

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

August 19, 2022

9:00 a.m.

Via Zoom Webinar

and

Ruidoso Convention Center

111 Sierra Blanca Drive

Ruidoso, New Mexico 88345

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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 MELISSA ARMIJO, Secretary</p> <p>6 STEVEN CARRILLO, 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 MISSY BROWN Technical Assistance and Support and</p> <p>20 Training Administrator</p> <p>21 Charter School/Options for</p> <p>22 Parents and Families Division</p> <p>23 BEVERLY FRIEDMAN, Custodian of Record</p> <p>24 Liaison to PEC</p> <p>25</p> <p>COUNSEL TO THE PEC:</p> <p>JULIA HOSFORD BARNES, ESQ.</p> <p>Barnes Mediation and Law, PC</p> <p>200 W. DeVargas Street, Suite 7</p> <p>Santa Fe, New Mexico 87501</p>	4
3	<p>1 INDEX TO PROCEEDINGS</p> <p>2 PAGE</p> <p>3 1 Call to Order, Roll Call, 5</p> <p>4 Pledge of Allegiance, and Salute</p> <p>5 to the New Mexico Flag</p> <p>6 2 Approval of Agenda 6</p> <p>7 3 Open Forum 7</p> <p>8 4 Consent Agenda 29</p> <p>9 5 Discussion and Possible Action on 31</p> <p>10 Item(s) Removed from the Consent Agenda</p> <p>11 6 Meet the New Head Administrators 57</p> <p>12 7 Discussion and Possible Action on 64</p> <p>13 Albuquerque Sign Language Academy Amendment</p> <p>14 8 Discussion and Possible Action to Approve, 80</p> <p>15 Deny or Approve with Conditions the</p> <p>16 New School Application for</p> <p>17 Explore Academy-Rio Rancho</p> <p>18 9 Discussion and Possible Action to Place 146</p> <p>19 La Tierra Montessori School for the Arts and</p> <p>20 Sciences on the Intervention Ladder</p> <p>21 10 Discussion and Possible Action on Budget 199</p> <p>22 for the PEC for FY 2023</p> <p>23 11 Discussion of Change in Rules of 211</p> <p>24 Procedure for New Business Topics</p> <p>25 12 Report from Charter Schools Division 221</p> <p>13 Reports from PEC Liaisons 216</p> <p>14 Report from the Chair 214</p> <p>15 PEC Comments 224</p> <p>16 Discussion of New Business Topics for 225</p> <p>the Next Agenda</p>	5
4	<p>1 INDEX TO PROCEEDINGS, Continued</p> <p>2 PAGE</p> <p>3 17 Adjourn 226</p> <p>4 REPORTER'S CERTIFICATE 228</p> <p>5 ATTACHMENTS:</p> <p>6 1 List of Attendees</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</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>	5

6

1 have nine. We have a quorum.
 2 THE CHAIR: Thank you. If you could ask
 3 Commissioner Manis to lead us in the Pledge of
 4 Allegiance and Commissioner Carrillo to lead us in
 5 the Salute to the New Mexico Flag.
 6 (Pledge of Allegiance and Salute to the
 7 New Mexico Flag Conducted.)
 8 THE CHAIR: All right. Thank you. I do
 9 want to say this morning that our meeting today is
 10 being transcribed. There will be a recording of
 11 this meeting that we will provide to our transcriber
 12 just to ensure that -- just in case the sound does
 13 get awkward today. She will be able to review that
 14 and ensure that the transcription will be the
 15 official meeting record and will be accurate. So
 16 just want to make sure everyone knows that if there
 17 are any sound difficulties at any time.
 18 All right. The next item is Approval of
 19 the Agenda, and I will move to approve the agenda
 20 today.
 21 COMMISSIONER VOIGT: Second.
 22 THE CHAIR: Thank you. There is a motion
 23 from Chair Burt and a second from Vice Chair Voigt.
 24 Any comments from Commissioners?
 25 (No response.)

7

1 THE CHAIR: All right. Hearing none,
 2 Secretary Armijo, if you could call roll.
 3 COMMISSIONER ARMIJO: Commissioner
 4 Carrillo.
 5 COMMISSIONER CARRILLO: Yes.
 6 COMMISSIONER ARMIJO: Commissioner Davis.
 7 COMMISSIONER DAVIS: Yes.
 8 COMMISSIONER ARMIJO: Commissioner Gipson.
 9 COMMISSIONER GIPSON: Yes.
 10 COMMISSIONER ARMIJO: Commissioner Manis.
 11 COMMISSIONER MANIS: Yes.
 12 COMMISSIONER ARMIJO: Commissioner
 13 Robbins.
 14 COMMISSIONER ROBBINS: Yes.
 15 COMMISSIONER ARMIJO: Commissioner Taylor.
 16 COMMISSIONER TAYLOR: Yes.
 17 COMMISSIONER ARMIJO: Vice Chair Voigt.
 18 COMMISSIONER VOIGT: Yes.
 19 COMMISSIONER ARMIJO: Secretary Armijo
 20 votes yes.
 21 And Chair Burt.
 22 THE CHAIR: Yes.
 23 COMMISSIONER ARMIJO: The motion passes,
 24 nine to zero.
 25 THE CHAIR: Thank you. The next item on

8

1 our agenda is Open Forum. I believe we have six or
 2 seven folks signed in to speak. So I will ask --
 3 Missy will be helping us move folks over to the
 4 panel. When you are moved to the panel, you just
 5 have to accept the invitation to be allowed to
 6 speak, and then I -- if you can keep your comments
 7 to two to three minutes, we would appreciate that,
 8 but we will go ahead and start with Open Forum.
 9 If there is an item on the agenda,
 10 specifically, the Explore Academy-Rio Rancho, that
 11 you would like to be commenting on, we can't take it
 12 now at this time. We will also allow public comment
 13 at the item as well. So there is that opportunity.
 14 And you can specify that when we pull you over. If
 15 you'd like to speak about the item, you can do that
 16 instead, or both.
 17 MS. MELISSA BROWN: Okay, Chair. Our
 18 first speaker is Micayle Petersen.
 19 THE CHAIR: All right. And if you can --
 20 be sure you introduce yourself if you're in person.
 21 Please limit your comments to two minutes.
 22 FROM THE PUBLIC: Okay. Can you hear me
 23 now?
 24 THE CHAIR: Yes, we can hear you.
 25 FROM THE FLOOR: Okay. Great. Okay. So

9

1 I have been able to speak with several of you over
 2 the past couple of weeks about my concerns.
 3 THE CHAIR: Would you please start by
 4 telling us your first and last name (inaudible)?
 5 FROM THE PUBIC: Yes. Yes. My name is
 6 Micayle Petersen, and I'm a parent at EVCA. My
 7 concerns are mostly with taking away local control
 8 from school boards, communities, and families in
 9 New Mexico, especially where the Equity Council is
 10 concerned.
 11 And my main issue with the Equity
 12 Council -- and a lot of our educator trainings that
 13 are coming forward -- the biggest concern I have
 14 found is the problematic nature of the racially
 15 divisive and anti-American materials that I've seen
 16 inside of a lot of these trainings.
 17 Now, I have been through the canvass
 18 trainings, and there is a lot of concern there. So
 19 I wanted to go over that one really quick.
 20 They say that, you know, racism is
 21 pervasive, it's a public health problem, and it's a
 22 form of violence, and that microaggressions are
 23 racism. And it goes extensively into
 24 microaggressions. And that's concerning, because
 25 even the example they use of microaggressions is an

<p style="text-align: right;">10</p> <p>1 example of mispronouncing someone's name, asking 2 them where they are from, and giving them an 3 unwanted compliment. 4 That can be extremely problematic, 5 especially when, in the same training, it says that 6 school employees must address this racism in order 7 to protect a student's health and safety. 8 They have to interrupt these acts of 9 racism, these microaggressions, and if they don't, 10 they're complicit in the racist act. 11 So we're using racism very undefined, and 12 it could be extremely problematic, especially if 13 it's made into statute of more trainings through the 14 Equity Councils. 15 Another training that I was presented with 16 and was able to attend was the Meeting the Moment, a 17 Bridge to Equity training on June 28th -- or 27th 18 and 28th. And it was full of distortions of history 19 and the Constitution. 20 The presenter, they were a company called 21 "A Long Talk." And the PED paid this company and 22 the BEA and Identity, Equity, and Transformation 23 Division, they paid over \$110,000 to teach us these 24 things, and it was very anti-American. It was 25 based -- they said -- well, I'll just read you a few</p>	<p style="text-align: right;">12</p> <p>1 generations to come. 2 So they used White Supremacy very freely 3 and loosely defined. 4 And he said, "It's not about politics." 5 He said, "Both parties have been terrible 6 to Black people for a long time. History has taught 7 us that we've always had two main political parties 8 one whose main job is to maintain the status quo of 9 White Supremacy, and the other party whose job is to 10 compromise with them to make it more palatable for 11 the rest of us." So just a very anti-American 12 rhetoric. 13 I don't feel like any of that is true, and 14 they definitely shouldn't be allowing -- we 15 shouldn't be allowing the PED to educate our 16 educators in this manner. 17 And then, also, my other issue -- I know 18 the history curriculum has changed, and they sent 19 out recommended books to help and assist with the 20 implementation of that curriculum. 21 And one of those books was by Ibram X. 22 Kendi, who is also quite the, I would say, 23 controversial individual. And his ideas aren't -- 24 aren't what we should be pushing through our history 25 curriculum, especially what he has put forward, that</p>
<p style="text-align: right;">11</p> <p>1 quotes. 2 It says, "We hold these truths to be 3 self-evident, that all men are created equal." And 4 he stops, and he says, "Except that's not true. 5 It's only White men who are created equal," and that 6 no one else was ever meant to be included in the 7 Constitution, implying that we need to tear the 8 Constitution down. 9 He said that 100 percent of America was 10 birthed in White Supremacy, and it still is. They 11 spoke extensively about BLM violence and why that 12 was okay, and then also demonized participants in 13 January 6 and slurred them as White Supremacists for 14 just attending. 15 They say White Supremacy is just white 16 power, White people in power. The education system 17 in New Mexico is an indoctrination into that system 18 of White Supremacy. 19 They said that anyone who is anti-CRT says 20 they don't want their kids to be made to feel guilty 21 or ashamed, but that that's a lie. The emotion that 22 they are afraid of is empathy. They don't want 23 little White children to become empathetic to the 24 plight of others, to focus, to listen, to learn, 25 because they might do something about it in</p>	<p style="text-align: right;">13</p> <p>1 the only way to fix the original sin of racism is 2 that we should pass an anti-racist amendment to the 3 Constitution and create a department of anti-racism. 4 And he says that that would establish and 5 permanently (inaudible) them, this Department of 6 Anti-Racism. 7 THE CHAIR: (Inaudible.) 8 FROM THE PUBLIC: What? 9 THE CHAIR: (Inaudible.) If you can wrap 10 up your comments now. 11 FROM THE PUBLIC: Yes, of course. But he 12 says that the Department of Anti-Racism would be 13 responsible for preclearing all local, state, and 14 federal, and public policies to ensure that they 15 won't yield racial inequity. And they would monitor 16 these policies, and when racial inequity surfaced 17 and monitor, they would monitor public officials for 18 expressions of racist ideas. 19 So I don't believe that these are American 20 ideas. I don't believe that these are values that 21 we, as New Mexico parents and educators, should be 22 espousing. Thank you so much. 23 THE CHAIR: Thank you. 24 MS. MELISSA BROWN: Our next speaker is 25 Casey Petersen.</p>

<p style="text-align: right;">14</p> <p>1 THE CHAIR: Good morning. 2 FROM THE PUBIC: All right. Can you hear 3 me there? 4 THE CHAIR: Introduce yourself. 5 FROM THE PUBIC: All right. Can everyone 6 hear me? 7 THE CHAIR: We can hear you. (Inaudible.) 8 FROM THE PUBIC: Awesome. Okay. Will do. 9 I just want to reiterate some of those things, 10 because I am also on the Equity Council. And the 11 core of these documents that form the Equity 12 Councils, if you guys actually get a chance to you 13 actually dig into those, the core of these documents 14 is rooted in these ideas, these divisive concepts 15 pitting America as two groups, saying we have 16 oppressors and oppressed and this whole ideology -- 17 this is just a very small -- that was just a very 18 small number of the quotes overall that come out of 19 these documents and these trainings. 20 And that training that we attended, they 21 spent -- that speaker that spoke to us, we spent 22 \$50,000. And that was just a small number of the 23 ideas that he was injecting into here. And they 24 consistently talked about how can we -- how can we 25 inject equity and these Critical Race Theory ideas?</p>	<p style="text-align: right;">16</p> <p>1 schools are ignoring those aspects of it. 2 But if these councils were founded on like 3 the Hitlerian Council of Aryan Children, they would 4 have no place in our schools at all. If 5 98 percent -- 99 percent of them was good, but there 6 was only 1 percent that was a little bit of those 7 divisive, racist, White Supremacist concepts, we 8 would not tolerate it for a second. 9 And we should not tolerate this. When we 10 are dividing kids up based along racial lines, based 11 upon their immutable characteristics, it is never 12 okay. And this is just a small number of the quotes 13 and resources. 14 And we're willing to get in touch with 15 anybody that wants more resources and proof of all 16 of this that we've been discussing here. 17 This is, again, a tiny amount of this. 18 But this -- these organizations are absolutely 19 founded on these divisive concepts and ideas. And 20 we should not be dividing our children up based on 21 their immutable characteristics and telling them 22 that they are either an oppressor or they are a 23 victim. 24 That is not a recipe for success. We are 25 50th in the nation in education for a reason. We</p>
<p style="text-align: right;">15</p> <p>1 And they used those words, which was concerning to 2 me. But they said, "The most important thing for 3 people..." -- when they were talking to us, they 4 said, "You need to make sure you don't use that 5 verbiage." 6 So they were talking about how to get this 7 into your school, but not being transparent with it. 8 And I feel like anything that you have to 9 do with children and you're not 100 percent 10 transparent, it is -- that is the complete wrong 11 path that we need to have and the wrong idea we need 12 to have. Anybody that's trying to do that inside of 13 our schools, we need to be fighting against that. 14 We should be 100 percent transparent. 15 And they were trying to inject these 16 divisive concepts and not being straightforward with 17 them and telling how Equity Councils are the hub of 18 this. All of this, it starts at these Equity 19 Councils. 20 And I like to relate this, saying that, 21 yes, there's a lot of good that Equity Councils do, 22 and we should not throw those parts out. It is just 23 the very small amounts of this that are at the root 24 of it, at the core of it that they're pushing much 25 harder in some schools than others, and other</p>	<p style="text-align: right;">17</p> <p>1 are dead last for a reason. 2 Thank you for your time and consideration. 3 THE CHAIR: Thank you, Mr. Petersen. 4 MS. MELISSA BROWN: Next on our list is 5 Prairie Boulmier. I will move you to the panel. I 6 apologize if I mispronounced your name. And please 7 spell your name for the transcriptionist. 8 FROM THE PUBLIC: All right. Can you hear 9 me? My name is Prairie Boulmier. Yes, you 10 pronounced it just fine. 11 And let's see. I'm -- I wrote out some 12 comments, and I'd just like to read them and see 13 where that gets me, okay? 14 Yeah. All right. Thanks. 15 Okay. Good morning, members of the Public 16 Education Commission. Thank you for taking my 17 comments. 18 My name is Prairie Boulmier. And 17 years 19 ago in 2005, I began the work towards realizing the 20 charter of what became La Tierra Montessori School 21 of the Arts and Sciences. 22 I sat at the back of the room at the 23 trainings offered by the PEC Charter Schools 24 Division for five years, bringing my baby, and then 25 toddler, with me, asking questions, taking notes,</p>

18	<p>1 scraping together my own funds to visit many other 2 charter schools and Montessori schools, reading 3 countless other charters, and preparing my Master's 4 degree thesis, of which the design of La Tierra was 5 a big part.</p> <p>6 Finally, in 2011 and 2012, two big things 7 happened for me. La Tierra was granted its charter 8 by the New Mexico PEC, and I received an award from 9 the American Montessori Society for their Master's 10 thesis of the year, which included a trip to speak 11 at their annual conference in Orlando, Florida.</p> <p>12 That, for me, led in two different 13 directions. La Tierra, at that time, hired an 14 administrator who decided to reallocate many of the 15 Montessori-focused budget items and plans that were 16 built into the charter. As the -- as the secretary 17 of the board and not an employee, as a founder, I 18 realized that what Sam Obenshain had been telling me 19 for years, to be ready to kiss it goodbye, was true.</p> <p>20 And in the ten years intervening, I have 21 gone on to run a Montessori elementary program, to 22 train Montessori teachers, and to head the 23 Montessori department of a very large Montessori 24 education group with 52 campuses in 14 cities and 25 10,000 students.</p>	20	<p>1 I couldn't see the clock.</p> <p>2 THE CHAIR: That's okay, Prairie. Thank 3 you for (inaudible).</p> <p>4 FROM THE PUBLIC: Thanks. Thank you.</p> <p>5 THE CHAIR: Commissioner Robbins, do you 6 have a technical (inaudible)?</p> <p>7 COMMISSIONER ROBBINS: Yes. If people do 8 not have the microphone close to them -- some of 9 those microphones, you have to be within inches of 10 the microphone. Otherwise, it sounds like you're in 11 a canyon far away. We cannot hear you if you are 12 not directly speaking into the microphone. And you 13 have to be, like, inches away from it. Those type 14 of microphones are not omnidirectional. You have to 15 have it close to your mouth.</p> <p>16 THE CHAIR: All right. Thanks. It also 17 sounds like I'm speaking into it and people still 18 cannot hear me. Everyone, please be patient.</p> <p>19 And if Cindy cannot hear someone, then we 20 can have her stop. Cindy, please feel free to 21 interrupt whenever you need to.</p> <p>22 Please be patient, folks. We just, we're 23 in it. I'm -- it'll go much smoother if everyone 24 can be patient. But -- 25 All right. Missy?</p>
19	<p>1 It's with this in mind that I come to you 2 with these comments.</p> <p>3 Time has shown that with La Tierra as -- 4 with many other programs, that in order for 5 Montessori to work, there must be trained, 6 experienced administrators at the highest level of 7 operation, including the board, and, most 8 specifically, the head learner or administrator. 9 The only time in its ten-year history when the 10 school seemed to be on a positive trajectory towards 11 becoming a Montessori school was when the school had 12 a trained Montessorian at the helm.</p> <p>13 Now, once again, La Tierra finds itself in 14 a crisis situation. I was contacted about two 15 months ago by my co-founder, Roger Montoya, and 16 through his proxy and former chief of staff for his 17 campaign and governing board president, Isaac 18 Casados. We entered a discussion.</p> <p>19 COMMISSIONER ARMIJO: Your time is up. 20 MS. MELISSA BROWN: Chair, would you like 21 me to mute people when their time is up? 22 THE CHAIR: (Inaudible.) 23 MS. MELISSA BROWN: Let me unmute her so 24 you can -- 25 FROM THE PUBLIC: Sorry. I was reading.</p>	21	<p>1 MS. MELISSA BROWN: Our next speaker is 2 Angela Feathers.</p> <p>3 FROM THE PUBLIC: Good morning, 4 Commissioners and Charter School Division. A lot 5 has happened since the last time we spoke at the 6 last meeting. At that July meeting, I was painted 7 as a disgruntled employee, among other disparaging 8 things.</p> <p>9 I just want to get this on the record. 10 Last time, I was kind of rattled, so I'm 11 going to try and get it out. 12 My contract was allowed to expire 13 June 30th. I was the former head learner at 14 La Tierra Montessori school. I'm sorry. I forgot 15 to say that.</p> <p>16 Despite the assurances from the board to 17 the contrary, it expired. The school was 18 blindsided; so was I. 19 July 1st, we were left scrambling. 20 Mr. Lang was an assistant administrator. I think 21 it's been said that he was hired in June. His 22 contract for this year was in June. He was 23 actually -- the hiring process began in March for 24 Mr. Lang. 25 He checked with Susan Fox as our attorney</p>

<p style="text-align: right;">22</p> <p>1 at the time. Patty Matthews was on sabbatical. 2 He hired me back as the kinder and mentor 3 teacher to help prepare for the school year '22-'23, 4 as we were now without an administrator and 5 everybody was kind of scrambling. 6 July 22nd, I came to the PEC meeting and 7 spoke out against the actions of this board. I was 8 very fearful. I was very emotional because they 9 were in the room with me, and I feared that I would 10 be retaliated against again for continuing to speak 11 out. 12 Turns out I was right. The following 13 Monday, after the PEC meeting, I reported to school 14 and was met in the parking lot by Mr. Tompson, who 15 fired me for cause. He did not know the cause, but 16 said I would receive a letter, which I did later 17 that evening. 18 July 29th, I contacted Mr. Tompson to 19 arrange a pickup for my things, and he asked me back 20 to the school. He apologized profusely, said that 21 he would protect me, and that I would be treated 22 like gold. Since then, he's lived up to his word. 23 He's been nothing but kind. 24 He apologized for everything, and now I am 25 working as a kindergarten teacher. I do not have</p>	<p style="text-align: right;">24</p> <p>1 The parents were not notified, once again, that the 2 school is in front of the PEC. 3 I'm asking you please to help the school. 4 I'm tired of the board saying they were uninformed. 5 Maybe if you read the minutes -- please read the 6 minutes. Everything was tabled. 7 THE CHAIR: Can you please wrap up now? 8 MS. MELISSA BROWN: Our next speaker is 9 Willie Williams. 10 THE CHAIR: Good morning, Miss Williams. 11 If you can introduce yourself, first and last name, 12 And if you can also see on the screen, Missy is 13 holding a phone with a timer. When you hear the 14 chime, if you can say your last three words at the 15 chime. Thank you. 16 FROM THE PUBIC: Good morning. Good 17 morning. Good morning. Can you hear me? 18 MS. MELISSA BROWN: Yes, we can hear you. 19 FROM THE FLOOR: First of all, I would 20 like to apologize to this Public Education 21 Commission for my advocacy last meeting. I was very 22 rattled. I was hurt. I was upset, and I was 23 humiliated, because we had the board, that board, as 24 of June -- I had told them time and time again the 25 importance of the contract for the head of schools.</p>
<p style="text-align: right;">23</p> <p>1 that mentor status. 2 What I continue to see at La Tierra is 3 absolutely heartbreaking. All of the work that we 4 did is being undone. The school grounds are a mess. 5 Montessori is not being adhered to. 6 There are several core principles for a 7 Montessori school based on three elements: the 8 adult, the environment, and the materials. There is 9 no more three-hour uninterrupted work cycle. There 10 are no three-year cycles for the children. The 11 assistants and the ratios are a mess. The materials 12 and furniture, the prepared environment, it's not 13 happening. 14 The trained adult, no. There's -- 15 professional development the two weeks before school 16 contained very little to no Montessori training 17 whatsoever. And now the Montessori trainings we had 18 scheduled are not happening. 19 THE CHAIR: (Inaudible.) 20 FROM THE PUBLIC: Parents have not been 21 informed of any of this. The annual orientation 22 night was canceled. There is no handbook, no COVID 23 protocols, no schedule, no pickup-dropoff -- 24 THE CHAIR: If we can wrap up now? 25 FROM THE FLOOR: Yes. No -- no bus info.</p>	<p style="text-align: right;">25</p> <p>1 I cried out to people. I sent messages to people. 2 I talked to the attorney. I was told by the 3 attorney to report this to you guys, and I did. 4 On June 27th, three board members came in 5 and changed the whole agenda. The first one took 6 over the meeting, took over the -- the meeting. The 7 second one called for a special meeting. And the 8 third one changed the agenda, and to which nothing 9 that was for the special meeting was done. 10 What I'm asking you guys -- because after 11 the special meeting, they removed me. I have been 12 removed three times. I need to know if I'm a board 13 member. What do I do? Help me, please, so I can 14 get this right. I want the school to function 15 properly, because right now, the school is in -- I 16 don't know what to say. 17 Everything we did that had the school on 18 June 30th -- we renewed that contract July 1st. It 19 didn't have to be Angela. It just had -- they just 20 didn't have a contingency plan. And the school, for 21 three weeks were without a head learner. Now we 22 have an interim. How we got there, I don't know. 23 Let me wrap up my part. I was removed as 24 a board member. I was removed as the president. My 25 name still remains on the agendas. My name still</p>

<p style="text-align: right;">26</p> <p>1 remains on the letter to the PEC. 2 I was told to submit a resignation letter. 3 I was told not to submit a resignation. I was told 4 I sent the correspondence to a staff member. My 5 e-mails have been scrubbed. 6 I have no idea. Please help me. I feel 7 that I have been the victim of racism. I have been 8 humiliated. I would like for my name to be cleared 9 and the parents of La Tierra to be informed of what 10 is going on. 11 Please help me. I sent you all e-mails. 12 So let's sort through those e-mails, because my 13 e-mails have been scrubbed, like I say. I cannot -- 14 I do not know what -- I don't even know. Someone 15 went in there and just scrubbed them. 16 So please help me. I was a president. I 17 don't have to be president. I didn't have to. I am 18 going to be a happily married woman. My fiance says 19 it is consuming our relationship. It is because my 20 name has been tarnished. I was humiliated, all of 21 these wonderful things. All I'm asking is that 22 someone hears my voice, someone helps those children 23 and their families at that school, because it's no 24 longer the plans that we all agreed to. 25 The budget. The budget was agreed to in</p>	<p style="text-align: right;">28</p> <p>1 you to the panel. 2 Okay. Cindy is having a difficult time 3 hearing you, Chair Burt. I don't know how. 4 FROM THE PUBLIC: Pronunciation was 5 correct. I did not sign up for Public Comment. 6 Just here for the Consent Agenda, as needed. 7 MS. MELISSA BROWN: Thank you. I will put 8 you back as an Attendee. 9 And then we have Stewart Ingham. 10 THE CHAIR: Good morning, Mr. Ingham. If 11 you are able to unmute, you need to introduce 12 yourself, first and last name. 13 FROM THE PUBLIC: Can you hear me now? 14 THE CHAIR: Yeah, we can hear you. 15 FROM THE PUBLIC: Thank you very much. I 16 am a -- running for a seat at -- with the -- with 17 you guys to -- for Division -- or District 6. Hope 18 to be joining you in December -- or in January. I 19 did want to have two things that I wanted to say. 20 One, yesterday the audio problems on this 21 meeting are really serious. I spent the whole 22 day -- I set aside the whole day to watch and to 23 listen, and it was exceedingly difficult to listen 24 to the whole thing. I missed much of the meeting, 25 and I was really trying hard to attend.</p>
<p style="text-align: right;">27</p> <p>1 the May meeting. There are line items. And I will 2 wrap up, because you don't have to tell me to wrap 3 up. 4 I hope that you all have received what I'm 5 saying, because I am a confused young woman as to 6 what is my status. I'm included, but excluded. My 7 name is included, but my person and my voice is 8 excluded. 9 I never ever had a chance to talk to the 10 new head learner until Wednesday when I told him my 11 story. So my name was included in his contract. 12 THE CHAIR: Okay, Ms. Williams. 13 FROM THE FLOOR: My name was included in 14 all these things. So please help me figure out 15 where I stand. Please extend my apology, and thank 16 you for all you do. 17 THE CHAIR: Thank you, Ms. Williams. 18 MS. MELISSA BROWN: The next person who 19 signed up for public comment is Sue Cleveland. I'm 20 not sure if you wanted to make public comment or if 21 you want to -- 22 THE CHAIR: (Inaudible.) 23 MS. MELISSA BROWN: Our next speaker is 24 Deron Knoner. I believe that's how it's pronounced. 25 Deron, I'm finding your name, promoting</p>	<p style="text-align: right;">29</p> <p>1 So I really think it's important that you 2 guys get the audio working on these meetings, 3 because they're supposed to be open meetings and 4 they're really hard to deal with. 5 The second thing I wanted to talk about 6 was the Equity Councils. I want to state that I 7 believe that Equity Councils do have a place, and 8 they are a useful tool, but they can be carried to 9 an extreme that is very unprofitable and divisive. 10 And I would agree with Micayle that the issues that 11 they can bring up are -- are significant. 12 So what I would ask is that this would not 13 be a legislative priority, that schools have the 14 ability to establish Equity Councils at their terms, 15 and that it would be left at that local level. 16 That's about all I had to say, and I want 17 to thank you, and I hope to join you soon. Thank 18 you. Bye. 19 THE CHAIR: Thank you. Is there anyone 20 else, Missy? 21 MS. MELISSA BROWN: That is all. 22 THE CHAIR: Okay. Thank you. All right. 23 That will take us to the Consent Agenda. Is there 24 any comment? 25 Commissioner Gipson?</p>

<p style="text-align: right;">30</p> <p>1 COMMISSIONER GIPSON: Yeah. I'd just like 2 a conversation on the Explore-Las Cruces (inaudible) 3 going to (inaudible). 4 COMMISSIONER DAVIS: We can't hear 5 Patricia. 6 THE CHAIR: Item No. 20 will be removed 7 from the Consent Agenda and will be discussed along 8 with No. 5. 9 Is there any other items? 10 (No response.) 11 THE CHAIR: All right. 12 I move that we approve the Consent Agenda 13 with the removal of Item No. 20. 14 COMMISSIONER GIPSON: Second. Second. 15 THE CHAIR: Thank you. There is a motion 16 from Chair Burt and a second by Commissioner Gipson. 17 Any -- if you could call roll. 18 COMMISSIONER ARMIJO: Commissioner Davis. 19 COMMISSIONER DAVIS: Yes. 20 COMMISSIONER ARMIJO: Commissioner Gipson. 21 COMMISSIONER GIPSON: Yes. 22 COMMISSIONER ARMIJO: Commissioner Manis. 23 COMMISSIONER MANIS: Yes. 24 COMMISSIONER ARMIJO: Commissioner 25 Robbins.</p>	<p style="text-align: right;">32</p> <p>1 Ms. Woerner and Ms. Casedy explain. And then we'll 2 do Commissioner comments and questions. 3 DIRECTOR CORINA CHAVEZ: Thank you. 4 Good morning, Commissioners, and those in 5 attendance at the Public Education Commission 6 meeting. 7 The issue that we are discussing is a 8 notification that came to Chair Burt and the Charter 9 Schools Division letting us know that the school has 10 decided to go on remote because the facility that 11 they are moving into for this school year does not 12 yet have E-Occupancy. 13 I believe that your materials have the 14 exact e-mail we received from Karen Woerner, who 15 represents the Explore Network. 16 I thought that it would be a stand-alone 17 item, and I asked for Explore to come before the 18 PEC, because my understanding of going remote, 19 although schools became really proficient at moving 20 in and out of remote status during COVID last school 21 year, there was a stance that the Public Education 22 Department took -- and I believe the PEC also 23 adopted -- to expect schools to be in in-person 24 learning to the greatest extent possible, given that 25 we are still in COVID, and that there is local</p>
<p style="text-align: right;">31</p> <p>1 COMMISSIONER ROBBINS: Yes. 2 COMMISSIONER ARMIJO: Commissioner Taylor. 3 COMMISSIONER TAYLOR: Yes. 4 COMMISSIONER ARMIJO: Commissioner Voigt. 5 COMMISSIONER VOIGT: Yes. 6 COMMISSIONER ARMIJO: Commissioner Armijo 7 votes yes. 8 Chair Burt. 9 THE CHAIR: Yes. 10 COMMISSIONER ARMIJO: Commissioner 11 Carrillo. 12 COMMISSIONER CARRILLO: Yes. 13 COMMISSIONER ARMIJO: That is nine votes 14 for and zero against. The motion passes. 15 THE CHAIR: Thank you. All right. So 16 Item No. 5 will be Notification -- Explore 17 Academy-Las Cruces Notification Regarding Beginning 18 the School Year in Remote Status. 19 I do see -- we have Karen Woerner from the 20 Explore Academy. If you want to come to this part. 21 And if there's anybody online, (inaudible). 22 Okay. Karen Casedy. And if we could 23 promote her to the Panel. 24 And, Director Chavez, if you could start 25 us just by explaining this item. And then I'll have</p>	<p style="text-align: right;">33</p> <p>1 policies that the school develops to decide whether 2 they need to move to remote learning or not. 3 I had worked with another charter school 4 in Albuquerque authorized by APS who sought to be in 5 remote learning because their facility was not 6 ready. And in working with APS and with the school, 7 in the end, the school needed to make up those days 8 that it was in remote because of the facility. 9 I further asked the school if they could 10 provide some board minutes to demonstrate that the 11 board had made the decision. And I was told that 12 was not necessary. 13 So, at this point, I have questions myself 14 about PEC expectations for schools to be in person 15 or remote, and I'm glad that the school is actually 16 here to address your questions and concerns. 17 And so in your meeting materials, I would 18 just want to point out that there is the original 19 e-mail sent to us by Karen Woerner about the 20 decision that was made. It's unclear to me who made 21 the decision and the degree to which the governing 22 board was involved in that decision. 23 And so with that -- let's see -- that 24 should be -- I'll tell you what item that is in your 25 agenda in your meeting materials. It is a PDF of</p>

<p style="text-align: right;">34</p> <p>1 the e-mail that we received. If somebody has that 2 handy now, they could -- 3 COMMISSIONER CARRILLO: (Inaudible.) 4 COMMISSIONER CHAVEZ: Okay. Thank you. 5 THE CHAIR: We all have it up. I think 6 we're good. 7 All right. Yeah. Ms. Woerner, do you 8 want -- if you want to introduce Ms. Casedy, you're 9 welcome. 10 MS. KAREN WOERNER: If I could start with 11 just the compliances. (Inaudible due to audio 12 distortion.) 13 DIRECTOR CORINA CHAVEZ: And I'm sorry. 14 We can't hear Ms. Woerner right now. I'm not sure 15 what needs to happen, but I didn't hear what you had 16 to say. 17 MS. KAREN WOERNER: Can you hear me now? 18 UNIDENTIFIED SPEAKER: (Inaudible due to 19 audio distortion.) 20 DIRECTOR CORINA CHAVEZ: Yeah. I can hear 21 Karen now. It sounded like somebody else was 22 speaking. 23 MS. KAREN WOERNER: Madam Chair, 24 Commissioners, PED, and Director Chavez, PED staff, 25 my name is Karen Woerner. And I am here to help</p>	<p style="text-align: right;">36</p> <p>1 in Taos. And I notice their calendars -- you can 2 check them online -- from Rio Rancho and Las Cruces 3 (inaudible) has remote learning days on their 4 calendar. For example, Election Day. It is not our 5 intent to be a virtual school. If we were, we would 6 have applied to be that kind of a program. The 7 issue is that Las Cruces is short-staffed and is 8 very behind on (inaudible) and inspections, through 9 no fault of the school nor their projected timeline. 10 We've waited weeks upon weeks for a permit 11 to finish (inaudible) up the area, because you can't 12 close it. The permits and inspections are all 13 behind due to City of Las Cruces, not the school. 14 As I understand right now, that we did 15 actually get a permit. I'll let Karen speak to 16 that, (inaudible) boots on the ground. But I do 17 think they do get a permit (inaudible). Of course, 18 we have to (inaudible) each time for each of those 19 inspections. And the City of Las Cruces themselves 20 (inaudible) has said that it's because they're 21 short-staffed and we're (inaudible), lots of other 22 things. 23 We've had information (inaudible) the 24 school already had to adjust their calendar for this 25 year due to these delays by the City and the</p>
<p style="text-align: right;">35</p> <p>1 answer the questions regarding the Las Cruces 2 school. To clarify, I am contracted with 3 (inaudible) between Explore Academy-Las Cruces and 4 Explore Learning Systems to help with compliance. 5 And I believe this falls into a compliance concern. 6 So I would like to speak to those pieces, 7 but certainly refer to Karen Casedy, the head 8 administrator, for additional questions or things 9 around (inaudible). 10 So, obviously, we did feel that it was 11 important to notify the PEC of our intent to have 12 the students do remote learning in Las Cruces. And 13 so, therefore, the e-mail that was sent. 14 To address Director Chavez's concern, I do 15 understand that the PED and the PEC does not want 16 schools that are supposed to be in-person schools to 17 be doing virtual learning. 18 However, this is a temporary solution to a 19 problem. 20 And, if you notice, I do notice that 21 Las Cruces Public Schools, Rio Rancho Public 22 Schools, and even Taos Municipal Schools, today have 23 it on their calendar "Remote Learning Days," even 24 though they are in-person districts. 25 Today is due to school safety of some sort</p>	<p style="text-align: right;">37</p> <p>1 (inaudible) was not in the best interest of the 2 students to delay yet again and needed to begin 3 instruction. This is a decision that was discussed 4 (inaudible) head administrator (inaudible). 5 Last week -- I forgot which day, I think 6 Wednesday last week -- it was discussed with the 7 board. However, we did not ask the board for a 8 vote, nor did they express any opposition or request 9 to do so. They understood the situation, and 10 they've been following the construction list 11 regularly. So that was my response, that I didn't 12 think that it was required to a vote. 13 Director Chavez (inaudible) to me 14 indicating that (inaudible) PED and PEC do not allow 15 (inaudible) virtual learning (inaudible) in-person 16 learning. I just explained that is being accurate 17 based on the school district's (inaudible). 18 Commissioners, this was just a (inaudible) to get 19 kids learning and get started. And I want Karen to 20 address what the teacher preparation was (inaudible) 21 much less now (inaudible) so we're good to go. 22 Let her address the preparation of 23 teachers. But (inaudible) online and some other 24 (inaudible) she's (inaudible), including social 25 emotional (inaudible) kids. So if I could defer to</p>

<p style="text-align: right;">38</p> <p>1 Ms. Casedy on this one.</p> <p>2 MS. KAREN CASEDY: Okay. I just want to</p> <p>3 make sure. Can you all hear me?</p> <p>4 THE CHAIR: Yes. We can hear you.</p> <p>5 MS. KAREN CASEDY: Thank you. And thank</p> <p>6 you, Director Chavez, Madam Chair, and</p> <p>7 Commissioners. I just want to just reiterate first</p> <p>8 a few things that Karen Woerner said.</p> <p>9 Being that I am here in Las Cruces, I even</p> <p>10 visited the City of Las Cruces, the permitting</p> <p>11 office, talked to the head guy. And he confirmed to</p> <p>12 me myself that they are having shortages, and their</p> <p>13 turnaround time is taking much longer.</p> <p>14 And so with this, we did make the decision</p> <p>15 to go remote, as you heard Ms. Woerner address,</p> <p>16 because we had already delayed our calendar by a</p> <p>17 week, and we felt it was in best interests of the</p> <p>18 students and the families.</p> <p>19 THE CHAIR: Ms. Casedy, I'm sorry. Can</p> <p>20 you try -- I don't know -- can you try speaking</p> <p>21 louder into your microphone? (Inaudible.)</p> <p>22 MS. KAREN CASEDY: Sure. Is this better?</p> <p>23 THE CHAIR: Not for us. If you can -- you</p> <p>24 may have to use, like, your gymnasium voice when you</p> <p>25 have all your kiddos all together.</p>	<p style="text-align: right;">40</p> <p>1 THE CHAIR: It's about the same. Go ahead</p> <p>2 and continue.</p> <p>3 MS. KAREN CASEDY: I'll try to talk loud,</p> <p>4 but I feel like I'm yelling at you. I apologize if</p> <p>5 that's what it sounds like.</p> <p>6 I just wanted to reiterate that I did</p> <p>7 visit the -- the City of Las Cruces, the permitting</p> <p>8 office, and talked with Mr. Nichols, who is the head</p> <p>9 permittee -- the director there. And he did affirm</p> <p>10 to me that there are shortages, and the time frame</p> <p>11 of getting permits and inspections done is taking</p> <p>12 much longer.</p> <p>13 We already delayed school a week, and we</p> <p>14 adjusted our calendar to reflect that. And with</p> <p>15 these further delays, we felt it was in the best</p> <p>16 interests of all of our stakeholders, including our</p> <p>17 students and including our parents and families,</p> <p>18 that we needed to get students in the classroom and</p> <p>19 start learning. And so we -- we decided to do</p> <p>20 remote learning for a short period of time.</p> <p>21 We just got one of the permits issued last</p> <p>22 week. So we are still looking at another week to</p> <p>23 go. But students -- so this week, we were in remote</p> <p>24 learning. And teachers, during our teacher</p> <p>25 in-service time, we have -- we have been training</p>
<p style="text-align: right;">39</p> <p>1 MS. KAREN CASEDY: Okay. I'm just using a</p> <p>2 laptop, so I'm not even quite sure where the mic is</p> <p>3 at. But is this better?</p> <p>4 MS. MELISSA BROWN: It's a little bit</p> <p>5 better. On your laptop, you know, F3 should be your</p> <p>6 volume. You can try boosting that all the way up.</p> <p>7 MS. KAREN CASEDY: Okay. It's a</p> <p>8 Chromebook laptop, so there's no accessory. I'm</p> <p>9 sorry. I can try -- I can try getting on another</p> <p>10 device, but I don't know that we have that kind.</p> <p>11 THE CHAIR: One second, Ms. Casedy. We're</p> <p>12 going to --</p> <p>13 (Discussion held out of microphone range.)</p> <p>14 MS. MELISSA BROWN: Do you want to sit</p> <p>15 closer for this part?</p> <p>16 THE CHAIR: All right, Ms. Casedy. If you</p> <p>17 can go ahead and try again.</p> <p>18 MS. KAREN CASEDY: Okay. I'll try to talk</p> <p>19 loud. Is this okay?</p> <p>20 UNIDENTIFIED SPEAKER: (Inaudible.)</p> <p>21 THE CHAIR: Okay. You can continue,</p> <p>22 Ms. Casedy.</p> <p>23 MS. KAREN CASEDY: Okay. I just put on</p> <p>24 some headphones that have a built-in mic. Is that</p> <p>25 better?</p>	<p style="text-align: right;">41</p> <p>1 the teachers, although it wasn't too hard. Because</p> <p>2 we're coming out of COVID, teachers already knew a</p> <p>3 lot about remote learning, and they -- this is</p> <p>4 nothing new to them, so not a lot of retraining to</p> <p>5 do.</p> <p>6 But teachers -- we switched our focus in</p> <p>7 our in-service time all to remote learning and</p> <p>8 engaging students as quickly as possible and best as</p> <p>9 possible through remote learning. We adjusted our</p> <p>10 day schedule to reflect how much time students were</p> <p>11 going to spend in each class.</p> <p>12 And you -- and -- and also reflects</p> <p>13 individual support for students. So there is time</p> <p>14 built into this remote learning that teachers can</p> <p>15 get with students on an individual basis and help</p> <p>16 support them in this remote learning time.</p> <p>17 In terms of social interaction, we are</p> <p>18 planning outside school events. And we have a local</p> <p>19 church that we go through, and we can use their</p> <p>20 building where students are able to get together</p> <p>21 outside of the school hours to have some social time</p> <p>22 with each other.</p> <p>23 So we're not neglecting that aspect that</p> <p>24 we saw could be detrimental to kids during the</p> <p>25 pandemic. But, again, this is only temporary, and</p>

<p style="text-align: right;">42</p> <p>1 we felt this was necessary to not delay school any 2 longer than we already had. 3 THE CHAIR: Thank you. All right. 4 All right we're going to go to 5 Commissioner questions. I do have a list. I'm 6 going to call Commissioner Gipson first because she 7 asked to (inaudible). And then I have the rest of 8 you in order to come. 9 So when you make your question, if you 10 want to direct it at someone, it would probably be 11 helpful (inaudible). 12 All right. Commissioner Gipson. 13 COMMISSIONER GIPSON: Thanks. And I 14 really appreciate this. I just want to (inaudible) 15 conversation. Because I do think -- for me, I think 16 because of governance council approves the calendar, 17 ultimately, I do believe that a calendar change 18 should be a governance council vote. 19 So that's my biggest concern, that the 20 conversation didn't happen until apparently last 21 week when a decision was already made. 22 So I would have appreciated -- and I think 23 it's -- excuse me -- important that a governance 24 council be the driving factor in making that 25 decision, not just this is -- I get the -- you know,</p>	<p style="text-align: right;">44</p> <p>1 But the idea of going remote at any point 2 for whatever reason, we concluded, me alongside APS, 3 interpreting PED expectations for students to be in 4 person was that a facilities issue is not a reason 5 to go remote. 6 And so that is a local charter school that 7 had to make up some days because their charter, 8 similar to Explore, does not have a online learning 9 component in the contract. 10 Thank you. 11 COMMISSIONER GIPSON: Okay. So I'm still 12 a little shy of understanding the final decision 13 made. Was it just through the charter office? Or 14 was it the APS board said? Because the APS board is 15 the authorizer. 16 DIRECTOR CORINA CHAVEZ: Correct. I don't 17 know that it made it to -- made it to the level of 18 the APS board. I know that the school put into 19 place a plan to make up the days that were closed 20 because they were moving into a new facility. 21 COMMISSIONER GIPSON: I'm personally -- 22 I'm always disappointed when these things happen, 23 but I'm not shocked that they happen, you know. 24 It's -- it's just -- it is what it is in that 25 respect.</p>
<p style="text-align: right;">43</p> <p>1 the permitting issues. We're challenged with it. 2 You know, every time school opens, it's a challenge. 3 And I get the understaffing and all of that. 4 Can I ask the director, because she made a 5 statement that with the APS school, the decision was 6 made that they had to -- that (inaudible) had to 7 make up a day. 8 That wasn't a PED decision. Excuse me. 9 That was an APS board decision. I'm not quite sure 10 where that fits into this conversation. 11 COMMISSIONER CHAVEZ: Commissioner Gipson? 12 COMMISSIONER GIPSON: That's who I was 13 asking. 14 MS. KAREN WOERNER: (Inaudible.) 15 DIRECTOR CORINA CHAVEZ: Can you hear me? 16 COMMISSIONER GIPSON: You're too used to 17 answering to "Director." Okay. Sorry. 18 DIRECTOR CORINA CHAVEZ: Okay. 19 Commissioner Gipson, Commissioners, it was an APS 20 decision. They consulted with me, because at the 21 PED, we were making sure that schools were very 22 clear that schools needed to be in person unless 23 their local policy suggested that COVID rates hit a 24 certain point. And that, again, was a local 25 decision.</p>	<p style="text-align: right;">45</p> <p>1 And I know the school has absolutely no 2 control over -- over any of that. And I -- I know 3 that we want schools to be as in-person as possible. 4 I mean, I said that, but I don't think we have any 5 solid policy to stand on to say that the school is 6 violating a policy of ours that you can't do this. 7 You know, I understand the whole -- we 8 created COVID protocols. But we have not made -- 9 we've not had a discussion or a decision about, 10 "Well, what if the school has -- what if the school 11 has a fire? What if they do? Because they can't be 12 in the building for two months or something like 13 that." 14 It's disappointing, but I prefer that the 15 school had made a decision to add days to the 16 calendar and do it on it? Sure. But it's 17 (inaudible). So that's -- thank you. 18 THE CHAIR: Commissioner Voigt. 19 COMMISSIONER VOIGT: Thank you. Cindy, 20 can you hear me? 21 THE REPORTER: Yes, ma'am. Thank you. 22 COMMISSIONER VOIGT: Thanks, Ms. Woerner, 23 Ms. Casedy. I totally understand. You have a new 24 school. You don't have E-Occupancy. You don't want 25 to lose enrollment, you know.</p>

<p style="text-align: right;">46</p> <p>1 And so you improvised, you flexed, and you 2 pivoted, and you did something for your kids to 3 provide instruction. 4 I totally get that. I think you did what 5 you needed to do, and you had the forethought to 6 make up days on the back end on your calendar. 7 Now it's up to the bylaws -- not the 8 governing board, the bylaws of your school -- as to 9 whether you need to share that, you know, or not. 10 I think it's the school's decision. It's 11 the school leader that runs the school day to day, 12 not the governing board. And so you did what you 13 needed to do, and I commend you for that. 14 Do you have E-Occupancy yet? 15 Okay. Well, good luck, and I hope -- 16 MS. KAREN CASEDY: Not yet. 17 COMMISSIONER VOIGT: I hope the red tape 18 (inaudible). And just some advice for everybody. 19 Working the microphone like this is really easier 20 than (inaudible). So -- so good job, and I commend 21 you on (inaudible). 22 MS. KAREN CASEDY: Thank you, 23 Commissioner. 24 THE CHAIR: Commissioner Carrillo. 25 COMMISSIONER CARRILLO: Thank you. Cindy,</p>	<p style="text-align: right;">48</p> <p>1 afternoon. They clearly don't have the will to do 2 so. And I think -- and that's why I'm admonishing 3 them for their lack of service to the community and 4 to the people. 5 THE CHAIR: Commissioner Robbins? 6 COMMISSIONER ROBBINS: Well, I appreciate 7 and will second Commissioner Carrillo's admonition 8 towards the zoning and permitting area in 9 Las Cruces, because schools should take a very high 10 priority in their work. 11 I think PED, you know, in their 12 recommendation and their desires that only COVID 13 would be a reason for going to remote is very 14 shortsighted and narrow. It needs to be, you know, 15 modified to where when there are conditions outside 16 the control of a school, they are permitted to go 17 remote. 18 But those conditions should be remedied as 19 quickly as possible. That's a more reasonable 20 approach, rather than saying we can only go 21 remote -- you know, they are not a virtual school. 22 We understand that. They are meeting -- trying to 23 meet the needs the best they can. And it is a 24 temporary situation. 25 And I think Commissioner Voigt even</p>
<p style="text-align: right;">47</p> <p>1 can you hear me? 2 THE REPORTER: Yes, sir. Thank you. 3 COMMISSIONER CARRILLO: I agree completely 4 with Commissioner Voigt. You did what you had to 5 do. Unfortunate circumstances. Fire and flood. 6 You had to make a snap decision. And I respect very 7 much that you guys did so. 8 You're doing what you can do in the best 9 interests of the kids, that you're trying to come 10 together on the social levels just to make sure the 11 kids meet each other, you know, keep them connected 12 during this challenging period. 13 I'll say for the record I am 14 overwhelmingly disappointed and disgusted with the 15 City of Las Cruces. Everyone and their mother has 16 some excuse for why they can't do something. They 17 lay everything on "COVID Schmovid." "We don't have 18 staff." 19 For God's sakes, this is a school. People 20 can jump the queue. It happens. It happens all the 21 time in Santa Fe. Unfortunately, in Santa Fe 22 (inaudible), not necessarily a circumstance. But I 23 imagine they could if they felt that a school 24 jumped -- you know, to something that was -- that 25 high priority, they could get this done in an</p>	<p style="text-align: right;">49</p> <p>1 mentioned, well, if there was a fire, I mean, are 2 they -- they just have to go out and immediately get 3 a lease somewhere else and relocate and get 4 everything up and running? 5 And, oh, if you have -- if it takes you a 6 month to do that, then you're going to -- your 7 school year is going all the way till the end of 8 June? 9 I don't think that's reasonable. So, you 10 know, I would ask, you know, because PEC is supposed 11 to consult with the PED on a lot of policies, that's 12 our statutory call. We don't direct PED. Neither 13 do they direct us. But we are supposed to be in a 14 consulting role with them and working together for 15 the betterment of our education. 16 I appreciate the explanation that 17 Ms. Woerner and Ms. Casedy gave. I accept that. 18 And I think, you know, a minor procedural thing. If 19 the board needs to approve a modified calendar, I 20 think the board probably should go through that 21 step. But I appreciate the school doing what it can 22 to serve the students. 23 Thank you. 24 THE CHAIR: All right. I do have a 25 Commissioner who would like to speak again. So</p>

<p style="text-align: right;">50</p> <p>1 before we start going back, I just want to make sure 2 if there's anyone else who would like to speak for 3 the first time -- all right. I'll be really quick 4 then.</p> <p>5 I don't really -- I mean, I'm going to 6 vote to approve -- or to accept this notification 7 and move on. I do think this is a day-to-day -- if 8 this was a more -- we know exactly how long it's 9 going to be. We know it's going to be a couple of 10 months. I can see that going to the board and 11 approve it.</p> <p>12 This could have been a one-day scenario, a 13 five-day scenario. Hopefully, it keeps within a 14 very short amount of time. But it is technically a 15 day-to-day operation, because tomorrow -- well, I 16 guess not tomorrow, because it's Saturday -- but on 17 Monday, you could technically be moving into your 18 school, or you could just have in-person learning 19 Monday-Tuesday.</p> <p>20 So if you had to go back and forth to the 21 board, you're online now, and then you have to get 22 board approval to get back in person, once again, it 23 creates another burden of unnecessary movement 24 (inaudible) kids from coming back sooner.</p> <p>25 I think it's perfect to accept this</p>	<p style="text-align: right;">52</p> <p>1 Voigt.</p> <p>2 COMMISSIONER VOIGT: Thank you, 3 Madam Chair.</p> <p>4 I just wanted to clarify that there's no 5 blame here. There should be no blame made to PED, 6 because this is -- we know that this is not COVID. 7 And coming out of COVID, where there was moves to 8 online, back in person, moves back to online, this 9 is a new scenario. And I'm glad that we've 10 discussed this and (inaudible) the schools a place, 11 because there's a lot of situations that can arise.</p> <p>12 And so this moving forward will help us 13 all grow into thinking about maybe imposing maybe 14 new parameters around unexpected online learning 15 scenarios. We can make a list or something.</p> <p>16 Because -- but I just want to be clear 17 that there's no blame on PED's part or anybody's 18 part that this is happening and that we are having 19 this discussion. Thanks.</p> <p>20 THE CHAIR: All right. Director Chavez?</p> <p>21 DIRECTOR CORINA CHAVEZ: Yes. Thank you, 22 Commissioner Voigt and Commissioners. I feel like I 23 thought this item needed to be a discussion and not 24 a Consent Agenda item, because lots of things get 25 clarified for me.</p>
<p style="text-align: right;">51</p> <p>1 notification. I think it's -- I do think it's 2 appropriate for a school to notify the PEC if and 3 when they have to move into virtual learning for any 4 concern. You know, extending -- extend -- 5 (inaudible) -- problematic. It's 10:00 a.m. We 6 have a long day ahead. I'm fumbling my words 7 already.</p> <p>8 But if there's a circumstance that would 9 warrant a temporary move to online learning for a 10 school, whether it be any of these circumstances 11 that Commissioners were just coming up with, then 12 notification to PEC seems very appropriate.</p> <p>13 But I think anything other than that, 14 outside of that, if it is that they're notifying us 15 that they're moving (inaudible), that's a whole 16 other story. If it's a temporary move, I don't 17 think PEC needs to get involved in that decision, 18 other than to have the notification and be able to 19 ask questions about, like, if -- if there were 20 questions about the learning during this time, once 21 again, appropriate.</p> <p>22 But, you know, saying that you can't or 23 cannot doesn't seem appropriate. Seems like that 24 would be an overreach on our part.</p> <p>25 So with that, I'll go to Commissioner</p>	<p style="text-align: right;">53</p> <p>1 And the only other thing I would say is 2 that I imagine you all expect that the school keep 3 us posted on what happens. Because we all know that 4 things take longer and cost more, especially in the 5 construction and that industry that maybe has a 6 little less urgency around classrooms.</p> <p>7 So I would expect that you all expect that 8 of the school. And so I would ask the head 9 administrator, Ms. Casedy, to let us know when, in 10 fact, you're able to move in or how long you will be 11 in remote.</p> <p>12 One of the Commissioners said that this is 13 not a concern if it is temporary. I'm still not 14 clear. Like, is a month okay? But this is a 15 healthy discussion, and I appreciate everybody's 16 input.</p> <p>17 THE CHAIR: All right. Thank you. So 18 seeing no other conversation, I'll move to accept 19 the notification from Explore Academy-Las Cruces, a 20 notification regarding beginning the school year in 21 remote status.</p> <p>22 COMMISSIONER GIPSON: Second.</p> <p>23 THE CHAIR: There is a -- there is a 24 motion and a second.</p> <p>25 Any other discussion?</p>

54

1 COMMISSIONER DAVIS: Could you read the
 2 motion again, please?
 3 THE CHAIR: Yes. The motion is to accept
 4 the Explore Academy-Las Cruces notification
 5 regarding beginning the school year in remote
 6 status.
 7 Commissioner Robbins.
 8 COMMISSIONER ROBBINS: Yeah. This isn't
 9 an action item on the agenda, so I don't know that
 10 we need to take a vote, because we've been told by
 11 counsel, unless it's on the agenda for possible
 12 action, we can't take a vote. So I think we've --
 13 THE CHAIR: Thank you, Commissioner
 14 Robbins. It is an item on the agenda and Item
 15 No. 20 on the Consent Agenda. It is now moved to
 16 No. 5, which is Discussion and Possible Action on
 17 Items Removed from the Consent Agenda.
 18 COMMISSIONER ROBBINS: I stand corrected.
 19 Thank you. I'm sorry.
 20 THE CHAIR: That's okay. All right. The
 21 one thing I'll say before we vote -- just to take a
 22 bunch of time -- but, honestly, I know that the
 23 PED's direction on this is very specifically related
 24 to COVID. I think we do need to be thoughtful about
 25 the way that education has moved since COVID in

55

1 these other circumstances that may not involve COVID
 2 in the future.
 3 There -- before COVID, the idea that a
 4 school -- I mean, I remember my daughter (inaudible)
 5 had a strep throat outbreak, and they stayed home --
 6 they just closed down the school for a day and
 7 disinfected the whole school. They did not do
 8 remote learning because nobody had -- nobody knew
 9 that. Not a single teacher, not a single teacher
 10 had ever done remote learning before.
 11 Now, everybody in the world has done
 12 remote learning. So I think you need to -- I think
 13 this is one of the places where we can't be
 14 antiquated with education moving forward. We can't
 15 stick to how things were because this is how we've
 16 always done it.
 17 And so I think -- I do think let us
 18 consider a further conversation, like Commissioner
 19 Gipson said, that what do we do moving forward now
 20 on these items outside of COVID, and how do we
 21 figure this out and support schools, but also ensure
 22 we're meeting our responsibilities at the same time?
 23 And where is the line on it? So I think this should
 24 bring up a new conversation that we should have in
 25 the future.

56

1 Commissioner Gipson?
 2 COMMISSIONER GIPSON: Can I just add the
 3 sad part of kids don't have snow days any longer,
 4 you know, because it's -- (inaudible) snow day. And
 5 it doesn't happen very often. And we allow the
 6 schools that flexibility and say (inaudible). So --
 7 we'll just talk down the road.
 8 THE CHAIR: Commissioner Voigt.
 9 COMMISSIONER VOIGT: Right. You know,
 10 when -- I think you all (inaudible) hybrid learning
 11 environment, we decided, yes, we can use our snow
 12 days for students in hybrid learning. But we didn't
 13 have to do those back-end days in the spring. I
 14 wish we would get some snow, though.
 15 THE CHAIR: All right.
 16 Secretary Armijo, if you can call roll.
 17 COMMISSIONER ARMIJO: Sure can.
 18 Commissioner Gipson.
 19 COMMISSIONER GIPSON: Yes.
 20 COMMISSIONER ARMIJO: Commissioner Manis.
 21 COMMISSIONER MANIS: Yes.
 22 COMMISSIONER ARMIJO: Commissioner
 23 Robbins.
 24 COMMISSIONER ROBBINS: Yes.
 25 COMMISSIONER ARMIJO: Commissioner Taylor.

57

1 COMMISSIONER TAYLOR: Yes.
 2 COMMISSIONER ARMIJO: Commissioner Voigt.
 3 Commissioner Voigt.
 4 COMMISSIONER VOIGT: Yes.
 5 COMMISSIONER ARMIJO: Commissioner Armijo
 6 votes yes.
 7 Chair Burt.
 8 THE CHAIR: Yes.
 9 COMMISSIONER ARMIJO: Commissioner Davis.
 10 COMMISSIONER DAVIS: Yes.
 11 COMMISSIONER ARMIJO: That passes, nine to
 12 zero.
 13 Oh. Commissioner Carrillo.
 14 COMMISSIONER CARRILLO: Carrillo votes
 15 yes.
 16 MS. KAREN WOERNER: The rest of the
 17 building is done, including the sprinkler -- we're
 18 dying to be in the building. We'll keep you
 19 updated. Good news (inaudible). Very happy to
 20 report that. Thank you.
 21 THE CHAIR: Good luck. All right. Thank
 22 you.
 23 The next item is Item No. 6, which is to
 24 meet new head administrators.
 25 And so if Michael Brewer is in the

<p style="text-align: right;">58</p> <p>1 audience, if you could pull him over, Missy.</p> <p>2 MR. MIKE BREWER: Yes. Good morning to</p> <p>3 the Commissioners and Director Chavez.</p> <p>4 THE CHAIR: Good morning, Mr. Brewer. If</p> <p>5 you could just introduce us, tell us a little about</p> <p>6 yourself, and tell us a little bit about your</p> <p>7 upcoming school year.</p> <p>8 MR. MIKE BREWER: Thank you. My name is</p> <p>9 Mike Brewer. I am retired/unretired. I worked 29</p> <p>10 and a half years for Las Cruces Public Schools as a</p> <p>11 teacher, Central Office administrator, school</p> <p>12 administrator. Ended my career four and a half</p> <p>13 years as a principal at Vista Middle School.</p> <p>14 Then retired. I heard about the need for</p> <p>15 an interim head administrator here at Raíces. And I</p> <p>16 thought a temporary, you know, one-semester position</p> <p>17 would be perfect, would get me back with -- with</p> <p>18 students and in education, which has always been my</p> <p>19 passion.</p> <p>20 So I'm excited to start the school year.</p> <p>21 We have had some bumps along the way. We are fully</p> <p>22 staffed currently. We have eight teachers. We have</p> <p>23 two kinder, two first, two second, a third, and a</p> <p>24 fourth grade. We have about 120 students currently.</p> <p>25 We do have some students that are temporarily</p>	<p style="text-align: right;">60</p> <p>1 on Monday.</p> <p>2 COMMISSIONER GIPSON: Great. Thank you.</p> <p>3 THE CHAIR: Commissioner Carrillo.</p> <p>4 COMMISSIONER CARRILLO: Yes, Mr. Brewer.</p> <p>5 Thank you very much for joining us today. I just</p> <p>6 want to say that when the opportunity comes along</p> <p>7 after this (inaudible) to you to help another school</p> <p>8 out, (inaudible), take it. It's just -- right? It</p> <p>9 keeps us young. It keeps us involved. And I just</p> <p>10 love your commitment to the children and willingness</p> <p>11 to step forward for the school.</p> <p>12 So thank you very much for joining us,</p> <p>13 have a wonderful weekend and a great school year.</p> <p>14 MR. MIKE BREWER: Thank you. Thank you.</p> <p>15 THE CHAIR: Thank you, Mr. Brewer. It's</p> <p>16 wonderful to meet you. Thanks again for your time.</p> <p>17 MR. MIKE BREWER: And I would like to</p> <p>18 apologize to the Commission for not being present at</p> <p>19 the previous meeting. It was an oversight on my</p> <p>20 part, and I do apologize for that. And I thank you</p> <p>21 for your warm welcome.</p> <p>22 THE CHAIR: Apology accepted, but not</p> <p>23 necessary. Thank you, Mr. Brewer. We know you all</p> <p>24 are running schools. So we're just grateful that</p> <p>25 you had the opportunity to join us. So thank you.</p>
<p style="text-align: right;">59</p> <p>1 relocated, which I guess we'll get to in a moment.</p> <p>2 But I'm excited to be back in education.</p> <p>3 THE CHAIR: Thank you, Mr. Brewer. And</p> <p>4 congratulations on your new position, and thank you</p> <p>5 so much for taking the time to come meet us today.</p> <p>6 Commissioners, any questions or comments?</p> <p>7 Commissioner Voigt.</p> <p>8 COMMISSIONER VOIGT: Hi, Mr. Brewer.</p> <p>9 Welcome and congratulations. You have a wonderful</p> <p>10 school, and I know you're going to continue the</p> <p>11 wonderful work there. So congratulations on being</p> <p>12 at Raíces.</p> <p>13 MR. MIKE BREWER: Thank you.</p> <p>14 THE CHAIR: Okay. Commissioner Gipson.</p> <p>15 COMMISSIONER GIPSON: So good morning.</p> <p>16 You used to be my district, but not any longer. How</p> <p>17 sad that a street actually divides the district now.</p> <p>18 Let me just ask. Are you fully in the</p> <p>19 additional portables now? Or are you still having</p> <p>20 to use the community? The church, I believe it is.</p> <p>21 MR. MIKE BREWER: Yes, we're still at the</p> <p>22 church. But they're coming out today to do a final</p> <p>23 inspection, the County is, and the Fire Marshal. We</p> <p>24 should have a temporary occupancy, which will allow</p> <p>25 us to have all our students back on the main campus</p>	<p style="text-align: right;">61</p> <p>1 All right. We also have Kayla Begay from</p> <p>2 DEAP here as a new head administrator.</p> <p>3 Tell us a little bit about yourself and</p> <p>4 your new position.</p> <p>5 MS. KAYLA BEGAY: Good morning, everyone.</p> <p>6 (Native language spoken.) Joining you from the Dzil</p> <p>7 Diti-ooi School of Empowerment, Action &</p> <p>8 Perseverance in Navajo.</p> <p>9 We were blessed with some rain today and</p> <p>10 it's our first week of school, so we're feeling</p> <p>11 really thankful for that.</p> <p>12 I am one of the cofounders. I know quite</p> <p>13 a few of you. Very honored to have worked with you.</p> <p>14 So DEAP is entering its eighth year. I'm</p> <p>15 stepping into the head administrator/principal role.</p> <p>16 So I'm really excited for this year and the way that</p> <p>17 we get to change things.</p> <p>18 I am a little sad to step away from</p> <p>19 teaching. But we have a lot of really exciting</p> <p>20 plans. We are back in person this year after a</p> <p>21 couple of years of virtual learning, and we are</p> <p>22 really excited just to work with our students.</p> <p>23 Since we last talked, DEAP has had two</p> <p>24 graduating classes. We have two alumni who are</p> <p>25 working with us this year.</p>

62	<p>1 So it feels really good to see how all the 2 seeds we have planted are blooming. 3 There's still a lot of work ahead, 4 especially facilities. But we're really excited to 5 grow. 6 So thank you for having me. If you have 7 any questions, I'm here. And as always, I invite 8 you all to come out to our campus and participate in 9 some of the activities that we have. 10 THE CHAIR: Thank you. We have 11 Commissioner Voigt and Commissioner Gipson and 12 Commissioner Davis. 13 COMMISSIONER VOIGT: Kayla, so good to see 14 you and so good to hear all the great stuff, that 15 you're hiring your alumni and you're the new charter 16 leader at DEAP. I'm so happy for you for your 17 school. 18 MS. KAYLA BEGAY: Thank you. 19 THE CHAIR: Commissioner Gipson. 20 COMMISSIONER GIPSON: Kayla, it's just 21 great to see you. We were actually talking about 22 the video presentation you did for your renewal last 23 night and still how -- I mean, it changed many of 24 us. 25 So we know the great work that you've done</p>	64	<p>1 too. We'll talk to you later. Bye. 2 THE CHAIR: Thank you. 3 All right. So we are going to get ready 4 for Item No. 7. So we're going to take a quick 5 transition, and we'll allow the head administrator 6 to come up and get settled and ready to go, and 7 we'll call on this item in just a moment. 8 (Brief recess held.) 9 THE CHAIR: We're going to go ahead and 10 get started. I'm going to first defer to Director 11 Chavez to introduce this item. And then 12 (inaudible). 13 All right. Director Chavez, if you 14 could -- okay. Never mind. Dr. Russell, if you can 15 go ahead and lead us off on Item No. 7. This is 16 Discussion and Possible Action on Albuquerque Sign 17 Language Academy Amendment. 18 DR. BRIGETTE RUSSELL: Thank you, 19 Chair Burt. 20 So Albuquerque Sign Language Academy 21 submitted a request to amend its contract by 22 increasing its enrollment cap from 200 to 300 23 students. Albuquerque Sign Language has fewer than 24 200 students currently, but that is because their 25 facility cannot handle their load. They are</p>
63	<p>1 and will continue to do and what a great succession 2 plan the school's created so that the transition is 3 hopefully going to be seamless. 4 So I really appreciate everything that 5 you've done and continue to do to grow your 6 community. So thank you for everything. 7 MS. KAYLA BEGAY: Absolutely. 8 THE CHAIR: Commissioner Davis. 9 COMMISSIONER DAVIS: Hi. Well, DEAP is in 10 my district. And before COVID, I had the 11 opportunity to visit with them. And I thought they 12 were just the most excellent school. And I've 13 really, really appreciated how they incorporated 14 traditional values with current learning. So 15 congratulations, and keep up the good work. 16 MS. KAYLA BEGAY: Thank you so much. 17 THE CHAIR: All right. Thank you so much 18 for taking the time to come up and join us this 19 morning. Once again, we're so grateful, that we 20 know you are taking time away from running the 21 school to meet us and to come up and see us. So 22 thank you so much and congratulations on your role. 23 And, once again, have a wonderful weekend. Happy 24 Friday. 25 MS. KAYLA BEGAY: Absolutely. You all,</p>	65	<p>1 currently at three different locations. And they 2 have 30 students on their waiting list. And I've 3 been advised that this school has received a grant 4 from the Public School Capital Outlay to fund the 5 construction. The CSD has reviewed the 6 documentation and the -- the need for the enrollment 7 cap and can recommend approval of this amendment. 8 Thank you. 9 THE CHAIR: Thank you. Do you want to 10 introduce yourself? You may want to do like this. 11 If you want to pop it back since you just have to 12 speak. 13 MR. RAFE MARTINEZ: Be delighted to. 14 Okay. Good morning, Madam Chairman. Thank you for 15 allowing me to talk about the school. As Karen 16 Woerner (inaudible) talking about the school. So 17 we're proud of the things that we're doing, and it 18 was just (inaudible). 19 So -- test. Test. Is that better? 20 THE CHAIR: Yes. 21 MR. RAFE MARTINEZ: So with the 22 documents -- so this is a complex project. And 23 we've been at it for the past seven years. So 24 you've all (inaudible) here. That's kind of what we 25 did last (inaudible) years ago. We had no money,</p>

66

1 but we knew we've developed a (inaudible) program
 2 that we were onto something pretty special. And
 3 (inaudible) we're doing in serving deaf, hard of
 4 hearing special needs in a really inclusive
 5 environment.
 6 So we knew back then that a facility
 7 didn't actually (inaudible). And as we've grown and
 8 expanded into different facilities, it's been really
 9 important. We also knew that, even with this new
 10 building (inaudible), it's very likely during the
 11 three or four years of construction, we're going to
 12 be able to expand.
 13 But that's okay. We're (inaudible) for
 14 that.
 15 So the cool thing about this project, it's
 16 not just ASLA doing things by itself. It's
 17 embracing our philosophy around being truly strong
 18 community partners.
 19 So one of our big partners is Bernalillo
 20 County. And so a piece of property -- if you -- on
 21 the documents that we submitted, there's a master
 22 site plan, if you would take a look at that.
 23 The cool thing about this, this is a
 24 County piece of property, where we're going to be
 25 building the school back corner (inaudible)

67

1 Albuquerque, if you know the area, near the corner
 2 of Osuna and Edith.
 3 So it's -- so there's 20 acres. There's a
 4 ditch that runs through the middle of it. But we're
 5 between Edith and the railroad tracks. So if you
 6 see the site, the building sits in the back; right?
 7 But everything around it is agriculture. And we
 8 have to do 4H, the County Extension Office. So the
 9 kids have (inaudible) programming that happens in
 10 the County.
 11 So we're doing stuff (inaudible) -- to
 12 embrace all the things that I believe are truly
 13 New Mexican, right, makes us connected to the land,
 14 about relationships, all that. And we're embracing
 15 that through our program, in service to the hard of
 16 hearing and special needs kids. Language
 17 (inaudible).
 18 So when you look at that, there's room
 19 (inaudible) programs. (Inaudible.)
 20 Okay. All right. So this is going to
 21 work. That's the site itself. And trust me. There
 22 was a fight with the neighborhood association to get
 23 zoning approval, which we did. But it's part of the
 24 process; right?
 25 And the building itself is -- the building

68

1 itself (inaudible) part of the programming
 2 (inaudible). So if you look at the building, it's
 3 kind of facing into three different spaces; right?
 4 So the first space, which is an adult ed
 5 community-based space -- so we serve kids all the
 6 way up to 22. And even -- but that's this first
 7 part. And that part can be accessed as the school
 8 is in session, because we have the first phase
 9 (inaudible) we'll keep everything secure (inaudible)
 10 into the (inaudible).
 11 And then this middle corridor, with a
 12 gym -- I don't know if you can see this; this is
 13 cool. This is a -- it doubles as a theater, and
 14 it's also a concourse; right? And then an outdoor
 15 theater as well. So that is a secondary community
 16 space that can be secured (inaudible) PEC meeting;
 17 right? It will house you and the school can keep
 18 going.
 19 COMMISSIONER CARRILLO: How's the sound
 20 there?
 21 MR. RAFE MARTINEZ: It better be -- and
 22 then you'll see the actual (inaudible) space.
 23 Everything is built to be fluid and (inaudible);
 24 right? So that there are teaching labs.
 25 (Inaudible.) There's partitions that can expand and

69

1 contract, as needed, because so much of our program
 2 is done so that we can purposely connect the kids to
 3 one another -- right? -- no matter our ability to --
 4 right?
 5 So the fact that we're doing this with
 6 this connected to the County and the State is really
 7 cool. And I think it serves as a national model of
 8 service to citizens -- right? -- just in general.
 9 So when we were asked to create the backup
 10 for the request, you know, 300 sounded a lot -- I
 11 think it's scary, to be honest. But when you look
 12 at the numbers, it's not the -- we submitted, it's
 13 not a lot of increase by -- because we are looking
 14 at way (inaudible) to the age of 20; right?
 15 So it's not (inaudible). Specified
 16 elementary, mid, or high (inaudible) range, and the
 17 need that's related to disability.
 18 And here's the other thing. (Inaudible.)
 19 For the most part -- right? -- is (inaudible),
 20 especially now that we're looking at the possibility
 21 of creating an adult ed program with an attachment
 22 to the school to (inaudible) 12 to 22, (inaudible)
 23 living that ideal of (inaudible).
 24 I can keep going, but I know you -- I'm
 25 open to questions, and I love to talk with you.

<p style="text-align: right;">70</p> <p>1 So...</p> <p>2 One thing I should add. Commissioner</p> <p>3 Robbins is instrumental to this. He has been part</p> <p>4 of this journey for the past two years of how we</p> <p>5 kind of got ourselves on track for the State to be</p> <p>6 considered.</p> <p>7 And Commissioner Robbins was (inaudible).</p> <p>8 His personal experiences, really being able to relay</p> <p>9 those to the various (inaudible) helped us with the</p> <p>10 (inaudible) of the Commissioner. Thank you.</p> <p>11 THE CHAIR: (Inaudible.) All-right. I</p> <p>12 have Commissioner Robbins, Commissioner Voigt, and</p> <p>13 then Commissioner Gipson.</p> <p>14 COMMISSIONER ROBBINS: Rafe, thank you</p> <p>15 very much. I appreciate the acknowledgment. But I</p> <p>16 really think it was you and your team that made the</p> <p>17 convincing arguments. I may have contributed a</p> <p>18 little bit. Yes, I was passionate in urging the</p> <p>19 PSCOC to move forward on this, because I remember a</p> <p>20 couple of years ago, they were, like, "Well, we can</p> <p>21 give you a couple of hundred thousand dollars,</p> <p>22 because you have this whole thing about the waiver</p> <p>23 and everything like that. And we can't give you any</p> <p>24 more."</p> <p>25 As I mentioned to the Commission last</p>	<p style="text-align: right;">72</p> <p>1 300 students. Our cap now is our (inaudible) is</p> <p>2 diminished, and we have to go back and (inaudible)</p> <p>3 the design. And, of course, we would process that</p> <p>4 down the road (inaudible).</p> <p>5 So as is, this design and all the things</p> <p>6 we've done to kind of get things situated</p> <p>7 logistically, we're hoping to break ground, because</p> <p>8 we've gone to our -- again, everything --</p> <p>9 (inaudible) every other thing (inaudible). And</p> <p>10 so -- but now that we're in this position,</p> <p>11 everything catches up, (inaudible), and looking for</p> <p>12 (inaudible) because (inaudible). So, yes, so your</p> <p>13 approval means we hopefully get the extended award,</p> <p>14 the additional award that allows us to go forward</p> <p>15 with the design.</p> <p>16 THE CHAIR: Commissioner Voigt and</p> <p>17 Commissioner Gipson.</p> <p>18 COMMISSIONER VOIGT: Thank you,</p> <p>19 Madam Chair. I see no reason why this will not be</p> <p>20 approved. But I did want to ask a question, because</p> <p>21 I think your answer may help inform some of the</p> <p>22 design of our Performance Framework revision.</p> <p>23 And that is in your adult education</p> <p>24 program. Do you get high school graduation</p> <p>25 recognition for those adults graduating from your</p>
<p style="text-align: right;">71</p> <p>1 month, the PSCOC did approve roughly \$21 million.</p> <p>2 And they even mentioned that once the PEC, if they</p> <p>3 gave them an increase in their cap, they would</p> <p>4 consider an additional \$10 million, roughly,</p> <p>5 depending upon what the numbers -- the final numbers</p> <p>6 need to be. They would consider that also as a</p> <p>7 waiver to the school so that they can get this</p> <p>8 facility built.</p> <p>9 I also want to appreciate and thank the</p> <p>10 County, the Bernalillo County, for making this land</p> <p>11 available and the efforts that were made in order to</p> <p>12 get that done.</p> <p>13 So it was a combined effort of the</p> <p>14 community. It's going to serve a very needed aspect</p> <p>15 to the community. And, Rafe, I just thank you very</p> <p>16 much for your passion for these students and look</p> <p>17 forward to seeing what you have for the future.</p> <p>18 Thank you very much.</p> <p>19 MR. RAFA MARTINEZ: Commissioners, thank</p> <p>20 you. I should also tell you (inaudible) consequence</p> <p>21 (inaudible). (Inaudible) the reason -- thank you,</p> <p>22 Commissioner Robbins, by the way. The reason we are</p> <p>23 here asking to put in the amendment request to raise</p> <p>24 our cap is because the building we designed that I</p> <p>25 just talked about is -- is designed to house the</p>	<p style="text-align: right;">73</p> <p>1 school?</p> <p>2 MR. RAFA MARTINEZ: So that's a good</p> <p>3 question.</p> <p>4 So right now, our -- our high school</p> <p>5 program, the 9-to-12 program, not transition, is</p> <p>6 only built out for kids with severe profound</p> <p>7 disability. So those are the only kids that stay</p> <p>8 with us (inaudible). So we do get credit for it,</p> <p>9 but it's not (inaudible).</p> <p>10 Last year we had one, my son, actually, my</p> <p>11 son who was the beginning of this whole thing. He</p> <p>12 graduated (inaudible). But this next year, we'll</p> <p>13 have three, the year after that, one. Four.</p> <p>14 So as our kids grow and they stay, so</p> <p>15 those kids graduate.</p> <p>16 Now we are working with ACE Leadership</p> <p>17 right now through a grant. So we have our first</p> <p>18 deaf ed cohort that's ready in partnership. So it's</p> <p>19 still -- we're serving in partnership with ACE</p> <p>20 Leadership in a student reading grant. So that does</p> <p>21 change things a little bit.</p> <p>22 And with this (inaudible) with the school,</p> <p>23 it could even further that change. So we do get</p> <p>24 credit. But the kids that come back to us from</p> <p>25 other -- other systems to transition, the districts</p>

<p style="text-align: right;">74</p> <p>1 from which (inaudible), even though they're 2 technically not graduated, they stay in the system 3 (inaudible) to the age of 22. 4 Does that answer your question? 5 COMMISSIONER VOIGT: Thanks for that. 6 Yes, it is very complex. And I know there's a lot 7 of charter schools that serve, intentionally, 8 students that are over 18. And they graduate them. 9 And they do not get that benefit or recognition of a 10 high school graduate. In their graduation rates, 11 they don't look so good, but they're graduating 12 students. 13 Also, if there is a student that -- that 14 leaves their school in their senior year and 15 attended nine through eleven and a half, there's 16 very little recognition for that school towards that 17 child's graduation success. 18 So things like that really need to inform 19 our work going forward on our Performance Framework. 20 And adult graduates, especially, should -- the 21 school should receive that recognition for 22 graduating those kids. 23 So the second part of that question -- and 24 I think I know the answer, but I just want to 25 confirm. The adult students that are in your adult</p>	<p style="text-align: right;">76</p> <p>1 difficult, the partnership with the County and 2 accessing this thing, because it's always part of 3 what charters have been supposed to be able to do. 4 And, you know, it's not always easy. 5 And I hope moving forward, because there 6 is (inaudible) at a variety of levels, that we can 7 move forward on a greater conversation on how we 8 help other charter schools getting quality buildings 9 that are safe that also allow them to express their 10 visions in the best way possible, and also part of 11 the community to be able to, you know, use the 12 building when, when needed, so that people don't see 13 it just as a (inaudible), which many do. 14 So I'm really excited and hope that we can 15 engage as a Commission in that larger conversation 16 about how do we -- how do we help schools move 17 forward. (Inaudible) so far in buildings, and 18 unfortunately (inaudible) unsafe (inaudible), that 19 we have to -- we have to have a conversation about 20 that. So thank you. 21 MR. RAFE MARTINEZ: Thank you. 22 THE CHAIR: Commissioner Carrillo. 23 COMMISSIONER CARRILLO: I'll echo what the 24 others have said. And this really -- this school 25 really is the epitome of why there are charters and</p>
<p style="text-align: right;">75</p> <p>1 ed class, are they going to be part of that 2 enrollment increase? Or are they already 3 (inaudible)? 4 MR. RAFE MARTINEZ: They will not be. So 5 the enrollment increase will only address the K to 6 12 to the age of 22 PED (inaudible); right? The 7 adult ed piece that we're working on will be funded 8 and (inaudible) more of a community-based program 9 and will be funded from Higher Ed with (inaudible) 10 support (inaudible). 11 So we'll be working with (inaudible). So 12 that's a whole other (inaudible) endeavor; right? 13 It's going to be something connected to the school 14 but not necessarily connected by (inaudible). 15 COMMISSIONER VOIGT: Okay. Thank you. 16 THE CHAIR: Commissioner Gipson. 17 COMMISSIONER GIPSON: (Inaudible.) But I 18 don't -- is it on? Okay. 19 So thanks. And thanks for bearing through 20 all this. But, you know, grateful and always 21 thankful for all the work that you do. It's 22 tireless. It's just like Kayla before. You're the 23 prime examples of why we do what we do, what 24 charters are for. 25 And really excited about -- I know it's</p>	<p style="text-align: right;">77</p> <p>1 why they're so incredibly important. 2 So I just want to thank you for the work 3 you do for the kids in your community. I want to 4 thank again -- I think we did so in the last -- I 5 want to shout it out because of Commissioner 6 Robbins' efforts, you know. 7 One person does make a huge difference 8 every day. And you did. And so it's really going 9 to benefit our kids. And so thank you very much, 10 Commissioner Robbins, for your efforts. 11 And very happy that you came down to speak 12 with us. We love having people here in person. And 13 I know that maybe it wasn't the best site for us to 14 do this meeting. But I'm very glad that you're here 15 and came down to see us. Thank you very much. 16 MR. RAFE MARTINEZ: Madam Chair, 17 appreciate it. Well, one, it's pretty (inaudible). 18 But the other thing, too, it's a complex project, 19 it's not (inaudible). But, again, we never 20 (inaudible). So, you know, (inaudible) how it 21 rolls. But I'm proud. It's something that we hope 22 will be an exemplar and something that does 23 represent the State (inaudible). 24 THE CHAIR: Commissioner Voigt. 25 COMMISSIONER VOIGT: Okay. Thank you,</p>

78	<p>1 Madam Chair.</p> <p>2 I would like the Public Education</p> <p>3 Commission to approve the enrollment cap amendment</p> <p>4 to the Albuquerque Sign Language Academy to increase</p> <p>5 the enrollment from 200 students to 300 students.</p> <p>6 However, the school shall not increase the</p> <p>7 enrollment until the school obtains E-Occupancy for</p> <p>8 a facility that is sufficient to house the students</p> <p>9 enrolled.</p> <p>10 COMMISSIONER CARRILLO: Second.</p> <p>11 COMMISSIONER ROBBINS: Second.</p> <p>12 THE CHAIR: Thank you. There is a motion</p> <p>13 by Commissioner Voigt and a second by Commissioner</p> <p>14 Carrillo.</p> <p>15 Any other discussion from Commissioners?</p> <p>16 (No response.)</p> <p>17 THE CHAIR: All right. Seeing none,</p> <p>18 Secretary Armijo, if you could take roll.</p> <p>19 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>20 COMMISSIONER MANIS: Yes.</p> <p>21 COMMISSIONER ARMIJO: Commissioner</p> <p>22 Robbins.</p> <p>23 COMMISSIONER ROBBINS: An enthusiastic</p> <p>24 yes.</p> <p>25 COMMISSIONER ARMIJO: Commissioner Taylor.</p>	80	<p>1 I think it's going to take a little bit of</p> <p>2 time to move people into the panel. So we're going</p> <p>3 to give some time for that.</p> <p>4 Also, if anyone -- sorry. If there is</p> <p>5 anyone in the audience that would like to speak on</p> <p>6 this item, if you could raise your digital hand, we</p> <p>7 can also then -- we're going to allow for some</p> <p>8 public comment at the beginning of this.</p> <p>9 So I think there's two different things</p> <p>10 going on. Missy is going to pull people over. And</p> <p>11 while she's doing that, if anybody is in the</p> <p>12 audience and would like to make public comment at</p> <p>13 this time, you can raise your digital hand, and</p> <p>14 we'll call on you in order.</p> <p>15 (Brief break in the proceedings.)</p> <p>16 MS. MELISSA BROWN: I believe I've got</p> <p>17 everybody now on the panel.</p> <p>18 THE CHAIR: Good morning, everybody. So</p> <p>19 we are going to start this item. So we are on Item</p> <p>20 No. 8. We are going to start with public input and</p> <p>21 comments. And so I'm going to ask again -- I know</p> <p>22 Missy did pull you over into here if you'd like to</p> <p>23 speak. But if you can raise your digital hand</p> <p>24 again.</p> <p>25 And I know Dr. Cleveland -- yeah, I didn't</p>
79	<p>1 COMMISSIONER TAYLOR: Yes.</p> <p>2 COMMISSIONER ARMIJO: Commissioner Voigt.</p> <p>3 COMMISSIONER VOIGT: A jubilant yes.</p> <p>4 COMMISSIONER ARMIJO: Commissioner Armijo,</p> <p>5 a very, very yes.</p> <p>6 Commissioner Burt.</p> <p>7 THE CHAIR: Yes.</p> <p>8 COMMISSIONER ARMIJO: Commissioner</p> <p>9 Carrillo.</p> <p>10 COMMISSIONER CARRILLO: Sí, sí, sí.</p> <p>11 COMMISSIONER ARMIJO: Commissioner Davis.</p> <p>12 COMMISSIONER DAVIS: Yes.</p> <p>13 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>14 COMMISSIONER GIPSON: Yes.</p> <p>15 COMMISSIONER ARMIJO: That is nine votes</p> <p>16 for, zero against. That passes unanimously.</p> <p>17 MR. RAFE MARTINEZ: Madam Chair,</p> <p>18 Commissioners, thank you, all.</p> <p>19 THE CHAIR: Congratulations and thank you</p> <p>20 so much.</p> <p>21 MR. RAFE MARTINEZ: Thank you.</p> <p>22 THE CHAIR: All right. We are on to Item</p> <p>23 No. 8, which is Discussion and Possible Action to</p> <p>24 Approve, Deny, or Approve with Conditions the New</p> <p>25 School Application for Explore Academy-Rio Rancho.</p>	81	<p>1 know who -- okay. Perfect.</p> <p>2 If I could ask -- if I could ask folks to</p> <p>3 try to limit your comments to just three minutes or</p> <p>4 less, that would be beneficial. And I'm going to</p> <p>5 go -- first, we have Karyl Ann Armbruster. And then</p> <p>6 we're going to do Rhett Trappman, and then we're</p> <p>7 going to go to Dr. Sue Cleveland.</p> <p>8 So, first, Karyl Ann Armbruster.</p> <p>9 KARYL ANN ARMBRUSTER: Good morning. As I</p> <p>10 have said many times before, the Explore model is</p> <p>11 really just a traditional model of education. They</p> <p>12 get the same exact thing that every other New Mexico</p> <p>13 child gets, but the difference is that the kids have</p> <p>14 an ability -- have an ability to choose how they</p> <p>15 want to get that curriculum.</p> <p>16 As a special ed teacher for 39 years, I</p> <p>17 like the fact that the classes are only a few weeks</p> <p>18 long rather than an entire semester long.</p> <p>19 I know that the schools in Albuquerque --</p> <p>20 Explore school in Albuquerque -- I can't even talk</p> <p>21 today, sorry -- has numerous buses. It goes all</p> <p>22 over the city to pick up kids.</p> <p>23 I expect that this would be exactly the</p> <p>24 same. And, in fact, I can imagine no reason that</p> <p>25 this school that has been outstanding -- with the</p>

<p style="text-align: right;">82</p> <p>1 exception of maybe it was the second year -- has 2 been an "A" -- put that in quotes -- school. And I 3 certainly urge you all to approve the school. Thank 4 you. 5 THE CHAIR: Thank you. Rhett Trappman. 6 RHETT TRAPPMAN: Hi. My name is Rhett 7 Trappman. I'm a resident of Rio Rancho. And I 8 believe we need more alternatives to Rio Rancho 9 Public Schools, and I would ask that you guys 10 approve the measure for Explore Academy-Rio Rancho. 11 Thank you. 12 THE CHAIR: Thank you. 13 All right. Now we're going to move to 14 Rio Rancho Public Schools. And I see we have 15 Dr. Sue Cleveland. 16 And I'll also allow for -- if we have any 17 questions for Dr. Cleveland, you will be able to ask 18 them. She has agreed to stay on and answer any 19 questions if you should have them. 20 Dr. Cleveland. 21 DR. SUE CLEVELAND: Good morning. Thank 22 you very much for an opportunity to speak to you 23 today. And I would have truly liked to be in 24 Ruidoso. It would have been a wonderful 25 opportunity. I -- our year is underway, but I also</p>	<p style="text-align: right;">84</p> <p>1 sorry -- cul de sac is a very narrow road that runs 2 from the cul de sac into the adjacent neighborhood. 3 The industrial park backs up to two residential 4 areas. 5 Since there will be increased traffic in 6 the area, motorists will be -- will really be 7 tempted to utilize this one-way road as a shortcut. 8 This will create a serious safety issue since the 9 roadway cannot accommodate two-way traffic. 10 When our school buses deliver speakers to 11 the new CTE school, which will be next year, those 12 buses will have to navigate additional traffic due 13 to increased traffic in the area from Explore. This 14 will result in not only delays, but will likely be a 15 safety issue for all concerned. At the very least, 16 a traffic study should be done to determine the 17 feasibility of placing two campuses across the 18 street from one another in a confined area. 19 It is hard for us to understand why 20 another campus, especially one with elementary 21 students, would be a good fit for this industrial 22 park area. It seems very appropriate for CTE, 23 Career Technical. It will have welding; it will 24 have automotive; it will have the traditional 25 programs.</p>
<p style="text-align: right;">83</p> <p>1 am grounded because of eye surgery for next month. 2 But I would have loved to have been there. 3 I would like to share some thoughts with 4 you today about our position and why we do not 5 support the charter. And I'm going to try to go 6 very quickly and kind of follow a script so I don't 7 forget anything. 8 The -- the site that the Explore Academy 9 plans to use is literally across the street from our 10 new CTE campus. The new CTE campus is located in a 11 light industrial park with very limited car and bus 12 access. Our CTE campus will have traffic from 13 walkers, from parents, parent drivers, high school 14 student drivers, buses, and CNM adult students. 15 We will be offering some courses there 16 that will have both high school students and college 17 students. This is a partnership with CNM. 18 All CNM adult students will be drivers. 19 The CTE center will also be available for CNM 20 classes before the regular high school, before and 21 after the regular high school day. 22 In addition to the traffic congestion, the 23 CTE center and the proposed location of the Explore 24 Charter School sits at the end of a cul de sac. And 25 at the end of the cul- -- I'm trying to hurry,</p>	<p style="text-align: right;">85</p> <p>1 But, anyway, regardless of that, it does 2 not seem prudent to put a school across the street 3 from another school. 4 I want to be absolutely open and 5 transparent with the Commission. The Rio Rancho 6 Public School District has also been involved in 7 attempting to secure the building across the street. 8 Our conversations with the Realtor began months 9 prior to the Explore Academy's interest in the 10 academy -- in the campus. So I don't want you to 11 think this was an inroad in trying to take it away, 12 because we were involved in discussions earlier. We 13 were the first on the scene, so to speak. 14 We were considering the site for both the 15 Career Technical Education center, which we decided 16 to buy the building across the street, but also 17 Independence High School, which is our alternative 18 high school. 19 Since purchasing the building across the 20 street for CTE, our current goal is to provide a new 21 home for Independence High School. It is an 22 alternative high school which serves our highest 23 need students in the district. These students will 24 have a difficult time accessing the CTE program from 25 their existing campus as many are involved in credit</p>

<p style="text-align: right;">86</p> <p>1 recovery courses, and we don't plan to offer that at 2 the CTE center, and the current site is some 3 distance away. It certainly would -- it would 4 certainly enhance the opportunities for our students 5 at Independence. 6 In addition, we have a waiting list of 256 7 students for Independence High School. We are 8 unable to take more students because of the school's 9 current lack of space. The space is too small for 10 the current population, much less the students, the 11 256 students of the waiting list. 12 I would tell you that this limitation on 13 space was established by the fire marshal, and not 14 by our district. 15 The current space where Independence High 16 School resides is -- and our plan would be used as 17 the Special Services Center -- the plan is to 18 consolidate and improve our services for our 19 students with disabilities at this site. Students 20 with disabilities comprise about 17 percent of the 21 Rio Rancho school population. And if we were able 22 to use the Independence site, it would provide a 23 one-stop shop for services, such as Child Find, 24 adaptive technology equipment, diagnostic, and 25 psychological services, parent consultation and so</p>	<p style="text-align: right;">88</p> <p>1 This is not a regular city street. This 2 is a street that goes into a business park or an 3 industrial park. There is no exit at the back of it 4 except for a very narrow road. 5 We have talked to the City about the 6 possibility of opening and widening that road. 7 Right now, they have -- they've been very 8 sympathetic, that -- you know, it's always the case 9 for almost all of us -- it is, "We lack the 10 resources at this point to be able to do anything. 11 There is no money to be able to widen that road in 12 the back." 13 So it also raises, I think, some issues 14 for us, which is why we continue to discuss this 15 site as to whether we could get those safety issues 16 resolved. And so that's kind of where we are on the 17 situation right now. 18 So we are in opposition. We are not in 19 opposition to the school, the model. That's not 20 what this is about. But we do not feel like -- we 21 would never go in a place with a school directly 22 across the street from another. It will make waits 23 for everybody going to work in the morning, picking 24 children up. It will be very problematic. 25 So thank you for an opportunity to present</p>
<p style="text-align: right;">87</p> <p>1 forth. 2 Rio Rancho has over 3,000 students 3 receiving special ed services, and this does not 4 include gifted. If you include gifted, it's well 5 over another 1,000. It also opens some needed 6 spaces in our existing campuses, especially in our 7 Pre-K special ed facility. 8 CTE and Independence High School students 9 would be assigned to ride the same bus, so there 10 would be a minimal impact on transportation, on 11 traffic, because the buses, right now, we would not 12 anticipate would be full. So we don't even 13 anticipate additional buses would be needed in -- in 14 that situation. 15 Students from Independence would be able 16 to walk across the street to take their CTE 17 coursework, but remain at Independence High School 18 for credit recovery. 19 I would stress this is our most vulnerable 20 high school students in the district, and our credit 21 recovery and are in need of social emotional 22 support, a very different environment. 23 So that is our concern. We believe for 24 both sets of students and parents, it will be a 25 traffic nightmare.</p>	<p style="text-align: right;">89</p> <p>1 to you our concerns. And I would certainly answer 2 any questions should the Commissioners want to ask 3 me any. 4 So thank you for your willingness to hear 5 our concerns. 6 THE CHAIR: Thank you, Dr. Cleveland. And 7 so we will stay directed -- if Commissioners have 8 any questions specifically for Dr. Cleveland, we'll 9 only take those questions at this time. 10 Commissioner Carrillo. 11 COMMISSIONER CARRILLO: Good morning, 12 Dr. Cleveland. Thank you very much for your 13 comments. 14 DR. SUE CLEVELAND: Good morning. 15 COMMISSIONER CARRILLO: The -- it's a 16 question, but also a concern. When we have a 17 community input hearing, I could say, safely, there 18 was standing room only. All of the folks were very 19 supportive of the school. 20 When the opportunity came to have anybody 21 from Rio Rancho Public Schools to speak, there was 22 nobody there. 23 And that's concerning to me that sometimes 24 districts, in general, won't show up at the input 25 hearings, but then here we are at the 11th hour</p>

<p style="text-align: right;">90</p> <p>1 (inaudible) today.</p> <p>2 So my question is why was there no</p> <p>3 representation from Rio Rancho Public Schools at the</p> <p>4 community input hearing?</p> <p>5 DR. SUE CLEVELAND: I'm sorry. The</p> <p>6 technology is just not too great today.</p> <p>7 Could that -- could your question be</p> <p>8 repeated for me, please?</p> <p>9 COMMISSIONER CARRILLO: Of course. Why</p> <p>10 were there no representatives from Rio Rancho Public</p> <p>11 Schools at the community input hearing?</p> <p>12 DR. SUE CLEVELAND: I think we were</p> <p>13 simply -- I think we were -- were not well</p> <p>14 informed -- I think we were still looking at the old</p> <p>15 model, where they came and spoke to the local</p> <p>16 district and to the old board. So that was our</p> <p>17 error, and we accept responsibility for that error.</p> <p>18 COMMISSIONER CARRILLO: Thank you.</p> <p>19 THE CHAIR: All right, Dr. Cleveland.</p> <p>20 Thank you so much for taking time to come and speak</p> <p>21 with us today. And thank you for -- for your</p> <p>22 comment.</p> <p>23 DR. SUE CLEVELAND: Okay. Thank you for</p> <p>24 listening.</p> <p>25 THE CHAIR: Absolutely. All right. So</p>	<p style="text-align: right;">92</p> <p>1 your drive and look into Folder No. 10, which is the</p> <p>2 New Charter School Application.</p> <p>3 For some reason, we have been unable to</p> <p>4 post all of the appendices on the website. But the</p> <p>5 appendices are indeed incorporated into the PEC's</p> <p>6 webpage, along with the application and all of the</p> <p>7 items that have followed, which include the Peer</p> <p>8 Review Team's analysis of the application.</p> <p>9 We secured the services of an external</p> <p>10 Peer Review Team, three individuals that are</p> <p>11 external to the Charter Schools Division staff, who</p> <p>12 reviewed carefully and rated the application in</p> <p>13 accordance with the kit that the Public Education</p> <p>14 Commission has approved.</p> <p>15 As you recall, this year's application,</p> <p>16 Part A contained not only the instructions, but the</p> <p>17 rubric that is associated with the rating of the</p> <p>18 application.</p> <p>19 And then -- and so the Peer Review Team</p> <p>20 that rated the application independently came up</p> <p>21 with the ratings, and also held a community --</p> <p>22 excuse me -- a capacity interview.</p> <p>23 And so the transcripts from the Capacity</p> <p>24 Interview are also a source document that you might</p> <p>25 want to reference.</p>
<p style="text-align: right;">91</p> <p>1 that will take us to the next part, which will be</p> <p>2 the Charter School Division recommendation.</p> <p>3 After that, we will go to Applicant</p> <p>4 comments.</p> <p>5 And then we will go to PEC questions and</p> <p>6 comments to the Applicant. And, so, Commissioners,</p> <p>7 just write down your questions 'cause you'll just be</p> <p>8 getting a lot of input for the next 30 minutes or</p> <p>9 so.</p> <p>10 So we have 15 minutes for Charter School</p> <p>11 Division recommendation, 15 minutes for Applicant</p> <p>12 comments after that.</p> <p>13 So Director Chavez.</p> <p>14 DIRECTOR CORINA CHAVEZ: Good morning,</p> <p>15 Commissioners, Applicants, Founding Team. Thank</p> <p>16 you.</p> <p>17 My report is that this year's</p> <p>18 application -- this is the only application that the</p> <p>19 Charter Schools Division received. And for people</p> <p>20 that are online listening or plugged in, if you go</p> <p>21 to the Public Education Commission's webpage, you</p> <p>22 will see a link to "Archived Applications." And so</p> <p>23 for 2022, you will find the application and all of</p> <p>24 the steps that have happened since then.</p> <p>25 For Commissioners, I invite you to go into</p>	<p style="text-align: right;">93</p> <p>1 The other item is the Community Input</p> <p>2 Hearing transcripts are also there.</p> <p>3 Based on that information, Chair Burt, on</p> <p>4 July 22nd, issued a letter to Explore</p> <p>5 Academy-Rio Rancho that talked about some of the</p> <p>6 concerns. This is a new step to the process that</p> <p>7 resulted from another school's results from District</p> <p>8 Court that wanted to ensure that we provide the</p> <p>9 founders with as much notice as possible.</p> <p>10 So taking the information that I mentioned</p> <p>11 above and asking PEC and CSD members for additional</p> <p>12 (inaudible) letter on July 22nd, lists the specific</p> <p>13 areas of focus and the ratings that were either</p> <p>14 Approaches or Does Not Meet. Also additional</p> <p>15 questions that Charter Schools Division raised are</p> <p>16 contained in this memo. And areas of interest for</p> <p>17 additional information provided by the Public</p> <p>18 Education Commission was listed in this as well.</p> <p>19 So that went out on July 22nd.</p> <p>20 On August 5th, I sent to PEC and to the</p> <p>21 founders a final recommendation. My recommendation</p> <p>22 is approval with conditions. And I delineated the</p> <p>23 conditions as such.</p> <p>24 First, that there were standard conditions</p> <p>25 to obtain an approved Board of Finance, to secure a</p>

<p style="text-align: right;">94</p> <p>1 facility that meets PSFA approval, and to complete 2 the Planning Year Checklist. This is a condition 3 that is given to all applicants. 4 But there were some school-specific 5 conditions that we -- that we also are recommending. 6 They are that the application must 7 provide -- and this is considered prior to 8 approval -- information regarding the school's 9 foundation, the Explore Learning Systems, LLC, and 10 the third-party relationship that they both have 11 with the school, including information. 12 We specifically delineated wanting to know 13 about any memorandums of understanding between the 14 school, the foundation, between the school and the 15 Explore Learning Systems, and full disclosure of the 16 legal status of the -- the LLC. 17 I would add to that also information about 18 the network. Because since we put out the 19 recommendation, we have found additional information 20 about the network, which is a separate organization, 21 a nonprofit organization, from the LLC, which is a 22 for-profit organization. 23 The second condition that we're 24 recommending is that the Applicant provide 25 additional detail regarding the school's finances</p>	<p style="text-align: right;">96</p> <p>1 there's a school in Las Vegas and one in Michigan. 2 So this would be a third school in New Mexico. 3 And, again, most of the ratings were 4 pretty positive. But there were several ratings 5 that Approaches. Not in the Academic Framework. 6 There were just a few in the Academic Framework. 7 But some key areas in the Organizational Framework 8 were Approaches. And there were a few that Do Not 9 Meet. 10 And the area that Does Not Meet is the 11 evidence of the partnership, contractual 12 relationships, third-party relationships, and the 13 attachment of the formal agreement. 14 Similarly, the school Did Not Meet and 15 received -- Did Not Meet the financial policies 16 oversight compliance and sustainability. And there 17 were several Approaches in the Financial Framework. 18 So as a result of the final 19 recommendation, the Founders sent to us, on -- just 20 this week, a response that -- to the 21 recommendations. And their response held several 22 objections and several reasons why these conditions 23 shouldn't exist. 24 Basically, we had a day to explain why we 25 believe that these conditions should exist.</p>
<p style="text-align: right;">95</p> <p>1 and plans for the governing board's fiscal control 2 policies and procedures, again, how Explore Learning 3 Systems, LLC, the foundation, and the network, might 4 be involved in and/or related to the school, and, in 5 particular, the individuals who sit on all of these 6 boards, these staff members and committees. 7 And the final recommendation is that the 8 governing board, once established, provide an 9 assurance that they alone make the decision on 10 hiring the head administrator in accordance with 11 what is required in the New Mexico Charter Schools 12 Act and in statute that says that a management 13 organization cannot control and make decisions for a 14 school. 15 So that recommendation, we -- mostly, the 16 peer reviewers and the Charter Schools Division 17 recognizes that the Explore model is a very 18 interesting, very successful, well-thought-through 19 model. We know that it has been in existence and 20 that -- that a lot of people really like it. 21 We know that Commissioners have some 22 firsthand experience with the school and also really 23 like the model. 24 We know that the school started in 25 Albuquerque, has expanded to Las Cruces, that</p>	<p style="text-align: right;">97</p> <p>1 So those materials are also there for you, 2 Public Education Commission. 3 And with that, I will -- I will end my 4 introduction. Thank you. 5 THE CHAIR: Thank you, Director Chavez. 6 Karen Woerner is going to be over there, so she is 7 as close to the microphone for the computer as 8 possible. So, hopefully we won't have any sound 9 challenges as you do your presentation. So if you 10 want to introduce folks first who are on, and then 11 we'll start the time for 15 minutes. 12 MS. KAREN WOERNER: I'll be happy to do 13 that. Thank you. Cindy, can you hear me okay? 14 THE REPORTER: Yes, ma'am, I can hear you 15 really well. 16 MS. KAREN WOERNER: It's a little awkward, 17 but we'll get through it. Hello, again, I'm Karen 18 Woerner. I do want to introduce Justin Baiardo, the 19 founder of this model, who is online, along with he 20 Elisha Ballardo, who is on the supporting team with 21 me. 22 We also have -- I think you noted that all 23 five board members who were at the community input 24 hearing, they are here today -- well, four of the 25 five are -- were here. I don't know if they've</p>

<p style="text-align: right;">98</p> <p>1 lasted all this time with us. 2 But we have -- oh, and I forgot Hannah. 3 Oh, I'm so sorry. I just saw Hannah there. Hannah 4 is on our team, too. She's our elementary expert. 5 But we have Mike Mierzejewski. I'm not 6 sure if I'm pronouncing it correctly. 7 Veronica Sanders, who is keeping the 8 camera off because you she's not feeling well. 9 We have Barb Sena. I don't know if she 10 was able to stay with us. And Skip Mackay, who is 11 teaching so maybe couldn't stay with us also. 12 I think that's everyone that's here. The 13 other board member is on a flight -- on a planned 14 vacation from before this was scheduled. 15 So with that, Justin, can you start with 16 our presentation? And then I will have some more 17 comments after his presentation. 18 Can he share his screen? Yes. 19 MR. JUSTIN BAIARDO: Okay. Thank you very 20 much. 21 Good morning, members of the Commission. 22 Appreciate the time, as always, to come and share 23 our model with you. 24 I'll be -- on the briefer end. I think 25 Karen has some more extensive material to cover in</p>	<p style="text-align: right;">100</p> <p>1 more engaged and more successful because they are 2 allowed that choice to determine their own 3 (inaudible) in a sense. 4 And we do say, as kind of our mantra, that 5 one student represents an infinite number of 6 possibilities, because within our system and the 7 number of choices that students are provided from 8 kindergarten all the way through twelfth grade, in 9 increasing fashion, those combination of choices and 10 the choices that students make do create something 11 that is very unique to the student and to the 12 individual. And so the possibilities of what paths 13 students can take with the combination of choices 14 they make is very unique to that student. 15 And we do this through what have coined 16 over the last several years is a flavor-based 17 approach to teaching, which, as Ms. Armbruster had 18 mentioned is nothing outside the box, in a sense. 19 It is a thematic variation of a class. 20 Our classes are much shorter, but, yet, 21 the way they're themed out is driven by teachers for 22 students to sit back and ultimately choose, with the 23 flavors that are provided for the different classes 24 that they have to take, how they want to learn. So 25 by following the pathways with the flavors that they</p>
<p style="text-align: right;">99</p> <p>1 the time that we're allotted. 2 I'll be sharing my screen here. 3 All right. How's that? Is everyone 4 seeing that okay? 5 MS. MELISSA BROWN: Yes. 6 MR. JUSTIN BAIARDO: So, yes. This 7 presentation is somewhat similar to the presentation 8 we provided at the Community Input Hearing. I did 9 want to re- -- rehit some of the major points for 10 some of the Commissioners that weren't able to make 11 that meeting. 12 It's a very brief overview, a high-level 13 overview of the school model, and why we believe it 14 brings a value-added approach to education in the 15 Rio Rancho community. 16 The mission, again, is to provide students 17 a personalized educational experience. We're very 18 big on creating unique pathways for students based 19 on their own determinations and their own choice, 20 from Grades K through 12. 21 This is all based on the area of 22 psychology known as "Choice Theory," which asserts 23 that any time an individual has choice in an aspect 24 of their life, specifically as it applies to 25 education within this model, they'll be happier and</p>	<p style="text-align: right;">101</p> <p>1 choose, they end up creating something, again, 2 that's very unique. 3 This is all driven by teacher creativity. 4 I will continue to say that our model is -- as much 5 as it is very student friendly, is equally teacher 6 friendly, in that we want teachers to move in a 7 direction that is atypical of what we see now in 8 education with more scripted and prescribed 9 curricula. Ours is very much teacher-driven, driven 10 by the interest and passions that they want to put 11 on display with which they want to engage students. 12 And with that comes what we feel is a 13 strong connection between teachers and students, 14 which is not found in the traditional educational 15 model, where instead of having students being placed 16 with teachers randomly, they're now placed with 17 teachers in a more intentional and purposeful manner 18 to create stronger connections with both other 19 students in the class and with the teachers. 20 And from day one, kindergarten through 21 grade twelve, no matter where a student enters into 22 our system, we are focused on providing them with 23 the skills and knowledge to be successful in 24 post-secondary education. And so whether it's soft 25 skills or the academic skills that we teach in our</p>

<p style="text-align: right;">102</p> <p>1 classes, we do want students to be ready for that 2 next step.</p> <p>3 And within that support for choice, we 4 notice sometimes choices can be overwhelming. So 5 that's why we do provide a gradual work-in with the 6 choice as students grow, but also with support for 7 those students to provide them the capacity, as they 8 age, to make intentional choices, to make decisions 9 that really chart their own education, providing 10 them those options, but then allowing them the 11 ability and the freedom to explore.</p> <p>12 And with that, I will hand it over to 13 Ms. Woerner.</p> <p>14 MS. KAREN WOERNER: So I don't want to 15 cover all the things that were in the application, 16 but, Justin, if you could go forward with the next 17 couple of slides just to hit some key points.</p> <p>18 I do want to remind you all from what you 19 read in the application, standards-based focus, 20 equity focus, we are providing transportation and 21 food service, which I'm very proud of, because that 22 reduces a lot of access issues.</p> <p>23 The next slide is addressing the very 24 various support systems we've talked about in our 25 application and also at the Community Input Hearing</p>	<p style="text-align: right;">104</p> <p>1 disagree with. I think they were actually Meets 2 Standard, and, I want to explain that to you today. 3 And some of them are Approaches, but are certainly 4 very close to a Meets Standard. And so I want you 5 to consider that in your decision today.</p> <p>6 So on Page 4 -- what I've done here on 7 Pages 4, 5 -- but starting on Page 4 -- is I took 8 all the Approaches -- all the ones that didn't Meet, 9 (inaudible) Meets Standard. I just want to point 10 out a few things. I'm not going to read this to 11 you, but it's been provided.</p> <p>12 I want to highlight a few things, if I 13 may. There were several prompts in the application 14 that we were dinged for that were not in the rubric 15 for this year's application. I suspect that the 16 Peer Review Team was given the rubric for last 17 year's application, and, as you know, several 18 revisions were made to that to clean it up a bit and 19 make it less redundant.</p> <p>20 We were dinged for four specific prompts 21 that weren't in our application, Part A. I can 22 point those out for you.</p> <p>23 The first was in D1 under "Education Plan" 24 about how the proposed curriculum will ensure equal 25 education opportunity. That was not in our rubric</p>
<p style="text-align: right;">103</p> <p>1 and the extensive data analysis and data-driven 2 instruction that happens, and will happen, at 3 Explore Academy-Rio, if you approve us today.</p> <p>4 I do want to go into the school's 5 response. So all of you, I understand, received a 6 copy of our response, and I'm going to refer to that 7 and spend my time addressing some of our concerns 8 about their concerns, if you let me.</p> <p>9 First couple of pages, 2 and 3, are simply 10 a summary of the -- the overall ratings that we 11 received, color-coded, because I know some of you do 12 like that. But what I captured there was the 13 overall comments for each section, which came from 14 the Peer Review Team, which I think were very 15 positive and very supportive of this application.</p> <p>16 To Director Chavez's points, there were 17 several -- I think 17 here -- that are Approaches 18 and the three that were Does Not Meet. And I'd like 19 to spend some time addressing those, if I may.</p> <p>20 As you all know, Commissioners, an 21 Approaches rating can be very close to Meeting a 22 standard or significantly -- it's a big range; 23 right? -- significantly down at a Does Not Meet.</p> <p>24 I would present to you that I believe that 25 any of the Approaches -- some of the Approaches, I</p>	<p style="text-align: right;">105</p> <p>1 for that question. However, there were other parts 2 of the application that significantly addressed that 3 that we got a Meets Standard on. And I assume -- 4 because that wasn't part of your revisions -- but I 5 assume that the reason it was taken out there is 6 because it was covered extensively in another part 7 of the application.</p> <p>8 Another prompt on Page 5, "Governing Board 9 Qualifications" that we were dinged, again, for -- 10 we didn't address "Selecting and overseeing a 11 qualified and highly effective school leader." That 12 was not in this particular section of the questions, 13 the rubric. And I assume it's for the same reason. 14 This was covered in great detail in other Sections, 15 C2, C3, and C4, all of which we got a Meets 16 Standard.</p> <p>17 The third prompt was in "Job 18 Descriptions." It said -- this was not listed in 19 your packets, I caught it later -- but "How 20 Responsibilities Relate to the School's Mission, 21 Goals, and Educational Philosophy," was not in that 22 this year. And then on Page 6, the "Facilities" 23 one, said that the response should address how a 24 facility will meet the student population and 25 transportation needs. Like the other prompts, that</p>

<p style="text-align: right;">106</p> <p>1 was not in our list of bullet points for that 2 question.</p> <p>3 Moving back, there are other concerns I 4 have about how this application was reviewed. I 5 think historically -- I'm not sure what happened 6 this year. But, historically, I know that CSD or 7 PED staff have sat in on the consensus calls with 8 Peer Reviewers to ensure that they are familiar -- 9 or if they have any questions about statutes or 10 regulations. I'm not sure if that happened, because 11 there are several errors in here that I wanted to 12 point out that affected our score.</p> <p>13 For example, the Peer Review Team said 14 that we didn't properly address the ELTP 15 requirements, that it's required adding ten days to 16 the calendar. But the reality is that it's five 17 days and five days' worth of minutes, or ten days. 18 That's a change that happened in the last couple of 19 years. But, clearly, the Peer Review Team did not 20 know that, and, therefore, dinged us on that.</p> <p>21 That's in Section "Yearly Calendar and 22 Daily Schedule." I will say we still did -- I 23 explain in there what some of the concerns were. 24 But I would concede that the application was still 25 an Approaches the Criteria, because our team did</p>	<p style="text-align: right;">108</p> <p>1 Applicable for the "Essential third-party 2 relationships and the MOU."</p> <p>3 We don't -- did not yet have a foundation 4 established at the time of application, so there 5 would be no MOU to provide for that.</p> <p>6 And the relationship with Explore Learning 7 Systems, or the anticipated relationship with 8 Explore Learning Systems, obviously we're very 9 dependent on that for the Explore Learning Model 10 training, and perhaps other services, at the 11 decision of the board.</p> <p>12 We included that because I -- my 13 experience has been that this Commission asked the 14 NACA-Inspired Schools Network, for example, to 15 provide an MOU when one of their schools that they 16 support was seeking renewal.</p> <p>17 I did not want to put it here and think I 18 was trying to hide something. But in reality, I 19 think we should have put Not Applicable and dealt 20 with it that way, instead of the way I did that 21 caused all this trouble.</p> <p>22 So I apologize for that, but it was in the 23 attempt to be completely transparent and open with 24 the Commission.</p> <p>25 Also, on the Internal Control Procedures</p>
<p style="text-align: right;">107</p> <p>1 neglect to describe the ELT Program in this section. 2 But that's the only (inaudible) dings are inaccurate 3 or not true. I guess that's what inaccurate is.</p> <p>4 Moving on, there was a requirement that 5 references a statute. I did put the statute in here 6 on the bottom of Page 4, A1, about "A secretary must 7 appoint someone to the board if they don't have 8 someone within 45 days." You know how these boards 9 work.</p> <p>10 If the secretary of the board had a person 11 to appoint, we would do so. This applies to 12 traditional school districts who are elected, not to 13 charter school districts -- charter schools. Excuse 14 me.</p> <p>15 It goes on. There are other things in 16 here, most of which I'm not going to spend time 17 going over, but wanted to just stress to you that it 18 is my opinion, and the team's opinion, that many of 19 these woulda-shoulda been a Meets Standard, although 20 we concede where it Approaches the Criteria is 21 appropriate, think it was pretty close to the Meets 22 Standard, if you will.</p> <p>23 Regarding the Does Not Meet, I just want 24 to address that -- two things: 25 One is we should have just put Not</p>	<p style="text-align: right;">109</p> <p>1 Does Not Meet. We did submit a rather weak Internal 2 Control Procedures. We're wanting a financial 3 person to help us with that, and we intend to do so. 4 So I don't know if it deserved a Does Not Meet, but 5 it certainly wasn't a Meets Standard, but we will 6 get it there.</p> <p>7 Moving on to Page 8, the conditions, as 8 recommended.</p> <p>9 The first three are standard. We have no 10 objection. And the rest, frankly, Commissioners, 11 they're going to be conditions of the Implementation 12 Year Checklist. So whether you want to include it 13 now as part of the approval or not makes no real 14 difference to us because we're going to have to do 15 them anyway as part of the Implementation Year 16 Checklist which you have to approve in June before 17 we can commence operation.</p> <p>18 So either way. It seems rather redundant 19 and unnecessary to include those conditions at this 20 point because they're conditions of all schools.</p> <p>21 There are a couple of exceptions on here. 22 For example, 2 -- or 1B is about the memorandum of 23 understanding between the school and Explore 24 Learning Systems, including all the 25 responsibilities, et cetera.</p>

<p style="text-align: right;">110</p> <p>1 We do not have an MOU. We do not have 2 anybody being paid or doing anything. It's all 3 volunteer. But if so requested, we would be happy, 4 when it comes time, to provide a copy of the 5 services agreement between the school and ELS, if 6 they choose us for services, particularly beyond the 7 learning model. Or either way. We'll provide that. 8 But I can't provide that to you today anyway. 9 And I heard Director Chavez mention she 10 wants that prior to approval. 11 2C -- 1C is concerning, in that we are -- 12 if so requested by you, Commissioners, we're happy 13 to provide information regarding Explore Learning 14 Systems, LLC. Anything that's public record, we're 15 certainly happy to show you the legal status or any 16 of that information you need. 17 I do question why contracts with employees 18 of a private corporation and/or contact 19 information -- well, there is no board of an LLC; 20 so -- and information on those people who are 21 employed is relevant to this application and stand 22 to answer your questions on that and see if I can 23 understand what's really being asked. But I would 24 ask, is this asked of all schools that have 25 contracts with organizations that are LLCs?</p>	<p style="text-align: right;">112</p> <p>1 respectfully ask that this Commission approve our 2 application. It's a very strong one. 3 And, in closing, I just want to read the 4 Peer Review Team's closing comments after the 5 Capacity Interview, which was, "Overall, the 6 Applicant Team's responses fully demonstrated the 7 capacity to open the proposed Explore 8 Academy-Rio Rancho. The members of the Applicant 9 Team are highly experienced individuals who are 10 fully capable of creating an exciting new school 11 based on the Explore Learning Model. The Peer 12 Review Team noted the excitement and enthusiasm 13 expressed throughout the Capacity Interview 14 process," end quote. So I ask for your approval 15 today. Thank you. 16 And we stand for questions. 17 THE CHAIR: Okay. So now we are on to PEC 18 questions or comments. And please ensure you're 19 directing it specifically to CSD or to the Applicant 20 or to both. So be specific. 21 Commissioner Gipson. 22 COMMISSIONER GIPSON: So thank you. And I 23 guess my questions are aimed to the Applicant and to 24 the CSD team. 25 So I think I'm going to ask for both today</p>
<p style="text-align: right;">111</p> <p>1 And then there's another one, 2B. We are 2 happy to provide the names, titles of anybody 3 contracted to provide financial services. That's 4 reported -- I'm not sure if it's in S.T.A.R.S. or 5 some other system. But I know it's reported who is 6 our financial support. And whether they hold 7 employment with Explore Learning Systems or any 8 other company, I think is irrelevant when we're 9 contracting. 10 And I do want to stress that the 11 foundation, once we have one, will not employ -- or 12 have employees or any other employment contracts 13 with staff at the school or on the ELS team. The 14 only thing I suspect the foundation might have would 15 be an accountant or an auditor at some point, but 16 not any employees. 17 And the rest are all mostly conditions. 18 I do want to also point out the Finance 19 Committee issue. 20 MS. MELISSA BROWN: (Inaudible.) 21 MS. KAREN WOERNER: Okay. Then I'm going 22 to skip over, then, to Page 9. 23 We have given you some answers to all of 24 the questions you've asked. But I guess I'll stand 25 ready to answer those during the questions part and</p>	<p style="text-align: right;">113</p> <p>1 at a point in time. 2 I'm the one that obviously brought, at the 3 public meeting the last time, the financial 4 concerns, because I just had questions. It 5 wasn't -- it wasn't clear to me. 6 And I sort of apologize because the 7 question about the (inaudible) foundation, it came 8 up at the Community Input Hearing, but I really 9 didn't process it until I was driving -- I didn't 10 ask this. And I do have some concerns, and I'm 11 going to ask if it would be possible for my 12 financial Columbo, Melissa, to kind of address some 13 of the concerns, because she navigates this better 14 than -- than anyone I know. 15 So I'm going to ask if she could just 16 identify some concerns that go with this. 17 I do agree -- I'm going to preface this. 18 I do agree that it can be most likely flushed out 19 with the Implementation Year Checklist. I do. But 20 I think it's important for us to identify these, as 21 we're going forward, for the Implementation. 22 MS. MELISSA SANCHEZ: Okay. So which one 23 specifically? 24 COMMISSIONER GIPSON: Oh. The -- I guess 25 the potential for conflicts of interest and any and</p>

<p style="text-align: right;">114</p> <p>1 all -- is there any gray areas with nonprofit 2 providers, I guess. 3 MS. MELISSA SANCHEZ: You know, I don't 4 really think there's a conflict with profits and 5 nonprofits. And I think one of the things you said, 6 Karen, was, you know, was is this the same questions 7 that you had for everyone when they have -- when 8 they contract out for curriculum. 9 So here's what it kind of boils down to 10 for me. The curriculum is purchased through the 11 systems; right? Your for-profit? 12 THE CHAIR: Melissa, could you speak 13 towards us? 14 MS. MELISSA SANCHEZ: You or the camera? 15 Okay. Okay. That's cool. Okay. Thanks. 16 That's a little bit easier. 17 So the area seemed to be that we have 18 school administrators or presenters here 19 representing Explore-Rio Rancho putting it into 20 place, as well as people who are running these other 21 organizations. 22 So that's what concerns me. 23 Does that make sense what I'm saying, is 24 that, you know, we're putting the school together 25 but then we're also contracting with this other</p>	<p style="text-align: right;">116</p> <p>1 concerns. 2 MS. MELISSA SANCHEZ: Well, you know, in 3 the Implementation Year Checklist, if I have that 4 right, we are asking for curriculum; right? We are 5 asking them to provide the curriculum. In the 6 responses that I read, it was something to the -- 7 and I'm going to paraphrase here -- that, certainly, 8 initially, the school would purchase the curriculum 9 model from Explore Learning Systems -- I hope I said 10 that one right -- and then, later on, if the school 11 decided, the head administrator and governing board 12 decided to not renew a contract with Explore, they 13 could go do that. 14 But then there was a comment about, but 15 then they'd need to change their name; right? 16 So it made me just sort of wonder -- I 17 mean, that would change the entire school, then, if 18 we weren't going with the Explore model; right? 19 So I feel that if -- you know, if there 20 was -- if this was a separate company, meaning that 21 nobody's running those companies, we're also 22 involved in the foundations or creating the school, 23 implementing the school and part of this 24 implementation, then I'd say, "Great. Yeah. Super. 25 There isn't a conflict."</p>
<p style="text-align: right;">115</p> <p>1 company for curriculum, and it's all the same people 2 appearing to run it. That's what that appearance is 3 for me. So that's what I feel is the gray area is 4 that. 5 So there is no problem with the school 6 purchasing curriculum. I mean, they do that. 7 That's a requirement. But the school isn't usually, 8 you know, creating the school and then purchasing 9 from, you know, the same company that they run and 10 own. 11 Does that make sense? 12 Yeah. Okay. That's my concern. 13 COMMISSIONER GIPSON: So I -- well, can I 14 just -- while Melissa is up -- yeah. So let me just 15 argue (inaudible) that the Implementation Year 16 Checklist -- or maybe not that familiar with it -- 17 would flush that all out, and we have a clear -- you 18 know, I think we do. But (inaudible). 19 So, I mean, obviously, we have a year 20 before we vote for commencement of operation, so 21 that other questions and, hopefully, concerns are 22 addressed and answered through that. 23 But I want to make sure that if we simply, 24 say, take a vote that (inaudible) the Implementation 25 Year Checklist, that's sufficient to address the</p>	<p style="text-align: right;">117</p> <p>1 But when you see them on both sides of it, 2 I'm concerned. And I don't have any problem with 3 the model. I'm not saying that I find anything 4 wrong with the model. 5 COMMISSIONER GIPSON: Right. Got you. So 6 can it segue -- it's the same topic. But can I ask 7 Julia at this point in time? Because Melissa brings 8 up a good point. If, say, during the -- the 9 (inaudible) Implementation Year Checklist, we do a 10 Commencement of Operation, and get into Year Two of 11 the contract, and the governance council decides, 12 "We're not going to contract with them any longer," 13 so that it's no -- is it a new school? 14 Because if they did that, then I don't 15 (inaudible) have to. That's between the school and 16 Explore whether they would actually have to change 17 their name. But if they're no longer -- we voted on 18 the school because of this model. And now they're 19 not going to do that, where do we stand with that? 20 I don't -- I don't know. 21 And I don't know whether she can give us 22 an answer at this point in time. But it raises an 23 interesting question as to where do we stand with 24 that. 25 THE CHAIR: Ms. Barnes?</p>

<p style="text-align: right;">118</p> <p>1 MS. JULIA BARNES: Thank you. I think, 2 Commissioner Gipson, it goes to the contract and 3 what is in the contract. And the contract has an 4 educational model and the description of the 5 educational model as provided by the school. And 6 then it has a section on essential partners, and it 7 also has a section on a foundation that supports the 8 school. 9 So it would be my view that -- and we've 10 talked about this many times with many schools. If 11 you can touch it in the contract, you have to amend 12 it if you change it. 13 So I -- I think it -- it would be great to 14 be clear today, if the Commissioners are approving 15 the school with, you know -- you know, this 16 educational model that needs to go into the 17 contract, if you are also approving the school with 18 this -- if you view -- which might be different than 19 what Karen Woerner said -- that is it just a vendor, 20 or do you consider it more than that, and the 21 direction that that should go into the contract. 22 And then any foundation that does support the school 23 will be there. So that's actually kind of a 24 different topic. 25 But, certainly, we have schools that it's</p>	<p style="text-align: right;">120</p> <p>1 approval is my view. 2 COMMISSIONER GIPSON: In the motion? 3 MS. JULIA BARNES: Yes. 4 COMMISSIONER GIPSON: Okay. Thanks so 5 much. Karen? 6 MS. KAREN WOERNER: Can we have the 7 response (inaudible) if you don't mind? 8 THE CHAIR: Mr. Baiardo. 9 MR. JUSTIN BAIARDO: Thank you. I wanted 10 to just step in as soon as possible. I think what 11 is being discussed is -- it represents some muddying 12 of the waters unintentionally. What -- what it was 13 described is in no way, shape, or form the agreement 14 with our entity and the school board. 15 We -- there is no license for the school. 16 We are not as an entity supporting the school. We 17 are completely fireable, you know. We're not 18 required by the school to serve. 19 I mean, it is a framework that the school 20 is adopting. It is not a license for a curriculum. 21 They are not purchasing a curriculum from us. I 22 think Melissa mentioned that. 23 I wanted to clarify. There is no 24 curriculum being purchased. The curriculum is 25 created by the teachers, based on the standards. We</p>
<p style="text-align: right;">119</p> <p>1 hardwired in the contract what you have approved. 2 And to change it, they have to come back to you. 3 So I guess my answer to your question, 4 yes, that can happen. And, yes, it can be -- have 5 to be brought back to you within two years if they 6 say, "We don't like that vendor." 7 COMMISSIONER GIPSON: Right. And thanks. 8 And I -- that's what I thought. And I guess I'm not 9 going to keep the (inaudible) down (inaudible) two 10 years. But they have to come up with an amendment. 11 What would we do? I don't know. But I just wanted 12 to make sure that I guess that the Commission 13 understood that. If it's something that, you know, 14 we felt strong enough that has to be, then that 15 language should be part of this motion going 16 forward. 17 But it needs to be, as (inaudible) 18 mentioned, to make it clear about the education 19 model. 20 MS. JULIA BARNES: And I guess, 21 Commissioner, the last thing I'll add is the 22 contract is two parties. If you have made it clear 23 what your position is as one of the parties, then 24 that will need to go into the contract. And that 25 would be helpful to have that clarity here with</p>	<p style="text-align: right;">121</p> <p>1 just help the teachers create it based on the 2 framework that the board is adopting. 3 If the board does not want to work with 4 us, they do not have to. We are not involved in the 5 contract. It is between the board and the PEC. We 6 are a service provider who is supporting the school. 7 We are not an integral component. Yeah. Will we 8 help? Absolutely. Do we want to support? Sure. 9 But if the school severs ties with our 10 entity after year two, there is no -- the approved 11 charter contract is -- is between the board and the 12 PEC, independent of us. So we are -- you know, 13 we're not a party to that, and we're not integral 14 into that arrangement. 15 We are there to support the board in 16 whatever capacity the board sees fit every year, 17 increasing or decreasing as the years go. 18 But I just wanted to clarify. There is 19 not a license fee. It's not like they're purchasing 20 a textbook coach or a curriculum or a virtual 21 curriculum. None of that is in play here. It is a 22 curricular idea, which, again, is not -- any school 23 could pick it up and run with it. Any school can do 24 what we're doing. 25 What we're doing is nothing proprietary</p>

122

1 and is nothing that should be involved in any
2 contract between the authorizer and the school. It
3 is -- that's a board decision in terms of the extent
4 to which they want to work with us each year.

5 And, again, our position has always been
6 that we want to support the board, the principal,
7 the teachers in a way that makes sense for the
8 school. And if that -- if that service-ship
9 decreases over time or is eliminated, that is the
10 board's decision.

11 And with -- with that, they take the
12 school, the name, the curriculum with them. And --
13 you know, and we part ways. That is -- that is, of
14 course, an option that can present itself at any
15 point.

16 But, you know, what we're doing is not
17 selling anyone anything. We're here to support the
18 principal and the board and the teachers. So I
19 thought we were clear about that in the application.
20 None of this curriculum has ever been purchased.

21 So I just wanted to clarify that from the
22 get-go. I think some of the discussion that came
23 after Melissa's comments went down a road that
24 mischaracterizes what we've described in the
25 application in that we are a service provider whose

123

1 ties with the board can be severed at any point in
2 time, and the school and its board can exist
3 independently of us and any arrangement.

4 COMMISSIONER GIPSON: Thank you for that.
5 But I am going to take Melissa's opinion that it
6 should be in the contract. So I'm just going to say
7 that.

8 Can I -- you just turned it over to
9 Justin. You didn't want to say anything, did you?
10 Me.

11 MS. KAREN WOERNER: No, except to say that
12 I may have contributed to this muddiness. If I were
13 a school, I would assume they would want to have our
14 support, meaning the ELS team support, to train
15 teachers that first year. I made a comment to that
16 effect at the Community Input Hearing. So I may
17 have made it more difficult. The reality is right
18 now, we are a bunch of residents -- I recently moved
19 out of Rio Rancho, but was a long-time resident of
20 Rio Rancho, along with five board members who want
21 to start a school with this model and independent of
22 the Explore Learning Systems.

23 But, certainly, I would expect that the
24 board would want Explore Learning Systems to help
25 train teachers on the model. The other services, I

124

1 was less confident about. But, again, it's still
2 their decision, once it's approved as a school and
3 they become an official board, they would have to
4 follow the proper procurement for whatever they
5 purchase. So I may have contributed to the problem.

6 COMMISSIONER GIPSON: I was disappointed
7 that the response came as late as it did, because it
8 didn't give us time to really look at it and flesh
9 anything out. (Inaudible.)

10 I'm disappointed in the lapse and the
11 response time.

12 But on another (inaudible) one last
13 question, and it goes to Director Chavez.

14 Dr. Cleveland mentioned in her -- in her
15 statement that it was a State policy that a school
16 can't be across the street from another school. And
17 I have never heard of that before. So I'm just
18 wondering if you can -- you know, I don't think
19 that's so. Or I assume she's meaning a high school
20 across the street from a high school.

21 I don't know. I know we've got schools
22 that are -- I'm just wondering. Can you respond to
23 that? I know I might be putting you on the spot
24 with that, but it just sounded odd to me.

25 DIRECTOR CORINA CHAVEZ: Sorry. My dog

125

1 decided to bark at this moment.

2 Can you hear me okay?

3 COMMISSIONER GIPSON: Yes.

4 DIRECTOR CORINA CHAVEZ: All right. Let
5 me get my dog out of here. Actually, maybe he wants
6 me to hold him and say hi to you all.

7 So, Commissioner Gipson, I will need to
8 investigate that question. I will have an answer
9 before we are done discussing this particular school
10 and your -- and your -- and you take a vote on it.

11 I would like an opportunity to address a
12 couple of items that came up.

13 THE CHAIR: Director Chavez, if we could
14 keep your comments just to the question, it's --
15 Commissioner Gipson's floor right now. If you want
16 to put your digital hand up, I can go back --

17 DIRECTOR CORINA CHAVEZ: Okay.

18 THE CHAIR: -- and call on you. But right
19 now, it's Commissioner Gipson's --

20 COMMISSIONER GIPSON: I'm done. Thanks.

21 THE CHAIR: All right. Would you like the
22 school to respond to Dr. Cleveland's comment?

23 COMMISSIONER GIPSON: I think I know the
24 answer. I don't think the school needs to respond
25 to it. But I want -- I think it's important for the

<p style="text-align: right;">126</p> <p>1 school to have it on the record that it is or it 2 isn't.</p> <p>3 THE CHAIR: Okay. Great. 4 All right. Next we have Commissioner 5 Carrillo.</p> <p>6 COMMISSIONER CARRILLO: Thank you. With 7 regards to that one topic, I can think of -- in 8 Santa Fe, there's three schools pretty much 9 practically across the street from one another just 10 down the road. So I -- I'm not sure Dr. Cleveland 11 stated her concern correctly. I think it was more 12 traffic stuff, and, which, to me, you know, when 13 traffic stuff comes up, I just think to myself that 14 it's a ridiculous argument to try to make, because 15 every school has traffic twice a day.</p> <p>16 Every area, every neighborhood that has 17 schools has traffic twice a day. And it's a given, 18 because, for God's sakes, slow down to 15 miles an 19 hour and move on. (Inaudible.) I'm not as 20 concerned with those things need to be worked out in 21 the Implementation Year, because, you know, in my 22 short experience on this Commission, it seems 23 schools either are going to do these things, and 24 they work them out by the time June rolls around, 25 and we're making that decision on whether or not,</p>	<p style="text-align: right;">128</p> <p>1 There are several schools in Albuquerque 2 that are directly across the street from each other. 3 And so I really feel that that is a nonissue. 4 (Inaudible) she's on the phone right now researching 5 that, as she indicated in her previous answer. 6 But I think maybe this LLC in your 7 contract is going to stay rigid. It's not going to 8 maintain that flexibility. But if that's what you 9 want to do, that's your decision as well. So 10 thanks.</p> <p>11 THE CHAIR: Commissioner Davis. 12 COMMISSIONER DAVIS: I'm also hopping on 13 the school location bus here. The City of 14 Farmington has four schools within one mile of each 15 other. Two of those are an elementary school and a 16 model school where their front doors face one 17 another. So it's -- it is a possibility that that 18 can happen.</p> <p>19 THE CHAIR: Director Chavez? 20 All right. I'm going to come back to her. 21 I see she's on the phone. 22 Commissioner Robbins. 23 COMMISSIONER ROBBINS: Well, I had one 24 question for Commissioner Chavez. But I'll wait. 25 I will also second the comments -- or</p>
<p style="text-align: right;">127</p> <p>1 you know, to open a facility in August. 2 So those are my -- that's really all I 3 have. Again, you know, I'm not concerned with the 4 relationship with the LLC. You know, it starts to 5 become apparent that -- and I don't think it will -- 6 that whether it's the -- organization or another, is 7 acting as a CMO. I mean, we're going to see it. 8 (Inaudible.) Then we'll take the appropriate action 9 at the time.</p> <p>10 But so I -- you know, I'm very big on the 11 school opening in the Rio Rancho community. And 12 those things that were Does Not Meet, I have no -- I 13 have every confidence that those things are going to 14 be worked out.</p> <p>15 Thank you. 16 THE CHAIR: Commissioner Voigt. 17 COMMISSIONER VOIGT: Thank you. I also do 18 not have any concerns around the LLC. There are 19 numerous schools that work in a network to provide 20 certain structural and consistent modeling pieces 21 between their schools.</p> <p>22 And so, historically, it's been done 23 before. So this is nothing new. They have a great 24 model, and they're sharing it within some new 25 schools.</p>	<p style="text-align: right;">129</p> <p>1 third or fourth the comments in terms of 2 transportation and location. 3 You know, two of the large schools in 4 Albuquerque on the West Mesa, Tony Hillerman and 5 Volcano Vista, are across the street from each 6 other. A middle school and a high school. And so 7 that, to me, is a nonissue. That is an issue that 8 is really a traffic issue the City needs to address. 9 If they get a Certificate of Occupancy, 10 then it's up to the City and the traffic planners to 11 work with the businesses and the other individuals 12 in the area to try to develop traffic patterns and 13 mitigate that -- you know, you have school zones 14 where, you know, throughout the City where traffic 15 goes from 40 miles an hour down to 15 or 25 miles an 16 hour. That's normal.</p> <p>17 So I think that's kind of a nonissue. I 18 don't know if anyone else at CSD can answer the 19 question as to why they are recommending conditions 20 that have to be answered during the Implementation 21 Year that cannot be answered now, why are they 22 including those as conditions for to us approve this 23 charter from moving forward. 24 That seems to me to be very unusual and a 25 little bit punitive to say, "Oh, you need to -- you</p>

<p style="text-align: right;">130</p> <p>1 need to provide this," when, statutorily or through 2 the planning year process, they have to do it 3 anyway. 4 So I think spelling those things out as 5 conditions is a little overkill when we don't 6 normally do that when they are conditions for 7 opening. Putting them in the approval at this time 8 I think is premature. 9 So, Director Chavez, what I was asking is 10 why did CSD include, in the recommendation and the 11 conditions, items that have to be met during the 12 Implementation Year and before opening? I mean, 13 statutorily, they have to be met. Spelling them out 14 separately as a condition for granting the charter, 15 I think is unnecessary. But you may have a reason 16 for doing that. 17 DIRECTOR CORINA CHAVEZ: Thank you, 18 Commissioner Robbins. So I do not believe that all 19 of the conditions that we added are, in fact, part 20 of the Implementation Year Checklist. What I'm 21 trying to do is make sure that we have conducted due 22 diligence; right? Because where there is even a 23 perception of a potential conflict of interest, I 24 want that to be erased from the concern. 25 And so part of that is understanding who</p>	<p style="text-align: right;">132</p> <p>1 entities identify in other places. In Las Vegas, 2 for example, ELN, the Explore Learning Network, is 3 considered a CMO, and they have an annual fee 4 structure. 5 In Michigan, they have a similar fee 6 structure, although the agreement is with ELS. 7 So I -- if I were on the Commission, I 8 would want to know who's who, who's being paid what, 9 what are the relationships that these entities have 10 with each other. 11 And I would want to know that prior to 12 approving, not after, and not getting pushback when 13 asked for who sits on what board or status or 14 registration or whatever. I would want to know who 15 now. Thank you. 16 THE CHAIR: All right. So I'll say -- I 17 guess I'm -- I'm trying -- I'm trying to get my 18 thoughts out real quick, so I can say it the right 19 way. 20 We have several school support models in 21 New Mexico. I have never looked at them as a CMO. 22 I don't think they look at themselves as CMOs. And 23 I don't quite understand why this is being looked at 24 any differently than those models as well. 25 I think we have some really successful</p>
<p style="text-align: right;">131</p> <p>1 is the "we." Whenever we talk about any of these 2 entities -- and there are several different entities 3 that are either playing a current role or are being 4 situated to play a role with the school. And I 5 think that if there is a potential concern over 6 conflict of interest and any sort of potential that 7 the Explore network or Explore Learning Systems 8 might be involved in any decision-making management 9 of the school, when CMOs are not allowed in 10 New Mexico, I think we want to clear that up. 11 During the Community Input Hearing, 12 Mr. Ballardo said, "We currently have a facility 13 that's under contract at present." 14 My question is, "Who is 'we'?" 15 Who is he representing at that moment? 16 I'm not sure. Who will he represent once the school 17 is open? I'm not sure. 18 So I'm just attempting to get information 19 about who is who and who sits where and who's being 20 paid for what, because I think that we certainly are 21 going to take a look at that as part of the federal 22 grant application process. 23 It's -- even if the school is approved, 24 we're going to need to know. I think, you know, 25 it's important for us to know how some of these</p>	<p style="text-align: right;">133</p> <p>1 models that are supporting multiple schools across 2 New Mexico that are doing the exact same thing. And 3 we do not meddle into those contracts. 4 I think this is an overreach on the PEC. 5 This is a -- and unless we're going to ask for the 6 same thing of a bus vendor and of the food vendor 7 and of every vendor that they do, we're going to 8 make -- if we're going to do this across the board, 9 we need to start doing it across the board for every 10 school with every vendor that they choose. 11 I guess I'm just -- I don't understand -- 12 I don't care what is happening in Michigan. I don't 13 care what's happening in Las Vegas. That does not 14 pertain to this school in any way, and I'm not going 15 to take that into consideration. 16 What I'm looking at is this application, 17 which I believe is a very strong application. I 18 feel, once again, very lucky to be on the Commission 19 where we had two really great applications to review 20 last year, and, once again, a really strong 21 application. 22 I think -- I don't envy the Commission 23 before who has had to look at some pretty tough 24 applications and go through those. 25 This is a really strong application of</p>

<p style="text-align: right;">134</p> <p>1 knowledgeable people. For me, the board is not -- 2 actually, I guess I can ask a question. 3 Is anybody on the proposed board a part of 4 the Explore Learning System company? 5 MS. KAREN WOERNER: Absolutely not. 6 THE CHAIR: Okay. For me, when the 7 Implementation Year Checklist asks the governing 8 board to give a conflict of interest statement, that 9 should flesh that out. If anyone on the board is a 10 part of the Explore Learning Systems and contracts 11 with them and votes on it, that would be highly 12 inappropriate. 13 Otherwise, I don't see where this is an 14 issue. I'm just really struggling with where this 15 is a problem and why we would need to delve into it, 16 because it's -- it's -- I'm struggling to understand 17 the problem. 18 So that was my question, is what could 19 the -- the conflict of interest would be between the 20 board and the vendor. And so I'm encouraged to know 21 that there's nobody on the proposed board 22 (inaudible) that their private job is a part of 23 that. 24 What is going to be -- so the three people 25 who are founding the school, what would -- what</p>	<p style="text-align: right;">136</p> <p>1 certainly be happy to be involved in finding 2 qualified candidates and setting up interviews, and 3 maybe sitting on interviews. But my prime 4 recommendation would be two board members on a 5 committee, because three makes a quorum, unless you 6 want the interview public, and then bring it to the 7 full board based on the interview committee's 8 decision. 9 But that's a decision the board will make. 10 I do think that they will want some expertise in 11 finding qualified candidates. Happy to do that if 12 they so wish. 13 THE CHAIR: My next question is going to 14 be can this school fulfill an educational program 15 without ever contracting with Explore Learning 16 Systems? 17 MS. KAREN WOERNER: Yes. It would be more 18 difficult, but yes. 19 THE CHAIR: So I guess that's -- so this 20 will be my -- another one. 21 If the board never contracts with Explore 22 Learning Systems -- which I will say thank you for 23 being transparent, in that this is -- would like to 24 be on there. I do -- I don't want to punish people 25 for giving us too much information.</p>
<p style="text-align: right;">135</p> <p>1 would be proposed roles in the new -- in this new 2 school if it were to be approved? 3 MS. KAREN WOERNER: My response would be, 4 we're just helping to get the school started. And 5 we will be -- the Explore Learning Systems would 6 certainly want to be supportive of the school if 7 they desire that agreement with us, and, if so, that 8 it would be up for the board as to what our 9 involvement would be. What I would predict or 10 anticipate -- but, again, I don't want to muddy the 11 waters with my speculation. 12 But I do want to say that the ELS, LLC is 13 founded with the goal of reducing the burdens on 14 school leaders or boards, supporting them so they 15 can focus on student achievement, (inaudible), 16 student achievement and teacher development. That 17 was what sold me on helping with this work. 18 So be happy to help this new board if they 19 so desire. And I think it could include -- for 20 example, Director Chavez asked about the head 21 administrator hiring. That's the board's decision. 22 THE CHAIR: That's my next question. 23 MS. KAREN WOERNER: That's the board's 24 decision. Now, if the board wants ELS helping with 25 that because we have some expertise, we would</p>	<p style="text-align: right;">137</p> <p>1 And I feel like we've done that a couple 2 of different times, where people have tried to be 3 really transparent with us, and then we are, "Why 4 are we doing this?" If they hadn't said anything, 5 there wouldn't have been any problem. 6 But, anyways -- so my next question is, if 7 the Explore-Rio Rancho governing board does not ever 8 contract with the Explore Learning Systems, would 9 they be required -- because I know there's a -- for 10 example, Pecos Connections Academy wanted to do away 11 with their connections to the "Connections" 12 programming. And so they did -- they were required 13 to change their name; right? 14 They weren't allowed to (inaudible) Pecos 15 Connections Academy, because they're not using that 16 curriculum. 17 Is that the same thing that would have to 18 happen in this school, or program, if they never 19 contracted with the Explore Learning Systems? Would 20 they not be allowed to continue with the education 21 program that we approve today and is in their 22 contract and would have to change their name? 23 MS. KAREN WOERNER: So I'm going to defer 24 to Justin, because I don't know the legality of the 25 naming thing, if there's any rights to that. I</p>

<p style="text-align: right;">138</p> <p>1 would say the model itself, as was explained 2 earlier -- this isn't -- it is rocket science, 3 because Justin is amazing. But it isn't, really; 4 right? Any educator could have come up with this 5 learning model, and there's really no way to patent 6 it. People could do this without us. 7 So to the contracting us, they don't have 8 to. 9 I don't know about legalities with the 10 name. So I'm going to see if Justin has anything on 11 that. 12 MR. JUSTIN BAIARDO: Yeah. There is no 13 ties to the name. I mean, it's -- the name is 14 linked to the curriculum -- again, it's a curricular 15 framework which we help support. It's not 16 proprietary. There's no licensing that comes with 17 the name. We didn't disclose that, because it 18 doesn't exist. 19 I don't want to make more out of it that 20 it needs to be. But there really isn't. 21 Like Karen said, I said this at the 22 Community Input Hearing. What we're doing is not 23 rocket science. We're creating something that 24 hopefully makes teaching easier for teachers and 25 life easier for kids and school more enjoyable. But</p>	<p style="text-align: right;">140</p> <p>1 I actually -- I'm grateful that there 2 is -- that there would be a new head administrator 3 hired by the governing board. Because that was the 4 only other thing. 5 I'm, like, sometimes we have founding 6 teams that are, like, "We're the proposed school 7 leaders"; right? And that seems like it could 8 create some wonkiness. But for the folks who are in 9 the founding team to know that the governing board 10 is going to be making the decisions there at the 11 school, including whether or not they contract with 12 the Explore Learning Systems, who the head 13 administrator is, it seems much more appropriate. 14 And so maybe the -- the -- the look of 15 conflict in the black-and-white paper back and 16 forth, it seems to me like a bigger issue than it 17 actually is. 18 So I'm grateful just to have the 19 conversation to get (inaudible). But to me it seems 20 much simpler and straightforward than (inaudible). 21 All right. Commissioner Carrillo and 22 Commissioner Davis. 23 Before I call back on you two, I just want 24 to make sure if everyone who hasn't spoken would 25 like to speak at this time before I go back in</p>
<p style="text-align: right;">139</p> <p>1 it is something that anyone could look at and pick 2 up and run with. And all the best with them if they 3 try. So... 4 THE CHAIR: Okay. Thanks. I think -- so 5 I do want to say, because I (inaudible). But I do 6 want to be clear that my -- I do have a daughter 7 that goes to Explore-Albuquerque. I am not using 8 any basis off of that -- for me, this is a new 9 school. Looking at this application, my daughter is 10 not eligible to go attend this new school ever. She 11 will never be in the grade levels that are 12 available. 13 I also (inaudible) her friends to go to 14 the school. So I have no particular vested interest 15 in this particular school, other than as a PEC 16 Commissioner looking at this particular application. 17 So I also -- I'm just going to agree with 18 Commissioner Robbins, and even with what 19 Commissioner Gipson's talking about. It seems like 20 the items that have been presented as concerns would 21 be flushed out in the Implementation Year Checklist, 22 and we can be diligent throughout that process, and, 23 once again, before we actually commence operations, 24 to ensure, just the same as every other school, that 25 there are -- everything is as it should be.</p>	<p style="text-align: right;">141</p> <p>1 order, which I'm happy to do. 2 All right. Great. 3 Commissioner Carrillo. 4 COMMISSIONER CARRILLO: Thank you, 5 Chair Burt. 6 From what's been said about relationships 7 and the LLC and the school and getting awards, I 8 don't want us to get in that habit of searching for 9 potential conflicts of interest. Conflicts of 10 interest -- the possibility of conflicts of interest 11 could always be out there. And if they are, there's 12 a red flag raised, and we will address it at that 13 time. 14 I think that our -- the CSD in training of 15 board members really goes over this in how to not 16 get into these muddy waters, where contracts are and 17 relationships with family and everything else. 18 So I just -- I don't want us to get bogged 19 down, because that's always a potential that's there 20 and nip them in the bud or the board will nip it in 21 the bud before it has a chance to (inaudible). 22 So I know there's others that want to 23 speak, but I call at this time for a motion. 24 THE CHAIR: Commissioner Davis. 25 COMMISSIONER DAVIS: So my question is for</p>

142	<p>1 the Commissioners who were on the Commission two 2 years ago, helping me with my memory. 3 Are these the -- is this the same group 4 that came to us? They already had a school in 5 Albuquerque. They wanted to open a second school in 6 Albuquerque without creating -- without submitting a 7 second application. And we disallowed that. 8 Is this -- are these the same? 9 MS. KAREN WOERNER: That was AIMS. 10 COMMISSIONER GIPSON: No. 11 COMMISSIONER DAVIS: No? Thank you. 12 That's my question. 13 THE CHAIR: All right. Director Chavez? 14 DIRECTOR CORINA CHAVEZ: I did talk to our 15 office of OGC, and they do not find something in 16 statute that would preclude a school from opening up 17 across the street from another school. 18 But I do -- I'm recalling Dr. Cleveland's 19 comments that had to do with a traffic study. And 20 we do know that there is some concern about traffic 21 study. And I think that was what she was mostly 22 stressing. 23 THE CHAIR: Thank you, Director Chavez. 24 So before we -- the only (inaudible) -- I'm actually 25 going to make a motion. The last thing I'll say</p>	144	<p>1 (A discussion was held off the record.) 2 THE CHAIR: Yes, I will start over. 3 I move that the Public Education 4 Commission approve the application for Explore 5 Academy-Rio Rancho for a six-year term, 2022 to 6 2028, which includes a Planning Year prior to 7 opening. 8 During the Planning Year and prior to 9 Commencing Operations, Explore Academy-Rio Rancho 10 must: 11 1. Negotiate a contract with the Public 12 Education Commission. 13 2. Obtain standing as an approved Board 14 of Finance. 15 3. Secure a facility that has 16 E-Occupancy, and; 17 4. Complete the Planning Year Checklist. 18 COMMISSIONER GIPSON: I'll second. 19 THE CHAIR: All right. Commissioners, any 20 discussion? 21 (No response.) 22 THE CHAIR: All right. I see none. 23 Secretary Armijo, if you can call roll. 24 COMMISSIONER ARMIJO: Commissioner Manis. 25 COMMISSIONER MANIS: Yes.</p>
143	<p>1 about that is I do (inaudible) that there's 2 collaboration and work as a neighbor. And I think 3 it could -- there could be a really easy solve. I 4 mean, if -- if the school -- the location could 5 change between now and the commencement. 6 If you do open up next door, maybe look at 7 when does that -- when does the CTE school start, 8 and can we start 45 minutes later, and when do they 9 release? Can we release later, to -- I think we can 10 easily remedy those items. 11 I'm just hoping you all, in the next year, 12 work together collaboratively to figure out and be 13 good neighbors, if that ends up happening. 14 All right. I move that the Public 15 Education Commission approve the application for 16 Explore Academy-Rio Rancho for a six-year term, 2022 17 to 2028, which includes a Planning Year prior to 18 opening. During the Planning Year and prior to 19 Commencing Operations, Explore Academy-Rio Rancho 20 must: 21 Negotiate a contract with the Public 22 Education Commission. 23 (Audio is feed lost.) 24 THE CHAIR: -- as an approved Board of 25 Finance.</p>	145	<p>1 COMMISSIONER ARMIJO: Commissioner 2 Robbins. 3 COMMISSIONER ROBBINS: Yes. 4 COMMISSIONER ARMIJO: Commissioner Taylor. 5 COMMISSIONER TAYLOR: Yes. 6 COMMISSIONER ARMIJO: Commissioner Voigt. 7 COMMISSIONER VOIGT: Yes. 8 COMMISSIONER ARMIJO: Commissioner Armijo 9 votes yes. 10 Chair Burt. 11 THE CHAIR: Yes. 12 COMMISSIONER ARMIJO: Commissioner 13 Carrillo. 14 COMMISSIONER CARRILLO: Yes. 15 COMMISSIONER ARMIJO: Commissioner Davis. 16 COMMISSIONER DAVIS: Yes. 17 COMMISSIONER ARMIJO: Commissioner Gipson. 18 COMMISSIONER GIPSON: Yes. 19 COMMISSIONER ARMIJO: That's nine votes 20 for. That passes. 21 THE CHAIR: Congratulations. 22 MR. JUSTIN BAIARDO: Thank you. 23 THE CHAIR: Thank you. 24 All right. We are going to take a 25 one-hour break and will be back at 1:15.</p>

<p style="text-align: right;">146</p> <p>1 (A recess was taken at 12:17 p.m., and 2 reconvened at 1:35 p.m., as follows:) 3 THE CHAIR: Thank you. All right. We are 4 going to go ahead and get started again. We are on 5 Item No. 9, Discussion and Possible Action to Place 6 La Tierra Montessori School for the Arts and 7 Sciences on the Intervention Ladder. 8 Ms. Barnes, I'd like to ask you and 9 Director Chavez to introduce this item. I don't 10 know which one of you wants to go first. 11 Are either of you volunteering? 12 MS. JULIA BARNES: Well, I can go ahead 13 and kind of outline the process, where you are. And 14 then Director Chavez, as she did last month, has 15 done the investigation and worked with the parties. 16 So that can kind of start the conversation. 17 So where we are in the process is this is 18 a meeting where you could decide to take action 19 under the Intervention Ladder, based on the concerns 20 that were raised at the last meeting and put into a 21 letter at the last meeting. 22 If there's new things that you want to 23 look at that raise new issues under the Intervention 24 Ladder, we kind of start on that topic. We'd start 25 that process again and probably direct CSD to go</p>	<p style="text-align: right;">148</p> <p>1 formal process to send back a Corrective Action Plan 2 that basically is going to say, you know, the -- you 3 would say, "Here are your expected outcomes." 4 And they have to come back and say, 5 "Here's the people who are going to do what by 6 when." 7 So who's going to do what by when. 8 CSD would monitor that, bring that back. 9 The last one would be, on the Intervention 10 Ladder, is a revocation review. I haven't -- I 11 haven't heard anything that I think would allow you 12 to start at that level, because it's a step-by-step 13 process. 14 So I -- and if you are comfortable with 15 what the school has remedied right now, already in 16 good standing, so you wouldn't need a motion to do 17 anything, because you haven't taken the action to 18 put them on the Intervention Ladder. 19 So if you are comfortable with where they 20 are or -- there's no motion. Otherwise, there's a 21 Notice of Concern for a step in the ladder, or a 22 second step in the ladder is a Notice of Breach. 23 I will just raise one point, which is that 24 the school has a new contract, as you know. And 25 they negotiated Performance Frameworks. And we are</p>
<p style="text-align: right;">147</p> <p>1 investigate that. 2 So the Intervention Ladder has several 3 steps. One is a Notice of Concern. The -- and that 4 one, you would identify what the Notice of Concern 5 is. And then you would need to look at what 6 expected outlines and deadlines were that you would 7 like the school to comply with. Director Chavez has 8 provided some of those. 9 There's one I'm not sure was directly in 10 the Inter- -- you know, raised in the Intervention 11 Ladder, but I see a way that they could take action 12 on that. So if you wanted to -- I think we can 13 address that if that comes up. 14 And then if you did a Notice of Concern, 15 Director Chavez would work with the school to comply 16 with those expectations and outcomes, and then come 17 back to you to put them in good standing, or, if 18 it's -- if there were still problems, to take the 19 next step in the Intervention Ladder. 20 If you feel like you want to move up the 21 Intervention Ladder with things that are 22 sufficiently concerning, you can issue a Notice of 23 Breach. The difference with that is that it's more 24 serious. 25 And that school has a -- has to have a</p>	<p style="text-align: right;">149</p> <p>1 at a process right now -- and one of them is on -- 2 two of them are Mission-Specific Goals, very, very 3 detailed Mission-Specific Goals. And they are at a 4 point where they -- we have asked them, and they 5 should be coming back to CSD to say, "Here is how 6 we're going to implement our Mission-Specific 7 Goals." 8 So that -- making sure they're 9 implementing their Mission-Specific Goals does not 10 require that you put them on the Intervention 11 Ladder. That's just regular where we are, where we 12 are in the process. CSD is going to confirm that 13 everybody is starting that process and doing it. So 14 we don't need the Intervention Ladder for 15 everything. Some of them are just things that get 16 rolled out. 17 And I actually pulled up those 18 Mission-Specific Indicators. There's two very 19 specific to Montessori. And I -- we can share 20 screen if you wanted to see them. But, again, 21 that's not an Intervention Ladder issue. 22 THE CHAIR: Thank you. 23 Director Chavez. 24 DIRECTOR CORINA CHAVEZ: Good afternoon, 25 everybody. So I just want to direct the</p>

<p style="text-align: right;">150</p> <p>1 Commissioners to the items in your Google Drive. We 2 are looking at item 9, A and B. 9A is a letter -- 3 after your discussion last month, which I thought 4 was a really healthy discussion between the schools 5 and the Commission to discuss concerns that we had 6 with the school.</p> <p>7 After that, Mr. Casados sent us what is 8 now in your folder as 9A, which is the letter 9 discussing how he has attempted, and the school and 10 the board has attempted, to address the concerns.</p> <p>11 My staff took that. We created 9B. And 12 it is a response to what Mr. Casados said, plus some 13 draft language, should the Commission decide they 14 want to issue expected concerns.</p> <p>15 I'm just going to walk through them very 16 quickly.</p> <p>17 The first is that whether the school has 18 five board members in place. And so the statement 19 that La Tierra Montessori School for Arts and 20 Sciences currently has five board members and is 21 working to onboard another member.</p> <p>22 And what I have written in the bullet 23 there is that there's a little bit of confusion 24 about the status of Ms. Williams. And you heard her 25 this morning asking for guidance. I would strongly</p>	<p style="text-align: right;">152</p> <p>1 submitted up to date. Again, the record for last 2 school year does show that there was a lot of lag -- 3 in at least one case, almost a year -- when 4 paperwork had not been submitted. But right now, 5 they are up to date.</p> <p>6 In terms of the La Tierra Board of Finance 7 Committee meeting with the school's business 8 manager, we think that's wonderful. We will read 9 the minutes. We do want to make sure that continued 10 progress occurs there. And -- and, in particular, 11 the Public School Finance Act, which talks about 12 parental involvement in budget decision-making is 13 something that we're very concerned about.</p> <p>14 OMA: The school is committing to be in 15 compliance with OMA.</p> <p>16 Should the PEC decide that they want to 17 put into place some sort of expectations with dates 18 and specific actions, Page 2 of 9B has some draft 19 language around there.</p> <p>20 And I would say that the one that, you 21 know -- well, a couple of things -- is that the 22 first one, the concern around implementing the 23 Montessori, that's something we could do when we do 24 a school site visit. And we can go to the school in 25 the fall and report to the PEC by December 16th.</p>
<p style="text-align: right;">151</p> <p>1 urge the school to make sure that there's clarity 2 around that, because it seems like there's been some 3 back and forth in terms of her publicly announcing 4 at the PEC meeting that she resigned and sending an 5 e-mail to some folks at the school.</p> <p>6 But then when we looked at the bylaws -- 7 and I think Mr. Casados is attempting to have her 8 follow the bylaws by asking her to send something in 9 writing to the Chair or the Secretary -- I don't 10 know if that has happened or not.</p> <p>11 So that is the first item.</p> <p>12 The second is that La Tierra hired 13 Mr. Tompson as the head administrator on July 15th. 14 Wonderful. It was great to meet Mr. Tompson. We 15 know that he's in place. And the school is now in 16 good standing.</p> <p>17 However, the school, for two weeks, was in 18 violation of its contract with no head administrator 19 in place.</p> <p>20 The next item: New officers were elected 21 to the La Tierra governing board. That's wonderful.</p> <p>22 The next item: All documentation has been 23 submitted to the PED concerning new board members.</p> <p>24 That is true that the school is up to date 25 in all paperwork for transitions on the board</p>	<p style="text-align: right;">153</p> <p>1 OMA resolution. We would look for that to 2 be posted to the school's website sooner than later, 3 and we could report out to PEC in November.</p> <p>4 Will the school obtain training on fiscal 5 management?</p> <p>6 We are suggesting that board members 7 complete that hour of training early, by November 1, 8 and then we can report to you at your December 9 meeting if they have fulfilled that requirement.</p> <p>10 In terms of the board creating a budget, I 11 would say that there's several -- there's three 12 bullets related to that.</p> <p>13 In October, the enrollment projection 14 submitted to the PED, we could monitor, and then in 15 the spring, we would very much like a timeline of 16 activities, and we would want to monitor to ensure 17 that the school is approaching its budget 18 development process very differently than what it 19 did this past year.</p> <p>20 And the final item that we would want to 21 keep a closer tab on is whether the school is 22 submitting all of its paperwork for governing board 23 transitions. Should you want to put that into 24 place -- most of those things are things we do 25 anyway. But should you want to revisit this school,</p>

<p style="text-align: right;">154</p> <p>1 those are our suggested actions. 2 THE CHAIR: Thank you, Director Chavez. 3 Mr. Casados? 4 Okay. Sorry. Before I go to you, 5 Ms. Barnes. 6 MS. JULIA BARNES: Just -- just real 7 quickly. I see the letter. And the PEC asked for 8 the school to both go to their lawyer and to their 9 business manager to get confirmation so the school 10 can address that, the specific thing that the PEC 11 raised. 12 And then just the very first item that 13 Director Chavez raised about implementing the 14 Montessori program, I think that would actually be 15 outside of a Corrective Action Plan, but consistent 16 with her duties that she already has, because that 17 specific item wasn't in -- the issue, for example, 18 raised in comment this morning was not in the 19 letter. 20 But that does not stop Director Chavez 21 from taking the exact action she's indicated. 22 DIRECTOR CORINA CHAVEZ: And if I may, 23 Chair Burt, we didn't put more in there in terms of 24 any sort of certification for Montessori, that sort 25 of thing, because we believe that that could be</p>	<p style="text-align: right;">156</p> <p>1 With that being stated, I would like to 2 say, number one, thank you, all, as I alluded into 3 our letter and our response. Thank you for allowing 4 us the opportunity to come before the Commission and 5 to be able to speak about some of the challenges 6 that I think La Tierra has faced for a while. 7 Many of us on the board now have really 8 seen kind of the deviation, the challenge that kind 9 of moved us in an area that was a little more 10 challenging. 11 By the way, Missy, can we move -- I 12 believe Brenda Atencio is on now. 13 MS. MELISSA BROWN: Yes. 14 MR. ISAAC CASADOS: I believe she has her 15 hand raised. 16 Perfect. 17 So we do have Brenda Atencio who's on. 18 And then Mr. Mike Vigil, who is our business 19 manager, from the Vigil Group, as well, so he can 20 speak a little bit about where the finances and the 21 challenges are. 22 But as I stated before, our main -- our 23 main concern was to address some of the challenges 24 that were ongoing and were prevalent. 25 We had some key issues that, for us,</p>
<p style="text-align: right;">155</p> <p>1 monitored as part of the site visit. 2 And in terms of certification for 3 Montessori, that's a little bit more complex of a 4 situation that we don't feel we need to impose. 5 THE CHAIR: Okay. All right. 6 Mr. Casados, if you don't mind, if you want to 7 introduce yourself and any of the other folks that 8 are here today from La Tierra. And I will give it 9 over to you to provide a school presentation 10 response, if you'd like. 11 MR. ISAAC CASADOS: Thank you so much, 12 Chair Burt, Commissioners. Thank you for being here 13 today. 14 Today to my right, and dependent on where 15 he sits in your screen, we have our head learner, 16 Cliff Tompson, who is in the yellow polo shirt. 17 We have Delisha Gordon-Brown, who is our 18 secretary of the board, and Mr. Charlie Riddick. He 19 has a nice "C" over his name right now. He's a 20 member of our board. Brenda Atencio is currently at 21 an Indian Market event. Indian Market is this 22 weekend, and many of our Native American members are 23 participating in other projects. She was on this 24 morning and will hopefully be back on before we 25 carry on any further.</p>	<p style="text-align: right;">157</p> <p>1 moving forward, we really wanted to make sure that 2 there was a clarity -- being that this is a taxpayer 3 institution, that there was a clarity to that 4 fidelity of finances back to our taxpayers, ensuring 5 that we had a head learner who was following all 6 provisions of the law. That was very, very 7 important to us. And ensuring that any disruption 8 that was occurring on the board was stopped as 9 quickly as possible. That was a really challenging 10 issue that we had faced for about four or five 11 months. 12 And as we began to kind of address and 13 readdress that issue within our own board, we really 14 felt that it was best for us to move in a different 15 direction. 16 As Director Chavez spoke about, we did 17 carry out new board elections. We are required 18 under our bylaws and our policies and procedures to 19 hold an annual meeting. And that annual meeting was 20 held, and new officers were elected. Unfortunately, 21 we had a former board member who did not want to 22 relinquish that title, and we wanted to move in a 23 new direction that could, number one, uplift the 24 educational opportunities for our students, and also 25 ensure that, we feel, repaired a lot of the</p>

<p style="text-align: right;">158</p> <p>1 challenges and ongoing issues that we saw as deeply 2 troubling.</p> <p>3 We tasked Mr. Cliff Tompson with that 4 task, and he has been incredible in helping us to 5 kind of realign, refocus, and provide a clarity, not 6 only to the school staff, but also to our students 7 and our parents.</p> <p>8 And he has come with a beneficial 9 background, where he's done this prior at Abiquiu 10 Elementary School. And we are very -- very pleased 11 to have him at the helm as he helps us kind of 12 prepare and ensure that the school is where it needs 13 to be.</p> <p>14 The exciting part is where we are as a 15 school. We opened up last week. We currently have 16 100 students, which is a profound statement from 17 where we were not just a couple of months ago, right 18 around 80 students. We're seeing a 20 percent 19 increase in that process.</p> <p>20 A majority of our teachers all returned 21 back to La Tierra Montessori School. And one of the 22 key areas that I think was alluded to this morning 23 is that the board has played a role in the hiring 24 process. We don't do that. We have left that up to 25 Mr. Tompson. Tompson is in control of that process</p>	<p style="text-align: right;">160</p> <p>1 La Tierra Montessori School.</p> <p>2 And we are pleased to have her there. She 3 is an incredible educator. As I've always said, I 4 will give credit where credit is due. And she has 5 the foresight and the ability to be able to connect 6 with young children in ways that we've never seen 7 before. And that, to us, is very exciting, 8 especially at such a young age.</p> <p>9 We did address many of the key issues that 10 the PEC did look at. And I will be the first to 11 say, you know, we could have gone a different route 12 or maybe pursued another methodology to ensure we 13 did not have a 15-day lapse within our head learner. 14 But our main goal was when we did find somebody, we 15 found somebody with the credentials and was at the 16 helm.</p> <p>17 One of the things I wanted to reiterate is 18 that a 3B was always in charge of that school at all 19 times. And thank you to Mr. Steve Lang for helping 20 us navigate some of those challenges. Of course, he 21 was not in the administrator role, and the board did 22 not approve that. But he was able, and through the 23 hard work of Maitai Lopez and our business manager, 24 they were able to keep things moving and selling. 25 What I'd also like to state is our</p>
<p style="text-align: right;">159</p> <p>1 from start to finish. He will confer and let us 2 know, "Here's who I'm placing in this position. 3 Here's who I'm placing in that position."</p> <p>4 And that was really, really important that 5 we were carrying out that initiative.</p> <p>6 I think also there was an allusion that we 7 had, in some instances, maybe been a part of the 8 potential firing of Angela Feathers at the end of 9 the year.</p> <p>10 We did not fire her. We have allowed the 11 contract to expire, which I think is a really 12 different scenario in comparison to what has been 13 told in the past.</p> <p>14 There was also, under the advisement of 15 our counsel, that a contract that was signed by a 16 unauthorized party giving her a contract a day after 17 her contract was not renewed was something that we 18 needed to address. And that was something that both 19 Mr. Tompson and I had a pretty candid conversation 20 with our attorney to find out the best way that we 21 could ensure that this contract was not in violation 22 of the State Personnel Act or our New Mexico State 23 Finance Act.</p> <p>24 And so with that, the good news is 25 Ms. Angela Feathers is there. She is a teacher at</p>	<p style="text-align: right;">161</p> <p>1 students were not in school during this time period. 2 I think there was an allusion in the last meeting 3 that we had started school. The school year started 4 with our students last week. And that has been 5 something that I wanted to bring clarity to, because 6 I think there was this idea that we were already in 7 school, children were not receiving the services and 8 the opportunities that they were supposed to be 9 provided. And that was a little bit of a challenge 10 in that regard.</p> <p>11 As far as Ms. Willie Williams, as you 12 know, she publicly resigned on the PEC meeting on 13 July 22nd and has proceeded to -- to make comments 14 and suggestive issues throughout various forums. 15 She made one on our special meeting on Wednesday 16 night as well, reiterating that she was no longer on 17 the board and for us to remove her.</p> <p>18 And we are trying our very hardest to 19 follow policies and procedures in this process, 20 because it is imperative that we have that direct 21 link.</p> <p>22 We saw a lot of issues -- I wasn't present 23 at that time -- where reporting or specific 24 documents were not arriving to the Public Education 25 Commission on time. And that was one of the things,</p>

<p style="text-align: right;">162</p> <p>1 when I stepped into the role -- Dylan can attest. 2 we started firing off all the documents right 3 away -- and I really wanted to ensure that we gave 4 the respect to the current president in her specific 5 role to carry out those duties. And that was 6 something that we weren't even informed about as a 7 board to know that we were deficient until only a 8 couple of weeks prior to us changing directional 9 paths for our leadership on the board. 10 As far as Mr. Tompson, as I said before, 11 he has -- has created a very solid team of educators 12 at the school. As you know, the DASH Plan is 13 something that is very, very important, and we've 14 set some really high goals on ensuring that we 15 uplift the reading and the mathematic scores for 16 this upcoming year, because that is important to us. 17 We do have a Pre-K program that is now at 18 the school, which is kind of a little bit of a 19 daunting task. 20 But you know what? We have to start 21 early, because if we can prepare our young children 22 for those units at a younger age, maybe we won't 23 have these challenges later on in life, where they 24 can't read or they have all these other issues. 25 So we're really trying to address that key</p>	<p style="text-align: right;">164</p> <p>1 our goal is to be able to repair that connective 2 tissue. 3 I know Cliff is working with Ms. Cindy to 4 find out ways on how best we can do that. 5 As far as the fiscal oversight and 6 processes, as you saw within our letter, right after 7 our PEC meeting, we had a really in-depth meeting 8 with Mr. Mike Vigil, really looking at where the 9 challenges occur in the development of this budget. 10 As I alluded to in the last meeting, the 11 board and the finance committee received this budget 12 three hours before our scheduled meeting, which 13 negated parental involvement, which negated the 14 board having a full in-depth knowledge as to what 15 was occurring. And we were essentially told we had 16 to vote on it that evening and add it to the agenda, 17 because it was due at the PED the following day. 18 That was a severe issue for us, because we 19 are stewards of public taxpayer funds, and we really 20 wanted to be -- be cognizant of what that meant, but 21 also ensure that we were able to pull that process 22 back in. 23 So we've had a number of meetings, both 24 Cliff, myself, Delisha, who sits on our finance 25 committee, with Mr. Mike Vigil, and Maitai, really</p>
<p style="text-align: right;">163</p> <p>1 issue as much as possible. So both Mr. Lang -- 2 Mr. Lang is still there, and Mr. Tompson, are 3 working together to really try to identify on how 4 best they can achieve those goals as quickly as 5 possible. 6 The good part is we do have a very 7 thriving seventh- and eighth-grade program right 8 now, and we currently have about 18 kids -- is that 9 correct, Mr. Tompson? 10 MR. CLIFFORD TOMPSON: (Indicates.) 11 MR. ISAAC CASADOS: So 18 students that 12 are now within the seventh- and eighth-grade 13 program. And I think that's very good, because one 14 of our main goals and one of the things that the 15 La Tierra Montessori School for the Arts and 16 Sciences really focused in on was a direct 17 connection to the New Mexico School for the Arts. 18 It was a conduit process, so that young children 19 who -- from marginalized communities had that 20 opportunity to go on and receive a high quality 21 education. 22 And thank you to Cindy Montoya for having 23 that foresight in the past. We've seen about 24 40 students in the past from La Tierra Montessori 25 school go on to New Mexico School for the Arts. And</p>	<p style="text-align: right;">165</p> <p>1 looking at best how we can address a budget for this 2 upcoming school year. 3 We have -- if you go to our website now, 4 an issue of new BARs that we will be voting on at 5 our August 22nd meeting to really ensure that the 6 budget is in place. 7 One of the areas that we really want to 8 make sure is there's clear transparency. So I have 9 directed our staff, I have directed our folks, to 10 begin placing that information on so that our 11 parents have an opportunity to look at what we're 12 going to be debating and be able to inform us on 13 that clear area. 14 Now, I think all of us have kind of 15 experienced a little bit of a challenge when it 16 comes to not only the public school system, but also 17 our charter schools, is PED made a huge mistake in 18 the allocation of funds this year. So we saw 19 \$122,000 cut to La Tierra Montessori School's budget 20 for this upcoming year, which is a daunting task in 21 itself, because we now would have to have created 22 our budget all over again to try to balance it out. 23 So that's what we're doing right now is 24 finding areas on how best we can ensure that we do 25 not have to cut teachers, that we do not have to cut</p>

<p style="text-align: right;">166</p> <p>1 an EA, to ensure that the services are being 2 provided to our students in a way that is the most 3 productive, and really beginning to look at were 4 there purchase orders that were issued that we need 5 to maybe pull back on, because we are potentially 6 looking at a \$60,000 deficit by the end of the year 7 because of this cut. 8 So it's a daunting task, but it's 9 something that we're really taking on as much as 10 possible in this process. 11 Mr. Mike Vigil, we included his statement 12 as a whole in our response. And he also laid down 13 kind of some of the same issues that I just spoke 14 about, how, moving forward, our intent is to ensure 15 that the FY22-23 budget is provided, not only to the 16 public, but also to the board to be able to provide 17 that -- the baseline. 18 As far as the officer information and the 19 forms, as I said, we've done an incredible job on 20 making sure that all of that documentation is up to 21 date. 22 We did have one board member who moved 23 here from California, so she was waiting on her 24 driver's license from New Mexico before a notary 25 would provide that notary stamp. But once she got</p>	<p style="text-align: right;">168</p> <p>1 make change. 2 So our goal is to provide as much 3 transparency as possible. Our secretary has been 4 very good at getting board minutes up on the site as 5 quickly as possible within that 72-hour time period 6 before our meeting so that we can go in that 7 direction. 8 As far as anything else, one of the things 9 I would like to state -- and then I'll maybe turn it 10 over really briefly to Delisha Gordon-Brown, the 11 statement that we were somewhat racist. I'm a 12 Native American. I'm a Navajo. I come from a 13 Hispanic background as well. 14 Delisha Gordon-Brown is Hispanic as well, 15 but also is married to an African-American. We have 16 an African-American, Mr. Charlie Riddick, who sits 17 on our board. And we have Brenda Atencio, who's a 18 Native American from Ohkay Owinge and half 19 African-American. So these assertions or these 20 allusions that challenges were done because we don't 21 agree with someone's race is not only offensive, but 22 it's also -- it diffuses the intentionality of what 23 the school was built for. 24 It was built to provide opportunity for 25 marginalized communities within an economically</p>
<p style="text-align: right;">167</p> <p>1 it, that form was in the next day. So that's 2 something that's really important to us. 3 As far as the Open Meetings Act, which I 4 think is one of the areas we have been diligently 5 focused on ensuring that this is followed to the T, 6 as somebody who comes from a legislative background, 7 that's something that's very important to me, and we 8 take any violation of what that could be very 9 seriously. 10 Our board minutes, our meetings, we're 11 actually moving beyond the 72 hours, and some of the 12 our board agendas have been up seven, five days 13 prior, because it's important to us to be able to 14 assure that we stick to the agenda, that other 15 issues and navigational challenges are not there. 16 Mr. Carrillo, I want to state that we took 17 your advice, and we moved the public open forum to 18 the beginning of the meeting, which ran a lot more 19 smoothly, which I think is an incredible idea that I 20 think all charter schools and all public schools 21 need to do across the board, because it allows 22 people to be able to speak right away. And if there 23 are specific issues that we need to place on our 24 following agenda for the upcoming month, it allows 25 us to focus on clear areas that we can potentially</p>	<p style="text-align: right;">169</p> <p>1 depressed area of the state. 2 And so with that, if you would indulge me, 3 Madam Chair, if Ms. Delisha Gordon-Brown can 4 potentially make a statement and then turn it over 5 to our head learner. 6 MS. DELISHA GORDON-BROWN: Thank you, 7 Isaac. And thank you, Commissioners, directors, and 8 chairs. Like Mr. Casados had said, it is 9 disheartening to hear of such accusations. 10 And it is very ironic to think that by me 11 saying, "I'm married to a Black man," is almost in a 12 sense itself me trying not to acknowledge my 13 privilege. I acknowledge my privilege, and I 14 acknowledge those of those around me. 15 And so I'm actually going to go in a 16 different direction than President Casados. I will 17 not invalidate anybody's feelings. I will not -- 18 let me put it this way. 19 Everyone has a reason, especially those in 20 the African-American community, to feel, at certain 21 times in their lives, that there are inequities and 22 disparities that have happened to them. 23 That did not happen now, though. That is 24 the fact. That is -- the fact of the matter is it 25 did not happen now. But I will not invalidate</p>

<p style="text-align: right;">170</p> <p>1 anyone else's feelings. Ms. Williams, I am sorry if 2 that is how it seemed.</p> <p>3 But this board is diverse. This board is 4 as diverse as you're going to get in Northern 5 New Mexico right now. And I am proud of, you know, 6 where we're actually moving forward in the future.</p> <p>7 So without having to -- there's no easy 8 way by acknowledging one's privilege, but also, 9 again, apologizing for how someone else might feel. 10 It's kind of hard not to want to take it personal or 11 feel the blame about it all, and it is a very 12 personal and emotional thing to go through.</p> <p>13 But with that being said, I do want 14 everyone to know that I spent the first six months 15 here very empowered by Ms. Williams, really looking 16 toward her as a mentor and trying to uplift her into 17 her position. I even made this really sweet 18 Facebook post about her, because that is how I felt 19 about the person that I was being mentored by.</p> <p>20 But professionalisms and people change. 21 And I think it's very important to acknowledge that 22 professional or nonprofessional ways does not in any 23 way mean that we are attacking one's character or 24 their personal being. If you -- that's the way I 25 see the case for that matter.</p>	<p style="text-align: right;">172</p> <p>1 Mr. Tompson.</p> <p>2 MR. CLIFFORD TOMPSON: Well, I want to 3 just take a moment of your time. I just want to 4 focus on the great blessing I feel to be here at 5 this beautiful school, all the people, the 6 opportunity I have to be of service to the faculty 7 members, to the students, to the board. It's an 8 interesting position being a middle manager.</p> <p>9 I'll focus on one thing, and that's the 10 life of Maria Montessori. When I wanted to -- when 11 I took this position, to learn more about her, I 12 went to the library and checked out a dozen books 13 and purchased her most recent biography, <i>The Child 14 Is The Teacher</i>, and putting together five 15 PowerPoints to share with our faculty members.</p> <p>16 The first will be at our professional 17 development a week from today, the first 30 years of 18 her life.</p> <p>19 We need to know what it is about her that 20 made her vision so special and so that we can buy 21 into it.</p> <p>22 And for me, I'm in the unique position of 23 being a non-Montessori-trained person, as the head 24 learner of a Montessori school. I bring all the 25 wiles and skills and learning that I have had in my</p>
<p style="text-align: right;">171</p> <p>1 So with that, you know, I just hope that 2 the public, especially, understand where the board 3 is coming from, and that, you know, statements like 4 that, as a learning experience for everybody 5 involved, that we all learn to acknowledge that 6 these feelings aren't invalid. It is not our 7 responsibility to try to make those feelings invalid 8 to anybody else, but to acknowledge them and really 9 truly just try to move forward.</p> <p>10 So, again, I apologize, but I thank you 11 all for your time.</p> <p>12 THE CHAIR: All right. Thank you. 13 All right. So I think that brings us to 14 commissioner questions and comments.</p> <p>15 So, Commissioners, I would take questions 16 from you. And, once again, you can draft the -- if 17 you have any questions for Ms. Barnes, for Director 18 Chavez, or for the school themselves -- Mr. Casados, 19 did you want to comment?</p> <p>20 MR. ISAAC CASADOS: Yes. I wanted to see 21 if maybe our head learner could state something as 22 well. Because I think he is important in this 23 narrative as well. Thank you.</p> <p>24 THE CHAIR: Sure. Thank you. Thank you. 25 Commissioner Robbins, I see your hand.</p>	<p style="text-align: right;">173</p> <p>1 life to be successful at this daunting challenge.</p> <p>2 I'll just leave with you this. We love 3 people. We overlook their shortcomings. Where 4 there's pain, we have understanding. We have a new 5 think tank here at our school, our leaders, a 6 diverse group of faculty members to help us guide 7 forward and move forward well.</p> <p>8 I'll entertain any specific questions. I 9 appreciate Mr. Vigil, the Vigil Group. They're 10 outstanding. It's been such a pleasure to work with 11 them.</p> <p>12 I appreciate Mr. Casados, his confidence 13 and other members of the board, our faculty members, 14 including those who spoke this morning. It's just 15 difficult, but I'm very grateful. So that's it for 16 me.</p> <p>17 THE CHAIR: Thank you. 18 Commissioner Robbins.</p> <p>19 COMMISSIONER ROBBINS: Mr. Casados, I 20 appreciate your comments and speaking before us 21 today, and the others from the school.</p> <p>22 You mentioned that you, I think, worked 23 with Mr. Tompson in regarding -- or someone -- 24 regarding a contract with a teacher, Ms. Feathers, 25 and that you got involved in that. And I guess</p>

<p style="text-align: right;">174</p> <p>1 that's a concern, if it was only from the standpoint 2 of legality. But it raises the potential concern 3 that the governance council is involved in the 4 hiring or review of staff rather than the head 5 learner. 6 So that's a concern. I don't have to have 7 an answer. But that is a concern. When you mention 8 an involvement there, it leaves open the perception 9 that there is direction given on who to hire, 10 promote, and how to evaluate. 11 MR. ISAAC CASADOS: If I can, Commissioner 12 Robbins -- Robinson (verbatim). One of the things I 13 need clarification -- I think Mr. Tompson will 14 clarify this as well. We had a contract that was 15 signed by an invalid entity who was an assistant 16 administrator, but had not been given the authority 17 to be able to sign that contract. 18 So our conversation was with the attorney 19 and with the current, newly hired head learner to 20 get clarification on how Mr. Tompson would move 21 forward. 22 Mr. Tompson has taken care of all those 23 initiatives, all of those hiring, firing, all of 24 those perspectives. That is his purview and will 25 always be the purview. And that's where the board</p>	<p style="text-align: right;">176</p> <p>1 were in Pre-K," because they have to go through the 2 lottery like any other child. They don't get 3 preference. 4 So how are you handling the financial 5 aspects of it and any policies that you put in place 6 to ensure there's no preselection of Pre-K students 7 going into kindergarten or first grade? 8 MR. ISAAC CASADOS: Mr. Tompson, do you 9 want to take that one? 10 MR. CLIFFORD TOMPSON: Sure, sure. So 11 when I joined the school in mid-July, the 12 conversations were, "Gosh, we were denied our grant 13 for Pre-K." 14 But we've been told by the Public 15 Education Department to offer Pre-K services in as 16 much as that's at the heart of what Maria 17 Montessori's instructional practices were. Pre-K is 18 vitally important. 19 And we felt, if we put together a Pre-K 20 program, have seven students, and showed good faith 21 in funding that -- they're in with the 22 kindergarteners; you know, in Montessori, the kids 23 are grouped together by age level -- that's what we 24 would do. And that's been the practice of our -- 25 Commissioner Robbins.</p>
<p style="text-align: right;">175</p> <p>1 stands. 2 COMMISSIONER ROBBINS: Thank you for that 3 clarification. I think that's important to kind of 4 clear the slate, because that is always a concern 5 when we -- you know, to me, if I hear something like 6 that. 7 The other thing you mentioned -- and I 8 don't know if we were aware of this -- is the adding 9 of the Pre-K program. 10 And we've had issues with some schools, 11 because if you have teachers that are receiving and 12 being paid for with SEG funds. Are they also 13 teaching in the Pre-K, and are they in the same 14 facility that SEG funds are used to pay for the 15 facility, how are those costs being separated and 16 segregated so that SEG funds are not covering Pre-K, 17 and Pre-K funds are not going to supplement, you 18 know, the public school? 19 Because Pre-K individuals, my 20 understanding is they're still not considered 21 students. And they are children. But they -- you 22 know, we've had issues with a couple of schools 23 where -- you know, and with charters. You know, do 24 they just move right on in into first grade, 25 kindergarten and first grade, because, "Oh, they</p>	<p style="text-align: right;">177</p> <p>1 COMMISSIONER ROBBINS: You said you 2 weren't given the grant. How are you paying for 3 that program? 4 MR. CLIFFORD TOMPSON: So the teacher, 5 Ms. Feathers, teaches kindergarten. And she's got, 6 I think, 12 kids in kindergarten. The seven Pre-K 7 kids are there with her, too. So that's seven 8 students, \$12,000 a pop, that were not funded for, 9 sir. 10 COMMISSIONER ROBBINS: So, in essence, 11 you're using SEG funding to provide Pre-K services, 12 which, my understanding is that would be a violation 13 of the use of the SEG funds. 14 MR. CLIFFORD TOMPSON: Yes. So I guess 15 that's being caught between a rock and a hard place. 16 The school requested funds -- of course, this was 17 prior to my arrival -- requested to be a part of the 18 Pre-K Grant. We didn't get it, but yet we were also 19 told to provide the service. So which way do we 20 turn, Commissioner Robbins, sir? 21 COMMISSIONER ROBBINS: Well, I'm not an 22 attorney. But I think there's a violation in the 23 use of the SEG funds. Even if PED said to do it, 24 you cannot -- you may -- they didn't -- I don't 25 think they told you it was okay to use SEG funds.</p>

<p style="text-align: right;">178</p> <p>1 They may have said, "Go ahead and provide the 2 services." 3 But you have to find a different source of 4 funding, because it's wrong to be using the SEG 5 funds, which are intended for your kindergarten 6 through upper grade, not to provide any services to 7 Pre-K. That is a concern. 8 MR. CLIFFORD TOMPSON: Noted, sir. 9 THE CHAIR: Are you done, Commissioner 10 Robbins? 11 Okay. Director Chavez, then Commissioner 12 Gipson. 13 DIRECTOR CORINA CHAVEZ: Yes. So I wanted 14 to talk about what Mr. Casados said about the PED 15 making an error in the budget. And my understanding 16 is that it wasn't a PED error. Maybe it had to do 17 with Pre-K, this very issue. I'm not sure. 18 But I think Mr. Vigil might be able to 19 provide some insight. My understanding is that 20 there was a change in program. And so perhaps they 21 initially budgeted for Pre-K. 22 I would like for Mr. Vigil to shed some 23 light onto the issue if -- if the PEC so wants to 24 hear. But this was not a PED error. 25 THE CHAIR: Okay. Yeah. Mr. Vigil, if</p>	<p style="text-align: right;">180</p> <p>1 correct, gave the school 63.5 membership. That's 2 fine. But they also somehow input 75 new 3 memberships. 4 Now, I'm not sure how the PED, who 5 develops this funding formula which is through the 6 910B5, would have said, "Okay, we're going to give 7 them 63 students in elementary and fine arts, and, 8 in a new program, 75 students," which would have 9 been over 130 students, when the school hasn't been 10 over 100 students in years. 11 To say that this was not a PED error is 12 kind of beyond me, you know, being such that the PED 13 actually delayed the Stabilization Guarantee nearly 14 to the last day of the month. In my 14 years doing 15 this, the SEG in July has never been past maybe the 16 12th of the month. 17 So to say that this was not a 18 miscalculation on PED's part, I believe is 19 incorrect. And to definitely say if it was a Pre-K 20 issue, I believe that's incorrect as well. 21 As far as the SEG -- just to touch on that 22 being used to pay for Pre-K, I know that the Pre-K 23 initiative itself is its own State initiative, and 24 it is below-the-line funding. But there is a small 25 section on the 910B5 that does account for certain</p>
<p style="text-align: right;">179</p> <p>1 you would talk about that? 2 MR. MIKE VIGIL II: Thank you, 3 Madam Chair, Commissioners. Can everyone hear me 4 all right? I know there's been hearing issues. 5 All right. This is not anything to do 6 with Pre-K whatsoever. Otherwise, it wouldn't be in 7 the news that APS lost \$13 million through this PED 8 SEG cut. 9 A. The issue was that there's a form that the 10 PED has felt has been in place two years now that 11 identifies where programs are going to be input for 12 ELTP, K5-Plus, fine arts education, and bilingual. 13 On that form, it gives the ability to project out, 14 "Is this going to be a new program or an existing 15 program?" 16 For whatever reason, for a handful of 17 charter schools -- and, like I said, school 18 districts, including APS -- they allowed for not 19 only existing programs to be input, but also new 20 programs. 21 So for La Tierra, which I can only speak 22 to directly here, we have a couple of other schools 23 that are affected but -- in similar, but not the 24 same ways. But, essentially, the elementary fine 25 arts program has -- the existing program, which is</p>	<p style="text-align: right;">181</p> <p>1 Pre-K membership. The school did not get that with 2 its SEG funding this year. 3 And as far as legality, I'm not a lawyer, 4 either, but I have seen schools supplement for many 5 things, including things like physical education, 6 which charters passed fiscal year eight and have 7 never been funded for. So things that are not 8 funded for, necessarily, sometimes are pushed 9 through the operational SEG as a matter of 10 programmatic necessity. 11 So I stand for any questions beyond that, 12 but I think I've covered most of it. 13 DIRECTOR CORINA CHAVEZ: Mr. Vigil, my 14 question is did you all drop the bilingual program? 15 MR. MIKE VIGIL II: There was no program 16 in previous year. So for the bilingual program in 17 specific, they have zero from the 80/120-day average 18 from Fiscal Year '21, and then a magical new program 19 of 75 students in Fiscal Year '22. 20 I was not with the school specifically in 21 the budget development, nor in the review of this 22 particular 910B5. But it just seems like that units 23 were added incorrectly and then reduced back out to 24 the tune that, again, we had two weeks where the PED 25 was not even issuing State Equalization Guarantee to</p>

182

1 fix their calculations.
 2 DIRECTOR CORINA CHAVEZ: So, Commissioner,
 3 I think that that's where a lot of the drop in
 4 funding came from, the drop in the bilingual program
 5 from Fiscal Year '22 to '23.
 6 THE CHAIR: Commissioner Gipson.
 7 COMMISSIONER GIPSON: Thank you. So I
 8 have now a new deep concern based on the information
 9 just provided regarding the Pre-K students and that
 10 funding. I don't see how the Pre-K Bureau just
 11 tells a school, "Oh, go ahead and run it, but we're
 12 not funding."
 13 You know, that's just kind of out of the
 14 ordinary for something like that.
 15 But, regardless, if there's no Pre-K grant
 16 money coming in that the school has not been
 17 granted, and their application wasn't approved, the
 18 school is using SEG money to fund those 12 students,
 19 or whatever it is. And that is, as Commissioner
 20 Robbins said, inappropriate use of State-funded
 21 money.
 22 And I would presume, then, that those
 23 Pre-K students have to be taking the place of a
 24 potential kindergartener in the school, because you
 25 only have X amount of space for kindergarten

183

1 students.
 2 So I am -- I am very concerned about the
 3 fact that there -- that there are -- without our
 4 even knowledge as a Commission -- that there is
 5 Pre-K students there and being served and how that
 6 funding is occurring. So that does concern me.
 7 In addition, I'm going to ask, was there a
 8 board vote to let the contract lapse of the head
 9 administrator?
 10 MR. ISAAC CASADOS: There was.
 11 COMMISSIONER GIPSON: In public schools,
 12 I've never seen -- any contract I've ever seen of a
 13 public school requires notice to the individual that
 14 the contract's not being renewed. There's just not
 15 a, "Oh, gee, we let it lapse," that there's a
 16 notification process that's embedded in all
 17 contracts.
 18 Was there notification that the contract
 19 was going to allow to be lapsed, which is
 20 (inaudible) but --
 21 MR. ISAAC CASADOS: So our contract does
 22 not have a provision for that. Our contract states
 23 that the -- that the -- the governing council can,
 24 at any time, either fire the head learner and/or not
 25 renew the contract.

184

1 We chose not to renew the contract. And
 2 that was within our purview as a governing council
 3 board.
 4 Now, as far as the --
 5 COMMISSIONER GIPSON: Just one second.
 6 Because you specifically said, "We didn't not renew
 7 the contract. We just let it lapse."
 8 Now you're saying, "We non-renewed the
 9 contract." So that's where I'm getting confused.
 10 MR. ISAAC CASADOS: So our -- so when we
 11 went into our board meeting, we were pressed by the
 12 former president of the board to -- to issue a
 13 contract. The board chose not to do so. And in
 14 doing so, the contract expired, per our council, on
 15 June 30th, 2022.
 16 So that was what -- what Ms. Patty
 17 Matthews had made a recommendation for us to do. So
 18 under her guidance, that's how we allowed it to do.
 19 We didn't fire her. We didn't do any of those
 20 processes. We just chose not to extend the contract
 21 and allowed the contract to expire on June 30th.
 22 MS. DELISHA GORDON-BROWN: If I may, it
 23 wasn't a last-minute decision -- I'm sorry. It was
 24 a last-minute kind of last-couple-of-weeks decision
 25 when we were met with resistance on trying to

185

1 address issues that had happened previously in the
 2 year, which are still ongoing issues.
 3 And when met with resistance, there -- I
 4 spent about two days trying to kind of mediate
 5 between, you know, our board and our former head
 6 learner, how can we get this. It was really a
 7 daunting process.
 8 It wasn't just -- it wasn't a decision we
 9 all came to lightly. It did take some time and some
 10 considerable amount of frustration on all of our
 11 ends. I, for one, was in favor of renewal until I
 12 personally was met with a lot of resistance in the
 13 whole situation. I don't even know how better to
 14 say that.
 15 COMMISSIONER GIPSON: Thank you. And do
 16 you --
 17 MR. ISAAC CASADOS: Can I address the
 18 Early Childhood and Pre-K?
 19 So one of the reasons the Early Childhood
 20 Development Department gave an inclination that they
 21 could not approve this was because Ohkay Owinge has
 22 a Pre-K program that sits on the reservation,
 23 La Tierra Montessori School sits on Ohkay Owinge's
 24 tribal reservation.
 25 The unfortunate circumstance with that is

<p style="text-align: right;">186</p> <p>1 only tribal members are allowed to attend the Pre-K 2 program at Ohkay Owingeh. Being that Montessori is 3 so integral of Pre-K and kindergarten being tied 4 together, that is where that process came into play. 5 It was under the advice of the attorney -- 6 and this was also another issue where many of us, as 7 board members, were kind of placed into this 8 position where the form needed to be submitted the 9 following day. 10 We addressed deep concerns that there was 11 no funding or that where was the money going to come 12 from to be able to support this. We at that time 13 had about \$300,000 in extra reserves within our 14 account. The unfortunate circumstance is now, with 15 this cut, it changes that dimensional approach 16 drastically. 17 So we are trying to make do with something 18 where parents were already informed that a Pre-K 19 program was coming on board. The board had to do 20 whatever they could, because the application and the 21 forms and everything were already provided, and it 22 was our job to just get on board, as we were told 23 from the former president and the former head 24 learner. 25 So it did catch us in a little bit of a</p>	<p style="text-align: right;">188</p> <p>1 who think their children are going to go to a Pre-K 2 program and the difficulty in making that call. But 3 if those students aren't funded with a grant, that's 4 the call that has to be made at this point in time 5 until you get the grant, because right now, you have 6 no one approving you to have that Pre-K program. 7 MR. CLIFFORD TOMPSON: I sure appreciate 8 that gracious summary and Commissioner Robbins' 9 remarks as well. I think -- if I can recall my 10 conversation with Patty Matthews roughly/correctly 11 three weeks ago, Patty Matthews, our attorney, on 12 the same subject, we had identified another funding 13 source than SEG. Now I hate to put that statement 14 out as being in court. But I hope I have that 15 right. 16 Commissioner Robbins is shaking his head 17 that I don't. 18 But I'd like to talk to Ms. Matthews to 19 see where we stood on that one. That's a 20 conversation I just don't recall. 21 COMMISSIONER ROBBINS: SEG funds are only 22 for students in kindergarten and above through high 23 school. SEG is not allocated based upon any Pre-K 24 students. Therefore, they cannot be used for Pre-K 25 students.</p>
<p style="text-align: right;">187</p> <p>1 challenge. We're trying to make the best of it, 2 unfortunately. 3 COMMISSIONER GIPSON: I appreciate that. 4 Bud you're taking care of those Pre-K students with 5 a funded teacher with SEG money. And Pre-K programs 6 are not funded with SEG money. 7 And that's where the concern is, that 8 how -- you have to -- if you get a Pre-K grant, you 9 have to show the percentage of the Pre-K grant money 10 that this teacher is being used 75 percent of the 11 time as a Pre-K teacher. 12 So, therefore, that's where that money is 13 dedicated to. And the 25 percent of it you're 14 spending -- and I understand the challenge with 15 Montessori. But this is the challenge with using 16 State funds with this. 17 But you have to clearly show that the 18 grant money is being used for the Pre-K students and 19 that the kindergarten students -- and if it's the 20 25 percent, then that's where that SEG money is 21 going, and it has to be clearly delineated. 22 You don't have grant money. So right now, 23 it's only SEG money that's funding those Pre-K 24 students being there. 25 And I do appreciate the trauma for parents</p>	<p style="text-align: right;">189</p> <p>1 MR. CLIFFORD TOMPSON: That's correct. 2 And my -- so what I attempted to convey a moment ago 3 was that we are not using SEG funds for Pre-K. But 4 I don't have that factually right. I need to check 5 with Ms. Matthews. 6 COMMISSIONER ROBBINS: But if you don't 7 have any other funding source, you are using SEG 8 funds. 9 MR. CLIFFORD TOMPSON: That's why I need 10 to talk to Patty. We may be using another funding 11 source. I don't have it right here. I apologize 12 for that, Commissioner Robbins. I'll check on it. 13 COMMISSIONER ROBBINS: I expect Mr. Vigil 14 would know all your funding sources as a financial 15 individual. He would know the funding sources. And 16 you don't have a grant or a donation in sufficient 17 amounts to cover all those students and the use of 18 the facilities. You are, in fact, using SEG funds, 19 which is a violation of State statute on the SEG. 20 MR. CLIFFORD TOMPSON: Thank you. Okay. 21 THE CHAIR: Commissioner Carrillo. 22 COMMISSIONER CARRILLO: (Inaudible due to 23 audio production issues.) 24 MR. ISAAC CASADOS: We can barely hear 25 you, Commissioner.</p>

<p style="text-align: right;">190</p> <p>1 COMMISSIONER CARRILLO: Can you hear me 2 now better? 3 So from where I'm -- I'd like to hear from 4 Mike Vigil as to where the money is coming from. So 5 what's challenging, though, is the fact that we're 6 hearing different things about where money is or 7 isn't coming from and this kind of almost cavalier 8 attitude about kind of operating in a nebulous gray 9 area just because you didn't have any plan for 10 anything else. 11 And it's just, like, a shoot-from-the-hip 12 sort of strategy. And I've got to tell you, from 13 me, anyway, it certainly doesn't inspire confidence. 14 So I'm, you know, clearly -- and I view 15 this -- stated in past meetings, I think it's 16 imperative that we do everything possible to make 17 sure that the children of the Española Valley have 18 access to a Montessori education. 19 But what I'm hearing today and what I've 20 heard in past meetings doesn't -- you know, frankly 21 it just doesn't give me confidence that this is a 22 group that can make that happen. 23 When I -- when, earlier in the meeting, 24 Mr. Casados, you had said -- you used the phrase a 25 couple of times about directing staff here,</p>	<p style="text-align: right;">192</p> <p>1 So, Commissioners, if you're -- if you 2 would like to -- if we need to text Julia and call 3 her, you can do that at this time. But if you're in 4 person, you can go out to the hallway and 5 (inaudible). Thank you. 6 (Recess taken, 2:35 p.m. to 2:46 p.m.) 7 THE CHAIR: Okay. So I'm going to pass 8 this over to Vice Chair Voigt. 9 COMMISSIONER VOIGT: Okay. Thank you, 10 Madam Chair. 11 I move that the Public Education 12 Commission place La Tierra Montessori School for the 13 Arts and Sciences on the Intervention Ladder and 14 issue a Notice of Concern for failure to comply with 15 laws and bylaws of the school regarding the 16 following: 17 1. Violations of the PEC contract and 18 governing board member assurances to comply with 19 laws and bylaws. Having appropriate fiscal 20 oversight and processes in place at all times 21 including the use of SEG funding and a Pre-K program 22 funding. 23 2. Violation of the school's bylaws, 24 including governance of the school through a head 25 administrator and governing board members to</p>
<p style="text-align: right;">191</p> <p>1 directing staff there. You shouldn't be directing 2 staff anywhere ever. You're a chair of the board, 3 and that's all you do, and you work with the head 4 learner and kind of that. So it's troubling to hear 5 you state about the different direction you were 6 giving the staff. 7 You know, people always use the phrase, 8 "with all due respect," and "bless your heart." 9 Especially since we're (inaudible), "bless your 10 heart" (inaudible). But it troubles me as well that 11 I don't know you, Mr. Tompson, at all. We met just 12 briefly one time a month ago. 13 But it's the apparent lack of knowledge 14 for how things work relative to funding. It just -- 15 I mean, I absolutely think you need to be on an 16 Intervention Ladder. I absolutely think we need to 17 give you things to do to show us that you're capable 18 of doing it. And if not, well, you're not, and the 19 chips fall where they fall. But that's (inaudible). 20 THE CHAIR: Okay. Seeing that we have -- 21 I'm not seeing any other Commissioner questions 22 right now. But I would like to take maybe a 23 five-minute break, as -- to allow for Commissioners 24 to consult with our attorney to figure out some 25 motion language.</p>	<p style="text-align: right;">193</p> <p>1 establish meeting protocols. 2 I further move that the school immediately 3 shut down any Pre-K program not authorized by the 4 PEC Public Education Department and funded by SEG 5 funds and only provide such services with non-SEG 6 funds, after submitting appropriate documentation of 7 a program to the PEC. 8 I further move that the Executive 9 Committee of the PEC provide La Tierra Montessori 10 School for the Arts And sciences with expected 11 outcomes and deadlines by August 29th, 2022. 12 And, finally, I further move that the 13 Charter School Division report back to the PEC on 14 the progress of the school and recommend, when 15 possible, to put the school back in good standing, 16 or, if necessary, to take further action on the 17 Intervention Ladder. 18 COMMISSIONER CARRILLO: Second. 19 THE CHAIR: Thank you. There's a motion 20 and a second. 21 Commissioner -- 22 COMMISSIONER GIPSON: I think we have to 23 modify the motion to say Early Childhood Department, 24 not Public Education Department. That's the only 25 change in the motion I think we have to make. Is</p>

194

1 it -- well -- I think (inaudible) if they're not
 2 clear what we're changing.
 3 MS. JULIA BARNES: Is Early Childhood in
 4 Public Education Department?
 5 COMMISSIONER GIPSON: No, it's a separate
 6 Department.
 7 MS. JULIA BARNES: Okay. Just another
 8 quick thing.
 9 I want to take out -- I want to strike the
 10 word "meeting" up above, because it's "established
 11 protocols," not just "meeting protocols."
 12 Commissioner Gipson, was that all right?
 13 Strike the word "through established protocols," not
 14 "through established meeting protocols"? Do you see
 15 that?
 16 COMMISSIONER GIPSON: Yes.
 17 THE CHAIR: Yes. Do we need to reread the
 18 motion now, Julia, for compliance? Or are we okay
 19 just making those changes the way that we just did
 20 it?
 21 MS. JULIA BARNES: I think we're okay.
 22 We're going to put it in a letter to the school.
 23 I just also want to make sure that it's
 24 what you intend. That's just what I'm looking at,
 25 again, is that -- sorry. I'm going to strike the

195

1 word A, (inaudible) funding and Pre-K funding,
 2 program funding.
 3 Commissioner Voigt, why don't you reread
 4 it?
 5 COMMISSIONER VOIGT: Okay. I can do that.
 6 All right.
 7 I move that the Public Education
 8 Commission place La Tierra Montessori School for the
 9 Arts and Science (verbatim) on the Intervention
 10 Ladder and issue a Notice of Concern for failure to
 11 apply the laws and bylaws of the school regarding
 12 the following:
 13 1. Violations of the PEC contract and
 14 governing board member assurances to comply with
 15 laws and bylaws, having appropriate fiscal oversight
 16 and processes in place at all times, including the
 17 use of SEG funding and Pre-K program funding.
 18 2. Violations of the school's bylaws,
 19 including governance of the school through a head
 20 administrator and governing board members through
 21 established protocols.
 22 I further move that the school immediately
 23 shut down any Pre-K program not authorized by the
 24 Early Childhood Department and funded with SEG funds
 25 and only provide such services with non-SEG funds

196

1 after submitting appropriate documentation of a
 2 program to the PEC.
 3 I further move the Executive committee of
 4 the PEC provide La Tierra Montessori for the Arts
 5 and Science (verbatim) with expected outcomes and
 6 deadlines by August 29th, 2022.
 7 And, finally, I further move that the
 8 Charter School Division report back to the PEC on
 9 the progress of the school and recommend, when
 10 possible, to put the school back in good standing
 11 or, if necessary, to take further action on the
 12 Intervention Ladder.
 13 COMMISSIONER CARRILLO: Second.
 14 THE CHAIR: Thank you. There is a motion
 15 and a second.
 16 Any comments from Commissioners?
 17 Commissioner Carrillo.
 18 COMMISSIONER CARRILLO: Thank you,
 19 Chair Burt. So as I'm sitting here listening to the
 20 motion, I'm thinking to myself that -- and I know
 21 it, and I've seen it this way -- this could have
 22 very easily, I believe, gone to the next step of the
 23 Intervention Ladder today. And that is the breach
 24 step, the much more serious step.
 25 And it's not because I feel like we are --

197

1 we are a body that really wants to give everyone the
 2 opportunity they can to rectify things, to make
 3 things good and to do what's best for kids and to
 4 give you the opportunity, you know, over these next
 5 weeks to make things right.
 6 But I just -- I feel like you dodged a
 7 bullet, and you need to take all of this stuff
 8 seriously, the OMA stuff. Because I remember
 9 mentioned -- I think it was Mr. Casados that
 10 mentioned how, you know, that it came to your
 11 attention that you needed to have this done and you
 12 put it on the agenda. You can't just put things on
 13 the agenda the next day. (Inaudible.)
 14 There needs to be a much more clear
 15 understanding of the parameters with which you need
 16 to operate within and adherence to those parameters.
 17 So that's it for now. Thank you.
 18 THE CHAIR: All right. Yeah. I'm -- I'll
 19 just say I will support this just to -- I think it's
 20 important that we just have some additional
 21 oversight and collaboration in the next 20 months
 22 just to ensure that the governing board and the
 23 school starts moving in the right direction.
 24 I think this governing board, you can --
 25 you can get there. And so I think it's important

198	<p>1 stuff for us to have some additional support and</p> <p>2 oversight at this time. So that's why I will</p> <p>3 support it today.</p> <p>4 All right. Seeing no other hands up,</p> <p>5 Secretary Armijo, if you could call roll.</p> <p>6 COMMISSIONER ARMIJO: Thank you.</p> <p>7 Commissioner Voigt.</p> <p>8 COMMISSIONER VOIGT: Yes.</p> <p>9 COMMISSIONER ARMIJO: Commissioner Armijo</p> <p>10 votes yes.</p> <p>11 Chair Burt.</p> <p>12 THE CHAIR: Yes.</p> <p>13 COMMISSIONER ARMIJO: Commissioner</p> <p>14 Carrillo.</p> <p>15 COMMISSIONER CARRILLO: Yes.</p> <p>16 COMMISSIONER ARMIJO: Commissioner Davis.</p> <p>17 COMMISSIONER DAVIS: Yes.</p> <p>18 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>19 COMMISSIONER GIPSON: Yes.</p> <p>20 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>21 COMMISSIONER MANIS: Yes.</p> <p>22 COMMISSIONER ARMIJO: Commissioner</p> <p>23 Robbins.</p> <p>24 COMMISSIONER ROBBINS: Yes.</p> <p>25 COMMISSIONER ARMIJO: That passes, eight</p>	200	<p>1 THE CHAIR: Commissioner Robbins?</p> <p>2 COMMISSIONER ROBBINS: I just wanted to</p> <p>3 make sure that Commissioner Gipson felt that we had</p> <p>4 sufficient funds in the contractual area to handle</p> <p>5 things that she may feel that the Commission needs</p> <p>6 to do next year, that, you know, there's \$30,000 in</p> <p>7 there that's not designated under contractual, but</p> <p>8 that could be increased slightly if she felt more</p> <p>9 money needed to be added.</p> <p>10 Otherwise, I think, with the explanations</p> <p>11 that were given by the Director yesterday and the</p> <p>12 discussion we had, I am pleased with the proposed</p> <p>13 budget for the PEC and CSD.</p> <p>14 COMMISSIONER GIPSON: Well --</p> <p>15 THE CHAIR: Commissioner Gipson.</p> <p>16 COMMISSIONER GIPSON: I'm going to --</p> <p>17 because I'm -- I think there's enough money in the</p> <p>18 REC&C contract to address any areas that we feel</p> <p>19 we'll need support for. Is that what you're</p> <p>20 getting -- I guess maybe I'm confused, Commissioner</p> <p>21 Robbins, with what exactly you're asking. I'm not</p> <p>22 sure.</p> <p>23 COMMISSIONER ROBBINS: Well, the -- the</p> <p>24 Southwest REC, my understanding was that was for</p> <p>25 them to provide food. But we did not want to do</p>
199	<p>1 to zero.</p> <p>2 THE CHAIR: All right. Thank you.</p> <p>3 And thank you. I know Mr. Casados had</p> <p>4 said, "Try to keep our (inaudible). So thank you</p> <p>5 for (inaudible) that. But we'll also -- I'll also</p> <p>6 apologize having you to come to Ruidoso, making it</p> <p>7 difficult for you (inaudible). Thanks for joining</p> <p>8 us online, bearing with us on that part.</p> <p>9 MR. ISAAC CASADOS: Thank you so much,</p> <p>10 Commissioners. And thank you, Madam Chair. We</p> <p>11 appreciate it.</p> <p>12 THE CHAIR: All right. The next item is</p> <p>13 Item No. 11, Discussion -- sorry -- No. 10,</p> <p>14 Discussion and Possible Action on Budget for the PEC</p> <p>15 for FY23.</p> <p>16 And we did go over this yesterday. So I</p> <p>17 guess we could just go to Commissioner questions and</p> <p>18 vote.</p> <p>19 Commissioner Voigt?</p> <p>20 COMMISSIONER VOIGT: Thank you. And,</p> <p>21 again, I want to thank Mr. Torres for his work on</p> <p>22 this and his presentation yesterday and, ultimately,</p> <p>23 that final page that really shows the breakdown of</p> <p>24 the 2 percent. We've had that before, and it's very</p> <p>25 informative and helpful. And so thank you for that.</p>	201	<p>1 that.</p> <p>2 COMMISSIONER GIPSON: Oh.</p> <p>3 COMMISSIONER ROBBINS: So if that money</p> <p>4 can be used elsewhere for other things that may be</p> <p>5 identified that we would need to do contractual work</p> <p>6 with, that's fine, because it could be changed in</p> <p>7 terms of a line item. But, generally, you have to</p> <p>8 specify what entity -- you know, this is what DFA</p> <p>9 likes. They like to know the entity or entities</p> <p>10 that you're proposing to contract with or the type</p> <p>11 of services that you may be contracting with.</p> <p>12 If you don't have a definitive name, you</p> <p>13 can say, "These are the types of services."</p> <p>14 And if it's just other contractual</p> <p>15 services to support schools, charter schools, that</p> <p>16 may be sufficient.</p> <p>17 COMMISSIONER GIPSON: Yeah, I think I'm --</p> <p>18 I think I'm good.</p> <p>19 COMMISSIONER ROBBINS: Okay.</p> <p>20 THE CHAIR: All right. I'm going to move</p> <p>21 that the Public Education Commission approve the</p> <p>22 projected budget of FY 23, as shown in Document 10</p> <p>23 of the PEC budget, with the change that we will not</p> <p>24 spend any funds from the REC to provide any meeting</p> <p>25 lunches in the future.</p>

<p style="text-align: right;">202</p> <p>1 COMMISSIONER GIPSON: Second. 2 THE CHAIR: There's a motion and a second. 3 COMMISSIONER GIPSON: So I just want to be 4 clear that we're still funding to that amount that 5 money; so -- and that's -- I think that's what 6 Commissioner Robbins was trying to get to. So, 7 yeah. Yeah. (Inaudible.) 8 THE CHAIR: Commissioner Robbins. 9 COMMISSIONER ROBBINS: And that's fine. 10 Is there any way that we can add in this motion -- 11 because the total amount between what we have for 12 CSD, PEC, and the PED amount of roughly \$900,000, is 13 about \$1 million less than what the SEG is. Is 14 there any way we can include in the motion that the 15 PED will only withhold the appropriate percentage to 16 fund under the \$2.4 million that is in this budget 17 rather than the full \$3.3 million or \$3.4 million? 18 THE CHAIR: I'm not going to support 19 making that amendment to the motion, because, right 20 now, the budget is aligned with what is in Share. 21 And so right now, it is balanced. 22 And I'm not going to support that at this 23 point. 24 Director Chavez, I see your hand up. But 25 we do have a motion already made, so I cannot call</p>	<p style="text-align: right;">204</p> <p>1 withholds it, starting at the beginning of the year, 2 when they only need about 70 percent of the SEG to 3 cover the -- the funding of their projected costs 4 and the servicing that needs to be done for the PEC 5 and covering the cost of the -- of the CSD. 6 So withholding more money than is 7 necessary, there's not a mechanism to give it back 8 if it's not withheld -- or not not withheld at the 9 beginning. 10 So if they don't just sit there and say, 11 "We're going to take 70 percent of the 2 percent" -- 12 or roughly 1.4 percent -- if they don't do that at 13 the beginning, then the schools don't have the money 14 at all for this year. And that's almost a million 15 dollars. 16 And some of these schools, you're looking 17 at it costing them tens of thousands of dollars. 18 And even for a small school, it is a couple of 19 thousand dollars. And they won't have it to provide 20 for, you know, other cost increases that have come 21 along that the Legislature did not fund, such as 22 utility increases and other maintenance costs that 23 they have to pay for out of their SEG. 24 That's why I just like to hear what other 25 Commissioners have to say.</p>
<p style="text-align: right;">203</p> <p>1 on you. 2 Any other Commissioners? 3 COMMISSIONER GIPSON: I just have a 4 question. 5 THE CHAIR: Commissioner Gipson and 6 Commissioner Carrillo. 7 COMMISSIONER GIPSON: Because I don't know 8 if it's necessary if we want to comment on the 9 (inaudible), because I would just support 10 (inaudible). 11 THE CHAIR: Commissioner Carrillo. 12 COMMISSIONER CARRILLO: I would say to 13 Commissioner Robbins, even though you heard the 14 Chair say she wouldn't support an amendment of that 15 nature, certainly, it is your right as a 16 Commissioner to make an amendment and see if there's 17 enough other Commissioners to have it fly. You 18 know, I -- if you want to make that argument. 19 COMMISSIONER ROBBINS: Well, I would like 20 to hear what other Commissioners have to say. I 21 mean, I definitely think if the PEC withholds the 22 money, they won't give it back. And that money will 23 revert at the end of the year. And it's almost a 24 million dollars that the charter schools could use 25 that they will be prevented from using if the PED</p>	<p style="text-align: right;">205</p> <p>1 THE CHAIR: Commissioner Gipson and 2 Commissioner Voigt. 3 COMMISSIONER GIPSON: So I -- you know, I 4 appreciate the conversation. But I think, 5 Commissioner Robbins, actually, it's a motion for 6 discussion. It's not appropriate for us to make 7 those comments, because there's a motion on the 8 floor separate from that idea. 9 So I would gladly weigh in, but I don't 10 think it's appropriate to the motion that's on the 11 table. 12 COMMISSIONER ROBBINS: So if I'm correct, 13 the motion is only to approve the PEC and the CSD 14 budgets as presented. 15 THE CHAIR: Yes. But eliminating any cost 16 for meals during PEC meetings from the budget. 17 COMMISSIONER ROBBINS: Okay. I will make 18 a motion separately, then, from that. 19 (Inaudible comments from various 20 Commissioners.) 21 THE CHAIR: Yeah. Commissioner Robbins, 22 once we vote on this, we're done with this item. So 23 I think you would need to make a motion to amend. 24 Commissioner Robbins? 25 COMMISSIONER ROBBINS: Well, I would like</p>

206	<p>1 to amend the motion that the PED be requested to 2 only withhold the SEG funds from the 2 percent in 3 order to meet the needs of the PED, the CSD, and the 4 PEC, as provided in the numbers we were given 5 yesterday and have in our documents today. 6 COMMISSIONER DAVIS: Does this require a 7 second? 8 THE CHAIR: It does. 9 COMMISSIONER DAVIS: Then I second it. 10 THE CHAIR: Thank you. So there's a 11 motion to amend and a second. 12 Any discussion? 13 Commissioner Gipson. 14 COMMISSIONER GIPSON: So -- and I -- once 15 again, I appreciate the concept, because it was 16 something that I brought up yesterday. But my 17 concern is -- it's because this is the first time 18 we're doing this -- I think the Budget Committee 19 needs to be able to have time to track the budget 20 for us to be able to confidently -- and I think 21 we've come from the Budget Committee to the 22 Commission that we would make a recommendation at 23 some point in time. 24 I'm not sitting on (inaudible) budget. 25 But after we've been more vigilant in our work and</p>	208	<p>1 (inaudible) on which to do it is part of that trying 2 to figure it out. 3 So I think -- I would support this when we 4 also have -- I think it's part of the MOU that we're 5 negotiating right now. And so I think it could kind 6 of live in there, and, like Commissioner Gipson 7 said, I think the Budget Subcommittee can look at 8 what that lever could be or start having those 9 conversations. And, hopefully, it can kind of come 10 together in a package where it's together, the MOU 11 and the budget. 12 And I don't think we have to wait to 13 consider this for the MOU. But I think the 14 (inaudible) is one of the points we make is we did 15 propose -- we have put that into our proposal also. 16 I think that's the -- that's the way I'll 17 support it moving forward, right now in this moment 18 today. 19 All right. So we are going to vote on the 20 amendment only, so on adding the amendment to the 21 motion. 22 Commissioner Manis. 23 COMMISSIONER MANIS: Could you repeat the 24 amendment for me? 25 COMMISSIONER ROBBINS: The amendment would</p>
207	<p>1 tracking the -- the expenses, we would be more 2 confident in bringing forward a recommendation that, 3 say, (inaudible) that 1.75 percent be, as an 4 example, for the following year be held back, 5 because there was so much that reverted back. 6 And I completely understand the issues 7 with money reverting back. And none of us -- no one 8 on the subcommittee, no one from CSD, looks forward 9 to seeing money reverted back. But because this is 10 a new process for us, I think we need to be able to 11 look at it to -- I would not be confident -- and I 12 don't think that language gives PED enough direction 13 to say it is sufficient. 14 But whether we make that decision and how 15 you would they do that, I think it's difficult at 16 this moment in time. 17 THE CHAIR: Okay. Any other discussion on 18 the amendment? 19 So right now, we're just on to the 20 amendment? 21 I'll say I disagree with Commissioner 22 Gipson. And I think it's also -- right now, it's 23 also one of the items that we proposed in our 24 (inaudible) update for the MOU is to start 25 considering what that looks like. And I think the</p>	209	<p>1 be that the PED be requested to only withhold the 2 amount of SEG funds you see from the State charter 3 schools sufficient to cover the budget that is in 4 the numbers that were presented yesterday and today 5 and the materials we have today, which is roughly 6 \$2.4 million. 7 COMMISSIONER MANIS: Thank you for that. 8 THE CHAIR: All right. Secretary Armijo, 9 if you could call roll. 10 COMMISSIONER ARMIJO: Chair Burt. 11 THE CHAIR: No. 12 COMMISSIONER ARMIJO: Commissioner 13 Carrillo. 14 COMMISSIONER CARRILLO: No. 15 COMMISSIONER ARMIJO: Commissioner Davis. 16 COMMISSIONER DAVIS: Yes. 17 COMMISSIONER ARMIJO: Commissioner Gipson. 18 COMMISSIONER GIPSON: No. 19 COMMISSIONER ARMIJO: Commissioner Manis. 20 COMMISSIONER MANIS: Yes. 21 COMMISSIONER ARMIJO: Commissioner 22 Robbins. 23 COMMISSIONER ROBBINS: Yes. 24 COMMISSIONER ARMIJO: Commissioner Voigt. 25 COMMISSIONER VOIGT: No.</p>

210	<p>1 COMMISSIONER ARMIJO: And Commissioner 2 Armijo votes no. 3 THE CHAIR: All right. So -- all right. 4 So the amendment fails, and we're back on to the 5 original motion, which is to approve with the 6 removal of the lunch -- anything to do -- okay. All 7 right. 8 Secretary Armijo, if you can call roll. 9 COMMISSIONER ARMIJO: Commissioner 10 Carrillo. 11 COMMISSIONER CARRILLO: Yes. 12 COMMISSIONER ARMIJO: Commissioner Davis. 13 COMMISSIONER DAVIS: Yes. 14 COMMISSIONER ARMIJO: Commissioner Gipson. 15 COMMISSIONER GIPSON: Yes. 16 COMMISSIONER ARMIJO: Commissioner Manis. 17 COMMISSIONER MANIS: Yes. 18 COMMISSIONER ARMIJO: Commissioner 19 Robbins. 20 COMMISSIONER ROBBINS: Yes. 21 COMMISSIONER ARMIJO: Commissioner Voigt. 22 COMMISSIONER VOIGT: Yes. 23 COMMISSIONER ARMIJO: Commissioner Armijo 24 votes yes. 25 And Chair Burt.</p>	212	<p>1 Voigt. 2 COMMISSIONER VOIGT: Thank you. Yeah, I 3 think this is a great idea. I feel that having this 4 agenda item will create more -- definitely more 5 cooperation and input from all Commissioners. 6 I think that, also, if a Commissioner 7 misses the opportunity to put in a new business item 8 on the day of the meeting, they have a second 9 opportunity to submit that form, which we, the PEC, 10 (inaudible). 11 MS. JULIA BARNES: I'll just raise a 12 technicality that I just did in one way. So if 13 someone wants something on the agenda, they can 14 submit it ten days before the next agenda. But in 15 the New Business section, if you wanted something to 16 be heard in December, for example, you could say 17 that in this motion. 18 It didn't have to just be that, because 19 we've been doing a lot of advanced planning of -- 20 you just did it on budget items. So it allows for 21 that flexibility both ways. 22 THE CHAIR: All right. So seeing no other 23 hands up, I'm going to -- I move that the Public 24 Education Commission approve change to the PEC Rules 25 of Procedure allowing new business to be proposed in</p>
211	<p>1 THE CHAIR: Yes. 2 COMMISSIONER ARMIJO: That vote passes. 3 THE CHAIR: Great. That moves us to Item 4 No. 11, which is Discussion of Change in Rules of 5 Procedure for New Business Topics. Ms. Barnes. 6 MS. JULIA BARNES: Just trying to get this 7 open. My understanding is you had requested a 8 change that would allow, effectively, a standing 9 agenda item to present new business. 10 And there is an intention to approve the 11 PEC -- this change in the PEC protocols and then be 12 able to use this process in this meeting. 13 The redlined document, the change is on 14 Page 8. And there is a clean version in here as 15 well. 16 So the motion -- if you like this 17 language, the motion would be to adopt the clean 18 version. 19 THE CHAIR: Thank you. Are there any 20 questions or comments? 21 This is the Executive Committee taking 22 what you all say and putting it into practice. You 23 can't say we don't listen. 24 COMMISSIONER CARRILLO: (Inaudible.) 25 THE CHAIR: All right. Commissioner</p>	213	<p>1 an open meeting, as set forth in Document 11.2. 2 COMMISSIONER GIPSON: Second. 3 THE CHAIR: Thank you. There's a motion 4 and a second. 5 Any further discussion? 6 All right. If we can take roll. 7 COMMISSIONER ARMIJO: Commissioner Davis. 8 COMMISSIONER DAVIS: Yes. 9 COMMISSIONER ARMIJO: Commissioner Gipson. 10 COMMISSIONER GIPSON: Yes. 11 COMMISSIONER ARMIJO: Commissioner Manis. 12 COMMISSIONER MANIS: Yes. 13 COMMISSIONER ARMIJO: Commissioner 14 Robbins. 15 COMMISSIONER ROBBINS: Yes. 16 COMMISSIONER ARMIJO: Commissioner Voigt. 17 COMMISSIONER VOIGT: Yes. 18 COMMISSIONER ARMIJO: Commissioner Armijo 19 votes yes. 20 Chair Burt. 21 THE CHAIR: Yes. 22 COMMISSIONER ARMIJO: Commissioner 23 Carrillo. 24 COMMISSIONER CARRILLO: Yes. 25 COMMISSIONER ARMIJO: Commissioner Gipson.</p>

214

1 COMMISSIONER GIPSON: I voted already.
 2 COMMISSIONER ARMIJO: It passes, eight to
 3 zero. Sorry.
 4 THE CHAIR: Thank you. And if you all
 5 will bear with me one minute.
 6 So I'm going to ask for -- that I'm going
 7 to move the Report from the Chair up, due to the
 8 fact that I have a daughter who's playing in her
 9 very first varsity football game up in Rio Rancho at
 10 7:00 tonight. I'd like to drive back in order to
 11 see her.
 12 I'm going to do the Report from the Chair.
 13 I'll stay as long as possible to -- to -- to where I
 14 can drive. And Vice Chair Voigt, I'm very grateful
 15 to have assist in chairing the rest of the meeting.
 16 So we are on to Item No. 14. So give her
 17 all the trouble when I leave. I fully support that,
 18 just to let you know.
 19 All right. So Report from the Chair.
 20 So the report for you are updated Public
 21 Education Commission items. And you'll see that I
 22 do have one -- one item is the status of the final
 23 contract for The GREAT Academy.
 24 I did want to let you all know that after
 25 last month -- the PED did make a decision based off

215

1 of the filings that were done by The GREAT Academy,
 2 our response to that, I still think we did a really
 3 great response for -- for both the items that we
 4 were wanting to (inaudible), the financial condition
 5 and the (inaudible) term. The PED did decide that
 6 the five-year term would continue. And then all the
 7 financial condition was actually just removed as not
 8 supported any longer by the PED.
 9 So that contract is now executed. It's
 10 backdated as to July 1st. So it is a current
 11 contract that is in effect. It is the only contract
 12 that I did not sign as Chair. So we did not sign
 13 that. It just goes into effect as ordered by the
 14 Secretary.
 15 And we did, just recently, get all the
 16 amendments to the contract as well. It was a little
 17 bit more difficult than maybe it should have been
 18 for our attorney to get those items. But we are
 19 grateful that they did come in.
 20 And so now there is a full contract for
 21 The GREAT Academy that is in effect.
 22 Once again, if anyone has any questions
 23 about that, you're more than welcome to individually
 24 reach out to Ms. Barnes on any questions you have or
 25 anything about that. You can reach out to her for

216

1 anything like that.
 2 I don't see anybody from -- for my next
 3 two items. So (inaudible). I think that's it for
 4 Report from the Chair.
 5 And so that'll take us back up to the
 6 Report -- I think I'm going to do report from PEC
 7 Liaisons next, so I can do that first one as well,
 8 and then I'll leave.
 9 All right. So LESC met -- it was in our
 10 last meeting. One of the biggest items that were
 11 discussed that I think is very important to the
 12 Public Education Commission was assessment. It is
 13 going to -- they will be receiving assessment
 14 results coming up.
 15 I think that we probably should
 16 consider -- and, actually, I'll be proposing this to
 17 the Executive Committee -- having a conversation as
 18 a full Commission about the assessments from last
 19 year and then what assessments look like for this
 20 upcoming year, because it does directly impact the
 21 Performance Framework in the reports that we get.
 22 There are some concerns that I heard as
 23 far as some of the alignment that was done in the
 24 assessments. You know, it's -- in, just, honesty,
 25 it's nothing anybody doesn't know. But very -- we

217

1 have very low proficiency rates on previous
 2 assessments for years. And it seemed like, in one
 3 of the assessments in particular, the proficiency
 4 rates jumped up significantly this last year, which
 5 is likely a reflection that there may be some
 6 misalignment from a previous test to the new
 7 assessment.
 8 And I think that was a concern that the
 9 Assessment Bureau has, that LESC has, that the
 10 (inaudible) are going to have, is what does that
 11 actually mean? Did more kids actually become
 12 proficient during COVID, or is the assessment not
 13 aligned?
 14 And I think we probably know more what
 15 that is. And so what that looks like for this last
 16 year is -- is going to be really interesting when we
 17 get that data. And how the assessment is being
 18 given this year, I think, is something we will need
 19 to ask for a presentation on, because the
 20 conversation at LESC about that was very robust and
 21 rich about it. And I think it's something we need
 22 to know, because it will impact our high-stakes
 23 decisions we make.
 24 That was -- that was the main part. They
 25 did have discussions on CTE as well as some other

<p style="text-align: right;">218</p> <p>1 topics. But I think that that assessment is what is 2 most going to impact the PEC and our State charters. 3 All right. And with that, I will go to 4 Secretary Armijo, and I'm going to pass over the 5 Chair to Vice Chair Voigt. 6 Thank you. 7 COMMISSIONER ARMIJO: Thank you. So I 8 have not received an invitation for a meeting for 9 the Indian Education Advisory Council. They had the 10 big meeting the same day as our PEC meetings last 11 month, and I'm not sure if they're taking a little 12 bit of a break. But I just have not seen anything 13 come from them in a while. 14 So I'm hoping that we will be able to meet 15 in September, and I will give you an update on that 16 then. 17 Thank you. 18 COMMISSIONER VOIGT: Thank you, 19 Secretary Armijo. 20 Next is myself with the New Mexico 21 Coalition of Education Leaders, and I have nothing 22 to report. 23 Commissioner Robbins, New Mexico Public 24 School Capital Outlay Council. 25 COMMISSIONER ROBBINS: Very briefly,</p>	<p style="text-align: right;">220</p> <p>1 bit to pursue another opportunity. He didn't really 2 like that opportunity or it didn't pan out as he 3 would hope. So our previous Interim Executive 4 Director has now come back as the Executive 5 Director. 6 And it was kind of a weird transition for 7 about a month and a half, because we had hired the 8 person who was the CFO as the -- as the CEO, or the 9 Executive Director, and she decided to become the 10 Deputy Director. 11 So it's been a lot of changes within 12 NMPSIA, and that's been some of our biggest changes. 13 I was unable to attend the meeting on 14 Tuesday, because it was different from our regularly 15 scheduled meeting. They had a meeting for the 16 election of officers and a couple of other agenda 17 items. 18 But I was unable to attend that meeting. 19 Our next meeting date is on September 8th, and I'll 20 be either on Zoom or in person for that meeting. 21 Thank you. 22 COMMISSIONER VOIGT: Thank you, 23 Commissioner Manis. 24 Commissioner Carrillo, New Mexico School 25 Boards Association.</p>
<p style="text-align: right;">219</p> <p>1 because I'm going to have to leave and maybe be able 2 to leave before the end of the meeting. 3 I have a PSCOC issue. I have to meet with 4 Chair Guillen and the Awards Chair, David Abbey, in 5 about six minutes. 6 The PSCOC hasn't met since our last 7 meeting. We're only meeting every six weeks. The 8 subcommittee is meeting tomorrow -- not tomorrow -- 9 Monday. And then the full council will meet next 10 Monday. 11 I don't know if, with this cap increase 12 for the Albuquerque Sign Language Academy, if they 13 will be getting a -- an amendment to their 14 construction submitted in -- you know, soon enough 15 for that. I don't believe they probably would. But 16 if that is the case, then I will report back at our 17 September meeting. Otherwise, nothing else to add. 18 Thank you. 19 COMMISSIONER VOIGT: Thank you, 20 Commissioner Robbins. 21 NMPSIA. Commissioner Manis. 22 COMMISSIONER MANIS: Thank you. I don't 23 have a whole lot to report. We did have some 24 changes in our employees, where we -- our previous 25 Interim Executive Director, he had left for a little</p>	<p style="text-align: right;">221</p> <p>1 COMMISSIONER CARRILLO: Thank you. 2 Nothing really since the meeting -- since the last 3 time I reported that I met with Joe Guillen. I will 4 (inaudible) this week, though, because I want to 5 make sure -- it's already the middle of August. 6 Before we know it, boy, that seventh third Tuesday 7 of January is going to be here. 8 So I think we really need to start jumping 9 on our agenda. And anything we want to do 10 collaboratively with NMSBA, we probably need to 11 decide at the next -- at our next meeting, because 12 they have to get their executive board together. 13 It'll take so much time, but we want to make sure we 14 get all the stuff done. 15 But I was really pleased to have that 16 meeting. (Inaudible) our working together 17 collaboratively with one another. Thank you. 18 COMMISSIONER VOIGT: Thank you, 19 Commissioner Carrillo. 20 Commissioner Taylor has left, so, we will 21 not have the Library Commission Board. 22 We need to jump back to Item No. 12, 23 Report from the Charter Schools Division. And 24 Dr. Russell and Mr. Torres will be reporting out for 25 the CSD staffing update.</p>

222	<p>1 DR. BRIGETTE RUSSELL: Good afternoon. So</p> <p>2 Louie Torres will be doing the staffing update.</p> <p>3 My update is on the Renewal, Part A,</p> <p>4 Preliminary Report. We will be sending out from the</p> <p>5 Charter Schools e-mail this afternoon the Charter</p> <p>6 School Division Renewal Report, Part A, Preliminary.</p> <p>7 And the reason it's preliminary is we do not get to</p> <p>8 have the proficiency data from the Spring 2022</p> <p>9 assessments. So a lot of data you see in the</p> <p>10 chart -- the charts -- will be old news. The</p> <p>11 demographic data are new. But it's the old '18-'19</p> <p>12 proficiencies that you're seeing again and again.</p> <p>13 The new assessment data are coming out</p> <p>14 August 31st. And we hope to have the revised Final</p> <p>15 Part A out by September 2nd. It will not include</p> <p>16 the overall standing of the school.</p> <p>17 So Indicator 1A cannot yet be rated,</p> <p>18 because PED's Research and Accountability Division</p> <p>19 will not complete the -- the ranking of all</p> <p>20 New Mexico schools until November.</p> <p>21 So what we will have in the revised Part A</p> <p>22 is the reading proficiency, math, science</p> <p>23 proficiency, EL progress, and those data, just not</p> <p>24 the overall standing, which are Spotlight Schools,</p> <p>25 which is unfortunate.</p>	224	<p>1 Bureau -- the Division. Thank you.</p> <p>2 COMMISSIONER VOIGT: Thank you,</p> <p>3 Mr. Torres.</p> <p>4 Okay. On to item 15, Public Education</p> <p>5 Commission Comments. If you have any comments,</p> <p>6 raise your hand.</p> <p>7 COMMISSIONER ROBBINS: (Inaudible.)</p> <p>8 THE CHAIR: Commissioner Gipson.</p> <p>9 COMMISSIONER GIPSON: I just want to</p> <p>10 remind, I just sent in my (inaudible) so get</p> <p>11 DocuSign. So get your paperwork in.</p> <p>12 COMMISSIONER VOIGT: Thank you. Any other</p> <p>13 Commissioner comments?</p> <p>14 Commissioner Carrillo.</p> <p>15 COMMISSIONER CARRILLO: She says that to</p> <p>16 me. I am no longer a DocuSign scofflaw, okay? I do</p> <p>17 have to wait until I get home to get the -- the</p> <p>18 hotel receipt, because -- because I (inaudible).</p> <p>19 Whatever.</p> <p>20 Anyway. So the only thing I have here in</p> <p>21 this category is I was able to be at the opening of</p> <p>22 THRIVE Community School in Santa Fe on Wednesday.</p> <p>23 And, boy, was that fun. Not only was the weather</p> <p>24 perfect, but just all of the kids and parents were</p> <p>25 just so happy to be there.</p>
223	<p>1 We will include a four-year snapshot of</p> <p>2 the Performance Framework with the previous three</p> <p>3 years of ratings and the '21-'22 ratings. A few of</p> <p>4 those indicators are still pertinent. We're tying</p> <p>5 up loose ends. We still need to receive mission</p> <p>6 (inaudible) school data from some of the schools.</p> <p>7 But all of those ratings should be finalized by the</p> <p>8 revised Final Part A on September 2nd.</p> <p>9 Thank you.</p> <p>10 COMMISSIONER VOIGT: Thank you,</p> <p>11 Dr. Russell.</p> <p>12 MS. TORRES: So the staff update is that</p> <p>13 three of our positions also are currently posted: Ed</p> <p>14 Admin A position that was vacated about a month ago,</p> <p>15 and the two ESSER positions, one that was focused on</p> <p>16 homeschool and the other on the public schools. So</p> <p>17 those are all posted right now.</p> <p>18 We did put in the reclass for the</p> <p>19 (inaudible) A position. But we posted it as a</p> <p>20 Financial Coordinator A position that you heard a</p> <p>21 lot about when we were talking about budgets and</p> <p>22 things like that. And then we have two other</p> <p>23 positions you've also heard about: The PEC Liaison,</p> <p>24 which is a new create, and then an Ed Admin O, which</p> <p>25 is also (inaudible) to support the work of the</p>	225	<p>1 And so you know, as well, on Wednesday,</p> <p>2 they were just two enrollees away from their</p> <p>3 enrollment projection. And I believe Sean had three</p> <p>4 applications on his desk. So, you know, if you</p> <p>5 build it, they will come. If there's a need, they</p> <p>6 will answer.</p> <p>7 And, clearly, there is a need for a school</p> <p>8 of this nature. And Santa Fe Public Schools and</p> <p>9 anyone happens to be listening, for God's sake, be</p> <p>10 innovative and let's keep more kids -- you know,</p> <p>11 just -- they're all our kids, whether they're</p> <p>12 charter or not.</p> <p>13 But, just, this indicates the need, okay?</p> <p>14 So just very excited for THRIVE, and for RioGAFa,</p> <p>15 also, because this was their first week. So just</p> <p>16 thrilled for all of those kids.</p> <p>17 COMMISSIONER VOIGT: Thank you. I see no</p> <p>18 other hands.</p> <p>19 We'll go on to Item No. 16, a Discussion</p> <p>20 of Annual Business Topics for the Next Agenda.</p> <p>21 Commissioner Carrillo.</p> <p>22 COMMISSIONER CARRILLO: (Inaudible.) I</p> <p>23 would like -- even though we haven't finalized or</p> <p>24 anything relative to the legislative agenda, I would</p> <p>25 like us to at least discuss -- not vote on -- but at</p>

1 least discuss the -- the issue of Equity Councils
2 and whether or not that's something that we want to
3 dare let the Legislature touch.

4 And I'm reminded of the phrase that Ronald
5 Reagan famously said: "The nine words you need to
6 be most afraid of: We're from the government and
7 we're here to help."

8 And even though I really do believe in the
9 power of government and the necessity of government,
10 I certainly don't think that having the Legislature
11 involved in Equity Councils is a sound idea. I
12 would like to have that on our next agenda. Thank
13 you very much.

14 COMMISSIONER VOIGT: You've got it. Thank
15 you.

16 Any other Commissioners?
17 New items?
18 New business topics for the next agenda?
19 Okay. Seeing none, we will move on to
20 Item 17, which is Adjourn.

21 COMMISSIONER DAVIS: I move that we
22 adjourn the meeting.

23 COMMISSIONER ARMIJO: I second. Melissa
24 Armijo votes yes.

25 COMMISSIONER CARRILLO: I'm having too

1 BEFORE THE PUBLIC EDUCATION COMMISSION
2 STATE OF NEW MEXICO

7 REPORTER'S CERTIFICATE

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

14 In testimony whereof, I have hereunto set my
15 hand on August 31, 2022.

16 _____
17 Cynthia C. Chapman, RMR-CRR
18 New Mexico Certified Reporter #219
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25

1 much fun. I don't want to leave yet.

2 COMMISSIONER ARMIJO: Melissa Armijo votes
3 yes.

4 Commissioner Carrillo.

5 COMMISSIONER CARRILLO: Yes.

6 COMMISSIONER ARMIJO: Commissioner -- Vice
7 Chair Burt -- Voigt.

8 COMMISSIONER VOIGT: Yes.

9 COMMISSIONER ARMIJO: Sorry. Commissioner
10 Gipson.

11 COMMISSIONER GIPSON: Yes.

12 COMMISSIONER ARMIJO: Commissioner Manis.

13 COMMISSIONER MANIS: Yes.

14 COMMISSIONER ARMIJO: Commissioner Davis.

15 COMMISSIONER DAVIS: Yes.

16 COMMISSIONER ARMIJO: And I believe that's
17 it.

18 COMMISSIONER VOIGT: Thank you, everyone.
19 Have a great week and weekend.

20 (Proceedings adjourned at 3:34 p.m)
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23
24
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1 RECEIPT

2 JOB NUMBER: 6331N CC Date: August 19, 2022

3 PROCEEDINGS: PUBLIC MEETING

4 CASE CAPTION: In re: Public Meeting of the Public
5 Education Commission

6 *****

7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED

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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

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

In testimony whereof, I have hereunto set my hand on August 31, 2022.

Cynthia Chapman

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