

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
OPEN PUBLIC MEETING
October 21, 2022
9:00 a.m.

Jerry Apodaca Education Building, Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico
AND
Via Zoom Webinar Video Teleconference

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1 APPEARANCES

2 COMMISSIONERS:

3 REBEKKA BURT, Chair

4 GLENNA VOIGT, Vice Chair

5 MELISSA ARMIJO, Secretary

6 STEVEN CARRILLO, Member

7 PATRICIA GIPSON, Member

8 KT MANIS, Member

9 DAVID ROBBINS, Member

10 MICHAEL TAYLOR, Member

11

12 PED STAFF:

13

14 CORINA CHAVEZ Director

15 Charter School/Options for

16 Parents and Families Division

17

18 BRIGETTE RUSSELL, Deputy Director, Options for

19 Parents and Families

20 MISSY BROWN Technical Assistance and Support and

21 Training Administrator

22 Charter School/Options for

23 Parents and Families Division

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1 THE CHAIR: All right. So it is 9:02 a.m.

2 I will call this meeting to order. And if we can go

3 to roll call with Secretary Armijo.

4 COMMISSIONER ARMIJO: Thank you. Good

5 morning.

6 Secretary Armijo is present.

7 Chair Burt.

8 THE CHAIR: Here.

9 COMMISSIONER ARMIJO: Commissioner

10 Carrillo.

11 COMMISSIONER ROBBINS: Here.

12 COMMISSIONER ARMIJO: Commissioner Chavez.

13 (No response.)

14 COMMISSIONER ARMIJO: Commissioner Davis.

15 (No response.)

16 COMMISSIONER ARMIJO: Commissioner Gipson.

17 COMMISSIONER GIPSON: Here.

18 COMMISSIONER ARMIJO: Commissioner Manis.

19 (No response.)

20 COMMISSIONER ARMIJO: I thought I saw him,

21 but I'll wait.

22 Commissioner Robbins.

23 COMMISSIONER ROBBINS: Here.

24 COMMISSIONER ARMIJO: Commissioner Taylor.

25 COMMISSIONER TAYLOR: Here.

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1 COMMISSIONER ARMIJO: Vice Chair Voigt.
 2 COMMISSIONER VOIGT: Here.
 3 COMMISSIONER ARMIJO: So we have a quorum
 4 of seven. But I believe Commissioner Manis is here
 5 as well, so it should be eight.
 6 COMMISSIONER GIPSON: He should respond.
 7 THE CHAIR: Okay. Yeah. We'll include
 8 him in the record when he is able to respond that
 9 he's here.
 10 Thank you, Secretary Armijo.
 11 COMMISSIONER ARMIJO: Thank you.
 12 THE CHAIR: All right. Next we have
 13 Pledge of Allegiance. And I'm asking Commissioner
 14 Robbins to lead that, and it'll be the Salute to the
 15 New Mexico Flag by Vice Chair Voigt.
 16 (Pledge of Allegiance and Salute to the
 17 New Mexico flag conducted.)
 18 THE CHAIR: Thank you. Item No. 2 is
 19 Approval of the Agenda. And I will approve -- move
 20 to approve the agenda.
 21 COMMISSIONER VOIGT: Second.
 22 THE CHAIR: Thank you. There's a motion
 23 and a second.
 24 Any discussion?
 25 (No response.)

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1 THE CHAIR: All right. Secretary Armijo,
 2 if you could call roll.
 3 COMMISSIONER ARMIJO: Chair Burt.
 4 THE CHAIR: Yes.
 5 COMMISSIONER ARMIJO: Commissioner
 6 Carrillo.
 7 COMMISSIONER CARRILLO: Yes.
 8 COMMISSIONER ARMIJO: Commissioner Gipson.
 9 COMMISSIONER GIPSON: Yes.
 10 COMMISSIONER ARMIJO: Commissioner
 11 Robbins.
 12 COMMISSIONER ROBBINS: Yes.
 13 COMMISSIONER ARMIJO: Commissioner Taylor.
 14 COMMISSIONER TAYLOR: Yes. Sorry.
 15 COMMISSIONER ARMIJO: Vice Chair Voigt.
 16 COMMISSIONER VOIGT: Yes.
 17 COMMISSIONER ARMIJO: And Secretary Armijo
 18 votes yes. That passes, seven to zero.
 19 THE CHAIR: Thank you. The next item is
 20 Open Forum. And, Ms. Brown, do we have folks signed
 21 up for Open Forum today?
 22 MS. MELISSA BROWN: Yes, we do. First we
 23 have Angela Feathers. I'm promoting her to the
 24 panel.
 25 THE CHAIR: Thank you. And those of you

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1 who have signed up for public comment, please keep
 2 your comments to about two minutes. But please make
 3 sure you introduce yourself, first and last name,
 4 for the record before you start. And, Ms. Feathers,
 5 if you can -- and hi. Commissioner Manis is present
 6 now.
 7 (Commissioner Manis enters meeting.)
 8 COMMISSIONER MANIS: I just wanted to let
 9 you know -- I let Dr. Russell know as well -- that I
 10 have a meeting that I have to step out for at 9:30.
 11 But I wanted to come on for as much as I could.
 12 THE CHAIR: All right. Thank you,
 13 Commissioner Manis.
 14 All right, Ms. Feathers. If you could
 15 introduce yourself, and then you have two minutes.
 16 FROM THE FLOOR: Hi, I'm Angela Feathers.
 17 I am a teacher at La Tierra Montessori School. I
 18 have come to you before. It seems two minutes is
 19 never enough.
 20 I'm here out of concern for what is
 21 happening at La Tierra. In August, we came to you
 22 reporting that there was no agriculture, no drills,
 23 no special ed, no ELL, no testing, the screenings,
 24 the WIDA, et cetera, et cetera.
 25 Two months later we're almost in the same

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1 spot, with the exception of ELL. This is only
 2 because one of our teachers graciously stepped in
 3 after our bilingual coordinator resigned. However,
 4 this leaves her class without -- I mean, with an EA
 5 for now two hours.
 6 We were very hopeful that our special ed
 7 situation would start to improve with the hiring of
 8 Mrs. Herrera. But now she's been tasked with the
 9 impossible task of being the head administrator and
 10 the special ed coordinator, and we're concerned
 11 about that. She's doing as much as she can. That's
 12 not a dig at her. It's just -- it's a lot of work.
 13 These two hours of instructional time that
 14 that class was missing was intended for Montessori.
 15 I want to emphasize again. There is no Montessori
 16 happening here, no three-hour uninterrupted work
 17 period, no three-year cycle.
 18 There's -- some of the classes have no
 19 materials or the materials are being removed. There
 20 are no certified teachers besides myself and no
 21 training opportunities because we are being told
 22 there is no funding.
 23 After all the cancellations from the
 24 previous years due to COVID, we were very hopeful
 25 that we would be on the right track and be fully

10	<p>1 staffed with fully Montessori-certified people by 2 the end of this year. This is a direct violation of 3 our charter.</p> <p>4 Both of the administrators resigned within 5 the first 30 days of school. There were no ads run 6 right away. Nobody told these parents. Most 7 parents found out there was no administrator through 8 the teachers at the parent-teacher conferences.</p> <p>9 There has not even been a formal or 10 informal announcement about Ms. Herrera, other than 11 her voting-in at the Governing Council meeting.</p> <p>12 This interim idea was only started after 13 the hiring practices were called into question. All 14 new-hires except for one have resigned. Morale at 15 the school is at an all-time low.</p> <p>16 You have now heard from the charter 17 founder, the former Governing Board --</p> <p>18 THE CHAIR: Ms. Feathers, if you can 19 finish your comment.</p> <p>20 FROM THE FLOOR: Yes. The president, 21 myself, staff members, and now students. They're 22 all from different walks of life.</p> <p>23 Everyone is reporting what's going on, and 24 they're asking for your help to save La Tierra. 25 Thank you very much.</p>	12	<p>1 I just wanted to let everyone know I'm 2 still here. I'm still interested in the school as 3 a -- if you're wanting to bring back an ag teacher, 4 I'm still available. And if you have any questions 5 or anything, I'm available for that also.</p> <p>6 I love the school. I've had experience 7 with that school since my kids were going there in 8 third and sixth grades. They're now both in 9 college. And I know a lot of the families that are 10 at the school. In fact, I saw a bunch of them at 11 Moving Arts the other day, and they all ran up to 12 hug me and wished that I could come back.</p> <p>13 So, anyway, I'm here and available for 14 questioning if needed.</p> <p>15 THE CHAIR: Thank you, Ms. Gray. That 16 will conclude our Open Forum.</p> <p>17 I just want to make sure the folks in the 18 audience know that I do not call on people from the 19 audience. So if you have your hand raised, you can 20 lower it, or we will be lowering it, so we won't be 21 calling on folks from the audience. Just want to 22 make sure you're clear on that.</p> <p>23 All right. Commissioner Gipson. 24 COMMISSIONER GIPSON: (Off microphone.) 25 (Reporter interjects.)</p>
11	<p>1 THE CHAIR: Thank you. Ms. Brown. 2 MS. MELISSA BROWN: Our next speaker, and 3 last speaker who signed up, is Lorraine Gray. And 4 I'm promoting you to the panel.</p> <p>5 THE CHAIR: All right. Lorraine, if you 6 could introduce yourself, and you have about two 7 minutes. You'll hear a chime at the end of your two 8 minutes, so if you can wrap up at that time.</p> <p>9 FROM THE FLOOR: Okay. Good morning. I 10 hope you can hear me. This is Lorraine Gray.</p> <p>11 THE CHAIR: (Indicates.)</p> <p>12 FROM THE FLOOR: And I was teaching the 13 agriculture at La Tierra Montessori School last 14 spring. And I stayed on through the summer to take 15 care of the gardens and was expecting to stay on 16 through this school year when the change of 17 administration happened.</p> <p>18 And I experienced a lot of disrespect from 19 the -- the new administration at the school and 20 witnessed a lot of mishandling of the equipment and 21 things like that.</p> <p>22 I submitted a letter that maybe you are 23 all aware of. And I just found out about this 24 meeting this morning, so I'm not really prepared for 25 any real meaningful talk.</p>	13	<p>1 THE CHAIR: All right. Great. 2 Was that Commissioner Davis? 3 COMMISSIONER GIPSON: Sorry. I was trying 4 to do it kind of offline as a request.</p> <p>5 THE CHAIR: So we do not -- just to make 6 sure the folks in the audience know, we do not call 7 on people from the audience unless invited by the 8 Commission, and we do not use Chat during the 9 meeting in any way, shape, or form.</p> <p>10 So, please, you know, there is no -- there 11 is no Chat function during this meeting as well.</p> <p>12 All right. That'll take us to item No. 4 13 which is the Consent Agenda, which I will move to 14 approve the Consent Agenda.</p> <p>15 COMMISSIONER VOIGT: I'll second. 16 THE CHAIR: Any comments from 17 Commissioners? Discussion? 18 All right. Commissioner Robbins. 19 COMMISSIONER ROBBINS: Yes. I do have a 20 question on Item 4.11 -- 4.b.11. 21 THE CHAIR: Okay. So we will pull 4.b.11 22 off the Consent Agenda. 23 All right. 24 So I will move to approve the consent 25 agenda without 4.b. 11.</p>

14	<p>1 COMMISSIONER VOIGT: I'll second again. 2 Second. 3 THE CHAIR: Thank you. There's a motion 4 and a second. 5 Secretary Armijo, if you could call roll? 6 COMMISSIONER ARMIJO: Commissioner 7 Carrillo. 8 COMMISSIONER CARRILLO: Yes. 9 COMMISSIONER ARMIJO: Commissioner Gipson. 10 COMMISSIONER GIPSON: Yes. 11 COMMISSIONER ARMIJO: Commissioner Manis. 12 I just want you guys to know I can't hear 13 you very well. Commissioner Manis. 14 COMMISSIONER MANIS: Yes. 15 COMMISSIONER ARMIJO: Thank you. 16 Commissioner Robbins. 17 COMMISSIONER ROBBINS: Yes. 18 COMMISSIONER ARMIJO: Commissioner Taylor. 19 COMMISSIONER TAYLOR: Yes. 20 COMMISSIONER ARMIJO: Vice Chair Voigt. 21 COMMISSIONER VOIGT: Yes. 22 COMMISSIONER ARMIJO: Secretary Armijo 23 votes yes. 24 Chair Burt. 25 THE CHAIR: Yes.</p>	16	<p>1 without knowing exactly where the facility is 2 located. 3 THE CHAIR: All right. And I'm going to 4 let CSD kind of look up that information and see if 5 the school is here. And while they're looking at 6 that, Commissioner Carrillo. 7 COMMISSIONER CARRILLO: Yes. I 8 received -- just received a message from some folks 9 at Tierra Montessori (verbatim) saying they were 10 wanting to sign up, that they didn't know how to 11 maybe do it correctly, but they were in there 12 wanting to sign up for Public Forum, and they were 13 there before 9:00 as we require. 14 And then we've just kind of not put them 15 into the -- this is what I just -- they weren't 16 allowed in the panel or to talk. 17 THE CHAIR: So there are instructions that 18 are clear, very clear, exactly what folks are able 19 to do. There was a 30-minute sign-up period. 20 Those were the two people who correctly 21 signed up and followed the directions. So that's 22 where we're -- we are on to this item. I'm not 23 going to go back to Open Forum. 24 COMMISSIONER CARRILLO: I understand that. 25 But given that we are an elected public body, it</p>
15	<p>1 COMMISSIONER ARMIJO: That passes, eight 2 to zero. 3 THE CHAIR: Thank you. That'll take us to 4 Item No. 5, Discussion and Possible Action on Items 5 Removed from the Consent Agenda, which will be the 6 school relocation of Southwest Aeronautics, Math, 7 and Science Academy. 8 Commissioner Robbins, if you want to go 9 ahead. And, Director Chavez, if there's anyone from 10 the school -- or if there's anyone from the school 11 that's attending that -- okay. 12 COMMISSIONER ROBBINS: I was curious, 13 because I did a Google search, and it came up that 14 this address at 6144 Ventana, it looks like it's in 15 a residential area. And there's no way that they 16 could have an 11,000-square-foot facility. 17 So I would like to get clarification from 18 the school showing on a map exactly where this 19 location is at, because I'm just a little concerned. 20 Granted, Google is not perfect. But when it showed 21 it in a residential area, I was, like, that's kind 22 of odd. 23 But if they could give clarification -- I 24 don't know if they're online or not. But I am 25 apprehensive to approve this relocation change</p>	17	<p>1 seems like we should, when we are able -- I see your 2 head going like this -- but make allowances for 3 maybe folks that maybe did not do something 4 correctly. 5 THE CHAIR: I appreciate that. And I 6 think, you know, they're welcome to speak at the 7 next meeting and follow the directions clearly. But 8 I cannot make allowances, or else I have to make 9 allowances for -- 10 COMMISSIONER ROBBINS: Well, you can but 11 you're -- 12 THE CHAIR: I will not. I will not make 13 allowances for -- the directions were very clear 14 this morning. 15 COMMISSIONER CARRILLO: All right. 16 THE CHAIR: If nobody was able to sign up 17 successfully, that's a different story. We did have 18 people able to sign up successfully and follow the 19 directions. 20 All right. 21 DR. BRIGETTE RUSSELL: Madam Chair, we -- 22 I've contacted the head administrator to see if 23 she's available to join, and I'm waiting to hear 24 from her. Perhaps we could -- we could move it to 25 later in the agenda?</p>

18	<p>1 THE CHAIR: Commissioner Robbins, I think 2 it's probably appropriate that the school is 3 definitely here. So if you don't mind, we'll go 4 ahead and hold off on this item, and we'll come back 5 to it as soon as the school joins us. 6 COMMISSIONER ROBBINS: That'll be fine. 7 Thank you. 8 THE CHAIR: All right. So we're going to 9 come back to Item 5, which is Item 4.b.11. And, 10 Dr. Russell, as soon as you hear from it, we can 11 always -- we'll pull them in whatever we can. 12 All right. There is no -- there is nobody 13 from Item No. 6, so we will go ahead and move past 14 that. 15 DIRECTOR CORINA CHAVEZ: Chair Burt, 16 actually, there is. If we could promote -- 17 THE CHAIR: Okay. 18 DIRECTOR CORINA CHAVEZ: -- Patricia 19 Herrera. Although it is not an item in the Consent 20 Agenda this month, she is here and would love to 21 meet you all. 22 THE CHAIR: Great. Thank you. 23 DIRECTOR CORINA CHAVEZ: So Patricia is 24 the new Interim Head Administrator at La Tierra 25 Montessori. We'll provide an update on La Tierra</p>	20	<p>1 and students. 2 I'm very happy to be here at La Tierra. I 3 go home happy at the end of the day. It's a 4 wonderful little place. I've been welcomed by 5 parents and staff alike. And I'm just grateful for 6 this opportunity, and I look forward to working with 7 everybody. 8 THE CHAIR: Thank you. Commissioners, any 9 questions or comments at this time? 10 (No response.) 11 THE CHAIR: All right. Well, thank you, 12 Ms. Herrera, for taking your time to join us first 13 thing this morning. And I know we'll have you later 14 on as well, but we're grateful to just meet you as 15 the new head administrator, and we will speak later. 16 Dr. Russell? 17 DR. BRIGETTE RUSSELL: Madam Chair, 18 Bridget Barrett of SAMS Academy is joining. And 19 Ms. Brown will promote her to Panelist. 20 THE CHAIR: Okay. Great. 21 All right. Ms. Herrera, thank you for 22 joining us. We're going to let you go, and I'm sure 23 you have lots to do before we see you again. 24 All right. So... 25 MS. MELISSA BROWN: I'm sorry. What's the</p>
19	<p>1 later on in the agenda. And they did submit the 2 paperwork. We were waiting for a copy of her 3 license, which we did get, but it was too late to 4 add to the agenda. 5 So, Ms. Herrera, we're going to promote 6 you to the panel so that you can say hello to the 7 Commissioners. You'll need to accept that in the 8 Zoom when -- when it's there. 9 And so I see you're on the panel now. And 10 please feel free to unmute yourself and introduce 11 yourself and say hello to the Commissioners. Thank 12 you. 13 MS. PATRICIA HERRERA: Good morning. My 14 name is Patricia Herrera. I come to you as retired 15 in July. I was with the Española Schools, 16 primarily, for 23 years. I was at (inaudible due to 17 audio distortion) for three years back in the '80s 18 and the '90s. 19 My background is in special education. I 20 taught all the way from pre-K to 12, and even adults 21 in the past, for 25 years, and was the Dean of 22 Students at the middle school here in Española for 23 two years. 24 But I always held, like, the head teacher 25 hat and was always happy to work with our families</p>	21	<p>1 name again? 2 DR. BRIGETTE RUSSELL: Bridget Barrett. 3 MS. MELISSA BROWN: I'm sorry. I don't 4 see a Bridget Barrett in the Attendees. 5 THE CHAIR: We'll give her a minute. I 6 don't want to move past -- because I know the 7 legislative part is going to take some time. If 8 she's fine to join, I'm okay with taking a quick 9 break and waiting until she joins. So we'll just 10 pause for a moment and make sure we can get her on 11 now. 12 MS. MELISSA BROWN: I have an Amanda 13 Catanzaro from SAMS Academy. 14 Okay. 15 THE CHAIR: Hi. Good morning. All right. 16 Commissioners. We are back on to Item No. 4.b.11, 17 School Relocation of the Southwest Aeronautics, 18 Mathematics, and Science Academy. 19 Thank you for joining us this morning, and 20 I'm going to pass it over to Commissioner Robbins 21 for him to ask you his question. 22 MS. AMANDA CATANZARO: Good morning. 23 COMMISSIONER ROBBINS: Good morning. 24 Thank you. I looked up the address on Google Maps, 25 and it -- on Google Maps. And I understand Google</p>

22	<p>1 Maps may not be accurate. But it shows it to be in 2 the middle of a residential area. Where is 6144 3 Ventana? 4 MS. AMANDA CATANZARO: 6441. 5 COMMISSIONER ROBBINS: Or 6441. 6 MS. AMANDA CATANZARO: So, actually, if 7 you look on the map, if you follow Ventana Road to 8 where it hits Irving, you'll see on Google Maps 9 there's a large blank area. We're right on the 10 corner of Ventana Road and Irving Boulevard. 11 COMMISSIONER ROBBINS: Okay. That's my 12 mistake, because I think I typed up 6144. 13 Thank you. 14 THE CHAIR: And is this a new building 15 that you have built? Or is it a -- since you're 16 here, tell us about your new location. 17 MS. AMANDA CATANZARO: Thank you. Yes, 18 it's a brand-new building. It is scheduled to be 19 finished December 15th. The ground-breaking 20 happened in February of this year. And so we have 21 weekly progress meetings over at the new site to get 22 to see the stucco going up and all of the walls 23 going up. And so it's really exciting right now to 24 be able to watch this new building. 25 THE CHAIR: Very exciting. And I also</p>	24	<p>1 Any further discussion? 2 (No response.) 3 THE CHAIR: All right. Secretary Armijo, 4 if you could call roll. 5 COMMISSIONER ARMIJO: Commissioner Gipson. 6 COMMISSIONER GIPSON: Yes. 7 COMMISSIONER ARMIJO: Commissioner Manis. 8 COMMISSIONER MANIS: Yes. 9 COMMISSIONER ARMIJO: Commissioner 10 Robbins. 11 COMMISSIONER ROBBINS: Yes. 12 COMMISSIONER ARMIJO: Commissioner Taylor. 13 COMMISSIONER TAYLOR: Yes. 14 COMMISSIONER ARMIJO: Vice Chair Voigt. 15 COMMISSIONER VOIGT: Yes. 16 COMMISSIONER ARMIJO: Secretary Armijo 17 votes yes. 18 Chair Burt. 19 THE CHAIR: Yes. 20 COMMISSIONER ARMIJO: And Commissioner 21 Carrillo. 22 COMMISSIONER CARRILLO: Yes. 23 COMMISSIONER ARMIJO: That passes, eight 24 to zero. 25 THE CHAIR: Thank you, Secretary Armijo.</p>
23	<p>1 feel that sounds like a complete anomaly in the 2 construction world, to have ground-breaking in 3 February and you're opening in December. That 4 sounds so fast compared to what's going on. 5 So it sounds like you-all are very 6 fortunate with your contractors and who you-all have 7 building your school. So congratulations on that. 8 MS. AMANDA CATANZARO: Yes. Thank you. 9 Yes. The developer is adamant about getting us in 10 on that December 15th deadline. 11 THE CHAIR: That's amazing. 12 All right. Any other questions before we 13 vote on this item? 14 (No response.) 15 THE CHAIR: All right. Thank you so much 16 for joining us. We really appreciate it. 17 MS. AMANDA CATANZARO: Thank you for your 18 time. 19 THE CHAIR: All right. I will move to 20 approval of the School Relocation of the Southwest 21 Aeronautics, Mathematics, and Science Academy. 22 COMMISSIONER GIPSON: Second. 23 COMMISSIONER ROBBINS: Second. 24 THE CHAIR: Thanks. There's a motion and 25 a second.</p>	25	<p>1 All right. That'll take us to item No. 7, 2 Presentations, Discussion and Possible Action on 3 Legislative Recommendations for Schools and Charter 4 Organizations. 5 And, first, I just want to say I'm always 6 grateful for Vice Chair Voigt, because she is 7 constantly considering school voice and the charter 8 leader's voice and ensuring that we're listening to 9 the people who are doing the work themselves. 10 So I'm going to pass this item over to 11 Vice Chair Voigt, as she has invited some schools to 12 come talk to us about their legislative 13 recommendations and agenda. 14 COMMISSIONER VOIGT: Thank you, 15 Chair Burt. Appreciate that. 16 And I did invite -- before the PEC set 17 their platform, I thought it important that we hear 18 from some schools about their concerns so that we 19 could also include those within our concerns, 20 because their concerns are our concerns. 21 So I invited Mr. Rafe Martinez from 22 Albuquerque Sign Language, and I invited Ms. JoAnn 23 Mitchell from Mission Achievement & Success -- and I 24 think JoAnn's on Zoom; we could bring her in -- and 25 so we could hear from them about some of their</p>

<p style="text-align: right;">26</p> <p>1 priorities facing the next school year. Thanks. 2 THE CHAIR: All right. Mr. Martinez -- 3 oh. And there's Ms. Mitchell. 4 All right. First, I know we're getting 5 the microphone over here to you. So, Ms. Mitchell, 6 if you just want to introduce yourself first, and 7 then we'll introduce Mr. Martinez, and then we'll go 8 to you-all -- I'm going to have you go first, 9 Ms. Mitchell, so -- because Mr. Martinez is out of 10 breath over here. 11 So I'll have you introduce yourself. 12 We'll introduce Mr. Martinez, and then I'll ask you 13 to speak first, Ms. Mitchell. 14 MS. JoANN MITCHELL: Sounds good. Good 15 morning. I'm JoAnn Mitchell. I'm the founder and 16 CEO of MAS Charter School in Albuquerque. 17 MR. RAFE MARTINEZ: Good morning. My name 18 is Rafe Martinez. I'm the Founder and Executive 19 Director of the Albuquerque Sign Language Academy. 20 THE CHAIR: Thank you. Thank you so much. 21 Obviously, we know that your time is extremely 22 valuable. So we are very grateful to have you here 23 this morning to inform us what you actually need 24 instead of us making up things. 25 So, Ms. Mitchell, if you can kind of tell</p>	<p style="text-align: right;">28</p> <p>1 instructional hours, anything about -- well, sorry. 2 So the K-5 Plus program -- let's switch 3 now. 4 So the K-5 Plus program states that if you 5 do an extra 25 days -- and they only require that 6 you do 5.5 hours, because in the statutory language 7 for the length of a school day, it has to be a 8 minimum of 5.5 hours for elementary, K through 6, 9 and six hours for secondary, seventh through 10 twelfth. 11 So now switch gears and go to K-5 Plus 12 requires 25 additional days, but only at 5.5 hours. 13 So if you do the math on that, that comes 14 out to be 175 instructional hours. 15 So if you take the 990, which is the 16 number of instructional hours required for 17 elementary, you add 175, you get 1,165 hours. 18 We don't qualify for K-5 Plus as a 19 charter. And I know a lot of charters have, like, 20 very long school days. 21 MAS has 1,365 instructional hours per 22 year. That's a difference of -- if we added the 23 K-5 Plus, the 175, we would still be 200 hours over. 24 But we get zero dollars of extra funding for the 25 extra hours.</p>
<p style="text-align: right;">27</p> <p>1 us, what is MAS's legislative priorities this year? 2 MS. JoANN MITCHELL: Yes. Sorry. I told 3 people to leave my office. 4 I'll call you later. All right. Bye-bye. 5 Okay. Kiddos in my office. 6 So, yeah. So -- and, again, I don't know 7 if these speak to everybody, although I would like 8 to say that they probably -- a couple of things that 9 are issues for us would absolutely be issues for 10 other schools. 11 You know, the one thing is the K-5 Plus 12 funding. I'm going to try to pull a document up 13 real quick. So with the -- let me just pull this up 14 real quick, because this will help me speak to it 15 and give you some information. And I'm happy to 16 send this information on to you if it's helpful to 17 have this stuff. 18 So K-5 Plus. And I'll just talk about, 19 like, so the statutory requirements right now for 20 length of the school day states the following: That 21 you have to have 990 instructional hours per year 22 for kindergarten through grade 6, and then 23 1,080 instructional hours per year for grades 7 24 through 12. 25 This doesn't take into account the</p>	<p style="text-align: right;">29</p> <p>1 So one of the things -- you know, we've 2 had conversations with different folks. But, like, 3 folks from PED have said, "Hey, there's nothing we 4 can do," because it's in the language. It's the 5 legislative language around the extra days. Not 6 hours. Days. 7 So if there was a -- I don't know if it 8 was an LSD, an LEC -- SC -- whatever. I get them 9 all confused. Like, this is not my area, right? 10 There was a meeting over the summer that I 11 attended remotely just to hear it. And there was 12 some documents that came out afterwards that listed 13 the instructional hours by district, including 14 charters, across the state. 15 MAS has the highest instructional hours. 16 Like, we were number one with -- I can't remember 17 the other charter school. There's another charter 18 school, and I can forward those documents, too, so 19 folks can see them. 20 But to me, that's one of our big 21 legislative issues that we would love to have 22 considered is that K-5 Plus funding is -- if they're 23 going to continue to do that, that there's 24 consideration for the length of the day. 25 So let me tell you how it shows up for a</p>

<p style="text-align: right;">30</p> <p>1 challenge for us. We lose teachers sometimes. And 2 I've addressed this before when I've gone before the 3 Commission for different things, you know, because 4 at times, people have questioned, you know, "Hey, 5 JoAnn, there's turnover." 6 And I've had to remind people, well, our 7 teachers are working a nine-hour day. They come 8 from 7:30 to 4:30, Monday through Friday; whereas, 9 in the district around us, right, APS, it's 10 5.5 hours of instruction. They teach, just 11 instruction alone, 7.5 hours here, a day. That's 12 just instruction. Then there's an hour of 13 professional development and, I guess, if you count 14 30-minute lunch, right? 15 So it's a very long school day. And we do 16 pay more. But you've got to remember, the per-pupil 17 allocation doesn't change because we have a longer 18 school day. 19 So we're often recognized for our academic 20 achievement, right? 21 But I remind people that there's longer 22 hours. Like, we're doing, I think, the intent of 23 the K-5 Plus legislation, which is to provide more 24 instruction. We just do it differently. 25 Like, so rather than adding 25 days over</p>	<p style="text-align: right;">32</p> <p>1 And we absolutely do that. And I think 2 that that speaks volumes to the results we get. 3 So that's the big legislative push for us, 4 because it would result in significant -- 5 significantly more funding. And, quite honestly, we 6 would pay teachers. Because I know -- you know, a 7 couple of years ago, there was a lot of press around 8 the K-5 Plus, and teachers need to work this, it 9 would increase their salaries by \$10,000. Well, 10 that's exactly what I'd like to do, is use the money 11 to be able to pay our teachers, because I promise 12 you they would stop -- can't promise -- but we would 13 reduce -- I know we would reduce turnover, because 14 they wouldn't have to go someplace to work less 15 hours and for almost the same amount of pay, right? 16 So, to me, it's the equity part. Like, I 17 think we're providing kids what they need. But 18 we're falling short of being able to compensate 19 teachers for that significantly longer amount of 20 time that they're working for very little additional 21 compensation. 22 And it's not because we're trying to be 23 cheap, right? There's only so much funding that 24 comes in. And so this would really be able to help 25 us support and be able to provide, like, the</p>
<p style="text-align: right;">31</p> <p>1 the summer, like, we do the 20 -- we just lengthen 2 the school day every day. 3 I know in that one meeting that I 4 referenced over the summer, whether it was the LFC 5 or LECS or -SC -- that one -- they talked about -- 6 there was a lot of discussion about -- I think some 7 of the concerns about, you know, if we allow people 8 the length of the day, are they just going to throw 9 in an extra hour and watch movies at the end of the 10 day? 11 I understand, absolutely understand where 12 those concerns would come. Anybody who's visited 13 our school knows from 8:30 -- because, technically, 14 the school day for kids starts at, like, 8:20 -- 15 until the end of the day, 4:20. It is straight 16 instruction. There is no free time. There is no 17 let's just watch movies. There is nothing fluffy. 18 It is straight academics, like, the whole time. 19 And we've been criticized for that, too 20 that it's too much. And that's why we try really 21 hard when we -- when families come to make sure that 22 they are very clear what they signed up for, right? 23 So I think, again, intent of the 24 legislation is to provide more quality instruction 25 to kids, especially students who are struggling.</p>	<p style="text-align: right;">33</p> <p>1 salaries for them. 2 I know, looking through that list -- and, 3 again, I'm happy to forward that; I don't know 4 who -- if it's best to send it to everybody, if I 5 should send it to one person and you pass it on. 6 Like, yeah, I'm happy to do that. That way, you 7 have reference to kind of the numbers, so it's all 8 in one succinct place, like, the instructional 9 hours, the statutory language and all that. And I'm 10 happy to send you that document that came out of 11 that summer meeting, just so you can see it. 12 But if you look, you'll see many of the 13 charters fall under this. 14 THE CHAIR: Ms. Mitchell, if you'll send 15 that to Director Chavez, she'll forward it out to 16 all of us. You only have to do it once. 17 MS. JoANN MITCHELL: Awesome. Perfect. 18 I'll take care of that. That's the one. 19 The other thing that I would bring up -- 20 and, again, it's probably a little specific to our 21 school, but I'm sure there's other schools that fall 22 into this -- is the transportation funding. 23 So we -- I think we were one of the 24 charters that, like, really started with 25 transportation, I think in year two of our charter.</p>

<p style="text-align: right;">34</p> <p>1 We're ten years in. And it's been a challenge. And 2 I know that the conversations that I've had 3 sometimes. When I've been met with resistance, it's 4 been, like, well, public schools can't go all around 5 the city and pick up kids. 6 I understand that arguments if we were 7 going to Rio Rancho and Los Lunas and Belen to pick 8 up kids. But we're picking them up locally here in 9 Albuquerque. And I think the whole concept of a 10 charter is to provide choice for families. That's 11 one of the concepts behind it is choice for 12 families, especially for us, underserved families 13 that are -- that only have the option of the 14 neighborhood school often, because they don't have 15 the financial means, or they could send them to 16 private schools and stuff, right? 17 So that's kind of one of the premises of 18 charters, right? 19 I'm from New York. And in New York City, 20 you'll find five-year-olds on the subway by 21 themselves, taking buses. So it's not uncommon for 22 kids to take public transportation, right? 23 That's not a mechanism in Albuquerque. 24 Public transportation is not the way people go. 25 So you really are limited as far as being</p>	<p style="text-align: right;">36</p> <p>1 time, he explained -- and I don't completely get it, 2 and so I don't want to misquote him. But he 3 explained, "Oh, JoAnn, when you were under 1,000 4 students" -- or something like this -- "you were 5 under a rural funding formula." 6 And he was, like, "And so the formula 7 shifted when you became an urban school, because you 8 exceeded a thousand students." 9 And, again, I might be slightly misquoting 10 him; it's not intentional, right? 11 And he said, "Because of that, there's an 12 assumption you're traveling less miles, so the 13 formula shifts, and you don't get as much money." 14 So I was, like, get it, but I don't get 15 it, right? 16 He referenced there was emergency funding, 17 but they wouldn't consider it emergency necessarily 18 just because it was costing me more money to serve 19 kids. 20 So that's the issue. I know we can't be 21 alone in this, right? And it's not just, like, 22 trying to, like, give me lots of money so I can 23 recruit kids around the city. 24 But the flip of that argument is really, 25 like, if we're trying to provide choice for</p>
<p style="text-align: right;">35</p> <p>1 able to offer this type of choice to families. 2 You're limited if you don't expand the busing 3 options, right? 4 So I think that once we were able to 5 expand busing, it significantly impacted our ability 6 to serve families and kids. 7 And we're over -- one location is by the 8 airport. The other location is kind of Coors and -- 9 just past I-40, Coors and Sage. So -- and we're 10 not, like, going all the way up near, like, 11 Cottonwood Mall, which is close to Rio Rancho. 12 Like, we're not going that far, right? But we, 13 right now, are coming out of pocket \$350,000 in 14 operational funding. \$350,000 for busing. I mean, 15 it's a huge hit. 16 And a couple of years ago, our funding 17 decreased by about \$150,000. And I was, like, that 18 was odd. Now, obviously, the number of buses we 19 need has increased as our enrollment has grown, 20 right? 21 But a couple of years ago -- it was right 22 before COVID -- when we got the bus allocation. I 23 was, like, that's weird. I think there was an 24 error, right? It was \$150,000 less. 25 So when I talked to Antonio Ortiz at the</p>	<p style="text-align: right;">37</p> <p>1 families. And our school and many of the 2 charters -- right? -- serve underserved communities. 3 And with gas prices what they are right now, right? 4 Like, you're not driving all the way across the 5 city. I mean, one of the things that we did at MAS 6 to compensate for parent work schedule is provide a 7 free before and after school, because we were 8 hearing from families, "Love your school, but I 9 can't get my kid to school at 8:30 in the morning, 10 because the average person doesn't report to work at 11 9:00 a.m."; right? 12 So in our very first year, we opened a 13 before- and after-school program to accommodate 14 families to make sure that the families could drop 15 kids off and pick kids up, and it worked within 16 their work schedules, right? And that helped a lot 17 to serve families. 18 So now one of our big things financially 19 is really the transportation. It's a huge issue for 20 our school. We are fortunate to have the 21 transportation. I just think it's a big hit to our 22 budget to not be able -- to have to pull from 23 operational funds to be able to get children to the 24 school building. 25 So anyhow, those are our two big issues</p>

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1 that I wanted to share. And thank you for the
 2 opportunity. And, again, I really do think -- that
 3 was very specific to MAS, but I really do think that
 4 that probably pertains to many other charters out
 5 there as well.
 6 THE CHAIR: Thank you so much,
 7 Ms. Mitchell.
 8 Before I go to Mr. Martinez, does anyone
 9 have any questions for Ms. Mitchell?
 10 Commissioner Gipson.
 11 COMMISSIONER GIPSON: Yeah. I'll just
 12 make a couple of comments.
 13 JoAnn, thanks, 'cause, you know, that
 14 K-5 -- I've gotten calls from legislators saying,
 15 "Charter schools aren't taking advantage of this."
 16 It's, like, they already have it. They
 17 just can't. The legislation was inflexible.
 18 I know there's conversation this year
 19 about actually, across the board, extending the
 20 school year.
 21 So I'll be curious to see if they extend
 22 the school year, what are they going to do with the
 23 K-5 Plus program, and what's going to happen there.
 24 But it is a vexing problem. And I'm fully
 25 in support of trying to fix it. I don't have a

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1 whole lot of hope of fixing it, though, because
 2 it's -- it's been the conversation every year since
 3 they've put it in. And there just hasn't -- there's
 4 been this reluctance that, "No, we're not going to
 5 change what we did."
 6 But now they're going to have to look at
 7 something. If they do add, across the board, days
 8 to the school year for everyone, then that K-5 Plus
 9 program has to -- has to be looked at, and there has
 10 to be more flexibility in there.
 11 And, you know trans- -- I know at the
 12 LESC, they're talking about transportation,
 13 especially related, to some extent, to the
 14 Yazzie-Martinez and trying to make it -- I got a
 15 call from a neighbor who -- who just moved into my
 16 neighborhood and said, "We were told that they won't
 17 transport" -- traditional public school -- "won't
 18 transport my son to" -- to their local middle
 19 school.
 20 It's eight miles away. It's, like, no, we
 21 don't offer busing there.
 22 It's, like, what are you talking about?
 23 My response was, "You need to call your
 24 legislator and get more money funded."
 25 So that's the traditional public school.

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1 Something needs to be changed, you know. We know
 2 that the first year funding needs to be looked at
 3 for brand-new schools.
 4 But across the board, there has to be
 5 reasonable -- and I agree. If you were poaching
 6 into Los Lunas and Belen, that's a whole different
 7 story.
 8 But the -- and the fact that SEG is just
 9 being stretched to the limits when they're trying to
 10 answer Yazzie-Martinez, that we need to put our
 11 resources to serve our students better, but yet
 12 you're asking schools to, you know, water down their
 13 SEG funding to provide necessary other services to
 14 their students.
 15 It's -- and this is the year to seize the
 16 moment with the monies. This is, it really is. But
 17 it has to be also thoughtful that it's not just a
 18 temporary, "let's throw this money in." It has to
 19 be a permanent --
 20 COMMISSIONER ROBBINS: Recurring.
 21 COMMISSIONER GIPSON: -- funding change in
 22 the funding for transportation. Otherwise, it'll
 23 help you for one year, and then it's going to suck
 24 for you, because you're going to have to figure it
 25 out after that. Thanks.

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1 THE CHAIR: Right. I have, next,
 2 Commissioner Robbins, then Commissioner Armijo, then
 3 Commissioner Voigt.
 4 COMMISSIONER ROBBINS: Yes. And I'd like
 5 to second what Commissioner Gipson said on
 6 transportation, but also on the school days.
 7 Because a lot of times we focus on days. And I know
 8 some people think, "Well, if we add an extra
 9 45 minutes to the day, what are you going to be able
 10 to do?"
 11 It's a matter of adjusting things around a
 12 little bit. It's possible and everything. But
 13 hours count as much as days, because, you know, I
 14 remember years ago, elementary schools in
 15 Albuquerque, they had half-days on Wednesday. But
 16 it still counted as a day. They had half-day -- or
 17 they'd start late for snow days. They'd start two
 18 hours late. In the East Mountain schools, basically
 19 the eastern part of Albuquerque, they'd miss many,
 20 many hours of instruction, because they would delay
 21 the start of the school day by two hours.
 22 And that happened numerous times in the
 23 winter. Almost every year, it happens, because if
 24 they get a half an inch of snow, the mountains may
 25 get three or four inches. Because people come out

<p style="text-align: right;">42</p> <p>1 of the mountains, they put delays in. 2 They're missing hours. So the Legislature 3 needs to convert the days into hours of instruction. 4 And when schools delay, for whatever reason, those 5 students are missing, you know -- because what they 6 do is they take their six-hour day, and they cut it 7 by two. So they're only getting four hours of 8 instruction. 9 And if, you know, adding 45 minutes isn't 10 going to really add to them, then I guess losing two 11 hours a day doesn't hurt them, either. But, the 12 logic there just doesn't make sense to me. 13 So I would applaud this, and especially 14 with MAS, because they're one of the top prestigious 15 schools in the country. Out of 32 schools in the 16 country they received an award, and they're up for a 17 bigger award. 18 But they are doing outstanding things at 19 that school. And I think, you know, the Legislature 20 needs to recognize that, and we need to get away 21 from this idea of treating everything as the same, 22 and we need to reward teachers and schools that are 23 doing metorious (ph) -- 24 COMMISSIONER GIPSON: Notorious. 25 COMMISSIONER ROBBINS: But metratorious</p>	<p style="text-align: right;">44</p> <p>1 Chavez. They're three of the lobbyists we work 2 with. They have been conversations with Secretary 3 Stewart, like, which I'm hearing right now. 4 I just got some communication that there 5 is a possibility that the language will be submitted 6 more along the hours concept, right? 7 So, yes. And Senator O'Neill is 8 committed. Again, if that angle doesn't work with 9 Senator Stewart moving, he has said, "I'm happy to, 10 like, be the one to sponsor a bill for this," right? 11 So from our angle, yes, we're really 12 working this hard. I think it's critical. I think 13 it's absolutely critical. I think that -- I mean, 14 we are doing it. We've got the results. I 15 appreciate the support. 16 But, yeah. So that's kind of where we are 17 right now. 18 This is a now process for me. I don't 19 really understand the whole legislative-type stuff. 20 Sometimes when I talk to Richard and them, I'm 21 always, like -- they will say stuff to me, and I'm, 22 like, "I have no idea what you're talking about 23 right now." 24 So I'm trying to get educated on the 25 process. It's not my thing. I feel like I know the</p>
<p style="text-align: right;">43</p> <p>1 (ph) results -- mixing up the word. But when they 2 are doing things that are outstanding, there should 3 be some recognition, rather than just a pat on the 4 back saying, "Thank you," go on. I think dollars 5 need to follow results. 6 THE CHAIR: All right. Commissioner 7 Armijo? 8 COMMISSIONER ARMIJO: Hi. Yes. Hi, 9 JoAnn. Thank you for being here. I -- my question 10 is more along the lines is -- and forgive me, 11 everybody, if I'm -- don't know how this process 12 works. 13 But do you have some legislators that are 14 willing to carry this bill? Do we already have? Is 15 there legislation being written? 16 What's your avenue to get to these ends? 17 Thanks. 18 MS. JoANN MITCHELL: So we've been working 19 the angle for about two or three years now. So -- 20 but I think we finally have some leverage. So last 21 year during the session, Senator O'Neill wrote a 22 bill, but it never made it to the floor. They said 23 it was going to be iffy whether or not it got there 24 under budget, right? This year, we've been working 25 with Richard Romero and Sue Griffith and Mike</p>	<p style="text-align: right;">45</p> <p>1 education part. And I'm starting to learn more and 2 more that I need to understand that part, because 3 that's where the decisions are made as far as the 4 funding and, like, the policy and stuff like that 5 that impacts us. 6 So I'm 30 years into the career, finally 7 starting to understand that I've got to get involved 8 on that side a little bit more than I have been. So 9 slow learner, I guess. 10 COMMISSIONER ARMIJO: Okay. Thank you. I 11 just wanted to make sure we knew who was doing what. 12 Thanks. 13 MS. JoANN MITCHELL: Yeah. Of course. 14 THE CHAIR: Commissioner Voigt? 15 COMMISSIONER VOIGT: Thank you, 16 Chair Burt. 17 Thank you, Ms. Mitchell, for being here 18 today. You have -- you're always prepared, and 19 you're always very concise with what -- with what 20 you have to say. 21 I have a question -- so given the -- the 22 K-5 Plus funding, and then also the Extended School 23 Year funding, we know that there's always a slush 24 fund with this -- especially with the Extended 25 School Year, for secondary schools. There's a huge</p>

<p style="text-align: right;">46</p> <p>1 amount of money left on the table. 2 And so I wanted to ask you to speculate. 3 If it were possible for your secondary students -- 4 and this would also go to Mr. Martinez. If your 5 secondary students had the opportunity to use 6 internship time outside of your regular school day 7 to earn credits and then also maybe get paid, would 8 that be an option for you? I mean, to make that 9 work using that Extended School Year fund that's 10 already in place, but to be able to give your kids 11 the opportunity for work-based learning? 12 MS. JoANN MITCHELL: Yeah. Absolutely. 13 So, like, right now, interestingly, a number of our 14 kids do work for the school right now. So we do 15 have the before-school program and the after-school 16 program. Our kids work that -- it's predominantly 17 staffed by our high school students, and we pay 18 them. It's obviously outside the school hours, 19 right? 20 So the before-school starts for the kids 21 at, like, 7:00 in the morning, and they can work 22 until school starts -- and the after-school starts 23 and ends 4:30 to 6:00. So we already do that 24 without that funding. We pay for that with our 25 after-school program grant and the schools meals</p>	<p style="text-align: right;">48</p> <p>1 and they don't count. Like, so to your point, 2 Commissioner Robbins, we don't call those school 3 days if the kids are learning. When I told you we 4 have 1,365 hours, those are true instructional 5 hours. No lunch. No half days. No parent-teacher 6 conference. None of that. That is straight 7 instruction, right? 8 So, Commissioner Voigt, back to your 9 question, yeah, for sure. I mean, absolutely. 10 Like, we can -- and I think with that type of 11 funding, it provides so much more flexibility with 12 what we can do, right? Because I think that it's 13 fabulous -- our kids do phenomenal, like, with kids 14 in the before- and after-school program. I don't 15 want you to think there's just staff, like, 15-, 16 16-year-olds and no adults around. There's lots of 17 adult supervision, too. 18 But it's really helpful. The kids know the 19 rules. They do better than other folks that we've 20 hired to run programs. And, obviously, there's 21 supervision and other adults around. 22 But, yeah, it's been phenomenal. And we 23 would really love to extend, like, the opportunity 24 for kids to get invested in the workforce a little 25 more and have that real work experience and stuff</p>
<p style="text-align: right;">47</p> <p>1 program, to be honest with you, because, like, 2 they're staff. They work the program. So that's 3 one place that we're currently paying students. 4 But yes, absolutely. And, you know, I 5 referenced K-5 Plus. But, yeah, to your point, 6 there's the Extended Learning Program. And the 7 Extended Learning Program, I think, calls for 8 ten additional days. But they'll allow you to 9 factor in the ten days with the 25 if you do both 10 programs combined. And then you have to do -- I 11 think it's -- don't quote me -- I can't remember if 12 it's 40 hours or 80 hours -- I think it's 40 hours 13 of professional development, and you have to do, 14 like, an hour -- I think it's an hour after school 15 of extended time. 16 We already do that. We already do all of 17 that. 18 I only referenced K-5 Plus. But we don't 19 get the extended time program, either, because 20 again, there's the stipulation to add ten days. As 21 it is, our teachers work a 197-day contract, because 22 we do 80 hours of professional development before 23 the school year even opens. 24 On top of that, we do five more days 25 during the school year, while teachers are there,</p>	<p style="text-align: right;">49</p> <p>1 while in high school and while we can kind of 2 support them through the process. 3 So, yeah, for sure. If that money was 4 able to flow for us, it would provide so much 5 flexibility for us to do more than what we're 6 already doing. 7 COMMISSIONER VOIGT: Super. Thank you 8 very much. 9 MS. JoANN MITCHELL: Yeah. 10 MR. RAFE MARTINEZ: Madam Chair, members 11 of the Commission and Commissioner Voigt. If I 12 could add to that just a bit. 13 So we do use our Extended Learning Time 14 allocation. We do. And we do create workable, 15 payable space through other grants. 16 So we're a YCC Grant recipient, and we're 17 heavily invested in outdoor education for kids with 18 disabilities. So we combine those two pots of money 19 to do exactly what you're talking about, 20 Commissioner, which is create extended learning time 21 for our kids, but also pay them for internships. 22 But it's under the YCC and Workforce 23 Solutions, kind of a joint venture on that. 24 But one thing I will say about extended 25 learning. So for us; right? We're a small school.</p>

<p style="text-align: right;">50</p> <p>1 And all these pots of money are predicated on 2 membership allocation, right? So, like, for a big 3 school, or a big system, where you have 1,000 kids, 4 this -- the amount of money you're talking about is 5 significant for us. We're -- this is our biggest 6 we've ever been. We're 125 kids this year. It's 7 not a ton of money, right? 8 So we really are driven to supplement with 9 a whole lot of -- just hustle, getting out there and 10 bird-dogging money so that we can do the things that 11 we need to do with our population of kids. 12 So maybe if I were to extend that logic 13 into legislative suggestion, it might be that 14 legislative appropriated money connected to 15 education could be subject to a need rather than 16 just a straight-up number count of kid; right? 17 Similar to, like, how special education is 18 funded, right? There's a multiplier based on the 19 needs of the kids you're serving. Just a 20 suggestion. 21 THE CHAIR: Yeah. Appreciate that. All 22 right. 23 I don't see any other hands up so I'm 24 going to go ahead and -- it's a perfect -- 25 transition to you.</p>	<p style="text-align: right;">52</p> <p>1 perspective, it's certainly not. But from a 2 high-needs perspective, it's not. 3 Now, that is -- that opens the door to a 4 whole lot of scrutiny that somebody needs to take 5 around IDEA funding. So just so everyone knows, 6 we're a majority special ed school. We're hovering 7 right around 70 percent of our total population is 8 special ed, the majority of those being D-level, 9 which is the highest level. 10 But 30 percent of our kids are -- are 11 considered severe and profound, right, like 12 basically one-on-one-type kids. And we receive one 13 of the lowest allocations in the state for IDEA-B. 14 I've questioned it year after year after 15 year, and it always bubbles up to it's a fed 16 formula, right? And so there's no play in that. I 17 don't know that. So I'm not nuanced enough in how 18 that allocation funnels into the state. 19 But I will say this, though, in defense of 20 the Special Ed Department. The one thing we do 21 apply for -- and I think we have finally broken the 22 code -- is on the Puente Para Los Niños Grant, which 23 is the high-needs kids allocation. So that's the 24 way we've been able to keep our head above water 25 around the kids that we serve because of the</p>
<p style="text-align: right;">51</p> <p>1 So, yeah, Mr. Martinez, if you could talk 2 to us about your school. 3 MR. RAFF MARTINEZ: Yeah. So thank you, 4 Commissioner -- Madam Chair, members of the 5 Commission, and thank you all for allowing me to 6 come here. 7 I'm not here with specificity around what 8 we're going to ask for. We've -- look, we've -- 9 we're not a stranger to throwing punches during the 10 legislative session. It's usually around the 11 mission of the school. 12 So we've taken on deaf ed funding, things 13 connected to the Martinez-Yazzie lawsuit that I 14 think affect us, specifically around the special ed 15 component. 16 And I will just say this around 17 Martinez-Yazzie. 18 During the whole thing -- and we can 19 probably, behind closed doors, talk about the 20 details, and I can give you a better opinion if you 21 want it. But the one space that's never really been 22 addressed is the disability issue, because people 23 assume that because there's a multiplier in SEG 24 based on special ed need, that that's taken care of. 25 And I'll just tell you, from a deaf ed</p>	<p style="text-align: right;">53</p> <p>1 high-needs grant. Luckily, we're playing well with 2 that. 3 What I do want to talk about -- again, not 4 just specific to us, because, again, those are wars 5 we're going to continue to fight and will continue 6 to fight as long as I'm around, right? 7 But I think the other -- if I understand 8 why I was asked -- why we were asked to be here was 9 to talk about charter-specific legislation. 10 And I don't know if anything that I would 11 give to -- I think what I want to do is propose 12 potential pitfalls to the charter movement that you 13 all could take and maybe run with, or, in connection 14 to other groups, to talk about legislation that 15 could impact what I'm going to talk about. 16 I think there's really kind of, in my 17 opinion, three huge potential pitfalls that would 18 stop the charter movement in its tracks, right? I 19 think one of them -- and we're hitting a critical 20 level now -- is the business manager issue. 21 I think as -- there's not a ton of 22 independent business managers that are willing to be 23 connected to a school. And that's a bit of a 24 problem. And I'm saying that because we lost our 25 business manager last year, at the beginning of last</p>

<p style="text-align: right;">54</p> <p>1 year -- I don't know -- she -- it was a good 2 relationship, and she did a great job for us. So 3 she and her husband started a new business, and so 4 she stepped out to do that. 5 It was a tough search to find somebody. 6 And, in fact, we ended up having to contract with 7 one of the -- I'll call them the big-box business 8 services. And I think that's -- that's somewhere 9 you all, as a Commission, probably need to look, 10 because, one, they're pricy; two, they don't give 11 the full kind of in-depth support that I think 12 charters need to stay afloat, especially if they're 13 diversified, like we are, in the way we hunt down 14 funds. 15 And, there's also an expectation by those 16 big-box services that the school provides an 17 employee to be the liaison in that space, right? 18 So you're dropping a lot of money in that. 19 So I think -- and the other -- kind of the long-term 20 thing that I think you all need to believe, which is 21 an unfair thing, is that any audit findings are 22 dropped on the school. And that's the way it's 23 been. 24 And the problem with that is when you 25 cycle through bad business managers, those bad</p>	<p style="text-align: right;">56</p> <p>1 doors, I'd be willing to give you a stronger opinion 2 about it. 3 But I think that's happening now. I'm 4 seeing it in just the new phase in the charter 5 world. So they default to status quo systems. 6 And the big-box business manager services 7 are one of those. They -- look. When you're a 8 principal of an APS high school, for instance, 9 you're not -- you're not versed in a deep dive on 10 educational finance; right? 11 So people trying to run a school, and then 12 all of a sudden now you have to be the CFO of a 13 district, which is what you are, they default and 14 hire what they think is the easiest way to go, 15 because they have to. It's a survival instinct. 16 And what you're seeing, too, is the 17 turnover of those new leaders, it's a quick 18 turnover, and you replace them with comprehensive 19 district people, right? 20 So I think -- I think those two things 21 connected to all the other pieces of, like, the 22 complexity of being a charter leader, look -- and I 23 think people have said -- people need to understand 24 that when you're a charter school leader, especially 25 being authorized by you all, by the State, you're a</p>
<p style="text-align: right;">55</p> <p>1 business managers don't get dinged for a bad audit. 2 The school does. And we ran into this past year. 3 So I think it's something to be looked at. 4 And it feeds into my second pitfall that I 5 think the Commission needs to be aware of. And that 6 is, as I am -- and other people are no longer spring 7 chickens in this movement, right? -- founders are 8 going to start -- founders who are leaders are going 9 to start aging out, right, which means that the next 10 kind of tier -- the talent pool of leadership is 11 going to come out of the comprehensive district 12 pool. 13 That's just kind of the nature with it. 14 The problem with that is -- well, there's a few 15 problems with that. But one of the biggest problems 16 is as much as some of these comprehensive district 17 people come stepping out of the district will rail 18 against how the district is broken and they want to 19 get out, the anthropology of that that's fascinating 20 to me is that they come in, and within -- in 21 turbulent times, they default to their comfort zone, 22 which is trying to recreate the district, right? 23 And I think that is huge danger to the 24 charter movement, because it just -- on so many 25 levels. And I could go -- again, behind closed</p>	<p style="text-align: right;">57</p> <p>1 district superintendent. 2 In fact, many of our schools are bigger 3 than some of the rural schools, just -- and 4 flat-out. JoAnn's school -- she's probably one of 5 the biggest districts outside of the big metros; 6 right? 7 So I would say -- there's a complexity to 8 that. And charters do not have the infrastructure 9 that districts have, right? The -- I mean, if you 10 go to the APS towers and see how many people are 11 nuanced into specific duties based on what's needed 12 to run a district -- yeah, that's covered by four 13 people in a charter school, maybe. Maybe, right? 14 And that's a charter that's been around that has 15 learned how to, you know, stretch its penny. 16 I think another kind of thing this 17 Commission might be able to help is I think the 18 discussion of what happens to that 2 percent is 19 legitimate, especially given what I just talked 20 about, right? The back-office services and the 21 back-office needs of charters, as a district, that 22 2 percent would go a long way. In my case, it 23 would, right? I think in most charters, it would. 24 So I think that's something that would 25 really be helpful to the charter movement.</p>

<p style="text-align: right;">58</p> <p>1 And, of course, the thing that's always 2 on -- on the dashboard for charters is facility. 3 That's always an issue. 4 Now, I think we've -- we're in the best 5 spot, I think, of any charter I know with what's 6 recently happened with us with the PSFA and PSCOC. 7 I'm excited about that. I think it's symbolic. I 8 really do. I think it's something that's going to 9 be historic when it's all said and done. And thank 10 you, Commissioner Robbins, for the support, and 11 everybody here, for that. 12 But I think there's a discussion to be had 13 about what we -- like, taking what we've done with 14 the PSCOC and contextualizing it in a way that could 15 be leveraged so that charters have an option to 16 be -- to leverage different funding sources. 17 I know last year, the NMFA was in the 18 game. And there's -- I don't know how -- how much 19 that moved the needle. I know it looks good. I 20 know the optics look good. 21 But I'll tell you, in our instance, that 22 pot of money wasn't ready. When we got approved by 23 PSCOC for our project, nothing through that piece of 24 legislation was helpful to us. 25 It's just -- we're outpacing that, which</p>	<p style="text-align: right;">60</p> <p>1 year, just because we have before. And I'm not sure 2 if anything has change- -- will -- has changed this 3 year from maybe the last two years. 4 With that, I stand for any questions. 5 THE CHAIR: All right. Thank you. 6 So I do want to ask Commissioners, just to 7 respect the administrators' time, that if you 8 have -- if you just want to comment, the next item 9 is to build out our legislative agenda. So if you 10 have a pointed question for them that they can help 11 answer, that's what this would be a more appropriate 12 time for. 13 So Commissioner Voigt, then Commissioner 14 Gipson, then Commissioner Robbins. 15 COMMISSIONER VOIGT: Thanks, Madam Chair. 16 Thanks, Mr. Martinez, for everything that you 17 stated. 18 I have a question for both you and 19 Ms. Mitchell regarding the At-Risk Index. And I 20 know that's going to be addressed, I believe, by 21 PCSNM under their funding -- charter school funding 22 platform. 23 Do you feel that the At-Risk Index is 24 representative of charter schools? And I think I 25 know the answer, but -- because right now,</p>
<p style="text-align: right;">59</p> <p>1 is fine. It'll come, too. But then there's also 2 the question about the amount that was set aside, 3 and then also -- look. We talked to the NMFA ten 4 years ago. We could have gone through NMFA ten 5 years ago. But the problem it's the charter 6 schools -- because we don't pull from a tax base, 7 right? -- the ability to pull -- to pay back a large 8 loan is not favorable, which means that -- that fund 9 could have opened the door for people who are backed 10 by national CFOs -- or CMOs -- things like that, 11 right? 12 So it's questionable whether that NMFA 13 fund becomes accessible to the mom-and-pop places 14 like this. I don't know that. I guess that's a 15 question that maybe this Commission could ask. 16 But -- yeah. So we're not -- we're -- 17 right now, speaking from the ASLA perspective, our 18 focus probably for the next year is to get through 19 the building project, and then, you know, look at 20 other legislation that would -- that would make sure 21 that we're sustainable beyond me, for sure. But, 22 like I said to you, we're really excited about what 23 the future holds for us. 24 But we're not sure whether we're going to 25 drop any type of political clout in the upcoming</p>	<p style="text-align: right;">61</p> <p>1 currently, how the At-Risk Index works, it's based 2 on the district demographics, and then it filters 3 down to the charter schools that sit within that 4 school district. 5 And right now, I'm sure you'll both agree, 6 it's not -- it's not equally funding towards charter 7 schools that sit within those school districts. 8 So I'll just -- you know, ask you. Do you 9 feel that it's -- it's equally represented and 10 funded? 11 MR. RAFE MARTINEZ: JoAnn, do you mind if 12 I take this first? 13 COMMISSIONER VOIGT: And then I have 14 another question. 15 MR. RAFE MARTINEZ: Madam Chair, Members 16 of the Commission, Commissioner Voigt, yeah, you're 17 -- you're right. And this harkens back to the 18 legislation we proposed two years ago with our 19 Opportunity and Equity Index that was able to track 20 kids based on the Yazzie ruling to the school 21 itself, and then -- and, like, the hope would have 22 been that then the Legislature would have paid 23 attention to that method and then be able to divert 24 funds accordingly, right? 25 But you're exactly right. That's -- it</p>

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1 didn't go where we wanted it to go. And so by
 2 living in the current system, you're right. Schools
 3 that have way less at-risk kids based on the
 4 Martinez designation of those populations receive
 5 the same as we do, as JoAnn's school does. And I
 6 know we're receiving -- you know, it's just not a
 7 fair formula.
 8 The thing I would say also, it's -- again,
 9 well, anyway -- never mind. I'll back off on that.
 10 But I'll say this.
 11 The other piece of that, the extension of
 12 that conversation back then was that in order -- and
 13 it has to do with ripping away the Small School Size
 14 Adjustment. So that systematic rip-away of that
 15 fund -- what was promised at the time was that they
 16 were going to create something that would replace
 17 it. And I think PED created the Family Income
 18 Index.
 19 So at the same time that we introduced
 20 the -- our legislation, the OEI, the Family Income
 21 Index came through. The problem was it was a pilot
 22 the first year, and then it was adopted, but it
 23 wasn't expanded.
 24 So, like, for us, we became -- we're not
 25 just high special ed. We're high poverty as well.

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1 We're a CP school. We're 100 percent Free and
 2 Reduced, 100 percent free lunch, right? But we're
 3 not anywhere, nor are other charters, on that Family
 4 Income Index allocation. So just something to think
 5 about. JoAnn, I'll hand it over to you.
 6 MS. JOANN MITCHELL: So I would echo
 7 everything that was said.
 8 The only thing that I'll add and disclose
 9 is that we are one of the Family Index schools. And
 10 so we were fortunate -- I don't know how we got it.
 11 I don't know how they figured out who got it and who
 12 didn't. But we did. We're grateful for the extra
 13 funding and stuff.
 14 But point made, though. I think it's --
 15 it's very confusing how schools are identified. And
 16 I know that was one of our pushes a number of years
 17 ago. We kind of backed away from that a little bit
 18 once we started getting the Family Index funding
 19 because it didn't pertain to us, quite honestly, as
 20 directly. But, yes, I would totally agree, that the
 21 At-Risk funding is definitely -- in the past, up
 22 until this, was definitely underfunded for our
 23 school, because based on -- obviously, because we're
 24 in Albuquerque, we actually -- our school has a
 25 higher percentage of students with disabilities,

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1 second language learners, minority students. Like,
 2 all those, when you look category to category we
 3 have a higher percentage compared to APS. We have a
 4 higher percentage compared to the State.
 5 So, yes, under that formula, we were not
 6 getting what we -- what we could have gotten if it
 7 was funded based on the school's At-Risk formula,
 8 specifically.
 9 Like I said, right now, we are one of the
 10 schools that is getting the Family Index. Don't
 11 know how long it will last. I know there's a lot of
 12 talk whether or not that continues. And point made,
 13 that it really wasn't expanded. I know not much has
 14 changed with that.
 15 But we're hopeful -- very selfishly --
 16 we're hopeful that it doesn't go away if they're not
 17 going to do the At-Risk directly to the schools,
 18 that we stay a part of that group, you know. I
 19 think for equity purposes, I think for the At-Risk
 20 to be done school by school makes a lot more sense
 21 holistically.
 22 COMMISSIONER VOIGT: Thank you for that.
 23 That's also been one of those recurring funding
 24 issues from year to year.
 25 So I wanted to talk about business

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1 managers and ask both of you -- I don't know who you
 2 have as business managers or if you're using K12 or
 3 the Vigil Group. But -- and I know. There has been
 4 a shortage growing of business managers over the
 5 last probably seven years, that school-based
 6 business managers are -- it came around when we
 7 started requiring that procurement certification
 8 test for business managers to become, like,
 9 procurement officers in a school. They had to take
 10 that assessment to do -- to purchase supplies, which
 11 they had always been doing anyway. But that was one
 12 gatekeeping piece that led to kind of an exodus of
 13 business managers at the school.
 14 But I'm curious if you feel it would be
 15 helpful for a formation of communities of practice
 16 of existing school business managers. Not the
 17 approximate big-box groups that you spoke about,
 18 Mr. Martinez, but of -- you know, like the Pat
 19 Kellys -- if there were communities of practice
 20 established. And this had been talked about even
 21 when I was at the charter school.
 22 THE CHAIR: Vice Chair Voigt, I'm going to
 23 interrupt you real quick, just because I want to
 24 make sure we're in keeping with --
 25 COMMISSIONER VOIGT: Yes-or-no answer.

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1 THE CHAIR: It's not a question or not.
 2 So if it's on our agenda. Is this something that
 3 would go to the legislature?
 4 COMMISSIONER VOIGT: Yes. This is a
 5 legislative issue that the legislators realize and
 6 are aware that there is a shortage of certified
 7 business managers at the charter schools. It could
 8 become a fiscal problem.
 9 So just something to plug as a communities
 10 of practice.
 11 THE CHAIR: So we have to -- we've got to
 12 be more -- so we're talking about legislative
 13 agenda.
 14 COMMISSIONER VOIGT: Okay. Okay. I'll
 15 move on to my next question then. So that's just
 16 something to think about.
 17 COMMISSIONER CARRILLO: Sounds like
 18 dropping that requirement would be a legislative
 19 ask.
 20 COMMISSIONER VOIGT: Right.
 21 COMMISSIONER CARRILLO: That's what I'm
 22 hearing.
 23 COMMISSIONER VOIGT: Thank you. It's
 24 definitely tied to the Legislature.
 25 THE CHAIR: As long as we keep it tied to

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1 the legislative agenda and --
 2 COMMISSIONER VOIGT: Yeah. Yeah. So
 3 there's that.
 4 And I'll move on. Just so that you
 5 realized that's something that could happen.
 6 MR. RAFE MARTINEZ: Commissioner Voigt,
 7 can I just say something? To keep it in the realm
 8 of legislative -- that, what you said community of
 9 practice thing could be extended to how the State
 10 would view that whole -- that whole issue of the
 11 audit findings going to the business manager instead
 12 of the school, or somehow linking -- link the two.
 13 I'm not sure how to do that, right? And
 14 just a quick comment. I don't know if that -- if
 15 that would -- that's a symptomatic approach of it,
 16 because the root of it is the talent pool is not
 17 there. I'm just telling you. There's no young
 18 people going into this field, and the big boxes are
 19 locking up what's out there; so...
 20 COMMISSIONER VOIGT: That's so true.
 21 Thank for you that.
 22 So to better focus my questions, when we
 23 talk about facilities -- and they're always a
 24 challenge for charter schools. As state charter
 25 schools, it seems that New Mexico Finance Authority

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1 or the DFA would be, as state entities, willing to
 2 help fund another state entity.
 3 And this is something that I have thought
 4 about for, you know, years, is why isn't NMFA, as a
 5 state agency helping to fund another state agency's
 6 facility? You know, that -- other than -- why do
 7 state charter schools have to go through the APS
 8 facility master plan, you know?
 9 And so I don't know if that could be
 10 legislatively written as within DFA or NMFA's
 11 operational process. But to me, that would be
 12 streamlined and make sense.
 13 MR. RAFE MARTINEZ: Madam Chair, members
 14 of the Commission, Commissioner Voigt, I think
 15 you're right. And what's happening through PSFA and
 16 PSCOC for us could lend -- there could be a template
 17 to follow in some way, right? Now, the difference
 18 with us is we are at the very top of the NMCI list.
 19 So that's what gave us the opportunity to do what we
 20 did.
 21 But it doesn't mean that you can't have a
 22 discussion about how -- if you're much lower down,
 23 but you have the capacity to carry that type of --
 24 you know, that relationship for the money, that it
 25 couldn't work out. I mean, that's actually --

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1 Commissioner Robbins would probably be better suited
 2 to answer that.
 3 COMMISSIONER VOIGT: Yeah. Okay. My
 4 last -- right. I know. Then my last question would
 5 be regarding the 2 percent that you brought up.
 6 And I'm glad you brought it up, because
 7 right now, I think the statute reads "up to
 8 2 percent."
 9 The schools are -- every charter school
 10 pays their authorizer up to 2 percent of their SEG
 11 to their authorizer. And we all know that there is
 12 an excess at the end of the year of that 2 percent.
 13 Would you feel, Ms. Mitchell and
 14 Mr. Martinez, that a fund of that surplus 2 percent
 15 payment that you make to your authorizer, do you
 16 feel that having a fund housed within the Charter
 17 School Division or within the PEC budget, a fund
 18 that would support charter schools specifically with
 19 whatever types of issues, facilities,
 20 transportation, would be beneficial to you going
 21 forward?
 22 MR. RAFE MARTINEZ: Madam Chair, members
 23 of the Commission, absolutely. I mean, it's better
 24 than what it is now, because it doesn't do anything
 25 for us now, right? And it's -- I like that you say

<p style="text-align: right;">70</p> <p>1 "up to 2 percent." It's 2 percent. Yeah. 2 COMMISSIONER VOIGT: I know. Yeah. What 3 about you, JoAnn? 4 MS. JoANN MITCHELL: I would say the same 5 thing. Because nothing comes back to us right now. 6 I think that either having it revert back, the 7 percentage back -- do you know what I mean? I mean, 8 its unused percentage back to the school. Or if 9 that couldn't be done, then your proposal I think 10 makes more sense than just never seeing it and never 11 being the beneficiary of any of it. I think that 12 that's a far better option than never getting any of 13 it back. 14 COMMISSIONER VOIGT: Okay. Thank you. 15 That's all I have. Thanks a lot. 16 THE CHAIR: Commissioner Gipson. 17 COMMISSIONER GIPSON: I think my first 18 question is going to be quick, because my ask was 19 can you think of anything that we could 20 legislatively do to fix the business manager thing? 21 Because I don't think there's anything -- I get your 22 problem. I think we can look at it separately. But 23 I don't think legislatively there's anything that we 24 could do to fix the business manager -- the audit 25 finding, I think we can look at that. But I think</p>	<p style="text-align: right;">72</p> <p>1 MR. RAFE MARTINEZ: Yeah. Madam Chair, 2 members of the Commission, Commissioner Gipson, 3 yeah, it couldn't hurt. It couldn't hurt. You 4 could take our facility. Commissioner Robbins has 5 been there. We're on the corner of Seventh and 6 Lomas. There's no fencing around us. We're in an 7 office building. I have to chase homeless guys off 8 weekly, not to mention the health issues around 9 human waste around our building and needles and 10 things like that. 11 So, absolutely, that would help the 12 discussion. But, again, we are almost out of the 13 conversation because of what's happened to us now, 14 right? 15 COMMISSIONER GIPSON: Right. 16 MR. RAFE MARTINEZ: So I don't think it 17 would hurt, almost in the same way giving back a 18 little of that 2 percent couldn't hurt. 19 COMMISSIONER GIPSON: Yeah. Well -- and 20 I'm going to drive my preference with the 2 percent. 21 And that's reducing the 2 percent and just saying, 22 you know, "There's been excess. So it's going to be 23 1.5 percent this year." I think that's more 24 equitable to all schools. Because JoAnn's school is 25 going to drive that excess fund more than some of</p>
<p style="text-align: right;">71</p> <p>1 the other issue about business managers, I don't see 2 a legislative fix to that. 3 I think it's a conversation that we could 4 have. I'm wondering if you think that -- because 5 of, you know, so many unfortunate circumstances 6 nationwide with schools, would we be -- would you 7 and us, through our conversations, would we all be 8 better served with a conversation -- 9 THE CHAIR: Commissioner Gipson, can you 10 just -- 11 COMMISSIONER GIPSON: Sure. Sorry. 12 THE CHAIR: Closer still. Thank you. 13 COMMISSIONER GIPSON: Would you be better 14 served with a conversation that led with, "Schools 15 will be safer if we fund for better buildings"? 16 Would that help open up more funds at this moment in 17 time, you know? I'm just thinking, what can open 18 more doors? 19 And, you know, people are thinking -- I -- 20 you know, unfortunately, what happened in Uvalde 21 hasn't gone away as quickly as it did with so many. 22 And the conversation about school safety is really 23 very present. 24 So I'm just wondering if that would help 25 drive the conversation.</p>	<p style="text-align: right;">73</p> <p>1 the smaller schools and may not benefit as much from 2 the -- and PED will still hold that money. 3 So there's still not that, you know, 4 direct access. But, you know my preference is 5 legislation, or an agreement with PED, that, you 6 know, "This year it's going to be 1.5 percent, 7 1.75 percent." 8 I think it's -- that's fairest to the 9 schools, you know, and allows you to use that money. 10 Because you know, "Upfront this year, I'm -- it's 11 going to be 1.5 percent," so you -- you have that 12 money every month to use, as opposed to perhaps -- 13 and I -- I can't formulate how they would give it 14 back to you. I -- you know, I don't see that 15 formula happening. So, thanks. I appreciate it. 16 THE CHAIR: Commissioner Robbins. 17 COMMISSIONER ROBBINS: Thank you. Again, 18 on funding -- and, you know, a lot of charter 19 schools -- and Ms. Mitchell and Mr. Martinez, I know 20 both of you use some of your SEG for things that 21 it's not directly meant to be used for SEG. In the 22 case of MAS, they're using a significant portion of 23 their SEG to actually cover their rent. 24 The legislation that was enacted to 25 provide charter schools with lease assistance set a</p>

<p style="text-align: right;">74</p> <p>1 floor at \$700 and to be increased at the cost of 2 living per year. But the PSCOC has used the 3 language "may," "may" provide a lease assistance. 4 And they've kind of hung on that to not 5 adjust it by the CPI, Consumer Price Index, which, 6 you know, we've seen interest rates almost double in 7 the last year for mortgages. And schools that want 8 to build, they have to finance it somehow. 9 We've seen the cost of construction double 10 in the last 10 to 15 years. Interestingly, the 11 budget, the funding for the capital schools that 12 PSCOC has, is expected to also double for the next 13 several years. But they just recently approved a 14 7 percent increase. 15 Now, Social Security is going up 16 8.7 percent. So those of us who are collecting 17 Social Security, we get an 8.7 percent increase, but 18 the schools only got a 7 percent increase. 19 Now, that's nice. That's nice. But it 20 would actually be \$1,100 per student if you used the 21 inflation index since the lease assistance was first 22 approved. 23 Would resetting that base -- because you 24 know it's real easy. 25 Two questions: Changing it from "may" to</p>	<p style="text-align: right;">76</p> <p>1 And I would say this, too. I think -- the other -- 2 the kind of the larger implication in this 3 discussion, Commissioner Robbins, is -- and I hate 4 to say it, like -- I'm just going to say it. 5 Charters are kind of considered the 6 distant stepchild in the public education, right? 7 One, we're forgotten that it's public ed. Two, 8 we're always considered kind of, "Oh, yeah, and you 9 guys, too," right? 10 And I think it comes to facility. It's 11 forefront in the facility discussion when you start 12 talking those terms, right? Because it's -- we're 13 not kind of given the forefront of the consideration 14 when it comes to the -- the ecology of public ed as 15 a whole. And so we're kind of considered the 16 offshoot. And in our case, especially, we're so 17 outside the box of what we do, as probably JoAnn's 18 and other charter schools are, that the formulas 19 don't fit. And so there's always this kind of 20 retro, like, consideration, like, "How is that 21 supposed to work," right? 22 So in our case, we've always worked the 23 lease reimbursement grant through partnership. So 24 we're partnered with the County. And that's how our 25 new building is going to be put up.</p>
<p style="text-align: right;">75</p> <p>1 "shall." And then also resetting the base to either 2 \$1,100 or maybe only \$1,000, because right now, your 3 lease assistance is going up from \$742 per to \$794 4 per student. You're over \$300 below per student. 5 In the case of MAS, that's \$300,000 a 6 year. That would probably fully cover their lease. 7 They wouldn't have to use lease assistance to cover 8 their lease. It may even provide an incentive for 9 some landlords to say, "We'll improve this property. 10 We'll put some improvements in, and, yeah, we can 11 increase your rent to make those improvements." 12 Would that be a good thing to get some 13 things changed from "may" -- because this is one of 14 those things that I've always fought. When they say 15 "may," you're subject to losing lease assistance 16 every single year. And with the change that's going 17 to be coming on the PSCOC -- because I'm not going 18 to be on there come January 1st -- I'm concerned 19 that they may revert or continue doing and giving, 20 you know, half the inflation rate to these increases 21 so schools continue to have to use their SEG to pay 22 for leases or -- and it becomes more difficult. 23 Would that be of help to the schools? 24 MR. RAFE MARTINEZ: Madam Chair, members 25 of the Commission, Commissioner Robbins, absolutely.</p>	<p style="text-align: right;">77</p> <p>1 So in partnering with other government 2 agencies, we're able to strike deals with what we 3 get from the state is what we, give, and everything 4 else is considered service agreement, right? 5 And it works, and it has worked for us. 6 But I know we're an anomaly when it comes to how we 7 leverage those relationships with our building. 8 Other charter schools probably are not in 9 that same mode. And I recognize that. I would 10 defer to JoAnn to speak more about it if she's using 11 SEG for her rent. 12 MS. JOANN MITCHELL: Yeah. And I don't 13 know how articulate I'll be on this conversation 14 because I tried to avoid having to do anything with 15 facilities for the longest time, because my 16 background is not, like -- I'm not a business 17 manager. I'm not -- we work with -- just going back 18 to Commissioner Voigt -- we use the Vigil Group. 19 They have been phenomenal since we've used them. 20 We've used them for ten years. 21 When we first occupied the Yale building, 22 there were three schools here. We were the third 23 school in this building. We were very fortunate. 24 As we grew, we grew into the building. But, yeah, 25 we always had to use SEG.</p>

<p style="text-align: right;">78</p> <p>1 At one point in time, when the lease 2 reimbursement formula -- I think it was, like, \$753 3 per student or whatever, when it was based on a 4 membership number, we were able to project out how 5 much it would cost us -- you know what I mean -- 6 every year, and we could do some projections to make 7 sure we weren't tapping into the SEG so much. 8 When we expanded into the old Coors 9 campus, that was the first time that I -- let me go 10 back. 11 We were asked -- when we were in the Yale 12 campus, there were numerous conversations about, 13 "You should consider purchasing. You should 14 consider purchasing. You have more flexibility. It 15 would work to your advantage." 16 I really avoided it, because I didn't want 17 to be so buried in the facility stuff -- we were 18 still trying to get our school off the ground, 19 right, and be able to produce results. 20 Once the old Coors campus came along, it 21 was a portable campus. And so I had been so 22 inundated with buildings, facilities, I still don't 23 know that I'm overly articulate with it, right? We 24 were -- just closed on a bond to build our new 25 campus there. The new campus will open in August --</p>	<p style="text-align: right;">80</p> <p>1 you it was overwhelming. And, again, I don't know 2 how I help you with that information for, you know, 3 legislative purposes. But I can tell you that it's 4 been taxing. It's been very, very overwhelming, and 5 it's definitely an area where I think that -- I 6 mean, I know funding-wise I'm constantly having 7 conversations about where the funding sources can 8 come from, need to come from. 9 It's not my area. I rely heavily on our 10 foundation attorney, our school attorney, our 11 business manager, because this is -- I am in such 12 uncharted territory for myself that I don't know 13 that I'm adding much to it, other than telling you 14 that it's complex, and it's something that I think 15 is really challenging for charter leaders to 16 negotiate and navigate through these things. And 17 you really are doing it on your own. 18 And it was almost one of the things that 19 made it daunting and something that I was concerned 20 about when we expanded campuses, because I had no 21 idea how to navigate that terrain. So I don't know 22 if that helps. I know -- 23 MR. RAFE MARTINEZ: I'm sorry. 24 MS. JoANN MITCHELL: Go ahead. 25 MR. RAFE MARTINEZ: Madam Chair, members</p>
<p style="text-align: right;">79</p> <p>1 or July -- of this upcoming school year and stuff. 2 And we got phenomenal funding rates and 3 stuff. We were very, very fortunate to be able to 4 work with Equitable Facilities Fund. We're the 5 first school they funded in New Mexico, or supported 6 in New Mexico. 7 So it reduced our rates. And now we've 8 purchased that property. So it's a little bit 9 different now, right? 10 And I'm still -- I don't know if I'm being 11 very articulate right now because I'm still 12 learning. This is overwhelming, because this is not 13 my background, right? I would say I don't even know 14 what the legislative issue would be, and I'm sorry I 15 can't articulate better on this. I know it's 16 overwhelming for me, like, to be able to try to run 17 a successful school and negotiate and navigate the 18 finances around facilities and the facility issues, 19 it's overwhelming. 20 Like -- and I could tell you the blessing 21 about the Yale building, to me, was that I didn't 22 have to do any of that. We just kept growing into 23 it, and I just had the budget for it. 24 The Old Coors building is going to be 25 gorgeous. I think kids deserve that. I can tell</p>	<p style="text-align: right;">81</p> <p>1 of the Commission, Commissioner Robbins, as I'm 2 thinking about legislative initiatives, you know, 3 something that -- so you had -- there are -- the 4 State has chips to play with, right? 5 So you have the PSCOC that oversees public 6 facility, right? I think pulling -- pulling 7 charters outside of the general list and having us a 8 charter-specific listing under PSCOC could be 9 helpful, right? 10 Because -- because charters -- it's unfair 11 to charters to compare them to comprehensive 12 district schools from that angle, right? So there's 13 that. 14 The previous discussion about NMFA and 15 PSCOC funding being somehow connected, that's 16 another chip to play, right? Because I think 17 there's -- there's resources, especially now, as you 18 said. This is the time of year that we can start 19 getting creative around pots of money that do exist 20 that are -- to be honest, overflowing, right? And 21 how to do that -- and I think -- bottom line about 22 charters. People are voting with their feet. APS 23 was down -- their student count is in the 70s, 24 right, from mid 90s. People are leaving by choice. 25 And as JoAnn said, we are schools of choice, and</p>

<p style="text-align: right;">82</p> <p>1 people are voting that way. 2 So the State needs to start coming to 3 terms with the fact that charters are -- people are 4 choosing them, right? And because they are part of 5 the public school ecosystem, they have to be 6 reckoned with fairly equitably. And right now 7 we're -- I don't know if we are or not. 8 COMMISSIONER ROBBINS: Thank you. 9 THE CHAIR: Thank you, Commissioner 10 Robbins. 11 All right. Thank you both so much for 12 coming this morning. Like I said, Vice Chair Voigt 13 is always thinking of, like, we need to get charter 14 leaders in here to talk with us about what is 15 important to them, what they're actually going 16 through, what we need to be considering. 17 This is extremely informative to us. And 18 going into our next agenda item, it's definitely 19 going to help to have your voices in the back of our 20 heads as we go into listing out our priorities and 21 figuring it out. 22 So thank you very much for the time. 23 Always -- always we're appreciative for the work 24 that you do for your schools, but, also, every time 25 we ask you all to come talk to us, you're more than</p>	<p style="text-align: right;">84</p> <p>1 No. 8, which is Presentations, Discussion and 2 Possible Action on PEC Legislative Recommendations, 3 including the Consideration of Platforms, 4 Legislative -- or Legislation presented by Charter 5 Organizations and the schools that we just listened 6 to; so kind of wrapping it all up now and creating a 7 very clear legislative agenda for us to be able to 8 start moving forward on. 9 And with that, Ms. Barnes, I'm going to 10 have you lead us through, because you've created a 11 great document for us to go through to lead us in 12 this item. 13 MS. JULIA BARNES: Thank you. I do want 14 to indicate that the platforms of others are not 15 necessarily on this list. So if there are things 16 that we've heard or you've heard from others, I -- 17 you know, we can approach them to see what that is. 18 But it's not in this memo. 19 This memo was made up of if you-all raised 20 a legislative item, I put it on a list and then 21 refined it from the last time. 22 One thing that has dropped off, which goes 23 to platforms of others, is there was a potential -- 24 I had received a call to think about looking through 25 the whole code at where the kind of -- I'm going to</p>
<p style="text-align: right;">83</p> <p>1 willing to. So we're very, very grateful for that. 2 MR. RAFE MARTINEZ: Thank you all. 3 MS. JoANN MITCHELL: Thank you. 4 THE CHAIR: Thank you. 5 MS. JoANN MITCHELL: Bye. 6 THE CHAIR: All right. I'm going to give 7 a couple of minutes to transition to the next item. 8 Just to give a quick two-minute break so we can rest 9 our court reporter hands. So two minutes, and we'll 10 be right back to Item No. 7. 11 (Recess held, 10:32 a.m. to 10:37 a.m.) 12 THE CHAIR: I'm going to give a quick 13 reminder that before we go to each agenda item, that 14 I need to make sure that Commissioners -- make sure 15 you're speaking into your microphone, clearly, 16 slowly as possible -- well, not slowly as 17 possible -- but make sure you're being clear. 18 And then, in future, I don't think we'll 19 have any additional speakers for this item. But 20 when we do have public speakers that are coming on 21 or anybody else, to make sure, when you're on Zoom, 22 especially, that your audio is very clear for us so 23 that we can make sure that we're getting that 24 transcribed properly. 25 THE CHAIR: All right. We are on to Item</p>	<p style="text-align: right;">85</p> <p>1 call it remnants of the school -- the old school 2 board were. 3 But I didn't get a call back. It wasn't 4 anything that any of you-all had pursued. It was 5 going to be hard for me to go figure that out. I 6 checked with the Executive Committee, and it's not 7 here anymore. If somebody raises it, we can look at 8 it again. I just didn't want to take a lot of time 9 on something that I didn't hear was being pursued 10 strongly by any of you. 11 There's not really -- I guess it's in 12 whatever order it was in. So it's kind of random 13 order. The first one is the "up to 2 percent." 14 And Commissioner Voigt might like that I 15 dropped in the Charter School Stimulus Fund, because 16 that is an existing charter school fund that I think 17 could be modified if there's a rollover of the 18 2 percent. You couldn't do it right now. It would 19 require a legislative change. 20 The two statutes are -- the two statutory 21 provisions, one of them says the amount of funding 22 allocated shall be "no less than 98 percent," so 23 that's kind of the "up to 2 percent." 24 And the other one, which Rafe just 25 identified, is "withhold 2 percent." That's what</p>

86	<p>1 they do. They withhold the 2 percent.</p> <p>2 I haven't looked carefully as to whether</p> <p>3 if you-all agreed you would need a statutory change.</p> <p>4 Maybe not. Because you do have this "up to</p> <p>5 98 percent." So if there's an agreement, I'm not</p> <p>6 positive that you need any legislation to take less.</p> <p>7 And then the only other thing I looked at</p> <p>8 was whether it was an easy or a difficult drafting.</p> <p>9 This one's a very simple drafting change.</p> <p>10 THE CHAIR: Commissioner Gipson.</p> <p>11 COMMISSIONER GIPSON: So I think I'm fine</p> <p>12 with the "no less than the 98 percent." I think</p> <p>13 that's clear.</p> <p>14 My concern is where it says, "a detailed</p> <p>15 description of how the chartering authority will be</p> <p>16 using the withheld 2 percent." So there, it</p> <p>17 specifies the 2 percent.</p> <p>18 So shouldn't -- you know, I would have a</p> <p>19 preference that there's the flexibility that it</p> <p>20 doesn't have to. To me, that codifies that it is</p> <p>21 2 percent. And it -- you know, I would prefer to</p> <p>22 see that changed so that it's whatever the -- you</p> <p>23 know, "up to the 2 percent." You know, there's a</p> <p>24 detailed accounting to the withholding of whatever</p> <p>25 that fund is up to the 2 percent.</p>	88	<p>1 that we need to, because we've been working, for my</p> <p>2 five years that I've been on this Commission, trying</p> <p>3 to work with PED on how they're spending the money.</p> <p>4 We still don't get regular reports. The MOU is</p> <p>5 calling for them, but we still don't get them.</p> <p>6 They're delaying work -- we -- a year and</p> <p>7 a half ago -- almost a year and a half ago, this</p> <p>8 Commission, in a majority vote, decided to withdraw</p> <p>9 the writ from the Supreme Court, hoping that it</p> <p>10 would facilitate a more cooperative approach by PED.</p> <p>11 But I haven't seen that. They're still</p> <p>12 intransigent when it comes to reporting the</p> <p>13 financials.</p> <p>14 That's not CSD's problem. That is a PED</p> <p>15 problem. Because if -- they say you have to provide</p> <p>16 that information, CSD has to provide the</p> <p>17 information. But they don't have sufficient</p> <p>18 financial staff to do it. And they're requiring a</p> <p>19 deputy director or the Director herself to provide</p> <p>20 that information and pull it out of the system, when</p> <p>21 their job is not that of a financial manager.</p> <p>22 That's wrong. That is absolutely wrong.</p> <p>23 So I would like the statute, the language,</p> <p>24 to be changed to "up to 2 percent."</p> <p>25 And it goes with the number two, that PED</p>
87	<p>1 MS. JULIA BARNES: I might just point out</p> <p>2 that that is a very consistent problem throughout</p> <p>3 the charter school law, that you're, like --</p> <p>4 COMMISSIONER GIPSON: Yeah.</p> <p>5 MS. JULIA BARNES: You know. Is it --</p> <p>6 that's a very specific sentence.</p> <p>7 COMMISSIONER GIPSON: Uh-huh.</p> <p>8 MS. JULIA BARNES: And it was just drafted</p> <p>9 inartfully --</p> <p>10 COMMISSIONER GIPSON: Yeah.</p> <p>11 MS. JULIA BARNES: -- and inconsistently</p> <p>12 with the other.</p> <p>13 And I can show you five or six times, or</p> <p>14 100 times, maybe, in the charter school law where</p> <p>15 it's like, "Well, it says this, but it doesn't say</p> <p>16 that."</p> <p>17 So that is an inconsistency that is a</p> <p>18 classic example. And I agree that you would change</p> <p>19 that section.</p> <p>20 Do you have to change the section? I'd</p> <p>21 argue you probably don't, but -- because it's in a</p> <p>22 very specific thing. But I -- it's a good point.</p> <p>23 COMMISSIONER GIPSON: Yeah. Thanks.</p> <p>24 THE CHAIR: Commissioner Robbins?</p> <p>25 COMMISSIONER ROBBINS: Well, I would argue</p>	89	<p>1 be restricted to no more than a fixed percentage of</p> <p>2 what is budgeted by CSD and PEC.</p> <p>3 So even though the 2 percent may be -- I'm</p> <p>4 just going to use round numbers -- maybe \$4 million.</p> <p>5 And you know before the beginning of the school year</p> <p>6 the rough amount of what that is. I mean, I've been</p> <p>7 in finance years enough. I've been in state</p> <p>8 government.</p> <p>9 They know what those dollars are. They</p> <p>10 know what it is. And it's changing a percentage in</p> <p>11 your withholding calculation. That's all it is.</p> <p>12 So if they go through and they calculate</p> <p>13 in the combined amounts between PED -- or excuse</p> <p>14 me -- between PEC and CSD, is \$2 and a half million,</p> <p>15 tack on a 15 or 20 percent. You know, I'm flexible</p> <p>16 with up to 20 percent. I'd like it to be only</p> <p>17 15 percent, but I'm flexible up to 20 percent.</p> <p>18 So 20 percent of \$2 and a half million,</p> <p>19 they would be able to get a half-million dollars.</p> <p>20 If we only budgeted \$2 and a half million between,</p> <p>21 PEC and CSD, that's \$500,000 additional. So now you</p> <p>22 have \$3 million. And if you have a \$4 million SEG,</p> <p>23 that 2 percent represents \$4 million, you only</p> <p>24 take -- 66.66 percent or 67 percent of it, which</p> <p>25 actually lowers you down to about 1.38 percent,</p>

<p style="text-align: right;">90</p> <p>1 roughly.</p> <p>2 And you just set the thing, and you say,</p> <p>3 "It's going to be 1.38 percent. That's what you</p> <p>4 take this year." And you have to both work within</p> <p>5 your budgets.</p> <p>6 Because the only -- every agency in state</p> <p>7 government has to work within their budget. The</p> <p>8 only time that they can go is if there's an</p> <p>9 emergency or something like that, and then they can</p> <p>10 ask for a special appropriation, for an emergency</p> <p>11 appropriation. Any agency has the ability to do</p> <p>12 that. And then they go to Legislative Finance</p> <p>13 Committee, DFA, and they ask for a special -- and</p> <p>14 then the State Board of Finance can approve that.</p> <p>15 It doesn't require waiting until another</p> <p>16 legislative session. People have to understand the</p> <p>17 process. If emergencies come up, and the needs are</p> <p>18 greater, you can go ahead and get that.</p> <p>19 So I would like to have it -- both of</p> <p>20 those fixed, that it's "up to" and the amount that</p> <p>21 PED can use for administrative support to CSD and</p> <p>22 the PEC be restricted to between 15 and 20 percent.</p> <p>23 Again, that's negotiable. I would start</p> <p>24 at 15 percent, because that puts a little more onus</p> <p>25 there. And PED needs to make the case in their own</p>	<p style="text-align: right;">92</p> <p>1 finance group at the highest level within the</p> <p>2 Department.</p> <p>3 THE CHAIR: So I don't see any other hands</p> <p>4 right now. But I'll say I think, when I look at the</p> <p>5 priorities for schools, I do think the ability for</p> <p>6 us to take less than the 2 percent, to me, does</p> <p>7 impact the schools. So for me, it is a priority.</p> <p>8 But I also don't know if we need to go to</p> <p>9 the Legislature for it. This is one of those things</p> <p>10 where I'm a little worried about going to the</p> <p>11 Legislature and opening up and saying, you know, "It</p> <p>12 says up -- no less than 98 percent here, but I need</p> <p>13 you to add up to 2 percent everywhere else," and</p> <p>14 then opening that up for whatever else they want to</p> <p>15 do with it, I just don't know if we're going to be</p> <p>16 able to find someone who is going to care enough to</p> <p>17 sponsor a bill to do that for us.</p> <p>18 So, for me, I think that we can do this</p> <p>19 outside of the Legislature. I think this is</p> <p>20 something that we can work through with the -- with</p> <p>21 the -- with what the legislation already says.</p> <p>22 I think we have the levers to enact this,</p> <p>23 anyway. So, for me, I don't -- I'm open to, like --</p> <p>24 you know, I don't know if this is what I would want</p> <p>25 to spend, like, the time with someone trying to get</p>
<p style="text-align: right;">91</p> <p>1 budget to say, "We need an extra \$500,000 beyond the</p> <p>2 \$500,000 we would get from the PEC. We need an</p> <p>3 extra \$500,000 that the Legislature has to give us</p> <p>4 through a state appropriation in their budget."</p> <p>5 They've been unable to justify that. And</p> <p>6 I think there's not a lot of incentive to do that,</p> <p>7 because they have this huge pot of money that they</p> <p>8 can tap into right now.</p> <p>9 And they've been reverting hundreds of</p> <p>10 thousands of dollars. This last year, it was almost</p> <p>11 a million dollars. And in past years, it was</p> <p>12 millions of dollars they reverted.</p> <p>13 So it's not a lack of funding in PED. I</p> <p>14 think it's a lack -- outside of CSD -- it's a lack</p> <p>15 of financial management and wherewithal. So I</p> <p>16 really think this Commission needs to exert its</p> <p>17 authority and require the reporting that we've</p> <p>18 requested in the MOU that we are still not getting.</p> <p>19 And, you know, last year, in October, we</p> <p>20 got a report showing what they had spent all year.</p> <p>21 I asked for at least quarterly reports, and I</p> <p>22 haven't really seen that. And, again, if CSD is the</p> <p>23 one that's responsible for it, they're being given a</p> <p>24 task that other state agencies don't -- their</p> <p>25 divisions don't have to do. It's provided by a</p>	<p style="text-align: right;">93</p> <p>1 them to do for us, versus other things later on in</p> <p>2 this chart.</p> <p>3 Commissioner Carrillo. And then we'll go</p> <p>4 back to Commissioner Gipson.</p> <p>5 COMMISSIONER CARRILLO: Is there</p> <p>6 anything -- I don't have a problem with taking the</p> <p>7 2 percent. I don't want things reverted back to the</p> <p>8 general budget. I revise my thinking around</p> <p>9 creating some sort of fund, because I think that</p> <p>10 would adversely affect the larger schools.</p> <p>11 But I do like the idea of giving back to</p> <p>12 the schools pro rata based on what they've put in</p> <p>13 and the number of kids they have, if we find there's</p> <p>14 extra. That's the first piece. And I'm not sure I</p> <p>15 want to spend political capital on this.</p> <p>16 So in terms of what you were saying, is we</p> <p>17 can handle this -- is there anything to prevent us</p> <p>18 from handling this internally?</p> <p>19 COMMISSIONER GIPSON: No.</p> <p>20 COMMISSIONER CARRILLO: Well, if there</p> <p>21 isn't, then, like, ixnay on this issue-ay.</p> <p>22 That's my thought.</p> <p>23 THE CHAIR: Commissioner Gipson?</p> <p>24 COMMISSIONER ROBBINS: For those who don't</p> <p>25 speak Pig Latin, that's, "Let's nix this issue."</p>

94	<p>1 COMMISSIONER GIPSON: I mean, I think it 2 would be easy to get someone who would carry this. 3 But I think it could also be -- I think if there was 4 something else that dealt with monies, it could be 5 attached to something. That's -- that's easy enough 6 to do.</p> <p>7 I'm not that concerned -- I'm really 8 concerned about opening up the charter law. That -- 9 you know, that's -- you know, that's not good.</p> <p>10 But I get concerned --</p> <p>11 THE CHAIR: Pattie, can I ask you to move 12 your mic closer to you?</p> <p>13 COMMISSIONER GIPSON: -- that sometimes -- 14 I don't want someone -- I get that the MOU can fix 15 most of the 2 percent issue, easily. However, if 16 the -- I don't want some administration down the 17 road being able to look into this and saying, "But 18 it says 2 percent here, so it's going to be 19 2 percent."</p> <p>20 That's my only concern. So I'm more 21 comfortable with cleaning up some pieces where it 22 specifies the exact 2 percent.</p> <p>23 THE CHAIR: All right. So I think for -- 24 for what would be most useful for the Executive 25 Committee moving forward is I think -- I'm really</p>	96	<p>1 to come up -- which this topic in particular is not 2 going to just come up -- the other topics could, 3 right? There could be some other things that come 4 up that we're not actively pursuing.</p> <p>5 This is something we would need to 6 actively pursue. So that would be the next thing is 7 where in the prioritization list does this come as 8 far as the amount of time and effort that the 9 Commission would like the Executive Committee to put 10 into making this happen?</p> <p>11 Commissioner Gipson?</p> <p>12 COMMISSIONER GIPSON: I think it needs 13 to -- you know, I have a preference that it be 14 fixed.</p> <p>15 THE CHAIR: Okay. So I was just talking 16 to Ms. Barnes about how to kind of go about this. 17 So I think for each of these items, we'll entertain 18 a motion and a vote. Because I -- so I want to be 19 clear that myself or anyone from the Executive 20 Committee, we will not be speaking on behalf of the 21 Commission without a vote that says that we can 22 speak on behalf of the Commission.</p> <p>23 So for each item, we will entertain a 24 motion and a vote. And then as part of that, 25 please -- you know, that the -- you know, when we're</p>
95	<p>1 interested in kind of two prongs: 2 Number one is this -- you know, if -- I'm 3 looking at them with -- number one, of course, do we 4 support it as a whole Commission or do we not. 5 That's obviously number one.</p> <p>6 But then the next thing is do you want the 7 Executive Committee to actively pursue something? 8 Or is it something that, if it comes up, then, yes, 9 then the Commission would support it or not.</p> <p>10 So I think we -- that's kind of like -- 11 I'm trying to figure out the prioritization of this 12 list as well.</p> <p>13 So I think the first thing that we'll have 14 to consider is do we support something -- I need 15 very specifics -- you know, that we -- we, as a 16 Commission, want to propose that everywhere it says 17 "2 percent," that it needs to say "up to 2 percent." 18 Because what I'm hearing right now, that that's the 19 big -- that would be the predominant change for this 20 particular section.</p> <p>21 And then the next thing would be so 22 does -- do we, as a Commission, support that?</p> <p>23 But then, secondly, do you want the 24 Executive Committee to start reaching out and 25 actively pursuing that, or wait for -- if that were</p>	97	<p>1 voting on this, that is allowing the Executive 2 Committee to speak on behalf of the Commission off 3 of these votes.</p> <p>4 Both of you raised your hand at the same 5 time. But, yeah, Commissioner Robbins, then 6 Commissioner Carrillo.</p> <p>7 COMMISSIONER ROBBINS: I would make a 8 motion that the Commission put on our Legislative 9 Agenda changing language throughout statute in 10 reference to the 2 percent, that it correspond to 11 district, where it states "up to 2 percent."</p> <p>12 THE CHAIR: Is there a second?</p> <p>13 COMMISSIONER GIPSON: I'll second. Sorry.</p> <p>14 THE CHAIR: Great. So there's a motion 15 and a second.</p> <p>16 Commissioner Carrillo.</p> <p>17 COMMISSIONER ROBBINS: So if we were to do 18 that, then that would preclude us leaving it at 19 2 percent and reverting funds back to the schools, 20 right?</p> <p>21 No? We could still --</p> <p>22 COMMISSIONER ROBBINS: The funds would 23 stay with the school. We wouldn't be taking it in 24 the first place.</p> <p>25 COMMISSIONER CARRILLO: Okay.</p>

98	<p>1 THE CHAIR: But I do think it's correct</p> <p>2 that even if, let's say, using Commissioner Robbins'</p> <p>3 example, that a specific amount of money is</p> <p>4 calculated, a specific amount of money is withheld,</p> <p>5 and then there's unplanned vacancies throughout the</p> <p>6 year, there could still be additional funds at the</p> <p>7 end of the year that are still unspent. There could</p> <p>8 be.</p> <p>9 Ideally, no. Like, in the best budget</p> <p>10 management, there would be no unspent dollars at the</p> <p>11 end of the year. But you're correct, that that does</p> <p>12 not then -- what this is specific to does not -- if</p> <p>13 there is any additional funds right now, it does go</p> <p>14 back to General Fund.</p> <p>15 COMMISSIONER CARRILLO: Well, I don't like</p> <p>16 that happening. And, you know, I like the idea also</p> <p>17 of -- of just not taking it to begin with, because</p> <p>18 as -- I mean, in the private sector and having to</p> <p>19 deal with budgets when I was with Hilton, yeah, you</p> <p>20 come up with your budget and you live within your</p> <p>21 budget.</p> <p>22 And if there's money left, that's great.</p> <p>23 At least then they would grill you, "Why didn't you</p> <p>24 spend it," because they're not going to give it to</p> <p>25 you next time.</p>	100	<p>1 COMMISSIONER ARMIJO: I don't think he's</p> <p>2 back. Okay. So that passes, seven to zero.</p> <p>3 THE CHAIR: All right. Thank you.</p> <p>4 All right. So that item is going to be</p> <p>5 part of our agenda and will be -- with the knowledge</p> <p>6 that it will need to be pursued.</p> <p>7 Okay. So that would bring us -- that's</p> <p>8 for Item 1.</p> <p>9 Item 2 now. Ms. Barnes?</p> <p>10 MS. JULIA BARNES: Let me just clarify</p> <p>11 that -- there's a second part of that -- of 1. And</p> <p>12 I don't know if you want to -- the Stimulus Fund.</p> <p>13 It is possible to modify the language of the</p> <p>14 Stimulus Fund to allow 2 percent money that is not</p> <p>15 spent to be put into that fund and spent.</p> <p>16 THE CHAIR: Okay. Thank you. Yeah. So</p> <p>17 we're still in Box No. 1, but we're on to the second</p> <p>18 part. And this is -- and, actually, I think this is</p> <p>19 what Commissioner Carrillo was speaking of at the</p> <p>20 end of it, which is if there are any unused funds it</p> <p>21 would go into this, this Charter Stimulus Fund.</p> <p>22 And so, yeah. Commissioner Voigt?</p> <p>23 COMMISSIONER VOIGT: I was kind of</p> <p>24 half-raising my hand. But, yeah, I like this. I</p> <p>25 mean, if there are any unused stimulus funds, for</p>
99	<p>1 So I would support the measure as David</p> <p>2 stated -- as Commissioner Robbins stated.</p> <p>3 THE CHAIR: Okay. Any other discussion?</p> <p>4 All right. Seeing none, Secretary Armijo,</p> <p>5 if you could take roll on that item?</p> <p>6 COMMISSIONER ARMIJO: Yes. I was just</p> <p>7 getting the language right on my form.</p> <p>8 Okay. Commissioner Robbins.</p> <p>9 COMMISSIONER ROBBINS: Yes.</p> <p>10 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>11 COMMISSIONER TAYLOR: Yes.</p> <p>12 COMMISSIONER ARMIJO: Commissioner Voigt.</p> <p>13 COMMISSIONER VOIGT: Yes.</p> <p>14 COMMISSIONER ARMIJO: Commissioner Armijo</p> <p>15 votes yes.</p> <p>16 Chair Burt.</p> <p>17 THE CHAIR: Yes.</p> <p>18 COMMISSIONER ARMIJO: Commissioner</p> <p>19 Carrillo.</p> <p>20 COMMISSIONER CARRILLO: Yes.</p> <p>21 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>22 COMMISSIONER GIPSON: Yes.</p> <p>23 COMMISSIONER ARMIJO: And Commissioner</p> <p>24 Manis.</p> <p>25 (No response.)</p>	101	<p>1 them to go into a charter-supported -- a supportive</p> <p>2 charter account or fund. Yeah, I like that; so...</p> <p>3 THE CHAIR: Commissioner Gipson.</p> <p>4 COMMISSIONER GIPSON: So I think when we</p> <p>5 first had this discussion, the discussion started</p> <p>6 with there had to be a line item, that there had to</p> <p>7 be a chunk of money sent in. And then we're adding</p> <p>8 into it that if there's -- if -- you know, if we</p> <p>9 take the -- let's say 1.5 percent, and there was</p> <p>10 still leftover money at the end of that, then that</p> <p>11 money would just revert into that pool, not into the</p> <p>12 General Fund.</p> <p>13 However, the stimulus -- stimulus money</p> <p>14 has to be appropriated, that there has to -- because</p> <p>15 otherwise, honestly, there's -- if we're -- if we</p> <p>16 budget the -- if we budget appropriately, there's</p> <p>17 probably not going to be -- hopefully, there's not a</p> <p>18 lot of money left over.</p> <p>19 So I don't see where this would be a</p> <p>20 charter stimulus. And I don't think it would need</p> <p>21 legislation -- well, maybe it would.</p> <p>22 COMMISSIONER ROBBINS: Uh-huh.</p> <p>23 COMMISSIONER GIPSON: But I don't see</p> <p>24 where there's a whole lot of money that's going to</p> <p>25 be available to act as a stimulus, you know, because</p>

<p style="text-align: right;">102</p> <p>1 we're -- we're working on doing a better job of 2 budgeting, so that, hopefully -- you know. 3 And sure. Maybe there's a couple of 4 thousand, maybe there's \$10,000 or \$20,000. But if 5 you're looking at that, I think Commissioner Voigt 6 probably started when the federal money was -- 7 what? -- like, a million dollars for the stimulus to 8 start a charter school, you know. And those were 9 the good old days, you know, starting a charter. 10 I don't see where this would really 11 reflect a true support for charters unless we're 12 asked. Because I thought when we were originally 13 having the conversation, we were asking for a line 14 item appropriation to create, and then we could 15 supplement it whenever it needed, but that this 16 needed to be funded in a significantly larger sum of 17 money. 18 THE CHAIR: Ms. Barnes. And then 19 Commissioner Carrillo, you had your hand up, right? 20 MS. JULIA BARNES: So this is already in 21 existing law. It doesn't revert. And I'm looking 22 at -- and it is pretty narrow in terms of what you 23 could use it for. 24 If -- my thinking is that you -- that you 25 could do an amendment that amended this law that</p>	<p style="text-align: right;">104</p> <p>1 supplement it some at the end of every year. 2 I don't even want to say hopefully, 3 because our goal is that we don't have the money 4 left over. So we're really -- if this is what we're 5 trying to do with it, I don't think it's worth our 6 time and effort, because we're trying not to have 7 that extra money at the end of the year. 8 THE CHAIR: Commissioner Carrillo. Then 9 Commissioner Robbins. 10 COMMISSIONER CARRILLO: A couple of 11 questions. Because as I read this section, what, 12 22-88-14 (verbatim), as Julia maybe said earlier, it 13 just seems really muddled. I mean, even something 14 as simple as every time they mention Department of 15 Education, and then they put in brackets, Public 16 Education Department, I don't know. It's just -- so 17 right now, today, is there a stimulus fund sitting 18 with money in it that can be -- I'm seeing a nod 19 over there. Then I'm seeing a nod like this. 20 (Indicates.) 21 MS. JULIA BARNES: There's a fund, but 22 it's not funded. 23 COMMISSIONER CARRILLO: There's the 24 Charters group, but it's not funded, okay? But if 25 there's been money left over and it says it's</p>
<p style="text-align: right;">103</p> <p>1 maybe expanded the purposes and allowed that 2 2 percent or unused funds from the 2 percent to be 3 moved into this fund. It's non-reverting. So it's 4 one mechanism, but not the only one. 5 COMMISSIONER GIPSON: Yeah. And, see, 6 I've got no problem with that excess, however we 7 have to fix it. But my bigger point is unless 8 there's an appropriation of money to really create a 9 stimulus fund to start it going, this isn't going to 10 generate enough funds to really make it a viable, 11 you know, really, program to -- I think it'll 12 piecemeal out monies that -- and that's why I 13 thought we talked about that stimulus fund being -- 14 we need a line item appropriation of X amount of 15 dollars. 16 And I think we had -- I think Matt was 17 actually part of -- but I could be wrong -- but I 18 thought Matt was part of that conversation, that in 19 order to supplement the CSP, we also need to help 20 grow our own by creating this stimulus fund. 21 So, I mean, I have no problem with that 22 excess money going into a stimulus fund, however 23 that had to be fixed. But I don't think it's worth 24 it if there isn't upfront money put in there to 25 really create -- and then hopefully we can just</p>	<p style="text-align: right;">105</p> <p>1 non-reverting at the end of this, then why wouldn't 2 there be money in it? 3 COMMISSIONER GIPSON: Because they put it 4 under reverting monies. 5 COMMISSIONER CARRILLO: Because they 6 reverted it instead of -- okay -- which this 7 doesn't. It says non-reverting very specifically. 8 MS. JULIA BARNES: We would have to look 9 at it. If there was money, and it's all spent, then 10 it's gone. I can't tell you how many funds there 11 are created in law that have no money in them. 12 Probably 100. 13 COMMISSIONER CARRILLO: Because then one 14 would wonder. So if you're RioGafa or THRIVE, they 15 probably don't even know any of this even exists. 16 They could probably say, "Hey, we'd love to have 17 \$100,000 in that fund to help us with this 18 start-up." 19 MS. JULIA BARNES: I don't think there's 20 any money in this fund. I know it's an existing 21 fund in the charter school law. 22 COMMISSIONER CARRILLO: All right. Then I 23 wouldn't suggest doing anything with it and just 24 leaving it and having it, like, die a slow death. 25 COMMISSIONER GIPSON: Leave it alone.</p>

<p style="text-align: right;">106</p> <p>1 COMMISSIONER CARRILLO: Because as 2 Commissioner Gipson said earlier, the minute you 3 open anything up -- I have very little confidence in 4 the Roundhouse. As soon as you open things up, they 5 just kind of go nuts with it. 6 THE CHAIR: Commissioner Robbins. 7 COMMISSIONER ROBBINS: Yeah. From my 8 information, the reason the remaining 2 percent -- 9 remaining funds out of the 2 percent withheld has 10 reverted, it's because of the way PED budgets the 11 money. And there's nothing in statute that tells 12 them how to budget. They could budget it in such a 13 way where it wouldn't revert, or they could give it 14 back if they chose to. 15 But because they're mixing it and 16 commingling it with other funds, that's the issue. 17 It's -- they don't set up a separate line and then 18 hit that fund. They're mixing it. 19 And because of that, you can't -- you 20 know, the only thing they can do is revert it. They 21 have to just -- all they have to do is just change 22 their internal practice to do it. And, you know, as 23 I've stated before, PEC could be set up as a 24 separate project code in the financial system, and 25 then you can easily track the dollars that PEC</p>	<p style="text-align: right;">108</p> <p>1 It could be -- for a new school, it could 2 be a postcard mailing. It could be a banner. It 3 could be a billboard. So it doesn't have to be 4 hundreds of thousands of dollars, initially. It 5 could start small. And whatever is left over, if 6 it's thrown into this fund, I mean, it would grow. 7 And how it's allocated out, I mean, that 8 would be determined. Bless you. 9 But I think having a stimulus fund or a 10 surplus fund or whatever you want to call it, based 11 on surplus authorization percentage, I think would 12 be a good thing. And whether it's done internally, 13 that would be awesome if we could just do this 14 internally, or whether it's done legislatively. But 15 I think it just needs to be done. 16 THE CHAIR: Before I go back to you-all, 17 I'm going to say that's where I -- I had many 18 conversations with school leaders who were opening 19 their school this year. And they were struggling to 20 have the process get through and using personal 21 funds and try- -- like, stressing about trying to 22 get students to learn about their school, but they 23 couldn't do Facebook ads yet. 24 And Facebook ads would have cost them 25 probably 500 bucks. If there was \$500 in this fund,</p>
<p style="text-align: right;">107</p> <p>1 spends, and it's not this behemoth or very difficult 2 job to get the money out of Share. 3 But once you put the money into Share and 4 you mix it with everything else, you kind of lose 5 the tracking on it. And that's -- that's the thing 6 with this fund, because it's never been funded, 7 because they put it in their own budget in such a 8 way that it reverts. 9 COMMISSIONER CARRILLO: And is that 10 something that can be done internally, that change? 11 Not legislatively? 12 COMMISSIONER ROBBINS: It could, but there 13 would have to be the will and the knowledge of the 14 financial staff, not in CSD, but in PED's financial 15 staff, and the will to do it. 16 COMMISSIONER CARRILLO: Okay. Thank you. 17 THE CHAIR: Commissioner Voigt. 18 COMMISSIONER VOIGT: Okay. Thanks. You 19 know, I think this -- the stimulus fund, even as 20 small as it could be -- I mean, it would be great if 21 there was seed money, certainly, to sprout this type 22 of fund. But even as small -- if it starts out 23 small -- because some schools didn't use all of 24 their up to 1.5 percent, it is still -- \$10,000 goes 25 a long ways at a charter school.</p>	<p style="text-align: right;">109</p> <p>1 it could have been pushed out real quick, and they 2 could have started that. I'm not necessarily in 3 agreement that it has to be funded by the 4 Legislature. If it's at zero right now, fine. If 5 it stays at zero, that means the budget is the most 6 amazing thing ever. 7 But I know I was a director, and I'm going 8 to be honest. There's slush funds at the end of the 9 year. If our director is, "Okay, I have ten grand. 10 I have to spend it on a new technology. I have to 11 spend it on something," and they have to spend it, 12 instead, for them to have the knowledge of, "Hey, we 13 have \$10,000 extra this year, it's going to go into 14 this, and it's going to benefit a new school next 15 year," what a great gift to be able to give to the 16 Director and to those new schools who need money to 17 start up. That's already in here. 18 It seems like such a simple, simple thing 19 to just be able to say that the PED -- and I, 20 actually -- it would be really interesting, 21 Commissioner Robbins, if they were even to even 22 just, instead of putting it as a reverting line, 23 they could put it into this. And it, once again, 24 doesn't need to be legislated. That would be great. 25 But I think this is important enough, and</p>

<p style="text-align: right;">110</p> <p>1 I think it gives direction to the PED to say that 2 this is a priority that this not be reverting and to 3 put it into this fund that is clearly not reverting, 4 kind of delineates those lines of what we care about 5 for the schools. 6 And I know what -- Director Chavez has 7 mentioned multiple times that she does not want the 8 2 percent money to revert. She doesn't. I don't 9 think there's going to be a director, ever, who's 10 going to want any of that SEG money to revert. 11 So I don't mind pursuing this to clarify 12 that that's a priority for us and that we care that 13 that money is not getting reverted. And if it's 14 something -- maybe we can work with the PED, and 15 they can -- we can convince them, at some point, to 16 stop reverting the 2 percent money. But until then, 17 this clearly puts it into a place where, then, it 18 gives some flexibility to support schools in the way 19 that can be best for them. 20 And, like I said, whether it's 500 bucks 21 at the end of the year, a thousand, like, that's -- 22 it may not sound like a lot to us. But for a new 23 charter leader, that can significantly shift, like, 24 what their projection numbers -- you know, like 25 meeting their projection numbers. It really can.</p>	<p style="text-align: right;">112</p> <p>1 this piece of legislation. It's just, like -- and 2 I'll be honest with you. The idea of using it in 3 the framework of a stimulus, it's -- you know, 4 there's a lot of folks that don't want -- don't want 5 to see a lot of growth. That's just the narrative 6 that's out there. 7 So I think that will help people say, "No, 8 I'm not going to do that," because they -- someone 9 will come along with the conversation of, "Oh, they 10 reverted back a million dollars." 11 So they're going to see, "Oh, they're 12 going to put a million dollars into that." So, you 13 know, there's too many -- my preference -- I think 14 charters are better served with the conversation 15 being through the MOU and not making it a -- on the 16 legislative agenda. 17 THE CHAIR: Commissioner Robbins? 18 COMMISSIONER ROBBINS: Well, I have to 19 agree with counsel that I do believe it would be a 20 legislative change, because I don't know that this 21 stimulus fund is currently an approved authorized 22 use of SEG funds. And that may be required to have 23 a change in statute to where that can happen. 24 If -- you know, the other way that you can 25 handle that -- and, again, if unused SEG funds can</p>
<p style="text-align: right;">111</p> <p>1 So that's kind of where I stand with it. 2 I actually would like to pursue this. I don't think 3 we need to do a huge change to what's already here. 4 I think it's, like, general enough to allow some 5 flexibility in how it gets distributed. 6 But I do think creating a space where it 7 says if there is any -- any -- money that's left 8 over at the end of the year, it gets put into this 9 fund, would be something I would completely support. 10 We have Commissioner Carrillo, then 11 Commissioner Gipson, then Commissioner Robbins. 12 COMMISSIONER ROBBINS: My question is does 13 this need to be done legislatively, or can this -- 14 I'm seeing Julia's head up and down that it does. 15 And if -- I love the idea of -- whether it's 50 16 bucks or a thousand bucks or whatever, I love the 17 idea of it being there. 18 I would be reticent if it has to be done 19 legislatively. But if it does, it does, and I would 20 support going down that path. 21 THE CHAIR: Commissioner Gipson. 22 COMMISSIONER GIPSON: So that was my 23 question. To me, the MOU could outline this a whole 24 lot easier. Because I don't see that there's going 25 to be a whole lot of support to get someone to carry</p>	<p style="text-align: right;">113</p> <p>1 go into this stimulus fund, then, you know, you 2 could -- theoretically we could budget a line of 3 saying, "We're going to budget \$100,000 out of the 4 PEC's portion. We're going to put \$100,000 in, and 5 we're going to fund it directly into the stimulus 6 fund." 7 So I don't know if that's a -- if that's 8 allowable statutorily, that we could actually put in 9 our budget \$100,000 a year from the 2 percent going 10 into that fund, plus any unused portion. So that 11 would be a way to kickstart the fund and provide it. 12 But I think there would need to be 13 statutory language to allow that, because we have to 14 understand. It's SEG funding we're talking about. 15 SEG funding is for -- for the operation of the 16 school, not for the start-up of a new school. It's 17 not for the construction of a new school. It's for 18 the operation of a school. And unused funds can be 19 retained by the school district or the school. 20 So even charter schools are allowed to 21 retain unused SEG funds. But if those funds aren't 22 in their pocket, you know, that's the question of 23 what can you do with that. And I think statutory 24 language would have to be added to allow those 25 funds -- I agree that it would be nice to do that.</p>

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1 But I think we'd have to have statutory language to
2 allow those funds to be put into that. And, if that
3 were the case, then, in that case, the PEC could
4 also line-item in their budget additional funds into
5 that.

6 THE CHAIR: I have been convinced that
7 this could be a can of worms that maybe we don't
8 want to open in the Legislature. And especially, I
9 would say it's actually to your point, Commissioner
10 Gipson, especially at this specific moment, because
11 the Director has just barely had access to her own
12 budget for one whole fiscal year.

13 So -- but the CSD have to take the hit --
14 so if I, like, call it that -- for the years
15 previously when there's massive reversions --
16 right? -- trying to explain that to Legislature
17 that, "Oh, well, no, they're working on fixing
18 that," and they are. They're looking to actually
19 get access to it now.

20 But we're going to have -- that is going
21 to get opened up, the fact that there were large
22 reversions year after year. And I -- you're -- I
23 can completely understand Commissioner Gipson's
24 thought process of legislators being, like, "What?
25 Excuse me?"

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1 it right now.

2 So that's kind of where I'm at, too, is
3 I'll probably not support moving this one on to the
4 Legislative Agenda this year.

5 Commissioner Carrillo.

6 COMMISSIONER CARRILLO: I would agree in
7 your use of the phrase "can of worms," because there
8 are certainly enough people in the Legislature who I
9 would say don't understand, nor respect, charters.

10 There -- you go -- go to the Roundhouse,
11 there's many of them that don't know they're public
12 schools. They think of them as privates. So that
13 could be a real problem.

14 I like the idea of a stimulus fund, that a
15 start-up or -- somebody could go somewhere and say,
16 "Look," they could apply to the Public Education
17 Commission and say, "We really needed \$2,000 to get
18 over the hump, and I can't personally write the
19 check." That could be something we look to, and
20 it's done internally, and we come up with a way to
21 do that.

22 I would agree to not move this on right
23 now, but to have something in the future in the back
24 of our minds.

25 THE CHAIR: All right. I'm kind of

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1 You know, like -- so not only are charter
2 schools getting this -- you know, but they're
3 reverting it and, like, creating a problem out of it
4 and not allowing us to -- what we're trying to do in
5 fixing it or creating a way to non-revert it, I
6 would be actually very worried to bring this to them
7 and kind of have that be discussed in the
8 Legislature.

9 So I do think maybe it would be something
10 that I'm -- where Commissioner Gipson is is where we
11 can -- let's try to work this through the MOU as
12 much as possible, get a couple of years down the
13 road where we have less reversions, where we have --
14 maybe we've already been able to start reducing the
15 amount that's being pulled out, focus on that first.
16 And if we're still having those large reversions,
17 look at how to fix that issue later.

18 But I think just not pulling out the
19 money. If we can focus on that "up to 2 percent"
20 and don't withhold as much, that could solve a lot
21 of the issues that we're most concerned by anyway.

22 So, I mean, Commissioner Gipson, I really
23 appreciate the points that you made, because I think
24 that that's -- it's spot-on, and I think it's a path
25 that maybe we -- we're not in a time and place to do

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1 hearing a consensus. I don't know if everyone kind
2 of wants to put a thumbs-up that we're not putting
3 this on and move down to the next item?

4 (Commissioners indicate.)

5 THE CHAIR: Okay. That looks like at
6 least a majority around here. So, okay, that will
7 now take us to the No. 2.

8 MS. JULIA BARNES: No. 2 is to modify
9 language in that same section, "no less than
10 98 percent." That would limit the amount of direct
11 administrative support, which would need to be
12 defined, because it's not anything related to the
13 CSD budget.

14 I did pull the language from the MOU. I
15 don't know that this is difficult to draft, but I
16 wasn't drafting any language. So I think it's not
17 difficult to draft, and it would probably be an
18 amendment to this same section.

19 THE CHAIR: Commissioner Robbins.

20 COMMISSIONER ROBBINS: I like this
21 suggestion, and as a starting point for negotiations
22 and any legislation, because I know that PED would
23 want to have a higher amount. But I would -- and
24 I'll actually make a motion at this point, and we
25 can discuss it -- to move that we limit the PED

<p style="text-align: right;">118</p> <p>1 direct administrative funding on the fixed 2 percentage of 15 percent of the budgeted CSD/PEC 3 budget. 4 THE CHAIR: I do not hear a second. 5 COMMISSIONER CARRILLO: A second for the 6 purposes of discussion. 7 THE CHAIR: Okay. All right. So there's 8 a motion and a second. Any discussion? 9 Commissioner Gipson. 10 COMMISSIONER GIPSON: Yeah. You know, I 11 support the concept. I struggle with can we fix it 12 just with the MOU and not have to -- and I know. 13 This has been the conversation with the LFC and the 14 LESC all the time. "What are they doing with the 15 2 percent?" "What happens with the 2 percent? 16 There's not a good accounting." 17 But I think the response to them can 18 easily be, "Look at what we've done through the 19 MOU." 20 Although there's also that piece of me 21 that gets cautious, because that MOU is changeable 22 with administrations. So that's where I get a 23 little concerned that is this the -- is this the 24 better fix, because then it is codified. So that 25 it -- you get a new administration, the MOU could go</p>	<p style="text-align: right;">120</p> <p>1 that -- if we say, "You get 15 percent to 2 administratively support us, you can put the money 3 anywhere you want to if it's a fixed amount, and 4 it's an administrative charge out of the withheld 5 SEG funds from the charters for the administrative 6 support," boom, it's a line item. 7 How they put it in their budget, the 8 departments or the divisions they put it in within 9 PED, actually simplifies their reporting of how they 10 use that money. It would actually greatly simplify, 11 because then you only have to look at the monies 12 that CSD and PEC is using directly, and the other 13 15 percent, which has been up to \$1 million in past 14 years, which is a significant amount broken down by 15 every various area, you eliminate that totally by 16 making it a single line, that it's administrative 17 support. 18 THE CHAIR: Commissioner Taylor. 19 COMMISSIONER TAYLOR: Thank you. I sort 20 of am falling on the side of trying to deal with the 21 majority of these things through the MOU, because I 22 think if we can -- I think that's going to be the 23 most immediate result, that if -- to legislate this, 24 are they going to go through -- is a legislator 25 going to want to carry a legislation that has two or</p>
<p style="text-align: right;">119</p> <p>1 away, for all intents and purposes. 2 And I think this is something that the 3 Legislature would support, because they've always 4 had that concern about where the 2 percent is going. 5 So it doesn't answer that question. But 6 it does answer the question of what PED can and 7 cannot do with it. And then we can show through our 8 own budget, you know, where the rest of it is going. 9 Okay. Someone is certainly going to ask, 10 "Well, if PED is only going to have 15 percent, then 11 where's the rest of it going?" 12 But our budget will show where -- you 13 know, where that money -- that, of course, our 14 budget, including CSD's. So I kind of lean towards 15 legislative, but, you know, only because I think it 16 would -- is a more permanent fix. And I think it's 17 something that the Legislature could get behind a 18 whole lot easier than a stimulus piece. I think 19 it's a different conversation. 20 THE CHAIR: Commissioner Robbins. 21 COMMISSIONER ROBBINS: One thing that 22 would be advantageous of a flat amount for PED's 23 administrative support, they don't have to give us a 24 line item of where they're spending all that money. 25 As of right now, they do. I mean, we require</p>	<p style="text-align: right;">121</p> <p>1 three little changes in it -- or maybe not little, 2 but two or three changes -- without trying to 3 renegotiate and really reconstruct the entire -- 4 "Well, since we're dealing with this, let's go ahead 5 and deal with this," and so forth? 6 And I just -- the can-of-worms metaphor 7 that was used earlier, I think is just really, 8 really a potential. 9 I think if we get -- if we establish a 10 good MOU with favorable terms, we're setting a 11 precedent to some degree, and it makes it easier to 12 then, I think, legislate if we want to. Or it also, 13 when we move to a new administration, I feel like, 14 okay, this is what we've done in the past, and it's 15 worked really well. 16 You know, they would have a tendency -- 17 more of a tendency, I would think, to sort of follow 18 those same -- those same guidelines. 19 So if we could deal with them -- the 20 majority of those issues through an MOU, I -- I 21 don't know, I -- that would be my preference. 22 THE CHAIR: Commissioner Voigt. 23 COMMISSIONER VOIGT: Thank you, 24 Chair Burt. And thank you, Commissioner Taylor. 25 I feel the same way. I believe that the</p>

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1 MOU will be the most immediate. And the MOU is
 2 going to be an enduring document. I don't think it
 3 could change that easily with a new administration,
 4 given that the PEC would have to sign off on it.
 5 So I'm thinking that the MOU would be
 6 the -- the best way to move these topics. Thanks.
 7 THE CHAIR: Commissioner Carrillo.
 8 COMMISSIONER CARRILLO: If we were to do
 9 something legislatively, I would want it done not in
 10 this session, but maybe in the next or the
 11 following. It would seem as though -- and we -- to
 12 the best of my knowledge -- and Commissioner Robbins
 13 has stated this -- we have not yet received an
 14 itemized accounting for how all of the money is
 15 used. Is that correct?
 16 So -- okay. So that is correct. So if
 17 that's the case --
 18 THE CHAIR: Oh, well, I would say --
 19 Mr. Torres presented us an itemized account of --
 20 COMMISSIONER CARRILLO: Because I would be
 21 reticent to lock in, you know, 15, 17, whatever
 22 percentage, if -- if that maybe wasn't enough to
 23 cover it.
 24 I'm also -- I would -- I'm concerned that
 25 the Director is not here, because this directly

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1 affects whoever is sitting in that position. And so
 2 if it means coming back to this particular item,
 3 when Director Chavez could join us -- but, again, I
 4 agree with the others. The more we can do
 5 internally, the better.
 6 THE CHAIR: Before I go back to you,
 7 Commissioner Gipson, I'll just say I -- the one
 8 thing that -- I think where I fall on this is it's
 9 just not the right time yet.
 10 And the reason I believe that, mostly, is
 11 because the -- and I know -- listen. This is what I
 12 will say. I know that the PEC has been on this road
 13 for a long time, well before I got onto the
 14 Commission. Well before I was a part of any
 15 conversation about the budget. I know that the PEC
 16 has been struggling with this for a long time.
 17 So I do want to say I recognize that. And
 18 I can imagine the frustration of going through that
 19 year after year after year and getting nothing in
 20 return year after year after year.
 21 But what I will say is this last fiscal
 22 year is the first time that this has been
 23 implemented in any way, shape, or form, that there's
 24 been any even idea, thought, any kind of writing,
 25 especially as to the PEC budget, the 2 percent

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1 budget, how it's being spent, the percentages that
 2 go to what. It's only been in effect for a year.
 3 And I do believe we need a little bit more
 4 analysis. I think we need a little bit more
 5 understanding about what's working and what's not
 6 working before we -- especially before we propose
 7 legislation that solidifies something.
 8 For me, I would say what's the research
 9 behind it? Show me why 15 percent. Show me why --
 10 I want to know exactly why. Like, is that just a
 11 number -- just so you all know, that was something
 12 Dr. Gonzales did ask me about. He said, "Why that
 13 number?"
 14 I said that's a very common administrative
 15 fee, for grants, for -- it's not out of the realm of
 16 what's very, very commonplace when you look at
 17 grants, administration fees, you know, what's an
 18 appropriate amount.
 19 And so understanding that I think it's a
 20 great starting point for negotiation, I actually
 21 think that's -- I support it in the MOU. I support
 22 it in negotiations moving forward. But I think we
 23 do need to go through the process of modifying the
 24 MOU, getting an analysis of how, right now, the
 25 23 percent is being spent, and then reducing it

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1 reasonably and logically and with data behind us.
 2 I just think right now is not the time to
 3 solidify it in the Legislature, because, once again,
 4 we're going to open up our whole budget for years
 5 prior to this. Not just in the last year. For the
 6 year before that and the year before that, and the
 7 year before that, too. And we don't have accounting
 8 of that. The PEC never was able to see that before.
 9 The PEC has no clue how PED was spending it, once
 10 again, frustratingly. And I know it's not because
 11 PEC wasn't asking for it.
 12 But with this -- with the way that the CSD
 13 is doing it now, we're able to start getting the
 14 information we need.
 15 So I'm not really -- I think I'm with
 16 Commissioner Taylor, I'd rather do this section
 17 right now internally. And then maybe a year, maybe
 18 next Legislative Session, the year after that,
 19 solidify it in legislation.
 20 That's what -- once again, that's kind of
 21 where I'm at in it this. I wish we did have the
 22 years that you-all asked and begged to get this kind
 23 of accounting. I wish we did have those years to be
 24 able to go back on. And I wish there was more
 25 history that the PED was able to provide.

126	<p>1 And I know it just wasn't a cooperative 2 relationship in order to get that. So that's kind 3 of where I'm at on it. 4 Commissioner Gipson. 5 COMMISSIONER GIPSON: I'm the person that 6 doesn't even like the 10 -- or 15 percent, because I 7 don't think our schools should have to be spending 8 any money, because a traditional school district 9 doesn't. 10 On the -- I agree with what Mr. Martinez 11 said before, that charter schools are looked at like 12 a second class, because everything that the PED puts 13 out. It's, like, school districts and charters. 14 School districts and charters. 15 So that's where the notion in Legislators' 16 minds are, that charters are somehow different. 17 That's where they get this idea that they're not 18 part of the public school system, because it's, 'Oh, 19 they're charters. There must be something wonky 20 about that, that they're not the same as a 21 traditional school," although in Vistas and 22 everything else, they're listed as a district. 23 So why isn't it just school districts have 24 to do this. Charter schools understand that they 25 have to do that.</p>	128	<p>1 COMMISSIONER TAYLOR: No. 2 COMMISSIONER ARMIJO: Thank you. 3 Vice Chair Voigt. 4 COMMISSIONER VOIGT: No. 5 COMMISSIONER ARMIJO: Commissioner Armijo 6 votes no. 7 Chair Burt. 8 THE CHAIR: No. 9 COMMISSIONER ARMIJO: Commissioner 10 Carrillo. 11 COMMISSIONER CARRILLO: No. 12 COMMISSIONER ARMIJO: Commissioner Gipson. 13 COMMISSIONER GIPSON: No. 14 COMMISSIONER ARMIJO: Commissioner 15 Robbins. 16 COMMISSIONER ROBBINS: Yes. 17 COMMISSIONER ARMIJO: That is six to one. 18 The motion does not pass. 19 THE CHAIR: All right. That'll take us to 20 Item No. 3. 21 MS. JULIA BARNES: Item No. 3 is the idea 22 to allow the imposition of a three-year charter term 23 with good cause provided. There's only one sentence 24 that would need to be changed, and it would be an 25 easy drafting change.</p>
127	<p>1 I do not agree with just give them the 2 15 percent and then they never have to account for 3 it. That, I cannot support. 4 So I love Commissioner Taylor's optimism 5 with new administrations are going to follow that, 6 because, you know, this sage, old person has been 7 through those other administrations, and, you know, 8 someone can ignore it. And that's fine. That's a 9 battle we can fight if it happens. 10 So I'm good with moving on. 11 THE CHAIR: Yeah. All right. Seeing no 12 more hands, we do need to do roll call and a vote. 13 COMMISSIONER ARMIJO: All-righty. 14 Commissioner -- or excuse me -- Vice Chair -- excuse 15 me. Commissioner Taylor. 16 COMMISSIONER TAYLOR: Can you reread the 17 motion, just to make sure? 18 COMMISSIONER ARMIJO: Actually, 19 Commissioner Robbins, can you restate your motion? 20 COMMISSIONER ROBBINS: Cindy, could you 21 read what I said? 22 (The record was read as requested.) 23 COMMISSIONER ARMIJO: Okay. Are you ready 24 now? 25 Commissioner Taylor.</p>	129	<p>1 I think we do want clarification on any 2 motion as to whether you want the PEC to pursue 3 legislation or react -- or, just simply, to react. 4 So just clarification for the Executive Team. 5 THE CHAIR: Commissioner Carrillo. 6 COMMISSIONER CARRILLO: Well, I'm waiting 7 to be called on. 8 THE CHAIR: I saw you put your microphone 9 on, but I didn't know. 10 COMMISSIONER CARRILLO: Yeah. I really 11 like the idea of our being able to -- I don't like, 12 necessarily, the word "impose." But to negotiate a 13 three-year charter term. 14 THE CHAIR: Commissioner Gipson. 15 COMMISSIONER GIPSON: So the fact that we 16 have done three-year terms before, we've just gotten 17 away with it? 18 MS. JULIA BARNES: I'm sure you got 19 consent. 20 THE CHAIR: So this would be consent to 21 get it without consent of the schools. 22 COMMISSIONER GIPSON: We never had anyone 23 come and say, "You can't do that." 24 In fact, most of the time, honestly, 25 because of the circumstances, they were grateful</p>

<p style="text-align: right;">130</p> <p>1 they got the three years, because it was three years 2 of nonrenewal. So it's, like -- you know. We're 3 not going to rock the boat. So that's -- that's 4 why -- I guess that's why it's happened. 5 MS. JULIA BARNES: And The GREAT Academy 6 just did not agree. 7 COMMISSIONER GIPSON: Right. 8 MS. JULIA BARNES: And so -- and that a 9 provision was -- it was a special circumstance. But 10 the Cabinet Secretary didn't move away from the 11 statute. 12 COMMISSIONER GIPSON: So that would -- 13 because at this point now, we had a prior ruling by 14 the Cabinet Secretary that gave a school a two-year 15 term. Would -- is the Cabinet Secretary affected by 16 this? 17 Because we did have -- you know, and that 18 was certainly problematic for us, and we didn't have 19 any control over that. But the Cabinet Secretary 20 did impose a two-year term, overturning our 21 decision. 22 MS. JULIA BARNES: I'd need to see -- I'm 23 happy to look. But I don't -- I know the Cabinet 24 Secretary can do different things. Let me just look 25 it up.</p>	<p style="text-align: right;">132</p> <p>1 THE CHAIR: It has to be an agreement with 2 the way it's written right now. So they could say, 3 "No, we don't want that." 4 MS. JULIA BARNES: This is the language, 5 22-8B-12(A), "Approvals of less than five years may 6 be agreed to between the Charter and the Chartering 7 Authority." 8 So this would change that sentence. 9 I don't -- I don't think what you're 10 thinking of is -- I couldn't find it anywhere in 11 this charter law; but... 12 DR. BRIGETTE RUSSELL: Okay. 13 Notwithstanding, that portion of the statute, yeah, 14 should be amended. 15 THE CHAIR: All right. Commissioner 16 Robbins. And then I'm going to Voigt before I go 17 back to Carrillo. I saw you raised your hand, but 18 I'm going to go back before I come back. 19 COMMISSIONER CARRILLO: That's cool. 20 COMMISSIONER ROBBINS: Thank you. And, 21 you know, the way it says is "may be agreed to." 22 And I think the word "impose" instead of 23 "negotiate," I think that is the correct term. 24 If you don't want to say "impose," you 25 could say, "The PED has the right to restrict a</p>
<p style="text-align: right;">131</p> <p>1 COMMISSIONER GIPSON: So I just don't know 2 if that -- if we need to -- if we were going to look 3 at fixing this, should we also add language to fix 4 that, if you get what I mean? 5 THE CHAIR: All right. While you look 6 that up, I'm going to go to Dr. Russell, and then 7 Commissioner Robbins. 8 DR. BRIGETTE RUSSELL: Thank you, 9 Madam Chair and Commissioner Gipson. It was my 10 understanding -- I was looking up the reference, I 11 haven't found it yet -- that statute certainly says 12 that a charter contract can be up to five years, 13 which gives the latitude to -- Ms. Barnes is shaking 14 her head. 15 THE CHAIR: The difference is, what we're 16 talking about is that the school also has to agree 17 to it. What this proposal is is that the PEC can do 18 it without the school agreeing to it. That's the 19 difference. 20 The Public Education Commission can do 21 that, but the school has to agree to the three-year 22 term or to a two-year term. 23 DR. BRIGETTE RUSSELL: It's my 24 understanding that as the authorizer, you're 25 offering the number -- no?</p>	<p style="text-align: right;">133</p> <p>1 renewal contract" -- or "to limit -- "restrict or 2 limit a charter term with good cause to three 3 years." 4 Because, again, right now, it has to be 5 approved by both parties. I think what we're 6 looking for is situations where there are concerns 7 enough to where they need to turn around in a very 8 quick period of time, and that three years -- and, 9 again, I would like it to be even less than three, 10 but I think three years is probably a middle of the 11 road. I think that's a good thing. 12 But if it's, you know, to restrict or to 13 limit charter terms to three years -- and, actually, 14 you know, change the language of approvals less than 15 three years may be -- may be dictated or may be -- 16 COMMISSIONER CARRILLO: Instituted or -- 17 COMMISSIONER ROBBINS: -- instituted by 18 the chartering authority. That takes away the 19 negotiations, because right now if it's approval of 20 less than five years may be agreed to between -- if 21 you only change -- we have that ability now, as, you 22 know, Commissioner Gipson has said. 23 But you have to have that agreement. If 24 you get a party that is intransient (verbatim) -- 25 and I think that's the right word -- of anything</p>

<p style="text-align: right;">134</p> <p>1 less than five years, we don't have the ability to 2 negotiate if they don't want to. We don't have the 3 ability to impose or to restrict and say, "We're not 4 going to give you -- it's either three or nothing." 5 Well, they can go to court, and then 6 you're tied up in court for a period of time. 7 So I think it's worthwhile to give this 8 Commission -- again, with good cause -- to restrict 9 a contract to three years -- or you could even 10 change it to restrict a contract to less than five 11 years, that if three years is what the Commission 12 feels is a fair minimum, then that's fine. 13 Thank you. 14 THE CHAIR: All right. Ms. Barnes was 15 able to find the answer to Commissioner Gipson. So 16 I'll have her answer you first before we keep going. 17 MS. JULIA BARNES: I'm able to find the 18 section in the Charter School Act. I don't know if 19 it's clear. 20 It's under -- I'm thinking that that 21 decision by the Secretary could have been appealed 22 to District Court, and probably was. Oh. Was or 23 wasn't? 24 COMMISSIONER GIPSON: We did. However, 25 that was the past administration. So when we</p>	<p style="text-align: right;">136</p> <p>1 guess. The Cabinet Secretary can't change the law, 2 either. It can be not appealed. 3 COMMISSIONER GIPSON: But, no. My 4 question -- yeah. But the question was -- in the 5 one instance, the Cabinet Secretary impose -- 6 overruled our decision to close and imposed a 7 two-year, said, "It's a two-year contract." 8 MS. JULIA BARNES: I understand. So I 9 think if the law was changed to allow you to impose 10 a three-year term, a Cabinet Secretary could impose 11 a three-year term. 12 COMMISSIONER GIPSON: Could they impose a 13 two-year term? That's my question. 14 MS. JULIA BARNES: I would say no. I 15 would say that the Secretary needs to follow the law 16 as well, that the Secretary doesn't appear to be 17 exempt from the law. 18 COMMISSIONER GIPSON: But this law would 19 say it gives us the ability to impose a -- are we 20 chang- -- are we making the language so it would be 21 no less than a three-year? Because if it's -- if 22 it's open, then the Cabinet Secretary could still do 23 a two-year, and that wouldn't violate the law. So 24 we would have to word it to say, "no less than three 25 years" to prevent the Cabinet Secretary from then</p>
<p style="text-align: right;">135</p> <p>1 transitioned into the new administration -- oh, no. 2 I'm sorry. No. We -- we did. But then we agreed 3 that we pulled the suit to try to play nice. 4 But we -- because we were looking at -- by 5 the time the District Court -- because it was a 6 two-year contract term. By the time there would 7 have been a decision, that contract would have 8 expired anyway. So it wasn't worth the time and 9 effort, on both parties, to mire us in court when we 10 would be at a renewal before a decision, in all 11 likelihood. 12 MS. JULIA BARNES: So it's under 22-8B-7, 13 which is the appeals section for the Secretary. And 14 the Secretary does have an ability on the 15 Secretary's own motion to review a chartering 16 authority's decision to grant a charter. 17 COMMISSIONER GIPSON: That's what it was. 18 The Cabinet Secretary questioned our renewal 19 approval and -- yeah. 20 MS. JULIA BARNES: And then that same 21 section says, "A person aggrieved by the final 22 decision of the Secretary may appeal to District 23 Court." 24 I -- I don't know if you'd win -- if the 25 Secretary would win or lose. Probably lose, I would</p>	<p style="text-align: right;">137</p> <p>1 saying, "No, it's going to be a two-year." 2 MS. JULIA BARNES: And that would also 3 allow you to do a four-year or whatever. 4 COMMISSIONER GIPSON: Yeah. 5 MS. JULIA BARNES: I haven't drafted any 6 language. You could work with the Legislative 7 Counsel Service to draft it. And you would need it, 8 as in all legislation, to be very specific as to 9 what you wanted. 10 THE CHAIR: All right. Before I go to 11 Commissioner Voigt, Commissioner Carrillo, you had 12 your hand up. Commissioner Voigt just let me know 13 she is going to make a motion. I wanted to see if 14 you had your hand up if you had a question for 15 someone that would preclude you from getting that 16 answer once a motion is made. 17 Because once she makes a motion, you won't 18 be able to ask questions to someone outside the 19 Commission. So you had your hand up earlier. I 20 wanted to make sure -- 21 COMMISSIONER ROBBINS: I won't be able to 22 ask Julia questions. 23 THE CHAIR: Right. So if you have a 24 question -- 25 COMMISSIONER CARRILLO: I want the ability</p>

<p style="text-align: right;">138</p> <p>1 to negotiate a two- or three-year contract, period, 2 something that the school cannot come back and say 3 no. Because that was the biggest challenge that we 4 had with The GREAT Academy is I think there was -- I 5 think there was a lot of agreement that this -- this 6 school had challenges -- I'm just going to try to 7 use that euphemism, if you will. 8 And it was really upsetting that they were 9 able to just say, "No, we don't agree." They 10 basically, like, flipped us off. 11 I don't ever want that to happen to this 12 Commission, whether I'm on it or not, again. And I 13 think it's really important to be able -- because I 14 agreed with Commissioner Robbins in his initial 15 statement -- I want us to have the ability to 16 negotiate a two-year contract as well, simply 17 because it doesn't take three years, okay? 18 If you want a turnaround -- I go back to 19 the private sector a lot. It's, like, if I'm on a 20 performance plan, they're giving me a year, max, to 21 produce results, or maybe even 90 days. 22 The idea of giving a school three years to 23 continue basically -- I want to say harming 24 children, if they're not delivering education the 25 way they should be. That's completely</p>	<p style="text-align: right;">140</p> <p>1 school and the chartering authority. 2 THE CHAIR: And then the last thing I'll 3 ask you is if that's something you would like to be 4 pursued this Legislative Session, or, if it comes 5 up, we would support it. Or is it a priority, we 6 need to pursue it? 7 COMMISSIONER VOIGT: Pursue. 8 THE CHAIR: I'll second. 9 Commissioner Manis? 10 COMMISSIONER MANIS: I don't know 11 legally -- and this may be referred or deferred to 12 Julia on this -- is if you say no agreement between 13 the charter school and chartering authority, that 14 that could be interpreted as a contract doesn't have 15 to be in place? I just -- that could be 16 interpreted, I think, very vaguely. 17 THE CHAIR: Yeah. So I would say that's a 18 great point, Commissioner Manis. And I would say 19 this. What we're doing is the general idea of it 20 that we're going to be pursuing legislation for. 21 But you're correct. The legislation would have to 22 be better written and more specific than that. The 23 general idea of what we're wanting is what we're 24 agreeing to today. Is that -- 25 COMMISSIONER MANIS: (Indicates.)</p>
<p style="text-align: right;">139</p> <p>1 inappropriate. 2 And as well -- and I always go back 3 sometimes to the private sector, and I love to use 4 athletic comparisons -- they'd never hire a general 5 manager of any athletic team for a five-year 6 contract. I mean, you know, they've got to prove 7 themselves a little bit first. 8 So two years and three years available, 9 wheesht!, without somebody being able to say no. 10 I don't know how you're going to put 11 "wheesht!," Cindy, in the notes. 12 THE REPORTER: Wish me luck. 13 COMMISSIONER VOIGT: Thank you, 14 Chair Burt. 15 I would like to move to allow the Public 16 Education Commission to approve no less than a 17 three-year charter term with good cause provided. 18 THE CHAIR: I think there might need to be 19 a little more, actually, because I think we 20 technically have to approve -- we can approve less 21 than five right now. It just has to be agreed by 22 the charter. So I think we need to have something 23 in the motion that says without -- without -- 24 COMMISSIONER VOIGT: With good cause 25 provided and with no agreement between the charter</p>	<p style="text-align: right;">141</p> <p>1 THE CHAIR: Okay. All right. Any further 2 comment on this one? Commissioner Taylor. 3 COMMISSIONER TAYLOR: So the motion that 4 was made says "no less than three years." I do 5 think that Commissioner Carrillo's suggestion that 6 we have the flexibility to go two -- I mean, I still 7 like that idea. And I think that the motion could 8 be made so that we say that the decision of the PEC 9 is final or something like that. There is 10 nonnegotiable as far as -- and that might take away 11 the need for the agreement for the -- from the 12 charters. 13 THE CHAIR: Okay. Commissioner Gipson. 14 COMMISSIONER GIPSON: So it's no secret 15 that I don't like less than five, because I think 16 our job is to monitor it in between or revoke. I'm 17 fine with "no less than three." 18 The NACSA presentation and training that 19 we had the last session, they were clear that best 20 practices is not for short term. And they 21 specifically said no -- they do not support two 22 years, certainly not a one-year, so that, you know, 23 I don't think it -- it benefits us to be supporting 24 something that isn't a best practice. 25 And I think it would help in a -- in a</p>

142	<p>1 legal appeal for them to say the PEC is not even 2 following best practices by nationally recognized 3 organizations for that, because I think, once again, 4 it's our job to monitor in between. 5 THE CHAIR: Commissioner Voigt. Then 6 Commissioner Carrillo. 7 COMMISSIONER VOIGT: Exactly, Commissioner 8 Gipson. I think that, you know, three years is a 9 minimum for any substantial growth data to be 10 accumulated. And if we were going to go less than 11 three years, you may as well just go revocation, you 12 know. I mean, there's got to be -- the reason for 13 this is so that the school can hopefully improve. 14 And that's what we want. We want our schools to 15 learn, grow, improve, as we all do with each other. 16 So that's why the "no less than three years." 17 THE CHAIR: Commissioner Carrillo. 18 COMMISSIONER CARRILLO: That something 19 might be considered a best practice doesn't mean we 20 can't have a better practice. And so I would say -- 21 and this doesn't refer to specifically renewals. It 22 refers to charter terms in general, so it could be a 23 new school. 24 And, you know, I even -- with new schools, 25 you know, I would even probably support three years</p>	144	<p>1 COMMISSIONER CARRILLO: No. 2 COMMISSIONER ARMIJO: Commissioner Gipson. 3 COMMISSIONER GIPSON: Yes. 4 COMMISSIONER ARMIJO: Commissioner Manis. 5 COMMISSIONER MANIS: No. 6 COMMISSIONER ARMIJO: Commissioner 7 Robbins. 8 COMMISSIONER ROBBINS: Yes. 9 COMMISSIONER ARMIJO: Commissioner Taylor. 10 COMMISSIONER TAYLOR: No. 11 COMMISSIONER ARMIJO: Okay. I have to do 12 some math. That passes, five to three. 13 THE CHAIR: Okay. Thank you. It is noon. 14 We have several more items on this -- in this agenda 15 item. 16 We can take a 30-minute break right now, 17 or we can try to go through this and then take lunch 18 after we finish this item. I'm open to -- 19 COMMISSIONER CARRILLO: When you say "this 20 item," do you mean No. 4? Or do you mean the entire 21 agenda item, Item No. 8? 22 What in here is controversial? 23 THE CHAIR: I mean, honestly, this is 24 where I think -- I'm kind of considering doing maybe 25 a little differently, where we do -- I do want to be</p>
143	<p>1 in general. Because you may -- you know, no matter 2 what may have been presented in putting something 3 together, it may just not work, and/or it may not 4 work with that board and with that administrative 5 team on that school. 6 And I just think that -- I want the 7 ability -- I think it's prudent to have the ability 8 to -- especially with renewal, to be able to do two 9 years. And because it says -- this is also kind of 10 challenging for me -- but "with good cause 11 provided," because -- I would say "with just cause 12 provided," 'cause "good" is just such a nebulous 13 term. But I would not support this motion. There's 14 no way. I think we need to have the ability to do 15 two years. 16 THE CHAIR: All right. Seeing no other 17 hands up, Secretary Armijo, if you could call roll. 18 COMMISSIONER ARMIJO: Vice Chair Voigt. 19 COMMISSIONER VOIGT: Yes. 20 COMMISSIONER ARMIJO: Secretary Armijo 21 votes yes. 22 Chair Burt. 23 THE CHAIR: Yes. 24 COMMISSIONER ARMIJO: Commissioner 25 Carrillo.</p>	145	<p>1 able to ask questions. But, like, if someone feels 2 like something's -- maybe we don't go through them 3 each, and, instead, if you look through the list, 4 and if there's something that you would like to have 5 on the agenda, you feel like it's a priority, you 6 want it to be on there, then you bring up that one 7 instead of discussing each one separately and maybe 8 it doesn't even move forward anyway. 9 So I don't -- I'm kind of thinking that's 10 a better way, so we're not spending as much time on 11 something that's not going to move forward. There's 12 no interest in it moving forward on our agenda to be 13 pursued anyway. 14 Commissioner Carrillo. 15 COMMISSIONER CARRILLO: I think we should 16 take lunch and do all the items. The reason I say 17 that is because they're listed on the agenda. There 18 might be people from the public interested in that 19 particular item, and I don't want to shut them out 20 of the process. 21 THE CHAIR: Okay. Commissioner Gipson. 22 COMMISSIONER GIPSON: I hate to say this. 23 I actually had one more I wanted to add. 24 THE CHAIR: That's fine. Okay. 25 So do you all want to take a lunch break</p>

146	<p>1 right now, then? Because I believe if we have at 2 least four more items on this agenda item, we're 3 probably going to be here for a little bit longer 4 just on this one alone is what I'm thinking. Is 5 that okay? 6 Okay. 7 COMMISSIONER VOIGT: Yeah. It sounds like 8 we're going to be a while, so I think we should take 9 a lunch break. 10 THE CHAIR: All right. We'll come back at 11 12:40. 12 (A recess was taken at 12:03 p.m., and 13 reconvened at 12:41 p.m., as follows:) 14 THE CHAIR: So Item No. 8 is specific to 15 the Legislative Agenda to the PEC. We do have the 16 next several items after this involve schools. And 17 the schools are either here present waiting on us, 18 or they're online waiting for us. 19 So I would like to -- we're going to keep 20 the hold on No. 8, and we will come back to it and 21 finish it towards the end of the agenda so that we 22 can keep discussing that Legislative Agenda, and the 23 schools can go back to being with their students. 24 So that means that we're on the Annual 25 Report Process. And Director Chavez will be leading</p>	148	<p>1 COMMISSIONER CARRILLO: I mean, I know 2 that there's a representative here from the school, 3 and I'm wondering if you have anything you'd like to 4 say to us besides hello and you miss us? 5 MS. KAREN WOERNER: I don't have anything 6 to say. Thank you, Commissioners and Madam Chair. 7 COMMISSIONER CARRILLO: You've got to -- 8 THE CHAIR: Yeah. If you -- I know you're 9 going to definitely be talking on the next one, so 10 yeah. Yeah. 11 MS. KAREN WOERNER: So Commissioner 12 Carrillo, Commissioners, thank you so much for 13 allowing me to speak. I really don't have much to 14 say, other than our founding team and our board 15 members are very excited, eager to get started and 16 looking for your approval today. 17 I do want to mention that one of our board 18 members is online, Veronica Sanders, and our School 19 Business Official Katie Rarick, who's in your 20 packet, is also attending online. Thank you for 21 your support as well. And thank you for moving this 22 up on the agenda so I can drive home and listen to 23 the rest of your meeting on my drive home. 24 COMMISSIONER VOIGT: Thank you, 25 Chair Burt.</p>
147	<p>1 it. 2 So Item No. 9 is the Presentation and 3 Discussion by CSD on the Annual Report Process. 4 Okay. So all right. So we'll actually 5 come back to 9 and 10 in just a minute. 6 So we will go -- we're going to be going 7 to Item No. 11, which is Discussion and Possible 8 Action on Explore Academy-Rio Rancho Board of 9 Finance Application. 10 Director Chavez. 11 DIRECTOR CORINA CHAVEZ: Thank you, 12 Chair Burt, Commissioners. And welcome, 13 Explore-Rio Rancho Founder. 14 We received the Board of Finance 15 application for Explore-Rio Rancho, and the packet 16 is in your materials. After Melissa Sanchez 17 reviewed, she concluded it is indeed complete, and 18 so we are recommending that you approve the Board of 19 Finance for that school. 20 THE CHAIR: All right. Any discussion or 21 comments from the Commission? 22 (No response.) 23 THE CHAIR: Okay. All right. 24 Commissioner Voigt will make a motion. So if -- 25 Commissioner Carrillo.</p>	149	<p>1 I move that the Explore 2 Academy-Rio Rancho's Governing Board be approved as 3 a Board of Finance, and that the Chair send a letter 4 to the school indicating that the Board is approved 5 as a Board of Finance. 6 COMMISSIONER ROBBINS: Second. 7 THE CHAIR: Thank you. There's a motion 8 and a second. Any further discussion? 9 (No response.) 10 THE CHAIR: All right. Secretary Armijo, 11 if you can call roll. 12 COMMISSIONER ARMIJO: All-righty. 13 Secretary Armijo votes yes. 14 Chair Burt. 15 THE CHAIR: Yes. 16 COMMISSIONER ARMIJO: Commissioner 17 Carrillo. 18 COMMISSIONER CARRILLO: Yes. 19 COMMISSIONER ARMIJO: Commissioner Gipson. 20 COMMISSIONER GIPSON: Yes. 21 COMMISSIONER ARMIJO: Commissioner Manis. 22 COMMISSIONER MANIS: Yes. 23 COMMISSIONER ARMIJO: Commissioner 24 Robbins. 25 COMMISSIONER ROBBINS: Yes.</p>

150	<p>1 COMMISSIONER ARMIJO: Commissioner Taylor. 2 COMMISSIONER TAYLOR: Yes. 3 COMMISSIONER ARMIJO: And Vice Chair 4 Voigt. 5 COMMISSIONER VOIGT: Yes. 6 COMMISSIONER ARMIJO: Passes, eight to 7 zero. 8 THE CHAIR: Great. Thank you. 9 Item No. 12, hopefully, is easy and 10 painless. Discussion and Possible Action on 11 Contract Negotiation for Explore Academy-Rio Rancho. 12 Ms. Barnes. 13 MS. JULIA BARNES: So Explore-Rio Rancho 14 has come forward to indicate that they have a 15 potential opportunity related to a facility, but 16 they need a contract in place. 17 We have, in the past, just for 18 convenience, done the new school contracts in the 19 spring when we do the other ones. But all new 20 schools enter into a contract with the condition 21 that they have to complete the Implementation Year 22 Checklist, and that you have to later indicate that 23 they may commence operations. 24 So both of those two things are going to 25 be here, whether you negotiate in the spring or you</p>	152	<p>1 Google Drive. And that should be there by the 25th. 2 Again, the school has presented what they 3 need. I just need to double-check it and see if I 4 have any questions or -- not questions on the 5 substance, but getting it prepared as a draft, but 6 they've been super cooperative. 7 We have set a tentative date of 8 November 1st. And I believe that would be in 9 Rio Rancho. And we could have a hybrid option, as 10 we did before for Commissioners. It needs to be 11 fewer members on the negotiating team so that there 12 is not a quorum of the PEC, and it will not be a 13 public meeting. 14 And then the thought was to have a short 15 PEC meeting on the 7th -- you're already going to 16 have a working session on the 7th -- so that you may 17 look at the contract at that time. And I believe 18 the preliminary indications is that the Board of 19 Explore-Rio Rancho will have already considered the 20 contract. 21 So they would be ready by November 7th to 22 move forward. 23 THE CHAIR: Commissioner Voigt. Then 24 Commissioner Gipson. 25 COMMISSIONER VOIGT: Yeah. You know, I'm</p>
151	<p>1 negotiate now. 2 And I think the thinking was funding for 3 facilities is so difficult that it would be great to 4 support the school in this. 5 So we have a timeline that we've presented 6 to the school. And I will tell you that the school 7 is on track with this timeline. They just got 8 approved as a Board of Finance, and they have 9 provided everything they -- that we need through 10 Rachel Stofocik. She worked with the school to 11 prepare for contract negotiations. I believe that 12 CSD is participating in that as well. 13 And I know that CSD is also working with 14 them on talking about the scoring of mission -- 15 school-specific goals. So we are looking to -- I 16 will do what I've done previously, which is look at 17 the draft contract. They're using THRIVE as the 18 model, the form contract that THRIVE used, which is 19 the one that indicates that they will work if 20 there's a new contract and Performance Framework, to 21 consider that. 22 We should have the draft ready. And I was 23 going to do the same thing I did before, which is, 24 as soon as you identify who would be on a subgroup 25 to negotiate, we'll put all of those people on the</p>	153	<p>1 glad that we're considering that. And we're going 2 to hopefully do this, because there's always a 3 quandary of cart before the horse, when there's a 4 lease contract but the lessor wants to see the 5 charter school contract. So I'm glad that we can 6 make accommodations for this school, and I would -- 7 I'll be on the subcommittee. 8 THE CHAIR: Are you -- are you asking for 9 folks who -- if they're available for November 1st, 10 to let you know to be on the subcommittee? Or do 11 you want to just take questions first, and then 12 we'll talk about subcommittee next. 13 MS. JULIA BARNES: If folks said they 14 wanted to be on the subcommittee, I can be ready to 15 mail that out, following the same process we did 16 last spring. 17 THE CHAIR: Commissioner Gipson. 18 COMMISSIONER GIPSON: I'm fully in support 19 of all of this, with one exception. 20 We -- the schools last year that we 21 approved, they -- we didn't have any of the 22 Performance Framework work done. So it was -- we 23 will contemplate, but we won't. But because the 24 intent was our work would be completed by the 25 negotiations with the new applicant for this year,</p>

<p style="text-align: right;">154</p> <p>1 my preference would be that the school has to go on 2 the new Performance Framework. 3 That's my only -- my only ask, you know. 4 I support doing it earlier and everything. But I -- 5 my preference would be for this school, in 6 particular, because I do think they stand a little 7 different than the schools from last year. 8 But that's -- you know, that's my only 9 ask. And if it's not possible, it's not possible. 10 But that would be my preference. 11 MS. JULIA BARNES: The other -- let me 12 just add to that, because it triggered in my mind 13 Indicators 1 and 2 in the existing -- well, that 14 would be superseded. 15 COMMISSIONER GIPSON: So where -- 16 there's -- yeah. They'd have to -- there are 17 changes in 1 and 2; so... 18 MS. JULIA BARNES: The changes to 1 and 2 19 is in -- which I think we should say expressly -- 20 will be that they will be scored as PED scores the 21 State Accountability -- 22 COMMISSIONER GIPSON: But, see, there's 23 that Option 3 -- well, you don't know that it's a 24 No. 3. That could change. Well, because we haven't 25 voted on anything, anyway, I hate to -- you know, I</p>	<p style="text-align: right;">156</p> <p>1 the contract itself, say that instead of they will 2 consider it, they will move to the new Performance 3 Framework when it's done. 4 COMMISSIONER GIPSON: Yeah. 5 MS. JULIA BARNES: So they have a 6 Performance Framework, but an agreement to move to 7 the new one. 8 COMMISSIONER GIPSON: Correct. Yeah. 9 MS. JULIA BARNES: Yes. 10 THE CHAIR: Commissioner Carrillo. Then 11 Director Chavez. 12 COMMISSIONER CARRILLO: I would second 13 what Commissioner Gipson was saying about making 14 sure that the newer Performance Framework was part 15 of the deal. And I would also second what Vice 16 Chair Voigt was saying. I'm glad we're able to do 17 this, because I know that, yeah, that's the hardest 18 thing in the world to get a lease, and they want to 19 know, like, well, you're not showing us anything 20 substantive to show that you had even keep the terms 21 of this lease. So I'm happy to accommodate. 22 THE CHAIR: Director Chavez. 23 DIRECTOR CORINA CHAVEZ: Yeah. It is 24 pushing us a little bit. That is a day that some 25 reports are due to the PEC. So I'm wondering if we</p>
<p style="text-align: right;">155</p> <p>1 hate to have this discussion, because we haven't -- 2 Commissioners haven't that had an opportunity to 3 look at it, except for those on the subcommittee. 4 So it's a conversation that's tough. But 5 I think I can, at the very least, express that there 6 are potential changes -- because we haven't voted on 7 anything -- to 1 and 2. So that's why, you know, 8 last year's was a may contemplate, because we 9 really -- we didn't anticipate being done. This 10 year, we anticipate it, and we will be done 11 (indicates) by when we would usually do contract 12 negotiations. 13 And I get they want to do it early. I've 14 got no issue with that. 15 MS. JULIA BARNES: So what I think we 16 would need to do is make the minimum amount of 17 changes to the Performance Framework right now so 18 they have one with an agreement in the contract that 19 they'll move to the new Performance Framework. 20 COMMISSIONER GIPSON: I'm sorry. Could 21 you say that again? 22 MS. JULIA BARNES: To go ahead, make the 23 minimum changes to indicate a 1 and 2, which is 24 really just saying that Indicators 1 and 2 are going 25 to be as -- as set forth by the PED, and then, in</p>	<p style="text-align: right;">157</p> <p>1 have a time on November 1st. 2 MS. KAREN WOERNER: I was told to hold 3 9:00 to noon. But I don't know what that means. 4 THE CHAIR: Yeah. We'll do 9:00 to noon. 5 MS. KAREN WOERNER: I hope it doesn't take 6 that long. 7 THE CHAIR: Oh, yeah. Actually, I think 8 we only do two hours, even when we were doing two 9 hours. So I would say 9:00 to 11:00 would be the 10 hold. 11 MS. KAREN WOERNER: On November 1st? 12 THE CHAIR: On November 1st. 13 Okay. All right. Yeah. So if there's 14 any other Commissioners who are interested in being 15 a part of the subcommittee, you know you're 16 available during that time, November 1st, 9:00 to 17 11:00, in Rio Rancho, let -- and Julia is going to 18 write you down right now. 19 THE CHAIR: Great. Glenna, Karen -- no. 20 MS. JULIA BARNES: One, two, three -- 21 anybody else? I have Commissioner Voigt, Gipson, 22 Carrillo, and Burt. Great. 23 MS. KAREN WOERNER: Thank you, 24 Madam Chair. I just want to thank you all. I know 25 this is asking for something unusual that you don't</p>

<p style="text-align: right;">158</p> <p>1 normally do. But I do appreciate that you took this 2 into consideration. As you both pointed out, 3 Commissioners Gipson and Carrillo, the facility is 4 often a problem with schools. So it's kind of nice 5 to be ahead of the curve with that and to have your 6 support in making sure we can secure that facility. 7 We are well aware of the conditions of the 8 contract, including the one you mentioned today 9 about the Performance Framework. So I thank you 10 again. I do think everything has been submitted as 11 needed. Julia, let me know if not. And we will 12 respond promptly. Just want to thank you all. 13 THE CHAIR: Thank you. So there's no 14 action needed on this item. So that is it. That's 15 all we needed to do for this at this time. 16 So that'll take us -- are you ready to go 17 back to the Annual Reports now? Is that okay? 18 All right. So that'll take us to Item 19 No. 9, which is the Presentation and Discussion by 20 CSD on just the Annual Report Process. 21 DIRECTOR CORINA CHAVEZ: Okay. And I 22 would ask that we bring forth the Performance 23 Framework, a copy of the Performance Framework, for 24 somebody to share screen so I can talk about that as 25 well as just provide the information to the PEC.</p>	<p style="text-align: right;">160</p> <p>1 do was ask for assurances on some and monitor some. 2 All of that was predicated on the fact 3 that this school year, the '21-'22 school year, 4 would be one where we would do the full set of 5 monitoring visits and look at every indicator. 6 I know that the academic indicators are a 7 little late, and we're still waiting on some of that 8 data. But every other indicator -- and somebody's 9 going to share screen real soon with our Performance 10 Framework so we can walk through that. And we let 11 schools know when we were doing the modified site 12 visits that the following year would be, again, the 13 full on-site visit looking at each indicator. There 14 would be no waivers. 15 So. For example, during the year of COVID 16 when we did the -- the modified site visits, we 17 merely asked schools whether they were able to track 18 and report on their Mission-Specific Goals. And 19 when they said because of COVID, they were unable 20 to, that was not a huge deal. We did that with the 21 caveat that this year, we would be -- we would 22 definitely be looking at their Mission-Specific 23 Goals. 24 I'm going to pause and ask who is sharing 25 screen with the Performance Framework?</p>
<p style="text-align: right;">159</p> <p>1 So I just want to start out talking about 2 a little context, because I think context really, 3 really matters with most things, knowing how we got 4 to the place that we currently are. 5 So these reports that I'm going to talk 6 about are reports from the '21-'22 school year -- 7 right? -- the one that ended in -- at the end of 8 June. And this was the first time that -- since the 9 pandemic hit in 2020 that we were able to do school 10 site visits to all of the schools. 11 When -- when the schools -- when COVID 12 hit, some school site visits had occurred in the 13 '19-'20 school year, and some had to be canceled. 14 So not all schools received an on-site visit, and 15 the reports show that. 16 And when you look at the indicator 17 tracking documents back there, that shows how 18 schools performed on the Performance Framework, 19 you'll see that there's some missing information. 20 The following year, when we were in the 21 thick of COVID, I went before the PEC, and I asked 22 if we could do a modified site visit. We did 23 virtual site visits with all schools. And, again, 24 instead of closely monitoring each of the indicators 25 in the Performance Framework, what we were able to</p>	<p style="text-align: right;">161</p> <p>1 (Inaudible response.) 2 DIRECTOR CORINA CHAVEZ: So while that's 3 coming up, I'll talk a little bit about process. 4 You know, we have 57 schools in the PEC's 5 portfolio. And our process was to visit every 6 single school in person. We had already visited the 7 schools that were up for renewal in the fall. So 8 every other school beyond that got a on-site visit 9 with members of the Public Education Department's 10 Charter Schools Division team, plus contractors that 11 have been supporting our work. 12 We also conducted extensive desktop 13 monitoring by contacting other folks at the PED. At 14 times, we brought folks from the PED with us to the 15 site visits. 16 I would have to say that generating the 17 reports has been a little bit challenging because of 18 the academic data, the school mission-specific data 19 coming in, and some of the other information that 20 just has a lag in coming out. 21 But thank you. Dr. Russell has the 22 Performance Framework up for you-all now. So you 23 know that as it goes through and it talks a little 24 bit about the -- the Charter Schools Act, the 25 Performance Review, and Accountability System</p>

<p style="text-align: right;">162</p> <p>1 Objectives, none of that has changed. 2 However, of course, there are indicators 3 that have to change, because the framework is 4 outdated and talks about the A-through-F system, 5 which we no longer have. It also mentions a couple 6 of other things. 7 Let's keep scrolling. 8 We produced a site visit protocol that is 9 not in this document. It's a second document, and 10 all schools got it. 11 Okay. So let's keep going. I actually 12 want to get to the table that shows the framework 13 statements. Notice that the Intervention Ladder is 14 embedded in this system. And these are addendums to 15 the charter schools contract. 16 Okay. So let's keep going. Keep 17 scrolling, if you will, please, to -- okay. The 18 academic. All right. This should look familiar. 19 Go up a little. Sorry. Maybe I should be 20 screen-sharing. 21 This was the PED's Accountability System 22 prior. So that's what is also in this. And 23 that's -- you know, it should look familiar to 24 you-all, because that's what we're adapting for this 25 year. So that part of the Academic Performance</p>	<p style="text-align: right;">164</p> <p>1 the academic program, the educational program 2 description. 3 So we looked at that, and we asked 4 questions about whether the school was serving the 5 authorized grades, if the school was within the 6 enrollment cap. We were able to assess who was at 7 the school through the site visits. We did 8 classroom observations. We did interviews with 9 staff, students, with the head administrator, 10 governing council. 11 And we were looking to assess whether the 12 educational program and mission was fully 13 implemented. 14 In most cases, there were. But there were 15 some places that we visited where the school was not 16 actually implementing what it said it was going to 17 implement, or they were partially implementing, more 18 than likely. 19 I don't think we went to any place where 20 they absolutely were not implementing any parts of 21 it. But maybe they had a description about, for 22 example -- I'm going to make this up -- that they 23 had an internship program. Or maybe they had a -- a 24 component of the educational program that took kids 25 on field site visits to places within the community.</p>
<p style="text-align: right;">163</p> <p>1 Framework is not exactly as presented here. 2 Let's go ahead and scroll down. 3 Notice that said Indicator 1. And the 4 next one is Indicator 2. And, of course, all 5 schools have the ability to add a school-specific 6 Indicator 3. Not all schools chose to have that. 7 But I understand that the process is different now, 8 so they will, moving forward. But just so you have 9 a sense for what tool we're using, we are absolutely 10 using the PEC's approved Performance Framework. 11 Let's keep scrolling down and take a look 12 at the indicators, starting with 1.a., as listed 13 below, and the statements; right? 14 So let's see. Keep going down, because 15 this is, again, the rating for the academic. 16 And keep going. Okay. Keep going. All 17 right. Here we go. So here's where I want you to 18 focus your attention. So let's look at this. 19 Is the school implementing the material 20 terms of the charter, as defined in the charter 21 contract? 22 So this year, our team spent concentrated 23 effort making sure that we went back to the approved 24 charter. And within the contract of each school, it 25 describes not just what the mission is, but what is</p>	<p style="text-align: right;">165</p> <p>1 I am making this up off the top of my 2 head. But those are examples of things that are 3 written in the contract that we were checking on. 4 And, you know, people are coming out of 5 COVID, and so there were some cases where the 6 schools were still Working to Meet. I don't 7 believe -- and I will ask you, Deputy, to share if 8 there were some that absolutely did not meet, 9 because we have them all rolled up. But mostly, 10 schools met, or they were Working to Meet. 11 DR. BRIGETTE RUSSELL: Yes. Yes. There 12 were no schools that were Does Not Meet Standard 13 on -- actually, hang on. 14 DIRECTOR CORINA CHAVEZ: And we're going 15 to verify. But I would say the majority met or were 16 Working to Meet. 17 Okay. And so while she's bringing that 18 up -- okay. So maybe there was one. So we can 19 anticipate that there was at least one school that 20 did not meet. 21 Okay. So I'm going to move on to 1.b., 22 Did the school comply with state and contractual 23 assessment requirements? 24 Okay. So yesterday we talked about the 25 assessments that were given last school year. We</p>

<p style="text-align: right;">166</p> <p>1 know that there was ELA, math, science. And every 2 student that's identified as an English Learner must 3 take the WIDA ACCESS Test. So those were the 4 assessments that we were monitoring to see whether 5 or not the schools participated. 6 We have participation rates by school, 7 with the target being 95 percent. That's the -- 8 that is both the State's target and the PEC's 9 target. 10 And so we gauged the degree to which they 11 were able to comply with that, and gave the schools 12 either a Meets, Working to Meets or Does Not Meets 13 depending on how low their participation rate was. 14 All right. Hold on a sec. 15 Okay. So if you can scroll down to I.c. 16 I.c. asks, Is the school protecting the rights of 17 students with special needs? 18 And so for this, whether or not the school 19 was involved in a due process hearing that resulted 20 in findings of non-compliance, or whether the school 21 was cited for non-compliance with federal or state 22 special ed rules, or whether the school had an OCR 23 complaint that was found to be valid, or if the 24 state was -- or if the school was in a Corrective 25 Action Plan but not in compliance with it was what</p>	<p style="text-align: right;">168</p> <p>1 time was called Home Language Survey -- by every 2 student that was registered at the school. 3 That guidance changed many years ago, such 4 that the expectation is that only once in a child's 5 career in public education should they be given what 6 is now called the Language Usage Survey to identify 7 if there is another language spoken at home which 8 would trigger the need to screen the child using the 9 WIDA screener. And if the student scored at a 10 certain level that is defined by WIDA and the State, 11 then they would be identified as English Learners, 12 and they would remain identified as English Learners 13 until they tested out. 14 Students are allowed to -- I should say 15 parents are allowed to opt out of services. And I 16 think some did, when there's pullout programs in 17 particular. Some parents have said, "No, I don't 18 want my child to be pulled out," and the school has 19 to describe what their program is. But they aren't 20 allowed to opt out of the testing. That is a 21 federal civil rights requirement. 22 Were you going to say something, 23 Commissioner Gipson? 24 COMMISSIONER GIPSON: Just a real quick 25 question, because I know there's been challenges at</p>
<p style="text-align: right;">167</p> <p>1 we were really looking for. 2 And so, again, that was our main focus was 3 to ensure that the schools are providing the special 4 ed services needed by students who have an IEP. 5 For that, we worked closely with the 6 Special Ed Bureau. And I believe that we had some 7 participation on some of the site visits with 8 special ed staff members, especially in the case of 9 a school that might have been on a Corrective Action 10 Plan. 11 And, Deputy Director Bridget Russell, 12 please feel free to chime in at any time if there 13 are things that would help us to describe how we 14 went about this. 15 Okay. We're going to move on to I.d., 16 which is, Is the school protecting the rights of 17 English Learners? 18 And so we all know that there's been 19 challenges in identifying English Learners and that 20 over the past several years, the PED has changed its 21 guidance to charter schools on how to do that. At 22 one point in my involvement with charter schools -- 23 and Commissioner Gipson might remember this as 24 well -- the guidance to charter schools was to 25 collect the Language Usage Survey -- which at the</p>	<p style="text-align: right;">169</p> <p>1 times of schools getting that test information when 2 a child is coming in. And, you know, what do they 3 do about that? Because we've asked, but we haven't 4 received the information. 5 DIRECTOR CORINA CHAVEZ: Thank you for 6 raising that. 7 So this -- this falls all into the 8 category of identifying English Learners, right? So 9 it is incumbent upon the school that is serving a 10 grade beyond kindergarten, if the kid is 11 transferring from another school, to find out the 12 student's identification. And that could be done by 13 requesting records from the school, requesting 14 information from the families. It can also be done 15 through a search within the S.T.A.R.S. database. 16 And my team has learned how to do this. 17 And so part of the annual visits are about 18 monitoring. But part of the annual visits are about 19 providing technical assistance. 20 So the Charter 2 percent that pays for all 21 of my staff to go into the schools is also paying 22 for my staff to go into the schools and assist the 23 schools in learning how to do some of these things 24 so that they are aware of their responsibilities, 25 and they know how to identify their students who are</p>

<p style="text-align: right;">170</p> <p>1 potentially EL.</p> <p>2 And I, for one, spent some time at a</p> <p>3 school who we visited who had some poor ratings in</p> <p>4 regard to this indicator. And I was so happy to see</p> <p>5 that they had since named someone as their EL</p> <p>6 coordinator who learned how to go into S.T.A.R.S.</p> <p>7 And the school is doing a much better job of</p> <p>8 identifying their ELs.</p> <p>9 But identifying is one part of protecting</p> <p>10 the rights of English Learners. They also need to</p> <p>11 support the learners. They also need to send the</p> <p>12 letters home to parents, and they need to be</p> <p>13 providing services to grow their English language</p> <p>14 skills.</p> <p>15 The whole test is about are students doing</p> <p>16 well with their listening, reading, writing, and</p> <p>17 speaking skills? That's what the WIDA ACCESS Test</p> <p>18 assesses every year. And it's up to the schools to</p> <p>19 be tracking did the students meet that threshold,</p> <p>20 which, by the way, is very tough. And we're not</p> <p>21 looking to see how well they're transitioning kids</p> <p>22 out of EL, but are they serving them by identifying</p> <p>23 and providing them with support.</p> <p>24 So that -- that discrepancy issue was a</p> <p>25 little bit less of -- of a focus for us. We were</p>	<p style="text-align: right;">172</p> <p>1 applications.</p> <p>2 So we have -- we have started working more</p> <p>3 closely with our colleagues in our divisions across</p> <p>4 PED to make sure that -- that things don't slip</p> <p>5 through the cracks.</p> <p>6 DIRECTOR CORINA CHAVEZ: Thank you. And</p> <p>7 then -- and then the issue of if there was an issue,</p> <p>8 would they be able to correct it within the school</p> <p>9 year. That was sort of like the gauge that we used.</p> <p>10 Okay. Moving on to 1.f. Does the school</p> <p>11 comply with -- with the EPSS NMDASH process? And</p> <p>12 does the school implement that?</p> <p>13 Okay. So right now, the schools that are</p> <p>14 identified in accordance with the PEC's Performance</p> <p>15 Framework is that it's only the schools that have</p> <p>16 the identification of TSI, CSI, or MRI schools.</p> <p>17 This is utilizing very old data, the 2018</p> <p>18 data. But we did ask schools that had that</p> <p>19 identification whether or not they had the DASH.</p> <p>20 And we were able to monitor whether they did or not.</p> <p>21 If they had that designation, and they</p> <p>22 submitted a DASH Plan that was great, they met</p> <p>23 standard. If they had a plan in progress, then they</p> <p>24 were Working to Meet Standards. If they had that</p> <p>25 identification and no DASH Plan was submitted or</p>
<p style="text-align: right;">171</p> <p>1 really making sure that they knew the process for</p> <p>2 identifying and that they were providing English</p> <p>3 Learner development instruction to ELs.</p> <p>4 Okay. So moving on to Indicator 1.e.</p> <p>5 Does the school comply with federal and state grant</p> <p>6 program requirements?</p> <p>7 Okay. This was done mostly through</p> <p>8 desktop monitoring, where we would contract -- we</p> <p>9 contacted all the other bureaus within PED to find</p> <p>10 out if there were issues with the schools</p> <p>11 implementing program requirements. And so there</p> <p>12 were times when anytime that a charter actually is</p> <p>13 not in compliance with something that's going on at</p> <p>14 the PED, we get notified.</p> <p>15 So that's how we were monitoring this one.</p> <p>16 But we also reached out specifically to ask -- do</p> <p>17 you want to add more to that, Dr. Russell?</p> <p>18 DR. BRIGETTE RUSSELL: Just that the CSD</p> <p>19 has been working much more closely with other</p> <p>20 bureaus and divisions across the PED on this.</p> <p>21 Historically, looking at ratings in past years,</p> <p>22 schools were -- most schools were rated Meets</p> <p>23 Standard on this indicator, when, anecdotally, I</p> <p>24 know that they weren't submitting reports. They</p> <p>25 were late with -- or, you know, submitting program</p>	<p style="text-align: right;">173</p> <p>1 there was not one in progress, then they Did Not</p> <p>2 Meet Standard.</p> <p>3 DR. BRIGETTE RUSSELL: So just to add</p> <p>4 regarding Indicator 1.f., the data that this -- that</p> <p>5 those designations were based on is very old. It's</p> <p>6 2017-'18 data. The designations are being redone.</p> <p>7 And so there were instances where schools that</p> <p>8 are -- were Spotlight Schools in '18-'19, had been</p> <p>9 designated the year before. So, yes, going forward,</p> <p>10 this indicator will be more meaningful when it's</p> <p>11 based on newer -- newer data that Accountability</p> <p>12 calculates this year.</p> <p>13 DIRECTOR CORINA CHAVEZ: Okay. I'm going</p> <p>14 to ask to move down to Indicator 3.a. We'll skip</p> <p>15 the financial for the moment. We'll skip to 3.a.,</p> <p>16 Governance in Reporting. This asks the big</p> <p>17 question: Is the school complying with governance</p> <p>18 requirements?</p> <p>19 There's governance requirements that talk</p> <p>20 about maintaining a certain number of members, and</p> <p>21 for them to notify you, through us, of any changes</p> <p>22 of governing council members. And you know this,</p> <p>23 because, every meeting, in the Consent Agenda, there</p> <p>24 are several schools whose change in governing board</p> <p>25 membership is presented to you and approved.</p>

<p style="text-align: right;">174</p> <p>1 We also have training requirements. You 2 all were exposed to one of the training sessions 3 that Ms. -- that Ms. -- yes -- Missy did yesterday. 4 And so we do an extensive and very detailed job of 5 tracking all of the board member trainings by course 6 and by status. 7 And what I mean by that is that if you are 8 a new governing board member, you have to take 9 the -- the introductory board training. And if 10 you're a continuing member, there's a different set 11 of courses. So it's a pretty complex set of 12 requirements that are differentiated for each board 13 member. 14 And, actually, later on today, I'm going 15 to walk you through a document that's in your 16 materials, or if you want to go ahead and open it up 17 right away, to take a look at the work Missy and 18 Dylan and Lucy have done to track every single 19 governing board member across the state, not just 20 State-authorized, but, in particular, you have the 21 report on State-authorized charter schools and each 22 board member and the degree to which they were able 23 to meet the training requirements. 24 So the green bullet point there talks 25 about whether or not the school's governing council</p>	<p style="text-align: right;">176</p> <p>1 So those are many and many varied 2 indicators, subindicators within this indicator, 3 that went into looking at whether or not the school 4 met, is Working to Meet or Does Not Meet Standards. 5 And I'm going to pause a minute and see if Missy 6 Brown has anything more to add to this indicator, 7 because I know she and Dylan looked very closely at 8 this. 9 MS. MELISSA BROWN: Thank you, Director 10 Chavez. The only thing that I would add is that 11 Dylan and I wish this was more than one indicator. 12 DIRECTOR CORINA CHAVEZ: Okay. All right. 13 So let's move on to 3.b. The next one 14 asks, Is the school complying with nepotism and 15 conflict of interest requirements? 16 And so, basically, this one -- so many 17 schools met standard, because we're looking for any 18 demonstrated incidents of a conflict of interest or 19 substantiated complaints. So that was pretty simple 20 and pretty targeted, unlike the one right above it. 21 Okay. 3.c. asks, Is the school meeting 22 reporting requirements? 23 And this contemplates whether the school 24 is complying with reporting deadlines from the PED 25 or PEC and all of the polices that we have for</p>
<p style="text-align: right;">175</p> <p>1 oversees the school's finances according to law, 2 right? 3 This means that they can't have a 4 foundation or a CMO that is managing their money. 5 We need to know that the entity that is considered 6 the Board of Finance is the one that is actually 7 managing the finances. And so that means that they 8 must attend meetings, such as the audit exit, and 9 that they must have policies and procedures and 10 minutes that document all of their meetings. And we 11 should see some financial reports being printed to 12 the governing council on a monthly basis. 13 There's great variation in the degree to 14 which those reports are made to board members. Some 15 are pretty simplistic. And there's other governing 16 boards who receive pretty detailed reports by their 17 business manager upon request of the board members 18 to provide more information. 19 So we're just checking to make sure that 20 there is a look at the financial condition of the 21 school as part of the governing. 22 We are also at whether or not the school 23 has maintained its Board of Finance and whether or 24 not there has been any Open Meetings Act complaints 25 made about the school.</p>	<p style="text-align: right;">177</p> <p>1 notification and other state agencies. 2 Again, was this a concern or not? And 3 here, if there was maybe one concern, they still 4 might meet. If there was two or more, or even more 5 than that, then they would go down, depending on how 6 many, to Working to Meet or Does Not Meet. 7 Okay. Let's go on to 4.a. And so this is 8 asking, Is the school protecting the rights of all 9 students? 10 And so, again, you know, we get complaints 11 all the time. Sometimes it's just a matter of have 12 you talked to the school head administrator. Have 13 you taken it, then, to the governing board if you're 14 not happy with the response? 15 Or maybe it's something a little bit more 16 detailed that we would need to find out about, 17 because what we're looking for is whether there is 18 validity in terms of either discipline, privacy, 19 secular education, or, this year, a real focus on 20 lottery policy and whether it was following the 21 guidance and the need to demonstrate that there are 22 no admissions requirements. Once a student gets in 23 through lottery, then the school could ask 24 additional information. 25 But we provided a lot of guidance to the</p>

<p style="text-align: right;">178</p> <p>1 schools in regards to that year before. And this 2 year, we were following up to see how well did they 3 follow the guidance, and is their lottery process 4 actually protecting the rights of all students or 5 potentially not. 6 We also looked at whether the school was 7 offering McKinney-Vento services and working with 8 students who are homeless in order to support them. 9 And we were checking to see if there was a 10 board-approved complaint policy in place. We would 11 let schools know if there were any concerns and gave 12 them an opportunity to make corrections. 13 Under 4.b., Does the school meet the 14 attendance retention and recurrent enrollment goals 15 to students? 16 This was mostly by running reports through 17 the S.T.A.R.S. system. And so if, in fact, the 18 attendance was 95 percent, retention was 80 percent 19 at the end of the school year, and there was 20 70 percent or better re-enrollment between school 21 years, the school met. If they did not meet those 22 targets, then they were -- and they had a plan in 23 place to engage students, they were Working to Meet. 24 If they didn't meet the target and there 25 was no plan to make those targets, then that is</p>	<p style="text-align: right;">180</p> <p>1 transitioned, and last year at this time, the PED 2 was rolling out the Elevate and Canvas. And several 3 of the charter schools didn't really want to be 4 using Canvas. And so our stance is this aligns 5 pretty closely with the nondiscretionary waivers 6 contemplated in the Charter Schools Act, where 7 evaluation standards for school personnel is 8 autonomy granted to charter schools. 9 So we were simply making sure that, by 10 protecting employee rights, it meant that the school 11 was providing feedback, through whatever system they 12 had, whatever system they wanted to use, to 13 teachers, not that it was within TEACH or Elevate in 14 Canvas. 15 We were also, because the teacher 16 compensation requirements that came out of the 17 Legislature for minimum teacher compensation was 18 another area that we spot-checked to make sure that 19 the schools were either meeting or exceeding the 20 minimum requirements and that there were no verified 21 complaints regarding teacher rights. 22 So that was 4.d. 23 Let's go on to 4.e., which, Is the school 24 completing required background checks and reporting 25 ethical violations?</p>
<p style="text-align: right;">179</p> <p>1 where they would not meet standard. 2 Do you want to add anything to that? You 3 don't have to. Okay. 4 On to 4.c. Is the school meeting the 5 teacher and other staff credentialing requirements? 6 And so this is where we were running 7 licensure discrepancy reports, again through 8 S.T.A.R.S., and working with Licensure to figure out 9 if there were discrepancies in the school year and 10 if the school was working to resolve them. 11 Many times there were. At the beginning 12 of last school year, there was a little bit of a 13 backlog in terms of processing licenses. And so we 14 obviously gave that -- took that into consideration, 15 and we wanted to make sure that the licensure 16 discrepancies were resolved. So that's how we 17 gauged 4.c. 18 4.d. Is the school respecting employee 19 rights? 20 And what we were looking for, although 21 our -- if you could scroll up a little bit -- it 22 talks about, Did the school complete and submit 23 NMTEACH evaluations and observations? So NMTEACH 24 doesn't exist. So we're already adapting this. 25 And we also -- we know that NMTEACH</p>	<p style="text-align: right;">181</p> <p>1 So when we visited the schools, we would 2 ask about background checks. And we checked the 3 files of some staff. I would not say that we went 4 through every single staff file at every single 5 school that we visited. Sometimes we would 6 differentiate based on had there been any issues in 7 the past. Or we would say, "Let's check the files 8 of the new employees to make sure that those 9 background checks were -- checks were in there." 10 And when they weren't, we worked with the 11 schools to find out where, why. Many times the 12 school said, "Oh, maybe they're kept in another 13 file." They weren't in the staff files. Whatever 14 it was, we worked with the schools to resolve, or to 15 identify, that there was non-compliance. 16 On to 5. 5.a. is about the facilities. 17 Is the school complying with facilities 18 requirements? 19 And we actually contacted PSFA to ask the 20 question. And we also looked at E-Occupancy 21 Certificates when we were in the schools. Again, we 22 were looking at notifications when there was change 23 in facilities, and we were looking at any potential 24 complaints. So that was 5.a. 25 And then 5.b. is, Is the school complying</p>

<p style="text-align: right;">182</p> <p>1 with transportation requirements? 2 And because many schools don't provide 3 transportation, you'll see that, in their reports, 4 there's a lot of Not Applicable and there's a lot of 5 Meeting Standards, because most of the schools that 6 do are on contract with known providers who -- who 7 know how to facilitate compliance on this one. 8 If we can scroll down to 5.c., Is the 9 school complying with health and safety 10 requirements? 11 So, again, there is many sub-indicators 12 within this one. 13 The first one looks at whether the school 14 is complying with the required emergency drills. 15 And because the previous year, the PED waived all of 16 the emergency drills that were in statute because, 17 remember, schools were -- schools were virtual for 18 most of the year. And so when they came back, in 19 order to be in compliance with that, that meant that 20 they were going to have to do drills every week. 21 So the previous year, they got waived from 22 some of that. But in '21-'22, they were not waived 23 from the requirements. They were expected to do all 24 of the drills. 25 Some of the schools forgot. They thought</p>	<p style="text-align: right;">184</p> <p>1 that one was a pretty easy one to -- to look at. 2 I'm going to ask you to go back over to 3 the financials. And, unfortunately, Melissa 4 Sanchez, who took lead in this area, is not able to 5 join us today. 6 So Dr. Russell and I will walk through 7 indicators 2.a. through f. and make sure that we're 8 clear about how those were rated. 9 All right. So the first one: Is the 10 school meeting financials reporting and compliance 11 requirements? 12 And you know that schools are required to 13 report at least quarterly to the School Budget 14 Bureau, right? Some schools might be on monthly. 15 So we were wondering and checking to make sure that 16 schools were submitting all the reports on time. 17 And if they had a need to create a Corrective Action 18 Plan based on the findings in the financial audit, 19 did they submit it on time? 20 Do you have anything to add on that? 21 DR. BRIGETTE RUSSELL: No. That's 22 sufficient for that one. 23 No. 2.b. and 2.c. were primarily about 24 audit findings. 25 2.b. is that the schools met the</p>
<p style="text-align: right;">183</p> <p>1 that because they were waived the previous year, 2 that they didn't have to go back to the extensive 3 drill requirements. But we were checking. 4 We were also making sure that the schools 5 had submitted their Wellness and their Safety plans, 6 and that's one small sub-bullet under here. But if 7 you've ever talked to a school about having their 8 Safe Schools Plan approved, it is quite a feat. 9 Charter schools have to submit the Safe Schools Plan 10 every three years, and they're very thoroughly 11 vetted in order to be approved. 12 So we were making sure that that was good. 13 We also looked at the immunization process 14 that the school had in place in making sure that 15 they were following all of those requirements. 16 So that was sort of related to this. 17 Because it says, "Health and Safety," we were 18 looking at whether the schools implemented 19 COVID-safe practices and were following that 20 guidance when it was in place. 21 Under 5.d., Is the school handling 22 information appropriately? 23 This was, again, just, are there verified 24 complaints about FERPA, HIPAA, or other staff, 25 parent, or student information mishandlings? So</p>	<p style="text-align: right;">185</p> <p>1 requirement if they received no material weakness or 2 significant deficiency findings, and 2.c., if they 3 received no repeat audit findings. 4 2.d. is managing grant funds responsibly, 5 that the schools were submitting RFRs on a regular 6 basis and not leaving grant funds unexpended -- 7 reverting funds unexpended at the end of the fiscal 8 year. 9 And 2.e was, Was the school properly 10 staffed to ensure fiscal management? Was there a 11 certified Procurement Officer and a Licensed 12 Business Manager at all times, and was the governing 13 council monitoring finances with an audit committee 14 and finance subcommittee. 15 So I know that that is a rather exhaustive 16 list, and I've got a taste of the varied and many 17 indicators that schools need to think about and that 18 my staff is going into schools to monitor. 19 And, again, our stance on annual visits is 20 that they're both technical assistance and 21 compliance. We work with very, very hardworking and 22 busy head administrators and their teams to make 23 sure that they're aware of all of the requirements, 24 requirements that change on a year-to-year basis, 25 and during the pandemic, but this year, back full</p>

<p style="text-align: right;">186</p> <p>1 and in swing. And I've got to say that the school 2 leaders were not quick to complain about that, but 3 quick to problem-solve and really do their absolute 4 best. And so what great privilege we have to work 5 with them.</p> <p>6 I see the Annual Report Process as an 7 opportunity to provide feedback so that the schools 8 continue to grow and thrive. Each of those 9 indicators in your Performance Framework were placed 10 there because you felt that that was important. And 11 so we really have been doing our best to keep track 12 of all the information, to work with the schools, to 13 do some back and forth.</p> <p>14 Even today, there's some e-mails that have 15 happened during this meeting with the head 16 administrator who was looking at one of the 17 indicators and, you know, questioning.</p> <p>18 So there is also a lot of that 19 back-and-forth, the need to verify. If the school 20 leader can show us evidence -- because this is an 21 evidence-driven process, if they can show us 22 evidence that they, in fact, had something in place 23 or that they had done something that we didn't see 24 evidence of during the visit, then we're happy to 25 talk with them.</p>	<p style="text-align: right;">188</p> <p>1 schools were standing.</p> <p>2 And I know that you've got so many things 3 you're juggling, between renewal applications, 4 getting these ready, that it's -- it's just this 5 whirlwind of processes that are always going on, and 6 then trying to deal with the day-to-day concerns 7 that come up from schools.</p> <p>8 So I just want to say thank you for -- for 9 getting this done. And we're working much harder at 10 getting it in a timely fashion so that it does have 11 value for schools.</p> <p>12 THE CHAIR: All right. And then as we go 13 into school specifics -- actually, so, yeah, if we 14 go on to Item No. 10, I do want to make sure the 15 Commission knows. You'll see in the PEC memo from 16 Ms. Barnes there's two parts to accepting each of 17 the preliminary reports for today.</p> <p>18 And so the next part of the process is 19 that -- so you all know, we had already discussed as 20 a Commission the process for renewal this year. So 21 an e-mail did go out over a month ago to the schools 22 that kind of outlined the process that we had 23 developed.</p> <p>24 And so the only thing left to do is that 25 second part of the motion that you'll see, which</p>
<p style="text-align: right;">187</p> <p>1 There's some things that, you know, time 2 can't change. If you didn't submit an amendment in 3 time, you didn't submit it in time. If you submit 4 it after the time, that's wonderful, you're up to 5 date. But, still, you missed a deadline.</p> <p>6 And so holding charters to the high 7 expectations, but also working with them so that 8 they understand is what this business is all about.</p> <p>9 And I'll stand for any questions. Or 10 maybe we are ready to move on.</p> <p>11 THE CHAIR: Any questions about the 12 process? So we're not talking about any school 13 specifically, but about the process in general.</p> <p>14 Commissioner Voigt.</p> <p>15 COMMISSIONER VOIGT: Thanks, Director 16 Chavez. I think you covered every base on that, and 17 it was very, very thorough and informative. Thank 18 you.</p> <p>19 COMMISSIONER GIPSON: I'll recognize 20 myself. I just want to thank you. Way back, so 21 many years ago when I first started, they were 22 almost three years behind in doing the -- so it had 23 no value at all for schools. And it also made our 24 job difficult, because it was very difficult to 25 offer any support, because we had no idea where</p>	<p style="text-align: right;">189</p> <p>1 will be that that based off of yesterday's 2 discussion, that in Academic Indicators 1 and 2 are 3 going to be more formulized and communicated to the 4 renewing schools, so that a final report gets 5 created once those become available.</p> <p>6 So do know that that's part of the 7 process, too, that, you know, I'm -- I'm actually 8 very grateful we decided to only do preliminary 9 reports for these schools. And they need them. But 10 there is still more information to come as well.</p> <p>11 All right. So Item No. 10. And start 12 with A.</p> <p>13 DR. BRIGETTE RUSSELL: Thank you, 14 Madam Chair. I'm actually starting with b., because 15 that's what's up right now. I've got the Altura 16 Preparatory report. I'm going to walk through this 17 one more slowly so the Commissioners can see the 18 different parts of the report.</p> <p>19 And then Director Chavez and I will 20 tag-team the rest of them and sort of skip over the 21 boilerplate portions of the reports that are the 22 same in all schools.</p> <p>23 These reports are a little bit longer than 24 the ones Public Education Commission has seen for 25 annual reports before, because there's more</p>

<p style="text-align: right;">190</p> <p>1 background information in them. 2 There's -- it's -- these are called 3 "Preliminary Report," and it's footnoted explaining 4 why it's preliminary. 5 The beginning section is just the standard 6 school information. The mission is included in 7 full. And then there is a short narrative section 8 for each of the schools that the Commissioners have 9 had access to and can read. 10 So the narrative is generally, you know, a 11 couple of paragraphs about the school, the 12 background, the, you know, unique aspects of the 13 school. 14 And then there's a demographic section. 15 So this is the '21-'22 end-of-year enrollment that 16 shows percentages of students by ethnicity in the 17 school, the district, and the state. 18 It's followed by a table showing subgroup 19 percentages in the school district and state. 20 Obviously, our virtual school, New Mexico 21 Connections, is only going to have the school and 22 the state, because they only serve students 23 statewide. Right now, I only have Altura up. 24 So this is boilerplate. This Academic 25 Performance section just explains that we don't have</p>	<p style="text-align: right;">192</p> <p>1 So Altura Preparatory School's -- so this 2 is -- it shows just one year. The final report will 3 show all years of the contract term. But the -- the 4 Accountability System portion is -- is left blank, 5 because we don't have it yet. The school does not 6 have Mission-Specific Goals. And the school, as you 7 can see, Meets Standard on all but two of its 8 indicators. 9 I'm going to make it smaller. Hang on. 10 DIRECTOR CORINA CHAVEZ: So these reports 11 also described why a school might not meet. And so 12 if you go below the chart -- 13 DR. BRIGETTE RUSSELL: Right. So there's 14 an explanation of indicator ratings. Explanations 15 are given only for -- oh. Actually, I need to 16 change -- sorry. I need to amend this one. 17 2.a., we changed the rating. And so there 18 should only be explanations for 2.b. and 2.f. there. 19 So each report has an explanation of 20 indicator ratings. Usually, it's just a short, 21 to-the-point explanation. Occasionally, if a school 22 doesn't meet -- is Working To Meet Standard on their 23 education program, Indicator 1.a., that will require 24 a slightly longer explanation. 25 And for schools that don't meet the</p>
<p style="text-align: right;">191</p> <p>1 the data yet, when, you know, the Accountability 2 ratings will be provided. 3 Then the section on the Organizational 4 Performance Framework, there's an overall rating of 5 the school and an explanatory section here that 6 explains that each indicator on the Performance 7 Framework is rated Meets Standard, Working to Meet 8 Standard, or Does Not Meet Standard. But the 9 overall school rating is either Meets Standard or 10 Does Not Meet Standard. 11 And as it's explained in the report, if a 12 school receives a Does Not Meet standard for three 13 or four indicators -- so when we show the colored 14 chart, if there's three red, the school Does Not 15 Meet Standard overall. 16 I am happy to report that all six of our 17 renewal schools Meet Standard. 18 DIRECTOR CORINA CHAVEZ: I just wanted to 19 add that we didn't make this up. That's what's in 20 the Performance Framework, okay? 21 DR. BRIGETTE RUSSELL: Yeah. Sorry. And 22 it's noted in the -- pursuant to the Performance 23 Framework, and it's hyperlinked in here, yes. No, 24 this language is taken straight from Professional 25 Development from the Performance Framework.</p>	<p style="text-align: right;">193</p> <p>1 standard, Altura Prep met the standard. Not a lot 2 of schools did meet the standard for 1.b., 3 Administering Assessment Requirements, because a 4 number of schools met it for -- there's four -- 5 there's ELA, Math, Science, and ACCESS. 6 And some of the schools met it for some 7 and not the other. And I actually put a one-pager 8 together with the assessment ratings. So you can 9 see State charters, the six schools with contract 10 terms ending in 2023, their ELA, Math, Science -- if 11 they have science, because if -- Albuquerque 12 Collegiate doesn't have a fifth grade last year -- 13 and ACCESS. 14 So there were a number of schools that 15 just barely missed it, because they missed on one 16 assessment. So you can see Albuquerque Collegiate 17 was above 95 percent. That was the -- that was 18 standard for ELA in Math. And then they missed it 19 on ACCESS. Just a note. When we get to Horizon's 20 report, Horizon's DTC believes that they did make 21 the 95 percent. And I'm checking with 22 Accountability to make sure that the data align, 23 because, as you can see, Horizon Academy is 24 99 percent on all of the other -- all of the other 25 assessments.</p>

<p style="text-align: right;">194</p> <p>1 And so some of the schools, like Altura, 2 met it across the board. 3 Hózhó Academy met it across the board. 4 New Mexico Connections is a virtual 5 school, and they -- all virtual schools historically 6 have difficulty with the assessment requirement. 7 Just a note. New Mexico Connections 8 Academy's DTC tells us that, according to her 9 calculations, they've got a 55 percent on ACCESS 10 rather than 41 percent. So we're checking into that 11 one as well. 12 Okay. 13 THE CHAIR: Okay. So do you want to take 14 questions on Altura's right now? 15 Okay. So if there's any questions on the 16 Altura Preparatory School Annual Report, that's what 17 we're doing. And then -- okay, yeah. Okay. 18 Before we make a motion, Ms. Barnes wants 19 to just make a comment about the motion itself. 20 MS. JULIA BARNES: Just want to clarify, 21 in addition to what Chair Burt just said where we 22 are in the process, which is for these six schools, 23 you're going to do a preliminary approval. 24 And so when there's a final report, you 25 will indicate whether you think that they're on</p>	<p style="text-align: right;">196</p> <p>1 Chair Burt. That was a question, yes. And as we 2 know, the school originally proposed to be located 3 in the International District of Albuquerque, and I 4 believe had one year there before moving location. 5 Now they're located in the northeast part of the 6 city, pretty close to La Cueva. 7 So they did lose some of the original 8 population as a result of that; although, they are 9 running one bus to bring kids to the school. And 10 so, yeah, their demographics are pretty different. 11 And we did ask the schools quite a bit 12 about this. And they talked about their mission 13 serving all students. If you look at their mission, 14 it says that the school would prepare students from 15 all backgrounds. And so they've kept track of the 16 ZIP Codes from which the school -- the students come 17 from. 18 And there are several ZIP Codes that the 19 students come to the school from. And it's a little 20 hard for me to distinguish between this annual 21 report -- and I didn't do this site visit -- with 22 the renewal site visit, which I did go to the 23 school. So I don't know if you want me to share 24 information from the renewal site visit, because 25 that's more fresh.</p>
<p style="text-align: right;">195</p> <p>1 track for renewal or not. 2 You don't have a final report yet. So 3 what I've done in each motion is just have you 4 accept the findings that -- like Dr. Russell just 5 went over, that you're accepting those so that the 6 school knows that -- where they stand in terms of 7 the renewal. So that's what the first part of it 8 is. 9 Second part of it clarifies that an e-mail 10 is going to go out. And, in addition, we're going 11 to use -- we're using the scoring from the way the 12 PED is scoring these assessments now, because the 13 Performance Framework specifically indicates an 14 A-through-F, which no longer exists. 15 THE CHAIR: Before I call on you, I do 16 have one question about -- I don't know if -- for 17 Altura, I did notice that their demographics vary 18 pretty significantly from the State average. And 19 I'm wondering if you were able to talk to the school 20 leaders about any outreach they're doing, or if 21 they're trying to recruit statements that would help 22 them to more align to kind of what the state -- or 23 at least the district -- looked like, because it 24 does seem to vary significantly. 25 DIRECTOR CORINA CHAVEZ: Thank you,</p>	<p style="text-align: right;">197</p> <p>1 So because I wasn't on that visit, I would 2 say that -- I was on the renewal visit, but not on 3 the annual visit. But we did note that, that -- and 4 we asked the school what they were doing. So I 5 don't know if that answers your question. But, 6 yeah, they are -- 7 THE CHAIR: Other than a bus, is there 8 any -- did they express any -- did they express 9 anything that they are doing differently? Or is 10 that the main, like, way in which they're trying to 11 get students to their school is through that one 12 bus? 13 DR. BRIGETTE RUSSELL: Well, through the 14 bus, that's how they're trying to keep -- 15 THE CHAIR: Is there a chance that there 16 is someone from the school here? 17 COMMISSIONER VOIGT: There's a new school 18 in the International District also. 19 DR. BRIGETTE RUSSELL: Missy, are either 20 of the head administrators in the -- 21 THE CHAIR: (Inaudible.) (Speaking off 22 mic.) 23 I was just wondering if there was 24 something -- if there's no answer to it, I don't 25 know who could answer it.</p>

198	<p>1 DR. BRIGETTE RUSSELL: They spoke about</p> <p>2 outreach and actively wanting to broaden -- you</p> <p>3 know, broaden their demographic groups that they're</p> <p>4 under-serving now.</p> <p>5 I can't really speak to what they're</p> <p>6 concrete strategies are. They are aware of it, and</p> <p>7 it's something that they want to work toward.</p> <p>8 DIRECTOR CORINA CHAVEZ: This came up</p> <p>9 during the renewal site visit, and I can provide an</p> <p>10 update. I don't know if that's appropriate for this</p> <p>11 conversation now.</p> <p>12 THE CHAIR: I don't think so. I was</p> <p>13 talking about this particular graphic here; so -- I</p> <p>14 don't know which one of you raised your hand first.</p> <p>15 COMMISSIONER VOIGT: I have some</p> <p>16 information.</p> <p>17 THE CHAIR: Commissioner Voigt.</p> <p>18 Commissioner Gipson.</p> <p>19 COMMISSIONER VOIGT: Just to address</p> <p>20 Chair Burt's question, there is a new APS-authorized</p> <p>21 charter school in the heart of the International</p> <p>22 District. That might be hindering Altura's</p> <p>23 demographic diversity.</p> <p>24 DIRECTOR CORINA CHAVEZ: So there's</p> <p>25 another choice for the students that had previously</p>	200	<p>1 accepting of the preliminary reports, and it is what</p> <p>2 it is.</p> <p>3 And if the school has an issue with it,</p> <p>4 they rightfully address it to the Charter Schools</p> <p>5 Division, and, the fix comes, and we get to see the</p> <p>6 fix.</p> <p>7 And in November, when we're looking at the</p> <p>8 renewal applications and with these annual reports,</p> <p>9 if there's anything that we're concerned about,</p> <p>10 that's what goes into that letter to the school that</p> <p>11 we have a concern about it.</p> <p>12 But I'm concerned about digging into</p> <p>13 particulars about a school because I feel like we're</p> <p>14 asking the school to justify the annual report,</p> <p>15 which isn't what's supposed to -- isn't the part of</p> <p>16 the process. We're not part of that annual report</p> <p>17 process, except accepting them.</p> <p>18 THE CHAIR: I'm going to disagree.</p> <p>19 COMMISSIONER GIPSON: That's fine.</p> <p>20 THE CHAIR: In the past, that's all the</p> <p>21 PEC has done is accept. I no longer want to be just</p> <p>22 accepting. I think, in the future and for annual</p> <p>23 reports moving forward, my intention is that</p> <p>24 we're -- we're being proactive moving forward, that</p> <p>25 we're not waiting until renewals to discuss issues</p>
199	<p>1 attended Altura, rather than ride the bus across</p> <p>2 town to go to Altura.</p> <p>3 COMMISSIONER VOIGT: That's right, yeah.</p> <p>4 DIRECTOR CORINA CHAVEZ: That is a</p> <p>5 potential. I would say that their demographics did</p> <p>6 shift over time when they moved. And the -- they</p> <p>7 are -- they are reaching many families through word</p> <p>8 of mouth, and they are advertising the school.</p> <p>9 THE CHAIR: Yeah. I think -- my biggest</p> <p>10 hope is that schools are just being intentional. I</p> <p>11 bring it up with many schools when I see something</p> <p>12 similar; so, yeah, the intention is part of it.</p> <p>13 But, like, knowing that there's a strategy that is</p> <p>14 intentional, like, not just saying you want to do</p> <p>15 something, but actually doing something, is all that</p> <p>16 I'm wondering. If -- so I think that's been</p> <p>17 answered.</p> <p>18 Commissioner Gipson?</p> <p>19 COMMISSIONER GIPSON: So I have a concern</p> <p>20 about the conversation, because, you know, the</p> <p>21 annual reports are what CSD does. And they provide</p> <p>22 to us -- to me, if we start questioning the bits and</p> <p>23 pieces of this, we're -- that's what we're going to</p> <p>24 do in November with our concerns for renewal, and</p> <p>25 because the schools aren't here, that this is an</p>	201	<p>1 that could come up at renewal.</p> <p>2 So this annual report, I -- if there's a</p> <p>3 question on it, we should be able to take action</p> <p>4 based off of issues in -- on -- in the school</p> <p>5 annually. We cannot wait five years later and then</p> <p>6 say, "Oh. Three years ago, four years ago, we saw</p> <p>7 you had an issue here, and we just accepted the</p> <p>8 issue."</p> <p>9 I mean, that's -- it's no longer the</p> <p>10 process that we are using.</p> <p>11 We are going to be more proactive on</p> <p>12 annual reports, and we are not going to wait until</p> <p>13 renewal to have the first contact with schools</p> <p>14 saying that we believe this may be an issue.</p> <p>15 I do not -- I am not proposing that we</p> <p>16 contact the school and say this is an issue. I'm --</p> <p>17 that is not what I proposed in this. I do not want</p> <p>18 words put in my mouth that that's what I'm trying to</p> <p>19 do and pick apart anything.</p> <p>20 COMMISSIONER GIPSON: But you're putting</p> <p>21 words in my mouth.</p> <p>22 THE CHAIR: I'm sorry. Excuse me. I</p> <p>23 am -- what -- the purpose of an annual report is for</p> <p>24 the Commission to look over it, review it, and if</p> <p>25 there is a concern that is serious enough, to start</p>

<p style="text-align: right;">202</p> <p>1 the process of CSD to collaborate with the school on 2 improving it before renewals. That is all I am 3 trying to do by asking a question. 4 And I will -- I will be asking questions 5 about annual reports moving forward. And I have 6 asked for the schools to be invited, when we review 7 their annual reports, that they know about them, 8 that they can be here to respond to them if they 9 choose to attend and they choose to respond, while 10 we're here talking about them. That was the 11 instruction that was provided. 12 Understandably, if that's different from 13 previous years, I understand that. But I'm not 14 going to wait until year five to do that. 15 COMMISSIONER GIPSON: Wait a minute. 16 THE CHAIR: Commissioner Gipson. 17 COMMISSIONER GIPSON: You put words in my 18 mouth. 19 THE CHAIR: Excuse me, Commissioner 20 Gipson, it's inappropriate. Commissioner Carrillo. 21 COMMISSIONER CARRILLO: So first question 22 is, is somebody from Altura here? 23 THE CHAIR: No. 24 COMMISSIONER CARRILLO: Fine. Just 25 curious about that.</p>	<p style="text-align: right;">204</p> <p>1 And having it also in -- you know, I 2 didn't know much about Altura. And really reading 3 about the mission and everything else -- I had to 4 ask Commissioner Gipson, "Where is the International 5 District?" Because to me, that's just -- my thought 6 is, "That's where all the great restaurants might 7 be." So she had to kind of tell me, "No, that's 8 not" -- oh, my heavens. I didn't know -- well, you 9 know, because I don't go down La Bajada unless 10 there's high school volleyball or football. 11 Anyway, so I appreciate this as being a 12 step in what we're doing. 13 THE CHAIR: Commissioner Gipson. 14 COMMISSIONER GIPSON: So there was a 15 complete misrepresentation of what I said. Because 16 I never said that we wait five years. 17 We have always looked at the annual 18 reports. We have always expressed concerns about 19 the annual reports. And schools have been put on 20 Corrective Action Plans based on the annual reports. 21 So I'm disappointed that it's being 22 couched that we've never looked at, and we've never 23 done anything, and we've waited for five years to go 24 back. 25 It is true that part of the renewal</p>
<p style="text-align: right;">203</p> <p>1 If they're on the agenda, they had the 2 opportunity to be. So as I understand it, because 3 we discussed this before, Chair Burt -- I mean, 4 like, two years ago -- the idea of having this 5 preliminary step to say what's happening? 6 So as I look at Altura, I see just a field 7 of green with two itty-bitty red flags. 8 And what this kind of really indicates to 9 me is that these are areas that when a -- I would 10 imagine they're going to see this and say, "Huh." 11 I mean Accounting Principles is broad 12 enough. But it could also be something super-duper 13 egregious, you know. Let's face it. I haven't been 14 on the Commission long enough to be around where a 15 school has been non-renewed or revoked because of 16 really irregular finances. 17 There's one I can think of that perhaps 18 should be. But, I mean, at least this gives 19 somebody -- I'm sorry. I always -- I love it when 20 you're cross with me, Chair Burt and Vice Chair 21 Voigt -- but at least this gives the school the 22 chance to say, "Okay, we're probably going to have 23 to answer for this, so let's be prepared in 24 December," or whenever it's time for the renewal, 25 right? So I appreciate having this.</p>	<p style="text-align: right;">205</p> <p>1 process, we get the five-year -- we get the annual 2 reports again, and we get to look at them. But we 3 have always looked at them, and we have -- if a 4 Commissioner had a concern, those concerns have been 5 raised. But those schools have been there so that 6 we could raise the concern. 7 But I'm really disappointed that there's 8 this notion that we, in the past, have waited five 9 years before we've looked at and considered an 10 annual report. And that was never anything that I 11 said. 12 THE CHAIR: Commissioner Robbins. And 13 then Commissioner Voigt. 14 COMMISSIONER ROBBINS: Yes. And I 15 understand. The Commission can change things. But 16 these are preliminary reports. 17 My understanding, and this is what we 18 discussed in the last couple of meetings, we get a 19 preliminary report. We review it with CSD. We give 20 CSD back our comments, which will then be shared if 21 there's issues. And then when the final report is 22 given to us in November, we include any concerns at 23 that time. And we're giving the schools a month to 24 respond prior to the renewal date. 25 We're a month ahead of that. It's -- you</p>

<p style="text-align: right;">206</p> <p>1 know, we're kind of jumping the gun when we're 2 saying, "Well, why isn't the school here?" You 3 know, "They're on the agenda. They're not here." 4 This is just a preliminary -- it's a CSD 5 report. They even mentioned that on some of these, 6 the school thinks, "Well, this number is a little 7 bit different." They're verifying that. 8 All we're going to do is either accept or 9 not accept the reports presented. We're not -- we 10 should not be taking any action to address a concern 11 with the school, other than asking CSD to go back 12 and reaffirm or collect additional data to be 13 included in the -- the final report, which we'll 14 receive in November. 15 Okay. Thank you. 16 THE CHAIR: What I'll say about this is I 17 don't think these reports get changed, ever. I 18 don't think a single thing we say should change 19 these reports at all, ever. Nothing gets changed. 20 What I do believe is after final reports 21 come out, if there are serious concerns based out of 22 an annual report, regardless of renewal year or not, 23 that could trigger an action of a Letter of Concern 24 or, "Hey, CSD wants you to look into this further 25 and come back to us also on it."</p>	<p style="text-align: right;">208</p> <p>1 forward, too, because we do not want any kind of 2 option for them to not be CSD's report to us. 3 Director Chavez? 4 DIRECTOR CORINA CHAVEZ: Yeah. I think 5 maybe to hopefully wrap up the conversation, I will 6 just let you know that that was noted last year and 7 followed up this year at the renewal site visit, 8 okay? How's that? 9 THE CHAIR: Yeah, I appreciate that. The 10 reason I asked that question is because I saw their 11 mission. When I read this annual report, I saw 12 their mission. I saw the demographics. This seemed 13 like a discrepancy that I wanted to ask a question 14 about. 15 And I think that that's an appropriate 16 thing for me to do. So Commissioner Voigt is ready. 17 She's going to make a motion. 18 COMMISSIONER CARRILLO: Ooh, not yet. 19 THE CHAIR: Okay. Commissioner Carrillo. 20 COMMISSIONER CARRILLO: Okay. So the 21 impression -- I guess we're taking motions on each 22 of these schools individually. Fine. 23 THE CHAIR: Yes. 24 COMMISSIONER CARRILLO: So my question is, 25 because I didn't want a motion made already, is is</p>
<p style="text-align: right;">207</p> <p>1 That's what I believe the annual reports 2 action would be. Of course, we accept them exactly 3 as they are. I don't think there's any argument 4 about them at all. 5 CSD, you all do all the work of going back 6 and forth and back and forth, and I know you do that 7 a lot. Yeah, I would not make any change to any 8 report that we receive. 9 COMMISSIONER ROBBINS: No. I'm not saying 10 we should make a change. All we're supposed to do 11 right now is review these. These are preliminary. 12 So things may change from this report to the next 13 report as the school reports and CSD verifies 14 information. 15 This is the preliminary report. 16 THE CHAIR: Right. 17 COMMISSIONER ROBBINS: We shouldn't be 18 taking any action or asking the schools for 19 clarification. It would be CSD doing that. 20 THE CHAIR: Right. And, in addition, this 21 is the only set of schools we're looking at 22 preliminary reports for this exact reason as well. 23 There is no other school we will look at until it's 24 final, except for these renewal schools. 25 So that's also why we carried that</p>	<p style="text-align: right;">209</p> <p>1 what's "Baila Baila"?</p> <p>2 DIRECTOR CORINA CHAVEZ: It's a dance 3 class. 4 COMMISSIONER CARRILLO: Okay. Okay. Is 5 that what it is? Hope everyone saw that. Okay. 6 Great. Is that what Baila Baila is? See? Now I 7 know about the International Zone, and I know about 8 Baila Baila. No, I don't. I didn't till now. I 9 appreciate having these preliminary reports 10 definitely. 11 THE CHAIR: Commissioner Voigt? 12 COMMISSIONER VOIGT: Thank you. I move 13 that the Public Education Commission accept the 14 Preliminary Annual Report for School Year 2021 15 through 2022 for Altura Preparatory School, with the 16 preliminary rating of Meets Standard for the 17 Organizational Performance Framework, and the Chair 18 notify the school that Academic Indicators 1 and 2 19 will be scored using the scoring, as assigned by the 20 Public Education Department, based on the New Mexico 21 Measures of Student Successes and Achievement. 22 COMMISSIONER CARRILLO: I'll second. 23 THE CHAIR: Motion and a second. Any 24 other discussion? 25 (No response.)</p>

<p style="text-align: right;">210</p> <p>1 THE CHAIR: All right. Secretary Armijo, 2 if you could call roll. 3 COMMISSIONER ARMIJO: Vice Chair Voigt. 4 COMMISSIONER VOIGT: Yes. 5 COMMISSIONER ARMIJO: Secretary Armijo 6 votes yes. 7 Chair Burt. 8 THE CHAIR: Yes. 9 COMMISSIONER ARMIJO: Commissioner 10 Carrillo. 11 COMMISSIONER CARRILLO: Yes. 12 COMMISSIONER ARMIJO: Commissioner Gipson. 13 COMMISSIONER GIPSON: Yes. 14 COMMISSIONER ARMIJO: Commissioner Manis. 15 COMMISSIONER MANIS: Yes. 16 COMMISSIONER ARMIJO: Commissioner 17 Robbins. 18 COMMISSIONER ROBBINS: Yes. 19 COMMISSIONER ARMIJO: And Commissioner 20 Taylor. 21 COMMISSIONER TAYLOR: Yes. 22 COMMISSIONER ARMIJO: That passes, eight 23 to zero. 24 THE CHAIR: Dr. Russell, Director Chavez, 25 next school.</p>	<p style="text-align: right;">212</p> <p>1 So when we look at the demographics of 2 this school, you'll see that it is a higher 3 percentage of Hispanic students than any of the 4 other subgroups, which is in alignment with the 5 neighborhood in which it is located. 6 When we look at the other subgroup 7 information, you'll see that there is a higher, 8 also, economically disadvantaged population, lower 9 English Learner population, and lower students with 10 disabilities in comparison to both the state and 11 the -- and the district. 12 So going over to the Organizational 13 Performance Framework, the preliminary overall 14 rating is also Meets Standards. And we can just go 15 to the table of yellow, red, and green and see that 16 the school was meeting standards with everything, 17 except for Indicator 2.b., and that was due to a 18 material weakness in their audit finding, and, also, 19 with attendance and retention, 4.b., where the 20 school is Working to Meet Standard. And that is 21 because the school's attendance rate was 85 percent; 22 whereas, the target is 95. 23 THE CHAIR: Commissioner Carrillo. 24 COMMISSIONER CARRILLO: So in reading 25 this, I mean, the first -- in terms of the -- again,</p>
<p style="text-align: right;">211</p> <p>1 DIRECTOR CORINA CHAVEZ: The next school 2 will be Albuquerque Collegiate Charter School. This 3 school is located on Bridge in Albuquerque. That 4 would be, if you know where the Hispanic Cultural 5 Center is and you keep driving west, before you hit 6 Coors, it's tucked into, like, a little strip mall. 7 And it is -- there's not that many charter 8 schools around that neighborhood, which is 9 considered either South Valley or near South Valley 10 in Albuquerque. 11 So this school serves grades K through 5. 12 They're authorized to serve 360 students. Their 13 current enrollment for last school year was 145. 14 Their mission is that within a structured 15 and ambitious school community driven by 16 high-quality instruction and intensive academic 17 supports, Albuquerque Collegiate Charter School 18 educates all students for college graduation and 19 life successes. 20 So they have an Extended School Day. They 21 were still phasing in students when we visited them 22 last year. They have a good low student-to-teacher 23 ratio. And they have the college pennants up in the 24 hallways, and, again, they really strive to 25 emphasize academic achievement at the school.</p>	<p style="text-align: right;">213</p> <p>1 it's like a field of green with a few minor things. 2 I would just be probably asking at the time of 3 renewal what are they -- what concrete steps are 4 they taking. 5 THE CHAIR: This isn't about renewal. 6 This is just about the Annual Report. 7 COMMISSIONER CARRILLO: Where I see yellow 8 or I see red, I see questions coming up later for 9 somebody to be prepared to answer. Put it that way. 10 I'm curious about something. So the last 11 school was a K-5. This school is a K-5. These are 12 really -- it seems like both of these schools were 13 very -- very academic, college-bound schools. Is 14 there, like, a natural charter feeder that these 15 schools look at to next, or these parents look at 16 next? What happens down there in the hinterlands 17 below La Bajada in terms of mid and high school? 18 Curious about that. 19 COMMISSIONER VOIGT: I was going to say, 20 there are a lot of secondary APS charters in the 21 South Valley, APS, district-authorized charter 22 schools in the South Valley. 23 COMMISSIONER CARRILLO: That are 24 specifically, like, also college-preparatory? 25 COMMISSIONER VOIGT: Yeah.</p>

214	<p>1 COMMISSIONER CARRILLO: Because it seems 2 like that -- it's kind of cool that at these ages, 3 they're getting kids on this academic track to love 4 learning and love what's next in terms of education. 5 DR. BRIGETTE RUSSELL: Regarding what's 6 next, I actually had that conversation with 7 Ms. Rivera. And since this is the first year, the 8 current school year, '22-'23, that they've had K 9 through 5 -- so this year she said she is actually 10 looking at that. 11 She is looking to have conversations with, 12 you know, the middle schools, with parents about, 13 you know, which -- what -- what's the next step 14 that's going to best suit their children. 15 So it's definitely on her radar, and she's 16 looking at it, and she has a plan to track where the 17 students go and to try to keep in touch and see what 18 happens with them. Because this is a 19 college-preparatory mission, but it's only K-5, so 20 there's a lot of years between sixth grade and 21 college. 22 COMMISSIONER CARRILLO: Well -- and middle 23 is always the challenge; right? Because even in 24 Santa Fe Public, after you get out of Piñon or 25 Wood-Gormley or whatever, the conversation is</p>	216	<p>1 contract. But they promised us they were going to 2 keep two teachers in every classroom. I don't know 3 if that -- well, that's what they promised. 4 So do they do -- do they do two teachers 5 in every classroom? Because that's what they -- 6 DR. BRIGETTE RUSSELL: K through 2. 7 COMMISSIONER CARRILLO: Only K through 2? 8 Thanks. 9 COMMISSIONER VOIGT: I would like to move 10 that the Public Education Commission accept the 11 Preliminary Annual Report for school year 2021 to 12 2022 for Albuquerque Collegiate Charter School, with 13 a preliminary overall rating of Meets Standard for 14 the Organizational Performance Framework, and the 15 Chair notify the school that Academic Indicators 1 16 and 2 will be scored using the scoring as assigned 17 by the Public Education Department, based on the 18 New Mexico Measures of Student Success and 19 Achievement. 20 COMMISSIONER ROBBINS: Second. 21 THE CHAIR: There's a motion and second. 22 Any other comments? 23 (No response.) 24 THE CHAIR: Okay. Secretary Armijo. 25 COMMISSIONER ARMIJO: Thank you.</p>
215	<p>1 always, "Where are you going to middle school," 2 rather than, "See you at so-and-so." 3 Have either of these schools expressed an 4 interest in expanding to the middle-school grades? 5 DIRECTOR CORINA CHAVEZ: Both of them are 6 having their first renewal. So in the case of 7 Albuquerque Collegiate, they're still phasing in 8 grades. And so, yeah, I think that they're 9 concentrating on being fully operational. But -- 10 yeah. 11 COMMISSIONER CARRILLO: Thanks. 12 DR. BRIGETTE RUSSELL: I actually had that 13 conversation with Ms. Rivera, too, at the renewal 14 visit. And she said, you know, long term, she would 15 like to. But, just, with their location, the -- 16 with the space, there's no place for them to expand. 17 So it's -- it's not a right-now conversation. It's 18 a maybe-someday, next-renewal conversation. 19 THE CHAIR: Commissioner Gipson. 20 COMMISSIONER GIPSON: Just a quick 21 question for information. I know the preliminary 22 report is a 15-to-1 teacher ratio. When they did 23 their application, their uniqueness was they were 24 guaranteeing two teachers in each classroom. 25 And I know it's not part of their</p>	217	<p>1 Secretary Armijo votes yes. 2 Chair Burt. 3 THE CHAIR: Yes. 4 COMMISSIONER ARMIJO: Commissioner 5 Carrillo. 6 COMMISSIONER CARRILLO: Yes. 7 COMMISSIONER ARMIJO: Commissioner Gipson. 8 COMMISSIONER GIPSON: Yes. 9 COMMISSIONER ARMIJO: Commissioner Manis. 10 COMMISSIONER MANIS: Yes. 11 COMMISSIONER ARMIJO: Commissioner 12 Robbins. 13 COMMISSIONER ROBBINS: Yes. 14 COMMISSIONER ARMIJO: Commissioner Taylor. 15 COMMISSIONER TAYLOR: Yes. 16 COMMISSIONER ARMIJO: Vice Chair Voigt. 17 COMMISSIONER VOIGT: Yes. 18 COMMISSIONER ARMIJO: It passes, eight to 19 zero. 20 THE CHAIR: Thank you. 21 Director Chavez. 22 DIRECTOR CORINA CHAVEZ: Okay. We're 23 going to talk about Horizon Academy West next. 24 So Horizon Academy West is located in 25 Albuquerque -- let's see -- if you think about</p>

<p style="text-align: right;">218</p> <p>1 Albuquerque as the four quadrants being divided by 2 I-40 and I-25, okay, it would be in the Northwest 3 quadrant, but as far south as possible. It's not 4 far off of I-40.</p> <p>5 And in that neighborhood, where they're 6 located, it's tucked into an area that is fairly 7 residential. But it's moved locations in its life 8 span, by the way.</p> <p>9 They're authorized to serve grades K 10 through 5, and they actually run a pre-K program.</p> <p>11 They have a current -- or last year, their 12 enrollment was 403. Their mission is that "Horizon 13 Academy has a commitment to educational excellence. 14 The staff is dedicated to providing a rigorous, 15 creative, and well-rounded education to all 16 students. The school is committed to helping 17 students master his or her subjects and learn to 18 think critically and creatively."</p> <p>19 It was one of the early State-authorized 20 charter schools. There were more than one Horizon 21 Academies at one point. But this is the only one 22 that is still around.</p> <p>23 They received their charter from PEC in 24 2008, serving grades K through 6.</p> <p>25 In 2012 is when they added the pre-K</p>	<p style="text-align: right;">220</p> <p>1 the school has a lower percentage of students with 2 disabilities, a much lower percentage of English 3 Learners, which we did follow up with during the 4 renewal visit. They have also a lower percentage of 5 economically disadvantaged students.</p> <p>6 On this visit, we had somebody who was 7 working at the PED -- with the PED at the time to 8 ensure that schools were submitting their literacy 9 plans attend with us. And we also invited Joseph 10 Escobedo from Albuquerque Public Schools to be a 11 member of the team so we could learn from each other 12 as co-authorizers across the state. So he joined us 13 at this visit.</p> <p>14 And when we look at the performance 15 overall for the Organization indicators, the school 16 Meets Standards.</p> <p>17 When we scroll to the lovely red, yellow, 18 green chart, we'll see that the school largely has 19 green.</p> <p>20 I want to point out Indicator 1.b., State 21 Assessment Requirements. Just today, the head 22 administrator reached out questioning this 23 indicator. So we are in the process of 24 investigating, and we'll have a final -- certainly 25 will -- before renewal time.</p>
<p style="text-align: right;">219</p> <p>1 program.</p> <p>2 And then they also amended their charter 3 to eliminate sixth grade, because they were noticing 4 that kids were moving on to different schools.</p> <p>5 So this is their third contract term. And 6 they operate on a four-day school week.</p> <p>7 When we visited, we noted that there were 8 a number of teachers who had been at the school for 9 many, many years and that seemed to have a lot of 10 stability and got -- and the teachers that were 11 there for a while were mentors to the new teachers.</p> <p>12 They have a pretty robust professional 13 learning community, and they were contemplating how 14 they could be successful at implementing the school 15 mission.</p> <p>16 They provide a school-wide positive 17 behavioral supports and intervention program. They 18 have some core values that they use to help students 19 remember what -- what those values are and to 20 support students in their behavior.</p> <p>21 When you look at the enrollment at that 22 school, you'll see that it is heavily Hispanic, 23 higher than any of the other subgroups in comparison 24 to district and state.</p> <p>25 When we look at the subgroups that follow,</p>	<p style="text-align: right;">221</p> <p>1 And then there's also an error in 3.c., 2 which is currently rated as Working to Meets. And 3 it apparently is Meets. So that was a Charter 4 Schools Division mistake that will be corrected.</p> <p>5 The other Working to Meets standard is 6 indicator 5.c., which, again, you saw that we were 7 monitoring the degree to which the school was making 8 sure that students had their immunizations in place, 9 in accordance with the policy and the requirements 10 in statute and rule.</p> <p>11 And so they were behind in some of the 12 immunizations, or the records weren't kept in the 13 student files that we monitored.</p> <p>14 THE CHAIR: Any questions? 15 Commissioner Carrillo.</p> <p>16 COMMISSIONER CARRILLO: Because this has 17 just come up relative to vaccination rates, I'm 18 curious. These last couple of years, are we having 19 more challenges now generally in our district and 20 public schools with people being in compliance when 21 they're going into kinder having their vaccinations? 22 Do any of you know the answer?</p> <p>23 DIRECTOR CORINA CHAVEZ: You know, the 24 trend question, I can gather information and come 25 back to you with that. I do think that always,</p>

222	<p>1 there has been pretty clear description of the</p> <p>2 vaccinations that are required and the exception to</p> <p>3 the vaccinations that children are able to get</p> <p>4 medical doctors' exceptions to. But in this case,</p> <p>5 it was a record-keeping issue that we identified.</p> <p>6 COMMISSIONER CARRILLO: Thanks.</p> <p>7 THE CHAIR: Commissioner Robbins? Did you</p> <p>8 have --</p> <p>9 COMMISSIONER ROBBINS: No. No. I'm</p> <p>10 sorry. I just --</p> <p>11 THE CHAIR: Oh, okay.</p> <p>12 Commissioner Voigt.</p> <p>13 COMMISSIONER VOIGT: I move that the</p> <p>14 Public Education Commission accept the Preliminary</p> <p>15 Annual Report for school year 2021 through 2022 for</p> <p>16 Horizon Academy West, with the preliminary overall</p> <p>17 rating of Meets Standard for the Organizational</p> <p>18 Performance Framework, and the Chair notify the</p> <p>19 school that Academic Indicators 1 and 2 will be</p> <p>20 scored using the scoring as assigned by the Public</p> <p>21 Education Department, based upon the New Mexico</p> <p>22 Measures of Student Success and Achievement.</p> <p>23 THE CHAIR: Second.</p> <p>24 There's a motion and a second.</p> <p>25 Any other discussion? Commissioner</p>	224	<p>1 COMMISSIONER ARMIJO: Commissioner --</p> <p>2 Secretary Armijo votes yes.</p> <p>3 That passes, eight to zero.</p> <p>4 THE CHAIR: All right. Director Chavez.</p> <p>5 DIRECTOR CORINA CHAVEZ: Our next school</p> <p>6 is Hózhó Academy, which is in Gallup. Hózhó is in</p> <p>7 its first charter term. It opened with grades K</p> <p>8 through 5, adding a grade a year. So in '21-'22, it</p> <p>9 was up to K-8.</p> <p>10 Currently, this year, it's added ninth</p> <p>11 grade.</p> <p>12 The mission is that it is committed to the</p> <p>13 tradition of a classical education, a rigorous</p> <p>14 program that will develop students who are educated</p> <p>15 in the liberal arts and sciences as well as moral</p> <p>16 character and civic virtue, with providing the best</p> <p>17 education possible, permitting a full understanding</p> <p>18 of all students' cultures.</p> <p>19 Hózhó is unique in that its model is</p> <p>20 classical education using the curriculum from</p> <p>21 Hillsdale College with Western Civilization and</p> <p>22 Civics, and kids -- there's a -- they learn to</p> <p>23 recognize pieces of classic -- classical music, the</p> <p>24 Art of the Western Canon.</p> <p>25 There's a heavy emphasis on civics.</p>
223	<p>1 Robbins.</p> <p>2 COMMISSIONER ROBBINS: Well, the Director</p> <p>3 can't ask us (verbatim). I don't know if anyone</p> <p>4 knows what the cap is. We have the enrollment, but</p> <p>5 the sheet didn't have the cap, but I'll have to ask</p> <p>6 that later on. Thank you.</p> <p>7 THE CHAIR: All right. Thank you.</p> <p>8 All right. Secretary Armijo.</p> <p>9 COMMISSIONER ARMIJO: Thank you.</p> <p>10 Chair Burt.</p> <p>11 THE CHAIR: Yes.</p> <p>12 COMMISSIONER ARMIJO: Commissioner</p> <p>13 Carrillo.</p> <p>14 COMMISSIONER CARRILLO: Yes.</p> <p>15 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>16 COMMISSIONER GIPSON: Yes.</p> <p>17 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>18 COMMISSIONER MANIS: Yes.</p> <p>19 COMMISSIONER ARMIJO: Commissioner</p> <p>20 Robbins.</p> <p>21 COMMISSIONER ROBBINS: Yes.</p> <p>22 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>23 COMMISSIONER TAYLOR: Yes.</p> <p>24 COMMISSIONER ARMIJO: Vice Chair Voigt.</p> <p>25 COMMISSIONER VOIGT: Yes.</p>	225	<p>1 Combined with that is a philosophy of Hózhó, which</p> <p>2 means balance and beauty in the Diné language.</p> <p>3 Throughout the school, when you're there, you see</p> <p>4 sort of the coexistence of the, you know, western --</p> <p>5 Western Civ and Civics model with themes emphasizing</p> <p>6 the Native cultures of the indigenous students.</p> <p>7 Hózhó has -- Hózhó has an enrollment that</p> <p>8 is just under -- well, actually, it's 41.39. It</p> <p>9 was -- it sort of hovers in the mid-40s with its</p> <p>10 Native American percentage of enrollment. So its</p> <p>11 demographics look -- look different from the state</p> <p>12 as a whole and from the district.</p> <p>13 In terms of -- in terms of student</p> <p>14 subgroups, there are fewer English Learners than in</p> <p>15 the district or the state. Students with</p> <p>16 disabilities is more commensurate. Economically</p> <p>17 disadvantaged is close to the state -- close to the</p> <p>18 state average.</p> <p>19 The district's numbers are not provided</p> <p>20 here. It's footnoted because S.T.A.R.S. is</p> <p>21 reporting that Gallup has 3.54 percent economically</p> <p>22 disadvantaged students, which I don't think is</p> <p>23 correct. Yeah. Not even. So I just left it out.</p> <p>24 So Hózhó's overall rating on the</p> <p>25 Performance Framework is Meets Standard. And,</p>

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1 again, we have a field of green with the occasional
 2 splash of yellow. They are Working to Meet Standard
 3 on 3.a., Governance Requirements, because not all of
 4 their governing board members have completed all
 5 required training hours, and only some, but not all,
 6 of the audit committee members attended the exit
 7 interview.
 8 And Indicator 4.c. was because not all of
 9 the licensure discrepancies reported in S.T.A.R.S.
 10 were resolved by the end of year S.T.A.R.S. report.
 11 THE CHAIR: Any questions?
 12 One thing that I really like about these
 13 that you all started doing is those explanation of
 14 indicator ratings. I know that's an extra step for
 15 you all to do, but I really appreciate it.
 16 Commissioner Carrillo.
 17 COMMISSIONER CARRILLO: 'Cause I'm not
 18 familiar with the school, obviously. But the
 19 very -- just the -- hold on. Let me bring this up
 20 here, the mission. Just very impressed by the idea
 21 of civic virtue and moral character and just the
 22 civics in general that Dr. -- Dr. -- Dr. -- I forgot
 23 your last name -- Russell was saying. I'd be really
 24 pleased to either go there -- I hope I'm able to go
 25 there and not do it virtually, in November.

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1 THE CHAIR: All right. I move that the
 2 Public Education Commission accept the Preliminary
 3 Report -- Annual Report for school year 2021 to 2022
 4 for Hózhó Academy, with the preliminary overall
 5 rating of Meets Standard for the Organizational
 6 Performance Framework, and the Chair notify the
 7 school that Academic Indicators 1 and 2 will be
 8 scored using the scoring as assigned by the Public
 9 Education Department based on the New Mexico
 10 Measures of Student Success and Achievement.
 11 COMMISSIONER ROBBINS: Second.
 12 THE CHAIR: Thank you. Motion and a
 13 second.
 14 Any further discussion?
 15 Commissioner Carrillo?
 16 COMMISSIONER CARRILLO: I like the Latin,
 17 too. I meant to mention that. I went to a high
 18 school that taught Latin, and, boy, did it just
 19 really help.
 20 THE CHAIR: For sure. It does help with
 21 recognizing those root words, man. So it makes your
 22 vocabulary so much better.
 23 Okay. Secretary Armijo.
 24 COMMISSIONER ARMIJO: Commissioner
 25 Carrillo.

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1 COMMISSIONER CARRILLO: That would be me.
 2 Thank you.
 3 Yes.
 4 COMMISSIONER ARMIJO: 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: Secretary Armijo
 16 votes yes.
 17 Chair Burt.
 18 THE CHAIR: Yes.
 19 COMMISSIONER ARMIJO: That passes, eight
 20 to zero.
 21 THE CHAIR: Okay. Director Chavez.
 22 DIRECTOR CORINA CHAVEZ: All right. We're
 23 on to the next school, which is the New Mexico
 24 Academy for Media Arts. Formerly, the school was
 25 called Media Arts Collaborative Charter School.

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1 It's located on Central, right where the
 2 ART bus is built on the east side of the UNM campus
 3 next to the Dion's hotel; is that right?
 4 Washington and Central. Okay.
 5 So the school recently changed its name to
 6 the New Mexico Academy for Media Arts.
 7 It offers -- and its mission is to offer
 8 secondary students a comprehensive, project-based,
 9 cross-curricular education centered in the media
 10 arts. They would prepare graduates for positions in
 11 the media industries and for the rigor of
 12 post-secondary education.
 13 The school opened for students in August
 14 2008. And fun little fact: I read their charter
 15 application when it was submitted to the PED way
 16 back when. It was the first application that came
 17 to the PED. It wasn't the first authorized school,
 18 because we started to renew schools before we
 19 approved initial applications. But this was the
 20 first initial application that came to the PED.
 21 And the school was approved in 2007,
 22 opened in 2008, and it served grades 9 through 12 at
 23 first, but then expanded to serve middle-school
 24 students as well.
 25 The school is currently under its second

<p style="text-align: right;">230</p> <p>1 head administrator, and in -- at the time of the 2 visit and last year, had the same business manager 3 that it had before, Mr. Pat Kelly.</p> <p>4 The school has an authorized enrollment 5 cap of 360. The enrollment was at 180. They've 6 expanded facilities. They started with one 7 facility, and then they purchased another.</p> <p>8 They were the first school to have a lease 9 assistance -- excuse me -- a lease-to-purchase 10 agreement. And so they have students in both 11 buildings that are connected through this -- the 12 space that is currently gated off and protected for 13 students.</p> <p>14 They offer custom-created media arts 15 curriculum, including standards and benchmarks for 16 assessing the curriculum. And they -- they expanded 17 during their second term to have concentrations in 18 journalism, television, radio, digital film, graphic 19 design, audio production, web design, and animation, 20 including game development.</p> <p>21 Can you scroll a little bit down? 22 When we look at the demographics of the 23 school, we see that it is -- there is some variance 24 from both the district and the state in terms of 25 enrollment. And then let's -- ethnically, and then</p>	<p style="text-align: right;">232</p> <p>1 at least one career pathway program of study upon 2 graduation from the school.</p> <p>3 And so the students will be included in 4 the data set. They define how they would count the 5 students, right? So if the student were enrolled as 6 a senior on the 40th day and graduate in May, then 7 they were taken into consideration. They set the 8 performance targets. And the school exceeded its -- 9 its target. So it did 100 percent. Graduates 10 completed the media arts career pathway program of 11 study.</p> <p>12 So Goal No. 2 is that the students will 13 complete at least one internship program upon their 14 graduation from the school.</p> <p>15 And then, again, they define who they're 16 counting and additional information about the 17 internship requirements. And we see that the school 18 did not meet this standard, because 50 percent of 19 the graduates that year completed the internship 20 program.</p> <p>21 I was not on this site visit. I was on 22 the renewal site visit. This was a question that we 23 followed up with the school on. And because this -- 24 this rating was in the middle of the pandemic, and 25 at a time when the pandemic was a little bit more</p>
<p style="text-align: right;">231</p> <p>1 when we look at the subgroup enrollment, we also see 2 that there is a higher percentage of students with 3 disabilities at this school, lower percentage of 4 English Learners, higher percentage of gifted, and 5 about on par with state and district in terms of 6 economically disadvantaged students.</p> <p>7 This is the first high school that we have 8 talked about today. So this is the four-year high 9 school graduation percentages by ethnicity. And, 10 again, this graphic compares the school to district 11 and state averages in terms of graduation.</p> <p>12 So the number -- the reason why we don't 13 see a line for the school with its students that are 14 Black is because the "N" was too low.</p> <p>15 Okay. So on to the next demographic -- 16 the next chart, which is the four-year high school 17 graduation by subgroup. And you'll see how the 18 school has been very successful at graduating 19 students higher than the state and the district for 20 all of the subgroups that are captured in this 21 chart.</p> <p>22 This is one school that also chose to have 23 Mission-Specific Goals. It set two goals for 24 itself.</p> <p>25 The first is that students will complete</p>	<p style="text-align: right;">233</p> <p>1 widespread than what it is now, and the school was 2 articulate about how that had an effect on the 3 internships that they were able to secure and place 4 students in. But just so you know that we noted 5 that. We followed up with them on that, and that 6 was a concern that we raised during the renewal 7 visit.</p> <p>8 All right. So when we look at the overall 9 rating for the Organizational Performance Framework, 10 they also Meet Standards. And when we look at the 11 different colors, we see that they got only a 12 Working to Meet standard for their Mission-Specific 13 Goal, because they met one, and they didn't meet the 14 other.</p> <p>15 They also, for 3.a. in the Governance 16 Requirements, got a Working to Meet Standard because 17 not all governing board members completed the 18 required hours. Some, but not all, audit committee 19 members attended the exit interview.</p> <p>20 They also got Working to Meet Standard for 21 Indicator 3.c, Reporting Requirements, because of 22 two untimely amendment requests submitted to you 23 also.</p> <p>24 THE CHAIR: Any questions? 25 Can I ask you to clarify real quick?</p>

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1 Because I think what I heard and what I saw may be
2 two different things. And my brain just, like -- I
3 think you said they were Working to Meet on their
4 mission goals because they did not meet one of them.

5 DIRECTOR CORINA CHAVEZ: So they exceeded
6 in the other.

7 THE CHAIR: Did they Meet, or are they
8 getting Working to Meet?

9 DIRECTOR CORINA CHAVEZ: They're getting
10 Working to Meet.

11 THE CHAIR: Okay. Because I think on --

12 DR. BRIGETTE RUSSELL: It says Meets
13 Standard. I remember when we were preparing this
14 report, we were back and forth a few times. And,
15 yes, they exceeded standard on one. They did not
16 meet the standard on the other.

17 And I remember we had this conversation.
18 The way the Mission-Specific Goals is now is, like,
19 it's averaged. And so an averaging is in the
20 middle. And, going forward, I would -- with our new
21 Performance Framework, I would like to rate each
22 Mission-Specific Goal separately.

23 So there would be Goal 1, Goal 2, and then
24 N/A for a school that has Goal 2, because it's messy
25 when a school does not -- when you average an

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1 terms of formatting for next year, it would be --

2 THE CHAIR: Like, an overall, and then
3 student groups? Yeah. That's my bad. Okay.

4 Anything else? Do you want to do it?

5 Okay. Go ahead, Commissioner Voigt.

6 COMMISSIONER VOIGT: Okay. So I just want
7 to also add that the bank building that was recently
8 purchased by Media Arts is -- the governing board
9 just recently voted that they are going to dedicate
10 it to the Gladstones.

11 DIRECTOR CORINA CHAVEZ: So we were
12 sitting in a board room that was dedicated to them.
13 Yeah. Yeah. So Patty and Marvin Gladstone were the
14 founders of this school. And they were incredible
15 human beings who saw how the state was moving
16 towards building up the film industry in New Mexico
17 and had a vision for a school that could feed into
18 that.

19 And so non-educators themselves, but
20 highly regarded professionals in their own fields,
21 they wrote the charter application, were successful,
22 and they hired our dear Commissioner Glenna Voigt as
23 the first head administrator of that school. A
24 little bit of history.

25 COMMISSIONER GIPSON: (Inaudible.) (Off

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1 Exceeds and a Does Not to a Meets and -- yeah.

2 THE CHAIR: Right. Okay.

3 The other question -- well, not a
4 question.

5 So the first thing I wanted to say is I
6 was really -- one of the things that stood out to me
7 when I read this was the graduation rates of the
8 student groups. I was really impressed by and I
9 thought that was a really cool thing that the
10 school's doing for their students.

11 With the graduation rate, I like having it
12 broken into the student groups. But I don't see an
13 overall graduation rate. Is that not yet ready? Or
14 can we add --

15 DR. BRIGETTE RUSSELL: I thought we did
16 have an overall -- yeah, the four-year -- oh.

17 THE CHAIR: I think they're all broken
18 down by student groups.

19 DR. BRIGETTE RUSSELL: No. All Students
20 is right here. It's in the second chart. So
21 there's the subgroups, and then All Students is in
22 the second chart.

23 THE CHAIR: Oh, yes, I see that now.

24 Thank you. Appreciate you, Dr. Russell. Thanks.

25 DR. BRIGETTE RUSSELL: But I do see, in

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1 mic.)

2 DIRECTOR CORINA CHAVEZ: In conversations
3 with the business manager about how he reports to
4 the board, he was able to share how the reports that
5 he provided changed over time and as a result of the
6 very excellent questions that were being asked of
7 him by Ms. Gladstone, who comes from a professional
8 career as a forensic auditor.

9 So when you have folks on your board that
10 are going to ask the tough questions, it -- it
11 causes everybody to up their game a little bit. And
12 so I think that, as a result, that board gets some
13 really excellent financial information.

14 COMMISSIONER VOIGT: Okay. Super.

15 I move that the Public Education
16 Commission accept the Preliminary Annual Report for
17 school year 2021 to 2022 for the New Mexico Academy
18 for the Media Arts, showing that the
19 Mission-Specific Goal 1 received a scoring of
20 Exceeds Standard. Mission-Specific Goal 2 received
21 a scoring of Does Not Meet Standard, and a
22 preliminary overall rating of Meets Standard for the
23 Organizational Performance Framework, and the Chair
24 notify the school that Academic Indicators 1 and 2
25 will be scored using the scoring as assigned by the

<p style="text-align: right;">238</p> <p>1 Public Education Department based on the New Mexico 2 Measures of Student Success and Achievement and the 3 SAT. 4 COMMISSIONER GIPSON: Second. 5 THE CHAIR: All right. There's a motion 6 and a second. 7 Any other discussion? 8 (No response.) 9 THE CHAIR: Secretary Armijo? 10 COMMISSIONER ARMIJO: Commissioner Gipson. 11 COMMISSIONER GIPSON: Yes. 12 COMMISSIONER ARMIJO: Commissioner Manis. 13 COMMISSIONER MANIS: (No response.) 14 COMMISSIONER ARMIJO: I'll come back. 15 Commissioner Robbins. 16 COMMISSIONER ROBBINS: Yes. 17 COMMISSIONER ARMIJO: Commissioner Taylor. 18 COMMISSIONER TAYLOR: Yes. 19 COMMISSIONER ARMIJO: Vice Chair Voigt. 20 COMMISSIONER VOIGT: Yes. 21 COMMISSIONER ARMIJO: Secretary Armijo 22 votes yes. 23 Chair Burt. 24 THE CHAIR: Yes. 25 COMMISSIONER ARMIJO: Commissioner</p>	<p style="text-align: right;">240</p> <p>1 period maximize his or her potential and meet the 2 highest performance standards through a uniquely 3 individualized learning program, access to 4 higher-quality New Mexico certified teachers, and a 5 high parental involvement. 6 The mission also includes a 7 school-within-a-school model with a focus on 8 science, technology, engineering, and math STEM. 9 That's the mission statement. 10 The school opened in 2013-'14. And after 11 an initial -- so this is their second term. Last 12 time they went up for renewal, they were initially 13 voted by PEC to be non-renewed, but, apparently, 14 went through a renewal -- I mean -- excuse me -- 15 a -- an appeal process and remained open. 16 The primary building blocks of the 17 school's instructional approach are individualized 18 instruction. Each student has a personalized 19 learning plan and an active parental involvement 20 component. The school does, like, an orientation 21 course for parents to help them understand their 22 virtual system and to talk about expectations so 23 that the parent, guardian -- or it could be another 24 responsible adult -- will serve as the student's 25 virtual school learning coach, taking an active role</p>
<p style="text-align: right;">239</p> <p>1 Carrillo. 2 COMMISSIONER CARRILLO: Yes. 3 COMMISSIONER ARMIJO: And back to 4 Commissioner Manis. 5 COMMISSIONER MANIS: Yes. 6 COMMISSIONER ARMIJO: Thank you. 7 That passes, eight to zero. 8 THE CHAIR: All right. And our last 9 school for today. 10 DIRECTOR CORINA CHAVEZ: The last school 11 for today is New Mexico Connections Academy. So 12 hold on a sec, and we'll project that. 13 So this is a virtual school that actually 14 has a facility here in Santa Fe. They purchased a 15 building for their central offices. 16 This school is authorized to serve 17 grades 4 through 12. They have been authorized to 18 have an enrollment cap of 2,000. 19 In '21-'22, they had an enrollment of 20 1,266. 21 The mission of New Mexico Connections 22 Academy is to help each 23 fourth-through-the-twelfth-grade student throughout 24 the state of New Mexico who needs an alternative to 25 the traditional classroom for a particular time</p>	<p style="text-align: right;">241</p> <p>1 in the child's daily education. 2 The school also provides supports to these 3 learning coaches, and they offer lessons and 4 activities that include field trips, guest speakers, 5 community service opportunities. Although the 6 original model included a school-within-a-school 7 STEM academy, that has not really been implemented. 8 So we did follow up with this question during the 9 renewal visit. 10 And they offer STEM courses, but they 11 don't really have a school-within-a-school 12 component. 13 Okay. Moving on to look at the 14 demographics. You see that the school, in 15 comparison to the state, is higher population of 16 White students and almost on par with the state in 17 terms of the others. 18 Looking at the subgroups, we'll note that 19 the school had an economically disadvantaged 20 population that was lower than the state average, a 21 higher gifted, lower English Learner population, and 22 lower students with disabilities population. 23 So for the four-year high school 24 graduation rate, when we look at the ethnicity 25 relative to that, we see that the school is</p>

<p style="text-align: right;">242</p> <p>1 graduating a slightly higher rate for Asian 2 students, lower for Black students, Hispanic 3 students, Native American students, and White 4 students than the state average. 5 When we look at the four-year high school 6 graduation percentage by subgroup and All Students, 7 the far right column, we'll see that they actually 8 had a lower four-year high school graduation overall 9 compared to state average, and with all of the 10 subgroups as well. 11 When we look at the Mission-Specific Goal 12 the school set for itself, it was that 80 percent or 13 more of students in grades 4 through 8 enrolled on 14 both the 40th and 120th day will complete the grade 15 level, and 70 percent of the students in grades 9 16 through 12 enrolled on both the 40th and the 120th 17 day would earn a minimum of six credits. 18 And so when we look at the -- the rating, 19 they Met Standards. 20 Moving on to Organizational Performance, 21 the school Meets Standards. 22 And looking at each indicator, one by one, 23 we see that they had a Working to Meet Standards for 24 their mission and educational program because of the 25 school within a school item, and that the school did</p>	<p style="text-align: right;">244</p> <p>1 attendance and retention. But would -- I guess here 2 it wouldn't -- well, yeah, it is. So 2.e., 3 Staffing, Fiscal Management, would staff retention 4 fall under that category? 5 Would staff retention fall under 2.e.? 6 I'm just curious, because it's in the 7 other categories in the other schools. I just 8 noticed that for now. So just curious about that. 9 And then one can't help but think that on 10 4.b., Attendance -- yeah. I mean, if you're going 11 to school at home, seriously? It's only in the 40s? 12 Or whatever. I have to go back to the chart. But 13 yeah, I would say that's problematic. 14 And then for me as well, the graduation 15 rate, I would say, is extremely problematic. 16 DIRECTOR CORINA CHAVEZ: So, Commissioner 17 Carrillo, in response to your question about 18 adequate staffing on 2.e., that's about having 19 fiscal management staff in place. 20 COMMISSIONER CARRILLO: Okay. 21 DR. BRIGETTE RUSSELL: But to answer your 22 question more broadly about teacher retention, this 23 was one of the -- it's not in the Performance 24 Framework. And it was one of the things that when 25 we looked at the renewal application, I thought, why</p>
<p style="text-align: right;">243</p> <p>1 not meet the State assessment requirements. I think 2 we showed you those numbers before. 3 And the school is Working To Meet 4 Standards in terms of submitting the DASH Plan and 5 Working to Meet Standards in terms of attendance and 6 retention. 7 THE CHAIR: All right. Any questions from 8 Commissioners? 9 So I do have a question. If they didn't 10 complete their DASH Plan, why is that Working to 11 Meet instead of Does Not Meet? 12 DR. BRIGETTE RUSSELL: Because the plan 13 was done and in progress but just wasn't finished. 14 THE CHAIR: Okay. The graduation rates 15 are very concerning for me. I'm looking at them, 16 that they're very, very low. And that's -- that's 17 definitely a big concern for this last school year. 18 I know -- we were think- -- if it's a virtual 19 school, maybe -- I would expect them to be higher 20 than average. So it definitely is concerning in 21 that way. 22 Commissioner Carrillo, then Commissioner 23 Robbins, and Commissioner Gipson. 24 COMMISSIONER CARRILLO: Yeah. Just a 25 question first about -- because I know there's</p>	<p style="text-align: right;">245</p> <p>1 are we including teacher retention? It's not in the 2 Performance Framework. But it was in the renewal 3 application. So it's just -- it's not -- when the 4 framework was written, it did not get written in as 5 an indicator. 6 COMMISSIONER CARRILLO: Thank you. 7 THE CHAIR: Commissioner Robbins, then 8 Gipson, then Taylor. 9 COMMISSIONER ROBBINS: Some of the 10 explanation -- because I was here when they had 11 their renewal five years ago -- they have very high 12 academic standards. They use an online curriculum. 13 And if the students don't pass, they don't graduate. 14 It's not like, well, if you came to class, 15 we're going to give you extra credit and things like 16 that. They either have to do the work and meet the 17 requirements, or they do not graduate. 18 And that's one thing that was addressed at 19 the time, because I don't know if you remember five 20 years ago, there was a lot of advertising about it's 21 a great school, it's very easy, you know, because 22 it's online and this and that. And the problem was 23 it gave the impression that it's an easy school. 24 They actually have higher-than-average 25 standards for graduation, for passing. And so the</p>

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1 fact that they're below the state average doesn't
2 surprise me. It surprises me they're so far below.
3 But I think that goes to the attendance and
4 retention issue also.

5 They get much turnover because think of
6 what we had with the pandemic when schools went to
7 virtual. They had huge problems. They weren't even
8 making sure their cameras were on, and they weren't
9 requiring it, so they really had no idea what their
10 attendance was.

11 And, you know, this school, it probably
12 has -- does have significant areas it has to work on
13 in communication. And testing is one of those
14 areas. And that was addressed -- five years ago, it
15 was mentioned that they have to work. Because if
16 students -- a lot of their students are working.
17 They work during the day and everything, so
18 they're -- if they're tired at night, they don't
19 take the test, or they do poorly on the test. But
20 they have to do better to provide assistance, in a
21 physical location, to do the testing and do the
22 monitoring.

23 I'm disappointed at the numbers that we're
24 seeing here. But that -- that can account for some
25 of the low numbers. And that's what was explained

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1 five years ago.

2 I would have hoped in five years they
3 would have kind of focused on that, because since
4 they don't have a -- a physical facility and
5 everything. But they do have a lot of the
6 electronics and the staff support and everything.
7 That's in place. So it's not like they're -- you
8 know, they have this huge amount of surplus SEG.

9 But, you know, rigor is one thing. And we
10 can always say, you know, if high standards -- but
11 if you don't follow that with fidelity -- one of the
12 things that I see sometimes is we say, "Yeah. I
13 mean, the school we just talked about before this --
14 or another one -- they had really great, you know,
15 graduations -- you know, we see great graduation
16 numbers."

17 But then you wonder, well, but we're not
18 looking at proficiency numbers. We're looking at
19 graduation.

20 But, you know, we have 74 percent
21 graduation, but we know that roughly 50 percent of
22 our students that are graduating are not proficient
23 in English or math, but yet they're still
24 graduating. So there is a -- a disconnect between
25 graduation and proficiency.

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1 THE CHAIR: Commissioner Gipson.

2 COMMISSIONER GIPSON: I was going to say I
3 have a -- still an ongoing concern with attendance.
4 If you can't make it to school when it's in your own
5 house, you know, there's something to be said for
6 that, and, you know, continued with graduation.
7 It's the same from four years ago.

8 THE CHAIR: Commissioner Taylor.

9 COMMISSIONER TAYLOR: Yeah. I mean,
10 obviously, I'd like to echo some of the concerns
11 about the graduation rate. You know, it's half of
12 what -- nearly half of what the state average is,
13 you know, a little bit more than that. But, I mean,
14 that's very concerning to me.

15 I think that, you know, one of the other
16 things that concerns me -- a couple of other things,
17 you know, that the -- that the -- although the
18 information is not here for the state assessments,
19 you know, that previously we've looked at those
20 things. And, academically, they -- the students
21 aren't performing at where they need to be
22 performing.

23 And I think that, sure, all of the
24 markers -- there's a lot of green where they meet
25 the standard. But some of the ones that I think are

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1 probably pretty important are not being met.

2 So I think that's a concern for me. I
3 think their mission statement, their
4 Mission-Specific Goals, are very, very generic
5 because all they have to do is finish -- you know,
6 they have to finish the program, which means, you
7 know, I could skate along with a "D" and finish the
8 program.

9 But is that really measuring -- I mean, is
10 that -- is that how we want to perform, you know?

11 Like I said, I think they're very, very
12 non-specific, even though they're supposed to be
13 Mission-Specific Goals.

14 You know, they offer -- they do say -- in
15 their wording, they talk about offering field trips
16 and cultural engagement and so forth, or community
17 engagement opportunities. But it doesn't really
18 indicate any kind of requirement for kids -- for the
19 student to participate in those. It just sort of --
20 again, it just sort of offers that.

21 And in response to -- to Commissioner
22 Robbins saying that they're -- you know, they're
23 very rigorous in their -- in their curriculum and so
24 forth -- but, obviously, that rigor is not helping
25 the students get where they need to go.

<p style="text-align: right;">250</p> <p>1 So I have a lot -- I have a lot of 2 concerns about this school. I know this is maybe 3 not the most appropriate time to do this. This 4 report, we -- you know, we vote to accept the 5 report, and I guess we take action later. But I 6 have a lot of concerns about this school. 7 THE CHAIR: All right. 8 Commissioner Voigt. Then Commissioner 9 Carrillo. 10 COMMISSIONER VOIGT: Okay. Thank you. 11 You know, I -- I want to just say that there's a lot 12 that is masked in education when we are only 13 counting graduation by the number of Carnegie 14 credits completed. 15 And that is old. That's got to change. 16 It's status quo. And that could be something that 17 is truly innovative in public education is when we 18 get rid of Carnegie credits and students demonstrate 19 mastery. That's when we can start measuring what 20 students know and are able to do and when they can 21 defend their learning. 22 THE CHAIR: Commissioner Carrillo. 23 COMMISSIONER CARRILLO: No. I agree with 24 that. And demonstrating alternate forms of 25 competency. It's true. It's totally old-school,</p>	<p style="text-align: right;">252</p> <p>1 were virtual. They went to museums and did tours. 2 And I know all the major museums do do that. But 3 they were virtual, because they don't have 4 capacity -- I think, in some cases, they had some 5 pods of students that organized themselves, and they 6 may have gone places. But they were virtual field 7 trips. 8 COMMISSIONER CARRILLO: To that, I'll just 9 say there's nothing like standing in front of the 10 Lincoln Memorial, or being in the Library of 11 Congress, or even being at the Vietnam Memorial, or 12 even being at the Vietnam Memorial here in Santa Fe. 13 Nothing can take the place of that. 14 THE CHAIR: Okay. I think, you know, 15 for -- from where I'm looking at today -- but 16 more -- is -- you know, I'll make a motion in just a 17 moment. 18 But what I see as when we get final 19 reports, one of the things that I would like to 20 start doing with a reports like this, you know, is, 21 for me, you know, it would be to ensure that the 22 school knows that the graduation rate is not meeting 23 standard, that the attendance is -- needs to be 24 improved, you know. 25 And so I think that's -- when I talk about</p>
<p style="text-align: right;">251</p> <p>1 the '50s and '40s. 2 I have a question. So is because -- 3 Dr. Taylor. You are a doctor, aren't you? 4 COMMISSIONER TAYLOR: (Indicates.) 5 COMMISSIONER CARRILLO: A lot of doctors 6 around here. But, anyway -- yes, Commissioner 7 Taylor mentioned field trips. How are these field 8 trips taken? Do any of you know? Because I'll ask 9 the question when -- because the thing that makes me 10 think of this is Big Bang Theory? 11 Did any of you ever watch the Big Bang 12 theory? Commissioner Robbins, you're not nodding 13 your head that you watched the Big Bang Theory. 14 Yeah. 15 So -- and the reason I mention this is 16 because when they're playing sports, they're playing 17 virtual sports, where they're just hitting a golf 18 club or a racket or they're skiing, and it's all 19 done virtually, and, you know, there's no swooshing, 20 and there's no cold air running through their hair. 21 So I'm just curious. How are those field trips 22 taken? 23 COMMISSIONER GIPSON: I can answer from 24 the previous renewal information that -- I can't say 25 100 percent, but I'm going to say 99 percent -- they</p>	<p style="text-align: right;">253</p> <p>1 taking -- doing something with the annual reports, 2 that's what I would like to do with a report like 3 this is to then notify the school that the 4 graduation rate is not okay. The attendance is not 5 okay and needs to improve. That way, it's not only 6 at the renewal when they hear that, those comments, 7 from us. 8 So I think this is an example of that. 9 But once again, not till final reports. And as we 10 move through, that's kind of where I'll be going 11 with it later on. 12 All right. I move that the Public 13 Education Commission accept the Preliminary Annual 14 Report for school year 2021 to 2022 for New Mexico 15 Connections Academy, showing that its 16 Mission-Specific Goal received a score of Meets 17 Standard, and a preliminary overall rating of Meets 18 Standard for the Organizational Performance 19 Framework, and the Chair notify the school that 20 Academic Indicators 1 and 2 will be scored using the 21 scoring as assigned by the Public Education 22 Department based on the New Mexico Measures of 23 Student Success and Achievement and the SAT. 24 COMMISSIONER ROBBINS: Second. 25 THE CHAIR: There's a motion and a second.</p>

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1 Any other comments?
 2 All right. Seeing none, Secretary Armijo.
 3 COMMISSIONER ARMIJO: Commissioner Manis.
 4 COMMISSIONER MANIS: Yes.
 5 COMMISSIONER ARMIJO: Commissioner
 6 Robbins.
 7 COMMISSIONER ROBBINS: Yes.
 8 COMMISSIONER ARMIJO: Commissioner Taylor.
 9 COMMISSIONER TAYLOR: Yes.
 10 COMMISSIONER ARMIJO: Vice Chair Voigt.
 11 COMMISSIONER VOIGT: Yes.
 12 COMMISSIONER ARMIJO: Secretary Armijo
 13 votes yes.
 14 Chair Burt.
 15 THE CHAIR: Yes.
 16 COMMISSIONER ARMIJO: Commissioner
 17 Carrillo.
 18 COMMISSIONER CARRILLO: Yes.
 19 COMMISSIONER ARMIJO: And Commissioner
 20 Gipson.
 21 COMMISSIONER GIPSON: Yes.
 22 COMMISSIONER ARMIJO: That passes, eight
 23 to zero.
 24 THE CHAIR: All right. And that is it for
 25 Item No. 10, which will bring us to Item No. 13.

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1 But I'm going to ask -- we're going take a
 2 five-minute break and allow folks to kind of move
 3 into the Zoom room and get settled. And then we'll
 4 go to Item No. 13 in five minutes.
 5 (Recess taken, 3:10 p.m. to 3:19 p.m.)
 6 THE CHAIR: All right. We are on to Item
 7 No. 13, Discussion, Update, and Possible Action on
 8 La Tierra Montessori School, Including Update on
 9 Corrective Action Plan.
 10 And, Director Chavez, I will turn this
 11 agenda item over to you.
 12 DIRECTOR CORINA CHAVEZ: Thank you,
 13 Chair Burt. Let me open up the document.
 14 So I just want to start out by saying
 15 thank you to Maitai, to Delisha, to Patricia, for
 16 being here. It's been a long day for all of us.
 17 You guys have hung in there, and I appreciate that.
 18 So as we know, we -- hold on. Okay. All
 19 right.
 20 As we know, the PEC sent to La Tierra
 21 Montessori some expectations on August 29th.
 22 DR. BRIGETTE RUSSELL: Do you want me to
 23 share?
 24 DIRECTOR CORINA CHAVEZ: No, I can.
 25 All right.

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1 And it included this table that just
 2 talked about how the expectations from the PEC is
 3 that the governing board comply with its -- with the
 4 law, with bylaws, and it maintains appropriate
 5 fiscal oversight and planning of its budget,
 6 including the use of SEG funds.
 7 So the far right column is the expected
 8 outcomes. The second column talks about the first
 9 deadline and documents that are to be reviewed. And
 10 then the third column is our opportunity to take
 11 additional notes and report out to the PEC where
 12 it's worded as such.
 13 So the first outcome that is expected of
 14 the school was that they would obtain training on
 15 the charter school fiscal policies and the roles of
 16 the governing board finance and subcommittee and
 17 staff.
 18 So by November 1, we are looking to have
 19 board members complete all the fiscal training
 20 that's provided by the Charter Schools Division.
 21 And since -- I know this is early. I know that it's
 22 not yet November 1. And trust me. Up until the
 23 19th, I was updating this, and there's yet an
 24 additional hour of training to add to this chart,
 25 which talks about board member training.

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1 So here's basically the name -- the names
 2 of the board members, the positions they hold, and
 3 the number of hours that they've completed.
 4 We have two board members that completed
 5 all three hours of the fiscal requirement training,
 6 and then one that's attended and obtained one hour,
 7 and one that's obtained two hours.
 8 Ms. Martinez-Vigil is a new board member.
 9 So she needs to take the new member, seven-hour
 10 course training.
 11 Now, what's missing from this that's not
 12 documented here is the Open Governance and
 13 Organizational Performance training. And one of the
 14 ways in which Ms. Brown allows schools to obtain
 15 these hours is by inviting her to their board
 16 meeting and then getting feedback. And that
 17 happened just Thursday? Or Wednesday?
 18 MS. MELISSA BROWN: Tuesday.
 19 DIRECTOR CORINA CHAVEZ: Tuesday. So I
 20 didn't get that information in time to update this.
 21 But you should just note that that's an additional
 22 hour of training that's not contemplated in this
 23 chart.
 24 The concern in the report is really about
 25 the fiscal training. So just to sum it up, two out

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1 of the five board members are there. We're not yet
2 at November 1, but we'll give you an update in
3 December.

4 So the other thing that the school can do
5 is find the training schedule in this document.
6 There's a link to the annual trainings so they can
7 sign up and make sure that all board members do it.
8 And, again, the new board member will get that
9 credit when she attends the orientation for new
10 board members.

11 Second item is that we wanted to make sure
12 that, by November 1, the school had provided an
13 enrollment report to the PED. I think that that was
14 missing last year and could have had some
15 consequences for the school.

16 So we did confirm that the school
17 submitted that enrollment projection by the due
18 date. And I've included the enrollment projection
19 as part of the report so you can see, by grade
20 level, what their projections were.

21 Then Item No. 3 was about providing
22 notification when there's any changes in governing
23 board membership.

24 And we know that that's an item in the
25 Performance Framework that the school had been

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1 Rachel Stofocik and I have an appointment with the
2 school for week after next to sit down and walk
3 through the mission goals and the worksheet so that
4 they are set up so that Ms. -- so that the new head
5 administrator as well as the board chair, are all up
6 to date with and aware of how that goal will be
7 tracked and reported to the -- to the PEC and to the
8 CSD.

9 So that's my update.

10 THE CHAIR: Okay. Commissioner Voigt.
11 Then Commissioner Gipson.

12 COMMISSIONER VOIGT: Thank you,
13 Chair Burt. So is it -- I just want to be clear
14 that -- so to summarize, in the items from the
15 Corrective Action Plan that have not been met are
16 the completion of the fiscal training by the
17 governing board -- be the full governing board --
18 and their mission goal data. Those two items --
19 correct? -- have not been completed -- have not been
20 met from the Corrective Action Plan.

21 DIRECTOR CORINA CHAVEZ: So it's true that
22 all board members have not received the financial
23 training. The due date was November 1. So this is
24 a bit early.

25 However, I don't think that -- actually, I

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1 struggling with. Other schools also struggle with
2 that at times, and it's properly noted in their
3 overall ratings.

4 And we did receive notification, and it
5 was something that you approved in your Consent
6 Agenda this morning.

7 Item No. 4 is the pre-K concern, that the
8 school not include pre-K students with -- with the K
9 students with an SEG-paid teacher. And Dr. Russell
10 and I visited the school on September 6th and
11 verified that, in fact, the school is no longer
12 serving pre-K students.

13 And then I just added a few other updates
14 about the school, just for the Commission's own
15 knowledge, that the head administrator that you met
16 time before was no longer here, and you guys met
17 Patricia this morning.

18 So you know that they submitted the
19 paperwork for that. But because it didn't get in on
20 the time -- you know, by the deadline to include it
21 in this meeting, you'll have that at the next
22 meeting.

23 And then we are also -- this is a school
24 that is behind in working with us to get their
25 Mission-Specific Goal Worksheet finalized. But

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1 will ask Ms. Brown to verify, but I don't think that
2 it's possible, given the trainings that are
3 scheduled and the hours that are needed by each
4 member, that they will all complete them.

5 Is that -- is that true?

6 MS. MELISSA BROWN: With how our schedule
7 is set, that is true.

8 COMMISSIONER VOIGT: Okay. And then the
9 head administrator is only on a .25 FTE?

10 DIRECTOR CORINA CHAVEZ: Yes. The head
11 administrator's contract is for a .25 FTE.

12 COMMISSIONER VOIGT: They should have a
13 1.0.

14 DIRECTOR CORINA CHAVEZ: I have since
15 learned that there's other schools that have less
16 than a 1.0 FTE.

17 COMMISSIONER VOIGT: Okay.

18 DIRECTOR CORINA CHAVEZ: So I wanted to be
19 transparent about the school, because I think that
20 there's been some people that have contacted members
21 of the Commission or myself to say where is the head
22 administrator. And the head administrator is not,
23 in fact, a 1.0 FTE, so that answers that.

24 COMMISSIONER VOIGT: Okay. Thanks.

25 THE CHAIR: Commissioner Gipson.

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1 COMMISSIONER GIPSON: So part of mine is
2 what Commissioner Voigt was asking about the head
3 administrator. I know that -- so my understanding
4 with schools that don't have a full-time head
5 administrator was they're on campus full-time, but
6 they may -- but they may be teaching a class,
7 because it's such a small school. So they're --
8 they're not considered full-time as a head
9 administrator because they're -- you know, they've
10 got a class that they're doing. So that that's how
11 they have to fiscally report it.

12 But I don't know whether that's what this
13 is.

14 COMMISSIONER VOIGT: Right. Yeah.

15 COMMISSIONER GIPSON: So can we get that
16 clarified? Is that because -- is it that this
17 individual is only there?

18 THE CHAIR: Would you like the school to
19 answer, or do you want --

20 DIRECTOR CORINA CHAVEZ: So I'm reporting
21 what I heard at the board meeting when they voted on
22 the contract. I haven't seen the contract. And
23 that -- that question, or that requirement that
24 they're actually a full-time employee but part-time
25 head administrator, I would need some guidance from

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1 clear. It's not our guidance that they have to
2 have.

3 THE CHAIR: So I'm going to ask -- yeah.
4 Oh, yeah. Ms. Gordon-Brown, yeah, if you can talk
5 about --

6 MS. DELISHA GORDON-BROWN: Yeah,
7 definitely. So Ms. Herrera is in the school
8 full-time. She was hired initially as our special
9 education teacher, and she's already hit the ground
10 running with that, and was approached to take on the
11 Interim Head Learner or Head Administrator
12 responsibilities with the departure of Cliff,
13 because, if not, Cliff would have been virtual, and
14 that did not make sense at all to us.

15 But we are still actively recruiting for a
16 permanent Head Learner position. We have, I think,
17 three or four candidates that have applied to the
18 position, and it just should be a short amount of
19 time before we can start getting the ball rolling on
20 a permanent replacement.

21 Ms. Herrera has expressed that she will
22 not take the job permanently. But to assure
23 you-all, she is there on campus, .75 as our special
24 education teacher. And, again, on the books for
25 fiscal responsibility, she is our Head Learner,

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1 the attorney, the PEC's attorney, on where that is
2 or how I should be using that information in school
3 oversight, because I have learned of a couple of
4 other head administrators that are not full 1.0 FTE,
5 and I wasn't aware of that criteria.

6 COMMISSIONER GIPSON: No. And I want to
7 make it clear, there was no indication by me that it
8 was a criteria. My understanding through experience
9 here, is that when schools didn't have a, quote,
10 unquote, "full-time head administrator," it was
11 because they were serving, in most cases, a
12 classroom responsibility.

13 So they were split-time, but they were
14 still on campus. So they would still be the person
15 that would be of record, you know, as the head
16 administrator on campus, but for, you know, for
17 economics, they couldn't afford, because they
18 needed, like, one class covered.

19 So -- and that's how they -- you know,
20 paid it out, because there's different line items
21 for administration and teachers. So that's how they
22 did it. I did not know that we didn't have a school
23 that didn't have a full-time administrator, and that
24 person wasn't filling in, full-time, some other
25 spot. So that's just -- but I want to make it

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1 .25 FTE.

2 COMMISSIONER GIPSON: Okay. Thanks. And
3 I have one more question or concern, actually.
4 Because I know the heading says, "The Governing
5 Board complies with laws, bylaws, and maintains
6 appropriate fiscal oversight." And this is not part
7 of this chart.

8 But I did notice -- when I was looking at
9 agendas for the governing council, I did notice
10 that -- and I appreciate the fact that the governing
11 council is apparently doing some kind of community
12 meetings. And that's great.

13 MS. DELISHA GORDON-BROWN: Yes.

14 COMMISSIONER GIPSON: However, it doesn't
15 appear that they are noticing that. And that can --
16 because if the governing council is doing -- there
17 should be a public notice that they're doing --
18 that's my only concern, that there's OMA compliance
19 with that.

20 MS. DELISHA GORDON-BROWN: We did have a
21 joint town hall with the open house that was at
22 La Tierra last month. That notice did not go out
23 appropriately. I think it was maybe the weekend
24 before or -- again, that was just to be joint.

25 But in our current meetings, we do discuss

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1 our future town halls, which will actually be
2 bimonthly. And we are getting more input from the
3 parents on what time of the evenings work for them,
4 being that they've got to feed their children and
5 come home from work and everything like that.

6 We are definitely on the ball with
7 noticing the public and our community a lot more
8 appropriately than we have in the past.

9 COMMISSIONER GIPSON: Right. And I
10 appreciate that. But it's not just we're noticing
11 the public, but there has to be that public notice
12 that complies with OMA.

13 MS. DELISHA GORDON-BROWN: Yes.

14 COMMISSIONER GIPSON: So that it's part
15 of -- when I look at your notices for your regular
16 meetings, that it's in that drop-down box.

17 MS. DELISHA GORDON-BROWN: Yes, it's
18 also -- Okay. So, well, we can post them there as
19 well, as well as send them out in our e-mail blast
20 that our office manager does. Okay.

21 COMMISSIONER GIPSON: Okay. Thanks.
22 I don't know whether -- I still have so
23 many concerns. I just -- and I don't know whether
24 this is the appropriate -- I don't know -- because
25 with this, you know, it looks like -- but, you know,

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1 preparing children to be successful in a traditional
2 style classroom as they progress throughout the
3 school.

4 COMMISSIONER GIPSON: Right. And I
5 understand the challenges of public school and
6 Montessori and that having to be that blend. My
7 concern is so much has changed since you were there
8 that I have -- you know, I would be more comfortable
9 if there was a visit with an assurance that
10 Montessori was being appropriately administered and
11 that the program was being adhered to.

12 Because we were comfortable at the time of
13 renewal, to a great extent, because of the report
14 that you offered. But in light of everything that's
15 happened, I think there is that -- you know, that
16 concern.

17 And just one more -- what -- do you know,
18 off the top of your head, what the enrollment cap
19 is?

20 DIRECTOR CORINA CHAVEZ: So let us look up
21 the enrollment cap. But while we're doing that, let
22 me respond to your concern. You know, we also are
23 concerned about this school. We have all learned
24 about the challenges that they face. We are
25 attending their meetings and in frequent contact

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1 seriously, I have serious concerns that Montessori
2 is not being -- and I don't know whether, with
3 your -- I don't know if there's been a visit to see
4 whether Montessori is or is not being complied with.

5 DIRECTOR CORINA CHAVEZ: Right. So I
6 would say that the Charter School Division's expert
7 on Montessori is Ms. Brown, who ran a Montessori
8 school. And she has assured me. And I will let her
9 speak with you-all about her interpretation of
10 whether Montessori is being implemented at the
11 school or not.

12 MS. MELISSA BROWN: Well, caveat this with
13 saying I haven't been there since the site visit in
14 the spring.

15 But at that time, I saw a fully
16 functioning modified Montessori, which I think is
17 appropriate for the school program. I feel like the
18 teachers that I saw -- and I know that some of those
19 teachers have still been retained -- they were in
20 the process of being trained.

21 But what I saw in the classroom, they
22 understood the core tenets of Montessori and were
23 implementing that in a classroom setting with
24 elementary-age students in a modified way that
25 blends a Montessori approach with a more -- in

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1 with the school leadership, both the governance and
2 the new head administrator. I met her the day that
3 she was voted on, and I have time set aside for when
4 we're going to sit down and look at the
5 Mission-Specific Goals and the contract.

6 I've also asked Ms. Brown to continue --
7 she gets called and responds to requests for
8 information and supports to the school. And I've
9 asked her to feel free to also sit down with the
10 school. I think a site visit is absolutely
11 necessary before probably your December meeting when
12 we can give the next update. And we'll be able to
13 say more about that. And I see Missy has something
14 to add to that.

15 MS. MELISSA BROWN: If it would help the
16 Commission, I can do -- I wouldn't necessarily call
17 it an official site visit. But I would be happy to
18 go and see the school between now and your November
19 meeting and report to you at that time.

20 COMMISSIONER GIPSON: Thanks.

21 And just one quick clarification -- I'm
22 sorry.

23 DIRECTOR CORINA CHAVEZ: I was going to
24 say we are trying to keep the agenda small on the
25 November meeting. But thank you, Missy. That's

<p style="text-align: right;">270</p> <p>1 really -- that's really generous. And if it doesn't 2 happen at that time, then definitely before the 3 December meeting, we will visit the school. 4 DR. BRIGETTE RUSSELL: Commissioner 5 Gipson, wanted to answer your question. 6 La Tierra's enrollment cap is 180. 7 COMMISSIONER GIPSON: Okay. So there's 8 still -- in Item No. 3, in the chart, it says, 9 "Status update reported to the PEC at the 10 December 16th" -- I think it should be "to be 11 reported to," because December 16th hasn't happened 12 yet. Am I correct? 13 In No. 3 on this chart under First 14 Deadline and Documentation Required, it says, 15 "Status update reported to PEC at the December 16th 16 meeting." 17 And unless I'm really overtired, I don't 18 think December 16th has happened yet. So I don't 19 know if it's to be reported in December. 20 MS. DELISHA GORDON-BROWN: It should be 21 "to be reported" as in Item 1, where it says, "Will 22 be provided." So you're correct. 23 DIRECTOR CORINA CHAVEZ: So there's a 24 correction that needs to be made on that. 25 COMMISSIONER GIPSON: That's all. Thanks.</p>	<p style="text-align: right;">272</p> <p>1 school like this in -- with what has happened in 2 four or five months with three head administrators. 3 We had a wonderful presentation a couple 4 of months ago with Mr. Tompson. He was very 5 engaged. Yes, he jumped into this, and he wanted to 6 do the best that he could. And he didn't even last 7 three months. That's an issue, you know. 8 I know we're not really in the position 9 where we're allowed to talk with Mr. Tompson. But, 10 you know, I sit here and think, well, why did he 11 leave? Was the governing council interfering to 12 such a degree that he could not do his job and they 13 were directing him to do things that was beyond 14 their authority? 15 So that's a concern that I have is the 16 governing council was going well beyond its 17 statutory authority in basically -- in essence, 18 running the school themselves, rather than allowing 19 a head administrator to do it. 20 You know, making sure of, you know, the 21 purchases and things like that are being done 22 properly and not being diverted, that the funds are 23 being taken care of. 24 And I'll just leave it at this, because 25 they're concerns.</p>
<p style="text-align: right;">271</p> <p>1 THE CHAIR: Commissioner Robbins. Then 2 Commissioner Carrillo. 3 COMMISSIONER ROBBINS: Thank you. Yeah. 4 As mentioned, there are many concerns. One -- and I 5 think this is a huge one -- with a .25, Ms. Herrera 6 is doing the special ed. That's a huge effort and a 7 lot of reporting requirements and documentation in 8 order to fulfill the special ed needs of the 9 students. 10 I don't have confidence that the 11 governance council is not influencing staff, that 12 they're not influencing operations or 13 inappropriately influencing operations, other than 14 through setting policies and things like that and 15 letting the head administrator carry it out. That's 16 a concern. 17 And the other concern is reports have been 18 made that staff has been -- some staff, maybe not 19 all -- but some staff have been put in a position of 20 either being intimidated or felt intimidated to 21 report problems. And they don't have any place to 22 report problems to. 23 If they go to the governing council, the 24 governing council brushes it aside. They don't 25 address it. That is a huge concern in a small</p>	<p style="text-align: right;">273</p> <p>1 But one question I have for Director 2 Chavez: When you visited in September -- and my 3 understanding is there has not been an official 4 visit since then, so in a month and a half or five 5 weeks -- when you visited, was it an announced 6 visit, or was it -- you just showed up? 7 DIRECTOR CORINA CHAVEZ: Thank you, 8 Commissioner Robbins. I'm going to answer your 9 question first, and then I want to add to your other 10 concerns. 11 COMMISSIONER ROBBINS: Thank you. 12 DIRECTOR CORINA CHAVEZ: So when we 13 visited, the purpose of the visit was to twofold, 14 right? One, to sit down with the new head 15 administrator at that time, Mr., Tompson, and make 16 sure that he knew what the school was being held 17 accountable to -- right? -- the charter contract 18 Performance Framework, Mission-Specific Goals. And 19 we also wanted to verify the degree to which there 20 was pre-K in the classroom or not. 21 So it -- we gave, I think, a one-day 22 notice. We did notice. But we also saw a 23 notification that went out to parents ahead of time. 24 And so I don't think there was any 25 trickery in terms of, like, you know, asking the</p>

<p style="text-align: right;">274</p> <p>1 pre-K kids to stay home that day. I don't think 2 they're serving pre-K, based on those two bits of 3 evidence. 4 And then in regard to your other concern 5 about the governing board potentially overstepping 6 its roles, I'm very sensitive to that, too. I think 7 that, you know, there are roles and responsibilities 8 at schools and in organizations that need to be 9 adhered to. And there is a potential for boards to 10 overstep. 11 I don't think that's what's going on at 12 this school. I think that what's going on at this 13 school is that the board was not functioning until 14 recently, and they over- -- they underwent a 15 transitioning and a reshuffling of board leadership. 16 Board membership changed to some degree. 17 And so I think the board's active role in 18 making sure that there's communication with families 19 and in recruiting and hiring the head administrator 20 position is very much appropriate. They consult 21 with us constantly when they have questions. 22 And I also think that intentions for 23 Mr. Tompson and Ms. Herrera is that they are 24 interim. They are -- they are not intended to be 25 the next head administrator that sticks with the</p>	<p style="text-align: right;">276</p> <p>1 main items that we have been tracking. 2 And I see a real concentrated effort in 3 trying to keep the school in good standing. That 4 doesn't mean that Mr. Tompson's leaving and somebody 5 new coming in doesn't create a bit of -- you know, a 6 need for readjustment with the new head 7 administrator. 8 So there are struggles at the school. I 9 am not going to deny. There is a need for many 10 things to be attended to, which is why I want to do 11 the sitdown with the new head administrator and any 12 other staff at the school -- and, in fact, the 13 governing board president said he'd like to be 14 there, too -- to walk through what some of those 15 things are. 16 COMMISSIONER ROBBINS: Thank you. 17 THE CHAIR: Commissioner Carrillo. 18 COMMISSIONER CARRILLO: I share many of 19 Commissioner Robbins' concerns. 20 So, first -- and I guess this spills -- 21 just the idea that Cliff was there for such a short 22 time. Now we know that Ms. Herrera is going to be 23 very interim, and there could be another interim, 24 very concerned that that kind of turnover -- I mean, 25 all of us know that that kind of turnover does not</p>
<p style="text-align: right;">275</p> <p>1 school for a long period of time. That's why 2 they're calling them interim. 3 And so it is with intention. They want to 4 make sure that somebody has an administrative 5 license in place and is at the school so that they 6 are not without the head administrator while they 7 continue a search for someone that is the right fit 8 for the school. 9 So I don't think that they're extra 10 involvement right now is overstepping their roles. 11 COMMISSIONER ROBBINS: Well, I appreciate 12 that. But with, you know, a visit that was maybe 13 five and a half, six weeks ago, if there's not 14 additional follow-up -- and, you know, we received 15 information recently pointing to governing council 16 involvement in the finances and governing council 17 involved in other areas, another question is are 18 they current with all the reporting requirements for 19 a school? 20 DIRECTOR CORINA CHAVEZ: So we are 21 tracking governance, and we are tracking the items 22 that you saw there, which have to do with the 23 financial preparation for their budget. And those 24 are the two main -- and making sure that they have 25 the head administrator in place. And those are the</p>	<p style="text-align: right;">277</p> <p>1 lead to great leadership, to inspiration, to 2 continuity, to anything, really, anything good, 3 whenever you have the top people constantly turning 4 over. So I'm very concerned about that. 5 Concerned about the 25 percent of the 6 time. I mean, I understand how special ed is -- in 7 and of itself, is very consuming. So I'm happy to 8 hear, though, that Ms. Herrera is on site 100 9 percent of the time, but not that she's the head 10 administrator only 25 percent of the time. 11 I'm curious as to if anyone has the answer 12 to this question. It's a finite question, so I 13 don't need a long explanation. The number of 14 teachers that are at the school and the number of 15 those teachers that are Montessori-certified. 16 MS. DELISHA GORDON-BROWN: There are -- 17 the exact number of teachers -- Maitai, if I'm not 18 mistaken -- is five? Is that correct, Maitai? 19 MS. MAITAI LOPEZ: Yes, yes. 20 MS. DELISHA GORDON-BROWN: And one of them 21 is Montessori-certified. 22 COMMISSIONER CARRILLO: Thank you for 23 being succinct in your answer. I appreciate that. 24 So I'm reading the mission statement -- 25 it's super duper short, so I'm just going to read it</p>

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279	<p>1 mission, that that could be appropriate.</p> <p>2 The other concern I have is on the Open</p> <p>3 Meetings Act. I appreciate that you're going to be</p> <p>4 noticing town halls. But you-all got to be careful</p> <p>5 as to what you discuss at these town halls. I mean,</p> <p>6 it's really at a town hall when it's something like</p> <p>7 this, it's, like, "We're having this meeting. All</p> <p>8 five board members may be present, and we really</p> <p>9 just want to hear your feedback about so-and-so and</p> <p>10 so-and-so."</p> <p>11 And that's kind of it. It's not where all</p> <p>12 of the board members start chiming in and talking</p> <p>13 about their points of view. You guys have to really</p> <p>14 pull the reins in on that to maintain compliance.</p> <p>15 And it's not like there's anybody that's going to</p> <p>16 take you to the AG's Office. Nobody is going to do</p> <p>17 that. But it's just be in compliance. That's all.</p> <p>18 MS. DELISHA GORDON-BROWN: Absolutely</p> <p>19 agree. That's how the town hall went. We all</p> <p>20 gathered in the cafeteria. We had this whiteboard.</p> <p>21 The parents addressed their goals, their wants,</p> <p>22 their needs, their concerns for the year, and there</p> <p>23 was no board business conducted. We're highly aware</p> <p>24 of that.</p> <p>25 COMMISSIONER CARRILLO: Swell. All right.</p>	281	<p>1 you very much.</p> <p>2 THE CHAIR: Commissioner Gipson.</p> <p>3 COMMISSIONER GIPSON: I just wanted to</p> <p>4 say, I know it's not November 1st. But I got the</p> <p>5 e-mail -- I think there's a possibility of is it</p> <p>6 eight hours from the Public Charter Schools</p> <p>7 conference? So that there's still -- you know,</p> <p>8 there's still -- I think --</p> <p>9 MS. MELISSA BROWN: They have Mike Vigil</p> <p>10 as their business manager, and Mr. Vigil is an</p> <p>11 approved provider. If there's an opportunity for</p> <p>12 Mr. Vigil to provide financial training to the board</p> <p>13 members before November 1st, they just have to let</p> <p>14 me know. And I did send Secretary Gordon-Brown an</p> <p>15 e-mail about that.</p> <p>16 COMMISSIONER GIPSON: And that's my fault.</p> <p>17 I forgot it was financial training. So I don't know</p> <p>18 whether that's available at the December -- I know</p> <p>19 there's a possible eight hours of training</p> <p>20 opportunities, but I don't know if it's fiscal.</p> <p>21 MS. MELISSA BROWN: I'm sure that they</p> <p>22 have three hours of fiscal.</p> <p>23 COMMISSIONER GIPSON: I want to take</p> <p>24 everything I said back.</p> <p>25 MS. MELISSA BROWN: I also wanted to say</p>

<p style="text-align: right;">282</p> <p>1 that I have witnessed, on multiple occasions, this 2 board's's appropriate, non-response to public 3 comment in their meetings. They do a good job of 4 not responding, but listening and thanking and 5 moving on to address your concern, Mr. -- 6 Commissioner Carrillo.</p> <p>7 THE CHAIR: So I think Commissioner Voigt 8 is about to make a motion. But before she does 9 that, I'm going to just say I think I am most 10 concerned that the students are being served to what 11 the school says that they're going to be served in 12 that way.</p> <p>13 So for me, not having the Mission Goal 14 Worksheet done yet, whether that's because of the 15 change in administration, because of whatever, the 16 fact that the Mission Goal Worksheet has not been 17 prioritized and completed, and, you know, already 18 done before now is extremely problematic, because 19 it's your mission. It's literally what's serving 20 the students is about.</p> <p>21 And because your mission is such -- I 22 mean, it is the heart of your school is the mission. 23 It's -- everything that you do is part of the 24 mission, that I would say my biggest concern at this 25 time is going to be the fidelity to the Montessori,</p>	<p style="text-align: right;">284</p> <p>1 I don't want to wait until the end of the 2 year, and your education program says you're going 3 to be doing Montessori.</p> <p>4 So I want to see evidence of that. And I 5 think that is what I would like to see added to the 6 CAP, which I know is something that Commissioner 7 Voigt is going to do in her motion.</p> <p>8 But, I mean, that's what I'm really -- 9 continue doing all these things. I am concerned 10 about whatever -- you know, if -- I would say I'll 11 be fair and give it to November 1st for the 12 governing board trainings. But if it doesn't 13 happen, I mean, next time this comes up, I would 14 like to see that escalated to the next part of the 15 Intervention Ladder. That's how it's supposed to 16 work.</p> <p>17 And I just think the students are not in a 18 space where we can give more and more and more time. 19 So I know there's some -- there's lots of other 20 things going on with adults. And I'm going to put a 21 lot of those other things with the documents to the 22 side for myself and focus in on the kids and what 23 they need and get.</p> <p>24 MS. DELISHA GORDON-BROWN: If I may? And 25 that's -- I agree with you, is we are always trying</p>
<p style="text-align: right;">283</p> <p>1 making sure it's being implemented with fidelity, 2 that all of the things that the students and 3 teachers need in order to get that level of great 4 education, I don't know if that's happening or not. 5 I just don't know.</p> <p>6 And I think one of the things that I would 7 like to see added to the Corrective Action Plan, 8 because of its importance, is going to be the 9 Mission Goal Worksheet and getting data back on 10 those mission goals sooner than later.</p> <p>11 And, ideally, Secretary Gordon-Brown, 12 you're already doing it. Like, that's ideal. 13 Hopefully you guys are already doing it, and you'll 14 be able to provide this data quickly.</p> <p>15 And we're not asking you to do more than 16 you're already doing, because it's already in 17 motion. If it's not in motion, and it's going to be 18 extra, that's a problem. So that's kind of where 19 I'm at, right?</p> <p>20 So I think I would -- today, I would like 21 to see, added to the Corrective Action Plan, 22 evidence. I want, like, evidence that the mission 23 goals are -- are -- have been implemented, that 24 they're being tracked. They're being -- I want to 25 see that already started.</p>	<p style="text-align: right;">285</p> <p>1 to move forward and focus on the mission and what's 2 next. But we are blindsided with a lot of adult 3 issues. And so when those things come up, it puts a 4 lot off to the side. And we're trying to mitigate 5 through all of that.</p> <p>6 As per the mission, that was something 7 that was done without the board or the previous 8 board, anyway. We did not have -- not that we're 9 trying to take over, obviously. We did not have any 10 oversight or input on the current mission, which is 11 why now Ms. Herrera and Isaac -- and President 12 Casados -- can work on something together and get 13 those goals. It is a priority.</p> <p>14 But, again, we are continuously fixing 15 errors from the past or issues that we had no idea 16 was happening or going on. But I assure you they're 17 coming.</p> <p>18 THE CHAIR: That's what -- ideally, that's 19 kind of what I want to hear. But I also am kind of 20 past the points of just trusting the process. And 21 so for me, having it in writing and making sure that 22 it's something that's followed up, that's a -- you 23 know, I think that, for me, I want to make sure 24 you-all know that that's how much of a priority it 25 is, that it's something that is -- just as much as</p>

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1 your financial training, like, the implementation of
2 Montessori in your school is right there as well.
3 So that's what I'll be focusing on today.

4 MS. DELISHA GORDON-BROWN: And I can speak
5 for the whole board. We absolutely appreciate the
6 guidance. We did not take this Intervention Ladder
7 personally. We looked at it as our goals as a board
8 that we have to look forward to. So we're
9 absolutely okay with what's to come, and if you have
10 to add to it.

11 THE CHAIR: All right. Before I go to
12 you, Commissioner Voigt, I do have -- before we go
13 to the motion, Commissioner Gipson, then
14 Commissioner Carrillo.

15 COMMISSIONER GIPSON: I guess I'm a little
16 confused, because this document says "La Tierra
17 Expectations," But then the word "Corrective Action
18 Plan." I don't see this as a Corrective Action
19 Plan, and it's never been labeled as a Corrective
20 Action Plan. So I have a concern about if it is,
21 then we need to be clearer that it's a Corrective
22 Action Plan.

23 But this was -- because we did this
24 quickly, we laid this out as, "These are the
25 expectations of the Commission," which I

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1 we already did this."

2 And you're -- we're half a school year
3 behind, and there is no discussion on where we are
4 with the goal that we agreed to and signed on, as a
5 governance council, signed that document for that.

6 And that's -- that's incredibly
7 concerning.

8 MS. DELISHA GORDON-BROWN: I appreciate
9 that concern. I really do. Again, I don't want to
10 live in the past. And I tell everybody this all the
11 time. But it was changed after the previous board
12 was aware of what the mission was. And this was
13 before my time as well.

14 THE CHAIR: Yeah. Okay. So in -- thank
15 you for bringing that up, Commissioner Gipson.
16 Because I was calling it a Corrective Action Plan.
17 So Ms. Barnes is going to address that, and then
18 we're definitely adding that to the motion as well.
19 So thank you.

20 MS. JULIA BARNES: So I am going back to
21 the letter that went out after the board vote. And
22 the letter identified that the -- that the PEC had
23 issued a Notice of Concern. And a Notice of Concern
24 contains the expectation -- let me find that
25 exact -- someone's got the exact language.

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1 wholeheartedly agree with. But I think the
2 verbiage -- we either have to call it a Corrective
3 Action Plan, which I don't think even the school was
4 aware that it was a Corrective Action Plan, or these
5 are just, "You need to get your act together, and
6 these are the expectations."

7 To me, if they fail at this, we have one
8 of two choices. We enter into a Corrective Action
9 Plan, or we continue further down that Intervention
10 Ladder and say, "It's too late. You know, you're in
11 violation of your contract," which was what we're
12 trying desperately not to do.

13 But I'll also be honest that folks that
14 come and say, "I didn't know what the mission was.
15 People before us negotiated that," or, "That was
16 written...," that's something that no one that sits
17 on a governance council should ever say, because you
18 should know the mission of the school before you
19 even sign on to be part of that school so you
20 understand the mission.

21 And, you know, the fact that we're halfway
22 through the year -- because when there's discussion
23 about the Mission Goal Sheet being done, I'm
24 thinking they're up for renewal, and we're heading
25 that way to contract negotiations. It's like, "No,

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1 COMMISSIONER CARRILLO: What's the date on
2 it? What's the date of the letter?

3 MS. JULIA BARNES: Hold on just a second.
4 So at that lowest level, it is that they have to
5 comply with the expectation -- the expected outcomes
6 and deadlines documented.

7 So to the extent that you were saying that
8 there needs to be a Corrective Action Plan, that is
9 at the next step. So I think, based on how -- and
10 maybe this is clear. But based on how you voted,
11 they got the correct document.

12 If you feel that you want to keep going on
13 the Intervention Ladder, then that would be a
14 Corrective Action Plan. I will tell you, though,
15 however, is that the Notice of Concern, you do
16 expect those outcomes and deadlines. They're just
17 imposed on them by -- by the documentation. And
18 that was provided to them.

19 COMMISSIONER GIPSON: Right. And I
20 appreciate that. My concern was this was being
21 called a Corrective Action Plan.

22 MS. JULIA BARNES: Then you are correct.
23 It should be called that they have not complied with
24 expected deadlines and outcomes.

25 COMMISSIONER GIPSON: Thanks.

<p style="text-align: right;">290</p> <p>1 MS. JULIA BARNES: I'm just going to add 2 one more thing, is that some of the dates haven't 3 happened yet. So they have until the date. 4 And I think that Director Chavez was 5 bringing it forward because of the date of this 6 meeting. So you -- I don't think you can say that 7 someone hasn't complied with something if the date 8 isn't there yet. 9 THE CHAIR: Thank you again, Commissioner 10 Gipson. And so to correct myself, then, I'll be 11 supporting a move from it being expectations and a 12 timeline to a Corrective Action Plan and adding the 13 mission goals and educational program to those as 14 well. 15 Commissioner Carrillo. 16 COMMISSIONER CARRILLO: First, based on 17 what you just said, I would want the motion to say 18 that we are going to invoke the steps -- steps on 19 the Intervention Ladder. I don't want it 20 necessarily to be tied to a Corrective Action Plan 21 if we feel that, in fact, it's a breach. 22 I mean, I always like the ability of us to 23 go to that next level if we have to. 24 And so I would want the motion to 25 include -- if you're going to be a Montessori</p>	<p style="text-align: right;">292</p> <p>1 anything to say. I was just trying to join as a 2 panelist. 3 THE CHAIR: Okay. Sorry. Sorry about 4 that. 5 All right. Okay. 6 All right. Commissioner Voigt. 7 COMMISSIONER VOIGT: Thank you. Okay. I 8 move that the Chair of the Public Education 9 Commission send a letter to La Tierra Montessori 10 School for the Arts and Sciences of the PEC's intent 11 to take further action under the Intervention Ladder 12 due to the following concerns: 13 Lack of evidence of implementation of 14 school-specific goals; 15 Completion of a scoring protocol for those 16 school-specific goals; 17 And implementation of the educational 18 program and potential non-compliance with the 19 expected outcomes and deadline. 20 THE CHAIR: Second. 21 Commissioner Robbins? 22 COMMISSIONER ROBBINS: Commissioner Voigt, 23 would you be amenable to adding the word 24 "Montessori" before "education, "implementing a 25 Montessori education."</p>
<p style="text-align: right;">291</p> <p>1 school, you should probably have some Montessori 2 teachers besides one of five. 3 And, you know, whether or not this is in 4 the motion, I just think -- or drop Montessori from 5 your name. I believe that you are, right now, 6 incorrectly branding the school. And I don't know 7 if Montessori has some sort of copyright 8 infringement or idea of infringement or anything, 9 someone can just call a school Montessori if they 10 have red building blocks or whatever. I think 11 that's just doing the students and the parents a 12 completely -- a disservice. 13 And, you know, I'm just -- I would just 14 add to the concern. But also, you know, things 15 aren't met. You know, there's -- if there's no 16 other head administrator, and if different things 17 continue to happen, I would like the ability to go 18 straight to breach if we have to. 19 And I know that always seems extreme. 20 But, you know, ultimately this is about the kids, 21 and we're telling them they're going to get a 22 Montessori education. Or you're telling them 23 they're going to get a Montessori education. 24 THE CHAIR: Commissioner Manis. 25 COMMISSIONER MANIS: I didn't have</p>	<p style="text-align: right;">293</p> <p>1 COMMISSIONER VOIGT: I did, but it was 2 edited. 3 COMMISSIONER ROBBINS: It was edited, huh? 4 THE CHAIR: So their education program is 5 specific to Montessori already. 6 COMMISSIONER VOIGT: Their education 7 program and their goals do say that. 8 COMMISSIONER ROBBINS: Okay. You said 9 "their education program." 10 THE CHAIR: In the contract, their 11 contract education program. 12 COMMISSIONER ROBBINS: Okay. Thank you. 13 THE CHAIR: Commissioner Gipson. Then 14 Commissioner Carrillo. 15 COMMISSIONER GIPSON: I'm not sure 16 whether, in a motion, saying that that there's 17 potential for non-compliance, you know, that just 18 seems like we're anticipating, "You're not going to 19 be able to do this." 20 I mean, if they don't do it, it comes up 21 at the next meeting, and it gets added into whatever 22 action we take based on that information. 23 But we've -- you know, I'm just not real 24 comfortable with that, "Potentially, you may not be 25 doing this," because -- we could throw that at a lot</p>

<p style="text-align: right;">294</p> <p>1 of schools: "Potentially, you're not going to meet 2 this expectation." 3 COMMISSIONER VOIGT: Okay. I can revise 4 that verbiage. 5 COMMISSIONER GIPSON: I'm fine with if 6 there's areas where they are non-compliant, just 7 saying, "You haven't been compliant." But I don't 8 like to say, throwing it out there in the future, 9 "At some point in time, you're not going to be 10 compliant about something else." 11 THE CHAIR: Yeah. Do you want to just 12 read it with the verbiage changed to eliminate that 13 potential and replace it? 14 COMMISSIONER VOIGT: Sure. I move that 15 the Chair of the Public Education Commission send a 16 letter to La Tierra Montessori School for the Arts 17 and Science (verbatim) of the PEC's intent to take 18 further action under the Intervention Ladder due to 19 the following concerns: 20 Lack of evidence of school-specific 21 growth; 22 Completion of a scoring protocol for those 23 school-specific goals; and 24 Implementation of the educational program; 25 and</p>	<p style="text-align: right;">296</p> <p>1 thing I'm challenged with, it's, like, we tiptoe 2 around things. And since we only meet once -- you 3 know, really once a month -- right? -- I mean, 4 because there -- it's, like, if we're not going to 5 do something, then it's going to be December. Then 6 it's going to be January. And now, all of a sudden, 7 it's, like, we -- it just seems like we -- like, we 8 just keep kicking the darn can, you know, down the 9 road instead of taking somebody by the short hairs 10 and saying, "Look, this is what's happening or 11 else." 12 Did you get that part? "This is what's 13 happening or else"? 14 THE CHAIR: Sorry. Say that again, 15 Commissioner. 16 COMMISSIONER CARRILLO: This is the third 17 time. "This is what's happening or else." I feel 18 like we tiptoe, that we're milquetoasty. We don't 19 let people know, "We're the Commission, damn it, and 20 follow the rules." 21 I'm good. 22 THE CHAIR: The only thing I'll say is we 23 just -- I just want to follow a process and 24 procedure and make sure that we're doing the right 25 thing by the students, by the school, by what's the</p>
<p style="text-align: right;">295</p> <p>1 Any non-compliance with the expected 2 outcomes and deadline. 3 THE CHAIR: All right. Commissioner 4 Carrillo. 5 Sorry. Second. I'll second that, like I 6 did last time. 7 COMMISSIONER CARRILLO: So I agree with 8 Ms. -- with Commissioner Gipson about that change of 9 language. Can you read the sentence or phrase 10 between commas or whatever about, again, the intent 11 to do whatever? 12 COMMISSIONER VOIGT: Lack of evidence of 13 implementation of school-specific goals, completion 14 of a scoring protocol for those school-specific 15 goals. 16 COMMISSIONER CARRILLO: Oh, it's right 17 here. It was the word "intent." It's, like -- I 18 guess sometimes what I -- one, I want to add the 19 word "Montessori" that David said -- or 20 Commissioner -- I want to add the word "Montessori" 21 so it's more specific in the motion. 22 COMMISSIONER VOIGT: Then we should say 23 "and implementation of the Montessori educational 24 program." 25 COMMISSIONER CARRILLO: Great. And the</p>	<p style="text-align: right;">297</p> <p>1 right. That's -- and, I mean, you and I have had 2 those conversations about doing things the right way 3 and not going too -- too far too quick and allowing 4 the process to happen as quickly as possible. 5 Understood. 6 If we met more often, we wouldn't have 7 these situations. It's -- I think it's literally 8 just the fact that we meet every month. 9 COMMISSIONER CARRILLO: Let's meet every 10 Tuesday. 11 THE CHAIR: Okay. That's not a part of 12 this item. 13 But I think that's where -- yeah. So the 14 one thing I'll say about adding "Montessori," which 15 is not -- right now, it's not a part of the motion. 16 In the education program, there's a lot more to the 17 education program than just Montessori. So if you 18 say "Montessori education program," you're limiting 19 us, then, from having their -- looking at the 20 complete education program. 21 So can we just leave "educational 22 program"? Because it's in the contract, and it's -- 23 Montessori is named multiple times in the 24 educational program in the contract. So it's, 25 like -- it's redundant, but also exclusionary from</p>

298	<p>1 all the other pieces.</p> <p>2 COMMISSIONER CARRILLO: I'm going to say</p> <p>3 that's fine. So I'm not going to die on this hill.</p> <p>4 But if I were somebody heading some Montessori</p> <p>5 wherever something, I'd do something to protect the</p> <p>6 brand, for God's sake. I think they've made a big</p> <p>7 mistake in not doing so.</p> <p>8 THE CHAIR: Okay. So the motion still is</p> <p>9 as was read. Nothing has changed.</p> <p>10 Any other discussion or comments?</p> <p>11 Commissioner Carrillo.</p> <p>12 COMMISSIONER CARRILLO: It's like we have</p> <p>13 some schools -- there's one of them in particular</p> <p>14 that I won't call out by name in Northern</p> <p>15 New Mexico. And it just seems like everyone and</p> <p>16 their mother has, you know, an Expeditionary</p> <p>17 Learning, college-prep program. Everyone just wants</p> <p>18 to have these -- everyone wants to be an academy.</p> <p>19 You're not an academy. You're just an</p> <p>20 elementary school. It's this jargon that's used.</p> <p>21 You can tell I'm getting punchy. It's</p> <p>22 after 4:00. But, just, it annoys me, especially the</p> <p>23 Expeditionary Learning thing.</p> <p>24 It just becomes -- the thing is it starts</p> <p>25 not to mean anything if everyone just throws out</p>	300	<p>1 COMMISSIONER ARMIJO: I apologize,</p> <p>2 Commissioner Robbins.</p> <p>3 COMMISSIONER ROBBINS: Yes.</p> <p>4 COMMISSIONER ARMIJO: Thank you.</p> <p>5 THE CHAIR: And thank you. Thank you,</p> <p>6 Delisha, for coming. Thank you, Maitai. Thank you,</p> <p>7 Patricia, for coming and talking to us. We -- you</p> <p>8 coming and talking is always helpful. So thank you.</p> <p>9 MS. DELISHA GORDON-BROWN: Thank you.</p> <p>10 Thank you, Commissioners and Directors.</p> <p>11 THE CHAIR: All right. We are going to --</p> <p>12 we are going to hone in on some of the action items</p> <p>13 we have left. Hone in.</p> <p>14 So we have -- we're going to skip Item 14</p> <p>15 for right now, and then we're going to go to</p> <p>16 Item 15. So we're going to do the next three items,</p> <p>17 15, 16, 17, and try to kind of knock these three</p> <p>18 out.</p> <p>19 Commissioner Carrillo.</p> <p>20 COMMISSIONER CARRILLO: I know this is --</p> <p>21 actually, this isn't long at all when I think about</p> <p>22 board meetings that I've attended. I don't want to</p> <p>23 skip 14. That's a super duper important --</p> <p>24 THE CHAIR: We're going to come back to</p> <p>25 it.</p>
299	<p>1 these terms. And then the students are the ones,</p> <p>2 and the parents, that get cheated. Off my soapbox.</p> <p>3 THE CHAIR: All right. Secretary Armijo,</p> <p>4 if you could call roll.</p> <p>5 COMMISSIONER ARMIJO: Yes. Okay. I don't</p> <p>6 know where I was.</p> <p>7 Okay. Commissioner Taylor.</p> <p>8 Oh, Commissioner Taylor left. I'm sorry.</p> <p>9 Commissioner -- Vice Chair Voigt.</p> <p>10 COMMISSIONER VOIGT: Yes.</p> <p>11 COMMISSIONER ARMIJO: Secretary Armijo</p> <p>12 votes yes.</p> <p>13 Chair Burt.</p> <p>14 THE CHAIR: Yes.</p> <p>15 COMMISSIONER ARMIJO: Commissioner</p> <p>16 Carrillo.</p> <p>17 COMMISSIONER CARRILLO: Yes.</p> <p>18 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>19 COMMISSIONER GIPSON: Yes.</p> <p>20 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>21 COMMISSIONER MANIS: Yes.</p> <p>22 COMMISSIONER ARMIJO: That passes, seven</p> <p>23 to zero.</p> <p>24 COMMISSIONER ROBBINS: Commissioner</p> <p>25 Robbins votes yes also.</p>	301	<p>1 COMMISSIONER GIPSON: She said for now.</p> <p>2 COMMISSIONER CARRILLO: You promise?</p> <p>3 Pinky-swear? Pinky-swear across the dais?</p> <p>4 THE CHAIR: Yeah, of course. So</p> <p>5 Commissioner Taylor did have to leave. I have a</p> <p>6 prior obligation to where I have to leave at 5:30,</p> <p>7 and I'm very concerned about maintaining quorum. So</p> <p>8 I would like to focus on the action items, so if we</p> <p>9 need to move to subcommittee -- unfortunately, I</p> <p>10 apologize -- that it can still continue under</p> <p>11 Vice Chair Voigt.</p> <p>12 But those items have no action later on.</p> <p>13 And also that; right? So if there's -- if --</p> <p>14 ideally not. But if we have to move to</p> <p>15 subcommittee, I would like to not have actionable</p> <p>16 items left on the agenda. So that's why we're</p> <p>17 choosing that.</p> <p>18 Okay. Item No. 15, Discussion and</p> <p>19 Possible Action on PEC Calendar Change Including</p> <p>20 Addition to Approve Explore Academy-Rio Rancho</p> <p>21 Contract.</p> <p>22 The updated calendar is in the Google</p> <p>23 Drive. So we added -- we changed some of the dates</p> <p>24 that we discussed. The -- based off of the new</p> <p>25 school application timeline that we discussed. So</p>

<p style="text-align: right;">302</p> <p>1 we moved those dates a little bit. 2 Then we are also proposing to make 3 November 7th a work session and then meeting. 4 So right now, it just says, "Possible Work 5 Session," or it may say, "Work Session." It will be 6 Work Session and a formal meeting. 7 That meeting will only be to approve that 8 contract. So the Work Session has already been 9 planned out. But we -- and then we have to finish 10 before noon that day. So that's why we're going to 11 keep that particular Work Session meeting very 12 limited. 13 If there's any emergency items, that would 14 be discussed by the Executive Committee and added. 15 But we have a very short, small window that morning 16 to do that meeting. So that is -- it will be Work 17 Session and then formal meeting. And those are the 18 changes to the calendar. November 1st does not need 19 to be added though the calendar. 20 COMMISSIONER VOIGT: Can I make a motion? 21 THE CHAIR: Vice Chair Voigt, motion. 22 COMMISSIONER VOIGT: I move that the 23 Public Education commission adopt the changes to the 24 PEC calendar for 2022 and 2023, as shown on the 25 updated calendar as set forth in Items 15.a. and</p>	<p style="text-align: right;">304</p> <p>1 COMMISSIONER CARRILLO: Yes. 2 COMMISSIONER ARMIJO: Commissioner Gipson. 3 COMMISSIONER GIPSON: Yes. 4 COMMISSIONER ARMIJO: Commissioner Manis. 5 COMMISSIONER MANIS: Yes. 6 COMMISSIONER ARMIJO: Commissioner 7 Robbins. 8 COMMISSIONER ROBBINS: Yes. 9 COMMISSIONER ARMIJO: That passes, seven 10 to zero. 11 THE CHAIR: Thank you. 12 Item No. 16 is Discussion and Possible 13 Action on New School Application. 14 Dr. Russell, can you lead us through that 15 one? 16 DR. BRIGETTE RUSSELL: Yes, Chair Burt. 17 Now I'm trying to remember -- oh, my 18 goodness. Okay. New School Application. 19 Timeline -- okay. So the New School 20 App- -- and I should probably share my screen. So I 21 have two documents in the meeting materials. 16.c. 22 is a redline of the -- the New Application. And 23 16.d. is a changes-accepted, cleaned-up version of 24 the application. 25 So I'm going to share my screen with the</p>
<p style="text-align: right;">303</p> <p>1 15.b. 2 THE CHAIR: Before anyone seconds, 3 Dr. Russell. 4 DR. BRIGETTE RUSSELL: So Item 15.a. 5 showed November 7th as a Work Session. I copied 6 that and renamed it Item 15.d. and changed 7 to the 7 same color as a PEC meeting. So it's actually 8 Item 15.d. 9 THE CHAIR: Okay. So can you -- would you 10 accept a friendly amendment? Instead of 15.a., it 11 would be 15.d.? 12 COMMISSIONER VOIGT: Yes. 13 COMMISSIONER CARRILLO: Second. 14 THE CHAIR: Thank you. There's a motion 15 and a second. 16 Any discussion on the motion as amended? 17 All right. Secretary Armijo. 18 COMMISSIONER ARMIJO: Vice Chair Voigt. 19 COMMISSIONER VOIGT: Yes. 20 COMMISSIONER ARMIJO: Secretary Armijo 21 votes yes. 22 Chair Burt. 23 THE CHAIR: Yes. 24 COMMISSIONER ARMIJO: Commissioner 25 Carrillo.</p>	<p style="text-align: right;">305</p> <p>1 cleaned-up version and only show the timeline page. 2 So here we have a streamlined timeline. 3 PSFA Facilities Plan is moved up above the charter 4 deadline, because it happens in April. 5 Extraneous, you know, you have to do this, 6 you have to do that is in the instructions portion. 7 This is just timeline. 8 Capacity -- so Substantive Review Period 9 does not include a Preliminary Report. 10 Capacity Interviews. Preliminary Analysis 11 is sent to the schools and PEC after the Capacity 12 Interview by June 30th. 13 Input hearings, July 10th through 12th, 14 the week prior to the PEC meeting. 15 Community Input between July 11th and 16 13th. 17 CSD Analysis by July 14th. 18 PEC informs applicants of concerns by 19 July 21st. 20 And the PEC will hold the decision-making 21 meeting on August 25th, the week after initially 22 scheduled so that there are more than 30 days from 23 the letter to the decision-making. 24 THE CHAIR: Thank you, Dr. Russell. 25 Any questions or comments from</p>

<p style="text-align: right;">306</p> <p>1 Commissioners?</p> <p>2 All right. So I'll say I really like</p> <p>3 this. And I'm really glad that you-all are</p> <p>4 thinking -- obviously, I know that you-all are in</p> <p>5 continual improvement mode, but thinking about how</p> <p>6 to also, you know, deal with the -- what we're</p> <p>7 throwing at you-all with the different timelines and</p> <p>8 moving things around and having to make that best</p> <p>9 and being thoughtful about how the process goes for</p> <p>10 applicants, I'm really grateful for that.</p> <p>11 DR. BRIGITTE RUSSELL: One thing regarding</p> <p>12 the New Application, the cover has the picture from</p> <p>13 the olden times, you know. Everything -- 'cause I</p> <p>14 tried so hard to get that document -- there are some</p> <p>15 wonky formatting things.</p> <p>16 I'm just going to leave it alone and</p> <p>17 sometime next summer, I'm going to try to work on it</p> <p>18 so that the 2024 New Application, the cover will</p> <p>19 look like ours.</p> <p>20 THE CHAIR: It's modern. All right. If</p> <p>21 anyone else wants to feel like you're in the olden</p> <p>22 days anymore, my children referred to me as being</p> <p>23 born in the late 1900s. So that was real nice of</p> <p>24 them. Just throwing that out there. It made me</p> <p>25 feel really old.</p>	<p style="text-align: right;">308</p> <p>1 COMMISSIONER ARMIJO: Commissioner</p> <p>2 Robbins.</p> <p>3 COMMISSIONER ROBBINS: Yes.</p> <p>4 COMMISSIONER ARMIJO: And Vice Chair</p> <p>5 Voigt.</p> <p>6 COMMISSIONER VOIGT: Yes.</p> <p>7 COMMISSIONER ARMIJO: That passes, seven</p> <p>8 to zero.</p> <p>9 THE CHAIR: Great. And that'll bring us</p> <p>10 to Decision and Possible Action on Implementation</p> <p>11 Year Checklist. Dr. Russell again.</p> <p>12 DR. BRIGITTE RUSSELL: Oh, boy. Okay.</p> <p>13 Implementation Year Checklist.</p> <p>14 So go -- Implementation Year Checklist</p> <p>15 Draft. Okay.</p> <p>16 The only changes that have been made --</p> <p>17 I'm opening it up. Actually, I don't think I need</p> <p>18 to open it up.</p> <p>19 The only changes that have been made to</p> <p>20 the Implementation Year Checklist since you last saw</p> <p>21 it is that all of the statute and code has been</p> <p>22 hyperlinked.</p> <p>23 So many thanks to William Spotts, who did</p> <p>24 that for us.</p> <p>25 I spot-checked a lot of the links, and</p>
<p style="text-align: right;">307</p> <p>1 All right. I never heard that before.</p> <p>2 Late 1900s. I couldn't -- all right.</p> <p>3 Commissioner Voigt.</p> <p>4 COMMISSIONER VOIGT: I move that the</p> <p>5 Public Education Commission adopt the dates and</p> <p>6 actions for New School Applicants, as set forth in</p> <p>7 item 16.e.</p> <p>8 COMMISSIONER CARRILLO: Second.</p> <p>9 THE CHAIR: Thank you. There's a motion</p> <p>10 and a second.</p> <p>11 Any discussion?</p> <p>12 (No response.)</p> <p>13 THE CHAIR: All right. Hearing none,</p> <p>14 Secretary Armijo.</p> <p>15 COMMISSIONER ARMIJO: Thank you.</p> <p>16 Secretary Armijo votes yes.</p> <p>17 Chair Burt.</p> <p>18 THE CHAIR: Yes.</p> <p>19 COMMISSIONER ARMIJO: Commissioner</p> <p>20 Carrillo.</p> <p>21 COMMISSIONER CARRILLO: Yeah.</p> <p>22 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>23 COMMISSIONER GIPSON: Yes.</p> <p>24 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>25 COMMISSIONER MANIS: Yes.</p>	<p style="text-align: right;">309</p> <p>1 they were all perfect. So everything else is the</p> <p>2 same. We've just linked the statute for ease of the</p> <p>3 applicant looking things up, and no other changes.</p> <p>4 THE CHAIR: All right. Commissioners, any</p> <p>5 questions or comments? Implementation Year</p> <p>6 Checklist?</p> <p>7 (No response.)</p> <p>8 THE CHAIR: All right. Seeing none,</p> <p>9 Secretary Armijo.</p> <p>10 COMMISSIONER ARMIJO: I think we need a</p> <p>11 motion first.</p> <p>12 THE CHAIR: Oh, my gosh.</p> <p>13 COMMISSIONER ROBBINS: I'll move for</p> <p>14 approval of the Implementation Year Checklist.</p> <p>15 COMMISSIONER VOIGT: As set forth in</p> <p>16 Item 17.</p> <p>17 COMMISSIONER GIPSON: Second.</p> <p>18 THE CHAIR: Thank you. So sorry. I'm</p> <p>19 really moving. Secretary Armijo.</p> <p>20 COMMISSIONER ARMIJO: Chair Burt.</p> <p>21 THE CHAIR: Yes.</p> <p>22 COMMISSIONER ARMIJO: Commissioner</p> <p>23 Carrillo.</p> <p>24 COMMISSIONER CARRILLO: Yes.</p> <p>25 COMMISSIONER ARMIJO: Commissioner Gipson.</p>

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1 COMMISSIONER GIPSON: Yes.
 2 COMMISSIONER ARMIJO: Commissioner Manis.
 3 I'll come back to him.
 4 Commissioner Robbins.
 5 COMMISSIONER ROBBINS: Yes.
 6 COMMISSIONER ARMIJO: Vice Chair Voigt.
 7 COMMISSIONER VOIGT: Yes.
 8 COMMISSIONER ARMIJO: Secretary Armijo
 9 votes yes.
 10 And Commissioner Manis.
 11 COMMISSIONER MANIS: (No response.)
 12 COMMISSIONER ARMIJO: Okay. That passes,
 13 six to zero.
 14 COMMISSIONER MANIS: Yes, ma'am.
 15 COMMISSIONER ARMIJO: Okay. Thank you.
 16 There he is. Thank you. Seven to zero.
 17 THE CHAIR: All right. So that'll bring
 18 us -- our last item that is an action item is going
 19 to be back to Item No. 8. So we're going to go --
 20 Dr. Russell, before I do that.
 21 DR. BRIGETTE RUSSELL: Item 18 is
 22 Ms. Brown, and she has to leave by 5:00.
 23 THE CHAIR: Okay.
 24 MS. MELISSA BROWN: It's not a vote.
 25 DR. BRIGITTE RUSSELL: But don't you need

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1 to present something?
 2 THE CHAIR: It's Director Chavez? Okay.
 3 All right. So we'll come back to that.
 4 So thank you. So we are going to go back
 5 to item No. 8, which is the Legislative Agenda.
 6 COMMISSIONER ROBBINS: Oh, my gosh. I
 7 forgot. We hadn't done that. We didn't finish
 8 that.
 9 THE CHAIR: All right. Yeah. So we are
 10 on Item No. 4, which is "Explicit language for PEC
 11 rule-making under the Charter School Act."
 12 COMMISSIONER ROBBINS: Yes.
 13 THE CHAIR: And I'll let Ms. Barnes talk
 14 about it. But that's which one we're on, so just to
 15 orient everyone where we're at.
 16 MS. JULIA BARNES: Thank you. I have
 17 looked at where you could do PEC rule-making. You
 18 could do it under the Charter School Act. But you
 19 can actually do it in a different place, which is
 20 the section in law that looks at the general roles
 21 of the PEC and the PED.
 22 So if you did it under the different
 23 section, you would not open up the Charter School
 24 Act. Some of these other things may open up the
 25 Charter School Act. But it doesn't have to happen

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1 under the Charter School Act.
 2 The other thing is, in terms of
 3 rule-making, is there's quite often in law -- well,
 4 sometimes in law where two entities work together
 5 and consult with each other. So it doesn't have to
 6 be just PEC rule-making. It could be drafted in a
 7 way that said PEC and PED in collaboration. And
 8 that would be consistent with 9-22-8, which is both
 9 the PEC authority and the PED authority, and,
 10 actually talks part about the administrative
 11 attachment.
 12 So there's quite a few options there. I
 13 just wanted to highlight that.
 14 THE CHAIR: Commissioner Robbins.
 15 COMMISSIONER ROBBINS: Well, given we have
 16 some lawyers that indicate we don't have the
 17 authority except under PED, I would urge the
 18 Commission to approve requesting legislation to give
 19 PEC explicit rule-making authority in compliance
 20 with the educational rules for the State of New
 21 Mexico.
 22 In other words, we cannot make a rule that
 23 would be contrary to PED rule-making, but we can
 24 make rule-making that is the exclusive purview of
 25 Public Education Commission. It's a long motion,

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1 but -- it's not even a motion. But that's my wish
 2 and my direction.
 3 THE CHAIR: Commissioner Gipson.
 4 COMMISSIONER GIPSON: You know, I firmly
 5 believe we have the right to do the rule-making.
 6 But I agree that it has to be -- well, it just has
 7 to be clarified so there's not this -- well, it has
 8 to be clarified that we have the ability to do it.
 9 So if it has to be through legislation --
 10 but -- excuse me. I'm trying to think whether this
 11 is something that's going to pique someone's
 12 interest that they're going to sponsor this
 13 legislation. That's just -- you know, like, on top
 14 of priorities when we're worrying about serving kids
 15 and things like that, I just -- that's my -- I would
 16 like to see it.
 17 I just don't know whether it'll get any
 18 traction. I think this is one of those things where
 19 you put it in, and it could take us three
 20 Legislative Sessions to finally get it to stick
 21 somewhere, as so many pieces of legislation do.
 22 I mean, those that aren't that familiar
 23 need to understand that so often, legislation -- you
 24 put it in the first year because you're just hoping
 25 it gets conversation. And then it gets more

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1 conversation. And it's not that usual that many
2 things get through the first time around. So I
3 don't know.

4 I don't -- however much -- however we can
5 do it where we don't open up the Charter School Act,
6 that's absolutely paramount.

7 So I'm kind of on the fence with this one
8 in terms of whether it needs -- whether it should
9 be -- it should be legislation this time around.
10 But I firmly believe that we do have the right to --
11 or the authority to do rule-making now.

12 THE CHAIR: Commissioner Carrillo, I don't
13 know if you were just --

14 COMMISSIONER CARRILLO: Just waving
15 around.

16 THE CHAIR: Commissioner Carrillo.

17 COMMISSIONER CARRILLO: No. I agree with
18 both Commissioners. I don't want any language to
19 risk opening up the Charter School Act. And I agree
20 that there's probably some lawmakers that would
21 consider this more self-serving. They might see it
22 that way, so it might not garner the support it
23 should. But in principle, I like the idea.

24 THE CHAIR: Yeah. I think, for me, this
25 one is actually, to me, on the, like, top of my

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1 elected each cycle.

2 Those are things that should be
3 established and shouldn't be affected by election
4 cycles. And having that in effect -- this is not
5 the easy way for us. The easy way for us is voting
6 on it -- introducing it one month, voting on it the
7 next month. That's way easier.

8 This is not self-serving at all. This is
9 way more difficult for us to do. But there are
10 pieces of our work that need that, that deserve
11 that. And the schools deserve to have that
12 consistency and stability from us as well.

13 I do think there are some external folks
14 that would support us in this, because we have heard
15 from people that this is something that needs to
16 happen. And it's not clear how it should happen.

17 So we all saw the letter that said there
18 needs to be rules; right? Like, that has been --
19 that has been clear for quite some time now. And
20 we -- I think, for me, this is a really high
21 priority.

22 Okay. Commissioner Robbins.

23 COMMISSIONER ROBBINS: Well, I was going
24 to make a motion, too. But if Commissioner Voigt
25 wants to do it, that's fine with me.

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1 priority list, because I don't want to argue about
2 it. I don't want -- I do believe we need to put
3 things in rule. I do believe that.

4 We need to. We need to do that for the
5 schools. The schools are asking for it. This is
6 one thing that is very loud and clear that the
7 schools have said that they want to feel a layer of
8 stability in these processes that we're making in
9 different things that we're doing. They want to
10 feel stable in them. And this is the best way to do
11 it.

12 And so I would like to have it clarified
13 to where it's not -- I know that the PED's argument
14 is that there's nowhere in there where explicitly
15 says we do have rule-making authority. They're
16 correct. We do not have explicit rule-making
17 authority. So I would like to pursue changing that.

18 And I think - it isn't self-serving at all
19 for us. We're making it -- just to be clear, this
20 makes it more difficult on us to change things that
21 we might need to change in the future as well.

22 This serves schools more than anyone else.
23 This -- that's who it benefits. I actually think it
24 benefits CSD to have clear process and guidelines
25 that aren't going to change based off of who gets

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1 COMMISSIONER VOIGT: Got it in my head.

2 COMMISSIONER ROBBINS: Go right ahead.

3 COMMISSIONER VOIGT: Okay. I'd like to
4 move that the PEC pursue legislation that will allow
5 explicit language for the PEC to do rule-making
6 under the Charter School Act.

7 THE CHAIR: No, not under the Charter
8 School Act. Not under the --

9 COMMISSIONER VOIGT: Okay. Not under the
10 Charter School Act. To do rule-making, period.

11 COMMISSIONER ROBBINS: Could I revise and
12 suggest?

13 COMMISSIONER VOIGT: Go ahead. Take a
14 stab.

15 COMMISSIONER ROBBINS: I move that the
16 Public Education Commission move -- or I move that
17 they seek legislative authority, explicit
18 legislative authority, for rule-making.

19 COMMISSIONER CARRILLO: Second.

20 THE CHAIR: Yes.

21 All right. Any other question or comment?

22 And I think -- I mean, I don't know -- I
23 don't know if this is something -- I think, you
24 know, once again, Commissioner Gipson is spot-on. I
25 don't know if it's something that this year we get

318	<p>1 right away. Maybe it takes another year or two. It 2 gets some traction. Maybe we get it done. But I 3 think we need to start it. And, ideally -- once 4 again, we can come up with some kind of compromise 5 in the meantime. But -- (Discussion off-mic.) 6 THE CHAIR: Okay. All right. Seeing no 7 other comment, Secretary Armijo. 8 COMMISSIONER ARMIJO: Commissioner 9 Carrillo. 10 COMMISSIONER GIPSON: See? She called on 11 you first. 12 COMMISSIONER CARRILLO: Hello. Yes. 13 COMMISSIONER ARMIJO: I like to mix it up. 14 Commissioner Gipson. 15 COMMISSIONER GIPSON: Yes. Before, he 16 said, "She never calls on me first." 17 COMMISSIONER ARMIJO: Commissioner Manis. 18 COMMISSIONER MANIS: Yes. 19 COMMISSIONER ARMIJO: Commissioner 20 Robbins. 21 COMMISSIONER ROBBINS: Yes. 22 COMMISSIONER ARMIJO: Vice Chair Voigt. 23 COMMISSIONER VOIGT: Yes. 24 COMMISSIONER ARMIJO: Secretary Armijo 25 votes yes.</p>	320	<p>1 this change, but I don't like the pathway to get to 2 the change at this moment in time. 3 I think the -- you know, if we could 4 change it, otherwise, absolutely, you know. We've 5 never had a school not agree to the 30 days. 6 There's always that possibility. But we've never 7 had a school that has not agreed to waive that 8 30 days, you know? 9 But I'd like to see it changed. But I 10 just don't -- if you can tell me there's a pathway 11 without opening up the Charter School Act, I'm with 12 you; but... 13 THE CHAIR: Ms. Barnes. 14 MS. JULIA BARNES: I just want to point 15 out that anything that you voted on that's 22-8B is 16 the Charter School Act. So you have several motions 17 up above where you're opening -- the only way to do 18 it is to open up the Charter School Act. 19 COMMISSIONER GIPSON: Open up the Charter 20 School Act. Okay. Okay. I support the concept, so 21 have at it. 22 THE CHAIR: Commissioner Carrillo. 23 COMMISSIONER CARRILLO: So this would say 24 that, absolutely, we have to have a contract within 25 30 days; isn't that correct?</p>
319	<p>1 Chair Burt. 2 THE CHAIR: Yes. 3 COMMISSIONER ARMIJO: That passes, 4 seven -- did I miss somebody? Oh, no. Seven to 5 zero. 6 THE CHAIR: Great. That'll take us to 7 Item No. 5. Ms. Barnes. 8 MS. JULIA BARNES: So the next one is yet 9 another one of those ones that, in the Charter 10 School Act, that sometimes you have discretion to 11 make date changes, sometimes you don't. 12 If you're going to open up the Charter 13 School Act, you may -- you should go ahead and just 14 clarify the things that are wonky. And one of them 15 is this 30 -- that you have to have a charter school 16 contract within 30 days. 17 We get agreement from the charter schools 18 to extend it. I think it's impossible to meet that 19 deadline if anyone is going to celebrate any of the 20 end-of-the-year holidays, including school leaders. 21 By if you're going to open it, it's an easy change. 22 THE CHAIR: Commissioner Gipson. 23 COMMISSIONER GIPSON: Well, I think we've 24 kind of all agreed that we don't want to open up the 25 Charter School Act. So I wholeheartedly support</p>	321	<p>1 COMMISSIONER GIPSON: No, the law says 2 that now. 3 COMMISSIONER CARRILLO: And we don't like 4 that? Or we do like that? 5 COMMISSIONER GIPSON: We can't do it. We 6 can't do the contract negotiations within 30 days of 7 when we renew the school. 8 COMMISSIONER CARRILLO: Oh. Got it. 9 That's too soon of a time frame. It's not 10 realistic. Okay. 11 THE CHAIR: All right. So it seems like 12 this is one of those where it's just to align it to 13 the practice; right? They wrote it. But that was 14 before it actually ever got implemented. And so now 15 it's, you know, just -- right? -- correcting those 16 pieces. 17 All right. So, yeah, I guess I'll support 18 it if it's kind of compiled with the other items 19 that are already -- that we're talking about. The 20 2 percent money is what we're -- that's already -- 21 what; right? That opens up the Charter School Act. 22 So I think if this is part of that. I'd be okay be 23 with it. If it's this alone, I probably wouldn't 24 support it, probably. 25 Any other comments or questions? Or are</p>

322	<p>1 we ready for a motion?</p> <p>2 All right. Commissioner Robbins.</p> <p>3 COMMISSIONER ROBBINS: I'll move that the</p> <p>4 Public Education Commission pursue legislation to</p> <p>5 provide a modified timing for the entering into a</p> <p>6 contract with an applicant that does not restrict</p> <p>7 the Commission or applicant to a 30-day deadline.</p> <p>8 COMMISSIONER CARRILLO: Second.</p> <p>9 THE CHAIR: Thank you. There's a motion</p> <p>10 by Commissioner Robbins and a second by Commissioner</p> <p>11 Carrillo.</p> <p>12 Any other comments by Commissioners?</p> <p>13 (No response.)</p> <p>14 THE CHAIR: All right. Seeing none,</p> <p>15 secretary Armijo.</p> <p>16 COMMISSIONER GIPSON: It's my turn.</p> <p>17 COMMISSIONER ARMIJO: You're making me</p> <p>18 laugh. Okay.</p> <p>19 Commissioner Gipson.</p> <p>20 COMMISSIONER GIPSON: Yes.</p> <p>21 COMMISSIONER ARMIJO: Commissioner Manis,</p> <p>22 I don't think is on any longer.</p> <p>23 Commissioner Robbins.</p> <p>24 COMMISSIONER ROBBINS: Yes.</p> <p>25 COMMISSIONER ARMIJO: Vice Chair Voigt.</p>	324	<p>1 never-ending. I mean, they are just going to -- if</p> <p>2 we pass this, it would just seem that they're going</p> <p>3 to take us to courts one way or another if they</p> <p>4 don't like a decision.</p> <p>5 COMMISSIONER GIPSON: They wouldn't be</p> <p>6 able to.</p> <p>7 THE CHAIR: Yeah. I think this eliminates</p> <p>8 that path. There is no opportunity for --</p> <p>9 COMMISSIONER CARRILLO: But can we legally</p> <p>10 eliminate someone's path to go to court? They might</p> <p>11 take this action to court. It just seems like -- I</p> <p>12 mean, I'm not an attorney, even though I play one on</p> <p>13 TV. It's -- I don't know.</p> <p>14 THE CHAIR: There is precedent in other</p> <p>15 states. There is precedent around the nation.</p> <p>16 COMMISSIONER CARRILLO: Oh. Didn't you</p> <p>17 tell me the guy in New Jersey, the Secretary, gets</p> <p>18 to be the only person, period?</p> <p>19 THE CHAIR: It's not even a Secretary.</p> <p>20 It's the authorizer. There's one person. There's</p> <p>21 nothing else. So there is precedent.</p> <p>22 COMMISSIONER CARRILLO: I'm tired of all</p> <p>23 this. Because ultimately what it does also is it</p> <p>24 takes money right out of the classroom by using SEG</p> <p>25 money to constantly pay their attorneys and go to</p>
323	<p>1 COMMISSIONER VOIGT: Yes.</p> <p>2 COMMISSIONER ARMIJO: Secretary Armijo</p> <p>3 votes yes.</p> <p>4 Chair Burt.</p> <p>5 THE CHAIR: Yes.</p> <p>6 COMMISSIONER ARMIJO: Commissioner</p> <p>7 Carrillo.</p> <p>8 COMMISSIONER CARRILLO: Yes.</p> <p>9 COMMISSIONER ARMIJO: That passes, six to</p> <p>10 zero.</p> <p>11 THE CHAIR: Thank you. All right. Next</p> <p>12 item, Item No. 6. Ms. Barnes.</p> <p>13 MS. JULIA BARNES: Thank you. Item No. 6</p> <p>14 is a suggestion, again, within the charter school</p> <p>15 law, the Charter School Act, to change the appellate</p> <p>16 review process. The concept identified was to have</p> <p>17 the review at the PED be the final review.</p> <p>18 It's an easy drafting change. It's</p> <p>19 potentially a very big substantive change, but it's</p> <p>20 not hard to draft.</p> <p>21 THE CHAIR: Commissioner Carrillo.</p> <p>22 COMMISSIONER CARRILLO: So, essentially,</p> <p>23 we're saying it all ends at PED with the Secretary</p> <p>24 and that they can't go to District Court. My</p> <p>25 impression of the ability of people to litigate is</p>	325	<p>1 court.</p> <p>2 THE CHAIR: Commissioner Gipson.</p> <p>3 COMMISSIONER GIPSON: So I agree with</p> <p>4 this, with one exception. My concern is what if, as</p> <p>5 we used the example before, when the Cabinet</p> <p>6 Secretary exercised his right to question our</p> <p>7 action, if this -- would this stop us then from</p> <p>8 being able to go to court against that action?</p> <p>9 Because that's -- you know, we still need that</p> <p>10 pathway. That's my concern.</p> <p>11 THE CHAIR: So we would have to be</p> <p>12 specific to eliminating the school's opportunity --</p> <p>13 COMMISSIONER GIPSON: Correct.</p> <p>14 THE CHAIR: -- to appeal past the</p> <p>15 Secretary.</p> <p>16 COMMISSIONER GIPSON: Yeah. Because, you</p> <p>17 know, we have a school that wouldn't be open right</p> <p>18 now if we hadn't had that ability to go to court</p> <p>19 with that. Or eliminate the Cabinet Secretary's</p> <p>20 ability to question our -- take that out.</p> <p>21 THE CHAIR: So then no appeal from us --</p> <p>22 there's just no appeal process at all?</p> <p>23 COMMISSIONER CARRILLO: We're the final</p> <p>24 say.</p> <p>25 COMMISSIONER GIPSON: Well, no, we're not,</p>

<p style="text-align: right;">326</p> <p>1 because we're still saying -- right now we're 2 saying -- no, I'm going to take that back. Because 3 I still think we need the ability to be able to 4 react and act if there is a majority on the 5 Commission that disagree with that decision made. 6 Because, in many cases, that hearing is done by a 7 hearing officer that's not an educational expert. 8 So I want to retain the ability for the 9 Commission to be able to appeal a decision made by 10 the Cabinet Secretary. Because it doesn't happen 11 that often, you know. 12 COMMISSIONER CARRILLO: I like it. 13 COMMISSIONER GIPSON: But it happens too 14 often, because the easy pathway to staying open, 15 unfortunately, is for schools to the district court. 16 COMMISSIONER CARRILLO: I agree. 17 THE CHAIR: Commissioner Robbins. 18 COMMISSIONER ROBBINS: Well, I think this 19 is a question for counsel. How -- how practical is 20 it to say we want to have the ability to either 21 override or challenge the Secretary's decision, but 22 we don't want schools to be able to override it? 23 I mean, can you -- can laws be set up in 24 such a way that we have the ability, but other 25 people don't? Because it seems like if you give --</p>	<p style="text-align: right;">328</p> <p>1 pulled from this, you know, the sentence -- and I 2 just dropped it into the memo. 3 The sentence that's in law that gives the 4 appeal to the District Court is only applicable if 5 that sentence is in law. 6 So 39-3-11 only applies if you have a 7 sentence in your statute like we do now. So if you 8 take that sentence out of the statute, you wouldn't 9 have a right to go to District Court. So it's not 10 an absolute right to go to District Court. 11 What you're asking is can we have the 12 sentence in there only for charter schools? I don't 13 know. I'd have to look at it. I'm still not 14 positive I've answered your question. 15 COMMISSIONER ROBBINS: Well, as a 16 Commission, we're not technically -- I guess you can 17 argue semantics -- an agency. We are a duly elected 18 body, different from state agencies. We are 19 distinctly different from state agencies in that we 20 are all elected, publicly elected, officials. 21 But that was my question, is, you know, 22 could you make it in such a way that an elected 23 body's decision, you know, for procedural or 24 something like that, is unappealable? 25 MS. JULIA BARNES: I think you could craft</p>
<p style="text-align: right;">327</p> <p>1 I mean, you know, if you give someone the ability, 2 then you give everyone the ability if they meet 3 certain conditions. 4 I mean, we're an authorizer. But can a 5 law be written in such a way that only the 6 authorizer would have -- only the authorizer would 7 have the ability to appeal a decision by the 8 Secretary? I mean, is that possible and reasonable? 9 I mean, I say you can try anything. But would -- 10 but what's the legality of such a move? 11 MS. JULIA BARNES: I haven't looked at it, 12 although I kind of echo your concerns that can you 13 piecemeal who gets to do what. And then there's 14 certainly a political reality with the legislation 15 getting through. 16 So I haven't looked at it to see if you 17 could do it. But I do echo your -- your concern 18 that you're piecemealing it. Maybe. I don't know. 19 And if you could, could it pass? I don't know. 20 COMMISSIONER ROBBINS: Would it be -- and, 21 again, would it be easier to get legislation 22 approved by the court? In other words, it wouldn't 23 be challengeable in court and everything if the 24 legislation was that decisions of the PEC are final. 25 MS. JULIA BARNES: Well, I just -- I just</p>	<p style="text-align: right;">329</p> <p>1 legislation that said that. But would that pass. 2 COMMISSIONER ROBBINS: Would it get 3 through the legislature. Okay. 4 MS. JULIA BARNES: But many bodies have 5 appellate review or reviews to other -- I think it 6 would be out of synch with what -- but, again, I 7 haven't researched this question. 8 COMMISSIONER ROBBINS: And I understand 9 other states do it. But it's a matter of what is 10 the practice in New Mexico with agencies and the 11 ability for appeal. Thank you. 12 COMMISSIONER GIPSON: And I think this 13 also -- does this -- or could this, potentially, the 14 way we're looking at it -- because we haven't worded 15 as -- we haven't worded it necessarily as 16 State-authorized, because district schools, 17 charters, have the same pathway. 18 So if we take this out, and the 19 legislation is broad, would it -- would it also 20 eliminate a district charter's ability to appeal 21 beyond -- well, no, they do. They go to the Cabinet 22 Secretary if the board -- so -- but would this 23 eliminate the district charters as well from being 24 able to appeal to District Court? 25 Because if it does, then I think there has</p>

<p style="text-align: right;">330</p> <p>1 to be consideration of whether they support that or 2 not, because there's more of them than there is of 3 our schools. Or pretty close. 4 COMMISSIONER ROBBINS: There's 40 district 5 schools. We have almost 60. 6 MS. JULIA BARNES: Yes, it would eliminate 7 that. 8 COMMISSIONER GIPSON: That's a question. 9 So I think the conversation needs to also include 10 those schools, because we're kind of making that 11 decision for them, and they may not necessarily 12 agree with that. I don't know. 13 THE CHAIR: Commissioner Carrillo. 14 COMMISSIONER CARRILLO: That could be 15 something that we do together with the NMSBA. 16 COMMISSIONER GIPSON: I'm talking district 17 charters, not districts. 18 COMMISSIONER CARRILLO: Yeah. But since 19 all of those, it's the board members from those 20 districts that approve those charters. Exactly. 21 So, anyway, I have a question. 22 Well, basically, I'd like us to have 23 absolute power, period. 24 But I have a question. 25 Ms. Barnes, a parole board, if they make a</p>	<p style="text-align: right;">332</p> <p>1 COMMISSIONER GIPSON: Yeah. I think -- 2 THE CHAIR: I mean, it still gives 3 direction. It still gives direction. 4 COMMISSIONER GIPSON: I think because it 5 has a significant effect on folks that haven't had a 6 voice here, I think it needs to -- I prefer to wait. 7 THE CHAIR: Okay. So we'll go ahead and 8 hold off on this one. 9 Julia, if you'll do, like, a little bit of 10 research between now and the December meeting, and 11 we'll talk about this specific one in December and 12 see if it's something -- maybe we don't want to 13 pursue this this year. Maybe -- you know. But 14 maybe it is something that, once again, if we -- if 15 there's any kind of traction, and we can, let's try 16 for it, if that's what we want. 17 All right. Yeah, so it looks like -- so 18 maybe, if you all want to, the rest of these, if 19 any -- I know there's some that are not on this list 20 that would like to be proposed. So we can go to 21 those. 22 Or if there's anything else on the 23 remainder of the list that you feel like should be a 24 priority and on it, then add them as well. 25 So anything else that you want to add?</p>
<p style="text-align: right;">331</p> <p>1 decision that someone's not granted parole -- this 2 is just kind of a thought that came through -- do 3 they then have the ability to go to court and not 4 respect the decision of the parole board? 5 MS. JULIA BARNES: I haven't researched 6 any of these. So you're raising things I don't 7 know. I -- by its term, 39-3-1.1, which is an 8 appeal to District Court, you have to have been 9 granted that authority in the other statute. 10 So you have to have it in the Charter 11 School Act. And then, referring to that, that's 12 what's in here now. 13 I don't know if the parole board does that 14 or not. If it doesn't -- I mean, I can look at it, 15 but -- see what other boards do. 16 COMMISSIONER CARRILLO: I can see it going 17 to the Secretary, and the Secretary saying he 18 doesn't agree with our decision, and then it comes 19 back to us for reconsideration and a final decision. 20 That would make sense to me. 21 THE CHAIR: All right. Is there a motion 22 on this item? Is anyone willing to make a motion 23 for this one? Do we want to pursue it? Is it 24 something we want to hold off on and maybe talk 25 about in December one more time?</p>	<p style="text-align: right;">333</p> <p>1 Commissioner Gipson first. 2 COMMISSIONER GIPSON: And I'm just going 3 to say I think that the charter start-up fund thing 4 kind of goes with the one up above with the stimulus 5 money. So I think they're one and the same, to a 6 great extent. 7 Because what we were looking for before 8 was throwing -- getting money into that stimulus. 9 And it could be -- because it says it can be grants, 10 it can be whatever. So there's significant avenues 11 that money can go into it, outside of just a 12 start-up. 13 But I had an opportunity to speak with the 14 Cabinet Secretary last week. And he was actually 15 lamenting the fact that the LESC is poaching staff 16 too much from the -- from PED. 17 But I was really happy when we were able 18 to put a staff member of CSD in Las Cruces to really 19 help support. And that was starting that rollout of 20 being able to support schools and have that 21 proactive approach. There's someone close. 22 And, unfortunately, that staff member 23 left. One of the reasons -- one of the reasons that 24 they left, they indicated to me, was because they 25 were unable to get travel reimbursement from their</p>

<p style="text-align: right;">334</p> <p>1 home to -- so, as an example, when they traveled to 2 Gallup for a site visit, it cost them about \$100 to 3 do that, and that there was no way to put in for the 4 travel from home destination of Las Cruces to 5 wherever. 6 And that's -- that's not fair. It's not 7 right that people are doing work -- so I had this 8 conversation with the Cabinet Secretary, because I 9 thought it might be a PED travel reimbursement rule. 10 And he said it was DFA. 11 So he asked me if we would be willing 12 to -- he said maybe it's something that we can do 13 jointly to fix the DF- -- whatever it is in DFA's 14 guidance to stop that from happening so that we can 15 help support our schools better by having staff 16 there. And -- 17 COMMISSIONER VOIGT: (Off mic.) 18 COMMISSIONER GIPSON: -- change their 19 travel reimbursement practices so that they can use 20 the employee's home as their -- as the reimbursement 21 point of -- point of start or whatever. Yeah. And 22 I know Commissioner Robbins has -- 23 THE CHAIR: Commissioner Robbins, if 24 you're on this topic, I'll call on you. 25 COMMISSIONER ROBBINS: I am.</p>	<p style="text-align: right;">336</p> <p>1 deny it because your post of duty is Albuquerque, 2 not Las Cruces, they will deny that, and then you 3 have to go through a whole process of appeal. 4 But if PED has put the post of duty for 5 that individual as Las Cruces, they are legally 6 entitled. 7 So it's a matter of working with -- I 8 think the Cabinet Secretary -- working with the 9 Cabinet Secretary at DFA. I don't think anything 10 has to be changed other than maybe clarifying the 11 post of duty of the individual, because you can 12 travel virtually anywhere in the state if you are on 13 official state business and your -- and your policy 14 of your agency allows the use of a personal vehicle, 15 okay? You get mileage. 16 But if it's unavailable, or if you have a 17 State vehicle that's available, you should be using 18 a State vehicle. But your travel, you know, for per 19 diem, for lunches, for dinners, you know, 20 out-of-pocket expenses up to the limits within the 21 Per Diem Act and overnight lodging should be 22 eligible. 23 And it's unfortunate that CSD lost a 24 person in Las Cruces to support the southern part of 25 the state, and so you have to travel out of</p>
<p style="text-align: right;">335</p> <p>1 THE CHAIR: Okay. Great. And, 2 Commissioner Carrillo, you have a different item; 3 correct? 4 COMMISSIONER CARRILLO: The item that I 5 mentioned earlier. 6 COMMISSIONER ROBBINS: One of the things 7 that DFA may be refusing is if the individual's post 8 of duty is not Las Cruces. If their post of duty is 9 Las Cruces, then there is no reason that travel 10 reimbursement from -- from the post of duty in 11 Las Cruces, it would have to -- generally, your post 12 of duty cannot be your home, okay? But from your 13 post of duty to visit should be reimbursable. 14 I mean, there's nothing in -- and I'm 15 pretty well versed in the Per Diem Act -- or Per 16 Diem Rules. 242.2 of the Administrative Code 17 clearly states that you are eligible for 18 reimbursement. And it's from your post of duty, not 19 from your home. It's from your post of duty. 20 So if your post of duty were Albuquerque, 21 and they're trying to claim travel from Las Cruces 22 to -- say, to Gallup, and it's -- you know, I'm just 23 going to use estimates -- it's 150 miles to Gallup 24 from Albuquerque. But if you're traveling from 25 Las Cruces, it's 250 miles, and they're going to</p>	<p style="text-align: right;">337</p> <p>1 Santa Fe. That doesn't make a whole lot of sense. 2 But I would urge the Cabinet Secretary of 3 PED to converse with Secretary Romero of DFA, or 4 Deputy Secretary, to get clarification. Because 5 I've had to have those discussions previously with 6 a, say, controller or deputy secretary to get 7 auditors to understand what the procurement -- not 8 procurement -- what the Per Diem Act and Per Diem 9 Code actually allows. 10 COMMISSIONER GIPSON: So can I just ask a 11 question? And it's maybe simple and ridiculous. 12 But when you refer to post of duty, can it just be a 13 city? 14 COMMISSIONER ROBBINS: I think they have 15 to have an address. 16 COMMISSIONER GIPSON: Because I think part 17 of the issue might be PED doesn't have a physical 18 address in Las Cruces. So what do you use as a post 19 of duty, because they're not attached to the 20 traditional public school? So what would be used as 21 a post of duty? 22 COMMISSIONER ROBBINS: PED could assign -- 23 and it could be -- 24 COMMISSIONER GIPSON: Like, a charter 25 school?</p>

<p style="text-align: right;">338</p> <p>1 COMMISSIONER ROBBINS: It could be a 2 charter school. It could be a regular school. It 3 could be some other state agency. 4 UNIDENTIFIED SPEAKER: Use your mic 5 because Cindy's got to -- 6 COMMISSIONER ROBBINS: Yeah. I'm sorry. 7 PED could designate and work with either another 8 state agency or a charter school to designate that 9 physical location as their post of duty. 10 So that's the issue is, yes, your home 11 cannot necessarily be your post of duty. But, 12 generally speaking, if they say, "Well, CSD/PED has 13 no office in Las Cruces, therefore, someone can't 14 travel from Las Cruces," I understand that. 15 But, again, that's an interpretation, 16 because if the person lives there, physically lives 17 there, and they're traveling, and they are an 18 employee of the agency -- you know, when I was at 19 Tax & Rev, we had people traveling from their homes, 20 from their homes, getting reimbursed, and we didn't 21 have physical offices where their homes were at in 22 the cities, because some of them lived in rural 23 areas. So they were eligible to get per diem. 24 But one way to clarify that and to 25 simplify it would be for PED/CSD to work with</p>	<p style="text-align: right;">340</p> <p>1 I think, through conversations with the Cabinet 2 Secretary, we can move forward on fixing it. 3 THE CHAIR: Okay. Great. Awesome. 4 So Commissioner Carrillo. 5 COMMISSIONER CARRILLO: It would seem as 6 though -- except maybe Item 7 needs to be done. The 7 only thing I was thinking -- and we can do it in 8 December -- is the thing that Commissioner Robbins 9 was talking about relative to the PSCOC and lease 10 reimbursement not being what they should be relative 11 to the rate of inflation. And -- but that can come 12 up in December. So there you go. 13 THE CHAIR: Okay. Sorry, Commissioner 14 Carrillo. I apologize. 15 COMMISSIONER CARRILLO: You can read my 16 comments in the notes. Don't worry about it. 17 THE CHAIR: I will. I will. I'm trying 18 to, like, sort as much as possible. 19 Anything to do with what you just said? 20 Does anyone -- no? Moving on. 21 COMMISSIONER CARRILLO: (Off mic.) 22 THE CHAIR: So is that it on the 23 Legislative Agenda? I see head nods. Okay. That's 24 great. 25 Okay. So that will move us -- so that</p>
<p style="text-align: right;">339</p> <p>1 someone to give them a State-recognized post of 2 duty. 3 COMMISSIONER GIPSON: So it doesn't 4 require legislation. 5 COMMISSIONER ROBBINS: No, no. 6 COMMISSIONER GIPSON: Got you. Okay. 7 COMMISSIONER ROBBINS: It's an 8 administrative solution. 9 COMMISSIONER GIPSON: Okay. Thanks. 10 THE CHAIR: So I'll say, on this one, to 11 me it seems more like a PED -- 12 COMMISSIONER GIPSON: We said it doesn't 13 need legislation. 14 THE CHAIR: I would say -- if it did come 15 up, this is something that, then -- you know, maybe 16 we don't seek out. We're not looking. But if 17 something, anything like this did come up, I would 18 say I would support it. So maybe that's how we can 19 manage this -- that item is if it were to come up, 20 the PEC would support that kind of flexibility or 21 change in the future. 22 So I don't know if we want to do a motion 23 on that. 24 COMMISSIONER GIPSON: I don't think so. I 25 think it's -- you know, I doubt it'll come up. But</p>	<p style="text-align: right;">341</p> <p>1 moves us from Item No. 8 -- we're all done with 2 that. And so I think that brings us to Item No. 14, 3 which is Discussion and Update on Cesar Chavez 4 Community School's Notice of Dispute and Upcoming 5 Steps. 6 And with that, I am going to head out. 7 And so we will not -- no longer -- we will no longer 8 be in quorum, and we'll be moving to subcommittee. 9 COMMISSIONER VOIGT: Have a safe trip 10 home. That's okay. Just keep those margaritas in 11 mind. 12 So Julia, do you want to discuss this 13 item? 14 MS. JULIA BARNES: Yeah. I'll just give 15 you an update. 16 COMMISSIONER VOIGT: Thank you. 17 MS. JULIA BARNES: We -- we do have a 18 Notice of Dispute that you received a while ago. 19 It's there again. 20 The parties have decided on a retired 21 judge as the mediator. And it has been set for the 22 afternoon of November 7th. 23 The Executive Committee is attending that 24 mediation and will bring something back if 25 something -- if there is a proposal that they want</p>

<p style="text-align: right;">342</p> <p>1 to bring back to you, they'll bring it back to you. 2 And the judge has asked for proposals. 3 So we will take the letter that came out 4 from the Public Education Commission previously on 5 your concerns and indicate that that is the 6 proposal. 7 I -- we already provided all of the 8 attachments that were highlighted, but I'm just 9 going to -- I'm just intending to pull it out more 10 specifically so that it's easy to see it and easy to 11 read it. 12 (Chair leaves meeting.) 13 If there is not an agreement at the 14 mediation that you all agree to, then the issue can 15 go directly to the Cabinet Secretary. 16 And I think that if there's not an 17 agreement, what you've already said is sufficient 18 for us to send something to the Cabinet Secretary in 19 terms of your position. 20 So at this point, I think that if there's 21 something to bring back to you, there would need to 22 be a Special Meeting. And the Executive Committee 23 can let you know about that. 24 So, basically, the real update is that 25 they -- we've selected a mediator, and there's a</p>	<p style="text-align: right;">344</p> <p>1 MS. JULIA BARNES: They can't go to 2 District Court on this dispute on the contract. 3 COMMISSIONER CARRILLO: All right. My 4 concern is we're reaching kind of the end of the 5 year soon in timelines. If we have had a Special 6 Meeting -- don't we have to give them 30 days' 7 notice of anything we may or may not do? 8 My position is whatever we can do as 9 quickly as we can do it. 10 MS. JULIA BARNES: The only thing I'll add 11 is that I've heard you, and I pushed it and pushed 12 it and pushed it. But we got -- maybe -- I mean, 13 we -- the Executive Committee gave them several 14 dates much earlier on. They -- the 7th of November 15 was the earliest date they gave us; so... 16 COMMISSIONER VOIGT: Commissioner Robbins. 17 COMMISSIONER ROBBINS: Well -- and I did 18 check with PSFA. And their legal counsel said there 19 wasn't a whole lot they could do, absent policy by 20 the PSCOC. 21 So I'm going to try to work over the next 22 couple of months to see if PSCOC can put in place a 23 policy that would restrict lease reimbursement to 24 administrative offices only if a school is virtual, 25 because I don't think it's right that they are</p>
<p style="text-align: right;">343</p> <p>1 date. 2 COMMISSIONER VOIGT: Commissioner 3 Carrillo. 4 COMMISSIONER CARRILLO: So if no agreement 5 is reached, it goes to the Cabinet Secretary next 6 after that, not us on the Intervention Ladder or a 7 breach or anything like that? 8 MS. JULIA BARNES: The issue of the 9 dispute about the contract would go to the Cabinet 10 Secretary. 11 COMMISSIONER CARRILLO: Okay. 12 MS. JULIA BARNES: The contract says if 13 there is a dispute as to the meaning of the 14 contract -- and they have said there is a dispute as 15 to whether the contract allows them to go virtual or 16 not; they say it allows them to go virtual; you have 17 said clearly the contract does not say that -- then 18 it would go to the Cabinet Secretary. 19 Based on whatever the Cabinet Secretary 20 says, assuming the Cabinet Secretary agrees with 21 you, then you can take action if they don't comply 22 with that. 23 COMMISSIONER CARRILLO: Then, of course, 24 they'll go to District on that? They can't on this 25 one?</p>	<p style="text-align: right;">345</p> <p>1 leasing an entire facility that was intended for 2 physical students to be present, and, right now, if 3 they have a lease that has been approved, they're 4 entitled to reimbursement. But I think that 5 facility ought to be used for in-person education, 6 and absent of that. 7 So if they're totally virtual, the only 8 lease reimbursement they should be eligible for is 9 for administrative offices. 10 COMMISSIONER VOIGT: Thank you. Anything 11 else? 12 Okay. Thanks, Ms. Barnes. 13 Let's see. That brings us to -- we 14 already did Item 18, didn't we? 15 We did not? So Discussion of Annual 16 Governing Board Training, a Milestone Report for 17 Charter Authorizers? 18 Corina, do you have that -- or Director 19 Chavez? 20 DIRECTOR CORINA CHAVEZ: Yes, I do. And 21 I'm sorry Missy Brown isn't here for this, because 22 she and Dylan have done a lot of hard work to keep 23 track of governing board members, as I mentioned 24 earlier. 25 And so basically every charter school in</p>

<p style="text-align: right;">346</p> <p>1 your portfolio is listed there separately, and 2 named, each board member named, with the status of 3 their progress towards completing the required 4 governing board trainings. 5 I'm not going to spend much time talking 6 about it, 'cause I think this meeting needs to end 7 sooner than later. And I just -- 8 COMMISSIONER GIPSON: It's ending at 5:30 9 for me. 10 DIRECTOR CORINA CHAVEZ: I would just 11 encourage you to read it and recognize that detail 12 went into their rating for the '21-'22 Annual 13 Reports. 14 COMMISSIONER VOIGT: Okay. Thank you for 15 that. It seems pretty self-explanatory, and thank 16 you for sparing us the detail. 17 So that takes us on to Item 19, Report 18 from Charter Schools Division. 19 DIRECTOR CORINA CHAVEZ: I did just happen 20 to put two of these ginger candies in my mouth. So 21 excuse me for that. 22 Okay. So -- and I don't even know if 23 they're here, because I had to log out of my 24 computer and I'm not logged into the meeting. 25 But I would ask you to promote new staff</p>	<p style="text-align: right;">348</p> <p>1 so -- is Ted also here? 2 DR. BRIGETTE RUSSELL: Oh. There he -- he 3 just joined. 4 DIRECTOR CORINA CHAVEZ: Ted just joined 5 the team as an administrator in our office, working 6 with non-public schools. And I'll let him introduce 7 yourself. 8 MR. TED FARNATH: Hello, everybody. My 9 name is Ted Farnath. 10 My first month was spent exclusively 11 working in charters and performing site visits, 12 which I very much enjoyed. But I look forward to 13 helping in any way I can. 14 DIRECTOR CORINA CHAVEZ: Thank you, Ted. 15 We hired Ted through ESSER funding. And 16 as he mentioned, part of his time is to be focusing 17 on charter schools. And so we are very, very 18 fortunate to have Ted. He -- he has been 19 contracting with the PED prior to this. 20 Another person who is not here today is 21 Juliana Montoya, who joined the team and is going to 22 focus on homeschool. 23 And the bad news I have is that we just 24 learned this week that Melissa Sanchez is leaving 25 the Division.</p>
<p style="text-align: right;">347</p> <p>1 members so that Public Education Commission could 2 meet the new -- there's been three hires since we 3 last met. I'm so happy to introduce our three new 4 staff members. Are they all here? 5 DR. BRIGETTE RUSSELL: (Inaudible due to 6 off mic.) 7 DIRECTOR CORINA CHAVEZ: Martica Davis, 8 please unmute and put your camera on. Then Ted will 9 do the same. And one of the new staff members isn't 10 here. 11 But we did hire Martica as an Ed Admin A 12 in the authorizing team. And she has special ed 13 background. Say "Hi," Martica. 14 MS. MARTICA DAVIS: Hello, everybody. 15 Hello, Commissioners. Hello, Director Chavez, 16 Deputy Director Russell. 17 COMMISSIONER VOIGT: Yeah. Welcome. It's 18 so great to see you and meet you. And you're 19 joining a very phenomenal team at the Charter School 20 Division. They do tremendous work in supporting 21 charter schools, and we're really glad to see you 22 joining that team. 23 COMMISSIONER DAVIS: Thank you. Happy to 24 be here. 25 DIRECTOR CORINA CHAVEZ: All right. Is --</p>	<p style="text-align: right;">349</p> <p>1 So... 2 COMMISSIONER GIPSON: Is she one of the 3 LESC poaches? 4 DIRECTOR CORINA CHAVEZ: No, LESC did not 5 poach her. I am so proud of Melissa. She is taking 6 on a leadership position with another state agency, 7 Workforce Solutions. So I don't know if Melissa 8 wants to be promoted so people can say goodbye. 9 But we all wish her the absolute best and 10 thank her for her really excellent work for the 11 Division over the past three years. 12 COMMISSIONER VOIGT: Yeah. Definitely. 13 Bye, Melissa. 14 DIRECTOR CORINA CHAVEZ: All right. So 15 the other part of my report is that I wanted to 16 alert PEC that ACES Technical Charter School is one 17 of the schools who's undergone some transition in 18 governing board membership, but not always notified 19 us on time. 20 So I know that we didn't want to take 21 action on that, and this perhaps is an initial 22 notification. 23 I'm not sure how Julia's time frame works 24 with this. But you do have a report on the '21-'22 25 governing board training hours and additional</p>

<p style="text-align: right;">350</p> <p>1 information on the school.</p> <p>2 But there's been some recent transitions</p> <p>3 as well. And we are working closely with the school</p> <p>4 to get all the paperwork submitted in accordance</p> <p>5 with your policy and timeline.</p> <p>6 There's been some stumbles along the way,</p> <p>7 and we've also connected recently with the new board</p> <p>8 chair. Again, Missy or Dylan would have been able</p> <p>9 to provide more detailed information. But this is</p> <p>10 just to let you know of that concern.</p> <p>11 And other than that, I know that my report</p> <p>12 needs to be kept quick. I want it to be quick.</p> <p>13 I just want to say thank you to everybody</p> <p>14 who has been on the renewal site visits, all the</p> <p>15 team members and the schools who we've worked with</p> <p>16 to accommodate for those visits. The team is</p> <p>17 working really hard to get all these reports, to</p> <p>18 ensure that they're accurate, to ensure that you</p> <p>19 have the information you need to make decisions. So</p> <p>20 I'll just end there.</p> <p>21 COMMISSIONER VOIGT: Okay. Thank you,</p> <p>22 Director Chavez. Appreciate that.</p> <p>23 Okay. On to Item No. 20, Reports from PEC</p> <p>24 Liaisons.</p> <p>25 Commissioner Gipson, would you be able to</p>	<p style="text-align: right;">352</p> <p>1 that.</p> <p>2 COMMISSIONER GIPSON: That was one of the</p> <p>3 recommendations for monies to be spent. And, of</p> <p>4 course --</p> <p>5 COMMISSIONER VOIGT: Yeah.</p> <p>6 COMMISSIONER GIPSON: -- the</p> <p>7 recommendation that I think is going to go forward</p> <p>8 for a -- for everyone. And it's Extended School</p> <p>9 Year, that the numbers of days -- and for many of</p> <p>10 our schools, it won't affect them because they</p> <p>11 already have more than the number as well.</p> <p>12 But as we talked before, having to look at</p> <p>13 how does that affect K-5 Plus and Extended Learning</p> <p>14 and all of those options for schools.</p> <p>15 Oh. And I want a shout-out to Matt,</p> <p>16 because he did a -- he did a presentation on the</p> <p>17 assessments. And he did most of -- he expanded a</p> <p>18 little bit on the presentation that he did for us.</p> <p>19 And his excitement didn't go unnoticed, as he was</p> <p>20 going to slides and saying, "Oh, this next slide is</p> <p>21 really exciting."</p> <p>22 And several of the legislators said, you</p> <p>23 know, usually, when a statistician comes and says,</p> <p>24 "This is really exciting," but it's not. But they</p> <p>25 said, "This was really exciting."</p>
<p style="text-align: right;">351</p> <p>1 provide an LESC or LFC report?</p> <p>2 COMMISSIONER GIPSON: I'll give you a</p> <p>3 brief one.</p> <p>4 I attended the LESC. I wanted to give a</p> <p>5 shout-out to Superintendent Chavez, because it was</p> <p>6 at Hatch High School. And they had some very</p> <p>7 excellent posole that the kids made. So it was --</p> <p>8 it's always exciting to see the students doing the</p> <p>9 preparation and the serving and having those</p> <p>10 conversations with legislators, which is really</p> <p>11 important for them to do.</p> <p>12 There was a report about Yazzie-Martinez,</p> <p>13 and the concern by the LESC provided the report to</p> <p>14 the LESC. So it was Director Perea-Warniment who</p> <p>15 provided the report, really, at how disjointed</p> <p>16 everyone is with answering the Yazzie-Martinez, and</p> <p>17 that there's a lot of energy and a lot of money</p> <p>18 going into trying to answer it.</p> <p>19 But there's not a lot of coordination with</p> <p>20 that. And I think that's something that we need to</p> <p>21 be very aware of.</p> <p>22 Commissioner Voigt, they did say one of</p> <p>23 the proposals for legislation is supporting physical</p> <p>24 education for everyone, K through 5.</p> <p>25 COMMISSIONER VOIGT: Thank you for sharing</p>	<p style="text-align: right;">353</p> <p>1 So he has such a great way of presenting.</p> <p>2 And I'm really very hopeful in his willingness to be</p> <p>3 able to dig into many of the sub-areas that we want</p> <p>4 to look at.</p> <p>5 And I know one thing that they are</p> <p>6 apparently looking at changing is -- and it was</p> <p>7 mentioned several times today -- when that school</p> <p>8 hits the threshold of Free and Reduced Lunch, and I</p> <p>9 think it's 85 or 90 percent or whatever it is, they</p> <p>10 automatically become -- they're -- the whole school.</p> <p>11 They're looking at changing and people being able to</p> <p>12 still know how many in the school actually are Free</p> <p>13 and Reduced Lunch, because it does affect, I think,</p> <p>14 what you want to look at in terms of serving</p> <p>15 students. So I'm going to leave it at that. And</p> <p>16 I'm out of here.</p> <p>17 COMMISSIONER VOIGT: Okay. Thank you for</p> <p>18 that. Appreciate it.</p> <p>19 Secretary Armijo, New Mexico Indian Ed and</p> <p>20 Advisory Council.</p> <p>21 COMMISSIONER ARMIJO: Hey, yes. We</p> <p>22 actually met on October 13th, but we did not have a</p> <p>23 quorum because there were some Feast Days going on.</p> <p>24 So I'm not sure what happened there. But they're</p> <p>25 coordinating an in-person meeting for November. So</p>

354	<p>1 we'll be reconvening then.</p> <p>2 Just have a few updates just about</p> <p>3 Yazzie-Martinez and some of the recommendations from</p> <p>4 the IEAC and what they're going to bring to the</p> <p>5 table. So that's about it.</p> <p>6 COMMISSIONER VOIGT: Okay. Thank you very</p> <p>7 much.</p> <p>8 I have nothing to report from NMCEL.</p> <p>9 Shocking.</p> <p>10 Commissioner Robbins.</p> <p>11 COMMISSIONER ROBBINS: Yes. Real quick,</p> <p>12 the PSCOC did approve an additional \$6 million-plus</p> <p>13 for the Albuquerque School of Sign Language -- the</p> <p>14 Albuquerque Sign Language Academy for their capital,</p> <p>15 bringing the total to approximately \$27 million. So</p> <p>16 that was a good thing.</p> <p>17 And then they have a loan that they're</p> <p>18 working on to get from the Mortgage Finance</p> <p>19 Authority.</p> <p>20 The other thing is -- and I mentioned it</p> <p>21 earlier today -- was the lease assistance. And they</p> <p>22 did approve a 7 percent increase in the lease</p> <p>23 assistance. I was incorrect in the amount.</p> <p>24 Current- -- not currently at \$742. They're at \$767.</p> <p>25 So it'll go up to about \$815 a month. But it really</p>	356	<p>1 was on testing per member. This is for Cigna. And</p> <p>2 that was about \$27,000 per member spent on testing.</p> <p>3 And for treatment, it was about \$4,000 per member on</p> <p>4 treatment. So that was one thing I thought</p> <p>5 interesting.</p> <p>6 The other insurers, the health insurers,</p> <p>7 they actually didn't break it up as nicely. But</p> <p>8 Cigna, they're probably one of the newest health</p> <p>9 insurers that we've taken on in the last two to</p> <p>10 three years, so they have a much smaller base of</p> <p>11 employees that take part in their health insurance.</p> <p>12 I -- as far as the other update that I</p> <p>13 had, I volunteered to be involved in the Benefits</p> <p>14 Consulting and Actuarial Service Evaluation</p> <p>15 Committee. So we haven't met on that yet, but we</p> <p>16 had to sign some forms, and we'll be meeting on that</p> <p>17 soon. Our next meeting is the first week of</p> <p>18 November. So I plan to be able to attend that in</p> <p>19 person as well. Thank you.</p> <p>20 COMMISSIONER VOIGT: Thank you,</p> <p>21 Commissioner Manis. And thanks for engaging deeper</p> <p>22 in that work.</p> <p>23 Commissioner Carrillo, New Mexico School</p> <p>24 Boards Association.</p> <p>25 COMMISSIONER CARRILLO: Nothing to report.</p>
355	<p>1 should be well over \$1,000, if -- just to keep pace</p> <p>2 with inflation since 2007.</p> <p>3 So that is something that I'd like to see</p> <p>4 pushed and to get that language changed from "may"</p> <p>5 to "shall" to ensure that the PSCOC continues</p> <p>6 funding charter school capital needs. Thank you.</p> <p>7 COMMISSIONER VOIGT: Thank you,</p> <p>8 Commissioner Robbins.</p> <p>9 Commissioner Manis is no longer with us;</p> <p>10 is that right?</p> <p>11 COMMISSIONER MANIS: I'm here. I'm here.</p> <p>12 COMMISSIONER VOIGT: Hi, there. Thank</p> <p>13 you. Do you have anything to report from PSFA --</p> <p>14 NMPSIA? Sorry.</p> <p>15 COMMISSIONER MANIS: Yes. So we met in</p> <p>16 person on October 6th in Albuquerque. And the major</p> <p>17 things that we discussed, one was a legislative</p> <p>18 update, which the main thing that they're trying to</p> <p>19 push is changes to the tier schedule.</p> <p>20 We had annual reports provided by most of</p> <p>21 our -- like, health insurance, life insurance, those</p> <p>22 types. And there were some interesting things that</p> <p>23 I pulled out from their annual reports that I</p> <p>24 thought was interesting related to COVID, was that</p> <p>25 in 2021-2022, July to June, the majority of spending</p>	357	<p>1 COMMISSIONER VOIGT: Thank you. And</p> <p>2 Commissioner Taylor is no longer with us.</p> <p>3 So we will move on to Report from the</p> <p>4 Chair. Chair Burt wanted me to inform everyone that</p> <p>5 the Think New Mexico report is out. It's on their</p> <p>6 website, I believe. And they are addressing</p> <p>7 something about the State-authorized charter</p> <p>8 schools.</p> <p>9 And you can look that up at your leisure.</p> <p>10 Any comments for -- from the Commission</p> <p>11 for Item 22? Public Education Commission comments?</p> <p>12 Commissioner Robbins.</p> <p>13 COMMISSIONER ROBBINS: Well, just that I</p> <p>14 think we need to have on the agenda any additional</p> <p>15 legislative items we talked about here. If there's</p> <p>16 anything else we would like to add to our wish list</p> <p>17 of legislative actions, I think we should have that</p> <p>18 on the December agenda.</p> <p>19 COMMISSIONER VOIGT: Okay. So that's for</p> <p>20 Item 23. We can add that.</p> <p>21 And I think we are going to revisit that</p> <p>22 list of legislative topics list at our next meeting.</p> <p>23 Anyone else?</p> <p>24 (No response.)</p> <p>25 COMMISSIONER VOIGT: Okay. We do not need</p>

1 a motion to adjourn. We don't have a vote. So
2 goodbye, and thank you for a very productive long
3 day.
4 (Proceedings adjourned at 5:33 p.m.)
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1 RECEIPT
2 JOB NUMBER: 6333N CC Date: 10/21/22
3 PROCEEDINGS: OPEN PUBLIC MEETING
4 CASE CAPTION: In re: Public Meeting of the Public
5 Education Commission
6 *****
7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
9 DATE DELIVERED: _____ DEL'D BY: _____
10 REC'D BY: _____ TIME: _____
11 *****
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13 DOCUMENT: Transcript / Exhibits / Disks / Other ____
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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

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

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

Cynthia Chapman

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