

NEW MEXICO PUBLIC EDUCATION COMMISSION

Summary Minutes for PEC Work Session on Friday December 10, 2021

CALL TO ORDER

Chair Patricia Gipson began the PEC Work Session at 8:39 a.m. in-person and on a Zoom Webinar

Commissioners in Attendance In-Person:

Commissioner Patricia Gipson, PEC Chair, District 7, Las Cruces
Commissioner Glenna Voigt, District 3, Albuquerque
Commissioner Rebekka Burt, District 4, Rio Rancho
Commissioner Melissa Armijo, District 1, Albuquerque
Commissioner David Robbins, District 2, Albuquerque
Commissioner Steven J. Carrillo, District 10, Santa Fe

Commissioners in Attendance on ZOOM:

Commissioner Michael Taylor, District 8, Roswell
Commissioner KT Manis, District 9, Hobbs
Commissioner Georgina Davis, District 5, Aztec

Commissioners Absent:

Commissioner Michael Chavez, District 6, Deming

Also Present:

Julia Barnes, PEC Attorney
Corina Chavez, Director of PED Charter School Division
Brigette Russell, Charter School Deputy Director
Melissa (Missy) Brown, Charter School Division
Barbara Gradner, Charter School Division
Dylan Wilson, Charter School Division
Samantha Samoel, Charter School Division
Melissa Sanchez, Charter School Division

Members of the Public Present

Sandy Berry
Dr. Tracy Filiss
Kevin Force

WORK SESSION AGENDA

1. New Application for Charter Schools

Director Corina Chavez began discussion with a copy of the new charter school application. Deputy Director Brigette Russell walked the PEC through the changes in the document. (See attached document) [Ask Brigette to provide the red line changes for these minutes.]

2. Notice of Intent to Promulgate rule with draft procedural rule provided

3. Procedural Rule

4. Policy-making schedule for 2022-2023 school year documents for PEC approval of all document by 7/1/22, including possible calendar changes

All three issues were discussed at once.

Chair Gipson is asking the Commission to approve this process so that the PEC's rules for charter schools, all policies and procedures, can be located in one area.

PEC Attorney Barnes described the process that PEC could follow. At a meeting with attorneys who represent state charter schools asked the PEC to have a formalized process for PEC rulemaking. She believes that PEC can promulgate rules for charter schools and not go through PED. This will make PEC rules in accordance with the State Rules Act. She is asking the PEC to vote on the draft of the rule at their meeting this afternoon.

Attorney Barnes said there are 16 PEC documents that would be in this group. She divided the documents in three groups:

1. The first group are documents that seem to have no editing
 2. The second group are documents that
 3. The third group are
- I don't have access to this information

Authority for Rule Making

Documents on rule making are provided by Attorney Barnes. Charter School Statute is silent on rule making, but it states that the PEC monitors charter schools. State Rules Act says that Commissions can follow State Rules Act. There is a discussion as to whether the PEC has to right to make rules or whether rules must be made through the PED. Required to make policies, silent on making rules, Commissions can make rules, PEC administratively attached to PED so PEC may make rules. It will help schools and help organize the PEC in relation to the documents approved by PEC.

All documents will be ready for July 1, 2022 for review. CSD will have time to review all documents. September PEC meeting is where the documents will review and possibly make edits to documents.

Commissioners Voigt and Carrillo agreed that this needs to be done to make the focus of the PEC easier for the public and schools to follow. Commissioner Robbins believes that the PEC has the right to make rules. He feels rule making will formalize PEC rules and procedures. Commissioner Burt asked that the Commission consider working on the Academic Framework in the next year.

Chair Gipson mentioned that the Academic Framework is not in this rulemaking at this time, but it will be included at a later date.

CSD Director Chavez has reservations about this issue and said she would like to discuss with PED OGC Office.

Commissioner Burt is supportive of the rulemaking, but she would like to have more time for information on the PED's position. She sees this as an opportunity to collaborate with PED for the benefit of charter school students.

The Commission will consider this issue at the meeting later this afternoon.

5. Calendar review for 2022

Commissioners discussed when a good time would be to add additional work sessions. First Wednesday suggested and looks good for most Commissioners. Commissioner Manis has NMPSIA meetings on first Wednesday and Thursday. PEC may need these new meetings only in March, April, May and June.

6. Charter school survey regarding working group to look at academic performance indicator options and timeline for project

Commissioner Voigt discussed the survey results. Results of the survey are on a PowerPoint created by CSD. The Task Force will work on the Academic Framework. Nine charter leaders volunteered to be on the Task Force. Chair Gipson, Vice Chair Voigt and Commissioner Carrillo will also serve on this Task Force. Toy Monfiletto will facilitate the Task Force.

7. Legislative priorities

- a. Teacher salaries increases—Commissioners are in favor of increases for teachers.
- b. Charter School Grant—there is one more year for the current grant. The PEC was asked if they would like CSD to apply for a new grant. Charter school stimulus fund might be a good place for any 2% funding that would be reverted. The Legislature would have to approve this. Commissioner Voigt suggested that any money that may be reverted should be sent back to the charter schools.
- c. Commissioner Carrillo suggested hiring a lobbyist, but Pec is prohibited from doing this. The PEC must do their own lobbying in the Legislature.
- d. Age cap for students in charter schools. Commissioner Burt suggested that students who enroll at 21, they should be allowed to continue their education until graduation.
- e. CTE oversight needs to be moved to PED from PEC. Commissioner Burt recommended this issue.
- f. 2% monies do not revert. Investigate how it is written and make a change. That change should be in statute so it is a permanent change. Any 2% that is not budgeted over \$50,000, should go back to the schools.

ADJOURN

No votes were taken by Commissioners on items during this work session.

The PEC Work Session adjourned at 2:02 p.m.

Submitted by Beverly Friedman, PED Liaison to the PEC
September 3, 2021