

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN SPECIAL MEETING

January 24, 2020

12:10 p.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

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

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1 THE CHAIR: Yes.
 2 COMMISSIONER CABALLERO: Can we remove
 3 that from Consent, please?
 4 THE CHAIR: Certainly.
 5 COMMISSIONER CABALLERO: Thank you.
 6 MS. FRIEDMAN: Madam Chair, did you want
 7 to move Item No. 7?
 8 THE CHAIR: Yes. Thank you. 'Cause I
 9 didn't really look and see what it was numbered. If
 10 we could -- well -- and I can do that without having
 11 to change the agenda; correct? We don't have to
 12 change the agenda to move an item number. I can
 13 move it up without --
 14 MS. AMI JAEGER: I'm not sure -- where do
 15 you want to move it to?
 16 THE CHAIR: I would move it to 5. I would
 17 make it No. 5-A.
 18 MS. AMI JAEGER: This one? You're saying
 19 Item No. 7.
 20 THE CHAIR: Move it up so that it's the
 21 next thing after voting on the Consent Agenda, so
 22 that the Commissioners that are on the phone are,
 23 for sure, here for that vote.
 24 MS. AMI JAEGER: Do you want to change the
 25 order?

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1 THE CHAIR: Correct. Which I can do
 2 without -- but, yeah. We will move it up a little
 3 bit. But Estancia Valley, the -- and I need to look
 4 at the number of that -- or the letter of it.
 5 MS. KAREN WOERNER: 4-D.
 6 THE CHAIR: 4-D.
 7 MS. KAREN WOERNER: What does that become,
 8 Madam Chair? Does that move to an item number,
 9 then?
 10 THE CHAIR: It is.
 11 MS. AMI JAEGER: To 7. It becomes No. 7.
 12 THE CHAIR: Right.
 13 (A discussion was held off the record.)
 14 THE CHAIR: So we have removed Item No. 9,
 15 the MASTERS Program, out of 4-B. And we have also
 16 moved Item 4-D into 7, to be heard, okay?
 17 Are there any other changes?
 18 (No response.)
 19 THE CHAIR: If not, I'll entertain a
 20 motion, first, for approval of the agenda.
 21 COMMISSIONER VOIGT: Madam Chair, yeah. I
 22 move that the agenda be adopted with the following
 23 changes, Remove Item No. 9 -- or B-9 and removing
 24 item 4-D to Item No. 7.
 25 COMMISSIONER RUIZ: Second.

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1 THE CHAIR: There's a motion by
 2 Commissioner Voigt, a second by Commissioner Ruiz.
 3 All in favor?
 4 (Commissioners so indicate.)
 5 THE CHAIR: Opposed?
 6 (No response.)
 7 COMMISSIONER ARMBRUSTER: Sorry. Aye.
 8 COMMISSIONER RAFTERY: Aye.
 9 THE CHAIR: Hearing no opposition, the
 10 motion passes.
 11 We are on to No. 3, Open Forum, and no one
 12 did sign up.
 13 So we are quickly moving on to Item No. 4
 14 which is the Consent Agenda. And we've already made
 15 the modifications. So I'll entertain a motion for
 16 approval of the Consent Agenda.
 17 COMMISSIONER ROBBINS: So I'm moving we
 18 approve the Consent Agenda.
 19 COMMISSIONER CABALLERO: Second.
 20 THE CHAIR: There's a motion by
 21 Commissioner Robbins, a second by Commissioner
 22 Caballero.
 23 So we do roll call for this, so we need a
 24 roll call.
 25 COMMISSIONER RUIZ: Commissioner

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1 Armbruster?
 2 COMMISSIONER ARMBRUSTER: Yes.
 3 COMMISSIONER RUIZ: Commissioner Robbins?
 4 COMMISSIONER ROBBINS: Yes.
 5 COMMISSIONER RUIZ: Commissioner
 6 Caballero?
 7 COMMISSIONER CABALLERO: Yes.
 8 COMMISSIONER RUIZ: Commissioner Voigt?
 9 COMMISSIONER VOIGT: Yes.
 10 COMMISSIONER RUIZ: Commissioner Chavez?
 11 COMMISSIONER CHAVEZ: Yes.
 12 COMMISSIONER RUIZ: Commissioner Gipson?
 13 THE CHAIR: Yes.
 14 COMMISSIONER RUIZ: Commissioner Raftery?
 15 COMMISSIONER RAFTERY: Yes.
 16 COMMISSIONER RUIZ: And Commissioner Ruiz
 17 votes "Yes."
 18 THE CHAIR: So the motion passes
 19 eight-zero.
 20 COMMISSIONER RUIZ: Yes.
 21 THE CHAIR: Okay. Thank you.
 22 So we are now onto discussion and possible
 23 action on Amendment Requests and Amendment
 24 Notifications. And we have Explore Academy here, so
 25 if the folks from Explore would like to come up.

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1 And this -- as Commissioners are aware,
2 this was on the agenda for last week. We got snowed
3 out. And Justin continued to reach out to see if we
4 could make some accommodation; so here we are.
5 Fortunately, it didn't snow again.

6 So the first -- we will hear the First
7 Amendment, and that's the enrollment cap increase.
8 And then we'll move on to, obviously, the second
9 one.

10 So is the Deputy Director or the
11 Director -- I don't know if there's anything you
12 want to say first.

13 DIRECTOR BRAUER: Madam Chair, members of
14 the Commission, we received all the information.
15 And all the information for the PEC to make a
16 decision or take potential action are there, and so
17 we don't have anything this morning to share.

18 THE CHAIR: Oh, I'm sorry.

19 MS. KAREN WOERNER: I did have some
20 comment. Some of the presented materials had the
21 first submission, which said enrollment cap to
22 1,000; but the governing board actually approved to
23 1,100. So the online version was correct, but I
24 think the printed materials may still reflect 1,000.
25 But the request is to 1,100, as approved by the

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1 MR. JUSTIN BAIARDO: Well, first, thank
2 you. I -- I know I had requested this special
3 meeting. I do appreciate -- I know it's a lot for
4 people across the state to come together at a -- at
5 kind of a spur of the moment, in a sense, to get
6 people together for a meeting like this. It does
7 help with a time-sensitive subject matter that
8 obviously is very important to us and our school.

9 So to those Commissioners who drove in or
10 even are on the phone right now, I do appreciate the
11 effort to pull this meeting together and to be
12 present today.

13 As was noted, we are submitting an
14 amendment request for an increase in the number of
15 students we can enroll at Explore Academy. I wanted
16 to provide some context prior to any discussion,
17 just to ensure that some clarifying information is
18 presented before we get on to, I guess, the next
19 step.

20 Our current facility is approximately
21 35,000 square feet, which makes it ideal for our
22 program and for the growth of our program over the
23 last several years. We currently enroll just over
24 500 students. Our cap is 600. And our facility is
25 in use to an almost maximum efficiency at present

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1 governing board.

2 THE CHAIR: I thought I saw --

3 MS. KAREN WOERNER: Your electronic copies
4 would have been correct.

5 THE CHAIR: I thought I saw somewhere
6 1,400 at some point in time. I thought that's --

7 MS. KAREN WOERNER: It was 1,100.

8 THE CHAIR: That floated around. But I --
9 and maybe that was in reading --

10 MR. JUSTIN BAIARDO: Last year.

11 THE CHAIR: That was in reading the
12 discussion from the governing council; correct?

13 MR. JUSTIN BAIARDO: Yes.

14 THE CHAIR: That's where I saw that
15 number. But I knew that wasn't the number we were
16 currently dealing with.

17 MR. JUSTIN BAIARDO: Sure.

18 THE CHAIR: But I knew I saw that
19 somewhere.

20 So, welcome. And, please, I'll remind you
21 to identify yourself for the record.

22 MR. JUSTIN BAIARDO: Justin Baiardo,
23 Founder and Director of Explore Academy.

24 MR. RAY BARTON: I am Ray Barton. I am a
25 board member and secretary of the board.

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1 with only two classrooms empty during two single
2 periods across the entire day.

3 So people are moving in and out of
4 classrooms. It's a framework and a model that we
5 really had to work through to make sure we're using
6 our space as efficiently as possible.

7 Two years ago, we came before the
8 Commission with the request to go to 600, which
9 allows a buffer to work within a 500-to-600-student
10 range; and so we are currently doing that.

11 At that time, members of the Commission
12 observed our Certificates of Occupancy and the total
13 number of students that the building could hold,
14 much more based on the Fire Marshals' assessment. I
15 know you were provided those materials as we had to
16 provide them to the Charter School Division.

17 I wanted to kind of comment on those,
18 because I wasn't confident that there are -- there
19 is obviously some method on how the Fire Marshal
20 calculates how many students can exist within a
21 building.

22 Our program utilizes much smaller classes
23 with usually more than 16 to 18 students per room.
24 Any visitor to our school -- and I'll actually let
25 our board chair opine on this as well -- would

<p style="text-align: right;">Page 14</p> <p>1 likely see we are a very, very full campus, even 2 though our Certificates of Occupancy would say we 3 are only half at capacity. 4 So today we come to you with a request for 5 more students, a significant number of more 6 students. This request is based on a demand in our 7 program, as we are, I feel, very fortunate to have 8 ever increasing interest from our community due to 9 our success. 10 We have come to you with this proposition 11 before, but at this time, we feel that there is a 12 particular opportunity which we feel comes around 13 only once in a lifetime. Our neighboring office 14 building has come for sale. And in the last two 15 months, we have taken the steps to get the building 16 under contract with some pretty tough competition. 17 We've had a considerable wait list 18 expanding significantly in recent years with our 19 addition of middle-school grades. We have now over 20 400 students waiting for our sixth-grade alone, and, 21 obviously, we haven't even finished the month of 22 January. 23 We are just now beginning our marketing 24 efforts as well. So up to this point, everything 25 has been through word of mouth.</p>	<p style="text-align: right;">Page 16</p> <p>1 approval of the acquisition of the building, we need 2 approval for a higher student cap from the get-go, 3 even if we have no plans to achieve that maximum 4 occupancy for several years to come. 5 I believe, in the documents that we 6 provided, it does show kind of a slow-growth 7 implementation of bringing in sixth-graders and 8 having those grades get bigger and bigger each 9 respective year. 10 We would achieve occupancy prior to the 11 fall through a phased-in construction plan, where we 12 could hold 200 more students in August by utilizing 13 half the building, while the other half, which would 14 be the top floor, has renovations finalized. 15 With your approval today, we will move to 16 close by late March or early April. 17 And in this sense, our goal, with 18 enrollment increasing, has been very simple. We 19 hold information nights almost every month. And for 20 families that are interested in our model, we are 21 very keen to wanting to serve as many students and 22 families as possible. 23 We have no desire to maintain a waiting 24 list of hundreds of students when those students 25 could be experiencing our educational services. So</p>
<p style="text-align: right;">Page 15</p> <p>1 For a school to have its neighboring site 2 come available, especially with a structure that can 3 easily be reconditioned into a school facility -- 4 it's obviously an opportunity we must push strongly 5 for. As we know many schools struggle to purchase 6 the building they're in. We've been fortunate to 7 purchase two separate facilities. 8 Because of this, we come before you today 9 to have a cap increase to make this financial 10 transaction possible so we may open up more seats 11 for students to come this fall. We have asked for 12 1,100 students, which is almost twice as much as we 13 are currently capped. 14 While we realize this is a significant 15 increase, it should be noted that we are not 16 doubling our population this coming year, but, 17 instead, would simply increase the number of 18 sixth-graders coming in each year, along with some 19 small enrollments in upper grades. 20 We have been continuing to be 21 conscientious about following a slow-growth model 22 and maintaining the culture of the school that our 23 families have embraced for many years now. And 24 while it may be reasonable to ask for half now and 25 half a few years down the road, for the financial</p>	<p style="text-align: right;">Page 17</p> <p>1 in the spirit of providing more students with the 2 choice in education that they and their families 3 desire, we are here today. 4 Thank you. 5 THE CHAIR: Thanks. So when this -- and I 6 just need a little bit clearer picture. And I 7 appreciate the fact you've got this slow rollout and 8 I see that. So you're going to house how many kids, 9 approximately, in that new building? 10 MR. JUSTIN BAIARDO: The thought would be, 11 in the end, to do a mid-school/high-school 12 population split, with the high-schoolers eventually 13 occupying the new building. 14 THE CHAIR: Oh. The new building is going 15 to be the -- 16 MR. JUSTIN BAIARDO: It's bigger. And we 17 will have -- our mid-school -- you're talking about 18 three grades versus four grades -- or even sometimes 19 five -- versus two, because a lot of eighth-graders 20 are going to high-school classes. 21 So in the end, we feel like it would be 22 more classrooms in that building. It would make 23 sense not to have teachers move between buildings, 24 just to have the two populations separate; and, 25 obviously, for developmental reasons, to have the</p>

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1 two age groups separate, too.
 2 THE CHAIR: I appreciate that. I went to
 3 a seven-through-twelve school. And there's just
 4 always -- as much as you try, there's always issues,
 5 you know. There's -- seventh-graders shouldn't be
 6 with twelfth-graders, you know, for a lot -- and so
 7 I appreciate that -- that thought, that that's with
 8 it.

9 And so I looked at the floor plan of the
 10 building. Is the Wells Fargo leaving?

11 MR. JUSTIN BAIARDO: It is. They're
 12 collapsing the -- that office space. I guess it's
 13 a -- one of the two regional office spaces in the
 14 city. They're just going to leave the one that's in
 15 downtown -- the big one in downtown Albuquerque.

16 And I think they're relocating -- there's
 17 not a lot of employees there from when we toured it.
 18 They seemed to have already been --

19 THE CHAIR: So -- I mean, that's a great
 20 opportunity -- yeah. And you're right. It doesn't
 21 come along --

22 MR. JUSTIN BAIARDO: Right.

23 THE CHAIR: -- like, ever. So it's nice
 24 that you do have that opportunity.

25 So thanks. That's -- I'm -- that's all

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1 THE CHAIR: Yes.

2 COMMISSIONER RUIZ: Commissioner
 3 Armbruster?

4 COMMISSIONER ARMBRUSTER: Yes.

5 COMMISSIONER RUIZ: Commissioner Raftery?

6 COMMISSIONER RAFTERY: Yes.

7 COMMISSIONER RUIZ: And Commissioner Ruiz
 8 votes "Yes."

9 Eight-zero.

10 THE CHAIR: So the motion passes,
 11 eight-zero.

12 MR. JUSTIN BAIARDO: Thank you. And thank
 13 you once again for pulling together today for this.
 14 It definitely helps our time line, so...

15 MR. RAY BARTON: Yeah.

16 THE CHAIR: So now we're on to the second
 17 amendment, which is the notification of the -- of
 18 the new facility, which we've sort of heard about.
 19 So let me just ask you this:

20 There's been a couple of schools that have
 21 recently opened in Albuquerque. And they had to do
 22 a traffic impact. Do you have to -- are you going
 23 to have to do that? Or because you're already sort
 24 of on that site, you won't have to do it?

25 MR. JUSTIN BAIARDO: That is correct.

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1 the questions I have. That's more nosy than
 2 anything else.

3 So are we ready for a motion?

4 COMMISSIONER ROBBINS: Madam Chair, I move
 5 the Public Education Commission approve the
 6 enrollment cap increase for Explore Academy to 1,100
 7 and amend the charter contract to reflect this
 8 change.

9 COMMISSIONER VOIGT: Second.

10 THE CHAIR: There's a motion by
 11 Commissioner Robbins, a second by Commissioner
 12 Voigt.

13 Any further discussion?

14 (No response.)

15 THE CHAIR: If not, roll call, please.

16 COMMISSIONER RUIZ: Commissioner
 17 Caballero?

18 COMMISSIONER CABALLERO: Yes.

19 COMMISSIONER RUIZ: Commissioner Robbins?

20 COMMISSIONER ROBBINS: Yes.

21 COMMISSIONER RUIZ: Commissioner Voigt?

22 COMMISSIONER VOIGT: Yes.

23 COMMISSIONER RUIZ: Commissioner Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER RUIZ: Commissioner Gipson?

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1 That's part of it. The other part is that we're
 2 phasing in, and we're being in -- I'd say we're
 3 building the top floor while the students will be
 4 occupying the bottom floor and kind of doing a
 5 switch. The phase-in -- talking to the City, the
 6 phased-in approach kind of gets around the traffic
 7 study.

8 But it's more to do with what you said.
 9 The school -- we had a traffic study done when we
 10 first moved into the facility we're in right next
 11 door, yeah.

12 THE CHAIR: Okay. Because that has been a
 13 game-changer --

14 MR. JUSTIN BAIARDO: Correct.

15 THE CHAIR: -- for several of our new
 16 opens. They've been gradually rolling in, too. So
 17 it really -- it stopped construction until they're
 18 able to do that. And it was certainly
 19 unanticipated.

20 So that was my only concern, that I didn't
 21 want that to be a wrench. Because you think you've
 22 got everything in place, and then the City says,
 23 "Wait a minute. You've got to do this."

24 And everything has to stop.

25 MR. RAY BARTON: Madam Chair and

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1 Commission, the -- I chair the Strategic Planning
2 Committee. And from the beginning, this has been a
3 major concern, the landlocked nature of the campus,
4 that we've discussed almost at every Strategic
5 Planning Committee meeting.

6 And as you said, this is a godsend in the
7 sense that it opens that up. The large parking lot
8 area probably allows us to add a gymnasium, which
9 has been a major issue for the school.

10 So this solves a lot of the issues that we
11 had concerns about and really sets up the campus to
12 work very well with the split -- the split grades.

13 THE CHAIR: I appreciate that there's a
14 gymnasium --

15 MR. JUSTIN BAIARDO: Yes.

16 THE CHAIR: -- you know. Because so many
17 of our schools don't have the space, can't afford
18 that opportunity for students to be able to avail
19 themselves of -- and we -- I think we're all well
20 aware how important that is, especially with the
21 middle-school grades.

22 MR. JUSTIN BAIARDO: Yes.

23 THE CHAIR: It really is. There has to be
24 some outlet at that point in time.

25 So thank you for that.

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1 COMMISSIONER CABALLERO: Madam Chair?

2 THE CHAIR: Commissioner Caballero?

3 COMMISSIONER CABALLERO: Just
4 clarification. Is the gymnasium there now, or
5 there's room to make -- to do one?

6 MR. RAY BARTON: Room, large parking lot.

7 THE CHAIR: Any other questions?

8 (No response.)

9 THE CHAIR: Okay.

10 COMMISSIONER ROBBINS: Madam Chair, I move
11 that the Public Education Commission approve the new
12 on-site building for Explore Academy-Albuquerque and
13 and amend the charter contract to reflect this
14 change.

15 COMMISSIONER VOIGT: Second.

16 THE CHAIR: There's a motion by
17 Commissioner Robbins, a second by Commissioner
18 Voigt.

19 Any further discussion?

20 (No response.)

21 THE CHAIR: If not, roll call, please.

22 COMMISSIONER RUIZ: Commissioner Ruiz
23 votes "Yes."

24 Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: Yes.

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1 COMMISSIONER RUIZ: Commissioner Voigt?

2 COMMISSIONER VOIGT: Yes.

3 COMMISSIONER RUIZ: Commissioner Raftery?

4 COMMISSIONER RAFTERY: Yes.

5 COMMISSIONER RUIZ: Commissioner Gipson?

6 THE CHAIR: Yes.

7 COMMISSIONER RUIZ: Commissioner Chavez?

8 COMMISSIONER CHAVEZ: Yes.

9 COMMISSIONER RUIZ: Commissioner

10 Caballero?

11 COMMISSIONER CABALLERO: Yes.

12 COMMISSIONER RUIZ: Commissioner Robbins?

13 COMMISSIONER ROBBINS: Yes.

14 COMMISSIONER RUIZ: Motion passes.

15 THE CHAIR: Motion passes, eight-zero.

16 Thank you very much.

17 MR. JUSTIN BAIARDO: Thank you.

18 THE CHAIR: And thanks for hanging in with
19 us.

20 So also, as part of 7, we moved the
21 Estancia Valley Classical Academy's bylaw change off
22 of the Consent Agenda and we put it into this, which
23 is actually now our Item No. 5, I think.

24 THE CHAIR: So -- and I will turn it over
25 to Commissioner Caballero, because he was the

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1 individual -- he was the Commissioner who requested
2 the pullout. So I'll -- yes. Actually, there is
3 someone from the school that happens to be here.

4 MS. KAREN WOERNER: Do you want me to --

5 THE CHAIR: Let's have him come up so that
6 if Commissioner Caballero has any specific
7 questions, they could certainly better answer them
8 than we can, looking at -- and I appreciate the copy
9 that came in which did show the tracked changes.
10 That was so much easier to work with. So thank you
11 very much for that.

12 MR. HARLAN LAWSON: You're welcome.

13 THE CHAIR: But I don't think you were
14 here when Commissioner Caballero asked for that to
15 be taken off of the Consent Agenda and moved onto
16 the regular agenda. And, fortunately, you came; so
17 it's fortuitous.

18 COMMISSIONER CABALLERO: Yes. Thank you,
19 Madam Chair.

20 My questions are twofold. They're having
21 to do with your enrollment, the fairness, the
22 openness, and the fact that your school had very --
23 I don't even know whether it was very low Hispanic
24 enrollment or no Hispanic enrollment. So that is of
25 utmost importance to me.

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1 And to be honest, Madam Chair, I really
2 wanted to ask for a postponement of this issue.

3 THE CHAIR: Oh, I didn't realize that.

4 COMMISSIONER CABALLERO: But -- but -- and
5 only because I still feel that the Commission should
6 re-explore its policy on siblings, especially when
7 there's a school that direly -- really grossly
8 doesn't meet the breakdown of minority students in
9 the school district or the area, which this school
10 does not.

11 And so I can't really -- I want to get
12 information; but I can't really approve of these
13 changes, because something has to be done to ensure
14 Hispanic students are coming in.

15 And so I'm not quite sure what -- how to
16 do it. But at this time, I do want some
17 information.

18 But I truly believe that in schools that
19 have a breakdown so different from the breakdown of
20 minority students in that area, that we -- we have
21 to assure that even if you look at the area of how
22 they put out -- mete the information out to the
23 community, there's nothing there that talks about
24 reaching out to minority communities.

25 I brought this up back then. And these

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1 the Midwest for my graduate school.

2 So that's my problem. And I will commence
3 with questions only for clarification. But I think,
4 Madam Chair, that we need to have the time to
5 explore the sibling policy and the problems that
6 exist when a student is so predominantly one that we
7 come up -- and I don't want to interject what I
8 believe to be the solution, because I don't really
9 know the solution; only that there is a little
10 problem, a little wrinkle that exists, and I want to
11 address it.

12 So let me -- you can proceed to -- to
13 describe what is it that you're trying to address in
14 the changes in your enrollment policy.

15 MR. HARLAN LAWSON: This is Harlan Lawson
16 from EVCA. I'm on the governing council. And -- I
17 think -- do you want me to start again?

18 Harlan Lawson from the Estancia Valley
19 Classical Academy governing council.

20 We went to PowerSchool, and are using the
21 enrollment on PowerSchool this year. Most all of it
22 is being done online. And that's what the majority
23 of these changes were really addressing was before,
24 when we had to have LOIs, Letters of Intent,
25 delivered directly to the school by hand, now they

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1 changes seem to be even adding more to the problem
2 that still exists with the school and reaching out
3 and bringing in -- so, in other words, universities
4 in the past that had supposedly opened in fair
5 enrollments, but still managed to bring in only a
6 certain type of students.

7 And in this case, if the majority of
8 students are white/Anglo and we follow the policy of
9 siblings, there's going to be very little chance of
10 bringing in Hispanic students unless we come up with
11 a policy that alters that. Because they're just
12 following their policy. But we're not addressing
13 the problem of how that regenerates itself to a
14 predominantly white/Anglo school body.

15 And it also applies to predominantly
16 Hispanic schools, which I have approached directors
17 and have voiced my concern that each school should
18 reflect different students, because a very diverse
19 student body helps the students grow.

20 I didn't come in contact with other than
21 Hispanic students. Even the Anglo/white students in
22 my school were so Chicano in everything that they
23 weren't different. So I didn't experience that
24 until I was in college and in graduate school. I
25 was glad to have left El Paso, Texas, and went to

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1 can be done online.

2 We've always taken faxes, for example.
3 We've always taken e-mails. But we haven't always
4 taken -- or have not always had the ability to
5 actually enroll through the PowerSchool program that
6 they have, which we think is a lot fairer and better
7 program. It seems that instead of waiting now
8 sometimes for up to two weeks before somebody
9 canceled their intent to enroll and open up a seat,
10 now it's immediate. As soon as they punch the
11 button and delete that seat, then we've got an open
12 seat that we can offer to somebody else.

13 I understand your questions. But those
14 were the main reasons that we were making most of
15 these changes. Some of them are just editorial to
16 clean up some things.

17 I don't believe there's anything in here
18 that -- certainly, there's nothing in here that
19 changes from State law or from our guidance about
20 how we should be handling the lottery; we're not
21 changing any of that.

22 I do understand your concern about the
23 sibling rivalry [verbatim]. But that's directed as
24 to how those have to be done. They get first choice
25 at the seats that are open. And so you're right.

<p style="text-align: right;">Page 30</p> <p>1 We're just following the rules right now. 2 I also would say that if you look at the 3 populations of both Edgewood and Moriarty, our 4 population is almost identical to those two towns, 5 Hispanic percentage of the population. 6 We are not as high as the Moriarty Public 7 Schools, Moriarty/Edgewood. We're probably less 8 than half of what Estancia is, which is another 9 30 miles away. 10 So there -- at the same time, we're not 11 keeping anybody out of the school, you know. It is 12 a first-come-first-serve after the sibling 13 enrollment. 14 So you have hit on a point there that the 15 sibling rival- -- "sibling rivalry" -- sibling 16 enrollment is, of course, directed. And so we have 17 to follow those rules. But it -- and I tell you 18 also, last year, at the beginning of the school -- 19 that was the beginning of this school year -- we had 20 almost 140 -- I think it was 138, or something like 21 that, on our waiting list. So there is an interest 22 in coming to the school that we -- and we depleted 23 those waiting lists by the time Christmas came. 24 We're, right now, in the sibling 25 enrollment, and so we're going through that right</p>	<p style="text-align: right;">Page 32</p> <p>1 that process of low-income Hispanic families is 2 limited by the office hours. And so families that 3 have the ability to go online have a better chance 4 of getting through, have a better chance of 5 submitting to you. So that's one point. 6 THE CHAIR: Can I just ask? Can they mail 7 as well? Or does it have to be personally -- can 8 they mail in an application? 9 MR. HARLAN LAWSON: They can mail, or they 10 can e-mail. 11 COMMISSIONER CABALLERO: They can mail. 12 When I read it, it said fax, FedEx, et cetera. And 13 anytime you have, "et cetera," you really -- if I'm 14 a parent, I don't know what that means. Is it by 15 mail? Can I fax? Can I do this? Can I do that? 16 So it is vague. So my point is when 17 they're -- when you're trying to reach out to the 18 Hispanic community, it cannot be vague. That's one. 19 And then office hours posted. Where 20 posted? How posted? Again, we're trying to reach 21 low-income Hispanic families, and it's limited in 22 scope. That is limited. 23 MR. HARLAN LAWSON: Well, if I could 24 comment on that, I don't believe it's as limited as 25 you're reading into it, sir, because the -- the</p>
<p style="text-align: right;">Page 31</p> <p>1 now. It started on Monday. And as soon as we 2 finish that, then we'll open up the 3 first-come-first-serve type lottery. 4 COMMISSIONER CABALLERO: I do know that 5 most of the Hispanic community is in the bottom 6 income; is that right? 7 MR. HARLAN LAWSON: I would say so. We're 8 rating right now 36 percent low income in the whole 9 school, across the whole school. 10 COMMISSIONER CABALLERO: Right. And so -- 11 if the fairness is online, if the online effort is 12 what makes it fair -- and I know that where I live 13 now in Albuquerque, the majority of students in -- 14 where I live, very few have access to Internet at 15 home. Very few parents know how to access the 16 Internet. 17 So when the option that gives you fairness 18 is online, primarily, then you're -- you're 19 automatically excluding those folks. 20 MR. HARLAN LAWSON: Well, we're not 21 exclusively online. I'm just saying the online is 22 the first line of attack, if you want to call it 23 that. People can still bring the LOIs directly by 24 hand. 25 COMMISSIONER CABALLERO: Right. And so</p>	<p style="text-align: right;">Page 33</p> <p>1 lottery -- the LOI period is -- there's no 2 distinction about when they submit those as far as 3 who's in above someone else in the order. Not till 4 you get to the lottery do you actually put people in 5 a pecking order. 6 So as long as it's in the three-week 7 period that we have for the open enrollment, it 8 doesn't matter when they come in. 9 We've also had parents who have called and 10 said, "I can't get there until 6:00 o'clock at 11 night. Can you meet me?" 12 We've met them to get the LOI. 13 I don't think there's any hardship there 14 as far as being discriminatory as far as getting the 15 LOI in. 16 COMMISSIONER CABALLERO: Again, 17 predominantly, your school student body is 18 predominantly white/Anglo. The only ones that are 19 going to be able to be lottery are some Hispanic; 20 but -- because you have a preference on siblings. 21 And so -- so statistically and actually, if, let's 22 say, 80 percent of those that enroll have siblings, 23 they're going to be predominantly white/Anglo, and a 24 small percentage is going to fight for the remaining 25 seats.</p>

<p style="text-align: right;">Page 34</p> <p>1 And so that is a big problem. 2 I had here where -- so describe the -- the 3 public lottery that you have on the -- on your 4 school. You have a public lottery, right, where 5 they draw? 6 MR. HARLAN LAWSON: Correct. 7 COMMISSIONER CABALLERO: Can you describe 8 that before I -- 9 MR. HARLAN LAWSON: Certainly. We have -- 10 after the sibling rivalry [verbatim] -- all of these 11 follow the same procedure, except for the fact that 12 in the sibling -- the sibling lottery is, of course, 13 a preference to siblings. And it's only opened to, 14 in fact, siblings, so that you can give those people 15 priority, as the State law requires. 16 When we have a regular lottery, we 17 publicize that we're going to open the lottery. 18 It's in the paper; it's in our newsletter from the 19 school; it's on the radio; it's posted. 20 There's an e-mail out to all the parents, 21 of course, because that's who we're addressing for a 22 sibling enrollment. 23 When we go to the public enrollment, then, 24 we have an actual information meeting that we hold 25 for the prospective parents. And then we actually</p>	<p style="text-align: right;">Page 36</p> <p>1 THE CHAIR: They don't have to specify in 2 those bylaws how the drawing is going to take place. 3 They just have to specify it's a drawing. 4 COMMISSIONER CABALLERO: And that is -- 5 THE CHAIR: A concern. 6 COMMISSIONER CABALLERO: -- a concern, 7 because I trust, but verify. 8 THE CHAIR: Got you. 9 COMMISSIONER CABALLERO: And when a school 10 is so off in its enrollment, then -- then I have to 11 be able to, as a Commissioner, verify that it's 12 truly on the up-and-up. 13 THE CHAIR: Random. 14 COMMISSIONER CABALLERO: Random. And 15 nothing else. So the only ones that are random are 16 the ones that are not a sibling. So we don't know 17 how many of those. 18 You also have -- if -- in the changes, if 19 is a new student comes in, and they have siblings, 20 then the siblings are eligible the second semester 21 of the year. Is that one of your changes? 22 MR. HARLAN LAWSON: I don't think that 23 was -- I don't remember that being a change, no. 24 Let me look for that section. But I don't think it 25 was.</p>
<p style="text-align: right;">Page 35</p> <p>1 have a drawing that night of the -- for the lottery, 2 to put the people in the seats that are open and 3 place those others that are not available. 4 COMMISSIONER CABALLERO: Okay. Have you 5 ever had the computer random lottery process? Or 6 just a drawing? 7 MR. HARLAN LAWSON: We do a computer 8 lottery. We do randomness from the computer. 9 COMMISSIONER CABALLERO: So what is it? 10 Do you draw the names? Or you do the computer -- 11 MR. HARLAN LAWSON: We used to only draw. 12 But now we do a computer. We put the people in who 13 have qualified by bringing a Letter of Intent. And 14 they are randomly generated out of the computer. 15 COMMISSIONER CABALLERO: But you haven't 16 removed the -- the pulling out of names from -- from 17 your -- 18 MR. HARLAN LAWSON: We have eliminated 19 that now, because it's not necessary, once we -- 20 COMMISSIONER CABALLERO: I did not see 21 that as a change on what you submitted. You 22 submitted, in red, the changes. And that stayed in 23 there. So you have a choice of one or the other. 24 MR. HARLAN LAWSON: It just says "a 25 drawing," doesn't it?</p>	<p style="text-align: right;">Page 37</p> <p>1 I might also ask, Commissioner Caballero, 2 what percentage of Hispanics do you have -- are you 3 showing in your database that shows what we have in 4 the school? 5 COMMISSIONER CABALLERO: I'm -- when was 6 the last time you were here with a breakdown of 7 school enrollment? 8 THE CHAIR: Probably when you did contract 9 negotiation -- when you did renewal last -- a year 10 ago December. 11 MR. HARLAN LAWSON: That was in '18, yes. 12 COMMISSIONER CABALLERO: But I don't see 13 it -- I do remember distinctly the breakdown. And I 14 do remember my points that I brought up. And it was 15 striking, the -- your enrollment. I don't know if 16 there's any changes. But I truly don't want to see 17 that -- 18 THE CHAIR: And just so it's a point of 19 clarification, it's not just our policy that their 20 siblings get preference; that's statute that 21 siblings -- so we can't change that unless the 22 statute changes. 23 COMMISSIONER CABALLERO: Right. But I 24 think -- 25 THE CHAIR: But I understand your concern</p>

<p style="text-align: right;">Page 38</p> <p>1 with that.</p> <p>2 COMMISSIONER CABALLERO: To some extent,</p> <p>3 we need to ensure that charter schools are making</p> <p>4 that effort to reach out to -- to those communities.</p> <p>5 And we have charter schools who have low-income,</p> <p>6 minority communities right in front of them, and</p> <p>7 they do very little reach out to them. And that</p> <p>8 can't be right when they use public money.</p> <p>9 THE CHAIR: So, Harlan, refresh my memory.</p> <p>10 What's your at-risk population? What's your</p> <p>11 percentage? Did you say 36 percent?</p> <p>12 MR. HARLAN LAWSON: 36, I believe, is</p> <p>13 correct this year. I believe that's right. We were</p> <p>14 a little higher last year. But, then, of course, a</p> <p>15 lot more people have gotten jobs in the last year.</p> <p>16 I think we were at 46 last year; I think</p> <p>17 we're at 36 this year.</p> <p>18 THE CHAIR: Which I guess is a good thing</p> <p>19 because people have gotten jobs.</p> <p>20 MR. HARLAN LAWSON: I think so. I mean,</p> <p>21 yes.</p> <p>22 THE CHAIR: In the area that you're</p> <p>23 located, that's a significant concern.</p> <p>24 COMMISSIONER ROBBINS: Madam Chair, I</p> <p>25 think one thing that may be helpful -- and I don't</p>	<p style="text-align: right;">Page 40</p> <p>1 public school right now offers Vietnamese as a</p> <p>2 language. And if they wanted to open one, and</p> <p>3 90 percent of the students going there were</p> <p>4 Vietnamese descent or ancestry, I wouldn't say we're</p> <p>5 discriminating against them.</p> <p>6 What we're doing, we're giving them an</p> <p>7 opportunity to educate their students in their</p> <p>8 language, cultural language and things like that,</p> <p>9 which is one thing that the Yazzie-Martinez lawsuit</p> <p>10 was all about, cultural identity.</p> <p>11 And, you know, the Estancia area -- I've</p> <p>12 had friends that have lived in the area. My brother</p> <p>13 lived in the Moriarty area years ago. They chose to</p> <p>14 live there by choice. And a lot of people, who</p> <p>15 choose to live there, live there because there's low</p> <p>16 taxes, it's a rural environment, they don't like --</p> <p>17 you know, they don't want to live in Albuquerque or</p> <p>18 things like that.</p> <p>19 And I think, you know, the curriculum that</p> <p>20 you have may be attracting a certain group. And</p> <p>21 unless evidence is presented to this Commission that</p> <p>22 you're excluding people, I don't think the makeup of</p> <p>23 the school, in and of itself, is indicative of any</p> <p>24 sort of discrimination or exclusion. I think</p> <p>25 sometimes self-selection will do that.</p>
<p style="text-align: right;">Page 39</p> <p>1 know if you can do this with -- it's hard -- people</p> <p>2 who don't apply. I mean, you have a number of</p> <p>3 people who have applied, and maybe you could, you</p> <p>4 know, parse the numbers.</p> <p>5 How many of those people who have applied</p> <p>6 who are in the random lottery -- not siblings -- how</p> <p>7 many of those are Hispanic and actually get</p> <p>8 admitted, versus how many of other groups get</p> <p>9 admitted?</p> <p>10 But the other thing is, one thing that</p> <p>11 we're not touching on here is the curriculum itself.</p> <p>12 Curriculum itself may draw certain individuals and</p> <p>13 families more than other curriculum.</p> <p>14 If -- if there was a school that was going</p> <p>15 to -- in Albuquerque, a charter that wanted to open</p> <p>16 up and one of its languages was going to be</p> <p>17 Vietnamese, there's a very large Vietnamese</p> <p>18 community in Albuquerque. I would expect the vast</p> <p>19 majority of applicants will be people of Vietnamese</p> <p>20 descent and immigrants. Some individuals from other</p> <p>21 communities might want to learn Vietnamese. But</p> <p>22 it's not going to be a very common language in</p> <p>23 New Mexico for any purpose.</p> <p>24 So if they did that, in order to better</p> <p>25 serve that community -- because I don't believe any</p>	<p style="text-align: right;">Page 41</p> <p>1 Yes, I will agree with Commissioner</p> <p>2 Caballero. Efforts should be made to offer the</p> <p>3 opportunity to all students in the area. And as you</p> <p>4 said, individuals, if they can't come during</p> <p>5 business hours or whatever, they -- you know, you</p> <p>6 try to accommodate them.</p> <p>7 And the mail, there's no time -- you know,</p> <p>8 the post office, you know, will deliver mail if you</p> <p>9 get it in and it's delivered on time. So there is</p> <p>10 still that opportunity.</p> <p>11 But I think not offering online would</p> <p>12 actually not be moving the State forward and moving</p> <p>13 schools forward, as we're trying to push more</p> <p>14 broadband in rural areas such as Estancia and other</p> <p>15 parts.</p> <p>16 And, you know, pushing broadband and then</p> <p>17 not encouraging students to use broadband in online</p> <p>18 applications is kind of counterproductive. It's at</p> <p>19 cross purposes.</p> <p>20 So I think I want to applaud you for</p> <p>21 having an online application. Continue the other</p> <p>22 efforts. And, you know, I just want to caution the</p> <p>23 Commission that the numbers, in and of themselves,</p> <p>24 unless there are complaints from individuals saying,</p> <p>25 "I applied and I feel I'm being discriminated</p>

<p style="text-align: right;">Page 42</p> <p>1 against," I think we have to be very cautious to not 2 try to just assume there is an agenda to exclude 3 individuals from any ethnic or -- any ethnic or 4 cultural community.</p> <p>5 COMMISSIONER CABALLERO: Madam Chair, if I 6 may go on, I found where -- in Page 6, it says 7 "Sibling Enrollment Period. During the second 8 semester of each school year, they will hold sibling 9 enrollment."</p> <p>10 So if somebody new comes in and is 11 admitted, and they have siblings, those brothers and 12 sisters are automatically allowed to come in, and 13 they'll have a better chance of getting in in a 14 school that is predominantly white.</p> <p>15 And I understand that we all gravitate to 16 our own kind. I understand that.</p> <p>17 But I can tell you, being from an Hispanic 18 low-income family, my parents never shied away 19 from -- from the difficulty of the school. They 20 wanted the best for their children.</p> <p>21 I can tell you almost 99 percent of 22 immigrants to this country are looking for the 23 opportunity for their children as an education. 24 They really don't care where they work or what they 25 do to work and earn a living; but they want a good</p>	<p style="text-align: right;">Page 44</p> <p>1 make other efforts, this is some of the stuff that 2 you need to do," then it will never get done. It 3 will never get done.</p> <p>4 And so I know that you're reaching out to 5 communities. There's a minimum. I don't know if 6 there's a reach-out in the Spanish language. I 7 don't know that. But there should always be that.</p> <p>8 So just looking at the changes, it still 9 causes the continuation of a certain breakdown in 10 your school. Whether it's in intentional or not, 11 that's the result.</p> <p>12 And so I truly believe that the Commission 13 needs to explore what we need to do, the policy for 14 siblings, and maybe an additional policy in schools 15 that are so grossly not there, and including 16 predominantly Hispanic schools. They should have an 17 effort to bring in other type of students for the 18 sake of the children learning -- having a better 19 learning environment.</p> <p>20 And so, Madam Chair, you can take up -- 21 take a vote. Or I would ask at this point that this 22 be tabled. It's not for immediate use. It's for 23 future use. Maybe explore it at the following 24 meeting, if -- if Madam Chair feels that it can be 25 done.</p>
<p style="text-align: right;">Page 43</p> <p>1 education.</p> <p>2 So the rigor of the school, I don't think, 3 is a deterrent to Hispanic families. I think it's 4 everything else that doesn't reach out to them. Do 5 they know this? Do they know that? There's -- in 6 little towns, reputation gets around.</p> <p>7 And so I don't know what the reputation 8 is. But I've looked into some schools in small 9 towns. And Hispanic parents tell me that, "No, they 10 really -- that school really doesn't want my kid in 11 there."</p> <p>12 And whether it's true or not, to me, a 13 school that has a high enrollment and very, very 14 low-enrollment Hispanics is not an accusation or a 15 complaint. So the caution to the Commission is not 16 viable.</p> <p>17 We have the duty to ensure that public 18 monies are used for an open opportunity for all. 19 And when there's any -- anything that deviates from 20 there, I don't want to wait for a lawsuit. I want 21 to be able to be proactive and help the charter 22 schools maneuver that.</p> <p>23 They're going with policy. They're 24 following policy. And I don't blame them. 25 But if -- if we don't say, "You should</p>	<p style="text-align: right;">Page 45</p> <p>1 THE CHAIR: Okay. The Director did want 2 to say something; so...</p> <p>3 DIRECTOR BRAUER: Thank you, Madam Chair, 4 members of the Commission. As you probably know 5 that in preparation for this meeting, our Internet 6 has been in and out this week. Thankfully, our 7 S.T.A.R.S. reporting is in right now.</p> <p>8 And so with the help -- and thank you 9 Karen -- of Deputy Director Woerner, we were able to 10 pull up the average 40-day, 80-day percentages of 11 what the population looks like right now in 12 Estancia Valley and the Edgewood and Moriarty School 13 District, since that would be the local comparison.</p> <p>14 Estancia Valley currently, combining the 15 average of the 40-day and 80-day, is 28.5 percent 16 Latino Hispanic students. And Edgewood and Moriarty 17 is 35 percent on average of the 40-, 80-day.</p> <p>18 I will not make interpretation or a 19 judgment. I'll let you all decide that.</p> <p>20 I did ask Karen if that has been an 21 improvement, that has been a marked improvement in 22 terms of potentially closing any gap around the 23 student demographic makeup of the school. But I'll 24 stop right there.</p> <p>25 One last thing I wanted to mention. As</p>

<p style="text-align: right;">Page 46</p> <p>1 you all know, this is the heart of the enrollment 2 time period. So I do -- Commissioner Caballero, I 3 do appreciate your interest in being careful in 4 making decisions. I just also just wanted to share 5 that this is the time where schools are currently 6 actively recruiting and enrolling students, and 7 so --</p> <p>8 THE CHAIR: Right. And that's part of my 9 concern, that if we don't approve this, then they're 10 not going to be able to move forward on the online 11 component for this current -- this current year. So 12 that potentially could cause an issue.</p> <p>13 I don't think it's a secret that there's 14 been concerns raised by the Commission over -- I 15 mean, we did not initially approve the renewal of 16 the school, and we went through a revocation hearing 17 over issues about enrollment concerns. It wasn't 18 necessarily racial or ethnic; but it was -- it was 19 opportunity. There was a concern.</p> <p>20 COMMISSIONER ROBBINS: Madam Chair -- I'm 21 sorry.</p> <p>22 THE CHAIR: And there's been other 23 concerns that have been raised by members of the 24 community that have been addressed to the school, 25 sometimes by phone, sometimes by letter.</p>	<p style="text-align: right;">Page 48</p> <p>1 local station. I don't know what we've done on the 2 Albuquerque stations. I'll check on that and make 3 sure we are doing that in bilingual; because that 4 one, I can't remember the answer to that. But, 5 locally, we do, yes.</p> <p>6 THE CHAIR: Okay. Commissioner Robbins? 7 COMMISSIONER ROBBINS: In reviewing the 8 changes, there's nothing that is altering or in 9 conflict with State law or with policy. I 10 understand the concerns that Commissioner Caballero 11 has. But I think that rather than delaying this and 12 preventing them from having any sort of an online, I 13 would move that we approve these changes as 14 submitted and work with the community, work with 15 this charter, to just ensure that any complaints, 16 any issues that are raised by the community or 17 measures that felt that the lottery wasn't fair, 18 that, one, that they could address those to this 19 Commission and that we would be open to that, but 20 also encourage the school to increase the outreach 21 to the community.</p> <p>22 THE CHAIR: I don't think, at this point 23 in time, we can place a mandate on one school to 24 have certain things in their enrollment policy that 25 other schools, we're not asking them of.</p>
<p style="text-align: right;">Page 47</p> <p>1 By and large, the school has been 2 cooperative in trying to enact those changes. But I 3 understand the concern. My concern here now is if 4 we don't do this right now on, they're not going to 5 be able to initiate the online. And I certainly 6 agree, and I've got that concern, that does the 7 online access create greater opportunity. So that 8 is a concern.</p> <p>9 So I'm going to ask, when you do your -- 10 because you mentioned you do radio ads. And I don't 11 know -- I know what the radio access is where I 12 live. I don't know what the radio access is where 13 you live. So is there, are there a number of 14 Hispanic radio stations?</p> <p>15 MR. HARLAN LAWSON: We can receive all of 16 the Albuquerque radio stations where we are. We 17 have a -- excuse me -- a local FM radio station that 18 does both English and Hispanic language programs. 19 And we have a new AM station that's coming in this 20 fall that won't be here for this enrollment. It 21 will be here coming in the fall. So I think I will 22 take back --</p> <p>23 THE CHAIR: Do you do your ads in both 24 languages?</p> <p>25 MR. HARLAN LAWSON: Yes, we do on the</p>	<p style="text-align: right;">Page 49</p> <p>1 But I agree. I'll certainly -- we can 2 certainly put it on a work session. But I think 3 we're going to have to look at lobbying and changing 4 statute for us to really be able to effectuate, I 5 think, the change that many of us would like to see 6 happen.</p> <p>7 Because the statute does limit what 8 restrictions we can place on it. Because we can't 9 take away that sibling -- can I just ask? And I 10 don't know whether you've got the numbers. 11 What's -- do you know what the approximate sibling 12 numbers are?</p> <p>13 MR. HARLAN LAWSON: I don't really have 14 those, since we -- in the past, I think we've had 15 maybe 15 percent of our total seats have been filled 16 with sibling enrollment.</p> <p>17 THE CHAIR: So do you have the lottery 18 every grade? Or no.</p> <p>19 MR. HARLAN LAWSON: Yes. Yes. 20 THE CHAIR: You do lottery every grade. 21 We've got many schools that don't have to do lottery 22 because it's -- they don't have -- so I guess that's 23 a good thing for you that you have to lottery every 24 grade.</p> <p>25 MR. HARLAN LAWSON: Yes.</p>

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<p>1 COMMISSIONER VOIGT: Madam Chair? 2 THE CHAIR: Commissioner Voigt? 3 COMMISSIONER VOIGT: I just wanted to 4 comment about the sibling automatic enrollment. 5 That's a -- that's very attractive for many charter 6 schools to retain, because parents dropping off kids 7 at certain schools, it's very convenient for 8 parents. 9 And I think it's -- it's something that -- 10 I'm glad it's in statute, because it makes it 11 convenient for parents that are dropping off their 12 kids off at school -- you know, it just makes it 13 more convenient. 14 If we're ready for a motion, I'd be happy 15 to -- 16 COMMISSIONER CABALLERO: I'm ready. Thank 17 you, Madam Chair. 18 COMMISSIONER ROBBINS: Madam Chair, I move 19 that the Public Education Commission approve the 20 bylaw changes, as presented by Estancia Valley 21 Classical Academy. 22 COMMISSIONER VOIGT: I'll second. 23 THE CHAIR: There's a motion by 24 Commissioner Robbins, a second by Commissioner 25 Voigt.</p>	<p>1 Madam Chair, I move that the Public 2 Education Commission approve the enrollment policy 3 changes presented by the Estancia Valley Classical 4 Academy. 5 COMMISSIONER VOIGT: Second. 6 THE CHAIR: There's a motion by 7 Commissioner Robbins, a second by Commissioner 8 Voigt. 9 Any further discussion? 10 (No response.) 11 THE CHAIR: If not, roll call. 12 COMMISSIONER RUIZ: Commissioner 13 Armbruster, since you're ready to board? 14 COMMISSIONER ARMBRUSTER: Yes. And I'm 15 getting on the plane right this second. Bye. Thank 16 you. 17 COMMISSIONER RUIZ: Commissioner Chavez? 18 COMMISSIONER CHAVEZ: Yes. 19 COMMISSIONER RUIZ: Commissioner 20 Caballero? 21 COMMISSIONER CABALLERO: No. 22 COMMISSIONER RUIZ: Commissioner Robbins? 23 COMMISSIONER ROBBINS: Yes. 24 COMMISSIONER RUIZ: Commissioner Voigt? 25 COMMISSIONER VOIGT: Yes.</p>
<p>Page 51</p> <p>1 Any further discussion? 2 (No response.) 3 THE CHAIR: If not, roll call, please. 4 COMMISSIONER ARMBRUSTER: Madam Chair, 5 this is Commissioner Armbruster. Could you call my 6 name first, because I'm actually walking into the 7 plane? Could I please vote first? Thank you. 8 DIRECTOR BRAUER: Madam Chair and 9 Commissioner Ruiz, I want to make sure you all feel 10 comfortable with that motion from Commissioner 11 Robbins. This is the enrollment policy, not 12 necessarily a bylaw. I don't want to split hairs, 13 though. It's an enrollment policy. It's not a 14 bylaws change. 15 COMMISSIONER ROBBINS: I'll correct my 16 motion to the changes to the enrollment policy. 17 THE CHAIR: Your -- is this just an 18 enrollment policy change? 19 MR. HARLAN LAWSON: It is. 20 THE CHAIR: Or is this enrollment policy 21 in your bylaws so you're also changing your bylaws? 22 MR. HARLAN LAWSON: No. This is just an 23 enrollment policy change. 24 THE CHAIR: Yes. Could you please? 25 COMMISSIONER ROBBINS: I'll correct that.</p>	<p>Page 53</p> <p>1 COMMISSIONER RUIZ: Commissioner Gipson? 2 THE CHAIR: Yes. 3 COMMISSIONER RUIZ: Commissioner Raftery? 4 COMMISSIONER RAFTERY: Yes. 5 COMMISSIONER RUIZ: And Commissioner Ruiz 6 votes "Yes." So it's passed, seven-to-one. 7 THE CHAIR: Seven-to-one. 8 COMMISSIONER RUIZ: Yes. 9 THE CHAIR: I'm going to ask Commissioners 10 to indulge me in a five-minute -- it's going to take 11 me ten to get down there. 12 I appreciate it. 13 (Recess held, 1:10 p.m. to 1:17 p.m.) 14 THE CHAIR: So we are on to item No. 6, 15 which is the Report from Options for Parents and 16 discussion of possible actions -- 17 DIRECTOR BRAUER: Madam Chair, members of 18 the Commission thank you. I'll be as brief as 19 possible, just given the other elements that you 20 have for today. 21 I wanted to start out with a few 22 acknowledgments and celebrations. One in particular 23 is that we welcome the new team member to join our 24 team named Anthony Bezich, which is supporting the 25 administration of the CSP grant.</p>

<p style="text-align: right;">Page 54</p> <p>1 It's a new position, not a position that's 2 taking over for Leslie's position. We are posting 3 that to replace that position. But this position is 4 focused a little bit more on technical assistance 5 and support of reporting requirements that we have. 6 And so Anthony is not here today; he's moving from 7 Gallup up to these parts with his wife today. And 8 so I just wanted to acknowledge and celebrate that 9 hire.</p> <p>10 THE CHAIR: Hey. Can I just ask a 11 question? Because I thought I read somewhere where 12 the -- the second position, when it was filled, that 13 that -- that somewhere I read where that person was 14 assuming Leslie's -- and that is not the case; 15 correct?</p> <p>16 DIRECTOR BRAUER: Madam Chair, members of 17 the Commission, that's correct. We do have two 18 staff members right now: Valerie Cordova, who we 19 acknowledged the last meeting. She's doing more the 20 business operations. Anthony's position is a new 21 position that came out for this current year. It 22 wasn't in existence until this year of the grant.</p> <p>23 THE CHAIR: So Leslie's is still open to 24 be posted.</p> <p>25 DIRECTOR BRAUER: That's right,</p>	<p style="text-align: right;">Page 56</p> <p>1 are living out the -- embodying what we need to for 2 all of our students across the state.</p> <p>3 And then, finally, one last acknowledgment 4 I wanted to share. Dr. Jeron Campbell joined us 5 last Thursday before we got the dismissal. And I 6 just wanted to share that we deeply appreciate his 7 support and his patience as we continue to work with 8 him, both as a new charter leader, but also as a 9 charter school program grant recipient.</p> <p>10 And he's somebody who has really worked 11 with us to make sure that our systems and procedures 12 are in place for his school. And I just wanted to 13 share and appreciate him for that.</p> <p>14 One other announcement that I wanted to 15 address, Meaghan Hindman from Altura Prep e-mailed 16 me before our previously scheduled meeting to give 17 an update on their settlement with their previous 18 landlord.</p> <p>19 And so they have settled. They have -- 20 went through some negotiations, and so they have 21 settled. And from the e-mail that she shared with 22 me, it looks like that has been cleared. And so 23 they're in good standing with that part of their 24 transition.</p> <p>25 Estancia Valley Classical has been working</p>
<p style="text-align: right;">Page 55</p> <p>1 Madam Chair.</p> <p>2 THE CHAIR: Okay. Thanks.</p> <p>3 DIRECTOR BRAUER: What I may have 4 mentioned in previous meetings, or maybe have 5 shared, that our team member, Melissa Sanchez, who 6 joined us as well a couple of months ago, has a lot 7 of experience in this type of work. And so as we 8 continue to make ends meet, she's playing a pivotal 9 role for us.</p> <p>10 THE CHAIR: Thanks.</p> <p>11 DIRECTOR BRAUER: A couple of other 12 celebrations. I had a chance yesterday to be a 13 participant in the Identity, Equity and 14 Transformation Forum that was happening down in 15 Albuquerque. There's another event that's happening 16 up here today for our Northern schools.</p> <p>17 And it was really wonderful to see how 18 many charter school leaders were in that room and 19 the Equity Council team leads from charter schools. 20 It was really, really apparent.</p> <p>21 It was a voluntary meeting, and it was 22 just really -- it was really awesome to see the 23 number of -- especially State-authorized charter 24 schools that came in voluntarily to really engage 25 deeply around elements of how do we ensure that we</p>	<p style="text-align: right;">Page 57</p> <p>1 with Altura Prep to purchase the playground 2 equipment.</p> <p>3 THE CHAIR: I think they have it.</p> <p>4 MR. HARLAN LAWSON: We don't have it.</p> <p>5 THE CHAIR: Does Paul still have it on his 6 trailer?</p> <p>7 DIRECTOR BRAUER: Looks like there are 8 some agreements on transport that they're figuring 9 out. But they -- I think they shared some 10 appreciation that they were able to make that -- 11 make that happen with Estancia Valley; so --</p> <p>12 THE CHAIR: That was nice. So can I ask, 13 without -- maybe I don't know if we want public 14 disclosure. There was a -- there was a monetary 15 settlement with the previous landlord?</p> <p>16 DIRECTOR BRAUER: There was, yeah. Yeah. 17 And if it's okay for me to share?</p> <p>18 THE CHAIR: Yeah.</p> <p>19 DIRECTOR BRAUER: They negotiated it to 20 \$18,500.</p> <p>21 THE CHAIR: Wow.</p> <p>22 DIRECTOR BRAUER: And that was from a 23 very -- that's a lot less than where the 24 conversation was starting.</p> <p>25 THE CHAIR: But, yes, that \$18,500 has to</p>

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1 come out of their operational fund, yeah, because
 2 they can't use CSP grant money, as an example. That
 3 would not be an allowable expense. So it has to
 4 come out of their operational monies.
 5 It is significantly less than what the
 6 landlord initially was asking for. But it still --
 7 it's coming out of public monies, yeah.
 8 DIRECTOR BRAUER: The next element I
 9 wanted to share was an update on the Notices of
 10 Intent that we received on -- last week. Apologies
 11 again, Chairwoman, and for the lag time and getting
 12 those posted. I'm a no-excuses person, and so I
 13 take responsibility for that.
 14 As we were rushing to get that up earlier
 15 this week, we also had a lot of IT issues that made
 16 it near impossible to actually get onto our website.
 17 But we were able to post that with the help of our
 18 colleague, Dolores Archuleta. And so appreciations
 19 for her in supporting us in doing that.
 20 It should be posted now. As soon as our
 21 website is in full functioning mode, we should be
 22 able to review those. I also shared them with
 23 Chairwoman through Missy Brown as well, so you would
 24 have those.
 25 You all have a one pager on the snapshot

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1 of the schools that did provide us a Notice of
 2 Intent. These could be ones that are -- you know,
 3 may be going an hour -- going into the process for
 4 the PEC. Or they could be local as well. Is
 5 everybody --
 6 THE CHAIR: Are they in our box?
 7 DIRECTOR BRAUER: I think they were -- I
 8 think they were an addendum that were provided.
 9 THE CHAIR: Oh, you do. Okay.
 10 DIRECTOR BRAUER: Does everybody have a
 11 copy?
 12 COMMISSIONER CABALLERO: Question on --
 13 clarification, Madam Chair?
 14 THE CHAIR: Sure.
 15 COMMISSIONER CABALLERO: The difference
 16 between the school that's Albuquerque and the other
 17 one that says APS.
 18 MS. KAREN WOERNER: Oh. That's just a
 19 mistake in our little [inaudible] that we typed in.
 20 DIRECTOR BRAUER: Actually, Chairwoman and
 21 Commissioner Caballero, I think that does signify
 22 that those are two schools that used the APS Notice
 23 of Intent document, which probably indicates that
 24 they're likely wanting to work with -- but that's
 25 how we distinguish that.

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1 THE CHAIR: So it's -- yeah. I do believe
 2 Breakthrough, in their description, does designate
 3 that their intention is to authorize with
 4 Albuquerque.
 5 COMMISSIONER CABALLERO: Albuquerque
 6 Public Schools?
 7 THE CHAIR: Correct, right. Yeah. Well,
 8 they don't have to identify in the NOI. Some just
 9 happened to identify. And Breakthrough did
 10 identify. And I'll also say that the Learning
 11 Center School did identify in the letter that they
 12 were going to authorize with Española.
 13 DIRECTOR BRAUER: Madam Chair, that's
 14 correct.
 15 THE CHAIR: I'm -- I didn't see Voz's. I
 16 don't know why. But that's okay. So I didn't --
 17 until today -- maybe there was just an issue with
 18 downloading stuff. So I don't know if -- but you
 19 said they used Albuquerque's format; so, yeah. It
 20 kind of makes sense, because that's who they did
 21 last year. Well, maybe it doesn't make sense. I
 22 don't know.
 23 Okay. So I think we're looking at
 24 probably -- probably six that are looking at State
 25 authorization, six or seven. So we'll see. Two of

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1 them are repeats. So odds are they'll -- you know,
 2 they're kind of done. So I think they'll -- you
 3 know, they'll continue through.
 4 Who knows about the others? You know, we
 5 always often lose through the process. So we'll
 6 see, as we get closer to July where we have to have
 7 our community input hearings.
 8 But this is kind of an idea of -- you
 9 know, it's not a lot; but it's -- they're spread out
 10 far and wide. So -- and that's -- to me, sometimes
 11 that's the fun of it. You get to go to communities
 12 that maybe we haven't visited in a while. So that's
 13 always nice. So we'll see how it goes.
 14 Okay. Thank you.
 15 DIRECTOR BRAUER: No problem.
 16 Madam Chair, members of the Commission, if
 17 it's okay for me to skip ever so briefly to Part D
 18 of my section, if that's permissive?
 19 THE CHAIR: Sure.
 20 DIRECTOR BRAUER: Anne Salzmann, the lead
 21 of the MASTERS Program, did reach out to me and to
 22 Deputy Director Woerner about where they are with
 23 their notification needs. And she was going to be
 24 coming here, but she was in the Identity, Equity and
 25 Transformation Forum today. And I gave her the -- I

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1 shared that I would --

2 THE CHAIR: Gave her the hall pass?

3 DIRECTOR BRAUER: I shared with her that I

4 didn't want to pull her away from that event. And

5 she wanted me to convey to you all that they are on

6 this, and they just need to have a couple of more

7 signatures from their governing council, and they'll

8 be meeting shortly to take care of that.

9 THE CHAIR: This is governance council

10 changes; correct?

11 DIRECTOR BRAUER: Yeah, that's right.

12 THE CHAIR: So it's a notification for the

13 changes. And they were on Friday's agenda, because

14 they hadn't gotten all of the paperwork in on time.

15 And the problem is the meeting of the governing

16 council to vote on the changes; correct?

17 DIRECTOR BRAUER: That's correct,

18 Madam Chair.

19 THE CHAIR: And they're meeting next week.

20 So they can give us all the paperwork next week.

21 DIRECTOR BRAUER: And then, Madam Chair,

22 just to swing back to Section C with -- I know we

23 have team members from La Academia Dolores Huerta

24 here with us.

25 THE CHAIR: Okay. And we need to get

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1 somebody on the line; correct?

2 MS. GALVAN DE LUCERO: Only if necessary.

3 We have representation here.

4 THE CHAIR: Okay. I thought she wanted to

5 be on the line.

6 MS. GALVAN DE LUCERO: Well, since she's

7 driving, she would have to rest.

8 THE CHAIR: Oh, got you.

9 MS. GALVAN DE LUCERO: But we do have

10 another GC here as well, also.

11 THE CHAIR: Okay. Sure. And if you want

12 to try to get her on the line, we can do that.

13 Just, Bev needs to work her magic.

14 MS. KAREN WOERNER: Actually, your board

15 member will need to make the call with an ID number,

16 because we have a Commissioner already on the line.

17 MS. GALVAN DE LUCERO: I think we'll be

18 okay. She passed on all the information, and we do

19 have other representation. So we should be okay.

20 THE CHAIR: So welcome and thank you for

21 bearing with our -- Cruces doesn't have to deal

22 often with snow closures. We had snow and fog last

23 week; so it was much ado about nothing.

24 Unfortunately, by the time Friday rolled

25 around, it really wasn't too bad on the roads. It's

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1 a shame that we couldn't have done a delay.

2 That's -- but that's not on you. So I appreciate

3 your bearing with us and coming up here today.

4 So, Commissioners, a number of us did

5 negotiate the Corrective Action Plan last -- June?

6 Was it June? I think it was -- yeah, it was June.

7 Right. We did it the afternoon right before the

8 contract negotiations the following morning.

9 So I'm pretty sure that was June that we

10 did that.

11 So we also had a number of us who are

12 on -- those that participated in the CAP

13 negotiations also participated in a conference call

14 this fall for further clarification of that CAP,

15 because -- just to refresh all the Commissioners,

16 the school transition to a new assessment format,

17 and this year was the first year that they were

18 using it, so that there were -- there were some

19 areas that were unclear in terms of how we could

20 create benchmarks for the CAP in relationship to

21 Illuminate.

22 And when the school was up here in the

23 fall, when we voted on the CAP, there were questions

24 about -- and on the conference call, actually, there

25 was the -- and I'm going to not have his correct

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1 title -- the Illuminate coordinator for this area

2 was also on the phone and helped us to create the

3 benchmark for that.

4 So the school is up, at this point in

5 time, to give us an update. And, Commissioners, it

6 was in SharePoint what the school did provide. So I

7 don't -- there's nothing the Division wants to say,

8 is there?

9 DIRECTOR BRAUER: I don't think so, not at

10 this time.

11 THE CHAIR: So welcome, once again. If

12 you will, please, identify yourselves for the record

13 and then anything you want to share.

14 MS. GALVAN DE LUCERO: Hi. My name is

15 Sylvia Galvan de Lucero. I'm the interim head

16 administrator at La Academia de Dolores Huerta.

17 MR. ROBERT PALACIOS: My name is Robert

18 Palacios. I am the treasurer for the governing

19 council.

20 MS. GALVAN DE LUCERO: I'm going to go

21 down the list. I think you all have copies as well

22 that I have provided. Just some updates.

23 We did do our beginning-of-the-year

24 administration of our Illuminate assessments. So we

25 have established a baseline from which we will focus

<p style="text-align: right;">Page 66</p> <p>1 and grow from there.</p> <p>2 We've put together reports that have gone</p> <p>3 out to parents and to students, and we have spent a</p> <p>4 lot of time with -- during what we called "advisory</p> <p>5 period" or "study hall" that we've created, where</p> <p>6 we've done test prep, tutoring options. We've</p> <p>7 helped students analyze their testing data so they</p> <p>8 can identify their areas of weakness and set</p> <p>9 personal goals for themselves, as well as the goals</p> <p>10 that are pre-established in the CAP.</p> <p>11 So we've discussed this with all of our</p> <p>12 stakeholders, be it students and parents and</p> <p>13 community members as well.</p> <p>14 Unfortunately, due to internet issues and</p> <p>15 the ransomware attack that happened down in</p> <p>16 Las Cruces and is kind of lingering here and there,</p> <p>17 we were scheduled to give our middle-of-the-year</p> <p>18 assessment right before winter break. But there was</p> <p>19 no internet to be had during that time because it is</p> <p>20 is an internet-based assessment.</p> <p>21 We just now finally have everything back</p> <p>22 up online and got all the software updates taken</p> <p>23 care of. So, currently, the MOI, or the midyear</p> <p>24 assessment, is scheduled starting this coming</p> <p>25 Monday, January 27th. So as soon as that's done, it</p>	<p style="text-align: right;">Page 68</p> <p>1 middle of trying to access stuff when we had</p> <p>2 everyone logged on at once.</p> <p>3 THE CHAIR: Right. And that's what I'm</p> <p>4 saying, that it's part of the leases of the other</p> <p>5 schools. They simply bit into operational and said,</p> <p>6 "We're going to go outside of that until LCPS can</p> <p>7 get their act together," you know.</p> <p>8 And it's not the fall of LCPS. It's the</p> <p>9 size, unfortunately, of LCPS that is creating -- and</p> <p>10 their lack of manpower to be able to actually do it.</p> <p>11 So I just -- I didn't know if that had</p> <p>12 been a part of the conversation that the school had</p> <p>13 had so that you wouldn't be down for that length of</p> <p>14 time.</p> <p>15 MS. GALVAN DE LUCERO: Yeah. Like I said,</p> <p>16 we did, you know, bite into it a little bit and get</p> <p>17 some hotspots. But, unfortunately, it wasn't enough</p> <p>18 to get everyone logged on at once.</p> <p>19 So -- and that -- I am not sure -- well,</p> <p>20 actually, I'm sure you all are aware, Ms. Miranda,</p> <p>21 our head administrator, resigned just over the</p> <p>22 Thanksgiving holiday, November 25th. So now I am</p> <p>23 currently the interim head administrator.</p> <p>24 So on -- in the CAP, there was some issues</p> <p>25 regarding her participation in professional</p>
<p style="text-align: right;">Page 67</p> <p>1 takes about a week and a half to get everyone tested</p> <p>2 and scores to be updated. So we'll have our midyear</p> <p>3 data at that point.</p> <p>4 One of the other items was the WIDA</p> <p>5 Standards Assessment. And that is also scheduled to</p> <p>6 take place February 18th through the 23rd, coming</p> <p>7 up, for the ACCESS scores. So once those are</p> <p>8 released by the WIDA Consortium, then we will have</p> <p>9 more to report as far as that goes.</p> <p>10 Any questions thus far? Or keep on</p> <p>11 trucking on?</p> <p>12 THE CHAIR: No. I mean, it is</p> <p>13 unfortunate. I'm just going to ask, because I know</p> <p>14 a number of our other schools bit into their</p> <p>15 operational and got internet service outside of</p> <p>16 LCPS. Because I am certainly well aware of the LCPS</p> <p>17 issue.</p> <p>18 MS. GALVAN DE LUCERO: The only issue that</p> <p>19 we had was it was part of our lease agreement with</p> <p>20 LCPS is they provide the internet service. We did</p> <p>21 bite into our operational funds just a little bit to</p> <p>22 create hotspots to at least get attendance taken and</p> <p>23 e-mails running.</p> <p>24 But it wasn't enough to run a full round</p> <p>25 of testing. Computers kept logging off in the</p>	<p style="text-align: right;">Page 69</p> <p>1 development. So I will be applying to the</p> <p>2 Principals Pursuing Excellence as soon as their next</p> <p>3 round opens up; typically, that is in March.</p> <p>4 I am also seeking out membership to the</p> <p>5 National Association of Secondary School Principals,</p> <p>6 which provides national and international-based</p> <p>7 professional development for our administrators.</p> <p>8 And, recently -- we ran into Mr. Brauer</p> <p>9 yesterday at the Identity and Equity Transformation</p> <p>10 seminar, which was amazing and very energetic. I'm</p> <p>11 excited to take it back down to us at La Academia,</p> <p>12 as well as other things by CES as far as budgeting</p> <p>13 and financing. So we're out there doing everything</p> <p>14 we can.</p> <p>15 MR. ROBERT PALACIOS: And the governing</p> <p>16 council did vote and appoint Ms. Galvan as the head</p> <p>17 administrator. But we have posted the job opening</p> <p>18 and are seeking applicants.</p> <p>19 THE CHAIR: Okay. So let's just spend a</p> <p>20 little bit on that. So do you have a search</p> <p>21 committee? Or what's your process looking like for</p> <p>22 that search?</p> <p>23 MR. ROBERT PALACIOS: We just posted the</p> <p>24 search. But at this next governing council meeting,</p> <p>25 we will be putting together a search committee to</p>

<p style="text-align: right;">Page 70</p> <p>1 review those resumes and applicants. 2 THE CHAIR: So just on your website. 3 MS. GALVAN DE LUCERO: It's posted on your 4 website. It's also posted on Indeed and via NMSU 5 with their job fair. 6 THE CHAIR: Okay. Thanks. 7 MS. GALVAN DE LUCERO: I'll skip down 8 to -- before I turn it over to the GC, we also just 9 wanted to include some information -- I don't know 10 if you were provided with it before -- regarding our 11 curriculums that have been adopted. 12 So we did adopt the math and language arts 13 curriculum from College Board, the SpringBoard 14 curriculum. And included in the information that 15 was submitted to you is the alignment with the SAT 16 exams. Because College Board, as we know, is 17 working very closely with our new assessment 18 statewide, so we wanted to provide you with the 19 documentation that we have done some homework and 20 research, and we're trying to implement rigorous and 21 appropriate curriculums for our students. 22 THE CHAIR: So can we spend just a little 23 bit of time talking about student numbers? 24 MS. GALVAN DE LUCERO: Certainly. 25 THE CHAIR: I heard on an interview on the</p>	<p style="text-align: right;">Page 72</p> <p>1 And she says, "Well, just, you know, kind 2 of give an approximation." 3 So that is where that answer came from. 4 THE CHAIR: So where are you today? 5 MS. GALVAN DE LUCERO: We are at 82 at 6 this point. We are up. 7 THE CHAIR: I think you were at 76 8 before -- 9 MS. GALVAN DE LUCERO: On the 40th day, 10 yes, ma'am. We're currently at 82, and we have a 11 lot of recruiting events going on. 12 You heard the radio interview as well. 13 And it's also airing on other local radio stations, 14 just some promos, both Spanish and English. 15 We also have days scheduled here in the 16 next few weeks during the month of February in all 17 of our area elementary schools to do a recruiting 18 day, where we will share information with the 19 students and staff to be also relayed to the 20 parents. 21 We've also scheduled an open house for 22 parents to come in, not a parent-teacher conference, 23 but for community and parents to come in and get to 24 know about our school. 25 I'm also working with the City of</p>
<p style="text-align: right;">Page 71</p> <p>1 local radio station that you're at approximately 2 120. 3 MS. GALVAN DE LUCERO: No, that is our 4 cap. 5 THE CHAIR: But the radio station asked, 6 and you said, "Yes, we're at approximately 120." 7 MR. ROBERT PALACIOS: Which station was 8 this? 9 THE CHAIR: I -- 10 MS. GALVAN DE LUCERO: I think that was 11 Ms. Emily Guerra on KRWG. 12 THE CHAIR: Yeah. I was thrilled when I 13 heard it, because I said, "Wow." I should have 14 asked her that. "You have 120 students?" 15 And you said, "We're just a little below 16 120." 17 MS. GALVAN DE LUCERO: Okay. And I will 18 be honest. That was on advice from the interviewer, 19 because we discussed the questions before. I did 20 let her know what our actual enrollment was. 21 And she said, "Well, you kind of just want 22 to -- you don't want to let the community know that 23 you're desperate, just that you are recruiting." 24 So I will -- you know, I said, "This is 25 where we're at."</p>	<p style="text-align: right;">Page 73</p> <p>1 Las Cruces right now to get permission to utilize 2 the Plaza de Las Cruces to do a Charter School 3 Night, which we would like to invite all charter 4 schools and make it a recruitment night for all of 5 the area charter schools to support each other. 6 So we've got a lot of things in the works. 7 We're hoping that all of that comes to fruition with 8 increased numbers. 9 THE CHAIR: Okay. There's really not a 10 whole lot we can do until we get the results of the 11 interim assessments, so that at -- at the next 12 meeting, we'll be able to digest that information 13 and the school will be able to have a better 14 response. 15 Because right now, we're just talking 16 about what-ifs. 17 COMMISSIONER VOIGT: Right. 18 THE CHAIR: It's unfortunate. I thought 19 the interim was actually going to -- you were going 20 to do it on the 23rd, which really wouldn't have 21 given you enough time. But I thought -- I thought 22 it was a little bit before this. So it's -- 23 MS. GALVAN DE LUCERO: No. 24 THE CHAIR: But we will definitely have it 25 for the February meeting.</p>

<p style="text-align: right;">Page 74</p> <p>1 MS. GALVAN DE LUCERO: Correct. Barring 2 any unforeseen technology trauma, we will be ready 3 to go. 4 THE CHAIR: Well, you're completely up 5 now; right? 6 MS. GALVAN DE LUCERO: As of right now, we 7 are. 8 THE CHAIR: So there shouldn't be any 9 concerns about next week. So, Commissioners, do you 10 have any questions? 11 COMMISSIONER VOIGT: I just -- real quick. 12 Yeah, great work on reaching the completion of your 13 CAP. 14 THE CHAIR: They haven't completed their 15 CAP. 16 MS. GALVAN DE LUCERO: We haven't 17 completed. We're working towards it. We're working 18 on it. 19 COMMISSIONER VOIGT: Working towards it. 20 There's been some progress made. So good job on 21 that. 22 THE CHAIR: Okay. All right. So, once 23 again, I thank you. I appreciate it. I appreciate 24 the update and the work. And I'm excited if you can 25 get that event on the Plaza.</p>	<p style="text-align: right;">Page 76</p> <p>1 dance and music programs that you have? 2 MS. GALVAN DE LUCERO: Yes. As of right 3 now, we have been able to maintain it. It is part 4 of why students choose La Academia, because, if not, 5 you can go to any middle school and have similar 6 academics. So that is one of the draws that we 7 continue. 8 We have had to make adjustments in 9 scheduling and go from a full-time teacher to a 10 part-time teacher in areas. But the programs are 11 still there. 12 THE CHAIR: They do participate in 13 community events. So it's always nice to be able to 14 go to another event, and the school is providing 15 some entertainment at the event. And it's good 16 advertis- -- certainly good advertisement. And I 17 think sometimes it can be a remuneration. So 18 that's -- that's always a little bit of a help. 19 But it is nice. 20 So let me just quickly ask. The 21 additional students that you picked up, what grade 22 were they? Or across the board? 23 MS. GALVAN DE LUCERO: They're across the 24 board. Two sixth-graders, two eighth-graders. And 25 I think the others -- actually, I think we've done</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. GALVAN DE LUCERO: I think it would be 2 a great opportunity for all charter schools. 3 Everyone can benefit from it. 4 THE CHAIR: LCPS used to have a school 5 fair, but it got to be problematic with high school 6 and sports and football, in particular. 7 MS. GALVAN DE LUCERO: Correct. 8 THE CHAIR: So they had to stop doing the 9 fairs because there was too much recruiting going 10 on. And that became ugly. 11 COMMISSIONER VOIGT: Yeah, I bet. 12 THE CHAIR: So it's unfortunate, because 13 schools used to be able to -- the charters were able 14 to participate in those fairs. So it was a -- it 15 was a nice event. And I know people used to go just 16 to find out information about the school that was in 17 their neighborhood and find out information. 18 But it just -- yeah, it went sideways a 19 little bit. So it would be nice if -- if the 20 example could be shown that we can play well with 21 others. 22 COMMISSIONER CABALLERO: Just a question. 23 With the enrollment that you have now, are you able 24 to continue -- we had a little video from your 25 school presented to us -- to continue the cultural</p>	<p style="text-align: right;">Page 77</p> <p>1 two, two, two, across the board. But it's been 2 spread out pretty evenly. 3 THE CHAIR: Obviously, the concern is when 4 that chunk of eighth-graders goes, that sixth-grade 5 is -- it's really small. 6 MS. GALVAN DE LUCERO: Yes. 7 THE CHAIR: So there is that concern about 8 the financial sustainability with small numbers. I 9 mean, I'm sure you've had conversations. 10 MS. GALVAN DE LUCERO: Yeah. And they're 11 here to help out if there's any other questions 12 regarding that avenue, yeah. 13 THE CHAIR: Because that is a concern. It 14 really is. Okay. Thanks. I would appreciate it. 15 MS. GALVAN DE LUCERO: Thank you very 16 much. You all have a wonderful afternoon. 17 COMMISSIONER VOIGT: Thank you. 18 THE CHAIR: So we are on to item No. -- is 19 it actually still 6? 20 MR. MARK CHAIKEN: I believe it's No. 7 21 now. 22 THE CHAIR: It's No. 7 now, because we 23 moved 7. It should be No. 7. 24 Discussion and Possible Action on the PEC 25 Open Meetings Act Resolution for 2020.</p>

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<p>1 And everyone has a copy of this? No. 2 It was tough to -- I know it was tough to 3 get in. So the Open Meetings Resolution is on .PDF 4 format. 5 MS. AMI JAEGER: And I updated it for the 6 date. 7 THE CHAIR: Oh, okay. Got you. So the 8 only change that's different from what's on 9 SharePoint to here is the date was February 17th. 10 It has to be February 24th. So that's the only 11 change that's been made to the document that will be 12 signed if we do adopt it, okay? So that's the only 13 difference. 14 So if there's no discussion on this, 15 please, I'll entertain a motion to adopt the Open 16 Meetings Act Resolution for 2020. 17 COMMISSIONER VOIGT: Madam Chair, I move 18 that the PEC adopt the Open Meetings Act Resolution 19 for 2020. Thank you. 20 THE CHAIR: Did we get a second? 21 COMMISSIONER ROBBINS: I'll second. 22 THE CHAIR: Thank you. There's a motion 23 by Commissioner Voigt, a second by Commissioner 24 Robbins. 25 Any further discussion?</p>	<p>1 Discussion and Possible Action on Legislative 2 Priorities. This was on our agenda for last week, 3 and somewhat fortuitous that we had to be back here 4 so that we could have a -- just a real brief 5 discussion on what's on the landscape of the 6 Legislature and get a sense -- we don't -- we're not 7 voting on these. But we're getting a sense of the 8 Commission. It gives me direction. 9 If the Commission indicates that they're 10 not in support of something, then I obviously don't 11 speak for it. But it does give me some direction 12 during the Legislative Session. 13 And I'll just -- I'll start off with two 14 pieces of legislation that has -- that has piqued my 15 interest. And one is HB-147. 16 COMMISSIONER CABALLERO: Do you have it 17 here, Madam -- 18 THE CHAIR: I don't, because it wasn't 19 populated for last week. And I didn't -- 20 COMMISSIONER VOIGT: Is that the social -- 21 THE CHAIR: No. It's the -- so there's 22 two that have piqued my interest. And it has to do 23 with funding streams. 24 And one of them is Representative Javier 25 Martinez dropped it last Friday. And I think that's</p>
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<p>1 (No response.) 2 THE CHAIR: If not, roll call, please. 3 COMMISSIONER RUIZ: Commissioner Raftery? 4 COMMISSIONER RAFTERY: Yes. 5 COMMISSIONER RUIZ: Commissioner Gipson? 6 THE CHAIR: Yes. 7 COMMISSIONER RUIZ: Commissioner 8 Caballero? 9 COMMISSIONER CABALLERO: Yes. 10 COMMISSIONER RUIZ: Commissioner Ruiz 11 votes "Yes." 12 Commissioner Robbins? 13 COMMISSIONER ROBBINS: Yes. 14 COMMISSIONER RUIZ: Commissioner Chavez? 15 COMMISSIONER CHAVEZ: Yes. 16 COMMISSIONER RUIZ: Commissioner Voigt? 17 COMMISSIONER VOIGT: Yes. 18 COMMISSIONER RUIZ: And Commissioner 19 Armbruster is no longer with us. 20 So it passes seven-zero. 21 THE CHAIR: I think when you say she's no 22 longer with us, I feel like she's passed on, you 23 know. 24 Thank you. The motion passes, seven-zero. 25 So the last thing on the agenda is</p>	<p>1 147. And that does reinstate some of the Small 2 School Size Adjustment. 3 COMMISSIONER ROBBINS: Yes. 4 COMMISSIONER VOIGT: For enrollment number 5 increases, yeah. Yeah. 6 THE CHAIR: And then the second one is 7 also a House bill. And I think it's -- no, it's a 8 Senate bill. I believe it's Senator Padilla, who 9 put in for funding for adults, so that -- be able to 10 reinstate the adult education programs, only to 11 schools that had a program. 12 So schools can't start a new program and 13 access the money. But this is for schools that -- 14 I'm going to address my one concern with how the 15 bill is written right now. 16 It says that the school has to have, in 17 their mission, that they have the adult program. 18 And a number of our schools don't have it -- in 19 fact, I'm going to say probably all of them, it's 20 not in their mission. 21 They've established the programs. They've 22 had the programs, some of them from the very 23 beginning. But they didn't necessarily write that 24 into their mission statement. 25 So my concern is if that goes through, I</p>

<p style="text-align: right;">Page 82</p> <p>1 don't think any of them will be able to get the 2 money. 3 COMMISSIONER CABALLERO: Unless they 4 change their mission. 5 THE CHAIR: But I don't think -- I don't 6 know if -- I don't think they'll be able to change 7 their mission after the fact. You can't start an 8 adult ed program after the fact. I don't know 9 whether you'd be able to change your mission after 10 the fact. 11 And if -- I thought that initially, and I 12 thought, "Oh, I bet they won't let them do that, 13 because it wasn't in their mission when they" -- so 14 it's -- I think -- I think that's workable, because 15 I think that could be taken out of the legislation. 16 COMMISSIONER VOIGT: Is that explicitly 17 stated in the bill about mission statement? 18 THE CHAIR: It is, yeah. It is. That's 19 what worried me. When I read the bill, I think it 20 was the number one. So it has to be in the mission 21 of the school, and the school has to have had the 22 program in 2018, or whenever they were last funded 23 for it. And I understand the prior -- 24 COMMISSIONER VOIGT: I wonder if 25 reengagement would act as that qualifying word.</p>	<p style="text-align: right;">Page 84</p> <p>1 THE CHAIR: I think Senator Padilla has 2 that as well. 3 COMMISSIONER VOIGT: Right. I don't know 4 the bill number, though. But I think it is Michael 5 Padilla. 6 THE CHAIR: Yeah. Yeah, there is, that 7 there's -- there's more funding that goes in for a 8 social worker in every school. 9 COMMISSIONER VOIGT: Yeah. 10 THE CHAIR: And that's certainly -- it's 11 absolutely needed. And as we -- I think as Equity 12 Councils begin to build out and the broader 13 conversation, and as a number of our schools are 14 accessing and hopefully continue to be able to 15 access the community school grants, the social 16 worker piece of it is -- is an integral part of 17 that. 18 We have so many schools that we find 19 already do that. So to be able to actually take 20 funding -- because they are really crunching numbers 21 to be able to afford that social worker. And we 22 have some schools that share, you know, in areas 23 where you can. 24 But that becomes difficult as well, 25 because you're sharing. I mean, small schools maybe</p>
<p style="text-align: right;">Page 83</p> <p>1 Reengagement. 2 THE CHAIR: It doesn't necessarily pertain 3 to adults. But I think that those are waters that 4 are navigable for the -- for the legislation. 5 Those are the two bills. I think the 6 Small School Size Adjustment, reinstating that for 7 charters and other small schools and rural schools, 8 recalculating that is a significant game-changer. 9 And so is -- honestly, so is the adult 10 component, because we've had a couple of schools 11 that lost upwards to 30 percent of their enrollment 12 because -- because of that. And there was a lot of 13 buyers' remorse after that bill passed last session 14 and people saying, "Oh, I didn't realize." 15 And, you know, it was -- it was sad 16 walking around after that, because people now felt 17 bad about what happened. So I think there's -- 18 there's good traction with that. 19 So those are two that I know I personally 20 hope get some significant movement for it and those 21 that affect our charters most immediately. 22 COMMISSIONER VOIGT: There was one that 23 came out from -- I don't know who's sponsoring it, 24 but it has to do with social workers in every 25 school.</p>	<p style="text-align: right;">Page 85</p> <p>1 don't -- some schools need it more than others and 2 so on. 3 COMMISSIONER VOIGT: The big districts, 4 it'll really help them, though. 5 THE CHAIR: Absolutely. Yeah. And I'll 6 just mention that there's a really good app -- 7 there's a bill tracker app, the New Mexico Bill 8 Tracker. And you put in the bills that you're -- 9 that you want to pay attention to, and you'll get an 10 update -- sometimes they're not -- they're not -- 11 the updates aren't as good. But that's only because 12 the committees don't always update well. 13 So when -- if they don't update their 14 calendar soon enough to let you know that it's on, 15 sometimes you don't get the notice that they're 16 going to hear that bill until a couple of hours 17 before. 18 But the New Mexico Bill Tracker is a handy 19 little reminder for you. And they usually send out 20 an e-mail at the end of the day letting you know 21 what the status of your -- your bills are. 22 So I've just found that, you know, a handy 23 little reminder for me, so I can get some sense of 24 what's going on and where I need to be. 25 So is there anything else that someone</p>

<p style="text-align: right;">Page 86</p> <p>1 wants to highlight -- I mean, I went through all -- 2 I think I went through all of the bills that all 3 affect charters. 4 I mean, bills that are going to add 5 funding to all schools, I feel less compelled to 6 have to speak, because there's a greater audience 7 that's going to do that. It's the bills that affect 8 charters specifically, like the funding bills for 9 the adults and the small school size, that's not 10 going to get traction from -- they're going to get 11 traction from the other side on the negative side, 12 you know? 13 So I think those other funding streams -- 14 and even the funding stream -- even though I support 15 it, and if I was there, I would certainly support 16 it. But the funding for the social worker, because 17 it's going to go to all schools, that, in all 18 likelihood, will get a lot of support anyway. So I 19 don't think there's as big a concern with those. 20 And I think those -- you know, we've -- so 21 far, we've avoided any talk of moratoriums, lottery 22 caps, enrollment caps, anything like that. So I 23 think -- you never know. But I think that 24 conversation is okay, is done for this session. But 25 we'll -- we always have to play "Wait and see."</p>	<p style="text-align: right;">Page 88</p> <p>1 THE CHAIR: Sure. 2 MS. KAREN WOERNER: So we're having a few 3 issues with venues, particularly in Albuquerque, on 4 March 16th, 17th, and 18th. The preferred site was 5 the New Mexico Activities Association. So you 6 notice there's not a location listed on here yet. 7 But if this is good to go, we do have, of course, 8 Mabry Hall reserved. Bev has taken care of that for 9 the days that are in Santa Fe. 10 If I can start in April because April is 11 all set, if we are in Las Cruces on Monday, we have 12 the New Mexico Farm & Ranch reserved; Tuesday at the 13 New Mexico Activities Association; and the three 14 Santa Fe days here. 15 The problem is in March in Albuquerque. 16 The New Mexico Activities Association is not 17 available one of those days. They want us out by 18 4:00. And the other days -- it's just presenting 19 some problems there. We tried the -- 20 THE CHAIR: CES? Did you try CES? 21 MS. KAREN WOERNER: I didn't try CES. I 22 didn't try that. I contacted New Mexico Highland in 23 Rio Rancho where we've used before because they have 24 bigger rooms. They're -- in the evenings, they're 25 available. I was trying to stay in the I-25</p>
<p style="text-align: right;">Page 87</p> <p>1 Otherwise we're good? 2 Okay. All right. 3 COMMISSIONER VOIGT: Quick question. Are 4 we going to get the calendar meeting scheduled for 5 March and April? 6 COMMISSIONER ROBBINS: For special 7 meetings? 8 THE CHAIR: Oh. For the contract 9 negotiations? 10 DIRECTOR BRAUER: Madam Chair, that's on 11 me. I forgot to bring that up in my talking points. 12 Apologies for that. 13 THE CHAIR: Because we had asked Karen. 14 MS. KAREN WOERNER: I have a proposed 15 schedule, but -- 16 COMMISSIONER VOIGT: Super. Thanks, 17 Karen. 18 MS. KAREN WOERNER: -- based on our 19 conversations. 20 THE CHAIR: Right. 21 MS. KAREN WOERNER: And while Alan is 22 passing that out, if you don't mind, Madam Chair? 23 THE CHAIR: I'm sorry. Say that again. 24 MS. KAREN WOERNER: While he's passing it 25 out, may I just --</p>	<p style="text-align: right;">Page 89</p> <p>1 Corridor. 2 We did check with the Rankin Center. We 3 checked with the Nusenda Credit Union Training 4 Center. Those are all kind of off 1-25. We're not 5 having any luck. I did reserve Rio Rancho. I can 6 check CES, for sure. 7 THE CHAIR: That's not a bad-sized room at 8 CES. I know we can get in early. 9 MS. KAREN WOERNER: Okay. I will check 10 with them. I don't have the venues for those three 11 days. We know it's going to be in Albuquerque area. 12 THE CHAIR: Give me the dates that aren't 13 firm. 14 MS. KAREN WOERNER: March 16, 17, and 18. 15 But we will gladly contact CES. If that's 16 available, I'll cancel Rio Rancho. If it's not 17 available, I will keep Rio Rancho. 18 And then the times were based on your 19 conversation. I'm certainly willing to flex those 20 or do whatever you need, but thought we'd have this 21 to start with. 22 THE CHAIR: I think we're okay. As 23 long -- the only thing I worry about -- there's not 24 much we can do. But if the 10:30 schools are 25 simply -- if they just know that we're already in</p>

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<p>1 with a -- see, that's the only problem, to some 2 extent with CES, because there's not -- there's -- 3 and, well, honestly there's really not a waiting 4 room at the Activities Center, either, that if we do 5 run a little late, there's really not a holding tank 6 for the other school.</p> <p>7 And that's what gets a little awkward, you 8 know. But I don't know what else we can do about 9 it.</p> <p>10 MS. KAREN WOERNER: I know that New Mexico 11 Activities Association, I did set up chairs in the 12 hall there, so they had a place to sit. There's a 13 space there. They're not available those three 14 days. I thought it would be confusing to have one 15 day there and two days someplace else.</p> <p>16 CES, they're very cramped in terms of 17 their office space; right?</p> <p>18 THE CHAIR: Yeah, they have a little tiny 19 waiting area out front. The problem with that is 20 we're way in the back. We don't know the folks are 21 up front unless someone comes there and says, you 22 know, "You've got people waiting there." 23 So -- and we kind of get lost in the 24 timing. And we're not paying attention to look. So 25 we just -- if it ends up being CES, maybe we'll put</p>	<p>1 MS. FRIEDMAN: If you want to pay the fee, 2 you can pay the fee. It's about \$100, \$150, I 3 think.</p> <p>4 MS. KAREN WOERNER: Per day. That's three 5 days.</p> <p>6 THE CHAIR: So it's \$450.</p> <p>7 COMMISSIONER CABALLERO: Let's ask for a 8 discount.</p> <p>9 MS. FRIEDMAN: If you spoke to the Deputy 10 Secretary.</p> <p>11 COMMISSIONER VOIGT: Some of the senior 12 citizen multigenerational centers have great spaces, 13 too.</p> <p>14 COMMISSIONER CABALLERO: We use the public 15 library for legislative community updates, and those 16 are free.</p> <p>17 THE CHAIR: Do they have a big -- because 18 sometimes the libraries don't have big spaces. They 19 have small meeting rooms.</p> <p>20 COMMISSIONER VOIGT: The main library does 21 down on Fifth and Copper. They have a big 22 auditorium.</p> <p>23 THE CHAIR: If they don't have good 24 parking -- all right. Let's see what CES, and then 25 we'll cross that bridge if we -- sometimes the</p>
<p>1 a sign on one of the little tables out there so that 2 they know that.</p> <p>3 COMMISSIONER CABALLERO: "CES" means what, 4 Madam Chair?</p> <p>5 THE CHAIR: Cooperative Education 6 Services.</p> <p>7 COMMISSIONER CABALLERO: The community 8 college has a training center off of -- off the 9 highway. And there's been community meetings there, 10 and they have a downstairs and an upstairs.</p> <p>11 THE CHAIR: And we actually used -- we 12 used the community college there.</p> <p>13 COMMISSIONER CABALLERO: There's some big, 14 big rooms.</p> <p>15 MS. KAREN WOERNER: Is that the Workforce 16 Center off of, like, Alameda? Do they charge for 17 them?</p> <p>18 THE CHAIR: Bev might know that more than 19 I do. Remember, we had a meeting one time at the 20 Workforce Training Center of CNM.</p> <p>21 MS. FRIEDMAN: We got that without a fee 22 because of Carmie.</p> <p>23 THE CHAIR: We got it without a fee 24 because of Carmie, because Carmie had been on the 25 board there.</p>	<p>1 Plumbers and Pipefitters, because they're right 2 off -- they're -- you see them right there on 25. 3 I've attended meetings at the Plumbers and 4 Pipefitters.</p> <p>5 MS. KAREN WOERNER: I'll look into them.</p> <p>6 COMMISSIONER VOIGT: And the IBEW.</p> <p>7 THE CHAIR: International Brotherhood of 8 Electrical Workers.</p> <p>9 MS. KAREN WOERNER: Thank you. We'll look 10 into those, Madam Chair. If we end up at CES, we 11 can have staff support the coordination of that 12 stuff. But if you think it's too small out there, 13 we can see what else there is.</p> <p>14 THE CHAIR: I think the room at CES is 15 fine. We're good. And it's -- yeah. All right.</p> <p>16 So with that said, I'll entertain a motion 17 to adjourn.</p> <p>18 COMMISSIONER VOIGT: I move to adjourn.</p> <p>19 COMMISSIONER RUIZ: Second.</p> <p>20 THE CHAIR: Motion to adjourn. There's a 21 second.</p> <p>22 All in favor? 23 (Commissioners so indicate.)</p> <p>24 THE CHAIR: We are adjourned. 25 (Proceedings adjourned at 2:07 p.m.)</p>

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

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

In testimony whereof, I have hereunto set my hand on January 27, 2020.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 3474N (CC)

RECEIPT

JOB NUMBER: 3474N CC Date: 1/24/20
PROCEEDINGS: Public Special Meeting Proceedings
CASE CAPTION: NM Public Education Commission

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