**NEW MEXICO PUBLIC EDUCATION COMMISSION**

**Summary Minutes for PEC Work Session on Thursday, October 21, 2021 –**

Chair Patricia Gipson began the PEC Work Session at 10:00 a.m. in a Zoom Webinar.

**Commissioners in Attendance:**

Commission Chair Patricia Gipson, PEC Chair, District 7, Las Cruces

Commission Vice Chair Glenna Voigt, District 3, Albuquerque

Commission Secretary Rebekka Burt, District 4, Rio Rancho

Commissioner David Robbins, District 2, Albuquerque

Commissioner Steven J. Carrillo, District 10, Santa Fe

Commissioner Georgina Davis, District 5, Aztec

Commissioner KT Manis, District 9, Hobbs

Commissioner Melissa Armijo, District 1, Albuquerque

Commissioner Michael Chavez, District 6, Deming

Commissioners Absent:

Commissioner Michael Taylor, District 8, Roswell

**Also Present:**

Julia Barnes, PEC Attorne

Corina Chavez, Director of PED Charter School Division

Melissa Brown, PED Charter School Division

Samantha Samoiel, PED Charter School Division

Barbara Gradner, PED Charter School Division

Brigette Russell, PED Charter School Division

Dylan Wilson, PED Charter School Division

Beverly Friedman, PED

**Members of the Public Present:**

Tony Monfiletto

Moneka Stevens

Deborah Gold

Mike Ogas

Matt Pahl

Kim Hite-Pope

Shawna Austin

Mary Jane Besante

Julia Barnes

**WORK SESSION AGENDA ITEMS**

1. **Presentation: 10:00-12:00 -- Tracey Cordero, Director of Indigenous Montessori Institute Keres Children’s Learning Center – Anti-racist Approaches to Education**

**This presentation has been POSTPONED to a future PEC meeting.**

1. **PEC Meeting - In Person or Virtual?**

**Commissioners discussed the possibility of holding the December renewal meetings in-person versus virtually.**

**Comments regarding in-person meetings included:**

* **They are valuable, but also complicated and time-consuming.**
* **The Mabry location has not been updated.**
* **Locations other than Mabry would be possible: College of Santa Fe, lecture halls, auditoriums.**
* **Locations around the state would be possible (a central location, northern location, and Las Cruces).**
* **Easier for schools, Governing Boards and communities to participate.**
* **Actually meeting with the public is different if it’s live.**
* **We should make every effort to meet in person if possible.**
* **The reactions of constituents to our discussion is part of our responsibility to be participatory.**
* **Cordial communication has been lost on Zoom.**

**Comments regarding virtual/blended meetings included:**

* **It’s important that people have the opportunity to participate remotely for whatever reason.**
* **Meetings would have to be taped and archived.**
* **Requires having the electronic capability to make sure we can hear public comments and for them to see and hear us.**
* **PEC could set up their own audio-visual-virtual system, which could be used by CSD for conferences, live stream, etc.**
* **PO’s would be needed to purchase equipment necessary for PEC to do this themselves.**

**Beverly Friedman was asked to do the following:**

* **to see what options are available for holding in-person meetings around the state;**
* **investigate the cost of audio-visual equipment if purchased by PEC, and to provide an update on what obstacles there might be, including what is needed for quotes and actual purchases;**
* **see if there was a quote at one time for equipment such as this.**

**Julia Barnes will check the latest MLA guidance regarding virtual and blended meetings when COVID is not a factor.**

**It was suggested the Budget Committee of the PEC meet to set up funds for a potential purchase of audio-visual equipment.**

1. **2020-2021 PEC-CSD Budget Review**
* **CSD Director Chavez presented a summary of the Charter 2% budget. A copy of the report is attached at the end of these minutes. The report was posted in Google Drive in the October Work Session folder as Charter 2% Actuals.**
* **Discussion included the following points:**
	+ **This report reflects spending through June 30, 2021, prior to the MOU being fully executed.**
	+ **Director Chavez made it clear that transparency in spending from this fund is a priority; moving forward, reducing spending and ensuring that spending from this fund will be conducted in the way it is intended.**
	+ **Commissioners expressed appreciation and thanks to Director Chavez for providing this report, but also asked for more detail.**
	+ **Commissioners and Director Chavez agreed that if money from this fund were set up to be non-reverting, that would be helpful.**
	+ **The Commission acknowledged that the FY 21 budget wasn’t under the control of Director Chavez. She stated the baseline is what’s in the MOU and encouraged Commissioners to focus on what’s in effect and what they can do this fiscal year.**
	+ **Director Chavez mentioned because it’s in statute, authorizer keep 2% of budget. She also said statute mentions the division is given these funds, it is a revenue source tied to Charter School enrollment; the challenge is getting access to those funds.**
	+ **Director Chavez said she has wanted to hire staff and it’s slow going, but it’s the reality of what’s going on. In this morning’s meeting with Secretary Steinhaus – the number of dollars distributed by the PED has increased exponentially, while staff have not.**
	+ **Director Chavez said she does not believe the MOU was intended to be renegotiated yearly; it’s a fair document but a matter of us implementing the percentage in how to split funds.**
	+ **The 2% is for CSD, PEC and administrative supports necessary for those two things. A Commissioner asked for a breakdown for PEC and CSD – a separate line for travel and lodging. He also suggested CSD should have a separate code and PEC should have a separate code so those dollars could be seen. He would like it broken out (CSD/PEC) as well as getting more explanation about the 1.1 million. He expressed appreciation for Director Chavez’ working with him.**
	+ **Beverly Friedman explained that the procurement office has set up a system for all payments for continuity.**
1. **COVID protocol compliance included in rating of Organizational Framework, Health and Safety requirements and non-compliance subject to intervention ladder**
* **There is a draft guidance memo in the working session folder for Commissioners to look at. This will be on the agenda tomorrow to approve so Commissioners need you to look at language. It’s in the October meeting folder 10/20/21 on Covid Guidance.**
* **Guidance from PED continues to evolve and the toolkit (guiding document) is undergoing revisions.**
* **Make sure PEC is transparent with Public Health reporting and be consistent in how we’re dealing with schools when they may be facing the possibility of entering the intervention ladder. It’s important for Commissioners to set the benchmarks so schools are clear we’re not dinging them for 1 or 2, but if there is a consistent pattern of not reporting and clearly indicating the schools need to comply with PHOs.**
* **Commissioners agreed schools not reporting or reporting late should receive a gentle reminder to comply.**
* **Director Chavez said the problem of late reporting varied but each week some schools are behind. She explained it is not only Charter Schools that are having this problem. The amount of work every school and district has to add to their normal workload is tremendous. Commissioners agreed the PEC doesn’t need to get involved unless Director Chavez indicates it’s getting serious.**
* **COVID reporting will be considered in rating the indicator on complying with Health and Safety requirements.**
* **A suggestion was made that CSD could go through REC contractors to offer assistance from REC for schools need help in figuring out how to do the reporting.**
* **Attorney Barnes said Director Chavez has the authority she needs under statute and the organizational framework.**
* **Director Chavez receives weekly reports of schools that are violators. When she notices a problem has occurred for several weeks, she sends the specific school an email and asks them to connect with a contractor to the PED who understands and manages the DOH portal. Director Chavez sent an email this week to all Charter Schools not responding to the Secretary’s memo asking them to complete the change in their policy and submit enhanced COVID practices plan - because so many had not.**
* **Commissioners agreed there are multiple issues and reasons for late reporting. PEC should leave it with Director Chavez to determine how serious a situation is and reminded Commissioners that late reporting is different from not reporting period.**
1. **PEC Discussion on Proposed PED Rules.**

**Secretary contacting PEC on suspension of school districts**

* **There is now no requirement for the Cabinet Secretary to consult w/PEC if they were going to suspend a school board (technically, the Secretary is still obligated to consult with the Commission).**
* **This rule change no longer gives the Secretary the authority to suspend a Charter School Governance Council.**
* **The Cabinet Secretary should still have the authority to suspend a GC authority if need be – this rule change doesn’t give that ability.**
* **PEC would have to go down the road that leads to revocation of the Charter.**
* **Attorney Barnes explained the PEC has authority to revoke or suspend a charter, but no direct ability to take action against a Governing Board. PEC should make the point that “local” (in the current draft) could be removed; a draft could be sent proposing these changes. If the Cabinet Secretary can shut down a State Charter Board, it’s appropriate for the Secretary to tell the PEC.**
* **A public hearing has to be scheduled if a local School Board is suspended.**
* **“LEA” got confused and encrypted with “school boards,” because of Los Lunas; when PEC was notified that they were taking over Los Lunas District School Board they inadvertently included LEA language. Attorney Barnes’s docs would suffice for [Commissioner Voigt) to be the representation of the PEC.**
* **The MOU goes to statutory guidelines given to PEC and PEC might not have jurisdiction over school boards. Statutory changes instead of changes in MOU might be necessary.**
* **PEC is an authorizer, not a state school board.**

**Social Studies Curriculum**

* **The Social Studies curriculum has not been revised in many years.**
* **Commissioners discussed but did not come to agreement on the new Social Studies standards.**
* **Chair Gipson stated, “The standards are on the agenda for Friday (tomorrow) and the reason PEC is discussing it is to see if PEC wants to make a public comment regarding the standards.” She reminded Commissioners that individual Commissioners can always make a comment on something, but PEC should decide if a comment should be made by the PEC as a group.**
* **A Commissioner stated that PED should consider whether specific NM History should not be mandated in 9th grade because it kept students in that grade from pursuing other interests (although at other HS grade levels it would be fine). He asked if a recommendation could be made to the Legislature regarding the 9th grade and suggested adding this as a discussion topic for January to see if PEC supports a change in that. Chair Gipson agreed and suggested taking a whole look at graduation itself.**
1. **Presentation: Tony Monfiletto, Director Future Focused Education--Quality, Compliance, and Community Asset**
* **A presentation was made by Tony Monfiletto, Director of Future Focused Education, and colleagues (listed above)**
* **Reflective questions posed to Commissioners included:**
	+ **What is a new way to think about an accountability system that is good for both schools and community?**
	+ **How might this influence your approach to authorizing?**
	+ **Thinking back, what did you learn during your school years that has been most important to you in your years since?**
* **Discussion between Commissioners and presenters included:**
	+ **There are alternative ways of looking at schools and how communities help inform our practice.**
	+ **Governing Councils often focus on compliance vs. “What are we here for? How do we want to kids to serve in the community?”**
	+ **The priority shouldn’t be compliance but whether the kids are better off.**
	+ **Can Director Chavez develop a training for Board Members to take a more wholistic approach and especially for their kids?**
	+ **Compared to the world, we’re requiring kids to learn in ways not conducive to ways children learn in the world today. Some countries do exceptionally well – what techniques do they use? We continue to drop in world rankings.**
	+ **One framework doesn’t fit all…or 5 frameworks…more relevant and meaningful to their communities…Tweaking a framework based on a school’s mission: does their mission reflect needs of school community? We represent a variety of different communities.**
	+ **Maybe have a capstone – to do something with the totality of what they’ve learned…somehow involve the board with that.**
	+ **Have a greater expectation of the Governing Board - not just in compliance but in building a whole kid.**
	+ **Provide flexibility for schools to say, “This is how we’ll show you how we’re serving the community – and how our students do this as they leave the school” – less of meetings and compliance. This is a big task for a lot of Governance Councils.**
	+ **We represent a variety of different communities.**
1. **Discussion -- Equity and Lottery - Matt Pahl and Mike Ogas**

**Discussion of School Lottery Wait Lists**

* **A presentation was made by Mike Ogas and Matt Pahl.**
* **Points of the presentation and discussion between Commissioners and presenters included:**
	+ **Asking for physical addresses when applying for lottery could be a problem, but would likely be subconscious, not intentional. However, phone numbers are unreliable, especially in some communities; an address is a way to get in touch with families. For a state charter, the address wouldn’t matter.**
	+ **You can’t ask about expulsion, long-term suspension but most schools will honor that. There is a pause with safety concerns, a reality.**
	+ **Wait list could be kept year to year, but that’s not recommended. Having students reapply from year-to-year works.**
	+ **We wanted to make sure we were following the most fair and equitable guidance about the lottery and being fully transparent about the decision-making.**
	+ **Forty schools participated in the last survey regarding the lottery.**

**ADJOURN**

The PEC Work Session adjourned at **3:27 p.m.**

Submitted by **Barbara Gradner, OPFD Authorizing Specialist**

October 27, 2021