

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING

June 17, 2022

9:00 a.m.

Via Zoom Webinar Video Teleconference

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| 2 | <p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 REBEKKA BURT, Chair</p> <p>4 GLENNA VOIGT, Vice Chair</p> <p>5 STEVEN CARRILLO, Member</p> <p>6 MICHAEL CHAVEZ, Member</p> <p>7 GEORGINA DAVIS, Member</p> <p>8 PATRICIA GIPSON, Member</p> <p>9 KT MANIS, Member</p> <p>10 DAVID ROBBINS, Member</p> <p>11 MICHAEL TAYLOR, Member</p> <p>12 PED STAFF:</p> <p>13 CORINA CHAVEZ Director</p> <p>14 Charter School/Options for</p> <p>15 Parents and Families Division</p> <p>16 BRIGETTE RUSSELL, Deputy Director, Options for</p> <p>17 Parents and Families</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| 4 | <p>1 THE CHAIR: Good morning, Commissioners.</p> <p>2 We're going to go ahead and get started. We're</p> <p>3 going to make sure we have enough of us here.</p> <p>4 All right. It is 9:00 a.m. I'm going to</p> <p>5 call this meeting to order. Vice Chair/Secretary</p> <p>6 Voigt, for today, if you can call roll, please.</p> <p>7 COMMISSIONER VOIGT: Okay. Will do.</p> <p>8 Melissa Armijo is absent.</p> <p>9 Rebekka Burt. Chair Burt, you're muted.</p> <p>10 THE CHAIR: Sorry. Did you call me?</p> <p>11 COMMISSIONER VOIGT: Yes.</p> <p>12 THE CHAIR: Okay. Sorry. I didn't have</p> <p>13 my volume up yet, I didn't realize, so I could only</p> <p>14 hear myself. I'm here.</p> <p>15 COMMISSIONER VOIGT: Commissioner</p> <p>16 Carrillo.</p> <p>17 COMMISSIONER CARRILLO: Here.</p> <p>18 COMMISSIONER VOIGT: Commissioner Chavez.</p> <p>19 COMMISSIONER CHAVEZ: Here.</p> <p>20 COMMISSIONER VOIGT: Commissioner Davis.</p> <p>21 COMMISSIONER DAVIS: Here.</p> <p>22 COMMISSIONER VOIGT: Commissioner Gipson.</p> <p>23 COMMISSIONER GIPSON: Here.</p> <p>24 COMMISSIONER VOIGT: Commissioner Manis.</p> <p>25 (No response.)</p> |
| 5 | <p>1 COMMISSIONER VOIGT: Not here.</p> <p>2 Commissioner Robbins.</p> <p>3 COMMISSIONER ROBBINS: Here.</p> <p>4 COMMISSIONER VOIGT: Commissioner Taylor.</p> <p>5 COMMISSIONER TAYLOR: Here.</p> <p>6 COMMISSIONER VOIGT: And Commissioner</p> <p>7 Voigt is here.</p> <p>8 We have a quorum of eight.</p> <p>9 THE CHAIR: Thank you. And, Commissioner</p> <p>10 Voigt, if I could ask you to also lead the Pledge of</p> <p>11 Allegiance, and, Commissioner Carrillo, the Salute</p> <p>12 to the New Mexico Flag, please.</p> <p>13 COMMISSIONER VOIGT: Okay.</p> <p>14 (Pledge of Allegiance and Salute to the</p> <p>15 New Mexico Flag conducted.)</p> <p>16 THE CHAIR: All right. Next, I will move</p> <p>17 for approval of the agenda.</p> <p>18 COMMISSIONER CARRILLO: So moved.</p> <p>19 THE CHAIR: Thank you. Any questions or</p> <p>20 discussion?</p> <p>21 COMMISSIONER CARRILLO: Or second, yeah.</p> <p>22 (No response.)</p> <p>23 THE CHAIR: All right. There's a motion</p> <p>24 by Chair Burt, a second by Commissioner Carrillo.</p> <p>25 Vice Chair Voigt, if you could --</p> |

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1 COMMISSIONER VOIGT: Commissioner Armijo.
 2 (No response.)
 3 COMMISSIONER VOIGT: Chair Burt.
 4 THE CHAIR: Yes. And I do see
 5 Commissioner Manis is in the Attendees and will be
 6 coming over shortly.
 7 COMMISSIONER VOIGT: Okay. Great. Thank
 8 you.
 9 Okay. Commissioner Carrillo.
 10 COMMISSIONER CARRILLO: Yes.
 11 COMMISSIONER VOIGT: Commissioner Chavez.
 12 COMMISSIONER CHAVEZ: Yes.
 13 COMMISSIONER VOIGT: Commissioner Davis.
 14 COMMISSIONER DAVIS: Yes.
 15 COMMISSIONER VOIGT: Commissioner Gipson.
 16 COMMISSIONER GIPSON: Yes.
 17 COMMISSIONER VOIGT: Commissioner Manis.
 18 COMMISSIONER MANIS: I will abstain.
 19 Thank you.
 20 COMMISSIONER VOIGT: Commissioner Robbins.
 21 COMMISSIONER ROBBINS: Yes.
 22 COMMISSIONER VOIGT: Commissioner Taylor.
 23 COMMISSIONER TAYLOR: Yes.
 24 COMMISSIONER VOIGT: And Commissioner
 25 Voigt votes yes.

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1 The motion passes, seven, with one
 2 abstention.
 3 THE CHAIR: All right. Next is Open
 4 Forum. I know we have eight folks signed up to
 5 speak. So, Missy, I'm going to ask you for all your
 6 powers in helping me facilitate.
 7 MS. MISSY BROWN: Yes, ma'am.
 8 So first on our list is Rebekah Shepherd.
 9 Rebekah, I'm moving you to the panel so
 10 that you can unmute yourself and speak.
 11 THE CHAIR: Thank you. Those of you
 12 signed up to speak, please introduce yourself first,
 13 make sure you state your first and last name, and
 14 please try to limit your comments to no more than
 15 two minutes, please.
 16 FROM THE PUBLIC: Hi. My name is Rebekah
 17 Shepherd. I am a parent here in Las Cruces. I am
 18 an education advocate also.
 19 And I spoke with the current Board
 20 president here in Las Cruces about a year and a half
 21 ago. And there are currently no plans to open a new
 22 school, even though they know that we have hundreds
 23 of homes being built here, and many, many students
 24 with nowhere to put them except portables, which are
 25 not acceptable.

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1 We have children out in these portables,
 2 and they are unsafe, unsanitary, and we need other
 3 places to put them.
 4 We have teachers who are leaving us faster
 5 than we can keep them.
 6 And we need other means of education for
 7 these children. And Explore Academy is a wonderful
 8 option for them.
 9 We love Explore. My child has flourished
 10 there. And we've been really pleased with them. We
 11 need other options besides what has been offered
 12 with the public education option.
 13 And we would like for this to be approved
 14 as quickly as possible, as we understand that it
 15 could take a lot more time than, unfortunately, we
 16 have, what has been offered here in the public
 17 school district. So we ask that this be approved as
 18 soon as possible. Thank you.
 19 THE CHAIR: Thank you, Ms. Shepherd.
 20 Missy, you're on mute.
 21 MS. MISSY BROWN: Good. Because I was
 22 sure that I'm butchering this person's name. The
 23 next is -- I'm just going to say "Michelle."
 24 Promoting you to the panel.
 25 THE CHAIR: Good morning, Michelle. Can

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1 you go ahead and unmute yourself, introduce, and try
 2 and keep your comments under two minutes, please.
 3 FROM THE PUBLIC: Okay. Hello. My name
 4 is Michelle Toenniges. And my son has attended
 5 Explore Academy this last year, and he has done so
 6 well. And I love the model. And he has a
 7 half-brother who is -- would be eligible for the
 8 elementary school in a couple of years. And I think
 9 it would be a great benefit to have this as an
 10 option.
 11 My son's probably going to be -- my son is
 12 going to be going through their high school program,
 13 if we can -- I don't know how all that works. But
 14 he's going to stay as long as he possibly can. And
 15 I'm really excited about Explore and really would
 16 like to encourage you to vote yes.
 17 Thank you so much.
 18 MS. MISSY BROWN: All right. Moving back
 19 to Attendee.
 20 And our next speaker is Maria Silva.
 21 Maria, I've moving you to the panel.
 22 FROM THE PUBLIC: Good morning. My name
 23 is Maria Silva. I'm the receptionist at the Explore
 24 Academy right now. And, currently, we are getting
 25 lots of calls for elementary students to attend

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| 10 | <p>1 there. Unfortunately, we don't have that yet for 2 students as an option.</p> <p>3 The reason why parents are calling for an 4 option is either too many kids in the classroom for 5 them, their students, to be learning. Another issue 6 is they just want a community, and they've heard 7 that Explore Academy offers that through the middle 8 school. So they would like for their students to 9 attend there.</p> <p>10 So we are really trying to get this 11 elementary approved for those students who would 12 need an option, other than their public schools. 13 Thank you.</p> <p>14 THE CHAIR: Thank you.</p> <p>15 MS. MISSY BROWN: Oops. Our next speaker 16 is Liz Barrow.</p> <p>17 THE CHAIR: Good morning, Liz. You're 18 on -- there you go. You're good.</p> <p>19 FROM THE PUBLIC: Hi. My name is Liz 20 Barrow. I am -- I'm from Las Cruces, and I've been 21 a teacher for 15 years, and I'm a parent of a nine- 22 and a six-year-old. And they're currently going to 23 public school here, but they have attended another 24 charter here in town in Las Cruces.</p> <p>25 I would just love as a parent to have more</p> | 12 | <p>1 are.</p> <p>2 FROM THE PUBLIC: Sorry. All right. So 3 can you see me?</p> <p>4 MS. MISSY BROWN: We cannot.</p> <p>5 THE CHAIR: We can't see you, but we can 6 hear you. Yeah. Now we can see you. Now you're 7 good.</p> <p>8 FROM THE PUBLIC: So my name is Miriam 9 Shepherd. I believe that Las Cruces needs another 10 elementary school. The reason I think so is that 11 there's not enough space in the schools here.</p> <p>12 They're putting a lot of kids in 13 portables. In fifth grade, I was actually put in a 14 portable, and it was not fun. There was no Internet 15 for a lot of the first semester. It was hot, and, 16 during recess, it was very loud. Our portable did 17 not have a lot of supplies. Our teacher had to 18 bring in a lot of his own supplies. And we 19 basically just did the best that we could.</p> <p>20 At Monte Vista Elementary School now, 21 there are ten portables, because there's not enough 22 space in the actual building. I also want an 23 elementary school here, because I have two little 24 brothers that I think would really love to come to 25 Explore.</p> |
| 11 | <p>1 options for my two kids. I would love for them to 2 be in a smaller classroom environment.</p> <p>3 I've heard so many great things about 4 Explore. I am planning on sending my daughter for 5 middle school. I was hoping they would have 6 elementary school. So I, too, would also love for 7 this to be passed.</p> <p>8 THE CHAIR: Thank you.</p> <p>9 MS. MISSY BROWN: Next we have Ifra 10 Kamran.</p> <p>11 FROM THE PUBLIC: Hi. My name is Ifra 12 Kamran. And I am an Explore Academy student. I 13 think having K through fifth would be beneficial for 14 students, because the students will get a lot more 15 attention from the teachers because it's such a 16 small school. So I think the students will, like, 17 be educated for, like, good reasons. And, like, the 18 flavors are, like, more exciting. So K through 5th 19 can have more options than having only, like, one 20 option.</p> <p>21 Thank you.</p> <p>22 THE CHAIR: Thank you. Thank you. You 23 did a great job.</p> <p>24 MS. MISSY BROWN: Next we have Miriam 25 Shepherd. As soon as I can find you -- there you</p> | 13 | <p>1 Thank you very much for your time.</p> <p>2 THE CHAIR: Thank you, Miriam. You also 3 did a wonderful job. Good job.</p> <p>4 MS. MISSY BROWN: Next, we have Noemi 5 Hewitt. I'm sorry if I've mispronounced your name.</p> <p>6 FROM THE PUBLIC: All-righty. I do 7 apologize if I'm having some computer issues. I'm 8 on a different computer than usual.</p> <p>9 THE CHAIR: That's okay. We can hear you 10 fine.</p> <p>11 FROM THE PUBLIC: Okay. Good. I just 12 wanted to speak for the not neuro-typical children. 13 I know a lot of kids work just fine in a regular 14 school system. I just feel that my children 15 personally had a lot of issues in the regular school 16 system.</p> <p>17 And my oldest son is at Explore Academy. 18 He's flourished compared to how he struggled in 19 regular school. And I have a younger son who's -- 20 we've been homeschooling, because we do not feel 21 that he'd be able to keep pace in a normal 22 classroom. And I've talked to a lot of parents in 23 town who feel like that's their only option, to 24 homeschool, because they feel that a regular school 25 system just isn't going to meet their needs of their</p> |

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| 14 | <p>1 child that's just not the normal 2 middle-of-the-bell-curve child and needs special 3 attention and needs something a little different. 4 And I really do feel that Explore Academy 5 would offer that at the elementary school level, 6 which is definitely needed from all the parents that 7 I do talk to in town. 8 And that's all I'd like to say. Thank you 9 for your time. 10 THE CHAIR: Thank you. 11 MS. MISSY BROWN: And, finally, we have 12 Gabriela Graham, if I can find you. 13 FROM THE PUBLIC: Good morning. Can you 14 hear me? 15 THE CHAIR: Yes, we can hear you. 16 FROM THE PUBLIC: Good morning. I am 17 Gabriela Graham. And I'm with the board, 18 vice president, of the Las Cruces Explore Academy. 19 And when the middle-school Explore Academy was 20 first -- they were trying to vote on it and stuff, I 21 was really involved with that, backing it up. And 22 I'm so glad that it's here. 23 I have a seventh-grader going into eighth 24 grade that attends there. And I've had a lot of 25 parents that I've -- some of them that I've</p> | 16 | <p>1 MS. MISSY BROWN: That's all we have, 2 Madam Chair. 3 THE CHAIR: All right. Thank you, Missy, 4 and thank you, everyone who came for Open Forum. We 5 really appreciate it. 6 All right. The next item is Item No. 4, 7 the Consent Agenda. And I will move approval of the 8 Consent Agenda. 9 COMMISSIONER VOIGT: I'll second. 10 THE CHAIR: Thank you. There's a motion 11 by Chair Burt and a second by Vice Chair Voigt. 12 Any discussion or comments? 13 All right. Seeing none, Vice Chair Voigt, 14 if you could take roll. 15 COMMISSIONER VOIGT: Okay. Commissioner 16 Burt. 17 THE CHAIR: Yes. 18 COMMISSIONER VOIGT: Commissioner 19 Carrillo. 20 COMMISSIONER CARRILLO: Yes. 21 COMMISSIONER VOIGT: Commissioner Chavez. 22 COMMISSIONER CHAVEZ: Yes. 23 COMMISSIONER VOIGT: Commissioner Davis. 24 COMMISSIONER DAVIS: Yes. 25 COMMISSIONER VOIGT: Commissioner Gipson.</p> |
| 15 | <p>1 recruited into Explore Academy, others that are 2 interested in what Explore Academy has to offer, 3 asking when they're going to open up an elementary 4 because a lot of their -- their middle school 5 students have siblings, and the model that they use 6 is something that the kids really enjoy. 7 You see the atmosphere there at Explore 8 Academy, more of a community-family type 9 environment. All the kids pretty much get along 10 with everybody. You can see that when they go to 11 school. 12 I know my son, in regular school, he 13 didn't want to go and stuff. But with Explore 14 Academy, it changed all that. And you can see that, 15 like I said, in the kids when they arrive, because I 16 have the opportunity to take them to school. And 17 you see them all greeting each other and everything. 18 Usually, you don't see a whole lot of 19 that. But I back the idea of having an elementary, 20 only because if you start with the younger kids with 21 the model, by the time they're up in high school, 22 they're really, really going to achieve a lot of 23 things and be successful. 24 And I thank you for your time. 25 THE CHAIR: Thank you.</p> | 17 | <p>1 COMMISSIONER GIPSON: Yes. 2 COMMISSIONER VOIGT: Commissioner Manis. 3 COMMISSIONER MANIS: Yes. 4 COMMISSIONER VOIGT: Commissioner Robbins. 5 COMMISSIONER ROBBINS: Yes. 6 COMMISSIONER VOIGT: Commissioner Taylor. 7 COMMISSIONER TAYLOR: Yes. 8 COMMISSIONER VOIGT: Commissioner Voigt 9 votes yes. 10 Commissioner Armijo? 11 (No response.) 12 COMMISSIONER VOIGT: Absent. 13 That passes with nine. 14 THE CHAIR: Thank you. 15 Commissioner Robbins? 16 COMMISSIONER ROBBINS: Could I get my 17 phone number brought online, because my audio on my 18 computer is still messed up. Thank you. 19 THE CHAIR: Thank you. 20 Thank you, Missy. 21 All right. That moves us to Item No. 6, 22 Discussion and Possible Action on The GREAT Academy 23 Contract. 24 And I will hand that over to Ms. Barnes. 25 MS. JULIA BARNES: Thank you. There have</p> |

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| 18 | <p>1 been several things that have happened since our 2 last meeting. They are all posted in your 3 documents. I am not sure if you want to take action 4 or not, but I just wanted to explain where we are. 5 At the last meeting, you all voted to 6 approve a contract with a three-year term. So that 7 went to the board of The GREAT Academy. 8 In the interim, between the time that the 9 contract was sent from you to the other board, which 10 is appropriate to request that they accept a 11 three-year term, we did get clarification from the 12 Secretary that it was the Secretary's position that 13 it should be a five-year term. 14 What that allowed was one option for -- 15 under the Charter School Act, which is what you had 16 already done, which is send over a three-year 17 contract to the other board, to The GREAT Academy 18 board, and ask them to accept the three-year term. 19 They did not accept that. 20 In addition, they did -- well, then what 21 they did is sent it to -- let me back up just a 22 minute. 23 Prior to The GREAT Academy board taking 24 action, they asked the Executive Committee here at 25 the PEC to call a special meeting for you all to</p> | 20 | <p>1 that you want to supplement, you could direct the 2 Chair and me to supplement that. 3 I don't -- right now, starting this 4 conversation, there's not anything that I think that 5 I want to ask you to supplement. So I don't know of 6 anything. 7 You -- you, of course, may ask us to do 8 it. But I'm just letting you know that I don't 9 think that there's anything that needs to happen. 10 The last thing is that because July 11th 11 is after July 1st, which is when a contract should 12 be in place, Sue Fox clarified with the Public 13 Education Department that a July 11th date and later 14 decision by the Deputy would not impact their 15 ability to enter into a contract or to get a budget 16 in place. 17 The lawyer for PED responded and said 18 that's -- they've determined that that is not a 19 problem, that it -- that they -- that The GREAT 20 Academy is on track to get a budget; The GREAT 21 Academy is on track to ultimately have some type of 22 contract. 23 So where we are is a July 11th date to 24 supplement, if anyone wants to do it. And then the 25 Deputy will issue a written decision without a</p> |
| 19 | <p>1 reconsider what you had done. 2 The Executive Committee made a decision 3 not to convene a special meeting, but to ask The 4 GREAT Academy board to leave it as is, which is 5 your -- you were asking The GREAT Academy board to 6 accept a three-year term. 7 So they did ask that. The Executive 8 Committee did not call a special meeting, and The 9 GREAT Academy board did not accept your three-year 10 contract. 11 The GREAT Academy then mov- -- submitted 12 documentation of a contract impasse to the Cabinet 13 Secretary because you all had not met. But they 14 filed it on an urgent basis. 15 The Executive Committee authorized me to 16 file a response. 17 I'm going to finish the procedure and go 18 back to a little bit of detail. And I'm sorry. 19 There's a lot of things -- there's several things 20 that have happened. 21 Now, there is also a letter from the 22 Secretary appointing Deputy Bannerman to be the 23 Secretary's designee. And they have allowed, if 24 anyone wants to, for supplemental information to be 25 provided until July 11th. So if there's something</p> | 21 | <p>1 hearing. 2 Let me tell you -- I'm going to pause 3 there, but there's more I need to tell you. Anybody 4 have any questions right now? Corina? 5 THE CHAIR: Just want to remind 6 Commissioners, if you do have a question, it's most 7 helpful for me if you raise your digital hand so 8 that you move up to the top spot on my screen. 9 DIRECTOR CORINA CHAVEZ: Yeah. I just 10 wanted to clarify what you were saying, Ms. Barnes, 11 about the -- the clarification that came from the 12 PED around -- the school's budget talked about them 13 having budget authority, absent of a signed contract 14 in place by July 1. I think I heard you say 15 something slightly different. 16 MS. JULIA BARNES: Yeah. Let me just 17 see -- I'll just read you what I have and -- sorry. 18 Hold on. 19 And I can post these e-mails. 20 The School Budget staff is currently 21 operating under the premise of approving The GREAT 22 Academy's budget, notwithstanding whether the 23 contract is in place by June 30 in this instance. 24 That -- I just read to you what Aaron 25 Rodriguez, General Counsel, indicated.</p> |

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| <p style="text-align: right;">22</p> <p>1 So maybe there's a very similar -- to me, 2 the ultimate take-away is that the -- there's not 3 a -- the budget process is continuing. And so 4 Director Chavez may be raising -- I think they're 5 saying the same thing. I was just reading you what 6 Aaron Rodriguez said.</p> <p>7 THE CHAIR: All right. Thank you. 8 Commissioner Carrillo.</p> <p>9 COMMISSIONER CARRILLO: Quick comment. 10 That's all. And then I'll listen to whatever 11 Ms. Barnes has to say.</p> <p>12 So I would have you all think about, for a 13 moment as we're considering this, why do we even 14 exist? Why does the PEC even exist?</p> <p>15 Okay. That's my comment for now, and I 16 have a lot for later.</p> <p>17 THE CHAIR: All right. Ms. Barnes?</p> <p>18 MS. JULIA BARNES: So the -- the impasse 19 document contained two things. One was telling the 20 Cabinet Secretary that The GREAT Academy had 21 rejected the request by the PEC for a three-year 22 term.</p> <p>23 As I mentioned, in the interim, from your 24 meeting until their response, the Secretary 25 indicated that -- it was the Secretary's position</p> | <p style="text-align: right;">24</p> <p>1 of ways, and that you had asked them continually to 2 spend money in the classroom.</p> <p>3 And we highlighted information that I have 4 confirmed with Melissa Sanchez that ended up with 5 Keisha Matthews being able to -- I'll just -- these 6 are my words -- cash out her accrued leave.</p> <p>7 And I highlighted that, and I can explain 8 it in more detail. But that -- it was another 9 current example of a concern that -- that the PEC 10 had raised in the past.</p> <p>11 The second point about having more funds 12 available for the classroom is that Melissa has 13 in- -- believes, and has provided information to us, 14 that the amount paid in rent exceeds the amount 15 needed for the mortgage by the Foundation.</p> <p>16 So there's additional funds not -- that 17 doesn't go directly to the mortgage, and that the 18 school could look to negotiate a lower rent payment 19 with the Foundation, because, now, under the 20 condition, there's very, very limited things that 21 the Foundation can use that money for.</p> <p>22 Now, I checked with Commissioner Robbins, 23 who's taken many of my calls this last month with 24 specific technical questions. 25 It's possible that -- I don't -- I am not</p> |
| <p style="text-align: right;">23</p> <p>1 that nothing in the order from the Court gave you 2 power to require a three-year term, just to ask The 3 GREAT Academy to accept a three-year term.</p> <p>4 The second thing they said is the 5 subcommittee of the PEC, approved by the PEC, had 6 indicated that 68 percent of the GREAT Academy 7 budget needed to be spent in the classroom, 8 effectively.</p> <p>9 And that was a condition -- the general 10 topic was a condition, outlined by the Secretary, 11 asking that that be a condition. The provision that 12 you adopted for the -- that condition was 68 percent 13 to be spent in the classroom.</p> <p>14 They -- the school indicated that they 15 weren't sure that they could do that, primarily with 16 a lower number of students that they have right now, 17 and they wanted it reduced to 60 percent.</p> <p>18 The response that we provided indicated 19 what I believe I've heard from the Commission -- 20 but, certainly, heard from the Executive Committee, 21 but I felt pretty comfortable that I heard it from 22 all of -- from you as a body -- that the -- the 23 school had, in the past, and continues now, to 24 provide funds to Jasper Matthews and Keisha Matthews 25 from State funding that benefits them in a variety</p> | <p style="text-align: right;">25</p> <p>1 sure if they're only using lease reimbursement 2 payment. You can't use lease reimbursement payments 3 in the classroom.</p> <p>4 But to the extent that they are using SEG 5 funds as part of that payment, and that -- we -- we, 6 in the response, indicated that we thought that if 7 they were using any SEG payments going to the 8 Foundation -- which I do not know if that's true or 9 not -- they should put that into the classroom.</p> <p>10 The last things that I've been telling you 11 are the reasons that I felt it was important to file 12 a response, because of the second issue.</p> <p>13 I think the things that have happened 14 after your last meeting mean that -- I don't -- I 15 believe that the Secretary has already indicated, 16 and the Deputy will very likely follow -- not -- 17 having a five-year term, not a three-year term.</p> <p>18 So I think that we didn't know things on 19 that day last month. We had not gotten a response. 20 We have gotten a response; they have rejected. So a 21 series of things have happened that I think will 22 lead to the Deputy imposing a five-year term.</p> <p>23 I believe that we kind of ran through all 24 the options, in my view, in a very, very appropriate 25 way and the only way. How do you ask a board to</p> |

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| <p style="text-align: right;">26</p> <p>1 accept a three-year term unless you ask the board to 2 accept a three-year term? That's what you did. 3 I believed that it was important to 4 continue to put forward the concerns that this 5 Commission has indicated and that the Executive 6 Committee felt was important to put forward on how 7 they are spending their money. 8 And then, just to reiterate, Melissa 9 Sanchez was out of town, and I wanted to make sure 10 my information was correct, that -- and she has 11 gotten back to me. She has reviewed the response 12 that we filed, and she has indicated to me that it 13 is correct to -- given the information she has. 14 So I believe we have presented correct 15 factual -- that was my primary concern was I was -- 16 I was wanting to check with her, specifically. 17 Director Chavez got me in touch with her. She got 18 back to me and tells me that it's correct on the 19 information that she has. 20 So, at this point, we wanted to put it on 21 the agenda, and we have. 22 And that's pretty much my presentation. I 23 can go into more detail, but that's -- that's where 24 we are. 25 Chair, did you want me to add anything</p> | <p style="text-align: right;">28</p> <p>1 know what you want us to supplement with. So if 2 there's arguments I didn't raise or concerns that 3 you have -- again, it was the Executive Committee 4 that submitted that response because you hadn't met 5 as a -- as a board. But we could supplement with 6 more things that you want to present. 7 I don't know of many other things. I 8 don't know of any other way to require a three-year 9 term. 10 The law allows a three-year term under the 11 Charter School Act only by agreement of the parties. 12 And they didn't agree. And we have made the 13 argument that this is an unusual thing, that there's 14 many things in those conditions that are very 15 unusual under the Charter School law, and, in my 16 view, modify the Charter law. 17 For example, typically, charter schools 18 make their own budgets, you know, that you don't 19 have any say in that. But the conditions allowed 20 you to do that. 21 But -- so I made the argument that they 22 should give you that authority. But I think that, 23 with the clarification that was received after your 24 meeting, there's not really an option there. 25 So I see two: Give in, and not give in or</p> |
| <p style="text-align: right;">27</p> <p>1 else, or -- 2 THE CHAIR: Yeah. I would like you to add 3 what options we may have today. Like, what -- what 4 would -- what could Commissioners be looking for 5 to -- as an action item today, if any? 6 MS. JULIA BARNES: I think -- well, I 7 think you have a couple. 8 One is you could say, "Enough is enough," 9 and you could direct me, and you, to -- to accept 10 the contract as they want it, which would be five 11 years and 60 percent funding going to -- into the 12 classroom. 13 We chose 68 percent, because several years 14 ago, that was a performance indicator for charter 15 schools in House Bill 2 money. That has not 16 continued. But it had a basis in something done 17 several years ago. 18 They have indicated that that is difficult 19 for them, and they have suggested to the Secretary a 20 60 percent -- so 68 to 60. 21 So you could say -- you can say, "Let's go 22 ahead and withdraw any objections," say that the -- 23 direct the Chair to sign the contract as they would 24 like it to be, and we could reform that and do that. 25 A second option that you have is to let us</p> | <p style="text-align: right;">29</p> <p>1 whatever. Agree to what they said. 2 No. 2, put in more things that you want to 3 say; or, 3, rest on what we've done. 4 THE CHAIR: Thank you. All right. 5 Commissioner Gipson. 6 COMMISSIONER GIPSON: Thanks. So I'm 7 going to echo Commissioner Carrillo's -- why are we 8 here? I fully get that. You know, it's really 9 frustrating -- I've talked to authorizers where 10 there is no appeal process. Their decision is it, 11 and they don't go -- you know. So if an authorizer 12 says, "You're closed," you're closed. Boom. 13 An authorizer says, "It's a three-year 14 contract," it's a three-year contract. There's no 15 ability to appeal. 16 And there's always a piece of me that 17 says, "Wow, is that a great world to live in." 18 But then there's that other piece of me 19 that says, you know, an appeals process -- you know, 20 due process is important. So it's a -- it's a 21 tension there with that. 22 My -- you know, my personal sentiments are 23 I'm willing to say enough is enough with the 24 three-year. I didn't, obviously -- record -- I 25 didn't support it the last time. I don't think</p> |

1 that's a battle that's worth battling at this point
2 in time, because it's obvious that we're not going
3 to get supported. So move on.

4 But I'm not willing to move off of the
5 68 percent. That's where, you know, the rubber hits
6 the road with me. And there's a piece of me that
7 says, you know, we're miring them in continued legal
8 fees, and we're asking them to budget more money.
9 So we're spending down their money.

10 But I still -- you know, those of us that
11 sat on the contract subcommittee went through those
12 multiple pie charts that made little to no sense.
13 And it didn't make it any clearer to me that they
14 couldn't do the 68 percent.

15 So I'm -- you know, I know that's going to
16 send us down, most likely, a continued legal battle,
17 potentially. But I'm willing to say do it, the five
18 years, but I'm not supportive of coming off the
19 68 percent.

20 You know, I understand -- there's a piece
21 of me that understands, to some extent, that their
22 lease payment may be more than the mortgage, because
23 the Foundation owns the building. So I think the
24 Foundation has to build in some money for cap --
25 for, you know, keeping the building up.

1 So they pay the mortgage, but they also
2 have to -- they're obligated to keep the building
3 up. So they have to, I think, build in some money
4 as any landlord does.

5 But David can better speak to that, I
6 think. And I get it that there's SEG money that's
7 doing that. And that's where we run into some
8 concerns, because schools aren't supposed to -- if
9 you don't own your building, you're not supposed to
10 be paying for the improvements on the building.
11 But, ultimately, you are through your -- through
12 your lease.

13 But I think looking at how much extra that
14 payment may be beyond -- it may be unreasonably
15 beyond what the mortgage is. So it would be
16 interesting if we could find out how much the
17 landlord has paid in improvements and having to do
18 upkeep on the building and different --

19 MS. JULIA BARNES: Commissioner Gipson, I
20 just want to clarify that I do not know if they are
21 using SEG. That's one piece of data.

22 So what we put in the response -- I don't
23 think it changes anything that you just said. But
24 we put in the response is, "If you are using SEG
25 money, then you should consider a reduction."

1 I just want to clarify that. I don't know
2 that.

3 COMMISSIONER GIPSON: Yeah. But I think
4 most schools end up doing that. And David, once
5 again, can correct me on that. But I -- because the
6 lease reimbursement never equals what their lease
7 is. So that money's got to come from somewhere.

8 But that's it for now. Thanks.

9 THE CHAIR: Commissioner Carrillo.

10 COMMISSIONER CARRILLO: I would echo some
11 of what Pattie said relative to, you know, keeping
12 up a lease and things like that. And that's why
13 oftentimes a lease payment is more than a mortgage,
14 just like a landlord has to do with a property.

15 So there is no circumstance under which --
16 and I say zero circumstance under which I would
17 support five years for this school or would I
18 support lowering the bar from 68 to 60 percent.

19 I think it's absolutely abhorrent and
20 irresponsible and not in the interest of the kids
21 for them to even suggest something like that, and
22 their board.

23 I mean, to me, it shows -- it continues to
24 show the incompetence of this school, their board,
25 and their administration.

1 I can't -- beyond this, why -- it's like
2 they're digging in for the sake of digging in.

3 We have to ask, and they have to ask, and
4 their board has to ask, which I don't think anyone
5 posed the question to them, "Gee. If we take three
6 years -- or if we fight for five years instead of
7 three, what do we stand to actually gain
8 quantitatively? What are we going to gain by asking
9 for that?"

10 And the answer is absolutely nothing. The
11 only thing they may be able to say is, "Yeah, we
12 showed that PEC again. We just got them no matter
13 what."

14 And you know what you've got? You've got
15 Sue Fox. That's what you have. You're making this
16 woman and their firm -- it's just, like -- and I
17 really like them personally, I think they're amazing
18 attorneys. They're the only ones benefiting from
19 all of this. This school's desire, ongoing desire
20 to litigate and fight about everything -- and this,
21 in particular -- I've got to go back to saying,
22 "What did you stand to gain from this?"

23 And it's absolutely nothing.

24 The -- got some notes here also. The --
25 you know, your school, with all due respect to

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| <p style="text-align: right;">34</p> <p>1 you -- and I don't know why I use that term in this 2 case -- would likely not even be open if it weren't 3 for a technicality in the last hearing, okay? It 4 wasn't -- that's why you're -- that's why the 5 district attorney sided with you. Because we 6 actually did, in some ways, not cross our T's and 7 dot our I's to the extent that we should have. 8 And you're right. That's a learning 9 experience for us, and I can assure you that this 10 Commission, right now, will learn from that, and 11 that will never happen again. 12 I'm looking at just my notes here as this 13 was going on. 14 I think that the Secretary and the Deputy, 15 I don't think they know the history of this for them 16 to make those decisions. I think they're kind of 17 clueless about the last, you know, 15 -- 16 months. 18 And that's another thing that just makes me crazy 19 about why this is even on the agenda again, because 20 it's been on the agenda for virtually every meeting 21 that I have been on the Commission. So that's 22 probably at least 15 meetings. And it's always the 23 same thing. 24 So I have to say get your act together, 25 okay? Quit coming to us. Quit making things</p> | <p style="text-align: right;">36</p> <p>1 But contrary to what Pattie said, this is a hill I 2 am willing to die on. 3 Why does the Public Education Commission 4 even exist? If we don't stand up for ourselves and 5 our charge as a Commission to oversee our authority 6 in authorizing charters, why are we here? This 7 makes me think that this Commission doesn't need to 8 exist. It was some superfluous thing that 9 Richardson and all the others did however many years 10 ago, and they really didn't think it through. 11 I agree with Pattie on her point, however. 12 I like that there's an appeal process, because due 13 process is a foundation of our country. I don't 14 like the idea of us just being able to say, you 15 know, "This is the way it is, you have absolutely no 16 recourse." That's not really fair. 17 And, absolutely, both parties need to -- 18 that's why it's called a contract; right? Both 19 parties need to agree together to something. But 20 there is no logical or principled or reasoned 21 argument for them to not to have accepted the three 22 years, other than their collective egos. And that 23 doesn't serve the kids. 24 And I am over this school and the time 25 that they take and the money they take and the money</p> |
| <p style="text-align: right;">35</p> <p>1 difficult. Quit using your SEG money for legal, 2 okay? Because I don't think your board was told -- 3 I think it was incredibly irresponsible, maybe, for 4 you not to tell your board, "When you spend this 5 money on legal, do you know where this comes from? 6 It comes from the classroom. It comes from their 7 desks. It comes from their whiteboards. It comes 8 from their staffing." 9 How incredibly irresponsible of you to say 10 that you just want to fight this again and again and 11 again. And you have absolutely nothing to gain by 12 five years instead of three. 13 In the three-year term, show us that 14 you're going to lift your proficiency rates, your 15 graduation rates. Show us that you're going to 16 comply with the 68 percent instead of -- instead of 17 a ridiculously low bar of 60. Show us all that in 18 three years, and then, absolutely, you can say -- we 19 would say, "Yeah, this school has really turned a 20 corner. We're extremely proud of the efforts 21 they've taken, and we're going to renew them now for 22 five years." 23 In three years, we'll make that decision. 24 You know, this passed, I believe it was five to 25 three, and I don't know what it would pass today.</p> | <p style="text-align: right;">37</p> <p>1 and time they waste. That's it for now. But I 2 certainly reserve the right to continue later. 3 COMMISSIONER DAVIS: (Indicates.) 4 THE CHAIR: Commissioner Robbins. 5 COMMISSIONER ROBBINS: Thank you. The 6 issue about the lease, I think, has been talked 7 about. There's no requirement that the lease 8 payments equal a mortgage payment, because there's 9 so many factors in a mortgage. 10 Yeah, the mortgage -- you know, the lessor 11 could have no mortgage, and they just own it, and 12 they're getting the return on their equity. 13 They could have a 5 percent; they could 14 have an 8 percent loan. You know, we don't know 15 what that is. 16 The general rule the PSCOC has -- and I 17 think that we should be looking at -- is, is the 18 lease rate a market-based rate, or are they paying 19 in excess of a market-based rate? That's a big 20 issue. 21 The other issue that comes in -- and this 22 is where I think the 68 percent is so critical, that 23 we enforce that -- if their school has lost a lot of 24 students and their SEG is down, they need to 25 right-size.</p> |

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| <p style="text-align: right;">38</p> <p>1 You know, this is the thing -- this is the 2 thing that the LFC said about APS. They've lost 3 20,000 students, but yet they're talking about only 4 reducing staffing by a couple of hundred when it 5 should be 1,000 in employees if they're overstaffed. 6 I believe the excess difference between 7 what they want, the 60 percent, and the 68 percent, 8 to me is non-negotiable, because the salaries of 9 head administrator and other key individuals need to 10 be adjusted for the size of that school and the 11 number of students they have, because if they are 12 losing students for whatever reason, that means 13 those head people are not doing their job in 14 retaining and attracting students, and there should 15 be consequences for that. 16 I don't want to punish the students, but I 17 don't want to reward people who run a charter school 18 for their own benefit financially. And they need to 19 bite the bullet and move money back into the 20 classroom as we have directed. 21 The three-year and five-year, again, I'm 22 kind of with Commissioner Gipson. It's not 23 something -- because the PED is probably going to 24 overrule us on that. But we can continue to monitor 25 during that term. We will continue to monitor if</p> | <p style="text-align: right;">40</p> <p>1 contract was based, at least in part, on the 2 academic performance of the kids, you know. For -- 3 that was right before I -- I was elected to the 4 Commission. But, I mean, that -- it was based on 5 academic performance. 6 So what -- what has happened -- I mean, 7 what have we seen regarding that? Or has COVID 8 wiped out any ability for us to evaluate that 9 performance over the last couple of years? That's 10 kind of one question. 11 Another comment I have is, you know, I 12 feel like if these -- if they had been as tenacious 13 with the academic rigor in their school and 14 educating their kids as they are trying to stay 15 alive or stay -- keep their contract in place, we 16 wouldn't even be having this discussion at all, you 17 know, if they had been as tenacious in educating 18 their kids. 19 Is the Secretary -- I mean, obviously, the 20 Secretary has the same information on academic 21 performance and so forth. What is the basis by 22 which the Secretary is making the decision to -- 23 to -- to continue to allow this school to be in 24 operation? 25 THE CHAIR: Ms. Barnes, maybe -- I mean,</p> |
| <p style="text-align: right;">39</p> <p>1 there are issues. And I really hope that we get a 2 response on the special audit and that we get a 3 response from the referral to the AG and the FBI, 4 hopefully within less than -- much less than three 5 years. 6 And I think that those questions will 7 answer the question whether or not they get extended 8 or are able to continue for a full five-year. 9 So right now, no reducing the 68 percent 10 requirement. I'm okay with a five-year. But, you 11 know, the school really, as Commissioner Carrillo 12 said, really needs to take a clue. The board and 13 the people running the school need to understand 14 that school does not exist for their benefit. It 15 exists for the benefit of students. 16 Thank you. 17 THE CHAIR: Commissioner Taylor? 18 COMMISSIONER TAYLOR: Yeah. Thank you. I 19 just -- I have just a couple of comments. 20 First of all, bravo, Commissioner 21 Carrillo. Thank you for your passionate response. 22 And I think you -- you summed up a lot of what many 23 of us are feeling as far as the school goes. 24 So I just -- the original -- the original 25 recommendation for nonrenewal was based -- of their</p> | <p style="text-align: right;">41</p> <p>1 my -- there was a court decision; but... 2 COMMISSIONER TAYLOR: Right. No. I get 3 that. 4 THE CHAIR: That's why the school is open. 5 And then the Secretary said that we needed to just 6 follow the law, which says that the PEC could 7 propose a shorter term if the other party agrees as 8 well. 9 COMMISSIONER TAYLOR: Okay. 10 THE CHAIR: And then the other party 11 didn't agree. So that's why -- the legal basis 12 behind that is that. 13 COMMISSIONER TAYLOR: Okay. 14 THE CHAIR: And then I would say for the 15 academic part, there's been a CAP that we've been 16 following, and Corina and the team have been looking 17 at. So you can see a lot of the academic data in 18 the Corrective Action Plan as well. 19 Corina, do you want -- can you respond to 20 Commissioner Taylor? 21 DIRECTOR CORINA CHAVEZ: Sure. So I think 22 that where we're at, Commissioner Taylor, goes back 23 a while, and that is the basis for the decision for 24 nonrenewal, and then the case that went before both 25 the Secretary and then, really, the -- the district</p> |

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| <p style="text-align: right;">42</p> <p>1 court judge. And so we can't erase that history. 2 That exists; right? 3 COMMISSIONER TAYLOR: Okay. 4 DIRECTOR CORINA CHAVEZ: And I believe 5 that, you know, the basis for wanting to not renew 6 the school perhaps was not articulated as carefully 7 as it could have been. And I think that in the end, 8 that's what -- that's what the Secretary needs to 9 consider, the full set of information that exists in 10 record starting back to that. 11 As you know, we had a Corrective Action 12 Plan that focused primarily on academic and some 13 organizational performance indicators. So we were 14 closely looking at how the school performed relative 15 to NWEA assessment data, how they performed relative 16 to supporting seniors towards graduation and 17 implementing a special ed program. It did not 18 include a financial Corrective Action Plan. 19 So at this point, taking into 20 consideration those issues sort of is bringing up 21 new information. 22 But you all have a proposal on the table. 23 And so the -- you know, correct me if I'm wrong, 24 Ms. Barnes. But right now, the Secretary and the 25 Secretary's designated deputy, Secretary --</p> | <p style="text-align: right;">44</p> <p>1 to go that other direction. 2 The contract -- and they have not asked 3 that this be changed -- has in it that if anything 4 comes out of any of those letters that gives rise to 5 your ability to revoke their charter, even though it 6 was in this last charter, that is preserved. They 7 have not objected to that. They have reserved the 8 same rights. But I'm just talking to you about what 9 your rights are. 10 So that is in the contract. It is 11 preserved, it is in place, and it is not being asked 12 as a contract impasse. 13 I'm not thinking that the Deputy will look 14 at the full record. There's only two things that 15 they've asked: Five years and 60 percent spent in 16 the classroom. 17 So this -- because of the court hearing, 18 there's no ability to reopen everything. And 19 they've asked for those two things. 20 I'm sure that she will look at those two 21 things carefully. 22 THE CHAIR: All right. 23 Commissioner Chavez. 24 COMMISSIONER CHAVEZ: Yes. Thank you. I 25 just want to -- I just want to go on record and just</p> |
| <p style="text-align: right;">43</p> <p>1 Dr. Vickie Bannerman, will take a look at the full 2 record. 3 And the most recent, which is statute says 4 there has to be an agreement for a shorter term, 5 they're not agreeing to that. But the conditions 6 that you wanted to place on the contract is still 7 under consideration. 8 So that's my understanding of where we are 9 and what would be contemplated with the more -- with 10 the decision that is pending from Deputy Secretary 11 Bannerman. 12 COMMISSIONER TAYLOR: Thank you, Director 13 Chavez. 14 THE CHAIR: I'll have Ms. Barnes follow 15 up, if that's okay, Commissioner Taylor. She can 16 help respond as well. 17 MS. JULIA BARNES: I agree with a lot of 18 what Director Chavez just said. But I want to 19 clarify a couple of things. 20 There isn't a financial CAP because you 21 submitted all of the Letters of Concern to the State 22 Auditor that's presently pending with a special 23 audit, to the AG, to the Licensure Bureau, and to 24 the FBI. 25 So it was intentional to not do a CAP but</p> | <p style="text-align: right;">45</p> <p>1 say that I totally agree with Commissioner Carrillo. 2 And, well, you took the words right out of my mouth 3 in a lot of things. 4 And, you know, I know Commissioner 5 Carrillo had said, you know, the last 15 months or 6 so, you know, this has been on the radar, this has 7 been on the agenda. 8 But it actually goes -- it goes beyond 9 that. It went before the new members came on board, 10 the new Commissioners came on board. And they've 11 been on the radar for a long time. 12 And I do question. I question, why do we 13 exist, if at any time, you know, this Commission 14 that spends so much time and energy in doing what we 15 believe is right -- and as long as I've been on the 16 Commission, the Commission has always, always had 17 kids at the center of everything that we do. 18 Always. It's always been the kids first. 19 And the second thing that I've always have 20 seen is that the Commission has been there to make 21 sure that our charter schools are being good 22 stewards of taxpayer money. 23 And those are the two big things that we 24 have always focused on. And as long as charter 25 schools could show us that they were addressing</p> |

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| <p style="text-align: right;">46</p> <p>1 kids, doing a good job with their budgets, you know, 2 that there has not been any trouble, you know, 3 approving charters or any tension whatsoever. 4 And so this is just -- it's frustrating. 5 And I think what Commissioner Carrillo expressed is 6 the same type of frustration that we're all feeling, 7 because I do not believe, just those two factors 8 there, that this school has done, or do they even 9 want to, or they're just so defiant in maintaining 10 what they believe, when you've got a Commission that 11 is asking and trying to get some accountability for 12 all this. 13 And you're right, Commissioner Carrillo. 14 You know, the -- there's nothing more frustrating 15 than money, taxpayer money that's meant for kids, 16 that's meant for the classrooms, to have to be spent 17 on legal fees. And it's just crazy. 18 And so I just -- I just needed to stand 19 with that, because I'm in total agreement with 20 Commissioner Carrillo and what he stated. 21 Thank you. 22 THE CHAIR: Commissioner Davis. 23 COMMISSIONER DAVIS: Hi. Well, I also 24 want to stand with Commissioner Carrillo. He said 25 absolutely everything that I was thinking and</p> | <p style="text-align: right;">48</p> <p>1 that we're not going to. There is no legal basis to 2 keep it. It's a very emotional argument and not a 3 practical one at this point. 4 I did support proposing the three-year and 5 following the avenue that we did have in order to 6 try to do the three-year. But they -- following 7 that process, they did not accept it. 8 And so I feel like that's where we're at 9 is it's going to be a five-year. So I guess I'm not 10 going to really waste my time and energy trying to 11 fight for something that's just impractical. And so 12 I'm just not going to support sending our legal team 13 to defend something that we are, very, very 14 practically, not going to win. So I'm just not 15 going to spend my time and effort supporting 16 something like that. 17 But I will say I think the matter at hand 18 is that 68 versus 60 percent. And I just do think, 19 when I look at the salaries of the administration of 20 this school, I mean, in previous years, they have 21 been close to the APS superintendent's salary. I 22 mean -- and it's just so inappropriate. 23 We have another school we're going to be 24 talking to a little bit later that's going to be 25 opening this year. And I know one of the things</p> |
| <p style="text-align: right;">47</p> <p>1 feeling. And also Commissioner Chavez. So I would 2 just like to say no. No. So thank you. 3 THE CHAIR: All right. I want to check in 4 with any other Commissioners who have not yet spoken 5 before I speak. 6 All right. So I would say -- I guess I'm 7 a -- I have a little more practicality in my mind, 8 like, I'm a much more, like, narrow-focused person 9 when it comes to decisions like this. And so I see 10 it as a little bit less emotional than what 11 Commissioner Carrillo came off as. 12 I know there's frustration, but I think, 13 like, I'm so focused at the task at hand that I'm, 14 like, okay, well, being very reasonable and just 15 practical about it, we don't have -- you know, the 16 same kind of argument of, like, why would they use 17 their legal dollars to fight something is the same 18 argument I'm going to use for if the Commission is 19 going to try to continue this battle for a 20 three-year. 21 We will not win that. There is no legal 22 basis to continue an argument for a three-year. So 23 why would we spend our legal -- which is also 24 taxpayer dollars, mind you. I don't -- I'm not 25 going to support using our legal to fight something</p> | <p style="text-align: right;">49</p> <p>1 they had on their radar was they had two 2 administrators. "So we're each going to take a 3 lower salary than one administrator." 4 I think that's the appropriate way that 5 people do administration in small schools is, if 6 you're going to have multiple people doing it, you 7 take smaller salaries. 8 And you know what? Those charters that 9 are starting up, they're going to be doing -- 10 they're wearing multiple hats; they're doing 11 multiple jobs. They're going to be teaching 12 sometimes; they're going to be doing the special ed. 13 And you don't pay yourself extra for doing those. 14 I've spoken with many small district 15 superintendents who are also the superintendent, the 16 high school principal, the special ed director. And 17 they don't get paid, you know, 200 grand a year, 150 18 grand a year. They just -- it's just not a real 19 thing. 20 And so I am disappointed when I see the 21 salaries of administration for a charter with 22 100-plus kids making so much money. 23 And I do see that that's taking from those 24 kids, you know, that when you give more money to the 25 administrators, you are taking that money from</p> |

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| <p style="text-align: right;">50</p> <p>1 students who -- you know, the school openly says 2 it's supporting students who are at risk. How 3 could -- I just -- in good conscience, how can you 4 take -- those students need more money. They need 5 more energy; they need more resources; they need 6 more supports. 7 And so that's where I -- I -- that's my 8 reason for not budging on that 68 percent. I don't 9 think that's an irrational number. We're not asking 10 for 90 percent to go -- you know, like, 68 percent 11 is still, I feel, very reasonable and attainable if 12 you -- if your focus is doing that. 13 If your focus is making sure that you are 14 spending money in the classroom and not on 15 administration, it can be done. And I think if 16 you're -- if there's a struggle to do that, you 17 should reach out to other small charters and see how 18 they spend their money on their students and not on 19 administration. 20 So, in all practicality, once again, I'm 21 just going to stay focused on the issue we have at 22 hand. I think the other conditions that have been 23 outlined, they're not being disputed. There's a lot 24 of conditions on academics, on graduation rate. We 25 really went in depth on those, and I feel like</p> | <p style="text-align: right;">52</p> <p>1 belittle our judgment and our -- and our role. I 2 feel like -- I bet you every legislator who passes a 3 law and then it gets overturned gets super upset. 4 Like, "What am I even doing? We have the right 5 thing." 6 So I think we have a really important 7 role. I think the response that Ms. Barnes gave is 8 a strong response. So I would definitely encourage 9 Commissioners, if you have -- if you read through 10 that response and there's additional, like, strong 11 arguments to be conveyed, I would say that's a 12 really great use of our time moving forward on this 13 issue. Because I think our response just needs to 14 be strong and pointed about this particular issue. 15 And so I think, as the Executive 16 Committee, when we talked about it, we really took 17 the arguments that we heard the PEC make on the last 18 meeting. We didn't -- I don't think we added any of 19 our own to it as well. We really stuck with what 20 the PEC has expressed previously. 21 But I think that's a really important 22 piece moving forward is what else does Julia need to 23 argue to keep that 68 percent? And, right now, I 24 think she's done a really great job in the response 25 to the Secretary to kind of outline the things that</p> |
| <p style="text-align: right;">51</p> <p>1 they're very solid conditions for a five-year term. 2 We always have an opportunity to revoke, 3 which I know that's what Director Chavez's argument 4 was from the beginning. But I like the pressure of 5 a three-year, get it done, get it going, move it 6 fast, you know. 7 But we do have a lot of other conditions 8 to address these concerns moving into the future. 9 So trying to stay at the issue on hand, that's -- 10 that's where I'm going to take my very practical 11 standpoint on it, kind of take all the emotion out 12 of it. 13 And, you know, I guess I -- I guess I -- I 14 have a -- I don't know. I don't know if I even need 15 to address it. But I do -- I think the PEC's 16 decision -- I hear Commissioner Carrillo. Why are 17 we here if we make a decision and get -- I'm sure 18 every district court judge is frustrated when their 19 decision gets overturned at the Court of Appeals. 20 And then every Court of Appeals judge is 21 super -- what am I here for if they're going to 22 overturn at the next level? I mean, we're not the 23 Supreme Court; right? 24 It's part of the process; it's part of 25 what happens. So I don't -- I'm not going to</p> | <p style="text-align: right;">53</p> <p>1 I know are frustrating for Commissioners and for 2 myself about that administrative spending. 3 And so I do hope if you have, like, a very 4 specific comment to make that Julia can add to her 5 response, that would be a really -- this is a really 6 great time to do it. This is your only time to do 7 it, actually. 8 All right. I'm going to go -- before I go 9 back to the folks who have spoken before, I'll call 10 on Commissioner Voigt, and then I'll go back in 11 order again. 12 COMMISSIONER VOIGT: Thank you, 13 Madam Chair. 14 Okay. We need to breathe. But, okay. I 15 just want to say that, you know, in the vote, I knew 16 a three-year wasn't going to pass. And I think I 17 mentioned that when I was placing my vote, because I 18 knew it would lead to further legal action. And so 19 here we are. 20 And I just want to say that, you know, 21 everyone knows that this school has had issues for a 22 long time because of some key people. 23 But for us to continue to publicly shame 24 them, I think is hugely inappropriate. And this is 25 not what the PEC does, people. I mean -- and we</p> |

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| <p style="text-align: right;">54</p> <p>1 need to make that clear to our schools. 2 We're not here to continue to shame 3 schools. And everyone knows. And you know what? 4 When we start personalizing this, that's when rants 5 start happening. And, you know, we need to really 6 keep this in a perspective. 7 I do support the 68 percent. I think that 8 is a legitimate thing to ask, especially with their 9 financial concerns. But I'm really asking that we 10 can maintain some decorum and less emotion within 11 our thinking and our decision-making. 12 Thank you. 13 THE CHAIR: Commissioner Robbins? 14 COMMISSIONER CARRILLO: I'm next. 15 Commissioner Robbins has spoken, and now we're 16 starting over. 17 THE CHAIR: Sorry. He's at the beginning 18 of my -- so when you raise your hand, it puts you in 19 order for me. 20 COMMISSIONER CARRILLO: I was in the same 21 order. 22 THE CHAIR: When you raise your hand, you 23 go to the front of your line, when you raise your 24 own hand. So it's different from if you don't. 25 COMMISSIONER ROBBINS: Okay. This is</p> | <p style="text-align: right;">56</p> <p>1 essential. 2 I think we have an obligation to ensure, 3 you know, even though we don't get to affect the 4 budget -- and I think that is a flaw in statute. 5 It's a flaw we don't get some review and approval of 6 their budgets, that it's strictly PED, because the 7 PED says, "Sure, that's fine, no problem," then it's 8 out of our hands. 9 But we're the authorizer. If we're the 10 authorizer, and we think that they're not putting 11 enough money in the classroom, then we should be 12 able to direct a charter, under State Charter, to do 13 so. 14 So do we have the numbers of what their 15 enrollment this last year was, Ms. Chavez? 16 DIRECTOR CORINA CHAVEZ: Yes. 17 Commissioner Robbins and Commissioners, the school 18 has experienced a pretty steady decline in 19 enrollment. If you recall correctly, the school 20 used to be able to serve the population of students 21 that are older. And the law changed so that public 22 school students could be 21 years or younger only. 23 So that had a tremendous effect on the school's 24 enrollment. That was a number of years ago. 25 Also, when the school was recommended for</p> |
| <p style="text-align: right;">55</p> <p>1 where Ms. Barnes -- or even for Ms. Chavez -- I 2 heard someone say they have 100 students. I thought 3 they were below 100 students. 4 Do we know what their -- what their number 5 of students this past school year was? On the 120th 6 day? That'll give us an idea of what their SEG is 7 for next year. 8 The reason I'm asking -- you can look it 9 up. The reason I'm asking is let's just say their 10 SEG is a million dollars. We're talking, you know, 11 \$80,000, okay? That's one teacher. Put a teacher 12 into the classroom, you know. One of those 13 administrators could start teaching full-time 14 instead of doing administration full-time. Get a 15 person into the classrooms. They should be capable 16 of doing that, you know. 17 And I think, you know, people have 18 mentioned. You know, small districts, you know, the 19 superintendent is the superintendent. He's the bus 20 driver; he's the custodian; he's everything. And 21 they make substantially less. 22 Again, not trying to shame, but looking at 23 the reality. PED will not approve a school 24 district's budget if they're pulling money out of 25 the classroom to pay for things that are not</p> | <p style="text-align: right;">57</p> <p>1 nonrenewal, they needed to notify the community that 2 that was the case. There was a lot of time that 3 went by, as you know, during the appeals and the 4 whole process. 5 Nonetheless, the community was aware that 6 there was a chance the school was going to close 7 down. And I would characterize the school's 8 response as one in which they -- they sort of slowed 9 down efforts to recruit students as they were 10 waiting. 11 So in the 2020 -- in the '21-'22 school 12 year, we have a count of 87 students, which is 13 significantly lower than what they've had in the 14 past. And that is running a program where some 15 students are mostly online and some students are 16 coming in. 17 Melissa Sanchez, Dr. Bannerman, and I 18 conducted a school site visit. And we observed, and 19 we, you know -- as we did with all the other 20 schools, did a thorough review of the school. And 21 what we saw was that for those students that were 22 there, they were getting -- they were getting 23 quality attention from teachers and support for 24 their work. But there were very few students that 25 were actually physically present. And when we</p> |

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1 talked to students, additionally, they were able to
 2 articulate how they were supported.
 3 But it -- the numbers are low. And I am
 4 looking at a document that suggests that they are
 5 projecting to increase the enrollment -- we had a
 6 conversation with them about how they needed to
 7 increase the enrollment. Their facility has a
 8 capacity to serve that. They have these really
 9 beautiful labs where they could be having students
 10 engaged in hands-on work with these SmartLabs. And
 11 we didn't see that when we were at the school.
 12 So there is a need to increase enrollment.
 13 And I think that the idea that you have put forth
 14 about ensuring that money's going to the classroom,
 15 I certainly support and will carry that message and
 16 any conversations I have with the Secretary and the
 17 Deputy Secretary.
 18 COMMISSIONER ROBBINS: Thank you.
 19 THE CHAIR: Commissioner Gipson.
 20 COMMISSIONER GIPSON: Thanks. The only
 21 thing I wanted to say was I'm going to somewhat
 22 disagree with -- I agree with the frustration with
 23 the district court. But the frustration is not that
 24 we -- because we don't lose in district court. PED
 25 loses in district court. We're not a party to the

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1 district court case.
 2 And 99.9 percent of the time, it is not
 3 about the decision. It is not about academics and
 4 servicing students. It's a process issue that the
 5 district court comes up with. That's the
 6 frustration. That's what needs to be changed.
 7 The appeals process needs to be changed in
 8 statute so that we can figure out some way where it
 9 doesn't go to district court and that it stays
 10 within the educational community, and decisions are
 11 made by those that know best. Because district
 12 court, like I said, doesn't look at whether they're
 13 serving students appropriately. It never comes out.
 14 So I've been -- we've had strong cases. I
 15 am sound with -- could they be better? Always.
 16 Could our decisions be sounder? Always. We always
 17 find out things after the fact, if we had known.
 18 But I guess my question is, at this point
 19 in time, the only decision we're making is if we
 20 provide more information. We're not making a
 21 decision on, you know, what we've -- what a bunch of
 22 us have been discussing. It's, like, I like
 23 Option A as opposed to Option B.
 24 We only have one option. Or two. We
 25 either provide more information, or we don't provide

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1 more information. Plain and simple.
 2 So I think we're just postulating at this
 3 point in time for no reason.
 4 I mean, if you -- this -- you know, I'm
 5 going to -- I'm going to raise my hand on my old age
 6 at this point in time, because I've been around here
 7 the longest, and I've been here since this school
 8 came on the Commission. So I fully understand
 9 what's going on.
 10 So I think, at this point in time, we just
 11 simply have to move on and provide more information
 12 and go down that road.
 13 THE CHAIR: Commissioner Carrillo.
 14 COMMISSIONER CARRILLO: Thank you. A
 15 couple of things.
 16 So, first, relative to what Deputy Chavez
 17 was saying, having them -- the school having
 18 87 students, I know that in Santa Fe Public Schools,
 19 we have a couple of schools that are pretty small
 20 like that. I think Tesuque Elementary right now has
 21 even -- in the low 80s or upper 70s. Acequia Madre
 22 is always kind of in the upper 80s.
 23 And you know what? Their principals make
 24 far, far, far less than the head administrators,
 25 plural, at TGA. It's just not right.

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1 And the comment was made -- I think it was
 2 you, Chair Burt, that said, you know, having more
 3 money for kids, not going to admin, I would say
 4 having more money going to kids and not going to
 5 legal, okay? Because they -- they just seem to have
 6 some special relationship with their legal where
 7 they just feel important, I guess, if they're always
 8 in the attorney's office.
 9 The comment that was made -- I think
 10 there's a really big difference between shaming --
 11 and I'd be really careful about using that word --
 12 shaming versus calling out. Okay?
 13 Calling something what it is that's right
 14 in front of you when you see what it is and you've
 15 seen it for a year and a half is not shaming
 16 anybody. It's just calling it out.
 17 It's looking at the budget. It's seeing
 18 where the money goes and making a reasoned and
 19 principled argument.
 20 I take great exception -- and I'll always
 21 raise my voice and I get passionate and I do all
 22 that. I am being reasoned; I am being principled,
 23 okay? Yeah, I'm passionate about all this.
 24 But this is not an emotional issue for me.
 25 It's a reasoned and principled issue for me. And in

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1 that way, they fail, okay? And it's -- there's
 2 facts. You can look at, I mean, real facts. Not
 3 alternative facts. Facts we can look at.
 4 And, you know, yeah, we're not going to
 5 win this fight. And I completely understand that.
 6 I -- to a comment that was said, the pressure of
 7 three years, the -- it was you, Chair Burt, that
 8 said, "I like the pressure of three years versus
 9 five."
 10 There should be the pressure of every
 11 year. Every year, every one of our charters should
 12 be striving and should feel pressured to do better
 13 than the year before; right? And especially if
 14 they're doing so, so poorly they should be able
 15 to -- a couple of grade levels is where they should
 16 be putting their bar.
 17 And so that's what I see.
 18 And I do think that, you know, stuff like
 19 this really does indicate the irrelevance of the
 20 PEC, and, frankly, of the PED with some of the
 21 decisions they make as well.
 22 And they need to do their homework before
 23 they start coming out with some of these decisions
 24 that I think are really poor decisions in so many
 25 areas. Not a big fan, as you can tell.

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1 I don't want this to go to court. I don't
 2 want this -- and I think this is going to be it for
 3 me on this issue.
 4 I would respectfully ask Mr. Matthews to
 5 go to the board and say, "Look. We stand nothing to
 6 gain by continuing a fight. The Commission clearly
 7 voted for three years. Let's take the three years,
 8 okay? Let's just move on from this, take the three
 9 years. And we may consider it a black eye for
 10 ourselves, but it's okay, because it's not about us;
 11 it's about the kids."
 12 And I would hope -- hope beyond hope --
 13 that Mr. Matthews can do that with his board. And
 14 then this comes back to us maybe next month with an
 15 approval, because there is agreement by both sides.
 16 There doesn't have to be any legal action.
 17 There just has to be a reasoned, principled decision
 18 made by the school and their board.
 19 And also somebody made a comment about not
 20 willing to go further on this. My own personal
 21 feeling is sometimes there is great dignity in
 22 taking the loss.
 23 THE CHAIR: All right. So I'm going to
 24 try to figure out what we're doing on this item.
 25 So, for me, it sounds like the Commission

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1 is not in agreement to do a -- remove the response
 2 right now. And I do want to say, this is out of --
 3 we are -- we are not a party of this decision, other
 4 than providing information. So that's where we're
 5 at.
 6 We don't get -- we cannot ask them to
 7 reconsider a three-year. We're past that point. We
 8 asked them to consider it. That was last month.
 9 Now we're moving on. Now it's up to -- like, we're
 10 past that.
 11 So we either need -- we have to go -- we
 12 have to -- so we have the three options:
 13 We can say we accept what they're
 14 proposing, which is the -- that they're not
 15 accepting the three-year and that they want the
 16 60 percent.
 17 That does not sound like what this
 18 Commission wants. It does sound like -- I have
 19 heard only support. I haven't heard anybody not
 20 wanting to continue in ensuring that our stance is
 21 that it should be 68 percent that should be spent on
 22 the classroom. So it sounds like we're in agreement
 23 on that, which is what is currently being argued.
 24 So we're already at that place where the 68 percent
 25 is the current agreement from Ms. Barnes to the

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1 Secretary.
 2 So the only thing I think we need to
 3 decide on is if there's any additional
 4 information -- and you need to be able to say that
 5 right now. And we need to make -- you need to make
 6 an action to have additional information put into a
 7 response from Ms. Barnes to the Secretary about that
 8 68 percent.
 9 And/or if you would like to have
 10 Ms. Barnes make an argument -- right now, there is
 11 no argument for the three-year continuing. There's
 12 no legal argument. So that was not made right now.
 13 So if it is the will of the Commission to make an
 14 argument to fight for a three-year term, someone
 15 would need to make a motion on that, and it would
 16 need to be provided -- voted on and provided to
 17 Ms. Barnes to make an argument for the three-year
 18 term.
 19 Ms. Barnes.
 20 MS. JULIA BARNES: We have not given up
 21 the argument on the three-year term, but we have
 22 acknowledged that there was more information that
 23 happened afterwards. We actually made a point that
 24 you made at the past PEC meeting, which is that the
 25 school responded with a much higher graduation rate

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| <p style="text-align: right;">66</p> <p>1 than they had in many previous years. And your 2 point previously was that they responded to that. 3 So we -- we have not given it up. We have 4 argued it. And -- but we have also acknowledged 5 that more things happened after the Public Education 6 Commission voted. 7 But we haven't given that up. 8 THE CHAIR: Thank you, Ms. Barnes. Thanks 9 for clarifying that. 10 And you can see that as, like -- it's Item 11 No. 1 on Ms. Barnes' -- on her letter to the 12 Secretary. 13 So if you need to review that language, 14 it's, like, right at the top of the -- right at the 15 top of her response. 16 Commissioner Carrillo. 17 COMMISSIONER CARRILLO: Thank you. I 18 would move that we continue on -- we continue asking 19 for a three-year contract and that we ask Ms. Barnes 20 to work with their head administrators, ask them to 21 work with their board to reconsider the three years 22 and 68 percent. 23 COMMISSIONER DAVIS: I second that. 24 THE CHAIR: All right. There's a motion 25 and a second.</p> | <p style="text-align: right;">68</p> <p>1 continue to dig in on that? 2 I'm fully supportive of the 68 percent and 3 a motion to say, you know, we'll -- why not us be a 4 little reasonable and say, okay. We'll -- let's 5 offer the five years. Let's say, "We'll support a 6 five-year, but there's no negotiations on the 7 68 percent," because I don't think it's that 8 difficult to get to, you know. 9 So that's where I'm at with this. I can't 10 support a motion that includes, at this point in 11 time, the three years, because I think we're just 12 beating our head against a wall at this point in 13 time with that issue. And it just -- for me, it's a 14 waste of my energy at this point in time to continue 15 that fight when it's -- the handwriting is more than 16 on the wall. So that's my -- 17 THE CHAIR: Any other comments or 18 discussion on the motion? 19 So the motion is to propose -- send a 20 letter to the school asking them to reconsider the 21 three-year term and 68 percent. 22 I'm going to say I will not support it, 23 either. And, honestly, it's literally because 24 there's -- it is a waste of time, and it is -- we 25 would pay our attorney taxpayer money to do</p> |
| <p style="text-align: right;">67</p> <p>1 Any discussion? 2 (No response.) 3 THE CHAIR: All right. Hearing none, 4 Commissioner Voigt. 5 COMMISSIONER CARRILLO: Actually, the only 6 am I -- 7 THE CHAIR: Okay. Hold on. Hold on. 8 COMMISSIONER CARRILLO: I guess the only 9 thing I would say relevant to discussion is I know 10 we're probably going to end up in defeat on this. 11 But when people cast their vote, I would ask people 12 to look very introspectively as to what is the value 13 of the PEC and what is their value as a 14 Commissioner. 15 THE CHAIR: Commissioner Gipson. 16 COMMISSIONER GIPSON: So I'm conflicted 17 with this. But as I said before, you know, I don't 18 think -- Commissioner Carrillo said it shouldn't be 19 five years. Three years. It should be every year. 20 So if you -- if you look at that notion, we have 21 every year to look at the school and take action. 22 So there's no difference between five 23 years and three years. And I think it's pretty 24 clear we're not going to win on the three years. I 25 don't -- you know. So why -- so why do we want to</p> | <p style="text-align: right;">69</p> <p>1 something that is a waste of time and money. Like, 2 we're doing exactly what it sounded like the school 3 is being scolded for doing. Like, we're doing that. 4 So I will not -- there -- this is what 5 would happen. We would send a letter, and they 6 would say no, and then we'd be right back in the 7 same situation, and we'll have just spent an hour 8 and two hours' worth of time for nothing. 9 I mean, it's just a -- we did the right 10 thing -- I feel like the Commission did the absolute 11 appropriate right thing last month. It didn't go 12 our way. I'm not going to continue doing it over 13 and over. 14 So if there is no other discussion, I will 15 have Vice Chair Voigt take roll. 16 COMMISSIONER VOIGT: Chair Burt. 17 THE CHAIR: No. 18 COMMISSIONER VOIGT: Commissioner 19 Carrillo. 20 COMMISSIONER CARRILLO: I would just say 21 principles are never for nothing. I vote yes. 22 COMMISSIONER VOIGT: Commissioner Chavez. 23 COMMISSIONER CHAVEZ: Well, I vote -- 24 while I support in principle Commissioner Carrillo's 25 motion, I'm going to have to vote no.</p> |

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1 COMMISSIONER VOIGT: Commissioner Davis.
 2 COMMISSIONER DAVIS: Yes.
 3 COMMISSIONER VOIGT: Commissioner Gipson.
 4 COMMISSIONER GIPSON: No.
 5 COMMISSIONER VOIGT: Commissioner Manis.
 6 COMMISSIONER MANIS: Yes.
 7 COMMISSIONER VOIGT: Commissioner Robbins.
 8 COMMISSIONER ROBBINS: Like Commissioner
 9 Chavez, I agree with the principle, but I don't
 10 think we'll win the battle. I vote no.
 11 COMMISSIONER VOIGT: Commissioner Taylor.
 12 COMMISSIONER TAYLOR: I -- yeah, I'm in
 13 the same boat as everyone. But I -- you know, I do
 14 feel like a vote -- I would vote yes.
 15 COMMISSIONER VOIGT: And I vote no. So
 16 the motion does not pass with a vote of five against
 17 and four for.
 18 THE CHAIR: All right. So we do have --
 19 once again, we have a response currently that is --
 20 that we supported a three-year term and that we
 21 believe it should be at 68 percent. If that is what
 22 the Commission's will is, we can actually move
 23 forward on this item with no action.
 24 That is currently what is already
 25 happening. There was a response filed that said we

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1 supported a three-year term. There's an argument
 2 why we did that. And there is a very lengthy
 3 argument of why we support a 68 percent -- money to
 4 the classroom.
 5 So if that is the will of the Commission,
 6 then we would be done on this issue, and we can move
 7 on to the next one.
 8 If there is any additional -- anything
 9 else that needs to be filed or put in the response,
 10 that is what we need to do right now and then, once
 11 again, move on.
 12 Commissioner Carrillo.
 13 COMMISSIONER CARRILLO: So accepting the
 14 defeat, I just want to be clear on what you're
 15 saying.
 16 So then Julia sends a letter saying,
 17 "We'll accept the terms of the five years, but --
 18 you know? So I guess the end run -- the end play
 19 that I want to make sure happens -- and it's up to
 20 you, Julia and Chair Burt, how to do it -- that it's
 21 68 percent, five years.
 22 THE CHAIR: The letter that already went
 23 out, which you can find in your meeting materials,
 24 said that the PEC supported a three-year term. And
 25 Julia makes the reasoning behind that.

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1 She also responds very -- in detail and in
 2 length saying that the PEC supports -- or the
 3 Executive Committee supported, and the Public
 4 Education Commission supported 68 percent as the
 5 administrative -- and it's very lengthy, very
 6 detailed.
 7 So that has already been sent. That is
 8 already done. So we just need to -- if there's any
 9 changes that need to be made, this is the
 10 opportunity to make changes to it. But that
 11 response was already sent.
 12 COMMISSIONER CARRILLO: Okay. But then
 13 what I'm hearing you say is -- in that response, is
 14 that it's three years and 68 percent. And Julia is
 15 nodding.
 16 Hold on a second.
 17 And Julia is nodding her head yes.
 18 So doesn't it stand to reason that the
 19 next follow-up would be, "Okay, we're going to
 20 accept the five years, but the Commission is holding
 21 strong -- I would say probably unanimous -- on
 22 68 percent -- hold on. Isn't that the letter that
 23 needs to follow?
 24 And, then, of course, what would an agenda
 25 be without TGA on it. Then it'll come back to us

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1 next month, and for us to say, "Okay, the parties
 2 agree. Now it's 5 percent (verbatim) and
 3 68 percent. Wouldn't that be the next course of
 4 action?
 5 THE CHAIR: So not quite. We do not have
 6 to send any additional information right now. We do
 7 not -- there's no requirement that we ask Julia to
 8 do anything more than what's already been done.
 9 After the Secretary's designate, the
 10 Deputy Secretary, makes her written ruling, a
 11 contract would be signed based off of that ruling.
 12 So there would actually be no more back-and-forth
 13 unless we need to change what was already there.
 14 Julia.
 15 MS. JULIA BARNES: All right.
 16 Commissioner Carrillo raises a second option,
 17 though. We could leave it as is. The Deputy will
 18 take the action that the Deputy takes. It'll be
 19 over.
 20 We'll conform the contract; we'll move on.
 21 That would be a decision of the Deputy, which I
 22 anticipate will be five years. And I don't know
 23 what she will do on the 68 percent.
 24 A second thing that you could do now would
 25 be to vote as Commissioner Carrillo just said, which

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| <p style="text-align: right;">74</p> <p>1 is, "GREAT Academy, let's come to a compromise. The 2 PEC is not going to argue about the 5 percent -- 3 about the five-year term, but we want the 4 68 percent." 5 And we could -- you could vote to do that, 6 and it would be submitted to their board as a 7 request. They could consider it or not. 8 One -- one thing that at least centers 9 into my mind -- I'm just going to say this -- is 10 you've made your points. And one -- one way is to 11 say, "We've made our points. We're not going to 12 change our mind. If somebody else does something, 13 we'll accept it, but we've made our point." 14 So there was a little bit of that in my 15 thinking in filing a response, which is you all have 16 been very adamant about wanting to make your point. 17 So I think the difference between the two 18 things that Commissioner Carrillo just raised is you 19 want a deputy of PED to make a decision, and you'll 20 follow it, just like you made a decision and the 21 district court didn't agree with you on following 22 it. Or do you want to request a compromise? 23 Do you understand what I'm saying? I 24 think there's a little bit of a -- how do you want 25 to stand?</p> | <p style="text-align: right;">76</p> <p>1 is, "Hell, no." We're not going to accept 2 60 percent. Please. There's unanimity on this 3 Commission for that. We're not lowering the bar. 4 This isn't the old New Mexico; this is the new one. 5 MS. JULIA BARNES: Well, if the -- under 6 the law, the impasse goes to the Secretary, and you 7 can't not do it. 8 I mean, I guess you could go down a path 9 that said, "We don't accept it. We won't sign it." 10 I don't know what you would do. You know, 11 we've accepted the decision of -- you know, there 12 wasn't an appeal, for example, of the district 13 court. So, you know, I didn't -- I didn't hear 14 any -- I mean, we could have given input that we 15 felt really strongly that there would be an appeal 16 previously. And I didn't get that advice from any 17 Commissioner. 18 So that's what I think, is that -- I think 19 you have those two choices. You can let the Deputy 20 make a decision, follow that decision, conform the 21 contract, sign it, move on. 22 The second is ask them to accept 68. I 23 wouldn't withdraw the decision. If you want to ask 24 them to come to a compromise, I'd do that without 25 withdrawing the response.</p> |
| <p style="text-align: right;">75</p> <p>1 But I do believe that Commissioner 2 Carrillo has just raised a second option. One, let 3 a deputy decide based on what we've already said. 4 Second one, send another request to the board that 5 could be this kind of compromise. 6 THE CHAIR: Commissioner Carrillo, if you 7 have a follow-up, I'll let you continue. 8 COMMISSIONER CARRILLO: I thought Pattie 9 was up. Pattie, and then -- 10 THE CHAIR: I didn't know if you were 11 following up to what you were asking. 12 COMMISSIONER CARRILLO: I guess I am, 13 because -- I guess the (inaudible) would be what do 14 we do if the Secretary or Deputy comes back and 15 says, "You know what? We're just going to agree to 16 the 60 and the five years." 17 What are we going to do when that happens? 18 And that's not outside the realm of possibility 19 given how little, actually, it seems like the 20 Secretary or the Deputy Secretary really know about 21 the history of all this. 22 Julia, what would we do if that happens? 23 MS. JULIA BARNES: In my view, you have to 24 accept it. 25 COMMISSIONER CARRILLO: Then the answer</p> | <p style="text-align: right;">77</p> <p>1 Just like a settlement of a court case. I 2 might win; I might lose. Okay. I'll settle my case 3 for less. That happens in 95 percent of all civil 4 cases. 5 So it's similar to that, you know. You 6 could say, "We want to ask that board to accept a 7 five -- you know, we accept a five-year, but don't 8 change the 68 percent." And I don't know what they 9 would say. And I would not recommend you withdraw 10 anything at PED, pending that. 11 You don't dismiss your case if you're 12 going to seek a settlement. You keep your case 13 going until you have a settlement. 14 THE CHAIR: Commissioner Gipson. 15 COMMISSIONER GIPSON: Thanks. Steve 16 brought up the point that I wanted to bring up. I'm 17 concerned that the decision could be, "Well, we're 18 going to cut it to 60 percent or 55 percent or 19 whatever." So that I'm more in favor of seeing if 20 we can work out that compromise and say five years, 21 the 68 percent, and see if the school's -- school 22 will do that. 23 But, Julia, I want to ask. Because we 24 have -- in the past, we have filed an appeal on a 25 Cabinet Secretary's decision. So not that I'm</p> |

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| <p style="text-align: right;">78</p> <p>1 looking to -- you know, to go that route. But we -- 2 because of this process, we can't do that? Because 3 we have taken the Cabinet Secretary to district 4 court based on a decision that they made after -- 5 you know, as a result of a hearing. 6 So that's closed to us at this point in 7 time? Because it's -- 8 MS. JULIA BARNES: I need to check, 9 Commissioner. 10 COMMISSIONER GIPSON: Okay. Because we 11 have got -- you know, we never had to go all the 12 way -- we filed the appeal. We have been able to 13 work out our differences over it. But we have 14 appealed that decision. 15 But I'm concerned about losing the 16 68 percent. That's -- that's what I'm concerned 17 about. So I would prefer to try to explore whether 18 we can work that out. 19 THE CHAIR: While Julia looks at that, 20 I'll say -- I mean, I would support trying to, you 21 know, compromise as well. But I'm just saying, you 22 know, we did do that, and they're the ones that came 23 back with, "We literally can't make it. We need it 24 at 60 percent. You're setting us up for failure." 25 So I'm not exactly sure, like, once again,</p> | <p style="text-align: right;">80</p> <p>1 know, I want -- I feel strongly about the 2 68 percent. I also am very grateful that Director 3 Chavez said that she would support 68 percent in 4 talking with the PED, that that would be her 5 recommendation to the PED. 6 And I just -- I mean, I'm open to it. I 7 just have, in the back of my mind, that, you know, 8 we can vote and say, "Yeah, let's go back to the 9 board and ask them to compromise on it," but they 10 already filed this. Like, there's no benefit to -- 11 like, I don't know what the benefit to them would be 12 to, "Okay, yeah, we'll accept the five-year," when 13 that's kind of -- "we have to." 14 And, you know, yeah, all of a sudden, 15 "We'll say okay to the 68 percent. Even though 16 we're the ones that brought it up, we'll change our 17 mind and say okay to 68 percent all of a sudden." 18 I think it's just a little impractical. I 19 would support at least trying. Like I said, as soon 20 as I saw this, I said, "Hey, Julia, what can we do 21 to get this out of this process and do it back and 22 forth between the PEC and them and figure out these 23 negotiations?" 24 And it was, like, "Well, this has already 25 been filed."</p> |
| <p style="text-align: right;">79</p> <p>1 just rationally, what we're expecting out of this, 2 other than -- I mean, once again, if it's about 3 principles, and we're just going to do our due 4 diligence, and that's fine. 5 But we did -- we did do the compromising 6 during the negotiations; right? Like, we went back 7 and forth on several numbers during that -- during 8 the negotiation session, and we ended up at 9 68 percent. 10 And then weeks later, that's when the 11 school came back and said, "Hey, we ran it, and we 12 can't do 68 percent." 13 That's why they're putting that in there. 14 I was, actually -- as soon as they filed that, I 15 called Julia and said, "Hey, can we just figure this 16 out outside of the Secretary?" 17 I didn't want it to go to a Secretary 18 decision. "Can we figure this just outside of it?" 19 Once again, I think they're kind of -- 20 we're both in the same situation. The conversation 21 we're having, where we're, like, "We've got to hold 22 firm, we're not going to change our minds," I feel 23 like is a similar conversation they're having. 24 So I'm concerned with, once again, like, 25 just, this waste of time and resources with -- you</p> | <p style="text-align: right;">81</p> <p>1 So we're kind of not in that space right 2 now. So I'll support attempting, but I'm not 3 hopeful. 4 Commissioner Carrillo. 5 COMMISSIONER CARRILLO: This requires from 6 you, Chair Burt, a one-word answer. So you're 7 saying you're not hopeful we can even get the 8 68 percent. 9 THE CHAIR: I'm not hopeful that the TGA 10 board will compromise and give 68 percent. I 11 actually feel like the Secretary could uphold it 12 more practically than TGA. 13 COMMISSIONER CARRILLO: I would say that 14 I'm -- and I hope I'm not misspeaking, Commissioner 15 Robbins. I would say that I'm from the "Robbins 16 School of Thought." 17 You don't have the student body, the 18 number, to support your budget. You just simply 19 don't. 20 But we're not going to move. We are -- 21 there's unanimity on the 68 percent. And there are 22 so many resources. And this is the compromising 23 part of me, the negotiating/mediating part of me. 24 There are so many resources available to 25 Mr. Matthews and the board to work on their budget.</p> |

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| 82 | <p>1 There are people at PEC (verbatim) that can really 2 examine every aspect of their budget and say, "Look. 3 Have you thought about moving this money over here, 4 reallocating this, making a cut here? This person 5 only has -- she is only working .5 FTE, but you're 6 paying her for 1 FTE. What else can she be doing on 7 the property?"</p> <p>8 There are so many ways to make it work. 9 Because I know that, certainly -- I'm sure it's the 10 same in Albuquerque, in Las Cruces, all over the 11 state. There are small schools that don't get their 12 money anymore. That's why it's called an 13 "adjustment."</p> <p>14 They've had to adjust. They've had to 15 rethink their budget and be practical and live 16 within their means, not say, "We're just going to, 17 you know, lower our expectations completely"; right?</p> <p>18 So I would say that we would encourage 19 them -- or maybe this comes from CSD -- encourage 20 them to use the resources available at CSD and 21 reaching out to other either boards or business 22 managers from other small charters to see how they 23 can get to that number. That's what I would 24 suggest.</p> <p>25 But so help me God, if the PED comes back</p> | 84 | <p>1 Could we make the argument? Maybe. And 2 it would go to district court, and it would -- so, 3 probably, we can't is my -- but it's a good point.</p> <p>4 But there are different provisions, and 5 it's an appeal of a -- of a denial, nonrenewal, 6 suspension, or revocation of a charter school. And 7 that's not where we are right now; so...</p> <p>8 THE CHAIR: All right. So I think we are 9 at a point where we need to move on.</p> <p>10 So I have heard an idea to send a note to 11 the TGA board asking them to reconsider the 12 68 percent and to forego our argument for three 13 years. I've heard that argument, I should say.</p> <p>14 MS. JULIA BARNES: It wouldn't be a note. 15 It would be a motion to -- for an additional -- 16 similar to last month.</p> <p>17 THE CHAIR: Right. Right.</p> <p>18 MS. JULIA BARNES: Motion to accept the 19 contract. So it's not really --</p> <p>20 THE CHAIR: That's one -- not to accept 21 the contract -- yeah. It would be for the TGA board 22 to accept -- yeah -- the 68 percent and a five-year 23 contract.</p> <p>24 MS. JULIA BARNES: Yeah. I guess it's 25 formal, not informal. So I'm just thinking about</p> |
| 83 | <p>1 at 60, they should be abolished.</p> <p>2 THE CHAIR: All right. So I think we are 3 at a place where I don't want to necessarily belabor 4 this -- okay.</p> <p>5 Julia, do you have a response to 6 Commissioner Gipson? Then I think we need to move 7 forward on something.</p> <p>8 MS. JULIA BARNES: Commissioner Gipson, 9 it's -- I'm getting there's not a right of appeal. 10 I'd need to really carefully do that. It's a 11 different provision of statute. And, once again, 12 it's silent. So we would be back to moving -- it's 13 22-8B-9. I'll just read you one sentence: 14 "If either party doesn't agree, within 15 30 days of the approval, either party may appeal to 16 the Secretary to finalize the terms of the contract, 17 provided that such appeal must be provided in 18 writing to the Secretary within 45 days of the 19 approval of the charter application."</p> <p>20 Now, we're in a weird situation about -- 21 we took the timing from the district court.</p> <p>22 "Either party may appeal to finalize the 23 terms of the contract." 24 I don't see another thing that allows it 25 to keep going.</p> | 85 | <p>1 your word --</p> <p>2 THE CHAIR: And that's only if the motion 3 gets made. We can argue at the formalities of it. 4 I'm going to support no further action than what 5 we've already done, which is I like what Julia has 6 already done of sending our previous arguments and 7 current argument -- like, what we've already said -- 8 to the Secretary's office in consideration for 9 their -- for their -- you know, for what -- for the 10 appeal that was made.</p> <p>11 So if anyone has a motion, you need -- you 12 should make it now.</p> <p>13 Commissioner Gipson.</p> <p>14 COMMISSIONER GIPSON: So I'm going to move 15 that the Public Education Commission direct the 16 Chair -- oh, no. Not to -- I don't think we're 17 adding additional information.</p> <p>18 THE CHAIR: We haven't. No.</p> <p>19 COMMISSIONER GIPSON: So I'm simply going 20 to move -- I don't know what to move.</p> <p>21 THE CHAIR: We don't have to move 22 anything. We can just move on from this item if no 23 motion is made.</p> <p>24 COMMISSIONER GIPSON: No. Thanks. But I 25 hate to belabor this, but I do have one question.</p> |

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| 86 | <p>1 Because we did vote for a three-year contract only. 2 So we would have to revote. If the -- if the 3 decision came back for a five-year, we would have to 4 vote. 5 THE CHAIR: We would just be ordered. It 6 would be ordered. We wouldn't have to. 7 COMMISSIONER GIPSON: Yeah. And that's 8 where I have trouble with that. I think that usurps 9 our authority. I still think we have to vote to do 10 the five-year contract, because we're the ones that 11 authorize the school and provide the contract, so 12 that, you know, in reality, we can't be ordered to 13 do squat. But -- you know, so -- 14 THE CHAIR: Once again, I don't want to 15 keep going on this. 16 COMMISSIONER GIPSON: I know. I know. 17 THE CHAIR: If that happens, we will go to 18 Ms. Barnes, and she will make a legal decision on 19 whether it needs to be on our next agenda or not, 20 based off of the decision that's made. Is that -- 21 can we -- let's not get into the hypotheticals of if 22 what happens and then what we need to do. 23 We'll let something happen and then have 24 Ms. Barnes decide what we need to do based off of 25 it.</p> | 88 | <p>1 Gipson. And I'll ensure that once -- once whatever 2 happens, we will ensure to consult with Ms. Barnes 3 about that and make sure it's on the next agenda, if 4 need be. So thanks for raising it as a flag. 5 Commissioner Carrillo. 6 COMMISSIONER CARRILLO: I guess -- I guess 7 I'm confused about Commissioner Gipson's position, 8 because I do totally support -- I totally support 9 the idea of us taking a vote essentially on five 10 years and 68 percent. Whether or not we're being 11 told to do something -- which is just abhorrent to 12 me, because we are the PEC -- but I like the idea of 13 us being on a record by taking a vote eventually on 14 five years and 68 percent. 15 So I'm wondering. Based on what 16 Ms. Barnes just said, it would seem as though now 17 would be the time to go on record. I know you're 18 shaking your head no. But it seems like now would 19 be the time to go on record to take that position 20 and take it to their board, absent whatever the PED 21 wants to do. 22 I don't like this whole notion that we're 23 just going to wait and see. We're just weaklings, 24 and we're just going to wait and see from 25 300 Don Gaspar before we do anything.</p> |
| 87 | <p>1 Commissioner -- Ms. Barnes, and then 2 Commissioner Carrillo. 3 MS. JULIA BARNES: I just want to ask 4 Commissioner Gipson a question. 5 Commissioner Gipson, you could move to 6 submit a charter contract to the board of The GREAT 7 Academy in settlement that changes the three years 8 back to five years and leaves the 68 percent in 9 there. So you could do that. And I wasn't sure if 10 that was what you were contemplating. 11 COMMISSIONER GIPSON: No. 12 MS. JULIA BARNES: And if not, I don't 13 need to help you do that. 14 COMMISSIONER GIPSON: No, not really. But 15 I had that question about what we voted on last 16 month and -- 17 MS. JULIA BARNES: You voted a three-year, 18 68 percent. And you could submit another one. I'm 19 not trying to ask you to do that. I'm just trying 20 to make sure that we could -- we can create a motion 21 that says that. 22 COMMISSIONER GIPSON: Yeah. No. No. I 23 wasn't looking for that. But I was just conjecting 24 for down the road. 25 THE CHAIR: And I hear you, Commissioner</p> | 89 | <p>1 I like the idea of us actually -- and I 2 consider -- I liked what Ms. Gipson said -- being 3 proactive. And so -- and I'm going to make that 4 motion, not this minute. But I want to hear what 5 Ms. Barnes may have to say. Because I think that 6 puts -- it allows us to reclaim, even this much, our 7 positions as Commissioners and the dignity that goes 8 with that. 9 THE CHAIR: Commissioner Gipson. 10 COMMISSIONER GIPSON: Okay. So I'm so 11 sorry. So I think if we made that motion right now, 12 it's irrelevant, because the -- because everything 13 else -- the train left the depot when the appeal was 14 filed. So that's going to happen no matter what. 15 So whatever we do now doesn't -- doesn't really 16 matter. 17 My -- I was not proposing the motion for 18 now. I was posing the question, because we made the 19 vote for the three years, that I think we do have to 20 be on record for a vote for the five-year. 21 I will certainly leave that to Julia when 22 we get to that. But I think that's important, 23 because I will always take the case that we really 24 can't be told to offer anyone a contract. The 25 district court thinks they can order the Cabinet</p> |

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| 90 | <p>1 Secretary to do that.</p> <p>2 The Cabinet Secretary can't order a</p> <p>3 contract. But that's -- that's for another legal</p> <p>4 debate.</p> <p>5 I'm not looking to interfere with this</p> <p>6 process now. I think we just have to let it play</p> <p>7 out and see what happens.</p> <p>8 I think we are all -- those of us that</p> <p>9 have those strong feelings, I think we are all on</p> <p>10 record as to how we feel about the number of years,</p> <p>11 the percentage, and we wait.</p> <p>12 And, yes, that's part of it, because we're</p> <p>13 in the middle of a legal process right now. So we</p> <p>14 do have to wait. And that's -- you know, it's</p> <p>15 unfortunate that we're in this. And I'm going to</p> <p>16 say that, because I 100 percent agree, the school</p> <p>17 just continues to mire their budget in legal fees</p> <p>18 when it's -- it's not necessary.</p> <p>19 But that's on them and their governance</p> <p>20 council.</p> <p>21 THE CHAIR: Commissioner Taylor.</p> <p>22 COMMISSIONER TAYLOR: Yeah, just really</p> <p>23 quick. I -- Commissioner Carrillo, I think that if</p> <p>24 we go on record as recommending a five-year</p> <p>25 contract, I would rather stay on record as</p> | 92 | <p>1 that said, "We don't want 68 percent."</p> <p>2 So just setting expectations. Like, we're</p> <p>3 on the right path. We have made a really strong</p> <p>4 argument for three years and 68 percent.</p> <p>5 And I just want to be able to move on.</p> <p>6 And I think we need to make a motion or move on.</p> <p>7 We're taking -- we're kind of going in circles on</p> <p>8 this at this point.</p> <p>9 So, please, if you have a motion, we need</p> <p>10 to make a motion, and we need to move forward,</p> <p>11 because now we're just spinning our wheels.</p> <p>12 Commissioner Carrillo.</p> <p>13 COMMISSIONER CARRILLO: I will agree with</p> <p>14 Commissioner Taylor, and we'll just move on. We'll</p> <p>15 hold on to our position of what we had and call it a</p> <p>16 day.</p> <p>17 THE CHAIR: Commissioner Robbins.</p> <p>18 COMMISSIONER ROBBINS: If there's no</p> <p>19 further discussion, I was going to move that we</p> <p>20 close discussion. But if there's no further</p> <p>21 discussion, then I don't need to do that. Thank</p> <p>22 you.</p> <p>23 THE CHAIR: All right. So we are going to</p> <p>24 be moving on to item No. 7. But before we do that,</p> <p>25 I would like to take a five-minute break so everyone</p> |
| 91 | <p>1 recommending a three-year contract and being</p> <p>2 directed that we had to choose the five, or we</p> <p>3 were -- you know, we were subject to the five.</p> <p>4 So if we kind of -- I feel like if we</p> <p>5 offer a five, it's sort of a compromise -- we're</p> <p>6 compromising what we really believe is the truth.</p> <p>7 And we believe the truth is it should be three</p> <p>8 years. So...</p> <p>9 THE CHAIR: Before I call back on you,</p> <p>10 Commissioner Carrillo, I'm going to say I agree with</p> <p>11 Commissioner Taylor 100 percent. That's exactly --</p> <p>12 that's where I stand. And that's where --</p> <p>13 hopefully, you all read the response that Julia</p> <p>14 already sent. That is exactly what it is.</p> <p>15 It talks about how we already voted for a</p> <p>16 three-year and about how we want to keep 68 percent.</p> <p>17 I think we're already down the right path. I don't</p> <p>18 think we need to do anything more. I think by</p> <p>19 making a motion to do something right now</p> <p>20 additional, we are adding legal fees for no reason.</p> <p>21 That's what I think.</p> <p>22 I think we're -- and I'm just trying to</p> <p>23 set expectations. Like, if we send a letter to</p> <p>24 them, if we say, "Hey, we want you guys to accept</p> <p>25 68," they are going to say no. They are the ones</p> | 93 | <p>1 can go grab snacks and drinks and do what you need</p> <p>2 to do so we can come and finish off the agenda when</p> <p>3 we come back.</p> <p>4 (Recess taken, 11:02 a.m. to 11:10 a.m.)</p> <p>5 THE CHAIR: All right. So we are on to</p> <p>6 Item No. 7, Discussion and Possible Action on</p> <p>7 Explore Academy-Las Cruces' Request to Amend</p> <p>8 Contract Adding Grade Levels.</p> <p>9 I'm going to give it over to Director</p> <p>10 Chavez first, and we will have the school be able to</p> <p>11 provide a presentation after that.</p> <p>12 So I know, Missy, you may need a second to</p> <p>13 get all those folks on. So if you want to do that</p> <p>14 first before I have Director Chavez go?</p> <p>15 DIRECTOR CORINA CHAVEZ: Looks like Karen</p> <p>16 Casedy is in the room. And I don't know if Karen</p> <p>17 Woerner wants to come on. But maybe Karen Casedy</p> <p>18 can let us know who else she wants to be admitted.</p> <p>19 She's the head administrator of Explore-Las Cruces.</p> <p>20 Karen, if you can unmute and let us know</p> <p>21 who should be promoted to the panel, that would be</p> <p>22 great.</p> <p>23 MS. KAREN CASEDY: Good morning. If we</p> <p>24 could add Karen Woerner, Hannah Peria. And we might</p> <p>25 have some board members. I don't have access to the</p> |

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| <p style="text-align: right;">94</p> <p>1 list of participants. But if there is Clara Welles, 2 Claren Mulhall, Gabriela Graham, Kimberly Knox, and 3 Jenifer Lichtenfels, those are board members. And 4 if they're there, I would love to -- 5 FROM THE PUBLIC: Thank you, Karen. 6 THE CHAIR: All right. 7 Director Chavez, go ahead. 8 DIRECTOR CORINA CHAVEZ: Looks like I 9 accidentally muted. 10 Thank you, Commissioners, Chair Burt. 11 Commissioners, this is an item that 12 carries over from last month's PEC meeting. We 13 received an application from Explore 14 Academy-Las Cruces to expand the grade levels 15 significantly. The school -- and let me just give 16 you the numbers of the items that you should have 17 open, because there's actually three. 18 There's Item 7A, which is the actual 19 amendment request form from the school, which spells 20 out how the school is proposing to move from a 21 6-through-12 authorized school to increase to be a 22 K-through-5, so that, in total, it's a K-through-12 23 school. 24 The other document in your materials is 25 7B, which is the analysis from the Charter Schools</p> | <p style="text-align: right;">96</p> <p>1 in the Consent Agenda, they provided information 2 about the school moving location and obtaining a 3 different facility. 4 We have visited the school at least twice, 5 once when they first opened, and then as part of the 6 other -- the full set of school visits that we do 7 this spring. 8 The school has an enrollment of 9 approximately 90 students. They had projected an 10 enrollment of 240 students, and, for various 11 reasons -- and it's always hard to project exactly 12 what the enrollment is -- they were short. 13 I am -- one of the questions I have that 14 maybe we can ask the school is what the building 15 occupancy load is. I know we've collected that. I 16 don't have that at the -- at my fingertips. But it 17 was one of the reasons stated for not being at the 18 full projected enrollment. 19 So I went to review the materials provided 20 by the school with the amendment request. I think 21 that they presented some really nice examples of the 22 curriculum and how they will be implementing the 23 program. 24 As you know, the school is part of a 25 larger network of schools, one that exists in</p> |
| <p style="text-align: right;">95</p> <p>1 Division. 2 And then C is new from last month, and 3 that is that we included the school's response to 4 the analysis. 5 So because it was pulled from last month's 6 agenda, we didn't discuss it very thoroughly. But 7 just to provide some background to Commissioners, 8 Explore Academy-Las Cruces is currently authorized 9 to serve 700 students in grades 6 through 12. It is 10 in its first year of operations with a charter term 11 that ends in 2026. 12 So the school submitted their application 13 to us in 2019, and it actually went through an 14 appeal hearing process, where, because the PEC voted 15 to deny the school -- but it went to district court. 16 And in January 2021, the court reversed the decision 17 of the Commission, and the Secretary remanded the 18 case back with the directive to grant the school a 19 five-year term. 20 So it did have a shortened Implementation 21 Year in '20-'21. But it successfully met all of the 22 requirements, and it opened in the fall of 2021. 23 It currently resides in a temporary 24 location in Las Cruces, the 900 block of Telshor 25 Boulevard. But you saw that in your materials. And</p> | <p style="text-align: right;">97</p> <p>1 Albuquerque that recently expanded to serve 2 elementary. So the network itself has fewer years 3 with elementary, but they are implementing. And 4 their approach is to give students choice through 5 flavors, curriculum that makes it interesting for 6 students. 7 I think the bottom line for me on this 8 application is that it doesn't meet PEC criteria. 9 Because the school is in its first year of 10 implementation and hasn't yet completed a full year 11 of operations in Las Cruces, I don't think that that 12 meets PEC criteria for expansion. 13 In the Document C, where the school is 14 responding to my analysis, I just want to speak to a 15 couple of items on that, because it is in your 16 materials. 17 The school provides the update on the 18 facility. One of the questions I had is does the 19 school have a foundation? And the school talks 20 about its board voting at the May meeting to approve 21 the Las Cruces foundation. 22 It was unclear whether it was when we got 23 the application and signed the contract with 24 Explore-Las Cruces, whether the foundation was the 25 same foundation as the Albuquerque schools, or if</p> |

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1 there was a Las Cruces-specific foundation.
 2 And, indeed, Ms. Casedy, along with Rafael
 3 Lovato and Brittany Pintor, comprise members of the
 4 Explore-Las Cruces Foundation, which is different
 5 from the Albuquerque foundation. They do reference
 6 their board minutes on the website. But you can't
 7 get access to them unless you get special
 8 permission. So those materials, the governing
 9 council minutes for Explore Academy-Las Cruces, are
 10 not actually available to the public unless they
 11 give you permission. Just wanted to note that.
 12 So -- excuse me.
 13 The other issue -- so they responded to
 14 the question about enrollment, and I touched on some
 15 of those issues. And they talk about finances,
 16 which is affected by the low enrollment.
 17 They are getting CSP Grant money.
 18 Everybody knows we've had some challenges in
 19 releasing those monies. But they definitely have
 20 those monies.
 21 In the Organizational Performance section
 22 response, I was a little surprised and disheartened
 23 to see that the school felt like it could share a
 24 document that is in progress. We did provide the
 25 schools, as you know when we did the site visits, a

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1 preliminary report for them to have a back-and-forth
 2 with my team on any things that need to be
 3 corrected, either because more information has come
 4 out or because they are sharing new information.
 5 So there is a link in there to a report
 6 that I don't believe should be presented to the
 7 public, and perhaps maybe their response shouldn't
 8 have been made public, then, to everybody for your
 9 meeting.
 10 But we have worked on correcting a couple
 11 of the items, such as the transportation indicator.
 12 The school does, in fact, provide transportation.
 13 And so just wanted to clarify the record on that,
 14 and, again, reiterate that it is up to you
 15 Commissioners whether you want to follow your policy
 16 or not.
 17 But the current policy that exists around
 18 expansion does say that there should be three years'
 19 worth of data about a school before they are
 20 approved for expansion.
 21 Thank you.
 22 THE CHAIR: Thank you. So now I will go
 23 to Ms. Casedy. If you would like to introduce
 24 yourself and everyone on your team.
 25 MS. KAREN CASEDY: Sure. Well, thank you,

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1 Madam Chair Burt and Commissioners, for also
 2 allowing us to present our -- our amendment request
 3 to add grades K through 5. I really appreciate
 4 that.
 5 I would also like to ask -- if you don't
 6 mind, I left somebody out to add to our panel. Is
 7 that okay? Valery Ratliff-Parker? If we can allow
 8 her --
 9 MS. MISSY BROWN: She's been added.
 10 MS. KAREN CASEDY: Great. Thank you.
 11 Appreciate that.
 12 So let me start with Ms. Ratliff-Parker.
 13 She will be our incoming new principal into Explore
 14 Academy for next year. I would like to introduce
 15 Hannah Pería, who is our Explore Academy-Las Cruces
 16 consultant for our elementary school. And so she
 17 will have a part in this presentation, and will
 18 present what the model looks like at the elementary
 19 school level.
 20 And I would like to present Karen Woerner,
 21 who is the Explore Academy-Las Cruces consultant for
 22 compliance, and she will also add a little bit to
 23 this presentation as well.
 24 So, once again, thank you for allowing us
 25 to be here, and I'll just get everything started.

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1 First of all, as you know, I'm Karen
 2 Casedy. I'm the current principal for Explore
 3 Academy-Las Cruces. We just finished our first year
 4 here in Las Cruces, grades 6 through 8. We'll be
 5 adding 9 next year, and every year, we'll be adding
 6 a grade level until we're full 6 through 12, and,
 7 hopefully, in the future, K through 12.
 8 I do want to make it clear this -- we are
 9 not asking for K through 5 to be added this coming
 10 school year. This is kind of for the future for
 11 over the next few years to be adding this.
 12 So what I would like to do is first
 13 present the reasons why we think Las Cruces is in
 14 need of another charter choice. And then I'd like
 15 to look a little bit at our school mission, how
 16 that's being unfolded here at the Explore Academy, 6
 17 through 8, and how that's going to be reflected in
 18 our elementary school. And then I'd like to just
 19 allow Hannah Pería and Karen Woerner to add a little
 20 bit of their expertise to this.
 21 So, first, as you heard from our -- some
 22 of our students and some of our parents in the
 23 opening comments, there is a need within our school
 24 community, we've seen it, parents requesting the
 25 addition of these grade levels, as well as students

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| <p style="text-align: right;">102</p> <p>1 wanting their younger siblings to come here.</p> <p>2 You heard from our front desk person, who</p> <p>3 fields a lot of the phone calls coming in, and she</p> <p>4 has taken several over the course of the year, of</p> <p>5 inquiries, prospective parents, wanting to know if</p> <p>6 we also offer K through 5.</p> <p>7 And if we look outside of that, we send</p> <p>8 out mailers in -- throughout the community. And we</p> <p>9 get feedback from those mailers as well as social</p> <p>10 media. And we also go to businesses to inform them</p> <p>11 about our school. We often get the question, "Well,</p> <p>12 do you have grades K through 5?"</p> <p>13 And, lastly, I just want to make note of</p> <p>14 that there are seven -- currently, there are seven</p> <p>15 charter schools in Las Cruces, and only two of those</p> <p>16 seven serve grades K through 5.</p> <p>17 One of those schools is fairly new, so</p> <p>18 they're really only going K through 3, I believe, at</p> <p>19 this time. And then the other is very well</p> <p>20 established within the community. And they --</p> <p>21 they've reached their cap, or their limit, and so</p> <p>22 there's often well over 100 students on their</p> <p>23 waitlist for these grade levels.</p> <p>24 So based upon this, we feel like there is</p> <p>25 a need for an additional choice at -- within</p> | <p style="text-align: right;">104</p> <p>1 Explore. Here at Explore, our classroom sizes are</p> <p>2 small. There's a small teacher-to-student ratio.</p> <p>3 So students are quickly identified. If they are</p> <p>4 struggling in certain areas, we can provide them</p> <p>5 with that help. We can individualize and</p> <p>6 differentiate the instruction for those students.</p> <p>7 Another unique aspect to our school is we</p> <p>8 have a built-in, during the school day, what we call</p> <p>9 a "structured flex time" for students. And so</p> <p>10 students at the middle school have an hour a day</p> <p>11 where they go to a class; they're with educational</p> <p>12 assistants. And most of the educational assistants,</p> <p>13 most of them have college degrees or are working on</p> <p>14 college degrees, so they are in there with these</p> <p>15 students.</p> <p>16 It's not a formal class. The students sit</p> <p>17 down. They can work their individual work. The</p> <p>18 educational assistants are there to go around, help</p> <p>19 them with work. They're the liaison between the</p> <p>20 student and the teacher. So they're getting</p> <p>21 information from the teachers on what students need</p> <p>22 additional help and how they can help them.</p> <p>23 They help them with organizational skills.</p> <p>24 They help them with study skills.</p> <p>25 And, in addition to this, the students</p> |
| <p style="text-align: right;">103</p> <p>1 Las Cruces at grades K through 5.</p> <p>2 And since you all are pretty well -- you</p> <p>3 know our model, I don't want to go into our model.</p> <p>4 But what I would really like to do is I would like</p> <p>5 to take a look at our mission statement and see</p> <p>6 how -- kind of show you how that's being unfolded</p> <p>7 here at grades 6 through 8 and through the high</p> <p>8 school and how that's going to be reflected in our</p> <p>9 elementary school.</p> <p>10 So let me first read you our mission. So</p> <p>11 our mission is:</p> <p>12 The mission of Explore Academy-Las Cruces</p> <p>13 is to provide all students, regardless of</p> <p>14 background, with a personalized educational</p> <p>15 experience through the power of student choice,</p> <p>16 allowing each student to create a personalized and</p> <p>17 engaging educational pathway in preparation for</p> <p>18 college.</p> <p>19 So I'm going to disseminate this a little</p> <p>20 bit and break it down and just present each part of</p> <p>21 the school mission and how that's being unfolded.</p> <p>22 So in terms of a personalized educational</p> <p>23 experience, basically, a lot of parents send their</p> <p>24 students to charters because they want the small</p> <p>25 classroom sizes. And that's no different here at</p> | <p style="text-align: right;">105</p> <p>1 that are identified that need help, let's say</p> <p>2 they're not on an IEP, but they're identified as</p> <p>3 maybe needing to be put on the MLSS, that</p> <p>4 multi-layered structured system for students when</p> <p>5 they're identified with needing needs, we can pull</p> <p>6 them into even smaller flex groups and work with</p> <p>7 them on the struggles that they're having.</p> <p>8 And what we have seen throughout the</p> <p>9 school year is that the students we initially put on</p> <p>10 that MLSS program, we put them in smaller groups.</p> <p>11 We identified their needs. And I would say half of</p> <p>12 them did not have to go on to a higher level or a</p> <p>13 higher tier level in that MLSS system. They</p> <p>14 actually came off of it.</p> <p>15 And so these small study groups really</p> <p>16 work for these kids.</p> <p>17 We also have the structured flexes for ELS</p> <p>18 kids, our ELS kids. We have them for our special ed</p> <p>19 kids and our gifted kids. So those are even smaller</p> <p>20 groups. And there's also EAs in there with</p> <p>21 teachers. So for our special ed, small-group flex,</p> <p>22 it is a special ed coordinator who also has an EA in</p> <p>23 there with her, so they can circulate among the</p> <p>24 students and give them that extra help that they</p> <p>25 need.</p> |

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| <p style="text-align: right;">106</p> <p>1 And that's the same with our ELL small 2 group study flex. There is a TESOL-certified 3 instructor in there with those students along with 4 an EA. 5 So that is very unique, and the students 6 are identified, and they get the help they need. 7 And I'm going to let Hannah discuss in 8 just a few minutes how that's going to look at the 9 elementary school level. 10 Another aspect to our -- our mission 11 statement is the power of student choice. 12 So, as you know, our students -- it's one 13 of the foundational marks of our model, and that's 14 evident in our course catalog. And how that relates 15 to the elementary school is going to look a little 16 bit different. 17 And, again, I'll let Hannah discuss that 18 in just a few minutes. 19 So the next aspect that I'd like to look 20 at is -- of our school mission -- is that ensuring 21 that students of all backgrounds can be successful. 22 So there is various ways that we look at 23 this as a school and as a community within the 24 school. And we get all stakeholder inputs into 25 this.</p> | <p style="text-align: right;">108</p> <p>1 We offer them for uniforms, for school 2 supplies. We are a Chromebook school, and they are 3 given Chromebooks. 4 And so we really reach out and we try to 5 provide these students and these families with the 6 resources they need. 7 The other thing that we will have at the 8 elementary school level is a school counselor/social 9 worker to work with that age level, age group of 10 students. We provide resources both on our website 11 and in materials that we give parents both in 12 English and in Spanish. If you look on our web 13 site, we even have a school informational video both 14 in English and in Spanish. 15 One thing that I do want to mention is our 16 parent advisory committee is very committed to -- to 17 having a very inclusive and really have an equitable 18 school campus. They are asking -- at our last 19 meeting, which is in May, which we are going to 20 implement this year, one of our parents asked that 21 we incorporate the ENLACE program, which I had to do 22 a little research on. But I heard it's very 23 successful at one of the public high schools here in 24 Las Cruces, and it's bringing the Latino culture 25 into the classroom.</p> |
| <p style="text-align: right;">107</p> <p>1 We've identified some of those barriers 2 that keep students from coming to charter schools. 3 And one of those, as you heard Commissioner Chavez 4 talk about, is the transportation. 5 Based upon our school site visit that 6 occurred this last spring, we had -- they told us 7 that we were -- that we know of, anyway -- that we 8 were the only charter school in Las Cruces who 9 offers transportation. 10 And as we grow, that transportation -- the 11 more buses we'll be able to get, and we can even 12 infiltrate into more areas of the city. But we do 13 offer transportation, and that will happen for 14 elementary school children as well. 15 The other barrier is the -- is the lunch 16 and the breakfast at school. We will be a part of 17 the National School -- and we are part of the 18 National School Lunch Program. So those eligible 19 students will have the free and reduced lunches. 20 We have a very active McKinley-Vento 21 liaison at our school. And he's always putting 22 resources out there, both in English and in Spanish. 23 We identify students in need and families in need 24 very early on in the school year, and we continue to 25 try to identify them throughout the school year.</p> | <p style="text-align: right;">109</p> <p>1 So we are going to be implementing that 2 here in the secondary school, and that will be 3 implemented into the elementary school level as well 4 when that comes down in the future. 5 Our teachers are also continually getting 6 professional development with that CLR, best 7 practices; that's a -- cultural linguistic 8 responses. They are getting professional 9 development on that, and the elementary school staff 10 and teachers will be getting that as well as the 11 social-emotional learning best practices that we are 12 incorporating throughout our school. 13 The final thing I just want to mention 14 is -- a very unique aspect and a very engaging 15 aspect to our school is the fact that we have 16 student-driven clubs. 17 So when -- what that means is -- we don't 18 have clubs extracurricular. This is actually built 19 into the school day, and our elementary school 20 students will have this as well. 21 And what -- a student who -- students, 22 actually, at the beginning of the year, we put out a 23 survey, "What kind of clubs do you want to see?" 24 Students give us these ideas. 25 So we can have anything that ranges from</p> |

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| <p style="text-align: right;">110</p> <p>1 retro gaming clubs to a Spanish bilingual club. We 2 can have a GLBT (verbatim) club. And it's all based 3 upon student request, and teachers just sponsor 4 these clubs. And, again, this happens once a week 5 during the course of the school day.</p> <p>6 So all students, regardless of where they 7 live around the city, can participate in these 8 student-driven clubs.</p> <p>9 And that's a very engaging -- our students 10 get a lot out of this, and they feel like this is 11 also part of their voice, and they take ownership of 12 these clubs, and they're very safe and very 13 welcoming, as we like our whole school environment 14 to be.</p> <p>15 So at this point, I just really wanted to 16 overview why we feel there's a need in Las Cruces 17 for another charter choice at the K-through-5 grade 18 level. And I wanted to just go over a little bit of 19 our mission, what we're doing here, and how that's 20 going to impact and be reflected in our elementary 21 school.</p> <p>22 So, at this time, I'm going to ask Hannah 23 Pería if she will present actually what the 24 elementary school model looks like is with -- and 25 one of the reasons why we're all here this morning.</p> | <p style="text-align: right;">112</p> <p>1 choose for the entire year. We know building that 2 relationship and cementing those foundational skills 3 is critical in those early years.</p> <p>4 As the students demonstrate they're ready 5 for second- and third-grade courses, they will then 6 change at the semester. So they could have two 7 teachers in the fall semester and maybe similar, or 8 maybe different, teachers in the second semester, 9 potentially up to four.</p> <p>10 And then as our students are ready for 11 fourth- and fifth-grade level standards, similar to 12 our sixth- and seventh-grade students, they change 13 each quarter. So they could have up to eight 14 teachers over the course of the year.</p> <p>15 When they're picking their flavors, I 16 might pick something that has to do with art 17 integrated into STEM; whereas, my peer might be 18 really interested into how STEM is applied to the 19 outdoor environment around where we live.</p> <p>20 We're still going to be receiving rigorous 21 instruction in the same standards and access to the 22 same level at the conclusion of the course and at 23 the conclusion of each quarter, even if the course 24 extends for a semester or a year.</p> <p>25 But that allows me to be with other peers</p> |
| <p style="text-align: right;">111</p> <p>1 So, Hannah?</p> <p>2 MS. HANNAH PERÍA: Thank you, Karen. And 3 good morning, everybody. I am super excited to 4 spend some time talking with you about the 5 elementary flavor of our model, if you will, and how 6 it connects to the core pillars of the mission that 7 Karen just unpacked and the school's educational 8 program.</p> <p>9 So the plan is that we will offer focused, 10 standards-based instruction that is thematic in 11 STEM, in humanities, and in electives for K-5 12 students, so they have fewer transitions throughout 13 the day, as is appropriate to their development, but 14 they still have abundant student choice. And that 15 choice will only increase and expand as they 16 demonstrate that they're developmentally ready as 17 they age.</p> <p>18 And so that means they'll have two core 19 teachers. Any given student will have two core 20 teachers, one humanities and one STEM, each day. 21 One teacher they'll see in the morning; one teacher 22 they'll see in the afternoon.</p> <p>23 For our children who are learning 24 kindergarten and first-grade standards, they'll 25 remain with their teacher and the flavor that they</p> | <p style="text-align: right;">113</p> <p>1 that are interested in the same things. I get to 2 mix up who I'm interacting with over the course of 3 the year as a student, and I also have the benefit 4 of learning from different educators who I may be 5 able to form multiple relationships with that propel 6 me forth. And so we think that's an incredibly 7 powerful aspect of this at the K-5 level.</p> <p>8 And when we're talking about thematic 9 instruction, we're really talking about deep 10 immersion into a theme; a flavor, as we call it. 11 That means that they're learning the standards 12 through the content rather than having a connection 13 to real life be an afterthought.</p> <p>14 And the cognitive demand, when you're 15 really immersing in the environment, every learning 16 experience and putting students into a position of 17 making choices even as they navigate a course about 18 what they want to study and how they want to produce 19 their learning, you're reaching the level of rigor 20 as articulated in the standards and, more so, 21 accessing that conceptual thinking and making 22 connections across disciplines in increasing 23 amounts. So it's really everything that we have 24 dream of for our kids in weaving together their 25 whole understanding of academics and themselves as</p> |

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| <p style="text-align: right;">114</p> <p>1 people.</p> <p>2 So I said a couple of times, as children</p> <p>3 demonstrate they are ready for second-grade</p> <p>4 standards or fourth-grade standards; right? And so</p> <p>5 just like the middle-high school, and as articulated</p> <p>6 in the educational program, we're a mastery-based</p> <p>7 school.</p> <p>8 And so students at the K-5, just like the</p> <p>9 mid-high will be allowed to progress through skill</p> <p>10 levels in a personalized and individualized manner.</p> <p>11 When they demonstrate through those</p> <p>12 standards-aligned formative and project-based</p> <p>13 assessments that they are ready to tackle the next</p> <p>14 level, we're not going to hold them back simply</p> <p>15 because their birth date indicates they should be</p> <p>16 grouped with other children born around the same</p> <p>17 birth date.</p> <p>18 So we're really wanting to challenge kids,</p> <p>19 but also provide them with additional time to build</p> <p>20 foundational skills, and not push them outside of</p> <p>21 their comfort zone and over-challenge them too</p> <p>22 early.</p> <p>23 So, for example, if I were a first-grade</p> <p>24 age student who is tackling first-grade standards in</p> <p>25 humanities, but demonstrated I was ready to approach</p> | <p style="text-align: right;">116</p> <p>1 would go through.</p> <p>2 We did submit curriculum samples that</p> <p>3 provided standards-aligned -- like, snapshots, I</p> <p>4 would say. Because we go very deep into standards.</p> <p>5 We're not going to be able to teach them in, you</p> <p>6 know, single-digit days for some of these really</p> <p>7 weighty standards.</p> <p>8 But we have specific reference to how</p> <p>9 this -- how each standard develops metacognitively</p> <p>10 what our kid's going to be thinking that we can't</p> <p>11 even see, what are we going to observe what they are</p> <p>12 writing on paper saying aloud, and what they are</p> <p>13 able to do. And each of the subsequent lessons is</p> <p>14 deprived from that understanding of the standard and</p> <p>15 prepares the student for the assessment that is also</p> <p>16 rigorous.</p> <p>17 And we are confident that these are, you</p> <p>18 know, benchmarked at the level of the standards,</p> <p>19 because we're referring to the highest</p> <p>20 independent-related instructional materials in the</p> <p>21 country as we benchmark our instructional plans.</p> <p>22 So the teachers that are hired will, I</p> <p>23 know, be dedicated and incredibly creative, because</p> <p>24 those are the teachers who are teaching at Explore</p> <p>25 Academy-Las Cruces and the type of teacher that's</p> |
| <p style="text-align: right;">115</p> <p>1 second-grade standards in STEM, I would be able to</p> <p>2 take a flavor from a teacher who supports me in</p> <p>3 first-grade humanities standards, but I'm getting</p> <p>4 pushed, and I'm not sitting in class wishing for</p> <p>5 more enrichment and more extension.</p> <p>6 So with the addition of the K-5 grades to</p> <p>7 the 6-12 that is already authorized, we are</p> <p>8 providing children in Las Cruces who would enter in</p> <p>9 the kindergarten year with 13 years of a</p> <p>10 personalized education, where they are free to move</p> <p>11 as quickly as they are able and receive additional</p> <p>12 enrichment, and they're also able to slow down.</p> <p>13 We know that our development isn't the</p> <p>14 same over, you know, our childhood and adolescence.</p> <p>15 And so this honors that in our kids.</p> <p>16 I want to underscore that we definitely</p> <p>17 are looking at social-emotional readiness, not just</p> <p>18 academic readiness. We know that the whole child is</p> <p>19 incredibly important, and I'll speak to how</p> <p>20 social-emotional practices are woven into the fabric</p> <p>21 of the school for elementary as well as Karen</p> <p>22 addressed with 6-12.</p> <p>23 So I do want to just briefly talk about</p> <p>24 the standards alignment and the process that</p> <p>25 teachers hired as elementary educators in Las Cruces</p> | <p style="text-align: right;">117</p> <p>1 attracted to this kind of model, where you are asked</p> <p>2 to create a flavor and a whole entire thematic</p> <p>3 course and find those resources and design your</p> <p>4 instruction.</p> <p>5 What we choose to do is look at standards</p> <p>6 alignment as an ongoing conversation and process, so</p> <p>7 that by colleagues working together and having deep</p> <p>8 collaborative conversations and understanding what a</p> <p>9 standard needs in practice, even for our littlest</p> <p>10 ones when they may struggle to produce writing and</p> <p>11 to produce written work, then we get to move into</p> <p>12 the real fun, which is designing those flavor</p> <p>13 courses.</p> <p>14 They get to draw on their knowledge of the</p> <p>15 community, of families, students, and the local</p> <p>16 culture, so they can create courses that are</p> <p>17 uniquely relevant to the students who will be</p> <p>18 attending the school. And over time, those teachers</p> <p>19 will be able to work even in greater partnership</p> <p>20 with their kids to create flavors for future years.</p> <p>21 And that's something we're already seeing happening</p> <p>22 with the grades that we have. And that will be</p> <p>23 opening next year.</p> <p>24 And so, just in closing, I wanted to</p> <p>25 underscore again that social-emotional learning is</p> |

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| <p style="text-align: right;">118</p> <p>1 an integral focus of our model and how we ensure 2 that a child is really able to fully embrace and 3 access what is available to them at Explore Academy 4 without students feeling that their identities are 5 invalidated and that they are safe and connected and 6 heard, and, to that matter, without the adults 7 feeling that way as well.</p> <p>8 We know that teaching and learning will 9 not take off for our students. And so while we 10 don't have any plans to open the school in the close 11 future -- it'll be, you know, a year or two down the 12 road, if approved -- we know that the anxiety and 13 the stress and some of the inexperience and 14 interpersonal interactions that are manifesting in 15 the schools, especially with our youngest students, 16 will continue to reverberate from the pandemic.</p> <p>17 And so we intend to implement responsive 18 classroom approaches, like morning meeting, closing 19 circle, co-created classroom rules, and logical 20 consequences. And this is -- these are approaches 21 cited in neuroscientific research and 22 social-emotional and academic development research.</p> <p>23 And so we're very confident that we will 24 be able to connect to the pillars of the educational 25 program that meant so much to the students and</p> | <p style="text-align: right;">120</p> <p>1 which I think Hannah has clearly explained that this 2 is a very standards-based curriculum and 3 standards-based approach. In fact, I have never 4 seen a school, in all of my years of education, so 5 focused on standards-based instruction, grading -- 6 assessment and grading K-to-12 in a way that I've 7 never seen in any other school, public or -- 8 traditional public or charter.</p> <p>9 And, in fact, the curriculum samples that 10 Hannah provided are very standards-aligned.</p> <p>11 The reference to happening over the summer 12 has to do with the teachers creating those flavors 13 and those things that Hannah and Karen have spoken 14 about.</p> <p>15 The second was around the facility and 16 primarily around the foundation. So Director Chavez 17 mentioned that earlier. I just want to be clear for 18 the Commissioners' sake that you are aware that a 19 Memorandum of Understanding and a Conflict of 20 Interest statement was provided last year. It's 21 attached to the current charter contract for the 22 foundation in Las Cruces. And that is separate from 23 any other school. It's its own foundation.</p> <p>24 And, in fact, in March, we provided an 25 update requested by CSD from all the schools about</p> |
| <p style="text-align: right;">119</p> <p>1 parents and staff and board members who spoke 2 earlier today, and also bring that to K-5 students 3 as well.</p> <p>4 So thank you so much for listening, and I 5 look forward to answering any other questions.</p> <p>6 MS. KAREN CASEDY: Thank you so much, 7 Hannah. I really appreciate that.</p> <p>8 I would like now for Karen Woerner, if you 9 would provide your expertise to this presentation.</p> <p>10 Thank you.</p> <p>11 MS. KAREN WOERNER: Thank you, Karen, 12 Madam Chair, Commissioners, Director Chavez. It's 13 great to see you all again. Cindy, too. It's nice 14 to see you.</p> <p>15 And, Julia, I don't think we've met 16 before, but I am Karen Woerner, and nice to meet you 17 as well.</p> <p>18 I specifically would like to address some 19 concerns raised in the analysis which Director 20 Chavez briefly touched on earlier. And I understand 21 that you -- from her comments, you have received the 22 school's written response. And I just want to note 23 the six areas that were identified there and will be 24 happy to answer any questions about it.</p> <p>25 The first was the alignment to standards,</p> | <p style="text-align: right;">121</p> <p>1 their foundation members. We provided that.</p> <p>2 And the reference in May has to do with 3 there was a change on the foundation board 4 membership. And as required, we submitted that 5 change -- it was presented to our Explore Academy's 6 governing board in May. But it was a foundation 7 member change. And we submitted that for you to 8 review.</p> <p>9 So I just wanted to be clear that that 10 foundation has always existed, has always been 11 separate from any other school, and is attached to 12 our charter contract.</p> <p>13 Also, they were asking about who was 14 involved in the purchase. And so, clearly, the 15 foundation -- as many schools do, the foundation 16 purchased the building. When we submitted this 17 amendment request, that had not been finalized. But 18 now it has been, and you just approved it as part of 19 your Consent Agenda item, that the school has been 20 purchased, and a lease agreement exists between the 21 school and the foundation.</p> <p>22 The third -- oh. And to Director Chavez, 23 thank you for pointing out about the web access. It 24 does not typically require any kind of additional 25 access. That's actually an error that happened in</p> |

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1 the last two weeks on our website. All of our
 2 minutes and agendas are usually posted on the
 3 school's website. And there's -- the link,
 4 currently, we've had a Google Drive issue with some
 5 of the files. We're in a -- I don't even understand
 6 it.

7 But our IT folks are aware of it and are
 8 working on it. It was in a folder that was on a
 9 preexisting account for someone, so we have to
 10 recover that.

11 So if anyone would like copies of minutes,
 12 we'd be happy to provide those, and we're working to
 13 get that fixed on our website.

14 The third thing was the enrollment.
 15 And yes, the school readily admits there
 16 was a high projected enrollment that the school did
 17 not meet. And Director Chavez did allude to some of
 18 the factors: the late approval, the quick
 19 implementation, and the pandemic influencing our
 20 ability to recruit. And then the fact that we
 21 thought we would be moving to a more permanent
 22 facility sooner than this and was hoping that would
 23 help increase our enrollment.

24 That did not happen, which, fortunately,
 25 turned out to be a blessing in disguise, because I

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1 think this new facility that we are able to lease is
 2 a much better fit and is very close to the current
 3 school, so it won't impact families.

4 And so though we had a rough first year, I
 5 think it's going to be a great plus for the school.

6 Which leads to No. 4, which is finances.
 7 And, of course, the budget was affected by the low
 8 enrollment. But the school did make the appropriate
 9 adjustments necessary, and -- to pay back those
 10 funds.

11 And Director Chavez, I appreciate
 12 mentioning the difficulties around award of the CSP
 13 Grant money, because that was a significant amount
 14 of money for starting up the school, \$570,000, that
 15 we really didn't have access to until January for
 16 the school.

17 Fifth was the organizational performances.
 18 I did not understand that the preliminary report was
 19 not public record, thought that all documents
 20 related to the school would be. So I apologize for
 21 sharing something if you felt I shouldn't.

22 But, nevertheless, it -- the preliminary
 23 site visit report, I thought would be shared with
 24 the PEC. So my apologies.

25 Of that preliminary report, over

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1 20 indicators are organizational and financial. And
 2 the school did have two on that were Workings to
 3 Meet. One was around attendance goal being 93,
 4 rather than the target of 95, which I think is great
 5 during a pandemic.

6 But -- and the other was around the equity
 7 council, which wasn't quite represented properly.
 8 We did have an equity council, but we were meeting
 9 with another school's members as well. But either
 10 way, two Workings to Meet out of over 20 is very low
 11 for a first-year school. And there are other
 12 indicators that are still pending till end-of-year
 13 reports, as they are for all schools; it's not
 14 unique to this school.

15 And your own -- our Performance Framework
 16 that's tied to the contract and the existing one
 17 that's posted on our website, while each indicator
 18 is rated Working to Meet -- Meet, Working to Meet,
 19 or Does Not Meet, for each of those 20-plus
 20 indicators, schools end up receiving an overall
 21 rating of Meets or Does Not Meet.

22 And in order to get a Does Not Meet, you
 23 have to have three or more Does Not Meet on your
 24 organizational framework.

25 So I would say that this school is not, as

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1 indicated, Working to Meet. I think it is actually
 2 at a Meets Standard level. The school does not have
 3 any of Does Not Meet Standards identified as of yet.
 4 I don't anticipate that they will. And, therefore,
 5 I project a Meets standard for the organizational
 6 framework for the school for the first year.

7 And, as I said, the transportation
 8 initially was marked as Not Applicable. But the
 9 site visit team quickly corrected that when we
 10 pointed out the mistake and wanted to emphasize
 11 what's been mentioned already, that this is the only
 12 charter school in Las Cruces to provide
 13 transportation.

14 And, lastly, takes me to the amendment
 15 eligibility criteria, which Director Chavez referred
 16 as why this should not be approved per the criteria.
 17 And I agree, that the criteria that's listed is --
 18 is it a policy? It's on the request form, and it's
 19 in the analysis.

20 The three things are that we need to be on
 21 a current version of the contract; the school is.
 22 That the governing board being compliant; and the
 23 school is. And the third one has to do with the
 24 prior three years of academic data, which, of
 25 course, as you know, no school currently has

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| <p style="text-align: right;">126</p> <p>1 adequate academic data for the last three years. 2 And, in addition, this Commission has not 3 used that criteria to determine approval of prior 4 requests of the same type. 5 I want to point out that the last request 6 for change in grade levels was heard at the 7 June 11th, 2021, PEC meeting. 8 One of the schools that appeared before 9 you then was in a very similar situation to the 10 decision before you today. 11 That school was also in its first year of 12 operations. That school's charter contract was also 13 for grades 6 to 12. That school was also seeking to 14 add grades K to 5. That school was only serving 15 45 students during its first year, and that was well 16 below its projected enrollment. And, of course, 17 they did not have three years of data, as it was 18 their first year. 19 That school also recognized the community 20 need for elementary school after opening. A 21 difference is that that school had several 22 compliance concerns, including a special education 23 Corrective Action Plan in its first year. 24 And yet the amendment request for that 25 school to add grades K to 5 to the existing 6 to 12</p> | <p style="text-align: right;">128</p> <p>1 I liked your justification about 2 standards, because there's a lot of people who don't 3 know that, when you do thematic project-based 4 learning, that the standards are embedded. And so 5 rather than looking at your standards first, when 6 you look at a project in a thematic unit, you can go 7 back to your standards and say, "Oh, we did that, we 8 did that, we did..." -- you know. So it's great 9 that you have that model and that you call them 10 "flavors." 11 So I really appreciate your explanation 12 about your school. Thank you very much. 13 I do have just a couple of questions. So 14 your kids that are doing mastery -- which is 15 awesome -- and you mentioned that they would be able 16 to move up to -- let's say from third to fourth 17 grade, should they master their content, I think 18 that's wonderful. And in true mastery learning, in 19 the high school, we would be doing away with 20 Carnegie credits. 21 And I think that is going to be the next 22 frontier, because Carnegie credits to me are just 23 seat time. And if kids can master their learning, 24 let them excel and let them move forward. 25 So is that true, then -- my question is,</p> |
| <p style="text-align: right;">127</p> <p>1 was approved by this Commission. 2 I only lay this out for you as the fact 3 that the criteria has not been met with three years 4 of data has been dismissed by the Commission before. 5 And I -- on behalf of the school and the community 6 respectfully ask that you approve the request for 7 Explore Academy-Las Cruces to expand its 8 high-quality, innovative, educational option for the 9 families with the elementary-age children in 10 Las Cruces and not allow that to -- the three years 11 of data to be the reason that you do not. 12 And with that, I stand, as do the other 13 panelists, for questions. 14 MS. KAREN CASEDY: Thank you, Karen. Yes. 15 And if you have any questions, we'll be happy to 16 answer them for you. 17 THE CHAIR: I know we do. So Commissioner 18 Voigt. 19 COMMISSIONER VOIGT: Thank you. And 20 thanks for being here, Explore people. 21 I'm always so appreciative to hear about 22 thematic units, mastery, learning and teaching, 23 demonstrations of learning, you know, really 24 exemplifying what students know and should be able 25 to do.</p> | <p style="text-align: right;">129</p> <p>1 for this proposed elementary school -- I have more 2 questions; but this one question, for the elementary 3 school -- I imagine that you're going to be having 4 mixed-grade classrooms. I think you mentioned that; 5 right? 6 MS. HANNAH PERÍA: That's correct. So the 7 students would be -- 8 COMMISSIONER VOIGT: Okay. Thank you. So 9 mixed-grade classrooms. I get that. 10 And then so when the kids are mastering 11 the content of a particular grade (indicates), third 12 grade, fourth grade, whatever, seven years old, 13 eight years old, they would be able to excel and go 14 into the next grade (indicates); is that right? 15 MS. HANNAH PERÍA: (Indicates.) 16 COMMISSIONER VOIGT: Super. So when the 17 kids are going to be transitioning, then, from 18 elementary to middle school, would a fifth-grader be 19 able to transition early into the sixth-grade core 20 content? 21 MS. HANNAH PERÍA: So, in theory, yes, 22 they would be able to. They would take that 23 decision to heart and partner with the family and 24 all of the educators and other instructional leaders 25 involved in the decision. Because we know that the</p> |

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| <p style="text-align: right;">130</p> <p>1 developmental jump, even if you're academically 2 ready, from fifth grade into the middle school 3 years, and with there being mixed-age classes as 4 well at the mid-school, we wouldn't want a 5 fifth-grade-aged child to be attending classes with 6 students who are much older. So we want to always 7 keep a reasonable range in mind.</p> <p>8 And that, of course, is the case at the 9 elementary as well. There would not be a 10 fifth-grader, even if they were deeply struggling 11 with skills, in a class with first-graders. That 12 would be inappropriate. So it's all within the 13 realm of, like, logic and reason.</p> <p>14 That said, if we're seeing students who 15 are ready to tackle sixth-grade content, we'll give 16 them that enrichment, push them into those 17 standards, even if they're still receiving two 18 periods of core instruction a day, so they are able 19 to continue developing academically and receive that 20 enrichment. And then if the case were right, they 21 may be literally promoted to sixth grade, as many 22 students are, you know, even our traditional 23 schools.</p> <p>24 COMMISSIONER VOIGT: Thank you. Because 25 developmentally is a big piece of that pie, probably</p> | <p style="text-align: right;">132</p> <p>1 COMMISSIONER VOIGT: Okay. Thank you. 2 Okay. Yeah.</p> <p>3 And so I know Ms. Woerner mentioned that 4 you guys took a financial hit by over-projecting 5 240 students. And on your 40th day, what was your 6 enrollment?</p> <p>7 MS. KAREN CASEDY: On our 40th day, I 8 believe we had 89.</p> <p>9 COMMISSIONER VOIGT: That's, like, a 10 humongous hit. Your projection for your 40th day 11 was 240?</p> <p>12 MS. KAREN CASEDY: Well, based upon the 13 applications that we were receiving, we were -- that 14 was a projection. We were receiving -- we had 15 over -- well over 100 applications. And I can't 16 recall right now what that was.</p> <p>17 But we had 150, 160 applications coming 18 in. And based upon the rate at which they were 19 coming in, that's what we made our projections off 20 of.</p> <p>21 COMMISSIONER VOIGT: That was really 22 ambitious. I mean, that was -- in hindsight, I'm 23 sure you learned. It's always better to project 24 low. Always. 25 So when you are adding these grades now,</p> |
| <p style="text-align: right;">131</p> <p>1 more than 50 percent. You know, developmental 2 assets and being able to intermingle with peers is 3 really important, especially in the middle school, 4 as you know.</p> <p>5 So then I have some follow-up questions as 6 well.</p> <p>7 When you are proposing to add your 8 elementary, will you be adding grades backwards? I 9 imagine you will. You would be adding fifth grade, 10 then fourth grade, then third grade; is that right?</p> <p>11 MS. KAREN CASEDY: What I -- what I 12 perceive that we're going to be doing -- and, 13 Hannah, it looked like you wanted to answer, too -- 14 I believe so. I think we're going to be going 15 fifth -- but I do think we're going to be adding a 16 chunk of them. It's not going to be just starting 17 with fifth. It may be third, fourth, and fifth.</p> <p>18 COMMISSIONER VOIGT: Okay. Because the 19 reason I asked, logistically, especially since your 20 kids are multi-age, if they're going to be move up, 21 you would start with the neighboring grade to your 22 existing grade -- right? -- which is fifth grade. 23 Since you're now K-through-12, it wouldn't make 24 sense to add K and 1. 25 MS. KAREN CASEDY: Right.</p> | <p style="text-align: right;">133</p> <p>1 you're planning on essentially doubling your 2 population.</p> <p>3 And so I just want you to just, like, look 4 at that as a self-reflection based on what you did 5 that first year.</p> <p>6 And you don't have to answer. This is 7 just a reflective question.</p> <p>8 Is that overly ambitious? Because -- and 9 I know you're not going to be folding in K-through-5 10 right away. But you want your contract to read 11 K-through-12. So would it make more sense to 12 incrementally grow down, you know, adding a fourth 13 and fifth and then adding a second and third, and 14 then adding a K-through-2, you know, incrementally, 15 than chewing off the whole piece at one time.</p> <p>16 That's not a question. That's just 17 something to think about, okay, for your own 18 success.</p> <p>19 So when you also are looking at doubling 20 your school population, did you receive any input 21 other than the phone calls that your receptionist 22 took? Did you receive any input from your community 23 or from the local school district about adding a 24 K-through-5 school? 25 MS. KAREN CASEDY: We didn't seek input</p> |

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| <p style="text-align: right;">134</p> <p>1 from the -- from Las Cruces Public Schools in the 2 district. We were just looking at what we were 3 seeing out in the community, like I said, when we 4 put mailers out. We also participated in the spring 5 school charter school fair that was held downtown 6 this last spring in Las Cruces, and the parents 7 coming through, I would say about 50 percent of 8 them, were asking us if we had a K-through-5 option 9 for -- because that was the age level of the 10 children.</p> <p>11 But in terms of seeking and looking at 12 Las Cruces Public Schools, no, we did not.</p> <p>13 COMMISSIONER VOIGT: Okay. So when your 14 receptionist was taking these inquiry calls about do 15 you have an elementary school, did she ask what 16 grade those parents were interested in?</p> <p>17 MS. KAREN CASEDY: Not specifically, no.</p> <p>18 COMMISSIONER VOIGT: Okay. Because that 19 would also inform how you grow and how you staff, 20 you know, as to what grades.</p> <p>21 This new location that you have, what is 22 the current capacity? Did you guys say that -- what 23 it was? Your current occupant capacity?</p> <p>24 MS. KAREN CASEDY: The current capacity 25 is -- I don't know the exact number. I'm sorry. We</p> | <p style="text-align: right;">136</p> <p>1 COMMISSIONER VOIGT: Okay. Well, then, it 2 just seems like this is a little premature that 3 you're requesting this amendment so early. You 4 know, if you're not even adding it for this upcoming 5 school year, but you're adding it two school years 6 down the road; is that right?</p> <p>7 MS. KAREN CASEDY: Yeah. I'll let Karen 8 Woerner address that.</p> <p>9 MS. KAREN WOERNER: I just wanted to say 10 that while we could be asking for it just the spring 11 before we wish to add those grades, that doesn't 12 help the school in terms of recruitment and ensuring 13 enrollment. So part of the decision to do so this 14 year, even though we're not planning to do it this 15 fall, was to give the school an opportunity to let 16 families know that this is coming and to properly 17 get kids enrolled and have a better idea of the 18 total enrollment for the start of the year we were 19 planning to do it.</p> <p>20 If we waited till next spring, it only 21 gives you a few months before the year starts. 22 And --</p> <p>23 COMMISSIONER VOIGT: Got you. All right. 24 So -- because that also -- doing it now does not 25 offer you the opportunity to bring forward</p> |
| <p style="text-align: right;">135</p> <p>1 haven't gotten our -- that from -- that yet. But it 2 is -- it can serve over 800 students.</p> <p>3 COMMISSIONER VOIGT: Your new location.</p> <p>4 MS. KAREN CASEDY: (Indicates.)</p> <p>5 COMMISSIONER VOIGT: Okay. Super. And 6 have you received E-Occupancy yet on that space?</p> <p>7 MS. KAREN CASEDY: We have not received 8 our E-Occupancy, and we will not obviously occupy 9 that building until we have that. There are some 10 renovations that need to take place. We did -- we 11 did meet -- in terms of the condition index, we were 12 very low on that index. And so the building was 13 approved, but there are some things that we need to 14 do, which we are currently starting, so we can 15 occupy that with the E-Occupancy in the fall.</p> <p>16 COMMISSIONER VOIGT: Okay. Thank you. 17 And then I just have a couple of more.</p> <p>18 So with this projected additional grades 19 of K-5, what would you foresee your 40-day 20 projection be for 2023 -- 2022-2023 school year?</p> <p>21 MS. KAREN CASEDY: We are not projecting 22 to add this for the '22-'23 school year. This is -- 23 we want to add these grade levels probably within 24 the next two to three years. So we would not be 25 ready to add that this school year.</p> | <p style="text-align: right;">137</p> <p>1 additional data, you know, success data, sustainable 2 data, capacity data. So there's that.</p> <p>3 And then my last question, then -- and I 4 hadn't even thought of this until it was brought 5 up -- what was that disclosure for the conflict of 6 interest for your foundation? I think someone 7 mentioned that there was a disclosure statement?</p> <p>8 MS. KAREN WOERNER: No. Sorry, 9 Commissioner Voigt. Madam Chair, commissioners, 10 the -- the requirement with the charter contract is 11 to submit an MOU and Conflict of Interest 12 statements. There was not a conflict reported, to 13 my knowledge. It was the Conflict of Interest has 14 to be signed by each foundation member as a 15 requirement of the PEC.</p> <p>16 COMMISSIONER VOIGT: Right. Okay. Got 17 it. Thank you. I thought that you had said there 18 was a disclosure statement.</p> <p>19 Okay. I think that's all. Thank so you 20 much. You answered all of my questions.</p> <p>21 MS. KAREN CASEDY: Thank you.</p> <p>22 THE CHAIR: Commissioner Carrillo.</p> <p>23 COMMISSIONER CARRILLO: Thank you very 24 much. So -- whoops. I'm sorry. I just messed up 25 my screen here. Here we go.</p> |

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| <p style="text-align: right;">138</p> <p>1 You know how there's always that concept 2 of the sandwich when you're going to tell somebody 3 something. You start with good stuff and do 4 whatever criticism there is and end with good stuff. 5 Good stuff. No question at all about your 6 curriculum. Love the school. Love the concept. 7 Always have. That's why I voted for you to expand 8 into Las Cruces. And, you know, I just -- was 9 thinking, you know, if I lived down there and could 10 bear the heat and had kids, I would think, like, 11 this would be a really great school for them. 12 However -- so that having been said -- and 13 then I also -- I want to -- Karen, it's wonderful to 14 see you. I've always held you in the highest 15 esteem. And I thought your presentation was 16 excellent, the way you laid out your argument as to, 17 you know, answering concerns by CSD and just laying 18 everything out, I believe done very thoroughly and 19 very thoughtfully. 20 One thing I would say is I did notice -- 21 because this was a red flag for me. I noticed -- 22 not that it's a bad thing -- but Dan Hill was in the 23 Attendees. And Dan is your -- just yes or no. I 24 love terse answers. That's who I am in the world, 25 okay?</p> | <p style="text-align: right;">140</p> <p>1 You basically want to open an elementary 2 school. And, usually, when a new school is going to 3 be opened, there's community input hearings. 4 There's -- certainly the district is informed, 5 because, holy smokes, they're going to have a new 6 elementary school in the district. So, in some 7 ways, I think that it would have been nice to have 8 them here or to have informed them of your 9 intention. 10 So what I heard said earlier was that your 11 expected enrollment -- Ms. Voigt touched on this -- 12 was about 240 instead of 89. That's not an 13 over-projection. That is a dramatic 14 over-projection. 15 And I'm tired -- don't anyone use the 16 pandemic as an excuse for anything anymore. I'm 17 over it, mostly because it's here to stay. It's 18 going to happen every year; we're going to get our 19 shots. It's time to hold ourselves accountable and 20 quit using pandemic-schmandemic excuses. 21 My concern is enrollment. I completely 22 understand and respect that the receptionist has 23 fielded some calls. Fielding some calls does not 24 projections make. It lets us know that, "Hey, 25 people are interested in this."</p> |
| <p style="text-align: right;">139</p> <p>1 So I saw Dan in the audience. He's your 2 counsel; is that correct? 3 MS. KAREN WOERNER: No, he is not. 4 COMMISSIONER CARRILLO: He's not your 5 counsel. Is your counsel in the Attendees? 6 MS. KAREN WOERNER: Not to my knowledge, 7 no. No, she's not. 8 COMMISSIONER CARRILLO: You might have the 9 answer to this also. Is there anyone from 10 Las Cruces Public Schools? Because I wouldn't 11 recognize any names down there, in the Attendees. 12 MS. KAREN WOERNER: I -- 13 COMMISSIONER CARRILLO: That you know of. 14 MS. KAREN WOERNER: I don't see -- I 15 wouldn't know, necessarily. Let me see if I know 16 any names that I do not recognize. 17 COMMISSIONER CARRILLO: Pattie? Because 18 she knows everybody. 19 COMMISSIONER GIPSON: Not that I can -- 20 COMMISSIONER CARRILLO: Okay. 21 COMMISSIONER GIPSON: -- that I can 22 identify. 23 COMMISSIONER CARRILLO: Okay. Thank you. 24 So when I look at this, there's a couple 25 of ways I'm looking at this.</p> | <p style="text-align: right;">141</p> <p>1 But my concern is, really, concretely 2 where are these kids going to come from and when? 3 And in the same vein, where are the teachers going 4 to come from? 5 And, you know, you have a wonderful 6 mission and curriculum in the way you've set things 7 up. So I imagine, for most teachers, it would be a 8 joy to be at your school. I know if I was a 9 teacher, it would be a joy to be at your school. 10 So, really, what are your projections if 11 we were to approve this? Reasonably. Not pie in 12 the sky. What are your projections if you had grade 13 4-5, in the '23-'24 school year? Because I'm 14 hearing that's what we're thinking; right? 15 And if you don't have the projections now, 16 that's fine, and I'll go on to what's next. 17 MS. KAREN CASEDY: I think without doing 18 early recruitment, it's hard to tell. But just 19 based upon the amounts of sixth-graders and 20 seventh-graders that we have here, I think it's 21 realistic -- and I appreciate that input -- I think 22 it's realistic to project at least 30, 40 per grade 23 level. 24 MS. KAREN WOERNER: If I may. 25 COMMISSIONER CARRILLO: The way I do my</p> |

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| <p style="text-align: right;">142</p> <p>1 math, 30 or 40 per grade level is like 60 to 80, and 2 that's two grade levels right there. But then you 3 have 6 through 12, and if we did 60 to 80 to those, 4 we would be way over 240. I wonder if that's too 5 ambitious. Because it's just the need to me has not 6 necessarily been really thought out. 7 And I saw that Karen wanted to respond 8 to -- Ms. Woerner, I'm sorry -- to what I was 9 saying. 10 MS. KAREN WOERNER: "Karen" is fine 11 Commissioner. Thank you, Madam Chair, 12 Commissioners. I just want to advise you that as of 13 today, completed enrollment forms and packets for 14 the school -- just for -- now I'm just talking for 15 the mid-high for next year -- 6 to 9 for next 16 year -- right, Karen? -- there are currently 17 returning and new students are a total of 18 253 completed enrollment forms as of right this 19 minute -- I just went and checked -- that are 20 actually completed. Not Letters of Intent or -- 21 it's the completed enrollment forms and the 22 supporting documentation needed to enroll. 23 So 253 is our current standing. As you 24 know, over the course of the summer, more students 25 will be added. So our -- though we had a bad first</p> | <p style="text-align: right;">144</p> <p>1 policy right now is that we really wouldn't consider 2 an expansion until a school has been in -- and the 3 word was used -- "operation" for three years; is 4 that correct? 5 DIRECTOR CORINA CHAVEZ: Yes, that is 6 correct, Commissioner Carrillo. And I also wanted 7 to respond to one of your questions earlier about 8 the projection. So if you are looking at your 9 documents, 7A is the proposal submitted by the 10 school. And on Page 7 is where they have the grade 11 breakdown by year with projected enrollment. 12 COMMISSIONER CARRILLO: Okay. Thank you. 13 The reason I ask questions sometimes even, 14 when they're in our documents and I've seen the 15 information is because there are many people in the 16 audience that haven't and don't have access to that. 17 Obviously, it's on the website or something, if they 18 go to that. 19 So thank you very much. So my concern is 20 when Ms. Woerner -- when she said three years of 21 data as opposed to three years of operation, and my 22 concern is being litigated. I've heard the term 23 "arbitrary and capricious" more in the last 16, 24 17 months than I've properly lettered in my entire 25 60 years -- I know I don't look it -- on this</p> |
| <p style="text-align: right;">143</p> <p>1 year start, our -- this next year is going to be up 2 to the projected enrollment. 3 And to Karen's point, then the next year, 4 I would have to calculate with adding grade 10 and 5 then increasing a little bit in each of the grades 6 if we have room, as well as adding the few 7 elementary grades we might add. What that might be 8 next year -- and that might take me a few minutes 9 and I can come up with a better projection. But I 10 did want to share with you that as of today, we have 11 253 completed enrollments for grades 6 through 9 for 12 the fall. 13 COMMISSIONER CARRILLO: Fantastic. Always 14 appreciate your thoroughness. Thank you very much, 15 Karen. 16 The comment was made earlier -- and this 17 is -- the reason I mention this about having Dan 18 Hill in the audience is, man, people just love to 19 sue us. It seems like no matter what we do, if they 20 don't like the decision, they're going to the PED or 21 district court or somewhere. So I can't help but be 22 very cognizant of what we just went through with the 23 last agenda item where we are now. 24 As I understand it -- correct me if I'm 25 wrong -- just with a quick answer, Ms., Chavez our</p> | <p style="text-align: right;">145</p> <p>1 planet. Okay? 2 And I fear that -- and I'm not saying I'm 3 going to vote this way or whatever. I am concerned 4 that should we not want to do the expansion, 5 specifically because Ms. Woerner pointed out that we 6 have made an exception last year, that we could be 7 seen as, once again, being arbitrary and capricious, 8 and somebody appealing our decision to the PED and 9 then again to district court. 10 And I'm just tired of going there. So -- 11 and this is kind of something that -- I am sure 12 Julia is here -- but just something for us to think 13 about. Are we setting ourselves up for another 14 litigation? 15 And I'm just expressing that as a concern. 16 I'm not necessarily yet posing that question to 17 Ms. Barnes. 18 And I'm looking at my notes here, because 19 I just want to cover the things I've said right now, 20 some things Ms. Voigt had already asked, and I was 21 very appreciative of that. 22 So that's -- and I will -- actually, no. 23 Ms. Barnes, if -- do we leave ourselves open in any 24 way because -- and what was the school a year and a 25 half ago. Because I just came on the Commission</p> |

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1 that January. And we can say it generally. It's
 2 public info. What was if the school that we
 3 approved?
 4 MS. JULIA BARNES: It was ACES Technical.
 5 COMMISSIONER CARRILLO: Okay. Thank you.
 6 So if, for some reason, the Commission were to
 7 decide an expansion is not the right move at this
 8 time, do you see that we -- to Ms. Barnes -- do you
 9 see that we could be leaving ourselves open to
 10 litigation or an appeal?
 11 MS. JULIA BARNES: Well, any -- I'll have
 12 to double-check that this is a decision that you
 13 make that can be appealed. I am of the opinion that
 14 you should be following your policies. And to the
 15 extent that you had previous counsel, that would
 16 certainly be my argument. And we are looking at all
 17 of the procedures and policies and expressly so that
 18 you have what you want and you've followed them.
 19 I think you should -- I guess I suggest
 20 you follow your policies and let me double-check and
 21 see if it's an appealable decision, and I'll get
 22 back to you.
 23 COMMISSIONER CARRILLO: Okay. While you
 24 do that -- so if we were granted -- we maybe didn't
 25 do it last January. But from what I've heard from

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1 the Director, if we're following our policy, then we
 2 are not approving, essentially, a new elementary
 3 school with a grade-level expansion.
 4 That doesn't mean that, you know, I would
 5 vote against it or whatever. I'm just wanting to
 6 throw that in the mix, because we spend a lot of
 7 time and money litigating. And it makes us
 8 adversaries with the PED, which is not a good
 9 situation for us to be in as well.
 10 So that is all I have for now. And,
 11 again -- because it's the sandwich, right? So
 12 that's all I have for now. But, again, totally love
 13 what you're doing down there. And, you know, in my
 14 heart, if I had to do all over again, I'd be a
 15 schoolteacher and then rise up the ranks and
 16 probably be a principal of a high school because I
 17 love all of this so much.
 18 But as the Commission goes, I just want to
 19 do things correctly so we don't end up in hot water.
 20 Thank you very much. Your presentation
 21 was excellent, by the way, all of you. Thank you
 22 very much.
 23 MS. KAREN CASEDY: Thank you.
 24 THE CHAIR: Commissioner Gipson.
 25 COMMISSIONER GIPSON: Thanks.

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1 Commissioner Carrillo, don't forget it's a
 2 dry heat; so...
 3 COMMISSIONER CARRILLO: Okay. That
 4 changes everything. Okay.
 5 COMMISSIONER GIPSON: Okay. And thanks.
 6 I'm not going to -- I am not going to go into the
 7 strengths of this program. We acknowledge that. It
 8 is -- it is proven.
 9 So, you know, my sandwich is getting
 10 smaller, because I'm not going to spend a lot of
 11 time on that good stuff with the support of the
 12 program. Absolutely do.
 13 I am going to say that I thought it was a
 14 misrepresentation in the response that the
 15 Commission -- the reason the Commission said no to
 16 the school initially was because it didn't have a
 17 facility. It was because the lack of being able to
 18 tell us the location of where a facility may be
 19 absolutely helps to inform us on the community that
 20 that school is looking to serve. Because we all
 21 know that neighborhoods matter, and access and
 22 equity was a key issue in that decision by the
 23 Commission.
 24 So it wasn't purely, "Oh, you don't have a
 25 building, we're going to say no." We spent a lot of

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1 time at the community input hearing with that
 2 discussion about access and equity.
 3 So that's all I'm going to say about that.
 4 But I am going to move into facility a
 5 little bit.
 6 When the school temporarily moved into
 7 that location on Telshor, there was deep concern
 8 about the traffic there. It is one of the major
 9 arteries in Las Cruces, and just moving a couple of
 10 doors down doesn't mitigate that. It's -- you know,
 11 it sits on -- the school preferred to use -- the
 12 applicant preferred to simply refer to it as a --
 13 oh, I can't even -- I've lost the term now -- a
 14 frontage road. It's not a frontage road. It is
 15 not. And anyone from Cruces knows it.
 16 So moving to a permanent location there, I
 17 guess I need to ask -- because I know APS -- not
 18 APS -- Albuquerque requires a traffic report in
 19 order to put -- whenever any of our charters are
 20 going in, they require that a traffic report -- a
 21 traffic study be done.
 22 So I don't know. I'm guessing they don't.
 23 But I don't know if Las Cruces, if the City of
 24 Las Cruces, requires any kind of traffic input --
 25 impact statement/study of when the school is

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1 permanently locating there. Because, ultimately, at
 2 the -- if this was to go through, the school is
 3 projecting that you'll have almost 1,000 students at
 4 the school at the end of the day.
 5 So that's a -- even with buses, that's
 6 a -- buses and cars -- that's a significant impact
 7 to an area that is really one of the heaviest
 8 trafficked areas in Las Cruces.
 9 So that's -- that's one concern of mine
 10 with the location.
 11 The second -- and, to me, more
 12 important -- concern over the location is, I know it
 13 was Vista College. Visited. I had friends that
 14 taught at Vista College. So I'm familiar with the
 15 campus. And putting tiny tots in that location --
 16 and the schematics, when I pulled them up, they were
 17 very blurred, so I couldn't read -- I think there
 18 were notations on it. I couldn't read if those were
 19 notations on future planning on it. It was just
 20 really not legible for me.
 21 But it does not look like there's any plan
 22 for true outdoor space for any of these kids, let
 23 alone these small ones, when we -- you know, we hear
 24 study after study of how important it is for recess
 25 and breaks. And LCPS committed themselves this

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1 year, by the fall of 2022, every one of their
 2 schools is going to have outdoor classroom
 3 capabilities.
 4 And everyone's looking at that -- we know
 5 from social-emotional how important it is for
 6 students to be able to get outside and release some
 7 of their frustration and energies. It's healthy to
 8 be out there. And it doesn't look like there is a
 9 lot of opportunity for that at that space without
 10 also breathing in a lot of carbon monoxide.
 11 So -- so that's -- you know, that's --
 12 that's a real concern I have with that.
 13 You know, I listened -- and I appreciate
 14 Commissioner Voigt's sentiments -- about, you know,
 15 is the community really saying yes, we need the
 16 school? It's, like, did you track those phone
 17 calls? And the individual that did come on earlier
 18 with public comment said, "I received a couple of
 19 calls."
 20 And, to me, that's not a real indication
 21 that there's -- that there was that real community
 22 demand for it.
 23 And a number of the people that spoke in
 24 public comment said that they appreciate the
 25 smallness of this charter school.

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1 Well, at the end of the day, there's going
 2 to be 1,000 kids on that campus. So there is not a
 3 smallness in that. And, you know, I live close to
 4 the school that has an elementary school housed on
 5 the high school campus. And I certainly am very
 6 familiar with the public and parent outcry that, "I
 7 don't want my elementary school students on the same
 8 campus as the high school kids," you know.
 9 High school kids, you know, they're seeing
 10 stuff they shouldn't be seeing. There was a lot --
 11 I mean, it was day after day, night after night of
 12 board -- school board meetings on, "This is wrong;
 13 it shouldn't happen; you need to stop it."
 14 So it's -- it's always an ongoing concern
 15 of mine. And I know we've got a lot of models with
 16 it. But it is a concern.
 17 But my biggest concern is that we have a
 18 policy. And that policy says we need the three
 19 years of data. Granted, there are schools that
 20 don't have that three years of data because of
 21 COVID. But they existed during that time. There's
 22 information that we have.
 23 We did not approve the expansion of that
 24 other school. And it's -- if we did not delineate
 25 the policy, that's unfortunate. But we did not.

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1 And we expressed the concern about the school
 2 building out too soon. "You're not even fully
 3 built, and now you want to go and expand."
 4 And I would be way more comfortable if,
 5 you know, the school came back when we had more
 6 information.
 7 And I just need a clarification, because
 8 on the chart that I looked at, it says that, year
 9 one, kinder is going to have 60. So I don't know if
 10 that chart is different than -- and it's a different
 11 page number than what the Director had mentioned.
 12 So maybe I'm looking at something different.
 13 But the chart that I'm looking at, it
 14 appears that the initial rollout is going to start
 15 with the K. So -- and that there would be -- the
 16 projection is that there would be -- I don't know --
 17 three classes, you know, at that point in time,
 18 which I think is overly ambitious.
 19 But I'm -- I think, at this point in time,
 20 a school needs to come back when it complies with
 21 the policy that the Commission currently has.
 22 And I just need to ask one thing. It
 23 still says in your -- because I know we had a
 24 discussion about this at some point in time earlier.
 25 It says, in the student handbook, that

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| <p style="text-align: right;">154</p> <p>1 students have to provide a Chromebook. And I 2 understand that there's -- you know, that if a 3 family comes in and says, "We can't afford it," that 4 one may be -- that one will be -- not may be -- will 5 be provided to them.</p> <p>6 But when we're, once again, looking at the 7 concept of access and equity, if I'm a parent, and 8 I'm looking for a school, and I -- and it's on your 9 website in the student handbook that says, "Students 10 are required to provide their own Chromebook," to 11 me, if I'm one of those parents, I'm very likely to 12 say, "I can't afford to send my kid there, because 13 if that's -- if they're asking for that now, what 14 else is there going to be?"</p> <p>15 And that's just the subliminal message 16 that is sent to parents when -- when they're looking 17 for a school.</p> <p>18 And that goes back to the concern that we 19 had from the initial application.</p> <p>20 So thanks.</p> <p>21 MS. KAREN CASEDY: So if I could just real 22 quick -- and, Karen, I know you want to address that 23 last part -- I would just like to go backwards a 24 little bit.</p> <p>25 Thank you, Commissioner Gipson, for your</p> | <p style="text-align: right;">156</p> <p>1 want my elementary-age child on the same campus as 2 high school students."</p> <p>3 And they are separated. There's -- hate 4 to use the word "portables" -- but there's portables 5 there because it's a temporary situation.</p> <p>6 But I appreciate that. But I didn't see 7 in those plans what the plans were for the outdoor 8 space and when that would happen.</p> <p>9 MS. KAREN WOERNER: And, Commissioner 10 Gipson, Madam Chair, Commissioners, that's an 11 excellent question. And, yes, Karen, that was one 12 of my points about the separated buildings. But we 13 would have to do some renovation. There's not much 14 that has to happen to get E-Occupancy for this next 15 year due to the mid-school age.</p> <p>16 I think a sprinkler system was the primary 17 biggest change we had to add. But, of course, if we 18 are -- if we are approved to add elementary grades, 19 then we will have to invest in architect fees to 20 redesign the rooms and redesign the rooms 21 appropriate for the appropriate age level, if 22 approved. And that would, of course, include some 23 of the outdoor spaces.</p> <p>24 We are cognizant of that. Appreciate you 25 raising that. Currently, the plan is to -- there's</p> |
| <p style="text-align: right;">155</p> <p>1 input on that and your feedback.</p> <p>2 In terms of the schools themselves and the 3 elementary schools being with the high school 4 students, if you're familiar with Telshor -- and it 5 sound like, Commissioner Gipson, you're familiar 6 with Vista College -- there are sections to this 7 building. And so the elementary schools will 8 have -- occupy a certain section of the building 9 that the others do not. And there are separate 10 buildings.</p> <p>11 In addition, we do have back space behind 12 the building that's actually pretty substantial, 13 where we are going to have outdoor areas for -- for 14 the various levels of schools. And we also have 15 room to expand as well.</p> <p>16 And then, Karen, I think you wanted to 17 address one of those questions that Commissioner 18 Gipson had.</p> <p>19 COMMISSIONER GIPSON: Okay. And I just 20 wanted to add, if you're familiar with Centennial 21 High School, you're very familiar with the fact that 22 those elementary school kids are not -- they're on 23 the same huge campus. And the outcry was, "I don't 24 want my elementary school child..." -- 25 overwhelmingly by parents in Las Cruces -- "I don't</p> | <p style="text-align: right;">157</p> <p>1 a back area there behind that we're planning to do 2 some outdoor space and some plan to do some 3 courtyard space enclosed in the middle of campus in 4 the future. So, again, those are not things we 5 would invest money in to do plans. And one of the 6 reasons we wanted advance notice was to make those 7 plans for the appropriateness of the age of the 8 children.</p> <p>9 To the Chromebook thing, I wanted to just 10 mention that the -- it is true that the school does 11 ask that a Chromebook be purchased for every child. 12 We also have students that -- and it says in the 13 student handbook, and I thought it said on the 14 webpage as well -- that parents or families who 15 cannot afford that should contact the school 16 administration.</p> <p>17 Also, on the enrollment form that parents 18 fill out, there are several things in there, one of 19 which is a choice of either "I will provide the 20 Chromebook and understand that this will be 21 monitored and managed by the school for testing 22 platforms and things like that," or -- and I forget 23 the exact wording, but I could look for it -- "I 24 cannot supply a Chromebook for my grade 6 to 9 25 students and need one provided by the school due to</p> |

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| <p style="text-align: right;">158</p> <p>1 financial or other hardship."</p> <p>2 That's a question in the enrollment form.</p> <p>3 So we're able to, right then, from the</p> <p>4 enrollment form, address any parents or families</p> <p>5 that need a Chromebook. And the school helps with</p> <p>6 those -- that situation, as well, as it's noted in</p> <p>7 the handbook.</p> <p>8 Also, on the smallness issue, I just</p> <p>9 wanted to say that one of the things about small --</p> <p>10 and I agree that a school reaching 1,000 students at</p> <p>11 some time in the future would be a relatively large</p> <p>12 school. The class sizes are still very much small.</p> <p>13 And our class sizes -- and, Karen, you can correct</p> <p>14 me if I'm wrong -- but I think in core content,</p> <p>15 there are 14 to 16 students in a class.</p> <p>16 I think some classes like PE might be</p> <p>17 larger. But that still feels like a small school,</p> <p>18 and the class size remains small. So part of the</p> <p>19 smallness is in the class size, not just in the</p> <p>20 overall size.</p> <p>21 But I appreciate your questions and</p> <p>22 comments and the opportunity to respond. Thank you.</p> <p>23 THE CHAIR: Commissioner Robbins.</p> <p>24 MS. JULIA BARNES: Madam Chair, can I just</p> <p>25 answer Commissioner Carrillo's --</p> | <p style="text-align: right;">160</p> <p>1 the appeal and everything. And, you know, I'll go</p> <p>2 on the record. I voted in favor of granting you</p> <p>3 this school charter. I was disappointed that it had</p> <p>4 to go through the steps that it did in order to get</p> <p>5 established.</p> <p>6 But I think some of the issues that were</p> <p>7 raised still exist in terms of demonstrating -- and</p> <p>8 this is the thing. You know, if you have -- if you</p> <p>9 don't have a waitlist, you have 89 students or</p> <p>10 thereabouts, and there's no waitlist for your</p> <p>11 existing school, expanding and making big plans to</p> <p>12 expand in the near future is -- is, I guess my</p> <p>13 opinion -- it is premature.</p> <p>14 And I think that was stated earlier. It's</p> <p>15 a little bit premature. Having anecdotal</p> <p>16 information from your secretary, as nice as that</p> <p>17 sounds, is just that. It's not really a</p> <p>18 demonstration of need.</p> <p>19 And, again, with the policy that we have,</p> <p>20 the three years -- Explore Academy has an</p> <p>21 established record in Albuquerque. But Las Cruces</p> <p>22 is a different demographic. It is a different</p> <p>23 geographic area. And it's a different school</p> <p>24 district that you're going to be drawing students</p> <p>25 from.</p> |
| <p style="text-align: right;">159</p> <p>1 THE CHAIR: Oh. Yes, go ahead -- if you</p> <p>2 want to go ahead and -- if you found that answer.</p> <p>3 MS. JULIA BARNES: Commissioner Carrillo,</p> <p>4 it cannot be appealed, it is not one of the -- it is</p> <p>5 not one of the decisions you make that is</p> <p>6 appealable.</p> <p>7 That -- the law states that -- that a</p> <p>8 school can appeal a denial, nonrenewal, suspension,</p> <p>9 or revocation of a charter or the imposition of</p> <p>10 conditions. So it's the chartering, not the</p> <p>11 amendments. So you aren't taking one of those</p> <p>12 actions.</p> <p>13 The other thing I did want to mention --</p> <p>14 which I know the Commissioners know, but just for</p> <p>15 the school to know -- is the Commission is starting</p> <p>16 to look at all of the amendment forms, and started</p> <p>17 that process yesterday. It's going to continue</p> <p>18 through next month. And this is one of the forms</p> <p>19 that the school -- that the PEC is -- is looking at.</p> <p>20 THE CHAIR: Thank you.</p> <p>21 Commissioner Robbins?</p> <p>22 COMMISSIONER ROBBINS: Thank you. Just a</p> <p>23 few things. The fact that your enrollment right now</p> <p>24 is roughly a third of what you had projected, I</p> <p>25 understand, you know, the delayed start because of</p> | <p style="text-align: right;">161</p> <p>1 And, yeah, I don't know -- I don't follow</p> <p>2 closely the growth of Las Cruces; although, I know</p> <p>3 Las Cruces is growing. But I don't know if the</p> <p>4 school-age population is growing dramatically.</p> <p>5 We're seeing -- through the pandemic, we</p> <p>6 saw a big move towards charters, but also towards</p> <p>7 homeschooling. And I don't really see that trend</p> <p>8 abating, especially when we look at transportation</p> <p>9 costs.</p> <p>10 You say you provide transportation. But</p> <p>11 some people may live in areas where transportation</p> <p>12 just isn't convenient for them, timing, things like</p> <p>13 that. And for people with the cost of</p> <p>14 transportation high -- and even the government, the</p> <p>15 federal government, say, "Guys, it isn't going to go</p> <p>16 down. It's going to go higher and higher, unless</p> <p>17 you can afford an \$80,000 electric car."</p> <p>18 So your families wouldn't be able to</p> <p>19 afford transportation.</p> <p>20 The application -- I look at the</p> <p>21 application. I look at the documents. And I think</p> <p>22 Commissioner Gipson pointed this out. You know,</p> <p>23 it's interesting that, you know, the application</p> <p>24 says, "We're going to add starting in kindergarten</p> <p>25 and then going forward."</p> |

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| <p style="text-align: right;">162</p> <p>1 But now we here in the comments today that 2 we're going to backfill. We're going to go fourth, 3 fifth, you know, second -- but that's a reverse of 4 what the application actually says, the documents we 5 were given. So that's a little bit of concern. 6 If you're not planning on opening it for 7 two years -- I understand you'd like to do the 8 planning and everything. But I would like to see a 9 track record. I think that's one reason why we ask 10 for three years of data in order to consider that 11 type of an expansion. 12 The need may definitely exist. But, 13 again, I think it has to be clearly demonstrated -- 14 be demonstrated. 15 I think you've shown there's an interest 16 in what you said, that your -- your applications 17 right now, and your enrollment is up to 150, I think 18 is what Ms. Woerner said. That's great. That's 19 double what you had this last school year. That's 20 wonderful. 21 But it's still pretty far below what you 22 had originally projected of 240. And although you 23 add 150 or 160 actual enrollment forms, a few of 24 those may go away, and you may pick up a few. But I 25 don't know that you're going to have a dramatic</p> | <p style="text-align: right;">164</p> <p>1 So to the points made about being more 2 realistic, I think we are certainly going to meet 3 the 260 for this year coming up. And I just wanted 4 to be sure it was clear that it was not 153. 5 Also, I just want to comment again on the 6 projected enrollment for this year, because I keep 7 hearing that come back as a theme, basically, 8 that -- you know, that we didn't -- the school did 9 not meet. And we will acknowledge did not meet. 10 I think there were 97 students at 40-day. 11 We did say 240. I do want to reiterate, though, 12 that one of the reasons that I didn't mention, but 13 is in the written response, is that the -- the 14 temporary facility itself was very limited in space. 15 And in -- our choices were either violate 16 what we promised families with the small class sizes 17 and pack up those classes with more students, or -- 18 you know, that was part of the problem was we didn't 19 really have space physically for all of the students 20 in the temporary facility, in addition to the late 21 start and the quick implementation and the pandemic, 22 Commissioner Carrillo. 23 But all of those other -- don't say that 24 one -- all of those contributed to -- and not having 25 the permanent facility that we needed. If any of</p> |
| <p style="text-align: right;">163</p> <p>1 increase over the 150, if that's what you have in 2 hand right now. 3 So my sense is it's a little bit early. I 4 understand that, the desire to plan and want to be 5 able to know with some certainty what's hidden down 6 the road. But with a new school in this district, 7 even though it's modeled on the Albuquerque model 8 for Explore Academy, I think it is premature. And I 9 think we -- I urge my fellow Commissioners to follow 10 our policy in requiring three years of data. 11 Because there is some data -- even during the 12 pandemic, there is some data available indicating 13 the success or areas of improvement that are needed 14 in all of our existing schools. 15 Thank you. 16 THE CHAIR: Ms. Woerner, if you wanted 17 to -- 18 MS. KAREN WOERNER: I lost a bit there. 19 Did you call me, Chair Burt? Sorry. My connection 20 went off. 21 Thank you. Just a couple of things. 22 I wanted to just clarify, Commissioner 23 Robbins, the enrollment currently today is 253 24 completed enrollments for the next year. So not 25 153. So 253. And we projected 260.</p> | <p style="text-align: right;">165</p> <p>1 you have been to the Las Cruces Explore Academy 2 campus you will see that it was not an ideal 3 situation for our first year. And everyone is very 4 much looking forward to the new facility, the 5 current students, families, and teachers. 6 But I did just want to mention that the 7 projected enrollment was driven by a lot of -- the 8 fact that we didn't meet the projected enrollment 9 was driven by a lot of factors. 10 And appreciate about the three years of 11 data, if that's something the Commission warrants. 12 I just am concerned that that hasn't been done 13 before and that, frankly, no schools right now have 14 three years of data for any of your amendments. It 15 does not say three years of operation. But -- it's 16 semantics. But three years of academic data is not 17 available. 18 Of course, the school could show the 19 growth this year through other means and the tests 20 that have been given. And I think even the CSD 21 acknowledged the growth and the upper trend of all 22 of our academics when we were visited. 23 But, yeah, we are bound by only being in 24 existence for one year. But -- thank you. 25 THE CHAIR: Before I go back to</p> |

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| <p style="text-align: right;">166</p> <p>1 Commissioner Voigt, I'm going to call other folks 2 that haven't gone first. That's why I'm skipping 3 you. 4 Commissioner Taylor? 5 COMMISSIONER TAYLOR: I just have a quick 6 question. With your applications going up to around 7 250 and so forth this coming year, striving to keep 8 class sizes small, what kind of -- what kind of 9 staff -- I mean, are you going to have to add to 10 maintain that 14- to 16-person -- people -- in each 11 classroom? 12 MS. KAREN CASEDY: Yes. We will be -- we 13 will expand. We will ask teachers as we need -- 14 basically, we look at a -- our cap is looking at a 15 1-to-18 ratio. So we still have room to increase 16 those. 17 And we are increasing our staff, our 18 teaching staff, going into this next year, because, 19 of course, we're adding ninth grade, and we want to 20 keep those ratios to about 1-to-18. 21 COMMISSIONER TAYLOR: Okay. Thank you. 22 THE CHAIR: Commissioner Chavez? 23 COMMISSIONER CHAVEZ: Thank you. Well, I 24 just want to recognize that the Explore network sure 25 has developed a strong team of leaders. And so I</p> | <p style="text-align: right;">168</p> <p>1 lot of traffic. 2 And I -- the concern that I would have is 3 now we're increasing even more traffic on there. 4 It's -- I'm kind of conflicted by that. It's kind 5 of a Catch 22. Because while I recognize that, I 6 also recognize that if the City is not requesting a 7 traffic study, then, you know, really, that's 8 probably not our battle to go there. 9 And so while I do have concerns about 10 that, I do have concerns about also -- I just want 11 to echo again what Commissioner Gipson said, is, you 12 know, the -- the space and the lack of -- of play 13 area. And while I do -- I am familiar with the 14 building, and I know that they have that -- you've 15 got some space in the back there towards the dam 16 area or whatever it is, the -- it's still not -- I 17 don't know. I just don't see that as being ideal 18 for a K-12 facility. 19 But I just wanted to just -- my big thing 20 right now is just that traffic, and I'm conflicted 21 by that. But, also, just, I know that we should be 22 following our policy. And so I do put a lot of 23 weight on Director Chavez's recommendation, and also 24 our legal counsel's. And so I just wanted to state 25 that.</p> |
| <p style="text-align: right;">167</p> <p>1 just want to recognize Karen Woerner again. It's 2 good to see you again. 3 But Hannah Peria, oh, my goodness, it's 4 good to see you. And all the knowledge that you 5 bring to the network, that's -- that's incredible. 6 And I was not aware that Valery Parker will be in 7 leadership starting July 1st. 8 And so very strong team. And so I commend 9 you guys for the -- developing such a strong team. 10 I do want to -- again, I just want to 11 echo -- I'm not sure which Commissioner brought this 12 up. The model and the success of Explore is not in 13 question. No one questions that. Everybody 14 recognizes the strength of the model and the success 15 that they've experienced. And so I just -- I just 16 want to echo that. 17 I do want to go back and echo what 18 Commissioner Gipson has said. And I brought this up 19 last time last year. 20 I do have concerns about the traffic on 21 Telshor. And, as Commissioner Gipson has mentioned, 22 it is a frontage road. It is a main artery that has 23 traffic -- two-directional traffic. Even though 24 it's on the side of the interstate, it's not a 25 frontage road; it's an actual artery. And it has a</p> | <p style="text-align: right;">169</p> <p>1 Thank you. 2 THE CHAIR: Thanks. Before I go around a 3 second time, I'm going to take my time. 4 So hello. Hi, Karen, Hannah, Karen. Nice 5 to see you all. 6 I mean, just like the other Commissioners, 7 you know, I'm a very -- I love talking about Explore 8 and the model. You know, as a teacher, it's the 9 kind of way that I wish I could have graded my 10 students, just based off of effort and the 11 assignments they're turning in; like, actual 12 knowledge. What a revolutionary idea that you 13 follow the standards and you base your grades off of 14 mastery. I mean, revolutionary, but not really, 15 right? Just, like, being able to do that so 16 successfully and so adamantly, I mean, just at the 17 core, that it's about knowledge and mastery is 18 really awesome. 19 So I can't imagine there's a community out 20 there that couldn't benefit from having this as an 21 option for families. 22 I'm -- I don't know -- taken aback or 23 frustrated, because I distinctly remember the school 24 last year that did the grade-level change that was 25 approved.</p> |

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| <p style="text-align: right;">170</p> <p>1 And a lot of the arguments that are being 2 made today were not made last year. It just is kind 3 of -- I am a little frustrated. I mean, it was a 4 K-through-12 on the same -- they didn't have two 5 campuses. They didn't have any, like, showing of 6 academics. They were in during the pandemic, very 7 low enrollment.</p> <p>8 I mean, all these things that we're kind 9 of saying can be problematic now seem to have not 10 been at all a problem last year. And this -- the 11 emphasis on following our policy now was something 12 that I was so concerned by last year. And that 13 was -- I mean, I honestly -- last year, I didn't 14 really consider the school much, because the policy 15 did say that, that it needed to have three years' 16 operation. And it was not something that the 17 Commission -- the majority of the Commission cared 18 to vote based off of. And it was approved.</p> <p>19 So there is precedent. But that that 20 three years of data is an option for the Commission, 21 and it's not mandatory, you know.</p> <p>22 So if I want to take that -- and this is 23 exactly what I was worried about last year. I was, 24 like, this will set a precedent. For us to not 25 follow our policy, this will set a precedent. Like,</p> | <p style="text-align: right;">172</p> <p>1 appreciate that Albuquerque is on top of those 2 traffic studies when folks are trying to move into 3 places.</p> <p>4 But I don't know. I'm just -- I'm 5 frustrated, because this is a much more complete, 6 well-thought-out application than we saw last year. 7 It's much more comprehensive. It has -- outside of 8 the three years of data, there's nothing in here 9 that really is concerning about adding a K-12 10 grade -- to add the K-5.</p> <p>11 I know I'm hearing, you know, that there 12 needs to be community input. That's not -- that's 13 not a requirement on -- like, when I read through 14 the policy, there is nowhere in here currently that 15 says that there needs to be community input. 16 There's nowhere in here that says it needs to be 17 informed by the school district. There's nowhere in 18 here that says they needed to record how many kids 19 that want to come to their school. There's nowhere 20 in here that says they have to have a waitlist.</p> <p>21 I hear that we're making arbitrary 22 decisions. Those are kind of the things that go 23 through my head of -- like, if we're just making up 24 problems to make up problems, I mean, that's 25 problematic, honestly.</p> |
| <p style="text-align: right;">171</p> <p>1 how can we make a decision opposite of how we did it 2 last time with the sa- -- I mean, it's -- it's a 3 little frustrating.</p> <p>4 So, I mean, I -- I'm not -- I mean, I'm -- 5 not only do I not know the Las Cruces area enough to 6 not know about traffic, but I guess I'm not as 7 worried about it, because they have a 700-person cap 8 right now. That's not what we're voting on is 9 adding additional kids right now. We're just adding 10 on expanding grade levels, and they have 700 kids 11 coming to the school regardless.</p> <p>12 I mean, like, that traffic issue, 13 regardless of whether we approve this or not, is 14 going to be -- if there's a concern about it, it's a 15 thing already. And so I know the Explore campuses 16 in Albuquerque have -- are in very high-traffic 17 areas, too. And so I at least have some hope for 18 you all who know the Las Cruces area that at least 19 this team has experience with, like, these really 20 high-traffic, congested areas and, hopefully, can 21 use that to make this a little bit more manageable 22 for them down the road.</p> <p>23 But that's -- it's -- it is -- and I do 24 wish the City would have -- you know, they should be 25 on top of that, too. Because I know -- I do</p> | <p style="text-align: right;">173</p> <p>1 So I'm very conflicted, because I did 2 follow the policy last year, and that's how I voted. 3 And that's kind of where I -- that's where I took 4 it. But now there's precedent to not utilize the 5 three years' data to make this decision.</p> <p>6 And so that presents a new problem for me 7 of whether I should be taking that into 8 consideration or not, because we -- it's not a 9 mandatory item for the Commission to do. And until 10 we do revise -- look at this policy and revise it 11 and be more clear about it, I feel like we just put 12 ourselves in a really sticky situation.</p> <p>13 And I've been thinking about that vote for 14 a long time, that we gave a school with no history, 15 no track record -- zero. I mean no track record. 16 There's not even a network for that school of any 17 track record of success. And we gave it an 18 elementary school on the same campus. I -- it's 19 just tough.</p> <p>20 I do want to ask -- my question is if -- I 21 would like you all to clarify. I did -- I was very 22 confused when I heard Commissioner Voigt ask about 23 which grade levels are being added first. I was, 24 like, wait. What?</p> <p>25 And so I had to go back into it. I</p> |

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| <p style="text-align: right;">174</p> <p>1 remember reading this, and I do not remember that. 2 And it is clear in the application that you're going 3 to add kinder, first, and second first. But it was 4 said clearly that you would add fourth and fifth and 5 go downwards. 6 So which is it? 7 MS. KAREN WOERNER: There have been 8 several discussions -- if I may, Chair Burt, there 9 have been several discussions about the best way to 10 approach this. 11 But the school does intend -- if approved, 12 the plan at this point is K-to-2 and moving up with 13 a grade 3, 4, 5. It's just easier to grow your own, 14 if you will, from the lowest grade level. It's not 15 about matching to the sixth grade, necessarily. 16 It's about building your own to the sixth grade. 17 So the current -- the current opinion and 18 preference would be to start with -- to add K-to-2, 19 as in the application. But I think Karen may 20 have -- I won't speak for you, Karen. But there 21 have been other discussions about what to do. And 22 so I think there was some confusion there. 23 MS. KAREN CASEDY: Yeah. And I apologize. 24 I'm just finishing up the school year, and I'm with 25 the secondary school. And I really apologize. That</p> | <p style="text-align: right;">176</p> <p>1 maybe should have been to follow the -- follow 2 the -- like, we need to follow it. But we made all 3 these different reasons for not following it last 4 year. 5 And so, I guess, is there -- is there some 6 leverage in our current policy that it's not 7 mandatory in order to do it, that, you know, it's 8 something we could consider, but it's not that it 9 has to be that? Like, if it's a definite line that 10 we cannot cross? Is there any leverage in our 11 current policy that would make me sleep tonight by 12 making a decision one way or another? 13 Yeah, Julia. Please answer that. 14 MS. JULIA BARNES: I'm not sure I'm going 15 to give you a clear answer. 16 The -- I don't think it sets a precedent 17 that you have to follow. I think if you have a 18 policy, and it wasn't followed, then -- then that 19 was the issue, not necessarily this issue. So I 20 don't think because you violated policy -- it's, 21 like -- it wasn't anything wrong. But, you know, 22 because it wasn't followed doesn't mean it can't be 23 followed now. 24 I want to reiterate that the Commission is 25 looking at these policies right now and that they</p> |
| <p style="text-align: right;">175</p> <p>1 was my fault. And so I apologize for the confusion. 2 THE CHAIR: Okay. Because I was actually 3 going to say -- I think it -- I know for the model, 4 it could -- this may be, like, one of the only 5 schools where it could make sense to start from 6 fourth and fifth and go down. 7 It's going to be hard to get kids in their 8 fourth- and fifth-grade year and getting them into a 9 different elementary school, versus getting them at 10 the beginning -- as a parent, it would be much 11 harder for me to take my third-grader out of their 12 school they've been at and put them into fourth 13 grade, than it is to put a kindergartener or 14 first-grader into a new school. A school of choice, 15 for sure. So thank you for clarifying that. 16 I'm just so torn. I honestly just don't 17 know what I'm going to do right now. I'm just 18 listening and listening and trying to figure out, 19 you know, where -- like, if -- I'm just trying to 20 figure out what to do. 21 And so I am conflicted. I mean, I 22 don't -- like, yeah. I want to like be able to ask 23 a question for Julia. 24 I do, like, want this advice from you. 25 And I know -- like, I know the advice last year</p> | <p style="text-align: right;">177</p> <p>1 are going to -- the school can provide input, as we 2 hope other schools will provide input. 3 And I think there's an opportunity to be 4 very clear about what the Commission wants to do. 5 And I would see nothing that precluded this school, 6 if it -- if it fell into a clearer policy that 7 you're coming up with now, that if it fell into that 8 criteria, it could come back and look at that. I 9 think you're discussing a lot of these things. So I 10 think that's also an option. 11 I would -- I mean, we're looking at the 12 policies to have them be clearer. So I'm just going 13 to say that I wish that policy was a little clearer. 14 I mean, you can say in a policy that the PEC "may" 15 rather than "shall." It doesn't say -- it says 16 you're going to look at three years of data. So it 17 doesn't say that you have to. 18 So I do think it certainly applies three 19 years -- having three years of data implies that 20 you've been a school for three years. So I am not 21 giving you a clear answer in terms of -- I don't 22 know which would make you sleep better at night. 23 But I do think that there are several options here, 24 including this process that we're undergoing right 25 now for exactly this reason. And that it'll be</p> |

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| 178 | <p>1 finished soon.</p> <p>2 And I don't know how it'll come out. And</p> <p>3 it may come out with very clear criteria, because</p> <p>4 you all are talking about criteria. But we're right</p> <p>5 in the middle of the school being able to</p> <p>6 participate with us as to what's reasonable or --</p> <p>7 and the language could come out one way or the</p> <p>8 other.</p> <p>9 I think if you're going to have policies,</p> <p>10 you should follow them, though, you know. That's</p> <p>11 the point of a policy. I don't know if I can answer</p> <p>12 anything further.</p> <p>13 THE CHAIR: I think it was mostly, like,</p> <p>14 is there -- is our policy -- does our -- is our</p> <p>15 policy firm enough or clear enough that we cannot?</p> <p>16 Or we should not -- does -- like, does that make</p> <p>17 sense? Is it -- I think that's what I'm asking for.</p> <p>18 Like, is there strength in the policy to</p> <p>19 be, like, that we should -- like, we really -- we</p> <p>20 cannot approve a grade-level change if there's not</p> <p>21 the three years?</p> <p>22 Or is it, like, we should look at this?</p> <p>23 Or we have to -- like, that's what I'm wondering is</p> <p>24 the strength of the school must be open three years.</p> <p>25 Like, what is the strength of that?</p> | 180 | |
| 179 | <p>1 Or was it okay that it was -- that's</p> <p>2 something that we considered last year, and we</p> <p>3 didn't -- you know, we considered, but didn't act</p> <p>4 upon, and that's because the policy isn't firm on</p> <p>5 that stance.</p> <p>6 MS. JULIA BARNES: Thank you. I was just</p> <p>7 pulling it up again. It says, "In the prior three</p> <p>8 school years, the school has, in order to be</p> <p>9 eligible."</p> <p>10 So I -- it doesn't say that you have to</p> <p>11 have been a school for three years. But you have to</p> <p>12 have three years of data. And, clearly, the school</p> <p>13 is saying -- stating the obvious. They don't have</p> <p>14 three years of data.</p> <p>15 And I don't see here where you can waive</p> <p>16 eligibility. A new policy absolutely could have</p> <p>17 that kind of language. And I don't see it.</p> <p>18 THE CHAIR: That will help me sleep better</p> <p>19 tonight. That's honestly -- I think that was kind</p> <p>20 of like what my thinking was last year, and that's</p> <p>21 what I based my thinking on. So I wanted to really</p> <p>22 push into it, because I really do support this model</p> <p>23 and I support the school. But I'm a rule follower,</p> <p>24 those of you who do know me. Like, I want to</p> <p>25 push -- I'll push it to where I can. But, like, at</p> | <p>1 the end of the day, I will follow our policies.</p> <p>2 And so that's why -- that's why I'm</p> <p>3 pushing on it, Julia, just to make sure, you know,</p> <p>4 that's why I'm pushing.</p> <p>5 MS. JULIA BARNES: I wasn't your counsel</p> <p>6 last year, and I'm speaking to that, and I wasn't</p> <p>7 there.</p> <p>8 THE CHAIR: That's fine. That's okay.</p> <p>9 That's totally fine.</p> <p>10 All right. So it looks like we're going</p> <p>11 back now. So Commissioner Voigt?</p> <p>12 COMMISSIONER VOIGT: Okay. Thank you.</p> <p>13 So, yeah, we all look at model. But my</p> <p>14 bubble was burst when Ms. Woerner said that the</p> <p>15 class sizes would be 16 to 18, except for maybe PE.</p> <p>16 And, you know, when you start herding cats</p> <p>17 into a gym, you're going to have safety issues --</p> <p>18 I'll tell you. Electives are a great place for</p> <p>19 thematic learning, project-based learning. You can</p> <p>20 wrap all those core subjects under your elective.</p> <p>21 So I just want to say that, because that's</p> <p>22 not something -- that's what traditional public</p> <p>23 schools do. You see, like, classes of 48 in a gym,</p> <p>24 and then some kid has a compound fracture, you know.</p> <p>25 So I'm just saying, okay? Not -- that won't</p> | 181 |

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| <p style="text-align: right;">182</p> <p>1 prior three years of operation. But it basically 2 alludes to three years of data. I get it. 3 And so when I think of all the legal stuff 4 that's -- the ramifications -- because even if it 5 did say "operation," I would -- if I was, you know, 6 arguing a case in district court for Explore, I'd 7 say, "We have all these other schools using the very 8 same model and have been doing so for well over 9 three years." 10 So if operation was the thing that was in 11 our policy, I would -- a skilled attorney, I think, 12 could easily make the case that there's not -- you 13 know, while there may not be data, there's certainly 14 operation. And the PEC was acting with -- in -- 15 with arbitrary and capricious and so whatever. You 16 know, that's a concern of mine. And -- okay. So 17 thank you. 18 MS. JULIA BARNES: Let me just add one 19 more thing. There's a first sentence which is 20 similar. "Your charter school is eligible to expand 21 if the performance of the school meets the following 22 conditions in the prior three years." So... 23 COMMISSIONER CARRILLO: Okay. All-righty. 24 That makes it a little more clear for me, so I 25 appreciate that very much.</p> | <p style="text-align: right;">184</p> <p>1 know it was at that space. We still didn't know -- 2 and then when -- through the court and everything 3 else, we end up here. So I do have that concern. 4 My biggest concern is the rollout and the 5 number of students. I -- I just don't -- I'm more 6 comfortable with the school showing that they can 7 roll out the numbers from their original application 8 before they choose to continue to move on. 9 And that was my primary reason why I voted 10 against the expansion of the other school, because 11 they hadn't yet proven that they could fill out the 12 school that we approved the -- approved the 13 application for, let alone that the community could 14 sustain that expansion. 15 And that's my biggest concern. Has 16 nothing to do with the model. I've said before I -- 17 I support the model. And, yes, I would be more 18 comfortable if it was in a different space. I 19 would. But there's nothing I can do about that. 20 I do have a question -- and I forgot to 21 ask, and I apologize. And I -- I appreciate when 22 all this information is provided, because we do 23 learn something new. And this is a point of 24 information for me. 25 When I was looking at the lease, the lease</p> |
| <p style="text-align: right;">183</p> <p>1 THE CHAIR: You went on mute. I see 2 you're still talking, but you put yourself on "mute" 3 somehow. 4 COMMISSIONER CARRILLO: Why did I do that? 5 So, Ms. Chavez, I want to thank you for your 6 willingness that you have that text ready to go. 7 But my question is answered, and thank you very 8 much. 9 THE CHAIR: Commissioner Gipson. 10 COMMISSIONER GIPSON: Thanks. Yeah. I've 11 been in those PE classes, so -- and I've seen the 12 compound fractures. So it's, like, once you see it, 13 you never -- you never undo that. 14 So I know I brought this up, and I hate to 15 belabor this. I know I brought it up with the last 16 application. 17 Why did that application come forward to 18 us to the Commission because they didn't qualify? 19 But it got to us on the agenda. And I did question 20 it. And I voted no for the expansion. 21 But moving forward, I do have concerns 22 about that. But I understand we don't have control 23 over traffic issues. 24 But when the school came to us, the 25 application said how many students. We still didn't</p> | <p style="text-align: right;">185</p> <p>1 indicated that there was an opportunity for the 2 landlord to charge -- I believe it was -- and I 3 tried to pull it up real quick, and I couldn't get 4 it -- I believe it was either referred to as extra 5 rent or additional rent in a given year. 6 And I just needed some clarification on 7 that, because, as I'm sure you're aware, and the 8 Commission is painfully aware, that, you know, we're 9 dealing with another school that sort of did 10 additional rent payments. 11 So I'm just -- and I don't think I've ever 12 seen that in a school's lease before. So I guess my 13 question is what would that criteria be for that 14 additional rent? And when would that decision be 15 made? 'Cause how do you budget for that if -- so -- 16 you know. And I don't know whether you've got 17 anyone here that can answer that. 18 But, like I said, I just never saw that 19 before, so it kind of piqued my curiosity. So I 20 apologize that it's on you that I'm asking this 21 question. But I don't know whether anyone can or 22 not. 23 MS. KAREN CASEDY: I don't know that 24 anybody here can fully answer that. But the 25 foundation is not going to require more lease</p> |

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| <p style="text-align: right;">186</p> <p>1 payments from the school. And I guess I'll have to 2 go back and look at that wording as well. But there 3 is no intention of asking for more rent payments. 4 COMMISSIONER GIPSON: Yeah. But, see, the 5 way that lease is -- and it's part of this 6 application, and I know we're not voting on the 7 lease, but it's part of the information to help 8 inform us -- it does say that. 9 And, Ms. Casedy, you're the head of the 10 foundation? 11 MS. KAREN CASEDY: Yes. I'm the 12 principal. 13 COMMISSIONER GIPSON: I'm sorry. But 14 you're also -- and I know there's kind of a change 15 in the leadership at the school. Are you staying on 16 and will still be part -- so you'll still be, like, 17 codirector, but you'll be -- but you'll still be 18 chairing, or whatever the title is, for that 19 foundation as well? 20 MS. KAREN CASEDY: Yes, I will be staying 21 on as head administrator/superintendent and working 22 in that capacity. So still administrating a large 23 part of the school. 24 COMMISSIONER GIPSON: So when there's 25 not -- and I guess Julia has to answer this. That's</p> | <p style="text-align: right;">188</p> <p>1 subject to the conflicts-of-interest provisions. 2 They have to sign a conflict -- that there is no 3 conflict of interest, and they have to make that 4 determination themselves as to whether there's a 5 conflict for them to serve on both. 6 But we're in the middle of it being -- you 7 know, looking at that issue in more depth. I don't 8 see anything in the law at the moment that requires 9 that they are barred from it. 10 COMMISSIONER GIPSON: Okay. See -- and I 11 know we're looking at it in terms of a policy that 12 we may say, "No, you can't." 13 But I thought there was certain conflicts 14 that were delineated. So that would fall into that 15 category. So that's what I need the clarification 16 on. 17 MS. JULIA BARNES: Not clearly and not 18 yet. We're looking at that in more detail. The 19 most we have articulated it is in the letters that 20 we sent to the auditors and the AG and -- on the 21 other school. Those articulated our concerns about 22 the conflict of interest. 23 COMMISSIONER GIPSON: Okay. Thanks. 24 And just one more question that goes to 25 kind of staff recruitment. So I'm guessing, with</p> |
| <p style="text-align: right;">187</p> <p>1 not considered a conflict that has to be disclosed? 2 Or no? 3 MS. JULIA BARNES: I'm sorry, 4 Commissioner. I was responding to a text by another 5 CSD person. So... 6 COMMISSIONER GIPSON: So the head 7 administrator being the head of a foundation isn't a 8 conflict that has to be disclosed? 9 MS. JULIA BARNES: So we're talking 10 about -- 11 COMMISSIONER GIPSON: Because that 12 question occurs to me all the time. And I 13 apologize. 14 MS. JULIA BARNES: We're talking about the 15 forms that we're looking to review. And we're in 16 the middle of reviewing them. Right now, that was 17 the conversation we had yesterday, which you said 18 that sentence about a school employee being on 19 both -- being on the foundation board has been 20 removed from the draft, we're going to talk in July 21 about how we're going to apply that. 22 The -- it's my opinion, too, that one is 23 there may be a special audit decision coming out 24 which may provide us more guidance. But until then, 25 a school leader -- or a school employee -- is</p> | <p style="text-align: right;">189</p> <p>1 the over-projection, you had to RIF a significant 2 number of staff at the start of last -- only two? 3 So what's your staff retention? And I 4 don't want to say "only two," because I don't want 5 to diminish unfortunately the two people that lost 6 their jobs. 7 But it's fortunate that it was only two, 8 because we've seen some new schools have to go even 9 deeper than that, as I'm sure Karen can probably 10 reflect on. 11 But what's your staff retention looking 12 like? Just a guesstimate. 13 MS. KAREN CASEDY: Like, from last year 14 going -- or this past year going into next year? Is 15 that what you mean? 16 COMMISSIONER GIPSON: Like, how many -- 17 outside of RIFs, how many staff have you lost 18 through this year and during -- as we transition to 19 the next school year? 20 MS. KAREN CASEDY: We're losing one staff 21 member. 22 COMMISSIONER GIPSON: Okay. 23 MS. KAREN CASEDY: And -- yeah, one staff 24 member. 25 COMMISSIONER GIPSON: Okay. Because as</p> |

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| <p style="text-align: right;">190</p> <p>1 you know, certainly, if you have to -- if you're 2 hiring, and you end up laying off, it's tough to 3 continue to recruit, because people are going to 4 say, "Oh, sure. I'm going to get that job, and 5 they're going to let me go because they 6 over-projected or whatever." 7 So it's -- you know, we're still a small 8 town, so, you know, it becomes tough that way. So I 9 appreciate that, and thank you. 10 MS. KAREN CASEDY: And could I just 11 address, real quick -- I want to go backwards a 12 little bit about the PE. Just to let you know, I 13 actually started off my career as a PE teacher. So 14 I totally understand those big classes. I was part 15 of those big schools. And it was very 16 labor-intensive upon the PE teacher. 17 And that is not our intent at Explore 18 Academy, and I will not let that happen at Explore 19 Academy. So we do go a little bit above that just 20 because of the room, but not much. I don't see our 21 PE classes going above 20, and even for a PE class 22 that's very small, manageable. You can do your team 23 sports and kids can participate safely. So I just 24 kind of wanted to just put that little blurb in 25 there.</p> | <p style="text-align: right;">192</p> <p>1 this. 2 And so I know we don't have, you know, 3 exact numbers to give you guys for the interest of 4 having the K-through-5. But I do see it on a 5 day-to-day basis in my job outside of, you know, 6 Explore Academy. 7 I also just want to, you know, quickly 8 just say, too, that I think that approving a 9 K-through-5 grade (verbatim) not only helps serve 10 the community, since we do only have two other 11 schools here that are K-through-5 that are 12 charter -- it is two; right? 13 Yeah. It really is two. Thank you. 14 But I do think the one thing that is 15 missing with our young kids is them feeling 16 empowered. They're on so many restrictions just due 17 to their ages, you know. They can't stay out with 18 friends till 10:00 p.m. or go to the park by 19 themselves safely, things along those lines. 20 And I feel like this type of model helps 21 give those young kids that empowerment, those 22 choices, those options to help mold them into a 23 wonderful teen and, eventually, an adult and a 24 community member. 25 I've worked with many university students</p> |
| <p style="text-align: right;">191</p> <p>1 THE CHAIR: Thank you. 2 Claren? 3 MS. CLAREN MULHALL: Hi, everyone. I 4 hope -- you guys can hear me; right? 5 I'm the board secretary for Explore 6 Academy-Las Cruces, and I've been sitting in on your 7 meeting basically since you started it at 9:00. And 8 so I appreciate all of you, you know, of course, 9 still being here and discussing the school. And I 10 just want to briefly touch on a couple of things. 11 More as a community member than a board, 12 maybe, I'm so thankful that I get to be both. But 13 on a day-to-day basis in my work, I work with the 14 community all throughout Las Cruces, Mesilla, and 15 some of the surrounding areas as well. And I really 16 get to know my clients and their families, their 17 needs. 18 And all of these people who learn I am on 19 a board, one of the first questions is, "Oh. What 20 grades?" 21 I tell them, "Right now, it's grades 6 22 through 12." 23 And the look on their faces. They are sad 24 that their young kids, you know, would have to wait 25 longer before they could join an amazing school like</p> | <p style="text-align: right;">193</p> <p>1 as well. And it is different, you know, seeing 2 these people who have had more choices in their 3 school career versus ones who got kind of put into 4 that pod and didn't have much selection. 5 That's all I wanted to say. I did also -- 6 I kind of looked up our lease. And I believe the 7 additional rent payments are as we grow and have 8 more students. That's where our lease payments 9 would increase over the years. 10 I don't know if that answers your 11 question, Commissioner Gipson, from earlier. But I 12 was just kind of looking through it a little bit, 13 and that seems to be what our projected schedule is 14 in talking about that additional payment. 15 Thank you, everyone. 16 THE CHAIR: Thank you. Before I go to 17 Director Chavez and Karen, I just want to -- it 18 doesn't look like Commissioners really have any more 19 questions. 20 So I think we're just about ready -- 21 unless there's something that is really miss- -- or 22 you must -- if you really have to say, like, a last 23 word, like, I think we need -- we need to move 24 forward. 25 So unless you're responding directly to</p> |

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| 194 | <p>1 some kind of Commissioner question, we need to move 2 on.</p> <p>3 Director Chavez? 4 DIRECTOR CORINA CHAVEZ: Yes. Thank you. 5 So I do have a little bit of a question on 6 the enrollment. I know it might be moot until 7 there's a vote.</p> <p>8 But I do think we would need to clarify, 9 because I see some charts -- so the current charter 10 is approved for 700 students. I see the charts that 11 talk about the phase-in both in the high school and 12 the elementary. And although one is organized by 13 year and the other by actual school year, year one, 14 two, three, in actual numbered years, it -- they may 15 add up to more than 700.</p> <p>16 So, Chair Burt, I think earlier, you were 17 saying that maybe they might not be proposing an 18 increase in cap. But I think embedded into the 19 grade expansion is an increase in cap. And so I 20 just wanted to note that for the record.</p> <p>21 And then the other thing I wanted to note 22 for the record is that when we look at the 23 application itself -- and I will admit that what I 24 know today, I didn't know a year ago when the other 25 school came before you. And so when we look at the</p> | 196 | <p>1 So I do want to thank all the people that 2 came in from the community to speak. And the 3 founders. This has been a tough question for us to 4 consider.</p> <p>5 THE CHAIR: All right. Thanks. 6 Vice Chair Voigt? 7 COMMISSIONER VOIGT: Yes. If we're ready 8 for a motion -- 9 THE CHAIR: Please. 10 COMMISSIONER VOIGT: -- I'm ready to make 11 one. 12 Okay. Thank you. 13 I move that the request by the Explore 14 Academy to amend the contract adding grade levels 15 from the existing contract, grades 6 to 12, to new 16 grade levels, K to 12, be approved. 17 COMMISSIONER CARRILLO: I'll go ahead and 18 second for the purposes of further discussion. 19 THE CHAIR: Thank you. There's been a 20 motion by Commissioner Voigt and a second by 21 Commissioner Carrillo. 22 Commissioner Voigt. 23 COMMISSIONER VOIGT: Thank you. If I 24 could just say, I mean, my motion is based on 25 justification. And I was there for last year's</p> |
| 195 | <p>1 application -- and I'm glad we're revising the 2 forms, because there's both criteria and there's 3 approval factors.</p> <p>4 And so one of the other things that came 5 up in the discussion is, you know, community need 6 and whether that's something we should be thinking 7 about our weighting as heavily as I think has been 8 discussed today. And that does show up in the 9 application in terms of approval factor.</p> <p>10 So -- and I think it should. I personally 11 think that if we're concerned about attorneys 12 fighting for the school and all schools being 13 approved, then, you know, let's just have charters 14 everywhere, and that'll be what our public school 15 system is about.</p> <p>16 But I think the federal government right 17 now is in the process of putting forth some guidance 18 on the Charter Schools Program Grant that aligns 19 with where I think New Mexico has been in the 20 charter schools movement, and that is to be 21 concerned about community demand for the school.</p> <p>22 So I just want to leave the Commission 23 with those final thoughts, that it's both in your 24 policy, I think it makes good sense, and that -- 25 that the community input does matter.</p> | 197 | <p>1 approval of the previous school. This school has so 2 much more readiness.</p> <p>3 (Commissioner Voigt loses connectivity.) 4 THE CHAIR: Is it just me that lost her? 5 COMMISSIONER CARRILLO: No. She froze. 6 THE CHAIR: I feel like my Internet has 7 been wonky today, too. So I can't figure out 8 sometimes if it's me or one of you that's frozen. 9 All right. We'll give her one second to 10 come back. If there's any other Commissioners that 11 would like to speak on this while she's getting back 12 on, I'm happy to call on you at this time. 13 Commissioner Gipson? 14 COMMISSIONER GIPSON: Yeah. You know, 15 it's not that -- for, me, personally I'd be way more 16 comfortable, like I said, if the school was filled 17 out from their initial application and then was 18 coming in and asking for that -- the additional 19 grades at this point in time. 20 I understand the policy. I questioned it. 21 I voted according -- in part, to that policy and my 22 thought of a school coming too soon to try to expand 23 when they haven't fully filled out. That was my 24 vote the last time, and I'm going to be consistent 25 with that -- with that vote this time.</p> |

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| <p style="text-align: right;">198</p> <p>1 It's not a lack of support for the school. 2 But I think the school over-projected. New schools 3 always do. But I think the school needs to show 4 that they can fill in where they are at this point 5 in time and what they initially asked for before 6 they come. And we'll have that additional data to 7 better inform us. 8 And that was part of my -- that was part 9 of the rationale for my decision the last time. So, 10 for me, I'm going to stay consistent with that. 11 But, also, to speak to the Director's 12 comment about embedded in there is an enrollment cap 13 increase, it's not. The school has to stay within 14 that enrollment cap of that application, so that if 15 they -- if they start to grow, and they can't fill 16 out fully because they will violate the enrollment 17 cap, they'd have to come to us for an enrollment cap 18 increase. 19 THE CHAIR: Commissioner Carrillo. 20 COMMISSIONER CARRILLO: And perhaps 21 Ms. Chavez can answer this. So did I just hear you 22 say, Commissioner Gipson -- 23 THE CHAIR: Now, see, because we had a 24 second, Director Chavez can't answer any more 25 questions.</p> | <p style="text-align: right;">200</p> <p>1 anything like that. It's something to just consider 2 for later, because it's, like 290 pages of minutes. 3 And to find anything is really difficult. 4 So anyway, having said that, I have a lot 5 of confidence in this school. So I'm torn on the 6 issue of policy, because I do think we've left it 7 ambiguous, the way the policy is written. And I did 8 make that comment that if I was counsel, and if the 9 school wanted to come back and say, you know, "You 10 guys just fly by the seat of your pants, and that's 11 not why you've been elected, and to heck with you," 12 I would probably say that anyone trying to make that 13 case would probably prevail. 14 And I do have a lot of confidence in this 15 school and the model. I love the fact -- I mean, 16 even though the district was not involved in any of 17 this, because of what your -- because if you were 18 offering just another charter and you wanted to 19 expand K-5, and there really wasn't significantly -- 20 a significant -- significantly different educational 21 model, I would say forget it. 22 But what you're doing is so innovative and 23 so different for the southern part of the state that 24 I'm inclined to vote in favor for no other reason 25 than -- and that's, you know, subjective, also, for</p> |
| <p style="text-align: right;">199</p> <p>1 COMMISSIONER CARRILLO: Oh. Sorry about 2 that. Okay. 3 Then the person who could -- let's see -- 4 is -- so -- so from what I heard, then -- and, 5 Chair, you could probably answer this, or, 6 certainly, Ms. Voigt -- if there is going to be the 7 acceptance of adding grades K-5 -- just a quick 8 answer please -- would they still have to come back 9 to us for an enrollment cap increase? 10 THE CHAIR: Under their current enrollment 11 projections in the next several years, they would 12 need to at some point. 13 COMMISSIONER CARRILLO: Okay. So what's 14 interesting is I went back, and to the best of my 15 ability, I looked at the January 15th meeting from 16 last year. 17 THE CHAIR: It was the June -- 18 COMMISSIONER CARRILLO: Oh, rats. 19 THE CHAIR: -- meeting. Yeah. 20 COMMISSIONER CARRILLO: I could easily go 21 back there. And -- okay, I'll go back and look at 22 that. 23 And just for the record, Ms. Chavez, man, 24 is it hard in the minutes to find information, 25 because it's not sorted out by agenda item or</p> | <p style="text-align: right;">201</p> <p>1 me. I have a great deal of confidence in your 2 school. 3 And so that's why -- and for all of the 4 leaders that we're seeing here today. And that is 5 why I would say, unless I hear something definitive 6 for me, that's why I would be very likely to support 7 this motion. 8 THE CHAIR: Commissioner Voigt, I was 9 going to ask you if you wanted to finish what you 10 were saying. 11 COMMISSIONER VOIGT: It got really windy 12 here, and I just got knocked off my Internet. 13 I am kind of -- I was torn, also, but I do 14 feel that the school has it together. They have 15 some great leaders behind what they're doing, and I 16 have full confidence in their program. That's all. 17 THE CHAIR: All right. And I'll just say 18 I know last year -- I mean, I'm just struggling, 19 because I know last year was -- like, I did vote no 20 based off of the policy. Commissioner Chavez and I 21 both, I think, had that -- that's what we -- that's 22 how we voted. 23 But it does seem like -- I mean, I feel 24 like if it was appropriate to provide a different 25 school in a similar situation, very similar, with</p> |

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| 202 | <p>1 less enrollment and less history behind the network 2 that this school has, it does make me more inclined 3 to vote yes on this one until this policy is looked 4 at differently. Because I know that's what I heard 5 last year from folks was that, you know, it's in 6 there, and -- but we shouldn't -- you know. But 7 it's okay to, you know, vote the way that our gut 8 feels, or it's okay to vote the way that, you know, 9 we don't have to -- we can look at things and kind 10 of take our best judgment for the success of the 11 school. 12 So, I mean, I -- I'm just -- I am 13 conflicted. But I -- in hearing, you know, how -- 14 the confidence of this school -- and I do think that 15 is a showcase for needing to be more specific with 16 our policies and then ensuring that, in the future, 17 this is avoidable, you know, these kind of 18 conflicts -- the conflict that we're having where 19 there are these gray areas really shouldn't be 20 present. 21 But as there is right now, you know, it 22 kind of does open the door for that opportunity. 23 So any other Commissioners? 24 (No response.) 25 THE CHAIR: All right. Hearing none,</p> | 204 | <p>1 four-to-four vote. 2 COMMISSIONER CARRILLO: It means it fails. 3 THE CHAIR: The motion fails. 4 COMMISSIONER VOIGT: There we have it. 5 THE CHAIR: Thank you, Explore team, for 6 coming and presenting. 7 MS. KAREN CASEDY: Thank you for hearing 8 our presentation. 9 THE CHAIR: And I'll definitely tell you, 10 we are looking at these forms; so -- well, this form 11 will be one of those we're looking at. So if that's 12 something you're able to qualify for later, and if 13 you're still interested, be a part of that process 14 and give input into it, like, first of all. And, 15 like, after that new form is approved, happy for you 16 all to take a look at that again. 17 MS. KAREN CASEDY: Thank you. 18 THE CHAIR: All right. I'm going to go 19 to -- I'm going to get some input from Director 20 Chavez real quick. I mean, when I look at the 21 agenda, it doesn't look like we have a lot left. So 22 I really would hate to take a 30-minute break if 23 we're going to take 30 minutes and then we'll be 24 done. 25 But I'm wondering how long you think the</p> |
| 203 | <p>1 Commissioner Voigt, if you could call roll. 2 COMMISSIONER VOIGT: Sure. 3 Chair Burt. 4 THE CHAIR: Yes. 5 COMMISSIONER VOIGT: Commissioner 6 Carrillo. 7 COMMISSIONER CARRILLO: Yes. 8 COMMISSIONER VOIGT: Commissioner Chavez. 9 COMMISSIONER CHAVEZ: No. 10 COMMISSIONER VOIGT: Commissioner Davis. 11 COMMISSIONER DAVIS: No. 12 COMMISSIONER VOIGT: Commissioner Gipson. 13 COMMISSIONER GIPSON: No. 14 COMMISSIONER VOIGT: Commissioner Manis. 15 COMMISSIONER MANIS: (No response.) 16 COMMISSIONER VOIGT: Commissioner Manis? 17 I'll come back. 18 Commissioner Robbins. 19 COMMISSIONER ROBBINS: No. 20 COMMISSIONER VOIGT: Commissioner Taylor. 21 COMMISSIONER TAYLOR: Yes. 22 COMMISSIONER VOIGT: And I vote yes. 23 Commissioner Manis, are you there? 24 (No response.) 25 COMMISSIONER VOIGT: Okay. So we have a</p> | 205 | <p>1 Implementation Year items might be so that we can 2 make an informed decision on whether we need a 3 lengthy break or not right now. 4 DIRECTOR CORINA CHAVEZ: Chair Burt, thank 5 you for asking. 6 You all may notice that my presentations 7 don't take that long. It really is how many 8 questions the Commissioners want to pose to the 9 schools. 10 THE CHAIR: Okay. That's a fair response. 11 So I'm going to ask Commissioners if you would like 12 to take a five-minute break, stand up, and move 13 around, or if you would like to take a 30-minute 14 lunch break. 15 COMMISSIONER GIPSON: I wanted to ask if 16 we could have a smidge longer than five minutes. 17 THE CHAIR: Take a ten-minute break? I 18 see a lot of "tens." Is that what that means? 19 Okay. All right. So it looks like we'll 20 do a ten-minute break. We'll be back at 1:50 -- 21 COMMISSIONER CARRILLO: Hold on. 22 THE CHAIR: -- to finish. 23 Commissioner Carrillo. 24 COMMISSIONER CARRILLO: So looking at even 25 yesterday, when we figured, okay, we're going to be</p> |

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| <p style="text-align: right;">206</p> <p>1 done by 1:00, we're going to be done by a quarter 2 of, and we weren't, things always take a lot longer 3 than we're going to take. Things generally require 4 a great deal more discussion than we think we're 5 going to take. 6 It is now 20 minutes until 2:00. As much 7 as I want to be here for discussion about RioGAFA 8 and THRIVE, I'm hungry. When I joined the 9 Commission, having a full refrigerator wasn't a 10 requirement. I'm leaving for 30 minutes to get 11 lunch, and that's that. 12 THE CHAIR: But you have the -- you are 13 more than welcome to do anything you want to do. 14 COMMISSIONER CARRILLO: I know I'm more 15 than welcome. I don't need anybody's permission to 16 do anything. 17 THE CHAIR: Okay. Great. We don't need 18 to do this publicly. 19 COMMISSIONER CARRILLO: But I just want us 20 to think about how we often run a great deal longer 21 than we think we're going to run. 22 THE CHAIR: Okay. So we can have a 23 conversation offline. I don't think it's 24 appropriate to do it here. And I am taking the 25 input from Commissioners as we make these decisions.</p> | <p style="text-align: right;">208</p> <p>1 Hard, hard work. Running a school is also really 2 difficult. 3 So, Commissioners we are now on Item 4 No. 9. So -- no. Wait a minute. Oh, I apologize. 5 I have -- 6 THE CHAIR: 8. 7 DIRECTOR CORINA CHAVEZ: I have the wrong 8 agenda up. 9 So thank you, Missy. We are on Item 10 No. 8. 11 And in there is the Implementation Year 12 Checklist that has been populated. 13 What it does is it shows not only this 14 point in time, but the historical record of the 15 various policies, procedures, plans, et cetera, that 16 are required for a school that is newly approved to 17 be ready to commence operations. 18 The reason why we have this meeting is 19 because the PEC needs to approve the school so that 20 it can start having budget authority for the new 21 school year beginning July 1. 22 It is not the very end of the 23 Implementation Year Checklist, because, as you all 24 know, we do a site visit to the school two weeks 25 before they actually start to serve students.</p> |
| <p style="text-align: right;">207</p> <p>1 So I appreciate all of you, and we will be back in 2 ten. 3 (Recess taken, 1:39 p.m. to 1:50 p.m.) 4 THE CHAIR: All right. Commissioners 5 we're coming back online. 6 All right. Thank you, all. I know it's, 7 like -- I know timing is hard. But I appreciate you 8 all trying to make it to where the schools don't 9 have to wait as long for us to get started. 10 So that being said, let's go ahead. 11 We're on Item No. 8, Discussion and 12 Possible Action on Rio Grande Academy of Fine Arts 13 Implementation Year. 14 I know Missy -- or, Corina, are you going 15 to bring in the school? Or do you just want to give 16 your report? See if we needed to bring them in. 17 DIRECTOR CORINA CHAVEZ: I think that in 18 case you all have questions -- and traditionally 19 there has been some questions. I see Jordan and 20 Michelle are both in the audience, and so I would 21 say promote them to the panel. 22 Jordan and Michelle, apologies you've 23 waited this long. But you have been working so 24 hard. So I think you know that this is hopefully a 25 culmination of -- well, your Implementation Year.</p> | <p style="text-align: right;">209</p> <p>1 We go to the school, and there is some 2 items on the checklist that we review. We want to 3 make sure that the facility is in good shape, that 4 they have all of the health and safety -- they've 5 met the health and safety requirements, such as 6 E-Occupancy. They have furniture, they have 7 teachers, that sort of a thing. So we will be back 8 one last time. 9 This has not happened in -- in New Mexico. 10 But when I was in New York, a school actually wasn't 11 ready to open by their first day of school when we 12 did the site visit check. Here, I'm sure that 13 Jordan and Michelle, as a dynamic team who have been 14 working really hard, will have their facility ready. 15 I want to just point out that all items 16 are substantially complete. In fact, they are 17 complete. There was a little back and forth on 18 some. But all items on the checklist are complete. 19 If you have any questions about what those 20 items are, the school is before you to respond to 21 any questions. 22 I want to thank Barb Gradner on my team, 23 who has worked closely with RioGAFA. And my 24 recommendation is that the PEC vote to approve the 25 school to commence operations. Thank you.</p> |

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| 210 | <p>1 THE CHAIR: Thank you, Commissioners. Are 2 there any questions? 3 And I want to say good afternoon and 4 welcome to Jordan and Michelle. It's nice to see 5 you all. 6 Commissioner Voigt. 7 COMMISSIONER VOIGT: Right. If there is 8 no question or discussion, I am ready to make a 9 motion. 10 THE CHAIR: Go ahead. 11 COMMISSIONER VOIGT: Thank you. I move 12 that the Public Education Commission approve the 13 Rio Grande Academy of Fine Arts to commence 14 operation. 15 COMMISSIONER TAYLOR: Second. 16 THE CHAIR: All right. There's a motion 17 by Commissioner Voigt and a second by Commissioner 18 Taylor. 19 Any discussion? 20 I'll just say I've met with and spoke with 21 Jordan and Michelle many times throughout this last 22 year, and I know they definitely had some uphill 23 battles to fight when it comes to making sure they 24 have the funding that they needed to get their 25 operations going.</p> | 212 | <p>1 had to vote no on an implementation and do the 2 commencement of operation. So, you know, I know 3 what it takes. 4 And your enrollment is incredible. I 5 mean, really. So that's a testament to that hard 6 work that you've put in. So it's just -- this is 7 why we do what we do, the excitement that comes in 8 to the new schools. So I just want to say 9 congratulations. 10 THE CHAIR: Okay. Commissioner Voigt is 11 back. I was like, "Oh, I'm going to have to find 12 the roll call sheet." 13 Okay. Seeing no other hands up, 14 Commissioner Voigt, if you could take roll. 15 COMMISSIONER VOIGT: Okay. Super. 16 Chair Burt. 17 THE CHAIR: Yes. 18 COMMISSIONER VOIGT: Commissioner 19 Carrillo. 20 Not here. 21 COMMISSIONER VOIGT: Commissioner Chavez. 22 COMMISSIONER CHAVEZ: Yes. 23 COMMISSIONER VOIGT: Commissioner Davis. 24 COMMISSIONER DAVIS: Yes. 25 COMMISSIONER VOIGT: Commissioner Gipson.</p> |
| 211 | <p>1 And so I will -- I know -- and I know 2 Director Chavez will say this, too. If you want to 3 ever get a lesson in tenaciousness and resiliency 4 and never giving up and bothering people until you 5 get what you need, I think Jordan and Michelle can 6 give, like, a master class on that at this point. 7 Always very respectful, very kind. But, 8 man, do they fight for their school. 9 So I think it -- honestly, I know that 10 wasn't what you guys were wanting to spend your time 11 doing. But what an example that it gave me of how 12 you're going to fight for your school moving 13 forward, like, if this year was any kind of 14 indication of you not giving up on anything and 15 making sure you have all your I's dotted and T's 16 crossed and making sure you have what you need for 17 your kids, really impressed with you all and really 18 grateful for this school being able to provide, once 19 again, a great option to hopefully many Westside 20 families who need that arts education. 21 Commissioner Gipson? 22 COMMISSIONER GIPSON: I just wanted to 23 say, you know, thank you for your application year, 24 thank you for everything -- you know, I know what it 25 takes. And, unfortunately, I've been here when we</p> | 213 | <p>1 COMMISSIONER GIPSON: Yes. 2 COMMISSIONER VOIGT: Commissioner Manis. 3 (No response.) 4 COMMISSIONER VOIGT: Commissioner Robbins. 5 COMMISSIONER ROBBINS: Yes. 6 COMMISSIONER VOIGT: Commissioner Taylor. 7 COMMISSIONER TAYLOR: Absolutely. Yes. 8 COMMISSIONER VOIGT: And I vote yes. And 9 so that motion passes six to zero. 10 (Applause.) 11 THE CHAIR: I think there's more than 12 that, but -- 13 COMMISSIONER VOIGT: Seven. Seven to 14 zero. 15 THE CHAIR: Yeah, RioGAFA. 16 MR. JORDAN FRANCO: Thank you all so much. 17 It's always really great to see you. Thank you, 18 all. 19 MS. MICHELLE PLATIS: Thank you. Thank 20 you so much. 21 THE CHAIR: All right. One down, Director 22 Chavez. That was great. 23 Well, then, also, I'm sure, Director 24 Chavez, in like to what Commissioner Gipson was just 25 saying, man, I'm sure some of these schools make it</p> |

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1 more challenging than others -- right? -- to get
 2 going and open. So it's nice to have two -- I
 3 shouldn't speak too early. But it looks like we
 4 have two schools that are really doing their job,
 5 hopefully making your job a little bit easier,
 6 Director Chavez.
 7 DIRECTOR CORINA CHAVEZ: Doing my job.
 8 And so is my staff. Already have promoted Sean
 9 Duncan and Julie Lucero. Sean, let us know if
 10 there's anyone else on your team that needs to be
 11 promoted to the panel.
 12 MR. SEAN DUNCAN: It's just Julie and I.
 13 Thank you.
 14 DIRECTOR CORINA CHAVEZ: Okay. So this is
 15 item No. 9, Commissioners. This is -- the THRIVE
 16 Implementation Year Checklist is in your materials.
 17 And, again, similar to RioGafa, I want to thank,
 18 first of all, the school founders and staff on their
 19 team who have worked really, really hard to pull
 20 together all of the really challenging and extensive
 21 requirements needed to show readiness to open up the
 22 doors.
 23 I know that they were on time; they were
 24 on point. They've done a terrific job recruiting
 25 students to be ready to attend their school.

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1 They're going to offer a really wonderful experience
 2 for students in Santa Fe.
 3 I want to thank Samantha Samoiel on my
 4 team, who has worked closely with THRIVE, for
 5 reviewing all of the materials that they've
 6 submitted, providing feedback and support to the
 7 school.
 8 For both RioGafa and THRIVE, I also want
 9 to thank Missy Brown and anyone else on my team that
 10 has worked to support the school, to make sure that
 11 they have the CSP funds, which I recognize has not
 12 been quick to flow, but is getting quicker and more
 13 efficient by the day.
 14 Your document shows all of the items as
 15 complete, or, if there was a concern noted, that
 16 they are resolved. And all of the detail is in the
 17 Implementation Year Checklist, which, when blank,
 18 was 30 pages, and at its complete state is 43 pages
 19 long.
 20 The school had to submit documents to us
 21 at three different times. And each time that they
 22 provided the information, we provided notation,
 23 feedbacks. If they needed to fix anything, it
 24 carried forth as the very first item for the next
 25 submission.

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1 So you'll see that the school met all of
 2 the requirements, and I recommend that you approve
 3 the "Commence Operations" in the next school year.
 4 THE CHAIR: Any -- Commissioner Gipson?
 5 COMMISSIONER GIPSON: I was going to make
 6 a motion.
 7 THE CHAIR: Oh. Even better.
 8 COMMISSIONER GIPSON: Jumping the gun
 9 here.
 10 THE CHAIR: All right. Does anyone have
 11 any questions that either the school or Director
 12 Chavez would need to respond to?
 13 (No response.)
 14 THE CHAIR: All right.
 15 Commissioner Gipson, on you.
 16 COMMISSIONER GIPSON: Okay. I move that
 17 the Public Education Commission approve commencement
 18 of operation for THRIVE Community School.
 19 COMMISSIONER TAYLOR: Second.
 20 THE CHAIR: Thank you. There's a motion
 21 by Commissioner Gipson and a second by Commissioner
 22 Taylor.
 23 Any discussion from Commissioners?
 24 All right. I'll just say the same thing.
 25 I know you all had challenges with that CSP Grant

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1 and the money coming through. So thanks for bearing
 2 with everyone through that and working through that,
 3 you know, challenge and adversity this year.
 4 I am so excited -- I mean, you all are the
 5 first school -- right? -- to do SEL. Like, that's
 6 your thing.
 7 And so I am so excited. I can't imagine
 8 how much Commissioner Voigt is excited. But, you
 9 know, I'm so excited to see the impact that you have
 10 on your community, but, also, that you can show us
 11 some data -- you know, I'm a data person. So I'm
 12 really excited to see, you know, it in practice and
 13 actually see if some data come out from your amazing
 14 school serving the Santa Fe community.
 15 Once again, we're so thrilled that these
 16 were the -- I'm so fortunate. I mean, it's going to
 17 be really hard for future schools. For all of us
 18 Commissioners who were new for you two to be our
 19 first schools, I mean just sets such a high bar for
 20 the future.
 21 And I know, you know, we'll get some
 22 experience, like Commissioner Gipson, where we see
 23 the ups and downs. But, man, we're pretty lucky to
 24 have gotten these high bars that you all gave.
 25 So I'm really excited. And I follow your

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| 218 | <p>1 guys's social media, so I saw you all moving into 2 your space. And, man, it's beautiful. What a 3 beautiful space you all have. Really exciting. 4 So congratulations, and, once again, to 5 the Charter School Division team, to -- that worked 6 with these schools throughout this. I mean, once 7 again, I think these are great school leaders, so, 8 hopefully, your job is a little bit easier than 9 maybe it could be otherwise. 10 But it's a lot of work on that CSD team 11 doing this. And so I'm so grateful that -- I mean, 12 pages and pages of follow-up and follow-through from 13 CSD. It gives us a lot of confidence. Like, to be 14 able to come today and just vote to open these 15 schools with so much confidence is such a great 16 thing on CSD's part, too, to get to that point. 17 So thank you for that. All right. Any 18 other comments? 19 (No response.) 20 THE CHAIR: All right. Commissioner 21 Voigt, if you can call roll for us. 22 COMMISSIONER VOIGT: Okay. 23 Commissioner Voigt votes yes. 24 COMMISSIONER VOIGT: Commissioner Taylor. 25 COMMISSIONER TAYLOR: Yes.</p> | 220 | <p>1 so much. We're very excited. 2 COMMISSIONER VOIGT: Congratulations. 3 THE CHAIR: Thanks, Julie. 4 All right. Back to, you Director Chavez, 5 for Item No. 10, Report from Charter Schools 6 Division. 7 DIRECTOR CORINA CHAVEZ: All right. So 8 that happened very quickly. 9 And my staff person who has been waiting 10 in the fold is on another webinar. So he's not here 11 to promote to the panel. But I wanted to first 12 provide a staffing update. 13 Yesterday, you met Felicia Gonzales, who 14 just joined as the new business operations staff 15 person on my team. I also know that some of you 16 that were at the charter schools conference last 17 week met Louie Torrez, who is the Charter Schools 18 Program Grant Manager and already, like, ooph. We 19 all breathed a sigh of relief and are so happy that 20 he's in place, because he's providing a lot of 21 really excellent customer service to not just the 22 schools you just saw, but all existing charter 23 schools that have CSP grants, as well as to our 24 internal stakeholders at the PED and our team. So 25 I'm just so pleased that Louie has joined the team.</p> |
| 219 | <p>1 COMMISSIONER VOIGT: Commissioner Robbins. 2 COMMISSIONER ROBBINS: Yes. 3 COMMISSIONER VOIGT: Commissioner Manis. 4 COMMISSIONER MANIS: Yes. 5 COMMISSIONER VOIGT: Commissioner Gipson. 6 COMMISSIONER GIPSON: Yes. 7 COMMISSIONER VOIGT: Commissioner Davis. 8 COMMISSIONER DAVIS: Yes. 9 COMMISSIONER VOIGT: Commissioner Chavez. 10 COMMISSIONER CHAVEZ: Yes. 11 COMMISSIONER VOIGT: Commissioner 12 Carrillo. 13 (No response.) 14 COMMISSIONER VOIGT: Not here. 15 Chair Burt. 16 THE CHAIR: Yes. 17 COMMISSIONER VOIGT: And Commissioner 18 Armijo is not here. 19 So that passes, eight to zero. 20 (Applause.) 21 THE CHAIR: Yay, THRIVE. 22 MR. SEAN DUNCAN: Thank you. 23 THE CHAIR: This will take you well into 24 your summer. Now you've just got to do it. 25 MR. SEAN DUNCAN: Absolutely. Thank you</p> | 221 | <p>1 And I know that he will -- he will come to 2 probably our next meeting, so you guys can actually 3 meet him. 4 All right. So then the next thing I want 5 to talk about is the Charter Schools conference and 6 to just provide an update to you all on how it went. 7 As you know it was hybrid, mostly. It was 8 virtual. But we had one in-person gathering. 9 Just to provide you some of the numbers, 10 we had a total of 450 attendees. That represented 11 25 schools. And there were other entities that 12 attended: PED folks, you all, et cetera. 13 There was 46 governing board members who 14 went to sessions that earned a total of 15 175 governing council training hours. 16 So we know that the conference is one that 17 governing council members rely heavily on to get 18 some of their hours. 19 We currently have a feedback survey out. 20 Not as many respondents. You all should feel free 21 to respond yourselves, if you attended the 22 conference. But we're constantly thinking about how 23 we improve what we do. And so the survey results 24 can be presented next time. 25 One of the questions that we did ask folks</p> |

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| <p style="text-align: right;">222</p> <p>1 is did they want us to stay hybrid, did they want 2 the conference to be in-person, or do they want to 3 go all virtual? And so roughly half right now have 4 responded that they like the hybrid nature of -- of 5 the conference. 6 So stay tuned. If you have not received 7 the link to provide feedback, I will make sure that 8 you get it. And we will use that data to inform how 9 we plan for next year. 10 Thank you all for your session. I sat in 11 on it, and that was really helpful. 12 I'd like to talk a little bit about Mabry 13 Hall. 14 When we met yesterday, and you heard from 15 Woody about not hearing back from the vendor on the 16 equipment that needs to be in in order for the 17 hybrid system to be fully installed, the electronic 18 equipment that would help us to operate as a hybrid. 19 And he had hadn't heard back from Chad. 20 So I did a little bit more phone calls and 21 investigations. And I did speak to a representative 22 from ITConnect and found out that, actually, we 23 don't anticipate all of the equipment to be in in 24 time for Mabry Hall to be installed and functional 25 by July 1. They have had supply chain issues, as</p> | <p style="text-align: right;">224</p> <p>1 to share that there has been some reorganization 2 work happening at the PED. I think Chair Burt 3 mentioned this yesterday, that I am moving over to 4 be under the directive of Dr. Angelo Gonzales, who 5 is going to be my boss at the PED. 6 And I am super excited about working with 7 him. I still intend to have a close relationship 8 with the people at the -- with my former division, 9 the Identity, Equity, and Transformation, because I 10 think that what's really important right now is that 11 everybody at the PED pull together and work closely 12 together on behalf of students in New Mexico. 13 So I appreciate and want to thank 14 Dr. Vickie Bannerman for being really awesome and to 15 say that at some point soon, I would love for you 16 all to meet Dr. Angelo Gonzales. And our division 17 will be called School Transformation and Innovation, 18 which is really nice that charter schools will be 19 part of that. 20 I always want to thank my team for their 21 hard work and good work. And also a special 22 shout-out to Tierra Adentro for hosting us for the 23 in-person portion of the Charter Schools conference. 24 Thank you. 25 THE CHAIR: Thank you. Director Chavez, I</p> |
| <p style="text-align: right;">223</p> <p>1 have many. They were completely open and honest 2 about the fact that it's not going to happen this 3 fiscal year. 4 So I think that does open up Mabry Hall 5 for any meetings moving forward, because the place 6 is not undergoing construction. 7 I apologize that we put a halt to meeting 8 without the construction. What did happen, 9 actually -- I shouldn't say that -- the electrical 10 work did get done. But the cameras and the 11 equipment that would allow us to -- to have hybrid 12 meetings has not been installed. 13 And I wish that that were not the case. 14 But that is exactly where we're at. The finance 15 committee need to meet and decide on plans for the 16 next fiscal year moving forward, should we decide to 17 move forward with creating Mabry Hall as a hybrid 18 environment. 19 So I wanted to give that update. And if 20 any Commissioners want to see the list of equipment 21 and what's in, I believe there are three pieces that 22 are not in. One of them is not anticipated to 23 arrive until February of 2023, which is really 24 shocking. But that's where it's at. 25 And then, in closing, I just -- I wanted</p> | <p style="text-align: right;">225</p> <p>1 lost my little place, so give me one second. 2 All right. So next is Reports from PEC 3 Liaisons. 4 So the first one is LESC and LFC. 5 So LFC is actually -- I was going to say 6 they're meeting as we speak. They've actually 7 adjourned for today. But they've been meeting -- 8 they met yesterday in Gallup, and there was a focus 9 on the improvement of financing and outcomes for 10 Native American students. So Mike Hyatt, the Gallup 11 superintendent, presented yesterday while we were 12 meeting. So I'll be looking over those minutes 13 after they come out. 14 I did go to Santa Rosa to see -- to go to 15 LESC, meet everyone in person instead of just 16 watching them online. Was able to meet -- so 17 Dr. Gwen Perea Warniment that we all know, it was 18 her first meeting as the director. So it was nice 19 to know, going into it, who is there and knowing 20 that that executive director is going to have such a 21 deep, intimate knowledge of education in New Mexico 22 and how the PED works. 23 And so met with her. She introduced me to 24 the staff. So if there are any charter issues that 25 come up, they do know about us so that they can --</p> |

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| <p style="text-align: right;">226</p> <p>1 we can partner in any way possible.</p> <p>2 They did have lots of presentations from</p> <p>3 students, from teachers, from superintendents, and</p> <p>4 even from charter leaders throughout their three</p> <p>5 days' meeting, which was really refreshing.</p> <p>6 I know all the people in LESC were, like,</p> <p>7 "We wish all the legislators could, like, actually</p> <p>8 talk to people the way we get to actually meet with</p> <p>9 the students we're serving, actually meet with the</p> <p>10 people."</p> <p>11 There weren't any charter-specific agenda</p> <p>12 items. But, of course, most things that they</p> <p>13 consider does impact our charter schools as well.</p> <p>14 A lot of the conversation is about the</p> <p>15 impact of COVID and how schools are starting to look</p> <p>16 at recovering from those things financially and</p> <p>17 academic- -- I mean, the whole package, the whole</p> <p>18 child part of it; right? Not just academics, but</p> <p>19 teacher retention was a really big one, schools</p> <p>20 really talking about how teachers are really burnt</p> <p>21 out, more than ever before, and it's really</p> <p>22 difficult to recruit and retain teachers right now.</p> <p>23 And it's an emergency -- it's always been; right?</p> <p>24 We've always had a teacher shortage. But we're at a</p> <p>25 very urgent level of needing teachers in our state,</p> | <p style="text-align: right;">228</p> <p>1 if you're actually going to use it, if you're</p> <p>2 actually going to look at it, if you're actually</p> <p>3 going to make a decision based off of it.</p> <p>4 So I think that was a really good message</p> <p>5 from a school leader that we can get into as we look</p> <p>6 at our policies and forms. Are we really go to use</p> <p>7 the data? Are we really going to look at it? Are</p> <p>8 we going to base a decision off it? If not, don't</p> <p>9 make them do it.</p> <p>10 Is it in law? If it's nowhere -- like,</p> <p>11 the LESC did a report, and out of all these</p> <p>12 different report requirements, there were several</p> <p>13 that weren't based in law. They couldn't find any</p> <p>14 legal basis for the reporting.</p> <p>15 So they're really looking at streamlining</p> <p>16 reporting requirements from the legislative side.</p> <p>17 There's a lot of the reports that PED</p> <p>18 requires, because the legislature requires. And</p> <p>19 they're really looking at is that a substantive</p> <p>20 report, or is it, like, a check box? You know, are</p> <p>21 we just asking people to fill out this report just</p> <p>22 to show they're doing it because we need to see that</p> <p>23 they're doing it?</p> <p>24 It was a really interesting conversation.</p> <p>25 And I felt like it was -- it was good for us to</p> |
| <p style="text-align: right;">227</p> <p>1 and keeping them.</p> <p>2 They also had a really interesting</p> <p>3 conversation about streamlining information,</p> <p>4 streamlining reporting requirements. They really</p> <p>5 were talking about it from the PED perspective. And</p> <p>6 there was a superintendent of one of those tiny -- a</p> <p>7 tiny district of Estancia that was talking about how</p> <p>8 last year, she spent six weekends creating</p> <p>9 136 reports for PED. And when she went back and</p> <p>10 reviewed how many times they were opened, it was,</p> <p>11 like, two reports were opened.</p> <p>12 So she's creating all these reports</p> <p>13 weekend after weekend. So really looking at</p> <p>14 streamlining reporting. And so I thought that was</p> <p>15 just so timely for us, because it's what we're</p> <p>16 looking at doing as well, is streamlining reporting</p> <p>17 and not having our charter leaders, you know, have</p> <p>18 to look and figure out all the reporting</p> <p>19 requirements for us.</p> <p>20 And that seems to be -- I'm sure</p> <p>21 Commissioner Chavez knows -- it seems to be</p> <p>22 something that school leaders like is when you don't</p> <p>23 make them do reports for no reason. I think the</p> <p>24 idea that they were talking about is they're happy</p> <p>25 to do reports. They're happy to give information,</p> | <p style="text-align: right;">229</p> <p>1 consider some of those same things, and, when we get</p> <p>2 to doing it, really getting the input from charter</p> <p>3 leaders about, you know, what reports we're</p> <p>4 requiring of them and what data we're asking of them</p> <p>5 and if it's burdensome for no reason. Right?</p> <p>6 I think that's the big point that I want</p> <p>7 everyone to come away with. It seemed like they</p> <p>8 didn't mind doing it as long as there was an actual</p> <p>9 reason for it. And they felt like sometimes they</p> <p>10 were just doing it for no reason.</p> <p>11 They also had a really interesting</p> <p>12 conversation. Future Focused Ed came and talked</p> <p>13 about high school graduation requirements, capstone</p> <p>14 projects. I think a lot of charter schools are</p> <p>15 doing capstone projects for their graduation for</p> <p>16 their schools.</p> <p>17 So I do wish there was more, like, charter</p> <p>18 input into that one, because I think there's a lot</p> <p>19 of the charters who do capstone projects. I know</p> <p>20 there's a lot of districts who do it as well. The</p> <p>21 idea was having it, at the State level, that it</p> <p>22 could be a graduation requirement and a</p> <p>23 demonstration of competence.</p> <p>24 Once again, our charters are kind of</p> <p>25 leading the way in those things.</p> |

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| <p style="text-align: right;">230</p> <p>1 It was really great to meet all the folks 2 in person, like I said. I was able to meet Joseph 3 Escobedo in person. I have only ever spoken to him, 4 so that was nice to meet in person. 5 So that's what they did. That's what they 6 talked about at LESC. And we'll see about LFC. 7 They're meeting right now. 8 All right. Next one is Secretary Armijo. 9 She's not here. 10 So Item C is NMCEL from Commissioner 11 Voigt. 12 COMMISSIONER VOIGT: I have nothing to 13 report. We have not met yet. 14 THE CHAIR: Next one is PSCOC from 15 Commissioner Robbins. 16 COMMISSIONER ROBBINS: Yes. Just a quick 17 update. And I hope all the charters have been 18 keeping track of the calendar. Lease assistance 19 awards applications went out. The letters went out 20 on June 13th, earlier this week. They're due 21 July 15th. If they don't put in their application, 22 they won't get a lease assistance award for next 23 year. 24 I will be pushing for the maximum increase 25 that we can maybe push for. I would like it to get</p> | <p style="text-align: right;">232</p> <p>1 it's in the Albuquerque Public School district, 2 going forward, they're looking at needing a -- 3 roughly a -- about a 75 percent match. So they 4 would have to come up with about 25 percent 5 themselves -- or, excuse me -- 75 percent of the 6 cost, and the State would only provide 25 percent. 7 Well, at that level, even if they were 8 able to borrow that and go forward, their payments 9 would be close to three quarters of a million 10 dollars a year. And their current lease assistance 11 is under \$100,000 a year. 12 So you can see there's a huge gap here and 13 a discrepancy between district schools and their 14 ability to raise capital funds through taxing. The 15 amount that charters get through SB 9 is very 16 minimal. So that doesn't even approach what they 17 would need. 18 They can apply for a waiver. And I think 19 the Council is seriously considering a waiver. But 20 it still is a huge lift. So if any of you have 21 contacts and everything like this, this is a school 22 that does relieve a lot of pressure on APS. 23 There is a School for the Deaf in 24 Santa Fe. I was in a position -- and we even looked 25 at it -- to send our son, who has profound hearing</p> |
| <p style="text-align: right;">231</p> <p>1 up to that full \$900-plus based upon what the 2 original was back in 2007, plus up to 3 percent per 3 year. There have been several years, even, that 4 inflation is 1 or 2 percent. They got zero. I 5 think it's only the fair thing to do. Right now, 6 they're at about \$762. 7 The other big thing, that's per member per 8 year. That's not per month; that's per year. 9 One of the big things is Albuquerque Sign 10 Language. That's a State charter in Albuquerque. 11 They have put forth a plan, and they have initial 12 planning documents for a school site on a Bernalillo 13 County site. Bernalillo County has agreed to give 14 them a space to build a site that they can 15 accommodate up to 200 students. Right now, they 16 have about 130 students spread over two or three 17 different buildings. This would allow them to have 18 up to 200 students in one facility. 19 The issue is that it's a \$30 million 20 facility. And at that, you know, current prices 21 going forward, we're looking at costs somewhere 22 between \$400 and \$500 a square foot for 23 construction. It's just gotten crazy what school 24 construction costs are. 25 But the Albuquerque Sign Language, since</p> | <p style="text-align: right;">233</p> <p>1 loss bilaterally, to Santa Fe. But we didn't feel 2 that they were going to accommodate his physical 3 needs. 4 And the social-emotional, that was a 5 concern for us also. This is, you know, back 6 35 years ago we looked at it and felt that sending 7 him up to Santa Fe to live there in a dormitory for 8 five days a week was not an option for us. And for 9 a lot of parents with younger children, that's not 10 an option, to send their young children away for a 11 week at a time. 12 So Albuquerque Sign Language, since there 13 are a lot of students in Albuquerque, a lot of 14 students with disabilities migrate to Albuquerque 15 because this is where a lot of services are. Carrie 16 Tingley hospital is here; UNMH is here. So they do 17 have a large population of hearing-impaired. 18 And about 30 percent of their students 19 have no hearing impairment or very minimal. But 20 they're siblings. They have a hearing impairment. 21 So they're learning sign language and other things 22 in order to work with their siblings, which it's a 23 wonderful program. And I know Commissioner Gipson 24 has visited there, and some of the others probably 25 have also.</p> |

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| <p style="text-align: right;">234</p> <p>1 So that's one of my pet projects, if, you 2 want to call it that. I really want to see that 3 school get funded. And one of the things is looking 4 at maybe a legislative appropriation or something. 5 The School for the Deaf in Santa Fe 6 actually gets fully funded. They have oil and tax 7 money that funds them. But guess what? They're 8 eligible for matches with the State also, even 9 though they have basically full funding. 10 Albuquerque Sign Language is not in that 11 position, and they are doing a wonderful job with 12 the students they have. 13 We'll continue pushing forward through the 14 rest of this year. We are looking at updating and 15 coming out with guidelines for teacher housing. For 16 those of you who don't know, right now, there's 17 about 250 housing units in New Mexico, but there's a 18 need for about 800. 19 You look at the rural areas, and even some 20 urban areas, the cost of housing or availability 21 just isn't there. In some of the rural areas, 22 there's no housing within 50 miles of some of these 23 rural schools. And charters in these rural areas 24 may be in the same situation. So there is funding 25 available. Matches from the school district have to</p> | <p style="text-align: right;">236</p> <p>1 people living in the community. 2 One other thing I just saw in the news, 3 there's an entrepreneur down in Roswell, I think it 4 is. They're launching blimps. They just did a test 5 the other day, a 24-hour test. They're looking at 6 putting up five around New Mexico. New Mexico is 7 their headquarters, and this is what they're looking 8 at. 9 Five of these blimps put up. They would 10 stay up 24/7. That would provide virtually 11 100 percent broadband coverage to the entire state. 12 They would also be able to do atmospheric testing 13 and things like that separate from what the schools 14 need. 15 There's a real opportunity there also. 16 Stay aware of the broadband needs that our charters 17 have, but also encourage them, if you're talking 18 with them, to participate in the E-Rate program, 19 which is a federal program that will pay up to 20 90 percent of the costs for eligible Internet costs, 21 thanks. 22 THE CHAIR: Thank you, Commissioner 23 Robbins. 24 Next is NMPSIA. Commissioner Manis. 25 COMMISSIONER MANIS: Hi, there. The only</p> |
| <p style="text-align: right;">235</p> <p>1 be there for teacher housing. There is a huge -- 2 like I said, a huge demand. Applications will be 3 probably available later this year. 4 The last thing I wanted to touch on is the 5 school-based education network. 6 This is the broadband network that the 7 PSCOC is starting to develop. They're working on 8 the contract with the vendor. Charters are -- I 9 would encourage them to participate. 10 The first-year costs would be fully 11 covered, and possibly the second-year costs. So if 12 they're paying a broadband provider, they could 13 eliminate that cost. 14 E-Rate would still be available in future 15 years. 16 The Legislature approved up to \$10 million 17 a year for the PSCOC to put into broadband. And 18 right now, we're just hitting a fraction of that. 19 We're hitting less than 25 percent of that, roughly. 20 So there's a lot more available, where, 21 really, the PSCOC could virtually cover most, if not 22 all, the cost for broadband access to schools. And 23 that would then -- the schools in all areas of the 24 state would have access. And then connecting to 25 those schools would be much easier for houses and</p> | <p style="text-align: right;">237</p> <p>1 update I have is that we have recently had some 2 leadership change. And NMPSIA, our interim 3 executive director, he is leaving to take another 4 position elsewhere. And one of our internal -- we 5 did an internal appointment to executive director. 6 So that is the -- the biggest update that 7 I have. 8 We're going to be having our annual 9 retreat in July in Ruidoso. So I'm planning to 10 attend that, whether virtually, in person, I'm not 11 sure how that will conflict, as we have the 12 community input hearings scheduled for that same 13 time. 14 So that is all for now. Thank you. 15 THE CHAIR: Thanks, Commissioner Manis. 16 And New Mexico School Boards Association. 17 Commissioner Carrillo. 18 COMMISSIONER CARRILLO: I -- Joe Guillen 19 and I are going to be meeting next week or the week 20 following to discuss why the heck we have this 21 position and what's the point, because, given the 22 last meeting of theirs that I attended and the way 23 that we were summarily dismissed by everyone going 24 off the Zoom call when I started, my feeling is, 25 well, screw all of them if they don't want to hear</p> |

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| 238 | <p>1 from us.</p> <p>2 So I want to meet with Joe, and I want to</p> <p>3 find out, "Joe, what do you need from us? What do</p> <p>4 we need from you? How can we make the relationship</p> <p>5 work?"</p> <p>6 But let's forget it, man. It's just a</p> <p>7 waste of time, and we'll do something else. There's</p> <p>8 just no point to liaise when there's nothing to</p> <p>9 liaise and if the other party doesn't want to bring</p> <p>10 anything to the table.</p> <p>11 So I look forward to meeting with Joe to</p> <p>12 move forward in one direction or another. That's</p> <p>13 that.</p> <p>14 THE CHAIR: All right. Thanks,</p> <p>15 Commissioner Carrillo.</p> <p>16 And last is the State Library Commission.</p> <p>17 Commissioner Taylor.</p> <p>18 COMMISSIONER TAYLOR: I have no report.</p> <p>19 We have not met yet. So made initial contact and</p> <p>20 haven't heard back yet; so...</p> <p>21 THE CHAIR: Sounds good.</p> <p>22 All right. That goes to Item 12, Report</p> <p>23 from the Chair. I'm about to sneeze. Sorry.</p> <p>24 Okay. The -- the only thing I have to</p> <p>25 tell you that is new from yesterday to today is the</p> | 240 | <p>1 are unable to attend both, you read the transcript.</p> <p>2 The other thing -- oh. There was -- we do</p> <p>3 have -- I was able to go to the Charter conference</p> <p>4 in person at Tierra Adentro. And it was awesome to</p> <p>5 see the flamenco dancers. It's so cool to see</p> <p>6 high-schoolers already just expressing themselves</p> <p>7 through something they love so much. And that</p> <p>8 they're doing it as part of their school is awesome.</p> <p>9 But I was able to meet some of those</p> <p>10 new -- some of -- I was able to meet a lot of the</p> <p>11 CSD folks that I hadn't ever met. I see them in the</p> <p>12 Attendees all the time. I see these names over here</p> <p>13 or I've worked with -- for example, Sam, I've seen</p> <p>14 her. But I actually got to meet her. So it was</p> <p>15 really wonderful to see all the CSD team there.</p> <p>16 And I did want to say, I know, while</p> <p>17 Director Chavez was doing her report, Louie was not</p> <p>18 in the audience, and now he is.</p> <p>19 So I know I have -- once again, I had the</p> <p>20 privilege of being able to see him in person at the</p> <p>21 Charter School conference. But I'm hoping I can at</p> <p>22 least pull him over so you all can see his face, and</p> <p>23 he can say hi to everyone right now, if that's okay,</p> <p>24 Director Chavez.</p> <p>25 So, Louie -- like you all know, I worked</p> |
| 239 | <p>1 community input hearing. The CSD team was able to</p> <p>2 take our -- take our conversation from yesterday,</p> <p>3 and they did take a look at -- so, the facilities</p> <p>4 and listen to us about the timing being later in the</p> <p>5 day, so that community people actually could come</p> <p>6 and not miss work.</p> <p>7 So they were able to get New Mexico</p> <p>8 Highlands-Rio Rancho from 4:00 to 6:00 on July 19th.</p> <p>9 That is that Tuesday.</p> <p>10 So if you have a serious opposition to it,</p> <p>11 please e-mail Director Chavez, and we will take a</p> <p>12 look. And if the majority of Commissioners are</p> <p>13 unable to make that work, either virtually or in</p> <p>14 person, then we can take a look at it.</p> <p>15 But Director Chavez does want to go ahead</p> <p>16 and confirm that as quickly as possible so that the</p> <p>17 school is aware and that we can sign that contract</p> <p>18 for that facility.</p> <p>19 So if you all could do that by Monday</p> <p>20 morning. So if you have -- today would be best. If</p> <p>21 you could just send her an e-mail right away. But</p> <p>22 if not, Monday by the end of the day, send something</p> <p>23 if you -- if it's just an absolute impossibility for</p> <p>24 you to attend either virtually or in person.</p> <p>25 And also there's always the option, if you</p> | 241 | <p>1 at the PED. And Louie was always known as just an</p> <p>2 outstanding federal programs grant manager, like,</p> <p>3 just outstanding -- like, well-known across the PED.</p> <p>4 So when I heard that Louie Torrez was</p> <p>5 coming to CSD to be the Charter Schools Program</p> <p>6 Grant Manager, I was so happy.</p> <p>7 I was, like, what a wealth of knowledge to</p> <p>8 get over to CSD.</p> <p>9 And I don't know, Louie, how much you're</p> <p>10 okay with me telling people. He said he's been</p> <p>11 trying to get over to Charter Schools for years. He</p> <p>12 is finally so happy to have gotten in. It's a match</p> <p>13 made in heaven, as far as I'm concerned.</p> <p>14 Hi, Louie. Do you want to introduce</p> <p>15 yourselves to the Commission?</p> <p>16 MR. LOUIE TORREZ: Yes. And thank you for</p> <p>17 those kind words.</p> <p>18 Hello, everyone. My name is Louie Torrez.</p> <p>19 I have been with PED for ten years, just past that</p> <p>20 ten-year mark this past month. Before that, I was</p> <p>21 eight years at a charter school. I was eight years</p> <p>22 at Walatowa High School in Jemez Pueblo.</p> <p>23 I have quite a bit of experience in</p> <p>24 charters. My youngest son attended -- attended and</p> <p>25 graduated Amy Biehl High School. So I sort of know</p> |

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| <p style="text-align: right;">242</p> <p>1 charter schools from all different angles, from 2 being at PED or working at a charter or being a 3 parent of a charter school student. I think it's a 4 really, really great option that our students have 5 in our state. 6 THE CHAIR: Thank you so much, Louie. 7 We're really excited to have you. We're also so 8 happy -- I'm going to speak on behalf of the 9 Commission, Corina. 10 We're so happy that staff is bulking up. 11 Not just Louie's muscles, but just, like, we need to 12 have more and more people. Like, we're going to 13 keep getting more and more. That's what we want. 14 So really happy to see you. Welcome, Louie. We're 15 happy to have you over here. 16 MR. LOUIE TORREZ: Thank you. 17 THE CHAIR: The other thing I want to make 18 sure Commissioners know about and have on your 19 radar, first of all, I just wanted to say Vice Chair 20 Voigt, Director Chavez, and a lot of the CSD team 21 and myself -- and, actually, Melissa Armijo is 22 already on her way out to D.C. We're all going to 23 the Charter Schools conference. So we'll be excited 24 to report back to you some of the things we learn 25 there over the course of those days.</p> | <p style="text-align: right;">244</p> <p>1 any Commissioners would like to speak, raise your 2 little digital hand, and I will call on you. 3 Commissioner Davis. 4 COMMISSIONER DAVIS: Hi. So I want to 5 thank Director Chavez. I had some friends here that 6 were having trouble renewing their teaching 7 certificate, and they were struggling with the PED 8 website. And people weren't returning their phone 9 calls. 10 So I asked her if she had any suggestions. 11 And she took time out of her day. It wasn't her 12 job, but she did respond quickly with links and 13 phone numbers, and it was successful. So thank you 14 so much for your help. 15 THE CHAIR: Commissioner Robbins. 16 COMMISSIONER ROBBINS: I want to thank all 17 of the Commission -- Commission members yesterday, 18 and Director Chavez, when we were discussing the MOU 19 and changes to that with regard to the budget and 20 ensuring that charters get to keep as much of their 21 SEG as possible. 22 You know, if we can give back \$1 and a 23 half million or \$2 million of what is basically 24 taken from them, that is a huge benefit to these 25 schools.</p> |
| <p style="text-align: right;">243</p> <p>1 Really excited to go to my first one. I 2 know Glenna has been there before. And she's, like, 3 "It's great, you're going to love it." So I'm 4 excited to go. We can't wait to report that back 5 out to you. 6 I just wanted to put on your radar that 7 the NACSA conference is coming up in October, which 8 I know it sounds like it's far away, but it's not. 9 So I think it's a really great opportunity for the 10 folks who have been there, and for all of us who 11 have never, to get -- you know, for all of us who 12 are new, it would be our first time really getting 13 into the authorizing world and experiencing it from 14 the national level. 15 So just want to throw that out there to 16 you all while looking to October and the NACSA 17 conference. We already did tell Ms. Barnes about it 18 as well, because we think that would be a good one 19 for her to go to. 20 All right. That's all I have for Report 21 from the Chair. 22 Matt Pahl let me know that he's traveling 23 today as well, so he's not here. And I don't see 24 Mike Ogas. 25 So that takes us to PEC Comments. So if</p> | <p style="text-align: right;">245</p> <p>1 And some of these schools, as you probably 2 know, are dipping into their SEG to pay for their 3 leases. And that would help alleviate some of that 4 burden. 5 I want to thank you all for that. 6 Director Chavez, I appreciate your support, and I 7 hope we can get PED to review, and I pray that they 8 will approve the MOA and the 15 percent limit. 9 I think it's reasonable. And it actually 10 is somewhat generous, you know, because we're saying 11 15 percent of the 2 percent, not 15 percent of what 12 we actually budget. 13 So it is -- I think gives them a direction 14 to head, and I hope we can get that implemented and 15 put into effect, and also to get the reporting that 16 Director Chavez has indicated the desire and 17 willingness to try to ensure that this Commission 18 gets regular and more timely reporting on the 19 spending of the -- of the funds, not just PEC 20 spending, but CSD and PED in total, so we can kind 21 of see -- then we can report to the charters, "This 22 is where some of your money is going and what it 23 supports." 24 So thank you very much. 25 THE CHAIR: Commissioner Chavez.</p> |

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1 COMMISSIONER CHAVEZ: I just want to echo
2 what Chair Burt has already said. And that is wow,
3 what a home run, Director Chavez, you had with Louie
4 Torrez coming over and working with you.

5 And I've had the pleasure of working with
6 Louie when he was over at the Federal Programs,
7 Title I, specifically, and also Migrant. And when
8 he made the announcement to the Migrant directors a
9 couple of weeks back, it was bittersweet, because
10 Louie, who, when I came on board and started working
11 with Louie, he was -- he oversaw the Migrant
12 program, and such a great program that we have in
13 the state, great group of people.

14 But then he left for a little bit when
15 reorganization happened. And then he came back to
16 Migrant for just a short time, just long enough for
17 him to say, "Hey, I'm going over to Charter
18 Schools."

19 So it was kind of bittersweet for me,
20 because we have such a great relationship in the
21 work that Louie did in Migrant and Title 1.

22 But it's also refreshing to know that he's
23 moving on over to Charter Schools and working with
24 you all and Director Chavez.

25 And I just have to echo what Chair Burt

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1 they choose to put my phone number and my e-mail
2 address on the envelope.

3 So, you know, just -- just putting it out
4 there.

5 So, you know, we take complaints
6 seriously. And we honor people's anonymity as much
7 as we can. But there has to -- you know, I'm just
8 going to put it out there. So thanks.

9 THE CHAIR: Thanks. Commissioner
10 Carrillo.

11 COMMISSIONER CARRILLO: Thank you. So I
12 kind of have a policy when things are anonymous.
13 They go instantly into the trash. If someone can't
14 say who they are, and they don't want to give me an
15 address or anything for me to be able to respond or
16 anything, it couldn't have been that important, so
17 it goes right in the garbage.

18 A couple of things. First is we all
19 remember what happened on May 24th; right? Nineteen
20 little kids and two adults were murdered in Uvalde.
21 So there's -- you know, even though Congress can do
22 whatever it wants, there are things that school
23 boards are thinking of.

24 And, essentially, I think of -- I think of
25 us as the state school board for all of our

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1 has said, is, you know, just the capacity of your
2 Department is -- it's really great to see that --
3 just like I mentioned previously with the previous
4 charter school, it's nice to see that you've got a
5 strong leadership team that you're building.

6 And so congratulations to you.
7 Congratulations, Louie. I look forward to working
8 with you.

9 THE CHAIR: Commissioner Gipson.

10 COMMISSIONER GIPSON: Thanks. Just real
11 quick. I wanted to actually congratulate
12 Superintendent Chavez for that Kellogg Grant that
13 you got. That really looks exciting, a partnership
14 with the community. So I'll be interested to see
15 how that is.

16 And I know that was a long-term project to
17 get that. So congratulations on that.

18 On a less positive note -- this is going
19 to fall on deaf ears -- I've been sort of inundated
20 with complaint letters, more than a handful of them,
21 from "Anonymous." And I'm sure some Commissioners
22 have received them.

23 I just want to say, you know, anonymous
24 complaints only go so far. And it's not very. And
25 ironic that whoever it is wants to be anonymous, but

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1 authorized charters. And there are some
2 districts -- and the number is growing, and if I was
3 at Santa Fe, I would be pushing for this -- that are
4 going to be asking that their schools don't open in
5 August until there is a security plan in place from
6 Congress and otherwise, that if we can't keep our
7 kids safe, then why should we send them off to be
8 slaughtered.

9 That's what it is. They're just sitting
10 ducks in a classroom being gunned down.

11 So we don't need to do anything now.
12 Could be an agenda item later, something to think
13 about, how can we be pivotal in making our kids
14 safer.

15 No, it's not, as somebody wrote, putting
16 razor wire around the property. That's just stupid.
17 And I know that Ms. Voigt hates when I use that
18 word. But in the words of Mama Gump to Forrest,
19 "Stupid is as stupid does."

20 So it's something that we really should be
21 looking at, because it's gotten -- we always say
22 it's gotten to the point where we need to do
23 something. But certainly having all the kids at
24 Sandy Hook, even littler kids murdered didn't compel
25 this country to do a darn thing.

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1 This is going to happen locally and by
 2 states. So something we maybe should put on our
 3 agenda. And being New Mexico, we can pilot things,
 4 because we're smaller, and that's really great.
 5 And then what this also relates to is, as
 6 a Commission, is to whether or not we want to
 7 require -- and, obviously, the State would have to
 8 pay for it -- systems like Raptor and -- I can't
 9 remember the -- well, there's two systems. One has
 10 to do with ID.
 11 So when you're going onto a property, you
 12 give them your ID. And what they do -- your
 13 driver's license -- we have this in Santa Fe, both
 14 Raptor and this. It does a quick scan of your
 15 license and everything, and it lets the school know
 16 if there's any restraining orders, or if there are
 17 any challenges with your ID, if there's any --
 18 what's it called? -- predator? If you're on any
 19 sort of a list, it immediately notifies a school, so
 20 that the wrong people -- or the wrong parent who
 21 might be trying to take a kid -- is not allowed on
 22 the property.
 23 The system that works on the door is on
 24 the inside where the doors open in, on the inside,
 25 and it clamps down into the concrete of the

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1 classroom. And there's no way to penetrate that
 2 door, unless they had a bazooka or something.
 3 These are things we may want to consider.
 4 Because if we can't keep our kids safe, in addition
 5 to making sure they can read and write and do basic
 6 math, then, I believe we're shirking our duties.
 7 Let's maybe give that some thought, and maybe I'll
 8 have something concrete to bring to you a month from
 9 now.
 10 And that's -- that's it for now. Thank
 11 you very much. It's been a productive two days.
 12 THE CHAIR: All right. That being said,
 13 I'm at No. 14. I move to adjourn.
 14 COMMISSIONER VOIGT: Second.
 15 THE CHAIR: No one jumped on that?
 16 There's a motion and a second.
 17 Vice Chair Voigt, if you could call roll,
 18 please.
 19 COMMISSIONER VOIGT: Okay. I vote yes.
 20 Commissioner Taylor.
 21 COMMISSIONER TAYLOR: Yes.
 22 COMMISSIONER VOIGT: Commissioner Robbins.
 23 COMMISSIONER ROBBINS: Yes.
 24 COMMISSIONER VOIGT: Commissioner Manis.
 25 COMMISSIONER MANIS: Yes.

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1 COMMISSIONER VOIGT: Commissioner Gipson.
 2 COMMISSIONER GIPSON: Yes.
 3 COMMISSIONER VOIGT: Commissioner Davis.
 4 COMMISSIONER DAVIS: Yes.
 5 COMMISSIONER VOIGT: Commissioner Chavez.
 6 COMMISSIONER CHAVEZ: Yes.
 7 COMMISSIONER VOIGT: Commissioner
 8 Carrillo.
 9 COMMISSIONER CARRILLO: So you know,
 10 technically, there's no provision that says we have
 11 to make a motion for adjournment. But I'll vote
 12 yes.
 13 COMMISSIONER VOIGT: Commissioner Burt.
 14 THE CHAIR: Yes. But because we're
 15 virtual, we do have to.
 16 COMMISSIONER GIPSON: Yeah.
 17 COMMISSIONER VOIGT: And Commissioner
 18 Armijo is not here. So that motion passes
 19 unanimously, nine to zip.
 20 THE CHAIR: All right. Thank you, all.
 21 See you next month.
 22 (Proceedings adjourned at 2:49 p.m.)
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Cynthia Chapman

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