

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

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Via Video Teleconference

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

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2	<p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 PATRICIA GIPSON, Chair</p> <p>4 GLENNA VOIGT, Vice Chair</p> <p>5 REBEKKA BURT, Secretary</p> <p>6 MELISSA ARMIJO, Member</p> <p>7 STEVEN CARRILLO, Member</p> <p>8 MICHAEL CHAVEZ, Member</p> <p>9 GEORGINA DAVIS, Member</p> <p>10 KT MANIS, Member</p> <p>11 DAVID ROBBINS, Member</p> <p>12 MICHAEL TAYLOR, Member</p> <p>13</p> <p>14 PED STAFF:</p> <p>15</p> <p>16 CORINA CHAVEZ, Director</p> <p>17 Charter School/Options for</p> <p>18 Parents and Families Division</p> <p>19</p> <p>20 KAREN WOERNER, Deputy Director</p> <p>21 Charter School/Options for</p> <p>22 Parents and Families Division</p> <p>23</p> <p>24 BEVERLY FRIEDMAN, PED Custodian of Record</p> <p>25 and Liaison to the PEC</p> <p>PEC COUNSEL:</p> <p>AMI JAEGER, ESQ.</p> <p>ELIZABETH JEFFREYS, ESQ.</p>	4
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1 COMMISSIONER ROBBINS: Here.  
 2 THE CHAIR: Commissioner Taylor?  
 3 COMMISSIONER TAYLOR: Here.  
 4 THE CHAIR: Commissioner Voigt?  
 5 COMMISSIONER VOIGT: Here.  
 6 THE CHAIR: All ten Commissioners are  
 7 present, so thank you once again.  
 8 I will ask Commissioner Chavez to lead us  
 9 in the Pledge of Allegiance and Commissioner Davis  
 10 to lead us in the New Mexico Salute.  
 11 (Pledge of Allegiance and Salute to the  
 12 New Mexico Flag conducted.)  
 13 COMMISSIONER DAVIS: Sorry. I was muted.  
 14 I'm sorry.  
 15 THE CHAIR: That's okay. We are on to  
 16 Item No. 2, which is the Approval of the Agenda.  
 17 And the only -- and I have two changes to make to  
 18 the agenda. To try to accommodate the schedule of  
 19 Dr. Perea, we're moving Item No. 13 up to right  
 20 after Item No. 3, Open Forum, and, in Item No. 6B1b,  
 21 removing the ASK Academy.  
 22 If there are no other changes to the  
 23 agenda, I'll entertain a motion.  
 24 COMMISSIONER ROBBINS: I'll move for  
 25 approval of the adjusted amended.

7

1 COMMISSIONER DAVIS: I second that.  
 2 THE CHAIR: There's a motion by  
 3 Commissioner Robbins, a second by Commissioner  
 4 Davis.  
 5 All in favor?  
 6 COMMISSIONER CARRILLO: I have a question  
 7 first. Why the removal of ASK Academy?  
 8 THE CHAIR: Because they -- all their  
 9 paper is in. So they're in the Consent Agenda.  
 10 COMMISSIONER CARRILLO: Okay. Thanks.  
 11 THE CHAIR: There's a motion to approve  
 12 the agenda as amended by Commissioner Robbins and a  
 13 second by Commissioner Davis.  
 14 All in favor?  
 15 (Commissioners so indicate.)  
 16 THE CHAIR: Opposed?  
 17 (No response.)  
 18 THE CHAIR: Hearing no opposition, the  
 19 motion passes.  
 20 We are on to now Item No. 3. Actually --  
 21 oh. On my agenda -- I apologize. On my agenda,  
 22 there is no -- we don't have Approval of the Consent  
 23 Agenda on my agenda. So I apologize. So we're  
 24 going to have to -- we're going to have to --  
 25 MS. BEVERLY FRIEDMAN: It's Item No. 6.

8

1 THE CHAIR: I'm sorry. It's under Consent  
 2 Agenda. But we usually approve the Consent Agenda.  
 3 MS. BEVERLY FRIEDMAN: That's true.  
 4 THE CHAIR: So we're going to have to  
 5 amend the agenda again to put in an item to -- for  
 6 approval; because we do a roll vote on the Consent  
 7 Agenda.  
 8 MS. AMI JAEGER: Madam Chair, it's Item  
 9 No. 6 on the agenda. But you can change the order,  
 10 if that's your preference.  
 11 THE CHAIR: No, I'm not looking to -- but  
 12 we normally have approval of the Consent Agenda as a  
 13 separate agenda item. We approve the agenda, and  
 14 then we generally approve the Consent Agenda.  
 15 Because we don't go through the items there.  
 16 Okay. I'll do it when I do No. 6. It's  
 17 just not where we -- we usually do that right at the  
 18 beginning of the meeting, and do that approval.  
 19 So -- okay. We'll just do it then.  
 20 So we are on to Item No. 3 which is Open  
 21 Forum. And I believe there is still just the one  
 22 person who has signed up?  
 23 MS. BEVERLY FRIEDMAN: That's correct.  
 24 THE CHAIR: So, Karen, if you can bring in  
 25 Aaron Rodriguez.

9

1 MS. KAREN WOERNER: Aaron, you've been  
 2 added to the panel. You can unmute yourself and  
 3 make your public comment.  
 4 There you are.  
 5 PUBLIC SPEAKER: Sorry about that. Good  
 6 morning. I'm Aaron Rodriguez. I'm Deputy General  
 7 Counsel for the New Mexico Public Education  
 8 Department. I'm here on its behalf.  
 9 I'm here to speak regarding Item No. 10,  
 10 Discussion and Possible Action on Updates to the  
 11 Charter Contract as it's currently posted on the  
 12 website for media information, including Section 6,  
 13 Additional Terms.  
 14 The PED respectfully would note its  
 15 objection insofar as the contract between the PEC  
 16 and the Charter School contains provisions that  
 17 appear to legislate on the use of the 2 percent fund  
 18 that is currently the subject of litigation in the  
 19 New Mexico Supreme Court.  
 20 The PED would also object insofar as it is  
 21 trying, or appearing, to bind a school to terms over  
 22 which it has no control.  
 23 I appreciate the opportunity to speak.  
 24 Thank you very much.  
 25 THE CHAIR: Thank you. So with no one

<p style="text-align: right;">10</p> <p>1 else that has signed up for public comment, we are 2 on to Item No. 4 -- I'm sorry. We are on to Item 3 No. 13, which is Dr. Perea. 4 MS. KAREN WOERNER: Dr. Perea is -- do I 5 understand -- should I be adding Aaron with you; is 6 that correct? 7 DR. ELAINE PEREA: Yes. 8 MS. KAREN WOERNER: Aaron, I'm sorry, I 9 changed you to attendee and then realized I had to 10 bring you back. Sorry about that. 11 MR. AARON RODRIGUEZ: No problem, and 12 thank you. 13 DR. ELAINE PEREA: Good morning, everyone. 14 THE CHAIR: Good morning. 15 DR. ELAINE PEREA: Thank you for having 16 me, Commissioner Gipson and all of the 17 Commissioners. I'm glad to be here. 18 I am here to review the report that PED 19 submitted to the Office of Career and Technical 20 Education on December 30th of this -- 2020; that is, 21 the report for the '19-'20 performance period. 22 The content of the narrative is the same 23 as what I presented last month. So I leave it to 24 the Commission. If you want me to walk through that 25 item by item again, I can do that. Or I can address</p>	<p style="text-align: right;">12</p> <p>1 and trying to calculate that -- that data. 2 So ACTE is aware of the situation and the 3 struggles that we're having with our computations. 4 As I discussed last month, they expected 5 the narrative to be submitted and completed, and we 6 did that. We provided the data that were available. 7 And as data become available and we know that they 8 are accurate, we will submit additional data. 9 It's possible that we won't be finished 10 until the end of March, given the other burdens on 11 the Information Technology department and their -- 12 they've been impacted by the hiring freeze for some 13 time, and so they are understaffed. And that has 14 made these calculations especially challenging that 15 are related to Perkins V. 16 THE CHAIR: Okay. Thank you. I 17 appreciate it. 18 And just so that Commissioners who were 19 with us in December, and for the new Commissioners, 20 there was a letter that was submitted, as the 21 Commission had directed, on behalf of the Commission 22 to the Governor and the Cabinet Secretary. And 23 Legislative leadership were copied with that letter. 24 So if other -- if Commissioners have 25 questions?</p>
<p style="text-align: right;">11</p> <p>1 questions if you prefer to go that way. 2 THE CHAIR: And thank you. And I think -- 3 of course, we've got new Commissioners. We've got 4 five new Commissioners on. So I don't know if they 5 may have questions regarding that. 6 But I think the -- there was an item that 7 was left somewhat open, in that you had indicated 8 that you had applied for an extension for some piece 9 of the -- of the report, and you were going to let 10 us know about that. 11 And, in addition, the fact that the 12 Commission was not a signatory on it, where it does 13 say "Commission or Board." So we're -- 14 DR. ELAINE PEREA: I believe everyone did 15 receive a copy of the PDF in their folder. And if I 16 could call your attention to Pages 10 and on from 17 there, you'll see, in those pages, lots of 18 Negative-1's in the report. And that is the data I 19 discussed last month that is pending that we do not 20 yet have access to. 21 We received an extension to January 31st. 22 We anticipate that we will probably be requesting a 23 second extension into February, because, as of now, 24 January 15th, the data are still incomplete, and we 25 are still struggling with ongoing programming errors</p>	<p style="text-align: right;">13</p> <p>1 (No response.) 2 THE CHAIR: Okay. Seeing no questions, 3 thank you so much. Appreciate your time. And I 4 hope we didn't -- I hope we were able to accommodate 5 you appropriately. 6 DR. ELAINE PEREA: I appreciate that very 7 much. Thank you. You all have a wonderful day. 8 THE CHAIR: Thanks. 9 So we have five new Commissioners on as 10 well as some new PED staff. So I'd like to take a 11 moment of time. 12 We had an opportunity to meet and greet 13 everyone yesterday. But this is our first official 14 public meeting. So I'd like to take an opportunity 15 to allow the new Commissioners to introduce 16 themselves, and then we'll have the welcoming of the 17 new PED staff as well. 18 So Commissioner Burt? 19 COMMISSIONER BURT: Good morning. My name 20 is Rebekka Burt. I am representing District 4 for 21 the PEC. I have two kiddos in public schools in 22 New Mexico right now and started my career as a 23 middle school teacher; so I have a soft spot for 24 middle school, especially. Went to work in -- I see 25 Commissioner Voigt as well. Yes.</p>

14	<p>1 I worked in policy for Albuquerque City 2 Council for several years and then came to the 3 Public Education Department, where I was the 4 Director of Community Engagement. And now I work 5 for a start-up tech company in Albuquerque and am 6 very passionate about education in New Mexico and 7 improving it. So looking forward to serving on the 8 Commission.</p> <p>9 THE CHAIR: Thank you. 10 COMMISSIONER BURT: Thank you. 11 THE CHAIR: Commissioner Manis? 12 COMMISSIONER MANIS: Hi. My name is 13 KT Manis. I was born and raised in Lea County. I 14 represent District 9, which spans all of the eastern 15 side of New Mexico. And I -- like I say, I grew up, 16 born and raised in Lea County, went to Hobbs High, 17 graduated there. And so very familiar with 18 education in New Mexico.</p> <p>19 I taught in New Mexico for a little bit, 20 have a few businesses in New Mexico, and just look 21 forward to serving in the Commission.</p> <p>22 Thank you, Chairwoman. 23 THE CHAIR: Thank you. Commissioner 24 Armijo. 25 COMMISSIONER ARMIJO: Thank you, Chair</p>	16
15	<p>1 Gipson. Hi. My name is Melissa Armijo. I am 2 representing District 1, which is the southwest part 3 of Albuquerque. I am not an educator by -- by 4 trade. I am more of a community -- 5 community-activist type person. But my entire 6 volunteer career has been in education. And I'm -- 7 and more so in charter schools.</p> <p>8 My husband was the founder -- governing 9 board founder, governing board founder of the 10 Nuestros Valores Charter High School, which is now 11 named after him, the Mark Armijo Academy, an APS 12 charter school. And it's been in business -- it'll 13 be 20 years this year.</p> <p>14 I have two adult children, a boy and a 15 girl. Both have graduated from UNM; so they're 16 home-grown. And I'm an Albuquerque South Valley 17 resident, and I'm happy to be here. Thank you.</p> <p>18 THE CHAIR: Thank you. 19 Commissioner Taylor. 20 COMMISSIONER TAYLOR: Yeah. Good morning. 21 Thank you. My name is Mike Taylor. I grew up in 22 Idaho. I have been in New Mexico for 30 years, 23 lived in Roswell. I am an orthodontist, not a 24 professional educator. But have three what I term 25 semi-adult children. They -- two are graduated from</p>	17
	<p>1 college.</p> <p>2 Very active in the community here. I'm 3 excited about the charter school movement in 4 New Mexico and am real anxious to kind of help usher 5 that along and hopefully help improve the charter 6 schools and bring new charter schools to the state.</p> <p>7 So excited to be here. Thank you very 8 much.</p> <p>9 THE CHAIR: Thank you. 10 Commissioner Carrillo? 11 COMMISSIONER CARRILLO: Good morning. I'm 12 Steven Carrillo, and I represent District 10. So 10 13 is Santa Fe, Rio Arriba, Taos, and Colfax Counties 14 all the way to the Colorado border. And so I look 15 forward to getting on the road and driving 16 throughout the northern part of the state, since who 17 doesn't love a good road trip? It's so beautiful.</p> <p>18 Been involved in education since my son 19 was five, in elementary school. And things going on 20 in Santa Fe compelled me to run for the board. And 21 I won two terms, and one term extended because of 22 the election laws, and served there. And then 23 decided that I could make a difference with public 24 schools and state charter publics by being part of 25 the Commission.</p>	
	<p>1 And so happy to serve.</p> <p>2 Let's see. Santa Fe -- March 6th, it'll 3 be 30 years. I'm from Los Angeles. My son is now 4 going to be 11 in July. And I think the only thing 5 I would say is, to me, it's not about charter or 6 non-charter, state or local district. It's about 7 making sure our kids have good schools. And that's 8 the bottom line to me on absolutely everything, no 9 politics involved ever.</p> <p>10 There you have it. 11 THE CHAIR: Okay. Thank you so much, and 12 welcome once again, everyone.</p> <p>13 So we have a new Director. And that's 14 Director Chavez. So if -- I don't know how exactly 15 you want to do this. If you want to introduce 16 yourself and then introduce Dr. Bannerman? However 17 you want to handle this.</p> <p>18 DIRECTOR CORINA CHAVEZ: Sure. Thank you. 19 Good morning, everyone. This is interesting, and 20 I'm delighted to be on the panelist side of things. 21 Many of you know me; Corina Chavez. I'm a native 22 New Mexican, have been back in New Mexico since 2003 23 working in public education.</p> <p>24 I worked at the Public Education 25 Department for a while and helped usher in state</p>	

18	<p>1 authorization, and then left for a while to go to 2 New York. Came back. Worked with NACA, the Native 3 American Community Academy and the NACA Inspired 4 Schools Network, and, just a month ago, started back 5 at the Public Education Department as the Director 6 of Options for Parents and Families, Charter Schools 7 Division.</p> <p>8 I'm delighted to be here. I'm excited to 9 work with this Commission and to get to know all the 10 charter schools across the state. And it is my 11 great pleasure to be able to introduce you all to 12 my -- my colleague, my -- my supervisor, Deputy 13 Secretary Vickie Bannerman.</p> <p>14 DEP. SECTY. BANNERMAN: Good morning. Can 15 you all hear me? I'm winning. No tech issues so 16 far.</p> <p>17 So good morning again. It is simply an 18 honor and a pleasure and a privilege to be able to 19 engage with all of you-all. The work that you do is 20 vitally important, and we are thankful for the 21 partnership, because I agree with some of the 22 statements that I've heard. Anything that we can do 23 to make sure children have access to quality 24 education is the work we should proudly do in 25 partnership, understanding that children should be</p>	20	<p>1 If we can't figure it out using that as a 2 road map, then I just don't know a better way to 3 figure it out.</p> <p>4 So with that, I will say thank you again 5 for the time.</p> <p>6 Director Chavez, thank you for the 7 wonderful introduction, and I look forward to how we 8 progress forward as a collaborative team.</p> <p>9 Thank you.</p> <p>10 THE CHAIR: Thank you so much. And 11 you've -- Dr. Bannerman, you've now jumped to the 12 top of my admire list, because everyone who knows me 13 knows that middle school is my kryptonite. So I 14 just -- I so admire people that can deal with those 15 hormones every day no ma- -- you know, raging all 16 over the place. It takes -- it takes a special 17 person to do that. So thank you for that.</p> <p>18 And welcome. We do so look forward to the 19 partnership, and it's, I'm sure, going to be an 20 enlightening experience for all of us. Because this 21 is exciting times for us. We're in challenging 22 crossroads and exciting crossroads that we're at 23 right now.</p> <p>24 All right.</p> <p>25 MS. KAREN WOERNER: Deputy Secretary</p>
19	<p>1 the North Star for all of us, no matter what. If it 2 is right for kids, it should be right for us.</p> <p>3 That is my North Star, and you can always 4 count on that.</p> <p>5 I started in middle schools. And I got a 6 little tickled. Oh, yes. Middle schools. Love 7 middle schools. Love high schools. I've done work 8 on both levels.</p> <p>9 I've done administration and instruction 10 on post-secondary levels, nonprofit work. I sit on 11 boards for community advocacy and for progression 12 for education, families, and students. I have 13 enjoyed time as a military spouse, living and 14 traveling all over the world from the East Coast to 15 the West Coast, abroad, to the United Kingdom. So 16 my lens is quite global.</p> <p>17 So I am happy to bring lots of 18 perspective. Good, bad, or indifferent, I bring 19 lots of perspective to the table, and I'm thankful 20 to engage and to learn and to grow with each of you.</p> <p>21 And I can make you one promise, if only 22 one promise. If we are ever at odds or we cannot 23 figure it out, if we just take a breath and say, "Is 24 it the best for kids? Is this really going to 25 support and elevate kids? If so, how?"</p>	21	<p>1 Bannerman, just want to let you know. I'll put you 2 back in attendees, so you are going to kind of zip 3 away for a minute. So thank you very much.</p> <p>4 THE CHAIR: We are now on to Item No. 5, 5 which is the Election of the PEC Officers.</p> <p>6 There -- because there are no other 7 executive members, I am going to delegate the 8 authority to run the Chair election to Commissioner 9 Voigt.</p> <p>10 COMMISSIONER VOIGT: Okay. Thank you, 11 Madam Chair. And I just want to give a plug to all 12 of the middle school teachers. That's where I 13 started teaching. And talk about the biggest life 14 change that someone can experience and challenges in 15 growing up. I have deep admiration for middle 16 school teachers. And it was probably one of my 17 favorite teaching experiences.</p> <p>18 Okay. So that we, the PEC, may adhere to 19 continued fortitude of work and consistency in 20 bringing forth policy that supports quality 21 independent charter schools, I should like to 22 nominate Pattie Gipson as continuing Chairperson.</p> <p>23 THE CHAIR: Thank you.</p> <p>24 COMMISSIONER DAVIS: I -- that --</p> <p>25 THE CHAIR: There are no seconds that</p>

22

1 are --

2 COMMISSIONER DAVIS: Oh. Just a

3 nomination. Okay.

4 THE CHAIR: So -- but thank you.

5 COMMISSIONER VOIGT: Yeah. You're

6 welcome.

7 And I'll open the floor for any other

8 nominations. Steven -- Commissioner Carrillo?

9 COMMISSIONER CARRILLO: Yes. Thank you.

10 And, Commissioner Voigt, I would like to nominate

11 David Robbins to be the Commission Chair.

12 COMMISSIONER VOIGT: Thank you for that.

13 Any more nominations?

14 (No response.)

15 COMMISSIONER VOIGT: So I think everyone

16 received the instructions for this runoff process,

17 that we will be texting -- or e-mailing -- our votes

18 to Ami; is that right?

19 MS. AMI JAEGER: And in the -- my number,

20 I think, is in the materials. But it's also on the

21 motion document that I sent out last night,

22 e-mailed.

23 COMMISSIONER CARRILLO: Can you just

24 repeat the number?

25 MS. AMI JAEGER: 505-660-6344.

23

1 COMMISSIONER VOIGT: Okay. We can proceed

2 with that now.

3 COMMISSIONER CARRILLO: Well, hold on a

4 second. Don't you have any discussion? Or don't

5 the people that are nominated say anything? Or --

6 COMMISSIONER VOIGT: Can.

7 COMMISSIONER CARRILLO: In any kind of

8 Commission --

9 COMMISSIONER VOIGT: We could do that,

10 Commissioner Carrillo, if you would like that.

11 COMMISSIONER CARRILLO: I think it would

12 be beneficial first to hear from both of the

13 nominees. And then I would like to speak on why I

14 made the nomination.

15 COMMISSIONER VOIGT: Sure. Go ahead. You

16 have the floor.

17 COMMISSIONER CARRILLO: I do?

18 COMMISSIONER VOIGT: Yes.

19 COMMISSIONER CARRILLO: I would like to

20 hear from the nominees. That's the usually standard

21 course of procedure. So I'm kind of -- I'm

22 flummoxed as to why --

23 COMMISSIONER VOIGT: We've never done that

24 in previous years since I've been on the Commission;

25 but it's certainly open. Thanks for offering that.

24

1 COMMISSIONER CARRILLO: Of course. I'm

2 happy to first say why I nominated Commissioner

3 Robbins.

4 First, I would like to thank Chair Gipson

5 just for the enormous -- the service you've

6 provided. Because I know that you've been in this

7 role for four years. It's very time-consuming, and

8 you're very committed to the position, and I

9 completely appreciate that.

10 But the reason I'm putting the nomination

11 forward for David is -- and the reason kind of I ran

12 for the Commission is I feel the Commission is

13 stuck. It's stuck in vision; it's stuck in purpose;

14 it's stuck in relevancy; it's stuck into the way we

15 service our State charter schools and are in support

16 and engagement on a regular and constructive way

17 with our school leaders.

18 And one of the things that comes to mind

19 most -- like, rises to the top, we had that

20 orientation -- I think it was the five new

21 members -- that we did in December. And, Pattie,

22 you chaired that. And it was -- I mean, it was a

23 lot of really great information, because I know that

24 there's a big learning curve.

25 I'm very grateful to observe with Santa Fe

25

1 Public Schools, because I feel like I come in

2 already knowledgeable about enough issues that I can

3 certainly hold my own. And we'll learn as we go.

4 But the thing that really stuck out to me

5 was I remember, Chair Gipson, you saying that -- the

6 issues started coming up around policy. And I think

7 it was Bekka that brought up the subject around

8 how -- and I know I brought it up as well -- how the

9 Commission can be more engaging in terms of setting

10 policy to guide our State charter schools.

11 And I know that when people -- you know,

12 when you look at, for instance -- and I'll use

13 the -- the rules regarding local districts. You

14 know, you do three things by statute. You hire a

15 superintendent; you approve the budget; and you make

16 policy.

17 And then people always ask, "Well, how can

18 you really guide a district with just those things?"

19 Well, the superintendent piece is obvious,

20 right? You just have somebody that you're hiring

21 that adheres to your vision and where you want to

22 be.

23 And then budget, you are where you put

24 your money, right. And how -- how a district, if

25 you would, crafts its budget sends a clear message

26	<p>1 as to its priorities.</p> <p>2 And the reason I bring this up is when I</p> <p>3 got on that in 2011, there were three of us that</p> <p>4 decided absolutely positively to make art, music,</p> <p>5 and PE priorities, that under no circumstance would</p> <p>6 Santa Fe Public Schools ever cut any of those things</p> <p>7 ever.</p> <p>8 And nobody had ever done that before, and</p> <p>9 we did that. So as the rest of the country was</p> <p>10 cutting out art, music, and PE, we never did.</p> <p>11 And then there's the policy piece. And</p> <p>12 then I realized in my years --</p> <p>13 (Loud printer noise impairing audio.)</p> <p>14 (Instruction to participants to mute</p> <p>15 audio if not speaking.)</p> <p>16 COMMISSIONER VOIGT: Commissioner</p> <p>17 Carrillo, go ahead.</p> <p>18 COMMISSIONER CARRILLO: Thank you very</p> <p>19 much.</p> <p>20 So the policy side, it's who are we as a</p> <p>21 district and how can we use policy to support our</p> <p>22 principals.</p> <p>23 And I'll give you an example. There were</p> <p>24 principals that were cutting out recess, that were</p> <p>25 shortening lunch, so that they could really --</p>	28	<p>1 And so -- and I'm not trying to be</p> <p>2 antagonistic. It is just what it is. I don't know</p> <p>3 how to speak any way except frankly. It's just who</p> <p>4 I am in the world.</p> <p>5 So my feeling is with five new</p> <p>6 Commissioners -- and I believe, in having examined</p> <p>7 their campaigns in learning about who they are, we</p> <p>8 have the opportunity to really reposition the PEC</p> <p>9 within the education community.</p> <p>10 And so that's why I would like the change</p> <p>11 to Mr. Robbins. He had some good ideas. We talked</p> <p>12 earlier. Obviously, we didn't break the OMA,</p> <p>13 because I wasn't a Commissioner at the time. So</p> <p>14 there was no conflict with OMA.</p> <p>15 But I really felt like there were some</p> <p>16 ideas there that, combined with who I am and others</p> <p>17 on the -- new members on the Commission, that we</p> <p>18 really could elevate the PEC to the next level.</p> <p>19 And so that's why I've put the name --</p> <p>20 that's why I've put forth Commissioner David Robbins</p> <p>21 for Chair.</p> <p>22 Thank you.</p> <p>23 COMMISSIONER VOIGT: Thank you,</p> <p>24 Commissioner Carrillo.</p> <p>25 Is there anyone else who would like to say</p>
27	<p>1 especially, when testing was starting, so they could</p> <p>2 factor on the testing and teaching to the test.</p> <p>3 So I brought this policy up that, you</p> <p>4 know, there's this number of minutes of recess;</p> <p>5 there's this amount of playtime and everything in</p> <p>6 lunch; and they cannot be combined. And then there</p> <p>7 is some sort of outdoor play-related activity in the</p> <p>8 afternoon, period. It wasn't up to principals to</p> <p>9 cut that out.</p> <p>10 We set a policy, as the -- as the school</p> <p>11 district, to make sure that happened. And that</p> <p>12 really showed a great deal, in a great way, who we</p> <p>13 are as a district.</p> <p>14 So who we are as a Commission, we can use</p> <p>15 policy to really support our head learners and to</p> <p>16 really elevate, in the eyes of New Mexicans, if you</p> <p>17 will, and education in general, the relevance of the</p> <p>18 Public Education Commission.</p> <p>19 And, then, so I circle back to, Chair</p> <p>20 Gipson, you've been in this role for four years.</p> <p>21 And the thing that you said in our orientation</p> <p>22 meeting was maybe this is something we can start</p> <p>23 being more proactive on, to which I have to reply</p> <p>24 "Well, then, why wasn't this done in the previous</p> <p>25 four years?"</p>	29	<p>1 a few words about anything?</p> <p>2 COMMISSIONER ROBBINS: Well, if I could, I</p> <p>3 would like to just kind of enumerate my reasons and</p> <p>4 kind of what my vision would be.</p> <p>5 I think we all agree that we need to be</p> <p>6 professional, courteous, and respectful of</p> <p>7 individuals. And that includes the public that are</p> <p>8 participating and listening in on our meetings. So</p> <p>9 we need to make sure our meetings are conducted in a</p> <p>10 timely fashion, that we try to be considerate of all</p> <p>11 of the Commissioners and the public's time. I want</p> <p>12 to run meetings in such a way that we respect those</p> <p>13 time commitments.</p> <p>14 One of the things that I want to try to do</p> <p>15 is say, you know, "If we're going to take a</p> <p>16 ten-minute break, let's take a ten-minute break, and</p> <p>17 let's don't stretch it out to 20 or 30 minutes,</p> <p>18 because the public that's waiting for us to come</p> <p>19 back in 10 or 15 minutes, then we wait. If we want</p> <p>20 to be 30 minutes, like we did yesterday, let's make</p> <p>21 it a 30-minute break, and that way the public knows</p> <p>22 that they have 30 minutes.</p> <p>23 I think -- you know, I understand things</p> <p>24 can happen where those breaks can extend. But I</p> <p>25 think we need to minimize those.</p>

30

1 I want to ensure that the PEC has  
2 representation and participation in all liaison  
3 groups that we are involved with.

4 I've been the liaison to the Public School  
5 Capital Outlay Council for the last two years. I've  
6 been very engaged, so much so that I was selected by  
7 the Chair of the PSCOC to be the chair of the  
8 subcommittee on Administration Maintenance  
9 Standards. I think that elevates the PEC's role.  
10 And I think we need to make sure that we are  
11 participating in all of those things and have  
12 reports coming back from our representatives on  
13 those groups, including the LESC, the LFC, the  
14 School Board Association.

15 Joe Guillen mentioned to me that our  
16 representative to that hadn't attended one meeting  
17 in two years. That was very distressing to me,  
18 because we need to work with and collaborate with  
19 all the schools and the school partners and the  
20 participants throughout New Mexico. So I think it's  
21 very incumbent upon us to do so.

22 I also want to ensure that we have a  
23 couple of subcommittees, one working with the  
24 strategic planning, which, statutorily and  
25 constitutionally, is something we should be doing on

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1 a biannual basis with the PED. And we have not been  
2 doing that.

3 And I think, you know, what we did  
4 recently with the -- the writ that was filed with  
5 the Supreme Court, I think we are not trying to  
6 overstep our bounds, but we're trying to reinstitute  
7 the authority and the constitutional status of the  
8 PEC in the State of New Mexico.

9 And I think there's other areas where we  
10 need to do that, working with the PED, not as  
11 enemies but as partners in education throughout  
12 New Mexico.

13 Also working on reforming and working with  
14 our performance framework, you know, have a  
15 subcommittee that can work with that. Because  
16 sometimes when we have committees of the whole, we  
17 can get drug down into rabbit holes and things like  
18 that. I think if we had a subcommittee on that, it  
19 would be very important.

20 We just heard earlier today from the  
21 Perkins Grant from Ms. Perea. And I think one of  
22 the things -- we've had an issue with that. Same  
23 thing with the CTE. We are not being included as we  
24 are required constitutionally and statutorily to be  
25 participants with PED in those things.

32

1 You know, Career and Technical Education  
2 is very important in New Mexico. Not everyone is  
3 going to go to college. There are a lot of career  
4 opportunities outside of going to college, becoming  
5 a doctor or a lawyer. And, for Commissioner Taylor,  
6 an orthodontist or a dentist, we need those. But we  
7 also need people in trades fields, because those are  
8 good paying jobs.

9 You know, my son-in-law is a machinist.  
10 He is now the owner of a company, one of the largest  
11 machine companies in New Mexico. And, you know, he  
12 didn't go to four-year college. He got an  
13 Associate's degree, and he is now running one of the  
14 largest machinist firms in the state.

15 And I'm very proud of him for doing that.  
16 It just goes to show that, you know, education is  
17 very important.

18 And I think primary and secondary  
19 education is very important. We need to prepare  
20 people for careers or for college. But I think when  
21 we don't emphasize, and we don't work with PED on  
22 the career and technical education, we just get  
23 reports, I think we are missing the boat.

24 So some of those -- those are my primary  
25 areas. I want to work with all the Commission and

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1 be respectful of your time, so I'll end it with  
2 that.

3 Thank you.

4 COMMISSIONER VOIGT: Thanks, Commissioner  
5 Robbins.

6 THE CHAIR: Thanks. And I'll make this  
7 brief. Kind of really deeply disappointed in the  
8 statement that we're stuck and that we need a reset.

9 When I first started on the Executive  
10 Committee and then moved to Chair, there was such a  
11 deep distrust of the Commission and a lack of  
12 respect that this Commission could work  
13 appropriately and that we were being influenced too  
14 much by outside sources.

15 And we were listening, and there were  
16 actually voting blocs that had been created that  
17 were being influenced by sources outside this  
18 Commission, that NACSA came in. And I had to stand  
19 before the LESC twice, because NACSA indicated the  
20 same concerns and tried to start a reset of this  
21 Commission.

22 There was such distrust that there was --  
23 and what Commissioners need to understand. When  
24 there's a perception that the Commission isn't  
25 acting in the public's interest and is being

<p style="text-align: right;">34</p> <p>1 influenced too much by outside sources, that's on us 2 and how we act. We have to live with that 3 ourselves.</p> <p>4 But the problem is that the effect goes to 5 the schools that we authorize. And there's a deep 6 distrust in the quality of what's going on with 7 those schools, so much so that there was, once 8 again, legislation for a moratorium on opening new 9 schools, and there was legislation that was filed to 10 disband the PEC, because we could not operate 11 appropriately. And it -- it has taken years to 12 create this reset.</p> <p>13 And this Commission has worked 14 extraordinarily hard to create new processes. And 15 we have committed ourselves to what charter schools 16 have to; innovation and creativity and offering 17 something new. And that's what we've done through 18 so many of the processes that we have now in place.</p> <p>19 The new performance framework, the 20 intervention ladder, this complete reset that we are 21 a supportive body, not a "gotcha" and a punitive and 22 a compliance-only.</p> <p>23 And, yes, there still needs to be work to 24 be done, because that's the role of education. As a 25 career educator, you know every day you go into the</p>	<p style="text-align: right;">36</p> <p>1 do.</p> <p>2 But I -- and I am simply going to say 3 this. Since the time I've been on, we have always 4 been advised not to discuss Commission business 5 with -- we have OMA concerns of our own with 6 interests outside of the Commission. I was 7 approached by Commissioners to run for Chair from 8 Commissioners that were not on the Commission at the 9 time.</p> <p>10 I was deeply disappointed in that 11 conversation. I turned down that nomination. The 12 AG's Office has always advised us not to. And I sit 13 here with a clear conscience that I made not a 14 single phone call or contact, as I've always been 15 advised, as the Commission has always been advised, 16 never to ask for a vote.</p> <p>17 So I stand by my record, and that's all I 18 can say. I will rest tonight knowing the good work 19 that I've done.</p> <p>20 Thank you.</p> <p>21 COMMISSIONER VOIGT: Thank you, 22 Madam Chair.</p> <p>23 COMMISSIONER DAVIS: I would like to speak 24 in favor of Chairman Gipson. 25 So I -- my first year was 2000 (verbatim).</p>
<p style="text-align: right;">35</p> <p>1 classroom, it's a new day. Every day that we come 2 to work for the Commission, for PED, it is a new 3 day. And we have to bring that new lens every day.</p> <p>4 And I am proud of the years that I've 5 spent as an educator, and I would not have ever been 6 able to be recognized by members of the LESC, by 7 members of the LFC, I wouldn't have been able to 8 contribute to the conversations that I have every 9 day as a Commissioner if I did not have that breadth 10 of experience as an educator and the lens of an 11 educator to help to guide this.</p> <p>12 I'm proud of anything that I have done to 13 try to move this Commission forward. And this 14 Commission needs to move forward as a complete body. 15 And if there are vacancies in liaison committees, 16 liaison committees are by choice of the Commission. 17 And if someone does not sign up to be a member of a 18 committee, it is not the Commission that can force 19 someone to take of their own time and go do 20 something.</p> <p>21 And I can say, as a liaison committee 22 member of the LESC, I have reported back every time 23 I have attended. We receive regular reports from 24 NMPSIA. So I'm kind of disappointed that there was 25 this veiled, "We don't hear from these people." We</p>	<p style="text-align: right;">37</p> <p>1 So in addition to being a new Commissioner, it was 2 also a new leadership in the State House. So 3 everything that had been previously in place had to 4 be revised. So we worked tirelessly for the 5 different frameworks. And Pattie Gipson was the 6 leader on that. And we wouldn't be in the position 7 we are today without her leadership.</p> <p>8 And, also, on a personal note, she always 9 has been open and willing to answer questions. She 10 allows people to say what they need to say so the 11 conversation is complete. And as a new 12 Commissioner, there were lots of things I needed 13 background information to make a good decision. And 14 she was very willing and open to explain the 15 circumstances that brought us to the position in 16 question.</p> <p>17 So I think that she has been an excellent 18 leader, and I urge everyone to vote for her.</p> <p>19 COMMISSIONER VOIGT: Yes, Commissioner 20 Davis.</p> <p>21 Anyone else?</p> <p>22 Okay. I would just like to reiterate the 23 importance of the Chair having at least some history 24 of charter school knowledge, and then that fortitude 25 and appreciation of the historical work that's been</p>

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1 done on the PEC.

2 Some of you know that the toxicity that

3 was in existence as recent as five years ago is

4 still reverberating, and we're still kind of

5 recovering from that. And the growth that I've seen

6 on the PEC, as a charter school leader -- as a State

7 charter school leader from then to now, has been

8 tremendous.

9 And so that historical knowledge of how

10 the PEC has grown and been able to maneuver through

11 a very top-down-managed Public Education Department,

12 and not-charter-school-favorable legislation, has

13 been nothing short of a miraculous and greatly

14 appreciated by the charter school leaders. And I

15 can speak to that firsthand.

16 So is there anyone else who would like to

17 pipe in?

18 (No response.)

19 COMMISSIONER VOIGT: Okay. Ami, do we

20 take a pause for voting?

21 MS. AMI JAEGER: Yes. So why don't we

22 take a one- or two-minute pause and people can text

23 me their vote.

24 THE CHAIR: So, Karen, while we're

25 waiting. So Bev sent that e-mail. So I can use

39

1 that e-mail just to get a new password? Is that

2 what -- Bev sent an e-mail, and I think it was

3 forwarded from you, to go to the S.T.A.R.S.

4 password, and I'll receive an e-mail with a

5 temporary? Is that what -- okay. All right.

6 MS. KAREN WOERNER: Yes, Madam Chair. For

7 the new Commissioners, you should have received,

8 this morning, an e-mail about your SharePoint

9 access. That link -- you go to that link, and it

10 sends you a password to your e-mail, and then you

11 should be able to log into SharePoint. That's true

12 if you're setting it up new or having any issue with

13 your password.

14 COMMISSIONER CARRILLO: Glenna, I have a

15 question. Since the Legislature, in their

16 inimitable wisdom, has a ten-member board so there's

17 no clear majority, what happens in the case of a

18 tie?

19 THE CHAIR: You need new motions.

20 COMMISSIONER VOIGT: I thought we would

21 just go out back.

22 THE CHAIR: I can go out back here. I've

23 got a young bobcat sitting back here. But, yeah,

24 you need new motions.

25 COMMISSIONER VOIGT: Yeah. We have a new

40

1 motion.

2 COMMISSIONER CARRILLO: New motions?

3 Because somebody said to me that they don't like in

4 some towns in New Mexico where you cut the --

5 THE CHAIR: Yeah, split a deck of cards.

6 COMMISSIONER CARRILLO: That's what I --

7 you know how these small towns in New Mexico, if

8 it's tied, someone has suggested to me that that's

9 what happens. And I was just curious.

10 THE CHAIR: No, that's not in our rules.

11 And so you have to keep voting until someone wins.

12 COMMISSIONER VOIGT: And, you know, I

13 think -- I've always thought that this whole

14 election process is so awkward, from what I've seen.

15 But I really like the -- the opportunity for folks

16 to speak up. I always like that.

17 COMMISSIONER ROBBINS: I do want to say

18 just one thing. I appreciate and respect Pattie for

19 her leadership. You know, I came on the position

20 two-and-a-half years ago, and I learned an awful lot

21 from Pattie and the other Commissioners.

22 THE CHAIR: I don't think we should really

23 be having this conversation, because it's -- it's a

24 part of the public record. It's just really -- you

25 know, I --

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1 COMMISSIONER VOIGT: Dave's just being --

2 just expressing his gratitude.

3 MS. AMI JAEGER: All right. Thank you to

4 everybody for participating in this virtual

5 election. It's always different -- a little bit

6 different with not being in-person, because,

7 usually, we have ballots, and we pick them up.

8 But -- so it's a five-to-five tie. There

9 was no clear winner. And so what I'm going to

10 suggest is we go to our Rules of Procedure. And the

11 rules say that you can -- you can have another round

12 of voting.

13 And, again, it will be the same process,

14 whereby you can send your vote to me through the

15 text.

16 Does anybody have a question on the

17 procedure? Or do you want me to point more

18 specifically to how the Rules of Procedure deal with

19 this situation?

20 COMMISSIONER VOIGT: I think so;

21 because -- so we just go for another round? Do we

22 have another round of discussion?

23 MS. AMI JAEGER: So I'll just -- I'll read

24 you what it says in the rules. I mean, certainly,

25 we can have a discussion. Here's what it says in

<p style="text-align: right;">42</p> <p>1 the PEC rules and the procedures.  2 "In the event that no candidate receives a  3 majority, a runoff vote shall be conducted between  4 the two candidates receiving the greatest number of  5 votes."  6 So we have two candidates, and they each  7 received five votes. Then we can -- then the  8 procedures continue.  9 "In the event that a tie persists after  10 three ballot attempts for any office, the winner  11 shall be decided by an equal game of chance, such as  12 the roll of the dice or a card draw."  13 So we do have the opportunity for two more  14 runoffs.  15 THE CHAIR: Okay. I'm fine with just  16 voting again. I don't -- personally, I don't think  17 there's anything else I need to say.  18 COMMISSIONER VOIGT: Does anyone else want  19 to add anything?  20 COMMISSIONER CARRILLO: Yeah. Oh. I saw  21 Rebekka's hand -- Rebekka's hand was up before mine.  22 COMMISSIONER VOIGT: Excuse me.  23 Commissioner, thank you for recognizing that. Go  24 ahead, Commissioner Burt.  25 COMMISSIONER BURT: Thank you. I do want</p>	<p style="text-align: right;">44</p> <p>1 And I'm looking forward to them being more efficient  2 and timely.  3 I do -- I saw the way that, you know,  4 charter leaders were just waiting and waiting for  5 hours and hours. And I know, as someone who is  6 working constantly, that, you know, time is  7 valuable.  8 And so I'm very supportive of Commissioner  9 Robbins and looking to put PEC on the map even more  10 than it already is; not to say that it isn't  11 already, but just to elevate it to that next level.  12 And so looking forward to more efficient  13 meetings and having more say from more Commissioners  14 instead of the Chair kind of setting the tone for  15 the entire discussion.  16 COMMISSIONER VOIGT: Thank you for that.  17 Commissioner Carrillo?  18 COMMISSIONER CARRILLO: Oh, okay. Thank  19 you. So, you know, the challenging thing about  20 this -- and I remember this from being --  21 obviously -- you know, I'll always reference the  22 Santa Fe public ed, right?  23 The challenging thing about the election  24 of officers is that it's always personal. I mean,  25 it almost can't be. And it's really -- it's hard.</p>
<p style="text-align: right;">43</p> <p>1 to also say I'm very grateful for Chairwoman  2 Gipson's service. I do think that, you know, the  3 Commission is basically -- you know, it started in  4 its -- as a newborn. It's basically in its infancy.  5 So to bring it from where it was, which was a really  6 riley toddler, to a full-grown -- we're getting  7 there. It's a lot of work to get starting up, to  8 get going, to get moving.  9 So it is a -- it is an enormous amount of  10 work.  11 I am very grateful for Commissioner  12 Robbins, who's put his name in the hat to step up  13 for leadership. I do think it's important to have a  14 different -- for the leadership to change over. I  15 think it's important for it to modify sometimes so  16 it's not the same year after year.  17 So I am very supportive of Commissioner  18 Robbins and his -- I am excited for an opportunity  19 to have our meetings be run from a chair who -- I do  20 believe it would be more -- from my experience in  21 observing meetings and from participating, it does  22 seem like we do need more structure in allowing  23 other Commissioners to speak first before a chair  24 speaks. And I think that that's the kind of way  25 that Commissioner Robbins knows meetings to run.</p>	<p style="text-align: right;">45</p> <p>1 And so what I try to do -- and even when I was on  2 the losing end of different things, I know that it's  3 not that anybody was taken aback by me or didn't --  4 it's hard not to take it personally.  5 But I realize it's about -- for me,  6 anyway, it's about results and service and vision,  7 what's next. And so that's what I come back to.  8 And so all I have to judge is those meetings that I  9 attended -- I think there was one in the summer; but  10 then the meetings I attended in orientation and then  11 in December.  12 And so -- and my takeaway is that -- that  13 we really do need a shift, as Commissioner Burt  14 stated, in the way -- the tenor of the meetings, the  15 way things are run.  16 I would have to agree, to me, on the kind  17 of what I would say as the arbitrary way that  18 sometimes the agenda was unilaterally changed  19 around, that really (inaudible due to simultaneous  20 speaking) leaders, and literally -- and I'm using  21 the word "literally" correctly -- waiting for hours  22 where they should have been on an agenda.  23 And then I have to come -- for instance, I  24 have to state that I wouldn't have run for the  25 Commission had I not reached out to a lot of the</p>

<p style="text-align: right;">46</p> <p>1 headmasters -- or head learners -- at all of the 2 schools in Northern New Mexico in my district. You 3 know, "What I can do? Can I be relevant, and can I 4 make a difference?"</p> <p>5 And I'm not sure how it is down south. 6 But I would have to say that I would have to 7 disagree with Chairperson Gipson, that I think one 8 of the main reasons I put my hat in the ring to run 9 for PEC was the displeasure of many of the leaders 10 of the schools in District 10 with how ineffective 11 they felt the Commission was and how ignored they 12 felt.</p> <p>13 And, you know, there were some places 14 where I spoke where I talked to, and they said, you 15 know, "A Commissioner has never even been here. The 16 person that held my seat previous has never even 17 been here," which is just unimaginable to me.</p> <p>18 But that creates, if you will, the -- like 19 my vision for the future, why I got involved and how 20 I believe the Commission can have a much greater 21 scope and positive image within the state and within 22 schools.</p> <p>23 Okay. That'll be it for me. Thank you.</p> <p>24 COMMISSIONER VOIGT: Thank you, 25 Commissioner Carrillo.</p>	<p style="text-align: right;">48</p> <p>1 independent charter schools without a political 2 agenda, and that that there has been so much push in 3 previous years, before Commissioner Gipson was the 4 Chair, to bring in unfavorable-to-our-communities 5 charter schools that would not have benefited 6 New Mexico's communities.</p> <p>7 And speaking firsthand as the founding 8 principal of Media Arts Collaborative Charter 9 School, there was an outside corporate entity called 10 K12 Inc. that wooed our school, when I was the 11 principal, for them to design our curriculum and for 12 them to do our recruitment. And they guaranteed we 13 would have 2,000 students in six months. Like 14 that's what we wanted, right?</p> <p>15 But it's entities like that that can be 16 very stealth in penetrating our schools and enticing 17 us with money. And, sure, who doesn't like the 18 sound of coins jingling in your pocket and having 19 money to spend on extra computers and things like 20 that?</p> <p>21 But I think it's the Commission's 22 philosophy and principles that are going to keep the 23 integrity behind the authorization practices of the 24 charter schools in New Mexico. 25 And speaking as a former charter school</p>
<p style="text-align: right;">47</p> <p>1 I'd just like to say something about -- 2 you know, every district is so different and so 3 diverse, and the members of every district and every 4 community are so diverse. We have so many strengths 5 in our state that are often overlooked, especially 6 when you look at national data ranks New Mexico at 7 48th. But the strengths in our community are things 8 that, as individual Commissioners -- not necessarily 9 as a whole Commission, but as individual 10 Commissioners -- we can help lift those up, our own 11 communities and our own districts.</p> <p>12 I don't think it's ever been a 13 responsibility as an entire Commission to ensure 14 that that type of outreach has been made every year. 15 But I, think as independent Commissioners, that we 16 could certainly take that on ourselves.</p> <p>17 Now, I have an easy district, because all 18 of my schools are in Albuquerque. I could take 19 public transport if I wanted; to but I'm not going 20 to do that.</p> <p>21 So I think that, given the history, 22 though, of the Commission, Commissioner Gipson has 23 seen us through a really turbulent time and has been 24 able to hold fast to the principles and the 25 philosophy that guide authorizing high-quality,</p>	<p style="text-align: right;">49</p> <p>1 principal, State charter school principal, I know 2 that the practices that we've upheld since I've been 3 on, and since Commissioner Gipson has been on the 4 Commission, have been forthright and nothing but 5 principled. And I think that having an educator, a 6 public school educator as the chair is vital.</p> <p>7 COMMISSIONER ARMIJO: I'd like to say 8 something.</p> <p>9 COMMISSIONER VOIGT: Oh, super. Yes, 10 Commissioner Armijo.</p> <p>11 COMMISSIONER ARMIJO: I kind of want to 12 speak to what Commissioner Carrillo talked about a 13 little while ago about sort of the community and how 14 the PEC has been viewed in the past.</p> <p>15 And in my community where I'm located, you 16 know, I have access to a lot of State charter 17 schools as well. And my ear has been sought out 18 sort of to -- you know, about some of the stagnant 19 areas of the PEC that they've seen in the PEC.</p> <p>20 But in particular, they have talked about 21 Chair Gipson and how she has made herself available 22 to them when they need her most. And she -- and 23 she's not part of District 1. 24 So I just want to, you know, say that, you 25 know, when -- she didn't really have to do that, I</p>

<p style="text-align: right;">50</p> <p>1 guess. Maybe as a chair, she did. But, you know, 2 I've heard of other folks who, you know, would not 3 necessarily take that meeting or take that phone 4 call. And she has been available to some -- to a 5 lot of charter school administrators in my district. 6 So I am completely, you know, happy that she did 7 that.</p> <p>8 You know, and as far -- I'm kind of more 9 of a continuity-type person. And I feel when 10 somebody has momentum, that they should be allowed 11 to kind of keep that momentum. And as you've 12 stated, she's been doing quite a bit of work. 13 Everybody has stated she's been doing quite a bit of 14 work on the PEC as the Chair. And I -- I am -- I 15 would like to see her continue that work. Thank 16 you.</p> <p>17 COMMISSIONER VOIGT: Thanks, Commissioner 18 Armijo.</p> <p>19 Yeah. Commissioner Chavez?</p> <p>20 COMMISSIONER CHAVEZ: Thank you. You 21 know, I'm always the quiet one, right?</p> <p>22 I'd like to just say, you know, this is -- 23 this has been challenging for me in which way to go. 24 You know, there are some things that I think can be 25 improved upon as far as the efficiency of our</p>	<p style="text-align: right;">52</p> <p>1 I've had many, many interns, 2 administrative interns, that have worked under me. 3 And at the end of the internship, I've always 4 asked -- and they're usually teachers looking to 5 become administrators.</p> <p>6 And at the end of that internship, I 7 always ask those teachers, you know, "What was your 8 biggest ah-ha moment?"</p> <p>9 And without a doubt, every single time, 10 that teacher will say, "I had no idea what goes on 11 at the front office, or at central office."</p> <p>12 And I always -- my response to them always 13 is, "Well, of course you don't, because you're in 14 the classroom doing what you need to be doing, 15 working with kids."</p> <p>16 And so I say -- I share that story, 17 because there's many, many, many things that go on 18 in leadership that people are not aware of. There's 19 many things that Commissioner Gipson has been at the 20 forefront of dealing with that are behind the 21 scenes, you know.</p> <p>22 We've already talked about how, you know, 23 the -- the perception of the Commission over the 24 years and how it still resonates. We are still 25 trying to get to the place that we need to be, you</p>
<p style="text-align: right;">51</p> <p>1 meetings. And, you know, those are some of the 2 things that we should all work towards.</p> <p>3 As I think about just everything, as I 4 think about what Commissioner Robbins and 5 Commissioner Gipson bring to the leadership of this 6 Commission, they both have very, very strong 7 strengths, and that's what makes it hard for me.</p> <p>8 But, you know, some of the things that I 9 would like to see, you know, are some of the things 10 that Commissioner Robbins has mentioned.</p> <p>11 But as I also think about things, and in 12 those things, I also think that that is -- those are 13 some of the things, the role of the Commission, that 14 we should be working with our chairperson, to make 15 sure that -- that we are providing direction and 16 suggestions to the chairperson.</p> <p>17 And so as I think about Chairwoman Gipson 18 and the leadership that she's brought, you know, 19 it's extremely difficult -- as a -- as a public 20 school administrator of over 20 years, I know how 21 difficult it is to lead. And one of the hardest 22 things is for people to understand what goes on 23 behind the scenes or behind closed doors. And 24 that's always -- and let me just give you an example 25 of what I'm talking about.</p>	<p style="text-align: right;">53</p> <p>1 know.</p> <p>2 And those are some of the things that 3 Commissioner Robbins has brought up as well.</p> <p>4 But I -- I'm kind of -- I think -- like I 5 said, both of them bring a lot of positives to the 6 table. But I just want to recognize, you know, 7 that, you know, please don't -- don't make a 8 judgment, especially -- and I'm just going to go 9 there. I'm sorry.</p> <p>10 If you're a new Commissioner coming on 11 board, you know, unless you've been, you know, 12 through -- sitting in that chair, you don't have the 13 full story, okay? And so I just want to -- I want 14 to end it there, because I think the Commission has 15 come a long ways, and I'd like to see it continue.</p> <p>16 Thank you.</p> <p>17 COMMISSIONER VOIGT: Thank you, 18 Commissioner Chavez, for that.</p> <p>19 Anyone else?</p> <p>20 Okay, Ami. Another vote? 21 (Pause for voting.)</p> <p>22 MS. AMI JAEGER: Okay. I've received a 23 text from all ten Commissioners. And it has 24 resulted in an even tie, five-to-five. So, 25 according to our procedures, we can do one more</p>

<p style="text-align: right;">54</p> <p>1 round of voting before the -- before it would -- the 2 next step. After that would be an equal game of 3 chance. 4 So we can -- we can have one more round of 5 ballots. 6 COMMISSIONER VOIGT: Okay. Thanks, Ami. 7 You know, I just want to say, I really appreciate 8 what Commissioner Chavez was saying about leadership 9 and the work that goes on behind the scenes. 10 Because it's so true, as -- not just as a school 11 administrator, but as the chair of the Commission. 12 And I think the work that Pattie has done 13 behind the scenes to get us to this successful place 14 that we're at now, she has done with fidelity and 15 full transparency. 16 There's always going to be perceptions 17 that are out there. But we have to be able to 18 filter and use our discretion as to what is bringing 19 truth and what is bringing sincerity behind people's 20 perceptions, because you're never going to be able 21 to please everybody all the time. 22 And there -- like I was talking about the 23 PTSD with the former PED administration, yes, the 24 perception and the scrutiny was really harsh towards 25 the PEC. I held that myself as a school leader.</p>	<p style="text-align: right;">56</p> <p>1 and that charter school leader, they do it all. 2 I -- you empty the trash. You shovel the ice on the 3 sidewalks as the school leader. You don't have a 4 maintenance and operations department. You don't 5 have -- you know, you pay your own electric bills. 6 So it's different. It's a different world 7 out there being a charter school leader. 8 And so for us to understand the work that 9 goes into a State charter school and to appreciate 10 the work that they are doing to try to comply with 11 the policies that we set forth, the best thing that 12 we can do is support them, our schools, in every 13 way. And in order to do that, we have to understand 14 the history of State charter school authorization in 15 New Mexico. 16 And to that, I think that this Commission 17 has done a model job. And, like I said, we need to 18 go present at a national conference. 19 But to that, an educator at the helm who 20 understands what processes are involved in a school 21 in order to lead other educators through decision 22 making processes, I think, is key, having an 23 educator as the chairperson of the Public Education 24 Commission, I think, is important. Okay. Thanks. 25 I talked way too much.</p>
<p style="text-align: right;">55</p> <p>1 And the PEC takes a lot of -- a lot of judgment, 2 because they are in an authoritative position. 3 But as Commissioners, we need to be able 4 to filter that and really look and know our schools. 5 That's going to help us be able to decipher and 6 discern, you know, what is, you know, populist 7 opinion, what is, you know, truth, and then be able 8 to make just decisions and look at that in a 9 reflective way also towards our own actions. 10 So I know that there has been some 11 scrutiny placed on the PEC. I was guilty of that 12 myself, as a school leader. And I was -- those who 13 know me, I'm never one to hold back or shirk what I 14 have to say. 15 And I appreciate the candidacy that you 16 have, Commissioner Carrillo. But as new 17 Commissioners come on to this Commission, to step 18 back and look at your intentions as to why you ran 19 for the Commission -- and I know and I trust that 20 it's for our students. But also the charter school 21 world, it's different. It's more challenging. It's 22 harder. It's a big lift. 23 Just like running a small district, like 24 in Hatch, or in Mosquero, or in Truth or 25 Consequences, or in Tucumcari, that superintendent</p>	<p style="text-align: right;">57</p> <p>1 All right. Commissioner Burt? 2 COMMISSIONER BURT: Thank you. So I just 3 want to say, you know, I actually could not imagine 4 that Chairwoman Gipson's leadership is just going to 5 go away if she's not the Chair. 6 So, I mean, I -- I do want to say my 7 decision is based solely -- it's not on perceptions. 8 It's not on how the PEC is viewed. It's actually on 9 none of that, because it is, as a Commission, our 10 entire job to do that together. It's not one 11 person -- this is definitely not on the Chair. 12 What I'm voting based off of is the 13 organization of the meetings. I mean, I'm -- and 14 it's pretty -- like, it's simple as far as that, is 15 I know there's -- there's a lot of work that's done 16 behind the scenes. I don't know why that would 17 stop. You know, that -- it doesn't -- that doesn't 18 necessarily stop when you're -- I mean, I -- I -- I 19 can imagine I'm going to be coming to Commissioner 20 Gipson for lots of questions. 21 And she'll have a lot of input on 22 everything, especially -- and I would say with 23 future changes coming up in our rules as far as 24 agenda making, even, you know, there's a lot of 25 opportunities for every Commissioner to have their</p>

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1 say-so in agenda making and in all those pieces.  
 2 So, like I said, my -- my -- it's solely  
 3 based -- the primary focus for me was to help with  
 4 the -- you know, to work on the efficiency. And I  
 5 do think that that's one space where just a change  
 6 in leadership is a good thing. You know, having it  
 7 the same every time, there's a good thing about  
 8 consistency; but also having a change in leadership  
 9 for one year is sometimes a good change.  
 10 And so I do want -- that's what my two  
 11 cents is. It's all of our -- there's ten  
 12 Commissioners. We should all be doing  
 13 behind-the-scenes work. It shouldn't be all on the  
 14 chair. So having a chairperson, it would be so put  
 15 onto the chair, and if the chair changes, that the  
 16 whole Commission flounders, is actually a little  
 17 problematic.  
 18 So I do think it's up to the Commission as  
 19 a whole to step up individually, more like  
 20 Commissioner Chavez said. It is important as a  
 21 Commission for us to all step up to where it's not  
 22 all on just the Chair. Once again, I think a change  
 23 in leadership is important every once in a while.  
 24 And so, once again, to me, it's about the  
 25 efficiency of the meetings. There's nothing --

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1 there's nothing much more than that, because it is  
 2 on the rest of us combined.  
 3 COMMISSIONER VOIGT: Thank you,  
 4 Commissioner Burt.  
 5 I'll just say the meetings have gotten a  
 6 lot better as far as efficiency goes, too.  
 7 Anyone else?  
 8 (No response.)  
 9 COMMISSIONER VOIGT: So a lot of this  
 10 discussion has focused around operational process,  
 11 which is, like, you know, we can just make that  
 12 happen. I don't know necessarily why we would need  
 13 a new chairperson to make little operational tweaks  
 14 like that.  
 15 But I just feel that for the continuity  
 16 and the fortitude of work to continue, I think that  
 17 that consistency in transition would be good.  
 18 COMMISSIONER CHAVEZ: And, you know,  
 19 Commissioner Voigt, if I could just add -- because I  
 20 know I used the term "behind-the-scenes work" and  
 21 stuff like that. And there is. All of us have that  
 22 opportunity to be able to do that sort of stuff.  
 23 But within that, within that definition,  
 24 it's also stuff that goes on behind closed doors in  
 25 Executive Session and stuff and things that are

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1 not -- we're not able to share out, you know, and  
 2 the ethics that go with that.  
 3 And so -- and it makes it really, really  
 4 difficult as a leader -- all of us, as a Commission,  
 5 it makes it difficult on all of us. But it also  
 6 especially makes it difficult on the chairperson.  
 7 And so, you know, to really have an  
 8 understanding of what's gone on over the last, you  
 9 know, two, three, four years, you know, it's --  
 10 there's some things that are obvious that people are  
 11 able to see on the surface. And then there are some  
 12 things that are not able -- you're not able to see  
 13 just because of the legalities of things.  
 14 So it's extremely difficult. I think  
 15 we're moving in -- we're taking positive steps  
 16 forward. And, again, I'm just going to echo -- and  
 17 I think Commissioner Burt just said this. It is --  
 18 it is something that, as a Commission, if we're  
 19 looking at -- and, Glenna, Commissioner Voigt, you  
 20 said it. It's operational pieces. Operational  
 21 pieces are easy to address. They're easy to work on  
 22 and improve. And we should be in the state of  
 23 improvement of how we operate as a Commission.  
 24 And so -- you know. And I'm a big  
 25 proponent of change also, you know. Anybody that's

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1 ever worked with me knows that, you know, change is  
 2 something we should embrace.  
 3 But there's also times where, because  
 4 of -- of situations that we may be right in the  
 5 middle of, that we have to proceed, you know,  
 6 cautiously and with consistency.  
 7 And so I just want to leave it there.  
 8 COMMISSIONER VOIGT: Thanks, Commissioner  
 9 Chavez.  
 10 Also a lot of these topics that we've been  
 11 discussing simply don't fall on the chair. I mean,  
 12 they're all processes and operational pieces that we  
 13 can make happen without having a chair -- a chair  
 14 change.  
 15 So, you know, something to think about,  
 16 you know, that I do believe in change. I think  
 17 change is progressive. But these are changes that  
 18 we can make happen without changing our chairperson.  
 19 COMMISSIONER CARRILLO: May I?  
 20 COMMISSIONER VOIGT: Yes, Commissioner  
 21 Carrillo.  
 22 COMMISSIONER CARRILLO: I had fully  
 23 intended not to speak again. I've listened to  
 24 everything that's been said, and I think everyone  
 25 has stated eloquently their thoughts.

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1 I would never want change for change's  
 2 sake. I just think that's ridiculous. But I  
 3 honestly -- the thing that I have to come back to is  
 4 when you've had -- and you can even see it in the  
 5 Legislature, when you've had leadership for so long  
 6 on different committees that things don't  
 7 necessarily move forward anymore.  
 8 And there is -- people are making the same  
 9 arguments every session. And, I mean, one of the  
 10 people I point to -- whether you like him or not --  
 11 John Arthur Smith, a great dedicated public servant.  
 12 But there is no question -- and I think probably all  
 13 of us would agree, he's the person that always held  
 14 up more funding for education in New Mexico, almost  
 15 single-handedly.  
 16 And -- but it's -- so whether -- I mean,  
 17 we don't know what's going to happen in the next  
 18 60-day Legislature. But we know there's going to be  
 19 the ability for a lot of new ideas and things to  
 20 come to rise to the surface.  
 21 And I just -- I have to go back to if,  
 22 when we're talking about the liaisons, when we're  
 23 talking about the LESC, when we're talking about  
 24 that we haven't been present at the New Mexico  
 25 School Boards Association, a lot of this does have

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1 to fall on the person sitting in the chair seat,  
 2 saying -- and I know you can't make somebody do  
 3 something.  
 4 But it's, like, "You guys, we need to be  
 5 able to participate more. And, in these different  
 6 areas, we need to have our voice heard."  
 7 And I can't help but think -- you know,  
 8 and even on the strategic planning, it's like, well,  
 9 why hasn't there been any movement on a strategic  
 10 plan in the last several years?  
 11 And that does fall in that arena. And I  
 12 can -- you know -- so I would say it is time to have  
 13 kind of new ideas and just a new perspective.  
 14 I totally agree with Bekka here on I would  
 15 expect someone of Ms. Gipson's character to always  
 16 be involved, always be available, and always be an  
 17 amazing resource to the Commission and to her  
 18 district and the state, in general.  
 19 When I was no longer president of the  
 20 school board, the only thing that changed for me  
 21 actually was my seat. Nothing changed. I was still  
 22 at the Legislature. I was still doing everything I  
 23 did. I just, you know, wasn't running the meeting.  
 24 It's just who I am in the world is being involved  
 25 that way.

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1 So I do believe that having a change in  
 2 that seat at this point is a good idea and -- for us  
 3 to move forward. So there you have it.  
 4 COMMISSIONER VOIGT: Thanks, Commissioner  
 5 Carrillo.  
 6 COMMISSIONER CHAVEZ: If I can just  
 7 respond to that?  
 8 Commissioner Carrillo, it's exactly what  
 9 I'm talking about. You mentioned John Arthur Smith  
 10 and somebody that comes from his district that was  
 11 elected time and time again by his constituents. I  
 12 didn't agree with him always, either. In fact,  
 13 there was many times that I didn't agree.  
 14 But when you had the opportunity to sit  
 15 down with him and talk to him why he voted the way  
 16 he did, there was a lot of behind -- again, I'm  
 17 going to -- I keep using the term "behind the  
 18 scenes"; because there was a lot of information that  
 19 I was not aware of as to what was informing his  
 20 decision to be able to vote the way he did.  
 21 And whether you agreed with it or not, you  
 22 know, I had those conversations. And so, again, it  
 23 goes back to leadership and the information that  
 24 you're receiving, that you have, that maybe the  
 25 general public doesn't have.

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1 And this -- that's what we have here is we  
 2 have, you know, the Chairperson is leading this  
 3 Commission and has information that maybe the  
 4 general public doesn't, maybe beyond executive  
 5 session, you know. We don't know.  
 6 Or -- I'm not saying -- I'm sorry. Not  
 7 "executive session" -- beyond the officers, you  
 8 know.  
 9 And so there's some of that stuff that  
 10 is -- that they're making decisions based on  
 11 information that they have.  
 12 And so leadership -- there's just a lot,  
 13 you know. It's hard to say and criticize, you know,  
 14 anybody in the leadership position unless you've  
 15 walked in their shoes.  
 16 COMMISSIONER VOIGT: Thanks, Commissioner  
 17 Chavez. You know, I mean, since we're -- we've  
 18 used -- "behind the scenes" is such a great catchall  
 19 phrase. And I want to go back to something that  
 20 Commissioner Gipson had said about the time -- and  
 21 it wasn't within the last two years; but before I  
 22 came on the Commission -- the time that she was  
 23 solicited by other Commissioners to run for Chair.  
 24 And because of her integrity, she would not even  
 25 have that conversation.

<p style="text-align: right;">66</p> <p>1 And I think that is honorable and says a 2 lot about her integrity. 3 Now, the new Commissioners, if you have 4 been solicited by a sitting Commissioner or by an 5 outside entity before you even joined the 6 Commission, I mean, reflect on that. You know, that 7 is like a behind-the-scenes thing that didn't come 8 forth with transparency that I think is a little 9 borderline unethical to be solicited by a sitting 10 Commissioner for votes on the Executive Committee 11 and/or by an outside entity, you know, meeting about 12 what the PEC should be doing. 13 That is a perspective that should be, you 14 know, looked at through a veil and filtered. So I'm 15 just throwing that out there as something that -- 16 something to just think about and look at the 17 intentions around why you're voting the way you're 18 voting. 19 Yeah. Commissioner Burt? 20 COMMISSIONER BURT: So, in that regard, I 21 do want to say that, you know, when I introduced 22 myself to Commissioner Robbins, I actually asked him 23 to consider running for Chair. It wasn't on the top 24 of his mind. But, like I said, I knew he was a 25 former APS School Board member. I knew he's very</p>	<p style="text-align: right;">68</p> <p>1 So that is why it's not necessarily just a 2 change in procedure that we can put in. To me, that 3 was a leadership style that I felt like could be 4 overseeing the position that did not allow multiple 5 perspectives to have their fair say. 6 So as unethical conduct is being brought 7 up, I do want to say I don't believe there is 8 anything -- I'm going to go -- I will not be going 9 to bed feeling poorly about speaking to any 10 Commissioner about any PEC topic, because that is 11 our job is to communicate with one another and to 12 collaborate efforts, and so understanding, you know, 13 to ensure there's not a rolling quorum of any sort. 14 But that this is the -- this is the second 15 time I've heard that we should not be talking to one 16 another. And I just want to caution on, I don't 17 think that that's a right thing to say, that we 18 should -- we should be communicating with each 19 other. And I've heard that multiple times over the 20 last couple of days. 21 So I did just want to make sure and state 22 that. I don't think it's unethical to speak to 23 another Commissioner. And I will continue to 24 speaking (verbatim) to all Commissioners, and I will 25 ensure that I'm following Open Meetings Act and</p>
<p style="text-align: right;">67</p> <p>1 much strategic with his -- you know, the way 2 procedures and rules and the way a meeting would 3 run. And I had actually asked him to consider 4 running. 5 So I do want to make it clear. There's no 6 unethical -- and to talk to other Commissioners, I 7 don't think we should be made to feel unethical 8 about speaking to another Commissioner, you know. 9 It's just not -- that kind of actually puts a -- a 10 damper on collaboration and on moving the Commission 11 forward. So I do want to make that clear as well. 12 I had asked him if he would ever consider 13 running. 14 Also, once again, I do want to be clear. 15 The reason why I asked him to run was because I was 16 very put off by the way in which the Chairperson 17 always spoke first in the meetings. And from my 18 experience in running meetings, participating in 19 meetings, doing the behind-the-scene work in 20 meetings, I have never heard a chair speak first, 21 set the tone for every decision, and then ask if 22 anyone else has any other opinion. 23 And I know that that's something that 24 Commissioner Robbins also -- and that is a -- that 25 is not a -- that is a leadership style.</p>	<p style="text-align: right;">69</p> <p>1 making sure I'm very transparent in everything I say 2 and do and talk about. 3 But that, I think it's a little far to 4 have said that it's unethical to speak to another 5 Commissioner about anything and why we're voting for 6 people. It's not an unethical reason; for me, as 7 well. 8 COMMISSIONER VOIGT: Thanks for that, 9 Commissioner Burt. And I think you're taking out of 10 context what I said. I'm not talking about it's 11 being unethical to talk to each other. I'm talking 12 about vote solicitation by a sitting Commissioner. 13 That's -- so just to take a fraction of 14 what you were speaking about into a little different 15 area. So, no, I don't think that -- and I'm not 16 going to -- I'm not making anyone feel any certain 17 way. But I'm -- just so you understand that that's 18 the context I was talking about. 19 Commissioner Carrillo? 20 COMMISSIONER CARRILLO: I don't know about 21 you, but I'm seeing a rabbit hole. So my feeling is 22 that we should either take a third vote, or we 23 should just go right to the basketball court and 24 have you guys just duel it out or whatever, do the 25 cutting of the cards or the rolling of the dice or</p>

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1 whatever it is.

2 COMMISSIONER VOIGT: I say free throws.

3 COMMISSIONER CARRILLO: Oh. But they're

4 not allowed to be on the court together. Oh, my

5 god.

6 COMMISSIONER VOIGT: So anyone else have

7 anything else to say?

8 Okay. Ami, are we going to do a third

9 round?

10 Okay. Third round.

11 MS. ELIZABETH JEFFREYS: So Ami just lost

12 a connection briefly there. I think we're ready to

13 do the third round. I don't think anyone else has

14 anything to add.

15 Okay. Ami's coming back on. Hold on.

16 COMMISSIONER DAVIS: So, Ami, my last text

17 doesn't say "Received." Did you receive it?

18 MS. ELIZABETH JEFFREYS: But do it so they

19 can see your hands the whole time. Just the low

20 toss.

21 THE CHAIR: Karen, when I went to do the

22 password reset, I have a little bit of a concern,

23 because the temporary password was "10C." So I

24 think it's still somehow associating -- even though

25 I put in District 7, is that going to be an issue?

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1 Because, obviously, it's still associating me with

2 10.

3 Sorry. I'm having password issues.

4 MS. KAREN WOERNER: I would suggest,

5 Madam Chair, that you use the website for now if

6 you're not able to get in SharePoint, because I'm

7 not sure what's happening. I'll work with IT in

8 between here to try to get that resolved.

9 THE CHAIR: Okay. Thanks.

10 MS. AMI JAEGER: Sorry. I -- my Wi-Fi is

11 having issues.

12 COMMISSIONER DAVIS: So, Ami, my last text

13 just was sent. It doesn't say that you received it.

14 MS. AMI JAEGER: I didn't reply. I could

15 reply to everybody.

16 COMMISSIONER DAVIS: Oh, that's okay. As

17 long --

18 MS. AMI JAEGER: But I did receive

19 everybody's text for the third round of voting.

20 COMMISSIONER DAVIS: Okay. Thank you.

21 MS. AMI JAEGER: So our procedures say

22 that after three rounds of voting, it resorts to

23 chance.

24 And I do have a quarter. Let's see where

25 your -- I have a quarter. And I knew all those

72

1 times when I was watching football games, it would

2 pay off.

3 So I guess I'm asking the Commission if

4 the Commission is comfortable if I use a quarter,

5 flip a quarter. And then I don't know who calls

6 "heads" or "tails" between Commissioner Robbins and

7 Commissioner Gipson.

8 COMMISSIONER CHAVEZ: Ami, before you do

9 that, I just have a quick question. Are you saying

10 that the third round of votes was still

11 five-to-five?

12 MS. AMI JAEGER: I'm sorry. Yes, that's

13 exactly what I'm saying. The third round was even,

14 five-to-five, with all ten votes recorded.

15 COMMISSIONER VOIGT: What do they do with

16 football games? Does the home team call it in the

17 air? How does that work?

18 COMMISSIONER ROBBINS: I'll defer to

19 Pattie.

20 THE CHAIR: I'll take heads.

21 MS. AMI JAEGER: But after I catch it.

22 But -- all right. I hope I can do this without

23 dropping it.

24 COMMISSIONER CARRILLO: Hold on a minute.

25 Just that you said, "I hope I can do this right," I

73

1 mean there are ways to throw a quarter in the air,

2 and there are ways where you flip a coin.

3 COMMISSIONER VOIGT: You have to balance

4 it on your thumb and --

5 MS. AMI JAEGER: That's what I was going

6 to do.

7 COMMISSIONER CARRILLO: Do you know how to

8 flip a coin? I want to make sure -- maybe we should

9 be cutting cards or doing something. But if you're

10 not going to flip the coin, where it goes in the

11 air --

12 MS. AMI JAEGER: Okay. I'll flip it less

13 high, so I can actually catch it.

14 COMMISSIONER VOIGT: We can give you some

15 practice tries.

16 MS. AMI JAEGER: Is there somebody

17 impartial who's a good coin flipper?

18 COMMISSIONER VOIGT: I think we can give

19 you some comfort tries, be able to catch it in one

20 hand.

21 COMMISSIONER MANIS: I have a coin flipper

22 on mine that you could do on mine, too, that you

23 could share your screen.

24 THE CHAIR: If we can't trust our lawyer

25 to do this with integrity, I think we're all on the

74	<p>1 screen in trouble.</p> <p>2 MS. AMI JAEGER: Okay. I know how they do</p> <p>3 it in football. They toss it and let it land on the</p> <p>4 ground so that none of the umpires or none of the</p> <p>5 refs call it.</p> <p>6 I'm happy to do that and move the -- you</p> <p>7 know, flip it and it'll land on the floor. And then</p> <p>8 Elizabeth will bring this over. I just don't want</p> <p>9 to make you seasick holding the camera, and she'll</p> <p>10 bring it over.</p> <p>11 COMMISSIONER CARRILLO: I think having it</p> <p>12 on the floor is the right idea. That's what they do</p> <p>13 in sports; they let it land.</p> <p>14 MS. AMI JAEGER: They let it land. I want</p> <p>15 Elizabeth to hold the camera so you can see it land</p> <p>16 on the floor, though.</p> <p>17 Okay. And you can point it -- angle it</p> <p>18 down so they can see the floor.</p> <p>19 Is that a good view?</p> <p>20 COMMISSIONER VOIGT: Yeah. We can see it.</p> <p>21 FROM THE FLOOR: Did they call it yet?</p> <p>22 COMMISSIONER VOIGT: Pattie called</p> <p>23 "heads."</p> <p>24 MS. AMI JAEGER: Can you guys see this?</p> <p>25 Am I lining up the camera or not?</p>	76	<p>1 And, once again, I appreciate everyone's</p> <p>2 time. And I appreciate everyone's input. I truly</p> <p>3 do. And, hopefully, we can continue to move</p> <p>4 forward. So I appreciate it. Thank you.</p> <p>5 I'm going to ask people if we can indulge</p> <p>6 ourselves in a ten-minute bathroom break, because I</p> <p>7 think we've all been on a while. So if we could</p> <p>8 just take a quick refresh break, I'd appreciate it.</p> <p>9 Thank you.</p> <p>10 (Recess taken, 10:41 a.m. to 10:51 a.m.)</p> <p>11 THE CHAIR: We have everyone back? Okay.</p> <p>12 All right. And thanks for the brief break.</p> <p>13 So we are now on to the election of the</p> <p>14 Vice Chair. And I am going to put into nomination</p> <p>15 Glenna Voigt.</p> <p>16 COMMISSIONER VOIGT: Thank you. I accept.</p> <p>17 COMMISSIONER ROBBINS: I'll nominate Steve</p> <p>18 Carrillo.</p> <p>19 THE CHAIR: Are there any other</p> <p>20 nominations besides Commissioner Voigt or</p> <p>21 Commissioner Carrillo?</p> <p>22 (No response.)</p> <p>23 THE CHAIR: Okay. So I'll open it up for</p> <p>24 anyone who wishes to say something. And then,</p> <p>25 certainly, Commissioner Voigt and Commissioner</p>
75	<p>1 I'm actually doing a terrible job. Oh, my</p> <p>2 gosh.</p> <p>3 MS. ELIZABETH JEFFREYS: Where is it?</p> <p>4 We've got to line it up on the camera.</p> <p>5 Can you see it right here? Now come down.</p> <p>6 MS. AMI JAEGER: Can you see?</p> <p>7 MS. ELIZABETH JEFFREYS: Closer, closer.</p> <p>8 MS. AMI JAEGER: It's heads.</p> <p>9 COMMISSIONER VOIGT: I see it. I see</p> <p>10 heads.</p> <p>11 MS. AMI JAEGER: I can take a photo.</p> <p>12 COMMISSIONER VOIGT: That was a first.</p> <p>13 was that a first, Cindy? That's a first, isn't it?</p> <p>14 (Reporter indicates.)</p> <p>15 MS. AMI JAEGER: We're terrible with the</p> <p>16 camera work. This is not what we went to school</p> <p>17 for.</p> <p>18 THE CHAIR: If Elizabeth can get up off</p> <p>19 the floor in one move, I'll be really, really</p> <p>20 impressed.</p> <p>21 MS. ELIZABETH JEFFREYS: So I do have a</p> <p>22 photograph.</p> <p>23 COMMISSIONER ROBBINS: I congratulate</p> <p>24 Pattie on that and look forward to working with her.</p> <p>25 THE CHAIR: Thank you. Thank you.</p>	77	<p>1 Carrillo can also speak as well.</p> <p>2 So is there anyone that wishes to speak?</p> <p>3 COMMISSIONER ROBBINS: I'll go ahead and</p> <p>4 speak on Steve's nomination. I think Steve's</p> <p>5 experience with the Santa Fe school board and his</p> <p>6 outreach to schools in the northern district that he</p> <p>7 serves has been commendable. I think he would be a</p> <p>8 good voice on the executive team, be able to work</p> <p>9 with other members, and bring forth a good vision</p> <p>10 and some ideas that can help with our meetings and</p> <p>11 also with our interactions with various government</p> <p>12 agencies.</p> <p>13 THE CHAIR: Is there anyone else?</p> <p>14 COMMISSIONER DAVIS: So I would speak in</p> <p>15 favor of Glenna Voigt. I think that over the past</p> <p>16 two years, she's been an asset to the Commission.</p> <p>17 She's knowledgeable about charter schools and the</p> <p>18 different aspects that affect charter schools, and</p> <p>19 she's been instrumental in helping us complete our</p> <p>20 operational framework. And so I think she would be</p> <p>21 a good choice as a vice chair.</p> <p>22 THE CHAIR: Is there anyone else who</p> <p>23 wishes to speak?</p> <p>24 I'd like to just say something as to why</p> <p>25 I've nominated Commissioner Voigt. I've known</p>

<p style="text-align: right;">78</p> <p>1 Glenna for a number of years now. She was certainly 2 a charter leader before I came on the Commission. 3 But, yes, we did take that somewhat terrible journey 4 in the early years when she was a charter leader, 5 and I was first on the Commission, and we do bear 6 those scars. And I appreciate that. 7 And, hopefully, from all of those scars, 8 we move forward, we learn lessons, and there's 9 something to be learned from the good and the bad. 10 And I do see that Commissioner Voigt has 11 taken those lessons and not been bitter about them, 12 but been able to actually move forward and see what 13 can help move the Commission forward as well. 14 She's only been on two years. So she's 15 still somewhat of a newbie. But she does bring the 16 lens of an educator, as a progressive educator. And 17 her support for charters, her -- the input that she 18 has been able to offer in the changes that we've 19 made so far and looking to continue to make, I think 20 that's important. 21 Her contacts through her years as 22 administrator and as an educator opens a fair number 23 of doors as well. And there is respect for the 24 voice of Commissioner Voigt. So I think she -- she 25 brings a strong and steady and optimistic lens, and</p>	<p style="text-align: right;">80</p> <p>1 been able to be as successful without the support of 2 Commissioner Voigt and the voice that she offered 3 the input for that, as well as the other 4 Commissioners certainly that are here. 5 But it's the changes that we have been 6 able to continue to move forward, we've been able to 7 do so because of the support and the voice of 8 Commissioner Voigt. 9 So if there are no further comments, we'll 10 move to vote once again. Please send it to Ami. 11 Thanks. 12 COMMISSIONER VOIGT: Real quick. I'd like 13 to say one thing. 14 THE CHAIR: Oh, I'm sorry. I'm sorry. I 15 apologize. Sorry. 16 COMMISSIONER VOIGT: I know your time -- 17 you know, it's -- thank you for the kind words. I 18 never really anticipated that I would ever want to 19 be on the Executive Committee. But I do feel that 20 with the experience that I've had in a 21 State-authorized charter school, and also being a 22 charter school proponent, even when I worked as a 23 principal at Valley High School in the APS district, 24 I knew that there was something special that charter 25 schools could offer to students that they weren't</p>
<p style="text-align: right;">79</p> <p>1 also to -- would to the Executive Committee as well. 2 COMMISSIONER ARMIJO: I would like to say 3 something on behalf of Commissioner Voigt. 4 THE CHAIR: Certainly. 5 COMMISSIONER ARMIJO: I've known 6 Commissioner Voigt also since 2018 when I met her in 7 our Emerge New Mexico class together. And at the 8 end of that class, I believe, is when she actually 9 joined the Commission. 10 But, actually, I knew of her also prior to 11 that, as a charter leader or charter school 12 administrator. And her work at the Media Arts 13 Charter School is impeccable. All of the charter 14 schools are -- look at her work as -- as, you know, 15 kind of the bar that they set. 16 So I just think that she brings so much 17 knowledge and so much enthusiasm and genuine -- you 18 know, genuinely wants our students and our families 19 to be successful in the charter world. And I 20 really -- you know, I want to express how much I 21 think she would be a great vice chair. Thank you. 22 THE CHAIR: I would just like to add one 23 more short thing. The Commission stood in the 24 forefront of putting in the equity component into 25 our performance framework. And that would not have</p>	<p style="text-align: right;">81</p> <p>1 getting in traditional large public schools. 2 So I do have that experience of charter 3 schools. And I'm not anti-traditional schools; but 4 I'm a proponent of the innovation and the 5 out-of-the-box things that can be brought forth in 6 charter schools on an instantaneous -- in an 7 instantaneous way that districts struggle with. 8 Districts have great intentions, of 9 course. But they struggle through the bureaucratic 10 layers of being able to bring change in a quick way 11 that benefits students. 12 There's a lot of great districts in the 13 country, especially the innovation district in South 14 Denver, that are doing some great things with small 15 schools by letting their principals run the 16 school -- actually run the school and oversee their 17 budgets. 18 But the things that charter schools can 19 bring to students is -- you know, we can see it in 20 our schools in New Mexico. So -- but so thanks for 21 the nomination, Chairwoman Gipson, and thanks for 22 your kind words, Commissioners Armijo and Davis. 23 THE CHAIR: Commissioner Carrillo? 24 COMMISSIONER CARRILLO: Yes. First, I'd 25 like to thank David for putting my name forward. So</p>

<p style="text-align: right;">82</p> <p>1 relative to being vice chair, I mean, I know that I 2 could do a great job. I mean, I'm certain of it, 3 just given the roles I've had on the Santa Fe Public 4 Schools Board, the work that I've done with the 5 New Mexico School Boards Association, and the work 6 I've done in the Legislature. I mean, I was at 7 every Legislature, arguing mostly for more money, 8 and other things as well.</p> <p>9 The -- what I want to say -- one of the 10 things I want to say is, yeah, I didn't come from 11 public education. One of the prob- -- there's a 12 reason we're elected officials that come from the 13 communities at large. It's because you don't want 14 to have only educators on commissions like this, or 15 school boards. You have to have people that have 16 experience in the private sector.</p> <p>17 And I can say that until Kate Noble came 18 on the school board -- or public schools -- I was 19 the only one that worked in the private sector. And 20 you have to have these different points of view. 21 You have to have people that can read a 22 profit-and-loss statement, that can read the budget 23 of a school, that have negotiated contracts.</p> <p>24 I don't think you knew this. But in my 25 other life, I organized unions and negotiated for</p>	<p style="text-align: right;">84</p> <p>1 confidence in me and my ability to sort through 2 everything so that I can continue to do the work. 3 Whether it's regarding a strategic plan, whether 4 it's regarding policy to help administrators, 5 whatever it is, I'm going to do the work anyway.</p> <p>6 And so I appreciate all of us serving, 7 because it's a big deal. Certainly, Pattie, your 8 service as Chair. I know Glenna is going to be a 9 great Vice Chair.</p> <p>10 And so best of luck to all of us over the 11 next year. And I'll do so as a Commissioner. So 12 thank you very much, and, Glenna, looking forward to 13 the great work you're going to do.</p> <p>14 THE CHAIR: Okay. Thank you. I 15 appreciate that. And there are no -- the 16 nominations have closed.</p> <p>17 So, Ami, we can just do a voice by 18 acclimation; because there is no other nomination. 19 Correct?</p> <p>20 MS. AMI JAEGER: Correct. Yeah.</p> <p>21 THE CHAIR: Or do we formally need to send 22 you a vote?</p> <p>23 MS. AMI JAEGER: We don't need to formally 24 send me a vote, because there's just one person. 25 Acclimation. Yes.</p>
<p style="text-align: right;">83</p> <p>1 contracts mostly in the southern -- mostly in the 2 south. Sometime when we're able to have margaritas 3 together, there's lots of stories to share.</p> <p>4 It's a good thing sometimes when people 5 with public education or charters comes as a parent 6 and comes as someone who just firmly believes that 7 public education, whether charter or traditional, is 8 the cornerstone of absolutely everything.</p> <p>9 I would say that -- and I'm going to do 10 all this anyway. But the relationships that I have 11 with legislators living in Santa Fe, where it's just 12 so convenient to be involved in that way, is a real 13 plus to the work that I bring to the table and the 14 work that I do and also the success that I've had in 15 my nine years on the board, two of which were as 16 president.</p> <p>17 So what I'd like to do -- because I'm not 18 really interested in getting into -- I'm going to -- 19 I respectfully -- I'm very, very grateful that David 20 put my name forward, and thank you very much. But 21 I'm going to withdraw my nomination. Because I'm 22 not just interested in getting into this 23 back-and-forth. I'm simply not.</p> <p>24 I have great confidence in Pattie. I have 25 great confidence in Glenna. And I have great</p>	<p style="text-align: right;">85</p> <p>1 THE CHAIR: So all in favor of 2 Commissioner Voigt as Vice Chair? 3 (Commissioners so indicate.) 4 THE CHAIR: Any opposition? 5 (No response.) 6 THE CHAIR: Hearing no opposition, the 7 motion passes. Congratulations. 8 COMMISSIONER VOIGT: Thank you. 9 THE CHAIR: So we are now on to 10 nominations for -- excuse me -- for Secretary. 11 COMMISSIONER CARRILLO: And, Chair Gipson, 12 let me ask you a quick question. Everyone is kind 13 of different. How do you prefer to be addressed? 14 "Madam Chair" or -- 15 THE CHAIR: See, that's a loaded question 16 in some cases. 17 COMMISSIONER CARRILLO: We can talk about 18 it another time. Okay. 19 THE CHAIR: I'm fine with just 20 "Commissioner Gipson." 21 COMMISSIONER CARRILLO: Okay. 22 THE CHAIR: I'm more fine with "Pattie," 23 but I know we're at a formal meeting so we can't do 24 that. 25 COMMISSIONER CARRILLO: So, Commissioner</p>

86	<p>1 Gipson, I would like to nominate, then, Rebekka Burt 2 to be Secretary for our Commission. 3 THE CHAIR: Are there any other 4 nominations? 5 Commissioner Voigt? 6 COMMISSIONER VOIGT: Thank you, 7 Madam Chair. 8 I would like to nominate Georgina Davis 9 for Secretary. I feel that she is -- she's always 10 attentive; she attends every meeting, and I think 11 she would be very astute and accurate as the 12 Secretary. 13 THE CHAIR: Thank you. 14 Are there any other nominations? 15 (No response.) 16 THE CHAIR: All right. Nominations are 17 closed. 18 Commissioners, any comments before I try 19 to remember to have Commissioner Davis and 20 Commissioner Burt say something? 21 COMMISSIONER CARRILLO: I'm happy to go 22 first. Sure. 23 THE CHAIR: Sure, Commissioner Carrillo. 24 Yes. 25 COMMISSIONER CARRILLO: In the short time</p>	88	<p>1 based on her experience and having worked in PED, 2 she understands processes and things like that. I 3 think she would bring a good new vision and voice to 4 the executive team. 5 And I think, as Commissioner Carrillo 6 mentioned, that is very important that some new 7 ideas and everything come in. And I respect 8 Commissioner Davis, but I do believe we need to have 9 a new voice added to the executive team, and that 10 voice from Commissioner Burt would be very valuable, 11 not only to the executive team, but to the 12 Commission as a whole. 13 THE CHAIR: Thank you. And I would just 14 like to support Commissioner Davis at this point in 15 time. Even though she has spent time on the 16 Commission, I still think she brings a new lens to 17 us. And she also offers the lens of a completely 18 different part of the state, which is often 19 underlooked as well, and appreciate that voice that 20 she so well represents. 21 And I think -- and it's not -- it's not 22 against any -- anyone else. I appreciate the 23 thought of it's imperative for a new Commissioner. 24 That has certainly never been anything that has been 25 in our narrative. I don't think it's good, bad or</p>
87	<p>1 that I've known Commissioner Burt, what I see is 2 just an incredible passion and knowledge around 3 policy, procedure, government, and public ed. And 4 so I have every confidence in her ability to act as 5 our secretary and to be on the executive team. 6 I mean, I would also say that given the 7 way things have shaped up for the day, I think it's 8 really imperative that you have one of the five new 9 people on the executive team. It's just -- just as 10 a matter of procedure, we did that every time there 11 was an election in Santa Fe. 12 I think it's just good policy. Even 13 though it's not a written policy, it's just -- it's 14 good to have new voices. And I think -- and I know 15 that Commissioner Burt is a very knowledgeable -- 16 would be a very knowledgeable, active, and respected 17 voice. 18 And in those situations where we've got to 19 be out in the public representing the Commission, I 20 know that she would represent us very well as well. 21 THE CHAIR: Thank you. 22 Commissioner Robbins? 23 COMMISSIONER ROBBINS: Yes. I'd like to 24 second what Commissioner Carrillo said about 25 Commissioner Burt. I haven't known her long. But</p>	89	<p>1 indifferent. But it's never been the reason why 2 someone would vote for someone is because they're 3 new. 4 I think we have to look at what 5 Commissioners offer. And I think Commissioner 6 Davis, with the experience that she has had, not 7 only on the Commission, but in her professional 8 life, I think she offers an important eye and voice, 9 and, once again, the voice of a completely different 10 part of the state as well, to the Commission as well 11 as the executive team as well. 12 If there are no other comments, 13 Commissioner Burt? 14 COMMISSIONER BURT: Thank you. Well, 15 thank you for the nomination. I am actually 16 thrilled at the opportunity to serve as secretary 17 and on the executive committee. Like has been said, 18 I actually have quite a depth of knowledge of 19 procedure, and not only of the Commission, but of 20 the Public Ed Department, of public education in 21 New Mexico. And I would really look forward to 22 utilizing the relationships I already have in the 23 PED and in the charter community. 24 As a parent, I do think it's an important 25 lens to bring to the Commission as well. And as a</p>

<p style="text-align: right;">90</p> <p>1 parent of kids who are in schools right now, I think 2 it's a very valuable aspect to bring to the 3 executive committee. 4 And, once again, I'm really looking 5 forward to strengthening the relationship with the 6 PED as partners. I know that's something the 7 Commission always has as a goal. And I think that 8 as a member of the executive committee, I can really 9 help with strengthening that relationship with the 10 relationships I already have and the relationships I 11 look forward to creating with the new director and 12 focus on the CSD. 13 So I do look forward to any -- I do 14 request your support for me as secretary. And, once 15 again, I do think I bring a great new perspective as 16 to what else could be done. 17 So thanks for that opportunity. 18 THE CHAIR: Thanks. 19 Commissioner Davis? 20 COMMISSIONER DAVIS: I -- well, I'm 21 honored and humbled to have been nominated to be 22 Secretary. I think that in the past two years, 23 we've done really important work. And I've learned 24 really a lot about the charter school world and how 25 the Public Education Commission is intended to</p>	<p style="text-align: right;">92</p> <p>1 THE CHAIR: Thank you. That is the 2 discretion of the Chair, actually, to delegate the 3 authority during the meeting. But that was my 4 intention, to ask both the new members of the 5 Executive Committee to assume, as of right now. 6 So just as a procedural, before we start, 7 Beverly has a little cheat sheet for the Secretary, 8 which has the -- you know, the roll on it. Bev, do 9 you have a copy of that that you could forward to 10 Commissioner Burt to help her out for today? 11 MS. BEVERLY FRIEDMAN: I'm in the process 12 of doing that right now. 13 THE CHAIR: Thanks. Thanks. It's just 14 easier for your checkoffs for the votes. 15 COMMISSIONER BURT: Thanks for that. 16 THE CHAIR: Okay. Thanks. 17 So we are on now back on our agenda to 18 Item No. 6, which is the Consent Agenda. And I did 19 ask -- as a reminder, I did ask that the ASK Academy 20 be moved off. And I have to correct, Commissioner 21 Carrillo. I misspoke, because they were -- they 22 were removed off the Consent Agenda because they 23 don't have their paperwork in. They're on the 24 Consent Agenda. They've got everything in. 25 Otherwise, they go on the regular part of the agenda</p>
<p style="text-align: right;">91</p> <p>1 function. And I believe that I would serve well as 2 the new Secretary. 3 THE CHAIR: Thank you. Okay. So we're 4 set to send our votes off to Ami once again. 5 Thanks. 6 (Votes collected.) 7 MS. AMI JAEGER: Commissioner Burt, you 8 are the new Secretary of the Commission, and will 9 serve on the Executive. 10 THE CHAIR: Thank you. 11 COMMISSIONER BURT: Thank you. Thank you, 12 all. 13 THE CHAIR: And congratulations, and 14 thanks, everyone. 15 COMMISSIONER DAVIS: Congratulations. 16 COMMISSIONER ROBBINS: Commissioner 17 Gipson, I want to congratulate Commissioner Burt. 18 But also, even though our rules say that all 19 Commissioners elected -- or Executive Committee 20 staff that are elected at the annual meeting, which 21 this is our annual meeting, take office at the end 22 of the meeting, I would move, since there is a 23 vacancy, that Commissioner Burt take her official 24 position today so that she can do the roll-call 25 votes coming up later in our agenda.</p>	<p style="text-align: right;">93</p> <p>1 for the CSD report, because they don't have all 2 their paperwork in. 3 So we have not voted to approve the 4 Consent Agenda. So I ask to entertain a motion for 5 approval of the Consent Agenda, with the amended 6 6B1b, the ASK Academy has been removed. 7 COMMISSIONER CARRILLO: Motion to approve. 8 THE CHAIR: There's a motion by 9 Commissioner Carrillo. 10 COMMISSIONER ROBBINS: Second. 11 THE CHAIR: A second by Commissioner 12 Robbins. 13 If there's no other discussion, this does 14 require -- I'm sorry. Commissioner Carrillo? 15 COMMISSIONER CARRILLO: I just have a 16 question. And this is so I can learn about your 17 procedures here. 18 THE CHAIR: Sure. 19 COMMISSIONER CARRILLO: I imagine that if 20 at the beginning of the meeting one of us wanted to 21 pull a certain item for consent off for discussion, 22 we're able to ask to do so; correct? 23 THE CHAIR: Absolutely. Thanks for 24 bringing that up. Because just as a -- as a point 25 of clarification, when you do get the agenda, and</p>

94	<p>1 there's something on the Consent Agenda that you 2 would like to be moved off, if it's early enough -- 3 because we do -- if it's a school, as an example, 4 and we were removing it off the Consent Agenda, we 5 would most likely have to move it to the next month. 6 Because if it's an item that we would then 7 want to discuss about the school, the school hasn't 8 had time to prepare to be there. But if it's 9 early -- if the removal is asked for early enough, 10 the school could be notified that they're going to 11 be removed from the Consent Agenda and to be here 12 for discussion when the -- because they're removed 13 off the Consent Agenda, they go into the CSD Report 14 for schools, as an example, that don't have all 15 their paperwork in or whatever it is. 16 COMMISSIONER CARRILLO: Okay. 17 THE CHAIR: So, absolutely. If you want 18 something moved off the Consent Agenda the day of, 19 you absolutely can ask for that. Any Commissioner 20 can. 21 COMMISSIONER CARRILLO: And then I guess, 22 as well, what I would ask is occasionally you want 23 to do a shout-out for something, you know. And I 24 imagine this is allowable elsewhere, you know. 25 Let's say Turquoise Trail has -- I don't know, just</p>	96	<p>1 COMMISSIONER CARRILLO: Yes. 2 COMMISSIONER BURT: Commissioner Chavez? 3 COMMISSIONER CHAVEZ: Yes. 4 COMMISSIONER BURT: Commissioner Davis? 5 COMMISSIONER DAVIS: Yes. 6 COMMISSIONER BURT: Commissioner Gipson. 7 THE CHAIR: Yes. 8 COMMISSIONER BURT: Commissioner Manis? 9 COMMISSIONER MANIS: Yes. 10 COMMISSIONER BURT: Commissioner Robbins? 11 COMMISSIONER ROBBINS: Yes. 12 COMMISSIONER BURT: Commissioner Taylor? 13 COMMISSIONER TAYLOR: Yes. 14 COMMISSIONER BURT: Commissioner Voigt? 15 COMMISSIONER VOIGT: Yes. 16 THE CHAIR: The motion passes, ten-zero. 17 COMMISSIONER BURT: Sorry. Can you say 18 that again? 19 THE CHAIR: The motion passed, ten-zero. 20 COMMISSIONER BURT: Yes. The motion 21 passes. 22 THE CHAIR: We are now on to Item No. 7, 23 which is Presentation on Opportunity and Equity 24 Index by Cypress Tree New Mexico. 25 So, Karen, do you want to bring them in,</p>
95	<p>1 received some amazing award and so you just want to 2 say, you know, ask the Chair, "May I please comment 3 on Item such-and-such," not a discussion but just as 4 a comment on. 5 THE CHAIR: Oh, absolutely. If they're an 6 agenda item and you want to say, "Hey, I'd also like 7 to say they've done this." But in PEC Comments, you 8 can give a shout-out to anyone you want. 9 COMMISSIONER CARRILLO: Sure. Thank you. 10 THE CHAIR: But if they are an agenda item 11 or recognized some other way in -- on the agenda, 12 you are absolutely free to make a comment. It 13 doesn't necessarily have to be something that is 14 going to be discussed and/or voted on. Yeah. 15 COMMISSIONER CARRILLO: Great. Thanks. 16 THE CHAIR: Sure. Okay. So that we have 17 a motion to approve the Consent Agenda; there was a 18 second. 19 So, Commissioner Burt, can you do roll, 20 please? 21 COMMISSIONER BURT: Commissioner Armijo? 22 COMMISSIONER ARMIJO: Yes. 23 COMMISSIONER BURT: Commissioner Burt. 24 Yes. 25 Commissioner Carrillo?</p>	97	<p>1 please? 2 MS. KAREN WOERNER: Absolutely. I'm going 3 to start with Rafe Martinez. There may be others 4 that he wants to add for the presentation. 5 Rafe, if you could unmute yourself, you're 6 on the panel. 7 MR. RAFE MARTINEZ: Good morning, 8 everyone. 9 MS. KAREN WOERNER: Rafe, who else should 10 I add to the panel for you? 11 MR. RAFE MARTINEZ: I have Charlotte 12 Trujillo. Mike Ogas, if he's here; he may have 13 gotten pulled away. And also Kim Johnson. M. Kim 14 Johnson. 15 MS. KAREN WOERNER: So, Rafe, Charlotte 16 and Kim Johnson are both here. But Mike is not on 17 the list. I'll try to watch for him in case he 18 joins back. 19 MR. RAFE MARTINEZ: Certainly. Would I be 20 able to share my screen? 21 MS. KAREN WOERNER: When it's time, you 22 should be able to share your screen. If there's any 23 problem, since you sent me the presentation, I can 24 share. But I'd prefer you try first when we get to 25 that.</p>

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1           And, Commissioners, the presentation that  
 2 he's providing today is in your packet as well as an  
 3 extra handout of the technical details that were  
 4 also provided by the group.  
 5           So with that, I think we're ready,  
 6 Madam Chair.  
 7           THE CHAIR: Okay, thanks.  
 8           Welcome, Rafe.  
 9           Charlotte, good to see you again.  
 10          I think I met Kim -- I think I've met him.  
 11          So it's always good to make sure that  
 12 everyone is healthy and safe and Happy New Year and  
 13 excited to hear this. I know I've heard a little  
 14 bit about it; but I only got Rafe's little Etch A  
 15 Sketch kind of drawings on what this looks like. So  
 16 looking forward to -- and I did have an opportunity  
 17 to see some of it at the LESC when you did do the  
 18 presentation.  
 19          But excited to hear this and have the rest  
 20 of the Commission see all this incredible work that  
 21 you've been doing.  
 22          So whenever you're ready.  
 23          MR. RAFE MARTINEZ: Thank you,  
 24 Madam Chair, members of the Commission. Thank you  
 25 for having us.

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1           And I think before we actually get into  
 2 the meat of the proposal and everything  
 3 legislatively that's going to follow, I do want to  
 4 say I think this -- I'll speak for myself, but also  
 5 as a member of Cypress Tree New Mexico -- we're a  
 6 little home-grown charter group of leaders who, to  
 7 everything you all have been talking about this  
 8 morning, this idea that charters are -- should be  
 9 living the cutting edge existence around public  
 10 education. And I think what we're presenting today  
 11 is an example of that.  
 12          And so, you know, as the presentation goes  
 13 on and you-all have questions, I hope that becomes  
 14 clear that, like, we're taking our responsibility,  
 15 our duty as charter leaders to do something  
 16 innovative, different, creative, so that all our  
 17 kids are served in the state of New Mexico.  
 18          So with that, I will share my screen. And  
 19 let me -- okay. Making sure you all can see that.  
 20 Yeah?  
 21          MS. KAREN WOERNER: We do see it, Rafe.  
 22 It's in the mode where we see the next slide to the  
 23 right. But we can see it. So it's a little small.  
 24 I don't know if you know how do it in just the slide  
 25 view.

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1           MR. RAFE MARTINEZ: Is that better?  
 2           MS. KAREN WOERNER: Yeah. Super.  
 3           MR. RAFE MARTINEZ: So just a quick  
 4 introduction.  
 5           So right now, Cypress Tree New Mexico is  
 6 made up of three -- officially, we have three  
 7 members. I'm one of them. Charlotte Alderete  
 8 Trujillo, the head of school at South Valley Prep  
 9 and founder, is the other. And Michael Ogas, the  
 10 head of school and founder of School of Dreams  
 11 Academy in Los Lunas, is the third.  
 12          First, I welcome all new Commissioners,  
 13 Director Corina Chavez. Great to see new faces and  
 14 excited about working with you.  
 15          My name is Rafe Martinez. I'm the  
 16 executive director and co-founder of the Albuquerque  
 17 Sign Language Academy. So, as like-minded charters,  
 18 we've gotten together to be progressive and somewhat  
 19 of a think tank in how to act on things that affect  
 20 our schools, and hopefully parlay that into a way  
 21 that positively impacts charters in the world of  
 22 public education, okay?  
 23          Mr. Kim is actually -- he's a -- he's  
 24 associated with us. But he's part of a group  
 25 called -- oops, sorry -- CESE, which is an

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1           education -- math and science education think tank.  
 2 So he -- this is actually his brainchild from years  
 3 back. He's been working on this concept from  
 4 20-plus years.  
 5          I met him at the LESC in 2014 and kind of  
 6 stopped him after I saw his presentation. And I  
 7 think the work we've been able to do with him could  
 8 be historic.  
 9          So -- all right. So what this is about is  
 10 really addressing the needs, as defined by the  
 11 Martinez-Yazzie ruling; right?  
 12          So 2018, the lawsuit was settled; the  
 13 ruling came out. And since then, good-hearted  
 14 legislators have been trying to throw -- I don't  
 15 want to use "throw" money -- but give money to  
 16 education to address the needs pointed out in the  
 17 lawsuit. But every year they've done that, you've  
 18 seen increases in education for the past two years.  
 19 But every year they do, the plaintiffs, the lawyers  
 20 for the plaintiffs, always come back and say, "Not  
 21 quite. We've missed the mark," right?  
 22          So New Mexico Center for Law and Poverty  
 23 and MALDEF come back and say, "Thanks for the  
 24 increase in education, but it doesn't meet the  
 25 ruling as defined in -- through the lawsuit."

<p style="text-align: right;">102</p> <p>1           So what we've been able to do and work 2 with Mr. Kim is using a mathematical routine called 3 "canonical correlation," which is an established and 4 agreed-upon strong math method. He'll be able to 5 talk about that later.</p> <p>6           He's able to take a number of factors and 7 correlate them to a result, a resulting factor, 8 right? So multiple inputs correlating to multiple 9 outputs, or a single output, whichever -- however 10 way you want to do it.</p> <p>11          So that's what this is about, right, is 12 basically redefining the way the State calculates 13 at-risk units and then having that routine generate 14 resources to go to each school, not to a district. 15 And so that's something we can talk about.</p> <p>16          So, currently, the way the State 17 calculates at-risk units is through -- on this 18 slide, everything to the left, right? So they use 19 Title I statistics, English Language Learner 20 statistics, and then mobility. So those three 21 things are combined to create an at-risk factor that 22 then produces a monetary value that is given to 23 districts to distribute to schools, right?</p> <p>24          Now, in the world of charters, especially 25 in Albuquerque, this was somewhat of an unfair deal,</p>	<p style="text-align: right;">104</p> <p>1           So, anyway -- so what you see on the slide 2 is the middle red space, red area, is the -- the 3 demographic at-risk students that were identified in 4 the lawsuit, right; so economically disadvantaged, 5 ELL, Native American, and children with 6 disabilities.</p> <p>7           So what we've done with -- what Mr. Kim 8 has done -- and what we're working on -- is taking 9 those factors from the lawsuit and actually creating 10 the routine where those actual kids are identified 11 through an objective mathematical process, and then 12 it results in resources that then are distributed to 13 the school. So I just want -- I want to talk about 14 that.</p> <p>15          So with Mr. Kim's formula, he is able 16 to -- or routine -- he is able to rank-order every 17 single public school in the state, top to bottom. 18 So you're able to see which schools serve the 19 highest number of at-risk kids, versus if you go up 20 the chart, which schools serve a relatively low 21 number of at-risk kids.</p> <p>22          Just to say a couple of things. There 23 are -- there are pretty much -- there are no schools 24 in the state that don't have any at-risk kids, 25 right? For the -- we just happen to be a</p>
<p style="text-align: right;">103</p> <p>1           in that we were unable to -- we were not -- we did 2 not generate our own at-risk factor. So Charlotte's 3 school, Mike's school, and even my school, who serve 4 high numbers of at-risk kids, we did not receive 5 extra money because we were all forced to take the 6 district's at-risk factor, and then those at-risk 7 units were distributed using the larger APS 8 district's calculations and then sent out. And 9 that's how we -- the resources were given to us at 10 the charter-school level.</p> <p>11          So the way that worked out, it was hugely 12 inequitable, in that schools like the three of ours 13 who serve high numbers of at-risk kids, were 14 receiving the same at-risk factors of other charter 15 schools in APS, in the APS boundaries, that serve no 16 at-risk kids. As a result, it's all based on 17 membership.</p> <p>18          So for us, because we have such a high 19 special ed population, we don't -- we have a limited 20 number of kids that we can serve, those other 21 schools who are -- who serve high numbers of kids 22 that maybe aren't at-risk, but then they get a 23 larger percentage -- they get a big chunk of money 24 based on their at-risk factor that they're -- to be 25 quite frank, that they're maybe not entitled to.</p>	<p style="text-align: right;">105</p> <p>1           Martinez-Yazzie majority state. Most of our kids in 2 districts serve a high number of at-risk kids. 3 (Verbatim.) So -- and I'll show that in a graph 4 here in a second.</p> <p>5           Okay. So -- actually, let me back up one. 6 Okay.</p> <p>7           So in Mr. Kim's calculations, he's able to 8 take the -- in this pink area, those things, and it 9 converts to his correlative inputs, which are 10 economically disadvantaged, English Language 11 Learners, the cultural and linguistic access 12 factor -- now, this is something that's unique to 13 what we've done. What it does is, it takes the 14 underserved ethnic populations, as defined through 15 achievement gap data, right, and kind of lumps them 16 into its own factor, and then takes children with 17 disability, and, again, leverages mobility as a 18 factor; one, that it does have a play in achievement 19 gap, but is also a factor of poverty, okay?</p> <p>20          Okay. So one of the things we're excited 21 about is that this was created out of the charter 22 school movement, right? And the reason I think it's 23 of note is because -- because as a charter school, 24 we essentially operate as our own district. We have 25 intimate working knowledge of our budget, right? So</p>

<p style="text-align: right;">106</p> <p>1 we see what's happening with the movement of money 2 when the State does things on the macro educational 3 funding level. 4 So the interesting thing for us was, in 5 the last two years, when, you know, we're looking at 6 these huge increases in educational spending, our 7 budgets went backwards, right? And so that was the 8 antecedent to this discussion about everyone's 9 getting these big percentage increases to their 10 budgets, you know, in the world of public ed. And 11 as individual charters, especially those of us who 12 serve at-risk kids, our budgets were going 13 backwards. 14 So that started the conversation. And 15 because we had the knowledge to -- to kind of be 16 able to dissect why and where it was happening, 17 we -- we were poking around this idea enough that 18 we, you know, came up with a solution. 19 So I just think it's just relevant to 20 mention that because charters do have a little more 21 kind of context around how schools operate from the 22 budgetary side, it makes sense that this idea came 23 out of this -- the charter world. 24 All right. So this is -- what Chairwoman 25 Gipson was referring to, my little Etch A Sketch</p>	<p style="text-align: right;">108</p> <p>1 overachieving. 2 I use the word "overachieving." Achieving 3 high. It's not overachieving. They're breaking the 4 trend, right, of if you're at-risk, you're scoring 5 low. So the schools up in this area are the 6 individual public schools that are -- that have 7 figured something out, right. Despite being high 8 number of at-risk kids, they're doing well. 9 Conversely, you can also see individual 10 schools who have relatively low number of at-risk 11 kids, but for some reason, their achievement scores 12 are not very good. So it begs the conversation of, 13 like, one, is there another factor in play that's 14 keeping a school from achieving to where they should 15 be in correlation to other schools. Or, is it that 16 people just aren't doing their job, and they need to 17 be helped in understanding what needs to happen, 18 right? 19 I think either way, it's very important to 20 note that this whole graph, and this idea is around 21 correlation and around comparison, not around 22 causality. So this is a correlative idea. This is 23 not about causation, right? We're not saying 24 because a school is at risk, that it causes them to 25 be underachieving or something like that. It's</p>
<p style="text-align: right;">107</p> <p>1 thing, this is the better version of it. What you 2 see is -- so if you take Mr. Kim's correlative 3 routine, canonical correlation routine does this, 4 right? 5 So on the X axis here, this becomes the 6 rank order of every public school in the State of 7 New Mexico. So the closer a school is to zero, the 8 more at-risk kids they serve, as defined by the 9 Martinez-Yazzie lawsuit, okay? So the X axis is 10 each school in rank order, top to bottom, with the 11 most number of kids -- of at-risk kids as you get 12 close to zero. 13 The Y axis represents -- in this case, he 14 used summative reading scores, the end-of-year 15 reading scores. So what you're seeing is, is this 16 trend line right here that shows kind of at -- the 17 correlation between the at-risk factors and test 18 scores, right? And this up-trending is what we 19 all -- what we all know, and we all kind of espouse, 20 right, is with less barriers and less at-risk 21 factors in blue, students are able to achieve 22 higher. 23 So it creates a comparison between peer 24 schools, right? But it also creates a way to see 25 how schools who serve high numbers could be</p>	<p style="text-align: right;">109</p> <p>1 about correlating the data to the achievement, okay? 2 Charlotte, I'm going to hand it over to 3 you for this part. 4 MS. CHARLOTTE ARCHULETA: Thanks, Rafe, 5 and thank you, Chairwoman Gipson and Commissioners, 6 for allowing us to present this information. 7 So I have the awesome part of saying -- 8 you know, kind of taking what Rafe has said is -- 9 and I think the most important of what Rafe has said 10 is that using the opportunity and equity index to 11 target funds to the school level. When we're able 12 to better target resources to schools that need it 13 the most, the schools -- I -- we believe that the 14 schools will ultimately be able to see a positive 15 shift in the academic progress for those students. 16 So the hope is, of course, to bring in those schools 17 at the bottom end that are serving high numbers of 18 at-risk kids as defined by the lawsuit and 19 increasing their academic achievement. 20 And notably and interesting enough, even 21 if we shift all schools up into the area where our 22 higher performing schools, or our schools that are 23 serving less at-risk kids are performing right now, 24 New Mexico would end up being one of the highest 25 performing states in the nation.</p>

<p style="text-align: right;">110</p> <p>1 So if applied correctly, again, we hope 2 that those -- those resources are targeted to the 3 school level rather than at the district level. 4 Rafe, do you want to swipe it to the next 5 slide? Thank you. 6 MR. RAFA MARTINEZ: Sorry about that. 7 There you go. 8 MS. CHARLOTTE ARCHULETA: So -- and I know 9 that Rafe talked a little bit about, in that graph, 10 the schools that are scoring outside of that 11 standard deviation, whether it's above and serving a 12 high number of at-risk kids as defined by the 13 lawsuit, or whether they're schools that are 14 underperforming. 15 You know, it was an interesting 16 conversation, and I think a bonus to what happened, 17 when Mr. Kim performed the method of the OEI and 18 correlated that at-risk to academic achievement, 19 that it really identifies schools that are schools 20 that we want to look at. 21 What are they doing right? What are they 22 doing -- what are they doing, period, and how are 23 those kids scoring, and how are they outperforming 24 the State or performing just as well as their peers, 25 that -- their peer schools that are not serving a</p>	<p style="text-align: right;">112</p> <p>1 MR. M. KIM JOHNSON: It's full-screen. 2 I'm looking at full screen. 3 COMMISSIONER CARRILLO: Okay. 4 MS. KAREN WOERNER: Commissioners, I 5 recommend, if you go to the PEC Meeting page with 6 the meeting materials, and open it up, you might be 7 able to open it up and enlarge it on your computer. 8 Might be helpful. 9 THE CHAIR: I could suggest -- 10 Commissioner Carrillo, I don't know exactly what 11 you're looking at. But if you got out of Gallery 12 View, it might give you more space to actually see 13 the -- the graphic as well. Or if you've got the 14 gallery to the right, you can move the gallery and 15 make it smaller. 16 COMMISSIONER CARRILLO: No, I understand 17 that part. I'm fine. Sorry to interrupt there. 18 MR. M. KIM JOHNSON: All right. These 19 data are from the State. These are what are 20 publicly available on the State web files, the PED 21 web file page. 22 And if you look at this, this is -- 23 happens to be 2019 data from the TAMELA test, the 24 end-of-year summative test, for all students. 25 The ones in red here, these are the</p>
<p style="text-align: right;">111</p> <p>1 high population of at-risk kids. And, again, 2 conversely, what Rafe said, are there schools that 3 are not -- that have low numbers of at-risk kids 4 that are not performing or significantly 5 underperforming, and what other factors are we not 6 seeing and that we're not addressing. 7 I think it's a great bonus from the index 8 itself, and it creates an opportunity, even perhaps 9 for the PEC to use, in looking at accountability for 10 schools. 11 MR. RAFA MARTINEZ: Thank you, Charlotte. 12 I'm going to hand this over to Mr. Kim to talk about 13 this. But this is -- this slide represents the 14 cultural and linguistic factor that I mentioned 15 earlier. And Mr. Kim is going to talk a little bit 16 about the math that goes behind that concept of that 17 factor. So, Mr. Kim? 18 MR. M. KIM JOHNSON: Yes, I'm here. 19 Madam Chair and Commissioners, thank you for 20 allowing us to speak to you. We think this is 21 terribly important. 22 COMMISSIONER CARRILLO: Excuse me. Before 23 we forward, can we make the graphics larger? 24 MR. RAFA MARTINEZ: I don't know how to do 25 that. It's full-screen on me.</p>	<p style="text-align: right;">113</p> <p>1 subgroups, sub-groupings. All the ones in red have 2 a significant achievement gap compared to Caucasians 3 and Asians. So those are the ones we look at. 4 Those are the ones we want to correlate, because 5 those are the ones that need to be targeted with the 6 additional resources that they need to help start 7 pulling themselves up. 8 We don't count the pink ones, because 9 these data are just not collected very well; very, 10 very inconsistent, and also small numbers. 11 But you can see the significant difference 12 in here, the economically disadvantaged, 13 41.7 percent lower. They score lower than 14 Caucasians and Asians, and so forth. So this is 15 where we get our what do we want to concentrate on, 16 what do we want to correlate to. And that's it. 17 We do have mobility in here, which isn't 18 tracked. I, every year, used to have to go to Bev 19 Friedman, who I think was on here for a while, and 20 send an IPRA out and say, "Send me down the FAY data 21 so we can convert it to mobility and plug in here. 22 Go ahead, Rafe. 23 MR. RAFA MARTINEZ: Okay. 24 MR. M. KIM JOHNSON: Okay. This is -- 25 this is a real thing using all subjects, ELA,</p>

<p style="text-align: right;">114</p> <p>1 English Language Arts, math, and science scores. 2 This is really what we want to do. 3 So this is what Rafe showed you, a little 4 more detail here. These are called -- for anybody 5 in here who knows math, these are standard error 6 boundaries, which say there's 95 percent probability 7 that these schools are really where they are, and 8 that's really far higher than you would expect. You 9 would expect them to be inside these lines. 10 The way we get the OEI is we use the 11 X axis. We have to -- now, since we're going to use 12 the OEI to change the at-risk formulation, we want 13 students who are higher -- the highest risk down 14 here, toward zero, we want them to have the highest 15 number to multiply their units by. 16 So, you know, we do -- I do a little -- 17 it's called a linear transform; we just subtract 18 these numbers from 1 and normalize the 19 blah-blah-blah. But it's basically this bottom -- 20 bottom line. 21 And this is -- this is a fairly good 22 correlation right here. You see this number right 23 here? That is considered very, very good for these 24 kind of data. 25 Next one, Rafe.</p>	<p style="text-align: right;">116</p> <p>1 way the data go out. 2 So if there are less than 20 kids in this 3 grade taking that, then you get a range of results, 4 and so we don't know what the actual results are. 5 The PED has those, though. If they 6 implement this, we fully expect all these -- all 7 these ranges to get tighter and the standout schools 8 are really going to stand out, which is neat. So, 9 in fact, we anticipate really, really high. 10 Okay, Rafe. 11 MR. RAFA MARTINEZ: Thank you, Mr. Kim. 12 And as we're winding this one down, just a couple of 13 things to just give you the bottom line on this, 14 right? 15 One, I think Mr. Kim has created a 16 precision tool to be used that actually aligns and 17 is driven by the Martinez-Yazzie lawsuit, right, the 18 ruling. So I think that it incorporates everything 19 that was denoted in the lawsuit. And then applies 20 it in a way that basically diverts the resources 21 that each school needs, I think, is significant. 22 The other thing is, is that this idea is 23 that it goes down to the school level, right? And 24 in the world of charters, that's really important, 25 right? I tell you, in the world of the</p>
<p style="text-align: right;">115</p> <p>1 All right. These are, if we break these 2 out into grade ranges, we get even a little better 3 data. I'm not going to suggest we do that for the 4 actual calculation. But we're not precluding the 5 PED from doing that either. 6 This is elementary, middle, and high 7 school. And the reason to do that is that the 8 demographic factors we're looking at don't have the 9 same impact on the different grade ranges. There's 10 more impact on one than there is on another. 11 It's not -- it's not a whole lot, except 12 for a few things, like mobility, for example. And 13 so there's a reason, then, to actually break it out 14 like this. This is getting extremely high 15 correlation. If you're a mathematician, .8 on this 16 kind of data is just fantastic. 17 So we know this is self-consistent. It's 18 doing well. 19 We don't have exact data. The graphs are 20 close approximations, because the data we get sent 21 down, you know, we get publicly, are masked by FERPA 22 rules. And I don't know if you're all familiar with 23 FERPA rules. But Family Education -- something -- 24 and Privacy Act. Never remember what the "R" is. 25 And then the NCES has a set of rules, and that's the</p>	<p style="text-align: right;">117</p> <p>1 comprehensive district, it's -- the district should 2 know what each of the schools within their -- within 3 their purview generate, right? And then it gives 4 those communities the rationale to ask for the 5 resources so they can serve their communities 6 better. 7 So with that, we stand for questions. 8 MR. M. KIM JOHNSON: May I say one more 9 thing -- 10 MR. RAFA MARTINEZ: Absolutely, Mr. Kim. 11 MR. M. KIM JOHNSON: -- that we left out? 12 The current at-risk formula is a very subjective 13 formula. And that -- what I mean by that is it 14 says, "Take these three factors..." -- one of which 15 isn't a high -- highly correlated with the 16 achievement gap at all -- "Take these three factors 17 and add them all together and multiply by a number," 18 okay? That is terribly subjective. 19 This is terribly objective. It's not a 20 decision you make to say, "I think that poverty 21 really drives everything." Fact is, poverty is not 22 a proxy for everything. Other things contribute in 23 terms of explanatory powers. I wanted to make that 24 clear. 25 THE CHAIR: Thanks.</p>

118	<p>1 COMMISSIONER VOIGT: I have a comment.</p> <p>2 THE CHAIR: Hold it. Commissioner Robbins</p> <p>3 had his hand up first.</p> <p>4 COMMISSIONER ROBBINS: Thank you,</p> <p>5 Commissioner Gipson.</p> <p>6 Rafe, you and the others, Ms. Trujillo and</p> <p>7 Mr. Johnson, I appreciate this work you've done. I</p> <p>8 think it just goes to highlight not only the</p> <p>9 inequity of prior funding in the current, but even</p> <p>10 that there's deficiencies with what's proposed under</p> <p>11 the Yazzie-Martinez settlement.</p> <p>12 And, you know, one thing that I've looked</p> <p>13 at in the past was I'm looking at those schools that</p> <p>14 are high performing, but yet they're in that</p> <p>15 at-risk. And one of the things that we, as a state,</p> <p>16 and charter schools and district schools haven't</p> <p>17 done, done a very poor job, what is causing the</p> <p>18 students at those high performing schools that are</p> <p>19 at-risk to succeed in the areas that we're looking</p> <p>20 at? What tools? What curriculum are they using?</p> <p>21 What engagements with the family and the</p> <p>22 parents are the schools implementing that gives them</p> <p>23 those results? Because a lot of time -- I</p> <p>24 understand that our funding -- you know, a lot of</p> <p>25 times we want to say, "Well, if we just add more</p>	120	<p>1 You know, I was curious. Since you have</p> <p>2 presented this to the LFC, what was their reception</p> <p>3 like?</p> <p>4 MR. RAFE MARTINEZ: So, Madam Chair,</p> <p>5 members of the Commission, Commissioner Voigt, good</p> <p>6 question.</p> <p>7 So we've been at this for a while,</p> <p>8 treating the pandemic as our own kind of virtual</p> <p>9 interim committee, right? So we've been touting</p> <p>10 this idea since the summer.</p> <p>11 And I think, overwhelmingly, people have</p> <p>12 supported the concept of this, right? There's no</p> <p>13 one pushing back on the concept. People are kind</p> <p>14 of -- to Commissioner Robbins' point, I think it's</p> <p>15 the idea of how it could be used is really</p> <p>16 intriguing, and the potential is really powerful of</p> <p>17 how it could be used.</p> <p>18 I think the proof in the pudding is going</p> <p>19 to come when they actually run analysis. And that</p> <p>20 whole idea, the devil is in the details -- don't</p> <p>21 want to overload you guys with cliches -- but I</p> <p>22 think that's the truth, right? When we start seeing</p> <p>23 what the impact is going to be at the district</p> <p>24 level, then you'll see how people will respond to</p> <p>25 it.</p>
119	<p>1 dollars," sometimes it's a matter of the way you</p> <p>2 allocate the dollars; but, also, it's the programs</p> <p>3 that you're using with the dollars.</p> <p>4 So you can give schools more money. But</p> <p>5 if they continue spending the money the way they're</p> <p>6 currently spending it on the programs they're</p> <p>7 currently spending it on, and you just add more</p> <p>8 dollars, you're not going to change anything, unless</p> <p>9 you target the programs that are giving you that</p> <p>10 high success, the above the green line, so to speak.</p> <p>11 And I think this really does help throw</p> <p>12 out the idea that economically, socially</p> <p>13 disadvantaged, whatever, cannot achieve. Because</p> <p>14 they do. And I've said for a long time, let's find</p> <p>15 out why those schools are achieving. Because I</p> <p>16 really do believe, in large part it comes to the</p> <p>17 schools, and it comes to the curriculum that those</p> <p>18 teachers are using and the dedication of those</p> <p>19 teachers.</p> <p>20 Thank you.</p> <p>21 THE CHAIR: Commissioner Voigt?</p> <p>22 COMMISSIONER VOIGT: Okay. Thank you,</p> <p>23 Madam Chair.</p> <p>24 Hi, Rafe and Charlotte. Great</p> <p>25 presentation.</p>	121	<p>1 We believe that as districts, districts as</p> <p>2 a whole will stay relatively in the same area,</p> <p>3 right? But what it's going to do is going to give</p> <p>4 the districts a road map as to which schools are</p> <p>5 actually generating the higher numbers of dollars</p> <p>6 per this calculation and then be able to respond</p> <p>7 accordingly, so that those schools actually receive</p> <p>8 the allocation that they need to do their work.</p> <p>9 Right now, we do have a sponsor for the</p> <p>10 bill. So Representative Rebecca Dow out of T or C;</p> <p>11 she's the House member carrying this. We're working</p> <p>12 on a number of co-sponsors. So this thing is going</p> <p>13 to fly during the process.</p> <p>14 So, I mean, if it flies, we don't know.</p> <p>15 But it's going to get kicked around. And we believe</p> <p>16 it's historic. It's game-changing, and it could be</p> <p>17 the way that we, kind of, as to Charlotte's point,</p> <p>18 pull ourselves out from all those bad statistics</p> <p>19 where we can start climbing up that ladder.</p> <p>20 COMMISSIONER VOIGT: Super. Thanks so</p> <p>21 much for that. Because, you know, this is a great</p> <p>22 starting place to start speaking to that inequity</p> <p>23 around the index -- the at-risk funding. Because</p> <p>24 that's never been equitable. And so I appreciate</p> <p>25 your work. And I hope you have great strides in</p>

<p style="text-align: right;">122</p> <p>1 this session coming up.</p> <p>2 MR. RAFE MARTINEZ: Thank you,</p> <p>3 Commissioner.</p> <p>4 THE CHAIR: We spent -- at least I spent a</p> <p>5 significant amount of time last Legislative Session</p> <p>6 talking with folks from the Center for Law and</p> <p>7 Poverty, and, you know, the discussion of the</p> <p>8 inequities of the -- of that index.</p> <p>9 So -- and we know that -- you know, it's</p> <p>10 always part of that conversation with charters that</p> <p>11 they're not getting their fair share. There's a</p> <p>12 very, very, very small number of charters that would</p> <p>13 not benefit from -- from a change.</p> <p>14 And, you know, that's -- I think this is</p> <p>15 just truly, yeah, ground-breaking. I mean, I</p> <p>16 remember being at the LFC, and there was a fairly</p> <p>17 public fight going on between PED and an Albuquerque</p> <p>18 Public School and the then-acting deputy secretary</p> <p>19 publicly saying, "Well, we gave them \$2 million, and</p> <p>20 look. What did they do with it?"</p> <p>21 It's because you just can't throw money at</p> <p>22 a solution. You have to have the solution. And</p> <p>23 money doesn't solve it.</p> <p>24 And there's probably not two school</p> <p>25 leaders that are best suited to help push this</p>	<p style="text-align: right;">124</p> <p>1 familiar -- where different districts around the</p> <p>2 country were doing that, where money follows the</p> <p>3 kids. Conceptually, it was -- it's aligned with</p> <p>4 this, because money would follow those kids that are</p> <p>5 at higher risk.</p> <p>6 So if -- let's say, you know, somebody</p> <p>7 living in Santa Fe on the southwest side, if they</p> <p>8 ended up going to Carlos Gilbert, those extra funds</p> <p>9 would follow them to Carlos Gilbert to make sure</p> <p>10 they have their needs met.</p> <p>11 What we found, unfortunately, because of</p> <p>12 the dramatic underfunding in schools, is that when</p> <p>13 it came budget time, sometimes schools were not able</p> <p>14 to provide the services that we said they had to</p> <p>15 based on using Fair Student Funding.</p> <p>16 So I have a couple of questions.</p> <p>17 The first is -- and I -- you know, I'm</p> <p>18 just learning about your organization today. So why</p> <p>19 are you presenting to us? Is there an ask?</p> <p>20 MR. RAFE MARTINEZ: Madam Chair, members</p> <p>21 of the Commission, Commissioner Carrillo, a really</p> <p>22 good question. So there's not an ask yet. And I</p> <p>23 don't know if there will be in the future. But I</p> <p>24 will tell you this.</p> <p>25 I think -- again, I think when you're</p>
<p style="text-align: right;">123</p> <p>1 effort forward, because you're both such shining</p> <p>2 examples of being able to meet the needs of those</p> <p>3 at-risk students, doing the utmost with the least</p> <p>4 amount of money that you have.</p> <p>5 And, Rafe, of course, after our contract</p> <p>6 negotiations, it was, you know, trying to get the</p> <p>7 fix to make sure that those schools that most need</p> <p>8 it can also be able to share out those best</p> <p>9 practices. That's really important.</p> <p>10 Commissioner Carrillo.</p> <p>11 COMMISSIONER CARRILLO: Here we go. Thank</p> <p>12 you. Thank you for the presentation. And as I'm</p> <p>13 sure you know, Rafe, and the others, I don't think</p> <p>14 the Yazzie-Martinez thing would have even gone</p> <p>15 forward had it not been for Albuquerque Public</p> <p>16 Schools. Because we funded to the tune of \$300,000.</p> <p>17 So I'm proud to say that we're really ahead of the</p> <p>18 equity thing in knowing what needs to be done.</p> <p>19 I love the way -- the placement of the</p> <p>20 schools in that particular graph is brilliant,</p> <p>21 because it's just -- can't escape from it. It's</p> <p>22 right in your face as to where all the schools are,</p> <p>23 what they need and everything else.</p> <p>24 We had something called "Fair Student</p> <p>25 Funding" for a while -- I'm not sure if you're</p>	<p style="text-align: right;">125</p> <p>1 handed the keys to a charter, and especially if</p> <p>2 you're a founder of a charter, there is an inherent</p> <p>3 duty that comes with that to be, as has been said a</p> <p>4 few times here, innovative, creative, cutting edge,</p> <p>5 and leaders in the field of public education.</p> <p>6 The one thing I will say that I'm really</p> <p>7 proud about this particular idea of the OEI is this</p> <p>8 is a public school issue. This is not a</p> <p>9 charter-specific issue, right?</p> <p>10 So when you look at -- we didn't provide</p> <p>11 the list of all the schools in the state for this</p> <p>12 presentation. But when you look at the list of all</p> <p>13 the schools in the state, you'll see exactly what</p> <p>14 New Mexico is facing with the rural communities</p> <p>15 being in dire straits when it comes to just the</p> <p>16 economics of the town, right?</p> <p>17 So Española -- and, Charlotte, she says</p> <p>18 this a lot. Española brings up the bottom, I think,</p> <p>19 15 of the bottom 16 schools. And when you drive</p> <p>20 through Española, you feel that. You feel that the</p> <p>21 city is struggling; the town is struggling. And the</p> <p>22 economic outputs, achievement scores, reflect that,</p> <p>23 right?</p> <p>24 So to your question, I don't think there's</p> <p>25 an ask at this point, other than that you-all know,</p>

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1 as Commissioners that are our authorizers, that this  
2 idea -- this historic idea is coming out of the  
3 charter world, right, as is our anointed duty.

4 One thing I will say about Cypress Tree  
5 itself is we are like-minded leaders who -- and it's  
6 not just about the kids that we serve. We're not  
7 like-minded in that we're serving kind of  
8 marginalized populations. But we're also  
9 like-minded in the way we're serving marginalized  
10 populations.

11 We believe, Commissioner Carrillo, to your  
12 point earlier, holistic education, something that --  
13 building better human beings to create a better  
14 society, to create, you know, purposeful citizens;  
15 that's really kind of what drives our organizations.  
16 And I think when we're talking to other charters who  
17 want to be part of that thinking group, that's what  
18 we're looking.

19 We're not -- look. There are other  
20 versions of charters out there. And we're pretty --  
21 pretty, one, define, but also very confident in what  
22 we do. So we want to work with the people we want  
23 to work with to move the needle in our space, right?  
24 It's a service concept we're talking about.

25 COMMISSIONER CARRILLO: No. Thank you

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1 very much. And I'm happy to be much more familiar  
2 with the work. And then the way the charts and the  
3 things were presented, not to criticize PED in any  
4 way, I think it was much more targeted than some of  
5 the information that we get in multiple, multiple  
6 charts and Excel spreadsheets from PED.

7 I just think what you just showed us is  
8 much more succinct relative to addressing the  
9 challenges that we face relative to equity.

10 I think, Mr. Kim, you probably even  
11 noticed, if you were in the middle, there was a  
12 school probably called Piñon Elementary, where  
13 they -- for Santa Fe, they defy all the odds, right?  
14 They're majority ELL and Free and -- they might be  
15 100 percent Free and Reduced Lunch. Yet they excel  
16 as one of the better schools in the state.

17 So we need to be learning from Piñon, what  
18 are they doing. Part of it is they've had the same  
19 leader in that school for the last 18 years. And so  
20 we need to clone the principal over there.

21 So what I'm curious about is how can we,  
22 then, as a Commission, based on this information,  
23 develop policy so that charter schools are using  
24 equity indices to help guide their planning? And  
25 now I know that for those in Española and different

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1 places, they have real significant challenges there.

2 But to me, that's -- that would be one of  
3 my takeaways from this. How can we develop policy  
4 to assist -- to support -- not to give them  
5 something else to do -- but to support our charter  
6 administrators in knowing how to integrate kind of  
7 this work in a much more meaningful way?

8 So that's where I see it. So thank you  
9 for the presentation.

10 And then to Chair Gipson, I would say --  
11 because I didn't -- I don't know how things unfold  
12 all the time, right, on the Commission yet. But  
13 there are always people that wanted to present to  
14 Santa Fe Public Schools. And we would say, "Why?  
15 You know, time is valuable. If you want to just  
16 come say hello and present for 20 minutes, we can't  
17 do that. It's got to be something that we can  
18 use" -- do you know what I mean? Something that's  
19 relevant.

20 Now, you mentioned the bill. So do you --  
21 what bill do you have right now that's going to be  
22 in front of the Legislature?

23 MR. RAFE MARTINEZ: Madam Chair, members  
24 of the Commission, Commissioner Carrillo, that -- so  
25 Rebecca Dow, Representative Dow is the one

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1 introducing the bill. It's in draft. We're hoping  
2 to actually get it filed today; so it will be  
3 prefiled. Then it will be kicked around.

4 So we don't have -- Mr. Kim, do we have a  
5 number to the bill?

6 MR. JOHNSON: No. No, we don't.

7 MR. RAFE MARTINEZ: So once it gets  
8 assigned and formalized and filed, then it will  
9 be -- it will be out there, and we'll be able to --  
10 we'll be able to share that, give it to you guys,  
11 and then you will have the bill number and go from  
12 there.

13 Right now, we're searching for co-sponsors  
14 as well to make this as powerful a concept to get  
15 through the legislative process as possible.

16 COMMISSIONER CARRILLO: So what's the  
17 emphasis of the purpose of the bill?

18 MR. RAFE MARTINEZ: Because it will  
19 require statutory changes for this to be implemented  
20 at the State level.

21 COMMISSIONER CARRILLO: Okay.

22 MR. RAFE MARTINEZ: If I could answer real  
23 quick -- or say something. That's a great question,  
24 Commissioner Carrillo, about what does it mean as  
25 far as policy for the PEC. And I'll speak only for

<p style="text-align: right;">130</p> <p>1 myself on this, because of the school -- because of 2 the Albuquerque Sign Language Academy and how we've 3 worked so hard -- because we serve a majority 4 special education population of kids, right, in 5 connection to other regular typically developing 6 kids, deaf, multiple needs, that kind of stuff. 7 I would ask that how this could inform 8 your work is that you don't take only test scores as 9 your driving analysis and -- and belief of a 10 school's work, right, that there are multiple ways 11 to discern if the school is doing a great job. 12 In our case, we're partnered with multiple 13 national institutions, Harvard, Penn State, 14 Minnesota, of course, UNM, to redefine deaf ed and 15 special education. And we have a national 16 footprint, right? If you go by test scores, we're 17 good; we're fine. But we're not exceptional, right? 18 So I think the work of the Commission 19 would be to recognize when they have exceptional 20 schools that are national leaders, and then being 21 able to somehow adjust things so that schools like 22 that are recognized, right, and that prowess is 23 somehow codified so that it's not just a every five 24 years, we're arguing to let you know that we're 25 doing good stuff, right, that kind of thing.</p>	<p style="text-align: right;">132</p> <p>1 really, the success of the school beyond the 2 standardized testing. So -- 3 COMMISSIONER VOIGT: So I'll just ring in 4 to say, Commissioner Carrillo, that the 5 assessment -- Student Assessment Task Force has -- 6 we met last year, and there was a follow-up 7 conference of the Assessment for Learning, which was 8 comprised largely of members from that original -- I 9 don't know if you were in that, Rafe, that Student 10 Assessment Task Force. We just met this past week. 11 But there are already alternative means 12 for which students can demonstrate their learning 13 and -- beyond a standardized test. So that's 14 already in place. 15 And it's evolving into another national 16 model, thanks to some entities that are working with 17 the PED, to create student capstones, presentations 18 of learning, which we know -- and, Rafe, you're 19 speaking to my heart when you talk about 20 standardized tests. Because we know that 21 standardized tests do not convey everything that a 22 student knows or is able to do. Presentation, 23 community strengths and learning, internships, those 24 are definitely more rigorous and relevant to what 25 students should be held accountable for.</p>
<p style="text-align: right;">131</p> <p>1 COMMISSIONER CARRILLO: Here's the 2 thing -- 3 COMMISSIONER VOIGT: Oh. Were you 4 finished? Are you still speaking? What's that? 5 COMMISSIONER CARRILLO: I have a couple 6 more questions. 7 COMMISSIONER VOIGT: Okay. 8 COMMISSIONER CARRILLO: You bring up a 9 good point. This is where this could be the work of 10 the Commission. We had to do this in Santa Fe when 11 we had Hanna Skandera. Because we all remember what 12 education was like then, right, and the A-through-F 13 and the whole thing. 14 What we did in Santa Fe was we developed 15 our own metric for grading schools that took into 16 account everything you just said, Rafe, around not 17 just the test scores, but the quality of the 18 environment, the safety of the environment, the 19 involvement of parents and teachers; I mean, all 20 these different qualitative elements that are 21 focused in. 22 So that might be something, Chair Gipson, 23 that we can look at later, if that's something we 24 want to put together to introduce to our charters so 25 that the public has a greater understanding of,</p>	<p style="text-align: right;">133</p> <p>1 THE CHAIR: And I'll just -- can I just 2 chime in a little bit? 3 COMMISSIONER VOIGT: Yeah. 4 THE CHAIR: That's what we truly -- the 5 work that we've started and continue on with the 6 performance framework so that the mission, it's not 7 just our measure of the performance of the school, 8 is it tied just to test scores. It's how the school 9 is serving its community. 10 Unfortunately, the statute does -- and 11 Rafe was part of the angst of this. The statute 12 does require a component of our performance 13 framework to be the State Accountability system. 14 And that's where a school like Rafe's gets dinged 15 and dinged bad. And we -- he had a waiver for a 16 while. We tried to get that waiver again, and it 17 was unfortunately unsuccessful. 18 So our hands are tied to some degree. But 19 we've worked very hard to make sure that we're not 20 just looking at schools through the lens of, "What's 21 your test scores?" 22 And that's why we've added narratives to 23 renewals, so that the story of the school can be 24 told to us in however the school wants to show us. 25 And it's the school's choice how they show us what</p>

<p style="text-align: right;">134</p> <p>1 they're doing, as opposed to just black and white 2 test scores. Sorry.</p> <p>3 COMMISSIONER VOIGT: So that's right. And 4 I just want to point out to Commissioner Carrillo 5 that that foundational work has already been done 6 and is in place.</p> <p>7 COMMISSIONER CARRILLO: Good.</p> <p>8 THE CHAIR: Commissioner Burt?</p> <p>9 COMMISSIONER BURT: Thank you. And thank 10 you for the presentation. I know I actually had a 11 great opportunity to come visit your school a couple 12 of years ago, in person. Like, I'm going to 13 remember it. I'm going to hold on to all of those 14 visits that I was able to do to schools before 15 COVID.</p> <p>16 It's so amazing to see the work that 17 you're doing with your students. I mean, it's 18 astounding; like, I just was blown away, swept away. 19 Actually, I think there was one of the days I went 20 that we got to go over to a pizza party, got to see 21 them play and have fun. Great time.</p> <p>22 But so really a fan of the work that 23 you're doing with your students.</p> <p>24 I do think one of the things I -- I 25 noticed -- and maybe -- correct me if I'm wrong.</p>	<p style="text-align: right;">136</p> <p>1 in this moment.</p> <p>2 However, I do think -- I would love to see 3 that graph after this year's data. So if students 4 could still take an assessment to where we could see 5 where they're at; not used for accountability, but 6 just so we can see where, on that index, now they're 7 showing.</p> <p>8 From this year, after a year of online 9 learning, after a year of that kind of learning, I 10 think it would be really significant. And I would 11 hope the -- I don't know if the Commission -- if I 12 could do -- I don't know what I could do to see if 13 the Commission would support, like, encouraging the 14 Secretary to try and give some sort of assessment.</p> <p>15 Because I know, you know, a portfolio and 16 all those alternative methods of assessment, those 17 are for high school students who are graduating. 18 You know, our kindergarteners, they don't have an 19 alternative way to show their assessment, you know. 20 They are just taking a standardized assessment.</p> <p>21 So for those kindergartener to 22 eighth-graders, if we don't have anything for them, 23 it would just -- I think it would be important to 24 just see where they're at.</p> <p>25 Obviously, once again, I think it would be</p>
<p style="text-align: right;">135</p> <p>1 But the graph that you showed -- I did work at PED 2 for several years, and I worked in schools before 3 that. And we were presented -- I mean, there's data 4 all the time. I know all the PED staff here. I 5 mean, there's data all the time, and I never saw 6 something like that, that was just so succinct, 7 where you could see that level and where schools are 8 performing.</p> <p>9 That performance data, though, is based 10 off of a standardized test, correct? Like, how you 11 created that graph, right? Okay.</p> <p>12 So one of the things that I did want to 13 just point out to the PED at this time -- and I'm 14 hoping maybe, as the PEC as a body, maybe we can -- 15 I don't know -- if there's a way to write a letter 16 or something.</p> <p>17 But one of the things that at least I have 18 heard is that the PED is applying for a waiver for 19 assessments again this year. So one of the things I 20 would like to at least encourage the PED is I -- 21 the, you know, assessments for this year, obviously, 22 it's going to be -- if we used an assessment as an 23 accountability tool last year, this year, it's 24 just -- it's not right. It's not a right thing to 25 do to use an assessment towards accountability right</p>	<p style="text-align: right;">137</p> <p>1 a travesty to use it towards any kind of 2 accountability or rating schools or -- you know, 3 anything like that would be completely 4 inappropriate.</p> <p>5 But just to get what the level of data you 6 just got, I would love to see how our charters are 7 performing after this school year and where they're 8 at. Because I would be really interested to see how 9 the at-risk students, students who, you know, don't 10 have computers at home, they have struggled with 11 internet, their parents are working two or three 12 jobs right now, they're not able to be at home with 13 their students, and how that's trending during this 14 online learning process that our schools are going 15 through.</p> <p>16 MR. RAFA MARTINEZ: Charlotte, were you 17 going to --</p> <p>18 MS. CHARLOTTE ARCHULETA: Yes, I was just 19 going to add --</p> <p>20 THE CHAIR: I'm sorry. Before you start, 21 I just wanted to say welcome to Mike. Mike Ogas has 22 joined us. So I just wanted to recognize that he's 23 on as well. Sorry, Charlotte.</p> <p>24 MS. CHARLOTTE ARCHULETA: That's okay. 25 Chairwoman Gipson, Commissioner Burt, that is</p>

<p style="text-align: right;">138</p> <p>1 really -- I think we all agree in the sense that we 2 do not want any kind of assessment to be used as 3 accountability over the last two years.</p> <p>4 But I will say that in yesterday's call 5 with the Secretary -- I think it was yesterday, my 6 days get blurred -- but they are providing us an 7 opportunity to opt in to assessments, which, you 8 know, I think, myself, personally, I -- you know, 9 we've had that conversation with our staff. And 10 just being able to see, use it as an informative 11 tool for us and not be used as an accountability 12 mark against any school. But there is that 13 opportunity. I just wanted to let you know about 14 that.</p> <p>15 MR. RAFE MARTINEZ: If I could add, too? 16 THE CHAIR: I have to say, having served 17 on the Reentry Task Force, I know Charlotte was on 18 it -- not on the same subcommittee, but that was -- 19 and I was with a group about what are we going to do 20 in terms of getting kids back into school and so on. 21 And that was certainly our number one, that we have 22 to identify those learning gaps.</p> <p>23 But it can't be as a punitive piece to 24 say, "Okay. Your school..." -- but it has to be 25 that learning tool.</p>	<p style="text-align: right;">140</p> <p>1 room with Senator Soules our minds would just blow 2 in terms of statistics and numbers. It would be 3 quite an experience.</p> <p>4 I'm sorry. Commissioner Burt? 5 COMMISSIONER BURT: I was just going to 6 say I actually think that would be great. It's 7 great information for us, as a Commission, to 8 know -- I don't know, Chairwoman, if there's a 9 way -- I don't know if we can encourage our State 10 charters to take the assessment. I don't know if 11 there's something that we can do to say, you know, 12 we really think that it would be a great opportunity 13 to you to opt in and encourage them to opt in.</p> <p>14 Because I do think it's just really 15 important for us to get some kind of, you know, 16 standardized option. Because I know each school 17 kind of has -- I know they've all been doing, you 18 know, formative assessments throughout the year. I 19 mean, I know there's probably not a school that's 20 not doing that on their own.</p> <p>21 But I think everyone is kind of using 22 something different. So if we could get some kind 23 of -- it would be just so great if all of our 24 charters, if we could get data this fall that kind 25 of gives us some baseline, it would be wonderful for</p>
<p style="text-align: right;">139</p> <p>1 And that's what we've also put into our 2 renewals and our narratives, that what are you doing 3 to assess what schools, and what preparation are you 4 doing when you do go back, and what are you doing 5 with the information.</p> <p>6 And it also helps to inform us in terms 7 of, when we look at the finances of a school, what 8 are you doing with the money so that we know that 9 the money is being used to address the needs of 10 those students. That is absolutely part of our job.</p> <p>11 And, Rafe, I think I cut you off. 12 MR. RAFE MARTINEZ: I just wanted to add 13 something just to, Commissioner Burt, around the 14 data collection. So, Mr. Kim, I cannot speak well 15 enough about him. He's amazing.</p> <p>16 But he's been able to delineate the data 17 and kind of -- and put it in all kind of different 18 forms so we can see charters compared to 19 traditional, rank orders, this and that.</p> <p>20 So there's all kinds of stuff he's doing 21 with it. So to your point, I think you guys would 22 be able to discern which charters are doing what 23 with what populations and stuff.</p> <p>24 COMMISSIONER BURT: I would love that. 25 THE CHAIR: If you put Mr. Kim in the same</p>	<p style="text-align: right;">141</p> <p>1 us to have that. And then working with the folks 2 here on the call to analyze that data source in that 3 way, it really is amazing. It's a great way to see 4 it.</p> <p>5 THE CHAIR: Right. And I agree. Beyond 6 just putting out that statement, there's not a whole 7 lot we can do in terms of pushing. But absolutely. 8 As a unified statement, that's something that we 9 encourage. That's certainly something that we can 10 do.</p> <p>11 Commissioner Voigt? 12 COMMISSIONER VOIGT: Thank you, 13 Madam Chair. I think the challenge -- coming from 14 the Assessment for Learning Conference this past 15 week, the big challenge has been, you know, we can't 16 have students come into the building for learning; 17 but we want them to come in for testing. That's 18 going to be, like, no, that's not going to happen.</p> <p>19 But I think that there is -- the PED is 20 going to encourage some type of baseline data for 21 this interruption in normal school. So I trust that 22 the PED Assessment Bureau is going to make that 23 happen. And that's really what we would be looking 24 to is their data collection in collecting -- should 25 there have been any learning loss during this COVID</p>

<p style="text-align: right;">142</p> <p>1 time.</p> <p>2 But something I learned at the Assessment</p> <p>3 for Learning conference -- and it was a great</p> <p>4 conference -- that the word -- the Latin root of</p> <p>5 "assessment" is as "assidire," which means "to sit</p> <p>6 beside." I thought, you know, that's something that</p> <p>7 we haven't really thought as assessment, is</p> <p>8 something that we are supporting our students, and</p> <p>9 it's assessment "for" learning, not to measure --</p> <p>10 having that measuring stick.</p> <p>11 But I do want to give an appreciation to</p> <p>12 Mr. Kim for that beautiful data chart. I don't like</p> <p>13 raw data, but I love looking at those graphs. So</p> <p>14 thanks for that.</p> <p>15 THE CHAIR: So, I mean, we are talking</p> <p>16 later on in the agenda about legislative priorities.</p> <p>17 So this is something that we could broadly talk</p> <p>18 about in terms of whether it is something that --</p> <p>19 the concept.</p> <p>20 Obviously, we haven't seen the bill; and,</p> <p>21 unfortunately, we won't be meeting again until</p> <p>22 February. So we don't know where in the process</p> <p>23 that would be. But it is something that we could</p> <p>24 talk about that in that broad-stroke concept. This</p> <p>25 is something that we most likely could speak for.</p>	<p style="text-align: right;">144</p> <p>1 not throwing extra money on it yet, right?</p> <p>2 So it's taking the roughly \$300 million</p> <p>3 directed at at-risk funding and repurposing it using</p> <p>4 this methodology as clarity.</p> <p>5 THE CHAIR: And I appreciate that</p> <p>6 information, because that is important information</p> <p>7 to have.</p> <p>8 I know when we spoke a while ago, I said</p> <p>9 it is a shame -- and I know it can't happen. But it</p> <p>10 is a shame that that huge pot of money that's the</p> <p>11 CSP Grant, and so much of it hasn't been used, that</p> <p>12 it can't be redirected to somehow help to support</p> <p>13 the idea that we need to take a look at these best</p> <p>14 practices, to share it out, and to create a system</p> <p>15 that would make it easier to bring schools together</p> <p>16 so that there can be that collaboration between the</p> <p>17 schools, charter and traditional, to show those best</p> <p>18 practices.</p> <p>19 Because we all know that each individual</p> <p>20 school has to tweak these a little bit for their own</p> <p>21 populations as well. It's just sharing out what's</p> <p>22 worked for me, so that someone can take it and</p> <p>23 hopefully even make it better. And what we could be</p> <p>24 able to do to support that, it would be great if we</p> <p>25 could, you know, have some of that funding to help</p>
<p style="text-align: right;">143</p> <p>1 And I -- and, then, of course, looking at</p> <p>2 the legislation as it's moving forward and in our</p> <p>3 February meeting to see where it's sitting, if</p> <p>4 there's anything that we can do, certainly, I think</p> <p>5 we'll be okay with that.</p> <p>6 MR. RAFA MARTINEZ: Madam Chair, members</p> <p>7 of the Commission, I think it's important to note,</p> <p>8 too, that the legislative agenda for the PED does</p> <p>9 not conflict with this idea, right? So they're --</p> <p>10 and I think it's important to note.</p> <p>11 THE CHAIR: Right.</p> <p>12 MR. RAFA MARTINEZ: So they're taking the</p> <p>13 money from K-5 Plus and Extended Learning and</p> <p>14 putting that into a two-year pot of money directed</p> <p>15 right at poverty. Actually, if you were to take</p> <p>16 what they're going to do to calculate poverty and</p> <p>17 use that computation in our routine, or Mr. Kim's</p> <p>18 routine, it actually strengthens our case, right?</p> <p>19 It makes the way to identify those kids</p> <p>20 even stronger through our methodology. So just so</p> <p>21 you know, they're not juxtaposed ideas. In fact,</p> <p>22 they fold into each other very well.</p> <p>23 The different, kind of, two-year pot of</p> <p>24 money they're talking about isn't in ours. Right</p> <p>25 now, the legislation is about refining the process,</p>	<p style="text-align: right;">145</p> <p>1 with a project like that.</p> <p>2 COMMISSIONER VOIGT: Yeah.</p> <p>3 THE CHAIR: But I know we can't use the</p> <p>4 CSP Grant money for that. It's just part of my</p> <p>5 angst with that money, that it sits there, and it</p> <p>6 doesn't get completely used.</p> <p>7 But maybe there's something else that we</p> <p>8 can look at; because I think it's always -- and I</p> <p>9 say it time and time again -- that's what we do the</p> <p>10 least is to share out those best practices. And</p> <p>11 that's why charters were created, to be those</p> <p>12 laboratories and to show.</p> <p>13 And that's where -- and it's difficult, as</p> <p>14 leaders, you know. Because you're in your own</p> <p>15 little isolated schools. And I think that's part of</p> <p>16 what our job should be is to help with that</p> <p>17 coordination.</p> <p>18 Commissioner Voigt?</p> <p>19 COMMISSIONER VOIGT: Thank you,</p> <p>20 Madam Chair. So as a follow-up, Rafe or Charlotte,</p> <p>21 could you send us the bill number --</p> <p>22 THE CHAIR: Yeah.</p> <p>23 COMMISSIONER VOIGT: -- when it comes out?</p> <p>24 MR. RAFA MARTINEZ: Soon as we get it.</p> <p>25 THE CHAIR: Have you reached out to Linda</p>

146	<p>1 Lopez?</p> <p>2 MR. RAFE MARTINEZ: I've spoken to Linda</p> <p>3 Lopez -- or Senator Lopez -- around some other</p> <p>4 legislation regarding our school specifically.</p> <p>5 She's aware of this bill.</p> <p>6 Remind me, Mike, Charlotte, Mr. Kim. We</p> <p>7 met with her earlier on, correct?</p> <p>8 MS. CHARLOTTE ARCHULETA: We did. But I</p> <p>9 can't -- I think that was one meeting that I wasn't</p> <p>10 there. So I think it was -- I think everybody --</p> <p>11 every legislator that we met with has been</p> <p>12 supportive of the idea.</p> <p>13 And I know we are in talks with specific</p> <p>14 representatives and legislators about co-sponsoring</p> <p>15 with Rebecca Dow.</p> <p>16 So I'm hopeful and excited that we may</p> <p>17 have some really great co-sponsors. But I'm not --</p> <p>18 I don't remember the conversation with Linda Lopez.</p> <p>19 COMMISSIONER VOIGT: Okay. Yeah, I know,</p> <p>20 there's a few senators and representatives I know</p> <p>21 personally that I know would be behind this. And</p> <p>22 I'm sure you've already reached out to those same</p> <p>23 folks, and you know who they are. But, yeah, just</p> <p>24 send us a bill number. And we can --</p> <p>25 THE CHAIR: Yeah. Yeah.</p>	148	<p>1 can't be heard right now. But I would strongly</p> <p>2 suggest that you reach out to him.</p> <p>3 MR. RAFE MARTINEZ: We will.</p> <p>4 THE CHAIR: Because I think it would be a</p> <p>5 very valuable conversation for you to have. Because</p> <p>6 he brings a whole different lens. He served in</p> <p>7 Deming, and now he's in Hatch. So I would recommend</p> <p>8 you reach out to him.</p> <p>9 Commissioners, are there any other</p> <p>10 comments?</p> <p>11 Well, thank you once again. We love</p> <p>12 hearing from you and love seeing you and always like</p> <p>13 to know that you're still safe and healthy. And</p> <p>14 sorry that we won't be passing each other in the</p> <p>15 halls of the Legislature this year. We'll be</p> <p>16 passing on some web cam somewhere. So we will be</p> <p>17 there. And good luck, and please keep us posted as</p> <p>18 to how that legislation is going.</p> <p>19 COMMISSIONER CARRILLO: It looks like</p> <p>20 Michael is back.</p> <p>21 THE CHAIR: Oh, he is. Sorry.</p> <p>22 COMMISSIONER CHAVEZ: I'm sorry. You</p> <p>23 know, believe it or not, our network is not as</p> <p>24 stable as our wireless. And so I forgot to move</p> <p>25 over to wireless.</p>
147	<p>1 MR. RAFE MARTINEZ: Perfect.</p> <p>2 THE CHAIR: Commissioners, any other</p> <p>3 questions?</p> <p>4 Oh. Commissioner Chavez.</p> <p>5 COMMISSIONER CHAVEZ: Thank you,</p> <p>6 Madam Chair. I just want to say -- I wasn't going</p> <p>7 to pipe up. But I just want to bring some things to</p> <p>8 the Commission and the group's attention.</p> <p>9 You know, I became a principal right --</p> <p>10 THE CHAIR: Commissioner Chavez, you've</p> <p>11 frozen.</p> <p>12 It's the beauty of being in Hatch. So if</p> <p>13 we're looking at the -- you know, the struggles of</p> <p>14 broadband in rural areas, Commissioner Chavez is</p> <p>15 always our prime example of this.</p> <p>16 COMMISSIONER DAVIS: Sometimes if you turn</p> <p>17 off the video, the sound works.</p> <p>18 THE CHAIR: He just sent me a message.</p> <p>19 "Lost service. Move on."</p> <p>20 He's a man of many words.</p> <p>21 So -- and I apologize, because he -- you</p> <p>22 know, Commissioner Chavez, certainly, the school</p> <p>23 district that he serves is a prime example of that</p> <p>24 school district that has so many of those -- variety</p> <p>25 of at-risk factors. So I'm sorry that his voice</p>	149	<p>1 But, no, thank you. And, you know,</p> <p>2 sometimes when things like that happen, that's just</p> <p>3 a sign that, you know what? I don't need to say</p> <p>4 anything.</p> <p>5 But good information. Good information.</p> <p>6 Thank you for your work. This is really good.</p> <p>7 I'm always intrigued by statistical</p> <p>8 analysis and that sort of thing and trying to make</p> <p>9 sense of things with the use of data.</p> <p>10 But thank you, Rafe and group, for all the</p> <p>11 hard work that you've done with this.</p> <p>12 MR. RAFE MARTINEZ: Commissioner Chavez,</p> <p>13 thank you.</p> <p>14 THE CHAIR: Thank you. So, Rafe, once</p> <p>15 again, thanks so much. Keep us posted, and</p> <p>16 hopefully we'll hear from you soon.</p> <p>17 MR. RAFE MARTINEZ: Thank you, all.</p> <p>18 THE CHAIR: Thanks.</p> <p>19 MS. KAREN WOERNER: I'm going to put you</p> <p>20 back in cyberspace to Attendees. Hang on here.</p> <p>21 THE CHAIR: So, Commissioners, I'm going</p> <p>22 to ask if you want to take a somewhat short lunch</p> <p>23 break. I see a lot of heads nodding.</p> <p>24 So is 20 minutes not enough? Thirty</p> <p>25 minutes fine?</p>

150	<p>1 COMMISSIONER VOIGT: Say, 1:00?</p> <p>2 COMMISSIONER MANIS: Thirty would be</p> <p>3 better.</p> <p>4 THE CHAIR: Thirty would be better? So</p> <p>5 I'll see you back here about 10 of. I think that</p> <p>6 works. Yes? My watch is -- I have a very old</p> <p>7 watch; it's slow. Oh. It's -- so see you closer to</p> <p>8 1:00; yeah, it's almost 12:30. Okay. Thanks.</p> <p>9 COMMISSIONER MANIS: Thank you.</p> <p>10 (A recess was taken at 12:27 p.m., and</p> <p>11 reconvened at 1:04 p.m., as follows:)</p> <p>12 THE CHAIR: Okay. We have everyone back</p> <p>13 now. So thanks, everyone. Welcome back.</p> <p>14 And we are on to Item No. 8, which is</p> <p>15 Discussion and Possible Action on the Open Meetings</p> <p>16 Act Resolution for 2021.</p> <p>17 Just so that the new Commissioners know,</p> <p>18 this is something that we do every year, that we</p> <p>19 adopt the Open Meetings Act Resolution.</p> <p>20 And it is in your packet. If there is any</p> <p>21 discussion, I'll entertain any questions or</p> <p>22 discussion at this point in time. And if there</p> <p>23 isn't any, do I have a motion to adopt?</p> <p>24 COMMISSIONER DAVIS: I move that the PEC</p> <p>25 adopt the Open Meetings Act Resolution for 2021.</p>	152	<p>1 COMMISSIONER ARMILLO: Yes.</p> <p>2 COMMISSIONER BURT: All right. There were</p> <p>3 ten votes for. This motion passes.</p> <p>4 THE CHAIR: Motion passes, ten-zero.</p> <p>5 Thank you so much.</p> <p>6 We are now on to Item No. 9, which is</p> <p>7 Discussion and Possible Action on Updates to the New</p> <p>8 Charter School Application.</p> <p>9 And, once again, thank everyone for all</p> <p>10 the input yesterday and the work on this yesterday.</p> <p>11 And as was discussed yesterday, there was</p> <p>12 the financial language about the SEG money not going</p> <p>13 to for-profits or nonprofits. And the</p> <p>14 recommendation is that those -- that language would</p> <p>15 go into the Budget section of the new charter</p> <p>16 application in the two subsections where the schools</p> <p>17 are asked to produce -- to work on and create a</p> <p>18 budget that the statement is put in there in the</p> <p>19 directions for them.</p> <p>20 Commissioner Burt?</p> <p>21 COMMISSIONER BURT: Thank you, Chairwoman.</p> <p>22 So the one thing I do want to say is while</p> <p>23 I agree with the sentiment behind it, I still do</p> <p>24 have to say I am concerned about putting something</p> <p>25 into a legal document, or into legal -- into a legal</p>
151	<p>1 COMMISSIONER CHAVEZ: I second.</p> <p>2 THE CHAIR: There's a motion by</p> <p>3 Commissioner Davis, a second by Commissioner Chavez.</p> <p>4 If there is no further discussion, roll,</p> <p>5 please, Commissioner Burt?</p> <p>6 COMMISSIONER BURT: Thank you.</p> <p>7 Commissioner Voigt?</p> <p>8 COMMISSIONER VOIGT: Yes.</p> <p>9 COMMISSIONER BURT: Commissioner Taylor?</p> <p>10 COMMISSIONER TAYLOR: Yes.</p> <p>11 COMMISSIONER BURT: Commissioner Robbins?</p> <p>12 COMMISSIONER ROBBINS: Sorry. Yes.</p> <p>13 COMMISSIONER BURT: Commissioner Manis?</p> <p>14 COMMISSIONER MANIS: Yes.</p> <p>15 COMMISSIONER BURT: Commissioner Gipson?</p> <p>16 THE CHAIR: Yes.</p> <p>17 COMMISSIONER BURT: Commissioner Davis?</p> <p>18 COMMISSIONER DAVIS: Yes.</p> <p>19 COMMISSIONER BURT: Commissioner Chavez?</p> <p>20 COMMISSIONER CHAVEZ: Yes.</p> <p>21 COMMISSIONER BURT: Commissioner Carrillo?</p> <p>22 COMMISSIONER CARRILLO: Yes.</p> <p>23 COMMISSIONER BURT: Commissioner Burt,</p> <p>24 "Yes."</p> <p>25 Commissioner Armijo?</p>	153	<p>1 action that does not have a founding in statute or</p> <p>2 in rule.</p> <p>3 And so while I agree, I think that that's</p> <p>4 the right thing, like, we should have that; but I</p> <p>5 just am concerned that it could open us up to future</p> <p>6 litigation that could then be overturned.</p> <p>7 Not that I'm worried if someone wants to</p> <p>8 bring an appeal; that's fine. I would like to make</p> <p>9 sure our appeals are not lost in the future.</p> <p>10 So I do have concern about including the</p> <p>11 nonprofit language in there, just because that is</p> <p>12 not in statute.</p> <p>13 THE CHAIR: And I understand that. But</p> <p>14 it's SEG money. So that's -- that's where we're</p> <p>15 saying -- we're not saying that a school can't</p> <p>16 accept money from a nonprofit. What we're saying is</p> <p>17 SEG money cannot go to a nonprofit. And that's</p> <p>18 where the defining is.</p> <p>19 So that we have many schools, as the</p> <p>20 director mentioned yesterday. And we have many</p> <p>21 schools that are proposed by nonprofit entities.</p> <p>22 But those nonprofits do not take or benefit -- I</p> <p>23 don't want to say "profit" -- benefit from any SEG</p> <p>24 money.</p> <p>25 And that's -- that's what this does. It</p>

<p style="text-align: right;">154</p> <p>1 does not prevent any nonprofit from helping a school 2 and a school even partnering with that nonprofit. 3 Commissioner Carrillo? 4 COMMISSIONER CARRILLO: This is Steve. 5 Thank you, Madam Chair. I don't think that's 6 correct. Because we have funds in the -- and, 7 actually, Ami is familiar with this organization. 8 We have funds that we pay out to an organization 9 that we pay out to in Santa Fe called Communities in 10 Schools. They are nonprofit. 11 The work they do for us is, in the 12 schools, mostly K-6, but also Capital High and the 13 middles, for schools that are 100 percent Free and 14 Reduced Lunch and ELL. That's SEG money from our 15 budget. We're taking SEG money and using it for a 16 nonprofit. 17 I think the concern -- I understand the 18 concerns around this. We want to try to keep 19 things, one, in New Mexico; and, two, just because 20 something is a nonprofit -- I don't know where 21 anyone's political standing is. But the NRA is a 22 nonprofit. PETA is a nonprofit. I mean, all of 23 these organizations are nonprofit. That doesn't 24 mean anything. It's just a tax designation. 25 So it's really about what's going to be</p>	<p style="text-align: right;">156</p> <p>1 COMMISSIONER VOIGT: Yeah. Because 2 (inaudible due to connectivity issues) about 3 curriculum providers and -- you know, that are -- 4 Edgenuity, PLATO, all those that are nonprofits that 5 schools use on a very wide basis. But we are 6 specifically naming EMOs and CMOs. 7 THE CHAIR: Correct. Correct. 8 Commissioner Burt. 9 COMMISSIONER BURT: Thanks. I think that 10 also -- once again, I do think it would be important 11 to define that in the definitions. I think it would 12 be important to have the definition of those in the 13 definitions, like saying what those are 14 specifically. I think that's important; the other 15 thing in the same vein. 16 But in the -- in the contract and 17 application, there is a spot where it talks about 18 third-party contracts, which I think is the same -- 19 it's -- we're going for the same idea of we do not 20 want for-profit charter management organizations; we 21 don't want the nonprofit EMOs to be receiving money 22 from our -- we don't want them managing our 23 charters. 24 And so there is a spot in there where it 25 talks about third parties in particular, third-party</p>
<p style="text-align: right;">155</p> <p>1 best to protect the kids, and, in so doing, the 2 school, from unscrupulous management tactics. 3 THE CHAIR: I agree. And thanks for that 4 clarification. Because, you know, I -- I was going 5 by primarily the guidance of what I'm familiar with 6 and the nonprofits that work with the charters that 7 we operate with that we've done contract 8 negotiations with. 9 And I think I've done contract 10 negotiations now with just about every school 11 through this cycle. And I'm not familiar with any 12 nonprofit getting any SEG money. 13 Commissioner Voigt? 14 COMMISSIONER VOIGT: Thank you, 15 Madam Chair. Did we name in our edits yesterday 16 charter -- nonprofit charter management or 17 educational management organizations? 18 THE CHAIR: It does say CMO and EMO in 19 there. 20 COMMISSIONER VOIGT: I think that would 21 delineate whether they're giving money to the NRA or 22 not. 23 THE CHAIR: Yeah. Because they would have 24 to be organized as an EMO. So if they were just a 25 nonprofit --</p>	<p style="text-align: right;">157</p> <p>1 contracts. And I think the idea behind that, it's 2 the same idea, is that we do not want these third 3 parties, CMOs, EMOs, to be managing a charter 4 school. 5 But I think the language in it is very 6 vague, and it actually seems like it's discouraging 7 just third-party contracts, and that we would have 8 to review, you know, all third-party contracts, and 9 they would have to bring them to us for review. You 10 know, for a janitorial company, that's a third-party 11 contract. And I think it just seems like they're 12 kind of combining the positive, the good ones that 13 we are -- you know, charter schools, we want to give 14 them the leverage to be able to provide those 15 services, but while withholding what we're -- what 16 our actual intent is. 17 THE CHAIR: Okay. And I'm going to say 18 the third-party clause has always been in there. 19 It's never been a requirement for schools to bring 20 forward any contracts that they do for ancillary 21 services or custodial services or anything like 22 that. And that third-party piece has always been in 23 there, to my knowledge. 24 COMMISSIONER BURT: I think it's in there 25 now. It says we do have to review third-party</p>

<p style="text-align: right;">158</p> <p>1 contracts now. I think that's a change that I saw 2 in the revisions. And it didn't -- it didn't talk 3 about, you know, the specific ones, or -- it's in -- 4 it just says "other third-party relationships." 5 THE CHAIR: I'm going to ask our legal 6 counsel for clarification on this. 7 COMMISSIONER BURT: Great. Thanks. 8 MS. AMI JAEGER: So I'm going to start it 9 out, and then Elizabeth can follow up. 10 The "third party" language around 11 third-party relationships is in our current 12 contract. It's been in the contract, and it's 13 literally in statute. So we're just putting 14 statutory language in the contract without 15 interpretation or changes or edit. 16 MS. ELIZABETH JEFFREYS: So if you look at 17 the statute, at 22-8B-9, it says, "Charter school 18 contract. Contents, Rules." No. 14 says, "If the 19 charter school contract is with a third-party 20 provider, the contract and procedure is for the 21 chartering authority to review the provider's 22 contract and the charter school's financial 23 independence from the provider." 24 So that's what we're putting in there is 25 our authority to review.</p>	<p style="text-align: right;">160</p> <p>1 referring to in language? 2 I mean, maybe just as a matter of course, 3 we start doing that, for those of us who don't have 4 multiple devices. 5 COMMISSIONER VOIGT: Are you using a Mac? 6 COMMISSIONER CARRILLO: No, ma'am, I am 7 not. 8 COMMISSIONER VOIGT: Oh, I'm sorry. I'm 9 so sorry. 10 But I was going to say there's a -- 11 above -- there's a key on my computer on a Mac that 12 you can press. And it shows all your windows at one 13 time. There should be that function on a PC as 14 well. 15 COMMISSIONER CARRILLO: There probably is, 16 and some day, I'll learn to use it. In the next 17 couple of days, I'll learn to use it. 18 But, for now, it's like if we're referring 19 to a document, it would just seem like -- and even 20 for the public that may be watching -- it would seem 21 like a good idea to have the document up. 22 COMMISSIONER VOIGT: I think the final 23 copy was sent to us. Right, Ami? If you could 24 share that thing, that would be great. 25 THE CHAIR: And just while we're doing</p>
<p style="text-align: right;">159</p> <p>1 And then related to the other discussion, 2 No. 19 said -- says that, we can put in any 3 information in the contract that we find is 4 reasonably required. So we're not prohibited from 5 putting these terms in the contract. 6 THE CHAIR: And I -- oh. I'm sorry, 7 Steve. Your hand is up so high, I can hardly even 8 see it. 9 COMMISSIONER CARRILLO: When Elizabeth 10 just said that, I just said, "Huh." 11 So it would seem as though too much could 12 be done on a whim, if we could just add things or 13 not add things. And I think that that speaks to 14 maybe what Ms. Burt was saying relative to if we 15 are -- if we are seen to be arbitrary and capricious 16 in how we deal with different schools and 17 applications, then that would, again -- that, I 18 think, leaves us open, unfortunately, to litigation. 19 And litigation is money. 20 Could you do me a favor? I only have one 21 screen I'm looking at. And, you know, I don't think 22 any of us probably printed out the new application. 23 Can we split the screen when we're talking 24 about things like these and referring to paragraphs, 25 so that we're all able to see exactly what we're</p>	<p style="text-align: right;">161</p> <p>1 this, it always is possible to change our contract, 2 because there's nothing that says that we can't just 3 put something in a contract. 4 However, the Commission has tried, over 5 the past four to five years, to get contract 6 language that is consistent and to try to move -- 7 not be changing contracts all the time, and to have 8 all of our schools -- one of the challenges that we 9 have is the schools that we just renewed, they get 10 on this new contract. 11 The schools that we have, in prior years, 12 renewed, they stay on the contracts -- the contract 13 language that they signed in, you know, July -- for 14 July 1. And it is very challenging for us, because 15 you have to often couch a conversation with a school 16 with, "Oh, what contract are you on," to determine 17 some things. 18 It was -- and the same thing is true for 19 CSD. It was very problematic. The last group of 20 renewal schools that we had, or the last ones, were 21 on the old contract, which was starkly different. 22 So that we've not made -- we have tried very hard 23 and committed ourselves to just not make any 24 arbitrary changes, so schools are saying, "What 25 contract am I on?"</p>

162	<p>1 So the context of the contract language is</p> <p>2 staying the same with this addition, really, and</p> <p>3 some cleanup and trying to organize the contract.</p> <p>4 But the spirit of that contract, 99 percent of it is</p> <p>5 intact, with just this particular new language. And</p> <p>6 that's true of the application as well.</p> <p>7 And, right now, we're really talking about</p> <p>8 the new application. We're not talking about the</p> <p>9 contract.</p> <p>10 COMMISSIONER CARRILLO: Can we put up the</p> <p>11 language, though, so --</p> <p>12 MS. AMI JAEGER: You have to ask Deputy</p> <p>13 Director, Karen, to do it, because she controls the</p> <p>14 screen-share.</p> <p>15 MS. KAREN WOERNER: You have the right to</p> <p>16 share, if you want to.</p> <p>17 COMMISSIONER CARRILLO: That was just to</p> <p>18 Ms. Jaeger, right?</p> <p>19 MS. KAREN WOERNER: Actually, anyone on</p> <p>20 the panel has the option to share. But I can pull</p> <p>21 up the new application, if you'd like. But anyone</p> <p>22 on the panel can also do the same.</p> <p>23 If there's going to be edits, I would</p> <p>24 recommend that -- legal edits, I would recommend Ami</p> <p>25 or Elizabeth do it. But I can do it right now for</p>	164	<p>1 framework and Section B, that's where I was</p> <p>2 recommending that that language that we worked on</p> <p>3 yesterday go into.</p> <p>4 MS. KAREN WOERNER: Appendix C. Hold on.</p> <p>5 MS. AMI JAEGER: Page 51 and 52 in the</p> <p>6 draft I sent, it's highlighted.</p> <p>7 THE CHAIR: Okay. So just scroll down a</p> <p>8 little bit to B.</p> <p>9 MS. KAREN WOERNER: Well, yeah. There is</p> <p>10 a proposed change here, but just further qualifies</p> <p>11 about the projected enrollment.</p> <p>12 THE CHAIR: Well, we've already voted on</p> <p>13 that. The Commission voted on -- that's not a</p> <p>14 projected change. We voted on that word change</p> <p>15 already.</p> <p>16 MS. KAREN WOERNER: Madam Chair, I think</p> <p>17 you voted on, "Please note that this is a projected</p> <p>18 enrollment."</p> <p>19 But there was a request to further clarify</p> <p>20 what actual funding would look like. So this in red</p> <p>21 is a proposed change from what was last on here.</p> <p>22 Should I move on?</p> <p>23 THE CHAIR: That was not part of any</p> <p>24 discussion yesterday.</p> <p>25 MS. KAREN WOERNER: It was in the document</p>
163	<p>1 you, if you'd like.</p> <p>2 COMMISSIONER DAVIS: So while we're</p> <p>3 waiting, I just want to say that I'm not</p> <p>4 understanding the need to question the experience</p> <p>5 and education and qualifications of our legal</p> <p>6 counsel. So they've looked at this. They've</p> <p>7 assured us that everything is according to statute.</p> <p>8 And, for me, that is good.</p> <p>9 COMMISSIONER CHAVEZ: If I could say, I'd</p> <p>10 like to echo that, Commissioner Davis. You know, we</p> <p>11 went over this yesterday. We have our legal</p> <p>12 counsel. Everything is good. I'm not sure why</p> <p>13 we're having this conversation now.</p> <p>14 THE CHAIR: Right. And I'm going to echo</p> <p>15 that, in saying that anyone -- and I'm not trying to</p> <p>16 disparage PED Legal -- but just because someone</p> <p>17 who's of a different legal opinion tries to place</p> <p>18 shade on this, I don't necessarily think that that's</p> <p>19 what we want to start getting into at this point in</p> <p>20 time.</p> <p>21 But -- so, Karen, if I can direct you</p> <p>22 that -- into Appendix C of the new application.</p> <p>23 MS. KAREN WOERNER: Appendix C.</p> <p>24 THE CHAIR: The financial framework, the</p> <p>25 Part 3 -- new application, Appendix C, the financial</p>	165	<p>1 provided yesterday. Shall I read it?</p> <p>2 THE CHAIR: So can we go to Part B that</p> <p>3 we're talking about now?</p> <p>4 MS. KAREN WOERNER: Of course.</p> <p>5 THE CHAIR: So in Part B, B(1), it asks</p> <p>6 the school to provide the budget and to do a</p> <p>7 completed 910B5. So my suggestion was at the end</p> <p>8 of -- the last sentence in that direction, that that</p> <p>9 language go there, so that it's just further</p> <p>10 direction to the school about doing a worksheet</p> <p>11 using the correct values and computations, and that</p> <p>12 direction be clarified there so that they're clear</p> <p>13 when they're doing their worksheets.</p> <p>14 And, in B(2), they're working on their</p> <p>15 budget, that it be a secondary reminder to them that</p> <p>16 the monies can't be going to the nonprofits or the</p> <p>17 for-profits, EMOs and CMOs.</p> <p>18 COMMISSIONER VOIGT: Karen, give me that</p> <p>19 bigger, please. Oh, thank you.</p> <p>20 COMMISSIONER ROBBINS: Madam Chair, what</p> <p>21 if the Department of Ed, U.S. Department of Ed,</p> <p>22 chose to give a grant to a charter school</p> <p>23 specifically for this purpose? We're violating --</p> <p>24 we'd be violating federal law by not allowing</p> <p>25 someone to use federal funds per the allowed uses of</p>

<p style="text-align: right;">166</p> <p>1 those federal funds.</p> <p>2 So I think we can restrict the State</p> <p>3 funds; but to put a condition on other sources of</p> <p>4 funding, I don't think is in our purview.</p> <p>5 THE CHAIR: You mean if the federal</p> <p>6 government would give funding to a for-profit to</p> <p>7 start a charter school? Is that what you're saying?</p> <p>8 I just need some clarification. Because</p> <p>9 we are -- our charters regularly take federal monies</p> <p>10 through the CSP Grant. That would not deny them</p> <p>11 that opportunity to use those federal monies for the</p> <p>12 CSP Grant.</p> <p>13 So I -- I'm not exactly sure what you're</p> <p>14 referring to in terms of the federal government</p> <p>15 money.</p> <p>16 COMMISSIONER ROBBINS: Well, I don't think</p> <p>17 it's appropriate for us to restrict the use of</p> <p>18 federal funds in this application, to tell a charter</p> <p>19 how they can use federal funds. Because the grant,</p> <p>20 or the provisions of that, those federal funds, are</p> <p>21 spelled out. And if -- if it is allowed in the</p> <p>22 future.</p> <p>23 If it is allowed -- I understand now that</p> <p>24 there's no probable source of federal funds that</p> <p>25 would go towards that. But if, in the future, it</p>	<p style="text-align: right;">168</p> <p>1 kind of a waiver that they had also received as part</p> <p>2 of the grant money that hypothetically was federally</p> <p>3 awarded to them, then that would be -- that could be</p> <p>4 discussed under the terms of the contract.</p> <p>5 THE CHAIR: Okay. Commissioner Carrillo?</p> <p>6 COMMISSIONER CARRILLO: So it would seem</p> <p>7 to me that the thing, from everything I'm hearing,</p> <p>8 that we're trying to protect, or ensure, is that</p> <p>9 none of our State charters use a CMO or an EMO. Am</p> <p>10 I -- that's the first part. So am I correct? I see</p> <p>11 Glenna nodding.</p> <p>12 It would seem to me that that's the</p> <p>13 foundational piece here. It doesn't matter if</p> <p>14 they're nonprofit. They have their own whatever</p> <p>15 interests ahead of our own.</p> <p>16 So if we're trying to ensure that we don't</p> <p>17 want our charters -- and I agree with this -- that</p> <p>18 we don't want our charters using contracting for</p> <p>19 CMOs or EMOs, then we should say so. We should say</p> <p>20 so in the application.</p> <p>21 THE CHAIR: And it does. It says,</p> <p>22 "Contract Management..." --</p> <p>23 COMMISSIONER CARRILLO: We don't care who</p> <p>24 they are or where they are. We're not going to</p> <p>25 approve your contract if you're planning on using a</p>
<p style="text-align: right;">167</p> <p>1 did allow that, we're restricting the use of the</p> <p>2 federal funds for a -- what would be an authorized</p> <p>3 use.</p> <p>4 THE CHAIR: For a for-profit or an EMO or</p> <p>5 a CMO. Okay. So thanks for that clarification.</p> <p>6 And I see that. And I guess I'm going to --</p> <p>7 MS. AMI JAEGER: Can I just -- I don't</p> <p>8 mean to interrupt. But just to Commissioner</p> <p>9 Robbins' point, currently, in New Mexico law, it</p> <p>10 says you can't -- you cannot have a for-profit CMO.</p> <p>11 That's -- that's in current law.</p> <p>12 So if they did get federal funds -- I</p> <p>13 mean, that's our -- that's our current law, anyway.</p> <p>14 So if they did get federal funds to be used for</p> <p>15 for-profit, our current law wouldn't allow that</p> <p>16 anyway.</p> <p>17 COMMISSIONER ROBBINS: But if it was a</p> <p>18 nonprofit, this would preclude that. And the</p> <p>19 federal grant would say, "Oh, you can give it to a</p> <p>20 nonprofit." But we're saying regardless of tax</p> <p>21 status.</p> <p>22 MS. AMI JAEGER: In a hypothetical</p> <p>23 situation that you described. But don't forget. In</p> <p>24 a contract, the terms are negotiable if they</p> <p>25 provided a notice to us, or it wasn't part of some</p>	<p style="text-align: right;">169</p> <p>1 CMO or an EMO. Is that within our purview? And if</p> <p>2 it is, let's do it.</p> <p>3 THE CHAIR: Okay. Here's part of the -- a</p> <p>4 concern. We place it in here in this language,</p> <p>5 because we cannot say, "We're not going to approve</p> <p>6 this application if this is what you are," because</p> <p>7 that takes the vote of each and every Commissioner</p> <p>8 away. Ultimately, each and every Commissioner has</p> <p>9 an opportunity to vote on -- you know, on a school.</p> <p>10 Even if it violates the principles of what is</p> <p>11 written in the application, you still can say, "No,</p> <p>12 I still want that school to go forward."</p> <p>13 So for us to say, prior to any independent</p> <p>14 review of the application, "We're not going to grant</p> <p>15 this application," takes part of our vote away.</p> <p>16 It was part of the discussion a couple of</p> <p>17 years ago, when there was a rubric that was created,</p> <p>18 that, "If a school didn't get this particular score,</p> <p>19 you can't go forward with the application."</p> <p>20 That takes our authority away; it takes</p> <p>21 our voice away; it takes our vote away.</p> <p>22 So to say that these are the guidelines</p> <p>23 and the principles that we're saying a good</p> <p>24 application is based on, that a good application</p> <p>25 does not contract with an EMO or a CMO, that can</p>

<p style="text-align: right;">170</p> <p>1 ultimately be a basis identified as a reason for 2 denying the application. 3 But you kind of can't cut them off at the 4 knees and say, "We're not going to grant this 5 application." 6 COMMISSIONER VOIGT: Can I just chime in? 7 I think the verbiage that Commissioner Carrillo is 8 looking for is right there in blue. It's right 9 there. "State and federal funds, including, but not 10 limited to, student funding, shall not be used to 11 pay, compensate, or reimburse Contract Management 12 Organization or Educational Management 13 Organization." 14 COMMISSIONER CARRILLO: Okay. But to your 15 point, this would, then, by the use of the word 16 "shall," this would then, according to Chair 17 Gipson's argument, take the vote away already of the 18 Commissioners; because you've used the word "shall," 19 which closes the door. 20 If you were to leave the door open -- 21 which I don't agree with -- you need to use the 22 board "may," because that provides the flexibility. 23 THE CHAIR: I'm not looking to leave the 24 door open. 25 COMMISSIONER CARRILLO: Hold on. I'm not</p>	<p style="text-align: right;">172</p> <p>1 that the word "shall" carries. And if a 2 Commissioner, just on a whim, decided, "Well, I 3 really like this school, so I don't care that 4 they're using a CMO from Phoenix. I'm going to vote 5 for it." 6 Well, they would be in dereliction of 7 their duty, much in the same way, even though this 8 is on a grandiose scale -- much in the way of those 9 people that are not taking an oath to the 10 constitution of this country as opposed to a person. 11 If we're going to have a contract here and we're 12 going to have language that we're creating that we 13 want to adhere to, then we, too, have to follow it. 14 THE CHAIR: I absolutely agree with you. 15 But, once again, we all have to live with ourselves. 16 So that it's not us to police another Commissioner's 17 vote. And if a Commissioner chooses to vote that 18 way, there's nothing that we can do. We can simply 19 point out. 20 But there's -- we don't have -- none of 21 us -- all of our votes are exactly weighted the 22 same, and we don't have the ability to police how -- 23 someone's conscience. 24 COMMISSIONER CARRILLO: Right. I hear 25 you. As you can tell, I have a hard time living</p>
<p style="text-align: right;">171</p> <p>1 done yet. It's so hard with Zooming. 2 So do you know who I am? I'm someone who 3 can't stand being interrupted. 4 So if we want to change that to 5 "may," then I think we should do that. Then it's 6 incumbent, I believe -- and Corina can speak to 7 this -- it's incumbent upon the trainers and people 8 working at PED with the applicants that, "Hey, look. 9 This is not going to fly, so don't even try to make 10 it fly." 11 COMMISSIONER VOIGT: Right. And, 12 Commissioner, I think I said -- 13 THE CHAIR: We said yesterday. CSD did 14 make it clear to the applicant, as an example last 15 year, that it was -- but the applicant has every 16 right to still continue forward. No one can take 17 that right of an applicant to take their chances and 18 go forward with the application. There's no process 19 to say "No" prior to the Commission voting on 20 whatever applicant takes it to completion. 21 Commissioner Carrillo? 22 COMMISSIONER CARRILLO: I agree with you, 23 and I appreciate the point you made yesterday and 24 right now. So then it would be incumbent upon all 25 of us, as Commissioners, to recognize that weight</p>	<p style="text-align: right;">173</p> <p>1 with me, too. 2 So -- but I would ask Commissioner Burt if 3 this language meets the concern that was brought a 4 few minutes ago. 5 COMMISSIONER BURT: I still think -- along 6 with the vein of what you said, I think it's either 7 we take what's in statute and apply it, or -- or 8 maybe change it to "may" instead of "shall." Like, 9 it just seems to be that the statute and this do not 10 reflect one another. 11 And I do think, as a legislative body, it 12 is important that we -- if it is in the statute, we 13 should have it reflected. And so that's why I am a 14 little concerned by saying, "Well, you know, we 15 should -- if they have a for-profit CMO, we should 16 let them apply. And if someone wants to vote for 17 them, they should vote for them." 18 I don't -- because I think that is illegal 19 for us to then approve it. You know, if six 20 Commissioners then want to approve it, it gets 21 approved, and it's illegal. 22 And so I think, just as a legislative 23 body, we shouldn't put something as an allowance 24 that is legally not allowed. 25 THE CHAIR: Okay. I'm sorry. I thought</p>

<p style="text-align: right;">174</p> <p>1 you were done.</p> <p>2 COMMISSIONER BURT: I was just going to</p> <p>3 say that I think that that's -- there is a</p> <p>4 difference between voting your conscience and</p> <p>5 voting, you know, to -- legally.</p> <p>6 And, once again, my goal is that, you</p> <p>7 know, should someone, you know, be -- I would like</p> <p>8 to not lose appeals; when folks appeal, that we have</p> <p>9 the grounding to win appeals in the future.</p> <p>10 THE CHAIR: Right. And I'm going to</p> <p>11 simply reinforce the comments that were made by</p> <p>12 other Commissioners that this has been advised</p> <p>13 through our legal counsel and do not question. And</p> <p>14 it is always our legal counsel's counsel, prior to</p> <p>15 our votes, as to what we can and cannot base,</p> <p>16 especially when we're looking at appeal -- at</p> <p>17 renewals and new applications.</p> <p>18 And there is -- I'm not saying -- there is</p> <p>19 nothing that says, in statute, that we can turn an</p> <p>20 application away. So there is nothing that says we</p> <p>21 can turn the application away. There's nothing in</p> <p>22 that process statutorily.</p> <p>23 And we've debated this often. And there</p> <p>24 is still nothing -- it's not just a conscience. If</p> <p>25 a Commissioner chooses to vote, and it is</p>	<p style="text-align: right;">176</p> <p>1 to have a full discussion.</p> <p>2 And it was clear at the end of the</p> <p>3 discussion that our legal counsel advice was this,</p> <p>4 and that we spent a long -- we spent a fair amount</p> <p>5 of time on this yesterday questioning both of our</p> <p>6 legal counsels.</p> <p>7 So I think the concern is now, at this</p> <p>8 point in time, after those discussions. But I</p> <p>9 certainly never said we never question our legal</p> <p>10 counsel.</p> <p>11 Commissioner Voigt?</p> <p>12 COMMISSIONER VOIGT: Okay. Thanks,</p> <p>13 Madam Chair.</p> <p>14 So, Commissioner Burt, would it help if we</p> <p>15 referenced the statute number and just cited it</p> <p>16 right there at the end of the blue text?</p> <p>17 COMMISSIONER BURT: Yeah. I actually</p> <p>18 think maybe even stating, according to this, instead</p> <p>19 of -- like, all this language, we could maybe take</p> <p>20 out some of it and just say, "according to the</p> <p>21 statute."</p> <p>22 COMMISSIONER VOIGT: Sorry. I think it's</p> <p>23 good to have the language, and then say, "as per</p> <p>24 Statute 22-5-X,Y,Z or whatever. Maybe we could do</p> <p>25 that.</p>
<p style="text-align: right;">175</p> <p>1 authorizing something that is illegal, all our legal</p> <p>2 counsel can do is make cautionary advisement. But</p> <p>3 it cannot stop someone from voting. We can't. And</p> <p>4 that's what --</p> <p>5 COMMISSIONER BURT: If I could respond --</p> <p>6 if I could respond just one -- just real quick. I'm</p> <p>7 sorry. Thank you, Chairperson.</p> <p>8 Commissioner Voigt, I saw your hand up,</p> <p>9 too. I'm so sorry.</p> <p>10 But I do want to -- once again, I think</p> <p>11 it's inappropriate to say we cannot question our</p> <p>12 legal counsel. I do think that's an appropriate</p> <p>13 thing to do, is to have her explain reasoning, to,</p> <p>14 you know, explain her interpretation to help us out</p> <p>15 with that kind of stuff.</p> <p>16 So I actually don't think that's</p> <p>17 appropriate to say that we should just, point-blank,</p> <p>18 every time, just anything she says goes. And</p> <p>19 rather -- regardless of who our legal counsel is.</p> <p>20 I think it's an appropriate thing. And I</p> <p>21 just believe I'm trying to be a good Commissioner by</p> <p>22 questioning --</p> <p>23 THE CHAIR: And I'm going to make it clear</p> <p>24 that I didn't say we don't question our legal</p> <p>25 counsel. And we had more than opportunity yesterday</p>	<p style="text-align: right;">177</p> <p>1 COMMISSIONER BURT: I love that idea.</p> <p>2 COMMISSIONER CARRILLO: That's a good</p> <p>3 idea, Glenna.</p> <p>4 COMMISSIONER VOIGT: Thanks.</p> <p>5 MS. KAREN WOERNER: I would need to know</p> <p>6 the language to type. I'm the one at the controls</p> <p>7 here. So I'm happy to accommodate that,</p> <p>8 Commissioners, but I don't know what to type.</p> <p>9 COMMISSIONER VOIGT: I don't know the</p> <p>10 statute number offhand. I don't look at that very</p> <p>11 often.</p> <p>12 MS. AMI JAEGER: We can fill it in. I</p> <p>13 mean, I don't like to really just draft on the fly,</p> <p>14 because that's how you make a lot of mistakes. But</p> <p>15 I'm certainly -- we will certainly put the reference</p> <p>16 then, what the statute says.</p> <p>17 So -- but just -- you know, Commissioner</p> <p>18 Burt and others who have weighed in on this, we're</p> <p>19 not saying you can't have an EMO. We're not saying</p> <p>20 you can't have a for-profit EMO. What we're saying</p> <p>21 is you can't use SEG money to reimburse them.</p> <p>22 Now, if you've got other sources of</p> <p>23 income, that's fine. So I think we have to be --</p> <p>24 this language was crafted with some sophistication,</p> <p>25 in thinking about, you know, what is the future</p>

<p style="text-align: right;">178</p> <p>1 like? Who's going to apply? What's legal? What's 2 within the direction of the Commission in terms of 3 policy ideas? And, importantly, what have we heard 4 from the Legislature, as an agency responsible for 5 managing the public fisc?"</p> <p>6 So there's a variety of factors that were 7 weighed in developing this. And, in some ways, this 8 language, as we drafted it, is a little bit more 9 lenient than the prohibition in statute. The 10 statute is a prohibition against for-profit CMOs. 11 That -- and "CMO" is not defined anywhere in the 12 Charter School Act.</p> <p>13 So we -- I'm happy to put in a statutory 14 reference. It's fine, you know. It's, just, I 15 wanted to sort of say where we were coming from in 16 thinking through the language.</p> <p>17 And -- but, really, to be clear in the 18 interpretation, that it's not a prohibition. It's 19 to say --</p> <p>20 COMMISSIONER BURT: And I think that's 21 where I'm actually confused, is I think there should 22 be. I think this is too vague and lenient. That's 23 actually been my -- I do think it should be that 24 we -- that they should not be -- I mean, if that's 25 what's in statute, that's what I believe our</p>	<p style="text-align: right;">180</p> <p>1 important. Because we do want to make sure 2 there's -- you know, that maybe that's where the 3 flexibility might come in, Chairwoman, is in that -- 4 in the definition of what that means.</p> <p>5 But, yeah. No. That's exactly what I 6 was -- my goal is to -- if there is a statute, our 7 policy should match it. And if we want to be more 8 restrictive, then that's one thing. But it should 9 at least be at that same restriction so that folks 10 don't come -- because this is where I feel like -- 11 just to be clear and transparent to charters 12 applying, if we put in here that, "Your funds can't 13 go to this," but really, in statute, it says, 14 "You're not allowed to have it," then we should have 15 that reflected. And that way, they're not -- 16 there's no confusion.</p> <p>17 I just feel like anytime someone comes up 18 to the application process, it shouldn't be a guess 19 of whether they're going to -- they're abiding by 20 our application or not, if it's going to be 21 something, we're going to -- not going to like, just 22 be clear about that.</p> <p>23 COMMISSIONER VOIGT: I just want to 24 resonate. I appreciate that. I think it's really 25 good to be upfront and not waste everybody's time,</p>
<p style="text-align: right;">179</p> <p>1 language should be in ours as well. I just feel 2 like they should be reflected the same.</p> <p>3 Actually, I would like it to be more 4 restrictive. I think that's exactly -- I think 5 that's where my confusion has been, is it actually 6 is more restrictive in statute. So why open it, on 7 our side, to more, if it's more restrictive in the 8 statute?</p> <p>9 And that's -- so that's -- I, actually -- 10 I'm sorry for not explaining my point better, 11 because that's actually exactly what -- that was my 12 point is that I would like it to be more 13 restrictive.</p> <p>14 THE CHAIR: Thank you for that. Because I 15 was confused. I did not know that was the direction 16 you were going in. Because I was looking at how we 17 could go in the opposite direction to satisfy you.</p> <p>18 And so I think the concern -- so you 19 would -- you would be more comfortable if we simply 20 said, "A school cannot" -- "An applicant cannot 21 contract with an EMO or a CMO." The EMO becomes --</p> <p>22 COMMISSIONER BURT: Exactly. Yes.</p> <p>23 THE CHAIR: Yeah.</p> <p>24 COMMISSIONER BURT: And that's why I do 25 think -- that's why I think a definition may be</p>	<p style="text-align: right;">181</p> <p>1 in general, and energy.</p> <p>2 THE CHAIR: That's kind of what we were 3 trying to do here; because --</p> <p>4 COMMISSIONER VOIGT: Yeah. But I think, 5 also -- I think what we were coming from, too, is 6 that every applicant has a right, right? I mean, 7 maybe that's what Ami was kind of alluding to, that 8 every school has a right to bring forth an 9 application.</p> <p>10 And then the -- through the negotiation 11 process, the PEC makes the determination for 12 approval or not. Because some of the stuff -- I 13 mean, when you look at curriculum, if they're going 14 to be training people via an ax-throwing physical 15 education program to -- you know, there might be 16 some concern.</p> <p>17 But I think having as the "per statute" 18 reference there is -- cleans it up a little bit.</p> <p>19 COMMISSIONER BURT: Sorry. And one more 20 thing, Chairwoman, if you don't mind. So in that 21 same -- and this is what I was trying to point out 22 yesterday, and now I'm feeling really bad that there 23 was confusion.</p> <p>24 But that is why I really -- my suggestion 25 of removing the nonprofit from there, just so it</p>

<p style="text-align: right;">182</p> <p>1 matches the statute, that was my recommendation is  2 remove the nonprofit piece in the application part  3 so that we're matching statute.  4 But I do -- I'm okay -- if we want to  5 leave in the tax-exempt -- I just think, once again,  6 I'm concerned that that could open us up for people  7 to be, like, "Well, that's not in statute, so you're  8 applying something that's not actually founded in  9 anything."  10 So I'm okay either way. But I did want  11 to -- that was just a comment. No one has to  12 actually do anything about that.  13 But I did notice in here, it says, "To  14 reimburse Contract Management Organization." I  15 believe it should be a, "Charter Management  16 Organization"; because I think those are two  17 different things.  18 THE CHAIR: Yeah.  19 COMMISSIONER BURT: Because we do want to  20 be flexible with folks getting contracts and --  21 getting contracts and getting help with that.  22 But -- so --  23 THE CHAIR: Yeah. No, you're right. And  24 thanks for that. Because I look at it so often, I  25 don't see when the word is not there. It's, like,</p>	<p style="text-align: right;">184</p> <p>1 have to be a little more specific in our motions.  2 And that's why Ami does send guidelines for  3 recommended wording.  4 COMMISSIONER DAVIS: So I move that -- oh,  5 sorry. Whoever's talking --  6 THE CHAIR: No. Commissioner Davis, you  7 can go ahead.  8 COMMISSIONER DAVIS: Okay. I move that  9 the PEC adopt the new changes to the Charter School  10 Application.  11 COMMISSIONER CHAVEZ: Second.  12 THE CHAIR: There's a motion by  13 Commissioner Davis. I think the second was by  14 Commissioner Voigt. I'm not sure.  15 COMMISSIONER DAVIS: Chavez.  16 THE CHAIR: Oh, sorry. Commissioner  17 Chavez. Thank you.  18 Is there any further discussion?  19 If not, Commissioner Voigt -- Commissioner  20 Burt, roll, please.  21 COMMISSIONER BURT: Commissioner Taylor?  22 COMMISSIONER TAYLOR: Yes.  23 COMMISSIONER BURT: Commissioner Manis?  24 COMMISSIONER MANIS: Yes.  25 COMMISSIONER BURT: Commissioner Davis?</p>
<p style="text-align: right;">183</p> <p>1 reading so many bad essays, you start to question  2 good grammar.  3 COMMISSIONER BURT: It's so true. It's so  4 true.  5 All right. Well, thank you. Once again,  6 I apologize for the confusion. I actually --  7 THE CHAIR: Sure. Thanks. No. I'm glad  8 we got that cleared up, because I was -- I was  9 certainly one of those that thought we were just  10 completely off-base. So thanks for --  11 COMMISSIONER BURT: No. I was, like, no,  12 we want this. It just -- I just -- yeah.  13 THE CHAIR: Okay. Thanks.  14 COMMISSIONER BURT: Okay. Thank you.  15 Appreciate that.  16 THE CHAIR: So, Commissioners, are we  17 ready for a motion?  18 COMMISSIONER CARRILLO: Sure. A motion to  19 approve, as listed, as amended.  20 COMMISSIONER MANIS: I'll second that.  21 THE CHAIR: Hold on just a second. Just a  22 moment. I apologize.  23 COMMISSIONER VOIGT: There's language that  24 Ami sent us on the motions.  25 THE CHAIR: Right. Because we generally</p>	<p style="text-align: right;">185</p> <p>1 COMMISSIONER DAVIS: Yes.  2 COMMISSIONER BURT: Commissioner Carrillo?  3 COMMISSIONER CARRILLO: Yes.  4 COMMISSIONER BURT: Commissioner Armijo?  5 COMMISSIONER ARMIJO: Yes.  6 COMMISSIONER BURT: Commissioner Burt,  7 "Yes."  8 Commissioner Chavez?  9 COMMISSIONER CHAVEZ: Yes.  10 COMMISSIONER BURT: Commissioner Gipson?  11 THE CHAIR: Yes.  12 COMMISSIONER BURT: Commissioner Robbins?  13 COMMISSIONER ROBBINS: Yes.  14 COMMISSIONER BURT: Commissioner Voigt?  15 COMMISSIONER VOIGT: Yes.  16 COMMISSIONER BURT: All right. There are  17 ten votes for and zero votes against. This motion  18 passes.  19 THE CHAIR: Thank you very much.  20 We are on to Item No. 10, which is  21 Discussion and Possible Action on the Updates to the  22 Charter School Contract.  23 And I do believe that Ami sent the changes  24 so that Commissioners were -- had the opportunity to  25 see where those changes were made. And there was --</p>

<p style="text-align: right;">186</p> <p>1 just so Commissioners are aware, there was the 2 recommendation to keep that Appendix A. 3 And the same heading was there, the 4 organ- -- I forget what that heading is -- but 5 Organizational Framework. But everything was rolled 6 into that Appendix A, as Commissioners had indicated 7 was their preference, those that had done contract 8 negotiations previously. 9 So is there any further discussion about 10 the contract changes that we talked about yesterday? 11 Or does anyone have any further questions? 12 Commissioner Burt? 13 COMMISSIONER BURT: I'm so sorry, 14 everyone, kind of. I shouldn't apologize. But I do 15 have -- sorry. I muted myself before changing. 16 I don't know if it would be good to pull 17 up the contract again, just like Commissioner 18 Carrillo said, just so folks can see it. 19 But just one specific part. And, once 20 again, I'm just concerned about -- I know the intent 21 behind 4.5.7 is those CMOs and EMOs. That's what 22 we're really trying to preclude. 23 I am wondering, to our legal counsel, if 24 there's any concern with this area. The concern I 25 have is, it seems to -- it is every contract that a</p>	<p style="text-align: right;">188</p> <p>1 me pull it up. I think it was called "partner 2 organization or management company." 3 THE CHAIR: Right. 4 COMMISSIONER BURT: And so I just -- 5 THE CHAIR: I'm sorry. That's part of 6 what Elizabeth and Ami did work on is renaming to 7 make it a little bit clearer for schools when 8 they're going through. 9 COMMISSIONER BURT: Sure. And, actually, 10 I will say, real quick, because I didn't say this 11 yesterday. Your version of the contract is so much 12 more organized and easier to read. 13 When I was reading through the old one, 14 which you all know, as a new Commissioner, 15 obviously, it's moot. Oh, my gosh, I cannot believe 16 that's what you were starting with. So it is like 17 night and day as far as organization and the way it 18 makes sense. 19 So bravo for that, because that was -- 20 just those -- and, I mean, sometimes I am in the 21 mood to make those kind of formatting changes, and 22 sometimes I really hate it. So I know it takes a 23 lot of time and effort to do that. 24 It is way more digestible to the average 25 person; so really way better.</p>
<p style="text-align: right;">187</p> <p>1 school goes into, instead of just those CMO/EMOs. 2 So I don't know if we can pull that up and 3 see it so that folks can see. But if just seems 4 like it's asking that we would have to approve any 5 contract or contract changes, and not just those 6 that we're trying to actually -- that the intent is 7 there for. 8 THE CHAIR: Right. And I think -- so 9 you're referencing -- let me just ask. You're 10 referencing that section that says "third-party 11 contracts." 12 COMMISSIONER BURT: Yes. 13 THE CHAIR: Right? Which Elizabeth did -- 14 while, hopefully, that can be pulled up -- Elizabeth 15 did say that's what has always been in our contract, 16 and it's statutory, that "third party" language. 17 COMMISSIONER BURT: Yeah, I did notice 18 that there was -- so I did -- so they did -- I want 19 to say thank you to Ami. She did send me the 20 tracked changes, so I was able to see where things 21 were before and where they were in one which was 22 great last night. 23 The one thing I noticed that was changed 24 is it was called -- the old language on this piece, 25 in particular, was named something different. Let</p>	<p style="text-align: right;">189</p> <p>1 That was just the one thing that I saw 2 that I'm concerned that it could tighten the 3 restrictions on our charters or put more burden on 4 us as a Commission to have to review more contracts 5 than what we're actually intending to have to 6 review, and that it's leaving them less flexibility, 7 in, you know, their contracts, just because of that 8 name. 9 THE CHAIR: Exactly. And I appreciate 10 that. Because that is not something that we want to 11 start digging into, is every contract that a school 12 makes for services. 13 So I don't know, Elizabeth or Ami, if you 14 want to weigh in on that. Because it has not been 15 our practice for schools to have to even submit 16 those contracts for services, even minimally at 17 contract negotiations. And it's certainly not 18 something that we want to have to have submitted all 19 the time through CSD, because they've changed a 20 provider. That's just -- yeah. 21 COMMISSIONER BURT: Can you scroll down a 22 little bit more? I don't remember who's 23 screen-sharing. But it's just a little bit past 24 this is what I was looking at. 25 Right there. 4.5.7. If you could put</p>

<p style="text-align: right;">190</p> <p>1 that in it. I think there are four sections. Yeah, 2 those four. This is where the other third-party 3 relationships are -- I was just concerned that it 4 was too -- we would start having to look at too 5 many, and they would have to come to us for 6 approval.</p> <p>7 So if you see, in No. 2, it says that, 8 "Requires prior approval of the Commission." So it 9 just made me worried that we're going to be getting 10 a lot of unintended contracts. That's actually not 11 the intent of this.</p> <p>12 THE CHAIR: Right. But in this section -- 13 correct me if I'm wrong -- this section isn't saying 14 we're contracting, as an example, for services. 15 This is something that is directly tying a school, 16 for instance, to -- that they have some kind of 17 legal relationship, potentially. Because I'm not 18 sure if it's the case.</p> <p>19 But a school that runs an International 20 Baccalaureate Programme; so it would tie the 21 school -- the school has a legal responsibility with 22 this contract that they've signed with the IB 23 Programme, potentially, that they're going to have 24 to offer X, Y, Z, and whatever other requirements IB 25 might have. That's the kind of legal relationship</p>	<p style="text-align: right;">192</p> <p>1 I guess maybe the -- and it's -- honestly, it's 2 never come up before. But that term, "the governing 3 body or school has a legal relationship with." So I 4 guess there's that definition that we need of -- 5 what are we talking about in terms of legal 6 relationship?</p> <p>7 Because there's a legal -- we technically, 8 I believe, have a legal relationship with anyone we 9 make a contract with. But there's -- there's a 10 difference in the degree of that relationship 11 with -- I'm -- you know, "I'm contracting with Aces 12 for my custodial services and my special ed 13 services. But I've signed a contract with -- as I 14 referenced -- the International Baccalaureate 15 Programme that I want to get certified," or, "I want 16 to get certified as a Montessori School; so, 17 therefore, I'm making promises also to this entity 18 that I also have to -- there are certain guidelines 19 that I have to follow."</p> <p>20 And that's usually what we look at is 21 making sure that that legal relationship isn't 22 interfering with the independence of the school, 23 setting up a potential for that outside entity to be 24 able to force some curriculum or curriculum matter, 25 books or anything that they would have to use.</p>
<p style="text-align: right;">191</p> <p>1 we're referring to here; not a legal relationship 2 with a provider just for services. And maybe --</p> <p>3 COMMISSIONER BURT: No, that makes sense 4 for you. I wonder if we can articulate that better 5 in this.</p> <p>6 THE CHAIR: Thanks for that. So -- you 7 know.</p> <p>8 COMMISSIONER VOIGT: This would also -- 9 would this also include, like, a dual credit MOU 10 with another post-secondary institution? Or no?</p> <p>11 MS. ELIZABETH JEFFREYS: Can I just 12 mention where the statutory requirement is? I could 13 read it to you, and you can decide what the criteria 14 is going to be.</p> <p>15 It says, under 22-8B-9, No. 14, "If the 16 charter school contracts with a third-party 17 provider, the criteria and procedures for the 18 chartering authority to review the provider's 19 contract and the charter school's financial 20 independence from the provider shall be part of" the 21 contract -- "this contract."</p> <p>22 So you can set up criteria for when you 23 want to do it. Probably, your easiest adjustment 24 here would be, "may be required."</p> <p>25 THE CHAIR: Right. Because I -- you know,</p>	<p style="text-align: right;">193</p> <p>1 So, Ami, can -- do you want to -- or 2 Elizabeth, do you want to shed some light on this to 3 help us out?</p> <p>4 MS. AMI JAEGER: Well, you know, what we 5 could say, you could say, "The governing body or 6 school has a legal relationship that's 7 contemplated," and then put the statutory citation; 8 because what we're trying to get to, remember, is to 9 think about schools and some of the disclosures that 10 we should know about schools if we're overseeing 11 them.</p> <p>12 So, you know, we do ask about what kind of 13 relationship do they have with their foundation. 14 And, you know, it's not that it's good or bad. It's 15 just part of a disclosure. And we need to make sure 16 there is independence in the governing bodies and 17 the board of the non- -- of the nonprofit, for 18 example.</p> <p>19 But there are also relationships as the 20 Chair has described. You know, we do have -- we do 21 have a school that's an International Baccalaureate. 22 And so there's a collaboration with a third party, 23 and it's just sort of, you know, being able to 24 disclose that.</p> <p>25 If -- like, I'm not going to get too hung</p>

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1 up on "legal relationship." If that's a term that's  
 2 confusing, if you think that -- because it could or  
 3 could not be read too broadly to include any legal  
 4 contract, then we can certainly wordsmith the words  
 5 "legal relationship."  
 6 But I do think we should have fidelity to  
 7 the statute, 22-8B-9B-14, that really says it is  
 8 important as an authorizer that you know what's  
 9 going on with your schools through the contract,  
 10 which means you can request the school disclose what  
 11 the relationships are that they have with other  
 12 third parties that may be influencing what and how  
 13 they do in terms of teaching and providing things  
 14 for our students.  
 15 That's certainly something that it seems  
 16 the Commission would be interested in knowing about.  
 17 And that's really what we're doing with this  
 18 provision here. And, again, it is based in statute.  
 19 So it's up to the Commissioners if they  
 20 want to wordsmith the word "legal relationship."  
 21 THE CHAIR: Commissioner Burt?  
 22 COMMISSIONER BURT: Thanks. I do have a  
 23 suggestion that could just -- so the old -- I think  
 24 the language that was in there before described it  
 25 as a provider and as a partner organization. And I

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1 wonder if we could just go back to that language  
 2 that, like, is specific with what kind of contract  
 3 we're looking for.  
 4 Because it's really the management of the  
 5 company -- or management of the charter -- is what  
 6 we're wanting to question, right, not their  
 7 provider -- like, not their -- just their -- just a  
 8 relationship -- like, their IB relationship; that's  
 9 not it.  
 10 But if it's not a -- like, if -- I'm  
 11 trying to find that old language. It said it was a  
 12 "partner organization or management company," that  
 13 if it was one of those, that then that would fall  
 14 under this.  
 15 So it was specific as to the type of legal  
 16 relationship that the charter school would have to  
 17 disclose to us. And we would be able to look at it  
 18 and see, are they managing the company, are they  
 19 managing the charter, or are they just partnering.  
 20 So I'm wondering if we could just go back to the old  
 21 language as far as describing it.  
 22 COMMISSIONER VOIGT: I just want to say  
 23 what I like about this new language, it's a little  
 24 broader. I think if we put in something about  
 25 management organization, that kind of gets

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1 convoluted back to the CMO, Charter Management  
 2 Organization.  
 3 I think this is broad. I think it is kind  
 4 of a legal relationship; because if you are -- if  
 5 your partner happens to be a Montessori School -- a  
 6 Montessori organization, and you are a Montessori  
 7 School, that really binds you to bring forth that  
 8 component of your educational program.  
 9 If you have a rigorous internship program,  
 10 and you're -- you have a legal relationship with the  
 11 Associated General Contractors to provide pay to  
 12 your interns, then that brings about a legal  
 13 relationship.  
 14 But I think, actually, Commissioner Burt,  
 15 that this is a little broader and allows more  
 16 leniency for schools to create these partnerships  
 17 without having to name, like, a management  
 18 organization. And I think that management  
 19 organization shouldn't be -- shouldn't cross over to  
 20 this area when we just finished talking about it so  
 21 far as CMOs.  
 22 THE CHAIR: Right. And, of course, this  
 23 is left blank. And it's filled in. And what is  
 24 bleeped by the Commission as we negotiate the  
 25 contracts, those contracts that the school is

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1 developing, we populate in those that we feel have  
 2 that potential for, you know, any kind of -- I don't  
 3 want to use the word "monitoring," but I'm going to  
 4 use it because it's jumping in there first.  
 5 And if the school says, "Oh, yes, we  
 6 contract with Aces for special ed services," we  
 7 don't necessarily populate that into the contract.  
 8 COMMISSIONER VOIGT: And this is totally  
 9 voluntary by the school.  
 10 THE CHAIR: Yeah. I mean, we don't have  
 11 any -- we don't have any of way of knowing, unless a  
 12 problem arises, and then we find out.  
 13 But this -- this is what is discussed when  
 14 we do contract negotiations. And we flesh out what  
 15 really is that relationship that they have with the  
 16 school, and, therefore, do we have to go any further  
 17 with this. And is this something, then, that gets  
 18 put specifically into the contract. And then it is  
 19 something that if it changed or they switched to  
 20 another provider, they would then have to let us  
 21 know.  
 22 Because it could also -- as an example, if  
 23 it was that Montessori or was the IB, and they chose  
 24 not to do that any longer, that, most likely, has  
 25 other effects in the contract with their educational

198	<p>1 programming. So that it's something that we would 2 need to know right away that it was going to change. 3 That's why it would be populated into the 4 contract. And those ancillary contracts don't get 5 listed in, because they don't have effect on the 6 educational programming of the school. 7 COMMISSIONER VOIGT: If there's no further 8 discussion, I could make a motion. 9 THE CHAIR: Sure. 10 COMMISSIONER VOIGT: Okay. I'm sorry. 11 Are we on the charter school contract? 12 THE CHAIR: We are. 13 COMMISSIONER VOIGT: Okay. Thank you. 14 THE CHAIR: We are on No. 10. 15 COMMISSIONER VOIGT: Thank you. 16 I move that the PEC adopt the changes to 17 the charter school contract. 18 COMMISSIONER CHAVEZ: Second. 19 THE CHAIR: There's a motion by 20 Commissioner Voigt, a second by Commissioner Chavez. 21 Any further discussion? If not, 22 Commissioner Burt, roll, please? 23 COMMISSIONER BURT: Commissioner Armijo? 24 COMMISSIONER ARMIJO: Yes. 25 COMMISSIONER BURT: Commissioner Carrillo?</p>	200	<p>1 COMMISSIONER BURT: Okay. So does that 2 count as an abstention or a -- 3 THE CHAIR: No. The motion passes, 4 nine-zero. And the record will reflect that 5 Commissioner Manis had stepped out, and that's why 6 there's -- we're short a vote. Thank you. 7 COMMISSIONER BURT: Okay. Sounds good. 8 THE CHAIR: We are on to Item No. 11, 9 which is Discussion and Possible Action on Update to 10 the Grade Level Change Amendment Request. 11 So would the Commissioners like that to be 12 put on the Share screen? 13 COMMISSIONER VOIGT: I'm good on not 14 seeing it. I remember it from yesterday; but -- 15 THE CHAIR: It was a relatively minor 16 change. 17 COMMISSIONER VOIGT: Right. 18 COMMISSIONER DAVIS: I'm good. 19 THE CHAIR: Is there any discussion on 20 this at this point in time? 21 (No response.) 22 THE CHAIR: Okay. So I am going to move 23 that the Public Education Commission adopt the 24 changes to the Grade Level Change Amendment Request 25 Policy and Form.</p>
199	<p>1 COMMISSIONER CARRILLO: Yes. 2 COMMISSIONER BURT: Commissioner Chavez? 3 COMMISSIONER CHAVEZ: Yes. 4 COMMISSIONER BURT: Commissioner Gipson? 5 THE CHAIR: Yes. 6 COMMISSIONER BURT: Commissioner Robbins. 7 COMMISSIONER ROBBINS: Yes? 8 COMMISSIONER BURT: Commissioner Voigt? 9 COMMISSIONER VOIGT: Yes. 10 COMMISSIONER BURT: Commissioner Burt, 11 "Yes." 12 Commissioner Davis? 13 COMMISSIONER DAVIS: Yes. 14 COMMISSIONER BURT: Commissioner Manis? 15 (No response.) 16 COMMISSIONER BURT: I'll come back. 17 Commissioner Taylor? 18 COMMISSIONER TAYLOR: Yes. 19 THE CHAIR: Hold on just one second. 20 Could we have the record please reflect that 21 Commissioner Manis has stepped out? Thank you. 22 COMMISSIONER BURT: Do you want me to try 23 to call his name one more time? 24 Commissioner Manis? 25 (No response.)</p>	201	<p>1 COMMISSIONER VOIGT: I'll second. 2 COMMISSIONER CHAVEZ: Second. 3 THE CHAIR: There's a motion by 4 Commissioner Gipson, a second by Commissioner Voigt. 5 If there's no further discussion, roll, 6 please. 7 COMMISSIONER BURT: Commissioner Taylor? 8 COMMISSIONER TAYLOR: Yes. 9 COMMISSIONER BURT: Commissioner Manis? 10 (No response.) 11 COMMISSIONER BURT: I'll call him last. 12 Commissioner Gipson? 13 THE CHAIR: Yes. 14 COMMISSIONER BURT: Commissioner Chavez? 15 COMMISSIONER CHAVEZ: Yes. 16 COMMISSIONER BURT: Commissioner Burt. 17 "Yes." 18 Commissioner Armijo? 19 COMMISSIONER ARMIJO: Yes. 20 COMMISSIONER BURT: I'm so sorry for my 21 dog. 22 Commissioner Carrillo? 23 COMMISSIONER CARRILLO: Yes. 24 COMMISSIONER BURT: Commissioner Davis? 25 COMMISSIONER DAVIS: Yes.</p>

202	<p>1 COMMISSIONER BURT: Commissioner Robbins?  2 COMMISSIONER ROBBINS: Yes.  3 COMMISSIONER BURT: Commissioner Voigt?  4 COMMISSIONER VOIGT: Yes.  5 COMMISSIONER BURT: Commissioner Manis.  6 (No response.)  7 COMMISSIONER BURT: All right.  8 Commissioner Manis has stepped away. So there are  9 nine votes for, zero votes against. The motion  10 passes.  11 THE CHAIR: Thank you very much.  12 We are on to -- actually, I made an error.  13 I should have removed Item No. 12 from the agenda,  14 because we did not work on the renewal application  15 yesterday. So I'm simply going to -- we're not --  16 we don't necessarily postpone this. I'm simply  17 going to --  18 COMMISSIONER VOIGT: Table it?  19 THE CHAIR: Table it. Sorry. I had a  20 little bit of a brain freeze right there. So we're  21 going to table this until maybe next month. We'll  22 see.  23 Okay. So we are on to item No. 14, which  24 is report from Options for Parents and Families.  25 So, Director?</p>	204	<p>1 all are welcome to attend any of them. You can find  2 them listed on our website. And we often post  3 reminders in our newsletter as well.  4 I also wanted to let you know that with  5 the charter schools federal grant that we are  6 recipients of, we have, to date, provided award  7 letters to schools, or are in the process of  8 providing award letters to schools, at the tune of  9 \$4.5 million. This goes towards schools that are  10 new or expanding grade levels, and also to schools  11 for distance learning grants.  12 We -- as some of the Commissioners know,  13 that the okay from the U.S. Department of Ed to be  14 able to change how we grant -- how we use that  15 grant. And so several of the schools that were  16 ineligible for expansion funds were eligible for  17 distance learning.  18 THE CHAIR: I'm sorry, Director. But  19 Commissioner Carrillo has had his hand -- so he must  20 have a question about this.  21 COMMISSIONER CARRILLO: No. I want to go  22 back.  23 Can we know the letters of intent?  24 Obviously, I'm curious as to the ones in Santa Fe.  25 But I'm curious as to those people that have put the</p>
203	<p>1 MS. CORINA CHAVEZ: Hello. How is  2 everybody doing?  3 COMMISSIONER TAYLOR: How are you doing?  4 MS. CORINA CHAVEZ: I'm doing okay. So  5 thank you, Madam Chair, Commissioners.  6 My report today, I will try to keep it  7 shorter. But I wanted to give you some updates  8 on -- from the Charter Schools Division.  9 First of all, I just want to let you know  10 that we have received nine Notices of Intent for  11 prospective applicants of charters, five from APS,  12 two from Santa Fe, one from Bernalillo, and one from  13 Rio Rancho. Stay tuned on that.  14 Our -- our team is planning training  15 sessions for the prospective applicants. The first  16 one is actually planned for January 25th. There's  17 also several other training sessions that applicants  18 have -- sorry -- that my team has planned, including  19 February 8th for renewal schools. So we will need  20 to take a look at that relative to the renewal  21 application being approved and put out on time.  22 Also, responsibilities and ethics for  23 governing board training, financial understanding  24 for governing board, several other trainings  25 throughout the month of January and February; you</p>	205	<p>1 letter of intent in statewide.  2 THE CHAIR: That was going to be one of my  3 letters at the end. The NOIs also are usually  4 posted on our website fairly quickly after they've  5 been submitted.  6 So my question was when will they be up on  7 the website?  8 MS. CORINA CHAVEZ: Great question. And I  9 know my staff is on top of it.  10 COMMISSIONER CARRILLO: Is that something  11 we could just get really quickly, the name of the  12 school and the geographic area?  13 MS. CORINA CHAVEZ: I have a spreadsheet  14 that I could look for. Give me a --  15 COMMISSIONER CARRILLO: Maybe one of your  16 assistants can do that while you go on, and then we  17 can get it later.  18 THE CHAIR: And just so Commissioners are  19 aware, the NOIs are submitted to us and also to the  20 school district. School -- the applicant does not  21 have to identify whether they're -- want to be  22 chartered with the State or with the district until  23 they submit the application in June.  24 So it's -- a lot of them, it depends on  25 facility and whatever. So they do not have to make</p>

206	<p>1 that decision at this moment in time.</p> <p>2 MS. KAREN WOERNER: Madam Chair?</p> <p>3 MS. CORINA CHAVEZ: I need to potentially</p> <p>4 share my screen. Deputy, if that's all right?</p> <p>5 MS. KAREN WOERNER: You should have Share</p> <p>6 options. I was just trying to help you, and I had</p> <p>7 it up, too. So go ahead.</p> <p>8 MS. CORINA CHAVEZ: Okay. Can you see</p> <p>9 that okay?</p> <p>10 COMMISSIONER CARRILLO: Yes.</p> <p>11 MS. CORINA CHAVEZ: So Tony Monfiletto in</p> <p>12 Santa Fe, a 9-through-12 school.</p> <p>13 Ken Sanchez Cultural Academy for</p> <p>14 Albuquerque.</p> <p>15 KP Rochester Vocational Charter School in</p> <p>16 Albuquerque.</p> <p>17 I'm not sure how they would say this. But</p> <p>18 regarding S-A -- no -- ReS Academy in Bernalillo.</p> <p>19 Rio Grande Academy of Fine Arts in</p> <p>20 Albuquerque.</p> <p>21 This is the Sandoval Institute for Math</p> <p>22 and Science. There's an existing Institute of Math</p> <p>23 and Science school. So this is Katharina</p> <p>24 Sandoval-Snider, Rio Rancho.</p> <p>25 The GREAT Academy. This is a school that</p>	208	<p>1 MS. CORINA CHAVEZ: Although the Notices</p> <p>2 of Intent give you some idea. So when you look at</p> <p>3 each Notice of Intent, you'll be able to read a lot</p> <p>4 of details that I have been intending to provide</p> <p>5 this morning or this afternoon.</p> <p>6 THE CHAIR: Some of the NOIs are way more</p> <p>7 detailed than others. So it just depends. But you</p> <p>8 really don't get to flesh out the whole school until</p> <p>9 you read the application.</p> <p>10 MS. CORINA CHAVEZ: Thank you. Shall I go</p> <p>11 on?</p> <p>12 THE CHAIR: Certainly. Thank you.</p> <p>13 And could the record please reflect that</p> <p>14 Commissioner Manis is back?</p> <p>15 THE REPORTER: (Indicates.)</p> <p>16 THE CHAIR: Thanks.</p> <p>17 MS. CORINA CHAVEZ: All right. So,</p> <p>18 additionally, with the charter schools program</p> <p>19 grant, we do some -- some additional work, including</p> <p>20 we are planning some leadership round tables with</p> <p>21 charter school leaders, both state and local. Stay</p> <p>22 tuned on the schedule for that; although, we have</p> <p>23 one initially planned in February.</p> <p>24 This is just an opportunity for us to work</p> <p>25 with school leaders across the state to look at</p>
207	<p>1 just sought renewal and was not renewed. So perhaps</p> <p>2 they are seeking another application.</p> <p>3 THRIVE Community School.</p> <p>4 And United Community Academy.</p> <p>5 So those are the -- those are the schools.</p> <p>6 Commissioner Carrillo, we will spend quite</p> <p>7 a bit of time talking about the schools once we</p> <p>8 start the training. We track who attends the</p> <p>9 training. The applications are actually not due</p> <p>10 till -- is it June?</p> <p>11 THE CHAIR: It's June.</p> <p>12 MS. CORINA CHAVEZ: And so we definitely</p> <p>13 will keep you apprised of who actually submitted.</p> <p>14 What we've seen over time is although we receive as</p> <p>15 many Notices of Intent as you see, not everybody</p> <p>16 ends up submitting an application.</p> <p>17 And then we have a very thorough review</p> <p>18 process.</p> <p>19 So stay tuned on that, for sure.</p> <p>20 COMMISSIONER CARRILLO: Okay. So we won't</p> <p>21 then learn really about what their concepts are</p> <p>22 until June.</p> <p>23 THE CHAIR: Correct.</p> <p>24 COMMISSIONER CARRILLO: Got it. Okay.</p> <p>25 Thanks.</p>	209	<p>1 innovative practices. That's one of the things that</p> <p>2 we really want to lift up in our charter school</p> <p>3 community.</p> <p>4 And so we're in the process of planning</p> <p>5 that alongside Matt Pahl and the New Mexico -- I</p> <p>6 always want to call them "The Coalition" -- the</p> <p>7 New Mexico Public Charter School --</p> <p>8 THE CHAIR: Coalition of Independent</p> <p>9 Charter Schools.</p> <p>10 MS. CORINA CHAVEZ: No. Actually, this</p> <p>11 one is the Public Charter Schools New Mexico.</p> <p>12 COMMISSIONER VOIGT: PCSNM.</p> <p>13 THE CHAIR: Okay.</p> <p>14 MS. CORINA CHAVEZ: So stay tuned on these</p> <p>15 leadership round tables.</p> <p>16 The other thing we're working on that you</p> <p>17 should know about is we're working on authorizing</p> <p>18 practices and seeking to support authorizers from</p> <p>19 across the state.</p> <p>20 You know that the Public Education</p> <p>21 Commission and Albuquerque Public Schools are the</p> <p>22 largest authorizers across on the state. But there</p> <p>23 are several small districts that have one, maybe two</p> <p>24 charter schools. So we're seeking to create a</p> <p>25 community of practice and support their work. Stay</p>

<p style="text-align: right;">210</p> <p>1 tuned on more information on that.</p> <p>2 We just conducted preliminary site visits</p> <p>3 from 2019-'20 and are in the process of finalizing</p> <p>4 the reports. COVID did slow us down a little in</p> <p>5 that. And we are also looking at scheduling the</p> <p>6 2020-2021 site visits to align with contracts and</p> <p>7 performance frameworks, of course, from the PEC.</p> <p>8 In addition, the Charter Schools Division</p> <p>9 staff are part of PED. And so we do things like</p> <p>10 COVID tracking, reentry plans, incident reporting,</p> <p>11 working with schools to identify the unaccounted for</p> <p>12 students.</p> <p>13 Some of the Commissioners may not realize</p> <p>14 that the staff within the Options for Parents and</p> <p>15 Families are also responsible for home school. So</p> <p>16 we keep a home-school database, and we have been</p> <p>17 working very closely with the group that you've been</p> <p>18 hearing about in the news that are tracking where</p> <p>19 students ended up landing, the unaccounted for</p> <p>20 students, and how they may be registered at a</p> <p>21 different school, at a private school, or they may</p> <p>22 be home-schooled. We keep the home-school database.</p> <p>23 So that is Item No. A -- or A.</p> <p>24 I'd like to talk about -- I guess I can</p> <p>25 pause for any questions. I know we're probably</p>	<p style="text-align: right;">212</p> <p>1 of the change with all the appropriate</p> <p>2 documentation. That has still not been received.</p> <p>3 The school advised that they were working to obtain</p> <p>4 signatures from the newest member, Jesse Trujillo,</p> <p>5 as well as getting board signatures on a document</p> <p>6 that's required called the Statement to Consult.</p> <p>7 I do want to tell you that Dr. Boyd from</p> <p>8 the ASK Academy is with us, and I asked her</p> <p>9 permission to add her to the panel. And she may</p> <p>10 want to speak to updating you on what is happening.</p> <p>11 THE CHAIR: Certainly.</p> <p>12 MS. KAREN WOERNER: So, Dr. Boyd, I'm</p> <p>13 going to bring you on to the panel. And, Dr. Boyd,</p> <p>14 if you could unmute?</p> <p>15 There you are. Hi. Is there anyone else</p> <p>16 I should add, or just you today?</p> <p>17 DR. ALEXANDRA BOYD: Yes. You should be</p> <p>18 able to see my board chair, Dr. Jeanne Forrester.</p> <p>19 MS. KAREN WOERNER: And so I will share</p> <p>20 with you all that Dr. Boyd is the new head</p> <p>21 administrator at the ASK Academy this year. And she</p> <p>22 did share that the COVID has made it difficult to</p> <p>23 get some of those signatures.</p> <p>24 But I will ask her to give us an update as</p> <p>25 to when she thinks that might be available.</p>
<p style="text-align: right;">211</p> <p>1 running a little behind schedule. But this is new.</p> <p>2 This is my first time. So I'll just pause and see</p> <p>3 if there's any questions before we move on to B,</p> <p>4 which I'll ask Deputy Director Karen Woerner to</p> <p>5 address.</p> <p>6 But any questions with the first part?</p> <p>7 (No response.)</p> <p>8 MS. CORINA CHAVEZ: There are none. I</p> <p>9 guess we'll move on to B.</p> <p>10 MS. KAREN WOERNER: Thank you, Director</p> <p>11 Chavez, Madam Chair, Commissioners. So this section</p> <p>12 is about -- for the new Commissioners, this is</p> <p>13 typically about any concerns related to</p> <p>14 notifications that need to be submitted to you as a</p> <p>15 Commission. And in this case, it's about governing</p> <p>16 board membership changes.</p> <p>17 As indicated earlier -- Madam Chair</p> <p>18 indicated at the beginning of the meeting that Amy</p> <p>19 Biehl High School has since submitted all the</p> <p>20 remaining documentation, and they're now in good</p> <p>21 standing, and you approved that as part of the</p> <p>22 Consent Agenda earlier.</p> <p>23 But the ASK Academy had a designation to</p> <p>24 the board in September of 2020. And the requirement</p> <p>25 is that they notify this Commission within 30 days</p>	<p style="text-align: right;">213</p> <p>1 DR. ALEXANDRA BOYD: Thank you, Deputy</p> <p>2 Director Woerner. I'm Alexandra Boyd, the CEO of</p> <p>3 ASK Academy. First, I want to thank you so much for</p> <p>4 your service. I understand this is a tremendous</p> <p>5 undertaking, and I really appreciate you all doing</p> <p>6 this work on behalf of all the scholars across</p> <p>7 New Mexico. So thank you for that.</p> <p>8 As Deputy Director Woerner stated, we have</p> <p>9 been having some issues, like everyone knows, due to</p> <p>10 COVID. Our -- we had selected -- we had nominated</p> <p>11 and voted on a new board member.</p> <p>12 And I will let you know that my board is</p> <p>13 pretty seasoned. We don't often have changes in our</p> <p>14 board members. So we voted on and elected a new</p> <p>15 board member. And while we were doing that, the</p> <p>16 board member we selected, who had worked with our</p> <p>17 school previously by providing internships to some</p> <p>18 of our scholars through his business, ended up</p> <p>19 relocating his business about three hours away.</p> <p>20 And so through consultation with him and</p> <p>21 our board chair, it was decided that he actually</p> <p>22 ended up never fully accepting the position.</p> <p>23 So he was voted on and approved, but we</p> <p>24 were never able to execute the documents required</p> <p>25 for him to fully accept the position.</p>

<p style="text-align: right;">214</p> <p>1           So we worked together and decided that the 2 best thing to do was to look for a new board member. 3 So, currently, we have a pool of four, and we plan 4 to -- we plan to nominate and vote on them on 5 February 11th, which is our next scheduled board 6 meeting. 7           And then we think that we could remedy the 8 situation in advance of your March meeting, but not 9 your February meeting, because it's the day after 10 our February board meeting. 11          I'm happy to entertain any questions, as 12 well as Dr. Forrester. 13          THE CHAIR: And thanks. It's always good 14 for whatever reason to see folks from schools and we 15 appreciate it. And thank you for taking the big 16 lift of -- especially during this time period -- to 17 become a head administrator. We certainly do 18 appreciate it. And, Commissioners, certainly this 19 is challenging. And we've had a tendency to offer a 20 little bit more grace than normal. And the school 21 has been more than forthcoming with their story. 22 And I don't think there's any purposeful negligence 23 in not getting the paperwork in. And I think the 24 school is -- has communicated that they're actively 25 working to remedy this issue.</p>	<p style="text-align: right;">216</p> <p>1           definitely appreciate that. So thank you very much. 2           THE CHAIR: And I want to say thank you 3 for the mask. So -- I do wear it. 4           So people say, "Where is that?" 5           And it's like, "Oh, you can't send your 6 kid there unless you want to move to Albuquerque." 7           But thank you very much. Thank you. Take 8 care. Stay safe. 9           MS. KAREN WOERNER: Thank you, Dr. Boyd. 10 I'm going to move you and Dr. Forrester back to 11 Attendees. So it'll be a little cyber zoom. But 12 before I let you go, can you just confirm how many 13 seated board members you have currently? 14          DR. ALEXANDRA BOYD: Currently, we have -- 15 one, two, three, four, five, six -- we have six. 16          MS. KAREN WOERNER: Thank you. 17          DR. ALEXANDRA BOYD: Thank you. 18          THE CHAIR: Thank you. 19          MS. KAREN WOERNER: And shall I move on to 20 the next section, Section C? Or were you going to 21 do that, Corina? Do you want me to do that? 22          THE CHAIR: No. I think we're good with 23 moving on to C. 24          MS. CORINA CHAVEZ: Thank you, Deputy 25 Director Woerner. If you could address C, that</p>
<p style="text-align: right;">215</p> <p>1           And you can't stop someone from moving; 2 so -- you know. And those life events, especially 3 now, happen. So that it -- one of the things we can 4 do is to send a Letter of Concern. But I don't 5 think, at this point in time, it certainly warrants 6 that. I think if the school can't fulfill it by the 7 March deadline, that becomes a different issue, and 8 it can be brought back up on the agenda so that 9 we're kept aware of it. 10          Are we good with that? 11          (No response.) 12          THE CHAIR: Okay. 13          DR. ALEXANDRA BOYD: Thank you. 14          THE CHAIR: And thank you for hanging in 15 there with us. Some things go quicker than others. 16 So we appreciate it. And we appreciate everything 17 that you do every day, but especially these days. 18          DR. ALEXANDRA BOYD: Yes. Thank you so 19 much. I want to share the same thank-you to the 20 Charter office. I -- I am new, and Ms. Woerner has 21 been extremely available to me for consult and 22 advice, and I just can't thank her enough. 23          And, again, I fully appreciate the 24 responsibility you all have and you all taking it 25 very seriously and being passionate about it, and I</p>	<p style="text-align: right;">217</p> <p>1           would be great. 2           MS. KAREN WOERNER: Awesome. 3           As you know, Safe School Plans are 4 required of schools, all schools. And the schools 5 are advised to review them annually with their 6 safety committee and update them every three years 7 with the -- I always get the name mixed up -- Safe 8 and Healthy Schools Bureau. 9           And this is a heavy lift. This Safe 10 School Plan is a very thick -- several-hundred-page 11 documents. And most schools do spend a lot of time 12 going back and forth with the Safe and Healthy 13 Schools Bureau tweaking the plan until it finally 14 gets approved. 15          But what's important in the process is 16 that the schools are submitting their plan and 17 responding timely with the updates as requested. 18          And so we have two schools that have been 19 reported to us. I'm not going to name other 20 schools, because they're not on the agenda. But 21 there are other schools whose Safe Schools Plans are 22 overdue and not been completed or approved yet, but 23 they're in constant communication with the Bureau 24 and updating as requested; so those are not listed 25 here today.</p>

218	<p>1 The two listed here today are La Tierra</p> <p>2 Montessori School of the Arts and Sciences and</p> <p>3 Tierra Encantada.</p> <p>4 I do want to share a little bit of the</p> <p>5 history for each one, but I am wondering if I should</p> <p>6 add representatives from each school. Or do you</p> <p>7 want me to take one at a time? Or how you would you</p> <p>8 like me to proceed?</p> <p>9 THE CHAIR: I think it would be best if we</p> <p>10 took one school at a time.</p> <p>11 MS. KAREN WOERNER: Okay. So I'm going to</p> <p>12 start -- let me just look at the participation list</p> <p>13 and see -- Ms. Feathers, Angela Feathers, is the</p> <p>14 head administrator of that school. And I believe</p> <p>15 Amy Larsen is the governing board president.</p> <p>16 So I'll promote her, and they can let me</p> <p>17 know if there are any others.</p> <p>18 MS. ANGELA FEATHERS: Yes, Amy Larsen is</p> <p>19 also here today. She's our governing council</p> <p>20 president.</p> <p>21 MS. KAREN WOERNER: So I have Ms. Feathers</p> <p>22 and Ms. Larson on the panel now. Good afternoon,</p> <p>23 ladies.</p> <p>24 A little bit of the background on</p> <p>25 La Tierra Montessori. The school was due to submit</p>	220	<p>1 she's concerned about the lack of response and</p> <p>2 wanting to get this finalized for the school.</p> <p>3 I do know that Ms. Feathers even was</p> <p>4 contacted by Safe and Healthy Schools Bureau</p> <p>5 recently, reached out and said she still could not</p> <p>6 log in and has been working up through today with</p> <p>7 IT -- or IT sent her the credentials again on Monday</p> <p>8 of this week. And I guess she didn't see the e-mail</p> <p>9 till yesterday and was trying to do it last night.</p> <p>10 And I know that she's been on today.</p> <p>11 And I can allow her the time to update us.</p> <p>12 But I think the biggest concern is that there's big</p> <p>13 gaps of time between communication and just need to</p> <p>14 stay in constant contact with Ms. Granito -- I don't</p> <p>15 know how to pronounce her name; but Melanie in the</p> <p>16 Safe and Healthy Schools Bureau -- to get that</p> <p>17 accomplished. I'm sure the school can provide an</p> <p>18 update as to what happened today.</p> <p>19 THE CHAIR: Thanks. And welcome once</p> <p>20 again. It's good to see you again.</p> <p>21 So I'm simply going to reinforce what</p> <p>22 Karen has said. This has been an ongoing concern.</p> <p>23 It was a concern that was raised when you were</p> <p>24 before us a couple of months ago, that this was</p> <p>25 outdated and that there was not the communication</p>
219	<p>1 a Safe Schools Plan in December of 2019. I do want</p> <p>2 to emphasize 2019, not -- sorry -- 2019. So over a</p> <p>3 year ago. They have had a change of head</p> <p>4 administrator, as many of you know, in that time</p> <p>5 frame.</p> <p>6 Both schools submitted their Safe Plan --</p> <p>7 the first draft of their Safe Schools Plan in June,</p> <p>8 after being called by the PEC about the</p> <p>9 untimeliness. We understood at that time there was</p> <p>10 some delay due to the interim head administrator.</p> <p>11 I do know Ms. Feathers hand-delivered the</p> <p>12 first draft in June of 2020 after that meeting, or</p> <p>13 somewhere around that meeting. It's still not been</p> <p>14 approved. And the concern is that there's been</p> <p>15 some -- there has been some online access issues</p> <p>16 with Ms. Feathers not being able to log into the FTP</p> <p>17 site.</p> <p>18 Commissioners, the Safe Schools Plan is</p> <p>19 required to be uploaded securely, because you</p> <p>20 wouldn't want someone who might invade a school to</p> <p>21 know their plan. So it has to be done securely.</p> <p>22 There have been some issues. There have</p> <p>23 been months in between where no correspondence has</p> <p>24 been received from the school by Melanie Granito,</p> <p>25 who is the person in charge of these plans. So</p>	221	<p>1 that should be; because, as Karen has mentioned,</p> <p>2 there's -- there's schools that are in whatever</p> <p>3 stage of not having it complete. But it's not as</p> <p>4 big a concern when there's assurances that there's</p> <p>5 work being done on it.</p> <p>6 But when the communication breaks down and</p> <p>7 the Bureau can't be confident because there's that</p> <p>8 lack of communication, that's when it raises to the</p> <p>9 level that we feel that we need to speak to a</p> <p>10 school.</p> <p>11 So welcome once again, and anything you</p> <p>12 want to share with us.</p> <p>13 MS. ANGELA FEATHERS: Absolutely. Thank</p> <p>14 you, Deputy Director. And thank you, Commissioners.</p> <p>15 I wish it was under better circumstances that we got</p> <p>16 to see you.</p> <p>17 I do want to say that we've been listening</p> <p>18 today, and I found most of it really interesting,</p> <p>19 and, you know, just kind of enheartening, because I</p> <p>20 know everybody's working so hard for the charter</p> <p>21 schools.</p> <p>22 Some of the things that Karen mentioned</p> <p>23 just a minute ago, most of it was correct, but I</p> <p>24 just wanted to make a few corrections.</p> <p>25 I am a new administrator. Our school had</p>

<p style="text-align: right;">222</p> <p>1 a unique situation, in which our school is a 2 Montessori School. And when I came here, Tennessee 3 does not require licensure for private schools. So 4 they didn't really know how to license me when I got 5 here. 6 So we had a temporary admin that was 7 helping us until my license came through. So there 8 was a lot of confusion on who left, who was in 9 charge, and all of that. 10 On December 9th, I reached out to Melanie 11 Granito and asked for credentials for the Safe 12 Schools Plan, and I submitted our Safe Schools Plan 13 in December of 2019. 14 I heard back from Ms. Granito in 15 February -- February 21st of 2020 -- that the file 16 that we sent in December was corrupt. 17 I did not understand that that was -- the 18 Safe Schools Plan, the -- all the -- what do you 19 call it? -- initials and all of that stuff, I 20 misunderstood and thought it was something else and 21 gave it to my administrator, Mr. Abney, and went on 22 with life, and didn't hear that our file was corrupt 23 until we did get called in front of the PEC. 24 I immediately contacted Alan Brauer at the 25 time and was, like, "Oh, my gosh, what do I do? I</p>	<p style="text-align: right;">224</p> <p>1 of October. I said, "I never heard back from Tomás. 2 I think all I need is access. Please give me 3 access." 4 I didn't hear back. I made several phone 5 calls to Tomás during that time. 6 And then, in December, she writes me back: 7 "Hey, Ms. Feathers, I'm still looking at Safe 8 Schools Plans with revisions." 9 I respond immediately. "I did not get 10 access. Can you please help?" 11 She says, "Reach out to Tomás," which was 12 included on that e-mail which I did. And I called 13 him. 14 Didn't hear anything. That was the 15 Christmas break. 16 January 5th, we get back to school. 17 "Tomás, could you please spare some time? Just give 18 me an hour. Just walk me through it. Can you do it 19 Wednesday? Can you do it Thursday? I'd be happy to 20 get this done. I don't want to be not in compliant 21 (verbatim)." 22 On the 8th, I got an e-mail at 12:00 that 23 said, "Tomás has sent you something," which he did 24 not. And I don't know if she was referring to the 25 previous e-mails, which I cannot use. They don't --</p>
<p style="text-align: right;">223</p> <p>1 don't want to be in trouble." And worked it out 2 with Ms. Granito so we didn't make it on the agenda. 3 I drove that Safe Schools Plan to her house and 4 delivered it to her, the phone-book-sized Safe 5 Schools Plan. 6 And so the next day, she gave me a list of 7 revisions, which I began working on. And over the 8 summer, I contacted her by phone. I quickly 9 realized that in this world, everything should be 10 documented, so I began e-mailing her. I reached out 11 several times asking for credentials. 12 There's a man named Tomás -- I don't know 13 how to pronounce his last name -- but he was 14 supposed to send me credentials. 15 He did. We started this again in 16 September. "I don't have log-in credentials. 17 Please do this. I'm sending screenshots of my 18 authentication failure." 19 I reached out again on the 25th of 20 September. "I will write in, I will scan, I will 21 mail -- I will e-mail you directly. Please advise." 22 On October 2nd, she says she still doesn't 23 see it on the FTP site. It's not on there because I 24 can't get in. I said, "Please help me." 25 Again, I asked for credentials on the 9th</p>	<p style="text-align: right;">225</p> <p>1 they keep saying, "Authentication Failure." 2 And so I -- I was, like, "I don't have 3 anything new," and I was going to respond to her 4 when noticed that I had an e-mail from Karen 5 Woerner, which was nine minutes after I had received 6 the message from Ms. Granito that we were being 7 called into the PEC. 8 So I have been in constant contact with 9 Tomás. He sends your credentials through a thing on 10 Kiteworks, which the site was down yesterday. 11 Karen e-mailed us yesterday and was, like, 12 "Did you see this?" 13 I did not. Our office manager had a death 14 in the family, and he was very ill. So all this 15 week has been crazy. So I missed that e-mail. That 16 is my fault. On Monday. 17 But since then, I have been trying to get 18 the Kitework (verbatim) to get the access to get 19 into the other site. So, like, oh, my gosh. 20 So I got in last night. I got the 21 instructions. I have been in contact with him all 22 day. I finally got onto the site, and he just -- 23 I'm looking. He just e-mailed me because I asked if 24 he could please spare some time. 25 I didn't want to share my screen earlier</p>

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1 because I was afraid I'd miss our time on the PEC  
2 agenda. And so I asked him if we could meet maybe  
3 this afternoon or -- he has been sending messages  
4 where he is out of office; so I didn't know if today  
5 was a day off for him, on Tuesday.

6 I'm happy to do whatever it takes to get  
7 this in. I just cannot make this work. So any -- I  
8 do not want to be on the naughty list. I want to be  
9 completely in compliance. So...

10 COMMISSIONER VOIGT: I have a question.

11 THE CHAIR: Sure.

12 COMMISSIONER VOIGT: Thanks.

13 THE CHAIR: Commissioner Voigt?

14 COMMISSIONER VOIGT: Thank you,  
15 Madam Chair.

16 So it looks like -- you know, is there a  
17 way that the Charter School Division is able to head  
18 these off before they get to us? Because this is  
19 obviously something that there was some -- there was  
20 technical issues. There was -- I mean, for this to  
21 be going on for a year, and that there's this --  
22 what's the new bureau's name? -- Safe and Healthy  
23 Schools?

24 Okay. So that used to be -- (multiple  
25 speakers simultaneous)-- whatever.

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1 So it seems like -- quite frankly, this  
2 seems like a waste of time for the school to have to  
3 come before us in order to explain the challenges  
4 that they've been having in getting FTP access,  
5 technical issues, when this could have been solved,  
6 I would think, by PED, by the Safe Schools Bureau.

7 You know, I don't know who Tomás is. But  
8 there needs to be some better more efficient  
9 communication between some of these bureaus to the  
10 schools. I don't know how many times there are  
11 situations that --

12 THE CHAIR: I think a lot of us are  
13 familiar with Tomás. Tomás is who we contact when  
14 we've got IT issues. I believe that's the same  
15 Tomás we're talking about.

16 Commissioner Chavez? I'm sorry.

17 COMMISSIONER CHAVEZ: Thank you,  
18 Madam Chair. I just want to just -- I do have some  
19 experience with this. And I've got to say that this  
20 platform that was used to submit the Safety Plans  
21 has been extremely difficult to work with.

22 This Kiteworks, just as Ms. Feathers has  
23 described and going through the process, was the  
24 same kind of process that I went through, and in  
25 trying to just get your credentials to be able to

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1 access the site, much less being able to upload the  
2 Safety Plans on to the site.

3 So it's very, very challenging, very  
4 difficult. I have expressed that there needs to be  
5 a change to that. I don't know why they used that;  
6 but it's been extremely difficult.

7 THE CHAIR: Okay. Thank you for that. So  
8 I think that's a message that certainly needs to be  
9 communicated to the new director. And, Deputy  
10 Director, I know your hand has been up.

11 MS. KAREN WOERNER: I just wanted to say I  
12 would agree with those comments about the access.  
13 Again, the reason we put it on the agenda is -- what  
14 we were told and what my notes indicate was that  
15 there was no communication between October 9th and  
16 December 16th.

17 On October 9th, the Safe and Healthy  
18 Schools Bureau had sent the information and had  
19 gotten their log-in credential and Tomás's contact  
20 information. Ms. Feathers had other information  
21 that I was not aware of that perhaps happened in  
22 between there. And -- but I did not have that in my  
23 notes from her or from the -- the other bureau.

24 So -- but I think that this -- we just  
25 need to get this resolved. And I'm hoping that

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1 today's work -- and I have been trying to work with  
2 Ms. Feathers to be able to remove this from the  
3 agenda. But given that it still hadn't been  
4 updated, I felt obligated to bring it forward after  
5 it was placed on the agenda.

6 And, Ms. Feathers, I really think the  
7 important piece is that between October 9th and  
8 December 16th, that maybe reach out to us and help  
9 us intervene for you if we need to. Just try to get  
10 it solved. It sounds like Ms. Feathers is working  
11 closely now with Tomás to get that done.

12 MS. ANGELA FEATHERS: Yes. Thank you.

13 THE CHAIR: Right. And I think you're  
14 absolutely right. The Charter School Division is  
15 more than willing to try to make those bridges with  
16 the other bureaus, if there's -- if there's a  
17 breakdown.

18 And I certainly appreciate Commissioner  
19 Chavez's input on how difficult. And maybe that  
20 message can be simply reemphasized, that it's not  
21 that schools don't want to do this. But when  
22 there's that many challenges, it becomes -- you  
23 know, we all have so much time, and we have a lot to  
24 do. So when you have to spend so much time trying  
25 to simply get things uploaded, it -- the frustration

230	<p>1 level, I can't imagine.</p> <p>2 So, Director Chavez, whatever you can do</p> <p>3 to help with this matter, not only for this school,</p> <p>4 but for all schools. If the message can be that</p> <p>5 there appears to be this level of frustration with</p> <p>6 schools in terms of being able to get their work</p> <p>7 product uploaded, that maybe there's something that</p> <p>8 IT can work on with that.</p> <p>9 I'm hoping that the message from the next</p> <p>10 school is similar; so we -- thank you so much. We</p> <p>11 feel just a little less guilty because we're on</p> <p>12 Zoom. So we haven't, you know, forced you to drive</p> <p>13 up and sit in Mabry Hall.</p> <p>14 But, you know, unfortunately, I agree</p> <p>15 with -- not "unfortunately" -- that I agree with</p> <p>16 Commissioner Voigt. But, unfortunately, these</p> <p>17 issues shouldn't have necessarily come here at this</p> <p>18 point; but, hopefully, by coming here, we can help</p> <p>19 other schools in trying to fix it. So, hopefully,</p> <p>20 other schools thank you for this.</p> <p>21 MS. ANGELA FEATHERS: Thank you very much.</p> <p>22 THE CHAIR: So thank you so much, and</p> <p>23 we'll simply -- Karen will keep us posted as to</p> <p>24 what's happening with this. And, hopefully, it will</p> <p>25 be good news.</p>	232	<p>1 Okay. I think I managed to do that then.</p> <p>2 Hopefully, I didn't knock anyone else off the</p> <p>3 meeting.</p> <p>4 So the next school is Tierra Encantada.</p> <p>5 And I see that Mr. Peña is in the audience, so I</p> <p>6 will move him up.</p> <p>7 And, no, the issue is not with logging</p> <p>8 into the system with Tierra Encantada.</p> <p>9 Hi, Mr. Peña, you're on the panel. If you</p> <p>10 could unmute yourself and let me know if there is</p> <p>11 someone else from your school that I should add.</p> <p>12 MR. DANNY PEÑA: Thank you. Good</p> <p>13 afternoon, everybody. Am I on?</p> <p>14 MS. KAREN WOERNER: Not yet. I'm asking</p> <p>15 if there's other people that we should add to the --</p> <p>16 MR. DANNY PEÑA: I don't know if Russell</p> <p>17 Salazar is there, our board president. I know if he</p> <p>18 had mentioned --</p> <p>19 MS. KAREN WOERNER: Russell Salazar? I</p> <p>20 don't see him.</p> <p>21 MR. DANNY PEÑA: Okay. So it's probably</p> <p>22 just me.</p> <p>23 MS. KAREN WOERNER: With Tierra Encantada,</p> <p>24 similarly, their plan was due in December of '19.</p> <p>25 When it was past due, they received several</p>
231	<p>1 MS. ANGELA FEATHERS: Yes. Thank you.</p> <p>2 MS. AMY LARSEN: I just wanted to also</p> <p>3 thank you and appreciation for all of your service.</p> <p>4 THE CHAIR: If it makes you feel any</p> <p>5 better, I'm waiting for an e-mail from Tomás also.</p> <p>6 MS. KAREN WOERNER: Madam Chair, I think</p> <p>7 Ms. Larsen was trying to say something, but her</p> <p>8 volume is really low.</p> <p>9 THE CHAIR: Oh, I'm sorry. Oh, okay.</p> <p>10 MS. AMY LARSEN: Oh, sorry.</p> <p>11 THE CHAIR: Oh, okay.</p> <p>12 MS. AMY LARSEN: Oh. I just wanted to</p> <p>13 echo my appreciation for all of the Commissioners</p> <p>14 and your service. And we -- we do want to also say</p> <p>15 how much support we receive as well. And we are so</p> <p>16 grateful for all of that support. So thank you so</p> <p>17 much. Appreciate it.</p> <p>18 THE CHAIR: Okay. Thank you so much.</p> <p>19 Once again, it is good to see you. So</p> <p>20 glad to see that you're healthy and safe. So thanks</p> <p>21 for this time.</p> <p>22 MS. KAREN WOERNER: So, Ms. Larsen and</p> <p>23 Ms. Feathers, I'm going to move you back to Attendee</p> <p>24 in a little cyber-zoom thing that's going to happen.</p> <p>25 So give me just a second.</p>	233	<p>1 notices -- or a notice -- in January of '20. They</p> <p>2 asked for support from CSD -- or Safe and Healthy</p> <p>3 Schools asked CSD to help them connect with the</p> <p>4 school in February.</p> <p>5 The school was not responsive for several</p> <p>6 months. Then in June, the school was before you for</p> <p>7 this same Safe Schools Plan. They had submitted</p> <p>8 their first review on June 8th. So that must have</p> <p>9 been right around just before the meeting that was</p> <p>10 held in June.</p> <p>11 The Safe and Healthy Schools Bureau</p> <p>12 requested revisions by June 24th. The school asked</p> <p>13 for an extension to July 20th. That was approved.</p> <p>14 In August, the Safe and Healthy Schools</p> <p>15 Bureau e-mailed the school, had not received</p> <p>16 submission. November, they submitted their second</p> <p>17 round for revision. December, they asked them to do</p> <p>18 some more revisions, and a deadline of January 15th.</p> <p>19 And the school hadn't responded to the</p> <p>20 e-mail about the revisions or the deadline provided.</p> <p>21 And that they did -- but then -- I'm sorry. Safe</p> <p>22 and Healthy Schools reached out for status of the</p> <p>23 e-mails sent out December 16th. School responded</p> <p>24 they received it, and had the new deadline, which is</p> <p>25 today.</p>

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1 Hopefully, Mr. Peña will have something to  
2 report on that. But, again, Madam Chair and  
3 Commissioners, Safe and Healthy Schools Bureau  
4 brought this to us because of the continued delays  
5 and non-responsiveness in between.

6 THE CHAIR: Right. So good morning -- or,  
7 actually, good afternoon.

8 MR. DANNY PEÑA: Good afternoon.

9 THE CHAIR: It's good to see you again.  
10 And, once again, this is an item that actually,  
11 during contract negotiations, it was brought up that  
12 there was this concern. And we were hoping that we  
13 could get it settled.

14 So any information that you have? And  
15 maybe you've got the information, that it's been  
16 submitted today, and we're good.

17 MR. DANNY PEÑA: I do have some  
18 information for you. And, actually, Ms. Woerner,  
19 she did not e-mail me in November. She e-mailed me  
20 in December. She sent us the rubric for revisions  
21 in December and gave us until January 15th to submit  
22 that.

23 During the holiday break, she sent another  
24 one saying, "Did you get the plan back for  
25 revisions?"

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1 I said, "Yesterday we did, and we'll be  
2 submitting it."

3 We actually submitted it earlier this  
4 week. So it's been turned in, and we're waiting to  
5 see, this go-round, if it has been accepted.

6 THE CHAIR: Okay. So that we're not quite  
7 updated. But in terms of the fact that it has been  
8 submitted --

9 MR. DANNY PEÑA: Yes.

10 THE CHAIR: But we're certainly going to  
11 accept your assurance that it has been submitted.  
12 So I think until we know if it has been accepted or  
13 not, there's little we can do at this point in time.

14 MR. DANNY PEÑA: And I do want to add,  
15 there was some challenges in uploading it. We tried  
16 to upload it last Friday. And then we tried to  
17 upload it Monday. And I was able to finally get it  
18 through on Tuesday.

19 I don't know if that had anything to do  
20 with the site that we were uploading. We were  
21 checking our credentials and making sure we had  
22 everything right.

23 I did check as of last night before I came  
24 to this meeting to make sure it was sitting in  
25 queue. And it is there. So it was uploaded earlier

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1 this week.

2 THE CHAIR: Okay. All right. Thank you.  
3 Commissioner Voigt?

4 COMMISSIONER VOIGT: Thanks, Madam Chair.  
5 You know, I think there's so many different portals  
6 that school administrators have to work within, you  
7 know, for Title I, funding reports, all this stuff,  
8 Web EPSS, NM DASH; now, this Kiteworks.

9 I mean, it would be really -- I know it's  
10 a big -- it would be a big shift. But if PED were  
11 somehow able to have one portal or one dashboard  
12 with maybe a few little sections for certain things,  
13 you know, like tie the Web EPSS or the academic  
14 compliance piece into one branch of it, put your  
15 fiduciary in another branch of it, put your Safe  
16 School and your wellness -- something that would  
17 really take the burden off the charter school  
18 administrators to have to manage so many different  
19 portals. Just a thought.

20 MS. KAREN WOERNER: Madam Chair, may I  
21 respond?

22 THE CHAIR: Sorry. Certainly.

23 MS. KAREN WOERNER: So, Madam Chair,  
24 Commissioners, I strongly agree with you,  
25 Commissioner Voigt. And I do think the PED does as

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1 well. And I know that there are some -- it's not  
2 easy to shift all systems to one. But I do think  
3 there's a desire in PED leadership to do just that.

4 One platform being considered is NM DASH,  
5 where they've moved a lot of the educational  
6 components to be submitted through the NM DASH  
7 platforms, which previously was just the School  
8 Improvement Plan, but now has several other pieces  
9 to it. We have been approached about perhaps moving  
10 our monitoring tool there, et cetera.

11 A lot of decisions yet to be made on which  
12 platform and how it's going to work. But I think  
13 that's a strong desire, not just for schools and for  
14 the Commission, but for PED as well. I don't want  
15 to suggest that that's going to happen overnight;  
16 but it is a goal that we have.

17 I do think that the Safe and Healthy  
18 Schools Plan is an added burden because of the  
19 security needed. And that may always have to be on  
20 some complicated FTP-secure site for the security  
21 reasons.

22 And I do want to say -- I just want to  
23 point out -- that Melanie is very -- always willing  
24 her support and services along with contacts in  
25 other bureaus to help. She's willing to facilitate

238	<p>1 that. She just needs to hear from the school and 2 will work to do that.</p> <p>3 And I do appreciate that the Commission is 4 interested. As you know, the performance framework 5 is about timely submission. We want to understand 6 the difficulties that happen. But, at the same 7 time, I do know that when you mention a possible 8 concern about a school's responses, that it then 9 gets done.</p> <p>10 So I appreciate your support on that, and 11 I appreciate that the schools are working to get it 12 done. And I can certainly sympathize with -- I'm an 13 IT person. But I can understand how it's -- some of 14 these systems can be very difficult, and appreciate 15 that.</p> <p>16 But I do think that the Safe Schools Plan 17 will always be on some sort of secure upload piece. 18 But we would be happy in our division to learn those 19 pieces and provide some training and support for 20 that. So just let us know. Schools just have to 21 let us know.</p> <p>22 THE CHAIR: Okay. Thank you so much. And 23 thank you once again for coming. If Commissioners 24 don't have any other questions, I think we can 25 hopefully look forward to a February report that</p>	240	<p>1 reversed, and that the school should have a full 2 term, and that the Secretary should approve the 3 application for the charter.</p> <p>4 I just want to let you know that the PED 5 has 30 days to file a petition requesting the 6 court's review.</p> <p>7 And so that is the update on the Explore 8 Academy.</p> <p>9 THE CHAIR: Okay.</p> <p>10 Commissioner Carrillo, I'm just going to 11 caution, because this is something that is going to 12 be discussed in Executive Session.</p> <p>13 COMMISSIONER CARRILLO: Oh, I understand. 14 Yeah. Yeah.</p> <p>15 THE CHAIR: Oh, okay.</p> <p>16 COMMISSIONER CARRILLO: When is the 30 17 days up?</p> <p>18 MS. CORINA CHAVEZ: Great question. Do 19 you have that information?</p> <p>20 THE CHAIR: I'm sure Ami can provide that 21 during Executive, because she'll have the 22 information pulled out.</p> <p>23 COMMISSIONER CARRILLO: Maybe she has 24 this. Elizabeth had her hand up with the answer. 25 THE CHAIR: She had her hand up, because</p>
239	<p>1 everything is okay.</p> <p>2 MR. DANNY PEÑA: I do, too. I look to a 3 good report from Melanie in February.</p> <p>4 THE CHAIR: Thank you for the time. We 5 appreciate it.</p> <p>6 MR. DANNY PEÑA: Okay. No problem. Thank 7 you.</p> <p>8 MS. CORINA CHAVEZ: Chair Gipson, should 9 we move on to Item D?</p> <p>10 THE CHAIR: So yes, please.</p> <p>11 MS. CORINA CHAVEZ: All right. So this is 12 about the Explore Academy, Commissioners. And so 13 just to provide a little bit of background.</p> <p>14 Explore Academy was a charter application 15 that was denied by the Public Education Commission. 16 It appealed the decision to the Secretary. And 17 that's what is accommodated for in statute.</p> <p>18 The Secretary upheld the decision of the 19 PEC, and the school appealed, then, to district 20 court.</p> <p>21 So what this item is -- and I see that 22 you're discussing this further during the Executive 23 Session -- is that the district court found that the 24 PEC -- found that the PED and the PEC's decision to 25 deny the charter school application should be</p>	241	<p>1 she was trying to grab something from Ami.</p> <p>2 COMMISSIONER CARRILLO: I would ask -- 3 let's see. Because I know I'm trying to, like, 4 skirt that line of Exec. So I'll use my past 5 experience with Executive Sessions.</p> <p>6 During our Executive Session, will we have 7 the ability to call any party that might be an 8 attendee to be able to ask questions of them?</p> <p>9 THE CHAIR: Any party outside -- outside 10 of the Commission?</p> <p>11 COMMISSIONER CARRILLO: Because I know 12 that when we used to have -- whether it was legal or 13 whether it was real estate or whether it was 14 personnel, you know, people waited in the hallway 15 until their item came up. And in Executive Session, 16 we were able to call in somebody who we could 17 question about things or speak to the issue.</p> <p>18 Now, granted, the rules of Executive 19 Session still apply. It's confidential; you can't 20 go and spill your guts out. But it allows those 21 people on whatever legislative body it is, it allows 22 them the opportunity to get more information.</p> <p>23 So in this particular case it would be 24 Justin Baiardo, the head of the school. Because I'm 25 curious -- obviously, there's five of us who weren't</p>

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1 there for any of this. I'd be curious to have his  
2 take on things.

3 And I also understand, not -- just, you  
4 know, straddling that line of the fact that we're --  
5 it's pending litigation.

6 THE CHAIR: I think I'm going to ask our  
7 legal counsel to respond to that.

8 MS. AMI JAEGER: I am so sorry. I keep  
9 having different Zoom audio problems. And so I --  
10 anyway, I've got to log back out and now -- hold on.

11 COMMISSIONER CARRILLO: Well, Karen is  
12 there. I was looking at the attendees on the Zoom  
13 thing. I noticed that Justin is here as an  
14 attendee. So if we did need to call him in, Deputy  
15 Director Karen, I know he's handy.

16 MS. KAREN WOERNER: Yes, I can add him if  
17 the Commission so desires.

18 COMMISSIONER CARRILLO: I guess we have to  
19 wait for advice of counsel.

20 MS. KAREN WOERNER: I believe that's what  
21 I'm waiting for. Yeah.

22 MS. AMI JAEGER: I'm terribly sorry. Just  
23 audio problems.

24 So I do understand, from my experience as  
25 General Counsel with Santa Fe Public Schools, how

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1 they manage Executive Session. And many times  
2 because of the nature of information and parties,  
3 the way the district needed to call in expertise,  
4 many times, they would call in people outside of --  
5 outside of the cabinet.

6 That's not our practice here. And I don't  
7 really think it would be appropriate to call, into  
8 an executive session, Mr. Baiardo in this case. I'm  
9 happy to brief you on issues, and we can do that in  
10 Executive Session. But it's not our practice to  
11 call parties in.

12 COMMISSIONER CARRILLO: Okay. So I  
13 understand. But I would ask us to be open, if he's  
14 in attendance, to having the Commission call on him.  
15 You know, I'm going to absolutely trust your  
16 recollection of events and such. But if it's not in  
17 statute, and it's not in the OMG -- I'm sorry, the  
18 OMA -- that we can't have somebody in, then I would  
19 say that, you know, that's not necessarily a  
20 practice that we have to adhere to, especially if  
21 it's something of this level of importance.

22 I mean, I'm not interested in more  
23 lawsuits. I don't know. I just thinking we'll just  
24 get more information.

25 MS. AMI JAEGER: So I think the issue is

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1 not found in the Open Meetings Act or in the  
2 Governmental Conduct Act, Commissioner Carrillo.  
3 But it is found in the nature of attorney-client  
4 privilege. And so, as you know as having a public  
5 body, it's complicated for attorneys, because many  
6 times we're giving legal advice in a public context  
7 in which litigation could occur, and, many times,  
8 does occur.

9 And so as counsel, you know, we need to  
10 stay within our rights of the Open Meetings Act,  
11 which does provide a very solid exemption from the  
12 Open Meetings to be able to talk to our clients  
13 about legal strategy and confidential legal  
14 information that would relate to the strategy of the  
15 case.

16 You know, I mean, again, as the Director  
17 has reported, there is an opinion out there that's  
18 public information. She reported on the opinion.  
19 There was no legal strategy that she gave. And  
20 that's totally appropriate. Totally appropriate.  
21 Different than what we may or may not discuss in  
22 Executive.

23 COMMISSIONER CARRILLO: I understand.  
24 So -- so what I'm hearing is, I mean, if we did have  
25 Mr. Baiardo -- I hope I'm saying your last name

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1 correctly -- if we did have him in to give  
2 information, there would not be a conversation  
3 necessarily between the Commission and you and  
4 Justin, because I think that would then be  
5 inappropriate. It would be more just Commissioners  
6 asking Justin questions to get much more acquainted  
7 with the case.

8 MS. AMI JAEGER: So my recommendation  
9 would be if that is something that the Commissioners  
10 wanted to do, we would put it on next month's  
11 meeting as part of the agenda, and it would be up to  
12 Mr. Baiardo and his counsel about appearing and to  
13 the extent that they would talk about that case.

14 And then we would have that discussion in  
15 open meeting. And that could be -- if the  
16 Commissioners, if that's how they wanted to do it,  
17 then that part would be during the Open Meeting and  
18 would be probably noticed with an agenda item.

19 COMMISSIONER CARRILLO: Got it. But now  
20 we're up against this time thing, the 30-day thing.

21 MS. AMI JAEGER: No. No. I mean -- so --  
22 so I'll just quickly say the PEC is not a party to  
23 this litigation.

24 THE CHAIR: I think we're entering into a  
25 conversation that needs to be had during Executive

<p style="text-align: right;">246</p> <p>1 Session; because -- and I'm becoming more and more 2 uncomfortable with this conversation. But I think 3 some of these answers are easily obtained during the 4 course of our Executive Session. 5 Commissioner Burt? 6 COMMISSIONER BURT: Sorry. I don't know. 7 I had trouble unmuting at that point. Is there any 8 way to bring him on right now, then, while -- 9 because it has been noticed -- and just ask for an 10 update from the school leader? 11 THE CHAIR: You know, I think -- and 12 I'm -- this is pending litigation between the school 13 and PED. 14 COMMISSIONER BURT: Right. 15 THE CHAIR: And it's not on our agenda for 16 discussion. It's on the Executive -- it's an update 17 on the -- on the court decision by the Director. It 18 is not for discussion with the school about the 19 court case. 20 COMMISSIONER BURT: Oh, okay. Because I 21 thought I saw on the -- well -- and my 22 understanding, from the agenda, is it does say 23 discussion. 24 THE CHAIR: It's on the Executive Session. 25 COMMISSIONER BURT: On No. 14 -- I'm</p>	<p style="text-align: right;">248</p> <p>1 and what -- 2 THE CHAIR: Well -- and that's not -- 3 that's really not what the school's on the agenda 4 for, to have a discussion about the school. 5 So I'm -- I would be really uncomfortable 6 in opening that up, because that's not what the -- 7 because the "Discussion and Possible Action" 8 specifically says, "Court decision," for the school. 9 And it's actually about Explore-Las Cruces, not the 10 school Explore. 11 COMMISSIONER BURT: Right. I understand. 12 COMMISSIONER VOIGT: I think Georgina was 13 first. Your hand has been up a while. 14 THE CHAIR: I apologize. 15 COMMISSIONER DAVIS: Yeah. So I'm -- 16 think that the school probably would not want to 17 discuss this without their counsel being present. 18 So, to me, it's a moot issue. 19 COMMISSIONER VOIGT: Yeah. I agree. I 20 think that we should not -- and I'm sorry, 21 Commissioner Burt, that you don't have that 22 background information. But you can always look at 23 their appeals. I think they're filed somewhere. 24 You can find that information to get caught up. 25 But I think this is not the time or place</p>
<p style="text-align: right;">247</p> <p>1 sorry, can you hear me? Okay. 2 It does say, "Discussion and Possible 3 Actions," and it does have it on letter D. So it 4 does seem like it's available. 5 THE CHAIR: Correct. But -- right. That 6 is generally headed "Discussion and Possible 7 Action," because there's also updates about the 8 schools, the School Improvement Plans. 9 But when it's simply a report out by the 10 Charter School Division about this court case, there 11 was never an intention. And -- for that. 12 So if we have to look at rewording this -- 13 but this was simply indicated by the Director that 14 she wanted to offer this very brief -- because it is 15 still pending litigation -- very brief update on the 16 court decision. But to have a discussion about 17 the -- about the original appeal, that is not 18 what -- that's what you're asking if you're asking 19 him to come in. 20 COMMISSIONER BURT: No, no, I don't want 21 to ask about that; just, in general, questions about 22 the school. 23 THE CHAIR: In general -- 24 COMMISSIONER BURT: Yeah, about the 25 school, about the -- just questions about the school</p>	<p style="text-align: right;">249</p> <p>1 to bring that in. And I think we can even be more 2 at liberty in our discussion when we go into 3 Executive Session. 4 MS. CORINA CHAVEZ: Thank you, 5 Commissioner Voigt, Commissioners. 6 Shall we move on to Item E? 7 COMMISSIONER VOIGT: Please. 8 THE CHAIR: Yes. And I think this might 9 take a little bit of time. 10 Could I ask for a five-minute break? 11 Thank you. 12 COMMISSIONER VOIGT: Yeah. 13 (Recess taken, 3:11 p.m. to 3:19 p.m.) 14 THE CHAIR: Okay. I think it's reasonable 15 to at least start, and, hopefully, Commissioner 16 Chavez will be back soon. 17 MS. CORINA CHAVEZ: Okay. Thank you, 18 Madam Chair, Commissioners. We're on Item E, which 19 is about special ed and the Corrective Action Plans 20 that exist for one of the schools that is 21 State-authorized. 22 And I'm going to turn it over to Deputy 23 Director Karen Woerner, who has more historical 24 knowledge, as you guys have probably gathered by 25 now, and can introduce the topic, and anybody from</p>

<p style="text-align: right;">250</p> <p>1 the school that might be here to speak on this.</p> <p>2 MS. KAREN WOERNER: Thank you, Director</p> <p>3 Chavez, Madam Chair, Commissioners.</p> <p>4 As -- I think this may have been shared</p> <p>5 previously. But there were some concerns about the</p> <p>6 service of special education students at our new</p> <p>7 charter school, ACES Technical Charter School, which</p> <p>8 just opened for the first year this year.</p> <p>9 And as a result of data that was submitted</p> <p>10 on the 40th day reporting window, the Special Ed</p> <p>11 Bureau noticed that there was not a student teacher,</p> <p>12 certified teacher, special ed teacher, assigned to</p> <p>13 the students with special needs. And, as a result,</p> <p>14 we're very concerned about how those students' needs</p> <p>15 were being met.</p> <p>16 There were some meetings that were held</p> <p>17 with special ed and Dr. Campbell, Dr. Jeron</p> <p>18 Campbell, who is on the panel here now. He is the</p> <p>19 head administrator of the school. There were some</p> <p>20 meetings with him about the concerns.</p> <p>21 He shared what he had been trying to do</p> <p>22 and where he was at with the process.</p> <p>23 And then the Special Ed Bureau, after</p> <p>24 those calls, decided to formalize the process with</p> <p>25 the Special Ed Corrective Action Plan. This action</p>	<p style="text-align: right;">252</p> <p>1 follow up with the school and, of course, to get an</p> <p>2 update as to how they're progressing with the plan.</p> <p>3 This was intended for the December meeting</p> <p>4 when it was first issued to the school. But we had</p> <p>5 to postpone it to the January meeting, and here we</p> <p>6 are.</p> <p>7 COMMISSIONER VOIGT: Karen, real quick</p> <p>8 What number is that in our SharePoint?</p> <p>9 MS. KAREN WOERNER: 14. -- and then E, "E"</p> <p>10 as in "Edward." Would you like me to share it on</p> <p>11 the screen?</p> <p>12 COMMISSIONER VOIGT: That might be good,</p> <p>13 because my SharePoint only goes up to 12.</p> <p>14 THE CHAIR: You have to go to the arrow at</p> <p>15 the bottom of the page, and it'll take you to the</p> <p>16 next group.</p> <p>17 COMMISSIONER VOIGT: Okay.</p> <p>18 THE CHAIR: But I appreciate it, because I</p> <p>19 can't get into the SharePoint.</p> <p>20 COMMISSIONER VOIGT: Right. Yeah.</p> <p>21 THE CHAIR: So I appreciate it.</p> <p>22 Jeron, thank you so much for coming. It's</p> <p>23 good to see you. Always enjoy these conversations.</p> <p>24 We talked a little bit -- Jeron was the</p> <p>25 charter school director that had the grace to go</p>
<p style="text-align: right;">251</p> <p>1 plan was issued from the Special Education Bureau</p> <p>2 and outlined various steps that need to be taken to</p> <p>3 get in compliance with state and federal law.</p> <p>4 That special education plan is in your</p> <p>5 meeting materials. It's referenced as 14.B, ACES</p> <p>6 Technical Charter School Special Education Cap.</p> <p>7 And as I indicated, Dr. Campbell is here,</p> <p>8 along with others from his school: Dr. Coleman, who</p> <p>9 is the governing body president, and Mr. Hill, who</p> <p>10 is their legal counsel.</p> <p>11 And we also have several folks from the</p> <p>12 Special Education Bureau who have been working</p> <p>13 with -- on this issue with the school. And that is</p> <p>14 Leah Johnson, Charlene Marcotte and Tim Crum. Tim</p> <p>15 is the Deputy Director of the Bureau. I'm sorry, I</p> <p>16 don't know Charlene and Leah's titles. If you</p> <p>17 introduce them, I'm sorry I don't know their titles.</p> <p>18 But the bottom line is that this is to inform you of</p> <p>19 the Special Education Corrective Action Plan.</p> <p>20 And excuse me. I just got a text from Ami</p> <p>21 that she is in the Attendees. Hold on. I'm</p> <p>22 promoting her to the panel.</p> <p>23 This is just to inform the Commission of</p> <p>24 the existence of the special education plan and</p> <p>25 to -- for the Commission to ask any questions or</p>	<p style="text-align: right;">253</p> <p>1 through our new application with us last year and</p> <p>2 hopefully offer some insight. We talked about that</p> <p>3 a little bit yesterday at the Work Session.</p> <p>4 So thanks once again. Thanks for opening</p> <p>5 a school during this challenging time.</p> <p>6 So I'll turn it over to you. And whatever</p> <p>7 you wish to offer in terms of additional</p> <p>8 information, you're welcome, too.</p> <p>9 DR. JERON CAMPBELL: All right. Thank</p> <p>10 you, Madam Commissioner, Chair, and the new</p> <p>11 Commissioners. Obviously, last year, we did go</p> <p>12 through the process. We were fortunate to be</p> <p>13 approved, I believe the only school to be approved</p> <p>14 in the state last year. It's -- for COVID, of</p> <p>15 course. So despite the pandemic, we have still</p> <p>16 successfully opened the school, and it's actually</p> <p>17 running very successfully at the moment as well.</p> <p>18 I do want to introduce my board chair,</p> <p>19 Finnie Coleman, Dr. Finnie Coleman, who is there on</p> <p>20 the call. And then my attorney, the attorney, Dan</p> <p>21 Hill, who is the attorney for other charters; so --</p> <p>22 you may already know Dan. So he's also here on the</p> <p>23 call.</p> <p>24 To give a little bit of background, when I</p> <p>25 wrote the plan, I didn't spend more time on any</p>

<p style="text-align: right;">254</p> <p>1 given area than special education.</p> <p>2 When I was in grad school doing my</p> <p>3 doctorate, I was the only one in my entire program</p> <p>4 who took the special education course at the college</p> <p>5 because I understood the importance -- being from</p> <p>6 Detroit, where a lot of students are overidentified</p> <p>7 for special education, I knew if I worked in urban</p> <p>8 areas, this was going to be something I need to make</p> <p>9 sure I understood more of.</p> <p>10 So I understand the IDEA and the law and</p> <p>11 those types of things, and now, obviously, here at</p> <p>12 the state level as well.</p> <p>13 When I wrote the plan, I was under the</p> <p>14 assumption that New Mexico had the capacity to</p> <p>15 actually implement special education. I have since</p> <p>16 learned the State does not. So I'm actually working</p> <p>17 to try to get even some legislation changes done to</p> <p>18 help address that issue, because it is quite dire.</p> <p>19 But in terms of my school, I can tell you</p> <p>20 my presumption was that I knew I could not afford to</p> <p>21 hire a special ed teacher in my first year unless I</p> <p>22 happened to get a general ed teacher who happened to</p> <p>23 have a special ed license. And I actually did find</p> <p>24 one person. He decided not to take the position.</p> <p>25 But he would have managed my caseload in our first</p>	<p style="text-align: right;">256</p> <p>1 doing the work, also reviewed the IEPs. But then</p> <p>2 later, I figured out that she was not going to be</p> <p>3 able to actually help implement the work once she</p> <p>4 was done. So that didn't help me. I didn't need a</p> <p>5 person who could just read and develop IEPs; I</p> <p>6 needed someone who could actually handle the</p> <p>7 caseload here in the school once we had all the IEPs</p> <p>8 done.</p> <p>9 So I had to end that contract. And I</p> <p>10 wasted \$3,000 with these two individuals of our</p> <p>11 funding, which I am not happy about in this process.</p> <p>12 So upon the 40-day count, I did hear from</p> <p>13 NMPED. So it was the 40-day -- because I had do my</p> <p>14 own data submissions to S.T.A.R.S.</p> <p>15 When I didn't have a teacher's name to put</p> <p>16 in the count for the special education template, I</p> <p>17 get this e-mail from -- I don't know if it was from</p> <p>18 CSD or the Special Ed Department. And then I get</p> <p>19 this CAP, which I really wouldn't consider a CAP.</p> <p>20 It's a very generic document. It has our name, our</p> <p>21 school's name, at the top. But it is not designated</p> <p>22 or does not take into consideration the special</p> <p>23 needs of a school that's in its first year.</p> <p>24 So I have been implementing my own plan.</p> <p>25 And basically everything on that sheet after</p>
<p style="text-align: right;">255</p> <p>1 year.</p> <p>2 But since he didn't take the position, I</p> <p>3 was not able to find another general ed teacher who</p> <p>4 also had special education. So I decided to</p> <p>5 contract the work. Normally, that wouldn't be a</p> <p>6 problem. Both CES and Aces both said they had the</p> <p>7 capacity to provide special education services for</p> <p>8 the school.</p> <p>9 I learned later that neither actually did.</p> <p>10 So based on the needs of the school, I</p> <p>11 decided to contract with Aces back in August, and</p> <p>12 they provided a lady who was a licensed special ed,</p> <p>13 licensed teacher, licensed diagnostician. And she</p> <p>14 began the work by -- back in September, she had --</p> <p>15 she had already begun the work. She reviewed my</p> <p>16 IEPs. We only had eight -- or seven at that time.</p> <p>17 And she reviewed all of them. She wrote</p> <p>18 proposed ones, and she started the IEP meetings --</p> <p>19 scheduling IEP meetings with our parents.</p> <p>20 Unfortunately, she had a health emergency</p> <p>21 that occurred at the end of September, and the work</p> <p>22 just stopped cold, right then, of course, because</p> <p>23 she had to recover.</p> <p>24 And so I contacted Aces. They gave me a</p> <p>25 second individual. The second individual started</p>	<p style="text-align: right;">257</p> <p>1 February 1 can be checked off, based on the work</p> <p>2 I've already done.</p> <p>3 So what I've done now is I have two</p> <p>4 contracts in place. One is with CES for another</p> <p>5 individual, a lady who is certified in special ed</p> <p>6 and is going to handle my caseload. And she's</p> <p>7 currently in the process of reviewing all the IEPs</p> <p>8 and setting up the IEP meetings with the parents.</p> <p>9 She's interviewed my teachers. We now</p> <p>10 have a full semester of instruction with these</p> <p>11 students; and so they're able to update the plans</p> <p>12 and also the goals for those students. So that is</p> <p>13 in place. So as of today, we are on track for</p> <p>14 everything to be in place.</p> <p>15 I also have a second contract for</p> <p>16 ancillary services with a company called</p> <p>17 TalkPath Live. And they also contract with other</p> <p>18 charters in New Mexico.</p> <p>19 But I had to go out of state to find a</p> <p>20 company that had the capacity to provide just the</p> <p>21 services for just my few students who require</p> <p>22 ancillary services and occupational therapy, social</p> <p>23 work, and speech language pathology. And so now I</p> <p>24 have that contract in place, and the contract is</p> <p>25 large enough to provide the services for all of the</p>

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1 hours for fall and spring.

2 So I intend to double up the services to  
3 make up the time, based on the current IEP that the  
4 students have.

5 So right now, we're on track. These  
6 things are being coordinated by the new individual  
7 who I contracted with through CES. And in terms of  
8 the students, I do want to talk about the students  
9 themselves.

10 First of all, we have been providing  
11 services to the students. We just won't get any  
12 credit for it. So, obviously, due to the law, you  
13 have to be a licensed individual to provide  
14 services. But we know that oftentimes there are  
15 plenty of services you can provide to students  
16 without having that type of individual around.

17 So all my teachers were provided with the  
18 IEPs; they understood the IEPs. And we've been  
19 doing things in terms of accommodations and things  
20 for students throughout the year, even though we  
21 didn't have a specialized individual on staff.

22 So all of my students are attending school  
23 every day. The GPAs for the students with special  
24 needs are just as high as the ones without. The  
25 attendance issues we've been having are not students

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1 need be.

2 MR. TIM CRUM: This is Tim,  
3 Madam Chairperson.

4 THE CHAIR: Hi, Tim. It's good to see  
5 you.

6 MR. TIM CRUM: Nice to see, you, too.  
7 (Incomprehensible due to connectivity issues) to  
8 Dr. Campbell and the committee.

9 I would add that I'm really glad to hear  
10 that you were able to employ the folks to provide  
11 the special education services, you know, manage the  
12 caseloads, et cetera. But that's an achievement,  
13 especially when you're down (incomprehensible due to  
14 connectivity issues) time ago.

15 THE CHAIR: Tim, I'm sorry. Tim, I'm  
16 sorry. You're breaking up.

17 MS. KAREN WOERNER: Can you maybe turn off  
18 your video, Tim?

19 MR. TIM CRUM: Okay. Let me -- yeah, I'll  
20 do that. Can you hear me any better now?

21 MS. KAREN WOERNER: Much better.

22 THE CHAIR: Yes.

23 MR. TIM CRUM: Can you hear me any better  
24 now?

25 THE CHAIR: Yes.

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1 with IEPs; they are other students.

2 So our students with special needs have  
3 been served and are thriving here in our school,  
4 even though we don't have a, quote, unquote,  
5 "professional individual" who's been providing  
6 specialized services for them in the classroom.

7 So I did want to make sure I said that as  
8 well.

9 So we have two new students -- we have  
10 three new students who signed up in the spring. Two  
11 of them have IEPs. We've requested those from APS,  
12 and those will be added to the caseload as well.

13 Overall, I think we're in great shape.  
14 And, like I said, even though you have the sheet on  
15 the screen, you can basically check everything off  
16 up to February 1, because it's either in process or  
17 completed thus far. I'll entertain any questions.

18 THE CHAIR: Thank you. I think you have  
19 to work on your competence level, Jeron. It's kind  
20 of on the low side.

21 So I appreciate these conversations.

22 So before we have questions, I'd like to  
23 turn it over quickly to Special Ed to see if Tim or  
24 Charlene or Leah want to also say something so that  
25 Commissioners can get all their questions in, if

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1 MR. TIM CRUM: Okay. Great.

2 I congratulate you on employing the  
3 special education professionals and overcoming a  
4 death with that emergency, and wanted to say also  
5 that it's great to see both of you again.

6 The one (inaudible due to connectivity)  
7 that I would exercise some caution, if you haven't  
8 already thought about it -- it does come up from  
9 time to time -- when an LEA is at a deficit for  
10 special education professionals, and they've got  
11 compensatory to make up, it is a natural consequence  
12 to try to deliver that compensatory rapidly.

13 So be cognizant of a child's capacity that  
14 with a student with a disability, their ability  
15 to -- to receive the services is very important.  
16 So, in other words, maybe doubling up might be too  
17 much.

18 So it might be a more staggered, staged  
19 plan to make sure. It depends on the child, of  
20 course.

21 But that's the only thing that I've heard  
22 that, you know, just needed maybe some addressing.  
23 But I would also say this.

24 You already have special education  
25 professionals. They would understand this as well.

<p style="text-align: right;">262</p> <p>1 So I just -- I'm really happy with what I've heard. 2 And thank you. 3 THE CHAIR: All right. Thanks. I 4 appreciate that. And thanks for that update. 5 I think -- you know, sometimes when you 6 just hear the bits and pieces, and there's a level 7 of concern. And there's no doubt about the fact -- 8 I mean, we've had schools unfortunately that have 9 had hundreds of hours of compensatory time that 10 they've ended up owing. 11 And it's not as much about the time as it 12 is the fact that students were -- kids weren't being 13 serviced. And that's really more of the concern. 14 And I appreciate the fact that you're 15 doing whatever you can to provide those services so 16 that -- so that they're not falling behind. And I 17 appreciate that. 18 There's also, always, from an educator's 19 point of view, with the compensatory time, probably 20 a little bit easier when it's online because kids 21 aren't seeing it. But when we're looking at being 22 actually live in a classroom setting, that 23 compensatory time can sometimes be somewhat 24 ostracizing for students, because they're either 25 being pulled out or they miss something and it's</p>	<p style="text-align: right;">264</p> <p>1 DR. JERON CAMPBELL: There are 47 total 2 students. There are eight with IEPs. It's about 3 17 percent. 4 COMMISSIONER ARMIJO: Okay. Thank you 5 very much. 6 DR. JERON CAMPBELL: Yes, ma'am. 7 THE CHAIR: Commissioners, any other 8 questions? 9 Commissioner Voigt? 10 COMMISSIONER VOIGT: Thank you. I don't 11 have a question. I just want to acknowledge that 12 there is a teaching shortage of special education 13 licensed teachers. And the challenge of having to 14 scramble and going through three contracted services 15 within a year, you know, that's definitely rough. I 16 empathize. 17 Hopefully, this person is going to be able 18 to stick with you for the rest of the school year, 19 at least. 20 THE CHAIR: I mean, I think a lesson 21 learned, if anyone listens into these, are the 22 businesses that can be opened. Because these 23 services are -- are so lacking. And something 24 really needs to start down in the lower levels of 25 schools so that we're starting to -- and I know</p>
<p style="text-align: right;">263</p> <p>1 like, "Where were you?" 2 Or we've had schools that have had to do 3 compensatory time on Saturdays and extended 4 technically after their graduation. Well, it 5 becomes punitive to the child. 6 "We didn't do the servicing, but now the 7 onus is going to be on you to have to make up the 8 time." 9 And that becomes somewhat of a concern as 10 well. 11 But I do appreciate Tim's input on the 12 overload as well and being sensitive to the amount 13 of compensatory time that you might be putting in at 14 one time. 15 But I do appreciate the -- the -- it 16 appears, the level of concern that you've put into 17 this, as well, so that we don't have the students 18 falling behind. 19 Commissioners, any questions? 20 Commissioner Armijo? 21 COMMISSIONER ARMIJO: Thank you, Chair 22 Gipson. 23 Dr. Campbell, I just have a question. 24 What is your total amount of students that you serve 25 right now?</p>	<p style="text-align: right;">265</p> <p>1 there's all sorts of initiatives to, you know, raise 2 our own teachers and make sure that we're growing 3 our own. 4 It's -- we're still -- as Commissioner 5 Voigt said, we're far behind with the regular ed 6 teachers. But with special ed teachers, it's a 7 commodity that is few and far between and very 8 difficult, especially in these challenging times, to 9 try and hold on to them. 10 I'm just going to ask -- and it's really 11 out of a curiosity more than anything else. 12 So when you -- was there a gap between 13 when you realized that the second provider wasn't 14 going to be able to do what you thought they were 15 going to do? Or was there somehow a communication 16 issue with Aces that you contracted with that they 17 didn't provide what you thought they were going to 18 provide? 19 DR. JERON CAMPBELL: Well, it's a couple 20 of things. One, I kind of presumed that the second 21 person would be able to do what the first person was 22 able to do. It was the same company; right? 23 But there was a difference in what the 24 second person was willing to do, maybe because she 25 was also contracted with other schools, too, so her</p>

<p style="text-align: right;">266</p> <p>1 time was limited.</p> <p>2 So she said, "I could do the work that</p> <p>3 doesn't require me to be on site, but I can't come</p> <p>4 on site and offer my services as well, because I've</p> <p>5 got all this other work"; right?</p> <p>6 But I will say, the other was a learning</p> <p>7 curve for me feel as well. Again, it's easy if you</p> <p>8 can just hire the person. But if you can't, trying</p> <p>9 to figure out how you do it when you don't hire a</p> <p>10 person was a learning curve for me.</p> <p>11 And there wasn't any -- anyone in this</p> <p>12 process -- when I look back at the training, which</p> <p>13 was excellent training from the CSD, it didn't quite</p> <p>14 cover this area that well.</p> <p>15 And then even when I was meeting with --</p> <p>16 like, Karen mentioned the meetings that were held</p> <p>17 with me a few weeks ago. I initiated those</p> <p>18 meetings, right? It was me trying to understand,</p> <p>19 "Okay, can you please tell me who needs to do what,"</p> <p>20 right? The different roles and the restrictions in</p> <p>21 the law of who can do what, right, and making sure</p> <p>22 you have the right person aligned and making sure</p> <p>23 that the records are kept correctly.</p> <p>24 I had to learn some of those things.</p> <p>25 Because you just presume, if you hire somebody, that</p>	<p style="text-align: right;">268</p> <p>1 are taken, then you'll meet the law, you know. But</p> <p>2 we just don't -- knowing how to do it on the ground,</p> <p>3 especially with such limited resources and capacity,</p> <p>4 was challenging.</p> <p>5 THE CHAIR: Thanks. And, you know, Jeron,</p> <p>6 you're always willing, and I appreciate these</p> <p>7 conversations, because, just like with the new</p> <p>8 application, to offer some insight. And these</p> <p>9 conversations that we have, as we did with the two</p> <p>10 prior schools, we take -- we're taking your time;</p> <p>11 but we also learn from it.</p> <p>12 So -- and that's important for us, the</p> <p>13 messages that can go to the Charter School Division</p> <p>14 and other divisions on maybe where some</p> <p>15 communication gaps might be, and, hopefully, we can</p> <p>16 make processes a little bit clearer and easier.</p> <p>17 Can't help you, unfortunately, with finding special</p> <p>18 ed personnel. Wish I could. But we can't.</p> <p>19 So -- and that's -- that's truly a shame</p> <p>20 that we're -- we're that lacking in quality</p> <p>21 providers for that. So -- but that's not something</p> <p>22 that we can solve right now.</p> <p>23 Commissioner Davis?</p> <p>24 COMMISSIONER DAVIS: Yeah. I want to say</p> <p>25 that I always enjoy when you're before us, because</p>
<p style="text-align: right;">267</p> <p>1 they just know all of those things. So I had to</p> <p>2 kind of put my own plan together based on input from</p> <p>3 CES, Aces, NMPED, and sort of nail my own plan</p> <p>4 together and say, "Okay. Now I have all the pieces</p> <p>5 together, and I understand what would cause no red</p> <p>6 flags to come up at PED," for instance.</p> <p>7 So if I had known that it's just putting</p> <p>8 that name into S.T.A.R.S. is what triggers this, you</p> <p>9 know, even if I had that first individual still</p> <p>10 hired, I wouldn't have known to put her name there.</p> <p>11 It just didn't trigger, right?</p> <p>12 So there was just nobody who kind of</p> <p>13 walked me through the process. So it's interesting,</p> <p>14 because there's a gentleman starting a school -- I</p> <p>15 think it's supposed to open this coming fall. And</p> <p>16 I've already had this discussion with him, saying,</p> <p>17 "This is what you really need to do," right?</p> <p>18 So I think that training aspect would</p> <p>19 be -- if it was strengthened a little bit in this</p> <p>20 area, it would help, from just the process and</p> <p>21 logistics side of it.</p> <p>22 But I think most of the emphasis is on the</p> <p>23 law; but -- and that's, of course, very important.</p> <p>24 But it's the process that people are not getting</p> <p>25 right, you know. So those things, if all the steps</p>	<p style="text-align: right;">269</p> <p>1 you always just bring a clarity. You should get the</p> <p>2 award for explaining stuff. So you're good at that,</p> <p>3 and I've always appreciated the information that</p> <p>4 you've given us.</p> <p>5 DR. JERON CAMPBELL: Thank you.</p> <p>6 THE CHAIR: Deputy Director?</p> <p>7 MS. KAREN WOERNER: Thank you,</p> <p>8 Madam Chair. And, yes, Dr. Campbell, you always</p> <p>9 provide good insight for us on how to provide</p> <p>10 trainings. And we do want to look at that.</p> <p>11 But I don't want the Commission to think</p> <p>12 that this is -- I think I need to explain a little</p> <p>13 bit more to the Commission.</p> <p>14 So we do do training. We do invite the</p> <p>15 Special Education Bureau in to -- during the</p> <p>16 Implementation Year, at the pre-opening site visit</p> <p>17 and through the Assurances Review this summer, we</p> <p>18 had concerns about Dr. Campbell and the ACES</p> <p>19 Technical School and their special education</p> <p>20 population.</p> <p>21 And it was obvious that we were having a</p> <p>22 disconnect or weren't explaining or Dr. Campbell</p> <p>23 didn't understand. And we were very concerned. And</p> <p>24 we have been repeatedly communicating that.</p> <p>25 This sort of started when Special Ed</p>

<p style="text-align: right;">270</p> <p>1 contacted us. I want to say that, yes, Dr. Campbell 2 had that unfortunate experience with the first 3 contractor and then had a second contractor. 4 But what they were focusing on was getting 5 all the IEPs rewritten. And, meanwhile, that was 6 taking this person much too long. And no services 7 were being provided. And when we met with Special 8 Ed, Dr. Campbell's response was, "Well, I can 9 provide compensatory services." 10 And I just want to remind the Commission 11 that our concern here is about those kiddos. And 12 compensatory services is indeed a remedy, because 13 it's the only remedy you have. But it shouldn't be 14 something relied on. 15 And we just wanted to make sure that 16 Dr. Campbell is able to move forward. It sounds 17 like he has found a provider. But I do want you to 18 understand that there were more pieces to this than 19 is being -- than was shared today. 20 And I just have a concern about even some 21 of the comments today, where Dr. Campbell is saying 22 they're providing the services, but they don't get 23 credit for it. Because it's not with a special ed 24 teacher. The services are supposed to be -- I don't 25 know whose machine is not muted. But if you could</p>	<p style="text-align: right;">272</p> <p>1 believe if I didn't hire a full-time special ed 2 teacher, I'm not serving these kids. That's not 3 true. You can also contract the work. So nobody 4 wanted to hear that, right? 5 And so that's why I was pushing back in 6 that respect. We could not afford to hire a seventh 7 teacher for 45 students at that time. So I had to 8 come up with a plan that worked. 9 And in corporate America, that's all we 10 did was contract services. I knew that was a 11 feasible thing from a budgetary standpoint. I just 12 had to go find the services. And CES and Aces were 13 here, so I thought I could do it easily. But it 14 turns out it didn't work out that way. 15 In terms of the services, when I say we 16 don't get credit, that is true. When you talk about 17 the IEP goals, it's the teacher who helps make those 18 goals. So the teacher understands what the student 19 is supposed to be accomplishing, and they're very 20 much able to provide what we can call as 21 accommodations and things like that. 22 Like, we do office hours, for instance. 23 So in my office hours, we have teachers who, if a 24 student has trouble reading, we're reading to that 25 student. We've given students exams in a one-on-one</p>
<p style="text-align: right;">271</p> <p>1 mute your -- 2 COMMISSIONER DAVIS: Oh, maybe it's me. 3 Sorry. Sorry. 4 MS. KAREN WOERNER: Thank you. It was 5 just distracting and I was having trouble. But -- I 6 lost my train of thought. 7 COMMISSIONER VOIGT: Credit for services. 8 MS. KAREN WOERNER: Oh, thank you. I had 9 issues about that. What I understood from Special 10 Ed is the services need to be outlined by the IEP 11 team and need to be around the goals in the IEP. 12 And I'm not even sure where that status is 13 and how Dr. Campbell can say how the services are 14 being provided. Are they being provided as outlined 15 in the IEP? It's not clear to me what's happening. 16 And -- 17 DR. JERON CAMPBELL: Yeah. I can respond 18 to that. 19 MS. KAREN WOERNER: Please. 20 DR. JERON CAMPBELL: There are a couple of 21 things. In the beginning of the year, everybody's 22 answer is, "Hire a special ed teacher." That is 23 everybody's answer. And so that is not the right 24 answer. Because you can contract that work. It's 25 not just, "Hire a teacher." I was being held to</p>	<p style="text-align: right;">273</p> <p>1 setting. 2 So there are things that are in the IEP or 3 best practices that we are doing to accommodate 4 students who have IEPs. 5 And so we will get zero credit for any of 6 that, even though we've had a lot of success with it 7 here in the school. So that's what I mean by that. 8 If you aren't a special ed teacher and you don't 9 document those hours, you don't get credit for it. 10 So that's what I meant. So it's not that 11 you can't do the work. We are doing a lot of the 12 work. But until I document it in a way that NMPED 13 and Special Ed would accept it, then we won't get 14 credit. 15 I'm okay with that. I'm not complaining 16 about it, because we're not going to not do anything 17 for the student just because we can't find the 18 supports. 19 I mean, I definitely task my staff with 20 understanding what the students' needs are and 21 making sure we're meeting these needs. 22 But at the end of the day, like 23 Madam Chair said, they're just not -- these people 24 with special ed licenses are not here on the street. 25 And here's another thing that came up a</p>

<p style="text-align: right;">274</p> <p>1 lot. Tell your teachers to get the short cycle 2 license, like an exemption or something like that, 3 they have to take courses, which is a great idea. 4 But when I introduced that idea to my staff, it was 5 a unanimous "no," right? I can't force people to go 6 get their special ed license or to do -- even though 7 the State is offering these programs, what happens 8 is -- this is what I heard from my particular 9 staff -- is that in their experience, working in 10 other schools, is when you get that license for 11 special ed, those principals force you into that 12 role, and they never let you out. 13 And so a lot of teachers, they want to 14 maybe have that as something they can contribute to, 15 but they don't want that to be known as the only 16 thing they're allowed to do; and so -- in terms of 17 only teaching special ed students. That has caused 18 a lot of our teachers to not even want to pursue the 19 special ed route. 20 So it's unfortunate, because, obviously, 21 it is best when you have the resources for the 22 students. 23 By the same token, we have to do -- make 24 sure the teachers feel good about the work and 25 everything, too. We want people who feel passionate</p>	<p style="text-align: right;">276</p> <p>1 they could be doing that the regular ed teacher is 2 doing as well that are also meeting the IEP, 3 specifically. 4 Not everything. I'm not saying they're 5 interchangeable, necessarily; but they're not 6 mutually exclusive, either. That's all I'm saying. 7 And I'm not talking about ancillary 8 services. I'm talking about meeting a goal, things 9 like that. 10 THE CHAIR: I think we're -- I think the 11 spirit of saying we're -- you know, even though we 12 haven't had the licensed personnel to do this, 13 students' needs haven't just been forgotten, and 14 that we're trying to do the best we can in the 15 spirit of this to make as many accommodations and 16 provide the services for students, acknowledging the 17 fact that it's not what the State would recognize as 18 the provision of services. And there's 19 acknowledgment that there may, in fact, be 20 compensatory time that will be needed. 21 It's not ideal. And that's not something 22 that -- you know. And I think there's an 23 acknowledgment of that. And I don't want to put 24 words in your mouth. But I think there is an 25 acknowledgment of that.</p>
<p style="text-align: right;">275</p> <p>1 about special ed students, not feel like they're 2 forced to do it, right? 3 Those are some of the things I've had to 4 deal with this year. 5 MS. KAREN WOERNER: Dr. Campbell, we all 6 know there's a huge special ed shortage, and that 7 presents a problem across the street. I agree with 8 you. 9 I just want to clarify something. For 10 those Commissioners who aren't familiar with special 11 ed -- and I think Legal may have something to add. 12 What you described are accommodations and 13 modifications that are to be provided in the 14 classroom, regardless. 15 What we're talking about is services from 16 a special ed provider that addresses the needs of 17 their IEP, and -- as outlined in their IEP. And so 18 I guess I just want to just clarify the distinction, 19 because accommodations are not the same as direct 20 services. 21 And maybe Leah can add anything else. 22 DR. JERON CAMPBELL: I guess what I'm 23 saying is they're not mutually exclusive. That's 24 what I'm saying, you know. So if I hire a special 25 ed teacher, some of -- there is a range of things</p>	<p style="text-align: right;">277</p> <p>1 And I appreciate the fact that the Special 2 Ed services said, at this point in time, they're 3 glad to hear that you've got those ancillary 4 services provided for. And I think there's -- there 5 was a sentiment of positivity that came out of that. 6 And I'm hopeful that this is -- as we move 7 into this new semester, that we'll be able to move 8 forward in a more appropriate manner. 9 And it looks like you're on that right 10 track. So I think, at this point in time, all we 11 have to do is to keep getting updates on these 12 deadlines and make sure that the deadlines are being 13 met. And as long as there's no other concerns or 14 continued concerns that are raised by the Special Ed 15 Bureau, as much as we enjoy seeing you, I think we 16 should be -- I think we should be okay. 17 DR. JERON CAMPBELL: Okay. 18 THE CHAIR: Commissioners, anything else? 19 (No response.) 20 THE CHAIR: So, once again, thank you. 21 Always glad to see that everyone is healthy and 22 safe. That's the most important. 23 And you've got kiddos coming to the 24 school. So, you know, we've got so many that are 25 lost out there. So it's important.</p>

278	<p>1 And, you know, no one ever thought you'd</p> <p>2 be biting this off when you said you were going to</p> <p>3 open a school this year.</p> <p>4 So thank you for that, and thank you for</p> <p>5 hanging in. We truly do appreciate everything that</p> <p>6 you do every day.</p> <p>7 DR. JERON CAMPBELL: All right. Thank</p> <p>8 you, everyone.</p> <p>9 COMMISSIONER VOIGT: Thanks a lot.</p> <p>10 THE CHAIR: Thanks.</p> <p>11 MS. CORINA CHAVEZ: Madam Chair, on 14F,</p> <p>12 could we move forward?</p> <p>13 THE CHAIR: Yes, please.</p> <p>14 MS. CORINA CHAVEZ: Okay. So this is</p> <p>15 about the Status Update to the PEC on other</p> <p>16 Corrective Action Plans that a couple of schools</p> <p>17 have.</p> <p>18 This is a little bit of context, and I</p> <p>19 will ask Deputy Director Woerner, who, as you know,</p> <p>20 has a much more historical context with this, to</p> <p>21 speak further.</p> <p>22 But as part of the renewal process, the</p> <p>23 PEC implemented Corrective Action Plans for these</p> <p>24 two schools. And the CAPs are in your packet.</p> <p>25 CAPs require the schools to provide status</p>	280	<p>1 on that.</p> <p>2 MS. KAREN WOERNER: Yeah, I'll enlarge it.</p> <p>3 I'm trying to do several things at once here.</p> <p>4 COMMISSIONER VOIGT: Come on, Karen.</p> <p>5 MS. KAREN WOERNER: I'm trying. It is in</p> <p>6 your packet.</p> <p>7 But can I -- should I add the school</p> <p>8 first, Madam Chair? Oh. You're muted.</p> <p>9 THE CHAIR: So maybe I can find some of</p> <p>10 the folks and start moving them in. Mary Tarango.</p> <p>11 I've got here.</p> <p>12 MS. KAREN WOERNER: I just promoted her to</p> <p>13 the panel.</p> <p>14 THE CHAIR: Okay.</p> <p>15 MS. KAREN WOERNER: Maybe we can see if</p> <p>16 there's somebody else. I think her business manager</p> <p>17 is Zach, so I'm going to add him.</p> <p>18 THE CHAIR: Yes.</p> <p>19 MS. KAREN WOERNER: Hi, Mary. Can you</p> <p>20 unmute yourself? Hi, there.</p> <p>21 MS. MARY TARANGO: Good afternoon,</p> <p>22 Madam Chair. Happy New Year. Welcome to our new</p> <p>23 Commissioners and our new Director. And thank you.</p> <p>24 And, yes, please allow Zach in. And we're here if</p> <p>25 you have any questions.</p>
279	<p>1 updates in October and in June. There was no</p> <p>2 meeting in November, and this item was postponed</p> <p>3 from December.</p> <p>4 So I will then turn it over to Deputy</p> <p>5 Director Woerner to see if there is anything more</p> <p>6 she'd like to add, and staff from the school, if</p> <p>7 they're here.</p> <p>8 MS. KAREN WOERNER: Thank you, Director</p> <p>9 Chavez.</p> <p>10 Madam Chair, as Director Chavez said,</p> <p>11 these Corrective Action Plans were implemented as</p> <p>12 part of the renewal process. And for 21st Century,</p> <p>13 they were placed on a financial CAP. It is in your</p> <p>14 packets.</p> <p>15 Would you like me to share it or just give</p> <p>16 a summary?</p> <p>17 THE CHAIR: I think a share would be</p> <p>18 helpful for some.</p> <p>19 COMMISSIONER VOIGT: And someone is not</p> <p>20 muted, and there's some background noise coming from</p> <p>21 them.</p> <p>22 MS. KAREN WOERNER: Okay. So -- so shall</p> <p>23 I add the school, 21st Century, in if they're here</p> <p>24 first?</p> <p>25 COMMISSIONER VOIGT: I can't see anything</p>	281	<p>1 MS. KAREN WOERNER: And, Mary, it's just</p> <p>2 Zach? That's the only one from your school; is that</p> <p>3 right?</p> <p>4 MS. MARY TARANGO: Yes, ma'am.</p> <p>5 MS. KAREN WOERNER: Thank you. So I</p> <p>6 think, in summary, the school had a financial CAP.</p> <p>7 If I can skooze (ph) them out for a minute,</p> <p>8 Commissioner Voigt, you will see that the first one</p> <p>9 is pending the audit report, which has not been</p> <p>10 published yet. So we've not reviewed that.</p> <p>11 All the other areas down on the first page</p> <p>12 and continuing -- oops, sorry -- on the second page,</p> <p>13 you noticed, have been reviewed by Melissa Sanchez,</p> <p>14 because she's our financial administrator and has</p> <p>15 found all of these to be completed.</p> <p>16 On the third page, again, everything is</p> <p>17 completed except the one area that's pending, the</p> <p>18 annual report.</p> <p>19 So, in summary, the school is up-to-date.</p> <p>20 Everything is done that can be done, as a result of</p> <p>21 the action plan, other than the audit report, which</p> <p>22 should be coming -- usually, in March, is published,</p> <p>23 and we can review and confirm the findings.</p> <p>24 Of course, the school knows what their</p> <p>25 findings are; but those aren't to be shared publicly</p>

<p style="text-align: right;">282</p> <p>1 just yet.</p> <p>2 So, with that, I certainly -- I'm not sure</p> <p>3 if there are questions about this. But you do have</p> <p>4 this in your packet if you want to review in detail.</p> <p>5 I think the bottom line, from my perspective, is</p> <p>6 that they are current and up-to-date and complete,</p> <p>7 and we will have to report again, as you know, in</p> <p>8 June, as was authorized with the CAP.</p> <p>9 They were to report in October and June,</p> <p>10 but there was no meeting in November, and it was</p> <p>11 postponed from December. So here we are.</p> <p>12 THE CHAIR: So, Mary, welcome. Good to</p> <p>13 see you, Zach. Certainly good to see you.</p> <p>14 Commissioners, this is always -- you know,</p> <p>15 Mary lacks enthusiasm. And that's what's so</p> <p>16 distressing with Mary. So it's always good to see</p> <p>17 her at the end of the day, because it's like having</p> <p>18 a can of BOOST, you know. It just -- she gives you</p> <p>19 that energy charge. There's few that exude that</p> <p>20 enthusiasm as much as Mary does.</p> <p>21 And just so -- for the new Commissioners,</p> <p>22 this was a school -- oh, Lord, how many audit</p> <p>23 findings did you have? I think it was more than my</p> <p>24 fingers in total. So that it was -- it was serious.</p> <p>25 They moved from APS to us at their last</p>	<p style="text-align: right;">284</p> <p>1 very happy with the results, and I think you all</p> <p>2 will be, too, of our audit.</p> <p>3 THE CHAIR: I just need to double-check.</p> <p>4 The audits have been un-embargoed?</p> <p>5 MS. MARY TARANGO: I got an e-mail that</p> <p>6 says yes, they were, and they're presenting at our</p> <p>7 governance council next Thursday.</p> <p>8 THE CHAIR: Okay. Okay. I just don't</p> <p>9 want you to -- I don't want to entertain discussion</p> <p>10 about embargoed information. So -- okay.</p> <p>11 MS. MARY TARANGO: Zach will clarify that.</p> <p>12 MR. ZACH KIRCHGESSNER: Yes, that is my</p> <p>13 understanding as well.</p> <p>14 THE CHAIR: Okay, thanks.</p> <p>15 Commissioner Robbins?</p> <p>16 COMMISSIONER ROBBINS: Yes. Thank you,</p> <p>17 Commissioner Gipson. As you guys know, I was the</p> <p>18 one probably having the most comments and</p> <p>19 everything, since there were so many financial areas</p> <p>20 and everything.</p> <p>21 Can you just give us -- since it has been</p> <p>22 released, can you just give us a real quick, you</p> <p>23 know, headline view, how many audit findings were</p> <p>24 there, if they were any repeat findings, and, if</p> <p>25 there were any material or significant findings, and</p>
<p style="text-align: right;">283</p> <p>1 renewal. So -- and they moved the school. And</p> <p>2 there were -- there were multiple challenges.</p> <p>3 But the school has certainly done more</p> <p>4 than a yeoman's job. And they made the promise that</p> <p>5 they were going to have this -- "We're not what that</p> <p>6 audit looks like." And a lot of it just couldn't be</p> <p>7 found at the time. "So that we're going to show you</p> <p>8 that we are what we say we are."</p> <p>9 And I think this is a testament to this.</p> <p>10 The school has done everything that they</p> <p>11 probably could, not only to operate during these</p> <p>12 times, but to also fulfill this Corrective Action</p> <p>13 Plan that we did negotiate with them after the --</p> <p>14 after the renewal hearing.</p> <p>15 So anything you want to say? Give us that</p> <p>16 lift.</p> <p>17 MS. MARY TARANGO: Me? Well, it happens</p> <p>18 that our audit is -- has been released. And I want</p> <p>19 Zach to jump in, because he was the one -- you know,</p> <p>20 there were two of us. But he really, really put a</p> <p>21 lot of effort into it, and we all did, making sure</p> <p>22 we were compliant.</p> <p>23 I don't know if you have any questions</p> <p>24 about that today; but I would like Zach to at least</p> <p>25 contribute, because I owe him a lot, because I am</p>	<p style="text-align: right;">285</p> <p>1 then just explain those if there were any of those.</p> <p>2 MR. ZACH KIRCHGESSNER: Thank you,</p> <p>3 Commissioner Robbins. The school had two findings</p> <p>4 last go-round. So we significantly reduced the</p> <p>5 number of findings that we had last time. None of</p> <p>6 them were repeat findings, and none of them were</p> <p>7 significant deficiencies or material weaknesses.</p> <p>8 COMMISSIONER ROBBINS: Good to hear.</p> <p>9 Thank you.</p> <p>10 MR. ZACH KIRCHGESSNER: Yes, absolutely.</p> <p>11 It's been a group effort. And Mary and I, we really</p> <p>12 have a good process and system in place, and we've</p> <p>13 been working very well together.</p> <p>14 COMMISSIONER ROBBINS: On the two</p> <p>15 findings, can you give us, real quick, if they were,</p> <p>16 like, invoice couldn't be found or a deposit wasn't</p> <p>17 made within 24 hours? I mean, what were those two</p> <p>18 headline-type findings?</p> <p>19 MR. ZACH KIRCHGESSNER: One of them was</p> <p>20 just a lack of communication between the foundation,</p> <p>21 their accountant, and myself on our fixed asset</p> <p>22 listings; but a very minor mistake.</p> <p>23 And then the other finding was, I</p> <p>24 believe -- I'll need to double-check. But it was</p> <p>25 very minor. And so we don't currently have any</p>

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287	<p>1 doubt.</p> <p>2 Thank you so much for everything you've</p> <p>3 done.</p> <p>4 MS. MARY TARANGO: Thank you all for your</p> <p>5 service. Thank you. You-all be safe and healthy,</p> <p>6 too. And, again, my thanks to Zach. So enjoy.</p> <p>7 MR. ZACH KIRCHGESSNER: Thank you, Mary.</p> <p>8 MS. KAREN WOERNER: So I will -- Mary and</p> <p>9 Zach, I'm going to put you back as Attendees. So</p> <p>10 hang on there.</p> <p>11 I think that did it.</p> <p>12 And then the next school -- let me stop</p> <p>13 sharing. I should have pointed out, Commissioners,</p> <p>14 that this first several columns was the actual</p> <p>15 Corrective Action Plan that was developed between</p> <p>16 the PEC and the school, the first few columns.</p> <p>17 And then we had a review and follow-up</p> <p>18 with what they provided. And then if they asked for</p> <p>19 more evidence or additional information, it's noted</p> <p>20 again here and here, as we reviewed and eventually</p> <p>21 got them to submit everything we needed.</p> <p>22 So we've got -- we go on to the next</p> <p>23 school, which was Monte del Sol, also renewed at the</p> <p>24 same time, and also PEC imposed a Corrective Action</p> <p>25 Plan in three areas, academic, organizational, and</p>	289	<p>1 MS. KAREN WOERNER: That's Ami.</p> <p>2 THE CHAIR: Oh. That is. I'm sorry. I</p> <p>3 saw him on my screen for half a second, and then he</p> <p>4 was gone. Sorry.</p> <p>5 MS. KAREN WOERNER: Zoe, is there anyone</p> <p>6 else from your school I should be looking for?</p> <p>7 MS. ZOE NELSEN: There's Robert.</p> <p>8 THE CHAIR: There he is.</p> <p>9 MS. KAREN WOERNER: Hi, Robert. There.</p> <p>10 That's better.</p> <p>11 MR. ROBERT JESSEN: Here I am.</p> <p>12 MS. KAREN WOERNER: And, Robert, I've</p> <p>13 already added Zoe to the panel. Did you have anyone</p> <p>14 else to add to the panel?</p> <p>15 MR. ROBERT JESSEN: It's just Zoe and me</p> <p>16 today. Thank you.</p> <p>17 MS. KAREN WOERNER: So I will open up</p> <p>18 their Corrective Action Plan, and we can go through</p> <p>19 that one as well.</p> <p>20 You will notice, Commissioners, in your</p> <p>21 packet, you have not only the Corrective Action</p> <p>22 Plan, but you also have a very -- a Google document</p> <p>23 that was provided by the school that outlines -- has</p> <p>24 links to all the evidence, if you would like to</p> <p>25 review the evidence that they submitted.</p>

<p style="text-align: right;">290</p> <p>1           So they are very technologically savvy 2 with their document, if you'd like to click that 3 document and click on links to see what they 4 actually submitted to us. But let's go over the 5 actual CAP itself. So let me share that. 6           And so on the academic indicators, these 7 four columns -- sorry, first three columns -- were 8 negotiated between the Public Education Commission 9 and the school. The fourth column is their update. 10 Of course, the fifth column is our review and 11 follow-up. 12           These are both ongoing issues and not 13 something that are finalized at this point. But you 14 notice here, if there was a link in the document, 15 that other document I mentioned, if there's a link 16 in that other document to the actual evidence, it's 17 noted here. 18           It's ongoing. But what they needed to 19 report by October, but was for the December meeting, 20 has been done. 21           This is the academic page. There's eight 22 pages here. So the second page is about ELL, 23 servicing ELL students. Again, they provided links 24 in that other document that have reported on what 25 they've done, provided follow-up.</p>	<p style="text-align: right;">292</p> <p>1           This is complete. And this one is the 2 governance issues, what they've done and the links 3 they've provided make this complete. 4           Staff credentials. Also complete. 5           This one is regarding background checks. 6 This one is still not quite complete. But it 7 requires a governing board action. And I don't know 8 that they've actually had the chance to finalize and 9 bring that before the governing board. But I would 10 ask the school to speak to that when I'm finished. 11           This one, the school did provide -- they 12 had provided some outline of the emergency drills 13 using the old procedures. And we wanted to be sure 14 that they were up-to-date with the recent change 15 in -- last year, the change in required fire drills 16 and emergency drills. 17           And they have since -- I didn't finish it 18 here; I was trying to edit it. They have since 19 provided a corrected. So this is complete. 20           And I think that's the end of the 21 Corrective Action Plan. 22           And I do know that there are some of these 23 issues, as I said, that need to go before the 24 governing board. And there will be another status 25 update in June. But I defer to the school to</p>
<p style="text-align: right;">291</p> <p>1           And we asked that they review what's 2 called the ELP Error Report. That is a report in 3 S.T.A.R.S. that allows a school to see if they have 4 all their students identified as English Language 5 Learners or not, or any potential errors in those 6 students. And the school has since provided that 7 report. So this also appears to be complete. 8           This one is regarding financial. And I 9 have to -- I have to apologize. I do not think that 10 the final review was communicated to the school. So 11 they do need to do some follow-up in some areas 12 here, per Melissa Sanchez's review. But I think 13 that we communicated the academic and organizational 14 pieces, but didn't communicate the final review that 15 we provided until last Friday, when I did send this 16 document to the school. 17           But as you can see, this is really not 18 applicable. This is complete. We have asked for 19 some additional documentation or evidence for these 20 indicators in the financial area. And the same -- 21 this is continuing financial. So you can see that 22 the school provided a response and some links. 23 Melissa asked for additional evidence and then did 24 another review. It's this last review that I'm not 25 sure the school received before last week.</p>	<p style="text-align: right;">293</p> <p>1 address anything they wish. 2           MR. ROBERT JESSEN: Madam Chair, I'd first 3 like to congratulate the five new Commissioners. 4 That's a lot of new blood on the Commission. And 5 I'd like to congratulate Chair Gipson for her 6 victory in the runoff this morning, and I'm glad 7 that political transitions can be held so smoothly. 8           The background check is being resolved. 9 We adopted a new background check last year. We are 10 thinking that we were dealing with the issue, which 11 we understood was how the board deals with negative 12 hits on the background checks which we did. But we 13 neglected to include in that the fact that the 14 school is responsible for paying for teachers' 15 background checks for the school. And we have done 16 that, and the board will be voting on that on 17 Tuesday next week. 18           THE CHAIR: Okay. And, you know, just so 19 Commissioners -- this -- these documents, the 20 negotiations for these Corrective Action Plans are 21 invaluable. But they're very lengthy. And we did 22 these along with contract negotiations for the new 23 contract. So it was a lot of time and effort on 24 both parts. 25           But to complete this, certainly, the lift</p>

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1 is with the school. And appreciate the school and  
2 everything that you've done to try to come into  
3 compliance and be able to close out this Corrective  
4 Action Plan, especially in these little bit more  
5 challenging times. So...

6 How is your garden doing, by the way? I  
7 remember seeing the school's garden one of the times  
8 when you were on.

9 MR. ROBERT JESSEN: The garden, which is  
10 in the geodesic dome greenhouse, is going great  
11 guns. It's got those -- what do you call lettuce  
12 that's fancy? There's a fancy word for lettuce  
13 that's fancy. It's got the micro greens. Those are  
14 more profitable than tomatoes. Tomatoes have  
15 issues. We do have tomatoes also. But the garden  
16 is going great, yes.

17 THE CHAIR: Commissioners, any questions?  
18 (No response.)

19 THE CHAIR: Well, if not, we're going to  
20 say thank you so much for hanging in with us today.  
21 It's been quite a journey today. Thank you for your  
22 continued efforts, and we look forward to June and  
23 being able to finalize this CAP and be able to close  
24 it out.

25 MR. ROBERT JESSEN: I would just like to

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1 And the head administrator says, "No, I'm  
2 done now, and I'm moving out of state."

3 So thank you for that, because it's  
4 important for the students that you're serving. And  
5 that's what's most important.

6 COMMISSIONER CARRILLO: Chair Gipson?

7 THE CHAIR: Yes.

8 COMMISSIONER CARRILLO: Just wanted to say  
9 to Robert and Zoe, thank you so much for the  
10 contribution you make to Santa Fe Schools. Pleasure  
11 working with you, Robert and Zoe. I'll look forward  
12 to working with you and coming out to the school and  
13 we're able to visit with kids and view performances  
14 and do all that great stuff. Let me know anything  
15 you need to reach out for. Thank you so much for  
16 your service.

17 MR. ROBERT JESSEN: Thank you,  
18 Commissioner Carrillo.

19 THE CHAIR: So on that pleasant note,  
20 we'll say glad to see you're healthy and safe and  
21 hope not to have to see you soon. But do like to  
22 see you. So it's a double-edged sword there. But  
23 we'll see you sometime in the late spring.

24 So appreciate it and thank you for  
25 everything that you do every day.

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1 say thank you to everybody. And thank you to  
2 everybody for the long ride. This is my seventh  
3 year as the Head Learner of Monte del Sol. I think  
4 the best thing that I've done as Head Learner is  
5 resign early enough so we can hire a capable  
6 replacement, who is Zoe Nelsen.

7 Because, I'm serious, that when you switch  
8 head of schools, that's when stuff happens. And if  
9 you can have a transition, which is more like a  
10 relay race, where you can hand the baton off, it's  
11 so much better for the school. And I have  
12 100 percent confidence that Zoe is going to be a  
13 spectacular leader for Monte del Sol.

14 THE CHAIR: Great. And we absolutely  
15 appreciate that. Because you are so right. Schools  
16 that don't have a good transition plan, those years  
17 can be unfortunately so devastating that we lose  
18 schools because of it. And that's not what you  
19 want.

20 And we appreciate the fact that you had  
21 that in mind and made the -- made this, I guess,  
22 somewhat lengthy transition. But that's great,  
23 because that's what's important. Too often schools  
24 say, "Oh, we'll hire them back as a contractor  
25 later."

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1 MS. CORINA CHAVEZ: Madam Chair, should we  
2 go on to G?

3 THE CHAIR: Yeah.

4 MS. CORINA CHAVEZ: Thank you. So this is  
5 probably my favorite part of today. And this is  
6 where I get to talk about some highlights and  
7 appreciation.

8 And there are so many right now. As --  
9 I'm so glad you all had a chance to meet some of the  
10 school leaders. I have always said -- and I truly  
11 believe -- that charter school head administrators,  
12 principals, whatever their title is, are the hardest  
13 working people that I know.

14 And it's true. They often have a smaller  
15 budget. They have smaller staff. And they do all  
16 the functions that a regular principal would do,  
17 plus everything that a school district  
18 superintendent and all the staff in the back office  
19 would do, maybe with a -- with a full-time school  
20 budget manager and maybe a part-time budget manager,  
21 maybe an assistant principal; but a lot of times  
22 not.

23 So I just, at this point, want to just  
24 express my appreciation for all the school leaders  
25 that are out there, out there right now in the time

<p style="text-align: right;">298</p> <p>1 of COVID. Where things are especially challenging 2 and students are hard to engage and struggling with 3 online learning, even the best students really miss 4 their teachers and their peers. And the school 5 staffs really miss -- really miss being at school. 6 So, in my mind, all the school leaders are 7 heroes and heroines to be appreciated. So I just 8 wanted to start out by saying that. 9 And then I also want to just express some 10 appreciation for head staff. Since I started a 11 month ago and came into this position, I've observed 12 just how hard people at the Public Education 13 Department are working, seriously working long, hard 14 hours to respond to this crisis that we're in, 15 learning about things that nobody thought that they 16 were going to learn about, the MERV filters and the 17 vaccines. 18 And there's some additional guidance 19 that's coming out about reentry, because, of course, 20 we care most about students being healthy and our 21 teachers and the staffs at the schools being 22 healthy; but we also want kids to be in school. So 23 that's the goal. It has added -- it has added 24 exponentially to the work that people at the PED are 25 doing.</p>	<p style="text-align: right;">300</p> <p>1 reports went out, a couple of team members, very 2 quickly and with the assistance of other folks in 3 our division, created a training session and invited 4 the school leaders to come to it. And those that 5 couldn't come could have access to either a 6 recording or to some one-on-one coaching with our 7 staff, who want to help the school leaders. 8 We understand school leaders are really 9 strapped for time. So there are some that we still 10 haven't engaged with. But it is my goal that we 11 provide as much support as possible for existing 12 school leaders. 13 So I just want to shout out my team and 14 the appreciation for the training. Just, I believe 15 last night, a couple of staff members were in 16 attendance at one of the schools in Silver City, 17 Aldo Leopold Charter School's governing board 18 meeting. And, just -- they provide feedback to the 19 school on making sure that the school is in 20 compliance with Open Meetings Act, with their 21 bylaws, with the very best practices for operating a 22 governing board meeting. 23 And they had some really positive things 24 to say about Aldo Leopold. So my first shout-out is 25 for Aldo Leopold.</p>
<p style="text-align: right;">299</p> <p>1 And so I just want to send out some 2 appreciation for all my colleagues at the Public 3 Education Department, and especially the staff 4 members that are part of my team, because they have 5 gone above and beyond to help me orient to some of 6 these new systems. 7 I'm waiting for access to SharePoint, too. 8 So if you're not in it, you're not alone in that. 9 It's been a month. 10 But we hear you with there are so many 11 systems. I think I use every opportunity I have to 12 say that when I'm in meetings with my colleagues, 13 that schools need one or two, maybe, systems to be 14 uploading information and to be logging into, 15 because it's overwhelming. 16 So it's a really tough time in education, 17 and yet there's so much to celebrate. 18 My team is just phenomenal. We are, as 19 you heard some folks mention yesterday, really 20 thinking about the school leaders and the supports 21 that they need and really attempting to increase the 22 amounts and the quality of support for school 23 leaders. 24 So this year, when the -- when the reports 25 went out, the site visit -- preliminary site visit</p>	<p style="text-align: right;">301</p> <p>1 The second school I want to recognize, and 2 hope that you all have a little bit of time to 3 Google this in the Navajo Times, is a school that is 4 part of the NACA Inspired Schools Network, the DEAP 5 School. And the title of the article, the news 6 article, is called, "The DEAP School Perseveres 7 Through The Pandemic." 8 And it's a really wonderful read that 9 talks about how a school in Navajo, New Mexico, 10 which is right on the Arizona border, that has a 11 digital divide in terms of access to technology, 12 access to connectivity, how the school really 13 pivoted and made sure that it was providing 14 meaningful learning opportunities for the students 15 at that school. 16 I don't want to give away everything that 17 they did. But just know that it provides a really 18 detailed description of some of the assignments that 19 were relevant, engaging that the school did to 20 continue to engage its students. 21 I also want to let you know that our 22 partners, the Public Charter Schools of New Mexico, 23 just recently announced their annual awards show 24 would take place. That was actually yesterday. And 25 you can probably find it on their Facebook page, if</p>

<p style="text-align: right;">302</p> <p>1 you are on Facebook. But I just want to shout out a 2 couple of schools that were recognized by them. 3 The New Mexico School for the Arts. And I 4 hope I don't mess up the name. But Eric Crites, I 5 believe, received the Excellence in Leadership 6 award. 7 Amy Biehl High School has the Student of 8 the Year in attendance. I believe that student's 9 name is Emese Nagy. I probably didn't pronounce 10 that correctly, either. 11 The charter school that got Charter School 12 of the Year is one that the Commission just renewed, 13 Roots &amp; Wings Community School based in Lama, 14 New Mexico. 15 And the Albuquerque Charter Academy in 16 Albuquerque also shared that title of Charter School 17 of the Year. 18 And then a couple of members of the 19 governing councils for Cottonwood Classical Prep 20 School and Sidney Gutierrez Middle School in 21 Roswell, New Mexico, are also recognized by Public 22 Charter Schools New Mexico. 23 And so I hope you have a little time to go 24 to their websites, look them up, visit them 25 eventually. But there are some really excellent</p>	<p style="text-align: right;">304</p> <p>1 that's always fun. 2 So I think we're on to Item No. 15, which 3 is Legislative Priorities, which is still kind of 4 planning, because there's still the prefilng going 5 on. 6 The only piece of legislation that has 7 been prefiled that directly is charter-related is 8 there is a piece of legislation to give a waiver for 9 enrollment priority, the lottery preference for 10 staff members of schools so that staff members would 11 be able to bring their children to the school 12 they're teaching in and not have to hope that they 13 lottery-in. So it's a lottery preference. 14 And we -- we had a little discussion about 15 that about two months ago. There's pros and cons to 16 it. You know, you get it. But if you're a school 17 of 47, it makes it very difficult to have the 18 lottery preference. 19 So I don't know if Commissioners want to 20 weigh in on it, feel that it's something that we 21 need to, you know, throw our support strongly behind 22 or not. 23 Commissioner Voigt? 24 COMMISSIONER VOIGT: Thank you, 25 Madam Chair. It's a great convenience as a parent</p>
<p style="text-align: right;">303</p> <p>1 charter schools in New Mexico, and I just wanted to 2 highlight those for you all. 3 THE CHAIR: Thank you so much. And for -- 4 I wish we had -- and DEAP might actually still have 5 the video that they presented for their renewal. 6 I don't think any school is going to be 7 able to provide as moving a document, as they had 8 Commissioners in tears. There isn't a school that 9 truly has -- well, they are their community. I 10 mean, there's just -- it's a -- they're the true 11 example of a community-based school, and a school 12 that had has faced so many challenges. And COVID 13 just added to those challenges. 14 And we appreciate everything that they do 15 do. And I -- I would hope that people would be able 16 to see that presentation that didn't have that 17 opportunity. I always tell Kayla that she's missed 18 her calling. She needs to do a business and do 19 people's renewal presentations; because it was -- it 20 was -- it was amazing. It truly was. 21 And we do. We appreciate every school and 22 the efforts that they're putting in. So thank you 23 so much. 24 And I did have an opportunity to get on 25 and watch some of the presentations last night. So</p>	<p style="text-align: right;">305</p> <p>1 to be able to bring your child to the same school. 2 I would support it. I -- as an administrator at 3 Media Arts, I had a horrible experience with a 4 parent and a student at that school. But I have 5 seen -- I've seen really great situations, even with 6 a principal and a child at the school and governing 7 board members and their child at the school. 8 So anytime there is that relational piece, 9 there's the potential for, you know, things to go 10 awry. But there's -- most of the time -- I'd say 11 99.8 percent of the time -- things are fine, and 12 it's always up to the administrator to know where to 13 draw the line. 14 THE CHAIR: Leave it up to the parent. 15 Sometimes it's difficult to have your parent 16 teaching there. And sometimes a child doesn't want 17 to take that extra burden on. And that's a family 18 decision. 19 Commissioner Robbins? 20 COMMISSIONER ROBBINS: Yeah. I mean, I've 21 expressed this before, and I know there's a lot of 22 people -- I saw the head nodding and everything like 23 that. I have a concern when public entities give 24 preference over -- the employees of those public 25 entities over the general public.</p>

<p style="text-align: right;">306</p> <p>1 I think -- I think we're setting public 2 employees above the general public when we do that. 3 I think it would be the same as if, you know, an MVD 4 employee, their family could get first in line. If 5 they go there, oh, they don't have to wait at the 6 door, ten people back, they can just walk right in 7 and get their things taken care of. 8 It's that type of action that I think 9 really angers a lot of people and brings 10 consternation on public employees, which is unfair. 11 Public employees work very, very hard. But when the 12 government takes actions to give preference for 13 state employees, government employees, public 14 employees over the general public, I think we really 15 do a disservice. 16 THE CHAIR: And I understand that. I 17 worked in a district where it cycled, where there 18 were times when staff was allowed that preference 19 and they could bring their child to the school that 20 they were teaching in. Generally, what happened was 21 problems occurred, and then the district would 22 create this policy that, "No, we can't do it any 23 longer." 24 And then we kind of forgot about what the 25 problems were, and the district would create a new</p>	<p style="text-align: right;">308</p> <p>1 I could see board members becoming board members 2 just to get their kids in the school, staying a few 3 years. Now the kid's basically grandfathered in, 4 and the board member goes off and does something 5 else. 6 I completely understand what Commissioner 7 Robbins is saying, because we had a situation where 8 we wanted to kind of change the lottery requirements 9 and add a category of preference in Santa Fe. And 10 luckily it ended up failing, because it really did 11 just -- it was for the people that work at 12 St. Vincent Hospital near E.J. Martinez. It was 13 like you are so categorically favoring one group of 14 people over everybody else. And it's just not a 15 good idea. 16 But in this particular case that was 17 extreme. I would support it so long as it didn't 18 include board members' children. 19 THE CHAIR: All right. Commissioner 20 Voigt? 21 COMMISSIONER VOIGT: You know, another 22 option would be that it could just be in that 23 particular school's bylaws, you know. It could be a 24 school-to-school decision, a bylaw, whether they 25 give a lottery preference. Because there's --</p>
<p style="text-align: right;">307</p> <p>1 policy and say, "Okay, you can bring your child," 2 and then, you know, we just -- it was like being the 3 hamster on the wheel. We just cycled around it. 4 I will say that it did create a little bit 5 of a problem in terms of it created demographics in 6 some schools as a result of it as well, which was 7 unanticipated. But it did. 8 Commissioner Davis? 9 COMMISSIONER DAVIS: Yes, I understand. 10 And I sympathize with the convenience for the 11 parents. But if it's a small school, then I think 12 you run in danger of being a school that's created 13 for the children of the workers. And so that might 14 not be a bad thing. But I don't think it's what we 15 want. 16 So I can see it both ways. 17 THE CHAIR: Yeah. Yeah. Commissioner 18 Carrillo? 19 COMMISSIONER CARRILLO: Would this include 20 kids of board members? 21 THE CHAIR: I believe it -- when I read 22 the prefile, it said only staff. 23 COMMISSIONER CARRILLO: Okay. If it was 24 only staff, I would say it's something that I would 25 support, but not if it's also board members, because</p>	<p style="text-align: right;">309</p> <p>1 THE CHAIR: No, I'm sorry. That, they 2 can't do. 3 COMMISSIONER VOIGT: Oh, okay. Well, 4 there's always that legislation for siblings. But 5 that can't be in the bylaws for a school to. 6 THE CHAIR: No, no. 7 COMMISSIONER CARRILLO: It says in 8 statute. 9 THE CHAIR: The statute identifies and, 10 the statute is what gave the sibling preference, 11 which, you know, some folks have said that's because 12 of some schools, it appears that they kind of 13 stacked the deck because you have so many siblings. 14 So there's almost no openings. 15 So it's, like, how -- you know, how does 16 a -- how does a kid get in when there's so many 17 siblings? And, of course, when schools are small, 18 that makes it -- it makes it that much more 19 difficult. 20 I, honestly -- you know, I see both sides. 21 It's -- I've got no huge stake in this game on this 22 one. But, certainly, if the Commission feels that 23 it's something that we want to say, yes, we support 24 this, it's certainly something that I would, if 25 asked.</p>

<p style="text-align: right;">310</p> <p>1           Okay. So that's the only prefile so far. 2 I mean, we've had the discussion about the 3 Opportunity Index. I think I know how Commissioners 4 feel about that. But we have to wait to see exactly 5 what that piece of legislation looks like. I don't 6 think it's going to be nuanced a whole lot different 7 than what Rafe says. 8           You never know when some of those little 9 legislative workers get their little fingers and 10 start tapping in what that bill is going to look 11 like. So we'll have to see what it looks like 12 before we, you know, take a -- you know, a huge 13 stand. 14           Commissioner Carrillo? 15           COMMISSIONER CARRILLO: Okay. So I know 16 that there's legislation being put forward, because 17 I know Santa Fe Public Schools is supporting it, 18 around holding education harmless relative to budget 19 cuts, relative to looking at Yazzie-Martinez money 20 and things like that. 21           So I would say that we absolutely 22 positively -- and I'm happy to go to the Legislature 23 and participate in any way and speak on the behalf 24 of the Commission around -- just because things 25 aren't really good today, we're going to take money</p>	<p style="text-align: right;">312</p> <p>1           their legislative priorities are and piggyback onto 2 them where it's appropriate. Usually where it's 3 appropriate are those items that have to do with the 4 civil rights and, I would say, qualitative 5 conditions for students in schools. 6           Certainly -- you can tell I'm proud of 7 Santa Fe Public Schools. We were the first one in 8 the state to have no discrimination against LGBT or 9 transgender kids, right? And even though that 10 failed at the State School Board, which is -- you 11 guys would have been stunned to hear some of the 12 shocking commentary. Where we can partner with 13 them, I think, it's really valuable. 14           Joe Guillen is, like, right around the 15 corner from me, and I can -- I just think it's a 16 great way for us to repartner in this upcoming 17 session; but definitely around holding education 18 harmless. 19           THE CHAIR: Right. And I agree. But I 20 think we have to look at what that legislation 21 actually is. But I certainly support what you've 22 just said. 23           Commissioner Robbins? 24           COMMISSIONER ROBBINS: We had talked 25 earlier -- and I think it was back in maybe</p>
<p style="text-align: right;">311</p> <p>1           from public ed. It's just because oil and gas went 2 down, we're going to take money from public ed. 3           They look at it because -- I mean, I've 4 been trying to put this forth for eight years -- and 5 now, finally, Dr. Garcia, it's because of COVID, and 6 everything else, and the New Mexico School Boards 7 Association is starting to jump on it -- is people 8 always -- it's not just in New Mexico. 9           People -- because public education is 10 almost always the largest percentage of any state 11 budget, they look to that as, "Oh, this is the 12 natural place to make a cut." 13           Well, you know, that's like saying water 14 and food are the largest percentage of your budget, 15 so let's cut that out. 16           We have to hold education harmless. 17 Whatever bill is being put forth around that, I 18 think we should absolutely jump on that. 19           And my suggestion would also be to do that 20 in concert with the New Mexico School Boards 21 Association. And based on -- you know what 22 Commissioner Robbins was saying earlier about 23 partnerships. We -- in December, that's when they 24 do their legislative priorities, and they do it at 25 the state convention. I would try to find out what</p>	<p style="text-align: right;">313</p> <p>1           November, even -- about getting some clarifying 2 language. Because right now, there is this conflict 3 as to what our relationship actually is with PED and 4 this 2 percent of SEG that is withheld. 5           Because it says the Department withholds 6 those funds, but that it is for the authorizer to 7 support the schools that they authorize. 8           And we have a conflict in language there. 9 And we'll get into it a little bit more when we get 10 into the discussion in Executive Session. 11           But I think we do need to work, you know, 12 with -- find a legislator to work with to try to 13 find some clarifying language. Because right now, 14 the constitutional and statutory authority of this 15 Commission has been overstepped, I believe, by PED 16 at times, or ignored. 17           And I think the courts, because of that, 18 are starting to make decisions which can actually 19 diminish the role and the constitutional authority 20 of the Commission, if we do not request legislative 21 action. 22           THE CHAIR: I concur with that. I've had 23 some discussions about that. So, hopefully we can 24 get something moving on that. I was hoping 25 initially that there would be -- we would be able to</p>

314	<p>1 work with PED policy on that as well. But, 2 unfortunately, because of pending litigation, most 3 of those conversations have shut down. 4 So that's -- you know, sometimes that's 5 what happens. But I think, legislatively, I think 6 it's a possibility. I do. 7 There's -- you know, we don't know. But 8 there's always -- I heard quite a bit of talk early 9 on that there was a strong movement towards 10 moratorium and that no new charters would be able to 11 be opened. And we have circled around this any 12 number of times and have been successful. A month 13 and a half ago, I had been told that moratorium 14 train left the station and no one could stop it. 15 So I think there's a thought that -- on 16 the federal level, there is a swing against 17 charters, so that the -- that the conversation about 18 moratorium, I won't be surprised if there's 19 legislation that is filed. It generally doesn't get 20 prefiled. It gets -- you know, once we get in, and 21 then all of a sudden, you know, there it is. 22 So I think it's a wait-and-see. 23 Commissioner Carrillo? 24 COMMISSIONER CARRILLO: On that, can't we 25 reach out to -- what is it -- Public Charter Schools</p>	316	<p>1 repercussions for moratorium that goes beyond, oh, 2 no new schools can open for a year, or whatever that 3 moratorium is. It has devastating effects on the 4 finances of schools that are looking to get into 5 their own building. Because if a state passes a 6 moratorium, that's a message to those financial 7 entities that this is not a charter friendly state. 8 You can't guarantee that that school is 9 going to be able to be around in five years or ten 10 years, because the state is saying they're not 11 charter-friendly. 12 And I've had those conversations with 13 those entities, and it's, like, "Tell me there's not 14 going to be a moratorium this session." 15 And legislators don't always understand. 16 Although we educate them on it, it's difficult. 17 They don't realize what has happened to existing 18 schools with that concept of a moratorium. 19 Commissioner Carrillo? 20 COMMISSIONER CARRILLO: On that, to what 21 extent do NEA and AFT get behind these moratoriums? 22 THE CHAIR: 1001 percent. 23 COMMISSIONER CARRILLO: Here's how -- I 24 come out of organized labor. I negotiated unions, 25 negotiated contracts, totally supported organized</p>
315	<p>1 of New Mexico and Matt Pahl? 2 THE CHAIR: Oh, we have. 3 COMMISSIONER CARRILLO: We should reach 4 out and just see. My sense is that he and Susan 5 Lumley would very likely know who's putting forward 6 what. I know that Brian and Peter were trying to 7 limit it to five bills per legislator. I don't know 8 how successful they were. 9 But if there's going to be anything 10 relative to moratoriums, it's something that I think 11 we need to jump on really aggressively really 12 quickly. So maybe reaching out to that 13 organization, Public Charter Schools of New Mexico, 14 might be a good idea to do within the next few 15 business days. 16 THE CHAIR: Already have had the 17 conversation starting about a month-and-a-half ago. 18 COMMISSIONER CARRILLO: Excellent. 19 THE CHAIR: So it's already happened. 20 Fairly aware of what the legislators might be. But 21 not really sure. But there is some traditional ones 22 that will always most often be willing to file that 23 piece of legislation. 24 And there's a variety of reasons for why 25 it happens. And, you know, there's a lot of</p>	317	<p>1 labor. But I support kids. And if opening a 2 charter gives kids and families better options, I 3 would say this is a case where both those unions are 4 on completely the wrong side of the issue, 5 100 percent on the wrong side of the issue. 6 And we need to make that case. Because 7 there's -- unfortunately, especially in New Mexico, 8 I think somebody said we're at 48th in education. 9 We're 51st. We're 51st now, even behind the 10 District of Columbia. 11 So, you know, either we put kids first or 12 we don't. And that goes for everybody, including 13 organized labor. And so we can't shy away from any 14 conflict that may exist. And we need to reaffirm 15 with all of our partners -- I don't know how many 16 charters are union. I know Monte del Sol is up in 17 Santa Fe. 18 THE CHAIR: There's only a couple. 19 COMMISSIONER CARRILLO: They need to be 20 partners in the success of kids first. 21 THE CHAIR: And I wholeheartedly agree. 22 And please understand that I never shy away from 23 a -- from a good fight. And I do mean good fight. 24 I am a lifetime NEA member. And I have sat on 25 panels with the various NEA presidents. I have a</p>

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1 very good relationship with the president of AFT.

2 And AFT, by the way, I'll tell you, "We  
3 don't mind charter schools. We don't like  
4 State-chartered charter schools."

5 And the reason is the dues. If they're in  
6 a district, and the district is -- they get the  
7 dues. But it's a little school. And the dues  
8 sometimes becomes an issue with the little school as  
9 well.

10 So it's -- and I have reached out, as an  
11 example, in my district, when one of my schools had  
12 a personnel issue, they contacted me. And I said,  
13 "We do not do personnel. But I'll try to help you."

14 And I reached out to NEA and said, "I need  
15 this help."

16 And we worked together to try to get --  
17 and that school actually organized to kind of say  
18 thank you.

19 But I fight, almost every day, the  
20 postings about charter schools. Because,  
21 unfortunately, it's too easy to get the national  
22 narrative on for-profit charter schools and say,  
23 "Ooh, look at that charter school."

24 So it is a battle that we fight every day.  
25 And a battle -- because I am -- deep down, my dad

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1 charter schools would not be as successful or as  
2 innovative. They would fall into the business as  
3 usual, and that would squelch the innovation and the  
4 passion and the autonomy that a lot of charter  
5 schools have.

6 So that's my two-dollar statement.

7 THE CHAIR: And I agree. So we'll have to  
8 see what happens. We can always hope that the  
9 moratorium becomes at the bottom of the list, and it  
10 doesn't become a big part of the narrative.

11 We're just going to have to wait and see  
12 if it's filed, and who's sponsoring it. Because  
13 that certainly helps to develop the strategy. So  
14 we'll certainly keep you posted on that.

15 So on to Item No. 16, which is liaison  
16 committees. And to make things -- sort of move  
17 things --

18 COMMISSIONER CARRILLO: I'm sorry. I'm  
19 sorry. Can we somehow make sort of an agreement  
20 that in the next five days, somebody reaches out to  
21 Joe Guillen? Because we do something --

22 THE CHAIR: I communicate with Joe all the  
23 time.

24 COMMISSIONER CARRILLO: Oh, great. Okay.  
25 Good. Thank you. Thank you. To see what their

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1 was a union organizer, I was a union organizer from  
2 the time he could hold my hand. And I was out there  
3 on lines with him. So it's the roots of who I am.

4 But it's more important that public  
5 education move forward in New Mexico. You're  
6 absolutely right.

7 Commissioner Voigt?

8 COMMISSIONER VOIGT: I know we're getting  
9 kind of way off. But I just want to pipe in about,  
10 you know, as an educator, when I was a teacher, I  
11 was always a union member. But the biggest  
12 challenge for the union -- it's not the charter  
13 schools, it's the union -- is that negotiated  
14 contract agreement.

15 Because, I'll tell you, teachers are going  
16 to work more than a six-and-a-half-hour day. And  
17 there's a lot more work that gets done in a charter  
18 school by teachers, by everybody, that cannot be  
19 reached through their negotiated contract  
20 agreements. And that's where the line has been  
21 drawn in the sand.

22 THE CHAIR: Yeah. You're right.

23 COMMISSIONER VOIGT: And I'll tell you  
24 what. If unions came and had their way -- for lack  
25 of a better word, their way with charter schools,

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1 legislative agenda is, also.

2 THE CHAIR: No problem. And I'm sure that  
3 I can pass on whatever they've got for him. So I  
4 will do that.

5 So the liaison committees, to make things  
6 as quick as possible, what I'm going to do is I'll  
7 send -- I'll have Bev send out a brief descriptor of  
8 what the liaison committees are. I'm going to ask  
9 Commissioners to take a look at them. And in the  
10 e-mail, Bev will ask for a response by a certain  
11 date, so that if you're interested in serving on one  
12 of the liaison committees, certainly do so.

13 There are two liaison positions that are  
14 directly tied to a vote; all the other liaison  
15 committees, that we are there as observer. LESC,  
16 LFC, it's observation. And -- but the PSCOC and the  
17 New Mexico Schools Insurance Authority, we actually  
18 have votes on those -- on those committees. And  
19 those are the two that -- the only that we are  
20 afforded that vote.

21 So they are both critically important to  
22 the -- to the charter world. All of them are. But  
23 the fact that we are given the vote on those two in  
24 particular hold great importance for us.

25 And, once again, it's a position that

<p style="text-align: right;">322</p> <p>1 you're not voting as yourself; but the obligation is  2 to inform the Commission so the Commission can also  3 help to direct that vote, because you are  4 representing the Commission on it.  5 Commissioner Robbins?  6 COMMISSIONER ROBBINS: Well, I -- as was  7 mentioned at the beginning of the meeting when we  8 had the election, I've been on the PSCOC for two  9 years. I would like to continue in that role. It  10 the -- Joe Guillen is the Chair of the PSCOC, and he  11 asked me back in June of this year to be the chair  12 of the subcommittee, when the Secretary of DFA left.  13 He felt my experienced administrative  14 school -- school board and knowledge about  15 construction and things like that and budgeting were  16 very important to bring.  17 And I've been a good voice, I believe, for  18 the Commission and advocating to get wording, where  19 they just talk about district schools, to just talk  20 about either public schools or district and  21 charters. Because a lot of times, people, they  22 don't realize charter schools are public schools.  23 And we continue to talk about traditional schools  24 and charter schools.  25 And it's, like, "No, they're all public</p>	<p style="text-align: right;">324</p> <p>1 who's on what and what we might be able to fill.  2 THE CHAIR: You know what? I will  3 certain- -- let me do that in the -- in what Bev  4 sends out.  5 COMMISSIONER MANIS: Great.  6 THE CHAIR: So if someone is currently  7 still on, and they are serving on that, that'll be  8 indicated on that. Okay?  9 COMMISSIONER MANIS: Thank you. I  10 appreciate it.  11 THE CHAIR: Sure. No problem.  12 So I'm going to try to make this as brief  13 as possible.  14 There's been a lot going on. But, most  15 importantly, want to make Commissioners aware,  16 because there were some questions about the -- the  17 calendar. Because we did adopt the calendar in  18 December, and we always kind of put placeholders for  19 contract negotiations for the renewal schools. And  20 then things happen.  21 So when we originally made the dates for  22 the contract negotiations, we weren't paying enough  23 attention that it's a 60-day session. So we put the  24 time in there, and the session isn't over.  25 And then when we tried to move it out a</p>
<p style="text-align: right;">323</p> <p>1 schools. We have district schools; we have charter  2 schools. Some charter schools are authorized by  3 districts; some are authorized by the State."  4 But I think I've been effective. I have a  5 good relationship with the members of the PSCOC,  6 including David Abbey and Rachel Gudgel, who is  7 director of the LESC. I built that good  8 relationship over two years.  9 So unless someone else really wants to do  10 that, I am more than willing to stay on in that  11 capacity.  12 THE CHAIR: Thank you. I appreciate that.  13 But, once again, for the rest of the Commissioners,  14 especially the new Commissioners, we'll send it out,  15 and I'll simply ask you to respond. So -- but thank  16 you.  17 COMMISSIONER MANIS: Chair Gipson, I had a  18 quick question for you.  19 THE CHAIR: Yes.  20 COMMISSIONER MANIS: Do we have an idea,  21 or can you tell us who is already serving on the  22 different committees? That way we have an idea,  23 maybe like Commissioner Robbins, they may want to  24 stay in those positions or on those committees.  25 That way we kind of know, kind of for the new ones,</p>	<p style="text-align: right;">325</p> <p>1 little bit further, it was starting to be spring  2 breaks for schools. So that becomes challenging.  3 So, Bev, we did put in a placeholder for  4 April?  5 MS. BEVERLY FRIEDMAN: Yes.  6 THE CHAIR: So there is time -- it's on  7 the website, is it not? And it's in our meeting  8 materials.  9 MS. BEVERLY FRIEDMAN: Exactly.  10 THE CHAIR: Yeah. Yeah. And those are --  11 those are still tentative. Because what we do is  12 Karen reaches out to the schools and gives tentative  13 dates and sees if it conflicts with schools. And  14 then we try to schedule time for those negotiations  15 to try to accommodate us and to try to accommodate  16 the schools.  17 We have seven schools, I believe, that we  18 have to do the contract negotiations with. So  19 assuming that they're going to be virtual again,  20 it's a little bit easier for attendance, because  21 we're not traveling to Albuquerque or Santa Fe to  22 have to do those contract negotiation -- well, we  23 generally hold the contract negotiations where the  24 school is.  25 So we even have two schools down here in</p>

<p style="text-align: right;">326</p> <p>1 Cruces. So holding them virtually should be a 2 little bit easier. They are -- critically important 3 for the schools in those discussions are -- they're 4 lengthy, but very, very important. Because we do go 5 through that contract to make sure that the school 6 and the members of the governing council that are 7 there are clear on what the expectations are in that 8 contract.</p> <p>9 The -- the ask is not that every -- every 10 Commissioner does not have to attend every one of 11 those. We're not saying you can't come. We do 12 notice it, so that there is a public notice that 13 there may be a quorum.</p> <p>14 They are not public meetings. But we do 15 put the notice out that there may be a quorum of 16 Commissioners in attendance at the contract 17 negotiations; however, no votes are being taken.</p> <p>18 So just be aware that those tentative 19 dates all start to come out once Karen starts 20 reaching out to schools for -- for their 21 availability as well. It takes us roughly two, 22 two-and-a-half hours, kind of, for each school.</p> <p>23 MS. KAREN WOERNER: Madam Chair? But I'm 24 working with the dates that you have on the agenda, 25 right?</p>	<p style="text-align: right;">328</p> <p>1 meeting, maybe perhaps Beverly or -- could look 2 up -- so Passover -- I'm Jewish.</p> <p>3 So Passover is not going to be a conflict 4 this year because our March meetings are the weeks 5 before. But I'm very concerned about -- because 6 we've been meeting -- Rosh Hashanah, which is on 7 September 6th and 7th, all day on the 7th and the 8 evening on the 6th; and Yom Kippur, especially, 9 evening of September 15, all day and evening on the 10 16th, and the morning of the 17th.</p> <p>11 THE CHAIR: I'm sorry. You're talking the 12 September and the October meetings, correct?</p> <p>13 COMMISSIONER CARRILLO: That's September. 14 There's no big -- I mean, there are some 15 observances, but nothing. I'm just speaking about 16 Rosh Hashanah and Yom Kippur.</p> <p>17 THE CHAIR: Certainly. We can absolutely 18 look at that and make -- make -- absolutely.</p> <p>19 COMMISSIONER CARRILLO: Thank you.</p> <p>20 THE CHAIR: And I apologize, because we 21 usually try to look at that and make sure that we're 22 not doing any conflicts with any of the truly 23 significant or high holidays.</p> <p>24 COMMISSIONER CARRILLO: Thanks.</p> <p>25 THE CHAIR: Sure. Commissioners, any</p>
<p style="text-align: right;">327</p> <p>1 THE CHAIR: Right. Correct. Yes. Yeah. 2 There is -- there is a little bit of 3 urgency, because we do have to do the contract 4 negotiations. The schools have to go back to their 5 governance councils, get the approval for this 6 contract for -- for our vote. We have to vote at 7 the June meeting, because their current contracts 8 expire July 1 -- June 30th.</p> <p>9 So there's a lot of steps that have to 10 take place between when we do the contract 11 negotiations. CSD has to populate all of the 12 documents appropriately. They go to the school. 13 The school governance council has to -- has to vote 14 on it and then send us the verification that they 15 did, in fact, vote to -- to vote favorably for the 16 contract. And then we vote on the contracts at our 17 June meeting.</p> <p>18 So holding them in April makes a little 19 bit of a tight schedule. But we did talk to CSD 20 staff, and we did them in April last year.</p> <p>21 COMMISSIONER CARRILLO: This is just 22 relative to the calendar. I don't have the full 23 calendar in front of me right now. I did quickly 24 look up, you know, based on our calendar and the 25 dates. And I'm wondering if perhaps after this</p>	<p style="text-align: right;">329</p> <p>1 other questions? 2 (No response.) 3 THE CHAIR: Okay. I'm going to turn it 4 over to PEC Comments at this point in time. 5 So, Commissioners, this is your time to, 6 you know, say whatever you wish within reason. 7 And -- or not say anything. It's highlights, 8 appreciations, something that you observed, 9 whatever. It's your 15 seconds of fame. 10 So, Commissioner Robbins? 11 COMMISSIONER ROBBINS: Thank you, 12 Commissioner Gipson. I do congratulate you on your 13 reelection. 14 And I do want to give you an update from 15 PSCOC. Many of you may be aware that a district 16 judge out in Gallup ruled that the State's 17 allocation of capital funding that the PSCOC 18 actually handles was unconstitutional. We had an 19 Executive Session. I can't go into the details of 20 what was discussed about that, but that there's 21 different avenues. 22 It could impact funding, not just for 23 district schools, but for charters and the way 24 monies are allocated. 25 If you look at how much money is spent, on</p>

<p style="text-align: right;">330</p> <p>1 a per-pupil standpoint, including capital funding, 2 in the budget and debt service for past capital, 3 there's a great disparity across the state. And 4 that's one thing that the judge tried to address. 5 One thing that the PSCOC is trying to do 6 through its work, and one reason why the Capital 7 Funding Acts have been put in place by the 8 legislature and the PSFA and PSCOC, was to try to 9 address those funding gaps. The ruling was based on 10 basically findings up through 2019. 11 We did a lot of work over the last year, 12 year and a half, to try to address some of these 13 discrepancies and the way projects get prioritized. 14 But that is still pending, and it may be appealed. 15 And so other things were put on hold at this last 16 meeting, all the decisions dealing with actual 17 funding or moving forward with projects had to be 18 put on hold. 19 So I just wanted you all to be aware of 20 that. There won't be any PSCOC meetings during the 21 Legislative Session. So the next council meetings 22 will be in April. 23 THE CHAIR: Thanks for that update. I got 24 a lot of calls about that freezing of any decisions, 25 simply because of -- you know, there's a school down</p>	<p style="text-align: right;">332</p> <p>1 hopeful about our new Secretary of Education, 2 Michael Cardona. This is bringing hope and promise 3 again back to our education in our country. 4 I wanted to share Cottonwood Classical had 5 a food drive in early December. They advertised it 6 through the Nextdoor app. It was a huge success. 7 It's great to see charter schools doing that kind of 8 community work. 9 And I wanted to share a picture that I saw 10 on Facebook, an ad for a science teacher that I 11 thought was just so creative and clever. And this 12 was posted by Explore Academy. 13 But I don't know if you can see that or 14 not. 15 But I love the -- I love the graphics. 16 It's an ad for a science teacher. And it's -- you 17 know, it's a female, too. And I thought that was 18 really powerful that they were advertising and 19 representing a female in that capacity. 20 So I think that I'm really -- I'm really 21 energized with the new Commissioners that are coming 22 onboard. Just from the last couple of days, it's 23 great to hear you speaking up. And I really look 24 forward to working alongside all of you. 25 THE CHAIR: Thanks.</p>
<p style="text-align: right;">331</p> <p>1 here. And I understand there's also a mill levy 2 bill that's been passed to -- for school funding. 3 So -- so let me tell you what I normally 4 do when we're live. We go around the room. So what 5 I generally do here is I go across how I see folks. 6 So if that's okay, I'm not trying to pick on anyone. 7 Commissioner Carrillo, you're in my top 8 left corner. 9 COMMISSIONER CARRILLO: No, I'm good. I'm 10 good. Thank you. 11 THE CHAIR: Okay. Commissioner Davis? 12 COMMISSIONER DAVIS: So before, I wasn't 13 muted, and now I can't un- -- so it's a brand new 14 year. I think that in the last two years, we've 15 done really a lot of good work in setting a 16 foundation. And so now, this year, we can look at 17 initiatives to go even farther forward. 18 So I'm looking forward to 2021 and 19 accomplishing lots of great new things. 20 THE CHAIR: Thank you. Commissioner 21 Voigt? 22 COMMISSIONER VOIGT: Okay. Thanks. I'm 23 fading. I just want to congratulate Director 24 Chavez. I'm so excited to be working with you in 25 our new roles. And I'm very, very excited and</p>	<p style="text-align: right;">333</p> <p>1 Commissioner Burt? 2 COMMISSIONER BURT: Thank you. Yeah. So 3 I wanted to make a request of the PED. One of the 4 things that I know the PEC is charged with is 5 advising on the Strategic Plan for Public Education. 6 And I know the PED is actually currently undergoing 7 developing a Strategic Plan for Public Education. 8 And when I saw who was a part of that committee, I 9 didn't see any PEC members at all. 10 So, Chairwoman, definitely correct me if 11 I'm wrong. But they at least don't have you listed, 12 if anyone was a part of it. 13 THE CHAIR: No. Unfortunately, I think a 14 lot of communication has broken down because of 15 pending litigation. 16 COMMISSIONER BURT: Sure. So I would make 17 a request to the PED that you extend an invitation 18 for us to be able to review the PED Strategic Plan, 19 to be able to comment on it, to be able to talk to 20 our stakeholders, you know, talk to them about 21 what's being proposed so that we can come back and, 22 as a Commission, provide some comment and actually 23 be a part of that process of developing the 24 Strategic Plan. 25 THE CHAIR: Commissioner Taylor?</p>

<p style="text-align: right;">334</p> <p>1 COMMISSIONER TAYLOR: Yeah. Thank you.  2 Please -- I just wanted to say please don't let my  3 lack of verbal engagement today be any kind of  4 indication of lack of interest or -- or anything  5 like that. I really, really am excited about being  6 a part of this Commission. And as I get my feet  7 under me, and as I learn some of the abbreviations  8 and acronyms that you all are throwing around, I  9 feel like I'll have a little more ability.  10 Like -- again, I want the things that I  11 say to be meaningful and important. And so I think,  12 you know, as -- like I said, as I get my feet under  13 me a little bit, I'm anxious to be a -- a valid and  14 functional part of this Commission.  15 And I -- again, I appreciate the  16 leadership that you all have offered and looking  17 forward to glean every bit of information that I  18 can from you that have been around a while in  19 this -- in these positions.  20 So thank you very much.  21 THE CHAIR: Thank you. Commissioner  22 Armijo?  23 COMMISSIONER ARMIJO: Hi. Yeah. I want  24 to echo what Mike just said. I didn't add a lot to  25 these meetings. But I'm kind of soaking it all in</p>	<p style="text-align: right;">336</p> <p>1 That's kind of a good way to describe it.  2 But I would like to echo what Commissioner  3 Burt had mentioned about getting involved with the  4 Five-Year Strategic Plan. I think it's really  5 important for us, as the PEC, since we are  6 statutorily designated to be involved in the  7 Five-Year Strategic Plan, that we have more of an  8 involved role in that.  9 But thank you. And I hope you all have a  10 great rest of your weekend.  11 THE CHAIR: Thanks. We're not quite done  12 yet. I want to say my second meeting on the  13 Commission was a request for a revocation hearing.  14 So it was -- it was "trial by fire." And it was in  15 my district. So it was -- it was quite an  16 experience.  17 So thank you. Happy New Year, everyone.  18 And at this point in time, I'm going to  19 move that the Public Education Commission enter into  20 Closed Session, pursuant to NMSA Section  21 10-15-1(H)(7). The subject to be discussed is  22 attorney-client privileged issues pertaining to  23 threatened or pending litigation in which the public  24 body is or may become a participant; specifically,  25 Open Meetings Act NMSA, Chapter 10, Article XV;</p>
<p style="text-align: right;">335</p> <p>1 and kind of finding my bearings and learning a lot  2 from -- from you "veteranos" and "veteranas." So  3 thank you so much for a great meeting, and that's  4 about it. Thanks.  5 THE CHAIR: Thank you. Commissioner  6 Chavez?  7 COMMISSIONER CHAVEZ: Well, let me just  8 say, I'm going to echo what both Commissioner Taylor  9 and both Commissioner Armijo -- is it Armijo?  10 Melissa. And you know I always say I'm the quiet  11 one until I have something to say that I feel  12 passionate about.  13 You know, it's always one of those things  14 where I try to listen twice as much as I speak. And  15 so it's always good. But welcome to all the new  16 Commissioners. Happy New Year to everyone. Looking  17 forward to this year and seeing what we can  18 accomplish. Thank you.  19 THE CHAIR: Thanks. Commissioner Manis.  20 COMMISSIONER MANIS: Thank you, Chair  21 Gipson, and thank you to the rest of the  22 Commissioners for the successful meeting the past  23 two days. I think it's been a lot of information  24 all at once. But it's been -- it's been good. It's  25 kind of like drinking out of a firehose at times.</p>	<p style="text-align: right;">337</p> <p>1 specifically, PEC budget submission; and, 2, Justin  2 Baiardo vs. Ryan Stewart, D-101-CV-2019-03334, Order  3 on Rule 1-074 Appeal.  4 COMMISSIONER VOIGT: Second.  5 THE CHAIR: There's a motion by  6 Commissioner Gipson, a second by Commissioner Voigt.  7 If there's no discussion, Commissioner Burt?  8 COMMISSIONER CARRILLO: There's  9 discussion. Hello.  10 THE CHAIR: Oh. Sorry.  11 COMMISSIONER CARRILLO: That's okay. I'm  12 curious as to why PEC Commission -- PEC budget  13 submission is included in Executive Session. I have  14 never heard of a district or anything like that  15 going into any sort of executive session relative to  16 budget. So is it being litigated, our budget?  17 THE CHAIR: There is litigation  18 surrounding it, yes. And that's why it's on  19 Executive Session. It's not budget --  20 COMMISSIONER CARRILLO: (Inaudible due to  21 simultaneous speaking.) Not the budget itself.  22 THE CHAIR: Correct.  23 COMMISSIONER CARRILLO: Got it. Thank  24 you.  25 THE CHAIR: Commissioner Burt?</p>

338	<p>1 COMMISSIONER BURT: All right.  2 Commissioner Armijo?  3 COMMISSIONER ARMIJO: Yes.  4 COMMISSIONER BURT: Commissioner Burt.  5 "Yes."  6 Commissioner Carrillo?  7 COMMISSIONER CARRILLO: Yes.  8 COMMISSIONER BURT: Commissioner Chavez?  9 COMMISSIONER CHAVEZ: Yes.  10 COMMISSIONER BURT: Commissioner Davis?  11 COMMISSIONER DAVIS: Yes.  12 COMMISSIONER BURT: Commissioner Gipson?  13 THE CHAIR: Yes.  14 COMMISSIONER BURT: Commissioner Manis?  15 COMMISSIONER MANIS: Yes.  16 COMMISSIONER BURT: Commissioner Robbins?  17 (No response.)  18 COMMISSIONER BURT: I'll come back to him  19 after these next two.  20 Commissioner Taylor?  21 COMMISSIONER TAYLOR: Yes.  22 COMMISSIONER BURT: Commissioner Voigt?  23 COMMISSIONER VOIGT: Yes.  24 COMMISSIONER BURT: All right. And we'll  25 let the record show that Commissioner Robbins had</p>	340	<p>1 COMMISSIONER CARRILLO: Yes.  2 COMMISSIONER BURT: Commissioner Chavez?  3 COMMISSIONER CHAVEZ: Yes.  4 COMMISSIONER BURT: Commissioner Davis?  5 COMMISSIONER DAVIS: Yes.  6 COMMISSIONER BURT: Commissioner Gipson?  7 THE CHAIR: Yes.  8 COMMISSIONER BURT: Commissioner Manis?  9 COMMISSIONER MANIS: Yes.  10 COMMISSIONER BURT: Commissioner Robbins?  11 COMMISSIONER ROBBINS: Yes.  12 COMMISSIONER BURT: Commissioner Taylor?  13 (No response.)  14 THE CHAIR: Commissioner Taylor hasn't  15 made it back in.  16 So the record needs to reflect that  17 Commissioner Taylor did not make it back in.  18 COMMISSIONER BURT: And Commissioner  19 Voigt?  20 COMMISSIONER VOIGT: Yes.  21 COMMISSIONER BURT: All right. So there  22 are nine votes for and zero votes against. The  23 motion passes.  24 THE CHAIR: Thank you.  25 COMMISSIONER VOIGT: I'd like to move that</p>
339	<p>1 stepped away. So there is nine votes for and zero  2 votes against. The motion passes.  3 THE CHAIR: Thank you. So let me  4 remind -- or let Commissioners know -- there is a  5 separate link. But please make sure you close out  6 of this so that there's no audio or video for this  7 Zoom room at this point in time.  8 So thank you, and we'll see you in the  9 other room in a second.  10 (Executive Session conducted.)  11 THE CHAIR: So I'm going to move that the  12 PEC end Closed Session. The matters discussed in  13 the closed meeting were limited only to those  14 specified in the motion for closure, and no vote was  15 taken during the Closed Session.  16 COMMISSIONER VOIGT: Second.  17 THE CHAIR: There's a motion by  18 Commissioner Gipson, a second by Commissioner Voigt.  19 Roll, please?  20 COMMISSIONER BURT: All right.  21 Commissioner Armijo?  22 COMMISSIONER ARMIJO: Yes.  23 COMMISSIONER BURT: Commissioner Burt.  24 Yes.  25 Commissioner Carrillo?</p>	341	<p>1 the Public Education Commission adjourn.  2 COMMISSIONER CHAVEZ: Second.  3 COMMISSIONER CARRILLO: I quickly just  4 want to say thank you, Glenna, especially just for  5 setting me straight there. Because I really wasn't  6 sure, like, the ask and everything else. So I  7 appreciate it very much.  8 COMMISSIONER VOIGT: You're very welcome.  9 THE CHAIR: You should not be saying  10 anything that was mentioned in Executive Session.  11 COMMISSIONER CARRILLO: Of course. Of  12 course.  13 COMMISSIONER VOIGT: We'll have coffee  14 sometime whenever COVID is over.  15 COMMISSIONER CARRILLO: That'll be great.  16 THE CHAIR: There's a motion to adjourn.  17 All in favor?  18 (Commissioners so indicate.)  19 THE CHAIR: This meeting is adjourned.  20 Thank you. Stay safe, everyone.  21 (Proceedings concluded at 6:26 p.m.)  22  23  24  25</p>

BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

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

In testimony whereof, I have hereunto set my hand on January 25, 2021.

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JOB NUMBER: 4653N CC Date: January 15, 2021  
PROCEEDINGS: PUBLIC MEETING  
CASE CAPTION: In re: Public Meeting of the Public Education Commission

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## Attendee Report

Topic	Date	Webinar ID
ALL DAY PEC MEETING	January 15, 2021	974 4950 1658

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	Beverly Friedman
	Chair Pattie Gipson (PattieGipson)
	Cindy Chapman
	Commissioner David Robbins (DavidRobbins)
	Commissioner GeorginaDavis
	Commissioner Glenna Voigt (GlennaVoigt)
	Commissioner KTManis
	Commissioner Melissa Armijo (MelissaArmijo)
	Commissioner Michael Chavez (MichaelChavez)
	Commissioner Mike Taylor
	Commissioner RebekkaBurt
	Commissioner Steven Carrillo (StevenCarrillo)
	Director Corina Chavez (CorinaChavez)
	Deputy Director Karen Woerner (Charter Schools)
	Elizabeth Jeffreys

### Panel Guests for specific agenda items

Aaron Rodriguez  
Alexandra Boyd  
Amy Larsen  
Angela Feathers  
Charlene Marcotte  
Charlotte Alderete-Trujillo  
Dan Hill  
Danny Peña  
Deputy Secretary Vickie Bannerman  
Elaine Perea  
Finnie Coleman  
Jeanne Forrester  
Jeron Campbell  
Leah Johnson  
M. Kim Johnson  
Mary Tarango  
Michael Ogas  
Raphael Martinez  
Robert Jessen  
Timothy Crum  
Zach Kirchgessner  
Zoe Nelsen

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	Amanda	Aragon
	Dolores	Archuleta
	Justin	Baiardo
	Vickie	Bannerman
	Carolyn	Bayne
	Alexandra	Boyd
	Melissa	Brown

Jeron  
Finnie  
Tim  
Timothy  
Kathy  
Debbie  
Constance  
Chris  
Angela  
Jeanne  
Jessica  
Dan  
Ami  
Robert  
Leah  
M. Kim  
Benjamin  
Zach  
Amy  
M.  
Charlene  
Raphael  
Patricia  
Zoe  
Michael  
Matthew  
Jenn  
Danny  
Elaine  
Katie  
Jade  
Aaron  
Brigitte  
Melissa  
Rachael  
Rachel  
Christy  
Mary  
Bob  
Elisha  
Dylan

Campbell  
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Perea  
Poulos  
Rivera  
Rodriguez  
Russell  
Sanchez  
Sewards  
Stofocik  
Takacs  
Tarango  
Thomas  
Varela  
Wilson

Other Attended

Two attendees by telephone

## **Attachment 1**