

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN SPECIAL PUBLIC MEETING

April 29, 2021

4:30 p.m.

Via Zoom Webinar 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 STEVEN CARRILLO, Member</p> <p>7 GEORGINA DAVIS, Member</p> <p>8 KT MANIS, Member</p> <p>9 DAVID ROBBINS, Member</p> <p>10 MICHAEL TAYLOR, Member</p> <p>11</p> <p>12 PED STAFF:</p> <p>13</p> <p>14 CORINA CHAVEZ, Director</p> <p>15 Charter School/Options for</p> <p>16 Parents and Families Division</p> <p>17</p> <p>18 KAREN WOERNER, Deputy Director</p> <p>19 Charter School/Options for</p> <p>20 Parents and Families Division</p> <p>21</p> <p>22 BEVERLY FRIEDMAN, PED Custodian of Record</p> <p>23 and Liaison to the PEC</p> <p>24 PEC COUNSEL:</p> <p>25 AMI JAEGER, ESQ.</p>
3	<p>1 INDEX TO PROCEEDINGS</p> <p>2 PAGE</p> <p>3 1 Call to Order, Roll Call, 4</p> <p>4 Pledge of Allegiance,</p> <p>5 Salute to the New Mexico Flag</p> <p>6 2 Approval of Agenda 5</p> <p>7 3 Approval of Minutes and Transcript of 6</p> <p>8 PEC Meetings</p> <p>9</p> <p>10 4 Discussion and Possible Action on the 8</p> <p>11 Draft of the Memorandum of Understanding</p> <p>12 Between the Public Education Commission</p> <p>13 and the Public Education Department</p> <p>14 5 Adjourn 101</p> <p>15 REPORTER'S CERTIFICATE 102</p> <p>16</p> <p>17 ATTACHMENTS:</p> <p>18 1 Attendees List</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
4	<p>1 THE CHAIR: Well, it's 4:31. So good</p> <p>2 afternoon, everyone, and thank you all for joining</p> <p>3 us and being able to participate in this.</p> <p>4 I'm going to call to order this Special</p> <p>5 Meeting of the Public Education Commission. It is</p> <p>6 Thursday, April 29th, and it is 4:31 p.m.</p> <p>7 So I'm going to ask Commissioner Burt to</p> <p>8 please call roll.</p> <p>9 COMMISSIONER BURT: All right.</p> <p>10 Commissioner Armijo is not present.</p> <p>11 Commissioner Burt is here.</p> <p>12 Commissioner Carrillo?</p> <p>13 COMMISSIONER CARRILLO: Here.</p> <p>14 COMMISSIONER BURT: Commissioner Chavez is</p> <p>15 not present.</p> <p>16 Commissioner Davis?</p> <p>17 COMMISSIONER DAVIS: Yes.</p> <p>18 COMMISSIONER BURT: Commissioner Gipson?</p> <p>19 THE CHAIR: Yes. Here.</p> <p>20 COMMISSIONER BURT: Commissioner Manis?</p> <p>21 COMMISSIONER MANIS: Present.</p> <p>22 COMMISSIONER BURT: Commissioner Robbins?</p> <p>23 COMMISSIONER ROBBINS: Present.</p> <p>24 COMMISSIONER BURT: Commissioner Taylor?</p> <p>25 COMMISSIONER TAYLOR: Here.</p>
5	<p>1 COMMISSIONER BURT: And Commissioner</p> <p>2 Voigt?</p> <p>3 COMMISSIONER VOIGT: Here.</p> <p>4 THE CHAIR: Okay. Thank you.</p> <p>5 And I'm going to ask Commissioner Carrillo</p> <p>6 to lead us in the Pledge of Allegiance, and I'll do</p> <p>7 the Salute because Commissioner Armijo is not here.</p> <p>8 (Pledge of Allegiance and Salute to the</p> <p>9 New Mexico Flag conducted.)</p> <p>10 THE CHAIR: So the next item on the agenda</p> <p>11 is, in fact, the Approval of the Agenda. So I'll</p> <p>12 entertain a motion for approval of the agenda.</p> <p>13 COMMISSIONER DAVIS: I move that the</p> <p>14 agenda be approved.</p> <p>15 COMMISSIONER BURT: Second.</p> <p>16 THE CHAIR: There's a motion by</p> <p>17 Commissioner Davis, a second by Commissioner Burt.</p> <p>18 Is there any discussion?</p> <p>19 (No response.)</p> <p>20 THE CHAIR: If not, roll, please.</p> <p>21 COMMISSIONER BURT: Commissioner Armijo,</p> <p>22 not present.</p> <p>23 Commissioner Burt, "Yes."</p> <p>24 COMMISSIONER BURT: Commissioner Carrillo?</p> <p>25 COMMISSIONER CARRILLO: Yes.</p>

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1 COMMISSIONER BURT: Commissioner Chavez,
 2 not present.
 3 Commissioner Davis?
 4 COMMISSIONER DAVIS: Yes.
 5 COMMISSIONER BURT: Commissioner Gipson?
 6 THE CHAIR: Yes.
 7 COMMISSIONER BURT: Commissioner Manis?
 8 COMMISSIONER MANIS: Yes.
 9 COMMISSIONER BURT: Commissioner Robbins?
 10 COMMISSIONER ROBBINS: Yes.
 11 COMMISSIONER BURT: Commissioner Taylor?
 12 COMMISSIONER TAYLOR: Yes.
 13 COMMISSIONER BURT: Commissioner Voigt?
 14 COMMISSIONER VOIGT: Yes.
 15 COMMISSIONER BURT: That's eight votes
 16 for, and unanimous.
 17 THE CHAIR: Thank you. We are on to Item
 18 No. 3, which is the Approval of the Minutes and the
 19 Transcripts of our meeting on -- summary minutes for
 20 April 15th, and the transcript for April 16th.
 21 So I will move that the Public Education
 22 Commission approve the minutes and transcripts for
 23 the PEC Work Session, April 15th, and meeting on
 24 April 16th.
 25 COMMISSIONER DAVIS: I second that.

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1 THE CHAIR: There's a motion by
 2 Commissioner Gipson, a second by Commissioner Davis.
 3 Is there any discussion?
 4 (No response.)
 5 THE CHAIR: If not, roll, please.
 6 COMMISSIONER BURT: Commissioner Armijo,
 7 not present.
 8 Commissioner Burt, "Yes."
 9 Commissioner Carrillo?
 10 COMMISSIONER CARRILLO: Yes.
 11 COMMISSIONER BURT: Commissioner Chavez,
 12 not present.
 13 Commissioner Davis?
 14 COMMISSIONER DAVIS: Yes.
 15 COMMISSIONER BURT: Commissioner Gipson?
 16 THE CHAIR: Yes.
 17 COMMISSIONER BURT: Commissioner Manis?
 18 COMMISSIONER MANIS: Yes.
 19 COMMISSIONER BURT: Commissioner Robbins?
 20 COMMISSIONER ROBBINS: Yes.
 21 COMMISSIONER BURT: Commissioner Taylor?
 22 COMMISSIONER TAYLOR: Yes.
 23 COMMISSIONER BURT: Commissioner Voigt?
 24 COMMISSIONER VOIGT: Yes.
 25 COMMISSIONER BURT: That's eight votes for

8

1 and unanimous.
 2 THE CHAIR: Okay. Thank you so much.
 3 So we are on to the reason for this
 4 meeting, which is a discussion of the MOU between
 5 the PEC and the PED.
 6 So as Commissioners are aware, the
 7 Executive Committee had a preliminary meeting with
 8 the Cabinet Secretary, I guess it's about three
 9 weeks ago now. And there was a discussion about --
 10 largely around the 2 percent and the budget and how
 11 the PED can show the use of the 2 percent in their
 12 budget so the PEC can accurately report to their
 13 schools how that 2 percent setback is -- is being
 14 utilized.
 15 In addition, there are some other working
 16 areas of the MOU. Commissioners have the copy of
 17 the MOU that the group started working with and some
 18 possible suggested modifications to that.
 19 We were scheduled to have a meeting with
 20 the Cabinet Secretary tomorrow after this meeting.
 21 The Secretary did ask us if we would be able to
 22 change the meeting, and we met late yesterday
 23 afternoon.
 24 And the response back regarding the
 25 2 percent and the budget is reflected in the

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1 document that Director Chavez provided late this
 2 after- -- well, there was one iteration of it that
 3 was provided late yesterday afternoon after the
 4 meeting; and then there was some wordsmithing that
 5 was done, mostly about the calculation, not the --
 6 the calculation didn't change, but the wording of --
 7 reflecting the explanation.
 8 Commissioner -- Director? Sorry.
 9 DIRECTOR CORINA CHAVEZ: That's okay. The
 10 second one that I sent today -- and I will apologize
 11 for sending it so late; I know that you all would
 12 like to have things sooner than day of, and really I
 13 will try.
 14 But the one that has the watermark that
 15 says "Preliminary Draft" has a couple of other
 16 changes, as Chairwoman Gipson was saying.
 17 For example, it provides the places where
 18 the Chair would sign along with the Secretary. And
 19 then it has, a little bit, other details, such as
 20 the ability to revisit. And the word "may" is used
 21 in Section 11, the survival of this MOU.
 22 These are put out for discussion. We know
 23 this meeting was for you to discuss. And so that's
 24 the purpose of those -- I wasn't sure how else to
 25 get to you all information about what you might want

10	<p>1 to talk about.</p> <p>2 But -- but that is the case. And the</p> <p>3 language that I had sent before was what I would</p> <p>4 call layman's term. So the one that has yellow</p> <p>5 highlights, that was before I got the wording from</p> <p>6 someone who's in our Administrative Services. But</p> <p>7 it doesn't change the -- the notion that was</p> <p>8 discussed with the Cabinet Secretary and the</p> <p>9 Executive Team about how it is calculated.</p> <p>10 THE CHAIR: And as was expressed yesterday</p> <p>11 afternoon, this is a significant move by PED. This</p> <p>12 is the first time, in the two-and-a-half years that</p> <p>13 we've been trying to get this MOU settled, that</p> <p>14 we've actually had input back from PED. So that, in</p> <p>15 and of itself, was exciting; but the fact that this</p> <p>16 really, I believe, is a pathway to be able to be</p> <p>17 clear and -- as clear and transparent to our schools</p> <p>18 on the utilization of that 2 percent.</p> <p>19 And that's what we're here for. That's</p> <p>20 a -- you know, we've said, this is a significant</p> <p>21 hold-back for schools. And they have the right to</p> <p>22 know where that money is going. And since the</p> <p>23 creation of that hold-back and the PEC, there has</p> <p>24 been a request for, "How is this being spent?"</p> <p>25 And this is -- this is the first time that</p>	12	<p>1 Division, while providing that transparency to the</p> <p>2 schools to know that they're -- so that they know</p> <p>3 that we are working to support them.</p> <p>4 THE CHAIR: Right. I just -- I just need</p> <p>5 to make one minor correction. There is actually an</p> <p>6 MOU in place.</p> <p>7 COMMISSIONER VOIGT: Oh.</p> <p>8 THE CHAIR: But it's -- the MOU really</p> <p>9 isn't a workable MOU. It really just regurgitates</p> <p>10 back statute, and it really wasn't clearly but,</p> <p>11 technically, there is an MOU -- that's why we were</p> <p>12 working to get a working document, a living document</p> <p>13 that we could --</p> <p>14 COMMISSIONER VOIGT: (Indiscernible due to</p> <p>15 simultaneous speaking) MOU. It doesn't seem like</p> <p>16 there is one.</p> <p>17 THE CHAIR: Yeah. Yeah. You're right.</p> <p>18 You're right. It's been -- you know, since I've</p> <p>19 been on the Commission for six years now, there's</p> <p>20 been the talk that it needs to change because it</p> <p>21 wasn't anything that was, you know, really usable.</p> <p>22 And it really just -- it's -- it should be</p> <p>23 a fairly simple document to simply outline how we</p> <p>24 work together and to outline those processes.</p> <p>25 So what -- this is -- we've got this</p>
11	<p>1 we're getting a response. And I think it's a more</p> <p>2 than reasonable response.</p> <p>3 Commissioner Voigt?</p> <p>4 COMMISSIONER VOIGT: Thank you,</p> <p>5 Madam Chair. I just want to reiterate what a</p> <p>6 milestone this is for the history of the -- of the</p> <p>7 Commission and the Charter School Division. Since</p> <p>8 their inceptions in 2007, there has never been an</p> <p>9 MOU in place.</p> <p>10 And so this really sets a positive tone</p> <p>11 for collaboration and support of each other for the</p> <p>12 work that we do in the State to support charter</p> <p>13 school students. And so I think this is -- this is,</p> <p>14 like, cause for celebration, really.</p> <p>15 And I think, also, with that 2 percent and</p> <p>16 looking at the dollar amount, it really is ample to</p> <p>17 support the work of the Commission, including</p> <p>18 travel. Should we ever get back to Santa Fe or</p> <p>19 throughout the state, it's ample for all the travel</p> <p>20 that we will need. And it's -- I think it's going</p> <p>21 to even include beefing up the staffing that is</p> <p>22 direly needed by the Charter School Division.</p> <p>23 So it's great to know how this MOU is</p> <p>24 going to fortify the work that both of our folks do</p> <p>25 on the Commission and in the Charter School</p>	13	<p>1 scheduled for the Work Session and also for the</p> <p>2 meeting for May. But what we wanted to be able to</p> <p>3 do is have Commissioners look at this and to provide</p> <p>4 input for this at this point in time so that we can</p> <p>5 continue to move forward on this.</p> <p>6 We really, I believe, have the high</p> <p>7 expectations that we would be able to hopefully vote</p> <p>8 on something at the May meeting, if that's possible.</p> <p>9 That's -- that's the -- you know -- oh.</p> <p>10 And can the record please reflect that</p> <p>11 Commissioner Taylor has joined us? Thank you.</p> <p>12 (Chair recognizes Commissioner Taylor.)</p> <p>13 THE CHAIR: So that's -- you know, that's</p> <p>14 my high expectations. But we'll see. I think</p> <p>15 that's --</p> <p>16 COMMISSIONER BURT: Commissioner Taylor</p> <p>17 has always been here. I just wanted to --</p> <p>18 THE CHAIR: Oh, I'm sorry. I didn't</p> <p>19 realize that.</p> <p>20 COMMISSIONER BURT: He's been here from</p> <p>21 the beginning.</p> <p>22 THE CHAIR: I'm sorry. He just popped on</p> <p>23 my screen. Sorry. I apologize.</p> <p>24 COMMISSIONER TAYLOR: No problem.</p> <p>25 THE CHAIR: Okay. So, Commissioners?</p>

14	<p>1 COMMISSIONER TAYLOR: So I have a question 2 about -- just to make sure I understand what's going 3 on. 4 Director Chavez, the last rendering of 5 the -- the MOU is the one that is -- is the 6 compilation or the result of after the meeting that 7 you had yesterday; correct? So the wording -- 8 THE CHAIR: Correct. 9 COMMISSIONER TAYLOR: -- and all of that 10 has been changed according to post-meeting -- your 11 post-meeting -- 12 THE CHAIR: Yes. Yes. 13 COMMISSIONER TAYLOR: Okay. 14 THE CHAIR: We -- the Cabinet Secretary 15 explained to us the formula for the 2 percent and 16 how it would be identified in the budget. The 17 Director placed it in our SharePoint. And that was 18 the first time we all had an opportunity to see it 19 in writing was last night, once it went into 20 SharePoint. 21 COMMISSIONER TAYLOR: Okay. So -- so 22 the -- the thing that I find really -- really pretty 23 indicative of the fact that, as Commissioner Voigt 24 said, that we should be really encouraged is some of 25 the wording already -- like I read the one -- the</p>	16	<p>1 THE CHAIR: Yes. 2 COMMISSIONER ROBBINS: Yeah. I have a few 3 questions. 4 On -- this is the revision, so I'm working 5 with the one that Director Chavez sent out this 6 afternoon. 7 On Page 2, second paragraph: 8 "If the Commission determines that a 9 contractor service [is] required, the Department 10 shall reasonably consider such request." 11 Again, if we've provided a budget that 12 we've approved as a Commission, a budget, and 13 submitted that, and the funds are available in that 14 budget, I don't know that the -- we want to 15 relinquish the ability to execute such a contract to 16 the Department. 17 And it says, "...shall reasonably consider 18 such request." 19 Again, I go back to the history where 20 we've had requests for contracts that have taken six 21 months or more for action, and the need has 22 basically expired. We've had head administrators at 23 schools leave when we tried to provide them support. 24 I just have a concern that, you know, the 25 word "timely" is not in there. It's basically still</p>
15	<p>1 rendering that Karen posted on the 26th. And then I 2 read the -- the version that Director Chavez put in 3 there with the yellow markings and so forth. And 4 now I'm looking at the final rendition. 5 In the -- in the fourth -- in the fourth 6 part of that, it says, "Shall include the 7 Commission's budgetary requests as submitted and 8 without changes." 9 So that was in this -- it was out of 10 there, and now it's back in there. So that's 11 encouraging to me that they're really amenable to 12 that wording and that terminology. I mean, that's a 13 good sign, I think. 14 THE CHAIR: Yeah. I agree wholeheartedly. 15 I think there was more than -- you know, there was a 16 tremendous effort that went into getting how the 17 budget was going to be reflected. And I respect 18 that. 19 And this was -- this was a big ask. And I 20 think there's -- you know, like I said, I'm just 21 really very encouraged with how the process seems to 22 be going and the willingness of PED to be a partner 23 in this. 24 COMMISSIONER ROBBINS: I had a few 25 questions.</p>	17	<p>1 relegating our budget authority to review and 2 approval by the Department. 3 I'll go further. 4 COMMISSIONER CARRILLO: Okay. I have a 5 question. Where are you? You said Page 2, 6 paragraph 2. 7 COMMISSIONER ROBBINS: I'm sorry. Page 2, 8 under Staffing the Division, second paragraph. 9 COMMISSIONER CARRILLO: Okay. 10 THE CHAIR: So, David, before we move on, 11 can we just talk about this piece for a sec? 12 COMMISSIONER ROBBINS: Certainly. 13 THE CHAIR: And I -- I see what you're 14 saying. And I guess my question would be if it's -- 15 if it's stated in there that they will include our 16 budget unaltered -- or unamended -- and we put, into 17 the budget, support. And we allot an amount for 18 contracts, would that negate the ability? 19 So I'm just wondering if that's something 20 we just have to -- that we can work on and 21 wordsmith. 22 Director? 23 DIRECTOR CORINA CHAVEZ: Commissioner 24 Robbins, Chairwoman Gipson, and Commissioners, the 25 reason why it says "reasonable" and not "timely" is</p>

1 because our procurement process is not fast. And
 2 I -- and I don't want for Commissioners to expect
 3 that if you would like to have a contract, that we
 4 could turn it around very quickly.
 5 You know, when we got started with the RFP
 6 for the attorney -- attorney contract -- and you saw
 7 the timeline when we met last month for how long it
 8 takes -- it's a -- it's a detailed process that is
 9 not quick.
 10 And I just -- I hated to keep the word
 11 "timely" there. I mean, we will do what we can to
 12 develop your budget, to identify contracts and to
 13 get ahead of it, as we have started already with it,
 14 and as I hope you recognize, that even though the
 15 new attorney's contract doesn't need to start until
 16 July, we started that process in March, or maybe
 17 even before then, talking about it.
 18 So we will work with you on an annual
 19 basis to develop a budget, and, certainly along the
 20 way -- well, on an annual basis -- to develop the
 21 budget and to -- to put together contracts. But it
 22 is not a quick turnaround.
 23 THE CHAIR: So -- and I appreciate that.
 24 And those of us that have been here kind of
 25 understand that.

1 But I think the bigger concern -- and
 2 correct me if I'm wrong, Commissioner Robbins -- is
 3 with the "shall reasonably consider." I think
 4 the -- the thought is that that could be turned
 5 down; is that correct?
 6 COMMISSIONER ROBBINS: Yes. I mean -- you
 7 know.
 8 THE CHAIR: Yeah.
 9 COMMISSIONER ROBBINS: "Consider" doesn't
 10 mean "approve," doesn't mean a process. I would say
 11 "shall process in a reasonable period of time."
 12 I think that would be acceptable to me,
 13 rather than, you know, "according to the direction
 14 of the Commission."
 15 Because we say we need this in two weeks,
 16 I understand the Department cannot act that quickly.
 17 But, again, I think that the Department needs to
 18 understand they have multiple layers of bureaucracy
 19 that many large agencies in the State don't have.
 20 And I think it's incumbent upon them to try to
 21 streamline some of their processes.
 22 But I would -- you know, we can say
 23 "reasonably approve such requests," "reasonably
 24 process such requests," rather than "timely process
 25 at the direction."

1 But I believe to just say "reasonably
 2 consider," yeah, you can consider something and
 3 still not do it.
 4 THE CHAIR: Right.
 5 Okay. All right. I've -- I've noted
 6 that.
 7 Commissioner Burt?
 8 COMMISSIONER BURT: Thanks. I just -- I
 9 wanted to make sure I'm -- in my mind, I have the
 10 right clarification. You know, one of the things
 11 that this MOU makes sense that, you know, clarifies
 12 and gives us the -- you know, it really is clear
 13 about what we have the ability to do, is to submit a
 14 budget request.
 15 You know, we don't have the authority to
 16 say, "We get \$500,000, and PED has to..." -- you
 17 know, "If we put it in then, that's what we get,"
 18 you know.
 19 And I'll speak just as a former PED
 20 director. I, mean every time you make a budget
 21 request, you give it your all; right? "I want -- I
 22 need all of this for next year."
 23 And sometimes you get more than you even
 24 asked for; sometimes you get less; sometimes you get
 25 exactly.

1 But it's a budget request that they're not
 2 going to be able to change. And so I think that's
 3 what was -- you know, I think that's one of the big
 4 things of -- and I think that's something that
 5 wasn't happening before; right? The PEC would make
 6 a budget request, and it wouldn't even be included
 7 in the PED's budget.
 8 And I think that's what this is
 9 clarifying, that we're going to make a budget
 10 request that they cannot change and alter. We'll
 11 request that of the PED. And what ends up shaping
 12 up in the Legislature and what ends up shaping up
 13 after that, that's not under our control.
 14 So I do think that that is -- that's
 15 clearly stated in the MOU that that's what -- you
 16 know, that's what the statute reflects that we have
 17 the ability to do.
 18 So I do want to make sure, you know, that
 19 I'm clear, and that -- you know, that that's -- you
 20 know, we don't have ultimate authority over the
 21 budget, you know.
 22 THE CHAIR: Okay. But this is a pot of
 23 money of 2 percent; so...
 24 COMMISSIONER ROBBINS: That is only --
 25 this paragraph is only dealing with the contractor

<p style="text-align: right;">22</p> <p>1 services. It's not dealing with the overall budget. 2 It's just dealing -- and that's the question I have 3 about the "reasonably consider." 4 I understand the Legislature appropriates. 5 But statutorily, we get the 2 percent, whatever that 6 2 percent happens to be. Yes, we do. We get 7 statutorily -- whatever is allocated as 2 percent to 8 schools, statutorily, PEC gets 2 percent of what the 9 charter schools receive. That, statutorily -- 10 that's in statute. 11 Is that not correct, Ami? 12 MS. AMI JAEGER: That is correct. It's 13 just been interpreted that PED holds it back. 14 And the statute is very clear that PED has 15 no authority over the budget creation or submission. 16 They don't get to alter it or review it. 17 And whether or not the PEC chose to 18 prepare a budget in conjunction with PED, which is 19 what we have always done -- we've done it for months 20 in advance, and invited PED to participate -- the 21 statute is quite clear that we're separate agencies. 22 THE CHAIR: I'm sorry. I was muted. 23 Commissioner Carrillo? 24 COMMISSIONER CARRILLO: So I would -- 25 where? Where in the statute does it say -- I mean,</p>	<p style="text-align: right;">24</p> <p>1 for whatever reason. They can't necessarily wait 90 2 days for a reasonable whatever when there's a 3 contractor ready to go. 4 And let's say it's a reading 5 interventionist because this particular 6 interventionist had to quit. We have somebody that 7 we can contract with. They can start next week. 8 Kids won't fall far behind. 9 What mechanism is there to make sure 10 something like that can happen and we can continue 11 to be able to serve? 12 THE CHAIR: So let me just be clear. When 13 we're talking about contractors, we're not talking 14 any kind of staffing for schools, because we don't 15 do that. We don't provide -- schools have to do 16 that on their own within their own budgets. That's 17 not within our authority to say, "We're going to 18 provide this...whatever." 19 COMMISSIONER CARRILLO: Okay. That was a 20 poor example. But I think the gist of what I was 21 saying is sometimes things need to be done more 22 quickly. 23 THE CHAIR: Yes. And I think with 24 conversations that we've had, I think we've got 25 pathways to help expedite it some through the</p>
<p style="text-align: right;">23</p> <p>1 I know we're arguing that point a lot. That's what 2 the whole writ thing is about. I would like to know 3 where in the statute it says that 2 percent comes to 4 the PEC, and we have discretion on the 2 percent. I 5 would like to know where exact- -- not where it's 6 interpreted. Where does it state that in statute? 7 And then what I'm hearing -- I hear your 8 concern, Commissioner Robbins. This -- the idea of 9 a reasonable -- that's just -- that's like 10 "reasonably consider" -- yeah. "My parents will 11 reasonably consider whether or not I get a car when 12 I'm 16, you know." 13 Come on. We've all been there. 14 And that -- you know, there should be a 15 timeliness or some sort of, you know, commitment to 16 a time frame on that. 17 Here, in what you're -- I agree with 18 Secretary Burt relative to the fact that as much as 19 we'd like to think we control lots of things, we 20 don't. 21 And then -- but on this particular 22 paragraph, it would seem to me that if we need a 23 contractor for something, it's not necessarily 24 because we need it, the ten of us; it's because we 25 want to provide this service for a school or schools</p>	<p style="text-align: right;">25</p> <p>1 contracts that are now being used more through the 2 RECs. Because we've had those stumbling blocks, and 3 we've faced them, and we've said, "How can we fix 4 this?" 5 And that is hopefully one of those ways; 6 because they've got reach-out for many different 7 forms of support. 8 So I think we -- it's still not 9 necessarily going to happen overnight, because it's 10 government. But I think it can happen quicker than 11 it has in the past because of those contracts that 12 have already been set in place with the RECs. 13 COMMISSIONER CARRILLO: All right. 14 THE CHAIR: So, hopefully -- you know. 15 And, once again, we're hoping this is going to work. 16 And there's going to be bumps in the road. And, 17 hopefully, I think we can try to work them out. 18 But I -- I agree that that -- yeah. Yeah. 19 My -- my parents often "reasonably" thought of 20 something. So, you know, I think we can -- we can 21 look at, certainly, that phrase. 22 COMMISSIONER CARRILLO: So I want to 23 circle back to Ami, if it's okay, relative -- 24 (inaudible due to simultaneous speaking) find the 25 statute --</p>

<p style="text-align: right;">26</p> <p>1 THE CHAIR: Sure. I thought she was doing 2 a little research.</p> <p>3 MS. AMI JAEGER: It's 22-8B-13. And it's 4 also referenced sub (A); it's also referenced in 5 22-8B sub 9, sub (B), sub (1).</p> <p>6 COMMISSIONER BURT: Can we screen-share? 7 Can we screen-share it? I would like to see it, 8 please.</p> <p>9 If we could just screen-share, that would 10 be great so we can see the actual language.</p> <p>11 MS. AMI JAEGER: Okay. Then I -- I 12 don't -- as I've said, I have my computer set up so 13 that I can do the kind of research and look at 14 things.</p> <p>15 I keep this Zoom chat on Zoom; so it's 16 really not -- it's not really convenient for me to 17 screen-share. I'm sorry.</p> <p>18 COMMISSIONER ROBBINS: Ami, can you just 19 repeat the sections again?</p> <p>20 MS. AMI JAEGER: It's 22-8B-13, sub (A). 21 And 22-8B-9, sub (B), sub (1).</p> <p>22 COMMISSIONER VOIGT: Thanks.</p> <p>23 COMMISSIONER BURT: Is there anyone -- 24 Corina or Karen, can someone screen-share? I'm so 25 sorry. I don't think you should have to; but if you</p>	<p style="text-align: right;">28</p> <p>1 What this does is it takes that 2 approximately 72 percent -- you know, it's going to 3 vary from year to year depending on how many charter 4 schools. It's going to take that 72 percent, and 5 that 72 percent is going to be reflected, and a 6 cooperative budget will be creat- -- well, that's my 7 understanding.</p> <p>8 A cooperative budget is created -- and the 9 Director is shaking her head -- that the CSD budget 10 and the PEC budget gets worked together, and that's 11 the reflection of that 72 percent, that the PEC 12 creates its budget, and we adequately provide for 13 meetings, for travel, for phones, what -- you know, 14 support.</p> <p>15 Whatever it is, the CSD budget goes into 16 that. That's the 72 percent. And that gets 17 reflected in the PE- -- as the -- with the 18 2 percent. And --</p> <p>19 COMMISSIONER ROBBINS: Where is the 20 72 percent coming from?</p> <p>21 THE CHAIR: Excuse me?</p> <p>22 COMMISSIONER ROBBINS: I don't see 23 anything in these documents talking about 24 72 percent.</p> <p>25 THE CHAIR: Sure. Because it talks about</p>
<p style="text-align: right;">27</p> <p>1 can.</p> <p>2 MS. KAREN WOERNER: I can do it if you 3 want to. I'm just going to help Bev.</p> <p>4 Bev, do you want me to bring that up?</p> <p>5 MS. BEVERLY FRIEDMAN: Yes, if you would.</p> <p>6 COMMISSIONER BURT: One thing I'll say is, 7 I actually think this is a sticking point, right? 8 Because that's what -- and I think that's where one 9 of the major pieces that I think, as a Commission, 10 we have to discuss and, like, be on the same page 11 with, is, you know, are -- are we -- 'cause one 12 thing I will say, this MOU does not say that we are 13 going to be providing a budget of the entire 14 2 percent.</p> <p>15 This MOU agrees to providing just the PEC 16 doings, the PEC business budget. So this is 17 something that I actually think is extremely 18 important that we, as a Commission, you know, have 19 an understanding and a consensus on moving forward. 20 Because I do hear -- that's where I see the -- you 21 know, the difference in opinion.</p> <p>22 THE CHAIR: So I think a little 23 clarification. And I -- you know, I understand the 24 concerns about the 2 percent. I do. I think people 25 know my feelings on the 2 percent.</p>	<p style="text-align: right;">29</p> <p>1 the 28 -- the State Charter Schools -- if you look 2 at the formula, it comes out to 72 percent -- the 3 administrative costs of the 2 percent that PED is 4 using is approximately 28 percent of the 2 percent, 5 which leaves approximately 72 percent of that 6 2 percent still -- you know.</p> <p>7 DIRECTOR CORINA CHAVEZ: If I may? If I 8 may explain?</p> <p>9 THE CHAIR: Sure.</p> <p>10 DIRECTOR CORINA CHAVEZ: Chairwoman Gipson 11 is absolutely correct. And, Commissioner Robbins, 12 we did not put any figures in here because it's an 13 annual -- it's calculated annually, and it's based 14 on the number of schools that exist, okay?</p> <p>15 So -- but if we look at this fiscal year, 16 and we know that there is 52 State-chartered 17 schools, we know that there's 89 LEAs, districts, 18 plus there is some additional locally chartered 19 schools that get added in with the districts; so 20 that we have the ratio of 52 over 185 or 185 over 21 52. And it ends up being that 28.1 percent over 22 72 percent, right?</p> <p>23 And so what -- what the 72 percent covers 24 would be the Division salaries and Division budget 25 for us to travel to the schools, and the Commission</p>

<p style="text-align: right;">30</p> <p>1 travel, the Commission meetings to be documented 2 with the court reporter. It covers membership to 3 NACSA or any other organization that you are a 4 member of.</p> <p>5 We go through an annual process where we 6 develop a budget. We decide about a contract. In 7 past, we have contracted with -- in addition to Bean 8 & Associates, we have contracted with the Regional 9 Educational Cooperative so that we could then 10 subcontract very quickly, as we did right now for 11 these modified site visits, and we will for people 12 to help us review charter applications or engage in 13 the renewal process alongside our staff.</p> <p>14 That's how it works. So because that 15 number varies, based on the number of schools, based 16 on the total SEG and the amount that the 2 percent 17 ends up equaling, that's why we didn't put specific 18 figures.</p> <p>19 But the most important thing that I want 20 to say, if I may, is that what this MOU really 21 recognizes is that we're partners in this process, 22 that your budget -- if you want to say -- and if you 23 want to look at 8B, whatever is in statute about how 24 it's worded, about the 2 percent, absolutely. 25 Authorizers have that money.</p>	<p style="text-align: right;">32</p> <p>1 can work together on how that comes out, yeah, I 2 don't want to be responsible for spending every last 3 penny of that. I value what the PED has done, and I 4 think it's important for us to just be 5 collaborative.</p> <p>6 And this is -- this is excellent. I mean, 7 whether this -- you know, I think the statute is 8 something that can be debated as far as how it's -- 9 how it's interpreted and so forth. And to me, it's 10 like -- I just appreciate the collaboration. So I 11 would move forward in that light.</p> <p>12 COMMISSIONER VOIGT: Yeah. Thanks. 13 THE CHAIR: Commissioner Voigt? 14 COMMISSIONER VOIGT: Thank you. So, you 15 know, I agree. Thank you, Commissioner Taylor, and 16 thanks, Corina, for emphasizing that, you know, we 17 have to be partners in this. And the relationships 18 of past have not been such. And the -- the only 19 people that it affects are our charter schools and 20 the students when we can't have a working 21 relationship.</p> <p>22 And so the bottom line of this is that 23 this 2 percent is ample, you know. You guys are 24 going to get, hopefully, your cell phones and 25 laptops or whatever.</p>
<p style="text-align: right;">31</p> <p>1 But are authorizers that are public 2 officials that are elected as a body -- do you want 3 it all for yourself, or do you recognize that staff 4 at the PED are your partners in working on this 5 authorizing work to collect the information to 6 provide to you to staff the meetings and to be there 7 as a partner in this authorizing work with you?</p> <p>8 And I think that that's what this MOU 9 really does -- or MOA really does reflect -- is that 10 there's a shared work plan, and that on an annual 11 basis, we're going to say, "Okay. What do you need 12 to be a Commissioner, and what do you need as a 13 division to work with the schools?"</p> <p>14 COMMISSIONER VOIGT: Madam Chair? 15 THE CHAIR: Commissioner Taylor, and then 16 Commissioner Voigt.</p> <p>17 COMMISSIONER TAYLOR: Yeah. I -- Director 18 Chavez, I mean, I -- that's my total understanding 19 of this. I so appreciate the -- the value of our 20 collaboration. I personally don't want -- as a PEC 21 member, I don't want complete and autonomous control 22 over our budget. I don't think that's realistic, 23 you know.</p> <p>24 I think what we do is if we can submit, in 25 a collaborative effort, a budget, and you -- and we</p>	<p style="text-align: right;">33</p> <p>1 This is ample funds, okay? So we need to 2 realize that this is a very progressive MOU. And, 3 unfortunately, I didn't even recognize there was an 4 MOU in place in the past, because it was that 5 nonexistent or nonfunctional. But I think that 6 going forward, this is -- this is a huge step in the 7 right direction for the PEC and for the Charter 8 School Division to have a collaborative working 9 relationship, hand-in-hand, harmoniously supporting 10 our students.</p> <p>11 And I'm not one to sit on the toilet and 12 read statute. So I'm just going to say that this is 13 something that, regardless of what the statute says, 14 that we can work within, within the statute and make 15 it work for both agencies.</p> <p>16 THE CHAIR: Commissioner Carrillo? 17 COMMISSIONER VOIGT: You're muted. 18 COMMISSIONER CARRILLO: Here we go. 19 Does this mean, Vice Chair, that you're 20 ready for a bathroom break already? 21 (No response.) 22 COMMISSIONER CARRILLO: Just kidding with 23 you. 24 So two things: 25 One, Commissioner Taylor, agreed. I</p>

34	<p>1 don't -- not only do I not want to do it, I don't --</p> <p>2 we don't have the wherewithal to do it, everything</p> <p>3 that the PED provides for us. We simply don't.</p> <p>4 And when you think about Mabry Hall, they</p> <p>5 provide that, too. So are we all going to meet</p> <p>6 at -- what? The Starbucks around the corner?</p> <p>7 COMMISSIONER ROBBINS: GSD covers the cost</p> <p>8 of the buildings.</p> <p>9 COMMISSIONER CARRILLO: Okay. That's all</p> <p>10 fine. But the point I'm making is we don't have to</p> <p>11 do all of this stuff that they're doing for us.</p> <p>12 So question to Director Chavez. If I'm</p> <p>13 hearing you correctly, one, top of Page 3, even</p> <p>14 though they look like headings, that's essentially a</p> <p>15 formula; right? A formula saying 52 -- right now</p> <p>16 it's 52 charters -- over 185, and then times the</p> <p>17 annual appropriation of 2 percent, that gives us a</p> <p>18 dollar amount.</p> <p>19 So even though I know right now this is</p> <p>20 not the exact dollar amount -- it's just only for</p> <p>21 argument's sake -- using \$2 million as the figure,</p> <p>22 am I then correct in assuming the Commission then</p> <p>23 has, in its own budget, 28.1 percent of that, which</p> <p>24 comes to \$562,000? Is that -- am I figuring this --</p> <p>25 Director Chavez -- so am I figuring this</p>	36	<p>1 charter school to administer, monitor the budget,</p> <p>2 et cetera.</p> <p>3 Title I staff also work with State charter</p> <p>4 schools. Everybody across PED touches State charter</p> <p>5 schools to some degree, more than likely.</p> <p>6 What this cost sharing allows is a portion</p> <p>7 of the 2 percent to be used to support State</p> <p>8 charters at the PED.</p> <p>9 COMMISSIONER CARRILLO: Got it. Thank you</p> <p>10 for clarifying that. No, that helps me a lot.</p> <p>11 Because I know you do so many things.</p> <p>12 And the other thing I don't want to lose</p> <p>13 sight of, I'm wondering whether or not we have the</p> <p>14 statute ready -- I know that -- I believe</p> <p>15 Ms. Woerner was looking that up to screen-share for</p> <p>16 us.</p> <p>17 MS. KAREN WOERNER: I do have that,</p> <p>18 Commissioner.</p> <p>19 DIRECTOR CORINA CHAVEZ: Thank you, Deputy</p> <p>20 Woerner. And the statute, the way that it reads,</p> <p>21 22-8B-13(A) --</p> <p>22 COMMISSIONER CARRILLO: Can we see it?</p> <p>23 Can we bring it up on a share screen?</p> <p>24 DIRECTOR CORINA CHAVEZ: She's going to.</p> <p>25 When she does, please note that it actually says,</p>
35	<p>1 incorrectly?</p> <p>2 DIRECTOR CORINA CHAVEZ: So I must admit</p> <p>3 that I was distracted when you asked the question.</p> <p>4 Can you repeat the assumption that you're making?</p> <p>5 COMMISSIONER CARRILLO: Well, I heard you</p> <p>6 say that 72 percent -- you know, based on the</p> <p>7 formula, 72 percent covers the cost of CSD salary,</p> <p>8 budget, all of these different things for PEC;</p> <p>9 right? It really covers the cost of running our</p> <p>10 Commission.</p> <p>11 And if that's the case, then there's, you</p> <p>12 know, 28.1 percent, based on what you said, left</p> <p>13 over. And 28.1 percent of just using the \$2</p> <p>14 million, for the hell of it, is \$562,000.</p> <p>15 DIRECTOR CORINA CHAVEZ: That sounds</p> <p>16 approximately correct. And so that amount is -- is</p> <p>17 going to be used at the PED to pay for other</p> <p>18 services that State charter schools benefit from.</p> <p>19 Because if we stop and think about it, a</p> <p>20 State-chartered school is automatically assigned a</p> <p>21 budget analyst in our Budget Office.</p> <p>22 That is not a member of the Charter</p> <p>23 Schools Division. It is somebody who serves all</p> <p>24 public schools -- well, they get, like, a subset.</p> <p>25 And so this person works very closely with the State</p>	37	<p>1 "the school district or division." So that does not</p> <p>2 say the PEC. It says "the division."</p> <p>3 Again, I -- I go into this recognizing</p> <p>4 that, as the Director of the Charter Schools, I work</p> <p>5 with an elected body that I must collaborate with to</p> <p>6 provide recommendations. And you all make the</p> <p>7 decisions around the highly critical charter</p> <p>8 authorizing decisions that affect schools.</p> <p>9 So you all might not be able to do your</p> <p>10 work without us. We can't do our work without you.</p> <p>11 But the statute does read "division," not PEC -- not</p> <p>12 "authorizer," "authorizing body."</p> <p>13 MS. KAREN WOERNER: And Ami referenced</p> <p>14 another statute. Do you want me to go to that? I</p> <p>15 think it was about the 2 percent? Was 9 -- I'm</p> <p>16 sorry. I forgot.</p> <p>17 COMMISSIONER CARRILLO: It was 9 subset</p> <p>18 (B), subset (1).</p> <p>19 MS. KAREN WOERNER: Here. That's this</p> <p>20 section. I think this is referencing the --</p> <p>21 MS. AMI JAEGER: So why don't you also</p> <p>22 pull up 9-(1)(7), (verbatim) because that's</p> <p>23 fundamentally where the PEC is --</p> <p>24 DIRECTOR CORINA CHAVEZ: We're looking at</p> <p>25 this one right now.</p>

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1 MS. AMI JAEGER: Yeah. But you can look
 2 at this other one next.
 3 MS. KAREN WOERNER: And, Ami, what was the
 4 other one I should look for? What was it?
 5 MS. AMI JAEGER: 9-(1)-(7). (Verbatim.)
 6 COMMISSIONER CARRILLO: Okay. Maybe I'm
 7 not reading this correctly or just not very bright.
 8 But as I was -- as we look at B -- as I'm
 9 looking at this, I'm looking at B, subset (1) here;
 10 right? This is B, subset (9), subset (1); correct,
 11 where it begins, "All agreements regarding...?"
 12 Yeah.
 13 So I guess I don't understand how that is
 14 relevant to the 2 percent being given to us and
 15 under our complete discretion, that phrase. I don't
 16 understand.
 17 Does that mean nobody else does either, or
 18 what?
 19 THE CHAIR: No. I was waiting for
 20 someone, because I -- I'm sorry.
 21 COMMISSIONER CARRILLO: Oh, okay.
 22 THE CHAIR: My silence was an agreement.
 23 I don't -- because of that -- sorry. Yeah. Because
 24 that's -- that's what -- that's the charter
 25 contract. That has nothing to do with us --

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1 COMMISSIONER VOIGT: Yeah. And this is --
 2 THE CHAIR: -- and the 2 percent.
 3 COMMISSIONER VOIGT: -- us reading
 4 statute. Was there another area that was --
 5 COMMISSIONER CARRILLO: 9-1-7. I think
 6 that Ms. Woerner is looking that up.
 7 MS. KAREN WOERNER: I have it here. Did
 8 the screen switch for you? I'm going to try.
 9 COMMISSIONER CARRILLO: Thank you.
 10 ;Hijole! What are we going to do without
 11 you, Ms. Woerner?
 12 MS. KAREN WOERNER: Oh, you'll be just
 13 fine.
 14 COMMISSIONER CARRILLO: I've even got my
 15 glasses on, and I'm having a hard time.
 16 MS. KAREN WOERNER: I'm sorry. I've made
 17 it as big as I can -- oops.
 18 COMMISSIONER CARRILLO: I have one of
 19 these.
 20 COMMISSIONER ROBBINS: One of the things
 21 that we've never really discussed or have had an
 22 answer, previously, I've heard that the Charter
 23 School Division works with all charter schools, not
 24 just State charter schools, and they provide some
 25 direction to the districts and things like that in

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1 working with district charter schools.
 2 Is that correct? Do you have any -- any
 3 involvement or participation with district charter
 4 schools?
 5 MS. KAREN WOERNER: I don't know. I can't
 6 see if Director Chavez wants to answer that.
 7 Otherwise, I'd be happy to.
 8 DIRECTOR CORINA CHAVEZ: Yes, I will
 9 answer.
 10 We do. And not as in-depth of involvement
 11 as we have with the State charter schools. Our job
 12 is not to have -- not to implement oversight
 13 processes in work and collaboration with you all to
 14 ensure that the performance framework is met in the
 15 way that we do with State charters.
 16 And I will remind you that there's times
 17 when charter schools switch from being locally
 18 authorized to being State authorized, and that as
 19 agents of the State Department, we care about the
 20 success of all charter schools, of course, and we
 21 partner with local authorizers.
 22 In fact, we have an initiative through the
 23 funds of our -- a federal grant that we got, the
 24 Charter Schools Program Grant, where we are engaging
 25 with Albuquerque Public Schools in an entity called

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1 SchoolWorks to increase the effectiveness and the
 2 supports for all authorizers across the state.
 3 So there's times when we do think about
 4 all charter schools, not just State charters.
 5 THE CHAIR: So, Director --
 6 COMMISSIONER ROBBINS: So my point -- my
 7 point was that if -- if -- what's being withheld
 8 from the state Charter schools is supporting
 9 district schools, I don't know that's being fair to
 10 the State charter schools, even if it's just the
 11 equivalent of one full-time person.
 12 You know, what I've tried to do with the
 13 past budgets we've put together is fully fund CSD,
 14 fully fund it 100 percent, whether the positions
 15 were staffed. And I know that they've had
 16 vacancies, so there were savings there. But that's
 17 what we've done.
 18 We've put in money for IT support. We've
 19 put in money for other areas.
 20 And I can't come up with roughly
 21 71.9 percent of that roughly \$2 million is really
 22 being used to support State charters.
 23 I understand that PED may need more money.
 24 But, you know, it's -- you know, if we sit there and
 25 say, "Well, we're going to cut back, and, you know,

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1 it's fine that, you know, if we get \$5 million --
 2 \$500,000, or whatever it may be.
 3 But what we are really doing under those
 4 guys is we're taking \$400,000 to \$500,000 and
 5 saying, "We're going to give that to PED, and we
 6 cannot use that for contracts to support -- to
 7 support the State charters if we feel that there's a
 8 need." Not to provide staff, but to provide
 9 coaching, or some other support. There -- you know,
 10 there's just --
 11 THE CHAIR: But we're not saying that.
 12 We're saying that the PEC is going to be able to
 13 create a budget which will take into account that --
 14 those opportunities for support and to be able to --
 15 to provide that.
 16 I don't -- so that we will do -- we'll do
 17 everything in that budget except account for the
 18 20-some-odd percent that is the administrative costs
 19 which we could never identify anyway. That was
 20 always one of those challenges.
 21 But everything else that we've included in
 22 the budget will still be included in the budget.
 23 But I -- I guess I need a little
 24 clarification. Because it was my understanding that
 25 there -- I'm sorry -- there is money that comes in

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1 outside of the 2 percent and outside of grant money
 2 to CSD. Because -- because the Division is actually
 3 Options for Parents and the Charter School Division,
 4 so that there is other money that does go in.
 5 So -- and maybe I'm wrong. But I thought
 6 on previous budgets, I had seen that. And then I
 7 thought even last year, there was -- or this past
 8 year -- there was additional monies put in because
 9 of some of the burdens of home schooling and the
 10 requirements -- more people having to do work around
 11 that. And I thought there was -- PED actually put
 12 additional funds into that.
 13 Am I wrong, Director?
 14 DIRECTOR CORINA CHAVEZ: So you are not
 15 wrong that Charter Schools Division resides within
 16 the larger Options for Parents and Families. So we
 17 have one staff person primarily who works with the
 18 home school database and provides other support for
 19 that.
 20 What I wanted to say, though, is because
 21 this formula defines the proportion of the 2 percent
 22 that is designated for Charter Schools Division,
 23 this takes away any question about funding for
 24 vacant positions.
 25 The Charter Schools Division has been

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1 understaffed for a while. We have 14 positions on
 2 our organizational chart right now. Two of those
 3 positions are fully funded with the federal grant
 4 that we get from -- for the charter schools program
 5 money, and that gives money directly to the schools.
 6 But we get to withhold some to support the staff and
 7 to pay for other initiatives, such as the
 8 roundtables and the work that I mentioned with
 9 SchoolWorks so that we work with the other
 10 authorizers.
 11 So those are two staff people, though,
 12 that kick into action and work with State charter
 13 schools in a very meaningful way. All of the
 14 modified site visit -- site visits that we've been
 15 doing, which are only for State charters, they have
 16 participated in.
 17 And so I think that this recognizes that
 18 it takes all of us to do the work. And what it does
 19 for me is that it designates the budget so there's
 20 not a question, when there's a vacancy, whether that
 21 position can be filled or not. For me, this -- this
 22 formula and this process is wonderful in that
 23 regard. It makes -- it makes the budget
 24 predictable, and it's ample for your needs and for
 25 our needs.

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1 And the fact that we are doing some work
 2 to engage with local charters, local authorizers, to
 3 me, it furthers this notion of partnership around
 4 the charter schools movement in New Mexico being one
 5 where we exchange, we work together. Schools
 6 sometimes move back and forth. And we have some --
 7 some standard ways of working with charter schools.
 8 COMMISSIONER CARRILLO: Bekka has had her
 9 hand up for a while.
 10 THE CHAIR: I'm sorry. Oh, you know what?
 11 Sorry. She's not even on my screen. Sorry.
 12 Apologize.
 13 Commissioner Burt?
 14 COMMISSIONER BURT: That's okay. Thanks.
 15 So I actually think this is -- like --
 16 I'm -- like, this is the exact kind of conversation
 17 and the exact kind of advocacy that me -- that we
 18 should be having at budget time each year; right?
 19 Like, I think we're actually going, like, a little
 20 bit further in-depth than what this MOU
 21 necessarily -- like, what we need to decide on the
 22 MOU. I think we're already starting that process
 23 of, like, you know, having that collaborative
 24 advocacy with the Charter School Division on how
 25 that -- how they're using that 2 percent money.

<p style="text-align: right;">46</p> <p>1 And so that's the first thing I want to 2 say. This is actually, like, such a great 3 conversation as a segue into, like, those further -- 4 those new conversations after this MOU is signed. 5 That being said, getting back to what's on 6 the MOU and making sure we, as a Commission, have an 7 understanding of, you know, what it -- what it's 8 saying in there, what we're agreeing to, you know, 9 I -- from what I've -- from what -- since I've 10 started, what I've heard is, you know, one of the 11 things that has been -- and rightfully so -- one of 12 the things that's been enormous frustration to the 13 Commission is not being able to account for this 14 2 percent money right, that there's not transparency 15 in it. 16 And schools have asked, "Where is that 17 going?" 18 And your rebuttal from PED, from, you 19 know, the accounting folks in PED is like, "Yeah, 20 we're not going to tell you"; right? It's not even, 21 like, "We don't know." 22 Maybe they did know. They just were, 23 like, "We're not going to -- you don't -- nope, 24 don't even worry about it. We're not telling you." 25 Or they've been open about, "Yeah, we have</p>	<p style="text-align: right;">48</p> <p>1 putting that -- the PED is the decision-maker in 2 this, and they're the ones that are telling us where 3 the 2 percent is being spent. 4 So I think as long as we're clear on 5 that -- because I think that's something that is 6 going to encourage that collaboration. You know, 7 the PED is no longer going to be able to go, year 8 after year, just not knowing where this money is 9 going. They're going to have to present it to the 10 PEC of, you know, "This is how much is being spent 11 in CSD. This is what's -- we can do CSD really 12 clearly." 13 And I know one of the things that the 14 Secretary mentioned -- and he was very clear about, 15 you know -- that 28 percent of money that's kind of 16 being spread out across the agency maybe being used 17 as a budget purse and maybe being used in different 18 areas, we're not going to know that 50 percent of 19 one person in this place is being used; right? But 20 we're going to know that dollar amount, you know, 21 whatever it ends up being after the formula, is 22 covered each year. We're going to know the dollar 23 amount that is being spread across agencies to 24 support our State charters. 25 And I think at the end of the day, that's</p>
<p style="text-align: right;">47</p> <p>1 it spread out all over. We could never even tell 2 tell you. It's like so far -- you know, just 3 everywhere," right? 4 So from my understanding, the point -- the 5 biggest thing that the Commission has been 6 advocating for for years, not just, you know, 7 just -- not even just since last summer, but for 8 years -- has been, "Hey, we need to be able to say 9 how this 2 percent money is being spent." 10 And from my understanding, it's not that 11 the Commission is trying to control the 2 percent 12 money; it's just that they're trying to get this 13 very clear presentation from the PED on where it's 14 being spent. 15 And I think that's what this MOU actually 16 does extremely successfully is that it's very clear 17 on how, you know -- and, once again, we can have the 18 conversations when it comes to budget time about how 19 they're spending it. We can try to advocate for, 20 you know, "Well, we think that you maybe" -- you 21 know, "Maybe you should actually put one more person 22 into CSD." 23 But at the end of the day, that's the 24 PED's decision, and that we need to advocate for 25 that. But we're ultimately, at the end of the day,</p>	<p style="text-align: right;">49</p> <p>1 what we were looking for. And so I don't want to 2 lose sight of that, of -- you know, because I think 3 we can get really deep in it and, like, "Well, how 4 are you doing this," and, "How is it going?" 5 And I think those are appropriate 6 conversations later. But for tonight, I think 7 taking us back to overarching, we're going to know 8 where this 2 percent money is. If we don't like it, 9 we don't like it. We can have those conversations 10 about how they're doing it. 11 But for right now, it's just getting the 12 information out there and getting it started in this 13 process of more transparency. 14 COMMISSIONER ROBBINS: One thing that 15 would be helpful, if we -- 16 COMMISSIONER VOIGT: Thank you. Thanks, 17 Madam Chair. 18 Thank you, Commissioner Burt, for 19 conveying that. Because I think we are getting a 20 little too far off into the weeds. And I think for 21 the sake of tonight -- and, oh, by the way, it has 22 been at least a decade since everyone, schools and 23 the PEC, have been asking for transparency around 24 the 2 percent. 25 But I think for the sake of tonight --</p>

<p style="text-align: right;">50</p> <p>1 and, granted, we can have budget detailed 2 conversations much later -- but this MOU -- I mean, 3 just looking at the big picture of the MOU that's 4 facing us right now, I can't say enough about what a 5 progressive step forward this is to have. And to 6 get this solidified, locked in, signed and sealed, 7 and then have those other follow-up conversations. 8 But this is -- this is something that is 9 going to carry forward into other decisions, too. 10 And I think you know what I'm talking about. 11 THE CHAIR: Let's not go there. 12 COMMISSIONER VOIGT: So, anyway, this MOU, 13 for the sake of this Special Meeting, I think is a 14 great thing. And I'm glad that -- I'm just glad to 15 say that I really support this. 16 THE CHAIR: Commissioner Robbins? 17 COMMISSIONER ROBBINS: Well, you know, 18 we -- and to Director Chavez, what she was saying, 19 we have always tried to make sure that CSD was 20 100 percent funded in the 2 percent. And any 21 staffing needs that they needed, I felt that this 22 Commission would support. If they had the need for 23 new positions and things like that, we would support 24 that. 25 Right now, we do have -- the budget I</p>	<p style="text-align: right;">52</p> <p>1 So I think that's -- that's an important 2 piece for us to, you know, keep in mind as the year 3 goes on how that money is being spent. 4 But this doesn't -- everything that's in 5 the budget that was placed in budgets prior can 6 still be included in that 72 percent. The only 7 thing is the 28 percent is identified for the 8 schools for administrative services. So it's clear 9 where that's going. 10 And we have our budget so schools can also 11 see how we're spending our piece of the pie, if 12 that's the way you want to look at it. 13 COMMISSIONER ROBBINS: In going to the top 14 of -- 15 THE CHAIR: Commissioner Burt, then 16 Commissioner Carrillo. 17 COMMISSIONER CARRILLO: Bekka was before 18 me. 19 THE CHAIR: I did. I said Commissioner 20 Burt, then Commissioner Carrillo. 21 COMMISSIONER BURT: Thanks. That's the 22 thing I want to make sure and clarify the 23 conversations that we've been having. The budget 24 that the Commission will be submitting in the future 25 will not be the -- we will not be submitting the</p>
<p style="text-align: right;">51</p> <p>1 presented last year did cover 11 or 12 positions. 2 And you're saying two positions are fully covered 3 from other areas. So the budgets that I've prepared 4 have fully covered CSD. They have fully provided 5 for the monies necessary for IT support, for budget 6 support. And if that's not sufficient, then I think 7 we need to have those discussions. 8 But locking us into a percentage, I think 9 it -- there's a lot of money that's left on the 10 table that PEC could use to support schools directly 11 that we're leaving there; but... 12 THE CHAIR: But, Commissioner Robbins, it 13 doesn't preclude the opportunity for the PEC to 14 offer that support. That 72 percent includes the 15 CSD budget, which everyone agrees we've always tried 16 to fully fund that. And it also includes all of the 17 other services, opportunities, support that the PEC 18 will place into a budget in consideration that we 19 have to stay within the framework of that -- that 20 72 percent. 21 So it really doesn't put constraints on us 22 at all. It makes us also part of the stewardship of 23 public money, because we're going to have to be more 24 aware of how we're spending that money, which we've 25 never had to before.</p>	<p style="text-align: right;">53</p> <p>1 entire 72 percent. We'll be -- the part that we're 2 going to submit that we have -- you know, that the 3 PED is not going to change and they're going to take 4 our requests, is going to be for the PEC business. 5 But we are going to collaborate on the 6 entire 72 percent. But what we actually have that, 7 like, independent authority over that we're -- that 8 we, as a Commission, we're going to decide, the ten 9 of us, outside of the PED, we'll decide our budget 10 requests, you know, what we need for our Commission 11 business, what we need as a request for the 12 Commission. That's what our budget is going to look 13 like, you know, when we submit it. 14 It's not going to -- and then we work 15 together on the entire 72. So we don't have to -- 16 you know, when Corina presents, you know, her CSD 17 budget, and then we're like, "Oh, why do you only 18 have 11? Why don't you have 12?" Like, that's the 19 conversation we can have then. 20 We won't be doing that as a Commission 21 without Corina, ever. That'll always be done in 22 conjunction with the PED moving forward, not 23 independently. 24 THE CHAIR: Commissioner Carrillo? 25 COMMISSIONER CARRILLO: Well, there's two</p>

<p style="text-align: right;">54</p> <p>1 things.</p> <p>2 The first thing is I want to address</p> <p>3 Commissioner Robbins. But then I want to also go</p> <p>4 back to the statute that's on the screen right now,</p> <p>5 because I still don't -- I don't understand.</p> <p>6 Okay. So, first, Commissioner Robbins,</p> <p>7 ¡Hijole! I can't even see you. You just went</p> <p>8 really far back in your sofa or your desk chair,</p> <p>9 because I like to see you.</p> <p>10 The idea -- I think people misuse the word</p> <p>11 "consensus" a lot. And consensus does not mean the</p> <p>12 majority ultimately wins. It means that everybody</p> <p>13 ends up being happy with the agreement because</p> <p>14 everyone's concerns have been met in one way or</p> <p>15 another.</p> <p>16 It means that some people leave a little</p> <p>17 bit unhappy. Some people leave a little bit</p> <p>18 happier. But, by and by, we're all very satisfied.</p> <p>19 And I certainly want that to be the case</p> <p>20 with the MOU. So what I'm a hearing you say --</p> <p>21 because I want to go back, Commissioner Robbins, to</p> <p>22 the very first thing you brought up. And I have it</p> <p>23 here, this-- the request -- "shall reasonably</p> <p>24 consider such a request."</p> <p>25 So what I'm hearing from the things that</p>	<p style="text-align: right;">56</p> <p>1 the way it's worded.</p> <p>2 THE CHAIR: Commissioner Robbins, I'm</p> <p>3 sorry, but the 28 percent is PED's piece. Sorry.</p> <p>4 COMMISSIONER CARRILLO: But I want to</p> <p>5 continue with Commissioner Robbins. So when I</p> <p>6 first -- when I first looked at this, I had to ask</p> <p>7 Ms. Chavez for clarification, because they look</p> <p>8 almost like headings. And would it help for you, in</p> <p>9 the May meeting, when we, let's say, are going to be</p> <p>10 approving this MOU, would it help to have this</p> <p>11 formula that's at the top of Page 3 spelled out in</p> <p>12 more detail?</p> <p>13 Obviously, these numbers fluctuate because</p> <p>14 the number of charters and the number of kids</p> <p>15 fluctuates. But if the formula were spelled out in</p> <p>16 more detail about, first off, the formula itself and</p> <p>17 how it works, and then maybe example of plugging in</p> <p>18 numbers from the year 2020-2021; because then</p> <p>19 anybody reading it would have a much better sense of</p> <p>20 the allocations.</p> <p>21 Is that something that would -- that would</p> <p>22 satisfy the need for more detail and information in</p> <p>23 this MOU?</p> <p>24 COMMISSIONER ROBBINS: It would be</p> <p>25 helpful. But, you know, what Commissioner Gipson</p>
<p style="text-align: right;">55</p> <p>1 you've said today is there is a concern that somehow</p> <p>2 we're not going to be able to get what we need when</p> <p>3 or if we need it relative to a budget request.</p> <p>4 Am I hearing that correctly? And then</p> <p>5 what would satisfy you relative to that?</p> <p>6 COMMISSIONER ROBBINS: Well, with regard</p> <p>7 to that point of "reasonably consider such request,"</p> <p>8 that had to strictly to with contractual services.</p> <p>9 That's all it had to do with.</p> <p>10 COMMISSIONER CARRILLO: I understand.</p> <p>11 COMMISSIONER ROBBINS: These other</p> <p>12 conversations we've been having go into other</p> <p>13 points. But, you know, in reading the other parts</p> <p>14 of this, I'm not clear that we get the 28 percent,</p> <p>15 or that -- I'm hearing we get 72 percent; we get</p> <p>16 28 percent. I'm not clear, because I don't see any</p> <p>17 numbers here.</p> <p>18 And I know Director Chavez, you know,</p> <p>19 explained this. But it doesn't really say</p> <p>20 explicitly -- it gives a little formula but doesn't</p> <p>21 say, "This is roughly 72 percent; it's going to go</p> <p>22 to PED to fund Charter School Division and other</p> <p>23 support, and 28 percent goes to PEC for their needs</p> <p>24 in supporting charter schools."</p> <p>25 I don't see that, and so it's very muddled</p>	<p style="text-align: right;">57</p> <p>1 just says raises more concerns, that, you know,</p> <p>2 28 percent is going to fund other PED things other</p> <p>3 than the Charter Schools Division and PEC.</p> <p>4 THE CHAIR: No, no. 72 percent is what</p> <p>5 CSD, PEC -- that's that 72 percent. That's what</p> <p>6 that money is.</p> <p>7 The 28 percent, approximately, is the</p> <p>8 money that's used for administrative costs for PED,</p> <p>9 as the Director said, budget analysts, Title I,</p> <p>10 assessment, whatever other divisions and bureaus</p> <p>11 need to staff up so that they can offer the support</p> <p>12 necessary for all of these charter schools. That's</p> <p>13 the 28 percent.</p> <p>14 So that when the -- when we need to report</p> <p>15 to the charter schools as to how the 2 percent is</p> <p>16 being spent, 28 percent of it is administrative</p> <p>17 costs; as an example, budget and so on. 72 percent</p> <p>18 of it is CSD costs, PEC costs.</p> <p>19 And we will have our budget. And the</p> <p>20 budget will be expressively laid out so that they</p> <p>21 can see what we have spent, or -- and CSD will have</p> <p>22 their budget so that will be clearly expressed;</p> <p>23 staffing and transportation and all the costs for</p> <p>24 CSD and the REC contracts and all of that</p> <p>25 encompassed into the 72 percent. That's what --</p>

<p style="text-align: right;">58</p> <p>1 that's what that is.</p> <p>2 So the greatest portion of that 2 percent</p> <p>3 is still going directly to CSD/PEC.</p> <p>4 DIRECTOR CORINA CHAVEZ: And if I may --</p> <p>5 and if I may -- so that is absolutely correct. And,</p> <p>6 Commissioner Robbins, you know, Bev Friedman doesn't</p> <p>7 reside in the Charter Schools Division. So her</p> <p>8 salary is not covered. But we see her every month,</p> <p>9 and she provides critical services.</p> <p>10 Similarly, we spoke to a charter school</p> <p>11 this week that talked about through -- through a</p> <p>12 grant that the PED provides -- it's a state charter</p> <p>13 school -- they're getting coaching on special ed</p> <p>14 functions. So somebody else at the PED is</p> <p>15 administering that program.</p> <p>16 And there's multiple examples across the</p> <p>17 agency of how State charters are benefiting from the</p> <p>18 work of the larger PED. And this -- this recognizes</p> <p>19 that, through a cost sharing process, that with the</p> <p>20 ratio, does provide for all of your needs and all of</p> <p>21 our needs.</p> <p>22 COMMISSIONER CARRILLO: I wasn't finished.</p> <p>23 Two things: One, I want to ask</p> <p>24 Commissioner Robbins is if the answers from the</p> <p>25 Chair and Ms. Chavez satisfy that concern. And I</p>	<p style="text-align: right;">60</p> <p>1 Department. So, again, I'm not really certain what</p> <p>2 we're really talking about here.</p> <p>3 And, again, I understand what Commissioner</p> <p>4 Burt said. I'm not asking for total control. I'm</p> <p>5 asking for -- to be able to say, "This is" -- to</p> <p>6 charters -- "This is how your 2 percent is being</p> <p>7 used."</p> <p>8 And if we just muddy -- take 28 percent</p> <p>9 and say, "Well, that's just going for support,"</p> <p>10 they're going to say, "Well, what do they provide</p> <p>11 for that?" I mean, understand. I just want to be</p> <p>12 able to answer the charters.</p> <p>13 72 percent, you know, at our current</p> <p>14 funding -- funding level is about \$1.4 million. And</p> <p>15 that really will not give the Commission much leeway</p> <p>16 to do anything other than cover our Commission costs</p> <p>17 and cover CSD. Being able to provide any sort of</p> <p>18 contractual services above -- you know, to where we</p> <p>19 see that there's a need for -- for support or</p> <p>20 coaching -- not staffing, but support or coaching --</p> <p>21 I don't know that we would have that. That's my</p> <p>22 concern.</p> <p>23 So -- but I think we need to move on,</p> <p>24 because we're taking a lot of time on that.</p> <p>25 THE CHAIR: Right.</p>
<p style="text-align: right;">59</p> <p>1 don't want to lose Part 2 of my question was what's</p> <p>2 on the screen-share that I still don't understand.</p> <p>3 COMMISSIONER ROBBINS: Well, I mean, I</p> <p>4 guess I'm a numbers person. I've done budget with</p> <p>5 State government for years and years and years. I</p> <p>6 don't know if there was -- you know, the people</p> <p>7 making the decisions, if they were looking at actual</p> <p>8 dollars they're talking about here.</p> <p>9 But if we're talking about roughly</p> <p>10 28 percent of \$2 million, that's \$560,000 for</p> <p>11 non-CSD support. That's an awful lot of money.</p> <p>12 That's an awful lot of money.</p> <p>13 And, you know, I understand what</p> <p>14 Commissioner Chavez just said -- not</p> <p>15 "Commissioner" -- Director Chavez just said about</p> <p>16 the other supports that come in from PED to support</p> <p>17 charters and things like that. But it's just hard</p> <p>18 for me to believe that there are seven or eight</p> <p>19 full-time people in PED serving the State charters,</p> <p>20 which would -- that's what it would have to take in</p> <p>21 order for that half-million dollars or so to be.</p> <p>22 So I just have a concern there in the way</p> <p>23 this is worded. I'm not clear that the 72 percent</p> <p>24 is what goes to CSD and -- and the PEC, because it</p> <p>25 says the remainder of appropriation goes to the</p>	<p style="text-align: right;">61</p> <p>1 COMMISSIONER CARRILLO: But if we're going</p> <p>2 to get through this, David, it's -- I mean,</p> <p>3 Commissioner Robbins -- no. Hearing your point of</p> <p>4 view and reasoning is extremely important. And what</p> <p>5 I would suggest is that on Page 5, there are two</p> <p>6 places that allow us -- I don't know that we're</p> <p>7 going to come up with anything perfect this time</p> <p>8 around.</p> <p>9 And I think we can have something like</p> <p>10 this for May that is really darned good and just a</p> <p>11 leap forward, as Vice Chair and Chair have said</p> <p>12 earlier.</p> <p>13 And there's two places that I think really</p> <p>14 allow us to -- to trust in the process for this</p> <p>15 first year and then to be able to come back and make</p> <p>16 changes on areas that we're not happy. And that's</p> <p>17 at the top of Page 5 -- in the future, we need</p> <p>18 numbered lines, by the way, on anything like this.</p> <p>19 But on the top of Page 5, we can say,</p> <p>20 instead of where it says, "will be authorized" in</p> <p>21 line 3, it can say, "may be authorized."</p> <p>22 But if things are going great, we don't</p> <p>23 want to tie ourselves to doing this every year.</p> <p>24 And the same thing in Section 11 on the</p> <p>25 second line that can be -- it says, "may be</p>

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1 reviewed." So this gives us the opportunity to come
 2 back next year and say, "You know what? How did
 3 this work? Do we need more information here? Where
 4 do we think we weren't as transparent as we could
 5 have been?"
 6 But I wouldn't want this to hold us up,
 7 because we've made so much progress, and our
 8 Executive Committee has made so much progress.
 9 Would something like that be okay for you
 10 in terms of being able to move on to what's next?
 11 COMMISSIONER ROBBINS: I can live with
 12 that.
 13 COMMISSIONER CARRILLO: I still want
 14 Part 2 of not understanding the thing, the language,
 15 you know, the whatever is up there, the statute.
 16 MS. AMI JAEGER: Okay. So let me -- I
 17 mean, I think -- don't throw the baby out with the
 18 bathwater.
 19 So I'm describing the legal situation.
 20 And I hear loud and clearly from the Commissioners,
 21 it's not what they want. But -- but bear with me.
 22 This is -- this is the statutory milieu in
 23 which the PEC was created. So 9-24-9 says -- and
 24 you don't need to switch to it. It says the
 25 Commission is created under the Constitution. The

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1 Commission shall be -- let me read it; just don't
 2 flip around.
 3 "The Commission shall be administratively
 4 attached to the Department," okay? "Additional
 5 requests for staff shall be made to the Secretary."
 6 So then you go to this portion of the
 7 executive organization of the statutes. This is
 8 what it means to be administratively attached. I'm
 9 not saying it's what you want. I'm not saying it's
 10 your vision of the relationship. I'm saying this is
 11 the statutory obligation under which the PED and the
 12 PEC operate.
 13 And --
 14 COMMISSIONER CARRILLO: I see.
 15 MS. AMI JAEGER: -- this is what we are --
 16 this is where, when I keep saying "Function
 17 independently, we don't need PED approval," this is
 18 where it comes from.
 19 You guys may say, "That's not what we
 20 want." Whether or not it's an unconstitutional
 21 delegation of authority is to be determined.
 22 But this is what the foundation is that
 23 was established by the Legislature in thinking about
 24 what is the PEC and what is the PED and how do they
 25 function together. And that's why many things about

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1 the budget and the independence of hiring staff, it
 2 generates from 9-24-9 and 9-1-7.
 3 COMMISSIONER CARRILLO: I see. Thank you
 4 for explaining that, Ami.
 5 MS. AMI JAEGER: Uh-huh.
 6 COMMISSIONER CARRILLO: Now I understand
 7 that. This piece, I understand in the context of
 8 the other, this being more of an administrative --
 9 the administrative -- there's a word you used --
 10 part --
 11 MS. AMI JAEGER: "Administratively
 12 attached." That's in 9-24-9.
 13 COMMISSIONER CARRILLO: Not that. But
 14 this is being the subsection of, in a sense, the
 15 statute that created the PEC. I can't remember the
 16 term you used. But thank you for explaining this.
 17 MS. AMI JAEGER: Yeah.
 18 THE CHAIR: So, David, I just want a quick
 19 clarification. Under the -- excuse me. Under that
 20 formula, where it says, "The remainder of the
 21 appropriation," the reference there is if there was
 22 to be any money left over out of that 2 percent pot,
 23 or the 72 percent of that pot of money at the end of
 24 the year, that money goes back into PED; it would
 25 not revert back to the General Funds.

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1 So it still continues to support kids in
 2 New Mexico, and students. So it's not just going to
 3 revert back to General Funds. It's not saying the
 4 remainder of the appropriation. It's if money is
 5 not used it would go back to PED. It would stay
 6 within PED. It wouldn't revert back to General
 7 Funds.
 8 COMMISSIONER ROBBINS: Right. And I
 9 understand that, because the schools' SEG doesn't
 10 revert. It's a non-reverting amount. And this
 11 2 percent is a non-reverting. But I think that
 12 language in that paragraph at the top of Page 3
 13 could be clarified to talk about that these SEG
 14 funds, remaining SEG funds that are a part of this
 15 2 percent, will not revert but will be held by the
 16 Department. I just think that would make it clearer
 17 for me.
 18 THE CHAIR: Okay. Okay.
 19 COMMISSIONER ROBBINS: Because, again I
 20 was reading through it, and I'm, like, what is that
 21 really saying? I know, you guys have had the
 22 discussion. But when we put it in writing, it can
 23 get garbled.
 24 THE CHAIR: I got you. I got you. Okay.
 25 So --

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1 COMMISSIONER CARRILLO: (Inaudible due to
 2 simultaneous speaking) meeting the formula and the
 3 detail, that would be great.
 4 THE CHAIR: Yeah. Yeah. All right.
 5 COMMISSIONER ROBBINS: Real quick. If I
 6 can go down under Budgeting --
 7 THE CHAIR: Sure.
 8 COMMISSIONER ROBBINS: -- at the bottom of
 9 Page 2, the second line, it says, "Pursuant to the
 10 Act, programs may be used for administrative support
 11 of State charter schools and Commission."
 12 Shouldn't it be "and the Commission"?
 13 THE CHAIR: Could you -- I need -- are you
 14 on No. 4 or --
 15 COMMISSIONER ROBBINS: I'm on what the
 16 Director sent us.
 17 THE CHAIR: Right.
 18 COMMISSIONER ROBBINS: The bottom of
 19 Page 2, under "Budgeting," that first paragraph
 20 there -- or the last paragraph of the page, what was
 21 my Page 2 --
 22 THE CHAIR: Oh, got you.
 23 COMMISSIONER ROBBINS: -- "Pursuant to the
 24 Act..." -- what we had originally was "State charter
 25 schools and the Commission." They took out "and

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1 Commission."
 2 COMMISSIONER BURT: Do we count as
 3 administrative support of State charter schools, or
 4 would we be listed separately?
 5 COMMISSIONER ROBBINS: That's just saying
 6 "Budgeting." Nowhere in that sentence does it talk
 7 about administrative -- I mean, it talks about,
 8 "will maintain an amount of funds for administrative
 9 support equal to... ."
 10 But that's the second paragraph.
 11 COMMISSIONER CARRILLO: So could Corina
 12 live with the addition of "and the Public Education
 13 Commission"? Is she still here?
 14 COMMISSIONER ROBBINS: Because the
 15 Department provides us our administrative support.
 16 They don't provide administrative support just to
 17 State charter schools. They provide it to the
 18 Commission.
 19 COMMISSIONER CARRILLO: Perfect sense.
 20 But now the question is if we're going to go back to
 21 PED with that change -- where the heck did Corina
 22 go?
 23 MS. KAREN WOERNER: Excuse me. This is
 24 Karen Woerner. She did text me her Internet went
 25 out. I'm sending her the number to phone back in.

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1 I'm sorry for that; but I'm trying to get her back
 2 on.
 3 COMMISSIONER CARRILLO: I thought she was
 4 beating us to the margaritas.
 5 COMMISSIONER VOIGT: I got kicked out
 6 also. I had to get back on.
 7 THE CHAIR: We can certainly bring that
 8 back. That's no issue, I don't think.
 9 So I need -- and I'm sorry, because I
 10 still haven't been able to find it. Can you focus
 11 me on exactly where you're looking at so I know
 12 where I'm -- that I'm clear on where that
 13 clarification has to be?
 14 Are you under the No. 2, "Budgeting"?
 15 COMMISSIONER ROBBINS: Yes.
 16 THE CHAIR: Okay. So --
 17 COMMISSIONER ROBBINS: The end of the
 18 first sentence.
 19 THE CHAIR: I got you. Okay. All right.
 20 COMMISSIONER ROBBINS: Because, again,
 21 that's going back to the statute that says we're
 22 administratively attached, and they're supposed to
 23 provide Charter Schools and us the administrative
 24 supports.
 25 COMMISSIONER CARRILLO: Let's just add

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1 that line and Corina will say "yes," we hope.
 2 THE CHAIR: Ultimately, it's the Cabinet
 3 Secretary, you know.
 4 MS. KAREN WOERNER: Corina can say "yes,"
 5 but I'm not sure that's enough.
 6 COMMISSIONER ROBBINS: It was in what we
 7 had last week, but I didn't see it there.
 8 THE CHAIR: Got you. All right. Okay.
 9 Got you. Thanks.
 10 COMMISSIONER CARRILLO: So if that change
 11 were made, is there anything else to discuss
 12 relative to moving forward with this in May?
 13 COMMISSIONER ROBBINS: I had several other
 14 things that language was changed prior to what we
 15 had.
 16 On Page 3, the third paragraph, "The
 17 Commission will submit the annual budget with
 18 respect to those funds to the Department, and the
 19 Department shall review the proposed budget for
 20 incorporation after consideration of the proposal as
 21 provided in statute."
 22 Well, we submit -- if we're saying we have
 23 the 72 percent, and we're fully -- fully taking care
 24 of what CSD needs, what we have for Commission
 25 support -- I mean not support, but Commission

<p style="text-align: right;">70</p> <p>1 running, for per diem, travel, things like that, 2 conference fees, whatever, I don't know that that's 3 up to the PED to challenge or -- because the statute 4 says it "shall" submit our budget as presented. 5 This -- this doesn't say that. 6 COMMISSIONER BURT: I think it just means 7 that we may not get what we requested, and at the 8 end of the day, we may not get everything we 9 requested. 10 THE CHAIR: No. This isn't a budget 11 request. We create a budget. The budget doesn't -- 12 and it's reflected in that. So this is not a budget 13 request like a division. It isn't. 14 COMMISSIONER BURT: That's -- if we -- 15 that's what the statute says, is that we submit a 16 budget request without any alteration from the PED. 17 It doesn't say -- it does not say that then the PED 18 has to -- like, has to give everything in that 19 request. 20 I mean, a request is a request. It's not 21 a budget. It is a budget request. But they cannot 22 change -- 23 COMMISSIONER ROBBINS: The request is at 24 the Legislative level. It says, "The Department 25 shall review the proposed budget."</p>	<p style="text-align: right;">72</p> <p>1 that?" 2 And if the Secretary is, like, "Yeah, I 3 don't know. Cut it. I don't care. Like, 4 whatever," that's what we're trying to prevent with 5 that language. 6 COMMISSIONER VOIGT: I think Director 7 Chavez had something to say. 8 DIRECTOR CORINA CHAVEZ: Yeah. Thank you, 9 guys. I got kicked off of my Internet, and so sorry 10 I was gone for a minute. 11 And Commissioner Burt is absolutely right. 12 I think that it's a checks-and-balances thing. If 13 the Commission said, "Oh, we want to take a cruise 14 to Alaska," and then -- and, you know, that might be 15 something that would be considered by the Department 16 as something that might not be approvable. 17 But I think that if we go into this 18 recognizing that there's a vested interest on the 19 part of the PED as well as the PEC in supporting 20 State charter schools, and really excellent State 21 charter school authorization, that that's not going 22 to happen. 23 But I think it's a checks-and-balances 24 phrase that is inserted into what is a legal 25 document.</p>
<p style="text-align: right;">71</p> <p>1 They can review it, but they don't -- 2 COMMISSIONER BURT: Yeah. It's part of 3 that collaboration. Because -- and this is what I 4 remember for when we were talking to the Secretary. 5 He was saying, if the PEC were to make this budget 6 for ourselves, and we have X-Y-Z, right? The 7 Secretary and all the policy folks at PED then have 8 to go over to the Legislature and defend that; 9 right? 10 So if we do it independently of them, like 11 with no collaboration whatsoever, I mean, we could 12 end up with a Secretary who's, like, "Actually, I 13 don't even know what they want." 14 We put in the request; but maybe we don't 15 have a Secretary who really helps us try to get that 16 whole request because they're not a part of it. So 17 I think that was the sentiment -- and correct me if 18 I'm wrong, Vice Chair and Chair -- that that's what 19 he was saying, like, "We want to collaborate with 20 you on your budget request as well so we can go and 21 defend it for you. Like, we want to be on your 22 team; we want to have your back." 23 But if a legislator is, like, "Hey, why 24 did they ask for \$50,000 in charter support for 25 finance training, like, why would they even ask</p>	<p style="text-align: right;">73</p> <p>1 COMMISSIONER ROBBINS: And I understand 2 what Commissioner Burt was saying. But the next 3 paragraph down actually says that the budget is 4 submitted, and, in essence, it's saying that the 5 Secretary of Education can say no. 6 And statutorily, he doesn't have that 7 ability to do that. I mean, I understand. We 8 should sit down and explain why we're putting in the 9 budget what we're putting in. Absolutely. I do not 10 disagree with that. 11 But if he feels what we've put down for 12 per diem or travel or conferences or memberships is 13 unreasonable, if we have the funding for it, it's 14 not his prerogative to say no. 15 If it's something that is, like you said, 16 a trip to Alaska, okay, I think the legislature 17 would definitely question that, and the ability to 18 get travel approved to go to something like that 19 through a travel request form would justly be denied 20 by DFA, which does have the authority to deny those 21 things and deny reimbursement for those things. And 22 that's -- that's currently in place. 23 But I think statutorily, the Department 24 doesn't have the right. And I don't want to 25 relinquish that with this language, saying that "as</p>

<p style="text-align: right;">74</p> <p>1 reasonably determined by the Secretary of 2 Education." 3 THE CHAIR: And I have -- I have to agree 4 with this, that even if you look at it as a request, 5 it's -- it is clear that our budget collaboratively 6 created goes in against part of the PED budget, but 7 that the Cabinet Secretary doesn't have the 8 authority to determine if that's a reasonable 9 expense. 10 If something gets -- because, as an 11 independently elected body, he doesn't have the 12 authority. DFA -- Commissioner Robbins is right. 13 DFA could say, "No, we're not going to reimburse for 14 that because that doesn't -- you know, that doesn't 15 fall within the purview of reimbursements." 16 But for the -- but I agree that this 17 creates the notion that the Cabinet Secretary could 18 line-item something. 19 Commissioner Carrillo? 20 COMMISSIONER CARRILLO: Doesn't it stand 21 to reason that if we're collaboratively working on 22 our budget, there's not going to be any surprises? 23 THE CHAIR: I don't know. 24 COMMISSIONER CARRILLO: Because I'm for a 25 trip -- team building trip to Juneau to do some sea</p>	<p style="text-align: right;">76</p> <p>1 COMMISSIONER ROBBINS: Page 4 -- just real 2 quick on Page 4, there was just two quick things, 3 hopefully. Under "Legal Matters," it's No. 5, the 4 original wording in here was that the Department 5 would notify -- and the Division, which would notify 6 the Commission and legal counsel. 7 Since legal counsel is the only one that's 8 not administratively attached -- I mean, she's like, 9 in essence, our legal counsel is like our only paid 10 staff. And that if -- if it goes in -- you know, 11 let's say it went to the Chair, that for some reason 12 it didn't get read or whatever, our -- our counsel 13 could be left out. 14 And I'm not saying, Pattie, that you would 15 do that. But, you know, things can disappear in the 16 ethernet or whatever. I just want to make sure that 17 our legal counsel is included, as reasonable, 18 because we do this in all of our charter contracts 19 saying, "We're going to notify the school and their 20 legal counsel." If they put that in there, we 21 notify both parties. I -- you know, I just would 22 like to put that back in. 23 DIRECTOR CORINA CHAVEZ: Okay. So, 24 Commissioner Robbins, can I read it to you, and you 25 tell me if this is how you want it to read?</p>
<p style="text-align: right;">75</p> <p>1 kayaking; I think that would be great for us. But 2 it would seem as though, if we're working on this 3 budget together, that there's not going to be that 4 kind of surprise, where he says, "You know 5 something? There's no way we're going to get this 6 past, you know, so-and-so." 7 Now that -- there she is -- now that 8 Director Chavez is back, there was that line we 9 wanted to include; remember, Commissioner Robbins? 10 It's on Page 2, last paragraph under "Budgeting," 11 after -- in the first sentence, adding the phrase, 12 "and the Public Education Commission." Right? 13 Because that's what we discussed, right? 14 And we were waiting for Ms. Chavez' 15 cocktail break to come back -- I know you were just 16 off the Internet. Can we add that line? 17 DIRECTOR CORINA CHAVEZ: Please say where 18 it's added again. 19 COMMISSIONER CARRILLO: It's the very -- 20 at the end of the very first sentence, Page 2, 21 section on Budgeting, just adding, "and the Public 22 Education Commission." 23 Sound good? 24 Great. 25 David, good?</p>	<p style="text-align: right;">77</p> <p>1 It's the last sentence under 5, "Legal 2 Matter." And you want it to say, "The Department 3 and the Division shall inform the Commission and its 4 legal counsel of any appeal of the Commission or 5 Department decision relating to the Commission or 6 the State charter school." 7 COMMISSIONER ROBBINS: Yes. If we could 8 do that. That just makes me much more comfortable. 9 DIRECTOR CORINA CHAVEZ: Okay. 10 COMMISSIONER ROBBINS: Okay? And then the 11 next paragraph down, "The Division will copy the 12 Commission on all written communications...," 13 whatever. "The Commission shall be entitled to 14 review and comment upon..." -- you know, I think 15 that's okay. 16 I just -- in the original, we have legal 17 counsel mentioned in that paragraph also. And I 18 just wanted -- you know, I haven't had enough time 19 to kind of review and digest that independent of 20 all -- what's gone on in the last three hours, 21 because I started reading this about three hours ago 22 to try to process the difference in that versus what 23 was in the form that we -- the document we had a 24 week ago. I'm just trying to get my head around 25 that.</p>

<p style="text-align: right;">78</p> <p>1 COMMISSIONER CARRILLO: Can we add that 2 same language? 3 DIRECTOR CORINA CHAVEZ: So, Commissioner 4 Robbins, that would read -- it would be the second 5 sentence under No. 6, "Communications." But, 6 Commissioner Voigt? 7 COMMISSIONER VOIGT: Yeah. I don't feel 8 that we need to "cc" all communiques from Charter 9 School Division to our attorney, you know. If we 10 feel -- if we feel that our attorney needs their 11 eyes on something, that would be -- that would be 12 something that the PEC could determine. Because, 13 just keep in mind, you know, finances and things 14 like that. So, I mean -- right? 15 COMMISSIONER ROBBINS: Well, the way it 16 said originally, okay, says, "The Division shall not 17 communicate with the legal counsel for a State 18 charter school for any reason, but shall immediately 19 refer such communication to the Commission's legal 20 counsel." 21 That's not in that paragraph now. 22 COMMISSIONER VOIGT: I think that's fine 23 that it's not. 24 COMMISSIONER CARRILLO: I agree. 25 COMMISSIONER ROBBINS: But if you're</p>	<p style="text-align: right;">80</p> <p>1 If it became something that became more of 2 a legal parameter, then we would -- the Charter 3 School Division would let us know that, and we would 4 bring our counsel in to talk with the school's 5 counsel. But, initially, that initial piece 6 doesn't -- it doesn't -- we don't need that. We 7 don't need to have our attorney receive all those 8 communiques. 9 COMMISSIONER ROBBINS: Well, again, I'm 10 looking what we had as our original -- 11 COMMISSIONER VOIGT: I know. I know you 12 are. 13 COMMISSIONER ROBBINS: -- wording from 14 what we have here. And, to me, we could be left 15 out. Because it says the Division shall talk to the 16 Commission, not the Department. 17 So if the Department has a communication, 18 we don't have to get communicated with. But if the 19 Division does, then we do. So, again, there's kind 20 of a loophole -- there's a loophole there. 21 COMMISSIONER VOIGT: Just a second, 22 Commissioner Carrillo. I understand, Dave, that it 23 was there before; but it's not now. And that's 24 okay. It's okay. 25 COMMISSIONER CARRILLO: Chair, is it okay?</p>
<p style="text-align: right;">79</p> <p>1 talking with a State charter's legal counsel, that 2 could impact the Commission. And our legal counsel 3 maybe needs to be aware. If the Commission's not 4 being made aware, the legal counsel needs to be 5 aware 6 COMMISSIONER VOIGT: No. Unh-unh. 7 COMMISSIONER ROBBINS: If the Department 8 is communicating with the legal counsel of a charter 9 school that's authorized by the PEC -- and, again, 10 all aboveboard. I'm not saying anyone's going to do 11 anything wrong. 12 But if our legal counsel is not left out, 13 then -- I want to make sure that the Department 14 doesn't agree with legal counsel of a charter school 15 on an action that may affect PED's position and 16 authority without our legal counsel being aware of 17 it. 18 COMMISSIONER VOIGT: I understand what 19 you're saying. But there are many occasions that 20 the Charter School Division will be communicating 21 with a governing board, a principal, an attorney, 22 that the PEC does not have to have -- I mean, that 23 is something about -- it's about compliance and 24 oversight that they're making a -- a supportive 25 measure on, you know.</p>	<p style="text-align: right;">81</p> <p>1 Can I go? 2 I completely agree with Ms. Voigt that 3 just because it was there before doesn't mean it 4 needs to be there now. Because part of this whole 5 process has been making this cleaner and being more 6 collaborative. 7 And I would ask all of us -- because I 8 think everyone, even the attendees and everyone, can 9 think of people that if attorneys hadn't been 10 involved in their divorce, how much better it would 11 have gone and how much less expensive it would have 12 been. 13 Sometimes -- and no offense taken to the 14 profession, Ami. But sometimes you just don't need 15 attorneys at the table. And if it ever got to the 16 point where the Chair or the Executive Committee 17 felt like, "Wait a minute, this is getting a little 18 bit to where we need some extra eyes on this," then 19 we would have the ability to do so. 20 But there's a lot of language I wouldn't 21 get hung up on like that, because there's a total 22 of, like, four versions here, and it's, like, 23 ;Hijole! We could make ourselves crazy. 24 So just taking the memorandum that's 25 before us. And the only thing I wanted to add to a</p>

<p style="text-align: right;">82</p> <p>1 finish was adding -- taking out the word "will" on 2 the top of Page 5 and adding "may" in the third 3 sentence. Because -- Mr. Robbins, we talked about 4 that earlier -- so it doesn't --</p> <p>5 DIRECTOR CORINA CHAVEZ: Let me make sure 6 I know where you're at. So the top of Page 5, where 7 it says --</p> <p>8 COMMISSIONER CARRILLO: Where it says 9 "will" after the capital MOU on line 3. Instead of 10 saying "will," it says "may."</p> <p>11 So we don't have to keep renegotiating 12 this thing. If we're all happy, we're all happy. 13 Let's just move on to the next year.</p> <p>14 DIRECTOR CORINA CHAVEZ: So it reads that, 15 "The MOU shall be effective for one year, at which 16 time the MOU may be reauthorized"? That's the 17 sentence?</p> <p>18 COMMISSIONER CARRILLO: Wait a minute. 19 "the MOU shall be effective..." -- no, I'm at the 20 top of Page 5.</p> <p>21 DIRECTOR CORINA CHAVEZ: I am, too. But 22 what --</p> <p>23 COMMISSIONER CARRILLO: This is why we 24 need line numbers. So the second sentence, the 25 second full sentence says, "The MOU shall be</p>	<p style="text-align: right;">84</p> <p>1 we have is it says that, "The MOU, including any 2 amendments under survival, regardless of any changes 3 in the membership of the Commission..." -- but -- 4 you know. And I understand that you have changes in 5 Secretaries of Education when new administrations 6 come in and things like that.</p> <p>7 But if this MOU is in effect for one year, 8 and during that year, a new Secretary of Education 9 comes in, guess what? This -- we no longer have an 10 MOU. And we know that that can happen, because that 11 happened a year-and-a-half ago. Six months in, a 12 Secretary of Education was removed and a new one was 13 put in place.</p> <p>14 This MOU would basically go away, and 15 there's no provision in this MOU to say that a 16 new -- upon the appointment of a new Secretary, they 17 shall reauthorize or renegotiate. Unless this 18 continues, we're basically without an MOU at the 19 change of a Secretary.</p> <p>20 COMMISSIONER CARRILLO: How is that 21 possible if the Secretary signs this?</p> <p>22 COMMISSIONER ROBBINS: Pardon?</p> <p>23 COMMISSIONER CARRILLO: How is that 24 possible if the Secretary signs this?</p> <p>25 COMMISSIONER ROBBINS: Because it says,</p>
<p style="text-align: right;">83</p> <p>1 effective for one year..." -- right -- "...at which 2 time the MOU may be reauthorized or renegotiated."</p> <p>3 COMMISSIONER BURT: I want to keep "will," 4 if I can make an argument for keeping "will."</p> <p>5 DIRECTOR CHAVEZ: You can add "shall."</p> <p>6 COMMISSIONER BURT: I'll even say "shall," 7 Yeah. Because if the MOU lasts one year -- think 8 about this, Steve. If the MOU lasts one year, and 9 we don't put that it would be either authorized or 10 renegotiated, they can just not do anything. I'll 11 agree with that. We need to go "shall"; "shall" be 12 authorized or renegotiated.</p> <p>13 COMMISSIONER CARRILLO: I see what you're 14 saying. Otherwise, it just ends at one year.</p> <p>15 COMMISSIONER BURT: Yeah. It just goes 16 away, yeah.</p> <p>17 COMMISSIONER CARRILLO: ¡Hijole! You're 18 right.</p> <p>19 DIRECTOR CORINA CHAVEZ: I added the word 20 "shall."</p> <p>21 COMMISSIONER BURT: Okay. So good 22 point -- good catch, Commissioner Carrillo.</p> <p>23 COMMISSIONER CARRILLO: Good catch, 24 Commissioner Burt.</p> <p>25 COMMISSIONER ROBBINS: The only last thing</p>	<p style="text-align: right;">85</p> <p>1 "This MOU shall survive regardless of any changes in 2 the membership of the Commission," period.</p> <p>3 COMMISSIONER CARRILLO: Then why don't you 4 say "the Commission or the Office of the Secretary 5 of Education"?</p> <p>6 COMMISSIONER ROBBINS: That was in the 7 original language.</p> <p>8 COMMISSIONER CARRILLO: Just add that 9 line. Would that be okay, Ms. Chavez, just to add 10 "or the Office of the Secretary of Education"?</p> <p>11 COMMISSIONER ROBBINS: And I understand. 12 Secretaries don't want to encumber another one; 13 but...</p> <p>14 DIRECTOR CORINA CHAVEZ: What I hear 15 Commissioner Robbins suggesting is that the notion 16 of revisiting on a yearly basis might be something 17 that we eliminate?</p> <p>18 COMMISSIONER ROBBINS: No.</p> <p>19 DIRECTOR CORINA CHAVEZ: No?</p> <p>20 COMMISSIONER VOIGT: If I could just say. 21 Right now it says that this MOU survives regardless 22 of any changes in the --</p> <p>23 THE CHAIR: In the membership of the 24 Commission. Not the Secretary.</p> <p>25 COMMISSIONER VOIGT: Or --</p>

86	<p>1 DIRECTOR CORINA CHAVEZ: Do you want to 2 add "or the Secretary of Education"?</p> <p>3 COMMISSIONER VOIGT: It does say that. It 4 already says that. Let me finish. It says, "or the 5 appointment, regardless of any changes in membership 6 of the Commission or the appointment, confirmation 7 of the Secretary of Education."</p> <p>8 THE CHAIR: You're looking at the wrong 9 copy.</p> <p>10 COMMISSIONER ROBBINS: It doesn't say 11 that. You're looking at the wrong copy.</p> <p>12 DIRECTOR CORINA CHAVEZ: If the previous 13 version says that, I can pull that language and add 14 it so that, "or the appointment of a..." -- okay.</p> <p>15 THE CHAIR: Yeah.</p> <p>16 COMMISSIONER BURT: With that being said, 17 if I actually -- because I actually think one of the 18 things that might be something to consider -- 19 because I think it's like Commissioner Carrillo was 20 trying to get at with the -- when thinking of the 21 "may" -- is right now, there isn't any language that 22 would -- let's say this MOU actually is great. 23 Let's say we go through this year, and it is good, 24 right, like, it's good. 25 There isn't any language in there right</p>	88	<p>1 COMMISSIONER ROBBINS: And that's the way 2 basically all contracts are with agencies and 3 things. Secretaries come in, and if they have an 4 existing contract, they don't get to come in and 5 change it until the termination, or the end of that 6 contract. They can't -- and I just want to make 7 sure we retain that language.</p> <p>8 THE CHAIR: Commissioner Burt?</p> <p>9 COMMISSIONER BURT: Sorry. I feel like, 10 in the back of my mind, I'm just concerned about it 11 being one year, and we have -- I'm actually worried, 12 maybe -- that's what, like -- I wonder if there's a 13 way we can extend the MOU, but ask for that it can 14 be reviewed annually or something along those lines. 15 Because I, actually -- what I'm worried about is 16 this -- doing this all over again in a year.</p> <p>17 THE CHAIR: So could we put language in 18 that says, "This MOU is in place until either party 19 notifies that it's no longer working for them"? 20 Because I think that's what the old language was, I 21 think. Or -- so that it's there?</p> <p>22 COMMISSIONER BURT: I would like that. 23 That would satisfy what I'm thinking.</p> <p>24 THE CHAIR: "This isn't working; let's 25 look at it"?</p>
87	<p>1 now to allow us to just keep moving. So I wonder if 2 there's -- if we can add an option.</p> <p>3 COMMISSIONER CARRILLO: The very first 4 paragraph on that page does allow us that, where it 5 just says we can reauthorize it.</p> <p>6 COMMISSIONER BURT: Okay. So 7 reauthorizing means that you just don't change; you 8 can just -- we just vote and it goes again? 9 Okay. Okay.</p> <p>10 THE CHAIR: Yeah. It could be as simple 11 as we're -- you know, we're keeping it. It -- a 12 simple motion, yeah.</p> <p>13 COMMISSIONER BURT: Okay. Cool.</p> <p>14 COMMISSIONER ROBBINS: It sounds like, 15 Director Chavez, you said we could add -- we're 16 adding in the language of "regardless of any changes 17 in the membership of the Commission or the Secretary 18 of Education."</p> <p>19 THE CHAIR: Yes. Yeah.</p> <p>20 COMMISSIONER ROBBINS: And, again, I 21 think -- understanding that if a new Secretary came 22 in mid-term of an MOU, they would basically stay 23 with that MOU until the end of that term of the MOU, 24 and then they could renegotiate if they wanted to. 25 THE CHAIR: Correct.</p>	89	<p>1 COMMISSIONER ROBBINS: Well, it -- and I 2 understand what we -- that would be good. But with 3 a new Secretary coming in, it gives them a chance, 4 at the end of the term, to sit down with us to say, 5 "Hey, there's some things in here I don't like." 6 But if we just put it in, "This is it, and 7 if we don't want to change it, it stays that way, 8 and we commit future" --</p> <p>9 THE CHAIR: No, no, no. We're saying 10 either party can notify that --</p> <p>11 COMMISSIONER BURT: Update or change, 12 yeah.</p> <p>13 THE CHAIR: -- it or something is not 14 working. So either party would have the option to 15 notify the other party that they need to look at 16 something.</p> <p>17 COMMISSIONER BURT: Yeah. Because right 18 now, it's literally just one year, and then we have 19 to -- we, basically, whether we like it or not, we 20 probably are going to have to have a conversation in 21 a year, no matter what. And maybe the Secretary is, 22 like, "Actually, I don't want to sign again." 23 I don't know if that's necessarily the 24 appetite -- I would suggest not having the appetite 25 for requiring a signature again in one year, but</p>

90	<p>1 allowing the flexibility; so, like, somehow creating 2 that language to allow flexibility.</p> <p>3 I mean, the Commission is not going 4 anywhere. So I do kind of like how the Chairwoman 5 said, you know, "Until it -- this is in effect until 6 someone says something." Yeah, until some -- and 7 that way, it gives that flexibility, you know, to do 8 this review as needed, but doesn't require that a 9 signature be resubmitted next year.</p> <p>10 THE CHAIR: Right.</p> <p>11 COMMISSIONER CARRILLO: You could do this 12 on the -- I'm speaking out of turn. Does somebody 13 have their hand up?</p> <p>14 So on the top of Page 5, you can do this 15 in that very top paragraph, which was the 16 continuation of Section 8, "Effective Date of 17 Termination."</p> <p>18 You could just add language, "The MOU 19 shall be effective for one year, at which time both 20 parties..." -- right? -- and I think you wanted to 21 change that to "shall" -- "can reauthorize or 22 renegotiate."</p> <p>23 And then, "The MOU may be terminated upon 24 the agreement by both parties."</p> <p>25 COMMISSIONER BURT: Sorry. That's not</p>	92	<p>1 COMMISSIONER CARRILLO: Extended.</p> <p>2 DIRECTOR CORINA CHAVEZ: No, because it's 3 already --</p> <p>4 COMMISSIONER ROBBINS: "Terminated" or 5 "renegotiated"?</p> <p>6 DIRECTOR CORINA CHAVEZ: Renegotiated.</p> <p>7 COMMISSIONER BURT: That's awesome.</p> <p>8 DIRECTOR CORINA CHAVEZ: "Upon agreement 9 of... ." And how about it says, "both parties."</p> <p>10 THE CHAIR: Right.</p> <p>11 COMMISSIONER MANIS: I still think that 12 it's incumbent upon us, as a Commission, to review 13 the MOU annually.</p> <p>14 THE CHAIR: Right.</p> <p>15 COMMISSIONER MANIS: especially if new 16 Commissioners come in.</p> <p>17 COMMISSIONER ROBBINS: The Commission is 18 going to change. The Secretary is going to change. 19 Again, I don't want to commit future Commissions 20 indefinitely or -- you know. And I don't know that 21 Secretary Stewart would want to commit future 22 Secretaries indefinitely. Because if we say, 23 "Unless it's mutually agreed upon," he's basically 24 committing future Secretaries.</p> <p>25 I don't know he would really agree to</p>
91	<p>1 what I wanted.</p> <p>2 COMMISSIONER CARRILLO: That's not what 3 you wanted?</p> <p>4 DIRECTOR CORINA CHAVEZ: Do you want to 5 eliminate the sentence, the last one?</p> <p>6 COMMISSIONER BURT: One year.</p> <p>7 THE CHAIR: That'll last one year, yes.</p> <p>8 COMMISSIONER BURT: Or just even -- yeah, 9 just literally for one year. "The MOU shall be 10 effective from the..." -- upon -- yeah. Actually, 11 just eliminate, "The MOU shall be effective for one 12 year, at which time it can be reauthorized or 13 renegotiated."</p> <p>14 That goes away. And then instead, there 15 should be a sentence in there about -- and the 16 Chairwoman said it perfectly, like, that, "Either 17 party may bring up..." -- I don't -- I literally 18 can't remember what she said. But it was perfect.</p> <p>19 THE CHAIR: "Until either party notifies 20 or informs," yeah. We can work something out.</p> <p>21 DIRECTOR CORINA CHAVEZ: Okay. So we'll 22 eliminate that sentence, the sentence before the 23 last one about the one year. And then we'll talk 24 about -- we'll keep the sentence that says, "The MOU 25 may be terminated or..." --</p>	93	<p>1 that. If I were the Secretary, I wouldn't.</p> <p>2 COMMISSIONER BURT: Well, don't give him 3 that idea.</p> <p>4 COMMISSIONER ROBBINS: That's why keeping 5 the one-year review is a good thing.</p> <p>6 COMMISSIONER BURT: Yeah. I think annual 7 review. I think annual review, like KT said.</p> <p>8 THE CHAIR: Cindy is probably going crazy.</p> <p>9 COMMISSIONER CARRILLO: To speak to KT's 10 point, it's incumbent upon us. Let's just say we 11 sign this -- it gets signed June 1st. Let's just 12 throw that out there.</p> <p>13 It would be incumbent upon us, as 14 Commissioners in a May work session, probably, or an 15 April work session, to review to see if there's 16 anything we wanted to bring up.</p> <p>17 THE CHAIR: And I would recommend that it 18 actually be incorporated into our Rules of Procedure 19 so that it's there regardless of who's there, that 20 there is an annual review of the MOU. So, 21 therefore, it doesn't matter who's around; it's 22 there, and we know that we have to do that annually.</p> <p>23 MS. AMI JAEGER: Right. But by leaving in 24 mutual agreement for renegotiation, if PED says no, 25 which is what they've been doing for the last</p>

<p style="text-align: right;">94</p> <p>1 decade, you have no power to bring them to the 2 table. So all you're doing is repeating the 3 language, which is in the current MOU, which is -- 4 if that's the Commissioners' choice, that's fine. 5 But it doesn't allow anybody to require somebody to 6 come to the table. 7 COMMISSIONER ROBBINS: And I think leaving 8 the language in that, "The contract will be 9 reauthorized or renegotiated," does commit both 10 parties to negotiate in good faith. 11 THE CHAIR: I mean, I think the bottom 12 line is, you can't force anyone to do something, you 13 know. 14 COMMISSIONER ROBBINS: No. But -- 15 THE CHAIR: You know. 16 COMMISSIONER CARRILLO: We've all had 17 teenagers. 18 THE CHAIR: Yeah. And some of us have 19 negotiated multiple contracts. So we know what that 20 was like, you know. It is what it is. 21 COMMISSIONER ROBBINS: Yeah. I would feel 22 better if we just left that first paragraph at the 23 top of Page 5 with the only changes being "shall" 24 rather than "will," and leave the rest of it in 25 place.</p>	<p style="text-align: right;">96</p> <p>1 it -- I literally love exactly what that is. I 2 really -- like I said, I felt very uncomfortable 3 with it being a one-year MOU. 4 After working so hard to get to here, for 5 it to be a one-year MOU, it just made me feel very 6 uncomfortable. So I would like to see that, you 7 know, be removed and have it exactly how 8 Commissioner Gipson just said, that it's on there 9 and that we need to, as a responsible elected body, 10 review this annually. 11 That's a duty we can decide -- you know, 12 we can do that, you know, on our own. So I love 13 that approach, and that's what I would support. 14 THE CHAIR: Commissioner Taylor? 15 COMMISSIONER TAYLOR: I would support that 16 as well. Yeah, I would just -- I agree with that, 17 Commissioner Burt. Exactly. Leave it in place. Be 18 responsible enough for us to review it every year 19 and go from there. 20 COMMISSIONER CARRILLO: So what's the 21 language? 22 COMMISSIONER VOIGT: So I think Corina had 23 something scribbled down, right? 24 Okay. So are we going to get -- can you 25 send -- or e-mail us or load to SharePoint all these</p>
<p style="text-align: right;">95</p> <p>1 THE CHAIR: And, see, I'm -- I'm not -- 2 I'm not of the -- I'm not that hungry to renegotiate 3 every year, you know. That's what -- you know, I 4 just don't -- don't think it's -- I don't think it's 5 healthy, you know? 6 COMMISSIONER CARRILLO: I agree. Doesn't 7 the word "or" speak to that? Doesn't the word "or" 8 speak to not negotiating, but just basically us and 9 the Ryan -- whoever the Secretary is going to be -- 10 saying, you know, "The Commission would like to 11 extend this," and they send up a letter. "The PED 12 would like to extend this," and then we call it a 13 day and we meet for lunch. 14 THE CHAIR: You know, I -- personally, 15 I -- I like the it's there until one of the parties 16 says it's not working. And if we put within our 17 processes that we're going to review it yearly, then 18 it's -- you know, it's -- the burden is on both 19 parties to do the reviews on their own. And, you 20 know, I think that makes the process easier, 21 honestly. 22 Commissioner Burt? 23 COMMISSIONER BURT: I just was going to 24 say that's exactly what I agree to. I think it 25 allows the most flexibility, and it also -- I think</p>	<p style="text-align: right;">97</p> <p>1 edits that we just talked about? And I think our 2 next step will be to look at this in our Work 3 Session for May? 4 THE CHAIR: Right. Yeah. I mean, I 5 agree. This was -- and when the Director called me, 6 it's -- you know, it's tough, because I didn't have 7 a whole lot of time this afternoon to really dig 8 through and do the comparison of what those -- you 9 know, what some of the more subtle changes were. 10 So I think now that we've had this broader 11 discussion about it, and we can sit down and look at 12 it and digest it a little bit over, you know, the 13 next couple of weeks before our meeting, I think 14 it'll be really helpful. 15 COMMISSIONER VOIGT: Great. 16 THE CHAIR: Commissioner Burt? 17 COMMISSIONER BURT: I didn't know if 18 Director Chavez was going to help temper our 19 expectations or not. But I know one thing we also 20 need to be warned of is that the legal team at the 21 PED hasn't reviewed this yet. I'm sure they're 22 going to have. 23 We are going to see a different version at 24 some point. There's going to be -- there are going 25 to be some updates to it. Tempering our</p>

98	<p>1 expectations for that, too, that exactly how we're 2 seeing it may not be the next iteration that we have 3 to look through again. We may have to do a little 4 bit more review again, so -- a little bit more 5 back-and-forth getting these top-level ideas I think 6 was what was the most important part of tonight, and 7 I feel really confident in that, you know, that 8 we're in a good place, and that, you know, we can 9 move forward on those pieces. 10 And then I think -- like, I -- the 11 Secretary, you know, he told us that, you know, if 12 he wants it, then that's what's going to happen. So 13 that did make us feel good, too. 14 COMMISSIONER VOIGT: Right. Yeah, I think 15 this -- just this evening and finalizing that, yes, 16 we want to move forward with an MOU was the crux of 17 the evening. 18 And things will always change. One thing 19 you can always count on is there's going to be 20 change. So we all know that. 21 So what else do we have? 22 THE CHAIR: That's our agenda. If no one 23 has anything else regarding this MOU -- and I think 24 we need to have the record reflect that Commissioner 25 Davis is not with -- stepped away. So she's --</p>	100	<p>1 for being great. 2 COMMISSIONER VOIGT: You just stoked up on 3 your caffeine before the meeting. 4 THE CHAIR: Okay. So if there is nothing 5 else -- 6 COMMISSIONER ROBBINS: No caffeine. 7 COMMISSIONER VOIGT: Yeah. What's really 8 in that bottle? 9 COMMISSIONER ROBBINS: Root beer. 10 THE CHAIR: Do we have a motion to 11 adjourn? 12 COMMISSIONER ROBBINS: I'll move. I'll 13 second. 14 COMMISSIONER VOIGT: I'll move. I'll 15 second. 16 THE CHAIR: There's a motion by 17 Commissioner Robbins, a second by Commissioner 18 Voigt. 19 Commissioner Burt, roll, please? 20 COMMISSIONER BURT: I muted myself instead 21 of unmuted. 22 Commissioner Armijo is not present. 23 Commissioner Burt, "Yes." 24 Commissioner Carrillo? 25 COMMISSIONER CARRILLO: Yes.</p>
99	<p>1 COMMISSIONER CARRILLO: She had to leave 2 for the night. 3 COMMISSIONER VOIGT: Yeah. She left 4 around 6:00. 5 THE CHAIR: My screen has been bouncing 6 for some reason. So I lose people, and then they're 7 coming back in. So I never know if they're 8 completely gone or just somewhere in cyber land for 9 a while. Sorry. 10 COMMISSIONER ROBBINS: Thank you for 11 listening to my concerns. 12 COMMISSIONER VOIGT: Sure. 13 COMMISSIONER BURT: You were great, 14 Commissioner Robbins. It's definitely helpful to 15 have the other set of eyes looking through it and 16 having the -- you know, there's a lot of good -- 17 that's -- it's so -- that's the point. I mean, 18 that's what -- you shouldn't -- I mean, you don't 19 even need to say thank you. I mean it's the norm. 20 THE CHAIR: You know, yeah. 21 COMMISSIONER ROBBINS: Seems like I had 22 more than anybody else. So I want to apologize for 23 being difficult. 24 COMMISSIONER BURT: Do not apologize for 25 being great, Commissioner Robbins. Do not apologize</p>	101	<p>1 COMMISSIONER BURT: Commissioner Chavez is 2 not present. 3 Commissioner Davis is not present. 4 Commissioner Gipson? 5 THE CHAIR: Yes. 6 COMMISSIONER BURT: Commissioner Manis? 7 COMMISSIONER MANIS: Yes. 8 COMMISSIONER BURT: Commissioner Robbins? 9 COMMISSIONER ROBBINS: Yes. 10 COMMISSIONER BURT: Commissioner Taylor? 11 COMMISSIONER TAYLOR: Yes. 12 COMMISSIONER BURT: Commissioner Voigt? 13 COMMISSIONER VOIGT: Yes. 14 THE CHAIR: That passes unanimously, 15 seven-zero. 16 Thanks, everyone, for this time. Really 17 appreciate all the input. We stand adjourned. Stay 18 safe. 19 (Proceedings adjourned at 6:31 p.m.) 20 21 22 23 24 25</p>

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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16
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18 *Cynthia Chapman*

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