

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

September 16, 2022

9:00 a.m.

Via Zoom Webinar Video Teleconference  
and

Jerry Apodaca Education Building, Mabry Hall  
300 Don Gaspar  
Santa Fe, New Mexico

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2	A P P E A R A N C E S
1	COMMISSIONERS:
2	REBEKKA BURT, Chair
3	GLENNA VOIGT, Vice Chair
4	MELISSA ARMIJO, Secretary
5	STEVEN CARRILLO, Member
6	MICHAEL CHAVEZ, Member
7	PATRICIA GIPSON, Member
8	KT MANIS, Member
9	DAVID ROBBINS, Member
10	MICHAEL TAYLOR, Member
11	PED STAFF:
12	CORINA CHAVEZ, Director
13	Charter School/Options for
14	Parents and Families Division
15	BRIGETTE RUSSELL, Deputy Director, Options for
16	Parents and Families
17	LUCY VALENZUELA, Technical Assistance and Support and
18	Training Administrator
19	Charter School/Options for
20	Parents and Families Division
21	COUNSEL TO THE PEC:
22	JULIA HOSFORD BARNES, ESQ.
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5	1 THE CHAIR: All right. Good morning. It
1	2 is 9:00 a.m., and I am going to call this meeting to
2	3 order.
3	4 The next item will be roll call by
4	5 Secretary Armijo.
5	6 COMMISSIONER ARMIJO: Good morning. Let
6	7 me get my roll call up real quick.
7	8 All-righty. Okay.
8	9 Commissioner Armijo is here.
9	10 Chair Burt.
10	11 THE CHAIR: Here.
11	12 COMMISSIONER ARMIJO: Commissioner
12	13 Carrillo.
13	14 COMMISSIONER CARRILLO: Present.
14	15 COMMISSIONER ARMIJO: Commissioner Chavez.
15	16 COMMISSIONER CHAVEZ: Present.
16	17 COMMISSIONER ARMIJO: Commissioner Davis.
17	18 (No response.)
18	19 COMMISSIONER ARMIJO: Commissioner Gipson.
19	20 COMMISSIONER GIPSON: Here.
20	21 COMMISSIONER ARMIJO: Commissioner Manis.
21	22 COMMISSIONER MANIS: I am here.
22	23 COMMISSIONER ARMIJO: Commissioner
23	24 Robbins.
24	25 COMMISSIONER ROBBINS: Here.

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1 COMMISSIONER ARMIJO: Commissioner Taylor.  
 2 COMMISSIONER TAYLOR: Here.  
 3 COMMISSIONER ARMIJO: And Commissioner  
 4 Voigt.  
 5 COMMISSIONER VOIGT: Here.  
 6 COMMISSIONER ARMIJO: We have a quorum of  
 7 nine.  
 8 THE CHAIR: Thank you. And next, we'll do  
 9 the Pledge of Allegiance led by Commissioner  
 10 Robbins, and the Salute to the New Mexico Flag by --  
 11 led by Commissioner Taylor.  
 12 (Pledge of Allegiance and Salute to the  
 13 New Mexico Flag conducted.)  
 14 THE CHAIR: Thank you. The next item is  
 15 Approval of the Agenda. And I will move to approve  
 16 the agenda for today.  
 17 COMMISSIONER VOIGT: I'll second.  
 18 THE CHAIR: Thank you. There's a motion  
 19 and a second.  
 20 Any discussion?  
 21 Commissioner Carrillo.  
 22 COMMISSIONER CARRILLO: Yes, please.  
 23 The -- it's under -- oh, heavens. I have it here.  
 24 Sorry. But my -- I was hoping -- I have a  
 25 feeling -- my understanding is there's going to be

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1 some people from equity talking about equity  
 2 councils and everything. And for whatever reason,  
 3 it's last on Item No. 15. I don't know if there's a  
 4 way either to move the entirety of Item 15 up or  
 5 just Item -- I think that would be a good item to  
 6 move up, anyway, just because people pay attention  
 7 in the morning, and that's morning stuff.  
 8 THE CHAIR: We do have a good reason for  
 9 doing it towards the end, because we do have -- in  
 10 the Report from the Chair, the next item after the  
 11 Legislative Agenda is going to coincide with that.  
 12 But I would happily entertain moving that item to  
 13 the very top.  
 14 COMMISSIONER CARRILLO: That would be  
 15 grand. Thank you.  
 16 THE CHAIR: Yeah. No problem.  
 17 Any other discussion?  
 18 (No response.)  
 19 THE CHAIR: Okay. Hearing none,  
 20 Secretary Armijo, if you could call roll.  
 21 COMMISSIONER ARMIJO: All-righty.  
 22 Chair Burt.  
 23 THE CHAIR: Yes.  
 24 COMMISSIONER ARMIJO: Commissioner  
 25 Carrillo.

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1 COMMISSIONER CARRILLO: Yes.  
 2 COMMISSIONER ARMIJO: Commissioner Davis.  
 3 Oh. Commissioner Davis is not here.  
 4 Commissioner Gipson.  
 5 COMMISSIONER GIPSON: Yes.  
 6 COMMISSIONER ARMIJO: Commissioner Manis.  
 7 COMMISSIONER MANIS: Yes.  
 8 COMMISSIONER ARMIJO: Commissioner  
 9 Robbins.  
 10 COMMISSIONER ROBBINS: Yes.  
 11 COMMISSIONER ARMIJO: Commissioner Taylor.  
 12 COMMISSIONER TAYLOR: Yes.  
 13 COMMISSIONER ARMIJO: Vice Chair Voigt.  
 14 COMMISSIONER VOIGT: Yes.  
 15 COMMISSIONER ARMIJO: And Commissioner  
 16 Armijo votes yes.  
 17 That is nine for --  
 18 COMMISSIONER CHAVEZ: Commissioner Chavez  
 19 votes yes.  
 20 COMMISSIONER ARMIJO: I'm sorry,  
 21 Commissioner Chavez. I skipped over you. I'm  
 22 sorry. That is nine for.  
 23 THE CHAIR: Thank you.  
 24 The next item is going to be Open Forum.  
 25 For Open Forum this morning, I'm going to ask folks

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1 in the attendees that, if you would like to make  
 2 public comment this morning, please do so at this  
 3 time. And you can do that by raising your digital  
 4 hand, and then we will admit you one by one over.  
 5 You will have approximately two minutes to  
 6 speak, and we will pull you in; okay?  
 7 So we see two folks right now.  
 8 FROM THE PUBLIC: Okay. Can you hear me?  
 9 THE CHAIR: Yes. We can hear you. If you  
 10 can introduce yourself, your first and last name for  
 11 the record, and then please keep your comments to  
 12 about two minutes, please.  
 13 FROM THE PUBLIC: Okay. Thank you. My  
 14 name is Micayle Petersen. My first concern is  
 15 taking away local control from school boards, our  
 16 communities, and our families; for example, making  
 17 equity councils a statute, putting them in the  
 18 legislation in any way, and also the PED having too  
 19 much top-down requirements and power and taking away  
 20 local control.  
 21 I do appreciate what you guys do, and I  
 22 love that you are elected officials. And I wish  
 23 that there was some way for us to have a bigger  
 24 voice through you guys in the education system.  
 25 Again, my biggest concern with equity

<p style="text-align: right;">10</p> <p>1 councils and the PED requiring or mandating it is 2 that I've seen and heard a lot of problematic, 3 racially divisive, and anti-American materials 4 within their trainings and resources, and I've seen 5 and heard more and more politically driven rhetoric 6 as well.</p> <p>7 And that's of deep concern when it comes 8 into our education system, because it should really 9 be bipartisan and absolutely not political. We 10 should be more concerned with the academic portions 11 that we are putting into our schools.</p> <p>12 And I think the equity council gets away 13 from that in a lot of ways. In some ways, it seems 14 like it's very good, because at least our school 15 involves the community. We are parents, and we are 16 on our equity council, and there's a lot of good 17 that can be done by having more eyes on the problem.</p> <p>18 But, again, that should be a local 19 decision that every school district and charter 20 school is able to make themselves. But the more 21 concerning part, like I said, is the racially 22 divisive, anti-American, and political rhetoric that 23 is being pushed into it.</p> <p>24 The sentiment -- it's -- I guess -- one of 25 the sentiments is that we can't always trust our</p>	<p style="text-align: right;">12</p> <p>1 PEC is something that I think has been gutted over 2 time, and I appreciate what you guys do. You are 3 our elected officials; whereas, the PED -- we have 4 sucked power into the PED. And I think it's 5 something that we need to, as a -- as a populace, 6 support you in gaining power back.</p> <p>7 I don't know what can be done on your 8 front to pull more power back into the PEC. But you 9 are our voice in this state for our children. And 10 for us to put power in the hands of our appointed 11 officials over elected officials is very troubling, 12 and I'm sure most of you recognize that.</p> <p>13 And anything we can do on our front to 14 help that effort in returning more power to the PEC, 15 please let us know. This is something that we're 16 focused on.</p> <p>17 These equity councils are a perfect 18 example of this. The equity councils are 19 particularly concerning because I'm looking at the 20 founding document -- this is a 34-page document of 21 these equity councils. And this document I'm 22 looking at is called "Culturally and Linguistically 23 Responsive Guidance Handbook."</p> <p>24 And in this document, I mean, the whole 25 document is full -- there's so many quotes that we</p>
<p style="text-align: right;">11</p> <p>1 school board, because communities or parents are 2 failing to do the right thing. And that's a 3 dangerous sentiment because what is the right thing? 4 And perhaps sometimes this is true, but, again, as 5 parents and a community, as school boards, as 6 educators, like, we do need to do better at 7 involving the families and involving the 8 communities.</p> <p>9 And I feel like instead of focusing on 10 racially or politically problematic aspects, if 11 there is any, we should absolutely get back to our 12 communities and our families and put that back into 13 local control.</p> <p>14 Thank you.</p> <p>15 THE CHAIR: Thank you, Ms. Petersen.</p> <p>16 FROM THE FLOOR: All right. Can you hear 17 me?</p> <p>18 THE CHAIR: Yes. Thank you. If you 19 could, once again, state your first and last name 20 for the record and keep your comments to about two 21 minutes, please.</p> <p>22 FROM THE FLOOR: Yes, ma'am, my name is 23 Casey Petersen. And I just wanted to talk about a 24 few things here.</p> <p>25 Number one, the PEC power. Power of the</p>	<p style="text-align: right;">13</p> <p>1 pulled out of this document. But, specifically, 2 they're always dividing these problems in this state 3 and in our education system along racial lines.</p> <p>4 And there's a quote directly from there. 5 Says, "Advocating for equity means recognizing that 6 some schools, like those serving students in 7 low-income communities of color, will actually need 8 more resources if we are going to make a dent in the 9 educational disparities that have come to be known 10 as the achievement gap."</p> <p>11 And so this is specifically talking about 12 how the achievement gap is attributable to the color 13 of their skin, and that low-income communities, 14 communities of color -- not just children alone -- 15 but communities need help. We know that. But to 16 say that a poor White student is different than a 17 poor Black or Indian student is absurd. The data 18 does not prove that out.</p> <p>19 And they also talk about saying -- another 20 quote here -- "Deficient thinking makes systemic 21 forms of racism and oppression invisible."</p> <p>22 They continually reference this idea of 23 invisible racism that you don't even know is there.</p> <p>24 The final point I'll make is that these -- 25 so, first off, local control in these equity</p>

<p style="text-align: right;">14</p> <p>1 councils.</p> <p>2 And, finally, the social workers and</p> <p>3 mental health resources that they're starting to</p> <p>4 push for now, I think is a good thing, but it's also</p> <p>5 a double-edged sword. We need to ensure that</p> <p>6 parents are involved with these mental health</p> <p>7 workers, social workers, the people that are</p> <p>8 directly manipulating and helping, hopefully, the</p> <p>9 minds of their students -- the minds of their</p> <p>10 children -- they need to be fully informed of what</p> <p>11 is talked about and be involved inside this process.</p> <p>12 We've seen across the country where</p> <p>13 parents are cut out of this process. And they're</p> <p>14 opening that up to public comment here as of</p> <p>15 yesterday for the social workers and expanding</p> <p>16 resources inside of schools, we need to ensure that</p> <p>17 parents are inside of that process, and they're not</p> <p>18 cut out and find out months later the child was</p> <p>19 depressed, suicidal, whatever -- what have you --</p> <p>20 and not informed of that until after possibly it was</p> <p>21 even too late.</p> <p>22 So thank you for your time.</p> <p>23 THE CHAIR: Thank you, Mr. Petersen.</p> <p>24 And I believe -- is that -- do we have</p> <p>25 anyone else, Lucy?</p>	<p style="text-align: right;">16</p> <p>1 THE CHAIR: No problem.</p> <p>2 COMMISSIONER CARRILLO: Thank you.</p> <p>3 THE CHAIR: All right.</p> <p>4 Secretary Armijo, if you could call roll.</p> <p>5 COMMISSIONER ARMIJO: All-righty.</p> <p>6 Commissioner Carrillo.</p> <p>7 COMMISSIONER CARRILLO: Yes.</p> <p>8 COMMISSIONER ARMIJO: Commissioner Chavez.</p> <p>9 COMMISSIONER CHAVEZ: Yes.</p> <p>10 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>11 COMMISSIONER GIPSON: Yes.</p> <p>12 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>13 COMMISSIONER MANIS: Yes.</p> <p>14 COMMISSIONER ARMIJO: Commissioner</p> <p>15 Robbins.</p> <p>16 COMMISSIONER ROBBINS: Yes.</p> <p>17 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>18 COMMISSIONER TAYLOR: Yes.</p> <p>19 COMMISSIONER ARMIJO: Vice Chair Voigt.</p> <p>20 COMMISSIONER VOIGT: Yes.</p> <p>21 COMMISSIONER ARMIJO: Commissioner Armijo</p> <p>22 votes yes.</p> <p>23 Chair Burt.</p> <p>24 THE CHAIR: Yes.</p> <p>25 COMMISSIONER ARMIJO: That passes, nine to</p>
<p style="text-align: right;">15</p> <p>1 MS. LUCY VALENZUELA: No, ma'am.</p> <p>2 THE CHAIR: Thank you. So that is all for</p> <p>3 Public Forum.</p> <p>4 The next item is the Consent Agenda. And</p> <p>5 I will move approval of the Consent Agenda.</p> <p>6 COMMISSIONER VOIGT: Second.</p> <p>7 THE CHAIR: There's a motion and a second.</p> <p>8 Commissioner Carrillo.</p> <p>9 COMMISSIONER CARRILLO: I'm going to</p> <p>10 support the consent. I'm not going to move</p> <p>11 anything. It would just be nice sometimes,</p> <p>12 especially on a head administrator change, if they</p> <p>13 would just, you know, get in the chat and come say</p> <p>14 good morning.</p> <p>15 THE CHAIR: So we do have that. It's Item</p> <p>16 No. 8.</p> <p>17 COMMISSIONER CARRILLO: Oops. Thank you.</p> <p>18 THE CHAIR: We do that every month now.</p> <p>19 COMMISSIONER CARRILLO: Oops. Thank you.</p> <p>20 THE CHAIR: That's part of our process.</p> <p>21 Everyone has the opportunity to actually come speak</p> <p>22 to us during that item. If they're not available,</p> <p>23 we don't do it.</p> <p>24 COMMISSIONER CARRILLO: I somehow missed</p> <p>25 that, clearly.</p>	<p style="text-align: right;">17</p> <p>1 zero.</p> <p>2 THE CHAIR: Thank you. That will bring us</p> <p>3 to Item No. 8. Director Chavez, is the -- is the</p> <p>4 (Chair consults with counsel) -- okay.</p> <p>5 Is the new school leader from ASK Academy</p> <p>6 here today?</p> <p>7 Do you see her, Lucy?</p> <p>8 MS. LUCY VALENZUELA: Yeah. The ASK</p> <p>9 Academy's new administrator is male. So, no, I</p> <p>10 don't believe so.</p> <p>11 THE CHAIR: Okay. So maybe -- if they</p> <p>12 still want to come next month, like, maybe they were</p> <p>13 just busy this month, they're more than welcome to</p> <p>14 come meet us next month. That could --</p> <p>15 MS. LUCY VALENZUELA: That could be the</p> <p>16 new head administrator.</p> <p>17 THE CHAIR: Okay. Let's go ahead and</p> <p>18 bring in Ed Garcia. Thank you for putting your hand</p> <p>19 up. We were definitely interested in what you have</p> <p>20 to say to us, Mr. Garcia.</p> <p>21 MR. ED GARCIA: Okay. Can you hear me?</p> <p>22 Can you guys hear me? Yes?</p> <p>23 Okay. Good morning. Thank you for having</p> <p>24 me today. I am the new head administrator here at</p> <p>25 the ASK Academy. I'm excited to continue working</p>

18	<p>1 closely with the PEC and our stakeholders here in</p> <p>2 the ASK community to continue growing the academy</p> <p>3 and achieving our goal to improve education for</p> <p>4 students.</p> <p>5 So that's all I wanted to say today. So</p> <p>6 thank you once again for supporting us, and I look</p> <p>7 forward to continue working closely with PEC in the</p> <p>8 future.</p> <p>9 THE CHAIR: Thank you, Mr. Garcia.</p> <p>10 Any comments or questions from</p> <p>11 Commissioners?</p> <p>12 All right. Well, I live very close to</p> <p>13 you, and I'm the representative in your district,</p> <p>14 Mr. Garcia. So I would love to be able to come</p> <p>15 visit ASK Academy sometime. So I'll send you an</p> <p>16 e-mail to connect with you, come meet you and come</p> <p>17 see what's going on at ASK Academy this year.</p> <p>18 MR. ED GARCIA: I would love that. I'm</p> <p>19 excited to meet you in person. Thank you for taking</p> <p>20 the time. Thank you.</p> <p>21 THE CHAIR: All right. The next item is</p> <p>22 Item No. 9, which is discussion --</p> <p>23 (Discussion off mic.)</p> <p>24 THE CHAIR: Okay. Go ahead and move her</p> <p>25 over before we get to the next item. Good morning,</p>	20	<p>1 MS. CONNIE DOVE CASTILLEJA: Absolutely.</p> <p>2 Thanks so much. We look forward to having you to</p> <p>3 the school.</p> <p>4 THE CHAIR: Thank you.</p> <p>5 MS. CONNIE DOVE CASTILLEJA: Thanks.</p> <p>6 THE CHAIR: All right. So this will move</p> <p>7 us to Item No. 9, Discussion with Cesar Chavez</p> <p>8 Community School on In-School Educational Plan and</p> <p>9 Possible Action to Place Cesar Chavez Community</p> <p>10 School on the Intervention Ladder.</p> <p>11 Before we get started, I just want to make</p> <p>12 sure if there's anybody from the school that is</p> <p>13 present today that can or would like to be moved</p> <p>14 over into the panel to speak this morning. We do</p> <p>15 not have anyone here in person, so I wanted to just</p> <p>16 check really quickly online to see if anybody from</p> <p>17 the school is present. They were -- they do know.</p> <p>18 Okay. I don't see anyone, so I'm going to</p> <p>19 go ahead and give this to Ms. Barnes, and then</p> <p>20 Director Chavez.</p> <p>21 MS. JULIA BARNES: Just wanted to say one</p> <p>22 thing, which is Dan Hill had indicated that he's not</p> <p>23 available for the meeting today. It's my</p> <p>24 understanding that he believes that we did not give</p> <p>25 them ten days' notice that they would be on this</p>
19	<p>1 Connie. I think you're able to speak.</p> <p>2 MS. CONNIE DOVE CASTILLEJA: Good morning.</p> <p>3 Good morning. Can you hear me?</p> <p>4 THE CHAIR: We can.</p> <p>5 MS. CONNIE DOVE CASTILLEJA: Very good. I</p> <p>6 just wanted to say, very briefly -- as you know,</p> <p>7 I've been with the Academy since before the</p> <p>8 beginning. And Mr. Garcia was one of the first</p> <p>9 teachers we hired over 13 years ago. And so he has</p> <p>10 risen up through the ranks, been an excellent social</p> <p>11 studies teacher, taught every social studies course</p> <p>12 we offer at the Academy, was the dean of students,</p> <p>13 was the high school principal, and now we are</p> <p>14 pleased that he is the CEO.</p> <p>15 So I wanted to get a little background.</p> <p>16 He never talks, you know, floridly about himself;</p> <p>17 so, you know...</p> <p>18 THE CHAIR: Well, thank you. We</p> <p>19 definitely appreciate that. That's actually</p> <p>20 really -- that's wonderful news to hear and</p> <p>21 definitely exciting for the school to have someone</p> <p>22 who really truly understands the mission and the</p> <p>23 purpose and drive of that school. So that's</p> <p>24 awesome.</p> <p>25 Thank you for letting us know.</p>	21	<p>1 agenda. And I think he's asked his clients not to</p> <p>2 be here without legal counsel.</p> <p>3 COMMISSIONER GIPSON: Did they not get the</p> <p>4 ten days?</p> <p>5 MS. JULIA BARNES: I think that Director</p> <p>6 Chavez is going to go over what they did. They have</p> <p>7 been notified of this issue for the last month.</p> <p>8 COMMISSIONER GIPSON: Right.</p> <p>9 MS. JULIA BARNES: It's my opinion that</p> <p>10 this is the meeting that we're giving them notice</p> <p>11 next meeting of the Intervention Ladder; so there's</p> <p>12 not a ten-day to give notice of ten days to be on</p> <p>13 the Intervention Ladder. But there is a</p> <p>14 disagreement between me and Attorney Hill on that.</p> <p>15 COMMISSIONER GIPSON: All right.</p> <p>16 THE CHAIR: All right. So now I'd ask</p> <p>17 that Director Chavez go ahead and give us the</p> <p>18 information on this item.</p> <p>19 DIRECTOR CORINA CHAVEZ: Okay. Good</p> <p>20 morning, Commissioners, Chair Burt. Thank you.</p> <p>21 This item will be -- the document that I'm</p> <p>22 reading from will be uploaded to the Google folder</p> <p>23 associated with the item as listed in your agenda,</p> <p>24 9.</p> <p>25 Okay. It's there right now.</p>

<p style="text-align: right;">22</p> <p>1 So I'm just going to read -- I'm providing 2 an overview, and I'm letting you know what has 3 happened since. 4 So during the '21-'22 school year, the CSD 5 was made aware that Cesar Chavez Community School 6 had never returned to in-person instruction since 7 moving to remote learning because of the pandemic, 8 despite all schools being instructed to be in-person 9 at the beginning of the school year. 10 The CSD brought the issue to the PEC at 11 the January 2022 meeting since Cesar Chavez has no 12 language in its educational program and contract 13 about remote or online learning. 14 The PEC issued a breach of contract letter 15 on January 19th, 2022 -- and I linked that so you 16 can read the letter -- for the following reasons: 17 Failure to follow directives of the PED. 18 Failure to provide instruction to the 19 school site pursuant to Section 11 of the contract. 20 And possible fiscal violations regarding 21 the acceptance of funds for the building as an 22 education facility if the facility is not used as 23 such. 24 And, No. 4, failure to propose an 25 amendment to these sections, as required in</p>	<p style="text-align: right;">24</p> <p>1 And I dropped by, and there was some 2 adults on campus, and there were two students that 3 were sitting outside being tutored. No students 4 were inside the building. 5 On September 7th, Deputy Director 6 Brigette -- Dr. Brigette Russell e-mailed the head 7 administrator, Tani Arness, requesting a good time 8 for a Zoom or phone call, ideally the next day, to 9 discuss the school's annual report and progress and 10 to discuss the online status of the school. 11 On the 8th, Ms. Arness replied by e-mail 12 that she was busy with the school year and could 13 talk with Dr. Russell on September 19th. 14 On the 9th, the deputy replied by e-mail 15 that, "We really need to meet sooner than ten days 16 out," proposing the 12th, and said that, Ms. Arness, 17 absolutely, if she could not find the time, then she 18 should let us know. She should confirm if the 19 school is still in hybrid mostly remote status or 20 the degree of in-person and have someone on her team 21 send the mission goal data. We're still trying to 22 find the mission goal data to complete the annual 23 report, to have someone send -- that's what you 24 asked for in that. 25 DR. BRIGETTE RUSSELL: (Inaudible, not on</p>
<p style="text-align: right;">23</p> <p>1 Section 62. 2 And violating the contract by implementing 3 the amendment without an approved amendment. 4 During the February 2022 PEC meeting, the 5 school's attorney addressed the PEC in response to 6 the Notice of Breach, and the PEC voted to remove 7 the breach. At that time, Commissioner Robbins 8 suggested that should the school remain in remote 9 learning after the semester, the PEC might consider 10 an amendment. 11 And I linked the February PEC minutes as 12 well. 13 Below is a summary of actions that have 14 taken place since then. 15 To date, we have not received an amendment 16 to the educational plan. On September 7th, Deputy 17 Director -- well -- so, actually, we did a site 18 visit. And I didn't talk about the fact that we did 19 a site visit to the school since then. But we did. 20 And -- and there was also a few visits to the 21 school. 22 I dropped by -- I need to add that, the 23 exact date that I dropped by to the school. And 24 there was somebody in person. This was prior to the 25 site visit.</p>	<p style="text-align: right;">25</p> <p>1 mic.) 2 DIRECTOR CORINA CHAVEZ: Well, absolutely. 3 But -- so I also called the school multiple times on 4 the 9th. The school's mainline does not get 5 answered. There is a message, and the message 6 indicates that the school is enrolling students, and 7 that it offers intensive, one-on-one support, Zoom 8 classes, small-group tutoring, and flexible 9 scheduling. The message directs callers to leave a 10 message or call the receptionist named Karina. She 11 spells her name differently, but, no, it's not me. 12 Somebody thought it was me and asked, "The school is 13 saying to call you." 14 No. It's -- this is the name of the 15 receptionist. 16 So I called Karina and requested to speak 17 with the head administrator. She was not in. 18 I asked the receptionist to relay a 19 message to the head administrator and asked for the 20 in-person schedule. 21 I never received the in-person schedule. 22 On the 13th, Ms. Arness e-mailed 23 Dr. Russell reminding her that she had shared her 24 mission goal data during the site visit. Okay. So 25 that was an oversight on our part, but she attached</p>

<p style="text-align: right;">26</p> <p>1 it again and replying that regarding the virtual 2 in-school status, quote, unquote, "Regarding our 3 instruction, our campus is open to students Monday 4 and Tuesdays, 10:00 to 3:30, Wednesdays and 5 Thursdays, 10:00 to 3:00 p.m., and by appointment." 6 It is unclear whether "open to students" 7 means that classes are being taught in person or 8 only that the doors are open and students may enter 9 if they need to, or whether students can come to the 10 school and sit outside. 11 As of the 16th, again, no amendments to 12 the educational plan has been submitted. 13 I also think it's important for the 14 Commission to note that the school's attendance 15 rate, as reported in the S.T.A.R.S. end-of-year 16 report for last year, was 52 percent. And the PEC's 17 target is 95 percent. 18 Additionally, the retention to end of the 19 school year was 76 percent, and the target is 20 80 percent. 21 Thank you. 22 THE CHAIR: Thank you. And then 23 Ms. Barnes. 24 MS. JULIA BARNES: Thank you. I did want 25 to start with where I think you are. I think the</p>	<p style="text-align: right;">28</p> <p>1 I'm in an argument with my computer -- provided data 2 for their attendance, which is -- was higher at that 3 time -- sorry, my argument here -- which was higher 4 at that time than is presently reported by Director 5 Chavez today. 6 The second document -- I'm just going to 7 go to a different spot -- that I have uploaded and 8 highlighted is, at the renewal hearing, if you -- as 9 you know, you all often ask for schools to describe 10 their educational philosophy. That was a meeting of 11 December 11th of 2018. And the school indicated, 12 "And while we see a role for online and packet 13 curricula, we do not accept that online or packet 14 curricula are the best options for our students to 15 engage in the most meaningful and applied learning. 16 "Therefore, Cesar Chavez Community School 17 has moved to a more cooperative model of direct 18 instruction that includes reading, writing, 19 listening, speaking, and hands-on application as 20 well as self-paced options. Our school culture does 21 not allow a student to sit in the back of the 22 classroom day after day and do nothing. 23 "We ask all students to participate each 24 day and teachers to work one-on-one with students." 25 They also identify that they have field</p>
<p style="text-align: right;">27</p> <p>1 process is the regular, two-step process we are 2 using to put someone on the Intervention Ladder. So 3 if you take action today, it would be to direct the 4 Chair to send a letter to the school regarding the 5 next meeting. So they would have 30 days' notice of 6 your concerns, and we need to give them notice of 7 what the concerns are. And at the next meeting is 8 when you could take action. 9 And that would be on the Intervention 10 Ladder, either as a Notice of Concern or a Notice of 11 Breach. 12 And you will recall last February when Dan 13 Hill and Senator Ivey-Soto came for their clients, 14 they presented a letter regarding mediation that 15 they later withdrew. So just to remind you that has 16 happened. 17 I -- in addition to what Director Chavez 18 has outlined, I went back more towards the -- into 19 all of the documents relating to the school so I 20 could identify for you whether I think they have 21 obligations. 22 I -- and they're in here. 23 On the renewal application, which was 24 presented in 2018, I did want to note that at that 25 time, the PEC -- I mean, the PE- -- CSD -- sorry,</p>	<p style="text-align: right;">29</p> <p>1 trips, daily tutoring on campus, and service 2 learning opportunities. 3 You all approved that charter application 4 with that description. 5 That resulted in the charter contract. 6 There is a facility defined in the contract. There 7 is a building capacity defined in the contract. 8 There are the standard terms that they must comply 9 with laws. I did want to identify that for you. 10 Their educational programming and their 11 mission-specific statements do not identify online, 12 but they also do not eliminate online. 13 There is a section that, "The school shall 14 provide educational services, including the delivery 15 of instruction at the school." 16 And then the school need- -- I'll find the 17 exact language about the law -- that they need to 18 comply with state and federal laws, regulations, and 19 rules. 20 Some of the documents that have come out 21 from the Governor and the Secretary are not -- don't 22 fall in one of those categories, but are clearly 23 directives. 24 In 2020 and 2021, the CSD did an annual 25 report for the school that was accepted by you. And</p>



<p style="text-align: right;">30</p> <p>1 in that document -- all of these are posted --  2 the -- Cesar Chavez Community School indicated that  3 school leaders admitted that the school -- that the  4 year was extremely overwhelming because of the  5 transition to full distance learning and due to the  6 shock and trauma that the students and staff  7 experienced because of the pandemic.  8 The school provided focused professional  9 development on student engagement on distance  10 learning platforms. That did help. However, the  11 students were, again, less engaged by the end of the  12 year.  13 Almost 30 percent of students surveyed  14 reported confusion on class times and days. It  15 meant that students missed several days of class.  16 From the survey, the school saw about  17 40 percent of the students feeling they were  18 participating less in class during the pandemic.  19 Internet speed was always an issue, and connections  20 still caused problems.  21 The year -- this year, the mobility rate  22 went way down. The school did not drop kids this  23 year even when attendance was very poor. Instead,  24 they reached out to engage the students who were  25 struggling.</p>	<p style="text-align: right;">32</p> <p>1 The Cesar Chavez website clearly  2 indicates, for this school year, that the school is  3 online Zoom classes and Edgenuity, which I might be  4 saying wrong. And they indicated, "To ensure  5 maximum learning and safety of our students, staff,  6 and community during the ongoing pandemic,  7 Cesar Chavez Community School currently utilizes  8 unique online learning models and supports."  9 They had a newsletter last year and a  10 family meeting last year to discuss the pandemic.  11 There's nothing posted that they sent out to parents  12 or any indication that they had discussions with  13 their community this year. There's no indication,  14 as far as I can see, that the governing board has  15 discussed the online instruction this year.  16 I'd like to turn to what the State has  17 done in terms of the pandemic.  18 This -- all of these documents are  19 uploaded for you.  20 On January 4th of 2022, there was a  21 memorandum from Katarina Sandoval, Deputy Secretary  22 of PED, that indicated that school districts must  23 endeavor -- let's see -- "In-person instruction is  24 important to the social and academic development of  25 students." And, "School districts must endeavor to</p>
<p style="text-align: right;">31</p> <p>1 We do not yet have the annual report from  2 CSD; although, I'm anticipating that they may be  3 able to do a preliminary draft of that. But this is  4 just the 2021.  5 At the -- Director Chavez has already  6 referenced the February 18th meeting of the PEC,  7 when the -- Dan Hill and Senator Ivey-Soto came.  8 They indicated that the school is not a virtual  9 school, and there is no -- where there is no  10 in-person component and no ability for a student to  11 receive instruction or academic or educational  12 services, that, those are being provided at the  13 school building as a resource center.  14 They clearly identified that this was  15 related to the COVID-19 pandemic, and that they were  16 uniquely placed to access for their own risk. They  17 made the decision, as Director Chavez had said and  18 as you recall, that due to the pandemic, they were  19 going to stay remote.  20 They have argued that the school must --  21 does not preclude virtual or remote learning and  22 indicated that perhaps an amendment would be  23 appropriate if the school determines to move  24 permanently to virtual instruction. But they hadn't  25 made that discussion at that time.</p>	<p style="text-align: right;">33</p> <p>1 keep school buildings safe to the greatest extent  2 possible." And there were limited times in which  3 you could close due to COVID.  4 On August 12th of -- there is  5 indications -- but I can't find the citation;  6 perhaps Director Chavez can help me with that -- in  7 which the schools were directed to go back to  8 in-person instruction to the greatest extent  9 possible. That was in late April or May.  10 It was reported extensively in the press,  11 but I wasn't able to locate that online.  12 On August 12th, 2022, there is a public  13 health order from the Department of Health, Acting  14 Secretary David R. Scrase, M.D., in which the public  15 health orders were rescinded. "All public health  16 emergency orders adopted in relation to COVID-19  17 public emergency health emergency are hereby  18 rescinded."  19 Finally, the school -- in that same order,  20 there is a section about schools. "Public, private,  21 and charter educational instructions are -- shall  22 adhere to the COVID-19 Response Tool Kit..." which  23 is a document I think now renamed -- "...that  24 indicates how they may operate safely within  25 COVID-19 and may operate up to maximum capacity."</p>

34	<p>1 So I don't believe, as of August of 2022, 2 there was a public health emergency, as identified 3 by our governor; and yet the school continues to be 4 in online, primarily, not in-person instruction, via 5 Zoom.</p> <p>6 THE CHAIR: All right. So we are -- I 7 have Commissioners online, if you want to raise your 8 digital hand. In person, just in person.</p> <p>9 Okay. So I have Commissioner Voigt, 10 Commissioner Robbins, Commissioner Carrillo, then 11 Commissioner Gipson.</p> <p>12 COMMISSIONER VOIGT: Thank you. And 13 thanks for gathering all of the information, Corina, 14 Dr. Russell, Julia Barnes.</p> <p>15 So I see this as -- this is kind of too 16 bad that the school did not seize the opportunity at 17 hand to -- to communicate about their thinking of 18 why they are choosing to be virtual.</p> <p>19 This is a big communication breakdown, I 20 believe, on their part, about their reasoning, 21 especially given what was said on December 11th 22 about -- and it's on line 20 within the 23 transcript -- that Ms. Arness explicitly said, 24 "While we see a role for online and packet 25 curricula, we do not accept that online or packet</p>	36	<p>1 far to go all the way back to the February meeting, 2 where I believe that they are definitely in breach 3 of contract. There have been several 4 communications. They've been notified. Their 5 counsel has been notified that we believe that they 6 are not following their contract.</p> <p>7 I believe they are in breach. And I 8 believe they are also receiving lease assistance 9 under fraudulent --</p> <p>10 COMMISSIONER VOIGT: Pretenses.</p> <p>11 COMMISSIONER ROBBINS: -- pretense. If 12 they are not utilizing their classrooms and have not 13 been utilizing those classrooms for almost a year or 14 over a year now, they are serving lease assistance 15 for those classrooms, and that is fraud. And I am 16 going to ask the PSFA to look at that, and counsel 17 for PSFA to look at that and ask for legal actions 18 that they may take, up to and including full 19 restitution to the PSFA of those lease assistance 20 funds. Thank you.</p> <p>21 THE CHAIR: Commissioner Carrillo.</p> <p>22 COMMISSIONER CARRILLO: Echo everything 23 that Commissioner Robbins said.</p> <p>24 And then -- and also what Vice Chair Voigt 25 said.</p>
35	<p>1 curricula are the best options for our students to 2 engage in the most meaningful and applied learning."</p> <p>3 And here, we have them doing just that.</p> <p>4 Again, it would have been very beneficial 5 for the school to be here today to have this 6 discussion, or at least on Zoom. But because we 7 don't have that, I think -- I think we have the 8 responsibility to move forward with the Letter of 9 Concern.</p> <p>10 This is an extreme departure of what their 11 school is about and what they have stated as their 12 educational program. And as they even said, it was 13 overwhelming to their student body and their -- 14 probably their school culture to have to go online 15 for the pandemic.</p> <p>16 And it was overwhelming and extremely 17 disengaging for their students to be online for the 18 pandemic.</p> <p>19 And the evidence is here. They have a 20 52 percent attendance rate. So I'm disappointed 21 that the PEC should be moving in this direction to 22 go forward with the Letter of Concern. Thank you.</p> <p>23 THE CHAIR: All right. Commissioner 24 Robbins?</p> <p>25 COMMISSIONER ROBBINS: Well, I would go so</p>	37	<p>1 Essentially, they made their argument. 2 They made our argument for us by saying -- when she 3 said virtual is not as good, essentially; right? 4 It's not right for their kids.</p> <p>5 And I'm appalled by this, quite frankly. 6 And the fact that their attendance is 52 percent and 7 it's online, for God's sake, that speaks volumes as 8 to not only the initiative that their parents and 9 kids are taking to be online, but the initiative of 10 administrators and teachers to make sure that their 11 kids are online.</p> <p>12 I would also then ask -- be nice if they 13 were here, which I think is incredibly disrespectful 14 that they're not. And I would say to their head 15 administrator, "Sometimes your attorney is not 16 right, okay? It's okay for you to show up here and 17 answer questions. Not everything needs to have 18 legal counsel."</p> <p>19 And you might want to remind your school 20 that every penny you spend on counsel is money 21 coming right out of the classroom. So let's never 22 forget that.</p> <p>23 So later, when I get to what I'm going to 24 say, go ahead and sue us, okay? Because that's 25 probably what's down the line. Because we know when</p>

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1 schools start to have this kind of a language, we  
 2 kind of know what's next.  
 3 So retention at 76 with a target of 80?  
 4 On the attendance that's 52, I would be  
 5 asking the question do you require them to be on  
 6 screen; right? How many are on screen? Do you have  
 7 an answer to that, just a quick answer?  
 8 DR. BRIGETTE RUSSELL: Students had their  
 9 cameras turned off when I --  
 10 COMMISSIONER CARRILLO: For God's sake.  
 11 This is what I mean for you -- just for you. This  
 12 is my boot. And, no, I'm not Nikita Kruschchev, for  
 13 anyone who gets the reference.  
 14 It's -- it's unconscionable that you're  
 15 running a virtual school and you're not allowing --  
 16 and you don't have to have your kids on screen.  
 17 I think many -- many teachers and  
 18 administrators now recognize that that was one of  
 19 the -- possibly -- the failures of PED, not  
 20 mandating -- in the districts, not mandating that  
 21 kids be on screen.  
 22 Ten-day notice. I'm curious about that.  
 23 I have more to say, but it would appear that Dan's  
 24 argument is they didn't get ten days prior to this  
 25 meeting to know they were going to be here to answer

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1 for this.  
 2 The answer is just a yes or no.  
 3 DR. BRIGETTE RUSSELL: They did not get  
 4 enough notice, which is why Chair Burt decided to  
 5 take the reports off the agenda.  
 6 COMMISSIONER CARRILLO: Okay. So -- and  
 7 what we need --  
 8 COMMISSIONER GIPSON: No, that's not the  
 9 answer to that question.  
 10 COMMISSIONER VOIGT: That's something  
 11 else.  
 12 COMMISSIONER CARRILLO: I'm sorry.  
 13 THE CHAIR: When was this school, in  
 14 particular, notified about this -- not their annual  
 15 report -- this agenda item?  
 16 MS. JULIA BARNES: I left -- whoops. I'm  
 17 sorry. I left a message for Dan Hill regarding this  
 18 issue on August 12th. His point -- his point is  
 19 that -- I want to tell you.  
 20 His point is that he did not receive  
 21 notice, or the school did not receive notice of this  
 22 agenda item until the -- it was posted last Friday.  
 23 COMMISSIONER CARRILLO: So he's, like,  
 24 lurking around in a murky gray area there. He kind  
 25 of knew what was going on, and he's just using his

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1 legalese to kind of massage the truth, if you will.  
 2 That's fine.  
 3 MS. JULIA BARNES: And I just want to  
 4 reiterate. This is the meeting where -- the action  
 5 is going to be taken next meeting.  
 6 COMMISSIONER CARRILLO: Which is something  
 7 we need to discuss overall. Because this whole  
 8 thing taking 60 days is abhorrent, right? Because  
 9 then we have another meeting where we present them,  
 10 they have another meeting where they respond. You  
 11 can answer that later.  
 12 So the -- yeah. Identify but not  
 13 eliminate -- ha-ha-ha.  
 14 So when they said that they -- they don't  
 15 identify -- they -- what was the phrase? -- where  
 16 they don't identify themselves as an online school,  
 17 but they don't eliminate that possibility, either,  
 18 that is the most kind of nebulous kind of  
 19 disingenuous statement.  
 20 Because one could make the case, well, you  
 21 didn't eliminate it, either, but you also didn't  
 22 eliminate that maybe you're just going to teach in  
 23 an old dilapidated school bus that you converted.  
 24 Maybe you didn't eliminate that you're going to go  
 25 on a cruise and teach.

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1 The idea that we didn't mention this, but  
 2 it's included anyway, that just does not fly. And I  
 3 think it's horrifically irresponsible. The idea  
 4 that they have a resource center (indicates) that  
 5 people can come to -- there were air quotes there  
 6 for people that maybe not see me -- they could go to  
 7 the local library, for God's sake.  
 8 You're not running a school, as I see it.  
 9 The website indicates that it's online  
 10 learning with Edgenuity. I'd be very curious about  
 11 this family meeting. One, how many people attended  
 12 this family meeting? I mean, if you have  
 13 60 families and there were four parents, nothing to  
 14 be proud of. That would probably be a -- even a  
 15 lower percentage rate of those kids that actually  
 16 attend class.  
 17 And then -- and the involvement of your  
 18 governing board. You know, the PED made it very  
 19 clear that kids have to come back. We need to  
 20 provide in-person instruction to the greatest  
 21 extent. It's not reasonable -- if the PED meant it  
 22 to be make every reasonable effort, that would be  
 23 one thing. But it's every possible effort. And  
 24 that language is very distinct. It means,  
 25 basically, do it. Unless you have some incredibly

<p style="text-align: right;">42</p> <p>1 compelling reason that you cannot.  2 Changing their minds like this -- I wrote  3 down Lindsey Graham, because one minute you say one  4 thing, and two weeks later you say something  5 completely different.  6 When it's time with regards to our  7 procedure? No, I'm absolutely going to support a  8 breach. And, absolutely, I'm going to support a  9 breach.  10 And I would like them to be prepared to  11 answer for all of this. I just think we're the PEC.  12 And if they -- if for some reason down the line,  13 this behavior is allowed to continue and/or either  14 the Secretary or a District Court judge overrules us  15 on this, then they should dissolve the PEC. There's  16 just no point.  17 So that's what I have to say for now. And  18 I don't rule out the idea that I may want to have  19 more comments later.  20 THE CHAIR: All right.  21 Commissioner Gipson.  22 COMMISSIONER GIPSON: Thanks. You know, I  23 think what's so really distressing is this was a  24 school that we looked to and celebrated for how they  25 served the population of students that they -- that</p>	<p style="text-align: right;">44</p> <p>1 you're not serving your students, because they're  2 obviously not attending online. Some of them have  3 dropped out.  4 And I'm sorry. I completely agree. Lease  5 reimbursement isn't for a resource center. They can  6 open an office in a strip mall and open a resource  7 center.  8 So I do -- and we -- we talked about this  9 in February when they were up, that you're -- you  10 know, you've promised services. And that means  11 in-class instruction.  12 We are never going to get rid of the COVID  13 virus. We're not. So this idea that we have to  14 stay online because we're still in the, quote,  15 unquote, "pandemic," well, New York has a polio  16 outbreak. So are we going to stay online because  17 there's a polio pandemic coming, or there's a  18 monkeypox pandemic?  19 There's no requirement any longer, as far  20 as I know, that even if the certain number of cases  21 are -- there isn't, you know. You simply have to --  22 if a school can't operate because their staff is so  23 sick, then, yes, they may have to close for a week  24 or so because they physically can't staff it. I get  25 that.</p>
<p style="text-align: right;">43</p> <p>1 they were built out to.  2 And we brought the head administrator  3 often when we were talking about SAM schools and  4 when we were looking at the Performance Framework,  5 and how do we change and address acknowledging in  6 the Performance Framework the work that's being done  7 and the growth that's being accomplished with that  8 particular student population.  9 And it was -- I was so taken aback when  10 the complete defiance -- six months ago, "No, we're  11 not going back." You know, it's, like, why are you  12 doing this?  13 And I know what the attendance rate is.  14 But do we know what the student number is? Have  15 they seen a drop in the number of students?  16 I saw the retention rate, which isn't --  17 just below. But how many students have -- have they  18 lost students over the past two years?  19 DIRECTOR CORINA CHAVEZ: Yes. In a  20 conversation with the director, she let me know that  21 they had lost students. That was fall, I believe,  22 whenever I asked that question. So over the  23 pandemic, they have lost enrollment. And --  24 COMMISSIONER GIPSON: Okay. Thanks. I  25 think that just -- that just continues to speak to</p>	<p style="text-align: right;">45</p> <p>1 And we didn't require amendment --  2 amendments to the schools' contracts when this all  3 started, because we thought that was foolish to have  4 to make schools amend their contracts because there  5 was a public health order to stay remote. Got that.  6 But this notion -- and I'm a big fan of  7 Alexander Hamilton, but I'm a strict constructionist  8 with this contract. Just because it doesn't say it  9 doesn't mean you get to do it, you know? That's --  10 that's a -- I'm sorry -- a ridiculous notion. And I  11 know, you try to grasp at straws to help your  12 client. But let's be reasonable about this.  13 So I fully agree. I think -- I fully  14 agree that they were -- they've been on notice since  15 February that we have a concern about this, you  16 know. So this idea that, "We didn't have time to  17 prepare for this meeting," they have to have been  18 prepared since February about this. If this was a  19 brand new -- something came to everyone's attention  20 and it didn't come until Friday and now we're going  21 to put you on the agenda, I get it that a school  22 could be taken off guard. "We didn't know that was  23 a problem. So give us a little more time." I got  24 that.  25 And this, to me, is also a health concern</p>

<p style="text-align: right;">46</p> <p>1 and a -- being mental health -- concern. So I think  2 we need to take way more proactive action on this,  3 because I think we're doing a disservice to those  4 students and to that community at this point in  5 time. I really do.  6 So I will -- at this point in time, I'm  7 also very supportive of when the -- when it comes  8 up, a motion of breach. Thanks.  9 THE CHAIR: Commissioner Taylor.  10 COMMISSIONER TAYLOR: Thank you. And I  11 concur wholeheartedly with the frustration and anger  12 that's been demonstrated by the other Commissioners.  13 I believe that Commissioner Robbins, I  14 think earlier, indicated that a long time ago, that  15 the best course of action in this process was to  16 come forth with an amendment. And the school has  17 been aware of that issue for a long time.  18 I feel like there's -- there's a -- sort  19 of a blatant disregard for the process. And if --  20 you know, if I were the head administrator in this  21 situation, you know, I'd want to make sure that I  22 covered all of my bases, you know, and that I was on  23 that perfect -- doing my best to operate within the  24 boundaries of my contract.  25 So I really do believe that, you know,</p>	<p style="text-align: right;">48</p> <p>1 we do have to give ten days know before we issue an  2 adverse action. So my proposal is that that we hold  3 a Special Meeting. We issue a notice today, and  4 that we hold a Special Meeting ten days from today  5 and consider action at that time, require that the  6 school -- you know, give notice that they need to be  7 here, they need to be prepared to act on this.  8 We have the information. I don't think  9 we're in this place where we need time to figure out  10 more information.  11 I would have been interested for the  12 school to come and talk on their perspective and  13 their side. I would have been completely open to  14 that today. That's -- they chose not to do that.  15 So I think that that's what I would  16 propose, is a Special Meeting be sent -- be held in  17 ten days. We could -- if we can't get here, we  18 could do, you know, a Zoom meeting. We don't have  19 to do in-person to where it's not complicated or  20 complex.  21 So I mean, I just -- there's too much  22 information. There's too much data at this point.  23 It's been too long. This is -- it's just  24 unacceptable. And to serve students who need the  25 most support -- I mean, that's what you're going in</p>
<p style="text-align: right;">47</p> <p>1 that they're currently in breach, and they've had  2 opportunity to rectify that.  3 So I wholeheartedly agree that we need  4 to -- to be proactive, as Commissioner Gipson said  5 and really issue our concerns and start the  6 Intervention Ladder at our earliest opportunity.  7 So...  8 THE CHAIR: So I also will support very  9 quick action and very -- like, this is -- this is  10 way too far. It's way too far.  11 I mean, this is -- it's not appropriate in  12 any way, shape, or form, because there could have  13 been solutions in the spring. They could have filed  14 an amendment at any time. I think we could have had  15 a really great conversation about that amendment.  16 And it feels that we're just too little,  17 too late at this point. And it is just -- it's a  18 disregard for the processes and for what they're  19 supposed to be doing.  20 I mean, this isn't an unknown issue. This  21 is a very well-known issue. And they -- it doesn't  22 seem like they care to do anything different or in  23 the right way or right process. So I will also  24 support that.  25 We do have in our Intervention Ladder that</p>	<p style="text-align: right;">49</p> <p>1 every day, believing that you're supposed to be  2 doing.  3 And to leave them underserved is -- is so  4 highly inappropriate. And it is not what is best  5 for kids. This seems like a very adult-focused  6 decision right now. And that's not what we are here  7 for; right? Like, we have to think of our students  8 first. We have to put kids first. And this is not  9 putting them first right now.  10 So I also -- I'm going to support quick  11 action and measures on that.  12 And I did ask -- just so you know,  13 Ms. Barnes does have the draft motions in our work  14 meeting materials. And I did ask her to update a  15 motion to include that. So you can see that as well  16 in your documents.  17 Commissioner Robbins?  18 COMMISSIONER ROBBINS: Thank you. I do  19 want the Commissioners to know -- and this will put  20 the school on notice, also, at least verbally --  21 that I have sent an e-mail to PSFA asking the  22 executive director to consult with counsel to see if  23 they can stop lease payments until they can be  24 reassured that the school is being, and to ask for  25 a -- any legal refunds that they can request for</p>

50	<p>1 facilities that were not used for the past -- at</p> <p>2 least this year, and perhaps even prior, that were</p> <p>3 not under an approved public health order, giving</p> <p>4 the school permission to operate remotely.</p> <p>5 I think -- you know, this is something</p> <p>6 that actually goes to the argument that some people</p> <p>7 make accusing public schools of taking money away --</p> <p>8 of charter schools taking money away from district</p> <p>9 schools.</p> <p>10 The abuse that I see here and the inaction</p> <p>11 and the silence and the legal maneuvering by their</p> <p>12 counsel is despicable. I'm pretty upset, yeah. But</p> <p>13 it is despicable. And you're talking about</p> <p>14 children. You're talking about their future. And</p> <p>15 you're talking about public funds, you know.</p> <p>16 This is something that -- you know, we may</p> <p>17 have to even ask for the Attorney General to look</p> <p>18 into this for possible actions of fraud and the</p> <p>19 abuse of public trust.</p> <p>20 Thank you.</p> <p>21 THE CHAIR: Commissioner Carrillo and then</p> <p>22 Commissioner Voigt. Commissioner Gipson after.</p> <p>23 COMMISSIONER CARRILLO: I think that was</p> <p>24 very well stated. I'm not going to bang my boot</p> <p>25 again. That was very well stated, Commissioner</p>	52	<p>1 Thank you.</p> <p>2 THE CHAIR: I'll go to Commissioner Gipson</p> <p>3 first and then Commissioner Voigt. And Commissioner</p> <p>4 Voigt is ready to make a motion.</p> <p>5 COMMISSIONER GIPSON: Okay. I just wanted</p> <p>6 to -- because I don't believe it's in there. But I</p> <p>7 just want to make folks aware that ten days out is</p> <p>8 Rosh Hashanah. So just as we're looking at the</p> <p>9 possibility of a Special Meeting, just keep that in</p> <p>10 mind. That's all.</p> <p>11 COMMISSIONER VOIGT: Okay. Thank you,</p> <p>12 Madam Chair.</p> <p>13 I move that the Chair of the Public</p> <p>14 Education Commission issue a letter to Cesar Chavez</p> <p>15 Community School that the Public Education</p> <p>16 Commission intends to consider taking action on the</p> <p>17 Intervention Ladder related to the school at a</p> <p>18 public meeting set no earlier than ten days after</p> <p>19 the letter is sent.</p> <p>20 The following violations of the contract</p> <p>21 should be identified in the letter from the Chair:</p> <p>22 1. Failure of the school to return to</p> <p>23 in-person instruction, as directed by the Governor</p> <p>24 and the PED, and, following guidelines as set forth</p> <p>25 in the Public Health Order of August 12th, 2022,</p>
51	<p>1 Robbins. And I agree completely.</p> <p>2 And I want everybody to take special</p> <p>3 notice to what Chair Burt said. This is not an</p> <p>4 adult issue. It's a kid issue. Kids are not being</p> <p>5 served. Tax money is being spent. And they're not</p> <p>6 not being served; they're being left behind.</p> <p>7 They're not even really being considered in what is</p> <p>8 best for them.</p> <p>9 The other thing -- you know, I'm sitting</p> <p>10 here thinking about all this and the fact that</p> <p>11 they're taking all this taxpayer money and not</p> <p>12 really running a school the way their contract says</p> <p>13 they should. And very possibly, or, as we see it,</p> <p>14 defrauding the State, that's against the law.</p> <p>15 That's revocation.</p> <p>16 I really hope that the hairs on their arms</p> <p>17 are standing up. The level of -- that they -- the</p> <p>18 level to which they breached the contract, and</p> <p>19 they're on this precipice. And I don't know that</p> <p>20 Dan is -- that their counsel is letting them know</p> <p>21 the seriousness of this.</p> <p>22 And, yeah, I mean, I -- as far as I'm</p> <p>23 concerned, I'd close it.</p> <p>24 But I know that there's procedures we have</p> <p>25 to follow.</p>	53	<p>1 which is a violation of the contract, including</p> <p>2 Section 4.8, Roman numeral III.</p> <p>3 2. Failure to provide in-person</p> <p>4 instruction as the primary form of instruction at</p> <p>5 the facility, as required by the contract,</p> <p>6 Section 4.6 and 11, as that educational instruction</p> <p>7 was described to the PEC in the renewal hearing held</p> <p>8 on December 11th, 2018.</p> <p>9 3. Failure to address the needs of its</p> <p>10 student population identified in the 2020-2021</p> <p>11 Annual Report, when the school failed to return to</p> <p>12 in-person instruction in the 2022-2023 school year.</p> <p>13 4. Failure to provide an amendment to the</p> <p>14 contract, including Sections 4.6 and 11, as required</p> <p>15 in Section 6.2, and implementing the change prior to</p> <p>16 its approval by the PEC.</p> <p>17 And, 5. Possible fiscal violation</p> <p>18 regarding acceptance of funds for the building as an</p> <p>19 education facility if the school is providing</p> <p>20 primarily online instruction.</p> <p>21 COMMISSIONER ROBBINS: Second.</p> <p>22 THE CHAIR: There's a motion and a second.</p> <p>23 Any further discussion from the</p> <p>24 Commissioners?</p> <p>25 THE CHAIR: All right. Seeing none --</p>

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1 okay. Commissioner Carrillo.  
 2 COMMISSIONER CARRILLO: Just a comment. I  
 3 could have made it after, but, you know, I just  
 4 wrote this note to myself, that if I -- maybe  
 5 involving one of the families -- that I may want to  
 6 file a civil suit against the school for the willful  
 7 disregard of the educational needs of their kids.  
 8 I mean, this is really -- this is -- they  
 9 don't get it. This is so serious. Anyway, that's  
 10 all. Thank you.  
 11 THE CHAIR: Secretary Armijo.  
 12 COMMISSIONER ARMIJO: Thank you.  
 13 Commissioner Chavez.  
 14 COMMISSIONER CHAVEZ: Yes.  
 15 COMMISSIONER ARMIJO: Commissioner Gipson.  
 16 COMMISSIONER GIPSON: Yes.  
 17 COMMISSIONER ARMIJO: Commissioner Manis.  
 18 COMMISSIONER MANIS: Yes.  
 19 COMMISSIONER ARMIJO: Commissioner  
 20 Robbins.  
 21 COMMISSIONER ROBBINS: Yes.  
 22 COMMISSIONER ARMIJO: Commissioner Taylor.  
 23 COMMISSIONER TAYLOR: Yes.  
 24 COMMISSIONER ARMIJO: Vice Chair Voigt.  
 25 COMMISSIONER VOIGT: Yes.

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1 COMMISSIONER ARMIJO: Commissioner Armijo  
 2 votes yes.  
 3 Chair Burt.  
 4 THE CHAIR: Yes.  
 5 COMMISSIONER ARMIJO: And Commissioner  
 6 Carrillo.  
 7 COMMISSIONER CARRILLO: Yes.  
 8 COMMISSIONER ARMIJO: That passes, nine to  
 9 zero.  
 10 THE CHAIR: Thank you. That will move us  
 11 on to Item No. 10, Discussion and Possible Action on  
 12 Annual Reports.  
 13 COMMISSIONER CARRILLO: May I ask you  
 14 procedurally what's going to happen next and how --  
 15 especially since -- since Ms. Gipson did say, Rosh  
 16 begins on Sunday night at 5:00 all day Monday. So a  
 17 meeting, we could have certainly on Tuesday or  
 18 Wednesday; but --  
 19 THE CHAIR: Yeah. So we will -- I believe  
 20 we can follow the Rules of Procedure on calling a  
 21 Special Meeting. We'll issue the letter today is  
 22 going to be the expectation. The letter from the  
 23 Chair will go out today. And then we will hold the  
 24 meeting on Tuesday or Wednesday that week. I'm  
 25 looking at Tuesday that week, the 27th.

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1 COMMISSIONER CARRILLO: Terrific. Thank  
 2 you.  
 3 THE CHAIR: Great. All right.  
 4 So Item No. 10 is Discussion and Possible  
 5 Action on Annual Reports, including Letters of  
 6 Concern, the first group presented by CSD, which is  
 7 going to be modified for today. We will not be  
 8 presenting any annual reports today.  
 9 So all of the items below, all A through  
 10 N, we're not going to be talking about any specific  
 11 school today. But we did talk yesterday about a  
 12 process on doing this next month with CSD.  
 13 And we talked about doing it specifically  
 14 for the renewing schools only. So just those  
 15 schools that are going to be renewing, we know we  
 16 need to see that information sooner. And then we're  
 17 going to allow for additional time for CSD to  
 18 finalize the reports before we start reviewing them  
 19 for the rest of the schools.  
 20 So the only schools that we will review  
 21 preliminary reports for will be renewals. After  
 22 that, it will be once final reports come, CSD will  
 23 start presenting them in waves to us at future  
 24 meetings.  
 25 There is a motion that would allow us to,

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1 you know, clarify this process specifically for the  
 2 renewing schools.  
 3 And then I would like to just go ahead and  
 4 pass it over to Director Chavez. If you have  
 5 anything you want to say about this item, it's --  
 6 it's all yours.  
 7 DIRECTOR CORINA CHAVEZ: I just want --  
 8 thank you, Chair Burt, Commissioners. I just want  
 9 you to know -- because there has been some extensive  
 10 conversation about why the reports aren't ready.  
 11 And yesterday's NACSA report just -- our  
 12 conversation sort of reminded me how important it is  
 13 to -- to not necessarily piecemeal information. You  
 14 all need to know the full picture. It's been  
 15 difficult for us to get the full picture, but -- and  
 16 we're all learning with this round.  
 17 I do think that we have Organizational  
 18 Performance information in the preliminary reports  
 19 that have been uploaded. And we are going to work  
 20 really hard to get all of those completed as we wait  
 21 for the assessment data, so we can get closer to the  
 22 information that you need.  
 23 I also wonder, Commissioners, your  
 24 thoughts about the information that was presented by  
 25 Matt Goodlaw yesterday about -- about considering

<p style="text-align: right;">58</p> <p>1 some of the data on the subgroups relative to the 2 performance of the subgroups relative to schools 3 that are serving similar populations. 4 So I'm not sure how the PEC wants to 5 handle that. I am very, very curious -- I think you 6 must be very curious about those blue dots on the -- 7 on the chart. And so that's a question for you to 8 provide us guidance on the degree to which you want 9 to consider that data. 10 THE CHAIR: Commissioner Robbins? 11 COMMISSIONER ROBBINS: I appreciate that, 12 Director Chavez. And I did, and do, appreciate what 13 Mr. Goodlaw had to say yesterday. And I am 14 delighted, as a former statistician and numbers -- 15 current numbers person, to see that you have that 16 technical capability. 17 One of the things the school -- or the PEC 18 could consider in terms of some sort of metric using 19 that data is using the concept of standard 20 deviation. You have an average. And it's basically 21 looking at a bell curve. And you look at and you 22 say, "If you're more than one or two standard 23 deviations away from that bell curve, then 24 corrective action could be taken." 25 Personally, I think two standard</p>	<p style="text-align: right;">60</p> <p>1 proficiency at 20 percent and possibly be within two 2 standard deviations. I think one standard deviation 3 should be the floor. 4 THE CHAIR: So two is too much. 5 COMMISSIONER VOIGT: I get it. No. Thank 6 you. I like that idea very much. 7 THE CHAIR: Yeah, I would also support 8 that. So I think that, you know, we -- I would love 9 to see that -- how he presented it and just modified 10 in the way that Commissioner Robbins talked about 11 and putting it into a bell curve and taking a look 12 at what that looks like, because I think that'll 13 help us have some more clarity on how schools are 14 performing compared to similar students, similar 15 schools. 16 I think that's -- it feels very clear, 17 especially for kind of the mucky place we're in 18 where there's no previous data, we're at this 19 baseline, it feels like the most equitable way to 20 really look at the data. So I would say yes, that 21 we should, as well. 22 Before we -- I do want to just kind of go 23 through -- there's kind of -- it's kind of a long 24 motion, because it's detailed with the process. And 25 so to -- I want to kind of like simplify it, that,</p>
<p style="text-align: right;">59</p> <p>1 deviations, when we're talking about our children's 2 education, is too much. 3 One standard -- especially since we have 4 such a broad bell curve in educational outcomes in 5 New Mexico, I think one standard deviation from that 6 assumed line would be more than adequate to give 7 notice to the schools that if you're below one 8 standard deviation of performance, that corrective 9 action has to be taken to improve that, to at least 10 get you within one standard deviation below. 11 That's my recommendation. Statistically, 12 it's valid. And that's something that is used often 13 when setting goals and metrics using numerical data. 14 Thank you. 15 THE CHAIR: Commissioner Voigt? 16 COMMISSIONER VOIGT: Yeah. Thank you, 17 Commissioner Robbins. That's an excellent 18 suggestion. And did you say two standard 19 deviations? 20 That's what I thought he said was two. 21 COMMISSIONER ROBBINS: I said one to two, 22 but I think one below. New Mexico has such a broad 23 thing. If you're looking at proficiency, you know, 24 going from maybe 10 percent to 100, that's a really 25 broad -- one standard deviation, you could have</p>	<p style="text-align: right;">61</p> <p>1 basically, you know, the CSD has already provided 2 preliminary reports to the renewing schools. They 3 already have them. So they're -- you know, they're 4 good to go on that side. 5 So coming up to October, really, the only 6 things that would happen was that we would allow the 7 school to provide that written response to the PEC. 8 So it's not something that CSD has to respond to, 9 but it would be provided as kind of a -- just 10 another document. If they provide it, it would be 11 provided as another document in addition to the 12 preliminary report. 13 The CSD does have the ability to continue 14 modifying the preliminary report, as needed. It's 15 preliminary. So they, obviously, you know, even 16 though we -- the schools have it, there's still 17 opportunity for that to change as they get more 18 information or different information. 19 And then at the October 21st meeting, 20 that's when we'll take a look at the preliminary 21 annual reports and those responses and be able to 22 provide any -- if we have to take any kind of 23 action, then we would be able to at that time. 24 We also want -- need to start the process 25 of if a school does not -- you know, if there is a</p>



1 concern in an annual report that a school would not  
2 be on track for a renewal or would not be on track  
3 for renewal with no conditions, that that's  
4 something that's being considered at that time as  
5 well. And that's from both CSD and PEC, because CSD  
6 could bring concerns at that time as well.

7 And then that's when we would give that  
8 formal notice -- or, sorry -- we would take a look  
9 at those issues on the November 7th meeting. And  
10 that's when a formal notice of any concerns of  
11 nonrenewal would go out.

12 So we would be able to take into account  
13 the Annual Report, but it would be kind of collected  
14 in the November 7th meeting.

15 So that's the process that's outlined in  
16 the motion. So, you know, if -- I think  
17 Commissioner Voigt is ready to make a motion. But I  
18 do want to -- it's going to be a lot of words, and I  
19 feel like it could be overwhelming.

20 Dr. Russell? No?

21 Okay. All right. Commissioner Voigt.

22 COMMISSIONER VOIGT: Okay. I move that  
23 the Public Education Commission adopt the following  
24 protocol for approval of the 2021-2022 Annual  
25 Reports for the six renewing schools, and that the

1 Chair forward the protocol to each of the renewing  
2 schools.

3 1. Any school may provide a written  
4 response to the Preliminary Annual Report already  
5 provided to the school by submitting the written  
6 response to CSD by October 14th, 2022.

7 2. The CSD shall finalize the Annual  
8 Report as soon as the necessary information is  
9 available to finalize the report and attach the  
10 written response from the school, if provided.

11 A school would like -- if a school would  
12 like to provide an additional written response to  
13 any changes from the Preliminary to the Final  
14 Report, they may do so within ten business days of  
15 receipt of the Final Report.

16 CSD shall provide the Final Report and any  
17 additional responses to the PEC prior to the renewal  
18 hearing.

19 3. PEC shall consider the Annual Report  
20 and school responses at its meeting on October 21st,  
21 2022, and shall provide notice within three working  
22 days to any school if the PEC identifies concerns  
23 related to nonrenewal based on the Annual Report.

24 4. Any school receiving a notice related  
25 to nonrenewal based on the 2021-2022 Annual Report

1 may provide a written response to the notice within  
2 30 days to the PEC.

3 And, lastly, 5. Any PEC Commissioner may  
4 identify an issue of concern or request for  
5 additional information from the school resulting  
6 from the Annual Report at the Working Session of  
7 November 7th, 2022, and such concern or request for  
8 additional information shall be included in a letter  
9 to the reviewing school from the Chair following the  
10 November 7th, 2022, letter.

11 THE CHAIR: Second.

12 There's a motion and a second.

13 Any discussion from Commissioners?

14 Commissioner Gipson.

15 COMMISSIONER GIPSON: My only concern is  
16 that November 7th meeting being a working session  
17 and not a public meeting. If we're asking for  
18 additional information, why not just make it a  
19 regular public meeting? I know working sessions are  
20 public; I get that. But we don't -- the last --  
21 when we did the renewals, we did -- we requested  
22 that at our regular meeting, not at a work session.  
23 I -- you know, I'm concerned about that.

24 THE CHAIR: Ms. Barnes and then  
25 Commissioner Robbins.

1 MS. JULIA BARNES: I think you could do it  
2 at either. But the reason that we discussed -- we  
3 did a similar process for the new school  
4 application, where, at a working session,  
5 Commissioners gave input to the Chair, the Chair  
6 gathered all the input and gave a written letter to  
7 the school saying, "Please be prepared in 30 days to  
8 address at the hearing."

9 The reason we chose a working session was,  
10 in part, to ensure that no Commissioner is  
11 prejudging the renewal or prejudging the new school  
12 applications. You're providing input to the Chair  
13 for the written letter.

14 If -- if you do it at a regular meeting,  
15 the thing that is of concern to me -- and I've heard  
16 you raise it before -- is that when a Commissioner  
17 indicates wanting to know more about something,  
18 they're not indicating that they've made their  
19 decision.

20 So as long as we don't do that -- the  
21 reason we did a working session was so that there  
22 could be no action taken, and it was -- it was  
23 hopefully more clear that a Commissioner was not  
24 making a decision on renewal. You were simply  
25 giving them notice, "At the renewal hearing, I'd

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1 like to hear more about this paragraph 3 on  
 2 finances," or something.  
 3 COMMISSIONER GIPSON: If, in a regular  
 4 meeting, we say, "Discussion and no action taken,"  
 5 we take no action. I would rather say that I would  
 6 be more comfortable with it being a regular meeting.  
 7 But I'm really more comfortable if there's a full  
 8 record of it.  
 9 And that's -- you know, that's where the  
 10 regular meeting, there's that full record of it, so  
 11 that, you know, there's -- and I fully agree that  
 12 there shouldn't be any indication that this is how  
 13 we're going to vote. And I think Commissioners just  
 14 have to be -- you know, they can make that same  
 15 indication at a Work Session.  
 16 So you can't stop someone from saying  
 17 something. You can caution people that this should  
 18 not be any indication, but -- you know, so they  
 19 could make that same indication at a work session.  
 20 So I don't think that precludes them from  
 21 doing that.  
 22 But that's -- you know, that's my opinion  
 23 on it.  
 24 THE CHAIR: Commissioner Robbins?  
 25 COMMISSIONER ROBBINS: Well, I would --

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1 remind me what date in November we're looking at for  
 2 the meeting.  
 3 COMMISSIONER GIPSON: The 7th. Monday,  
 4 the 7th.  
 5 COMMISSIONER ROBBINS: Okay. I agree with  
 6 Commissioner Gipson that I would rather it be a  
 7 published meeting, Notice of Meeting, rather than of  
 8 just a Work Session. Because if there is an action,  
 9 I don't want an attorney coming back, saying, "Oh,  
 10 you didn't -- you sent a letter asking for this  
 11 information, but it wasn't a formal meeting. It was  
 12 just a Work Session, and you're taking action on  
 13 things coming out of that."  
 14 Again, we see this in the legal community.  
 15 And all deference to all lawyers and Esquires and  
 16 people in the legal community, they try to  
 17 manipulate wording. If they want to claim that they  
 18 didn't receive proper notice because action was  
 19 taken out of a work session rather than a meeting, I  
 20 want to make sure that we circumvent such legal  
 21 maneuvering, you know, by having a meeting with  
 22 possible action. Not that we have to, but action in  
 23 terms of issuing requests for information and such  
 24 like that, because that is an action we're taking.  
 25 And, you know, no vote on -- you know, we

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1 can state, "There will be no vote taken. There will  
 2 be no opinions given as to the veracity of the  
 3 reports."  
 4 But any action coming out of that work  
 5 session could be challenged by an attorney, as we've  
 6 seen an attorney today earlier saying, "Well, we  
 7 didn't -- we weren't aware that you were going to be  
 8 talking about this. We didn't know this was a  
 9 concern," when it's been a concern for over six  
 10 months.  
 11 So I just want to preclude any school's  
 12 attorney from taking a legal maneuver to circumvent  
 13 any action that this Commission takes coming out of  
 14 a Work Session and, thereby, let's just make it a  
 15 meeting, and that no votes or decisions are made,  
 16 but actions can be taken, including letters of  
 17 recommendation and letters for additional  
 18 information. Thank you.  
 19 THE CHAIR: Commissioner Carrillo.  
 20 COMMISSIONER CARRILLO: Agree with what  
 21 Commissioner Robbins said. Probably word it just a  
 22 little differently. Just make November 7th a  
 23 regular meeting. Whether or not we want to show on  
 24 something is completely up to us, and whether or not  
 25 we want to take action is completely up to us.

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1 So I would just make November 7 a regular  
 2 meeting.  
 3 THE CHAIR: I guess I'm -- I disagree. I  
 4 think we've talked about this process earlier this  
 5 year. This is exactly the way that we have had it  
 6 for months, that this is how it would be.  
 7 The reason we're doing it this way is  
 8 because there is no action -- we cannot take --  
 9 there is no -- we cannot just take action whenever  
 10 we want. This is a process in which we -- this is  
 11 not an actionable item.  
 12 We did this exact thing already with  
 13 Explore-Rio Rancho, where we did it in a Work  
 14 Session, sent a letter that was extremely detailed,  
 15 extremely detailed, based off of that discussion.  
 16 That action has already been authorized previously  
 17 by us going through the renewal application process.  
 18 This was -- we -- I -- I'm -- I actually  
 19 think it's in the renewal application that this is  
 20 the process we're using. And so I don't think it's  
 21 appropriate to change it right now, because -- I  
 22 mean, I honestly just don't understand.  
 23 It's still going to be recorded. The  
 24 schools are still going to be able to be present,  
 25 and they will receive a detailed description of

70	<p>1 everything that is presented in that work session.</p> <p>2 So I am not of -- I don't -- I think it's</p> <p>3 a waste of resources. We do not need it</p> <p>4 transcribed. They will receive a copy of the exact</p> <p>5 items that we have concerns -- that CSD and PSD --</p> <p>6 PEC -- have concerns of.</p> <p>7 We do not -- we should not have a meeting</p> <p>8 and change it at the last minute before we go into</p> <p>9 this process. Like, we -- I don't understand</p> <p>10 changing after we've discussed this at length months</p> <p>11 ago and now changing it all of a sudden, and</p> <p>12 especially changing it from what we just did with</p> <p>13 the new application.</p> <p>14 I feel like that went really well. That</p> <p>15 process went really, really well, and I don't know</p> <p>16 why we would try to fix something that's not broken.</p> <p>17 I don't understand the idea that, you</p> <p>18 know, because it's not in a regular meeting, that</p> <p>19 somehow it eliminates the validity of this letter,</p> <p>20 either. The letter is the part that's the important</p> <p>21 part.</p> <p>22 It's not the discussion. We can discuss</p> <p>23 whatever we want. It's what ends up in the letter</p> <p>24 is what is going to be used in court down the road.</p> <p>25 It's not the discussion we have. It's what is</p>	72	<p>1 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>2 COMMISSIONER MANIS: Yes.</p> <p>3 COMMISSIONER ARMIJO: Thank you.</p> <p>4 Commissioner Robbins.</p> <p>5 COMMISSIONER ROBBINS: Yes.</p> <p>6 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>7 COMMISSIONER TAYLOR: Yes.</p> <p>8 COMMISSIONER ARMIJO: Vice Chair Voigt.</p> <p>9 COMMISSIONER VOIGT: Yes.</p> <p>10 COMMISSIONER ARMIJO: Commissioner Armijo</p> <p>11 votes yes.</p> <p>12 Chair Burt.</p> <p>13 THE CHAIR: Yes.</p> <p>14 COMMISSIONER ARMIJO: Commissioner</p> <p>15 Carrillo.</p> <p>16 COMMISSIONER CARRILLO: Yes.</p> <p>17 COMMISSIONER ARMIJO: And Commissioner</p> <p>18 Chavez.</p> <p>19 (No response.)</p> <p>20 COMMISSIONER ARMIJO: Okay. That is --</p> <p>21 passes eight to zero.</p> <p>22 THE CHAIR: It looks like Commissioner</p> <p>23 Chavez had to step away for a little bit.</p> <p>24 All right. We're going to take just a</p> <p>25 two-minute break to allow Cindy to rest her hands.</p>
71	<p>1 produced out of it.</p> <p>2 And, like I said, it would -- as a work</p> <p>3 session, it would be recorded. It can be reviewed</p> <p>4 at any time. We don't need to spend money on a</p> <p>5 transcriber. It's more informal, because there</p> <p>6 are -- we cannot take action at this time. You</p> <p>7 know, no matter how upset we get or, you know,</p> <p>8 whatever we don't like about it, we cannot take</p> <p>9 action at that time.</p> <p>10 So it just seems really inappropriate to</p> <p>11 create a forum in which that is in any way a</p> <p>12 possibility.</p> <p>13 So I don't know if -- I also don't know --</p> <p>14 in this motion process, I don't know if there was an</p> <p>15 attempt at amending the -- amending the motion. But</p> <p>16 that would probably be the process in which to do</p> <p>17 this.</p> <p>18 So I think that's the first thing that</p> <p>19 would need to happen is if that -- and then that</p> <p>20 could be discussed, and we can move forward on this,</p> <p>21 as I see no other hands up right now.</p> <p>22 Okay. Seeing no amendment to the motion,</p> <p>23 we'll go ahead and call roll.</p> <p>24 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>25 COMMISSIONER GIPSON: Yes.</p>	73	<p>1 Two minutes.</p> <p>2 (Brief recess held.)</p> <p>3 THE CHAIR: All right. We're going to get</p> <p>4 started again. Those of -- the Commissioners</p> <p>5 online, if you want to go ahead and put your cameras</p> <p>6 back on we're going to go ahead and get started and</p> <p>7 we want to make sure we have quorum. Five, six.</p> <p>8 Okay. Perfect.</p> <p>9 So the next item is Item No. 11. And</p> <p>10 that's Discussion and Possible Action on Group 1</p> <p>11 Amendment Forms for the '22-'23 School Year.</p> <p>12 We will not be addressing this item today</p> <p>13 because of the conversation yesterday. So we'll be</p> <p>14 skipping over this today, and there should be some</p> <p>15 new documents presented to us next month on that.</p> <p>16 So that brings us to Item No. 12, which is</p> <p>17 action on the 2023 PEC Calendar. That calendar is</p> <p>18 in your Google Drive.</p> <p>19 And any comments or discussion or</p> <p>20 questions?</p> <p>21 Commissioner Carrillo.</p> <p>22 COMMISSIONER CARRILLO: So 2023, awesome</p> <p>23 change -- so I'm looking -- okay. So, no, I</p> <p>24 think -- 14, 15 -- oh, yeah. So in 2023, Rosh</p> <p>25 Hashanah begins on Friday, the 15th, in the evening.</p>

<p style="text-align: right;">74</p> <p>1 So if we did have that meeting on that Friday, we 2 somehow should be committed to adjourn by probably 3 5:00 -- or 4:30, 5:00. Well, sundown. 4 COMMISSIONER GIPSON: Didn't we purple it? 5 THE CHAIR: So there is an alternative 6 option. So we could move it to the 21st-22nd. If 7 you want to keep it on the 14th-15th and just know 8 that it could -- if we go late, it could preclude a 9 member of our Commission, then maybe we should just 10 move it to the next week, just to not -- 11 COMMISSIONER GIPSON: I think it could 12 preclude other members of the public from 13 participating, and schools participating, as well, 14 because some schools do not have school on that 15 particular day. So I think that's -- 16 COMMISSIONER CARRILLO: Sounds like it 17 would be good to be preemptive and just change it to 18 21-22. 19 COMMISSIONER GIPSON: I've already made my 20 hotel reservations for the 20th and 21st. 21 THE CHAIR: So for the September one, 22 let's go ahead and make that change. Instead of the 23 14th-15th, it would be the 21st-22nd, which is also 24 kind of a weird one anyway, because, technically, 25 the third Thursday is that -- is the 21st. But it's</p>	<p style="text-align: right;">76</p> <p>1 THE CHAIR: No, to the 20th. 2 COMMISSIONER GIPSON: That's what I'm 3 saying, that we wouldn't meet on the 16th and 17th, 4 so that we would have contract negotiations starting 5 on the 20th, and we would end with -- yeah, I -- you 6 know, it's -- it's a long week. But we only have, 7 what -- six schools? So it's easy enough to do. 8 THE CHAIR: And we did make the change. 9 You can see the update that we made on those 10 optional work days are now just in case we need 11 them. So it kind of helps, you know, communicate 12 more clearly that, you know, community input hearing 13 would be on the 15th, but then would kind of -- we'd 14 use those other days only if necessary. 15 COMMISSIONER GIPSON: Right. But in 16 November, there's no optional -- 17 THE CHAIR: I did see that. We do need a 18 Work Session November 8th. So that needs to be 19 added. 20 That was one of my things, too, was that 21 one. We need a special meeting. And maybe, 22 actually, once again, based off of the Annual Report 23 conversation, we may just need to do a Work Session 24 and Meeting in November moving forward. 25 COMMISSIONER CARRILLO: I would agree with</p>
<p style="text-align: right;">75</p> <p>1 the fourth Friday. So it's kind of a weird -- no, 2 we're making it the 21st and 22nd will be the 3 official dates for September. 4 We also do have -- and you can see it in 5 that pink and purple highlight in March, where, 6 currently, the third Thursday and Friday will land 7 on the last two days of the Legislative Session. 8 And we do have it moved to the next week. 9 I will say that is a very popular week for 10 Spring Break. But other than that, I think 11 that's -- you know, it seems like we really 12 shouldn't be doing it on that week before, as we may 13 not -- well, I -- other -- I think it mostly -- and 14 it could mostly affect our attorney at that time. 15 And those are some pretty important dates, being 16 the -- that would be the contract negotiations and 17 community -- contract negotiations at that time. 18 COMMISSIONER GIPSON: So I guess I just 19 need some clarification. When we're looking at 20 March, we're looking at -- so are we saying we 21 should move the meeting to the 22nd-23rd, and keep 22 the contract negotiations that week as well? 23 THE CHAIR: No. Move the whole week. 24 Yeah, move the whole week to the following week. 25 COMMISSIONER GIPSON: To the 27th?</p>	<p style="text-align: right;">77</p> <p>1 scheduling two days for November. 2 THE CHAIR: So the 16th-17th? Yeah. 3 COMMISSIONER ARMIJO: Curiously, because I 4 haven't been here that long, why was November a 5 month you just didn't meet? 6 COMMISSIONER GIPSON: Well, a couple of 7 reasons. With a lot of schools closing and for a 8 lot of Commissioners at the time, it was a tough 9 month to get Commissioners to -- because a lot of 10 people were traveling for holidays and whatever. 11 So we took November off, you know. When I 12 first started, they didn't even meet every -- before 13 I started, they were meeting about eight times out 14 of the year. So -- and there were no work sessions. 15 COMMISSIONER CARRILLO: Interesting. 16 COMMISSIONER GIPSON: You know. So 17 there's been a lot -- but November was always that 18 kind of month where folks said, "Okay, I can travel 19 then," you know. 20 So it really doesn't matter. But -- I 21 think there, at the very least, has to be a date for 22 a work session scheduled in there. 23 COMMISSIONER CARRILLO: I would ask that 24 we schedule a work session and a public meeting -- I 25 mean, as -- and a regular meeting.</p>

<p style="text-align: right;">78</p> <p>1 THE CHAIR: But we still need -- we will 2 still need the November 8th Work Session for the 3 hearing notice -- the 30 days before the renewal 4 hearing. 5 COMMISSIONER GIPSON: We're talking 2023. 6 THE CHAIR: Me, too. So we need one on 7 November 8th of 2023, in order just to do those 8 renewal -- notice. And then I think -- I think we 9 do have enough work in November to still do a work 10 session and meeting. 11 COMMISSIONER CARRILLO: Should we do it on 12 the 9th and 10th, so you don't have to come up? 13 THE CHAIR: It's not going to be a 14 special -- just a normal -- a general meeting, a 15 very normal one. But we do need that -- the 8th, as 16 well. We also -- 17 COMMISSIONER CARRILLO: Hold on a second. 18 I'm sorry. Seems we have a pretty packed agenda all 19 the time. 20 THE CHAIR: And then the only other thing, 21 Vice Chair Voigt has been communicating with new 22 Commissioners coming on board and the 9th as a 23 training day, which all Commissioners would be 24 invited to do, to do training. If you need a 25 tune-up in any of your practical training for the</p>	<p style="text-align: right;">80</p> <p>1 So the -- like, the December one -- 2 THE CHAIR: Yeah. We had done that 3 specifically for the amendment project that 4 Ms. Barnes was leading. We were thinking we would 5 need those additional days. We don't have a project 6 like that planned for this upcoming year. So that's 7 why we didn't go in -- 8 COMMISSIONER GIPSON: (Inaudible due to 9 simultaneous speaking) December. 10 THE CHAIR: The optional? So December, 11 sometimes we may need one or two. We're trying to 12 work backwards and make sure, once again, the 13 schools know, "Don't make plans for that day." 14 And we could use those other ones, but 15 don't expect to ask to go on the 11th if we don't 16 use it. 17 COMMISSIONER GIPSON: Why put the 13th in 18 there? Because we're automatically saying, "We're 19 not going to do anything on the 13th." 20 THE CHAIR: No, that is a renewals 21 meeting. It's in the purple. If you look Reserve 22 Dates for Renewals. 23 COMMISSIONER GIPSON: From a distance, I 24 can't see the shade. 25 THE CHAIR: Yeah. It's, like, kind of</p>
<p style="text-align: right;">79</p> <p>1 PEC, they asked for it just to be moved a couple of 2 days to the 10th or 11th. 3 And I was thinking the 11th, because we do 4 a lot of Wednesday stuff when we do it. So it would 5 be the 11th that new Commissioners would be invited 6 to come do training on that day so that they would 7 be prepared for the next week. 8 But also all Commissioners. It would 9 essentially be like kind of similar to, like, a 10 work-session thing because we need it noticed and 11 all those kind of things. 12 THE CHAIR: Commissioner Taylor. Then 13 Commissioner Gipson. 14 COMMISSIONER TAYLOR: So you're talking 15 the training on January 11th; right? 16 THE CHAIR: Yes. 17 COMMISSIONER TAYLOR: Okay. Right. 18 THE CHAIR: Commissioner Gipson? 19 COMMISSIONER GIPSON: So I'm just -- last 20 year, we put in place -- 21 THE CHAIR: Your microphone is not on. 22 Sorry. 23 COMMISSIONER GIPSON: My phone -- you're 24 right. My phone is not on. 25 We had optional work days on every month.</p>	<p style="text-align: right;">81</p> <p>1 purple. And in that section, it's the New Charter 2 School Application, Renewal, Contract Negotiations, 3 and Community Input. 4 So those are the four items that kind 5 of -- sometimes they take one day. Sometimes they 6 take five days. 7 COMMISSIONER GIPSON: Okay. All right. I 8 do want to just say for the -- now, the record, our 9 transcriber's power just went out, so we did turn on 10 the recording for this meeting so that she can go 11 back and transcribe based off of the recording. So 12 we are recording this meeting at this time. 13 COMMISSIONER MANIS: I thought we were 14 always recording the meetings to be put on YouTube. 15 COMMISSIONER CARRILLO: I thought that, 16 too. I agree with KT. I thought both work sessions 17 and meetings were being recorded at all times. 18 THE CHAIR: That's correct, actually. 19 Yeah. We were supposed to be recording both, 20 putting both on YouTube, but transcribing only one. 21 MS. JULIA BARNES: I need to check, 22 because there was an issue about which is the formal 23 transcription. So let me check the protocol. 24 COMMISSIONER CARRILLO: But even though 25 the formal transcription might be the formal, what</p>

82	<p>1 Cindy is doing, I want to -- because of what KT just                  2 brought up, I want to make sure we are recording                  3 work sessions and meetings.                  4 THE CHAIR: Ms. Barnes is going to check                  5 on those official protocols and ensure that we're                  6 doing it properly moving forward. We can't go back                  7 in time and do it for earlier today. But we can do                  8 it moving forward, and she can give us an update.                  9 But we don't need to get into that right                  10 now. We're going to have Ms. Barnes come back to us                  11 with it.                  12 COMMISSIONER CARRILLO: All right.                  13 THE CHAIR: But, thank you, though,                  14 Commissioner Manis.                  15 So back to the calendar. Commissioner                  16 Carrillo.                  17 COMMISSIONER CARRILLO: So I'm looking at                  18 our meetings. Of course, being Indian Market                  19 weekend on the 17th and 18th, that's cool. Let's                  20 just not go someplace far away. We might want to --                  21 THE CHAIR: Yeah. We said we could stay                  22 here because the -- we were told that if we do go                  23 over that 2:15, it's not problematic.                  24 COMMISSIONER CARRILLO: I would encourage                  25 new Commissioners and anyone that needs to, make</p>	84	<p>1 Any other discussion?                  2 (No response.)                  3 THE CHAIR: All right. Seeing none, roll                  4 call, Secretary Armijo.                  5 COMMISSIONER ARMIJO: Commissioner Manis.                  6 COMMISSIONER MANIS: Yes.                  7 COMMISSIONER ARMIJO: Commissioner                  8 Robbins.                  9 COMMISSIONER ROBBINS: Yes.                  10 COMMISSIONER ARMIJO: Commissioner Taylor.                  11 COMMISSIONER TAYLOR: Yes.                  12 COMMISSIONER ARMIJO: Vice Chair Voigt.                  13 COMMISSIONER VOIGT: Yes.                  14 COMMISSIONER ARMIJO: Commissioner Armijo                  15 votes yes.                  16 Chair Burt.                  17 THE CHAIR: Yes.                  18 COMMISSIONER ARMIJO: Commissioner                  19 Carrillo.                  20 COMMISSIONER CARRILLO: Yes.                  21 COMMISSIONER ARMIJO: Commissioner Chavez.                  22 COMMISSIONER CHAVEZ: Yes.                  23 COMMISSIONER ARMIJO: And Commissioner                  24 Gipson.                  25 COMMISSIONER GIPSON: Yes.</p>
83	<p>1 your "rezzies" now.                  2 THE CHAIR: Which is why we're doing                  3 calendaring now, too.                  4 Okay. Anything else?                  5 (No response.)                  6 THE CHAIR: All right. So I think we need                  7 a new draft of this before we take action. It's                  8 updated? Okay.                  9 Should we take action on that right now,                  10 or wait till December?                  11 COMMISSIONER CARRILLO: Wait till what?                  12 THE CHAIR: Wait till December. Oh, wait.                  13 Sorry. We could do October.                  14 COMMISSIONER CARRILLO: We could do it now                  15 with the changes.                  16 THE CHAIR: Yeah. With the changes?                  17 COMMISSIONER CARRILLO: Yeah.                  18 THE CHAIR: Okay. Commissioner Voigt.                  19 COMMISSIONER VOIGT: Okay. I move that                  20 the Public Education Commission approve the 2023 PEC                  21 Meeting Calendar, as amended today.                  22 COMMISSIONER GIPSON: Second.                  23 COMMISSIONER CARRILLO: Third.                  24 THE CHAIR: Thanks. There's a motion and                  25 a second.</p>	85	<p>1 COMMISSIONER ARMIJO: That passes, nine to                  2 zero.                  3 THE CHAIR: Thank you.                  4 Director Chavez, that moves us to Item                  5 No. 13, which is the Report from the Charter Schools                  6 Division.                  7 THE CHAIR: All-righty. Thank you,                  8 Commissioners. I just wanted to let you know that                  9 we have been extremely busy finalizing the Annual                  10 Reports and preparing for renewals.                  11 So all of the renewal applications for the                  12 schools that are applying with Public Education                  13 Commission were submitted as of yesterday. That                  14 includes the six schools that are already authorized                  15 through the PEC: Albuquerque Collegiate, Altura                  16 Prep, Horizon Academy West, New Mexico Academy of                  17 Media Arts, Hózhó Academy, New Mexico Connections                  18 Academy. And Cottonwood Classical is a school that                  19 has been authorized by APS that is moving to apply                  20 with the Public Education Commission.                  21 We have scheduled site visits and informed                  22 the schools of those dates and sent to them the                  23 renewal site visit protocol, which explains                  24 expectations of the school, of our staff, and how we                  25 go about doing the site visits. Those site visits</p>

<p style="text-align: right;">86</p> <p>1 begin on September 26th and end on October 11th. So 2 those couple weeks are going to be really packed 3 full for the staff. 4 We are having a training for all staff and 5 contractors that are supporting us in this effort 6 next Friday. 7 Speaking of staff, I wanted to give you an 8 update on that. So we have someone starting on 9 Monday in the position of Non-Public School 10 Accreditation. This is ESSER-funded, but a portion 11 of that person's time will support authorizing 12 practices. 13 And we have interviewed and are looking to 14 make offers to two other positions. One is a 15 full-time ed admin aide. This is the position that 16 was vacated earlier in the summer. 17 And so in Authorizing Practices in the 18 second position is the Homeschool position, similar 19 to the Non-Public School. It is ESSER-funded. But 20 a portion of their time will be spent on authorizing 21 practices. 22 So, you know, I believe in cross-training, 23 and we always need the support with site visits and 24 the work that we're doing. 25 Currently open for people to apply is the</p>	<p style="text-align: right;">88</p> <p>1 Mission-Specific Goals. 2 We are not getting the results of all of 3 the Mission-Specific Goals easily. And sometimes 4 that's a transition in leadership, or sometimes it's 5 just a delay on their part. But that has been a bit 6 of a holdup for some of the schools. 7 It was a really productive visit in 8 Las Cruces, and, you know, I know that he's working 9 to support that school as best he can. 10 I also stopped by the Explore-Las Cruces 11 campus, because they moved into a new facility. As 12 you recall last time we met, they were letting us 13 know that they were temporarily -- or they sent an 14 e-mail -- they -- to inform us that they were 15 temporarily meeting online. But they are now 16 in-person, and the facility is great. I saw the 17 cafeteria. I saw kids in classrooms and office 18 space for staff. 19 In terms of the Explore-Rio Rancho, they 20 have been sent a Board of Finance application as 21 well as the CSP Grant to begin writing their 22 proposal. We have not received those back from them 23 yet. They'll need to have a Board of Finance before 24 they receive any grants from us. So we're waiting 25 for that.</p>
<p style="text-align: right;">87</p> <p>1 position of Administrative Assistant. In progress 2 right now with HR or SPO is the PEC Liaison 3 position, the Financial Coordinator position, and 4 two additional positions in Authorizing; one is Ed 5 Admin O, and one is Ed Admin B. 6 One of those positions -- okay. So the O 7 will focus on supporting the financial monitoring of 8 schools. And the B is a position that used to be 9 within the division and it went away. So we are in 10 progress with those positions. 11 Additionally, wanted to let you know since 12 we last met, I visited three schools: La Tierra 13 Montessori. Deputy Director Brigette Russell and I 14 attended that school for a while to sit down with 15 the head administrator and walk through the 16 Performance Framework and just to provide technical 17 support and make sure that he was set to move 18 forward with the school. 19 We found out that he has since put in a 20 letter of resignation. So we're watching that 21 school. 22 Similarly, I sat down with the new Interim 23 Head Administrator at Raíces del Saber in 24 Las Cruces, sat down to review the Preliminary Site 25 Visit report and to inquire again about the</p>	<p style="text-align: right;">89</p> <p>1 And then we also -- in progress, 2 21st Century is also applying for a CSP Grant. So 3 we're looking forward to getting those and being 4 able to support those schools. 5 We have the first Leadership Roundtable 6 scheduled for October 17th at 1:00 p.m. Of course, 7 you all are always invited. The topic will be 8 Charter School Waivers. 9 As you may or may not know, we streamlined 10 the process at the PED level so that it's not an 11 application asking for a waiver; rather, in 12 alignment with statute that says, "shall be 13 granted," it's a way for them to let us know that 14 they're exercising their rights for waivers. 15 And I'm really looking forward to this, 16 because, hopefully, we'll get to hear how schools 17 are utilizing the waivers for innovation. 18 So that promises to be a really wonderful 19 session. And I've really got to give kudos to Louie 20 Torres, who's been working with a group of charter 21 school leaders who have helped hone down the topics, 22 identify the date and time. And a big shout-out to 23 those who have been showing up to the meetings that 24 he and Lucy -- big shout-out to Lucy working with 25 him on this -- have been facilitating. So that</p>

<p style="text-align: right;">90</p> <p>1 would be Tracy Filiss, Jordan Franco, Joseph 2 Escobedo from APS, Mike Ogas, Matt Pahl, Juliane 3 Hillock, Jackie Rodriguez, Azella Humetewa from the 4 NACA-Inspired Schools Network, Michelle Hunt, and 5 Caz Martinez.</p> <p>6 They've all been coming together to talk 7 about the roundtables, the conference that the CSD 8 puts on, and so I think really serving as an 9 informal advisory.</p> <p>10 And so that -- that's it. Thank you.</p> <p>11 THE CHAIR: Thank you. Can you send us an 12 e-mail with that October 17th information?</p> <p>13 DIRECTOR CORINA CHAVEZ: Absolutely. 14 It'll be probably a flier and probably include the 15 Zoom or details on how to access it.</p> <p>16 THE CHAIR: Thank you. Because it was 17 like I wrote it down here. And I'm sure I'm going 18 to forget -- I'm not going to forget. But in the 19 e-mails, always awesome. Okay.</p> <p>20 Next item is Item No. 14, Report from PEC 21 Liaisons. And I'll have to apologize for mine, 22 because I -- I was not able to attend the last LESC 23 meeting. So I need to go through and review it and 24 be able to give you guys an update next month.</p> <p>25 The next one is Indian Education Advisory</p>	<p style="text-align: right;">92</p> <p>1 8 to 9 percent. Some indices are well over 2 10 percent.</p> <p>3 You know, that does affect lease 4 assistance for the schools and things that they have 5 to be paying for.</p> <p>6 I will be attending the Public School 7 Capital Outlay Oversight Task Force, which is 8 actually made up of about -- I believe it's about 9 15 legislative members, State Senate and House, and 10 then there's about 10 or 15 other members that hold 11 various positions in State government and at 12 schools.</p> <p>13 So that will be an interesting time. Next 14 Tuesday I'll be up here all day if anyone wants to 15 come and say hi. That's my report.</p> <p>16 THE CHAIR: Thank you.</p> <p>17 COMMISSIONER GIPSON: Can I ask a 18 question?</p> <p>19 THE CHAIR: Commissioner Gipson.</p> <p>20 COMMISSIONER GIPSON: So thanks. So I 21 think it came up at the LFC, funding for safety and 22 upgrading facilities. And I remember from the last 23 round of awards for that, schools had to put up 24 matching funds in order to get that money. And I 25 know matching funds is a big discussion overall with</p>
<p style="text-align: right;">91</p> <p>1 Council. Secretary Armijo.</p> <p>2 COMMISSIONER ARMIJO: Yes. So, actually, 3 we are planning a meeting in October. They have 4 taken a little bit of a break from their big meeting 5 that they had in July. And so I reached out to them 6 about when things were going to be happening. And 7 so we'll be meeting in October. They're going to be 8 sending out possible dates. So I'll have more for 9 you in the October meeting, hopefully.</p> <p>10 THE CHAIR: Great.</p> <p>11 Next is Vice Chair Voigt.</p> <p>12 COMMISSIONER VOIGT: I have nothing to 13 report.</p> <p>14 THE CHAIR: Next is Commissioner Robbins.</p> <p>15 COMMISSIONER ROBBINS: PSCOC and the 16 subcommittees, we had meetings at the end of August.</p> <p>17 Going into the new fiscal year -- well, 18 yeah, now that we're in the new fiscal year, lease 19 assistance has not been set. I think we'll set that 20 in our October meeting.</p> <p>21 The award letters have gone out, but the 22 rate has not been set. And I'm hoping that we can 23 get a reasonable increase in that again this year, 24 since general inflation is running somewhere -- 25 depending on what you want to look at, anywhere from</p>	<p style="text-align: right;">93</p> <p>1 Capital Outlay. But I'm just wondering, because I 2 think one of the serious concerns that many -- Matt 3 Pahl mentioned it yesterday -- that, you know, the 4 school that we were alluding to, there's another 5 charter in there, and families are worried about the 6 safety of it, because, unfortunately, often schools 7 have to look at a strip mall at least for the first 8 couple of years. And they're not that safe.</p> <p>9 So I'm wondering, has there been any 10 discussion about alleviating that burden of the 11 matching funds for upgrading safety -- safety in the 12 schools.</p> <p>13 COMMISSIONER ROBBINS: There is 14 discussion. It hasn't been finalized, and we're 15 probably going to get direction from the Task Force 16 and the Legislature.</p> <p>17 One thing that we did look at is, with the 18 revision a couple of years ago in the funding 19 formula and the match, we saw local school districts 20 get anywhere from a 20 to 50 percent increase in 21 their local match requirement, which really wasn't 22 the intent.</p> <p>23 There are only about eight or nine, maybe 24 ten school districts that had a reduction. All the 25 rest of them had an increase, some of them very</p>



<p style="text-align: right;">94</p> <p>1 substantial. I think APS even had, like, a 60 or 2 70 percent increase in their match, which was 3 already very high, like, okay, almost goes -- you 4 know, 95 percent or something like that. 5 That is one thing. And then also the 6 standards. Minimum standards. And I think that's 7 where safety issues -- in my opinion, it needs to be 8 a requirement -- I would like it to be a requirement 9 that for a school to receive funding, 10 standards-based funding, that they actually make a 11 priority the security of the school, and that if 12 they are not going to meet minimum standards on 13 security, that they do not get standards-based 14 funding. 15 Because I think with what we've seen and 16 heard and everything -- and, you know, there's 17 different ways that you can harden a school without 18 making it a prison. I mean -- but many schools 19 around the state still have done very little. 20 Part of it -- some of that security stuff 21 didn't require an actual match. It was just 22 available. The Legislature may extend that -- that 23 funding. But, generally, all the security stuff can 24 be part of a standards-based award, unless it's like 25 an alarm system, because that's just security.</p>	<p style="text-align: right;">96</p> <p>1 improving the mass communication system for not only 2 administrators, but teachers, or any staff member, 3 to be able to immediately call for a campus-wide 4 lockdown. That was one of the things. 5 They talked about handheld radios for 6 staff to be able to have better communication. And 7 then they also talked about different ways to have a 8 push notification system that could warn others, 9 both on and off campus, about an emergency 10 situation, and notify first responders to the 11 situation immediately, rather than it be kind of 12 like a something that may happen. It would take 13 longer to let them know. 14 So the push notification would be kind of 15 immediate. If we think about our smartphones, we 16 get notified -- any notification pretty readily if 17 we have an app or something. 18 So they have apps. One that they had 19 mentioned was the RAVE App, R-A-V-E, that can help 20 notify first responders or parents about some of 21 these issues that could occur, a critical incident 22 that might occur. 23 And then also one of the other things that 24 was talked about was anonymous reporting systems for 25 those students that might be displaying concerning</p>
<p style="text-align: right;">95</p> <p>1 That's a systems award. 2 But if they're actually building things, 3 you know, building vestibules, adding, you know, 4 things, that can be part of a standards-based award, 5 and the standard match applies to that. But if it 6 is strictly security, I'm not sure how much funding 7 is available still. But that would be something the 8 Legislature could give without a match requirement. 9 THE CHAIR: All right. Next is 10 Commissioner Manis. 11 COMMISSIONER MANIS: Thank you. We met -- 12 NMPSIA met this past week on Thursday. That would 13 have been the 8th, I believe. And we discussed some 14 different things. What was brought up, I think 15 probably the most pertinent was the sexual 16 molestation. And we also talked about the other 17 risk matter, which, in light of the Uvalde shooting, 18 about some of the risk matters associated with what 19 could -- what can schools do to potentially prevent 20 both the sexual molestation aspect and then also the 21 school shootings. 22 So we were -- we had an extensive 23 discussion about different security needs from the 24 schools. 25 And one thing that was talked about is</p>	<p style="text-align: right;">97</p> <p>1 behavior inside the -- inside the classroom or 2 school, in general, to be able to have those 3 unanimous reporting systems for the school district 4 to be able to have those in place. 5 They also talked about different things 6 like -- and I think they've been mentioned before -- 7 is the making sure that there's bulletproof glass on 8 some of the windows, exterior windows, but also 9 being able to have the interior room locks and some 10 that -- some that are -- the interior room locks, 11 they don't actually -- they're not the highest grade 12 of -- of lock to be used in some schools. And so 13 they talked about upgrading those to be -- to be 14 better. 15 And then, finally, one of the things that 16 we had talked about, like I said, was the sexual 17 molestation part. And that was pretty concerning, 18 because we looked at a report that involved sexual 19 molestation incidents over the past ten years. And 20 the majority of cases that occurred were repeat 21 offenders. 22 And it's pretty concerning that the repeat 23 offenders -- that it can keep on happening. They 24 move from, like, for example, one school district to 25 another, even within the same county, and they have</p>

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1 repeat offenses.  
 2 And so we talked about some prevention  
 3 aspects that we're hoping can be introduced. Some  
 4 include, like, a unanimous reporting system for  
 5 children to be able to report that, because I think  
 6 at times, if a child has experienced that, they may  
 7 not feel comfortable talking to another adult about  
 8 their situation because they think that it could  
 9 happen to them, or they may not really listen to  
 10 their concerns that that actually happened.  
 11 We also talked about potentially trying to  
 12 get a state or national public database beyond the  
 13 National Association of State Directors Of Teacher  
 14 Education and Certification, to be able to include  
 15 and have those individuals who have committed these  
 16 prior acts to be included in these databases, for  
 17 school districts to have that information at the tip  
 18 of their finger so that if someone does come to  
 19 apply, and they've had a offense at another school  
 20 district, that it's easy to find that information  
 21 out, that they don't have to hunt for it.  
 22 They also talked about trainings and  
 23 some -- there's a lack of mandatory reporting on  
 24 some of these issues.  
 25 So I think it was pretty informative. And

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1 we're going to be looking at some of these a little  
 2 bit further on what we can do, as NMPSIA, to be able  
 3 to prevent sexual molestation and also increase the  
 4 security for -- for the schools.  
 5 Thank you.  
 6 THE CHAIR: Thank you.  
 7 Commissioner Carrillo.  
 8 COMMISSIONER CARRILLO: No meeting with  
 9 the NMSBA would show this month. But when we get to  
 10 the legislative stuff, I imagine we can also talk  
 11 about where we're going to work together and a  
 12 possible session with NMSBA in November, we really  
 13 should get moving on it, with Joe or whoever. I  
 14 don't know who their president is at this point. So  
 15 there you have it.  
 16 THE CHAIR: All right. And last is  
 17 Commissioner Taylor.  
 18 COMMISSIONER TAYLOR: Yeah. Thank you.  
 19 Thanks to Commissioner Armijo for making  
 20 introduction for the -- to the Library Commission.  
 21 They're having a meeting October 7th. So I'll be  
 22 glad to attend that and have a report next month,  
 23 hopefully.  
 24 THE CHAIR: Okay. Thank you. That does  
 25 bring us to Item No. 15, which is Discussion and

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1 Possible Action on PEC Legislative Agenda. The list  
 2 of items below were suggested by PEC members for  
 3 discussion in earlier PEC meetings, and then there's  
 4 a punch list there.  
 5 Do you want to help lead us in -- okay.  
 6 Great. Ms. Barnes.  
 7 Oh, yeah. Sorry. So I guess if we want  
 8 to go through each item, and then we'll need to come  
 9 up with a consensus on that. And then we can  
 10 approve a legislative agenda today.  
 11 But I think if we go through each item and  
 12 get a consensus as to whether it should be on the  
 13 official PEC legislative agenda or not, then we can  
 14 do a motion to -- to formalize that. And we'll go  
 15 item by item.  
 16 But starting with Item No. -- not No. --  
 17 Item Letter F, which is Equity Councils and  
 18 Legislation Mandate.  
 19 MS. JULIA BARNES: Let me just start  
 20 briefly by letting you know that people -- as people  
 21 raise legislative items during the meetings, we just  
 22 collected them. So that's where the list came from.  
 23 And if anybody mentioned something, we did it. Some  
 24 of them, that's all I know. And I'm not sure if it  
 25 is legislative or whatever.

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1 So I think we're going to start with the  
 2 equity council. But then it looked like at least  
 3 eight of the items related to the -- to changing the  
 4 Charter School Act itself. So they're all collected  
 5 together.  
 6 THE CHAIR: Great. And I think also if we  
 7 need further discussion, I think we have this  
 8 meeting. But I would say by October, we need to --  
 9 if we do not approve it today, we really should be  
 10 approving it next month at the latest.  
 11 Okay. So starting with Item F, Equity  
 12 Councils and Legislative -- Legislation Mandate, and  
 13 Commissioner comments? Questions?  
 14 Commissioner Carrillo.  
 15 COMMISSIONER CARRILLO: So the reason I  
 16 want this here is I don't think -- I don't think it  
 17 should go to the Legislature, that any involvement  
 18 in equity councils, either oversight or anything  
 19 that might be disciplinary or consequential or  
 20 something, the Legislature should not be involved in  
 21 this.  
 22 I have a couple of questions, and I would  
 23 ask that I don't need the long version. In terms of  
 24 equity -- okay. My understanding is the PED now has  
 25 an Office of Equity. Is that correct or incorrect?

<p style="text-align: right;">102</p> <p>1 DR. BRIGETTE RUSSELL: It has a Division 2 of Identity, Equity, and Transformation. 3 COMMISSIONER CARRILLO: Okay. And when 4 was this division enacted or developed? 5 DR. BRIGETTE RUSSELL: Commissioner 6 Carrillo, I don't know the exact date. I would have 7 to check. 8 THE CHAIR: It was 2018, though. 9 COMMISSIONER CARRILLO: It was right after 10 Yazzie/Martinez; is that correct? 11 THE CHAIR: It was with the new 12 administration. 13 COMMISSIONER CARRILLO: It was 2019, then. 14 THE CHAIR: 2019. Sorry. 2019. 15 COMMISSIONER CARRILLO: My understanding 16 is part of it was in response -- Corina is over 17 there -- to Yazzie/Martinez. Okay. 18 One of the reasons I don't think this 19 should go to the Legislature on any level is because 20 it's just going to create a larger bureaucracy 21 around it, you know. There's -- you're going to 22 create essentially a big business around equity. 23 There already is. There's people delivering, you 24 know, seminars around equity, two of which I -- one 25 of which I attended that was done here, and one of</p>	<p style="text-align: right;">104</p> <p>1 Legislature, because I think that the -- these 2 issues, given -- what do we have? -- like, 57 3 charters now? -- can be handled much better by 4 individual charters to meet their needs around these 5 issues. 6 Where they see systemic, you know, bias or 7 racism, you know, they could approach it as -- maybe 8 it's with different public -- different professional 9 development on the teachers' side, and maybe it's a 10 different kind of a seminar or something for kids, 11 an assembly or something like that, so the kids can 12 be more aware of maybe their language around, you 13 know, things that they might be saying and/or doing 14 that can be considered just completely 15 inappropriate. 16 An example I will give, just in my own 17 personal life, is -- this was a really good friend 18 from the days when I was working as a union 19 organizer. We were doing something, and he used the 20 term, "Jew him down." And, man, I just fell out of 21 my chair. 22 I said -- I'll change his name. I said, 23 like, "John, what on -- do you know what you just 24 said?" 25 He said, "What?"</p>
<p style="text-align: right;">103</p> <p>1 which I read. 2 And there are very -- it's -- they are of 3 very questionable-like subject matter, and the 4 interpretations that they're -- that they've come to 5 or decisions that they've come to and the 6 representations they make. 7 And I think -- and I would agree with the 8 Petersens in the way they paint the issue around 9 basically making everything about racism and White 10 Supremacy. And if you're not -- I made the motion, 11 and I even remember the one where the lady from 12 Cochiti Pueblo -- we can go back. It was one of our 13 earlier meetings, might have been January, the 14 January meeting, I probably should have spoke up 15 then. But I took great exception to many of the 16 things she said, because she made us all out to be 17 perpetrators or victims. There was, like, no 18 in-between. And even the slightest microaggression 19 somehow makes me a White Supremacist. 20 And these are a lot -- this is what is 21 happening in a lot of these trainings. And I think 22 what it causes is more division and more 23 divisiveness than actually coming to solutions about 24 understanding. 25 And I don't want any of this to go to the</p>	<p style="text-align: right;">105</p> <p>1 "Jew him down." What -- he had no idea of 2 the implications and -- essentially, anti-Semitism 3 that was built into that statement. 4 And we had a conversation about it. He 5 said, "I'll never say that again. I had no idea. 6 It was just something that I heard in my family, and 7 that I've just used that phrase." 8 And, of course, I took great exception to 9 that. 10 So part of the reason why I also say this 11 is that I think that -- and I imagine this is 12 happening all over the country. We are overreacting 13 to something -- well, it's the difference between 14 equity and equality. 15 And I was just reading in its entirety the 16 LESC's brief on the Yazzie/Martinez decision. And 17 not once did -- not once was the word "equity" 18 listed. It was more about opportunity. And I would 19 imagine all of us have probably seen, at one point, 20 the -- the graph or the -- it was, like an animated 21 graph or video of the football field where 100 kids 22 are standing in an in-zone, and they basically take 23 all of these socioeconomic factors. 24 And those kids that are making their way 25 toward the opposite end zone, maybe they have, you</p>

<p style="text-align: right;">106</p> <p>1 know, two parents in the household. Maybe they have 2 kids that have graduated college, kids that have 3 graduated high school, whatever the economic -- you 4 know, all of these different elements. 5 And you can see where it is about 6 opportunity. And, you know -- and, you know -- or 7 the kids that even have enrichment in summer, 8 enrichment, whether it's in school or enrichment 9 whether it's your family taking you to cultural 10 places around the country. So you're always 11 continuing to learn one way or another. Kids that 12 have that in their lives and kids that don't. 13 So it becomes much more about opportunity, 14 and I think it's much better left to local districts 15 and charter schools to see that they're filling 16 that -- and I'll call it the opportunity gap. 17 And the -- I'm looking at some notes I 18 have here. 19 In the Yazzie/Martinez decision, I mean, 20 it seemed like a lot of it really focused on 21 resources necessary, saying that, clearly, 22 New Mexico was not providing the resources for these 23 at-risk -- and that's the word she used -- "at-risk" 24 kids in these different categories. And in not 25 providing that, they were denying these children</p>	<p style="text-align: right;">108</p> <p>1 absolutely, positively, not have equity councils be 2 part of a legislative agenda. 3 THE CHAIR: All right. Commissioner 4 Taylor. Then Commissioner Robbins. Then 5 Commissioner Gipson. 6 COMMISSIONER TAYLOR: So excuse me. I 7 concur completely with Commissioner Carrillo on -- 8 on this -- you know, on this aspect. I think that 9 there are way too many interpretations -- excuse 10 me -- and intricacies to try to legislate something 11 like that. 12 I think it's best suited for -- I am not 13 opposed at all to schools having equity councils in 14 their schools that serve their communities the way 15 that they need to be served, you know. I think it's 16 better for each school to be able to be sensitive to 17 their cultural surroundings and really be in tune to 18 it, but not legislated at all. 19 I would take it off of the -- of 20 legislative agenda. And I don't want the -- I don't 21 want the Legislature involved with equity councils 22 so thank you for your comments, Commissioner 23 Carrillo. 24 THE CHAIR: Commissioner Robbins. 25 COMMISSIONER ROBBINS: Thank you. I also</p>
<p style="text-align: right;">107</p> <p>1 equal production under the law and also under the 2 education provisions of the Constitution. 3 So, essentially, I just want all of this 4 removed -- my feeling is I would love the PEC not to 5 endorse anything that where equity is being moved 6 onto the legislative agenda. I think it's just 7 going to muck up the waters. 8 I think schools individually know how to 9 best use their resources to make sure kids have the 10 same opportunity. And even where these 11 opportunities -- especially with charters -- even 12 where there might be opportunity gaps with a family, 13 by the very nature of these families going to 14 charter schools, they're probably very interested in 15 filling these gaps. And the boards and people 16 involved in these schools can do that on a local 17 level. 18 By having anything go to the Legislature, 19 I see quotas, which probably cannot be matched 20 because if a school is located in a certain area and 21 has a certain demographic. And I see a whole 22 compliance division building up and then a whole 23 training division and all of the massive amount of 24 money that surrounds all of that. 25 So that's why I would like us to</p>	<p style="text-align: right;">109</p> <p>1 agree that I don't want the Legislature mandating or 2 getting involved in equity councils. The 3 presentation by Myra a few months back was 4 interesting. But in going through the material in a 5 more detailed fashion and reading through that 6 material, there are a lot of issues. 7 The main one is a sheet that says, "School 8 Boards and Governance Board Members Becoming 9 Equity-Driven Leaders." And at the bottom, next to 10 the little thing you can do with your phone -- 11 what's that thing called? -- the QR code -- it says, 12 "Advocate for students and families who lack power 13 and privilege." 14 That is directly out of CRT. How do 15 you -- who lack power and privilege? So I'm White. 16 Do I have power? Do I have privilege simply because 17 I'm White? 18 You know, I grew up in a family of five 19 boys with a single mother. My parents divorced when 20 I was five years old. My mother was a single parent 21 providing for us. 22 I went to school. I paid my way through 23 college. I didn't get any grants, scholarships, or 24 loans. I worked part-time. I went to school 25 part-time. It took me five years. It took me nine</p>

<p style="text-align: right;">110</p> <p>1 semesters to get my bachelor's degree.  2 When I went and got my Master's degree, I  3 was working full-time, I was going to school  4 part-time, and I was a grad assistant. So I was  5 working somewhere between 50 and 60 hours a week on  6 top of school.  7 And I don't think that made me privileged.  8 It made me an individual who worked damn hard. And  9 I don't usually use words like that. But I worked  10 very hard to provide for my family while they were  11 young. We didn't take extensive vacations. We  12 didn't drive brand new cars. We didn't have a big  13 fancy house, new clothes all the time.  14 You know, that's not privilege just  15 because I'm White, you know. And, you know, it's  16 that sheet that really raises alarm bells for a lot  17 of people, because there's the perception, simply  18 because of a race or an ethnicity, that you're less  19 important or more important, or that you have power,  20 or that you have privilege, and it needs to be  21 yanked away from you.  22 That's divisive in any way you want to  23 look at it. It is wrong. It is basically bullying,  24 which I talked about over a year ago, that when you  25 call someone simply because of their race,</p>	<p style="text-align: right;">112</p> <p>1 any conversation about it. So I don't know whether  2 we're whipping ourselves up for no reason. So  3 that's part of it.  4 There is rule that requires our governing  5 councils to get an hour's of equity training. They  6 have to. So I think, for further down the road, I  7 think it's incumbent on us to look at how that  8 training is being delivered, because it is in rule  9 that our GCs have to have that hour of equity  10 training. So I think if there's a concern about  11 that, that's a whole different issue than this.  12 So I would just say, maybe, later on our  13 agendas, we look at how that training is being  14 delivered and have a little more input into what's  15 happening there.  16 THE CHAIR: Yeah. I will -- before I go  17 back around, Commissioner Davis did send an e-mail  18 that she asked about this particular agenda item on  19 equity councils that she would like to be read into  20 the record. So if you all will allow me to go ahead  21 and do that for her.  22 All right. So she said:  23 "I am so sorry I am unable to attend the  24 meeting Friday, the 16th. I really wanted to speak  25 on the agenda item 15-F."</p>
<p style="text-align: right;">111</p> <p>1 ethnicity, or background that they -- that they are  2 worse than you, that they are bad, that's bullying,  3 plain and simple. And it's wrong.  4 And I -- you know, I saw a thing on the  5 Internet the other day. And I don't know how many  6 of you saw the movie, "Blazing Saddles." But it was  7 a movie that said, you know, we've come to where --  8 we had some pretty good decent race relations, and  9 people were able to make jokes and everything.  10 Now you make a joke about something, and  11 you're called a racist. You're called a bigot.  12 THE CHAIR: Commissioner, I hate to  13 interrupt. We have a very long agenda. I'm hoping  14 we can be concise with whether or not we support  15 equity councils being introduced in the Legislature.  16 COMMISSIONER ROBBINS: I adamantly oppose  17 the Public Education Commission and the PED asking  18 the Legislature to endorse or require a mandate, in  19 any way, equity councils. Thank you.  20 THE CHAIR: Thank you. Commissioner  21 Gipson?  22 COMMISSIONER GIPSON: Yeah. You know, I  23 don't like to support or not support legislation  24 that I haven't seen. So I don't even know -- I  25 haven't seen it on LESC agendas. I haven't heard</p>	<p style="text-align: right;">113</p> <p>1 I -- oh, yeah. I'm reading the comments  2 into the record.  3 "Commissioners, San Juan County is an  4 ethnically diverse region. Navajo, Ute, and Apache  5 culture traditions, religion, and family structure  6 are present, along with Spanish-speaking individuals  7 from the countries south of the U.S. border, and  8 Spanish-speaking individuals descended from the  9 original Spanish settlers of the 16th and 17th  10 centuries. It is also home to immigrant families  11 from India, Syria, Iraq, and, recently, Ukraine.  12 "I've spoken with many families and  13 students who have experienced discrimination in the  14 school environment. They feel their culture,  15 values, and tradition not only are not valued, but  16 are openly disparaged. There is no effort to  17 include culturally relevant instruction in the  18 curriculum.  19 "One of the school districts does not post  20 equity council meetings. The equity council  21 meetings are not covered by the Open Meetings Act.  22 The equity councils are intended to, quote,  23 "Implement a culturally and linguistically  24 responsive framework to prepare students for a..."  25 career -- sorry -- "...college, career, and life by</p>

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1 supporting their identity and holistic development,  
 2 including social, emotional, and physical wellness.'

3 "I feel if the spirit of equity councils  
 4 is placed into statute, school districts would have  
 5 to provide the needed educational environment, an  
 6 environment that will support all students and  
 7 recognize the needs of the whole child.

8 "Respectfully, Georgina Davis,  
 9 Commissioner, District 5."

10 I'll also say -- and I know, Commissioner  
 11 Carrillo, you have your hand back up, so I'll go  
 12 back to you.

13 I don't -- I do support equity councils.  
 14 I think that they are a very good move into  
 15 including the idea of equity into administration in  
 16 the schools. I think it's -- I think that is a very  
 17 important thing for schools to move towards.

18 For a very long time, schools have not  
 19 been totally thoughtful about serving students of  
 20 many races, of many backgrounds, of many languages.  
 21 It just hasn't been -- school in America is very  
 22 Americanized, and it is very whitewashed. And that  
 23 is how history is portrayed often, and that is just  
 24 the way -- that's how I grew up. And I'm not that  
 25 old. And I grew up with a very -- kind of the

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1 winner's side of history; right?

2 And I think it's really an important step  
 3 to move towards an expanded view of education, where  
 4 students see themselves in the curriculum, where  
 5 everyone -- everyone -- is included in -- and  
 6 respected for their background and for their  
 7 families' background and who they are, their  
 8 identity.

9 I mean, it's -- it was not that recent  
 10 that students in New Mexico were taken to specific  
 11 schools to have their heritage completely eliminated  
 12 from them. I mean, that was not long ago. I mean,  
 13 that is in people's lifetimes. There are people  
 14 that are here today who have grandchildren who  
 15 are -- school was trauma for them. That is real.

16 And I think it is important to acknowledge  
 17 that. And I think equity councils, that's -- the  
 18 purpose is not to shame anybody, but instead, to  
 19 uplift another perspective that maybe hasn't been  
 20 honored in the past in schools.

21 That being said, I don't know whether or  
 22 not I support it being legislated, because I do  
 23 believe that sometimes the Legislature takes a  
 24 program that the PED starts, and they turn it into  
 25 their own thing. And sometimes it can go awry

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1 outside of how it was originally intended and how  
 2 it's supposed to be done.

3 So, I mean, obviously, we have no control  
 4 over whether or not the PED does follow through with  
 5 that. We were told by Ms. Valtierrez that they were  
 6 planning on putting it as part of the legislative  
 7 agenda. We do know that is the intention of the  
 8 PED.

9 I don't know whether I support, you know,  
 10 us taking a stand one way or another. I -- and,  
 11 once again, like kind of Commissioner Gipson said is  
 12 maybe how it looks and how it ends up could be very  
 13 different as well.

14 So, you know, I -- I think equity councils  
 15 are extremely important. And I don't mind them if  
 16 they are PED initiatives. But I also think that  
 17 when you do put things into law, people care a  
 18 little bit more about them. You know, if it's just,  
 19 "The PED wants you to do this," and there's nothing  
 20 behind it, I mean, it's -- it's going to not be done  
 21 with fidelity, because it's not required.

22 So I think I'm a little conflicted about  
 23 whether or not I support it going to the  
 24 Legislature. And so if I'm going to be really  
 25 specific, I guess where I would stand right now

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1 today is that I would just have no comment from  
 2 myself, as the Commission, on it, that we just leave  
 3 it off of our legislative agenda.

4 I wouldn't -- I wouldn't support actively  
 5 opposing it, that if it does go to the Legislature,  
 6 that part of our agenda is to actively oppose it.  
 7 But I would say maybe, for me, for -- I wouldn't  
 8 mind if it was left off of our agenda.

9 Commissioner Voigt and then Commissioner  
 10 Carrillo.

11 COMMISSIONER VOIGT: Thank you. I do  
 12 support equity councils at all levels of public  
 13 education.

14 Whether it would enter the legislative  
 15 arena is another -- is another step and another  
 16 progression to how those would be enacted.

17 When people say, "Oh, New Mexico is the  
 18 48th blah-blah-blah-blah, bottom of the barrel," and  
 19 then oppose equity councils, that's an oxymoron. So  
 20 we have to look at the why and appreciate the  
 21 intentions of why we are doing this.

22 I'm not going to self-pontificate about  
 23 myself and why I would want equity councils. But I  
 24 think that they're essential. And New Mexico should  
 25 learn from the past. As any good education program

<p style="text-align: right;">118</p> <p>1 would teach history is we learn from our past to not 2 make the same mistakes.</p> <p>3 So I do approve the equity councils at all 4 levels of public education. And whoever thinks that 5 education is not political, I'm sorry, but it is. 6 And that's just the way -- that's just the way it 7 is. Whether we want it to be or not, it evolves or 8 devolves to that level. Thanks.</p> <p>9 THE CHAIR: All right. Before I go back 10 to Commissioner Carrillo -- and then I have 11 Commissioner Taylor and then Commissioner Gipson -- 12 I have Commissioner Armijo next.</p> <p>13 COMMISSIONER ARMIJO: Thank you. You 14 know, I just want to say that, you know, being a 15 Hispanic woman in the state of New Mexico and 16 learning about the Yazzie/Martinez case over the 17 years, and, you know, figuring out through my 18 heritage and my parents and what they went through 19 growing up in New Mexico and the things they had to 20 go through, I just, you know, 100 percent support 21 equity councils.</p> <p>22 And I agree with the statement that was 23 read from Georgina Davis, Commissioner Davis. And I 24 truly believe that legislating it would be the right 25 way to go, just so that it's in statute, and it's</p>	<p style="text-align: right;">120</p> <p>1 It's a whole idea where I said I think a 2 couple -- a month or two ago, the nine words that 3 Reagan -- the nine most scary words I guess in 4 America, "I'm from the government, and I'm here to 5 help."</p> <p>6 They're just going to muck it up. And I 7 would disagree with Ms. Gipson in terms of, no, we 8 haven't seen the legislation yet. You're right. We 9 haven't. And maybe they won't even -- maybe Myra 10 and the group already has it written -- maybe they 11 already have their sponsors. And we're not going to 12 know about what it is until December, and then it's 13 way too late, okay?</p> <p>14 The reason we're doing this in September 15 or October is so that we can come up with an agenda 16 and so that we can -- even with all of the other 17 issues -- so that we can know where we stand on 18 something. And maybe Myra and the group -- I can't 19 remember the group, you have that there, but -- 20 Commissioner Robbins -- maybe they don't end up 21 submitting anything. But that doesn't mean that all 22 this work is for naught.</p> <p>23 It's about local control. I mean, I know 24 whether the school is the Estancia Valley Classical 25 Academy or whether it's, you know, Dolores Huerta,</p>
<p style="text-align: right;">119</p> <p>1 clear. And then nobody can make assumptions as to 2 what is a right equity council and what is a wrong 3 equity council or what -- what can be presented.</p> <p>4 And I also agree with Chair -- excuse me, 5 Commissioner -- Gipson on we haven't even seen what 6 the legislation is -- how it's written yet. So I 7 would love to see that first.</p> <p>8 And I would agree 100 percent that equity 9 councils are vital and should be -- should be, you 10 know, a huge part of our school systems.</p> <p>11 And, yeah, that's all I have right now. 12 Thank you.</p> <p>13 THE CHAIR: Okay. So we're going back now 14 to Commissioner Carrillo, then Commissioner Taylor, 15 then Commissioner Gipson.</p> <p>16 COMMISSIONER CARRILLO: So I want to make 17 it super clear I'm not against equity councils, 18 okay? I am not against equity councils. So please 19 don't anyone take my comments and, you know, 20 construe them differently.</p> <p>21 I am opposed to the Legislature getting 22 involved. I support local control around equity 23 councils and around individual school boards and 24 charters coming up with plans that work for their 25 populations, okay?</p>	<p style="text-align: right;">121</p> <p>1 they're going to come up with different ways to make 2 sure that the goals of equity councils are met that 3 best suit their admin, teachers, and kids.</p> <p>4 That's what I want to see happen, not in 5 the Roundhouse, okay? That's what I'm talking about 6 here.</p> <p>7 All right. Thank you.</p> <p>8 THE CHAIR: Commissioner Taylor?</p> <p>9 COMMISSIONER TAYLOR: Yeah. That's funny 10 that you said that, Commissioner Carrillo, because I 11 just wanted to clarify as well. I absolutely 12 100 percent believe that equity councils are 13 important, and there should be one in every school, 14 at every level. I believe that.</p> <p>15 But as I said earlier, there are way too 16 many interpretations. And for it to be spelled out 17 exactly how it needs to be spelled out by the 18 Legislature, I just think it's -- I think it's a 19 disaster in the making having the Legislature come 20 up with our -- the guidelines for our equity 21 councils.</p> <p>22 So I still 100 percent believe it's not -- 23 shouldn't be in the Legislature's hands.</p> <p>24 THE CHAIR: Commissioner Gipson? 25 COMMISSIONER GIPSON: You know, we</p>

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1 celebrated the fact that our charter schools were  
 2 the first public entity -- public school entities  
 3 that put equity councils into the renewals. And I  
 4 guess I get concerned when we look at it has to be  
 5 local control, because if it's local control, that  
 6 could be an agenda that's going to deny equity to  
 7 some people because that's what the local community  
 8 supports.  
 9 So that there has to be oversight of this.  
 10 There has to be. Whether the Legislature is the  
 11 appropriate place -- you know, like I said, without  
 12 seeing legislation -- but if you're asking me am I  
 13 going to support something that's supporting equity  
 14 councils, I have to wholeheartedly say yes, you  
 15 know, 100 percent.  
 16 But I'll go back to, you know, I can't say  
 17 wholeheartedly unless I actually see legislation.  
 18 But I will support equity councils. And I'll also  
 19 say that just because a comment was made that  
 20 they're looking to support the legislation doesn't  
 21 mean the legislation is there.  
 22 So I -- once again, I think people are  
 23 whipping up over something that may not be a big  
 24 deal; so -- and don't smirk. So...  
 25 COMMISSIONER CARRILLO: (Comments off

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1 mic.)  
 2 THE CHAIR: We do have -- this item in  
 3 particular seems a little split. So I'm hoping that  
 4 Commissioner Chavez and Commissioner Manis might be  
 5 able to chime in on their -- you know, I think we  
 6 have a couple of different options, whether to  
 7 support any bill that comes up that would -- that  
 8 would ask for legislation to enact these, to oppose  
 9 it, or just to leave it off the legislative agenda  
 10 completely.  
 11 And I feel like we're a little split here.  
 12 So I'm hoping you two can help with that.  
 13 Commissioner Chavez?  
 14 COMMISSIONER CHAVEZ: Well, I've been  
 15 involved with, you know, equity for many, many,  
 16 many, many years, just in the role that I served in  
 17 as Title III and Title I and Bilingual Coordinator.  
 18 And there wasn't a lot of battles that I fought.  
 19 But, you know, I don't know that they came  
 20 from, you know, a racism perspective. I really  
 21 think that a lot of people just did things because  
 22 they thought that's what was right. And I fought  
 23 that fight for 12 years, trying to get people to see  
 24 something -- something more.  
 25 When it comes to racism and inequities and

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1 things like that, I have very mixed emotions. Just  
 2 as Commissioner Armijo spoke about being a Hispanic  
 3 woman, I can speak from the perspective of being a  
 4 Hispanic man, growing up in Southern New Mexico.  
 5 And, you know, when I think about inequities and I  
 6 think about racism and things like that, those are  
 7 issues of the heart is what I believe.  
 8 And I don't know -- you can pass as many  
 9 laws as you want, but you're not going to change a  
 10 person's heart. And that is where it lies, you  
 11 know.  
 12 I think for the most part, people try to  
 13 do the right thing. And sometimes that's good, and  
 14 sometimes it doesn't end up so well.  
 15 But I see everybody's point of view here,  
 16 because I see it from different lenses. I do see it  
 17 from my own experiences and my own experiences with  
 18 inequity. But I also see it from -- from the other  
 19 side of the fence.  
 20 I don't know if it was Commissioner  
 21 Robbins, you know -- and somebody else mentioned  
 22 their parents; I think it was Commissioner Armijo.  
 23 My parents, you know, told a different  
 24 story, of what they experienced from what mine was.  
 25 And it doesn't mean that mine was void of inequities

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1 and that sort of thing. But it was better, you  
 2 know. I can say that my experience was better than  
 3 my parents', and I'm hoping that my kids'  
 4 experiences were better than mine.  
 5 And so it is a process that takes a long,  
 6 long time, you know, because, again, these are  
 7 people's core values, whether they're right or  
 8 wrong, you know.  
 9 But my -- the issues that I have, like  
 10 with the speaker that we had, the trainer that we  
 11 had in February or whatever, you know, it -- it does  
 12 come from this blame thing of, you know, blaming  
 13 somebody for, you know, some type of oppression or  
 14 some type of whatever, you know.  
 15 And I just came from a background that  
 16 said you work hard. You work hard to be successful.  
 17 You know, hard work always pays off. And that  
 18 doesn't mean that you don't run up against barriers.  
 19 But you have -- you learn a resiliency of how to  
 20 overcome those barriers and how do you get from  
 21 Point A to Point B.  
 22 And if you guys remember, my comment to  
 23 the trainer back then was -- I said, you know, I  
 24 didn't agree with some of the things that she was  
 25 saying. Just because I do believe in -- in teaching



<p style="text-align: right;">126</p> <p>1 kids how to overcome those issues that they -- that 2 they -- that they experience. 3 How do you deal with racism? 4 You know, as a teacher, as a teacher in 5 the classroom teaching second-language learners, 6 they always talked to me about what they felt 7 were -- was racism. And I'm not here to say that 8 they did or didn't experience it. But what we did 9 have a lot of conversations about was how do you -- 10 how do you address it? How do you cope with it? 11 How do you deal with it? And do you move forward? 12 How do you get people to see your side from your 13 lens? In other words, how do you get people to 14 empathize with what's going on? 15 And so we had many, many conversations 16 about it. But it was never -- it was never from the 17 perspective of hard-hitting reaction, you know. 18 And I think my kids were better for that. 19 I see them today -- and this was a long time ago. 20 This was, you know, way back in the mid-2000s, you 21 know. No, actually, I'm sorry. I take that back. 22 It was the mid-'90s. Boy, time flies when you're 23 having fun, I guess. 24 I am split on this. I do -- I agree with 25 everybody else that has said that it should be at</p>	<p style="text-align: right;">128</p> <p>1 support that. If it's coming from a perspective 2 where we're making one group feel inferior to 3 another, then I don't agree with that, you know. 4 And -- because as Commissioner Robbins has 5 said, you know, just because he's White doesn't mean 6 that somehow he was privileged. At least that's 7 what I believe. 8 And I think -- and I know a lot of people 9 that were White that came from a very disadvantaged 10 background. And some were successful, and some were 11 not. That doesn't mean that they were -- that they, 12 you know, had some type of privilege or something. 13 And I -- I -- I really, really dislike, 14 you know, when we use the word "privilege." And, 15 personally, I'm disappointed that in our standards, 16 in our social studies standards, that that was 17 allowed to stay in there, the word "privilege." 18 Because "privilege" means so many different things. 19 It's not focused on one group, you know. 20 I know minorities that could be considered 21 privileged -- right? -- because they're successful. 22 And so I don't like the divisiveness of things. I 23 think, in education, we need to take care of all 24 kids. And that's -- you know, regardless. Let's 25 focus on the issues that they're facing, whether</p>
<p style="text-align: right;">127</p> <p>1 the local control. People know how to better serve 2 their communities. That's what I think. 3 However, what Commissioner Gipson said is 4 also true, you know, because it depends on who sits 5 on that council as to, you know, what's going to 6 happen. 7 I just don't -- personally, I don't 8 believe in more bureaucracy, and I don't believe 9 that -- I don't believe -- I've seen too many times 10 in my 29 years in education where the Legislature 11 legislates something that maybe started off with 12 good intentions, but it gets mucked up. I've seen 13 it too often. 14 So I am worried about that. I don't know 15 that that's something that we need to get involved 16 in. 17 I also agree with whoever said that until 18 we see something, you know, then I think it's a call 19 to action. But there's nothing wrong with having 20 this discussion right now, as Commissioner Robbins 21 has stated. 22 And so that's all I have to say. And, 23 Commissioner Burt, I think you were right. I think 24 if the equity council is coming from the perspective 25 of lifting people up, then that's great. I totally</p>	<p style="text-align: right;">129</p> <p>1 it's struggles -- the struggles that they're facing, 2 or academically, or whatever, and let's take care of 3 all kids. 4 But when we start focusing on one group 5 over another or making one group over another feel 6 like they had some type of privilege or whatever, 7 I'm not in favor of that. So that's all I have to 8 say. 9 Commissioner Manis? 10 COMMISSIONER MANIS: I'm glad you asked 11 Commissioner Chavez to speak before me, because I 12 think a lot of the views that he expressed are very 13 similar to my own views on the topic. 14 I think that if we're going to be 15 supporting or not supporting certain legislation, I 16 think that there is enough Commissioners on this 17 Commission that, whether they have similar views or 18 not, that we could go a certain -- go a certain way, 19 depending on what that legislation entails. 20 So to me, I'm in favor of being able to -- 21 to put out an opinion on this -- this particular 22 legislation if -- if the whole Commission is going 23 to be providing a vote on whether they approve or -- 24 or don't approve of whatever legislation that may 25 be.</p>

<p style="text-align: right;">130</p> <p>1 But I'm -- I'm more in line with the local 2 control aspect, just because I think, for the same 3 reasons Commissioner Chavez mentioned, about the 4 bureaucracy and how legislation can get mucked up in 5 the process, I think that those who are locally, 6 that they can address those issues. Thank you. 7 THE CHAIR: Okay. So it seems like, just 8 based off of the mixed reactions on this one, my 9 proposal would be that we leave this one off of our 10 agenda and allow Commissioners to make individual 11 comments on this -- you know, as individual 12 Commissioners, individual people. 13 But if anyone's opposed to that and would 14 like it to be on our PEC Commission agenda, let's 15 discuss that and, like, try to -- I think we're 16 about ready to move on now that everyone spoke. 17 Commissioner Robbins? 18 COMMISSIONER ROBBINS: I just wanted to 19 second what Commissioner Carrillo said. I'm not 20 opposed to teaching the linguistic and culturally 21 relevant information. As Commissioner Chavez said, 22 the -- and others -- getting more bureaucracy 23 requiring -- I mean, I think some of our charter 24 schools have difficulties getting their governing 25 council membership and maintaining them.</p>	<p style="text-align: right;">132</p> <p>1 maybe not making it a recommendation one way or the 2 other. 3 Thank you. 4 THE CHAIR: Commissioner Chavez. 5 COMMISSIONER CHAVEZ: I just want to -- 6 Commissioner Robbins just mentioned, you know -- you 7 know, the Yazzie/Martinez and focus. And, you know, 8 we tend to focus on, you know, some groups of kids 9 from minority groups and that sort of thing. 10 And one of the things we -- to this day, 11 we still don't talk enough about is kids that 12 require special student services, you know, our SpEd 13 kids. And that was part of the lawsuit. And, you 14 know, our SpEd kids, that cuts across all sorts 15 of -- all the ethnic backgrounds. You know, our 16 SpEd population is representative of all of the 17 different groups. 18 And so I think that's something that I 19 just wanted to just echo that and remind everybody 20 that that was a big focus on this lawsuit. And so 21 we need to keep our eyes on that as well. 22 THE CHAIR: All right. Thank you. 23 All right. So we'll go ahead and move up 24 to Letter A now. And I also wanted to let you all 25 know that Matt Pahl has joined, because they're also</p>
<p style="text-align: right;">131</p> <p>1 Adding another layer of bureaucracy, 2 saying, "Now you're going to have more meetings," 3 add a whole other layer, it gets to be difficult. 4 You look at a large school district. They have to 5 have one equity council for the whole district. 6 We're looking at equity councils for every 7 single charter school. And it gets to be an extra 8 burden and extra time away. Anytime a group is -- 9 their needs are not being met -- that's what 10 Yazzie/Martinez was addressing -- the clear 11 indication that certain groups of individuals, not 12 just minorities, not just Native Americans, but also 13 disabled individuals in this state, their 14 educational needs were not being fully addressed. 15 I think that's what we should aim at. 16 But, you know, I've taken cultural things. I've 17 worked with Native Americans. I've worked with 18 Hispanics, you know, when I was a young kid working 19 in construction and everything. I enjoyed it. I 20 never had any fights or problems or arguments with 21 my coworkers. We got along great because we had a 22 unified purpose. 23 And I think trying to bring people 24 together should be a goal. But it is a divisive 25 issue. And I appreciate what Chair Burt said about</p>	<p style="text-align: right;">133</p> <p>1 developing their legislative agenda. And so that's 2 the reason why we wanted to keep it closer to the 3 Report from Chair, because he's going to go right 4 after us anyway. 5 So I do want to invite him -- I think he's 6 on the panel. I don't know if you're just not on 7 your camera. 8 Oh, there you are. Hello. 9 I think we're -- because this is just, 10 like, a list of things that have just been, like, 11 thrown out, I'm thinking it might be helpful to hear 12 from Matt Pahl just to see what they're kind of 13 thinking and see if we can organize our thoughts 14 around some of these things first, because, they're 15 a little -- I feel they're a little bit all over the 16 place. 17 But I do think Item A is a really 18 important one to discuss upcoming next, which is 19 overall, maybe possible changes to the Charter 20 School Act. Possibly. And I know -- yeah, Matt. 21 If you can maybe give us an overview or an update 22 from your organization on what a legislative agenda 23 might look like. 24 MR. MATT PAHL: Sure. Thanks, 25 Madam Chair. And I'm just trying to pull up your</p>

<p style="text-align: right;">134</p> <p>1 agenda, which I have somewhere on -- A, yes.  2 Thanks everyone for the opportunity. We  3 are still crafting our legislative platform. So  4 most of these things are in development, and they  5 may not be in a finalized platform.  6 That said, you'll hear a lot of things  7 that we've been talking about for a little bit of  8 time, so they're likely to remain in a final draft.  9 And, you know, the first thing that is new  10 that we're working on is complete funding equity for  11 charter schools. And that includes -- we have  12 authorizers that are taking more than 2 percent  13 funding away from charter schools.  14 You may have heard the story that when  15 they moved from the PEC-authorized to being  16 locally-authorized, they oftentimes lose tens of  17 thousands of dollars or even hundreds of thousands  18 of dollars.  19 That shouldn't matter. And 2 percent --  20 the 2 percent number should hold true regardless of  21 the funding source. And schools should -- you know,  22 students shouldn't get less money because they  23 choose to go to a different public school is pretty  24 much where we're coming from on that one.  25 Around the 2 percent within that idea is</p>	<p style="text-align: right;">136</p> <p>1 place where we have to take things away from kids.  2 And that's -- that's not what the -- I  3 mean SEG is the State Equalization Guarantee. And  4 that means that kids get the funding they need --  5 or -- sorry -- LEAs and charter schools get the  6 funding they need to serve those kids.  7 So we have a couple of other things that  8 are popping up on the radar from our schools,  9 including generating funds for activities, certain  10 special education funds that may or may not be  11 getting to our schools. And so we're looking into  12 all of those, and we want to kind of do a big broad  13 pitch here.  14 So I'll just tell you there's a lot of  15 education that needs to happen on this. So in the  16 next three months, we'll just be trying to just show  17 people where some of these inequities are and  18 highlight that, and let's see if we can find some  19 solutions this session or in upcoming sessions,  20 because I think many of the things that you all are  21 nodding your head at that in a knowing fashion, I  22 think there's a lot of legislators and just people  23 in the state who don't know about those funding  24 inequities.  25 And so we really want to get that parity.</p>
<p style="text-align: right;">135</p> <p>1 mandating some transparency around the 2 percent.  2 I've been watching the PEC and the PED have  3 discussions about where that 2 percent money is  4 being spent. And I think -- I've watched that with  5 some frustration. And I know there's kind of a  6 larger conversation about who controls what.  7 We don't really care who controls it. I  8 want to know what it's being spent on. And our  9 schools deserve to know that, and it should be in  10 every contract that they sign.  11 And then we can have a -- all we're asking  12 for is transparency. We want to notify where the  13 money is spent, and then we can have additional  14 conversations with our authorizers, including you,  15 about whether that's a good place to spend that  16 money.  17 The other thing that I'll just note -- so,  18 yeah, that's another piece of that bill.  19 Transportation funding. Charter schools  20 have to pay cash that they've saved up for their  21 first year of transportation funding. SEG is meant  22 for kids. SEG is meant for kids to serve them in  23 classrooms. And if we have to save up that money,  24 which we're already saving money to do facility  25 projects and things of that nature, we're just in a</p>	<p style="text-align: right;">137</p> <p>1 We're not claiming that the funding is perfect. But  2 we should get the same amount as any school district  3 does for serving those same students.  4 One element that's in there that I just  5 don't think we have a ready solution for, but we  6 want to keep the conversation going, is the at-risk  7 index being generated at the school level.  8 It is just not fair the way this is done  9 right now, that a school district takes -- or a  10 charter uses the at-risk index of the school  11 district that they're in rather than reflecting  12 their community population and being funded at that  13 level.  14 So we -- and that cuts both ways. We have  15 a number of schools that serve a more affluent  16 community than the community that they're in, so  17 they get extra funding. And we have schools that  18 are serving a community that is much more  19 disadvantaged, and they don't get as much funding as  20 they otherwise would get.  21 There's not a baked-in solution for this.  22 The current at-risk index and the formula can't just  23 be applied to schools individually the way they  24 calculate this.  25 And so I'm not sure where this goes this</p>

<p style="text-align: right;">138</p> <p>1 year. I know there was a proposal on the table.  2 The Family Income Index is out there trying to help  3 with some of these discrepancies, because it's very  4 limited in its application. And that limited  5 application may be appropriate. I don't know how  6 it's going so far.  7 But we just want to keep that going. And  8 that's just another one of those education pieces.  9 Small School Size Adjustment is just  10 something that, particularly for schools in rural  11 areas that don't get this anymore, it's becoming a  12 real problem. It was also true of the urban schools  13 that used to receive it. But I think that's  14 something that's on our radar.  15 The other more sweeping thing that I know  16 there's been some conversation this summer about is  17 taking a look at what base units are. If you know  18 the funding formula, you know, like, for every --  19 for every first-grader you have, there's a  20 multiplier associated with it. And that multiplier  21 generates the funds for those students.  22 You'll see that the early elementary  23 grades have -- have some of the higher multipliers.  24 That actually goes -- the multipliers go down in  25 middle school and kind of peak in high school.</p>	<p style="text-align: right;">140</p> <p>1 And that can be any number. It can be  2 additional teachers. It can be whatever it is. And  3 we just haven't -- we've had massive increases in  4 education funding in the last four years. You would  5 not know it based on the staffing at schools. And I  6 think that's a problem. We have bigger -- greater  7 needs now than we've ever had.  8 And so increasing that operational funding  9 in a way where it's not tied to mandates is vitally  10 important for schools and school districts to staff  11 themselves in the way to meet their communities'  12 needs.  13 So I think that the multipliers for your  14 base units with students is a way to address that, a  15 way to recognize that each student just needs more,  16 and that more might look different depending on  17 which LEA we're talking about.  18 Adult diplomas, finding that pathway,  19 trying to -- what I think we're going to land on  20 this year, because we had some conversations in the  21 spring, was just allowing students, that if they  22 continuously enroll past that 21 years of age, that  23 they can continue getting public funding for getting  24 a public education.  25 It's far less than what we've -- what we</p>
<p style="text-align: right;">139</p> <p>1 That's a recognition that the costs are just higher  2 in those places. You have lower student-to-teacher  3 ratios on the front end of a student's education  4 career, and just need to offer more once they get  5 into high school.  6 Those were set in the '70s, and the  7 teaching profession and what's standard has changed.  8 You know, the idea of having counselors, social  9 workers, things of that nature, that's just part of  10 a normal school now, to provide additional supports.  11 And our funding formula doesn't really put that --  12 doesn't bake that in as part of the standard cost  13 for schools.  14 I think everybody in this room, even if  15 you weren't in education and you just went to school  16 in the '90s or the '80s or the '70s, can recognize  17 that it's changed a lot. And we still have a  18 recognition of costs that is rooted in something  19 that's just antiquated at this point.  20 And that gets to a larger goal of what we  21 call more caring adults in classrooms. And all that  22 means is more operational funding that's not tied up  23 in mandates. Because at the end of the day, our  24 schools will hire more people that do the things  25 that they know that they need to do.</p>	<p style="text-align: right;">141</p> <p>1 had in the past. But we're not going to get back to  2 what we had in the past. And I think we should be  3 rewarding those kids that, you know, they may have  4 disengaged with their education. And we're funding  5 plenty of kids disengaged over the last two years  6 that, once they get to that age cap, they don't kind  7 of get shuffled off to go finish a GED program, but  8 they can finish their high school diploma. As long  9 as they continuously enroll, as long as they put the  10 work in.  11 We're hoping a proposal like that will  12 help -- help alleviate some of the concerns from our  13 partner schools who work primarily with dropout  14 students or those who have kind of disengaged with  15 their education.  16 So that's what we kind of have right now  17 in a nutshell. Again, a number of familiar items  18 and a couple of new ones there.  19 So, Madam Chair, I'll stand for questions,  20 or just hang out for your discussion and happy to be  21 called on to answer any questions from our  22 perspective.  23 THE CHAIR: All right. Thank you.  24 All right. So, once again, I think maybe  25 just starting -- so I guess I have two different</p>

<p style="text-align: right;">142</p> <p>1 ways I'm thinking about doing this. Either go bit 2 by bit, which seems like it might take a very long 3 time if I did that, go, like, piece by piece. Or if 4 you all want to -- I can open it up for 5 Commissioners for questions or for -- for Mr. Pahl 6 for what he just talked about. Or if you want to 7 call on one of these items because you would like it 8 to be on the PEC agenda that gets supported. 9 Or, once again, I think, you know, there's 10 always the three items. We can actively support 11 something. We can actively oppose something. Or we 12 can remove it from our agenda completely from 13 discussion from us. 14 COMMISSIONER CARRILLO: Question for Matt. 15 THE CHAIR: Okay. So can I get just a 16 nods of heads? What do you think about just -- I 17 can open it up to you, and you all can call out 18 which items you would like to discuss instead of 19 going piece by piece. Does that sound okay? 20 Okay. All right. 21 I know there's already a question for -- 22 COMMISSIONER CARRILLO: I think we should 23 go -- I don't know how the determination was made to 24 just call out. I know time. And, you know, my 25 bladder is recognizing that it's been three hours</p>	<p style="text-align: right;">144</p> <p>1 COMMISSIONER GIPSON: So can I just say 2 that I think -- I think we should be able to 3 eliminate No. 6 from discussion? Because we've 4 already -- we've put it in the MOU. We've already 5 made a commitment to that. I don't think there's 6 any need for discussion on that one. We've already 7 said that. 8 THE CHAIR: To say yes, we would support 9 that. 10 COMMISSIONER GIPSON: We've talked about 11 this ad nauseam. 12 THE CHAIR: Low-hanging fruit first, some 13 items that you think are pretty simple, like, we've 14 talked about them. There's not going to be 15 discussion. 16 We should just -- like, if eliminating 17 duties regarding vocational training, we have talked 18 about it. It's in our MOU. We would support that. 19 And so we don't need to discuss it. We can move it 20 on to our official agenda. 21 Are there any other items like that that 22 you all see that you feel like are like slam dunks, 23 we -- we've talked about before, we're ready to go? 24 COMMISSIONER CARRILLO: Can I ask Matt? 25 THE CHAIR: Yeah. I do want to give you</p>
<p style="text-align: right;">143</p> <p>1 now. But it's -- I have a question for Matt. Then 2 I think we should just take them one at a time. And 3 some, there's going to be discussion, and some, 4 it'll be like, "Yeah, sure." 5 That would be my preference, because at 6 least everything is addressed. 7 THE CHAIR: Sure. I believe, just based 8 of initial -- it seems like next month we'll need to 9 do a final. So I can't imagine that we're getting 10 to a place -- especially because I do think it would 11 be important to hear from some other legislative -- 12 get some, like, PCSNM's legislative agenda and say 13 we support items on theirs as well, or other 14 organizations that support charters, be able to take 15 a look at those once we're done and be able to add 16 them to ours as well. 17 So maybe today is just more discussion and 18 being able to take what we have and create a more 19 solid plan on it. Because, like I said, these are 20 just kind of like thrown out there, and they're not 21 really worked through yet. 22 So that's why I was kind of thinking, if 23 it's just, like, something that someone finds 24 important, that we talk about that one today, 25 because these were all just, piecemeal, compiled.</p>	<p style="text-align: right;">145</p> <p>1 the opportunity to talk to Matt, for sure. Any 2 others that you think are slam dunks? 3 Commissioner Gipson. 4 COMMISSIONER GIPSON: I think No. 8. You 5 know, we've talked about that. 6 THE CHAIR: Does anyone oppose No. 8 just 7 being a part of our agenda? So that is, "Allow the 8 PEC to impose a three-year charter term with good 9 cause you provided"? 10 Okay. 11 COMMISSIONER GIPSON: I guess I need a 12 qualifier to that. That would mean changes to the 13 Charter School Act. 14 THE CHAIR: Right. Both of these do. The 15 numbered ones are all under the Charter School Act. 16 COMMISSIONER GIPSON: So I'll talk about 17 that later. 18 THE CHAIR: Okay. Anything else on 19 this -- on any of these items that you feel are 20 simple, we can say, yes, we support them, and we can 21 move on? 22 Commissioner Robbins. 23 COMMISSIONER ROBBINS: Yeah. I don't know 24 about other Commissioners. But I think we've talked 25 about it, but, you know, providing some start-up</p>

146	<p>1 grants to the CSP? B and C, you know?</p> <p>2 Right now -- and I can understand PED's</p> <p>3 perspective on charter schools and their budget and</p> <p>4 having to support them because they are part of the</p> <p>5 PED audit. I don't agree that they should be. Nor</p> <p>6 should -- should district charters be part of the</p> <p>7 district audit. They have their own finance</p> <p>8 requirements. They should be following State</p> <p>9 Procurement Code. They have to have their own</p> <p>10 procurement officers.</p> <p>11 So, you know, I would be in favor of</p> <p>12 removing charter schools from -- State charter</p> <p>13 schools from the PED audit and district charter</p> <p>14 schools from the district audit.</p> <p>15 THE CHAIR: Okay. So Item C, does anyone</p> <p>16 have anything that -- you know, there's no -- anyone</p> <p>17 who would not support that? Item C.</p> <p>18 (No response.)</p> <p>19 THE CHAIR: Okay. You were right,</p> <p>20 Commissioner Robbins. Slam dunk on that one.</p> <p>21 All right. Any other items?</p> <p>22 COMMISSIONER CARRILLO: I'm confused.</p> <p>23 Maybe I'm just not that bright or didn't hear you</p> <p>24 say something. So under Charter School Act stuff,</p> <p>25 rule-making is very -- it just says "Rule-making."</p>	148	<p>1 GC? It's saying more than one board. It could be</p> <p>2 two governing councils. And I've got a concern over</p> <p>3 that.</p> <p>4 COMMISSIONER ROBBINS: Right.</p> <p>5 COMMISSIONER GIPSON: I do.</p> <p>6 COMMISSIONER ROBBINS: I'm not opposed to</p> <p>7 a governing council, being on more than one</p> <p>8 governing council. I think that's not a bad thing.</p> <p>9 I do oppose a board member or a</p> <p>10 Commissioner sitting on a charter school board that</p> <p>11 they oversee or that they authorize. If it is one</p> <p>12 that they don't authorize, that's fine, you know, I</p> <p>13 mean, because it's their time.</p> <p>14 But I don't think -- you know, this was a</p> <p>15 problem that APS had. You had, actually, for a</p> <p>16 time, the president of the Board sitting on a</p> <p>17 charter school that the AG was investigating. And</p> <p>18 that individual wound up with -- with charges, okay?</p> <p>19 I mean, that's a problem. And it was</p> <p>20 pointed out before that person became the president</p> <p>21 that it was a conflict. But the person just -- so I</p> <p>22 don't think that should be allowed; in other words,</p> <p>23 any charter that you have --</p> <p>24 THE CHAIR: So hold on. Before we keep</p> <p>25 going, we're trying to do the simple ones. If we</p>
147	<p>1 THE CHAIR: That's why I'm saying, that</p> <p>2 may be one that we need further discussion on. So</p> <p>3 right now, if we can think of any of these ones that</p> <p>4 maybe we've discussed before or are simple for us to</p> <p>5 be able to, like, "Yeah, we've talked about it</p> <p>6 before. That one is a no-brainer. We should</p> <p>7 support it"?</p> <p>8 But rule-making, we probably need further</p> <p>9 discussion on. So let's hold that one a second.</p> <p>10 COMMISSIONER CARRILLO: Okay. Board</p> <p>11 members able to -- board members meaning people</p> <p>12 serving on governing councils? They can serve on</p> <p>13 more than -- what does that mean? Oh, I'm sorry.</p> <p>14 What? Oh.</p> <p>15 THE CHAIR: Yeah. I think it -- that's in</p> <p>16 statute, that board members are not allowed to sit</p> <p>17 on more than one board.</p> <p>18 COMMISSIONER ROBBINS: I think they</p> <p>19 should.</p> <p>20 THE CHAIR: So that's what -- the proposal</p> <p>21 has been talked about before is to allow them to sit</p> <p>22 on a governing council and a school board.</p> <p>23 COMMISSIONER ROBBINS: Right.</p> <p>24 COMMISSIONER GIPSON: I didn't understand.</p> <p>25 Are we saying they can serve on a school board and a</p>	149	<p>1 need more discussion on this, we'll hold on to that</p> <p>2 one and get to that one. It sounds like we might</p> <p>3 need more time on that one then.</p> <p>4 I do have -- yeah. Commissioner Taylor is</p> <p>5 next.</p> <p>6 COMMISSIONER TAYLOR: On D, it says,</p> <p>7 "Remove school board references (inaudible due to</p> <p>8 audio distortion) such as notification for removal</p> <p>9 of a board of a non-charter."</p> <p>10 Is that just a clerical thing?</p> <p>11 THE CHAIR: So I could pass it over to</p> <p>12 Ms. Barnes. I was just talking to her about that</p> <p>13 one, too. I was talking, "Is that just in the</p> <p>14 Charter School Act?"</p> <p>15 She said, "No, it's everywhere."</p> <p>16 I'll let her talk about that real quick,</p> <p>17 just for clarification on that.</p> <p>18 COMMISSIONER TAYLOR: Good. Thanks.</p> <p>19 MS. JULIA BARNES: Can't get my mic to</p> <p>20 stay on.</p> <p>21 So the PEC, as you know, came from kind of</p> <p>22 the State Board of Education previously. And there</p> <p>23 was an idea raised that some of those ideas are</p> <p>24 still populated throughout the education code</p> <p>25 generally. Not really in the Charter School Act.</p>

<p style="text-align: right;">150</p> <p>1 But there are certain notifications that they need 2 to come notify you about a non-charter issue. It 3 just seems like it's an old relic of the previous 4 system. 5 And then there are some similar ones about 6 whether the -- kind of on the reverse, for the 7 Secretary of PED to be able to do things with 8 charter school boards that they also can do with 9 others that's not very clear. 10 So it's kind of what are the -- should 11 there be some cleanup about the duties and roles in 12 the Act, generally. But, again, it's not in the 13 Charter School Act. There's not that confusion in 14 the Charter School Act. 15 COMMISSIONER TAYLOR: So it sounds to me 16 like that is something that would need a total sort 17 of rework in the proposal, like these are the areas 18 specifically that we need to change. So this is a 19 nonentity as far as discussion in this realm right 20 now, seems like today, to me. 21 THE CHAIR: Okay. Great. Yeah. I'll 22 agree with that, that we need -- and I just asked 23 Ms. Barnes to be prepared next month to talk about 24 this and be more specific in what this cleanup would 25 look like and entail, and kind of separating</p>	<p style="text-align: right;">152</p> <p>1 think about this from a staff perspective, I think, 2 whoa, how many different entities are we going to 3 have to get information from? 4 Yes. Because right now, the audits come 5 out in one report. When state charters are a 6 component unit of the PED, there's one release date, 7 there's one set of information that gives us 8 everything we need, as opposed to multiple audit 9 firms having that information and us getting that 10 information from multiple entities. 11 I think it could pose some challenges to 12 us in getting information. And who knows about the 13 timelines? I'm not sure if there is a rule 14 statewide for everybody's audit to be released on 15 the same date or not. But it could have some 16 implications for when data is available for us to 17 report to the PEC on school audits. 18 THE CHAIR: Yeah. Commissioner Robbins, 19 if you want to respond just to that? 20 COMMISSIONER ROBBINS: On the audits -- 21 the reason -- I agree with making it separate. The 22 typical audit is, you know, 20 or 30 pages long for 23 an entity. PED's audit is over 800 pages long, 24 because every single audit -- and the thing is is 25 you have to pore through all of that.</p>
<p style="text-align: right;">151</p> <p>1 those -- actually, eliminating those duties from the 2 PEC where the Secretary has to call about a school 3 board, and then allowing the Secretary to be able to 4 remove a board of a charter school, which is not 5 available. 6 MS. JULIA BARNES: Which was brought to 7 us. 8 THE CHAIR: Your microphone is not on. 9 Let's do it next month. 10 Director Chavez. Then Commissioner 11 Gipson. Your microphone is not on. 12 DIRECTOR CORINA CHAVEZ: Okay. I would 13 just ask Julia, if you could work with me, and/or me 14 and the Office of General Counsel as you are doing 15 that work, just so that nobody's surprised, nobody 16 feels blindsided and we're all aware of where things 17 are going? I don't know who proposed this, but just 18 to work collaboratively on this. 19 MS. JULIA BARNES: Yes. 20 DIRECTOR CORINA CHAVEZ: Okay. 21 THE CHAIR: Commissioner Gipson. 22 DIRECTOR CORINA CHAVEZ: Chair, if I may, 23 just on another item, the C, "Remove State charter 24 audits as part of the PED audit," you know, I'm sure 25 PED would like to have fewer audits. But when I</p>	<p style="text-align: right;">153</p> <p>1 I understand if there are audit findings 2 and everything. But that's a burden on the State 3 Auditor to release those and make those public. 4 Charter schools do not have to use the 5 same auditor as PED. There are dozens of auditors 6 out there auditing charter schools. And they have 7 similar guidelines, because there are standards that 8 are followed. 9 But, you know, Auditor A may find a 10 finding at one school that, you know, another school 11 maybe, they had the issue but the auditor didn't 12 raise it. 13 But all of the findings are the findings. 14 So if you want to know the findings, yes, you have 15 one report. But the findings for an individual 16 charter, they're at the back of their audit reports. 17 So whether you go through an 800-page report or you 18 go through the final four or five pages of a charter 19 schools report, you're still having to go through 20 the individual reports. 21 But, you know, it seems to me the burden 22 would be more -- I don't know that the burden even 23 to the State Auditor would be greater. It's a 24 little bit, maybe. It's another piece of paper 25 rather than one big document.</p>

<p style="text-align: right;">154</p> <p>1 DIRECTOR CORINA CHAVEZ: Commissioner, if 2 I may ask, do you know if there is a date that all 3 the audits must be complete? Or -- 4 COMMISSIONER ROBBINS: Yes. Yes. It is 5 November 1st. 6 DIRECTOR CORINA CHAVEZ: And published and 7 available so that -- 8 COMMISSIONER ROBBINS: They are available 9 once the State Auditor has approved them. And that 10 can date can vary for individual audits. The thing 11 is is -- 12 DIRECTOR CORINA CHAVEZ: Okay. So it 13 could be some different dates that we would have 14 access to the data. 15 COMMISSIONER ROBBINS: Right. But if 16 there is an issue with an individual charter, that 17 could hold up the PED, release of the PED data. 18 DIRECTOR CORINA CHAVEZ: I'm aware of how 19 right now they are component units of the PED -- 20 COMMISSIONER ROBBINS: What I'm saying is 21 if there is an issue with an individual charter 22 school, it's delaying the PED audit, which hurts PED 23 and their -- their work. 24 So -- but the State Auditor generally 25 releases them by the middle of November -- or middle</p>	<p style="text-align: right;">156</p> <p>1 requirement for the Cabinet Secretary to report to 2 us. 3 And it's -- you know, that's where -- so 4 my question to Ms. Barnes is if we -- to look at 5 when we have the further discussion on this -- if we 6 strip out of the education laws the language that we 7 need, that doesn't fix the rule issue. 8 MS. JULIA BARNES: They would need to fix 9 the rule to conform to statute. 10 COMMISSIONER GIPSON: Okay. Got it. 11 Thanks. 12 THE CHAIR: Commissioner Robbins. 13 COMMISSIONER ROBBINS: Yeah. You know, I 14 think the reason the statute says that the Secretary 15 is supposed to consult with the PEC is, yes, it's a 16 remnant from the State School Board. But school 17 boards are elected bodies. They are publicly 18 elected bodies. And to allow a non-elected official 19 to remove an elected body, I think is problematic. 20 That's one reason why they left it in there, is, to 21 say, "Montessori Elementary, you have to go and talk 22 with another elected body." 23 We represent the entire state. And I 24 think that's a responsibility that the legislature 25 intended for this body to retain. Not that we</p>
<p style="text-align: right;">155</p> <p>1 of February. They're released. They can be 2 earlier, but it's all dependent. 3 Now, there's no definitive they have to be 4 released, because if there are pending issues and 5 there's an investigation done by the Office of the 6 State Auditor then, they don't get released until 7 the State Auditor's office releases that. 8 But there is a definitive date when they 9 have to be submitted by. 10 DIRECTOR CORINA CHAVEZ: Okay. Thank you. 11 THE CHAIR: All right. I have 12 Commissioner Gipson next on my list. 13 COMMISSIONER GIPSON: Thanks. So I think 14 the -- the issue regarding the E, and I guess part 15 of D, came as a result of the role that was created 16 and the discussion that we had when the Cabinet -- 17 when PED created the new rule, they stripped out of 18 the rule the -- and we asked them to take it out, 19 but they didn't take out -- the requirement for the 20 Cabinet Secretary to -- that he had to come before 21 us if he wanted to remove a school board, local 22 school board. 23 And we asked him to keep in the piece that 24 the Cabinet Secretary could suspend a local charter 25 school board. They took that out and kept the</p>	<p style="text-align: right;">157</p> <p>1 overrule or anything, because it doesn't say we get 2 a vote. It says that he consults -- or she, the 3 Secretary -- consults with the PEC before a school 4 board is suspended -- or a member is suspended. 5 That's all it requires. I think that's 6 valuable, because we represent individuals, you 7 know, that -- the people that voted for us. The 8 Secretary is representing one individual, and that's 9 the Governor. 10 Additionally, we're the authorizer for 11 State charter schools. And I don't believe the 12 Secretary of PED should be able to override and 13 remove a state charter school board. But I do 14 believe this PEC should. 15 If the Secretary, with consultation, can 16 remove a local school board, then this body, with 17 consultation with the Secretary, should be able to 18 remove a charter school governing council. I think 19 that -- that's good. 20 And I think the consultation piece -- 21 that's all that's required in the rule. That's all 22 that's required. I think that's valuable, because 23 we can bring a perspective from that area of the 24 state. We can bring a perspective that encompasses 25 a different view of education.</p>



<p style="text-align: right;">158</p> <p>1           So I think the consultation piece is still 2 good. But I really would not want the Cabinet 3 Secretary being able to remove a governance board 4 from a State charter school, but perhaps adding that 5 we have to consult with the Secretary or a 6 representative of the Secretary's office before we 7 did that and have that authority. I think that 8 would be valuable.</p> <p>9           THE CHAIR: I actually do, too, because I 10 think there is a very weird loophole when it comes 11 to governing board council members, where there's 12 really -- they're not elected. And there's really 13 maybe a lack of oversight over governing boards, 14 that I have heard from some legislators this year 15 that there's been some concerns about some governing 16 boards and how they get put onto the boards and 17 who's looking at them.</p> <p>18           And I don't want it to go that far; right? 19 I don't want the Legislature to be looking at how 20 they get appoint- -- those kinds of things.</p> <p>21           But as far as if we're the accountability 22 body for State charters and there's no one else 23 holding governing board members or governing boards 24 accountable because they're appointed, and there's, 25 like, this little in- -- just the inside of the</p>	<p style="text-align: right;">160</p> <p>1           governing board. And I'm assuming that's probably 2 why it's not set up that way right now. So I don't 3 know.</p> <p>4           Yeah. Commissioner Gipson?</p> <p>5           COMMISSIONER GIPSON: So, I mean, we all 6 know. It's been on the radar of the Legislature 7 about non- -- non-elected governance councils. 8 They've had proposals that they actually have to 9 have elections.</p> <p>10           Charter schools can't afford to do that 11 because you have to pay for your own elections. And 12 because there's no geographic boundaries in the 13 school district, you're running on election for all 14 of Albuquerque, for each and every charter school 15 that would be in Albuquerque. You can't do that.</p> <p>16           They had a proposal one time that the 17 Chamber of Commerce appoint governance council 18 members. And it's, like, well, that's -- you know, 19 to make it non-political. So, you know, they've run 20 around this.</p> <p>21           The concern -- and I completely agree -- 22 the concern that came out of that rule was, well, 23 now no one can suspend their board. Because the 24 Cabinet Secretary doesn't want to do it, fine. But 25 who can?</p>
<p style="text-align: right;">159</p> <p>1           governing board is supposed to take care of itself, 2 sometimes it seems like that's where there's some 3 implosion. I think, just in the same way, that, you 4 know, if the Secretary were to take over a board, 5 it's egregious; right? It's an extreme stance.</p> <p>6           I think that should be like that for us as 7 well. But it does seem that there's a piece of 8 oversight missing around governing boards that I do 9 think that suggestion, just taking -- and, actually, 10 I also agree like if the Secretary consults with us 11 as they remove a school board, and then what we 12 would need to add is that we consult with the 13 Secretary in order to remove a governing board.</p> <p>14           I think the only thing that is weird for 15 me in that point is that then when the Secretary 16 removes a school board, then the State becomes that 17 school board.</p> <p>18           And I don't know if we have -- we don't 19 have the capacity to be the governing board of a 20 charter school; whereas, the PED does have the 21 capacity to become the school board for that school 22 district when they take it over.</p> <p>23           So I think that's a -- a complicated piece 24 to it that we would still need to then hand over 25 control of the charter to the PED if we remove the</p>	<p style="text-align: right;">161</p> <p>1           And the statute originally outlined that 2 if the Cabinet Secretary removed the governance 3 council of a charter school, then the Cabinet 4 Secretary appointed members to that governing 5 council. That's the way it was outlined in statute.</p> <p>6           And when the Cabinet Secretary suspends a 7 local school board, they appoint someone to run that 8 school board.</p> <p>9           So we have the funds to be able to do 10 that. So that's -- I don't think that's the issue. 11 We could -- we could find someone to temporarily, 12 you know, over- -- oversee that.</p> <p>13           But I agree. I think that there has to 14 be, you know, an ability to suspend a board that's 15 acting egregiously. And I've got no issue with it 16 being us through a hearing process. And if we have 17 to, you know, notify or invite the Cabinet Secretary 18 to that meeting, you know, have at it. That's no 19 problem. But something needs to be fixed there.</p> <p>20           THE CHAIR: Okay. It is 12:30. I think 21 we're at a point of either, if you all think we 22 could get through the last couple of items quick 23 enough, we can keep going. If you feel like we're 24 going to be here for another hour, two hours, three 25 hours, four hours -- I don't know -- then we</p>

<p style="text-align: right;">162</p> <p>1 probably should take a lunch break at this time.  2 So I'm open -- once again, I'm not trying  3 to run a dictatorship where I decide. I want to  4 allow you all to think about whether we take a lunch  5 right now or if we try to push through.  6 Commissioner Voigt?  7 COMMISSIONER VOIGT: I don't anticipate  8 that we'll be here more than two and a half hours.  9 Bud I would still like to take a lunch break.  10 THE CHAIR: Commissioner Carrillo.  11 COMMISSIONER CARRILLO: I thought for sure  12 that Commissioner Voigt was going to say --  13 THE CHAIR: She doesn't trust that we're  14 going to do this quick. That's why.  15 COMMISSIONER GIPSON: I'm going to wear my  16 T-shirt, "We Persist."  17 COMMISSIONER CARRILLO: Either way is fine  18 with me. If we're not going to take a lunch break,  19 can we just take a break to stretch our legs and  20 drain our parts?  21 THE CHAIR: That's an option, too.  22 COMMISSIONER CARRILLO: I think you have  23 like three iron bladders back there.  24 THE CHAIR: I was a teacher. You don't go  25 to the bathroom during the day.</p>	<p style="text-align: right;">164</p> <p>1 about the 2 percent money. So we can have a  2 discussion about 2 percent.  3 Matt, I don't know if you're on, and  4 Director Chavez definitely would like to have your  5 perspective on any conversations about 2 percent as  6 well.  7 So there's two items on here. Although  8 they're different, they're both regarding the  9 2 percent money.  10 One is that the PEC take up to 2 percent  11 so that there develops some kind of process that PEC  12 does indeed take less than 2 percent from the  13 schools, based on projections or estimated budgets,  14 and then less than 2 percent is taken.  15 The second one is that 2 percent funding  16 not be used by PED to cover school expenses. And I  17 think I am hoping that one -- I understand the  18 No. 1. No. 2, I don't know what that one means.  19 So, yeah, I don't know if it was  20 Commissioner Robbins, if you had proposed that one.  21 COMMISSIONER ROBBINS: Well, it's the  22 PED -- not CSD -- but PED use can only be used --  23 and it needs to be clarified -- only used for the  24 direct administrative support to CSD and PEC.  25 Because their claim now is, "Well, we</p>
<p style="text-align: right;">163</p> <p>1 COMMISSIONER GIPSON: I did. I have to  2 tell you (inaudible due to off-mic issues).  3 THE CHAIR: I don't know -- anyone else?  4 To me, that's not clarifying at all, because I have  5 you who doesn't care, you who wants to keep going,  6 and you who want to take a lunch.  7 Just a short break? For you online, I  8 know you all are in a little different position than  9 us. We're just -- we're just going to do a  10 ten-minute break -- actually, we'll do 15 minutes.  11 We'll come back at 12:45 and finish off the agenda.  12 (Recess taken, 12:31 p.m. to 12:46 p.m.)  13 THE CHAIR: All right. We are going to  14 get started again. I'm going to do a really quick  15 run-through of what I have, because it seems like we  16 can be pretty focused on this next section and  17 getting through it.  18 Because it seems like we -- items we have  19 left are going to be A-1, 2, 3, 4, 5, and 7. But  20 then that's it. Everything else will either be next  21 month, or there was some consensus to go ahead and  22 move it on to the legislative agenda, which will be  23 talked about next month as well.  24 So we will do A -- and I think -- I'm  25 going to kind of couple 1 and 2 because they're both</p>	<p style="text-align: right;">165</p> <p>1 support the charter schools and blah-blah-blah;  2 therefore, we have extra work."  3 Well, but the intent is it's the  4 administrative support for CSD and PEC, not to fund  5 the IT Department for all of PED.  6 THE CHAIR: So it's that 28 percent --  7 that right now, in the MOU, we have that 72/28  8 percent split. This proposal would eliminate that  9 28 percent and give 100 percent CSD? Is that --  10 COMMISSIONER ROBBINS: No, no. PED would  11 still receive administrative support. But just  12 like -- you know, right now the technical grant.  13 There's a limit as to what can be spent on  14 administrative support. You have direct costs, and  15 you have the administrative support.  16 Right now the administrative support that  17 PED is receiving almost equals the total amount that  18 PEC and CSD spend.  19 It's, like -- it costs us, dollar for  20 dollar that you spend, we have to spend. That's  21 wrong.  22 Now, you could easily go in and just fix  23 the cap, that it's a 15 or 20 percent cap. No more  24 than 15 or 20 percent of the direct expenditures of  25 CSD and PEC can be held.</p>

<p style="text-align: right;">166</p> <p>1 But my discussion with Secretary Steinhaus 2 in the spring was, "You should get more funding if 3 you have the need for that funding and the 4 Legislature is not giving it to you. I would be 5 more than happy to come up and argue and support you 6 guys getting that, and then letting that 2 percent, 7 that little bit of 2 percent, go back to the charter 8 schools," because in some cases, for the larger 9 charter schools, it's up to \$100,000. I mean, 10 that's hiring one really, really good administrator 11 or a high-end teacher.</p> <p>12 THE CHAIR: Okay. I do remember -- that 13 actually -- that conversation is directly in my 14 brain again. And I do remember supporting that, 15 like, creating some kind of limit.</p> <p>16 So then my next question is -- because now 17 I don't know if we need to -- how deep we need to go 18 in this -- are there any legislative changes we need 19 to do in order to do that? Because those are 20 proposals -- both of these are proposals in the MOU 21 right now.</p> <p>22 Can we do that internally in conjunction 23 with PED without -- or do we need to change statute 24 in order to do it? Would be -- because if we can 25 just -- if that doesn't have to be in statute and we</p>	<p style="text-align: right;">168</p> <p>1 2 percent." There, it, like, names 2 percent. 2 They're kind of like saying, like, on or off. It's 3 either 2 percent or not in that language.</p> <p>4 The two of them together probably mean 5 like, y'all could do this right now. I don't know 6 who would challenge you.</p> <p>7 But there could be some clarification, you 8 know, that if it was part of a -- yeah. I just 9 wanted to be clear there that I think it's a little 10 bit ambiguous on whether it's needed. But certainly 11 some clarification, you know, could -- could happen 12 and that could be helpful.</p> <p>13 COMMISSIONER ROBBINS: Well -- and it's 14 been used -- this argument has been used. That's 15 why they revert it. This is my thing, is over the 16 last several years, it's been millions of dollars 17 that have reverted of this 2 percent. And that's 18 the biggest concern I have is that it's reverting -- 19 if it reverted back to the charter schools, that's 20 one issue. But it reverts back to the General Fund.</p> <p>21 Districts don't revert their SEG unless 22 the Legislature goes in and sweeps it.</p> <p>23 MR. MATT PAHL: Right.</p> <p>24 COMMISSIONER ROBBINS: So charter schools 25 are being treated -- so maybe a simple thing is</p>
<p style="text-align: right;">167</p> <p>1 could do that --</p> <p>2 COMMISSIONER ROBBINS: I would rather -- 3 personally, it be in statute, because a future 4 administration could go back on it. MOUs can be 5 changed. MOUs can be suspended. So I would rather 6 it be put in statute to protect the charter schools, 7 because, understand. There's a movement for more 8 and more charter schools. I mean, what if we get up 9 to where that 2 percent equals \$6 million, and PED 10 is taking 28 percent of that?</p> <p>11 Well, that's almost their total funding 12 right now. So, I mean, they could grow, and they 13 could fund themselves and then do all this other 14 stuff that the Legislature didn't appropriate.</p> <p>15 THE CHAIR: Okay. And I saw Matt Pahl has 16 his hand up as well. And I know he talked about the 17 2 percent earlier. But this is a big one.</p> <p>18 MR. MATT PAHL: Yeah. Just a quick note 19 on that. I don't think -- so the way the law is 20 written in 22-8B-13, it says, "The amount of funding 21 allocated to a charter school shall not be less than 22 98 percent of the school-generated program costs." 23 "Not be less" provides some latitude there.</p> <p>24 The second statement says, "The school 25 district or division may withhold and use</p>	<p style="text-align: right;">169</p> <p>1 change the "2 percent" to "up to 2 percent." 2 MR. MATT PAHL: Yes.</p> <p>3 COMMISSIONER ROBBINS: Because that's what 4 districts are allowed to do. Districts are allowed 5 to take up to 2 percent. But they have to document 6 how they're spending the money.</p> <p>7 But I think there should be clarification 8 that it's for the direct administrative support of 9 the Charter School Division and the PEC, not the 10 charter schools.</p> <p>11 MR. MATT PAHL: That last part, the last 12 statement says, "The use of the 2 percent is..." -- 13 and it's only six words -- "...for its 14 administrative support of the charter school." 15 And so there is potential that that would 16 need to change, because, you know, you could read 17 that a few different ways. And I think we're 18 sympathetic with the idea that, you know, 2 percent 19 is used for budget analysts. You know, under the 20 way this is written that may be appropriate.</p> <p>21 The one thing I'll just note is that, you 22 know, some of those staff, they have extra staff for 23 locally authorized charter schools as well. And 24 only the State-authorized schools are paying in 25 right now for the State.</p>

<p style="text-align: right;">170</p> <p>1           So I think we have a few issues there. 2    Our first step is really, like, let's just start 3    with transparency. Let's just, like, have it in law 4    where we know where this money is going and how much 5    it totals up to, because I think we'd be smarter on 6    figuring out a path forward after that. 7            Though, after talking to our members, they 8    may feel a little bit differently than that. 9            THE CHAIR: Commissioner Gipson. 10           COMMISSIONER GIPSON: Yeah. And I agree. 11    I think in statute, we need to fix this language. I 12    think, through the MOU, we can figure the other 13    piece out in terms of what's the percentage that 14    will fund CSD appropriately so that we can say, 15    "This is the administrative cost." If 14 percent, 16    it's 14 percent, whatever that is. 17            My preference is -- and I've heard PED 18    staff say that it's -- it's reverting funds, because 19    that's the line they put it on is reverting, you 20    know. 21            So it should be non-reverting. 22            My preference is that we be able to figure 23    out, a year out, two years out, our budgets and say, 24    "To fund for the following year, we only need 25    1.5 percent." And that's what's -- that's what's</p>	<p style="text-align: right;">172</p> <p>1    that's what Commissioner Robbins had said. 2            But I don't like the idea of anything 3    being reverted back to the General Fund. Absolutely 4    not. If there's money that's not spent, it should 5    be distributed proportionately back to the school. 6            COMMISSIONER GIPSON: It's not going to 7    happen. That's the problem. 8            COMMISSIONER CARRILLO: It'll happen if it 9    happens (inaudible); right? 10           COMMISSIONER GIPSON: So I'm going to say 11    if it happens legislatively and it says it'll revert 12    back, that money could take forever for that money 13    to get back to the schools. 14            COMMISSIONER ROBBINS: All state 15    reversions are required to be reported, and the 16    State actually sweeps the fund out of the balances 17    of that agency the first week of August, the first 18    or second week of August. 19            COMMISSIONER GIPSON: But the PED would 20    have to figure out -- calculate -- so here's where 21    it -- 22            COMMISSIONER CARRILLO: A spreadsheet. 23            COMMISSIONER GIPSON: They have to 24    calculate what goes to each and every school, 25    because the --</p>
<p style="text-align: right;">171</p> <p>1    withheld. 2            Because I worry about saying, "We're going 3    to rely on the money being reverted back to the 4    schools," because that could be, like, the following 5    school year or whenever. So schools aren't going to 6    be -- if schools don't get it withheld, they have 7    that money right away, and they can use it for that 8    current year, and they can budget appropriately. 9            If they're waiting for, you know, the 10   golden check to come in, they can be wait- -- you 11   know, they can be waiting unfortunately forever. 12            So that's, I think, a system -- the 13   schools will be coming back to us and asking help 14   for, and we won't be able to help them with it. So 15   my preference is we -- through the budget 16   subcommittee, we be able to set up a system, and, 17   through the MOU, set up that agreement, and we move 18   forward that way, but that the language be clear, 19   the "up to." 20            THE CHAIR: Commissioner Carrillo. 21            COMMISSIONER CARRILLO: I like the idea of 22   taking the 2 percent and then what's not used is 23   reverted back to the charters directly, not 24   necessarily going up to -- right? -- you're looking 25   at me very quizzically -- from -- because I thought</p>	<p style="text-align: right;">173</p> <p>1            COMMISSIONER ROBBINS: That's what they 2   calculate out now. It's 2 percent. If they have -- 3   if the total amount spent was 1.65 percent, 4   .35 percent reverts, and you take that and you 5   spread it to all the schools. It's really a formula 6   and a spreadsheet that can be done and uploaded in 7   the share in a matter of hours. 8            COMMISSIONER GIPSON: You make it sound 9   easy. But I'm going to tell you that there are 10   schools that waited for six-plus months to get grant 11   money that was supposed to go and didn't. So my 12   concern is, you know, I have a -- personally, I have 13   a greater preference to not pull it out and -- 14            COMMISSIONER ROBBINS: Well, that would be 15   preferred, absolutely preferred that they not pull 16   it out. Because we did a budget, PED did a budget. 17   Let's say there's a total of \$2.5 million. Well, 18   you know, after you start the year, you know what 19   your budget is. You know what the budget is before 20   the school year starts. 21            And you know what the SEG is, because they 22   start giving that to the schools at the beginning of 23   the school year. It changes at the 40th or 80th 24   day, but they know how much they're getting. It 25   changes only by enrollment.</p>

<p style="text-align: right;">174</p> <p>1 But if you say, "Oh, well, your budget to 2 support the administrative cost to support CSD and 3 PEC is only 1.6 percent," that's all you withdrew 4 withdraw -- withhold. I mean, that's a very easy 5 thing to do. 6 So whether it's on the front end or the 7 back end, I say it's a simple thing, because it's 8 just a calculation. 9 It would be better to not withhold it than 10 to wait, because there's an internal issue of 11 reverting it. But that's an internal issue in terms 12 of the area being able to do it, you know. 13 And, you know, PED operates differently 14 than most state agencies in the sense that they 15 leave it up to the divisions to do their own 16 budgeting, and they don't give them a lot of direct 17 support. Most state agencies, they have a budget 18 division that handles the budget and finances for 19 the entire agency. 20 And that's not apparently the case here, 21 which is an issue, because then they say, "Well, we 22 handle this, we don't handle the division stuff," 23 and it puts a greater burden on the division to 24 where they have to kind of be experts in everything, 25 and that's not fair.</p>	<p style="text-align: right;">176</p> <p>1 COMMISSIONER GIPSON: Yeah, in theory. 2 THE CHAIR: I guess I'm also -- I'm 3 interested. Do they pull the 2 percent money on the 4 40th? 80th -- when do they do that? 5 COMMISSIONER ROBBINS: Every month. Every 6 month. A state agency gets 1/12 of its annual 7 budget every month. 8 THE CHAIR: Got it. Okay. That's cool. 9 That does give -- that gives a lot of flexibility to 10 CSD, PEC, and everyone to be able -- you don't have 11 to be perfect day one. But once you -- like, once 12 you're a month into the budget and the budget is 13 set, that should be able to be adjusted. 14 COMMISSIONER ROBBINS: I have to correct 15 it. 16 Schools get 1/12 of their budget of their 17 SEG each month. State agencies have an annual 18 budget. In an election year, they are allowed to 19 spend up to 50 percent of their annual budget in the 20 first six months. 21 THE CHAIR: But I wonder for the 22 2 percent, just because I think the funding for CSD 23 is so different than -- I wonder if it does come in. 24 You have your hand up, Brigitte. 25 DR. BRIGETTE RUSSELL: This is a question.</p>
<p style="text-align: right;">175</p> <p>1 COMMISSIONER GIPSON: And I'm going to say 2 I'm just -- I just want to make sure the schools 3 get -- 4 COMMISSIONER ROBBINS: Right. 5 COMMISSIONER GIPSON: And I agree. I 6 think it would be easier if we could figure out the 7 percentage and have the schools have the use of that 8 money when it's more meaningful than coming at some 9 later date that they won't know. 10 COMMISSIONER ROBBINS: I agree. 11 COMMISSIONER GIPSON: So that's -- you 12 know. 13 THE CHAIR: And I think, honestly, it's as 14 simple as figuring out as when is the date at which 15 we have to know when they start pulling from them; 16 right? Like, whatever -- whatever the lever is in 17 which they start pulling that 2 percent money from 18 them, whatever date that is, we just need to be able 19 to submit in a timely amount before they start 20 pulling. Or, I mean, I guess that could even be 21 adjusted as the year on, too; right? 22 So like even if the year started, and they 23 started pulling 2 percent and then were, like, 24 "Okay, now our budget is 1.6," they can adjust the 25 rest of the --</p>	<p style="text-align: right;">177</p> <p>1 I actually have this question. I would need to ask 2 Marian Rael. And I wondered if Commissioner Robbins 3 might know. If we said, "On July 1st, we're going 4 to pull 1.X percent," if by 40th day, the estimates 5 change and we realize, oh, we grossly underestimated 6 this, can you change it to 1.Y percent, or are you 7 stuck with 1.X percent for the whole year? 8 THE CHAIR: I can't see a world in which 9 we would be able to ask for more after. I think 10 you'd have to ask for more and then pull less at the 11 end of the year. But I can't imagine you -- to me, 12 that sounds really horrible to the schools. But... 13 DR. BRIGETTE RUSSELL: But you could 14 decide after the 40th day to pull less. 15 THE CHAIR: Yeah. That's what -- 16 DR. BRIGETTE RUSSELL: If you budgeted for 17 the beginning of the year at 1.9 percent, and after 18 40th day, we had vacancies, "We can work with 1.8," 19 you could do that? 20 THE CHAIR: You tell us, Brigitte. 21 COMMISSIONER ROBBINS: There's nothing in 22 Share or in the MAPs, the Manual of Accounting 23 Practices, that would prevent you from changing the 24 amount month to month. It is -- it is just a matter 25 of the personnel load that it would take to go into</p>

<p style="text-align: right;">178</p> <p>1 the system and change the amount.  2 But it's just like the amount that you  3 spend for your leases on your vehicles and the  4 gasoline will change month to month. I mean, your  5 electric bill changes month to month.  6 Now, you don't pay an electric bill here.  7 That's General Services Department. But, you know,  8 you have other budgets. Xerox copies, you know.  9 If -- they're based upon the number -- some copying  10 machines -- Xerox is not that popular now. Some  11 copying machines, it's based on the number of copies  12 you make that month. That bill will go up and down  13 every month, but you have an annual budget to work  14 with.  15 So, yes, it can change. It can go up on  16 the 40th or go down on the 40th. But it shouldn't  17 have to change dramatically, because when you look  18 at the total number of students, 20- --  19 22,000 students in the State charter schools, I  20 mean, it's only going to change by fractions.  21 So if it -- even a 10 percent change is  22 less than 2/10 of a percent to the 2 percent.  23 So it's not going to be huge dollar-amount  24 changes with an increase or decrease in enrollment.  25 THE CHAIR: Commissioner Gipson.</p>	<p style="text-align: right;">180</p> <p>1 it could even be where, you know, CSD does look  2 at -- when we look at the budget, it is the entire  3 2 percent, and then you work your way down from  4 there; right?  5 That way, after 40th day, then you decide  6 if it's not 2 percent -- right? -- but allow -- I  7 was just telling Corina yesterday they -- I believe  8 CSD still needs more staff. They have 57 schools.  9 Like, it's too many schools for not enough people.  10 They need more staff.  11 So I don't really want to start at a lower  12 percentage and not give them -- which I think the  13 legislation that we're talking about is just to  14 allow that flexibility -- right? -- up to 2 percent?  15 And then, with a -- if it comes under the designated  16 budget, that they start withholding less of the  17 2 percent, starting at 40th day, I mean, I think  18 that seems so reasonable.  19 But I just don't ever want to put us in a  20 situation where we get some qualified staff people,  21 and then we can't fund them for some reason. So I  22 think it's -- I'm -- I -- I will support this more  23 because we're still leaving the "up to 2 percent";  24 right?  25 We're not -- I don't think it's going to</p>
<p style="text-align: right;">179</p> <p>1 COMMISSIONER GIPSON: And I agree. I  2 think we can't increase that percentage. I think we  3 would have to, at a public meeting, identify what  4 that percentage is so that our schools make a budget  5 based on that. If it increases, well, good for  6 them -- I mean, if it decreases, good for them.  7 But I don't believe, in fairness, we would  8 have -- we should have the ability to say, "Oh, no.  9 We underestimated this, and we're going to take the  10 full 2 percent," because schools have already made  11 their budgets and planned for it.  12 So -- but I also agree that that change  13 can happen relatively quickly. If we found that  14 there's going to be this far bigger surplus than we  15 anticipated, I think they should be able to make  16 that adjustment during the school year.  17 And that's what I would hope should  18 happen, because I think that's -- you know, once  19 again, it's -- it's SEG money that's being taken  20 from schools. And if we don't need it to support  21 them, then the best support we can give them is  22 those -- whatever the dollars are back to them to  23 use to help move their school forward.  24 THE CHAIR: So on this item -- and I  25 also -- I totally understand that. I actually think</p>	<p style="text-align: right;">181</p> <p>1 be -- I would never want it to say a different  2 percentage in statute, like, allow the flexibility  3 in statute. But I think, internally, it's start at  4 that, and then if we go through, and that 40th day  5 and we only need 1.5 percent, start withholding less  6 then.  7 And that way -- but I'm just so worried  8 about -- I feel like they need a mini-PED in CSD.  9 That's what I would love for them is to have a  10 whole, inclusive little team of everyone having,  11 like, so much expertise and experience in all the  12 different areas to where they don't have to depend  13 on other areas in PED, that they have it all  14 underneath the CSD house.  15 Okay. So I'm going to -- I'm going to  16 kind of make a synopsis of what I've been hearing,  17 because I do want to make sure Julia has some ideas  18 of how to write this in order to give it back to us  19 next month as well.  20 COMMISSIONER GIPSON: Can I just add on to  21 this conversation? And I'm going to apologize ahead  22 of time for saying this, because it could open  23 Pandora's Box.  24 But part of my concern is the schools --  25 they with- -- PED withholds the 2 percent. So when</p>

<p style="text-align: right;">182</p> <p>1 there comes a point in time in state government when 2 there's, like, hiring freezes, the 2 percent is 3 still being pulled, that same 2 percent. 4 So I have an issue if we feel that CSD 5 needs more staff, that it should not be part of that 6 agency's hiring freeze, because it's not cost -- 7 it's not coming out of the agency's budget, that 8 that should be separate, and we should -- because we 9 feel that CSD needs that support and the money is 10 there, that that hiring should still be able to take 11 place. 12 So, you know, that's -- we've suffered 13 that through previous administrations. And 14 that's -- you know, CSD was decimated by a number of 15 hiring freezes. And it's like, oh, we don't have -- 16 we can't do it. And people left, and we couldn't 17 even on-board new people because, "No, there's a 18 hiring freeze." 19 Well, that 2 percent money is still going 20 there. So where is -- you know, where is the 21 budgetary issue? It's not costing PED's budget 22 anything. And it's for -- and by statute, they're 23 there to support charters. So that -- that should 24 be separate. And it's probably a different 25 conversation. But that's -- yeah.</p>	<p style="text-align: right;">184</p> <p>1 done, yes. 2 THE CHAIR: It's kind of if some of us are 3 going to suffer, we're all going to suffer. We're 4 all on the same team. Okay. Yes. 5 All right. So I'm going to -- I want to 6 wrap up this part, and, that way we can just start 7 looking at Julia drafting some language that she 8 can, you know, share with CSD. 9 And we can look at it again next week -- 10 or sorry -- next month. And then Matt Pahl has to 11 leave, so I want to give him an opportunity to 12 comment more, and then keep going. 13 Okay. So for the 2 percent -- so 14 specifically for legislative -- so I'm not talking 15 about the internal processes. Like, I think we 16 talked about some things that could be done 17 internally that don't have to take a legislative 18 change for us to do them. 19 But there's also some things that we could 20 do internally that we would like a legislature 21 change to support it. 22 So the first one would be to remove the 23 language that says "not less than 98 percent," and 24 have everything say "up to 2 percent," and that way 25 it's just very clear. There's no conflict in any</p>
<p style="text-align: right;">183</p> <p>1 THE CHAIR: All right. So before I go, 2 I'm going to call on Dr. Russell first, and then I'm 3 going to try to create a synopsis of this. 4 DR. BRIGETTE RUSSELL: So, Chair Burt, 5 Commissioner Gipson, you are absolutely right, that 6 the 2 percent should not be included in the -- in 7 any hiring freeze. 8 However, this agency has always included 9 not only the 2 percent, but all federal funds. Even 10 when those federal funds were already appropriated 11 by Congress already sitting in G5 waiting to be 12 downloaded, this state was just leaving money on the 13 table, because the hiring freeze had to be across 14 the board. 15 COMMISSIONER GIPSON: I didn't know about 16 federal money. But I should be President, but I'm 17 not President. So I don't have anything to do with 18 federal funds. 19 THE CHAIR: And I don't know if that was 20 necessarily -- I -- my understanding of that could 21 have been that it was a governor decision, too. So 22 that also -- 23 DR. BRIGETTE RUSSELL: Yeah. No, it 24 was -- this is nothing federally mandated. But I'm 25 just saying that in the past, that is what PED has</p>	<p style="text-align: right;">185</p> <p>1 language. It's very clear that it's always "up to 2 2 percent" to allow that flexibility. 3 There's also language about -- and there's 4 two parts to this -- that -- that PED withholds only 5 the amount in the approved budget. So once there's 6 an approved budget, they only withhold that amount 7 of money. 8 So I think that would take care of the -- 9 if it's less than the 2 percent. But also, if there 10 are any extra funds at the end of the year, that 11 they're non-reverting. 12 So two parts to that: One that they only 13 withhold the approved budget. And anything that 14 does end up left, let's say there were some staff 15 vacancies, that doesn't get reverted. So that's 16 another one. 17 And then the last one was to limit the PED 18 direct administrative funds to either 15 or 19 20 percent. And I know it's in the MOU language, so 20 I told her whatever that was just to match what we 21 had in our proposal to them as part of this as well. 22 Commissioner Robbins. 23 COMMISSIONER ROBBINS: Yes. Well, you 24 know, I use the greater of 15 percent or \$600,000 or 25 whatever it was.</p>

<p style="text-align: right;">186</p> <p>1 THE CHAIR: There's something in the MOU 2 that would match that.</p> <p>3 COMMISSIONER ROBBINS: If we just say it's 4 a fixed percentage of no greater than X percent. I 5 understand. We do a lot of travel so there's 6 probably a greater burden than there may be in other 7 areas.</p> <p>8 I'm not going to be on the Commission in 9 four months anyway. But somewhere between 15 and 10 20 percent is a reasonable amount. I think less 11 than 15 percent is not enough. I think more than 12 20 percent is too much. So somewhere between there 13 is the sweet spot.</p> <p>14 And if it's 20 percent, that's fine. If 15 it's only 16 percent, that's fine, too.</p> <p>16 I think it's somewhere between those two, 17 because most government grants, they limit you to 18 those -- you can't go over -- some grants are only 19 10 percent administrative cost. Some are 20 15 percent. Some, you can go up to 20. But it's 21 very rare that a federal grant will allow you more 22 than that. And I think that's reasonable.</p> <p>23 THE CHAIR: Yeah. And I think that's what 24 we discussed and we did put in our proposal in the 25 MOU. I don't want to do anything different than</p>	<p style="text-align: right;">188</p> <p>1 I have been proactively working on that. 2 We have filled positions. We are creating new 3 positions with your needs in mind. Every time the 4 PEC meets, there are more and more things that are 5 requested of us. There are more active members that 6 are in touch with schools giving us phone calls, 7 asking us to investigate. We want to be able to 8 serve you well.</p> <p>9 And I think at this point what that 10 organizational chart looks like has been in flux. 11 And we are frankly, you know, in the 12 process of learning, but increasing what that 13 service is.</p> <p>14 I also would like to say that should we -- 15 should the PEC attempt to remove any funding to the 16 PED and have CSD be a mini-PED, that would be pretty 17 challenging and significant in terms of what the PED 18 already does provide to us as staff members. I 19 would hate to have to spend time and energy counting 20 every penny and every service and every bit of what 21 it takes.</p> <p>22 To me, it sounds like this continues to be 23 an effort to separate out PEC from PED, once again, 24 which is something that I thought we moved away 25 from.</p>
<p style="text-align: right;">187</p> <p>1 what we're already proposing and have discussed 2 previously. So not trying to open that Pandora's 3 Box again to do that.</p> <p>4 So the language regarding that that we 5 provided, my idea -- the synopsis would be to just 6 match that language but propose that to be as part 7 of the statute.</p> <p>8 Director Chavez -- and then I want to go 9 to Matt Pahl, just to make any comments you want 10 before you have to leave.</p> <p>11 DIRECTOR CORINA CHAVEZ: Thank you. So 12 the MOU currently has a formula that looks at the 13 number of State charters relative to the total 14 number of charters in districts. And so it -- the 15 percentage derives from that.</p> <p>16 In my opinion, all of this discussion 17 about who keeps what percentage of the charter 18 2 percent is not serving students or schools at all.</p> <p>19 I do think that we could be spending the 20 money in a better way. I think that for the first 21 time, the Charter Schools Division director has had 22 access to that information and the ability to create 23 an organizational chart increasing the number of 24 staff that are available to schools. And that 25 process takes a while.</p>	<p style="text-align: right;">189</p> <p>1 I'm also wondering if having the attorney 2 that is hired from this money write legislation 3 towards that end is actually in compliance.</p> <p>4 COMMISSIONER GIPSON: She's not writing 5 legislation.</p> <p>6 DIRECTOR CORINA CHAVEZ: What is she 7 writing? I think I just heard Chair Burt --</p> <p>8 THE CHAIR: So the conversation is going 9 too far and getting off track. So if there's 10 anything about the legislation that you want to 11 talk -- she's not -- we're creating a legislative 12 agenda.</p> <p>13 DIRECTOR CORINA CHAVEZ: Right. To 14 provide to --</p> <p>15 THE CHAIR: That this Commission would 16 then possibly, next month, authorize the Chair or 17 other representatives to go to the Legislature and 18 then we speak on behalf of the PEC.</p> <p>19 DIRECTOR CORINA CHAVEZ: Right. Like a 20 proposed bill, perhaps --</p> <p>21 THE CHAIR: No.</p> <p>22 DIRECTOR CORINA CHAVEZ: -- or language? 23 Okay. Thanks for the clarification.</p> <p>24 THE CHAIR: Okay. Mr. Pahl, I know you 25 have about ten minutes left with us. So tell us</p>



<p style="text-align: right;">190</p> <p>1 what you think.</p> <p>2 MR. MATT PAHL: Thanks for giving me the</p> <p>3 forum to say whatever I want, Madam Chair. I'll</p> <p>4 keep it very brief and to the point.</p> <p>5 Just a couple of updates.</p> <p>6 You know, we're going to keep working on</p> <p>7 our platform. We moved the time of our weekly</p> <p>8 calls, and it's -- based on a member survey, and</p> <p>9 it's really amped up participation. We're getting</p> <p>10 upwards of over 50 schools on our weekly calls. So</p> <p>11 that's providing much better input on this process.</p> <p>12 We'll keep using that as the platform, so</p> <p>13 each week, we'll have little updates to share. So</p> <p>14 as CSD and/or Julia works on -- on this, we can</p> <p>15 provide them updates in the interim.</p> <p>16 The other thing I'd just note is that we</p> <p>17 are -- it's just our annual conference on</p> <p>18 December 8th and 9th. I appreciate you giving me a</p> <p>19 little flexibility on comments today. I try -- I</p> <p>20 actually put this meeting originally at noon,</p> <p>21 thinking I'd hit lunch and just push back, and I</p> <p>22 kind of have to jump off now.</p> <p>23 But December 8th and 9th. We'll send you</p> <p>24 the registration form. Really excited to have you</p> <p>25 all -- the registrations right now are higher than</p>	<p style="text-align: right;">192</p> <p>1 the school district versus -- you know, when it's a</p> <p>2 named school district, sometimes they say school</p> <p>3 districts and charter schools, and there isn't a lot</p> <p>4 of consistency there.</p> <p>5 I just want to note that there's a lot of</p> <p>6 risk in opening up the Charter Schools Act and --</p> <p>7 and doing that. And I say that because you -- you</p> <p>8 may not -- bills can be amended. And you may not</p> <p>9 actually get the status quo in a more clear way.</p> <p>10 There's a number of places in statute where, you</p> <p>11 know, it says, "school districts," but charter</p> <p>12 schools are treated the same way without it actually</p> <p>13 naming "school districts and charter schools."</p> <p>14 Any one of those committee stops, they can</p> <p>15 say, "You know what? That actually should only be</p> <p>16 for school districts."</p> <p>17 And so you're -- being able to really</p> <p>18 spend some time and get some alignment on what a</p> <p>19 bill like that looks like, getting some consensus</p> <p>20 before you walk into a 60-day session, I think is</p> <p>21 just critically important, rather than dropping it</p> <p>22 out there without those kind of prerequisites.</p> <p>23 Because I think it just increases the riskiness of</p> <p>24 maybe something happening with that bill that we</p> <p>25 don't like.</p>
<p style="text-align: right;">191</p> <p>1 they've been since I've been with the organization.</p> <p>2 And that's because, you know, we're really billing</p> <p>3 this as an opportunity for leadership teams as a</p> <p>4 whole, governing council members, school leaders and</p> <p>5 their trusted leadership teams, to join and get a</p> <p>6 couple of days to, you know, go to sessions, learn</p> <p>7 something new, but also a good time to collaborate.</p> <p>8 It's at Tamaya. We're really excited</p> <p>9 about that.</p> <p>10 And the -- and the theme this year is</p> <p>11 "Renaissance," the idea of coming out of dark times</p> <p>12 into a brighter future for our students.</p> <p>13 And you'll see a number of sessions that</p> <p>14 are oriented towards how charter schools can</p> <p>15 appropriate their sustainability and take those</p> <p>16 things that we learned from -- from the height of</p> <p>17 the pandemic to -- to help us, you know, serve kids</p> <p>18 better in the future.</p> <p>19 So we're really excited about that. I'll</p> <p>20 forward that on to you all. And, Corina, if you</p> <p>21 want to go through CSD on that, somebody can let me</p> <p>22 know via e-mail or text. Happy to just do that the</p> <p>23 way it makes sense for you all.</p> <p>24 And just appreciate the thinking on the</p> <p>25 policies. One last note on the policies is the --</p>	<p style="text-align: right;">193</p> <p>1 So just a warning on that one, though I</p> <p>2 think, generally, like, more clarity and</p> <p>3 transparency is right. And I'm glad it was</p> <p>4 mentioned, and I'm sure you all will talk more about</p> <p>5 it in the coming months, because it is worthwhile.</p> <p>6 I mean, those things could be changed with</p> <p>7 a new administration, as well, you know, with a</p> <p>8 different interpretation on law. So there's risk on</p> <p>9 that side, too.</p> <p>10 But did want to flag that, because I think</p> <p>11 it's an important discussion for us all to have.</p> <p>12 THE CHAIR: Matt, we have a question from</p> <p>13 Ms. Barnes.</p> <p>14 MS. JULIA BARNES: Just a quick one.</p> <p>15 Do you feel the same way about opening up</p> <p>16 the Charter School Act for any reason? Like, once</p> <p>17 you -- I thought you were saying it on school --</p> <p>18 school districts and charter schools, kind of</p> <p>19 that -- those -- but were you also talking about the</p> <p>20 Charter School Act in general?</p> <p>21 MR. MATT PAHL: I would say generally,</p> <p>22 like -- I mean, I think, you know, the work into</p> <p>23 having a bill go through the way you want it to or</p> <p>24 something close to it is just -- like, some</p> <p>25 consensus prior to the session is kind of important.</p>

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1           And, you know, it's a -- it's a -- it's a  
 2 thinking that I think is rooted in the old days of  
 3 the Legislature, where, you know, I think a lot of  
 4 committees would love to get their hands on the  
 5 Charter School Act and change it to fit their needs.  
 6           I don't know if we're in that place. But  
 7 we certainly haven't tried anything recently to see  
 8 if that's the case. I think the conversations are a  
 9 lot more filled with mutual respect up there.  
 10          But, you know, having been involved in the  
 11 charter space in the Roundhouse for seven or eight  
 12 years, it's -- there is risk there; though, I do  
 13 think the time now is different.  
 14          So if there's good understanding about  
 15 what the bill is trying to do, careful attention to  
 16 the title of the bill -- so, you know, changes that  
 17 aren't associated with that title would be -- and  
 18 the short -- what is it called? -- the description  
 19 at the beginning, I think those are just real  
 20 important to just making sure, like, you know, that  
 21 the -- that the bill is safe, and it is measured on  
 22 its merits rather than becoming a vehicle for, you  
 23 know, the personal persuasions of any number of  
 24 legislators.  
 25          So, yes, sorta, Julia. How is that for an

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1 answer?  
 2           THE CHAIR: Commissioner Gipson.  
 3           COMMISSIONER GIPSON: Yeah. So just so  
 4 that we're clear, that if there's -- if we're  
 5 looking at the -- someone's not just going to  
 6 randomly submit a bill about the 2 percent unless we  
 7 ask someone to do that for us. So that, you know,  
 8 this idea, "We'll support a bill about the changes  
 9 in the 2 percent."  
 10          Well, no one's going to be -- no one's  
 11 sitting at home saying, "Oh, gee, I think I'm going  
 12 to sponsor a bill on the 2 percent for the  
 13 Commission."  
 14          That has to be actively done by the  
 15 Commission, and that conversation has to be  
 16 carefully done.  
 17          I think we have to save for a greater  
 18 conversation the opening up of the Charter School  
 19 Act, because the ramifications can be -- as Matt  
 20 indicated, you can end up with consequences out of  
 21 that. So it's a slippery slope when you -- when you  
 22 open the door of the Charter School Act, because I  
 23 think we have to look at what the other  
 24 conversations that are going on around the state are  
 25 so that we're clear and that we're prepared to

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1 respond if something does happen. And it most  
 2 likely will.  
 3           But I think we can save that till October.  
 4           THE CHAIR: All right. Any other  
 5 questions for Matt Pahl?  
 6           And then we're going to say goodbye to him  
 7 for today.  
 8           All right. Thank you, Mr. Pahl. Thanks  
 9 for joining us.  
 10          MR. MATT PAHL: Yeah. Thanks for  
 11 accommodating that. And it was great to see you all  
 12 in person at the work session. I'll be striving to  
 13 do that again next month.  
 14          THE CHAIR: Great.  
 15          MR. MATT PAHL: Thanks, everyone.  
 16          THE CHAIR: Thank you.  
 17          All right. So Item No. 3 is Rule-making.  
 18 And we're -- obviously, we've talked about this for  
 19 now almost a year. There's not clarity in any kind  
 20 of legislation on this.  
 21          And, of course, we have, you know, just  
 22 differing opinions on what may or may not be allowed  
 23 or permitted or that kind of thing.  
 24          Is there any kind of stance that the  
 25 Commission would like to take on rule-making when it

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1 comes to PEC and PED partnership or authority over  
 2 it?  
 3           And is that something that the Commission  
 4 would like to propose to a legislator?  
 5           Commissioner Robbins.  
 6           COMMISSIONER ROBBINS: Well, we've had a  
 7 couple of counsel for charter schools say that they  
 8 didn't think the Commission had the authority to  
 9 issue rules, that we had to go through PED. That  
 10 further subjugates PEC. Instead of being an elected  
 11 body, it is -- it looks like it is subbed to PED.  
 12          And I'm just looking at it from a very  
 13 practical -- not any animus toward PED or anything.  
 14 But PEC is an elected body. It should not be  
 15 subject to a non-elected body controlling what it  
 16 can and cannot do.  
 17          So if, in order to clarify, and to remove  
 18 objections to any rule-making, it is necessary for  
 19 us to ask for explicit authority to make rules, I  
 20 think that would be a wise thing for the PEC to do.  
 21          THE CHAIR: Any other questions or  
 22 comments from Commissioners on that? Any other  
 23 support for that?  
 24          Commissioner Gipson.  
 25          COMMISSIONER GIPSON: I support it,

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1 because I agree. I don't think -- I mean, I find it  
 2 humorous to some extent, because legal counsels from  
 3 schools said, "Oh, you can't do this unless you do  
 4 rules." And then when we do the rule-making, they  
 5 say, "Well, you can't do rule-making."  
 6 So it's like -- it has to be one way or  
 7 the other. And I think relying on PED, even if we  
 8 put it in an MOU, it doesn't guarantee that they're  
 9 going to move, or move in a pace that we would want  
 10 for that rule if we have to go to them and ask them.  
 11 And why do we have -- as an independently  
 12 elected body, have to ask them to do this for us?  
 13 It was the same thing with the monies  
 14 back -- you know, we used to have to go and ask,  
 15 "Please let us do this."  
 16 It should not be. We should be able -- I  
 17 believe we do have the authority to do the  
 18 rule-making. If it needs that explicit  
 19 clarification, then so be it, and I would support  
 20 it.  
 21 THE CHAIR: I, actually -- okay. So I  
 22 also -- I think -- you know, I've been open to,  
 23 like, trying to figure out what it looks like to do  
 24 this cooperatively. I felt like we were really  
 25 close on, like, a cooperative way of doing it. And

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1 I felt very frustrated and blindsided by the PED  
 2 when we tried to do this before, when it was -- when  
 3 it was a cooperative partnership throughout the  
 4 time, and that wasn't enough, either.  
 5 And it does feel like the PED just doesn't  
 6 want us to have any opportunity to do this at all.  
 7 And it's frustrating.  
 8 So I would also -- like, I think, just for  
 9 clarity's sake, like, it doesn't -- I don't want to  
 10 have an argument about this. I don't want it to be  
 11 some kind of, like, "We want to," "You don't want us  
 12 to," "You want us to," "We don't want..." -- it  
 13 doesn't make sense to us to be something that there  
 14 is an argument.  
 15 And just to have the explicit authority to  
 16 do it -- because there are other Commissions, and  
 17 there are other bodies that have that explicit  
 18 authority, which is the PED's argument that we don't  
 19 have that.  
 20 So if that's what we need, I also think  
 21 that that's -- to me, that's a real easy solution.  
 22 Like, okay, clarify it, and let's be able to move  
 23 forward. And honestly, I'm, like, one way or  
 24 another, whether it's we need to do it through them  
 25 and we jointly sign it, or whether -- I do have

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1 hesitations about doing it completely through them  
 2 and not signing, like, it having to be through PED,  
 3 because that does allow PED, if they don't like what  
 4 we're doing in particular, to either not do it or  
 5 change it.  
 6 It doesn't necessarily allow us to have  
 7 the independence that I feel like we do need in  
 8 order to hold the standards in which the Commission  
 9 has; right?  
 10 We do not have to uphold PED standards.  
 11 We have a set of standards that I believe are  
 12 oftentimes much greater than PED standards for  
 13 schools. And we need the authority to be able to  
 14 oversee our processes in that way, independently  
 15 from what the PED is doing.  
 16 And, once again, nothing against what PED  
 17 is doing. They should continue doing what they're  
 18 doing. There's nothing that we're trying to remove  
 19 from them. We're just trying to be able to do the  
 20 best job that we can and give the support that we  
 21 need to to schools to have some kind of -- to have  
 22 those items that should really be harder to change  
 23 in the rule instead of just in our -- our internal  
 24 processes and procedures that can be changed  
 25 literally month to month.

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1 I mean, that's problematic. I understand  
 2 why the attorneys are saying this should be in a  
 3 rule, like, it needs to be in a rule, because this  
 4 really affects schools. This affects schools, and  
 5 it affects the kids because it affects the schools.  
 6 So I also would support it. I'm  
 7 interested if we have anywhere near a consensus.  
 8 So if other folks, even if you just nod  
 9 your head, like, yes or no? Like, "I don't want to  
 10 get into this," or, "Yes, I would support that," we  
 11 would attempt to try to get some clarification on  
 12 the rule-making.  
 13 Yeah, give a thumbs-up, even. You don't  
 14 have to speak -- all right.  
 15 (Commissioners indicate.)  
 16 THE CHAIR: Cool. Cool. Cool.  
 17 Did you want to speak, Commissioner  
 18 Carrillo? Or just the number?  
 19 All right. Great. We have that, and we  
 20 can move on.  
 21 So the next one is Item No. -- well, the  
 22 list number for, "Change 30 days to contract and  
 23 possibly change statutory deadlines or add extension  
 24 by agreement of the parties."  
 25 Julia, do you want to explain that one?

<p style="text-align: right;">202</p> <p>1 MS. JULIA BARNES: Yeah. The Charter 2 School Act is very specific that you were supposed 3 to enter into a contract within 30 days. It's an 4 impossibility. We can never do it. It doesn't say, 5 "Unless otherwise agreed to by the parties." 6 So if you're doing a cleanup, you should 7 clean that up. 8 THE CHAIR: So, yeah, a cleanup measure. 9 Do you guys want to just do a thumbs-up? Thumbs-up? 10 (Commissioners indicate.) 11 THE CHAIR: Okay. Great. All right. 12 That's No. 4. 13 No. 5, we started this conversation. It 14 sounds like we need to have a little more 15 conversation, so, once again, figure out a consensus 16 if we even want to move forward on this or attempt 17 to land on it. But board members able to sit on 18 more than one board. 19 So I think, once again, this is a couple 20 of different variations. Can people sit on two 21 governing boards at the same time? Can people sit 22 on a school board and a governing board? Can people 23 sit on a governing board and a school board in which 24 they are overseeing that governing -- that charter 25 school?</p>	<p style="text-align: right;">204</p> <p>1 be able to sit on more than one board. But I don't 2 know if it should be -- you'll let them be on two? 3 You'll let them be on three? I think that's 4 where -- you know, I think they should be allowed to 5 be on more than one. But I don't know what the 6 upper limit should be, if it's only two or if it's 7 three. 8 Because what we're -- what you really do 9 when you say, "You can only sit on one," you, 10 theoretically -- based on the population of the 11 state, you're limiting the number of governance 12 councils you can have. 13 In reality, that's the way numbers work. 14 If you have to have at least five, and there's only 15 so many people, so many adults, you've set an upper 16 cap. And, realistically it's far below what those 17 numbers would mean. 18 We have 100,000 who can -- well, take 19 1 percent of that, and that's what you're really 20 looking at. 21 So to me, it's a discussion of how many 22 governing councils or equity councils can you be on 23 simultaneously? Not a matter of whether or not. 24 But the first part of being on a charter 25 school governance council, when you're in a</p>
<p style="text-align: right;">203</p> <p>1 What are the limitations and restrictions 2 that we would support or want to add to folks 3 sitting on two boards or more? 4 Or do we want to allow folks to sit on 5 more than one board? 6 Do you want to give us a summary again, 7 Commissioner Robbins, of what your thinking was? 8 Because I kind of stopped you and said, "We need to 9 talk more." 10 COMMISSIONER ROBBINS: That's fine. My 11 thought was that no district board member should be 12 able to sit on a district charter school's 13 governance council. No state -- no PEC member 14 should be able to sit on a State charter school 15 governance council, you know, because there's an 16 inherent conflict there. 17 And even though you could say, "Well, I'm 18 not going to vote on it and everything," you're 19 still setting policy that will affect that school, 20 even if you don't vote on something for that school 21 specifically. So if you just remove yourself from 22 contract negotiations, you're still affecting that 23 school. So you really can't. 24 But I do believe governance councils, 25 equity councils should be able -- and members should</p>	<p style="text-align: right;">205</p> <p>1 authorizing position, should be prohibited if you're 2 in a position of authorizing charter schools 3 underneath your authority. 4 THE CHAIR: So right -- so right now, it's 5 that folks are only allowed to be on one board. 6 That's what it is. 7 And so you're saying to allow folks to be 8 on more than one board, except for if there is an 9 authorizer/authorizee relationship between the two 10 boards they sit on. 11 COMMISSIONER ROBBINS: Yes. But -- right. 12 I mean, theoretically, I guess you could have a PEC 13 member sitting on multiple district boards. 14 THE CHAIR: Right. 15 COMMISSIONER ROBBINS: Okay? But even in 16 that case, there should be an upper limit. Is it 17 two? Is it three? I think that's where the 18 discussion would be. 19 THE CHAIR: Is that a problem right now? 20 Well, I guess it says you can't be on any more. But 21 do you think it could be an issue, that people are 22 going to want to be on, like, multiple boards? 23 COMMISSIONER ROBBINS: Well, I think 24 charter schools, when they're looking for members -- 25 you know, comments I've heard, kind of secondhand or</p>

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1 whatever, well, they'd love to sit on this one, but  
2 they're already on that one. And even though it  
3 doesn't take much time, they're retired or whatever,  
4 they would love to help them out, but they can't  
5 because they're already on this one.

6 THE CHAIR: Got it.

7 COMMISSIONER ROBBINS: So, yes, I think  
8 since many of governance council people are retired  
9 or semi-retired -- not all, but many -- you know, it  
10 opens up -- and that cross-fertilization of ideas, I  
11 think, is valuable, too.

12 You look at boards of directors in  
13 business, you can't have -- you can't have the  
14 interlocking directors. You can't be on the board  
15 of a subsidiary and things like that.

16 But there are people who are on multiple  
17 boards. They get paid \$20,000, \$30,000, \$40,000 for  
18 every board meeting they go to. They're on three  
19 boards and they have meetings every month. They're  
20 making a lot of money just being on the board.

21 I know our governance councils aren't  
22 paid. But if they're willing to take the time to do  
23 it, allow them to. You know, it's just a matter of  
24 what cap it should be.

25 THE CHAIR: Commissioner Gipson. And then

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1 Commissioner Taylor.

2 COMMISSIONER GIPSON: I just told  
3 Commissioner Carrillo that I need to be a retired  
4 person that has all this extra time. I don't know  
5 what world that exists in.

6 You know, I understand the problem. I do.  
7 But I get concerned that there's going to be this  
8 group of people that are going to be the person that  
9 you can go to. "Oh, they'll fill that -- they'll  
10 fill that slot."

11 That's what worries me. I don't think  
12 there's any restriction for being on an equity  
13 council in one school and a governance council. So  
14 that's -- to me, that's not an issue.

15 I wholeheartedly agree if you're -- if  
16 you're sitting as an authorizer, you should not be  
17 able to sit on a governance council of an entity  
18 that you're -- that you have oversight over. You  
19 know, unfortunately, in the case that was mentioned,  
20 it was a school board member, and it was a  
21 State-authorized school, so it was -- but it was an  
22 issue, and there certainly was concern over it.

23 COMMISSIONER ROBBINS: (Off mic.)

24 COMMISSIONER GIPSON: It started up --  
25 yeah, yeah. But, you know, I have -- I have

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1 questions about supporting it at this point in time.  
2 I do, because I'm just worried that, you know,  
3 you're going to become a professional governance  
4 council member, you know.

5 And that's -- in some areas, that could  
6 absolutely be the case; so -- and if you're not, we  
7 can't put those qualifications and say, "Oh, you  
8 know, if you're a quality governance council member,  
9 you can serve on one board," because you can't  
10 create capacity, you know, standards.

11 So I -- you know, yeah. It's a tough one  
12 for me.

13 THE CHAIR: Commissioner Taylor.

14 COMMISSIONER TAYLOR: Yeah. Thank you.  
15 My question was the same as yours, Chair Burt.

16 Is this really an issue, you know? Is  
17 this something that has come up before us, and we --  
18 you know, we've had people kind of beating down the  
19 doors to want to be on more than one board. Is  
20 this -- to me, this is an issue that I think --  
21 don't think we need to pursue, you know,  
22 necessarily.

23 I mean, I -- it's already -- you know,  
24 it's already defined. And, you know, give other  
25 people the opportunity to sit on boards. I don't

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1 know. I just don't know that it's worth the effort  
2 as far as I'm concerned. So...

3 THE CHAIR: Commissioner Carrillo.

4 COMMISSIONER CARRILLO: Is it a rule right  
5 now that you can only be on one board? The biggest  
6 issue is conflict of interest. That's what it comes  
7 down to; right?

8 If someone wants to be on another board,  
9 knock yourself out. You can't have anything to do  
10 with the authorizer. You can't be obviously giving  
11 contracts to your brother-in-law. It comes down to  
12 conflict of interest. If they want to be on another  
13 one, knock yourself out.

14 I agree with Michael. If this hasn't been  
15 an issue, let's not make it one.

16 THE CHAIR: All right. So I guess what  
17 I've heard is either two different things: To allow  
18 folks to sit on more than one board up to a certain  
19 limit, maybe two -- they can be a part of two boards  
20 as long as there's not that conflict of interest as  
21 far as authorizing and being the person under that  
22 authorizer for the school under that.

23 Or, we just remove this from the  
24 legislative agenda. That's what I've also heard,  
25 that we don't pursue this as any action.

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1           So allowing it, but then creating a cap,  
 2 and then that, like, explicitly stating that  
 3 conflict that we would like to avoid. Or like with  
 4 Commissioner Taylor, which is where I'm kind of at,  
 5 like, not pursuing it.  
 6           Commissioner Carrillo?  
 7           COMMISSIONER CARRILLO: I'm of the "no  
 8 pursue" persuasion. And also I'm just imagining for  
 9 a moment trying to get a Senator or Representative  
 10 to carry it, just, like -- they're going to say,  
 11 "Why? What's the deal here? Has this ever been an  
 12 issue?"  
 13           You know what I mean? I'd say let it go.  
 14           THE CHAIR: I do hear -- I hear  
 15 Commissioner Robbins say, and I'm sure that has been  
 16 the case, where there are people that are willing to  
 17 serve on more than one, and there's a governing  
 18 board that says we want one, but they're already on  
 19 one, and they're not allowed to serve on more than  
 20 one. I can see that as being a problem sometime.  
 21           But unless we're in this severe governing  
 22 board drought, like, it's a huge problem where,  
 23 like, we just can't get governing board members,  
 24 like, a lot of our schools are just, like, under the  
 25 five, and it's a huge problem, that I would

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1 definitely pursue this in that case.  
 2           But I don't know if that's -- Missy is not  
 3 here anymore. But I don't know if that's an issue.  
 4           Brigette?  
 5           DR. BRIGETTE RUSSELL: It is for some  
 6 schools. And I'm not a Commissioner. I don't get a  
 7 say. But I second wholeheartedly everything that  
 8 Commissioner Robbins says. I do think it could  
 9 promote innovation, cross-pollination of ideas.  
 10 And if people have the capacity to serve on two  
 11 boards and there was no conflict of interest, it  
 12 could be a good thing for both schools.  
 13           And I understand if you don't want to take  
 14 the time and trouble to put it on your agenda. But  
 15 I think Commissioner Robbins makes excellent points,  
 16 and I think it could -- there are some schools that  
 17 struggle to fill their board positions, especially  
 18 to fill their boards with people who have experience  
 19 on boards and capacity.  
 20           THE CHAIR: Thank you, Dr. Russell.  
 21           Commissioner Carrillo.  
 22           COMMISSIONER CARRILLO: So what's  
 23 interesting is when you think of these really small  
 24 districts trying to get board members who have no  
 25 familial relations with anyone in the district, it

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1 could be next to impossible, because everyone is  
 2 related to everybody or knows somebody or is a  
 3 step-somebody. And you've just eliminated your  
 4 whole pool to be on your board.  
 5           I guess I could go either way with this.  
 6 It's -- I think -- I think the way that I would want  
 7 this issue handled more than anything is for them to  
 8 grow their own. It's like when you have -- when we  
 9 get a new school, and they have a new governing  
 10 board, it can be a -- it can be impressed upon them  
 11 the importance of, "Find your replacement," you  
 12 know.  
 13           So if you're going to have to leave the  
 14 board for some reason, you know, find someone to  
 15 take your spot, and always be trying to cultivate  
 16 talent in that way.  
 17           So I can go either way on this.  
 18           THE CHAIR: Okay. So why don't we have  
 19 Julia go ahead and draft something with that, and  
 20 then we can take a look at it next month and decide  
 21 whether we pursue it or not. But that way, we have  
 22 the draft language, have some time to think on it.  
 23           I don't think this -- maybe we don't need  
 24 to decide it today. But maybe seeing what this  
 25 looks like as part of a legislative, you know,

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1 agenda, might help us as well.  
 2           Is that okay? Have her draft it, and then  
 3 we'll look at it? Okay. Great.  
 4           All right. So the last one on this is  
 5 going to be No, 7, which is changing the appellate  
 6 review process and keep the review internal to the  
 7 PED. I think I know what this is, and it's mostly  
 8 that we just want it to stop the review -- the  
 9 appeals to stop at the Secretary and not be able to  
 10 go to the next step, which they currently are, which  
 11 is to be appealed through the court system.  
 12           So this would be to limit appeals to the  
 13 Secretary only and not go to the next level any  
 14 longer.  
 15           Commissioner Carrillo.  
 16           COMMISSIONER CARRILLO: Can we even do  
 17 that? Because in a way, it's almost like we're --  
 18           THE CHAIR: We're asking for a legislative  
 19 change.  
 20           COMMISSIONER ROBBINS: Even if they change  
 21 it, it seems like they would be eliminating  
 22 someone's due process.  
 23           THE CHAIR: Commissioner Carrillo, you are  
 24 so confusing.  
 25           COMMISSIONER CARRILLO: I don't like the

<p style="text-align: right;">214</p> <p>1 idea. I can't stand the idea -- believe me -- I 2 don't like the idea that people just love to go to 3 district court. 4 THE CHAIR: Right. So this would prevent 5 that. 6 COMMISSIONER CARRILLO: I don't want to go 7 to district, because they're going to spend taxpayer 8 dollars and classroom money just because they can, 9 you know. 10 THE CHAIR: No. Because they can, of 11 course, they are going to. 12 COMMISSIONER CARRILLO: I know. I know. 13 THE CHAIR: I will say, in other states, 14 the appeals process can be very different from ours. 15 There are some states where there is no appeal 16 process at all. None. There are some states where 17 it's just one level. There are some that go 18 further. There is precedent in other places to have 19 a different appeals process. 20 This would require a legislative change. 21 Absolutely. 22 THE CHAIR: I'm going to support just 23 ending it at the PED. I can't remember the state or 24 area that you said -- I'm almost certain it was you, 25 maybe it was just talking on the phone, where</p>	<p style="text-align: right;">216</p> <p>1 therefore, the Cabinet Secretary is relying on that 2 staff to make the recommendation to them, that it 3 gets a little muddied there with -- with us. 4 But there isn't a cleaner -- to me, there 5 isn't a clean -- someone had suggested one time that 6 we skip the Cabinet Secretary and go directly to 7 District Court. And I don't think that's the best 8 solution. I don't. Because we were lucky this time 9 around that District Court responded reasonably 10 quickly. 11 But there have been other instances where 12 District Court took years, literally years, and 13 sometimes never. There are a couple of cases where 14 we're still technically waiting. 15 COMMISSIONER CARRILLO: (Off mic.) 16 COMMISSIONER GIPSON: Yes, it was. We had 17 a school we never heard from. We ended up not 18 renewing the school before -- and we still haven't 19 gotten a response from District Court. 20 So you just don't know what's going to 21 happen. 22 So that concerns me. And, unfortunately, 23 District Court often doesn't look at what's 24 educationally sound. They look at some nuance of 25 the law, and they're going to pick that out. So I'm</p>
<p style="text-align: right;">215</p> <p>1 they've got one guy. 2 COMMISSIONER GIPSON: New Jersey. 3 COMMISSIONER CARRILLO: I love that idea. 4 One person. ¡Hijole! You're out. You violated the 5 contract so many times. Goodbye. And it's just 6 this one person. There's something to be said for 7 that. 8 COMMISSIONER GIPSON: Now you know why I 9 am the way I am. 10 COMMISSIONER CARRILLO: I would support it 11 ending at the Secretary. 12 COMMISSIONER GIPSON: I do, too. You 13 know, we've looked at this. We even looked at -- we 14 talked one time about what happens with local 15 district-authorized schools, when they make an 16 appeal. They make an appeal to the Cabinet 17 Secretary. Would it not make more sense that we 18 become the hearing officer for those appeals? 19 Because we have greater capacity to understand the 20 nuances of a charter. And I really like that idea. 21 The problem is we don't have a flip on 22 that. But, you know, I fully support it, you know. 23 And I know there's -- there's -- there's been 24 concerns raised about, well, your staff that does 25 the recommendations is part of PED already. And so,</p>	<p style="text-align: right;">217</p> <p>1 a Jersey girl, so I'm going for that. 2 COMMISSIONER CARRILLO: (Off mic.) 3 COMMISSIONER GIPSON: So I support that 4 wholeheartedly. 5 THE CHAIR: All right. I don't see any 6 other hands up. So maybe we can just do the 7 thumbs-up or thumbs-down from folks. If you would 8 support proposing to changing the appeals process to 9 be limited to the secretary and that there's no 10 further appeal. 11 (Commissioners indicate.) 12 THE CHAIR: All right. So that's a 13 consensus there as well. 14 All right. That's -- I have every -- 15 we've gone through everything on this list. I can't 16 believe it. 17 So we did -- let me know if I'm wrong. 18 But I thought we said that B was low-hanging fruit, 19 and we were all good with that one. Is that 20 correct? 21 I had B, I had started that one earlier 22 on. It had been -- I think Commissioner Robbins was 23 saying, like, "Yeah, I think that one's an easy one 24 that we can all agree to." B. 25 THE CHAIR: You're not on -- if you want</p>

<p style="text-align: right;">218</p> <p>1 to put on your microphone, Commissioner Robbins.  2 COMMISSIONER ROBBINS: My thought is this  3 is to request additional funds for start-up schools  4 beyond what the CSP Grant gives them.  5 THE CHAIR: Right.  6 COMMISSIONER ROBBINS: Because what we  7 heard today is the first year, they don't have  8 transportation. There's other things that schools  9 have that may be outside what CSP would give them.  10 You know, if you just had an extra \$15-,  11 \$20-, \$30,000, that's a huge amount, depending upon  12 your school size. \$30,000 can provide  13 transportation for a decent-sized charter school, or  14 allowing staff to do some preliminary stuff beyond  15 what the CSP grant gives them.  16 So what amount it should be? I mean,  17 maybe 5 percent additional to the CSP, or 10 percent  18 additional. Some amount in addition to the CSP, I  19 think would be justified, and I think history has  20 shown that it's needed.  21 THE CHAIR: Uh-huh. Yeah, I definitely  22 support that.  23 Any other questions or comments on that  24 one?  25 (No response.)</p>	<p style="text-align: right;">220</p> <p>1 There are also -- the Blue Ribbon Schools  2 were announced. So we want to definitely  3 congratulate Albuquerque School of Excellence on  4 their blue ribbon. Acequia Madre and Texico Middle  5 School also received blue ribbons this year.  6 Congratulations to all of them, but especially  7 Albuquerque School of Excellence.  8 I think Corina might have said this, but I  9 had it written on my notes and then I doubted  10 myself, so I'm just going to say it again.  11 The only update I have a school issue is  12 Explore-Las Cruces did e-mail us to indicate they  13 did start back in person on September 6.  14 That's what I thought. I had it on my  15 notes. If I don't say it and she did -- all right.  16 That's it for me.  17 So that takes us to Item No. 17, PEC  18 Comments.  19 So, Commissioners, if you have any  20 comment, you can raise your hand at this point.  21 Commissioner Voigt.  22 COMMISSIONER VOIGT: Yeah. Thanks,  23 Madam Chair.  24 So I've been asked to reach out to  25 Commissioners regarding the NACSA conference and to</p>
<p style="text-align: right;">219</p> <p>1 THE CHAIR: All right. Thumbs-up or  2 thumbs-down time.  3 (Commissioners indicate.)  4 THE CHAIR: All right. Great.  5 All right. I think that's all. And so  6 now we'll have -- Ms. Barnes, you clean us up all  7 and -- yeah.  8 MS. JULIA BARNES: I'll do a little bit of  9 fleshing it out, not drafting legislation.  10 THE CHAIR: No. Yeah.  11 Okay. So the next item -- so that's Item  12 No. 15. We're now on to Item No. 16, Report from  13 the Chair.  14 We already had our little talk with Matt  15 Pahl, so skip Item A.  16 "Report on new or updated PEC issues"  17 that I have learned about.  18 So there are two State charter school  19 students, Elias Copeland from ASK Academy, and  20 Sebastian Stoker from AIMS, who were named a Top 300  21 Middle School Scientist by the Broadcom Institute  22 and Society for Science. That was out of  23 1,800 students across 49 states and territories. So  24 two of our New Mexico State charter school students.  25 Yay!</p>	<p style="text-align: right;">221</p> <p>1 not wait too late to -- to secure your air and your  2 hotel. So -- and to reach out to Felicia to let her  3 know whether you're going and send her your receipts  4 ASAP.  5 And then I wanted to extend a personal  6 congrats to Commissioner Manis on becoming a dad.  7 COMMISSIONER MANIS: Thank you.  8 THE CHAIR: Yeah. Commissioner Carrillo.  9 COMMISSIONER CARRILLO: I think this would  10 go more under discussion of new business.  11 THE CHAIR: Okay. Any other PEC comments?  12 Commissioner Robbins.  13 COMMISSIONER ROBBINS: I hope Commissioner  14 Voigt's been invited also next week to Mission  15 Achievement and Success. They're celebrating ten  16 years as a charter. And they are a great school  17 also. And so just want the Commission to know that  18 the two of us, at least, will be there.  19 COMMISSIONER VOIGT: Yeah. JoAnn sent me  20 dates that would work. So thanks.  21 COMMISSIONER ROBBINS: I don't know if  22 Commissioner Armijo has been invited.  23 It's the 21st. I'll be there at 1:00 in  24 the afternoon. I had something come up in the  25 morning.</p>



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1 COMMISSIONER VOIGT: (Off mic.)  
 2 COMMISSIONER ROBBINS: Thank you.  
 3 THE CHAIR: All right. Thank you.  
 4 Okay. So that'll take us to Item No. 18,  
 5 Discussion of New Business Topics for the Next  
 6 Agenda.  
 7 And I do want to do a clarification,  
 8 because I know last month was the first time we did  
 9 this item. And so we do need -- if a new item is  
 10 brought up, we would like a second on it to get it  
 11 onto the agenda. So just so you don't have to,  
 12 like, move, but I do need someone else to say, "Yes,  
 13 I agree," just to have someone else put that on  
 14 there as well.  
 15 Commissioner Carrillo.  
 16 COMMISSIONER CARRILLO: Well, Pattie and I  
 17 are going to put on giving us all company vehicles.  
 18 No, we're not.  
 19 Mental health. Not taking action or  
 20 anything, but discussing mental health providers,  
 21 certainly, for all of our State charters, but, in  
 22 general. We're seeing -- and I'm sure you guys have  
 23 read about it. We have had two recent suicides in  
 24 Santa Fe. And for a population our size, honestly,  
 25 we have way too many kids between, like, 11 and 20

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1 killing themselves.  
 2 It's an epidemic all over the country.  
 3 But I'm talking about a small population our size.  
 4 Even in New Mexico, small population. So putting  
 5 mental health on the next agenda.  
 6 COMMISSIONER TAYLOR: I'll second.  
 7 COMMISSIONER ROBBINS: Thank you.  
 8 THE CHAIR: Do you see this as like a  
 9 spotlight, where someone comes and gives a --  
 10 COMMISSIONER ROBBINS: The thing is, I had  
 11 asked Ms. Chavez at one point, is there a  
 12 requirement that somebody have -- and I'm talking a  
 13 mental health provider, very separate from a  
 14 guidance counselor, two very different things -- not  
 15 just a mental health access to a provider -- there's  
 16 no way or schools are -- our charters can afford to  
 17 have somebody on staff, but whether there's a  
 18 network or something they tap into and make a  
 19 requirement, something they tap into.  
 20 And then -- but also it can be  
 21 professional development for teachers in how to  
 22 recognize -- you don't want to recognize a kid when  
 23 he's already cutting; right? You want to get there  
 24 before any of that starts to happen. You want to  
 25 have other kids be able to go into an adult and say,

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1 "I'm really worried about my friend." And so there  
 2 can be intervention. So it's that kind of scope.  
 3 You know, we always read about -- we're  
 4 either, like, 59 -- we don't have 59 states -- we're  
 5 either 49 or 50, generally, in education or child  
 6 well-being. And, I mean, I would -- for Santa Fe, I  
 7 would implore the Mayor to make child well-being and  
 8 services his absolute priority for the next three  
 9 years over and above absolutely everything else. So  
 10 that's the -- the reason.  
 11 COMMISSIONER VOIGT: Clarifying question.  
 12 THE CHAIR: Commissioner Voigt.  
 13 COMMISSIONER VOIGT: So -- and I  
 14 appreciate you bringing that up, because social  
 15 workers are needed in every school. Siembra  
 16 Leadership High School, the APS charter school that  
 17 I'm the governance board chair of, they employ six  
 18 social workers full time.  
 19 There are many schools -- besides suicide,  
 20 there's killings, there's murders, you know, where  
 21 the kids are killed or they're killing somebody, you  
 22 know. So, I mean, there's issues.  
 23 And so social workers are the ones that  
 24 are really bringing in the social-emotional  
 25 learning, the restorative justice, the positive

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1 behavior intervention supports, PBIS.  
 2 So there's many, many things that can be  
 3 done that are being done in schools. But when we  
 4 had our social-emotional learning spotlight with RFK  
 5 Charter School and Tonya Covington, it's shocking to  
 6 me -- and I think I said it then -- that our biggest  
 7 school board in the state is rejecting restorative  
 8 justice practices.  
 9 That, I just can't even imagine. You  
 10 know, I mean, why? Why would they, when it's  
 11 something that's going to benefit their kids and  
 12 bring mental health and, you know, empathy to --  
 13 things like that.  
 14 So I hear you, and I totally agree. But I  
 15 think that social workers are where it's at. And,  
 16 you know, knowing many social workers at the school  
 17 level that have been at the CYFD level, that's where  
 18 they would rather be is at the school, because they  
 19 know they're seeing their work in action and  
 20 being -- it's being beneficial.  
 21 But, yeah, I mean -- and, also, I just  
 22 want to say suicide, I have a whole philosophy about  
 23 suicide, especially for old people. But I just want  
 24 to say it's -- there's a whole different philosophy  
 25 about suicide that I won't go into right now.

226	<p>1 But there's -- but there does have to be</p> <p>2 definitely mental health awareness brought into the</p> <p>3 public sector of education.</p> <p>4 THE CHAIR: Commissioner Robbins -- oh,</p> <p>5 sure, if you want to respond to her, and then</p> <p>6 Commissioner Robbins.</p> <p>7 COMMISSIONER CARRILLO: I want to know</p> <p>8 more about the old people thing.</p> <p>9 THE CHAIR: Never mind.</p> <p>10 Okay. Commissioner Robbins.</p> <p>11 COMMISSIONER ROBBINS: I totally support</p> <p>12 additional mental health in schools and in the</p> <p>13 community. I had a brother who committed suicide in</p> <p>14 1993, my oldest brother. I also had a family member</p> <p>15 who spent almost ten years in the forensic unit and</p> <p>16 another month or two in the civil unit at Las Vegas,</p> <p>17 in the State Hospital.</p> <p>18 So I'm very familiar. And I've had to</p> <p>19 deal with it. I dealt for years with the UNM Mental</p> <p>20 Health Center with this family member.</p> <p>21 Family involvement is very important. And</p> <p>22 when family refuses to be involved, there are</p> <p>23 mechanisms. And if those mechanisms over the last</p> <p>24 20 years have been eroded, we need to replace them.</p> <p>25 I had this family member on two occasions</p>	228	<p>1 THE CHAIR: You should talk about what</p> <p>2 should be on the agenda, not the actual topic. We</p> <p>3 can discuss it next month. But if there's something</p> <p>4 you would like to have as part of this</p> <p>5 presentation --</p> <p>6 COMMISSIONER VOIGT: This will segue off</p> <p>7 of the need for mental health, and that is that the</p> <p>8 mental health providers should be also included</p> <p>9 within the new teacher contract salary schedule.</p> <p>10 THE CHAIR: Should that be part of the</p> <p>11 presentation next month?</p> <p>12 COMMISSIONER VOIGT: That's a bigger part</p> <p>13 of the mental health. Pay them.</p> <p>14 THE CHAIR: Okay. Anything else for next</p> <p>15 month?</p> <p>16 (No response.)</p> <p>17 THE CHAIR: All right. The last item is</p> <p>18 adjournment.</p> <p>19 I move to adjourn.</p> <p>20 And, Secretary Armijo, if you could call</p> <p>21 roll.</p> <p>22 COMMISSIONER ARMIJO: Yes. Okay. Excuse</p> <p>23 me.</p> <p>24 Commissioner Taylor.</p> <p>25 COMMISSIONER TAYLOR: Yes.</p>
227	<p>1 involuntarily committed to the State Hospital to</p> <p>2 prevent them from hurting others or themselves.</p> <p>3 It's not easy. Mental health is real.</p> <p>4 And I think too often we kind of neglect it until,</p> <p>5 you know, tragedy hits us, and then that tragedy</p> <p>6 consumes you for a period of time.</p> <p>7 But it can be -- it should be a priority</p> <p>8 in schools, mental health counselors and social</p> <p>9 workers. And, I think, you know, we need to</p> <p>10 recognize that takes a little bit of money. But the</p> <p>11 State fortunately is in a position, you know, to do</p> <p>12 that. Rather than throwing money away, put it into</p> <p>13 the social problems that we actually have. And not</p> <p>14 just give people money to not work, but give workers</p> <p>15 money to help those people who are struggling and</p> <p>16 having mental problems. Thank you.</p> <p>17 THE CHAIR: Commissioner Voigt.</p> <p>18 COMMISSIONER VOIGT: Yeah. Thanks. I</p> <p>19 totally agree. I think, you know, with the new</p> <p>20 teacher -- oh -- with the new teachers' salary --</p> <p>21 THE CHAIR: This is literally discussion.</p> <p>22 There's discussion of New Business Topics for the</p> <p>23 Next Agenda.</p> <p>24 COMMISSIONER VOIGT: So with the new</p> <p>25 teachers' salaries --</p>	229	<p>1 COMMISSIONER ARMIJO: Vice Chair Voigt.</p> <p>2 COMMISSIONER VOIGT: Yes.</p> <p>3 COMMISSIONER ARMIJO: Commissioner Armijo</p> <p>4 votes yes.</p> <p>5 Chair Burt.</p> <p>6 THE CHAIR: Yes.</p> <p>7 COMMISSIONER ARMIJO: Commissioner</p> <p>8 Carrillo.</p> <p>9 COMMISSIONER CARRILLO: No. I thought I'd</p> <p>10 be here till 4:00, so -- yeah. Yes.</p> <p>11 COMMISSIONER ARMIJO: Commissioner Chavez.</p> <p>12 COMMISSIONER CHAVEZ: Yes.</p> <p>13 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>14 COMMISSIONER GIPSON: Yes.</p> <p>15 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>16 COMMISSIONER MANIS: Yes.</p> <p>17 COMMISSIONER ARMIJO: And Commissioner</p> <p>18 Robbins.</p> <p>19 COMMISSIONER ROBBINS: Yes.</p> <p>20 COMMISSIONER ARMIJO: That is nine for</p> <p>21 adjournment.</p> <p>22 Thank you.</p> <p>23 THE CHAIR: Thank you, Secretary Armijo.</p> <p>24 Thank you, everyone. We'll see you next month.</p> <p>25 (Proceedings adjourned at 2:08 p.m.)</p>

BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

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