

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING
September 18, 2020
9:00 a.m.
CONDUCTED VIA VIDEO TELECONFERENCE

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

JOB NO.: 3827N (CC)

1 APPEARANCES
 2 COMMISSIONERS:
 3 MS. PATRICIA GIPSON, Chair
 4 MS. TRISH RUIZ, Vice Chair
 5 MS. KARYL ANN ARMBRUSTER, Secretary
 6 MR. R. CARLOS CABALLERO, Member
 7 MR. MICHAEL CHAVEZ, Member
 8 MS. GEORGINA DAVIS, Member
 9 MS. SONIA RAFTERY, Member
 10 MR. DAVID ROBBINS, Member
 11 MS. GLENNA VOIGT, Member
 12 PED STAFF:
 13 MS. KAREN WOERNER, Deputy Director
 Options for Parents and Families

14 PEC COUNSEL:
 15 MS. AMI JAEGER, ESQ.

1 THE CHAIR: Okay. It's 9:00. So 'cause
 2 we've got everyone here that we -- we have a quorum
 3 here, so we're good.

4 So good morning, everyone. I'm going to
 5 ask Commissioner Armbruster -- I'm going to call to
 6 order this meeting of the Public Education
 7 Commission.

8 It is Friday, September 18th, 2020, and it
 9 is 9:00 a.m. And I will ask Commissioner Armbruster
 10 to do roll call.

11 But I don't think Commissioner Armbruster
 12 is on.

13 MS. KAREN WOERNER: She is not.

14 THE CHAIR: Okay.

15 MS. KAREN WOERNER: And I know that
 16 some --

17 THE CHAIR: All right. Oh, hold on.
 18 She's trying -- Karen, she just sent me a message
 19 that she's waiting for the host to let her in.

20 MS. KAREN WOERNER: Maybe she's not at the
 21 right link. Tell her that I'll send her the link.

22 THE CHAIR: She might be on the
 23 executive -- closed session link.

24 MS. KAREN WOERNER: Maybe. But she's --
 25 yeah. Let me e-mail her.

1 INDEX TO PROCEEDINGS	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	6
7 3 Open Forum	7
8 4 Consent Agenda	13
9 5 Report from Options for Parents and	15
10 the Charter School Division - Discussion	
11 and Possible Actions	
12 6 Discussion and Possible Action on Amendment	33
13 Policies and Forms	
14 7 Discussion and Possible Action on	35
15 Letter of Concern for La Tierra Montessori	
16 8 Discussion and Possible Action on	76
17 La Academia Dolores Huerta's Corrective	
18 Action Plan	
19 9 Discussion on Legislative Policy Agenda	93
20 10 Discussion of the 2021 PEC Calendar	95
21 11 Report from the Chair	95
22 12 PEC Comments	114
23 13 Executive Session	124
24 14 Adjourn	128
25 REPORTER'S CERTIFICATE	130
ATTACHMENTS:	
1 Attendee Report	

1 THE CHAIR: I have not heard back from
 2 her. So -- I see she's still not in.

3 MS. KAREN WOERNER: No, she's not.

4 COMMISSIONER RUIZ: Do you want me to take
 5 roll?

6 THE CHAIR: Yeah. Commissioner Ruiz, will
 7 you do roll, and then hopefully Commissioner
 8 Armbruster can take over when she gets in. Thanks.

9 COMMISSIONER RUIZ: Okay.

10 Commissioner Crone?

11 Commissioner Crone?

12 (No response.)

13 COMMISSIONER RUIZ: Commissioner
 14 Caballero?

15 COMMISSIONER CABALLERO: Here. Present.

16 COMMISSIONER RUIZ: Commissioner Robbins?

17 COMMISSIONER ROBBINS: Present.

18 COMMISSIONER RUIZ: Commissioner Chavez?

19 COMMISSIONER CHAVEZ: Present.

20 COMMISSIONER RUIZ: Commissioner Davis?

21 COMMISSIONER DAVIS: Present.

22 COMMISSIONER RUIZ: Commissioner Voigt?

23 COMMISSIONER VOIGT: Here.

24 COMMISSIONER RUIZ: Commissioner Raftery?

25 COMMISSIONER RAFTERY: Here.

6

8

1 COMMISSIONER RUIZ: Commissioner Gipson?
 2 THE CHAIR: Here.
 3 COMMISSIONER RUIZ: And Commissioner Ruiz
 4 is here. So we do have a quorum.
 5 COMMISSIONER ARMBRUSTER: And I'm here,
 6 too, Commissioner Ruiz. I'm sorry. It just kept --
 7 I don't want to talk about it.
 8 THE CHAIR: Okay.
 9 COMMISSIONER ARMBRUSTER: Sorry.
 10 THE CHAIR: So there are now nine
 11 Commissioners present; correct?
 12 COMMISSIONER RUIZ: Yes.
 13 THE CHAIR: Thank you.
 14 So I'm going to ask Commissioner Ruiz to
 15 lead us in the Pledge of Allegiance, and
 16 Commissioner Chavez in the Salute to the New Mexico
 17 Flag.
 18 (Pledge of Allegiance and Salute to
 19 the New Mexico Flag conducted).
 20 THE CHAIR: I think Commissioner Chavez is
 21 frozen.
 22 Okay. And can the record reflect that I
 23 think Commissioner Chavez has -- he probably is
 24 logging back in, so he's not here right now.
 25 Okay. So we are on to Item No. 2, which

1 COMMISSIONER ARMBRUSTER: I see a picture.
 2 THE CHAIR: I think --
 3 MS. KAREN WOERNER: Katie, can you unmute
 4 yourself?
 5 THE CHAIR: Katie, we're unable to hear
 6 you.
 7 MS. KAREN WOERNER: Katie, I would suggest
 8 maybe that you type something in the chat to let us
 9 know what's happening. She says she's here.
 10 THE CHAIR: She's trying to get some
 11 audio.
 12 MS. KAREN WOERNER: Yeah, she's trying to
 13 get some audio.
 14 THE CHAIR: So my only suggestion to Katie
 15 is maybe if she logged out and --
 16 COMMISSIONER ARMBRUSTER: She's leaving a
 17 message.
 18 THE CHAIR: Katie, maybe if you logged out
 19 and tried to come back in, it might work?
 20 MS. KAREN WOERNER: She said she'll try
 21 that.
 22 THE CHAIR: Okay. All right. So we'll
 23 give her a few seconds to try to hopefully fix.
 24 Otherwise, my only suggestion is she can put her
 25 comment into the chat and we'll put it into the

7

9

1 is the Approval of the Agenda.
 2 So do I have a motion to approve the
 3 agenda?
 4 COMMISSIONER ROBBINS: I'll move that the
 5 agenda be adopted.
 6 COMMISSIONER RUIZ: Second. This is
 7 Trish.
 8 THE CHAIR: There's a motion by
 9 Commissioner Robbins, a second by Commissioner Ruiz.
 10 All in favor?
 11 (Commissioners so indicate.)
 12 THE CHAIR: Hearing no opposition, the
 13 motion passes.
 14 We are now on to Item No. 3, which is Open
 15 Forum. And, Karen, I do believe there was at least
 16 one person that signed up.
 17 MS. KAREN WOERNER: Yes. Katie Spaeth.
 18 And I'm sorry. I'm going to bring her into the
 19 panelists so that, Katie, you can make your public
 20 comment.
 21 Katie, I've added you. If you would
 22 unmute yourself, and you can make your comment to
 23 the Commission.
 24 Katie, you have to unmute yourself. Are
 25 you there?

1 record.
 2 MS. KAREN WOERNER: So, Katie, if you'll
 3 leave the meeting and try to rejoin, I'll watch for
 4 you.
 5 And if that doesn't work, Madam Chair is
 6 suggesting that you enter it into the chat forum. I
 7 do not know why I --
 8 THE CHAIR: No. I think she's still --
 9 from what I can tell, she's still on. So...
 10 MS. KAREN WOERNER: I know, but I'm trying
 11 to change her to attendee, and it's not working.
 12 COMMISSIONER DAVIS: Could she use the
 13 phone number?
 14 MS. KAREN WOERNER: Oh. Good suggestion.
 15 THE CHAIR: Okay. Now, see, I just got --
 16 it says she'll be joining as an attendee, but she
 17 still hasn't moved.
 18 MS. KAREN WOERNER: I know. I don't know
 19 what's going on. Maybe she's logged --
 20 THE CHAIR: She just moved, I think. Oh,
 21 no.
 22 MS. KAREN WOERNER: I just added her to
 23 allow her to talk in case that's her -- I just
 24 allowed her to talk instead of moving her to
 25 panelist.

<p>1 THE CHAIR: So, Katie, it looks like 2 you're not muted. 3 So are you there? We still can't hear 4 you. 5 Could you try calling in as opposed to 6 using your computer or the iPad or whatever you're 7 trying to log in with? 8 MS. KAREN WOERNER: She said yes. 9 THE CHAIR: Okay. Thanks. 10 COMMISSIONER ARMBRUSTER: Be right back. 11 MS. KAREN WOERNER: Okay. I see a phone 12 number. I'm going to assume it's a phone number. 13 THE CHAIR: On mine, it says, "Katie 14 Spaeth Phone." 15 MS. KAREN WOERNER: Oh, interesting. 16 Katie, if you have the number ending in 17 5053, I've unmuted you. 18 OPEN FORUM SPEAKER: Hi. Can you hear me? 19 MS. KAREN WOERNER: Yes, we can. 20 OPEN FORUM SPEAKER: Technology. 21 Goodness. 22 THE CHAIR: Good morning, Katie. If you 23 could just identify yourself for the record? 24 OPEN FORUM SPEAKER: Okay. My name is 25 Katie Spaeth, and I am a parent of a child in a</p>	<p>10</p> <p>1 OPEN FORUM SPEAKER: To the Charter 2 Schools -- I'm sorry -- the Charter Schools what? 3 THE CHAIR: Division. If you go on the 4 NM PED website, there is a link directly to Charter 5 Schools, and you can forward your question. 6 OPEN FORUM SPEAKER: Okay. To them. 7 THE CHAIR: Correct. 8 OPEN FORUM SPEAKER: I'm sorry. I missed 9 what you were saying about keeping the question for 10 next month. 11 THE CHAIR: Well, because the question is 12 not on our agenda, we are unable to speak to it in 13 public discussion today. So it would have to -- for 14 us to be able to answer it publicly, it would have 15 to go on our agenda for next month. So that's why. 16 OPEN FORUM SPEAKER: Okay. And, now, 17 what -- what kind of topics are on discussion for 18 today? Or what questions are allowed for today? 19 THE CHAIR: Through public comment, there 20 are -- we don't respond to anything during the 21 public comment time because, once again, it's not on 22 the agenda. Our agenda is posted on the NM PED 23 website. So those are the topics that can be 24 publicly discussed. 25 But during the public comment section, the</p>
<p>11</p> <p>1 charter school here in Edgewood. 2 THE CHAIR: Okay. Thank you very much. 3 So you can -- you can begin. 4 OPEN FORUM SPEAKER: Okay. My question 5 was about the school approval plans or the reentry 6 plans and the -- I guess, the determination that's 7 made as far as how many days kids can go to school. 8 I know some schools can go two days a week. I've 9 heard of at least one school that can go four days a 10 week. 11 And how does your committee make that 12 determination? 13 MS. KAREN WOERNER: The -- do you want me 14 to -- 15 THE CHAIR: Yeah. I'm just going to say 16 that the -- 17 MS. AMI JAEGER: Public Comment is for 18 receiving comments, not for discussing or replying, 19 because it's not been disclosed on the agenda to 20 have that discussion. We can take the comment, and 21 you could respond next month. 22 OPEN FORUM SPEAKER: Okay. Okay. So -- 23 THE CHAIR: My other suggestion is you 24 could forward your question to the Charter School 25 Division and it would be responded to quickly.</p>	<p>11</p> <p>13</p> <p>1 only thing we do do is take comments. We don't 2 engage in discussion, because it is not on the 3 agenda. We are not allowed, under the Open Meetings 4 Act, to discuss anything that has not been placed as 5 an agenda item. 6 OPEN FORUM SPEAKER: Okay. All right. I 7 get that now. 8 MS. KAREN WOERNER: And, Katie, if you 9 stay at the meeting, some of this will be covered in 10 the report from the Charter Schools Division; some 11 of your questions will be addressed through the 12 update. So you may want to stay at the meeting a 13 little longer and see if it can be answered. 14 OPEN FORUM SPEAKER: Okay. Yeah. Sure. 15 Definitely. Okay. Thank you. 16 THE CHAIR: Thank you. 17 I believe that was the only person that 18 signed up; correct -- 19 MS. KAREN WOERNER: Yes. 20 THE CHAIR: -- that I saw. Okay. 21 MS. KAREN WOERNER: The only other comment 22 I saw was Commissioner Chavez needed to be admitted, 23 and I hadn't admitted him. 24 THE CHAIR: Okay. Thanks. So we are on 25 to Item No. 4, which is the Consent Agenda. And I</p>

<p>1 do have one change, and that is to remove DEAP. It 2 is 4.B.1.b., to have that removed from the consent 3 agenda.</p> <p>4 COMMISSIONER RUIZ: Madam Chair, I move to 5 approve the Consent Agenda with the aforementioned 6 changes.</p> <p>7 COMMISSIONER ROBBINS: I'll second that.</p> <p>8 THE CHAIR: There's a motion by 9 Commissioner Ruiz, a second by Commissioner Robbins. 10 Roll, please?</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner 12 Robbins?</p> <p>13 COMMISSIONER ROBBINS: Yes.</p> <p>14 COMMISSIONER ARMBRUSTER: Commissioner 15 Voigt?</p> <p>16 COMMISSIONER VOIGT: Yes.</p> <p>17 COMMISSIONER ARMBRUSTER: I think that was 18 a "yes."</p> <p>19 COMMISSIONER VOIGT: Yes. It was a "yes."</p> <p>20 COMMISSIONER ARMBRUSTER: I'm sorry. 21 Sometimes I can't hear the responses; that's why I 22 have to question you all. 23 Commissioner Armbruster is here. 24 Commissioner Davis? 25 COMMISSIONER DAVIS: Yes.</p>	<p>14</p> <p>1 know, with school reentry and opening. 2 As we discussed at the Work Session 3 yesterday, assurances have been submitted by all 4 schools. All but one State charter school has been 5 approved, or conditionally approved, on their 6 reentry plan. The schools do have until 7 September 30th to get that in line, and certainly 8 have to have it approved before they can open in the 9 hybrid model.</p> <p>10 We do have several schools that opened. 11 We had three schools open the week of September 8th. 12 Those were Albuquerque Collegiate Charter School, 13 Estancia Valley Classical Academy, and Mission 14 Achievement and Success at both locations.</p> <p>15 The -- this week, Sandoval Academy of 16 Bilingual Education and Taos Academy opened for 17 hybrid in-person learning for students.</p> <p>18 Obviously, all our schools are serving 19 students remotely, and some with small groups of 20 five-to-one maximum.</p> <p>21 Just to clarify for the Commission, since 22 questions have come up, those small groups are only 23 for pre-K to 3 -- third grade and students with IEPs 24 at any grade in the small groups. The hybrid 25 learning requirements are that they are in the Green</p>
<p>15</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Chavez?</p> <p>3 COMMISSIONER CHAVEZ: Yes.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner 5 Gipson?</p> <p>6 THE CHAIR: Yes.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner 8 Raftery?</p> <p>9 COMMISSIONER RAFTERY: Yes.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner 11 Crone is not here.</p> <p>12 Commissioner Ruiz?</p> <p>13 COMMISSIONER RUIZ: Yes.</p> <p>14 COMMISSIONER ARMBRUSTER: Okay. 15 Commissioner Caballero?</p> <p>16 COMMISSIONER CABALLERO: Yes.</p> <p>17 COMMISSIONER ARMBRUSTER: That's a 18 nine-to-zero vote, and the motion passes.</p> <p>19 THE CHAIR: Okay. Thanks. Motion passes, 20 nine-zero. 21 We are now on to Item No. 5, which is the 22 Report from Options for Parents and the Charter 23 School Division.</p> <p>24 MS. KAREN WOERNER: Thank you, 25 Madam Chair, Commissioners. Lots happening, as you</p>	<p>15</p> <p>17</p> <p>1 Zone, which I know some zones changed yesterday. 2 But they have to be in an approved zone 3 and have an approved plan with the PED and follow -- 4 sign a Safety Plan Checklist that includes several 5 items related to safety and security around COVID. 6 So a new tool kit came out late yesterday 7 that I need to forward to the Commission. That new 8 tool kit has a revised Safety Plan Checklist. You 9 may have heard that one of the issues that was 10 brought up by the team around safety for our 11 students and staff is the filters on the HVAC 12 systems, wanting to have at least a MERV 13. 13 But not all systems can handle a MERV 13, 14 and it actually causes more harm than good. So all 15 schools have been advised to upgrade to the highest 16 MERV filters they can. Of course, swamp coolers and 17 schools without air conditioning don't have that 18 option. But upgrade to the highest MERV filters 19 possible. 20 And the revised tool kit does have 21 language around those filters. The previous tool 22 kit mentioned MERV 13 or equivalent, which, as I 23 just mentioned, is not possible at some locations. 24 So the schools -- we did have one school 25 that opened last week in a hybrid model that was a</p>

<p>1 morning-afternoon model that is not approved. As 2 you know, the guidance from the health order is 3 that -- and our guidance on our website as of 4 July 15th -- was that hybrid model has to be 5 consecutive days, not morning-afternoon model, 6 primarily for the -- to reduce the risk of the 7 cohorts and the -- the requirement for cleaning and 8 disinfecting in between.</p> <p>9 So we did have a school that opened. 10 Unfortunately, they initially -- just, the 11 background on that is that they initially had 12 submitted a plan early on when we asked schools back 13 in June or early July, "What are you planning to do 14 if and when we can open schools, and what does your 15 model look like?"</p> <p>16 And they did have a morning and afternoon 17 model proposed. But then the guidance came out that 18 that model was not acceptable. And so, 19 unfortunately, that's -- the school submitted a plan 20 that did not include their AM-PM in the plan that 21 was approved by PED. So we were not aware that they 22 intended to continue with that morning-afternoon 23 model. And once it was reported to us, they had to 24 stop.</p> <p>25 So they have made adjustments to their</p>	<p>18 20</p> <p>1 COMMISSIONER ARMBRUSTER: Yes. I'm sorry. 2 Doctor call here. Wait. Maybe I can. Oh, yes. 3 MS. KAREN WOERNER: So schools are moving 4 forward. Those that have opened have reported great 5 success. Some things are going well. So happy to 6 hear that.</p> <p>7 And then, of course, our team has also 8 been working on, as I said, the governing board 9 training, lots of trainings happening. Missy Brown 10 has offered to -- since some questions came up 11 yesterday about trainings, and I mentioned to her 12 some of the things that you mentioned should be 13 included in trainings, I think most of those already 14 are, but I wanted to be sure. And Missy has offered 15 to upload some of her training decks to the 16 SharePoint for the Commission to review if they're 17 interested. So I think that's a great idea.</p> <p>18 Also, we're working on -- obviously 19 working with all the eight renewal schools. Have 20 not heard if any local schools are intending to 21 renew with the Commission, but eight State charters 22 that intend to. We've been working with them, had a 23 meeting with them about their applications, and they 24 seem to be going well with that.</p> <p>25 We'll see -- those are due October 1st, as</p>
<p>19 21</p> <p>1 schedule, and I do think that may be some of the 2 questions from the person who wanted to have public 3 comment this morning.</p> <p>4 And the way the schools decide what their 5 hybrid model, what works best for their staff and 6 their students in terms of the hybrid model, most 7 schools have divided it, like, a Monday-Tuesday, 8 cleaning on Wednesday, then a Thursday-Friday. But 9 that is not mandated. They just have to do no more 10 than 50 percent of their roster and divide the time 11 for the students to appear in person.</p> <p>12 So it is a school decision as to how to 13 divide that; but it's not allowed to do a 14 morning-afternoon session.</p> <p>15 So with that, we have, as I said, five 16 schools opening. We have several others planning to 17 open in September, but I haven't confirmed those 18 dates yet, so I don't want to share the names yet.</p> <p>19 I think that's been the bulk of our work. 20 But we also have, of course, ongoing training 21 happening, with --</p> <p>22 THE CHAIR: Karen, can you hold on a 23 second?</p> <p>24 Commissioner Armbruster, can you mute 25 yourself?</p>	<p>1 you know.</p> <p>2 And -- yeah. Then -- are there any 3 questions from the Commission on any of the reentry 4 plans before I move on?</p> <p>5 Commissioner Armbruster, you'll need to 6 unmute yourself, I think.</p> <p>7 COMMISSIONER ARMBRUSTER: So I 8 understand -- you have to be some color. I've 9 forgotten which color; probably green. But, anyway, 10 so you're not -- you're red, which means you can't 11 open schools, and then you become green.</p> <p>12 What then happens -- which I hope never 13 happens -- but that you're open, because you were 14 low COVID positivity rates, and then it goes up. 15 Then do we close the schools?</p> <p>16 THE CHAIR: The answer to that is 17 hopefully not. The intention is to be able to 18 remediate the problem and not be -- and not to claw 19 back and say, "Now you have to close."</p> <p>20 I think it would have to be -- it's up to 21 Public Health Department discussion. But it would 22 have to be, I think, a really serious outbreak to 23 say, "You've got to -- you've got to go back."</p> <p>24 So they don't want the seesaw, You're 25 open, you're closed, you're open, you're closed.</p>

<p style="text-align: right;">22</p> <p>1 So, hopefully, the cleaning and quarantining and all 2 of that can remediate the problem.</p> <p>3 COMMISSIONER ARMBRUSTER: And I was 4 thinking it was more the community. I know that if 5 there's a big breakout at school, you have to clean 6 it and then resume it. I kind of get that.</p> <p>7 But I'm just saying we don't know -- I 8 mean literally no one knows exactly what will happen 9 in a month. So I'm just saying, yeah, now they're 10 open. But isn't it possible that there's a second 11 wave or whatever, and then we're going to have to 12 change it again? I mean, that is a possibility; 13 correct?</p> <p>14 THE CHAIR: Well, I -- yeah. You know, 15 really, anything's a possibility. But I think that 16 would come from the Public Health, you know, if 17 there's a statewide order or a county-wide order. 18 But, truly, the intention with the Public Health 19 order, my understanding -- and looking back 20 yesterday at the -- the press conference and so 21 on -- the intention is not to say, "Oh, you're 22 open," "Oh, you're open," "Oh, you're closed," so 23 that, you know, hopefully, if you're in the green, 24 you stay in the green.</p> <p>25 Like you said, you just don't know what's</p>	<p style="text-align: right;">24</p> <p>1 THE CHAIR: Thanks.</p> <p>2 MS. KAREN WOERNER: So then moving on, 3 the -- and regarding amendment concerns, I just 4 wanted to share with you that the -- as you know, 5 it's been a long time working on getting all the 6 paperwork from Albuquerque Institute of Math and 7 Science Academy. They had one position -- one of 8 the positions you just approved had been filled last 9 November, the other in May. So they're very delayed 10 in their reporting.</p> <p>11 I do want to share with the Commission 12 that part of the problem -- and I think Ms. Sandoval 13 has shared this before. But part of the problem is 14 they have very strict governing board requirements 15 with their MOU with UNM that specific people have to 16 fill for specific positions, meaning they are 17 required to have, for example, somebody who 18 represents the Engineering Department and somebody 19 the Education Department at UNM.</p> <p>20 But, regardless, the paperwork was 21 significantly delayed. We were able to finally get 22 it -- Ms. Sandoval mailed it in to us. And there 23 were some errors still on that -- those documents, 24 including dates and people. And I just wanted to 25 share a little bit of our team's frustration with</p>
<p style="text-align: right;">23</p> <p>1 going to happen. We can't -- you know, we can't 2 predict that. But there is -- hopefully, there can 3 be things done. Maybe they have to -- and I don't 4 know. I don't want to speculate on what Public 5 Health might recommend if an area went back into the 6 red, you know.</p> <p>7 COMMISSIONER ARMBRUSTER: And that's fine. 8 I just wondered if you knew something.</p> <p>9 COMMISSIONER RUIZ: Madam Chair, I was 10 wondering, since Commissioner Chavez was on that 11 call yesterday, Commissioner Chavez, if you would 12 share with us your thoughts on that? Because I know 13 that you've been on calls that we have not been on. 14 Can you share something with --</p> <p>15 COMMISSIONER CHAVEZ: What Chairman Gipson 16 stated is exactly what the Secretary talked about 17 yesterday. And they want to avoid the seesaw 18 effect, you know, open-close, open-close. But once 19 you open under green, then if you go backwards, you 20 can still remain open, unless it's -- as Chairwoman 21 Gipson stated, unless it's like a serious outbreak 22 or something. Then, of course, you'd have to 23 address that and possibly close down.</p> <p>24 But, no, that's what they're trying to 25 avoid is that seesaw effect.</p>	<p style="text-align: right;">25</p> <p>1 the process from the school. But they did get their 2 paperwork in, as I said.</p> <p>3 Similar situation with DEAP. As you know, 4 they -- they're delayed. I did want to share that 5 the school leader has provided some explanation for 6 the delay. And I do know that some of it is 7 COVID-related.</p> <p>8 However, I am concerned that this is now 9 the third or fourth month that this school is on the 10 concern for the same reporting of their changes. 11 And I understand about COVID. But other schools are 12 finding ways to get those -- paperwork to us. So I 13 just wanted to share my concerns about -- that we 14 keep listing this school that we don't have their 15 paperwork submitted for their governing board 16 changes.</p> <p>17 THE CHAIR: So, Karen, let me ask. Well, 18 first, we had a discussion with AIMS during contract 19 negotiations. That MOU with UNM is very old, and 20 there seems to be a number of pieces of that MOU 21 that are becoming untenable for them to work 22 through.</p> <p>23 I know there was an issue with dual credit 24 courses and where they could take it and so on. And 25 I understand that's what they had agreed to. But I</p>

26

28

1 think they're going to have to -- to look at that,
 2 because if they can't fulfill their obligation to us
 3 to have the correct number of governing board
 4 members, it's going to become, unfortunately, a
 5 problem for them.

6 So, hopefully, they can get that worked
 7 out with UNM.

8 COMMISSIONER VOIGT: A follow-up question
 9 also regarding that, Madam Chair.

10 So for AIMS, what are the concerns that
 11 the CSD has with them, other than governing board
 12 membership numbers?

13 And what was the other one? Is it that
 14 they don't have a current MOU for their dual credit
 15 with UNM?

16 What is it?

17 THE CHAIR: No, no, no. I said when we
 18 had contract negotiations with them, they expressed
 19 that there was -- that the MOU is -- is the original
 20 MOU.

21 COMMISSIONER VOIGT: Which is valid.

22 THE CHAIR: It's somewhat outdated.

23 COMMISSIONER VOIGT: Oh. So it's not
 24 valid.

25 (Commissioner Voigt and The Chair speaking

1 Now that the school has been around a long
 2 time, people -- all those people that were invested
 3 in the school are gone, so they can't get the --
 4 people are unwilling to serve on the board.

5 COMMISSIONER VOIGT: Okay. So governing
 6 board --

7 THE CHAIR: They have a requirement that
 8 they have two members.

9 COMMISSIONER VOIGT: Okay. So that's a
 10 governing board issue, then.

11 THE CHAIR: It is. It is, for this
 12 reporting issue, yes.

13 COMMISSIONER VOIGT: Right. Okay. So
 14 then what's the issue with the MOU?

15 THE CHAIR: The MOU has the requirement
 16 for those governing board member seats.

17 COMMISSIONER VOIGT: So they have a unique
 18 MOU.

19 THE CHAIR: Correct.

20 COMMISSIONER VOIGT: Okay. That's what we
 21 needed to know.

22 And then, also, I wanted to address with
 23 DEAP, because we know that there has been a -- you
 24 know, a farther reaching COVID issue in that area, I
 25 think that to wait -- I mean, if you're talking

27

29

1 simultaneously.)

2 THE CHAIR: I didn't say it wasn't valid.
 3 The components of it are outdated.

4 COMMISSIONER VOIGT: We need to update it.
 5 But I think some of those MOUs, once you have that
 6 MOU in place, if none of the verbiage has really
 7 changed in that, it can last a decade.

8 THE CHAIR: No, it can't. It can't.

9 COMMISSIONER VOIGT: But in their case --
 10 some of those, it's the MOU that -- I mean, I was
 11 concerned about that when I was at MACCS. I was,
 12 like, "Oh, my God. This is dated 2009," but it was
 13 still valid.

14 So what is the issue with AIMS' MOU? It
 15 needs to be updated because it's expired? What
 16 exactly?

17 THE CHAIR: It's not an issue that CSD has
 18 with them.

19 COMMISSIONER VOIGT: Okay.

20 THE CHAIR: I said -- once again, I'll try
 21 to explain it. AIMS expressed a concern that they
 22 have because they've got these two -- they've got
 23 two departments they specifically have to have
 24 governing board members on from UNM. And in the
 25 early days, it was very easy to get the membership.

1 three months, Karen, well, how long have we been in
 2 COVID, you know?

3 So to be able to wait for them so that
 4 they can heal from this pandemic, I think is totally
 5 understandable. Shouldn't be an issue to have to
 6 wait.

7 COMMISSIONER CABALLERO: I agree. I agree
 8 with the Commissioner.

9 THE CHAIR: I mean, I think the only time
 10 it becomes a significant issue is if they are in
 11 danger of losing a Board of Finance. Then it does
 12 become an issue.

13 COMMISSIONER VOIGT: You're talking about
 14 DEAP.

15 THE CHAIR: Any school.

16 COMMISSIONER VOIGT: Right. Okay.

17 THE CHAIR: Any school.

18 COMMISSIONER VOIGT: Sure. Of course.

19 MS. KAREN WOERNER: Madam Chair?

20 THE CHAIR: Sure.

21 MS. KAREN WOERNER: I just wanted to
 22 clarify, just in case I may have misunderstood. But
 23 AIMS has the correct -- has never been below their
 24 minimum number of board members. They just have --
 25 to your point, Commissioner Voigt, they have an MOU

<p style="text-align: right;">30</p> <p>1 with UNM regarding the school, generally, because 2 they're "AIMS@UNM." And that MOU has requirements 3 regarding -- including some members from their 4 faculty.</p> <p>5 My concerns with them are not that they 6 were dropping below; it was just in the timeliness. 7 And then even when we get the packet, it's 8 incomplete and inaccurate information.</p> <p>9 COMMISSIONER VOIGT: Okay. I think, you 10 know, there needs to be maybe some clarification 11 from the school. Because we know that schools that 12 are providing dual credit have to have an MOU with 13 their post-secondary institution; that's one thing.</p> <p>14 And then the other thing is if their 15 governing board -- if their bylaws specify that 16 their governing board membership will have a certain 17 number of faculty, post-secondary faculty, that's 18 another thing.</p> <p>19 So I don't know if -- you know, if those 20 two could even be interdependent on each other. You 21 know what I'm saying?</p> <p>22 MS. KAREN WOERNER: I just mentioned it to 23 explain why sometimes they have a hard time filling 24 the vacant positions; because they need a specific 25 faculty member to fill it. So I understand the</p>	<p style="text-align: right;">32</p> <p>1 know that Melissa Sanchez, who is our data and 2 financial analyst, has done some yeoman's work in 3 working with school budget folks on some 4 information, primarily prompted by just trying to 5 get all the information we need for renewal schools, 6 but for all schools in general.</p> <p>7 And so she's really developed some 8 collaboration with some of the school budget folks. 9 And we'll be having some really good financial 10 reports and some good financial input during our 11 site visits this year. So thank you to Melissa for 12 that.</p> <p>13 Also want to acknowledge Debbie Dolbow. 14 She sits behind the scenes a lot of times on our 15 team. And I wanted to share with you that she's 16 been driving a lot of the work in terms of cleaning 17 up our files, records retentions, and following 18 the -- she's our records liaison officer; so she's 19 helping us clean out both electronic and hard-copy 20 files regarding, you know, what can be destroyed, 21 what has to be applied to be destroyed, and really 22 helping us clean up and really pressuring me to get 23 some of our documents cleaned up to also move to 24 what's called the "PED Connector," which is our new 25 internal storage repository for our documents.</p>
<p style="text-align: right;">31</p> <p>1 delay in filling it.</p> <p>2 However, once filled, I don't understand 3 the delay in getting the paperwork to your -- to 4 this Commission.</p> <p>5 THE CHAIR: Okay. Thanks.</p> <p>6 MS. KAREN WOERNER: Okay? And so then I 7 guess, lastly on my list here, is highlights and 8 appreciations. And, in all honesty, there's just so 9 many things going on and so many people to 10 appreciate, particularly the schools that are 11 working so hard with a constant bombardment of new 12 information, and a colleague of mine said "who are 13 being water-boarded with information" regarding 14 reentry and safety for students.</p> <p>15 And I just am so proud of our sector of 16 our State charter school leaders for rolling with it 17 and doing the best they can for our students.</p> <p>18 And I think I shared before that any time 19 I've reached out with, "We really need all this 20 information from you" through a survey or something 21 to get it quickly, they've been so quick to respond.</p> <p>22 And I am just so pleased to have that 23 collaboration with them and for them to be so prompt 24 in their responses.</p> <p>25 Also on our team, I do want to let you</p>	<p style="text-align: right;">33</p> <p>1 So shout-out to Debbie on that, because 2 she doesn't often get -- I don't often have her 3 before you all. So I just wanted to give a 4 shout-out to her, too.</p> <p>5 So with that, I finish my report, 6 Madam Chair.</p> <p>7 THE CHAIR: We are on to Item No. 6, which 8 is Discussion and Possible Action on Amendment 9 Policies and Forms, the first one being the Charter 10 School Foundation Membership, and then the second 11 one being the Change of Head Administrator form.</p> <p>12 So I want to thank everyone for the work 13 that was done yesterday with those forms. We were 14 able to get that done fairly quickly and, hopefully, 15 make those changes that we felt were necessary.</p> <p>16 So if there is any -- if there's any 17 discussion about it? If not, I will entertain a 18 motion.</p> <p>19 COMMISSIONER VOIGT: Madam Chair?</p> <p>20 THE CHAIR: Yes.</p> <p>21 COMMISSIONER VOIGT: Yeah. I'd like to 22 move that the PEC adopt the changes to the Charter 23 School Foundation Membership and change the Head 24 Administrator Policies and Forms.</p> <p>25 COMMISSIONER DAVIS: I second that motion.</p>

34

36

1 THE CHAIR: There's a motion by
 2 Commissioner Voigt and a second by Commissioner
 3 Davis.
 4 Any further discussion? If not, roll,
 5 please.
 6 You're muted.
 7 COMMISSIONER ARMBRUSTER: Okay. Sorry.
 8 Commissioner Gipson?
 9 THE CHAIR: Yes.
 10 COMMISSIONER ARMBRUSTER: Commissioner
 11 Chavez?
 12 COMMISSIONER CHAVEZ: Yes.
 13 COMMISSIONER ARMBRUSTER: Commissioner
 14 Davis?
 15 COMMISSIONER DAVIS: Yes.
 16 COMMISSIONER ARMBRUSTER: Commissioner
 17 Armbruster votes "Yes."
 18 Commissioner Voigt?
 19 COMMISSIONER VOIGT: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Robbins?
 22 COMMISSIONER ROBBINS: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Raftery?
 25 COMMISSIONER RAFTERY: Yes.

35

37

1 COMMISSIONER ARMBRUSTER: Commissioner
 2 Caballero?
 3 COMMISSIONER CABALLERO: Yes.
 4 COMMISSIONER ARMBRUSTER: Commissioner
 5 Ruiz?
 6 COMMISSIONER RUIZ: Yes.
 7 COMMISSIONER ARMBRUSTER: It's a
 8 nine-to-zero vote, and the motion passes.
 9 THE CHAIR: Thank you. The motion passes,
 10 nine-zero.
 11 We are on to Item No. 7, which is
 12 Discussion and Possible Action on the Letter of
 13 Concern for La Tierra Montessori.
 14 But I'm going to ask for a ten-minute
 15 break.
 16 COMMISSIONER VOIGT: Sounds good.
 17 THE CHAIR: Thanks.
 18 COMMISSIONER RUIZ: Thank you.
 19 (Recess taken, 9:43 a.m. to 9:59 a.m.)
 20 THE CHAIR: We have everyone back except
 21 for -- I think we have everyone back, correct?
 22 Yeah, we have everyone back. All right.
 23 MS. KAREN WOERNER: And, Madam Chair,
 24 while you were on break, I did add the school --
 25 THE CHAIR: Right. Yeah. I see everyone.

1 Thanks.
 2 So good morning, everyone. Thank you for
 3 being here, and thank you for responding to the
 4 concerns.
 5 I appreciate the time and effort that was
 6 put into providing that response. So, once again,
 7 thank you.
 8 I would just please ask that the school
 9 and everyone that's here to speak for the school
 10 identify themselves for the record.
 11 MS. AMY LARSEN: Good morning. My name is
 12 Amy Larsen. I am the Governing Council President
 13 for La Tierra Montessori.
 14 MS. ANGELA FEATHERS: Good morning. I'm
 15 Angela Feathers. I'm the principal for La Tierra
 16 Montessori.
 17 MS. CORINNE TELLER: Good morning. My
 18 name is Corinne Teller. I'm the business manager at
 19 La Tierra.
 20 MS. PATRICIA MATTHEWS: Patricia Matthews,
 21 attorney for the school.
 22 THE CHAIR: Okay. So thank you once
 23 again.
 24 So, Karen, I don't know if there's
 25 anything that you wish to say at this time. If not,

38

40

1 wanted to give the school an opportunity if there
 2 was something else you wanted to say. So, sure,
 3 we'll just dive into some questions.

4 So I guess I have two questions at this
 5 point in time, one around the -- the execution of
 6 the contracts. And just -- and it is just a
 7 question.

8 So in my experience, when schools have
 9 been engaged in contract negotiations or whatever
 10 the situation might be, if a salary hasn't been
 11 determined, either through -- because of state
 12 legislation not being clear at that point in time or
 13 there's contract negotiations still going on, the
 14 contract is still executed and the specific salary
 15 is simply left blank with a standard statement that
 16 says, "Based on pending legislation," or, "Based on
 17 contract settlement," but that the terms and
 18 conditions of employment are all laid out and the
 19 contract can be signed simply with the salary being
 20 updated whenever that is possible.

21 So I'm just questioning how come something
 22 like that wasn't done. And it was -- the date, I
 23 think, was the day before school. I mean, I
 24 understand there was the Special Session. But, you
 25 know, my understanding is most of the time standard

1 THE CHAIR: Okay. And I don't want to get
 2 into -- because it's a school personnel issue with
 3 they didn't like the salary. That's not what
 4 we're -- that's not our purview.

5 MS. PATRICIA MATTHEWS: You asked me a
 6 legal question. And the legal question is whether
 7 or not my client should sign a contract with blanks
 8 that would change the obligation of the school one
 9 way or the other.

10 So -- and just to clarify, this was not
 11 the first day with kiddos. This was the first day
 12 with -- of professional development.

13 THE CHAIR: Right. Right. No. That, I
 14 understood.

15 Okay. And then I guess my second question
 16 is around the -- so, Ms. Feathers, you have a --
 17 you're licensed -- you were licensed in New Mexico
 18 as a teacher?

19 MS. ANGELA FEATHERS: No.

20 THE CHAIR: No. So I guess my question is
 21 you had that delay. You came in. You were waiting
 22 for your Administrator's license. So your -- it
 23 didn't come until May; correct?

24 MS. ANGELA FEATHERS: Right.

25 THE CHAIR: So I guess I have -- I don't

39

41

1 operating procedure is for the contract to be
 2 executed, and then the salary can be filled in
 3 pending whatever, you know, the negotiations or
 4 legislation.

5 MS. PATRICIA MATTHEWS: Madam Chair, I'll
 6 speak on behalf of the school. Maybe it's different
 7 in collective bargaining contracts. But, as you
 8 know, charter schools generally are not under a
 9 collective bargaining unit. So I would never advise
 10 my client to sign a contract with a salary blank. I
 11 would never do that.

12 And so -- and I also -- if I represented
 13 a -- an employee, I would never recommend that they
 14 sign a contract with a salary blank.

15 So maybe it's different. I don't do
 16 collective bargaining; so -- but so just to answer
 17 that question. And I think -- actually, I think
 18 it -- I think, certainly, with one of the employees,
 19 Ms. Feathers made a really good -- or -- and
 20 Ms. Teller worked with an employee to add an
 21 additional salary amount. And that was rejected.

22 So I don't know. I think it's just a
 23 different bit of a world out there with charter
 24 schools. We're not going to present a contract that
 25 has blanks. That's not wise advice. And so --

1 know who's going to be able to answer this.

2 My understanding is if the license doesn't
 3 come in within -- I think it's -- is it three
 4 months? -- that the person can't be paid because the
 5 license isn't in. Maybe I'm wrong, but I thought
 6 that was -- so...

7 MS. PATRICIA MATTHEWS: Madam Chair?

8 THE CHAIR: So I guess I'm questioning how
 9 come this delay? And if there is this delay and
 10 it's on the PED side, is there some kind of, then,
 11 for lack of another term, waiver that's given
 12 because the delay is on PED's side?

13 MS. PATRICIA MATTHEWS: I think -- you
 14 know, this has happened a couple of -- many times
 15 over the years with the charter -- well, I assume
 16 it's with districts as well.

17 But the statute says if -- you're correct.
 18 It says if it's not -- if the license hasn't issued
 19 within 90 days of submitting -- or of the first day
 20 of employment -- right? --

21 THE CHAIR: Right.

22 MS. PATRICIA MATTHEWS: -- you have to
 23 submit an application or have your license within
 24 90 days of the first day of employment, and if you
 25 don't, you're not supposed to be paid.

42

44

1 Now, at that point in time -- and this is
 2 just what's quite goofy, and we've run up against it
 3 before -- is -- if an employee is in that scenario,
 4 like with Ms. Feathers, it is out of her control on
 5 whether or not that license got issued, what would
 6 have to happen at that point in time is then the
 7 school would effectively have to stop her pay, and
 8 then she, as an employee, would say, "Well, that's
 9 in breach of my contract," and then we're into due
 10 process proceedings with the employee who then has a
 11 defense to say, "It's not my fault; it's the
 12 Department of Education's fault."

13 And so you get into this contractual gray
 14 area of arguing over, you know, if she's qualified
 15 and should be getting a license and the Department
 16 is interfering with her ability to perform under her
 17 contract, should we sever her salary and then walk
 18 into either a wrongful termination, a wage-and-hour
 19 dispute?

20 And so the schools have to walk a fine
 21 line when determining, you know, who's at fault here
 22 and going through that process.

23 I understand your point. I totally
 24 understand it. But it is not absolutely clear what
 25 would happen in a scenario. And I think the intent

1 MS. ANGELA FEATHERS: Chairwoman Gipson, I
 2 was not hired on until almost November, or right
 3 in -- I think the beginning of November is when we
 4 started.

5 THE CHAIR: Okay. So from November to
 6 May seems like -- did PED communicate any reason why
 7 there was this delay?

8 MS. ANGELA FEATHERS: Yes. Two things.
 9 When I originally submitted my application, I left
 10 it for review for one of the PED representatives to
 11 look over, because they were looking for the best
 12 pathway for licensure for me.

13 And I think they moved at that time. So I
 14 had to resubmit everything, I think it was in
 15 January or February. And then they -- they asked me
 16 to look into getting -- different paths to get my
 17 license. They asked me to go one way. And then I
 18 think he misunderstood what my background was.

19 And then I talked to a really great person
 20 during COVID on the recommendation of Megan Maestas.
 21 And I think her name was Jenna. And she knew
 22 exactly what to do and got it through.

23 So I think COVID had a little bit to do
 24 with it. But I think they just really didn't know
 25 what to do with me. There's not a lot of Montessori

43

45

1 of the statute and whether or not it meant to go to
 2 May -- I don't know how many months that worked out
 3 to be. But to go that long or not is unclear from
 4 the statute.

5 But I think the intent of the law was to
 6 say, "Look, we understand, when you go in to get
 7 your licensure, once you've submitted the
 8 application, until you've actually been denied your
 9 licensure, or there's been evidence that there's
 10 just no way you're going to qualify, it's on the
 11 Department to get that done."

12 And to penalize the employee for that
 13 seems to me not to be the intent. It was the intent
 14 was to give them time. And if it's on the PED, it
 15 ought not to be the employee that's penalized.

16 THE CHAIR: Okay. Because I know, since
 17 I've been on the Commission, there have been schools
 18 that have had concerns raised and -- because they
 19 ended up paying someone and they shouldn't have,
 20 because there wasn't the license.

21 So that's -- I guess it's still sort of a
 22 question, how come it took that long? Was there any
 23 communication from PED that it was going to be
 24 delayed? Or why it was delayed, because it seems
 25 like from -- what? -- September-ish to May --

1 administrators in New Mexico. So I think they were
 2 trying to figure out just exactly how to get me in
 3 there.

4 THE CHAIR: Okay.

5 MS. KAREN WOERNER: Madam Chair?

6 THE CHAIR: Thanks. Commissioners -- oh,
 7 I'm sorry. Karen?

8 MS. KAREN WOERNER: It's okay. I just
 9 wanted to say that, you know, I think Ms. Feathers
 10 summarized it pretty well. Part of the problem is
 11 that she doesn't have the typical requirements or
 12 experience that they initially look for when they're
 13 doing an admin license. That was part of the
 14 problem.

15 And I do believe the head administrator of
 16 the school was actually a contract person that was
 17 mentoring Ms. Feathers during the prior school year.
 18 Mr. Abney.

19 THE CHAIR: Okay. I get that. But
 20 Mr. Abney was only on campus twice a week; correct?

21 MS. KAREN WOERNER: That's correct.

22 THE CHAIR: So that's -- you know, to us,
 23 that is part of the concern, that there was a
 24 licensed administrator on campus twice a week. Who
 25 was the licensed administrator on campus the other

46

48

1 three days?

2 COMMISSIONER VOIGT: Chairwoman, I just
3 have a comment. So -- so everything's good now,
4 right, as far as your admin license and -- that's
5 great.

6 I wanted to go back to -- so our
7 original -- our concern, our Letter of Concern is
8 about governing board membership.

9 THE CHAIR: No, not at all.

10 COMMISSIONER VOIGT: So I'm looking at our
11 files in the SharePoint.

12 THE CHAIR: There was -- oh, that goes --
13 that's not the current concern. That was a prior
14 concern that we sent a Letter of Concern regarding.
15 So that was put into the SharePoint as an FYI.

16 COMMISSIONER VOIGT: Oh, okay.

17 MS. KAREN WOERNER: Historical
18 information.

19 THE CHAIR: That is not part of the
20 current concern.

21 COMMISSIONER VOIGT: Part of -- so that's
22 not even -- we shouldn't even be looking at that
23 then.

24 THE CHAIR: Well, it is -- no, it is part
25 of the record for the school. So for Commissioners

1 meeting. You know, I'm just saying. That's kind of
2 confusing.

3 THE CHAIR: It was explained to us why it
4 was put on there, as a reminder.

5 COMMISSIONER VOIGT: Okay. All right.
6 All right. So they have met their number of
7 governing board members then, I presume.

8 THE CHAIR: That's never been a concern.

9 COMMISSIONER VOIGT: Okay.

10 THE CHAIR: The Letter of Concern that
11 went out to them was about the overreach by the
12 head -- that the head of the governing board signed
13 a contract for the business administrator.

14 COMMISSIONER VOIGT: Moving forward, it
15 would be great in the SharePoint if we had documents
16 that were only relevant to our meetings, just FYI.

17 THE CHAIR: This is. If you read the
18 letter that the school addressed, the letter --

19 COMMISSIONER VOIGT: I'm looking at the
20 [inaudible] letter. That letter should not have
21 been in our SharePoint.

22 THE CHAIR: Okay. Okay. Well, I'm going
23 to respectfully disagree with you.

24 MS. PATRICIA MATTHEWS: Madam Chair, might
25 I ask that folks be very careful about things they

47

49

1 to be reminded that that the school did have a
2 concern about the head -- the -- I'm sorry. The
3 head of the governance council overreached by
4 signing and hiring the business manager.

5 COMMISSIONER VOIGT: Okay. So this was in
6 our SharePoint for this meeting. Is this something
7 that needs to be discussed or addressed?

8 THE CHAIR: The school has asked to
9 address, once again, the -- there was a concern that
10 was raised that there was continuing overreach by
11 the head of the governance council. And the
12 letter -- sorry -- and the Letter of Concern was --
13 was put in -- sorry, I had to let the dog out -- was
14 put in as a reminder for Commissioners for the
15 record for right now of when the school has come up
16 before us.

17 COMMISSIONER VOIGT: Huh. Okay.

18 THE CHAIR: But the letter -- the letter
19 that the -- that the school provided addresses --
20 and the concerns that we have currently with the
21 school are outlined and addressed in that letter.

22 COMMISSIONER VOIGT: I see that. Yeah, I
23 see that. It's just confusing to have this PEC
24 Letter of Concern in the SharePoint file if this
25 isn't something that's going to be addressed in this

1 say? Because it was an allegation of overreach that
2 turned out not to be true. And I don't think it's
3 fair to the Chair of the governing body for false
4 allegations to be stated as fact.

5 THE CHAIR: It is -- I'm sorry. I didn't
6 say it was fact. I said that's why the school was
7 brought up and the Letter of Concern was for that
8 reason.

9 MS. PATRICIA MATTHEWS: I would like for
10 everyone to be a little more mindful about when you
11 say things. Unless it's proven, you know, we're
12 trying to have an open and dialogue [verbatim] here
13 and be transparent. But I just -- I want the record
14 to be very clear that the documentation was clear
15 that Ms. Larsen didn't sign a contract, nor did the
16 prior governing counsel chair.

17 So that's what the record shows, just so
18 everyone on the call is clear.

19 THE CHAIR: And I'm going to respectfully
20 say that I'm going to take guidance from our
21 attorney.

22 MS. PATRICIA MATTHEWS: Absolutely.

23 THE CHAIR: So...

24 COMMISSIONER CABALLERO: Madam Chair and
25 Commissioners, all Letters of Concern can be

<p>1 categorized as not true. And that's why they're 2 just Letters of Concern. They're just issues that 3 need to be resolved.</p> <p>4 And so don't take it that anything that we 5 put out there is -- is an attempt to besmirch or 6 anything like that. It's just an attempt to look at 7 all the facts on all sides and determine a solution.</p> <p>8 So that's my take on -- even the letter 9 that the Commission -- really shouldn't be in there. 10 It was there for information. And I want all 11 information as possible to make a decision.</p> <p>12 Thank you, Madam Chair.</p> <p>13 MS. PATRICIA MATTHEWS: Absolutely, Mr. -- 14 Commissioner Caballero. I just -- you know, this is 15 an information age of insanity. And there's a lot 16 of crazy information that floats -- and I'm not 17 blaming the Commission. I just -- you know, it's 18 just us here talking and having it.</p> <p>19 But when you go to read that transcript or 20 you read something, just to be fair to the school, 21 we want to make sure that it's characterized 22 properly.</p> <p>23 And that was just a polite request. And 24 so I do appreciate that there is no accusation. I 25 don't think there was an intent of accusation. But</p>	<p>50</p> <p>1 we've beat the dead horse. But that was my 2 question --</p> <p>3 MS. PATRICIA MATTHEWS: I'm concerned 4 there's a letter out there, Ms. -- are you aware of 5 a letter from the Commission?</p> <p>6 COMMISSIONER VOIGT: It was from last 7 year.</p> <p>8 THE CHAIR: Ms. Matthews, it was the 9 Letter of Concern that was sent out in relation to 10 the contract with the business manager when the 11 school was brought up before us. And the Commission 12 did send out -- so that's the Letter of Concern 13 that's being referenced.</p> <p>14 MS. PATRICIA MATTHEWS: Apparently, I'm 15 not in the loop. Okay. Thank you.</p> <p>16 THE CHAIR: And I'm sorry if the school 17 didn't share that.</p> <p>18 COMMISSIONER VOIGT: Chairwoman?</p> <p>19 MS. PATRICIA MATTHEWS: I'm sorry. I 20 didn't get it from counsel.</p> <p>21 THE CHAIR: All right. All right. So 22 let's move on.</p> <p>23 COMMISSIONER VOIGT: I was referencing -- 24 the letter that was in the packet addressed 25 governing board membership. That was the letter</p>
<p>51</p> <p>1 third parties to the conversation could maybe walk 2 away with something different. That was my --</p> <p>3 MS. AMI JAEGER: I just quickly will 4 respond in support to what Commissioner Caballero 5 says.</p> <p>6 Ms. Matthews, I mean having a public 7 document that was provided on the letterhead of the 8 Commission after an open meeting last year is hardly 9 crazy information. It's legitimate information 10 about the school.</p> <p>11 And so I think it's -- it all plays in for 12 consideration of all the information that's 13 available. It wasn't an e-mail or anything. It was 14 a letter that was prepared and sent to the school, 15 signed by our Chair after an open meeting.</p> <p>16 MS. PATRICIA MATTHEWS: I'm not even sure 17 what you're referring to, Ms. Jaeger. But I had 18 no -- because I don't know what you're talking 19 about. It was a generic statement, and it wasn't an 20 intent to be anything specific. I'm just talking 21 about our world today in general.</p> <p>22 So what letter is this you're referring 23 to?</p> <p>24 COMMISSIONER VOIGT: My question was just 25 about relevancy for today. So that's all. I think</p>	<p>51</p> <p>1 from October of last year, not the letter you just 2 mentioned about business manager. Plus, it's not 3 relevant for this meeting; so --</p> <p>4 THE CHAIR: Okay. Commissioners, are 5 there any other questions?</p> <p>6 You know, I -- honestly, I'm not digging 7 into what you spent money on equipment for. That's 8 not within our purview. I know it was a concern 9 that was -- that was raised.</p> <p>10 But I guess the -- the overarching concern 11 was if there is professional development that's 12 being -- I think the bigger concern was the 13 professional development and the individuals having 14 to repay it without understanding that they have to 15 repay it.</p> <p>16 But I think you addressed the -- in the 17 response, I think you addressed that sufficiently.</p> <p>18 And I know PED -- CSD brought up the -- 19 because it was -- I believe that concern was there 20 was a call-in to PED, Karen, on the contract that 21 hadn't been paid? Is that how we learned of that 22 unpaid invoice?</p> <p>23 MS. KAREN WOERNER: I believe there was an 24 e-mail first and then a reach-out to the School 25 Budget folks as well.</p>

54

56

1 THE CHAIR: Okay.
 2 MS. KAREN WOERNER: I'm not sure if School
 3 Budget got a phone call or an e-mail.
 4 THE CHAIR: Okay. All right. Thank you.
 5 And, you know, the unpaid invoice is a
 6 concern. But the bigger concern that was raised was
 7 what was being done for special ed services if this
 8 contractor was no longer providing the service. And
 9 I'll be honest. I don't know whether I saw that
 10 addressed. So I don't know if the school can
 11 respond to that or not.
 12 MS. ANGELA FEATHERS: I'd be happy to try.
 13 THE CHAIR: Sure.
 14 MS. ANGELA FEATHERS: We were not happy
 15 with the contractor. We received what we thought
 16 were inflated invoices and invoices that we were not
 17 responsible for.
 18 We attempted to negotiate with them.
 19 Ms. Larsen and I got that resolved just recently,
 20 amicably, thank goodness. And during the time that
 21 they were not servicing our children, we went with
 22 another company through ACES called TalkPathLive,
 23 which turned out to be a better choice during the
 24 COVID pandemic anyway, because they were all set up
 25 and ready to be remote.

1 COMMISSIONER CABALLERO: Okay. Okay. I
 2 kind of thought that there may have been a gap.
 3 THE CHAIR: Right. So Mr. Abney stayed on
 4 all the way through the spring until Ms. Feathers
 5 received her -- her license.
 6 MS. AMY LARSEN: Correct.
 7 THE CHAIR: Okay. All right.
 8 COMMISSIONER CABALLERO: More information,
 9 Madam Chair, from --
 10 THE CHAIR: Sure. I'm sorry. You have
 11 another question?
 12 COMMISSIONER CABALLERO: Well, just my
 13 concern was had there been a gap, I think it -- our
 14 department, the PED Department, should be on top of
 15 it to ensure that, and for the school to notify --
 16 to notify us if there's a potential gap, and just be
 17 on top of it. And I think that we're making
 18 attempts to clarify that to charter schools. But it
 19 is critical to have a -- not have any gaps.
 20 So I'm glad to hear that there were no
 21 gaps in failure to have a licensed administrator at
 22 the charter school.
 23 Thank you.
 24 THE CHAIR: Okay. Thanks. And that is
 25 why we also had that discussion and changed the

55

57

1 So we have continued services with them
 2 this semester and are happy with them.
 3 THE CHAIR: Okay. Thanks. And I agree
 4 with you in that it is concerning if someone wants
 5 input in hiring. If that's part of that contractual
 6 service, that was a little -- that was certainly
 7 overreach. So, thanks, because I didn't -- I didn't
 8 see -- and I just looked back, because I hadn't seen
 9 what you did in between to provide those services.
 10 So I appreciate that update.
 11 Okay, Commissioners. Any other questions?
 12 Commissioner Caballero, you're muted.
 13 COMMISSIONER CABALLERO: I'm muted. I was
 14 open and muted myself as I started speaking.
 15 Madam Chair, do you have an idea of how many days or
 16 months where the school without a licensed
 17 administrator?
 18 MS. AMY LARSEN: I can answer that. We've
 19 always had a licensed administrator. So when
 20 [inaudible due to connectivity] resigned in the
 21 fall, we hired Mr. Abney to serve as our licensed
 22 administrator for the school. So there wasn't a gap
 23 in time.
 24 COMMISSIONER CABALLERO: No gap.
 25 MS. AMY LARSEN: No. Unh-unh.

1 notification for the Change of Head Administrator so
 2 that there's not a gap in information for us when
 3 there are those changes that take place.
 4 So...
 5 MS. KAREN WOERNER: Madam Chair?
 6 THE CHAIR: Karen?
 7 MS. KAREN WOERNER: Thank you,
 8 Madam Chair, Commissioner Caballero, and
 9 Commissioners.
 10 I do think, though, that this issue about
 11 the head administrator is part of the problems we've
 12 experienced this year with the school. You know, as
 13 we said, Ms. Feathers was -- is not an experienced
 14 public school administrator and was being mentored
 15 by Mr. Abney at, you know, a part-time salary.
 16 But our biggest concern is lack of
 17 response from the school, the PED deadlines and
 18 timelines. And part of that has to do with this
 19 issue right here, that Mr. Abney was not -- does not
 20 appear to be very present during the year, though he
 21 was the administrator. And I think this is part of
 22 the problem with some of the problems we're seeing
 23 with the deadlines, you know, that weren't met.
 24 I do know that the school just submitted
 25 their bilingual application, which was due months

<p>1 ago. They were given extensions and another 2 extension and now just had to submit something this 3 week. I don't know the results of that yet. 4 I also know that their reentry plan is 5 still not yet approved. 6 There's just a lot of concerns. And I 7 think some of it does stem back to the lack of 8 experience and not having a head administrator 9 available to mentor Ms. Feathers full-time last 10 year. 11 THE CHAIR: And I'll agree. I mean, I 12 know that PED mentioned a number of times that there 13 were significant delays in information getting in, 14 and some of it certainly critical information, and 15 up to the point that the reentry plan still hasn't 16 been approved. 17 That's -- because you're in a district 18 where you could actually open. You're in a zone 19 where you could actually open. So that's just -- 20 but, overall, the reporting issue and delay in 21 reportings, I think Karen is correct. When you only 22 have someone as a head administrator on campus for 23 two weeks -- for two days out of the week, that 24 becomes very challenging for them to get all the 25 work done.</p>	<p>58</p> <p>1 started with Mr. Abney -- was not responding to 2 e-mails. 3 And then at some point, we looped in 4 Ms. Feathers, and we weren't getting timely response 5 to our e-mails, either, on issues. 6 So that's our main concern is the -- that 7 these deadlines need to be met, and that -- 8 THE CHAIR: So, Karen, on that note -- and 9 I know we've had this discussion when we do contract 10 negotiations, because it's come up with a number of 11 schools -- that, you know, schools come up and say, 12 "Oh, I didn't know they got that e-mail," so that we 13 regularly copy the head administrator and the head 14 of the governance council on communications so that 15 there's not that -- hopefully, that gap. 16 I'm guessing -- and you can respond to 17 this -- that that wouldn't be the general format 18 that PED bureaus would do, that they would only 19 communicate directly to whoever is listed as the 20 head administrator. 21 MS. KAREN WOERNER: That is correct, 22 Madam Chair. Most bureaus would just contact the 23 head administrator. When they don't receive a 24 response, bureaus would reach out to our division to 25 ask for assistance in getting a response. If that</p>
<p>59</p> <p>1 And I don't know how that work was shared 2 out. Apparently, it doesn't seem like it must have 3 been shared out well, because there are -- a number 4 of bureaus have addressed concerns over either a 5 lack of response, a very slow response, or having to 6 continually return, because it hasn't been an 7 adequate response, up to and through the reentry. 8 So I'm hoping that -- 9 COMMISSIONER VOIGT: I have a question. 10 THE CHAIR: I'm sorry? 11 COMMISSIONER VOIGT: Yeah. I have a 12 question whenever you're finished. 13 THE CHAIR: Sure. So I'm hoping that this 14 is something that the governance council can maybe 15 have better discussions at the governance council 16 meetings, to make sure that the school is, you know, 17 on top of all the requests; because I think there 18 was the potential of losing the funding for the 19 bilingual because it has been so delayed. 20 Karen? 21 MS. KAREN WOERNER: I just wanted to add 22 that I did see the timeline that was submitted by 23 the school. There have been additional 24 communications. I know several bureaus have reached 25 out to us because neither Mr. Abney -- primarily, it</p>	<p>60</p> <p>1 happens, my practice is that I would first contact 2 the administrator. No response, I would then "cc" 3 the governing board. 4 THE CHAIR: All right. Thanks. 5 Commissioner Voigt? 6 COMMISSIONER VOIGT: Thank you. Also -- 7 so I think oftentimes many of those bureaus within 8 PED might not know who the new head administrator is 9 for some time. And especially if there is a 10 transition of a temporary head administrator, they 11 might know -- for -- not -- you know, for some -- 12 they might know for some time. [Verbatim.] 13 So I just want to chime that in. 14 But, also, I just wanted to ask the 15 governing board if they're aware that there are 16 staffing agencies like CES and ACES that do provide 17 temporary services going forward, should you need 18 some. You know, they have a substitute pool. But 19 they also have head administrator pools in case you 20 ever need that resource. ACES and CES. 21 MS. AMY LARSEN: Yes, we do. Thank you. 22 Oh, I -- did you want a response from 23 that? I apologize. 24 COMMISSIONER VOIGT: No. That was an FYI. 25 MS. AMY LARSEN: Okay. Sorry.</p>

62

1 COMMISSIONER VOIGT: But there is -- just
 2 know, there is disconnect and time voids within PED,
 3 to no blame. But it just happens, you know. Like I
 4 know when the Licensure Bureau was moving over to
 5 Federal Avenue, that was a big transition within
 6 PED.

7 So there's always -- there's going to be
 8 time void, and there's -- it's just reality.

9 THE CHAIR: But I do think -- Mr. Abney
 10 was there the whole school year. So I don't think
 11 there was necessarily a big gap with his not getting
 12 the information.

13 COMMISSIONER VOIGT: Right. Right.
 14 [Simultaneous speaking inaudibility.] You're lucky
 15 to be able to talk to the same person sometimes
 16 three times in a row.

17 COMMISSIONER CABALLERO: Commissioner,
 18 isn't it the school that's responsible for notifying
 19 all the other agencies that there's another head
 20 administrator?

21 I mean, who's responsible? We can't just
 22 say, "Well, they didn't know it was me."

23 I don't think, as PEC, we can allow that.
 24 Somebody is responsible, and they have to be
 25 responsible for letting the agencies know that

64

1 at PED trying to resolve that issue and to make sure
 2 that we're doing that going forward.

3 We also are aware of contractors that will
 4 help us get those in a timely manner. The problem
 5 before was that we didn't even have the credentials
 6 or the log-in information so that they could help us
 7 get them in.

8 And I think all of this was exacerbated on
 9 top of everything else with people being remote, not
 10 in their office at the very beginning during COVID,
 11 and sending e-mails to former administrators and
 12 things like that. I think it was just kind of a
 13 perfect storm of all kinds of things.

14 But we do not want to submit anything
 15 late. And I would say that a lot of the people at
 16 PED have been very gracious. I've dropped off
 17 things at people's houses. I -- you know, I've
 18 e-mailed them. I scan them on my phone.

19 We've gone every way we can during this
 20 time to -- to try and make sure that we -- that we
 21 get everything in a timely manner. And so I think,
 22 you know, going forward, I've asked the different
 23 representatives from PED if they have trainings for
 24 this year. Typically, I think they would, but with
 25 COVID, they might be online or something.

63

1 there's not just one, there's two, or there's going
 2 to be somebody else.

3 COMMISSIONER VOIGT: It would be great if
 4 there was a single point of information. That would
 5 be really, really efficient.

6 THE CHAIR: Commissioner Ruiz?

7 COMMISSIONER RUIZ: So I have a -- just a
 8 question to the school. So because you have been
 9 repeatedly late in submitting reports -- that's
 10 evident by the deadlines that you are not meeting.
 11 So my question is what are you doing now? What is
 12 in place now at this point moving forward to ensure
 13 that you're not committing the same mistakes, that
 14 you have a plan that you will meet and you will
 15 submit reports in a timely manner?

16 MS. ANGELA FEATHERS: I can address that,
 17 Commissioner Ruiz.

18 We -- I submitted a timeline of every
 19 communication that I had. And a lot of times, it
 20 would be things like I could -- I didn't have
 21 access. My credentials weren't working yet.

22 I just recently bought new software
 23 thinking that that might be because my computer is
 24 not logging on to whatever program they're using.

25 So I've been working with all of the folks

65

1 So I've really worked to build a
 2 relationship with them so that this year, we will
 3 not be in that same boat.

4 MS. AMY LARSEN: Can I also add about the
 5 reentry plan? I just want to make sure that
 6 Commissioners understand that we -- our school is
 7 located on Ohkay Owingeh tribal land. So we also
 8 have constraints with regards to being in
 9 concurrence with the tribal policies and procedures.

10 And just wanted to let you know that
 11 currently, the tribal schools are closed. So we are
 12 working with the Governor and with our -- our
 13 landowner, you know, the corporation that owns --
 14 holds our lease to also work with them about how to
 15 safely reenter and the processes and procedures that
 16 they require of us.

17 So I just wanted to make sure that
 18 everyone understood -- understands that there is
 19 another layer of regulations that we're also working
 20 with.

21 THE CHAIR: Right. And I understand that.
 22 And I appreciate that. And I know that is a
 23 challenge. But that is separate from anything that
 24 required for the reentry plan through PED.

25 MS. AMY LARSEN: Absolutely. Yes.

1 THE CHAIR: We get it that you could
 2 possibly be approved, but still not be able to open,
 3 because of tribal constraints. And, you know, we
 4 certainly want to be respectful of that.

5 But the concern is the school has --
 6 continues to be unsuccessful in being able to get
 7 the reentry plan approved. So that's the
 8 overarching concern. And I think --

9 COMMISSIONER RUIZ: Madam Chair, the other
 10 thing, like --

11 THE CHAIR: You're breaking up. You're
 12 frozen now.

13 MS. KAREN WOERNER: Turn off your video.

14 THE CHAIR: You're better now. I think --
 15 no. No, we still can't hear you.

16 COMMISSIONER RUIZ: Just a comment
 17 about -- so I -- let me stop the camera.

18 Can you hear me now?

19 THE CHAIR: Yes.

20 COMMISSIONER RUIZ: So my follow-up
 21 comment to that would be this, is that I understand
 22 there's been a change in administration. And I
 23 understand that, you know, you've had issues come
 24 up.

25 But the other side of that is is that

1 able to get a mentor from a charter leader. And
 2 maybe we can help in getting that set up so that
 3 you've got an experienced charter administrator that
 4 can work closely with you at this point in time so
 5 that you're -- you're clear on, you know, what's --
 6 what's coming up for the following school year and
 7 the deadlines that you have to be aware of, and also
 8 that can be communicated to the governance council.

9 So the governance council also has their
 10 calendar. So it's like, "Hey, have we done this
 11 yet?" So that when she's providing a report monthly
 12 to the governance council, the governance council
 13 has their own little checklist to know, "Oh, you
 14 know, this is done, this is done," so that we don't
 15 end up with these gaps.

16 We find this -- we've been here before.
 17 And we've been here before with Ms. Matthews as well
 18 with new head administrators and the challenges with
 19 not only new head administrators, but new head
 20 administrators that have never been in a charter
 21 school before, so that it's, like -- it's doubled
 22 challenges here.

23 And we want to make sure that you have all
 24 the tools that you need for this school to be
 25 successful. And Mr. Abney, unfortunately -- and I

1 every district in the state is also facing similar
 2 issues with just school, the reentry of school.

3 And so it's really important that you all
 4 have a plan within your school, within your
 5 governance council, that you are going to address
 6 that, because, you know, failure to meet deadlines
 7 and failure to actually submit things that are
 8 necessary for safe reentry is actually important to
 9 all school districts.

10 THE CHAIR: Thanks. So I guess, you know,
 11 part of the frustration right now is that the
 12 failure of the communication fell more on Mr. Abney
 13 than it did, really, on Ms. Feathers. And perhaps
 14 there was a failure to clearly have the
 15 communication, because Ms. Feathers was being
 16 mentored, that the communications to Mr. Abney
 17 apparently weren't -- I'm just going to say shared
 18 well, if at all.

19 So that becomes frustrating, because, you
 20 know, we're dealing with the -- you know, it really
 21 wasn't on mostly Ms. Feathers; it's on the prior
 22 administrator.

23 But the concern, I think, going forward --
 24 maybe a couple of things have to happen, that it
 25 probably would be helpful for Ms. Feathers to be

1 don't want to -- I don't want to besmirch him. But
 2 Mr. Abney apparently wasn't the best mentor. Let's
 3 just -- let's just put it that way, okay? And I
 4 don't want to say much more about him.

5 But if we can do this and get -- you know,
 6 even if it's a -- if it's a group of charter leaders
 7 that you know that you can call and say, "Hey, I'm
 8 not sure how to do this. What do I need to do about
 9 this? As we're getting ready, hopefully, to get
 10 kids back into school, you know, what are you
 11 doing," I think this is something that would be
 12 really helpful and important for you to have that --
 13 Ms. Feathers?

14 MS. ANGELA FEATHERS: Yes,
 15 Madam Chairwoman. I appreciate your kind words.
 16 That's so sweet. We have worked a little bit with
 17 Tony Gerlicz before. He primarily was working with
 18 the governing board but has offered to do the same
 19 thing.

20 And I think, as this has kind of unfolded,
 21 we realized -- originally, we thought I would stay
 22 with Mr. Abney, and the governing board would work
 23 with Tony. But I think as all of this has unfolded,
 24 we have recently decided to, all of us, work
 25 separately with Mr. Gerlicz.

70

1 I would like to say that Matt Pahl has
 2 been really nice in offering different solutions and
 3 things, and so has Max from ACES. So a lot of
 4 people are really working with us to kind of help us
 5 to get to where we're going.

6 The private Montessori school world is a
 7 lot different than the charter school world. That
 8 doesn't mean that I can't do it or anything. And I
 9 really believe in bringing Montessori to this
 10 community.

11 So I appreciate everything that you're
 12 suggesting, and we're going to work really hard so
 13 that we're in compliance with everything.

14 So thank you very much.

15 THE CHAIR: Commissioner Voigt?

16 COMMISSIONER VOIGT: Thanks. I just want
 17 to echo what Commissioner Gipson was saying about
 18 reaching out to those resources. There's an APS
 19 Montessori school here in Albuquerque, Montessori on
 20 the Rio Grande. And I know there's another
 21 Montessori school. But if you can build that
 22 critical friend network and just have those informal
 23 meetings to bounce your concerns and challenges off
 24 of, it really is helpful.

25 And that's great that you're in

72

1 lot -- there is a lot to know. And even if you feel
 2 like you're comfortable, there's still going to
 3 be -- you're still going to fall down at times. You
 4 are. But, hopefully, you don't skin your knee as
 5 bad if we can help you. And that's -- that's what
 6 we need to try to be able to do.

7 Commissioner Voigt?

8 COMMISSIONER VOIGT: Do -- yeah. Are we
 9 ready for a motion?

10 THE CHAIR: Yeah. I think so.

11 COMMISSIONER VOIGT: I would -- I'd like
 12 to move that the PEC not issue a Letter of Concern
 13 to La Tierra Montessori.

14 THE CHAIR: Commissioners, do we have a
 15 second?

16 COMMISSIONER ROBBINS: I'll second.

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

20 Is there any further discussion?

21 (No response.)

22 THE CHAIR: If not, roll, please.

23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Ruiz?

25 COMMISSIONER RUIZ: Yes.

71

1 communication with Matt Pahl and that network.

2 THE CHAIR: Right. And we actually -- we
 3 have a -- we have the Montessori Elementary and
 4 Middle in Albuquerque as well that's one of the
 5 State charters.

6 And I appreciate the fact -- I know that
 7 there are those challenges with holding to the
 8 Montessori model and still -- but you still do have
 9 to hold to all the compliance issues with PED.

10 And it's -- you know, it's -- it's a lot
 11 to bite off. It is. And it's good that you've got
 12 that Montessori experience. But, like you expressed
 13 as well, it's challenging to enter into the public
 14 school realm from the private school realm. And
 15 it's -- you know, it's trial by fire, especially now
 16 that it's -- we're in -- in this situation as well.

17 So it's -- it just adds a lot. And we
 18 have -- you know, we've -- we've talked about this a
 19 lot. And I think we have to do better in what -- in
 20 how we can help as new head administrators come in
 21 so that we don't end up here. That's what we're
 22 trying to not have happen, that we want people to
 23 have the skills and not end up with the compliance
 24 issues.

25 And they didn't know. Because there's a

73

1 COMMISSIONER ARMBRUSTER: Okay.

2 Commissioner Caballero?

3 COMMISSIONER CABALLERO: Repeat again?

4 COMMISSIONER ARMBRUSTER: I'm taking the
 5 vote, and I needed a yes-or-no response.

6 COMMISSIONER CABALLERO: I will pass right
 7 now.

8 COMMISSIONER ARMBRUSTER: Okay.

9 Commissioner Raftery?

10 COMMISSIONER RAFTERY: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Armbruster votes "Yes."

13 Commissioner Robbins?

14 COMMISSIONER ROBBINS: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
 16 Voigt?

17 COMMISSIONER VOIGT: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Davis?

20 COMMISSIONER DAVIS: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Gipson?

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
 25 Chavez?

74

1 COMMISSIONER CHAVEZ: Yes.
 2 COMMISSIONER ARMBRUSTER: I am back to
 3 Commissioner Caballero, I believe.
 4 COMMISSIONER CABALLERO: Yes.
 5 THE CHAIR: So the motion passed
 6 nine-zero?
 7 COMMISSIONER ARMBRUSTER: It did.
 8 THE CHAIR: So -- and thank you for this
 9 response. The only thing I'm going to ask is that
 10 the Charter School Division just keep us updated if
 11 reporting issues continue. Then, obviously, we'll
 12 have to revisit this. But hopefully with
 13 Ms. Feathers on board now full-time, and there's a
 14 clear path for communications, and I think the head
 15 of the governance council has heard some of the
 16 concerns in terms of those reporting issues, so the
 17 governance council is more aware of perhaps what
 18 they need to stay on top of.
 19 COMMISSIONER VOIGT: And may I add, also,
 20 just for the record, that in our SharePoint that we
 21 should have received the Letter of Concern that was
 22 sent to the school outlining all the specific topics
 23 that we just discussed. That's all. Thanks.
 24 MS. AMI JAEGER: But for clarity on the
 25 record, a Letter of Concern was not prepared because

75

1 that was part of the due process consideration for
 2 the school to be able to adequately hear what the
 3 issues were, see the information we had received,
 4 and give them time to respond.
 5 So I just need to be clear on the record,
 6 a Letter of Concern was not prepared.
 7 COMMISSIONER VOIGT: Okay. Sometimes --
 8 the PEC should have just had more information
 9 that -- you know, to have this discussion, not a
 10 letter from October of 2019. I mean, you know what
 11 I mean? It's just -- it's confusing.
 12 THE CHAIR: What the PEC was addressing
 13 was what was addressed by the school in the letter.
 14 COMMISSIONER VOIGT: I know that.
 15 THE CHAIR: And that was outlined as a
 16 result of the discussion from the last meeting.
 17 There were no -- there was nothing else that was
 18 sent out via the PEC. Ms. Matthews populated the
 19 concerns that were raised at the public meeting.
 20 COMMISSIONER VOIGT: Okay.
 21 THE CHAIR: And that's what this letter
 22 addressed.
 23 COMMISSIONER VOIGT: Thank you.
 24 THE CHAIR: Okay. Thank you once again.
 25 Thank you every day for what you do every

1 day and your willingness to hang in and do this. So
 2 we appreciate this, and, hopefully, you can open
 3 safely soon.

4 MS. AMY LARSEN: And I want to say also
 5 thank you for your time, and we appreciate being
 6 able to respond. So thank you very much.

7 THE CHAIR: Thanks.

8 MS. KAREN WOERNER: So, folks from the
 9 school, I'm going to move you back to attendees. If
 10 you want to stay at the meeting, it's up to you.
 11 But I'm going to move your -- from the panel.

12 THE CHAIR: Okay. So we are on to Item
 13 No. 8, which is Discussion of Legislative Policy
 14 Agenda.

15 MS. KAREN WOERNER: Is the wrong agenda
 16 posted? Isn't the next item --

17 COMMISSIONER VOIGT: La Academia Dolores
 18 Huerta?

19 THE CHAIR: Oh, sorry. Sorry. That was
 20 my fault. I'm overreaching here. No, no. My No. 8
 21 on the agenda -- am I missing something?

22 MS. KAREN WOERNER: We added --

23 THE CHAIR: I did. But it's not on the
 24 agenda that I just most recently printed out. So
 25 that's why I skipped it, because it's not on my

76

1 printout.
 2 So, sorry.
 3 So we are on to Item No. 8, which is

4 actually La Academia Dolores Huerta, correct?

5 MS. KAREN WOERNER: Yes. And so Sylvy has
 6 been waiting, so I'm going to promote her and see
 7 who else from the school needs to join us.

8 Hi, Sylvy. Sylvy, you'll need to unmute
 9 yourself.

10 MS. GALVAN DE LUCERO: Good morning. How
 11 are we today?

12 MS. KAREN WOERNER: Sylvy, is there
 13 someone else we should be adding?

14 MS. GALVAN DE LUCERO: Yes. Robert
 15 Palacios was going to sign in.

16 MS. KAREN WOERNER: Anyone else?

17 MS. GALVAN DE LUCERO: I have Michelle
 18 Paz, our assistant principal in our office with me.
 19 But she'll be in and out, because we also have
 20 parent-teacher conferences going on.

21 MS. KAREN WOERNER: You're trying to run a
 22 school at the same time.

23 MS. GALVAN DE LUCERO: Yeah, we're doing
 24 what we can.

25 MS. KAREN WOERNER: So I just tried to

77

78

80

1 move him to panelists. I don't see him, though. I
2 see Sylvy, but I don't see -- he disappeared, Sylvy.

3 MS. GALVAN DE LUCERO: Oh, no. There he
4 is. He's sideways.

5 THE CHAIR: So, Robert, we have to kind
6 of --

7 MS. GALVAN DE LUCERO: You're sideways.

8 THE CHAIR: There you go. Okay. So we
9 have everyone in? All right.

10 So thanks for -- thanks for joining us. I
11 mentioned last -- I believe I mentioned last month
12 that the school had reached out to me with a concern
13 because, as you all remember, we closed out every
14 piece of the Corrective Action Plan except for the
15 math, and we were holding that open for an update in
16 October.

17 The school obviously has not been able to
18 open. Doña Ana County is in the Red Zone. I think
19 we might have moved to yellow. I haven't updated --
20 I haven't looked at the update today, but I think we
21 might have moved to yellow. But that presents a
22 challenge with the school's inability to bring
23 students in to successfully do the assessments.

24 So I figured this was the best time to
25 have a discussion about that to see what the

1 if you do -- even if Doña Ana County can open, if
2 the school is comfortable in opening. So maybe
3 that's the first thing we need to get answered.

4 MS. GALVAN DE LUCERO: Yes. So we have
5 had this discussion with our governing board. And
6 we had decided that should we be given the green
7 light to return, we would return at the end of the
8 first nine weeks in order to not have to transition,
9 you know, in the middle of a grading period and all
10 of that. So it is our intent to come back if we get
11 that blessing.

12 It's my understanding that although there
13 has been some green lights given to elementary
14 levels or K-through-5, they still have no timeline
15 or even idea -- rough idea -- for middle school and
16 high school, which, even if we're green I guess
17 leaves us in a bit of a gray area. So that's kind
18 of where we're at right now.

19 THE CHAIR: Okay. So that -- you know,
20 that does present that, you know, extra added
21 challenge that, at this point in time, even if --
22 even if we go into green, the school's unable to --
23 because they're a middle school. At this point in
24 time, it doesn't look like the State guidance is
25 going to allow the middle-school levels to open.

79

81

1 Commission wanted to do. If there was -- if there
2 was any chance that the school was going to be able
3 to bring kids in, could do the assessment, I think
4 it's a tough turnaround time now at this point in
5 time.

6 So I wanted Sylvy to weigh in on this
7 before we make a decision on what we want to do
8 about closing out the Corrective Action Plan. So
9 thank you.

10 And I'm sorry. Could you all please
11 identify yourselves for the record?

12 MS. GALVAN DE LUCERO: Sylvy Galvan de
13 Lucero, head principal, La Academia Dolores Huerta.

14 MS. MICHELLE PAZ: Michelle Paz -- go
15 ahead.

16 MR. ROBERT PALACIOS: Robert Palacios,
17 governing council. I'm the treasurer.

18 MS. MICHELLE PAZ: And Michelle Paz,
19 assistant principal.

20 THE CHAIR: Thanks.

21 MS. GALVAN DE LUCERO: We're trying to
22 maneuver.

23 THE CHAIR: I know. So, Sylvy, I don't --
24 I think at this point in time, I don't know whether
25 the governance council has made a decision on, even

1 So --

2 MS. KAREN WOERNER: I would agree,
3 Madam Chair.

4 THE CHAIR: Yeah. Yeah. So the school is
5 unable to do the assessment that would fulfill the
6 Corrective Action Plan. It's been no fault of the
7 school that they can't do this. And I don't think
8 it's without -- you know, Sylvy even mentioned maybe
9 we could do it remotely. Well, that's really
10 challenging, because, you know, I think they'd do
11 really well. So -- you know.

12 MS. GALVAN DE LUCERO: We would hope that
13 they are crafty enough to do well.

14 THE CHAIR: So, yeah. We have to give
15 kudos to those for thinking this out. But I just
16 don't think it -- it's just not possible.

17 So I think, at this point in time, my
18 recommendation is that the Commission simply close
19 out the Corrective Action Plan, and, hopefully, by
20 the time the school is up for renewal, during that
21 hearing, let's just hope that middle schools are
22 able to open. Maybe they can conduct some
23 preliminary assessment.

24 But that's the best -- you know, that's
25 the best we can hope for at this point in time. You

82

84

1 know, I don't -- we can't hold someone to the fire
 2 when there's no fire department --

3 MS. GALVAN DE LUCERO: Right.

4 THE CHAIR: -- you know. So that's --
 5 that's my recommendation at this point. They're
 6 also in the middle of trying to do renewals. So
 7 let's just give them that time to figure out the
 8 renewal application and get that done and not have
 9 this hang over them because there's nothing that can
 10 be done.

11 COMMISSIONER VOIGT: I agree, Madam Chair.

12 COMMISSIONER CABALLERO: Madam Chair, I'm
 13 glad that you came out with a recommendation. I was
 14 trying to think about what to do about the school,
 15 and I just couldn't come up with some kind of
 16 adequate suggestion or solution as a Commissioner.

17 This can be rather hard for all the
 18 schools to -- to show progress and keep students and
 19 plan for the future. I -- there's a lot of
 20 unknowns. The only -- I can only suggest and hope
 21 that the staff are mindful of -- my grandchildren go
 22 to a school in -- in L.A. in an area where there's a
 23 lot of people of color and a lot of immigrants.

24 And so my grandson, with all his
 25 classmates, pick up -- they picked up computers.

1 of increase in enrollment, or have there been any
 2 changes as a result of this? Or have you kind of
 3 stayed the same?

4 MS. GALVAN DE LUCERO: Enrollment has
 5 definitely been a challenge. I think that's across
 6 the board and across the state, and I'm even coming
 7 across some research that it's across the nation.
 8 We have actually lost some -- not lost some
 9 students, but we're having trouble tracking them
 10 down in the sense of whatever last contract
 11 information is no longer active, and they have --
 12 nobody's requested records from us to say that
 13 they're enrolled somewhere else.

14 So we're not quite sure. We're in this
 15 gray zone with that. We were hoping that if we got
 16 the green light and we were able to return in
 17 hybrid, because the other districts rather than us
 18 have opted to stay remote for the entire semester,
 19 that that would help. But we still don't have that
 20 green light yet.

21 So it's been a struggle. I've been doing
 22 as much recruiting as I possibly can through social
 23 media. We have posters put up throughout town
 24 letting people know what's going on. I've done some
 25 radio interviews as well, letting the community know

83

85

1 And only three of them showed up every day to do
 2 homework and -- with a teacher.

3 I just don't know what their progress is
 4 going to be as a classroom. Not a whole lot.

5 So I'm hoping that the staff of
 6 La Academia Dolores Huerta are looking at creative
 7 ways of keeping up with that type of community,
 8 because that's your community, on how to teach, how
 9 to stay on top, how to get parents to participate.

10 Mine could never help me out with my
 11 homework. But they took out the whip anyway. They
 12 understood that. So I was forced to do whatever I
 13 had to do on my own and with older brothers and
 14 sisters. So it is trying times, guys. I hope you
 15 can get your kids to -- to show progress.

16 But that's going to be everywhere,
 17 Madam Chair. We're going to have challenges
 18 everywhere, not just in the charter schools, but
 19 everywhere.

20 THE CHAIR: Right.

21 COMMISSIONER CABALLERO: And everybody has
 22 to be very creative.

23 COMMISSIONER VOIGT: Yeah. Madam Chair?

24 THE CHAIR: Just one sec.

25 Sylvy, could you -- have you seen any kind

1 we're still here.

2 We were lucky enough to be able to
 3 purchase enough laptops for our entire student body,
 4 and hotspots when requested. So we've tried to take
 5 care of the technology challenges that many of our
 6 students would have had.

7 And we also, you know, have someone on
 8 campus every day in case somebody's having technical
 9 issues or anything like that where they can come in
 10 and, you know, deal with that or get a little bit of
 11 help logging into their Canvas or whatever platform
 12 is being used that day for instruction.

13 We also opted in with ENGAGE New Mexico in
 14 order to help with keeping kids, you know, and
 15 tracking kids that aren't logging on regularly. And
 16 we also, via our social worker who is amazing, are
 17 doing regular home visits to kids who we're a little
 18 concerned about and we're not seeing on a regular
 19 basis to find out what we can do to help support
 20 them.

21 But, yeah, the numbers have definitely
 22 been a challenge in this environment. We've had a
 23 lot of parents who have opted to home-school or have
 24 moved them to private schools because, of course,
 25 they're not held to the same constraints that a lot

1 of -- that us public schools are.

2 THE CHAIR: Okay. Thanks.
3 Commissioner Voigt?

4 COMMISSIONER VOIGT: Thank you. Yes.
5 Ms. Galvan de Lucero, it's good to hear that you
6 tapped in to ENGAGE New Mexico, because that was
7 something I was going to bring up. I know they're
8 working with PED to try to locate a lot of the lost
9 students that haven't surfaced or resurfaced yet,
10 you know, due to COVID.

11 And I'm glad to hear that Madam Chairwoman
12 is looking to grant the graces to the schools that
13 are in this purgatory of time, you know. There's
14 going -- we know that there's going to be inevitable
15 learning loss as a country. And the more that we
16 can do to help minimize that and look at the other
17 greater academic -- I mean non-academic needs of
18 schools, which is social-emotional learning and
19 trauma-informed instruction, because there's so much
20 of our youth nationwide that are suffering through
21 so much more than not being able to pass Algebra 2.

22 So I just wanted to make that statement.
23 Thank you.

24 THE CHAIR: Okay. Thanks.
25 Commissioner Armbruster?

1 No, I'm not going to hold you to that, and
2 personally, on a vote. That is not what I would be
3 doing. But I think it's important for you -- and
4 I'm sure you're doing it anyway. But in the report
5 to us, I would only want seventh- and eighth-graders
6 who were in attendance last year, not ones who might
7 have joined this year.

8 The other thing I wanted you to check on
9 was -- so last year, they were doing New Mexico
10 DASH, and I'm not even sure, because I am not
11 working now -- I can't tell you how happy I am about
12 that. But, anyway, I'm wondering, with New Mexico
13 DASH, are you able to -- is that continuing from
14 where they assessed the needs last time?

15 THE CHAIR: Okay. I'm going to -- and
16 it's partly my fault, because the discussion is
17 really on the motion. Because we have a motion.
18 Don't we have a motion?

19 COMMISSIONER VOIGT: No. But I'm ready to
20 make one.

21 THE CHAIR: I'm sorry. I've lost my mind.
22 Sorry. Sorry. I thought we already had the motion
23 out there. Sorry. I'm okay. I'm getting ahead of
24 myself. It's wishful thinking.

25 COMMISSIONER ARMBRUSTER: That's okay. Is

1 COMMISSIONER ARMBRUSTER: Yes. I have
2 just a couple of things to say.

3 Number one, I do want to say that I would
4 agree with not holding you to this. But what I
5 would like to see, if this is even possible. I
6 don't think we know what tomorrow brings, to be
7 honest.

8 But if you get kids back -- that's the big
9 one, "if" -- I would like to see the -- isn't it
10 "Imagine" -- what's the name of that place? --

11 MS. GALVAN DE LUCERO: Illuminate.

12 COMMISSIONER ARMBRUSTER: Illuminate.
13 It's one of those kind of words. I would like to
14 see the students, only the students who were there
15 last year -- in other words, not the sixth-graders,
16 not a new seventh-grader, not a new eighth-grader,
17 but those who have been there -- but I would like to
18 see, if possible -- again, if possible -- if they
19 could at least take a test, just to see where they
20 were -- I imagine you would give it to all of your
21 students.

22 But the ones I would want to kind of just
23 see how they were from the time they didn't do as
24 well -- or enough to pass the CAP. Just say it that
25 way. I would like to see that.

1 that okay to ask?

2 THE CHAIR: It is. I lost my mind. I
3 thought we had a motion out there. So I'm good.

4 MS. GALVAN DE LUCERO: It's okay. I'd be
5 happy to answer that. If I am wrong in any way,
6 Karen, you can help me out in clarification.

7 But it's my understanding that whatever
8 DASH plan we had for the previous year, because of
9 COVID and everything, that the State is asking us to
10 basically just keep that same plan in place. And if
11 we need to tweak it or adjust it, we do have the
12 freedom to do that.

13 But they're basically telling us since we
14 were never able to close it out, let's go ahead and
15 just kind of continue with the same plan. That's my
16 understanding.

17 COMMISSIONER ARMBRUSTER: So, in a sense,
18 at the renewal, which is a big decision, as you
19 know --

20 MS. GALVAN DE LUCERO: Oh, yes.

21 COMMISSIONER ARMBRUSTER: -- I think --
22 and, again, if possible -- everything is "if" -- I
23 would like to see kind of what the plan was for
24 addressing the needs in math. I would like to see a
25 test -- again, it isn't a do-or-die; there's a lot

<p>1 of circumstances. But I think it's important to 2 have the data for -- just for everything, because 3 those kids -- I don't know. I'm just saying.</p> <p>4 MS. GALVAN DE LUCERO: No. I agree. It 5 is our intent, when we are able to, to assess those 6 students, if nothing else, for instructional 7 purposes, so that we can guide our lesson planning 8 and help fill in any instructional loss that has 9 happened. Because it's kind of hard right now. 10 It's definitely a lot of winging it as we go.</p> <p>11 COMMISSIONER ARMBRUSTER: And absolutely. 12 And I don't want to -- my purpose was not to put you 13 on the spot. But, as a Commissioner who needs to 14 make a decision in December, that I would hopefully 15 be able to see some results where they are in math. 16 If they're down, they're down. I'm not going to say 17 "Well, they're down; therefore, I'm not going to 18 vote."</p> <p>19 No. No. That's not what I'm saying at 20 all.</p> <p>21 But I do think it's important for us to 22 see the plan, to see the -- kind of where you're 23 going on that math, because it was very low.</p> <p>24 So that would be my comment. Thank you. 25 Sorry we've not -- someone else can make a motion.</p>	<p>90</p> <p>1 COMMISSIONER VOIGT: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Chavez? 4 COMMISSIONER CHAVEZ: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Robbins? 7 COMMISSIONER ROBBINS: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Gipson? 10 THE CHAIR: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Ruiz? 13 COMMISSIONER RUIZ: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Caballero? 16 COMMISSIONER CABALLERO: Yes. 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Raftery? 19 COMMISSIONER RAFTERY: Yes. 20 COMMISSIONER ARMBRUSTER: That's a 21 nine-to-zero vote, and the motion passes. 22 THE CHAIR: Thank you very much. And 23 thank you for what you do every day. You're kind of 24 like "the little school that could"; so -- you know. 25 MS. GALVAN DE LUCERO: We're chugging</p>
<p>91</p> <p>1 Yes, I'm done.</p> <p>2 COMMISSIONER VOIGT: Madam Chair, if we're 3 ready?</p> <p>4 THE CHAIR: I think we are.</p> <p>5 COMMISSIONER VOIGT: I think.</p> <p>6 THE CHAIR: I've already done it, 7 actually.</p> <p>8 COMMISSIONER VOIGT: All right. Well, 9 here's what Chairman Gipson said.</p> <p>10 I move that the PEC continue -- I move 11 that the PEC close the Corrective Action Plan for 12 La Academia Dolores Huerta.</p> <p>13 COMMISSIONER RAFTERY: Second.</p> <p>14 THE CHAIR: We have a motion by 15 Commissioner Voigt, a second by Commissioner 16 Raftery.</p> <p>17 If there's no further discussion, roll, 18 please.</p> <p>19 COMMISSIONER ARMBRUSTER: Okay. I just 20 had to check to see if I was muted.</p> <p>21 Commissioner Davis?</p> <p>22 COMMISSIONER DAVIS: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: Commissioner 24 Armbruster votes "Yes."</p> <p>25 Commissioner Voigt?</p>	<p>93</p> <p>1 along.</p> <p>2 THE CHAIR: And we hope that everyone can 3 open in some form soon. And I know you're dealing 4 with that challenging age that really needs that 5 contact. But it's -- you know, we don't know what's 6 going to happen.</p> <p>7 So thank you for engaging in those 8 conversations and trying to do everything you can to 9 touch base with these kids, because we do know, 10 unfortunately, that there are some that are getting 11 lost, and it's devastating to all of us when we know 12 that there's kids out there in our communities that 13 are facing those challenges.</p> <p>14 So we will actually see you soon.</p> <p>15 MS. GALVAN DE LUCERO: Yes.</p> <p>16 THE CHAIR: It's going to come around 17 sooner, and, you know, maybe in person. Who knows?</p> <p>18 MS. GALVAN DE LUCERO: Fingers crossed.</p> <p>19 THE CHAIR: Thanks. Stay safe.</p> <p>20 MS. GALVAN DE LUCERO: Thank you, all. 21 Thank you. Stay safe. Have a good day.</p> <p>22 MS. KAREN WOERNER: So, school people, I'm 23 going to remove you. If you want to stay on the 24 meeting, you're welcome to do that. But we're going 25 to remove you from the panel.</p>

94

1 THE CHAIR: So we are now on to Item No. 9
 2 which is Discussion of Legislative Policy.

3 And I put this on so that Commissioners
 4 now start thinking about. In October Work Session,
 5 that's going to be on the Work Session topic, so
 6 that my request is you think about what legislative
 7 policy you may think about so that you bring it
 8 forward for the October Work Session.

9 Ami has a -- Ami has a list of what we did
 10 from last year. So I'm going to ask her to e-mail
 11 that out so people refresh on what we talked about
 12 last year. And we can add to it, take away.

13 But I think it's really important. It's a
 14 60-day session. Who knows what it's going to look
 15 like? But I think we need -- last year we waited
 16 until January to make decisions on what we were
 17 going to support. That's kind of late.

18 So I think we need to do this now and get
 19 it cemented by December, so that we're clear on --
 20 and, of course, we don't know what else may come up.
 21 We can have those discussions. When legislation is
 22 dropped, we can have those discussions in January on
 23 something, maybe, that we -- we weren't able to talk
 24 about.

25 but it's an important discussion we need

96

1 So that the individual who was put forward
 2 on, negotiations broke down. So they're no longer
 3 going to take the position. So there is -- there is
 4 a search going on once again for a new Charter
 5 School director. So if anyone has a name that they
 6 can suggest, there is -- there is a request out for
 7 people to send a letter of interest and a resume to
 8 Allison. And the search committee will reconvene at
 9 a date to be determined.

10 So it's -- like I said, it's just -- I
 11 know for everyone who was involved in the search
 12 committee, it's just deeply disappointing that we're
 13 back here at square one again. And I know for
 14 Karen, it's doubly disappointing.

15 So, Commissioner Armbruster.

16 COMMISSIONER ARMBRUSTER: Is that a
 17 nationwide search that we're --

18 THE CHAIR: No, no. I do not believe that
 19 it's being posted anywhere.

20 COMMISSIONER ARMBRUSTER: But do you think
 21 that maybe NACSA has someone? You know, in
 22 Santa Fe. That's a great city to live in, you know?

23 THE CHAIR: We understand that. But it's
 24 also -- you know, I can't speak to what -- you know,
 25 because I'm not involved. The Governor's Office

95

97

1 to have in October. So it's there so that you start
 2 thinking about what you think we should be
 3 supporting, or not supporting. It's really a little
 4 bit of both. Okay?

5 So thanks. And also with Item No. 9
 6 [verbatim], the discussion on the '20-'21 PEC
 7 calendar. Commissioner Ruiz -- I don't know if she
 8 wants to say anything about it.

9 COMMISSIONER RUIZ: Madam Chair, I'm going
 10 to leave my camera off because I'm [inaudible].

11 Yes, I am working on that, and I will get
 12 with you, as we discussed, on certain days, and we
 13 will have to look at it at our next meeting and vote
 14 on that.

15 THE CHAIR: Okay. Thanks. So we are on
 16 to Item No. 10, which is Report from the Chair.

17 So, you know, I've obviously been fielding
 18 a lot of questions about -- you know, from schools
 19 and parents and so on -- about openings, as I'm sure
 20 a lot of you also are.

21 We appreciate all of the support that's
 22 coming. It is -- as I'm sure a number of you are
 23 probably already aware. But it is my deeply
 24 disappointing news that we're in the process of
 25 looking once again for a Charter School director.

1 does the contract negotiations. So you're asking
 2 people a lot.

3 It's very -- I think it's very challenging
 4 to ask someone to move at this moment in time. But
 5 I think it's very important -- personally, I think
 6 it's very important for someone to understand
 7 New Mexico to hold this job.

8 So I -- you know, I think that's critical
 9 at this moment in time to understand the charter
 10 world in New Mexico, which is dramatically different
 11 than the charter world in many other places.

12 So this is -- you know, talk about trial
 13 by fire. Someone -- you know, someone needs boots
 14 on the ground immediately. And there's not a whole
 15 lot of patience for, "Oh, you need to learn this."
 16 You know, there's a lot that's going to be needed to
 17 be learned anyway when you're coming in.

18 But to understand the landscape of
 19 New Mexico, I think would be very challenging. And
 20 I think we've got more than a good pool of people
 21 here in New Mexico that are qualified for it.

22 COMMISSIONER VOIGT: They're just all
 23 retired.

24 THE CHAIR: I know. And some of them are
 25 saying, "Gee, I really enjoy retirement."

<p>1 So -- you know. And, you know, you're 2 right. Santa Fe is a great place to live. But it's 3 also not a cheap place to live. So if you're 4 talking about someone outside of Santa Fe and 5 Albuquerque taking the position, you're asking -- 6 you know, do you sell your house? Do you -- do you 7 buy another house if you're renting?</p> <p>8 You're asking someone to go from someplace 9 that's cheaper to live to a place where it's the 10 most -- one of the most expensive in New Mexico to 11 live. So, you know, that's sometimes difficult to 12 fit into a limited budget.</p> <p>13 COMMISSIONER ARMBRUSTER: Right. I'm 14 thinking about how much safer New Mexico is to live 15 than in states like -- other states.</p> <p>16 THE CHAIR: Right.</p> <p>17 COMMISSIONER ARMBRUSTER: A lot of other 18 states. So just saying. And if you move from 19 California, you'd think that, "Hey, what a bargain."</p> <p>20 Just putting that out there. Not that I 21 know anyone, by the way.</p> <p>22 THE CHAIR: Right. I'm just going to 23 reiterate. I think it's very important for it to be 24 a New Mexico candidate --</p> <p>25 COMMISSIONER VOIGT: I highly agree.</p>	<p>98</p> <p>1 which is my e-mail was hacked this morning. So if 2 you received an e-mail from me sometime during the 3 meeting, don't click on any links. You'll get an 4 e-mail about this shortly.</p> <p>5 But I'm glad I just got off the phone with 6 the IT guy right before my time here on the agenda 7 came up. So good timing. Bad timing for a hack. 8 But, again, just don't click on anything if you saw 9 something from me.</p> <p>10 We -- you know, I think -- I think a 11 number of the same issues from last time are still 12 present for most of our charter schools.</p> <p>13 Navigating the issues around reopening has 14 been very challenging, especially with the 15 challenging guidance. And in case the Commission 16 hasn't been notified, I think the real crux of the 17 issue is regarding NMPSIA.</p> <p>18 They made a statement noting that the 19 liability insurance wouldn't be in place if schools 20 aren't following PED guidance. And because PED 21 guidance is changing so often, it presents 22 significant risk for our schools right now.</p> <p>23 We are sitting down, along with the 24 Superintendents Association on Tuesday with NMPSIA, 25 to talk a little bit more about what that might look</p>
<p>99</p> <p>1 THE CHAIR: -- you know. Okay. 2 Commissioner Robbins, did you have your 3 hand up? I'm not sure.</p> <p>4 COMMISSIONER ROBBINS: No. I may have 5 been, you know, moving my glasses or something.</p> <p>6 THE CHAIR: Okay. So other than that, I 7 think I'm good at this moment in time.</p> <p>8 And I haven't looked at the attendees in a 9 while. I'm not sure if Matt's here or not.</p> <p>10 Karen, you're muted.</p> <p>11 MS. KAREN WOERNER: He was there. Yeah, 12 he's still there. Want me to bring him in now?</p> <p>13 THE CHAIR: Yes. Thanks.</p> <p>14 MS. KAREN WOERNER: I knew he was. I just 15 wasn't sure if he was still hanging out.</p> <p>16 Hi, Matt.</p> <p>17 THE CHAIR: I haven't looked at the 18 participants in a while, so I wasn't sure if -- if I 19 looked way back and he wasn't there yet. So --</p> <p>20 MS. KAREN WOERNER: There he is.</p> <p>21 THE CHAIR: Okay. So, welcome.</p> <p>22 MR. MATT PAHL: Good morning, Madam Chair, 23 members of the Commission. Thanks for having me.</p> <p>24 I'll just start off with a quick 25 announcement that is very timely and unfortunate,</p>	<p>101</p> <p>1 like. We sent a letter to them requesting that 2 they -- you know, there was -- some people thought 3 the wording that they used meant any -- any not 4 following of guidance. Others read it as, you know, 5 gross negligence.</p> <p>6 And so we just need clarification from 7 NMPSIA, because I think, particularly for our 8 charter schools that aren't standing on a lot of 9 cash, one lawsuit in which insurance isn't covering 10 could sink their battleship pretty quickly.</p> <p>11 So there just -- there's a lot of concern 12 out there, particularly around those statements from 13 the Insurance Authority. And they've been very 14 responsive, saying, "We want to get together."</p> <p>15 So in less than a handful of days, we're 16 sitting down with them, along with the 17 superintendents, and likely some other 18 representatives there.</p> <p>19 So the guidance changing -- you know, I 20 think people -- we're getting a handle on it as 21 quickly as possible. The latest change, the 22 enhanced guidance from PED has made this -- made 23 schools recognize that -- I don't want to say the 24 bar has been lowered. But the flexibility is -- is 25 there.</p>

<p style="text-align: right;">102</p> <p>1 So that's just right now what I think most 2 of our schools are thinking about. And I really 3 think we're on a path moving forward to just figure 4 out what -- what schools need to do to 5 reopen and ensure that they have -- they have 6 liability coverage moving forward.</p> <p>7 So...</p> <p>8 THE CHAIR: Sorry. But on that note, are 9 you finding that we -- our schools that are in 10 leased properties, are there any challenges with the 11 property owner unwilling to cooperate in doing any 12 potential upgrades, like to the HVAC or whatever 13 that may be required that the school is having 14 challenges, so they possibly couldn't open because 15 they can't get the landlord to cooperate?</p> <p>16 MR. MATT PAHL: I don't think we've seen 17 that. I mean, there's been some challenges on who 18 pays for new filters. But if someone can't go to a 19 MERV 13 because of the HVAC system, I don't think 20 anyone's -- at present is saying, "Hey, we need a 21 new HVAC system." That's tens of thousands of 22 dollars, and it's going to be part of a longer 23 negotiation, I think.</p> <p>24 But PED -- what I've found is that getting 25 to the maximum filtration level is something that</p>	<p style="text-align: right;">104</p> <p>1 expect a lot of HVAC conversations with landlords in 2 the future; but I don't think anybody is trying to 3 replace theirs now as a result.</p> <p>4 THE CHAIR: Okay. Thanks.</p> <p>5 MR. MATT PAHL: Go ahead, Madam Chair.</p> <p>6 THE CHAIR: I just said, "Thanks." My 7 addled mind, I have to ask when I think about it.</p> <p>8 MR. MATT PAHL: You know, and that's -- 9 right now, that's kind of it. Getting the guidance 10 has been a big piece.</p> <p>11 I know we have a number of schools that 12 are looking to enter hybrid, and some after the 13 first quarter. And I think that's kind of what 14 we're seeing from a number of our Albuquerque 15 elementary schools, that while the district is going 16 through the rest of the calendar year, we have 17 schools that are wanting to make sure they have 18 everything in order. So they're waiting until 19 October, and then [inaudible] a couple of them right 20 now.</p> <p>21 My -- a couple of questions that I had -- 22 and they may not warrant a response right now, but 23 just some thought -- is I have gotten a couple of 24 extra comments about goals this year. And I know -- 25 and I had relayed a comment from the -- from the</p>
<p style="text-align: right;">103</p> <p>1 landlords and tenants are -- it's easy to work with. 2 And PED has been very helpful helping them 3 understand, "Okay. If you can get to this level, 4 let's go there, and let's talk about some other 5 mitigation strategies to take place to make sure the 6 air, in general, is just in good shape."</p> <p>7 So lots of good response from PED on that.</p> <p>8 And, again, for the filters themselves, 9 just upgrading within the current system, I haven't 10 heard problems; though I think some schools are 11 finding that they're going to pay for them, which 12 kind of brings us to a challenge with CARES Act 13 funding. That's a perfectly good use of CARES Act 14 funding.</p> <p>15 But if you remember, our CARES Act funding 16 is being used to supplement our SEG from the way 17 that the Legislature decided to allocate SEG this 18 year. So I think schools are having a hard time 19 with that. Nobody's going to run you afoul of not 20 spending it within the guidelines of the federal 21 programs out there.</p> <p>22 But if we think of what the CARES Act 23 funding was for, which was additional costs due to 24 COVID, this fits right into it. And it is just 25 feeling tighter than it otherwise would. So I would</p>	<p style="text-align: right;">105</p> <p>1 Commission that, "The Commission's ready to work 2 with you, you know, if you're unable to do a 3 baseline assessment, because kids are, you know, 4 working remotely," something like that.</p> <p>5 And I think we're getting to the point 6 where schools are thinking, "Okay, that's the case 7 for me. What should I do? Should I call Charter 8 School Division? What's the appropriate way to flag 9 this for the Commission just so it's not a surprise 10 at the end of the year that some of the ways that 11 they track their goals just won't -- won't be able 12 to be done; or will be done, but because the 13 assessment is done remotely, it just looks a little 14 bit different?"</p> <p>15 So I don't know -- yeah, I'm having to 16 relay any information and otherwise just want to 17 flag that, that I think schools are kind of 18 wondering how to go about that process of notifying.</p> <p>19 THE CHAIR: Right. And, you know, with a 20 majority -- I think now, with the majority of our 21 schools, the goals are less assessment-based, 22 because we've done more mission-specific. So 23 there's fewer schools that just have that old math 24 and reading goal.</p> <p>25 MR. MATT PAHL: Yeah.</p>

106

1 THE CHAIR: So, hopefully, that solves a
2 number of the concerns.

3 I think, at this point in time, we have to
4 do two things: Wait and see how quickly people can
5 open. And then we can look at it.

6 I would -- I think I would suggest that if
7 the school truly feels that the goal is just
8 whenever they could open they're not going to be
9 able to do it, if they want to open up for a
10 suggestion for what they could change to -- for this
11 short term, I think we can look at that.

12 MR. MATT PAHL: Okay. Yeah. That --
13 sorry, Madam Chair.

14 THE CHAIR: Karen?

15 MS. KAREN WOERNER: No. I just wanted --
16 thanks, Matt, for raising that question. I do think
17 that some of this will be addressed as we -- I
18 really don't want all the schools to contact us. So
19 thank you for that, Matt.

20 But I think that -- Madam Chair said part
21 of what I wanted to say, which is most of them have
22 a different kind of goal. The only schools that
23 have those traditional reading and math goals are
24 the schools about to be renewed. And the renewal
25 will happen with or without this year's data -- I

106

1 open and what everyone's going to be able to do.

2 So it's not -- so -- sorry. I saw a
3 hummingbird at the window. I hope schools know that
4 it's not that we're holding them absolutely to the
5 fire. There is a fire that they're going to be held
6 to; but it's a -- it's a moving fire at this point
7 in time.

8 You know, it's not that we're dismissing
9 all accountability; but that accountability is just
10 going to have to be modified as we go along to try
11 to deal with, you know, whatever schools, at best,
12 can -- whatever information they can provide us,
13 that's what we're going to have to work with.

14 MR. MATT PAHL: Yeah. And many had
15 mentioned particularly not this year's renewal
16 class, but next year's.

17 THE CHAIR: Next year's. Right.

18 MR. MATT PAHL: Where they're going to
19 have their data. This year is a dip for this last
20 year. But I think we all understand the context and
21 can have a conversation about that. I'll relay that
22 information. And, of course, as things come up that
23 might warrant additional discussion, like knowing
24 when we open, you know, happy to -- happy to be
25 helpful on that, because --

107

1 mean, without this year's data.

2 But I do think that as we do site visits,
3 Madam Chair and Commissioners, that we should take a
4 closer look at those goals as we're doing those
5 visits and raise awareness of those that really
6 can't be met, if any, depending on -- most site
7 visits won't occur until the spring semester.
8 Hopefully by then, we'll know what's going on with
9 the schools.

10 And some of them can still do a baseline,
11 and it's really not dependent on a year's growth or
12 something like that. So, hopefully, we can address
13 that as an individual case, as we do site visits and
14 write up the reports, by taking a closer look at
15 what their data is and how they plan to measure it
16 and then informing the Commission of any that we
17 really think can't be held accountable to the goal,
18 because it should have been done in August or
19 September rather than whenever they opened.

20 THE CHAIR: Yeah. I think -- Matt, I
21 think it's -- we'll have to, like I said, wait and
22 see. And if there's a short-term amendment that
23 needs to be done, I mean, I just think we do it.

24 But we have to -- to look at it when we
25 have a clearer idea of, you know, when everyone can

107

1 THE CHAIR: And I would certainly tell
2 schools for the next round of renewals that, without
3 a doubt, as we begin to hopefully open and stay
4 open, that I think an important piece of the story
5 is going to be how they identified learning gaps and
6 what they did to address that.

7 I think that's the best story for them for
8 renewal, because we know there's going to be this
9 blank because there's not going to be a lot of
10 information that's coming out of the State
11 accountability system. They haven't been able to do
12 a lot.

13 But across the board, it's going to be the
14 job of all schools, no matter what you are,
15 traditional or charter, that how you identify those
16 learning gaps as the kids started to come back in
17 and what -- what did you do to address those. And
18 that's going to be, I think, one of the critical
19 pieces to show us.

20 MR. MATT PAHL: Got it. Okay. Appreciate
21 that.

22 The other -- the other question I have --
23 and it might just be a clarification -- is for the
24 renewals, for shows of public support, just
25 wondering what that will look like via Zoom, and if

108

<p style="text-align: right;">110</p> <p>1 there's just anything I can share on that. 2 I know -- and I think since -- I'm 3 thinking of one amendment that had a lot of people 4 show up, and that Chat box was blowing up. And I 5 think you guys have kind of solved for some of that. 6 But will it just look kind of the same, 7 but people will be brought up kind of like how I am 8 for this time? Just inquiring to see if there's 9 anything we should get out there for those renewal 10 folks.</p> <p>11 THE CHAIR: There is a time limit on the 12 renewal. So, yes, people will be able to sign up. 13 But there will be a time limit. But I would 14 certainly tell schools that if they have a lot, that 15 they narrow it down and get their critical points 16 assigned to people so that they get whatever message 17 they want out there, because -- and I'm trying to 18 remember. I think we limit it to 10 minutes for the 19 public, if I remember correctly.</p> <p>20 So, you know, they can practice that and 21 time it out. But it will be strictly limited, and 22 people will be asked to sign up. We'll let those 23 folks in at that time on the agenda.</p> <p>24 MR. MATT PAHL: Okay. 25 COMMISSIONER VOIGT: They can also send an</p>	<p style="text-align: right;">112</p> <p>1 Commissioners. We can't respond to those; we 2 shouldn't respond to those. And I think sometimes 3 people get frustrated, because, "Oh, they didn't 4 respond back to us." 5 And it's not that we're ignoring them. 6 And sometimes I will respond back saying, "Thank 7 you, but you're best to send this to...so that it 8 gets sent to us." 9 But it's -- it's most appropriate to send 10 it through the Charter School Division.</p> <p>11 COMMISSIONER ARMBRUSTER: Madam Chair? 12 THE CHAIR: Commissioner Armbruster?</p> <p>13 COMMISSIONER ARMBRUSTER: I just wanted to 14 clarify. If people send in e-mails, it will take -- 15 possibly not for sure, but possibly -- more than 16 ten minutes if you were to read each one of these 17 e-mails.</p> <p>18 THE CHAIR: No, no, no. These are not 19 e-mails that I'll be reading. They can send e-mails 20 of support so we can read them. But I want to make 21 it clear that those e-mails would not be read. The 22 only thing that's going to be heard is anyone that 23 logs on for public comment.</p> <p>24 COMMISSIONER ARMBRUSTER: Thank you for 25 doing that; because, otherwise, we would be --</p>
<p style="text-align: right;">111</p> <p>1 e-mail ahead of time, can't they? 2 MR. MATT PAHL: Ah. 3 THE CHAIR: Sure. I mean, they can -- 4 yeah. I hate to -- it's going to blow up Karen's. 5 But, yes, they can. 6 COMMISSIONER VOIGT: Yeah. Okay. 7 MS. KAREN WOERNER: That would be to 8 charter.schools@state.nm. It's not Karen. 9 MR. MATT PAHL: That's a good suggestion. 10 Thank you for the clarification, Karen. Like you 11 were saying, Madam Chair, if they're going to 12 prioritize a few, still give an avenue for others to 13 express their thoughts on the school via e-mail. 14 THE CHAIR: I think it would be helpful, 15 if the school wanted to, to collate those and send 16 them. As opposed to 50 separate e-mails, if they 17 could come in -- that might be just helpful for the 18 Charter School Division. 19 MR. MATT PAHL: Okay. 20 THE CHAIR: And then they would certainly 21 be forwarded to us. It's easier to -- and it's 22 always best to do it through the Charter School 23 Division. 24 There have been those occasions when 25 they've sent them directly to the individual</p>	<p style="text-align: right;">113</p> <p>1 THE CHAIR: No, no. 2 COMMISSIONER ARMBRUSTER: Okay. Thank 3 you. 4 THE CHAIR: Okay. 5 MR. MATT PAHL: And I think that's it 6 for -- for comments right now from us. 7 But when we convene again, when you 8 convene again and you offer me this space on your 9 agenda, we'll have some more details about how we're 10 going to do our annual conference. 11 We won't have the full conference. It'll 12 be Web-based, and we're planning on doing a little 13 event in one of the evenings on Facebook Live or via 14 Zoom, something to celebrate some of our schools. 15 But we won't probably have the same session format 16 that we've had in the past. 17 I think I'm about Zoomed out after a 18 little over three hours. So we won't try and expect 19 more of that from other folks. So expect details on 20 that soon. And we'll also -- also happy to be 21 helpful with our legislative platform, as well, as 22 you consider yours; and, of course, always looking 23 forward to the alignment that we have in those of 24 working together on the issues we both think are 25 important.</p>

114

1 THE CHAIR: Okay. Thanks. And if you
 2 have an opportunity to, you know, to log in for a
 3 little while at our October Work Session, we are --
 4 that's going to be a part of our discussion.

5 MR. MATT PAHL: Okay. Yeah. I'll block
 6 that off. I know I've been missing the Work
 7 Session; so I appreciate you highlighting that.

8 THE CHAIR: Thanks. Appreciate it.

9 MR. MATT PAHL: Yeah. Thank you.

10 THE CHAIR: Okay. So we are now on to
 Item No. 11 -- 12.

11 And I apologize. The -- Karen did
 12 clarify. The agenda that we were sent out was
 13 unfortunately the wrong agenda. But they did post
 14 the correct agenda on Monday. But that's not what I
 15 was able to print out.

16 So thanks.

17 So we're on to Item No. 12, which is PEC
 18 Comments.

19 So, Commissioner Davis?

20 COMMISSIONER DAVIS: Oh. Well, I am just
 21 happy to announce that I'm going to get my hair done
 22 next week. So I've been avoiding the hair salon.
 23 But my motivation for this is that my granddaughter
 24 is getting married. So I have to hazard the virus

114

1 think about the kids, and, definitely, we have to
 2 stay focused on the kids.

3 But, you know, we also have to stay
 4 focused on all of our teachers and administrators.
 5 And, you know, when we talk about social-emotional
 6 health, we usually think about kids; but it's also
 7 our staff that we've got to be very aware of as
 8 well. And so just stay healthy and roll with the
 9 punches.

10 THE CHAIR: Thanks.

11 Commissioner Robbins?

12 COMMISSIONER ROBBINS: Thank you. Just a
 13 couple of things. PSCOC did talk about the filters
 14 and filtrations in school. And, you know, most of
 15 that, other than replacing systems, which in most
 16 cases is a very high-cost capital item, just the
 17 filters is an operational item.

18 So that's an issue for the schools. And I
 19 think what Matt had addressed about using CARES Act
 20 money to replace SEG really doesn't address the
 21 needs that schools have.

22 Also we have a lot of schools in the state
 23 that do not have air ventilation systems in them.
 24 They may have evaporative coolers, which, if it's
 25 warm, you can run those. But if they have radiant

115

1 so that I can look okay at a wedding. So that's my
 2 big announcement.

3 THE CHAIR: Well, congratulations on both
 4 parts.

5 COMMISSIONER DAVIS: Okay. Thank you.
 6 THE CHAIR: Commissioner Voigt?
 7 COMMISSIONER VOIGT: Again, my best
 8 thoughts go for -- to Commissioner Ruiz and Chavez
 9 for their continued work in their schools to make
 10 things the best they can for their students and
 11 staff. So keep it up. I know it's got to be a
 12 challenge. And I hope everyone else is doing well
 13 also.

14 THE CHAIR: Thanks.

15 Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: I'd just like to
 17 say that my husband has a -- has really learned how
 18 to cut hair. But, otherwise, I have nothing else to
 19 say.

20 THE CHAIR: Thank you.

21 Commissioner Chavez?

22 COMMISSIONER CHAVEZ: No, I don't have a
 23 whole lot to say. Just, you know, it is
 24 challenging, though. And I think all schools are
 25 just in the same boat. And -- but, you know, we

115

1 heat, they don't circulate air.

2 And so one of the things that I've done a
 3 lot of research on the Internet and everything --
 4 ultraviolet light. 30 seconds of ultraviolet light
 5 kills any virus or bacteria, literally destroys
 6 their cellular membrane. There are cost-manageable
 7 devices for rooms from anywhere from 300 to
 8 900 square feet that these systems can actually
 9 circulate the air through them and they kill the
 10 viruses or bacteria that's in there.

11 That's an alternative that schools may
 12 want to look at and everything. And it's something
 13 that we looked at.

14 With this remote learning, the PSCOC is
 15 really trying to push the Legislature to work on
 16 broadband access, because that's one of the big
 17 things; not so much in schools. We're pretty good
 18 as far as the school sites having broadband access.
 19 It's when you get away from the school sites, the
 20 homes, the children. Even if you give them devices,
 21 they don't have access to the backbone. They don't
 22 have an Internet connection.

23 And roughly 23 percent of homes don't have
 24 an Internet connection, so they have to go somewhere
 25 else. So either putting up things within

117

<p style="text-align: right;">118</p> <p>1 communities where they can broadcast out -- but 2 those are relatively expensive. That's something 3 that they're looking at.</p> <p>4 The final thing I just wanted to say, and 5 I say this almost every year at this time.</p> <p>6 Yesterday was Constitution Day. And Chairman Gipson 7 probably knows this.</p> <p>8 In 1787 -- everybody thinks it goes back 9 to 1776, right? You know, independence and 10 everything? But the Constitution was ratified by 11 the -- by 12 of the 13 states -- Rhode Island didn't 12 send a delegate to the Second Continental Congress 13 or to the Constitutional Convention.</p> <p>14 It took four months to draft the 15 Constitution in 12 states. There are 39 delegates 16 signed it yesterday in 1787.</p> <p>17 So it's a momentous thing. And I think a 18 lot of people get the idea that we operate as though 19 that's a perfect document. And it isn't. And some 20 people think that others view this country as being 21 perfect, and it isn't. There's a lot of protests in 22 the country and things like that. But ideals of 23 this country, I think, are layed out in our founding 24 documents.</p> <p>25 It's something that we strive for.</p>	<p style="text-align: right;">120</p> <p>1 THE CHAIR: Commissioner Raftery? 2 You're still muted.</p> <p>3 COMMISSIONER RAFTERY: Sorry. I said yes.</p> <p>4 Commissioner Robbins, I agree with you, it is a 5 living and breathing document. We are changing. 6 Change is good. And, like they say, nothing is as 7 constant as change itself. And so we have to look 8 back in history and see what was then, who was then, 9 who is making the laws, who was doing this, and then 10 look at now and what we have.</p> <p>11 So, yeah, it is a living and breathing 12 document.</p> <p>13 On another note, I want to wish Trish a 14 very happy birthday. She was on the Facebook and I 15 sent her something. I don't know if she got it. 16 But happy birthday, my dear friend.</p> <p>17 Yeah. And the other thing. The last 18 thing I want to say is I did get my hair done.</p> <p>19 That's all. Thank you.</p> <p>20 THE CHAIR: Thanks. Commissioner Ruiz?</p> <p>21 COMMISSIONER RUIZ: Can you all hear me?</p> <p>22 Okay. Because everybody is kind of 23 freezing up, because, if not, I'll flip my camera.</p> <p>24 I wanted to give an update. I hope Matt 25 Pahl is still on here, because I wanted to give an</p>
<p style="text-align: right;">119</p> <p>1 Perfection is not something that's easily attained; 2 it's something that we constantly strive for.</p> <p>3 And I just hope that people who are 4 protesting and everything and -- you know, 5 especially when they get into the things of being 6 violent and everything, they realize we 7 understand -- and I think most people understand -- 8 this country is not perfect.</p> <p>9 But I do personally believe it's one of 10 the best countries that has been founded over the 11 centuries. And we have the opportunity to improve 12 and change things. And our Founders made that 13 available in the Constitution through Constitutional 14 amendments, and really delegating to the states and 15 the people, those functions and things that are not 16 included in the U.S. Constitution.</p> <p>17 So it's a -- it's a wonderful time to 18 remind ourselves of our history. And I just hope 19 that, you know, schools, charters included, are 20 teaching these fundamental things. Because, again, 21 we're not perfect. And it's okay to admit we're not 22 perfect. But we don't want to tear down what I view 23 as one of the best systems of government in the 24 world.</p> <p>25 Thank you.</p>	<p style="text-align: right;">121</p> <p>1 update on NMPSIA and kind of explain what happened.</p> <p>2 So what happened was NMPSIA drafted an 3 e-mail and sent it to superintendents. I believe it 4 was August 31st that they received that e-mail, 5 charter school leaders and superintendents and then 6 HR directors.</p> <p>7 That -- the intent of that e-mail was to 8 go to those people. And in that e-mail, there was 9 one specific paragraph. And I'm not going to quote 10 it, but it talked about our members. We were 11 talking about school district members, not 12 employees.</p> <p>13 And so what happened was a lot of 14 superintendents -- I can't say "a lot." Leadership 15 decided to send that to some of their school 16 employees when it was intended to only go to the 17 superintendents and HR.</p> <p>18 So when a staff member read that, myself 19 as an educator, if I read that, that one little 20 paragraph that said "members," they misunderstood 21 that. And I can see why it was a misunderstanding. 22 They read that to mean that teachers were personally 23 liable if, you know, students didn't wear masks, if 24 all the health orders were not being adhered to. So 25 it created quite a bit of a ruckus. And I do</p>

<p>1 apologize for that.</p> <p>2 I will tell you that within 24 hours of</p> <p>3 that e-mail going out, our Lieutenant Governor,</p> <p>4 Howie Morales, called me and said that he had had</p> <p>5 educators reach out to him, because they read that</p> <p>6 e-mail as the intent being that educators themselves</p> <p>7 were going to be liable for that.</p> <p>8 So what we did was literally within</p> <p>9 12 hours, we scheduled a Zoom for the director, the</p> <p>10 executive director of NMPSIA, myself, our lieutenant</p> <p>11 governor and the chairman. And within even after</p> <p>12 that, like maybe five hours, we had another e-mail</p> <p>13 drafted specifically saying that.</p> <p>14 And what happened was that was the Friday</p> <p>15 before Labor Day. So, at that point, if we would</p> <p>16 have put out a press release, it would not have</p> <p>17 reached everybody that we wanted it to reach,</p> <p>18 because most, you know, people were gone for Labor</p> <p>19 Day or with their families.</p> <p>20 So the Lieutenant Governor did that press</p> <p>21 release then the Monday, which was on Labor Day -- I</p> <p>22 think it was in the afternoon -- clarifying that.</p> <p>23 And the other thing I want to say -- so I</p> <p>24 do want to apologize if there was any</p> <p>25 misunderstanding. But please be assured that NMPSIA</p>	<p>122</p> <p>1 THE CHAIR: Thanks.</p> <p>2 Commissioner Caballero?</p> <p>3 COMMISSIONER CABALLERO: Thank you,</p> <p>4 Madam Chair. I don't have a lot. I just want to</p> <p>5 ask everybody to stay safe, stay healthy.</p> <p>6 Commissioner Davis, enjoy that wedding and</p> <p>7 have fun. Be with family. That's a fantastic thing</p> <p>8 to do.</p> <p>9 And I just want to say to everybody to</p> <p>10 stay hopeful, as you have heard from the President</p> <p>11 recently many, many times, saying that the vaccine</p> <p>12 is going to be available in October and gone before</p> <p>13 the election.</p> <p>14 So, you know, that -- he tells the truth.</p> <p>15 And so we can look forward to that and</p> <p>16 look forward to upcoming school years are going to</p> <p>17 be without any COVID around. So be thankful for</p> <p>18 that.</p> <p>19 And with that, I say goodbye, Madam Chair.</p> <p>20 THE CHAIR: Thank you.</p> <p>21 So I am going to move that the Public</p> <p>22 Education Commission enter into a Closed Session</p> <p>23 pursuant to NMSA Section 10-15-1(H)(7).</p> <p>24 The subject to be discussed is</p> <p>25 attorney-client-privileged issues pertaining to</p>
<p>123</p> <p>1 did not intend that to go out to educators. That</p> <p>2 was meant just for principals -- superintendents,</p> <p>3 charter leaders and -- you know. So that's where</p> <p>4 the confusion came in.</p> <p>5 And the other thing I wanted to say is, as</p> <p>6 Matt Pahl said when he was speaking, so what we've</p> <p>7 done now is we decided, on the Executive Committee,</p> <p>8 that we're going to meet with the -- the School</p> <p>9 Boards Association. We're going to meet with, of</p> <p>10 course, Matt, Dennis Roch.</p> <p>11 And we've got a meeting scheduled, the</p> <p>12 Executive Committee, and then from different</p> <p>13 organizations, and we are going to try to be sure</p> <p>14 that everything that is happening, that we're all on</p> <p>15 the same page.</p> <p>16 I will tell you that it's -- you know,</p> <p>17 again, it's probably redundant. But we've never</p> <p>18 been through this. It's all new. And so if there</p> <p>19 was a miscommunication on behalf of NMPSIA, I hope</p> <p>20 that clarifies it.</p> <p>21 I will tell you that we are meeting again</p> <p>22 next week, including those other leaders, and</p> <p>23 hopefully we can get any misunderstandings</p> <p>24 corrected.</p> <p>25 And everybody stay safe.</p>	<p>125</p> <p>1 threatened or pending litigation in which the public</p> <p>2 body is, or may, become a participant; specifically,</p> <p>3 Open Meetings Act NMSA Chapter 10, Article XV;</p> <p>4 specifically:</p> <p>5 a, Explore Las Cruces Approval or Denial</p> <p>6 of Charter Application, Case</p> <p>7 No. D-101-CV-2019-03334;</p> <p>8 b, PEC Budget Submission;</p> <p>9 And, c, Memorandum of Understanding with</p> <p>10 PED.</p> <p>11 COMMISSIONER VOIGT: Second.</p> <p>12 THE CHAIR: There's a motion by</p> <p>13 Commissioner Gipson, a second by Commissioner Voigt.</p> <p>14 Roll, please.</p> <p>15 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>16 Robbins?</p> <p>17 COMMISSIONER ROBBINS: Yes.</p> <p>18 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>19 Voigt?</p> <p>20 COMMISSIONER VOIGT: Yes.</p> <p>21 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>22 Armbruster votes "Yes."</p> <p>23 Commissioner Davis?</p> <p>24 COMMISSIONER DAVIS: Yes.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>

126	128
<p>1 Chavez?</p> <p>2 COMMISSIONER CHAVEZ: Yes.</p> <p>3 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>4 Gipson?</p> <p>5 THE CHAIR: Yes.</p> <p>6 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>7 Raftery?</p> <p>8 COMMISSIONER RAFTERY: Yes.</p> <p>9 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>10 Crone -- oh, I'm sorry.</p> <p>11 Commissioner Ruiz?</p> <p>12 COMMISSIONER RUIZ: Yes.</p> <p>13 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>14 Caballero?</p> <p>15 COMMISSIONER CABALLERO: Yes.</p> <p>16 COMMISSIONER ARMBRUSTER: Nine-to-one,</p> <p>17 motion passes.</p> <p>18 (After conferring with the Chair and</p> <p>19 PEC Counsel, the record is amended to</p> <p>20 reflect the vote to go into Executive</p> <p>21 Session was nine-zero.)</p> <p>22 COMMISSIONER VOIGT: Do we have a new link</p> <p>23 for the --</p> <p>24 THE CHAIR: We do. It was sent out last</p> <p>25 night.</p>	<p>1 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>2 Caballero?</p> <p>3 COMMISSIONER CABALLERO: Yes.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>5 Ruiz?</p> <p>6 COMMISSIONER RUIZ: Yes.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner --</p> <p>8 Commissioner Gipson?</p> <p>9 THE CHAIR: Yes.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>11 Chavez?</p> <p>12 COMMISSIONER CHAVEZ: Yes.</p> <p>13 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>14 Davis?</p> <p>15 COMMISSIONER DAVIS: Yes.</p> <p>16 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>17 Armbruster votes "Yes."</p> <p>18 Commissioner Voigt?</p> <p>19 COMMISSIONER VOIGT: Yes.</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Robbins?</p> <p>22 COMMISSIONER ROBBINS: Yes.</p> <p>23 COMMISSIONER ARMBRUSTER: That is an</p> <p>24 eight-to-zero vote to come out of Executive Session.</p> <p>25 THE CHAIR: Motion passes eight-zero.</p>
127	129
<p>1 COMMISSIONER VOIGT: Okay. Can we take a</p> <p>2 break before we resume?</p> <p>3 THE CHAIR: Sure. We'll see you in the</p> <p>4 new link in ten.</p> <p>5 COMMISSIONER VOIGT: Thanks.</p> <p>6 MS. KAREN WOERNER: Madam Chair and</p> <p>7 Commissioners, I have transferred host to Missy</p> <p>8 Brown so I can exit without closing out this</p> <p>9 meeting, and we'll be back as soon as the Commission</p> <p>10 is done. You leave this one, and it will stay open</p> <p>11 for you to come back after Executive Session.</p> <p>12 (Executive Session held off the record.)</p> <p>13 THE CHAIR: Okay. So let the record</p> <p>14 reflect that there are eight Commissioners now</p> <p>15 present. Commissioner Raftery has not rushed from</p> <p>16 Closed Session.</p> <p>17 So I am going to make a motion to end</p> <p>18 Closed Session. The matters discussed in the closed</p> <p>19 meeting were limited only to those specified in the</p> <p>20 Motion for Closure, and no vote was taken during the</p> <p>21 Closed Session.</p> <p>22 COMMISSIONER ROBBINS: Second.</p> <p>23 THE CHAIR: So motion by Commissioner</p> <p>24 Gipson, a second by Commissioner Robbins.</p> <p>25 Roll, please?</p>	<p>1 So that being said, I'll entertain a</p> <p>2 motion to adjourn.</p> <p>3 COMMISSIONER ROBBINS: I so move.</p> <p>4 COMMISSIONER ARMBRUSTER: Second.</p> <p>5 THE CHAIR: All in favor?</p> <p>6 (Commissioners so indicate.)</p> <p>7 THE CHAIR: Okay. This meeting is</p> <p>8 adjourned. Stay safe, everyone.</p> <p>9 (Proceedings adjourned at 1:04 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

130

1 BEFORE THE PUBLIC EDUCATION COMMISSION
 2 STATE OF NEW MEXICO
 3
 4
 5
 6

7 REPORTER'S CERTIFICATE

8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 via video teleconference, in the matter therein
 14 stated.

15 In testimony whereof, I have hereunto set my
 16 hand on September 29, 2020.
 17
 18

19 _____
 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
 BEAN & ASSOCIATES, INC.
 21 201 Third Street, NW, Suite 1630
 Albuquerque, New Mexico 87102
 License Expires: 12/31/20

22 Job No.: 3827N (CC)
 23
 24
 25

131

1 RECEIPT

2 JOB NUMBER: 3827N CC Date: 9/28/20
 3 PROCEEDINGS: OPEN PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission

6 *****

7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____

11 *****

12 ATTORNEY:
 13 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 14 DATE DELIVERED: _____ DEL'D BY: _____
 15 REC'D BY: _____ TIME: _____

16 *****

17 ATTORNEY:
 18 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 19 DATE DELIVERED: _____ DEL'D BY: _____
 20 REC'D BY: _____ TIME: _____

21 *****

22 ATTORNEY:
 23 DOCUMENT: Transcript / Exhibits / Disks / Other _____
 24 DATE DELIVERED: _____ DEL'D BY: _____
 25 REC'D BY: _____ TIME: _____

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3

4

5

6

7 REPORTER'S CERTIFICATE

8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
9 Court Reporter in the State of New Mexico, do hereby
10 certify that the foregoing pages constitute a true
11 transcript of proceedings had before the said
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
13 via video teleconference, in the matter therein
14 stated.

15 In testimony whereof, I have hereunto set my
16 hand on September 29, 2020.

17

18

19 *Cynthia Chapman*

20 Cynthia C. Chapman RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
21 201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102
License Expires: 12/31/20

22

23

24

25 Job No.: 3827N (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

**BEAN
&
ASSOCIATES, Inc.**
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