 THE CHAIR: -- that he's there. So -- and
 21 I appreciate the fact that they looked to somewhere
 22 in the southern part of the state to add to their
 23 staffing, so that it's not -- because I think,
 24 unfortunately, the young woman that had been -- that
 25 was her challenge. She didn't want to have to keep

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1 driving from Albuquerque down. She's got a young
 2 family. So she unfortunately left the business.
 3 DR. DAN LERE: She did.
 4 THE CHAIR: Yeah. So that's -- that's a
 5 shame. But good for you that they were able to pick
 6 someone up locally. So I do appreciate that.
 7 DR. DAN LERE: Yeah, fortunately.
 8 THE CHAIR: Commissioner Armbruster?
 9 COMMISSIONER ARMBRUSTER: Yes,
 10 Madam Chair.
 11 I'm trying to do some math on this special
 12 ed. So the 42 with special ed, are some of your 11
 13 GATE children? Or gifted?
 14 DR. DAN LERE: Gifted.
 15 COMMISSIONER ARMBRUSTER: Dual exception,
 16 or are they just gifted -- are they gifted and
 17 special disabilities as well?
 18 MR. ADAM LUCERO: Yes, there's --
 19 DR. DAN LERE: They're both.
 20 MR. ADAM LUCERO: Yes. There's three -- I
 21 believe three or four that have -- are gifted but
 22 have OHI, Other Health Impairments, like mostly
 23 disturbed or -- yes, ma'am, for mental health
 24 reasons.
 25 COMMISSIONER ARMBRUSTER: And so for your

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1 "A" level kids, you're just sort of checking on
 2 them; right? They're not getting services.
 3 MR. ADAM LUCERO: Well, they are serviced.
 4 They have to be serviced by a gifted teacher
 5 endorsed by the PED.
 6 COMMISSIONER ARMBRUSTER: On the "A"
 7 level, they're getting services.
 8 DR. DAN LERE: Yes.
 9 COMMISSIONER ARMBRUSTER: How are they "A"
 10 level?
 11 MR. ADAM LUCERO: They're really at a
 12 higher level, in special ed. We don't focus on
 13 weaknesses, but their attributes and what they can
 14 do.
 15 COMMISSIONER ARMBRUSTER: And these are
 16 under students with disability, these 18 "A" level
 17 students?
 18 MR. ADAM LUCERO: Yes, ma'am.
 19 COMMISSIONER ARMBRUSTER: So they're
 20 students with disabilities and they're "A" level.
 21 And what type of services are they getting, then,
 22 other than from a special ed teacher, like OT, PT,
 23 SLP?
 24 MR. ADAM LUCERO: No, ma'am. No, ma'am.
 25 Just really college-bound, you know, and

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1 post-secondary-educational-institutions-bound, to go
 2 to those institutions. They're serviced about
 3 15 minutes a week from the teacher, really minimal
 4 service time for those.
 5 COMMISSIONER ARMBRUSTER: And so the
 6 "B" level are getting, like, 45 to an hour a day
 7 type of thing.
 8 MR. ADAM LUCERO: Eleven, for 49 percent
 9 of the time, yes, ma'am.
 10 COMMISSIONER ARMBRUSTER: 49 percent of
 11 the time?
 12 MR. ADAM LUCERO: Well, that's the range.
 13 The range.
 14 COMMISSIONER ARMBRUSTER: Okay. Okay.
 15 I'm fine. Thank you.
 16 THE CHAIR: Okay?
 17 Commissioners, any other --
 18 (No response.)
 19 THE CHAIR: Okay. So I'll --
 20 COMMISSIONER CABALLERO: Madam Chair?
 21 THE CHAIR: Sure.
 22 COMMISSIONER CABALLERO: So what
 23 percentage of your students enrolled need special
 24 ed, including the gifted?
 25 DR. DAN LERE: It's about a rate of

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1 one-third.
 2 THE CHAIR: Yeah. Yeah. I mean the
 3 demographics of the school over the past four to
 4 five years has dramatically changed in terms of the
 5 special ed population, so that they've had a -- a
 6 great increase in the number of special ed students
 7 that are enrolling in the school, which is a
 8 testament to the school that parents feel that this
 9 is an appropriate place.
 10 And it is. It has become a safe harbor
 11 for many students in the -- in the area. And
 12 that's -- it play- -- that was most likely not the
 13 intention of the school; but that -- and so the
 14 school is -- has -- has been adapting to -- to that.
 15 MR. ADAM LUCERO: To the population.
 16 THE CHAIR: And it's -- I think with any
 17 school that faces that, it's a challenge, and it's
 18 difficult. Especially sometimes when you have
 19 founders that are holding back, you know. So that
 20 things have to -- things have to change.
 21 So we appreciate that. And you'll be up
 22 to -- are you up to, yet, three special ed faculty,
 23 or -- because you indicated that there was still a
 24 posting. I don't know if you've been able to hire
 25 yet.

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1 DR. DAN LERE: I have not been able to.
 2 THE CHAIR: And that, of course, is a
 3 challenge as well.
 4 DR. DAN LERE: Yes, it is.
 5 THE CHAIR: Yeah. Yeah. But the fact
 6 that you've -- you're looking to increase that
 7 faculty load --
 8 DR. DAN LERE: Yes, Madam Chair. Our
 9 current staff is two full-time special ed teachers,
 10 two part-time diagnosticians, a part-time speech
 11 service provider, a part-time social worker, and a
 12 part-time gifted service provider.
 13 THE CHAIR: Right. And I think, last
 14 year, you only had one full-time special ed.
 15 DR. DAN LERE: Yes, there was only one.
 16 THE CHAIR: Right. So, you know, we truly
 17 do appreciate the -- you know, the effort that
 18 you've put in to staff this out, and, most
 19 importantly, address the needs of the students that
 20 are there, which is what this whole conversation has
 21 been about all along.
 22 So to -- are there any -- Commissioner
 23 Chavez?
 24 COMMISSIONER CHAVEZ: Madam Chair, I just
 25 want to say I appreciate the transparency that has

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1 taken place since Dr. Lere has taken over as the
 2 interim. And his background really has shown, and
 3 his leadership, into what's been going on.
 4 And I think it seemed like we were just
 5 kind of stumbling, you know, trying to get from
 6 Point A to Point B for a long time, and I really
 7 feel like the school should be commended for the
 8 proactive approach that they've been taking and
 9 being transparent and just put it on the table and
 10 saying, "This is what it is, and let's get it
 11 fixed."
 12 And that's the way I feel about this
 13 school.
 14 THE CHAIR: You're right. That's
 15 absolutely true. There -- I think we mutually got
 16 to a frustration point. And we do appreciate the
 17 fact that I think we're beyond that, and we're
 18 looking to -- we've always just been looking to make
 19 this better for the students.
 20 And I -- it's not that other folks have
 21 been sitting at the table didn't have that
 22 intention. But there was just -- you know, there
 23 was a wall there that we just couldn't get through.
 24 So I do want to thank you for everything
 25 that you've done, because it's been a lot of work.

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1 DR. DAN LERE: Well, Madam Chair and
 2 Commissioners, one of the things is I would like to,
 3 on behalf of the school, thank you for your patience
 4 over the last year or so of coming to these meetings
 5 and maybe not exactly hearing what you needed to
 6 hear.
 7 THE CHAIR: Right.
 8 DR. DAN LERE: So I appreciate that. I
 9 appreciate the support and the opportunities you've
 10 given us to correct past deficiencies. And I hope
 11 we're on the right track.
 12 THE CHAIR: Yeah. It certainly looks like
 13 you -- like you are.
 14 So I will move that the Public Education
 15 Commission -- sorry, I'm at the wrong one. Sorry.
 16 Yeah. I move that the Public Education
 17 Commission find that Alma d'Arte has met expected
 18 outcomes and timelines for issues identified in the
 19 Notice of Breach and is restored to Good Standing.
 20 COMMISSIONER RUIZ: Second.
 21 THE CHAIR: There's a motion by
 22 Commissioner Gipson. There's a second by
 23 Commissioner Ruiz.
 24 Any further discussion?
 25 (No response.)

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1 THE CHAIR: If not, roll call, please.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Davis?
 4 COMMISSIONER DAVIS: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Robbins?
 7 COMMISSIONER ROBBINS: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Caballero?
 10 COMMISSIONER CABALLERO: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Chavez?
 13 COMMISSIONER CHAVEZ: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Raftery?
 16 COMMISSIONER RAFTERY: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Crone?
 19 COMMISSIONER CRONE: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Gipson?
 22 THE CHAIR: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Voigt?
 25 COMMISSIONER VOIGT: Yes.

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1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Armbruster votes "Yes."
 3 Commissioner Ruiz?
 4 COMMISSIONER RUIZ: Yes.
 5 COMMISSIONER ARMBRUSTER: Ten-to-zero,
 6 motion passes.
 7 THE CHAIR: Motion passes, ten-zero.
 8 Thank you once again.
 9 DR. DAN LERE: Thank you.
 10 MR. ADAM LUCERO: Thank you.
 11 THE CHAIR: And thank you for what you do
 12 every day and beyond the hours. And I'll see you on
 13 the 7th.
 14 Thank you. Safe travels home.
 15 THE CHAIR: We are on to Item No. 9,
 16 Discussion and Possible Action on Amendment Request
 17 Procedures and Forms for State Charter Schools for
 18 the 2020-2021 Pre-Kindergarten and Early Childhood
 19 Education Programs.
 20 And, Commissioners, you're in receipt of
 21 the handout.
 22 COMMISSIONER CABALLERO: Of course we're
 23 missing the raffle.
 24 THE CHAIR: I know. I already recycled my
 25 name tag. But I turned my badge in already. So I'm

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1 going to have to buy a shirt.
 2 So this is something, obviously, that
 3 we've been working on for quite a while now. Just
 4 briefly, we had the Pre-K folks come down in --
 5 August -- July -- July to Albuquerque, and we had a
 6 good discussion with them. And they did a great
 7 presentation for us as to what the program looks
 8 like, and they were able to answer questions for us.
 9 Ami has had at least several
 10 conversations, I believe, with Brenda Kofahl, who is
 11 the -- what's her official title? Director of --
 12 MS. AMI JAEGER: Bureau --
 13 MR. ALAN BRAUER: She's the Director of
 14 the Early Childhood --
 15 THE CHAIR: She's the Director of the
 16 Early Childhood Education --
 17 MR. ALAN BRAUER: -- Bureau.
 18 THE CHAIR: I'm missing all the title
 19 changes at this point.
 20 And I was able to be part of one of those
 21 conference calls before we had our work session last
 22 month. And it was last month that we spent a lot of
 23 time going over what the whole process looks like in
 24 terms of the application, what their timelines are,
 25 what they are looking for, and trying to be

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1 cooperative and collaborative.
 2 So that, as an example, when CSD staff is
 3 going to schools doing a site visit, is there
 4 something that CSD can -- can help with the lift of
 5 the Early Childhood program? Are there things that
 6 we can populate into our site visit that would help
 7 them out? What information they're going to be able
 8 to share with us, because, ultimately, this is to
 9 grow these programs and to be able to give as much
 10 support as we can, because we have stated all along
 11 that this is something that we are excited about,
 12 very supportive of.
 13 We've talked about the fact that we may
 14 very well have high schools that may decide that it
 15 would be important for them to apply for the
 16 program, because it may very well help their staff
 17 and students out. And it also can help with the CTE
 18 program that they could have students that are
 19 graduating with certificates because they've been
 20 able to work with the tiny tykes during the day.
 21 So there's -- there's just unlimited
 22 possibilities that are open with this program. But
 23 they are part of the school. So, therefore, they
 24 should be part of the contract for these schools.
 25 And that's where we came to the point

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1 where we approved the amendment process and looking
 2 at caps and what the effect is and also looking at
 3 adequacy.
 4 So I'll just quickly say that -- and if
 5 Commissioner Robbins wants to give us any update at
 6 this moment in time about the adequacy standards,
 7 that might be appropriate.
 8 COMMISSIONER ROBBINS: The PSCOC, back in
 9 June, reviewed adequacy standards for schools,
 10 including pre-K. Essentially, we went through a
 11 public comment period that ended in September.
 12 There were minor revisions to what was proposed.
 13 Essentially, Pre-K -- the standard for
 14 Pre-K would be very similar in terms of school and
 15 classroom size. I think it would be similar to
 16 kindergarten, with the exception -- or the added
 17 thing that playgrounds have to be separated, have to
 18 be fenced and separated, and they cannot use a
 19 public area like a public park or something like
 20 that for the playground.
 21 These should be posted any day, because
 22 the PSCOC approved them yesterday. So they should
 23 get posted and be available for schools to look at
 24 and everything as they plan for funding for next
 25 year.

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1 THE CHAIR: Okay. Thanks. And let me
 2 just ask, because there had been discussion earlier
 3 that the -- about the separation of pre-K kids
 4 within buildings and the populations of maybe much
 5 larger students.
 6 COMMISSIONER ROBBINS: Right. The goal
 7 was to not have your Pre-K children intermixed with
 8 older children. Kindergarten would be fine, but
 9 they would not be in the same building as the older
 10 students, especially when you got to middle or high
 11 school, that they have to be in a separate physical
 12 building.
 13 THE CHAIR: So that will be part of that
 14 standard.
 15 COMMISSIONER ROBBINS: I believe that is
 16 part of the standard. From what I remember about
 17 the standard is they have to be in a separate
 18 building.
 19 THE CHAIR: Okay. Does that also include
 20 for, say, breakfast and lunch services?
 21 COMMISSIONER ROBBINS: I think so long as
 22 they are not at the same time.
 23 THE CHAIR: At the same time. Okay. So
 24 they could share a gym? A cafeteria?
 25 COMMISSIONER ROBBINS: They could share

<p style="text-align: right;">Page 74</p> <p>1 that, but they cannot be within the same boundaries 2 or the same room at the same time as the older 3 students, other than if you have students that are 4 in an Early Childhood-type program, and they are 5 working with them as assistants or something like 6 that.</p> <p>7 THE CHAIR: Okay. All right. And thank 8 you for that, because that's -- and we've also 9 discussed that -- that's part of the application for 10 the Pre-K grant, so that that has to be populated 11 in. And the only thing that we're asking is an 12 assurance that they've -- you know, they're 13 complying. So we're not asking for anything 14 additional. It's what's in the -- the application 15 for the Pre-K program.</p> <p>16 COMMISSIONER ROBBINS: I could add, 17 Madam Chair?</p> <p>18 THE CHAIR: Sure.</p> <p>19 COMMISSIONER ROBBINS: There is separate 20 Pre-K funding, capital funding, that has been 21 budgeted that is separate from systems-based or 22 school-based funding. So it is a separate -- and it 23 cannot be intermingled. In other words, you cannot 24 use that to modify an existing school. It would 25 have to be just for the Pre-K.</p>	<p style="text-align: right;">Page 76</p> <p>1 it's --</p> <p>2 COMMISSIONER ROBBINS: The larger 3 districts seem to have a higher percentage.</p> <p>4 THE CHAIR: It's almost a prohibitive 5 number for a lot of our charters. That's the 6 unfortunate part, that if we really want to embrace 7 these programs, and we do, it's a shame that there 8 can't be some monies allocated so that charters 9 would be able to make use of it more, because 10 it's -- it's more that's going to go to the 11 districts, because they're not going to be able to 12 do the modifications.</p> <p>13 I mean, some of our schools aren't -- may 14 not be able to do it because they're -- they can't 15 grow anywhere in their building, you know, so that 16 there's -- they can't put a portable out anywhere or 17 anything like that. That's unfortunate.</p> <p>18 But we certainly do hope that there's as 19 much participation as possible for the schools, 20 because this is something that we embrace. Just as 21 a little aside, one of our newest board members in 22 Las Cruces doesn't believe in pre-K and believes 23 that children should be tested going into 24 kindergarten, and if they don't test at a certain 25 level, then they go to a job track.</p>
<p style="text-align: right;">Page 75</p> <p>1 If you're modifying or you're doing 2 something for Pre-K, that's fine; but it cannot be 3 space that would then be utilized by older kids, it 4 has to be exclusively for the Pre-K program.</p> <p>5 THE CHAIR: So let me ask you, then. 6 Are -- is there matching fund requirements with that 7 capital money? Or no.</p> <p>8 COMMISSIONER ROBBINS: Yes, there will be 9 some matching fund requirements based upon the 10 school districts.</p> <p>11 THE CHAIR: So that becomes challenging 12 often for our schools with the matching funds. 13 That's where -- you know, we had that conversation. 14 "Oh, capital money." Yeah. But, you know, it's 15 that matching fund. And in some districts, the 16 match is pretty high. Albuquerque is in the 90s, I 17 think.</p> <p>18 COMMISSIONER ROBBINS: Albuquerque -- I 19 believe Albuquerque, next year, will be 90 or 20 92 percent. I believe it's 90 percent and --</p> <p>21 THE CHAIR: Right. So --</p> <p>22 COMMISSIONER ROBBINS: -- some districts 23 are zero. But it averages about 40, 50 percent.</p> <p>24 THE CHAIR: Yeah. I think Cruces is 25 around 86, somewhere around that, you know. So</p>	<p style="text-align: right;">Page 77</p> <p>1 So it's, like -- so I feel like I'm in a 2 time warp, and it's, like, "Oh, my goodness, 3 absolutely, that those students need to find a job 4 and that is it."</p> <p>5 It is just -- it is frightening that that 6 person got more votes than anyone else. So it is -- 7 yeah.</p> <p>8 So just welcome to my world, you know; 9 so -- that's not us. We're trying to embrace the 10 Pre-K program.</p> <p>11 So with that being said, there are -- 12 you'll see some redline potential modifications that 13 were here. Okay. Oh, I didn't even see that.</p> <p>14 (Chair consults with Commission counsel.)</p> <p>15 COMMISSIONER ROBBINS: We have a redline 16 and a final. Redline and final.</p> <p>17 COMMISSIONER VOIGT: Do you need the final 18 one?</p> <p>19 COMMISSIONER ARMBRUSTER: I don't have a 20 redline.</p> <p>21 THE CHAIR: That's because you hogged the 22 second copy.</p> <p>23 MS. AMI JAEGER: I have plenty.</p> <p>24 COMMISSIONER CABALLERO: She kept your 25 copy.</p>

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<p>1 THE CHAIR: Now I have both pieces. So do 2 you want -- 3 COMMISSIONER ARMBRUSTER: I'll share. 4 It's okay. 5 THE CHAIR: Oh, got you. Okay. 6 COMMISSIONER RUIZ: I did not take yours, 7 Madam Chair. Okay. You explain it. 8 COMMISSIONER CABALLERO: Are you sure? 9 THE CHAIR: Okay. Okay. So I'm back. So 10 if we look at determining eligibility, there was -- 11 there was a concern -- not on that form, on this 12 form. Okay. And we had a discussion about this. 13 But there was a concern raised. There are 14 a couple of schools that have had long-standing 15 programs, very successful, and that this amendment 16 form moved them out of the possibility to continue 17 those programs. And that just didn't seem fair, and 18 it was contrary to trying to help promote the 19 program. 20 So that a suggested change to this form is 21 that, "Or if the school has not..." -- if the school 22 has not had a C or Tier 2 or better in the last 23 three years, they have demonstrated upward trend in 24 performance, especially as shown with the lowest 25 quartile."</p>	<p>1 language of the trend, the language suggests three 2 years, that the trend would be a three-year trend. 3 COMMISSIONER CABALLERO: Okay. But taking 4 into account the prior -- 5 COMMISSIONER ROBBINS: The last three 6 years and then continues. 7 THE CHAIR: Most of the time when we look 8 at anything, we look back to the last three years in 9 general; so that -- and this does. Because the 10 original language was it couldn't have been in the 11 three years. That was a little prohibitive for some 12 schools. 13 So this opens the door that if you haven't 14 qualified there -- and it also -- you know, things 15 are changing with that accountability system. So we 16 need to maybe have a little more flexibility so that 17 we have time to also look at that and see how that's 18 all going to play out as well. 19 So I think this allows more schools to be 20 able to -- it definitely allows the schools to be 21 able to keep the programs that they currently have. 22 COMMISSIONER CABALLERO: Would it be -- 23 would it clarify if we have "the last three years" 24 at the end of the sentence? That way it's clearer 25 that we're talking about the last three years in all</p>
<p>Page 79</p> <p>1 So that I think that addresses the -- any 2 potential concerns there. 3 So are there any questions or concerns 4 regarding that? 5 COMMISSIONER CABALLERO: Madam Chair, the 6 only thing is "showing an upward trend." How long -- 7 my concern is if they're really doing -- if the 8 school is not really doing well, can they take on a 9 new program. 10 THE CHAIR: Sure. And I agree with you. 11 But the -- part of the concern is that we have 12 schools right now that have successful programs that 13 wouldn't qualify if we held to the old language. 14 COMMISSIONER CABALLERO: Oh, okay. 15 THE CHAIR: So that this -- this helps to 16 keep those programs that are very long-standing, you 17 know. But I agree with you that that is part of our 18 concern, that going forward, if a school hasn't had 19 a program like this, do they have the capacity to 20 add those additional students, take on those 21 additional burdens. For 20- -- I think we can 22 address those in the other amendment form when we 23 get to it some other time. 24 COMMISSIONER ROBBINS: Madam Chair, 25 Commissioner Caballero's thing about the trend, the</p>	<p>Page 81</p> <p>1 those -- any of those given areas. 2 That way -- because I read it, it's either 3 this data in the last three years or an upward 4 trend. And so my thoughts were, "Oh, okay. Last 5 month they had an upward trend, so that's cool." 6 THE CHAIR: Okay. But I think the 7 presumption is that the upward trend shown in the 8 yearly dashboard, so that it -- they're not just 9 coming in with their -- maybe their last short-cycle 10 assessment and saying, "Hey, look at this. It is a 11 year-to-year." It does say in the last -- or within 12 the last three years. But I don't think it -- 13 COMMISSIONER VOIGT: It read okay to me. 14 And then it's also repeated, "...or better in the 15 last three years." I mean, I just -- that was my 16 interpretation. 17 THE CHAIR: But I'm open to what people 18 are more comfortable with. If they don't feel that 19 this is clear, now is the time to clear it. Sure. 20 MS. AMI JAEGER: So I think part of the 21 question is -- and I think it addresses your 22 question, Commissioner -- is does the upward trend 23 have to be trending upward for the last three years 24 or just trending upward in the past year? Is that 25 kind of what you're thinking?</p>

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<p>1 COMMISSIONER CABALLERO: Right. If it's 2 trending upward in the last year would satisfy my 3 concerns. 4 THE CHAIR: Okay. 5 COMMISSIONER CABALLERO: And it would make 6 it clear so that there's no confusion of three or a 7 month. That way, everybody -- especially charter 8 schools, they'll know, okay, it's an upward trend 9 within that year upward. 10 MS. AMI JAEGER: So that's up to the 11 Commission. 12 THE CHAIR: So as an example, "They have 13 demonstrated upward trend as identified in the 14 prior-year dashboard," or something to that effect? 15 COMMISSIONER CABALLERO: Something. 16 THE CHAIR: So you know we're looking just 17 for that at the most recent year only. 18 COMMISSIONER CABALLERO: Uh-huh. Robbins? 19 COMMISSIONER ROBBINS: That's fine. 20 COMMISSIONER CABALLERO: Oh. I thought 21 you had a big question. 22 COMMISSIONER ROBBINS: No, I don't have 23 anything else to add. 24 THE CHAIR: Commissioner Raftery? 25 COMMISSIONER RAFTERY: On this page, where</p>	<p>1 area. 2 THE CHAIR: They've done presentations for 3 us. 4 COMMISSIONER RAFTERY: Okay. Is that the 5 one we're accepting? Is that my understanding? 6 THE CHAIR: Yes. 7 COMMISSIONER RAFTERY: So that's the one 8 we're accepting, and we're not accepting others. 9 THE CHAIR: So your question is would we 10 be accepting, like, a KinderCare business? 11 COMMISSIONER RAFTERY: Yes. 12 THE CHAIR: No, no, no. This is only -- 13 COMMISSIONER RAFTERY: It's a structural 14 program that has been presented to us. 15 THE CHAIR: Only programs that are being 16 accepted into and accepting funding through the 17 Public Education Department's Pre-K grant 18 application. 19 COMMISSIONER RAFTERY: I wanted to make 20 that clear. 21 THE CHAIR: No, no, no, no. They wouldn't 22 even be eligible. To my understanding, they're not 23 even eligible to apply; right? Someone like that, a 24 business concern like that can't apply, because you 25 have to be attached to a school. Yeah. So, no,</p>
<p>Page 83</p> <p>1 it says, "Additional Instructions, Identify the 2 educational program description you would like to 3 include in the contract that describes the education 4 program to be offered," do we have guidelines as 5 to -- is a day-care-type instructional program? Is 6 a Montessori-type program? What kind of a program 7 are we going to -- 8 THE CHAIR: I need to -- because I missed 9 where you said you were. 10 COMMISSIONER RAFTERY: Second page right 11 there. (Indicates.) No, this is not the final, not 12 the final. 13 THE CHAIR: The redline one is the one we 14 would be voting on. 15 COMMISSIONER RAFTERY: It still says the 16 same thing on the other one. 17 Are we going to have a guideline? Are we 18 going to be opening or accepting, like, day-care 19 programs? Or are we accepting -- 20 THE CHAIR: We are accepting the programs 21 that are under the guidelines of the application of 22 the Pre-K program. So that's -- we're basically 23 taking the Pre-K application. So I'm not sure. 24 COMMISSIONER RAFTERY: I guess I'm not 25 familiar with the programs, I guess, in the pre-K</p>	<p>Page 85</p> <p>1 this is no private -- 2 COMMISSIONER RAFTERY: Okay. I just want 3 to make sure. 4 THE CHAIR: Absolutely not. No, no, no. 5 Okay. So are we more comfortable with 6 putting in that, "as identified in the last year's 7 dashboard" or whatever? 8 COMMISSIONER CABALLERO: Yeah. 9 THE CHAIR: Have you word-smithed that? 10 MS. AMI JAEGER: Well -- so it would come 11 at the end of the sentence, after the word "data," 12 then the language that would be inserted is, "...as 13 identified in the New Mexico Dashboard for the most 14 recent year," meaning the most recent year that the 15 data is available. 16 COMMISSIONER CABALLERO: Right. 17 THE CHAIR: Right. Right. Okay. 18 So the second redlined item on there is 19 pre-K -- "If the pre-kindergarten student will 20 exceed the school's current enrollment cap, then a 21 pre-kindergarten enrollment cap will be considered 22 if the increase will not conflict with the school's 23 E-Occupancy." 24 And we had a lengthy discussion about this 25 last month, that it's a -- it's an enrollment cap</p>

<p style="text-align: right;">Page 86</p> <p>1 increase for pre-K. And it's entirely up to the 2 Early Childhood Bureau whether that funding 3 continues or not. We don't have any control of 4 those monies, and there is -- you know, I'm not 5 fully aware of why funding may or may not go. 6 But funding could go away for -- and 7 that's their determination. So if that funding went 8 away, that program doesn't exist, that increase -- 9 that enrollment cap increase goes away as well, 10 because it was just for the Pre-K folks. 11 And then the final change. Originally, 12 the amendment form had, "...has not had its Board of 13 Finance revoked within the last..." -- I think it 14 was two years? Three years. And that seemed a 15 little punitive as well, because it's not that easy 16 to have your Board of Finance taken away. It's 17 almost harder to get it back. It takes a long time. 18 So that that seemed punitive as well. 19 So that as long as they haven't had it 20 removed in the past year, you know, I think that's 21 more reasonable for the schools at this point in 22 time. 23 COMMISSIONER VOIGT: I agree. 24 THE CHAIR: Okay. And I -- oh, sorry. So 25 on Page 2 -- right. Okay. It's a wordsmithing.</p>	<p style="text-align: right;">Page 88</p> <p>1 And the final one, the occupancy 2 documentation. And that's going to be what's 3 provided in the application; because there is -- the 4 whole schematic has to be put into the application. 5 And -- 6 COMMISSIONER CABALLERO: Madam Chair? 7 THE CHAIR: Uh-huh. 8 COMMISSIONER CABALLERO: In the section 9 for "Mission," are we concerned about the school 10 unable to accomplish its mission? Where it says, 11 "Identify the school..." -- "the mission must not 12 conflict." 13 We're not saying that if a school says 14 we're going to dance and use dance as the vehicle 15 for education, and they have a preschool, that the 16 preschool doesn't -- it's not in congruence with 17 that. 18 Or are we saying that their mission, as 19 stated, is not watered down or is not able to 20 complete its mission because they have this program? 21 So I'm not sure whether one or the other 22 is stated. I think it needs -- we need to clarify. 23 That way, we know what we're looking at, also, when 24 we're reviewing the mission statement and the 25 program.</p>
<p style="text-align: right;">Page 87</p> <p>1 It's changing, "...the recommendation from the PEC's 2 authorized representatives and the PEC's decision to 3 recommend or not recommend" instead of "approved" or 4 "not approved." 5 And, "It will be considered to determine 6 if the applicant has the capacity to implement the 7 requested expansion." 8 And following down, "Is the applicant's 9 academic performance stable or improving." Okay. 10 (Chair consults with Commission counsel.) 11 THE CHAIR: So that the -- so the evidence 12 here is different than on the first page. This is 13 directly from the performance framework; although, 14 the performance framework will also identify the 15 growth as well. 16 And then -- well -- and on Page 3, we have 17 the addition of, "Identify the school's mission 18 which must not conflict with the proposed new 19 program as determined by the PEC." 20 (Chair consults with Commission counsel.) 21 THE CHAIR: So, then, also, the adding of 22 the governing board. It's the charter governing 23 board. So that really was just a clarifying. 24 And the detailed staffing plan is an 25 organization chart.</p>	<p style="text-align: right;">Page 89</p> <p>1 I think, Madam Chair, you intended to -- 2 to mean that if we have this program, it wouldn't -- 3 it's not going to take away being able to accomplish 4 our mission. 5 COMMISSIONER VOIGT: Right. Right. 6 THE CHAIR: Right. 7 COMMISSIONER CABALLERO: And so it 8 probably needs a little bit more work so that we 9 know what we're reviewing, and the charter school 10 knows -- there may be some charter schools that do 11 not take on the program because they think that 12 they're going to be -- it's not in congruence with 13 their mission. What they have to look at, can we 14 still complete our mission, though we have this 15 program? 16 THE CHAIR: I think it's a little bit of 17 both. 18 COMMISSIONER VOIGT: Right. I think the 19 biggest challenge for a charter school to take on a 20 pre-K is going to be the factors of facilities, 21 enrollment cap, which we've already clarified. But 22 I think, if anything, this is going to help grow 23 their mission. 24 THE CHAIR: Right. Yeah. 25 COMMISSIONER ROBBINS: Madam Chair, I</p>

<p style="text-align: right;">Page 90</p> <p>1 think the word there is, "It shall not conflict with 2 the mission of the school." 3 COMMISSIONER VOIGT: Yeah. Okay. 4 Exactly. 5 COMMISSIONER ROBBINS: It can be 6 different. Preschool can have a different focus. 7 But that focus cannot detract from the mission of 8 the school. 9 So you may have a college-and-career-ready 10 mission for a high school, to be 11 college-and-career-ready. You aren't going to make 12 three- and four-year-olds college-and-career-ready. 13 THE CHAIR: I have a board member that 14 will. 15 COMMISSIONER ROBBINS: But by the same 16 token, you shouldn't say, "Well, we're going to 17 change the mission of the school because we're 18 adding a preschool to where it's no longer 19 college-and-career-ready." That would be a conflict 20 with the mission. 21 So as long as the mission of the school 22 stays basically the same, you can add a preschool or 23 a pre-K, and you're not going to be in conflict. 24 COMMISSIONER CABALLERO: Commissioner 25 Robbins, all I'm saying is conflict --</p>	<p style="text-align: right;">Page 92</p> <p>1 significant number of pre-K folks that don't come 2 into their K program, for whatever reason with the 3 communities, because the parents are -- it's closer 4 for the Pre-K program to get their kids here, but 5 they prefer their kids to go to this kindergarten. 6 So that I don't know if it's as critical a 7 piece that we're looking at mission with the Pre-K 8 program, you know? 9 COMMISSIONER CABALLERO: I don't think 10 we're looking at the mission in the Pre-K program. 11 But I'm trying to put myself in the shoes of a 12 charter school and say, "Okay, what does that mean? 13 Does it mean that before I take on the program, is 14 preschool part of a mission?" 15 No. What we mean is if you take on this 16 program, is it -- 17 THE CHAIR: Will it take away from it. 18 COMMISSIONER CABALLERO: Will it take away 19 from your ability to complete your mission? Those 20 are two separate things. Maybe a clarification at 21 the bottom could work. 22 THE CHAIR: Because I agree with you. I 23 think that -- I think it becomes more of a capacity 24 issue than anything, that it's not that it's -- it 25 does or doesn't conflict with the mission. But does</p>
<p style="text-align: right;">Page 91</p> <p>1 THE CHAIR: You don't like the word 2 "conflict" in there. 3 COMMISSIONER CABALLERO: I like the word 4 "conflict." But I think it needs to be further 5 explained so that schools can decide to take it on 6 and we know what to looking for on conflict. That 7 way everybody understands what that means. Maybe a 8 little explanation on the -- at the bottom? That 9 could do it. 10 THE CHAIR: You know, and there's a piece 11 of me that -- there's a piece of me that kind of 12 struggles with this, only in the sense that some of 13 this was populated from the amendment process that 14 we have for a school's new program, when we're 15 talking about the bigger kids, and is this program 16 going to conflict. 17 I think it becomes less of an issue when 18 you're talking about a pre-K program with -- to some 19 extent, with the school. Because I agree with 20 Commissioner Voigt that those programs should 21 certainly help to increase and support the -- the 22 charter school. 23 However, we also know that with a lot -- 24 with a number of our charters that have existing 25 pre-K programs now, they don't -- they have a</p>	<p style="text-align: right;">Page 93</p> <p>1 the -- is the school able to carry out the mission 2 of its full program, taking on this additional. 3 And that's -- because it is. We know that 4 it's a strain on -- to some extent, on the school, 5 because you're adding more folks into the building. 6 Administrators are taking on this -- these 7 additional responsibilities. You're adding more 8 staff. There's significantly more and different 9 requirements to this program than they're used to. 10 So until they get into it, it's -- it's new language 11 they're talking about. 12 COMMISSIONER ROBBINS: What if we changed 13 it where you say, "Identify the school's mission. 14 The proposed new program must not conflict or alter 15 the school's mission as determined by the PEC." 16 COMMISSIONER VOIGT: Or if we just take 17 the word "conflict" away and put "be diminished by 18 the proposed new mission." 19 COMMISSIONER ROBBINS: "Will not change or 20 diminish the school's..." -- would that be good? 21 THE CHAIR: I like that better, yeah. 22 Yeah. 23 COMMISSIONER VOIGT: "Must not change or 24 diminish with the proposed new program." 25 THE CHAIR: I like that. Because I think</p>

<p style="text-align: right;">Page 94</p> <p>1 that gets -- you're right.</p> <p>2 COMMISSIONER ROBBINS: The way it was</p> <p>3 sounding was the program has its own mission</p> <p>4 separate from this, when really what you're saying</p> <p>5 is the program can have what it is as long as you</p> <p>6 don't alter, change, or diminish the mission of the</p> <p>7 school that you're adding the pre-K to.</p> <p>8 THE CHAIR: Because the concern is we</p> <p>9 don't want to end up having a conversation with the</p> <p>10 school that something is going wrong with the</p> <p>11 school, and they're coming up and saying, "Yeah, we</p> <p>12 haven't been able to do this because we had to spend</p> <p>13 so much time on this that this has..." -- and it's</p> <p>14 all, in part, to hopefully make sure that the</p> <p>15 governance council of that school is intimately</p> <p>16 engaged in the conversation about adding this</p> <p>17 program, so that everyone is on board and that</p> <p>18 everyone understands the pros and cons and what --</p> <p>19 you know, what this -- what this could mean to the</p> <p>20 school, so that they're also sure that, yeah, their</p> <p>21 other kids aren't affected negatively by this.</p> <p>22 It should be enriching for everyone to</p> <p>23 have this additional program and not draining it in</p> <p>24 any way.</p> <p>25 COMMISSIONER CABALLERO: And it would</p>	<p style="text-align: right;">Page 96</p> <p>1 separate classroom from any other -- from the other</p> <p>2 classrooms.</p> <p>3 How you would segregate the students would</p> <p>4 be up to the school. But it does not have to be a</p> <p>5 separate building. That was one thing I remember in</p> <p>6 the discussions that we had is should you segregate,</p> <p>7 you know, your high school students from these, how</p> <p>8 do you do it. You know, the E-Occupancy and the</p> <p>9 safety protocols and things would address that.</p> <p>10 We did not put that in the minimum</p> <p>11 adequacy standards, so that we did not specify it.</p> <p>12 It didn't get added that you have to have a separate</p> <p>13 building. It does require that your kindergarten</p> <p>14 and pre-K playground can be the same, but it has to</p> <p>15 be fenced. Now it has to be a fenced playground</p> <p>16 separate from other playgrounds. So I just wanted</p> <p>17 to add that in part of the discussion.</p> <p>18 THE CHAIR: Okay. Thanks. I appreciate</p> <p>19 that.</p> <p>20 So are we -- so we're good with that --</p> <p>21 COMMISSIONER CABALLERO: Yes, Madam Chair.</p> <p>22 THE CHAIR: -- that change?</p> <p>23 Okay. All right. So we have to go back.</p> <p>24 And where did we actually --</p> <p>25 (Chair consults with Commission counsel.)</p>
<p style="text-align: right;">Page 95</p> <p>1 force the charter schools to think about fully</p> <p>2 staffing that program.</p> <p>3 THE CHAIR: Absolutely.</p> <p>4 COMMISSIONER CABALLERO: Because there's</p> <p>5 always that little something that says, "Well, we</p> <p>6 can -- we can do this if we do this, this, and</p> <p>7 that," and before they know it, they're knee-deep in</p> <p>8 not doing what they're supposed to be doing.</p> <p>9 THE CHAIR: And that's also what has been</p> <p>10 part of our conversation, that this is -- this is an</p> <p>11 integral part -- this will become an integral part</p> <p>12 of the school. It's not a separate entity that</p> <p>13 exists out there all by itself, but they are part</p> <p>14 and parcel of that school community, and that that</p> <p>15 governance council is engaged in the conversations</p> <p>16 not only about how are the first and second and</p> <p>17 third and fourth grade doing, but how are those</p> <p>18 pre-K folks doing as well, and whether it has -- you</p> <p>19 know, what effect it has had on the school.</p> <p>20 COMMISSIONER ROBBINS: Madam Chair, if I</p> <p>21 could add, going back to the conversation that I had</p> <p>22 as far as adding pre-K, I mentioned that the pre-K</p> <p>23 had to be a separate building. That is incorrect.</p> <p>24 I misspoke. It needs to be a separate facility. It</p> <p>25 can be in the same building, but it has to have a</p>	<p style="text-align: right;">Page 97</p> <p>1 THE CHAIR: Well, okay. So let's have a</p> <p>2 short discussion on this.</p> <p>3 So the State apparently is not using the</p> <p>4 term "Dashboard" any longer. It's School Support</p> <p>5 and Accountability -- New Mexico System of Support</p> <p>6 and Accountability.</p> <p>7 So my -- so we have to make a modification</p> <p>8 to the change that we have already made with adding,</p> <p>9 "...as identified in the State Dashboard for the</p> <p>10 last year." We just have to change it.</p> <p>11 So the question is do we want to change it</p> <p>12 to the New Mexico System of School Support and</p> <p>13 Accountability? Or simply use "the State</p> <p>14 accountability system," because then whatever the</p> <p>15 State wants to use, we're simply identifying it as</p> <p>16 whatever that accountability system is.</p> <p>17 COMMISSIONER VOIGT: Yeah. Yeah.</p> <p>18 THE CHAIR: We can change that. And</p> <p>19 whatever name it has this year, it is. But we know</p> <p>20 it's the State accountability system, whatever it's</p> <p>21 called.</p> <p>22 Okay. So we're set with that? Okay.</p> <p>23 And we've got that other change we're good</p> <p>24 with?</p> <p>25 Okay. And I think that -- oh. And the</p>

<p>Page 98</p> <p>1 only additional one was the compliance with the 2 open -- wordsmithing -- the compliance had to be 3 added. 4 (Chair consults with Commission counsel.) 5 THE CHAIR: So there was the addition to 6 description of how the facilities will accommodate 7 the needs of young students. Okay? 8 Any other questions or concerns? I know 9 we normally don't like to do this. We prefer to 10 have a clean copy so everyone can look at it. But 11 we've got a little bit of a time constraint. Yeah, 12 December is going to be a beast. 13 COMMISSIONER RUIZ: Make the motion? 14 (Chair consults with Commission counsel.) 15 THE CHAIR: So this is the form that is 16 signed that gets populated into the contract. 17 So we need to make the same change, 18 wording change, on this form if the school -- when 19 we're looking at the -- "If the school has not had a 20 C or a Tier 2 or better in the last three years, 21 they've demonstrated an upward trend in performance, 22 especially as shown in -- as identified in the 23 current New Mexico accountability system for the 24 most recent year." 25 And we are also making that change for the</p>	<p>Page 100</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Ruiz? 3 COMMISSIONER RUIZ: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Davis? 6 COMMISSIONER DAVIS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Robbins? 9 COMMISSIONER ROBBINS: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Caballero? 12 COMMISSIONER CABALLERO: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Crone? 15 COMMISSIONER CRONE: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Raftery? 18 COMMISSIONER RAFTERY: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Chavez? 21 COMMISSIONER CHAVEZ: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Armbruster votes "Yes." Ten-to-zero. Passes. 24 THE CHAIR: Did I vote? 25 COMMISSIONER RUIZ: Yes, you were, like,</p>
<p>Page 99</p> <p>1 Board of Finance for the past year. 2 And we've made the change from "approved 3 to not approved" to "recommended and -- or not 4 recommended." 5 And the qualifier on the bottom, "shall 6 not be included in or added to the school's 7 enrollment cap." It's a separate pre-K cap. Okay? 8 COMMISSIONER RUIZ: I move that the Public 9 Education Commission adopt the Amendment Request 10 Form and Procedures for State Charter Schools 11 2020-2021 Pre-Kindergarten and Early Childhood 12 Education Programs. 13 (Multiple Commissioners second.) 14 COMMISSIONER CABALLERO: We all seconded, 15 a unanimous second. 16 THE CHAIR: There's a unanimous second. 17 Is there any further discussion? 18 (No response.) 19 THE CHAIR: If not, roll call, please. 20 COMMISSIONER ARMBRUSTER: Commissioner 21 Gipson? 22 THE CHAIR: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Voigt? 25 COMMISSIONER VOIGT: Yes.</p>	<p>Page 101</p> <p>1 the second or third. 2 COMMISSIONER ARMBRUSTER: I wrote it down. 3 THE CHAIR: I don't remember actually 4 saying anything. 5 COMMISSIONER DAVIS: What was that nap 6 that you took? 7 THE CHAIR: I think we can do this really 8 quick. I need to take a break. But I think we can 9 do the site visit reports and ratings. 10 So, quickly, we'll -- did Commissioner 11 Robbins step out? 12 COMMISSIONER CHAVEZ: He just did, yes. 13 THE CHAIR: I wasn't sure. Where did he 14 go? 15 So please reflect that Commissioner 16 Robbins has stepped out. 17 We are on to Item No. 10, which is 18 Adoption of 2018-2019 CSD Site Visit Reports, 19 Ratings and Findings for State Authorized Charter 20 Schools. 21 So it's yeoman's work to get all this in. 22 So we appreciate the fact that CSD was able to get 23 us early the ones that are up for renewal, which we 24 did adopt last meeting. But because of site visits 25 and getting ready for renewals, it took a little</p>

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<p>1 more time to get the rest of the site visits 2 uploaded onto SharePoint. And I do appreciate that. 3 So we're -- they've been not completely 4 finalized, but close to, because there's still last 5 year's academic still out there. So that will be 6 added once the Support and Accountability System is 7 fully released. 8 So if there are no other questions, roll 9 call, please? 10 No. I need a motion. 11 COMMISSIONER VOIGT: I move that the 12 Public Education Commission adopt and ratify the 13 2018-'19 school year CSD site visit reports and 14 findings for all State-authorized charter schools. 15 COMMISSIONER RUIZ: Second. 16 THE CHAIR: Motion by Commissioner Voigt, 17 second by Commissioner Ruiz. 18 Roll call, please. 19 COMMISSIONER ARMBRUSTER: Let me just 20 check. 21 Okay. Commissioner Voigt? 22 COMMISSIONER VOIGT: Yes. 23 COMMISSIONER ARMBRUSTER: Commissioner 24 Caballero? 25 COMMISSIONER CABALLERO: Yes.</p>	<p>1 (Recess taken, 1:32 p.m. to 1:45 p.m.) 2 THE CHAIR: Okay. We are on to Item 3 No. 12, Discussion and Possible Action Regarding 4 Submission of Monte Del Sol Renewal Application. 5 So I think we've had -- and I know folks 6 are coming down. I think this has been a piece of a 7 meeting prior. But I think this was all generated, 8 from my perspective, as a result of a phone call I 9 received from the newspaper asking me my opinion on 10 Monte's submission for renewal application to 11 Santa Fe Public Schools. So I didn't have a comment 12 because I didn't know anything about it. 13 I then made a quick call to the Director, 14 who I think had just gotten off the phone with the 15 same reporter right after I got off the phone. So 16 we were both in the -- in the same boat. 17 But since that time, our legal counsel has 18 spent a significant amount of time looking at 19 governance council minutes of the school, Santa Fe 20 Public Schools, school board minutes, also listened 21 to the -- what do we call that? -- is it a 22 transcript? -- video transcript of Santa Fe Public 23 Schools' Board meetings, gone through -- we, all -- 24 in our documents, we have the IPRA request -- the 25 submissions from Santa Fe Public Schools with the --</p>
<p>Page 103</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Chavez? 3 COMMISSIONER CHAVEZ: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Gipson? 6 THE CHAIR: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Davis? 9 COMMISSIONER DAVIS: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Armbruster votes "Yes." 12 Commissioner Raftery? 13 COMMISSIONER RAFTERY: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Ruiz? 16 COMMISSIONER RUIZ: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Crone? 19 COMMISSIONER CRONE: Yes. 20 COMMISSIONER ARMBRUSTER: And -- yes? -- 21 Commissioner Robbins just said "yes," so that would 22 be a ten-to-zero vote. That passes. 23 THE CHAIR: Thank you. Motion passes 24 ten-zero. And I need a short break, please. 25 COMMISSIONER CABALLERO: Thank you.</p>	<p>Page 105</p> <p>1 the IPRA request that Ami did make, and we've had an 2 opportunity to look at those. 3 And, actually, I believe part of the 4 conversation that we had, maybe two months ago, at a 5 meeting was identifying the fact that Santa Fe 6 Public Schools had, in fact, tabled the discussion 7 of the renewal at their Board meeting of 8 September -- August -- at their August board 9 meeting. 10 So the concern that we have, for the most 11 part, is that there's a tabled motion by Santa Fe 12 Public Schools. So I'll -- the school is certainly 13 free and welcome to join us and be part of this 14 discussion. If you would just identify yourselves 15 for the record? 16 MR. MICHAEL SMITH: Madam Chair, 17 Commissioners, Michael Smith. I'm the board 18 president. I'm dressed this way today because I 19 just came from the State volleyball tournament. Our 20 team made it for the first time ever. My daughter 21 is one of the members of that team. So thank you 22 for having us. 23 DR. ROBERT JESSEN: Madam Chair and 24 Commissioners, I am Dr. Robert Jessen, and I'm 25 dressed this way because I have to go in front of</p>

<p style="text-align: right;">Page 106</p> <p>1 the PEC today.</p> <p>2 We have -- we did not formally apply for</p> <p>3 renewal from Santa Fe Public Schools. And we had</p> <p>4 one meeting last year around this time with</p> <p>5 Dr. Garcia about what she thought of that. And then</p> <p>6 after that meeting, we spoke with counsel to figure</p> <p>7 out exactly what would be an appropriate way to</p> <p>8 explore perhaps renewing with the District.</p> <p>9 All of our meetings with the District were</p> <p>10 under that understanding, that this was an</p> <p>11 exploration and was not a renewal application.</p> <p>12 The memorandum from Santa Fe Public</p> <p>13 Schools that was used for the August 20th meeting,</p> <p>14 which is in your packet of things that are on the</p> <p>15 Google Drive, shared Google Drive, in the second</p> <p>16 paragraph of that memorandum, state that, "We agree</p> <p>17 that a list of documents would be developed by the</p> <p>18 Santa Fe Public School team for the purpose of</p> <p>19 assessing Monte del Sol's suitability to become a</p> <p>20 District charter. We further agree that this list</p> <p>21 assessment would not serve as an application to the</p> <p>22 District. It would only be used as an indicator for</p> <p>23 the charter school in its decision to formally apply</p> <p>24 as a State or District charter in October 2019.</p> <p>25 After the meeting, we can conduct an hour-long tour</p>	<p style="text-align: right;">Page 108</p> <p>1 School Division would do of a -- of an applicant.</p> <p>2 They came to your school; they visited your school;</p> <p>3 they did the complete financial review. It</p> <p>4 really -- because that's in the records. That's</p> <p>5 what was IPRA'd. So I'm looking at that.</p> <p>6 But what occurred at that Board meeting</p> <p>7 that evening, they made a tabling motion to not make</p> <p>8 a decision on renewing -- your school renewing with</p> <p>9 them. That was the -- that was the tabling motion</p> <p>10 with, I believe, Dr. Garcia saying, "Oh, you can</p> <p>11 still go apply to the PEC."</p> <p>12 So the issue at hand is the fact that for</p> <p>13 us to make a decision in December, there's a tabling</p> <p>14 motion still out there with Santa Fe Public Schools.</p> <p>15 The -- that's the concern. And that's what's</p> <p>16 addressed in this document.</p> <p>17 COMMISSIONER CABALLERO: Madam Chair?</p> <p>18 THE CHAIR: Uh-huh.</p> <p>19 COMMISSIONER CABALLERO: I'm not quite</p> <p>20 sure the framing of the issue. Is the framing of</p> <p>21 the issue that he cannot come here because he's</p> <p>22 still a charter under the District?</p> <p>23 THE CHAIR: No, no, no. They're our</p> <p>24 charter. They're currently --</p> <p>25 COMMISSIONER CABALLERO: Uh-huh.</p>
<p style="text-align: right;">Page 107</p> <p>1 of the campus."</p> <p>2 Since then I've reviewed the minutes that</p> <p>3 you've also seen, where it begins to get fuzzy in</p> <p>4 terms of what we are actually intending to do, and</p> <p>5 it says "Application." So I thought, "Well, I could</p> <p>6 ask the District what they thought it was."</p> <p>7 Yesterday I contacted Dr. Garcia, and I</p> <p>8 have a letter here with ten copies in case you</p> <p>9 wanted to see it, from their general counsel.</p> <p>10 THE CHAIR: That document is too late to</p> <p>11 be submitted at this point in time.</p> <p>12 MR. ROBERT JESSEN: Why?</p> <p>13 THE CHAIR: Because -- the concern that</p> <p>14 we've had is the fact that through the discussion</p> <p>15 that happened at the Board meeting, there was, in</p> <p>16 fact, a vote out there to be had, and it was tabled.</p> <p>17 So the -- and the cover letter that you put to</p> <p>18 documentation to me.</p> <p>19 But -- to a great extent, it doesn't</p> <p>20 matter at this point in time what your original</p> <p>21 intention was. But there was -- there was a</p> <p>22 complete review of the -- what appeared to be an</p> <p>23 application.</p> <p>24 Santa Fe Public Schools did a review that</p> <p>25 was fairly similar to the review that the Charter</p>	<p style="text-align: right;">Page 109</p> <p>1 THE CHAIR: They're currently chartered</p> <p>2 with us. And the exploration was whether they</p> <p>3 wanted to go back to be a District charter. And</p> <p>4 I've got -- I've got no -- I don't -- you know, it's</p> <p>5 not a contest. You know, whatever a school wants to</p> <p>6 do is what's best for the school.</p> <p>7 So the concern is us voting --</p> <p>8 (Chair consults with Commission counsel.)</p> <p>9 MS. AMI JAEGER: So maybe I can just -- so</p> <p>10 the school wanted to think about renewing either</p> <p>11 with the District or with the Public Education</p> <p>12 Commission. And as the Chair says, you know, that's</p> <p>13 up to the school.</p> <p>14 But what's really clear in both the</p> <p>15 statute and in NMAC, it says the school can't apply</p> <p>16 to two authorizers simultaneously, that the school</p> <p>17 has to -- just like with a new application, they</p> <p>18 have to decide, Do we want to go with district, or</p> <p>19 do we want to go with the state?</p> <p>20 And so here's kind of the conundrum for</p> <p>21 the Commission, is that if we were to consider their</p> <p>22 application, when they have one simultaneously</p> <p>23 pending with the School Board -- because a tabling</p> <p>24 action is not a final action -- then we would be in</p> <p>25 violation of NMAC and the statute by reviewing their</p>

<p style="text-align: right;">Page 110</p> <p>1 renewal.</p> <p>2 And it seems -- if I can characterize it,</p> <p>3 the school is saying, "Oh, no. Wait. That wasn't</p> <p>4 really an application." And so they're trying to</p> <p>5 use that technicality to get out of what the regs</p> <p>6 say about a simultaneous submission to more than one</p> <p>7 authorizer at the same time.</p> <p>8 COMMISSIONER CABALLERO: Well -- so I</p> <p>9 understand the framing of the issue. So to me, if I</p> <p>10 cannot have the document, I would like to hear what</p> <p>11 the document has, orally, one way or the other,</p> <p>12 because that's information that I would want to --</p> <p>13 if I can't have it because it's too late, I would</p> <p>14 like to hear it, because it goes and bears to that</p> <p>15 issue.</p> <p>16 Was that just an exploratory? Or -- and</p> <p>17 if they say, "No, it was an exploratory," and we're</p> <p>18 tabling it with that nature, then it's, like, that's</p> <p>19 all it was. So there is no conflict in my mind.</p> <p>20 And so if I may, at some point,</p> <p>21 Madam Chair, can you allow --</p> <p>22 THE CHAIR: That's up to legal counsel.</p> <p>23 That's --</p> <p>24 COMMISSIONER CABALLERO: I would regard</p> <p>25 that as evidence.</p>	<p style="text-align: right;">Page 112</p> <p>1 Because a motion is oral. And if it's not</p> <p>2 corrected at the time, I cannot take it as the fact,</p> <p>3 other than that that was the motion.</p> <p>4 The fact is what they intended, what they</p> <p>5 told them and what the information that they</p> <p>6 contained that we have not allowed. To me, that</p> <p>7 weighs a little heavier than the motion. Because a</p> <p>8 motion can be made and worded on the cuff, and</p> <p>9 that's the way they took it. And it -- since it was</p> <p>10 to be tabled, they weren't considering the</p> <p>11 ramifications of anything.</p> <p>12 But now it bears on whether they state it</p> <p>13 or not. And that's heavy, to me.</p> <p>14 THE CHAIR: I know. And I'm going to --</p> <p>15 I'm going to pose a question.</p> <p>16 COMMISSIONER CABALLERO: Okay.</p> <p>17 THE CHAIR: If they had not tabled,</p> <p>18 Santa Fe Public Schools, having not tabled, so they</p> <p>19 take a vote, and they say, "Okay, we're going to</p> <p>20 renew your application today," would you have</p> <p>21 accepted that renewal?</p> <p>22 DR. ROBERT HUNTER: That wouldn't have</p> <p>23 been what they voted.</p> <p>24 THE CHAIR: I'm asking --</p> <p>25 MR. ROBERT JESSEN: No, they would not</p>
<p style="text-align: right;">Page 111</p> <p>1 THE CHAIR: Okay.</p> <p>2 COMMISSIONER CABALLERO: But if that</p> <p>3 cannot be submitted, they can at least talk about</p> <p>4 it. I mean, they're giving us the facts.</p> <p>5 THE CHAIR: Okay. Okay. The only</p> <p>6 thing --</p> <p>7 (Chair consults with Commission counsel.)</p> <p>8 MS. PATRICIA MATTHEWS: I'm sorry. What</p> <p>9 did you say?</p> <p>10 THE CHAIR: The only thing I'm going to</p> <p>11 say is that the motion -- I believe -- and you've</p> <p>12 taken more time looking at and listening to -- the</p> <p>13 motion to table did not address an exploratory, that</p> <p>14 it was tabled as a decision to whether they were</p> <p>15 going to renew or not. They tabled that.</p> <p>16 So they did not table an exploratory,</p> <p>17 because there's nothing that's labeled "exploratory"</p> <p>18 in terms of the renewal or an application.</p> <p>19 COMMISSIONER CABALLERO: Yes. But --</p> <p>20 THE CHAIR: But the motion clearly does</p> <p>21 not say, "We're tabling the exploratory -- what?"</p> <p>22 COMMISSIONER CABALLERO: Exactly. But if</p> <p>23 the intent was a submission, and whoever received --</p> <p>24 whoever got that from them says, "Yes, I understand</p> <p>25 this is exploratory," to me, that means something.</p>	<p style="text-align: right;">Page 113</p> <p>1 have, because we would have applied October 1st,</p> <p>2 which was when the date was to apply. We wouldn't</p> <p>3 have accepted the renewal at the time because the</p> <p>4 language of the memo that precedes the whole</p> <p>5 presentation is, "We further agree this is not an</p> <p>6 application." That's what it says in the document</p> <p>7 that was presented with the list and with the</p> <p>8 assessment of all factors of the school, a</p> <p>9 declaration that this is not an application.</p> <p>10 THE CHAIR: Okay. And I want to present</p> <p>11 this -- and in case anyone is confused, my intention</p> <p>12 here is not to have you not renewed somewhere. That</p> <p>13 is absolutely not it. That's not an end game here.</p> <p>14 But the concern is that there is a motion</p> <p>15 sitting out there by the Board of Education of</p> <p>16 Santa Fe to table and our taking an action when it</p> <p>17 hasn't been completely cleared from Santa Fe Public</p> <p>18 Schools. That's the concern.</p> <p>19 And that's -- I think that was fairly</p> <p>20 obvious by what Santa Fe Public Schools did. But</p> <p>21 this is not an intention on my part -- I can't speak</p> <p>22 for anyone else. But it is not an intention on my</p> <p>23 part to see the school gone.</p> <p>24 But I think we have to also be clear,</p> <p>25 because we are supposed to be good partners with all</p>

<p style="text-align: right;">Page 114</p> <p>1 other authorizers. 2 MR. MICHAEL SMITH: Madam Chair, may I say 3 something? There's no application with the 4 District. That's -- that's just the facts. There 5 is not an application with the District. We 6 explored it. We had a -- basically, the District 7 didn't want us because they don't want charter 8 schools. 9 And they sent out an exploratory group of 10 people to come and just do a glance-over, nothing at 11 all like what the Charter School Division does for 12 us at charter school renewal. It was nothing like 13 that. They looked at the very, very briefest amount 14 of work. 15 The person that was in charge of the 16 special education part of it didn't even show up. 17 We tried to contact them to give them the 18 information. Never got a response from them. We 19 asked them again and again, "If there's more 20 documents you need, if there's anything else we can 21 provide for you... ." Never got a response from 22 them. 23 So it's not at all like an application to 24 renew. And we have this information right here in 25 this letter from their attorney, from Dr. Garcia</p>	<p style="text-align: right;">Page 116</p> <p>1 of the Board members was not there, Board Member 2 Cashman, and the Board wanted to have everybody 3 there. They were going to have a vote. 4 And the second reason was is because the 5 recommendations from the administration noted 6 serious and ongoing financial concerns. They wanted 7 to give the school an opportunity to respond to the 8 audit findings. They felt that they needed more 9 information, and they wanted to allow the school to 10 respond. 11 That's what the video -- from the video 12 transcript I talked about. That's why they said, 13 "Well, we'll table it, and we'll bring it up at our 14 next meeting." 15 But that didn't happen. 16 COMMISSIONER DAVIS: So what -- do they 17 have a remedy? 18 MS. AMI JAEGER: Well, that's the tricky 19 part. 20 COMMISSIONER CABALLERO: I think the 21 remedy is we put it also -- table it until it's 22 finalized over there. 23 THE CHAIR: We have a statutory obligation 24 to make the decision by January 1. 25 COMMISSIONER CABALLERO: Okay. Then --</p>
<p style="text-align: right;">Page 115</p> <p>1 herself. It's not an application. It's as simple 2 as that. 3 THE CHAIR: Just as a qualifier, the 4 attorney was not there during those proceedings. 5 It's a new attorney for Santa Fe Public Schools. 6 MR. MICHAEL SMITH: I have no idea what 7 that means. 8 THE CHAIR: And -- you know. So I'm 9 taking the lead of legal counsel on this than 10 anything else, because that is -- that is our 11 concern, you know, that -- and we've had this -- we 12 had this discussion at a public meeting, that there 13 was that tabling motion that had been made with the 14 comment, "You can go" -- 15 COMMISSIONER DAVIS: So if Santa Fe would 16 take this motion up again and reject it, then would 17 they be free to come back with a renewal 18 application? 19 MS. AMI JAEGER: And they can withdraw it, 20 because a motion -- that tabling motion is not a 21 final motion. And because if you listen to the 22 video transcript of the meeting, the reason why the 23 Board, the School Board, stated in their discussion 24 why they thought a tabling motion was appropriate 25 was for two reasons: The first reason was that one</p>	<p style="text-align: right;">Page 117</p> <p>1 then -- 2 THE CHAIR: So they need to get a remedy 3 by -- 4 COMMISSIONER CABALLERO: Madam Chair, I'll 5 be very blunt. 6 THE CHAIR: Sure. 7 COMMISSIONER CABALLERO: I don't think we 8 have a choice. I think we need to accept or ask 9 them right now if they're going to reject their 10 application over there, on the record. And if they 11 do, we have an obligation to take them on, to keep 12 them. Otherwise, I can tell you it's not going to 13 be good for us. Because we are in the middle. 14 THE CHAIR: I know. 15 COMMISSIONER CABALLERO: And I would like 16 to be on one side or the other. But I'm not too 17 clear if whether we reject them, we're going to be 18 in the clear. I can feel it going astray. And I'd 19 rather move on asking them to reject. And if they 20 do, we have no choice but to go forward. 21 THE CHAIR: We're not here because of an 22 act -- we're here because of an action that the 23 Santa Fe Board made, not -- whether they reject it 24 or not, it's still standing as a motion, a tabled 25 motion by the Santa Fe Board. They don't have the</p>

<p style="text-align: right;">Page 118</p> <p>1 capacity to speak --</p> <p>2 COMMISSIONER CABALLERO: Yes, they do.</p> <p>3 Yes, they do.</p> <p>4 THE CHAIR: No, they don't. They don't</p> <p>5 have the capacity to speak for the Santa Fe Board.</p> <p>6 COMMISSIONER CABALLERO: Yes. But if they</p> <p>7 remove their application or whatever they brought</p> <p>8 before the Board, they're the only ones that can</p> <p>9 remove it.</p> <p>10 THE CHAIR: Right.</p> <p>11 COMMISSIONER CABALLERO: The Board can't</p> <p>12 remove it. They have to disapprove it. But they</p> <p>13 can say, "I'm not going to go forward with that, and</p> <p>14 I'm going to send a formal letter to that entity</p> <p>15 that I'm no longer interested, not even in an</p> <p>16 exploratory."</p> <p>17 THE CHAIR: Absolutely. Yeah.</p> <p>18 COMMISSIONER CABALLERO: And so they're</p> <p>19 off the hook there. And I'd rather be -- if they</p> <p>20 don't intend, I'd rather have them say on the record</p> <p>21 than we take action one way or the other. Because</p> <p>22 that's clear for me --</p> <p>23 THE CHAIR: Right. I got you.</p> <p>24 COMMISSIONER CABALLERO: -- that we're not</p> <p>25 caught in the middle. Because I don't want to be</p>	<p style="text-align: right;">Page 120</p> <p>1 again. The intention is never that this school goes</p> <p>2 away. But there's -- there's a concern that we are,</p> <p>3 we're stuck in the middle of this between another</p> <p>4 authorizer and ourselves.</p> <p>5 MR. MICHAEL SMITH: Madam Chairman?</p> <p>6 THE CHAIR: So if you want to get a formal</p> <p>7 document, however -- or legal counsel feels is the</p> <p>8 cleanest way to do it, fine.</p> <p>9 MS. AMI JAEGER: But from the school. Not</p> <p>10 from the school, not from Santa Fe Public School,</p> <p>11 but just saying --</p> <p>12 MR. MICHAEL SMITH: Madam Chair, may I</p> <p>13 speak? We're happy to provide that. We're -- we</p> <p>14 want to go with the -- with the State. We want to</p> <p>15 be your charter school.</p> <p>16 And as soon as we -- we left the meeting</p> <p>17 at the public school in front of the Board -- we</p> <p>18 didn't design that, by the way, that process. That</p> <p>19 was designed by the Superintendent. And I think it</p> <p>20 was intentionally to submarine us.</p> <p>21 Because we were stunned when we got that</p> <p>22 oral report in front of the Board. It was out of</p> <p>23 left field. We didn't think that was going to be --</p> <p>24 you know. So we were sil-- we didn't know what to</p> <p>25 say.</p>
<p style="text-align: right;">Page 119</p> <p>1 caught in the middle.</p> <p>2 THE CHAIR: Because I'm going to say, for</p> <p>3 example -- and I can't speak for other authorizers.</p> <p>4 But if there was a school that was looking to</p> <p>5 potentially authorize with us, renew with us, it</p> <p>6 would not be done at a formal Commission meeting,</p> <p>7 that there's a -- an exploratory public meeting that</p> <p>8 occurred with the Santa Fe Board. That would not</p> <p>9 happen.</p> <p>10 You have discussions with Charter School</p> <p>11 Division staff about, "What do I -- what do I need</p> <p>12 to do? How does this process occur?"</p> <p>13 And there's -- certainly, those</p> <p>14 conversations happen all the time at renewal and at</p> <p>15 application time, what does each authorizer look</p> <p>16 like. And there are those informal.</p> <p>17 But to come before us and say, "Hey, this</p> <p>18 is -- this is what we are. This is who we are.</p> <p>19 Let's just have a, you know, a public discussion</p> <p>20 about this and put on our agenda as -- let's throw</p> <p>21 it out there, let's explore it with you," I don't</p> <p>22 know any authorizer that does that.</p> <p>23 So that was a little wonky, plain and</p> <p>24 simple. But however it can be clean, it needs to be</p> <p>25 clean. That's my -- you know, I'll say it again and</p>	<p style="text-align: right;">Page 121</p> <p>1 We took it back to our staff and all the</p> <p>2 administration. And it was unanimous, "Let's go</p> <p>3 with the State. We do not want to be with the</p> <p>4 District. They don't want us. We don't want to be</p> <p>5 with them."</p> <p>6 And I think we should read this letter</p> <p>7 from Dr. Garcia and General Counsel.</p> <p>8 THE CHAIR: And that's fine.</p> <p>9 MR. ROBERT JESSEN: Madam Chair, may I</p> <p>10 read the letter?</p> <p>11 THE CHAIR: Sure.</p> <p>12 MR. ROBERT JESSEN: "November 14th, 2019.</p> <p>13 Re, Clarification Regarding a Request of Monte del</p> <p>14 Sol."</p> <p>15 "Dear Dr. Jessen." And this is, by the</p> <p>16 way, Joshua Granata, General Counsel for Santa Fe</p> <p>17 Public Schools, who is writing.</p> <p>18 "I am writing this letter to provide you</p> <p>19 with some clarification regarding the request from</p> <p>20 Monte del Sol Charter School about the possibility</p> <p>21 of becoming chartered by the Santa Fe Public School</p> <p>22 District, 'the District.' It is the District's</p> <p>23 understanding that the request was not an</p> <p>24 application to become chartered by the District.</p> <p>25 Instead, the District understood the request as an</p>

<p style="text-align: right;">Page 122</p> <p>1 effort by Monte del Sol Charter to determine whether 2 it should apply to the District for charter once 3 Monte del Sol Charter School decided that applying 4 to the school was in its best interest. We do not 5 consider that the meetings between the District and 6 Monte del Sol Charter School and the documents 7 shared with the District constitute an application; 8 rather, the District and Monte del Sol Charter 9 School engaged in discussions with the intention of 10 helping Monte del Sol Charter School reach a 11 decision as to whether to apply or not. 12 "I hope this letter provides some clarity. 13 If you would like to discuss further, please do not 14 hesitate to contact me. Sincerely, Joshua R 15 Granata." 16 THE CHAIR: Okay. So I think we're -- I 17 think we'll be okay if there's a letter that is 18 signed by the governance council -- do we need a 19 vote, that the governance council voted on the 20 letter, so that we know the governance council -- 21 yeah, I don't know what your time frame -- do you 22 have a meeting in November? 23 MR. MICHAEL SMITH: Next Tuesday. It's 24 going to get on the agenda, like, today. 25 THE CHAIR: So minutes that you voted on</p>	<p style="text-align: right;">Page 124</p> <p>1 COMMISSIONER ROBBINS: Yes. 2 THE CHAIR: So I -- I did make a phone 3 call to the senior analyst at DFA, which is Donna 4 Romero-Atencio. And she was very accommodating and 5 was very surprised and said, "Certainly, it can be 6 put into the amended budget." And I actually felt 7 better than I had in quite a while. And she 8 promised that she'd get back to me. 9 I waited too long. But I waited two weeks 10 to get a call back, and I didn't get the call back. 11 So I made a call to her. And she was kind of 12 surprised. 13 And she said, "Well, I was assured by the 14 Deputy Secretary Delgado that your budget was in, 15 and he would call you, so I didn't need to call you 16 back." 17 So I did not get a call back from Deputy 18 Secretary Delgado. So I did send an e-mail to him 19 expressing my concern over the fact that the statute 20 does clearly state that our budget has to be 21 included in the PED budget, unamended. It needs to 22 be submitted, and that we, as elected officials, 23 have an obligation to our constituents to explain 24 that contractually it says the PEC gets the 25 2 percent, and that we will be accountable to the</p>
<p style="text-align: right;">Page 123</p> <p>1 this and that there is a letter that's addressed to 2 the Santa Fe School Board and the PEC that is 3 withdrawing the consideration for renewal to 4 Santa Fe Public Schools. 5 MR. MICHAEL SMITH: Yes, ma'am. 6 THE CHAIR: Okay. 7 DR. ROBERT JESSEN: Thank you very much. 8 THE CHAIR: Thanks. We appreciate it. 9 Okay. Item No. 13, Discussion and 10 Possible Action on the 2020-2021 Budget. 11 This is a thorn in my side. I -- you 12 know, I'm telling you right now, it's just a thorn 13 in my side. 14 The PED presented to the LFC the budget 15 for '20-'21. And I did not travel up. We had the 16 hearing on Friday, on that prior Friday, for 17 Explore, and the LFC was that following Monday. I 18 didn't travel back up because I didn't feel that 19 there was any benefit for my being there because we 20 weren't in the budget. 21 So -- and it was confirmed by LFC analysts 22 that the PEC budget was not submitted. 23 So the recommendation was that I contact 24 DFA, because there is an amended budget that is then 25 presented in November.</p>	<p style="text-align: right;">Page 125</p> <p>1 schools that we're contracting with, PED does not 2 contract with the schools, and that we will be able 3 to be accountable. And it specifically says the 4 2 percent is there for support. 5 So I got an e-mail back that basically 6 said, "Sorry for your frustration." 7 But I am not getting a phone call. That's 8 the bottom line. 9 COMMISSIONER CABALLERO: How come it 10 doesn't surprise me? 11 THE CHAIR: You know what? I'll tell you 12 what surprises me. As bad as things may have been 13 in prior administrations, I, at the very least, got 14 a phone call back. I may not have liked the answer. 15 And it may have been "So sad-too bad," but they put 16 their big-boy pants on and made that phone call to 17 me. I was given the respect that I got a phone call 18 back. 19 But I don't get -- you know, when I reach 20 out, and in an effort to -- you know, we've tried to 21 be collaborative about this. But this is beyond 22 frustrating that we can't -- you know. And the idea 23 that we are going to look historically back to see 24 how the PEC budget has been dealt with -- well, 25 that's like saying you've broken the law for ten</p>

<p style="text-align: right;">Page 126</p> <p>1 years, so that means you can continue to break the 2 law, because, you know, you've done it for ten 3 years, so it's okay. 4 And that's -- you know, historically, it 5 hasn't been handled appropriately. And that doesn't 6 make it right. And I still haven't been given an 7 answer as to whether -- I'm assuming, based on the, 8 "Sorry for your frustration," that we're not going 9 to be included in the amended budget. 10 So I think we have to have a discussion 11 about what we do going forward. 12 COMMISSIONER ROBBINS: Would it make sense 13 to contact John Arthur Smith who's on the LFC, 14 Patricia Lundstrom, who is the Chair of the LFC, to 15 contact these individuals, express the frustration 16 of the PEC through our Chair and asking for their 17 due consideration of our budget, which we can send 18 to them, that the Administration -- their inaction 19 and their unwillingness to cooperate with this 20 Commission is contrary to statute and contrary to 21 the action of the Constitution establishing this 22 Commission, that they are acting in bad faith and 23 that we ask for LFC intervention. 24 THE CHAIR: Right. And that was one of 25 the -- one of my -- on my potential "do" lists is to</p>	<p style="text-align: right;">Page 128</p> <p>1 to do what he is suggesting, and probably other 2 things that maybe counsel can suggest. Or 3 Madam Chair has been quite -- quite there a lot and 4 maybe she can come up with other creative avenues to 5 present our plight. 6 That way, if what he is proposing doesn't 7 work, we get around to presenting our plight some 8 other way. Because if we don't, are we going to get 9 just drowned out? 10 And the answer is going to be, "Well, it 11 was supposed to be submitted by PED. It's not here. 12 I'm sorry." 13 And that's what we heard from UNM 14 constantly. And so I want to avoid that. 15 THE CHAIR: You know, and the intention is 16 to try not to make this a -- you know, a 17 confrontational -- 18 COMMISSIONER CABALLERO: Or a lawsuit. 19 THE CHAIR: And that's just it. You know, 20 that's one of the -- that's one of the things out 21 there is, you know, do we have to go that far? But 22 it -- 23 COMMISSIONER CABALLERO: Yeah. The law is 24 clear. 25 THE CHAIR: Yeah. I know.</p>
<p style="text-align: right;">Page 127</p> <p>1 ask for -- 2 COMMISSIONER ROBBINS: Ask for a hearing. 3 THE CHAIR: -- a budget hearing, you know, 4 when the LFC is doing their budget hearings -- what 5 is it -- the week before the session opens up, to 6 ask for a budget hearing before the LFC -- 7 COMMISSIONER ROBBINS: Uh-huh. 8 THE CHAIR: -- you know. So that was one 9 of the things that I had chewed through as a 10 possibility. 11 COMMISSIONER CABALLERO: Madam Chair? 12 THE CHAIR: Uh-huh. 13 COMMISSIONER CABALLERO: In this regard, I 14 think we need to have a different prong approach. I 15 like the suggestion. However, I know that within 16 the committee, they're so sticklers for internal 17 process that even in the universities -- and we 18 violated already three times internal processes with 19 UNM. And they -- they would not allow a Department 20 to request monies outside their own process. 21 However, their own process puts some 22 departments outside the process -- process 23 timetable. So we had no choice but to go outside. 24 We've managed to get some -- some traction. 25 And so with that said, I believe we need</p>	<p style="text-align: right;">Page 129</p> <p>1 COMMISSIONER ROBBINS: I think we have 2 statute and we have the Constitution on our side. 3 And I think, you know, when the administrative 4 process was violated -- I understand LFC doesn't 5 want to go outside that. But when a constitutional 6 entity -- a department within the University is not 7 necessarily a constitutionally established 8 department. The University is, but not the 9 department. We are a constitutionally established 10 Commission -- 11 COMMISSIONER CABALLERO: Right. 12 COMMISSIONER ROBBINS: -- with 13 constitutional and statutory authority that is 14 granted. And a relationship between PEC and PED is 15 set in statute. That is not being followed or 16 honored by the PED's refusal to take our budget and 17 add it in. We're not asking for anything more than 18 what that 2 percent would be. 19 We want to be fair. If PED has expenses 20 and everything that exceed what we produce, fine, 21 show us what that is. We have a surplus from the 22 roughly \$2 million to what we're asking to be 23 budgeted strictly for PEC and covering the expenses 24 of CSD. There's a surplus there. There's money in 25 there to cover the IT, the other things that you</p>

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1 would think which should be a shared expense, you
 2 know, for personnel, for the administrative, for
 3 payroll, for things like that, for assistance.
 4 But to then PED to just say, "We're going
 5 to take the 2 percent and use it however we want to,
 6 regardless of whether it's meeting the needs of your
 7 charters. We're going to" -- and not give us any
 8 reports -- because this is the other thing that this
 9 Commission has asked for years, for reports on how
 10 that money has been spent, and we have not received
 11 that. That is also statutorily required.
 12 COMMISSIONER CABALLERO: I was asked a
 13 couple of times already by charter schools about the
 14 2 percent. And embarrassing to say, I don't know.
 15 COMMISSIONER ROBBINS: I think many of us
 16 get asked that question, what we're going to do with
 17 the 2 percent.
 18 THE CHAIR: It's in the Auditor's report,
 19 that there can't be -- the State Auditor red-flagged
 20 it and said they can't -- he can't -- they can't
 21 find it, you know.
 22 So it's not clear where that 2 percent is
 23 being spent. And it is -- it's public money, and it
 24 is supposed to be in support of the schools. And we
 25 contract with those schools.

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1 So I think Mark has some -- yes?
 2 MR. CHAIKEN: Yes, Madam Chair,
 3 Commissioners. There is a legal enforcement action
 4 that would be available. I won't downplay the
 5 seriousness. I think you're all aware of the
 6 seriousness of filing such an action.
 7 If we want to have further discussion
 8 about it, I would recommend that we move that into
 9 Closed Session.
 10 THE CHAIR: Closed Session.
 11 MR. CHAIKEN: But there is such an action
 12 available.
 13 THE CHAIR: You know. And, like I said,
 14 we've been trying not to get to that point. But...
 15 COMMISSIONER CABALLERO: Year after year.
 16 THE CHAIR: But we just keep -- we're not
 17 even really told no. We're just ignored. That's --
 18 that's the bottom line. And that's what becomes
 19 frustrating and insulting, that there's -- there's a
 20 complete lack of willingness to communicate about
 21 this. And I think it -- you know, I'm going to tie
 22 it in also to frustration over the MOU. But it's
 23 not on the agenda, so I won't say it.
 24 COMMISSIONER ROBBINS: Well, there's five
 25 Commissioners here. And I think each Commission --

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1 ten Commissioners here. And I think each
 2 Commissioner, whether we ran opposed or not -- or
 3 unopposed -- I think we each received tens of
 4 thousands of votes. I think that, in and of
 5 itself -- if we say it averaged 30,000 votes apiece,
 6 that's 300,000 votes.
 7 That should say something to the
 8 Administration and to the Legislature that this
 9 body, if we are in full agreement, speaks with a
 10 very large voice of the people of New Mexico, that
 11 we should be heard and should be respected, not just
 12 by the charters, but by the statutory entities under
 13 the Executive Branch.
 14 COMMISSIONER VOIGT: Hear-hear.
 15 THE CHAIR: Yeah. And I -- you know,
 16 we -- we spend so much of our meetings talking about
 17 trying to make it better for students to try to
 18 create a better climate for students -- excuse me --
 19 to -- to try to be more respectful to how we deal
 20 with schools, how they deal with their students; yet
 21 we're faced continually with a lack of respect from
 22 different bureaus or agencies.
 23 COMMISSIONER VOIGT: And just to segue on
 24 what Commissioner Caballero was saying about being
 25 asked by schools about that 2 percent, I think they

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1 share the same frustration as we do, because they're
 2 not getting an answer, either. So --
 3 COMMISSIONER ARMBRUSTER: Madam Chair?
 4 You know, the thing is -- I was kind of waiting till
 5 you, like --
 6 THE CHAIR: I was choking.
 7 COMMISSIONER ARMBRUSTER: So the
 8 perception is the charter schools get more money.
 9 They get more this. Yet we take 2 percent of their
 10 money.
 11 So even if they had to pay some amount for
 12 the Charter School Division -- which I had asked one
 13 time whether we could raise their salaries, and they
 14 said no, but I tried -- the responsibility in terms
 15 of the way I see it is for special education or EL
 16 or -- you know, all those letters -- is those
 17 children's parents pay taxes, and they're children.
 18 And we of the State of New Mexico take care of
 19 everybody wherever you are going to school.
 20 Even if you are a private school student
 21 and you need special ed services, your parents or
 22 whomever can take you to a school, and you will get
 23 those services there. They don't go to the private
 24 school; but they will -- but you're still entitled
 25 to those.

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<p>1 So what it sounds like they're saying now 2 is that, "If you don't get -- we're not -- if we 3 don't give them the 2 percent, what are they going 4 to do?" I mean, we don't have any control over it. 5 But it's, like, they're not going to take care of 6 these kids? That's a lot, 2 percent of their money. 7 COMMISSIONER CABALLERO: 2 percent for a 8 charter school is [Spanish language], as they say in 9 Spanish. It's a lot. 10 THE CHAIR: It is. Because the lease is 11 eating into their operational, so that we eat into 12 their operational. 13 COMMISSIONER CABALLERO: Uh-huh. 14 COMMISSIONER VOIGT: Times 60 or whatever 15 they are in the state. That's a big lot of cash. 16 THE CHAIR: And I don't think there's a -- 17 there's not a, "We don't want to pay it." But it's, 18 "We pay it, where is" -- 19 COMMISSIONER CABALLERO: And then what? 20 THE CHAIR: Right. So it's just -- like I 21 said, it's a festering thorn in my side. 22 COMMISSIONER ROBBINS: Madam Chair, could 23 I go ahead and make a motion, and we can have 24 further discussion? 25 COMMISSIONER VOIGT: I was just going to</p>	<p>1 should be the, you know, second or third -- let's 2 try this, let's try this. So that actually it makes 3 it look more -- "Hey, we've exhausted every avenue, 4 so now here we are." 5 COMMISSIONER VOIGT: Okay. Perfect. 6 Sounds good. 7 COMMISSIONER ROBBINS: Again, without 8 going into Executive Session, worst case scenario, I 9 you would imagine we could ask for an emergency 10 interaction from the court. That doesn't mean 11 they're going to entertain it. But we could ask for 12 an emergency. I think because we're a statutory 13 thing, I don't know that we have to go through 14 District Court, if we can go directly to the Supreme 15 Court, I don't know if that's possible or -- 16 COMMISSIONER CABALLERO: Should we save 17 that for our meeting? 18 COMMISSIONER ROBBINS: We'll save that for 19 later. But I would like to go ahead and make the 20 motion. I would move that the Public Education 21 Commission submit the 2020-'21 PEC budget directly 22 to the LFC and the Governor and request a budget 23 hearing. 24 COMMISSIONER VOIGT: I second. 25 THE CHAIR: There's a motion by</p>
<p>Page 135</p> <p>1 say, real quick before you do that, I like your idea 2 of reaching out to John Arthur Smith. 3 COMMISSIONER ROBBINS: Patricia Lundstrom 4 is the Chair of the LFC. But the two of them 5 together. 6 COMMISSIONER VOIGT: Are we meeting next 7 week? 8 COMMISSIONER ROBBINS: John Arthur Smith 9 is the Senate representative. Patricia Lundstrom is 10 the representative. 11 THE CHAIR: We would want to be part of 12 the budget meeting in December. The reach-out can 13 certainly happen anytime. But the request would be 14 to have a budget hearing. 15 COMMISSIONER VOIGT: Do you know that a 16 reach-out would be a strong enough request to be 17 included in the December hearing? Or do we need to 18 go to the option that Mark has in his back pocket? 19 THE CHAIR: Oh, no. I think that's -- 20 well, number one, we would need an Executive Session 21 to fully hash that out. 22 COMMISSIONER VOIGT: Okay. 23 THE CHAIR: I think the reach-out has to 24 happen sooner than a future Executive Session. 25 But I also think that the other option</p>	<p>Page 137</p> <p>1 Commissioner Robbins, a second by Commissioner 2 Voigt. 3 Any further discussion? 4 (No response.) 5 THE CHAIR: Roll call, please? 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Robbins? 8 COMMISSIONER ROBBINS: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Voigt? 11 COMMISSIONER VOIGT: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Armbruster votes "Yes." 14 Commissioner Davis? 15 COMMISSIONER DAVIS: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Chavez? 18 COMMISSIONER CHAVEZ: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Gipson? 21 THE CHAIR: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Raftery? 24 COMMISSIONER RAFTERY: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>

<p style="text-align: right;">Page 138</p> <p>1 Crone? 2 COMMISSIONER CRONE: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Ruiz? 5 COMMISSIONER RUIZ: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Caballero? 8 COMMISSIONER CABALLERO: Yes. 9 COMMISSIONER ARMBRUSTER: Ten-to-zero 10 vote, and passes. 11 THE CHAIR: Okay. We're on to Item 12 No. 14, which is Discussion and Possible Action on 13 the 2020 Calendar of Meetings. There haven't 14 been -- there weren't any changes since we first 15 looked at it. So I think we're going with it. 16 We're really pretty good about holding to 17 that. There's a really rare exception that we've 18 had to make, you know, a change to -- to the 19 meeting, which is different than a lot of other -- 20 COMMISSIONER ROBBINS: If I could 21 interject? This draft was sent to the PSCOC, the 22 PSFA, setting the calendars for next year. I think 23 they've been very respectful. 24 THE CHAIR: Well, that's nice. 25 COMMISSIONER ROBBINS: Because I said,</p>	<p style="text-align: right;">Page 140</p> <p>1 respectful, and they moved things. And so I think 2 that is a plus. So I want to get -- so I think 3 there is respect that both LFC has and -- and the 4 members of the council. So I think, you know, the 5 previous action will get us there. But I do 6 appreciate and want to communicate -- 7 THE CHAIR: Absolutely. 8 COMMISSIONER ROBBINS: -- their 9 accommodation, because I know, previously, it was 10 always difficult to be able to attend to both 11 requirements or obligations that Commissioners have. 12 THE CHAIR: No. And, absolutely. I 13 greatly appreciate that. 14 Commissioner Armbruster? 15 COMMISSIONER ARMBRUSTER: I'm fine with 16 this. I just wanted to note two things, because 17 we're always trying to fit with everybody else. So 18 I don't recall when the law conference is or when 19 the -- 20 THE CHAIR: I don't know whether they've 21 actually -- 22 COMMISSIONER ARMBRUSTER: -- School Board 23 one is or the LESC. 24 THE CHAIR: They haven't been scheduled 25 yet.</p>
<p style="text-align: right;">Page 139</p> <p>1 "Well, to have a substitute would be another 2 Commissioner. And the Commissioners should always 3 be in our meeting. It's not like you can take one 4 of your staff and send them. We don't have a 5 staff." 6 So I think they've been very respectful of 7 that. And, actually, in discussions that we had 8 yesterday, why I wasn't here yesterday morning, 9 David Abby, Director of LFC, actually said, "Well, 10 maybe I would recommend that we have our meetings on 11 Mondays or Tuesdays to avoid conflicts with all the 12 others," because there's fewer. And that was 13 basically agreed to by the entire council. 14 So I think that -- you know, I've stressed 15 this over the last several months. They actually 16 had a PSCOC meeting scheduled for the week of the 17 9th. And they've moved it -- they moved it to the 18 17th because I said, "I cannot be there and neither 19 can any of the Commissioners, because we are 20 having" -- 21 THE CHAIR: We're glazed over by then. 22 COMMISSIONER ROBBINS: Well -- but we're 23 all committed for the entire week. 24 THE CHAIR: Yeah, literally. 25 COMMISSIONER ROBBINS: And they were very</p>	<p style="text-align: right;">Page 141</p> <p>1 COMMISSIONER ARMBRUSTER: I'm thinking 2 perhaps we should -- I'm fine with this -- send them 3 a copy of our schedule and perhaps they would work 4 around it. Just a thought. 5 THE CHAIR: We're not a member of the 6 School Board Association. 7 COMMISSIONER ARMBRUSTER: How about LESC? 8 THE CHAIR: We're not a member of the 9 LESC, either. We're just an audience member. And I 10 understand that. But they won't make their schedule 11 until after the Legislative Session is over. 12 COMMISSIONER ARMBRUSTER: That's true. So 13 that doesn't work. 14 MS. AMI JAEGER: You mean LESC? They 15 don't do it till April. 16 THE CHAIR: Until the interim committees 17 actually start back up and running, they don't make 18 their schedule. So it's hard to -- to do that. And 19 I have mentioned it. And the response is, "So miss 20 your meeting." 21 COMMISSIONER ARMBRUSTER: Oh, that's 22 pleasant. 23 COMMISSIONER RUIZ: Remember, there was a 24 conference going on that we -- 25 THE CHAIR: But, no, with the LESC. I</p>

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<p>1 mentioned the conflicts, and I was simply told to 2 miss this meeting. 3 COMMISSIONER ARMBRUSTER: I guess my 4 suggestion is we can send it and they can ignore it. 5 That's all. I didn't think they would pay attention 6 to us. 7 THE CHAIR: It's the spring when they make 8 their schedule. 9 COMMISSIONER ARMBRUSTER: We can make a 10 note to give it to them. I'm not saying it'll do 11 any good, if they'll change it or whatever. But at 12 least they'll have it. 13 Should it be April 16th or April 23rd?" 14 "Well, maybe if PEC wants to come and 15 we're talking about them, perhaps we could do that." 16 It's just a -- 17 THE CHAIR: Right. And I will say that 18 when we have been on their agenda and we've had a 19 meeting, they have been accommodating in trying to 20 make it in the afternoon on a Thursday afternoon so 21 that we could get there and not -- you know, not 22 have it on the Friday. 23 Because one time we were actually 24 scheduled for Friday. They did -- so that they -- 25 at least within that time frame, they were</p>	<p>1 COMMISSIONER RAFTERY: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Gipson? 4 THE CHAIR: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Chavez? 7 COMMISSIONER CHAVEZ: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Davis? 10 COMMISSIONER DAVIS: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Armbruster votes "Yes." 13 Commissioner Voigt? 14 COMMISSIONER VOIGT: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Robbins? 17 COMMISSIONER ROBBINS: Yes. 18 COMMISSIONER ARMBRUSTER: Ten-to-zero 19 vote. Passes. 20 THE CHAIR: Okay. Thank you. Obviously, 21 Public Charter Schools is busy. So Matt won't be 22 here. And we're not a member of the School Board 23 Association, so they don't often come, you know. 24 And just a little history. The School 25 Board Association, for us to be an official member,</p>
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<p>1 accommodating to try to move around our schedule 2 because they had requested we be there. 3 So that's -- you know, that is what it is. 4 Okay. So do we -- so we're good with the 5 calendar, yes? So we can do a motion. 6 COMMISSIONER VOIGT: I'll move that the 7 Public Education Commission adopt the 2020 PEC 8 Meeting Calendar, so creatively and beautifully done 9 by Commissioner Ruiz. 10 COMMISSIONER RUIZ: Thank you. 11 COMMISSIONER CRONE: Second. 12 THE CHAIR: There's a motion by 13 Commissioner Voigt, a second by Commissioner Crone. 14 Roll call? 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Caballero? 17 COMMISSIONER CABALLERO: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Ruiz? 20 COMMISSIONER RUIZ: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Crone? 23 COMMISSIONER CRONE: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Raftery?</p>	<p>1 their membership fee is based on the -- as with the 2 school districts, their membership is based on your 3 student population. So the membership fee for us to 4 be a member of the School Board Association is based 5 on the student population of all charter schools, 6 State charter schools. 7 So it's -- we've got a robust population, 8 so it's a significant amount of money. And I'm not 9 diminishing them. But we don't -- we wouldn't make 10 use of most of their services that they offer 11 school -- school districts. 12 So we're -- I think years and years ago, 13 there had been -- there had been a membership. But 14 the School Board Association at that time offered a 15 reduced rate, understanding the nuance there. But 16 that's not the case now. 17 So -- but it's not that we don't 18 appreciate what they do with their conferences that 19 they hold. And we -- I -- usually, they offer us 20 the opportunity to come. So we do appreciate that. 21 But it's -- you know, it's unfortunate that 22 sometimes we're kind of at odds, and we needn't be. 23 I'm trying to think. 24 I had the opportunity to attend a 25 governance council -- not a governance council</p>

<p style="text-align: right;">Page 146</p> <p>1 meeting, I'm sorry -- a parent meeting with 2 governance council members in attendance -- some 3 governance council members in attendance from 4 Dolores Huerta last week. 5 So, beyond that, I don't want to say 6 anything on the public record about that, except, 7 apparently, Commissioner Chavez can make me do 8 stuff. 9 I had a parent call me and ask me to go to 10 their governance council meeting last night. And I 11 explained to them that I couldn't be there because I 12 was up here in Albuquerque for two days for 13 meetings. 14 And they told me, "I'm going to call 15 Commissioner Chavez in Deming and make him come to 16 our meeting." 17 And I said, "Really." 18 So I appreciated -- and they're an active 19 group of parents, so it's always fun. It was -- I 20 told a couple of people -- it was all in Spanish. 21 And I can usually keep up. But when five people are 22 talking at the same time with different intonations, 23 I was -- 24 COMMISSIONER CABALLERO: Even I have a 25 hard time with that.</p>	<p style="text-align: right;">Page 148</p> <p>1 stays at eleven, just as an arbitrary number. I 2 think the concern that has been raised by a number 3 of charters is the fact that if a district has to 4 have eleven members on their equity council, and 5 you've got 15 schools in a district, that's roughly 6 one parent from each school. 7 But if a charter that only has 80 kids in 8 it has to have an equity council of eleven, there 9 seems to be an inequity with that, that it's not 10 that they disagree with the equity council and the 11 concept of it, but is there going -- is there any 12 flexibility with that so that there's consideration 13 for very small schools in getting -- because my 14 understanding is you can't be a governance council 15 member, you can't be staff. I get it. It's 16 supposed to be community parent involvement. 17 But if they're held to the same number as 18 a 12,000-student school district, that seems -- you 19 know, hard for a district to be in compliance -- for 20 a charter to be in compliance with. So that's the 21 only thing I'm asking for some clarification on that 22 I -- is there any consideration? Or can there be a 23 consideration made on that? 24 MR. ALAN BRAUER: Madam Chair, duly noted 25 point for sure. And I know, as part of the</p>
<p style="text-align: right;">Page 147</p> <p>1 THE CHAIR: It was -- I had brain-drain at 2 the end of it. But it was -- it's always 3 enlightening when you get such committed parents to 4 a meeting. 5 So the LESC is meeting next week. And I 6 think I'm coming up for Wednesday, because there's a 7 couple of things on the agenda for that that look 8 like it could be -- it could be impactful for us. 9 I do have a question. The equity councils 10 that need to be created for the schools. And I 11 appreciate that. But my understanding is it's an 12 eleven-member council? Or is it up to eleven? 13 That's where there has been some questions that have 14 come to me. So is it eleven? 15 MR. ALAN BRAUER: Yeah. Madam Chair, 16 members of the Commission, there is going to be an 17 additional letter that's going to go out very, very 18 soon. I don't want to put a time stamp on it. It's 19 going through the final stages. But it'll provide 20 more context about what to expect. 21 I don't want to say eleven and be wrong on 22 that. But it should be -- there will be much more 23 of a context from this upcoming letter that's going 24 to go out to schools. 25 THE CHAIR: Okay. So let's say the number</p>	<p style="text-align: right;">Page 149</p> <p>1 Identity, Equity, and Transformation Division, we're 2 very empathetic to making sure that this process is 3 not trumping the purpose. And making as many things 4 happen in its first time out, the process kind of 5 trumps the actual vision and purpose of this. 6 Something that is so important and so 7 grounding at this point in our state's history, to 8 really get ready, we want to make sure we're working 9 with all of our schools and our communities to make 10 sure that we're really focusing in on the purpose 11 versus the process. 12 So I would bring this back to Deputy 13 Secretary Bobroff and Mayra Valtierrez to discuss 14 this and to see if there are ways that we need to 15 consider a non-one-size-fits-all kind of approach to 16 this. 17 I can't say that for sure right now. But 18 I know we do have that empathy, for sure, and we 19 want to make sure that we're able to make this -- 20 really focus in on the purpose. 21 THE CHAIR: Because as charters have 22 mentioned, then, if a traditional school district 23 doesn't comply, what happens to them? But if a 24 charter doesn't comply, now they're out of 25 compliance, and they could end up closing, because</p>

<p style="text-align: right;">Page 150</p> <p>1 they don't have the -- so there is that -- there is 2 that little piece there.</p> <p>3 And I know I addressed a question -- I 4 guess right after the minutes from the call came 5 out -- and the call -- I guess it was last week? -- 6 that dealt with this, is there anything that we need 7 to do additionally for our site visit protocol 8 and/or, you know, maybe down-the-road contracts to 9 make sure that we stay -- you know, what might 10 Charter School Division, if anything, would they 11 need to look at a site visit in relationship to 12 this?</p> <p>13 So that if it does get populated into 14 that, then the ramifications become a little more 15 significant to the charter community.</p> <p>16 So we want to -- yeah, we want to try to 17 make sure that this actually works for the purpose 18 it does and not just become this hammer that 19 someone -- and they lose sight of what really it's 20 supposed to be about.</p> <p>21 So I appreciate you getting a little more 22 information on that. And I know a lot of it is 23 rolling out. So there were a lot of questions that 24 couldn't be answered because no one is really sure 25 exactly what's going to happen.</p>	<p style="text-align: right;">Page 152</p> <p>1 the charter school doesn't have a school any longer. 2 And this is happening across the board, and it's 3 happening often.</p> <p>4 Or the CMO owns the electronics and all 5 the textbooks, so they have a building, but they 6 have no instructional materials because they -- you 7 know, they're no longer in the state. So they 8 packed up and they've gone. It's just really 9 frightening how -- what's being done.</p> <p>10 And it's all -- and the control that they 11 have on the educational programming so that charters 12 are -- you know, charters, "Oh, this is a really 13 good fit." But then when they try to do something, 14 the CMO actually was able to block them from doing 15 some educational programming, because --</p> <p>16 COMMISSIONER CABALLERO: They got a 17 problem.</p> <p>18 THE CHAIR: -- it went against the focus 19 of the CMO. So, you know, that shiny brass ring 20 tarnishes pretty quick, it appears, with this.</p> <p>21 So I think that I -- I think that's 22 something that we really need to look at with the 23 Legislative Session, if it can fit somewhere into 24 the call, so that -- because there -- the numbers of 25 CMOs are growing. Their creativity is certainly</p>
<p style="text-align: right;">Page 151</p> <p>1 So I did attend the NACSA conference with 2 two of our other Commissioners. And there was a 3 Charter School Division staffer there as well. I 4 have to say, of the three that I've attended, this 5 was one of the best that I attended. There was a 6 lot more valuable information that I got out of it.</p> <p>7 I will say that the one thing that I 8 walked away from is, in big and huge capital 9 letters, "No CMOs." The nightmare situations that 10 states are in with CMOs. And then it's --</p> <p>11 COMMISSIONER CABALLERO: CMOs? 12 THE CHAIR: Charter Management 13 Organizations.</p> <p>14 COMMISSIONER CABALLERO: Oh, okay. 15 THE CHAIR: So representatives from other 16 states are saying, "Yeah," you know, "We've got" -- 17 and some states have multiple CMOs operating in 18 their state. But the -- you know, the CMO's mission 19 may have changed or its focus may have changed and 20 they don't want to be in that state any longer. So 21 they pack their bag and go. And the CMO owned the 22 building. Because that's often the cookie for the 23 charter school, "Sign on with us, we'll buy you your 24 building, you lease the building from us." 25 But then the CMO ups and leaves and now</p>	<p style="text-align: right;">Page 153</p> <p>1 being honed.</p> <p>2 So it -- I think it's something that we 3 need to get out in front of and not react to once 4 it's -- once it's here, because it's tougher.</p> <p>5 COMMISSIONER CABALLERO: Madam Chair, I 6 remember the first national conferences I went to, 7 it seemed to me there was what they call mom-and-pop 8 charter school. And I kept asking, "What does that 9 mean?"</p> <p>10 THE CHAIR: Us.</p> <p>11 COMMISSIONER CABALLERO: And I says, 12 "Well, yeah." And I said, "Yeah. A corner store 13 could be mom-and-pop, but you can't have a mom and 14 pop do a charter school." I said, "It's just too 15 difficult."</p> <p>16 THE CHAIR: But they look at us as 17 mom-and-pops because we're individuals. We're 18 not -- yeah.</p> <p>19 COMMISSIONER CABALLERO: And so I asked, 20 "Are you talking about community-based charter 21 organizations?"</p> <p>22 And says, "Well, it's the same thing." 23 I said, "No, it's not the same thing. You 24 have -- you dislike that type of charter school. 25 And the fact that you're using 'mom-and-pop' says it</p>

<p style="text-align: right;">Page 154</p> <p>1 all."</p> <p>2 And everybody was into that. And it</p> <p>3 frightened me. I said, "I don't know where this is</p> <p>4 going."</p> <p>5 THE CHAIR: Well, it's -- you know. And I</p> <p>6 think it was -- I think some state thought it would</p> <p>7 help them out because it would ease the angst over</p> <p>8 facility and things like this.</p> <p>9 And this looks like, you know, it's the</p> <p>10 greatest thing. Well, this is -- we're all going to</p> <p>11 be able to work together. And it's become -- you</p> <p>12 know, it's become a struggle. And it pits the</p> <p>13 schools between, "Who do I answer to most? Do I</p> <p>14 answer to the CMO who basically owns us, or my</p> <p>15 authorizer?"</p> <p>16 And when the authorizer and the CMO come</p> <p>17 into conflict, it becomes very, very difficult. So</p> <p>18 it's -- you know, it's something that I think we --</p> <p>19 like I said, we need to get out in front of.</p> <p>20 COMMISSIONER CABALLERO: I know that the</p> <p>21 number of senators that don't like that CMO --</p> <p>22 THE CHAIR: Oh, yeah.</p> <p>23 COMMISSIONER CABALLERO: -- is big enough.</p> <p>24 But I think it has to be articulated clearly and not</p> <p>25 count on that. And, like you said, get in front of</p>	<p style="text-align: right;">Page 156</p> <p>1 we are doing things right, you know, with our</p> <p>2 charter school law in New Mexico and with the</p> <p>3 accountability and compliance piece, and especially</p> <p>4 our frameworks. I'm really proud and honored to be</p> <p>5 part of this Commission because of the great work</p> <p>6 that's been done throughout the years. And it</p> <p>7 shines.</p> <p>8 And I really think we need to be</p> <p>9 presenting at these conferences, because there are</p> <p>10 so many other states that have huge issues with</p> <p>11 authorization. And I had some great conversations</p> <p>12 with some. And I told them about our frameworks and</p> <p>13 how they just changed to be mission-specific. And</p> <p>14 they were floored, because they're still authorizing</p> <p>15 by math and reading scores. We're so far ahead of</p> <p>16 that; right?</p> <p>17 And so something I shared with you -- I</p> <p>18 think Beverly uploaded it to the SharePoint. There</p> <p>19 was a breakout session that we all went to that was</p> <p>20 happening simultaneously in all the rooms that was</p> <p>21 just a really good reminder about why we do what we</p> <p>22 do. It was a model called the "World Cafe," which I</p> <p>23 love that model.</p> <p>24 And this really creative person put</p> <p>25 everybody's feedback on a whiteboard in the lobby.</p>
<p style="text-align: right;">Page 155</p> <p>1 it before they --</p> <p>2 THE CHAIR: We got really good traction</p> <p>3 last year with the bill that was going through. Got</p> <p>4 shot down by a lobbyist.</p> <p>5 COMMISSIONER CABALLERO: Wow.</p> <p>6 THE CHAIR: Yeah. But that's okay. It</p> <p>7 was a learning lesson.</p> <p>8 COMMISSIONER CABALLERO: Yes.</p> <p>9 THE CHAIR: You know? So it -- you know,</p> <p>10 we kept circling around at the same doors. But --</p> <p>11 and I thought we were okay. But we weren't.</p> <p>12 But, you know, the after -- the after</p> <p>13 conversations were beneficial. So I think if it can</p> <p>14 fit somewhere in the call, I think we'll be in a</p> <p>15 much better position this year than we were last</p> <p>16 year.</p> <p>17 And it was kind of late when we really</p> <p>18 started this. So I think we'll -- I hope we'll be</p> <p>19 okay.</p> <p>20 All right.</p> <p>21 COMMISSIONER VOIGT: I'll go first.</p> <p>22 THE CHAIR: Sure.</p> <p>23 COMMISSIONER VOIGT: Because so -- just to</p> <p>24 follow Commissioner Gipson about the conference,</p> <p>25 something that was a big eye-opener for me was how</p>	<p style="text-align: right;">Page 157</p> <p>1 And so I took a picture of those, if you want to --</p> <p>2 if you're feeling down or uninspired, just click on</p> <p>3 that and it might help recharge you.</p> <p>4 And I brought everyone a little something</p> <p>5 from the conference, so I'll just pass that around.</p> <p>6 That's all.</p> <p>7 COMMISSIONER CABALLERO: Oh, boy. You got</p> <p>8 a goodie.</p> <p>9 COMMISSIONER RUIZ: Thank you, Glenna.</p> <p>10 COMMISSIONER VOIGT: So, thanks. That's</p> <p>11 all for me.</p> <p>12 COMMISSIONER ARMBRUSTER: We nearly</p> <p>13 starved there, didn't we? We nearly starved?</p> <p>14 COMMISSIONER VOIGT: Well, I never will</p> <p>15 starve.</p> <p>16 COMMISSIONER ARMBRUSTER: I was being</p> <p>17 facetious.</p> <p>18 THE CHAIR: I want to thank the</p> <p>19 Commissioners for the forced march that we did that</p> <p>20 Monday. We did eight-and-a-half miles.</p> <p>21 COMMISSIONER VOIGT: Oh, yeah. We got our</p> <p>22 steps in that day.</p> <p>23 THE CHAIR: Our tour of St. Louis. So it</p> <p>24 was -- yup.</p> <p>25 COMMISSIONER ROBBINS: Did the bus break</p>

<p style="text-align: right;">Page 158</p> <p>1 down or what? 2 THE CHAIR: We actually took the subway 3 for a short time. We took the subway out and 4 basically walked back. It was -- it was good 5 weather, and it was -- we enjoyed ourselves. But it 6 was -- we saw a lot of St. Louis. So -- 7 Commissioner Caballero? Anything? 8 COMMISSIONER CABALLERO: No, ma'am. 9 THE CHAIR: Okay. 10 COMMISSIONER CABALLERO: I'm good. Thank 11 you. 12 THE CHAIR: Commissioner Davis? 13 COMMISSIONER DAVIS: Oh. I went to two 14 work sessions that were useful to me. So I was glad 15 for that. 16 THE CHAIR: Great. 17 COMMISSIONER DAVIS: This has been a 18 wonderful meeting. 19 THE CHAIR: Commissioner Raftery? 20 COMMISSIONER RAFTERY: I don't have 21 anything to say. 22 THE CHAIR: Commissioner Crone? 23 COMMISSIONER CRONE: I have nothing today. 24 THE CHAIR: Commissioner Chavez? 25 COMMISSIONER CHAVEZ: I'm good.</p>	<p style="text-align: right;">Page 160</p> <p>1 severe structural or mechanical problems, roof 2 problems, to where the cost is going to be 70 or 3 80 percent of the cost of building a new school. 4 Let's build a new school and do away with all those 5 things." 6 So that is out. It should be on the PSCOC 7 website. You'll be able to access that. 8 I mentioned the things about the adequacy 9 standards. Those were approved. 10 We have one member of the council from the 11 LESC that wasn't, you know, too happy, and, you 12 know, thought that one or two words in there should 13 be changed, even though they had been vetted. It 14 was just a personal thing. So it was a very good 15 meeting in that regard. 16 Some things that folks have asked for was 17 specifically to have some things put into the 18 minimum adequacy standards that are really left 19 better to the planning guide. Adequacy standards 20 are actually part of the New Mexico Administrative 21 Code, which is a higher level, below statute, but it 22 doesn't get into the nuts and bolts of building a 23 specific type of facility. That gets into the 24 planning standards. 25 So we discussed that.</p>
<p style="text-align: right;">Page 159</p> <p>1 THE CHAIR: Commissioner Robbins? 2 COMMISSIONER ROBBINS: Just wanted to 3 follow up a little bit more with the PSCOC. The 4 rankings for the schools, it's not just the charter 5 schools, but it's the 800-plus schools in 6 New Mexico. Every school gets a litmus ranking and 7 that's what helps determine which schools, when they 8 apply for funds and everything, if they're in that 9 top group, that they get it. 10 But if they're -- what they use is a -- 11 it's called an FMAR, Facility Management Adjusted 12 Ranking score. If that is above a certain number, 13 then they're eligible for funding if the school 14 applies. If they're below that, that just -- what 15 it means is that the cost of replacing or repairing 16 the facility is substantially less than the cost of 17 building a new school. 18 Once it gets to a certain level, then, you 19 know, it's getting there saying, "Well, you can go 20 ahead and repair it, but it's going to cost so much, 21 you might as well just build a new school, because 22 you're not going to add longevity for replacing your 23 entire heating and cooling system, your electrical 24 system." 25 "You don't add longevity if you have</p>	<p style="text-align: right;">Page 161</p> <p>1 The Facility Plan Award, Explore Academy 2 and La Tierra Montessori were each awarded Facility 3 National Plan awards. Explore Academy received 4 \$23,500, and La Tierra Montessori, \$12,455. 5 THE CHAIR: So, just quickly, is that 6 because they're anticipating expanding or -- 7 COMMISSIONER ROBBINS: They can use that 8 to help put together a facility plan. That's monies 9 they can use. 10 COMMISSIONER VOIGT: Oh, got you. 11 Architectural bills, whatever, just their planning 12 money. 13 COMMISSIONER ROBBINS: They can work with 14 their architect or whoever. It helps pay for those 15 things. 16 THE CHAIR: And there's no matching funds 17 with that? 18 COMMISSIONER ROBBINS: No matching funds 19 required, which is really nice. That's another 20 little nice thing that is available with the PSFA. 21 They rank them and everything and look at the 22 quality of the application and -- okay. That's all 23 I have. 24 THE CHAIR: Thanks. Thanks. Commissioner 25 Armbruster?</p>

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<p>1 COMMISSIONER ARMBRUSTER: I will just 2 second what Commissioner Voigt said about the 3 conference. I think in my lifetime of going to 4 professional development and everything else related 5 to teaching, either I learned something new, which 6 was always great, or at least it confirmed that what 7 I was doing was okay, and that was equally great. 8 And my impression for this one, number 9 one, is from New Orleans -- remember, they went all 10 charter. Don't do that. That was a disaster. 11 THE CHAIR: The New Orleans people were 12 just eye-opening. 13 COMMISSIONER ARMBRUSTER: Amazing people, 14 very smart. But they said, "Never do this." 15 COMMISSIONER CABALLERO: All charter. 16 COMMISSIONER VOIGT: After Katrina. 17 THE CHAIR: It was after Katrina. 18 COMMISSIONER ARMBRUSTER: Anyway, I will 19 agree with you, is that, indeed, I rarely say this 20 about New Mexico. But, honestly, we are so far 21 ahead of the game in terms of fairness, in terms of 22 quality, in terms of caring, in terms of having 23 policies, in terms of having procedures to follow, 24 where the other ones are just -- so many others were 25 just helter-skelter.</p>	<p>1 collaborative situation. And I appreciate it. So 2 with that, I'll take a motion to adjourn. 3 COMMISSIONER RUIZ: So move. 4 COMMISSIONER ARMBRUSTER: So move. 5 COMMISSIONER ROBBINS: Second. 6 THE CHAIR: All in favor? 7 (Commissioners so indicate.) 8 THE CHAIR: We are adjourned. 9 (Proceedings concluded at 3:01 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 THE CHAIR: Most of them don't even have 2 due process. They don't -- 3 COMMISSIONER CABALLERO: Some states -- 4 THE CHAIR: Sometimes I think, Wouldn't 5 that be great? Only because it's, like, "No." And 6 that's it. There's no appeal process on anything. 7 And it's, like, "Boy, that's a world a piece of me 8 would like to live in." 9 But most of me is, "No, that's really not 10 fair." 11 So, yeah, most schools -- most states do 12 not have an appeal process. 13 COMMISSIONER CABALLERO: And some states 14 have so many authorizers that it's chaos. 15 THE CHAIR: Yeah. 16 Commissioner Ruiz? 17 COMMISSIONER RUIZ: I just want to thank 18 the people that were involved in putting the 19 conference together. I had some really good 20 breakout sessions this morning, and yesterday as 21 well. And then just wish everyone a Happy 22 Thanksgiving. 23 THE CHAIR: And I'll ditto that. I want 24 to thank the Public Charters for inviting us here. 25 It's always -- it's always nice to be in such a</p>	<p>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 Bernalillo, in the 14 matter therein stated. 15 In testimony whereof, I have hereunto set my 16 hand on November 21, 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.: 2368N (CC) Proofed by: KW</p>
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1 RECEIPT

2 JOB NUMBER: 2368N CC Date: November 15, 2019

3 PROCEEDINGS: OPEN PUBLIC MEETING

4 CASE CAPTION: In re: Public Meeting of the Public

5 Education Commission

6 *****

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