

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC SPECIAL MEETING

August 4, 2020

9:00 a.m.

CONDUCTED VIA VIDEO TELECONFERENCE

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

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Page 2

1 A P P E A R A N C E S
2 COMMISSIONERS:
3 MS. PATRICIA GIPSON, Chair
4 MS. TRISH RUIZ, Vice Chair
5 MS. KARYL ANN ARMBRUSTER, Secretary
6 MR. R. CARLOS CABALLERO, Member
7 MR. MICHAEL CHAVEZ, Member
8 MR. TIM CRONE, Member
9 MS. GEORGINA DAVIS, Member
10 MS. SONIA RAFTERY, Member
11 MR. DAVID ROBBINS, Member
12 MS. GLENNA VOIGT, Member

13 PED STAFF:
14 MS. KAREN WOERNER, Deputy Director
15 Options for Parents and Families
16 MS. BEVERLY FRIEDMAN, PED Custodian of Record
17 and Liaison to the PEC

18 PEC COUNSEL:
19 MS. AMI JAEGER
20 MR. MARK CHAIKEN

Page 3

1 I N D E X T O P R O C E E D I N G S
2 PAGE
3 1 Call to Order, Roll Call, 4
4 Pledge of Allegiance, and
5 Salute to the New Mexico Flag
6 2 Approval of Agenda 5
7 3 Open Forum - No Speakers 6
8 4 Consent Agenda 6
9 5 Discussion and Possible Action on
10 the PEC Budget for FY2022 8
11
12 6 PEC Comments - Not Called
13
14 7 Executive Session 35
15
16 REPORTER'S CERTIFICATE 42
17
18 ATTACHMENT:
19 1 List of Attendees

Page 4

1 THE CHAIR: Okay. Good morning, everyone.
2 I am going to bring to order this Special Meeting of
3 the Public Education Commission. It is Tuesday,
4 August 4th, and it is 9:07 a.m.
5 Commissioner Armbruster, will you do roll,
6 please?
7 COMMISSIONER ARMBRUSTER: Certainly.
8 Commissioner Robbins?
9 COMMISSIONER ROBBINS: Present.
10 COMMISSIONER ARMBRUSTER: Sorry. The dog
11 is barking.
12 Commissioner Voigt?
13 COMMISSIONER VOIGT: Here.
14 COMMISSIONER ARMBRUSTER: Commissioner
15 Armbruster is here.
16 Commissioner Davis?
17 COMMISSIONER DAVIS: Here.
18 COMMISSIONER ARMBRUSTER: Commissioner
19 Chavez?
20 COMMISSIONER CHAVEZ: Here.
21 COMMISSIONER ARMBRUSTER: Commissioner
22 Gipson?
23 THE CHAIR: Here.
24 COMMISSIONER ARMBRUSTER: Commissioner
25 Raftery?

Page 5

1 COMMISSIONER RAFTERY: Here.
2 COMMISSIONER ARMBRUSTER: Commissioner
3 Crone -- I don't think he's here yet. Okay. I'll
4 wait.
5 Commissioner Ruiz?
6 COMMISSIONER RUIZ: Here.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Caballero?
9 COMMISSIONER CABALLERO: Here.
10 COMMISSIONER ARMBRUSTER: Madam Chair, we
11 have nine people. We have a quorum.
12 THE CHAIR: We have a quorum with nine
13 present. Thank you.
14 COMMISSIONER ARMBRUSTER: Unless I've
15 missed somebody.
16 THE CHAIR: I am now going to ask
17 Commissioner Davis to lead us in the Pledge and
18 Commissioner Raftery in the Salute to the New Mexico
19 Flag.
20 (Pledge of Allegiance and Salute to
21 the New Mexico Flag conducted.)
22 THE CHAIR: Thank you. And we are on to
23 Item No. 2, which is the Approval of the Agenda.
24 So, hopefully, you've had an opportunity
25 to look at the agenda, and I'll entertain a motion.

Page 6

1 COMMISSIONER ROBBINS: I'll move.
 2 THE CHAIR: There's --
 3 COMMISSIONER RAFTERY: Second.
 4 THE CHAIR: There's a motion by
 5 Commissioner Robbins, a second by Commissioner
 6 Raftery.
 7 All in favor?
 8 (Commissioners so indicate.)
 9 THE CHAIR: Hearing no opposition, the
 10 motion passes.
 11 We are now on to Item No. 3, which is Open
 12 Forum. Has anyone signed up?
 13 MS. FRIEDMAN: Not that I have seen.
 14 THE CHAIR: Okay. All right. Thank you.
 15 So we are moving quickly, then, on to Item
 16 No. 4, which is the Consent Agenda.
 17 Do we have any changes to it? I know I
 18 don't.
 19 If there are no changes, I'll entertain a
 20 motion.
 21 COMMISSIONER DAVIS: I so move.
 22 COMMISSIONER RUIZ: Second.
 23 THE CHAIR: I'm sorry. Who was that?
 24 COMMISSIONER DAVIS: I just said, "I so
 25 move."

Page 7

1 THE CHAIR: Thanks. There's a motion by
 2 Commissioner Davis and a second by Commissioner
 3 Ruiz.
 4 Roll, please.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Caballero?
 7 COMMISSIONER CABALLERO: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Ruiz?
 10 COMMISSIONER RUIZ: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Raftery?
 13 COMMISSIONER RAFTERY: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Gipson?
 16 THE CHAIR: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Chavez?
 19 COMMISSIONER CHAVEZ: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Davis?
 22 COMMISSIONER DAVIS: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Armbruster votes "Yes."
 25 Commissioner Voigt?

Page 8

1 COMMISSIONER VOIGT: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Davis?
 4 COMMISSIONER DAVIS: Yes.
 5 COMMISSIONER ARMBRUSTER: And I'm just
 6 checking. I will know when Commissioner Crone comes
 7 in.
 8 THE CHAIR: Yeah, we'll see him. He's not
 9 here.
 10 COMMISSIONER ARMBRUSTER: Okay. So that
 11 passes, a nine-to-zero vote.
 12 THE CHAIR: Motion passes, nine-zero.
 13 Thank you.
 14 We are on to Item No. 5, which is
 15 Discussion and Possible Action on the PEC Budget for
 16 FY2022.
 17 So I want to thank everyone for giving us
 18 this time today. There was just that little glitch
 19 with the numbers not being the up-to-date numbers
 20 for '22 that were posted for our last meeting. So
 21 this is why we had to have a Special Meeting.
 22 I have to thank -- thank -- thank
 23 Commissioner Robbins, because he puts in a lot of
 24 work with this. And I appreciate his enthusiasm for
 25 wanting to do this and to be able to answer

Page 9

1 questions and put forth a professional document that
 2 we can submit.
 3 So just -- I'm going to try to do the
 4 Reader's Digest condensed version of this. And I'm
 5 going to allow Commissioner Robbins to answer most
 6 of the nitty-gritties of the budget.
 7 But I just want to go back real quickly
 8 and talk about why we are still here today where we
 9 are. And this goes back to before I was even on the
 10 Commission. I think this goes back to when the
 11 Commission was established.
 12 And there has been this thread throughout
 13 all of these years as to where does that 2 percent
 14 money go. As each -- we have -- everyone here has
 15 participated in quite a few contract negotiations
 16 now, so that in the contract, there is the piece in
 17 the contract that says the PEC will be able to
 18 inform schools as to how the 2 percent is being used
 19 to help support them.
 20 And that is from -- like I said, from
 21 before I was on, there was always that request by
 22 Commissioners. Where is the budget? Where is the
 23 money going? How is it being spent? What's being
 24 done with it? And there truly was never any -- not
 25 even an adequate response. There wasn't a response.

<p style="text-align: right;">Page 10</p> <p>1 And that continued when I got on, that 2 that was one of the first things I remember being 3 the source of concern by Commissioners. And, then, 4 of course, there was -- and I'm not exactly sure if 5 it was a significant audit finding. 6 But there was an audit finding when Tim 7 Keller was the Auditor. And that audit finding was 8 on PED, that that 2 percent was not accountable; 9 it's not transparent. 10 These -- these are State monies. And we 11 have a fiduciary responsibility to our schools to 12 make sure that they know where this money is going. 13 So that led us down this path, probably 14 about three years ago, with this more formalized 15 budget to be submitted. And we've had many robust 16 conversations about what should go into the budget, 17 what -- what needs to be accounted for in the budget 18 and what this really does. 19 This doesn't take any State tax dollars. 20 We're not asking the State for any additional 21 monies. This is the 2 percent money that charter 22 schools have to provide to the State PEC. And it is 23 our task to show the schools how that money is being 24 used. 25 So that's what this budget does. It</p>	<p style="text-align: right;">Page 12</p> <p>1 that. 2 THE CHAIR: Right. Thanks. 3 And -- you know, and you're absolutely 4 right. Because it has come up during contract 5 negotiations, you know. It's not that, "Hey, we 6 don't want to give you this money." 7 But if we are going to, it should be -- 8 and, absolutely, it should be accounted for. 9 COMMISSIONER VOIGT: Yeah. 10 THE CHAIR: So that what this does is it 11 just lays out so that folks can see -- and last 12 year, we had, I think, a fairly lengthy and robust 13 work session, where we went piece by piece through 14 this budget. 15 This budget, for all intents and 16 purposes -- and, David, you can correct me if I'm 17 wrong -- but it really hasn't changed a lot over the 18 past three years. It's been tweaked and updated 19 with the monies, because the 2 percent varies from 20 year to year. 21 But, otherwise, what is in that budget is 22 what we have, as a Commission, overwhelmingly 23 approved back three years ago, and went through, 24 once again, through the work session. So that I'm 25 hoping that if anyone has any questions, we can keep</p>
<p style="text-align: right;">Page 11</p> <p>1 outlines, as best we can, where that money is going, 2 how it's being used. And, hopefully, as -- as we 3 have over the past several years, we've embedded 4 into that budget something that hadn't been thought 5 of much before, and that's that support piece, 6 when -- so that we have the capacity -- if and when 7 schools get into some difficulties, we have the 8 capacity to say, "Here we are." 9 We have the mechanism to say, "Okay. We 10 can send in support," not have to go through these 11 lengthy contract processes. And it's, like, three 12 months down the road, "Now we can come in and help 13 the school," and maybe now they're in even worse 14 shape than they were before. 15 And that shouldn't be. We should be there 16 to be able to support and help them. And that's 17 where the tenor of -- and I'm appreciative of 18 that -- the tenor of this Commission has changed. 19 Glenna? 20 COMMISSIONER VOIGT: Thank you. And I'd 21 just like to add to that, too. I think the full 22 transparency of that 2 percent has been something 23 that the schools have been wanting to see since 24 2007. And so I'm glad that we are taking that 25 initiative to lead that charge, also. So thanks for</p>	<p style="text-align: right;">Page 13</p> <p>1 this as briefly as possible, because we've kind of 2 beat this dead horse with going through this at this 3 point in time. 4 And I'll close by saying, a thousand more 5 times, thank you to David for -- for doing this. 6 COMMISSIONER VOIGT: Thank you, David. 7 (Applause by Commissioners.) 8 THE CHAIR: This is a skill set everyone 9 knows I don't embody. And I've publicly said 10 sometimes, looking at budgets is like driving nails 11 in my eyes. But I love the conversations, because 12 I've learned more than I ever thought I needed to 13 know. 14 And it is important, because these 15 conversations have helped when we've looked at 16 schools' budgets as well. So it has made me, 17 without a doubt, a better informed person through -- 18 through doing this. And that I'm always grateful 19 for. 20 COMMISSIONER VOIGT: Just real quick. So 21 will this budget be accessible for schools to see? 22 Will it be on our web page? 23 THE CHAIR: It is, because it's in the 24 documents. So it will be, yes. 25 COMMISSIONER VOIGT: Thanks.</p>

<p style="text-align: right;">Page 14</p> <p>1 THE CHAIR: Yeah. And we could also -- I 2 would have no problem, once it's passed -- I have no 3 problem asking for it to be sent out if folks felt 4 that that was appropriate as well. But it will be 5 on the website. 6 Commissioner Chavez? 7 COMMISSIONER CHAVEZ: Yes, Madam Chair. 8 Commissioner Robbins, my apologies. I saw this at 9 our last meeting, and I didn't bring it up. It was 10 out of sight, out of mind. But I'm looking at it 11 again today. And I don't know if it really makes a 12 difference or not. 13 But on the spreadsheet, Commissioner 14 Robbins, where you do an itemized listing of travel 15 by the different districts -- so District 6 is going 16 to be different. And I don't know if there's enough 17 within the budget that you've accounted for a 18 cushion or something. 19 But the mileage for that would be 20 different. It's not going to be 134 one way. So, 21 anyways, I just wanted to bring that to your 22 attention. 23 COMMISSIONER ROBBINS: Yeah. I can go 24 ahead and modify that. I can go to that site at the 25 spreadsheet. You said it's 134 one way?</p>	<p style="text-align: right;">Page 16</p> <p>1 Aztec. 2 COMMISSIONER ROBBINS: Okay. What's the 3 difference in mileage there? 4 MS. FRIEDMAN: Again, I'll have to look at 5 those and send that to you. And District 8 is -- 6 COMMISSIONER ROBBINS: Does Commissioner 7 Davis know approximately? 8 COMMISSIONER DAVIS: It's about 10 miles, 9 I think. 10 COMMISSIONER ROBBINS: Further? 11 COMMISSIONER DAVIS: Yes. 12 COMMISSIONER ROBBINS: So 215 one way? 13 COMMISSIONER DAVIS: Yeah; although in the 14 past, the reports have said 196 one way; so... 15 COMMISSIONER ROBBINS: And what it is, is 16 they go with the State mileage chart. 17 COMMISSIONER DAVIS: Yeah. 18 COMMISSIONER ROBBINS: Even though we may 19 live -- like, for me, it's 126 miles one way. But 20 the State thing -- not 126. It's 126 miles round 21 trip. So it's actually 63 miles. But they only 22 allow 56 miles. 23 COMMISSIONER DAVIS: Yes. Well -- so my 24 address is Aztec. And whatever mileage they've been 25 using in the past is fine with me.</p>
<p style="text-align: right;">Page 15</p> <p>1 COMMISSIONER CHAVEZ: No, that was based 2 on Socorro. That was based on the previous 3 Commissioner. 4 COMMISSIONER ROBBINS: What's the distance 5 from -- you're coming from Hatch? 6 COMMISSIONER CHAVEZ: From Deming. 7 COMMISSIONER ROBBINS: What's the distance 8 from Deming? A little bit more than from 9 Las Cruces; right? It's about 230? 10 COMMISSIONER CHAVEZ: It's not too much 11 more than Las Cruces; probably about 20 miles more. 12 COMMISSIONER ROBBINS: So 225? 13 COMMISSIONER CHAVEZ: Yeah, something like 14 that. 15 Beverly, do you remember? 16 MS. FRIEDMAN: I don't remember. I can 17 check on that, and I can send it to you, David. 18 COMMISSIONER ROBBINS: Okay. Well -- and 19 I'm going to lower down the trips per month down 20 from -- because I had seven in there. So if I lower 21 it, and I'll change District 6 to Deming on that 22 spreadsheet on the tab, the -- let's see what it 23 does to the travel then. The travel -- 24 MS. FRIEDMAN: Excuse me, David. There 25 is -- it's not from Bloomfield. Georgina comes from</p>	<p style="text-align: right;">Page 17</p> <p>1 COMMISSIONER ROBBINS: Right. So the 196. 2 And what that does is it increases the Line 41 on 3 the spreadsheet. It's Account Code 542300. It 4 increases it to \$146,934 for the FY22. 5 Again, there's plenty of surplus, so these 6 little corrections, I think, are very important to 7 have in there. 8 The other thing that -- as we go forward, 9 one thing that can happen is, as we get towards the 10 end of the year, because there is a surplus of the 11 SEG versus what we have, in essence, put into our 12 budget, that money can be added to cover any 13 deficiencies or moved around. 14 So let's just say that the State 15 transportation pool charges weren't \$10,000, but 16 they were only \$9,000. Money within that category 17 of what's referred to as the "400" category -- it's 18 what's called "Other" -- that money is looked at in 19 total when the State looks at the budget overall. 20 So long as that bottom line number stays, 21 you know, around the \$370,000, you can spend a 22 little bit more, a little bit less in given areas, 23 and there's sufficient money if we need to do a 24 Budget Adjustment Request. The acronym is a "BAR." 25 That money can be added because we have surplus SEG.</p>

Page 18

1 I hope that explains -- but getting it as
2 accurate on an estimate up front as possible is
3 always a good thing.

4 MS. FRIEDMAN: And, Commissioner Robbins,
5 I'd like to mention that District 8 is not Moriarty,
6 but it's Roswell. And the mileage would increase,
7 and also the hotel and per diem. We have been using
8 that. And I can send you some of those up-to-date
9 figures.

10 COMMISSIONER ROBBINS: Well, let me go
11 ahead and I can add that in here. Because we would
12 have the -- I'll make it the same on the hotel as
13 the others. And I'll -- I'll change the mileage
14 from Roswell -- I know it's about 190 miles from
15 Albuquerque. So we're looking at about 250 miles
16 one way; is that about right? From Roswell to
17 Santa Fe?

18 COMMISSIONER RAFTERY: I'm not real sure
19 on that. I don't know.

20 MS. FRIEDMAN: I'll have to look at the
21 paperwork.

22 COMMISSIONER ROBBINS: The map mileage is
23 going to be around 250 or so. So that takes the
24 total up to \$168,147 for that -- okay? Are there
25 any other changes I should make on that?

Page 20

1 be higher for someone else. But I think you just
2 have to wait until after the elections to exactly
3 see how that will go.

4 COMMISSIONER ROBBINS: Right. And that's
5 why the budget is your best estimate right now. And
6 you always want to give yourself a cushion. But I
7 think -- you know, they -- if they -- anyone delves
8 into it, they say, "What are you basing your numbers
9 on?"

10 So that's what that second tab is for, is
11 to say, "That's what our travel numbers are based on
12 right now."

13 They can be higher; they can be lower.

14 I included five Commissioners going to
15 out-of-state -- NACSA. And I included five
16 trainings. That's probably more than we
17 traditionally have done. But it gives a cushion in
18 that line, which could be used for other things in
19 that line.

20 And, again, we may find that, you know,
21 more paper needs to be purchased or assigned to us,
22 things like that. So those -- those things can
23 always be adjusted during the year as we see.

24 But in order to put forth the best
25 estimate of what you expect at this point in time --

Page 19

1 MS. FRIEDMAN: No. But I'd like to
2 mention that Commissioner Crone has joined the
3 meeting.

4 COMMISSIONER CHAVEZ: Commissioner
5 Robbins, I just did a MapQuest search. It's about
6 20 miles more than Las Cruces; so right around 190.

7 THE CHAIR: Okay.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Robbins?

10 COMMISSIONER ROBBINS: 20 miles more. So
11 we'll take it up to 299 one way?

12 COMMISSIONER CHAVEZ: Yeah. I think that
13 MapQuest had 296; so...

14 COMMISSIONER ROBBINS: Someone had another
15 question?

16 COMMISSIONER ARMBRUSTER: I did.
17 Commissioner Armbruster.

18 COMMISSIONER ROBBINS: Okay.

19 COMMISSIONER ARMBRUSTER: So this is
20 pretty -- this can be relatively fluid. Because we
21 know that there's at least three new people coming
22 on, and their mileage will be different. So,
23 apparently, mine's one of the shorter mileages; they
24 just don't count going down the hill as double.

25 But -- so mine, for example, will probably

Page 21

1 because, again, we don't know exactly. But it kind
2 of sets a general boundary.

3 That 2 percent -- you know, let's say ten
4 of the charter schools closed in the next year and a
5 half. Hopefully, that doesn't happen. But let's
6 say they did. Well, that means the amount of SEG
7 would be reduced. But there's enough surplus in our
8 budget to cover such an occurrence.

9 So we always like to have a little bit of
10 a cushion in there. And I think we have a
11 sufficient cushion that we can add money if we need
12 it. And if there are changes in enrollment,
13 increases or decreases, this budget is a good-faith
14 effort at saying what we think is reasonable to put
15 forth for approval by the Legislative Finance
16 Committee.

17 COMMISSIONER RAFTERY: Commissioner
18 Robbins, I just want to let you know it is 192 miles
19 from Roswell to Santa Fe.

20 COMMISSIONER ROBBINS: Oh.

21 COMMISSIONER RAFTERY: It's probably going
22 to remain the same.

23 COMMISSIONER ROBBINS: Okay. I'll change
24 that to 192 from Roswell instead of 250.

25 THE CHAIR: Commissioner Caballero, did

<p style="text-align: right;">Page 22</p> <p>1 you have your hand up?</p> <p>2 COMMISSIONER CABALLERO: Yes. Just a</p> <p>3 question of curiosity. I know that in conventions,</p> <p>4 some of the charter school directors would ask about</p> <p>5 the 2 percent. And I remember there were two or</p> <p>6 three of us at the front answering questions, and</p> <p>7 neither one of us knew what the total of the</p> <p>8 2 percent going in was. And that was one of the</p> <p>9 questions they asked.</p> <p>10 So -- and it was very simple. So how much</p> <p>11 is our 2 percent of all the charter schools? And we</p> <p>12 had no idea. So do we know, Madam Chair?</p> <p>13 THE CHAIR: Yes. It's -- David has it in</p> <p>14 the budget.</p> <p>15 COMMISSIONER CABALLERO: Okay. It</p> <p>16 reflects the budget.</p> <p>17 COMMISSIONER ROBBINS: It's approximately</p> <p>18 \$2 million for last year. And because we've added</p> <p>19 some schools and we've increased the enrollment of</p> <p>20 some schools, that's why, for the 2022, I've</p> <p>21 increased it to about \$2.2 million.</p> <p>22 COMMISSIONER CABALLERO: Oh, okay.</p> <p>23 COMMISSIONER ROBBINS: Because, remember,</p> <p>24 the unit -- the SEG unit is -- is a set amount. But</p> <p>25 then if you have an elementary school student, you</p>	<p style="text-align: right;">Page 24</p> <p>1 And I'm wondering if that has anything to</p> <p>2 do with this 2 percent now.</p> <p>3 Do you know, Commissioner Chavez?</p> <p>4 COMMISSIONER CHAVEZ: I don't know.</p> <p>5 COMMISSIONER RAFTERY: Because I know that</p> <p>6 that was a federal thing, that they would just take</p> <p>7 it because they said they were taking care of the</p> <p>8 money and distributing it. So I just thought maybe</p> <p>9 that's what they're doing.</p> <p>10 Thank you.</p> <p>11 COMMISSIONER CHAVEZ: Yeah.</p> <p>12 THE CHAIR: Commissioner Voigt.</p> <p>13 COMMISSIONER VOIGT: Thanks. I think</p> <p>14 just -- Commissioner Raftery, that's a different</p> <p>15 2 percent. The State probably has 2 percents</p> <p>16 everywhere.</p> <p>17 But, anyway, so just to clarify what</p> <p>18 Commissioner Robbins was saying about the different</p> <p>19 mileage factors and everything else, this budget was</p> <p>20 set up as a "Not To Exceed." So that's why the BARs</p> <p>21 can be shifted around throughout the years, is we</p> <p>22 can -- we have the ability to move the money where</p> <p>23 it's deemed necessary and how mileages change and</p> <p>24 whatever not. So this is like an NTE, a Not To</p> <p>25 Exceed-type of budget.</p>
<p style="text-align: right;">Page 23</p> <p>1 actually get an increment above that. If you have</p> <p>2 special ed students, you get increments above that.</p> <p>3 If you have high school students, you get increments</p> <p>4 above that.</p> <p>5 So just because you have -- let's say that</p> <p>6 the unit value is \$6,000. It doesn't mean you're</p> <p>7 receiving \$6,000 for each student. You're actually</p> <p>8 receiving closer to \$8,000 per student because of</p> <p>9 the way they incrementally add different things in</p> <p>10 for Title I students; you know, special ed students,</p> <p>11 high school students, they get a little bit more.</p> <p>12 So the unit value is one thing. But then</p> <p>13 they will say, "Well, this type of student is</p> <p>14 actually one-and-a-half; or maybe it's</p> <p>15 one-and-a-quarter units. So you actually get more.</p> <p>16 And it averages out. If you look at the overall</p> <p>17 State SEG, it's about \$8,000 per student, average.</p> <p>18 COMMISSIONER CABALLERO: Thank you.</p> <p>19 COMMISSIONER RAFTERY: I have a question.</p> <p>20 Commissioner Chavez, I don't know if it's</p> <p>21 still the same. But when I was a federal programs</p> <p>22 person, we used to write proposals, and when we get</p> <p>23 federal proposals, the State would take about</p> <p>24 2 percent out of those proposals to administer the</p> <p>25 money.</p>	<p style="text-align: right;">Page 25</p> <p>1 THE CHAIR: And it's -- once again,</p> <p>2 it's -- it's just the ongoing effort to make sure</p> <p>3 that we are as accountable to our schools as we</p> <p>4 expect our schools to be accountable to us. Plain</p> <p>5 and simple.</p> <p>6 This is -- this should be a partnership.</p> <p>7 And I don't think anyone anticipated when this whole</p> <p>8 system was set up that it would be created like --</p> <p>9 you know, this is how it would end up. And we're</p> <p>10 just trying to do the best that we can to fix it so</p> <p>11 that -- and, also, when we go to meetings and people</p> <p>12 ask us questions, we can simply say, "Here it is,"</p> <p>13 so that it doesn't look like there's just this -- in</p> <p>14 the scheme of a huge PED budget, it's not an</p> <p>15 incredibly large amount of money.</p> <p>16 But to each and every one of those</p> <p>17 schools, that 2 percent means a lot, especially when</p> <p>18 you're looking at Small School Size Adjustment going</p> <p>19 away and so many, you know, budget constraints.</p> <p>20 That 2 percent means a lot. So that we should -- we</p> <p>21 are and should continue to be as transparent and as</p> <p>22 accountable to our schools as we can.</p> <p>23 And that's what this does. It's not --</p> <p>24 it's not putting any further burden on the State</p> <p>25 budget by doing this. It's simply saying, "This is</p>

Page 26

1 the money that's there, and this is how it's being
2 spent." Plain and simple.

3 And just so that folks know, money that
4 doesn't get spent reverts back to the General. It
5 doesn't revert back to PED.

6 COMMISSIONER ROBBINS: I can --

7 THE CHAIR: And I am not, in any shape,
8 form, or manner, saying that, "Oh, then we
9 should" -- you know, we've all lived in those school
10 systems where you got that memo or you sent out that
11 memo, "This money is going to be going away, spend
12 it now."

13 That's not what I'm proposing with this in
14 any -- but we need to be responsible and to be able
15 to be as transparent as possible with it.

16 COMMISSIONER ROBBINS: If you want, I'll
17 share my screen, because I've updated the
18 spreadsheet, so we can actually see the --

19 THE CHAIR: Sure. That would be great.

20 COMMISSIONER ROBBINS: So I've made
21 changes. I can go to the second tab. Here are the
22 changes I've made. Beverly gave me actual mileage
23 from the mileage charts that DFA allow us for
24 reimbursements.

25 126 for Aztec. 294 for Deming. And 192

Page 27

1 for Roswell. I believe these other numbers are
2 still the same as what we had had before.

3 So the new number is now \$165,103. And
4 I'll go back to this other page and move up on the
5 spreadsheet a little bit, and you'll see that number
6 right here.

7 So that's the \$105,103. That's the only
8 line that we've changed the dollar amounts on. So
9 the total for the what's called the "400" category,
10 Other Costs -- they call it the "400" category
11 because all of the categories in the State's
12 accounting system starts with a "5." So it's 5-4 is
13 the Other category. So the State, in shorthand,
14 just calls this category of accounting the "400"
15 category.

16 So \$396,389, that's an increase of about
17 \$80,000. But that's fine. Because if our estimate
18 on the revenue of \$2.2 million is accurate -- and,
19 again, we won't know what the actual revenue is
20 until we get into that school year. But you can see
21 that there's still a cushion here of over \$400,000.
22 So that is more than sufficient, I believe.

23 COMMISSIONER DAVIS: So I have a question,
24 though, again, about the mileage. So that 126, I
25 don't think is right, because on my past sheets, it

Page 28

1 gives me round trip of 411.2. So that's what? 205.

2 And this is what they've paid in the past.

3 COMMISSIONER ROBBINS: Okay. So what was
4 the mileage?

5 COMMISSIONER DAVIS: The round trip
6 mileage was 411.2.

7 COMMISSIONER ROBBINS: So about 206 miles.

8 COMMISSIONER DAVIS: Yeah.

9 COMMISSIONER ROBBINS: If that's what they
10 have allowed, we'll go ahead and add that in.

11 So \$169,231. And the -- you can see it
12 here.

13 And then the total on the expenditures --
14 excuse me -- is \$400,517, which leaves a surplus of
15 over \$420,000. Again, that's about 20 percent of
16 our total projected 2 percent, which I think covers
17 quite a bit of change, if we should have some
18 disruption. So...

19 THE CHAIR: Yeah, I think -- you know.

20 And as Commissioner Robbins has said, we won't know
21 until we get into that year. And we'll have new
22 elections. So some people's mileage may change.
23 There's -- we have no control over that.

24 So -- but there's more than enough to
25 account for that. Because there are not going to be

Page 29

1 incredibly significant differences. There are going
2 to be differences, but it's not anything that would
3 break the budget, because you're not talking about,
4 you know, out-of-state travel and things like that.

5 So I think it's -- this is the best you
6 can do at this point in time.

7 Commissioner Armbruster? You're muted.

8 COMMISSIONER ARMBRUSTER: That was good,
9 because the phone rang.

10 My question was, so does this begin
11 July 1st of 2021? Or when does -- when does that
12 begin?

13 COMMISSIONER ROBBINS: It would be
14 July 1st of 2021.

15 THE CHAIR: Yeah. Yeah.

16 COMMISSIONER ROBBINS: State budgeting is
17 always fun, because you're trying to look ahead a
18 year, and then the spending for that year. So we're
19 really looking ahead -- at this point, we're looking
20 ahead 24 months of what we expect to do over that
21 12-month period from this point in time.

22 THE CHAIR: Right.

23 COMMISSIONER ROBBINS: A little bit of a
24 crystal ball. But that's why you always want to
25 give yourself a little bit of cushion with this

Page 30	Page 32
<p>1 2 percent.</p> <p>2 Because that 2 percent is a fixed amount.</p> <p>3 It's not like when the State allocates General Funds</p> <p>4 to an agency. They know -- that agency will know</p> <p>5 exactly how much in General Fund the State is going</p> <p>6 to give them. And that is their cap.</p> <p>7 We're actually -- we're setting a budget</p> <p>8 below what we believe our available revenue will be.</p> <p>9 And, again, from -- from my perspective, and my</p> <p>10 perspective alone, these are funds that are</p> <p>11 statutorily allocated to the PEC and to the</p> <p>12 administrative support of the PEC. It is not</p> <p>13 allocated to the PED for their general operations.</p> <p>14 And I think, you know, that's the piece of</p> <p>15 transparency I think -- I would like this budget to</p> <p>16 show and for the PED to accept that, is that they</p> <p>17 have to understand that these funds, whether it's</p> <p>18 \$2 million or \$2.2 million, those are funds that are</p> <p>19 supposed to be used to support the PEC, not the</p> <p>20 PED's budget.</p> <p>21 THE CHAIR: Right. And just to remind</p> <p>22 folks once again, that we -- we did this Special now</p> <p>23 because we're trying to get ourselves in alignment</p> <p>24 so that there will -- there can be no concern that</p> <p>25 the PEC budget couldn't have been put into the PED</p>	<p>1 we're a little bit different than many agencies.</p> <p>2 We're not asking for additional State funds. Those</p> <p>3 funds are already set aside through the SEG.</p> <p>4 So we're just saying, "This is how we are</p> <p>5 planning on spending the 2 percent of the SEG that</p> <p>6 would be statutorily assigned to the PEC from the</p> <p>7 State charter schools."</p> <p>8 THE CHAIR: Okay. So -- oh. Commissioner</p> <p>9 Voigt?</p> <p>10 COMMISSIONER ARMBRUSTER: Are we ready for</p> <p>11 a motion?</p> <p>12 THE CHAIR: I was just going to ask that.</p> <p>13 COMMISSIONER VOIGT: Well, if we are, I've</p> <p>14 got it.</p> <p>15 THE CHAIR: Okay. I -- so I think we are.</p> <p>16 COMMISSIONER VOIGT: Okay. Super.</p> <p>17 I move that the PEC adopt the PEC budget</p> <p>18 for Fiscal Year 2022.</p> <p>19 COMMISSIONER RUIZ: Second.</p> <p>20 THE CHAIR: There's a motion by</p> <p>21 Commissioner Voigt, a second by Commissioner Ruiz.</p> <p>22 Any further discussion?</p> <p>23 MS. AMI JAEGER: I'm really sorry to</p> <p>24 interrupt here. I think that the motion should be</p> <p>25 amended to say that the PEC adopt the budget as</p>
<p>Page 31</p> <p>1 budget as they're going through. Because they're</p> <p>2 starting, obviously, their budget process, because</p> <p>3 we're getting ready -- they will present it to LFC.</p> <p>4 And that's part of the discussion with the 60-day</p> <p>5 session.</p> <p>6 So that everyone's, you know, now, along</p> <p>7 with everyone else, trying to get the budgets ready</p> <p>8 for upcoming session and getting all that in</p> <p>9 alignment. So that we had to have this Special so</p> <p>10 that we could vote on it so that we could then send</p> <p>11 it to PED so there could be no concern that it would</p> <p>12 not be available for them as they are preparing</p> <p>13 their budget.</p> <p>14 COMMISSIONER ROBBINS: Right. School</p> <p>15 budgets have to go to the PED by June 1st. State</p> <p>16 budgets have to be submitted to DFA by September 1st</p> <p>17 and to the LFC in hard copy, and then they also</p> <p>18 upload things into the State budget system.</p> <p>19 So, you know, that gives sufficient time</p> <p>20 between September 1st and when the LFC starts</p> <p>21 meeting in October and November to actually start</p> <p>22 reviewing and start discussing budget requests from</p> <p>23 the various agencies.</p> <p>24 Since ours is a statutorily assigned</p> <p>25 2 percent of the SEG going to State charter schools,</p>	<p>Page 33</p> <p>1 amended to reflect changes to Districts 5, 6, and 8</p> <p>2 travel, just so that the changes that we made today,</p> <p>3 which will be in the transcript, are reflected in</p> <p>4 the motion.</p> <p>5 THE CHAIR: Okay.</p> <p>6 COMMISSIONER VOIGT: Okay. I can. Want</p> <p>7 me to restate that?</p> <p>8 THE CHAIR: Please.</p> <p>9 COMMISSIONER VOIGT: Hold on. Let me find</p> <p>10 something. Okay.</p> <p>11 I move that the PEC adopt the PEC budget</p> <p>12 for FY2022, as amended to reflect PEC Districts 5, 6</p> <p>13 and 8.</p> <p>14 COMMISSIONER RUIZ: Second.</p> <p>15 THE CHAIR: There's a motion by</p> <p>16 Commissioner Voigt, a second by Commissioner Ruiz.</p> <p>17 Any further discussion?</p> <p>18 (No response.)</p> <p>19 THE CHAIR: If not, roll, please.</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Voigt?</p> <p>22 COMMISSIONER VOIGT: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>24 Robbins?</p> <p>25 COMMISSIONER ROBBINS: Yes.</p>

Page 34	Page 36
<p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Davis? 3 COMMISSIONER DAVIS: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Armbruster votes "Yes." 6 Commissioner Gipson? 7 THE CHAIR: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Chavez? 10 COMMISSIONER CHAVEZ: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Crone? 13 COMMISSIONER CRONE: "Commissioner Crone 14 indicates." 15 THE CHAIR: You're muted. 16 I can hear him say "Yes." 17 COMMISSIONER CRONE: Yes. 18 COMMISSIONER ARMBRUSTER: Thank you. 19 Commissioner Raftery? 20 COMMISSIONER RAFTERY: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Caballero? 23 COMMISSIONER CABALLERO: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Ruiz?</p>	<p>1 Commissioner Ruiz? 2 COMMISSIONER RUIZ: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Gipson? 5 THE CHAIR: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Armbruster votes "Yes." 8 Commissioner Chavez? 9 COMMISSIONER CHAVEZ: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Davis? 12 COMMISSIONER DAVIS: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Robbins? 15 COMMISSIONER ROBBINS: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Voigt? 18 COMMISSIONER VOIGT: Yes. 19 COMMISSIONER ARMBRUSTER: Ten to zero. 20 The motion passes. 21 THE CHAIR: The motion passes, ten-zero. 22 You've got the link for the Executive Session. 23 COMMISSIONER RAFTERY: You didn't ask me, 24 but "Yes." 25 COMMISSIONER ARMBRUSTER: Oh, I'm sorry,</p>
Page 35	Page 37
<p>1 COMMISSIONER RUIZ: Yes. 2 COMMISSIONER ARMBRUSTER: Okay. That is a 3 unanimous ten-to-zero vote. It passes. 4 COMMISSIONER ROBBINS: Thank you. 5 THE CHAIR: Thank you. The motion passes 6 ten-zero. Thank you so much. 7 All right. We are on to Item No. 7. 8 I move that the Public Education 9 Commission enter into a Closed Session pursuant to 10 NMSA Section 10-15-1(H)(7). The subject to be 11 discussed is attorney-client-privileged issues 12 pertaining to threatened or pending litigation in 13 which the public body is or may become a 14 participant, specifically budget matters. 15 COMMISSIONER RUIZ: Second. 16 THE CHAIR: There is a motion by 17 Commissioner Gipson, a second by Commissioner Ruiz. 18 Roll, please. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Caballero? 21 COMMISSIONER CABALLERO: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Crone? 24 COMMISSIONER CRONE: Yes. 25 COMMISSIONER ARMBRUSTER: Thank you.</p>	<p>1 Commissioner Raftery. 2 COMMISSIONER CABALLERO: Where is the 3 link? 4 COMMISSIONER VOIGT: I don't have -- is it 5 on the agenda? I don't have a link. 6 COMMISSIONER RUIZ: It's on your e-mail. 7 THE CHAIR: It was sent on your e-mail. 8 COMMISSIONER VOIGT: I didn't find it. 9 COMMISSIONER CABALLERO: I didn't find it, 10 either. 11 THE CHAIR: Check your e-mail. I just 12 sent another one. 13 MS. KAREN WOERNER: Madam Chair, Bev, I'm 14 going to make you the host, because I have to open 15 the Executive Session. I'm going to make you the 16 host so I don't end the meeting for everyone here. 17 And I will be back. And I did send the 18 link via the meeting invitation, and I sent out an 19 e-mail today with the Executive Session. We don't 20 print that on the agenda for obvious reasons. 21 COMMISSIONER RAFTERY: So we're going to 22 leave this meeting and then come back to it? 23 MS. KAREN WOERNER: Yes, ma'am. 24 COMMISSIONER RAFTERY: Okay. 25 (Executive Session conducted</p>

Page 38

1 off the record.)
 2 THE CHAIR: So the record reflects that
 3 Commissioner Ruiz was unable to join back in after
 4 Executive Session.
 5 COMMISSIONER ARMBRUSTER: I'll see if
 6 she's here.
 7 COMMISSIONER RUIZ: I'm here. Can you-all
 8 hear me?
 9 THE CHAIR: I can hear you.
 10 COMMISSIONER RUIZ: Okay. You-all are
 11 coming across real garbled, though, but I'm here. I
 12 just don't know if you can hear me.
 13 MS. KAREN WOERNER: And, Madam Chair, I
 14 don't see Commissioners Davis or Raftery.
 15 COMMISSIONER ARMBRUSTER: And I understand
 16 that.
 17 MS. KAREN WOERNER: Four, five, six,
 18 seven, eight -- yeah, they're not here.
 19 THE CHAIR: We have our quorum to adjourn.
 20 And there's no other business except to come out and
 21 adjourn. I think we're going to be okay.
 22 COMMISSIONER ARMBRUSTER: Who's not here?
 23 Raftery and who else?
 24 THE CHAIR: Davis. Okay?
 25 So I am going to make a motion to end

Page 40

1 Ruiz?
 2 COMMISSIONER RUIZ: Yes.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Caballero?
 5 COMMISSIONER CABALLERO: Yes.
 6 COMMISSIONER ARMBRUSTER: And Commissioner
 7 Raftery and Davis are not present for this vote.
 8 So the vote is an eight-to-zero vote and
 9 passes.
 10 THE CHAIR: Motion passes, eight-zero.
 11 Thank you so much.
 12 So before we adjourn, I'll just remind,
 13 we'll be meeting again soon on the -- our meeting
 14 scheduled for the 21st. We do have a work session
 15 scheduled for the Thursday before, so we don't have
 16 the whole week blocked out any longer. But please
 17 make sure that you've got penciled in that Thursday
 18 and Friday, and those agendas will be coming later.
 19 So thank you so much. And I will now
 20 entertain a motion to adjourn.
 21 COMMISSIONER ROBBINS: So move.
 22 COMMISSIONER VOIGT: I move that the PEC
 23 adjourn the meeting.
 24 THE CHAIR: Motion by Commissioner Voigt,
 25 second by Commissioner Robbins.

Page 39

1 Closed Session. The matters discussed in the closed
 2 meeting were limited only to those specified in the
 3 motion for closure, and no vote was taken during the
 4 Closed Session.
 5 COMMISSIONER VOIGT: Second.
 6 THE CHAIR: There's a motion by
 7 Commissioner Gipson, a second by Commissioner Voigt.
 8 Roll, please.
 9 COMMISSIONER ARMBRUSTER: Commissioner
 10 Robbins?
 11 COMMISSIONER ROBBINS: Yes.
 12 COMMISSIONER ARMBRUSTER: Commissioner
 13 Voigt?
 14 COMMISSIONER VOIGT: Yes.
 15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Armbruster votes "Yes."
 17 Commissioner Chavez?
 18 COMMISSIONER CHAVEZ: Yes.
 19 COMMISSIONER ARMBRUSTER: Commissioner
 20 Gipson?
 21 THE CHAIR: Yes.
 22 COMMISSIONER ARMBRUSTER: Commissioner
 23 Crone?
 24 COMMISSIONER CRONE: Yes.
 25 COMMISSIONER ARMBRUSTER: Commissioner

Page 41

1 All in favor?
 2 (Commissioners so indicate.)
 3 THE CHAIR: All right. Thank you,
 4 everyone. Stay safe. Meeting is adjourned.
 5 (Proceedings concluded at 10:36 a.m.)
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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 in the matter therein stated.

In testimony whereof, I have hereunto set my hand on August 14, 2020.

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

Job No.: 4140N (CC)

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2 STATE OF NEW MEXICO
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16
17

18 *Cynthia Chapman*

19 Cynthia C. Chapman, RMR-CRR, NM CCR #219
20 BEAN & ASSOCIATES, INC.
21 201 Third Street, NW, Suite 1630
22 Albuquerque, New Mexico 87102

23
24 Job No.: 4140N (CC)
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349

BEAN
& ASSOCIATES, Inc.
A
PROFESSIONAL COURT
REPORTING SERVICE

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