

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

February 17, 2023

9:00 a.m.

Mabry Hall, Jerry Apodaca Education Building

300 Don Gaspar

Santa Fe, New Mexico

AND

Via Zoom Webinar

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

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2	<p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 ALAN BRAUER, Chair</p> <p>4 REBEKKA BURT, Vice Chair</p> <p>5 MELISSA ARMIJO, Secretary</p> <p>6 TIMOTHY BECK, Member</p> <p>7 STEVEN J. CARRILLO, Member</p> <p>8 SHARON CLAHCHISCHILLIAGE, Member</p> <p>9 PATRICIA GIPSON, Member</p> <p>10 STEWART INGHAM, Member</p> <p>11 K.T. MANIS, Member</p> <p>12 MICHAEL TAYLOR, Member</p> <p>13 PED STAFF:</p> <p>14 CORINA CHAVEZ Director</p> <p>15 Charter School/Options for</p> <p>16 Parents and Families Division</p> <p>17 LUCY VALENZUELA, Technical Assistance and</p> <p>18 Training Specialist</p> <p>19 Charter School/Options for Parents</p> <p>20 and Families Division</p> <p>21 MISSY BROWN Technical Assistance and Support and</p> <p>22 Training Administrator</p> <p>23 Charter School/Options for</p> <p>24 Parents and Families Division</p> <p>25 MARTICA DAVIS Authorizing Practices Administrator</p> <p>SHARYN PEREA, Liaison to PEC</p> <p>COUNSEL TO THE PEC:</p> <p>JULIA HOSFORD BARNES, ESQ.</p> <p>Barnes Mediation and Law, PC</p> <p>200 W. DeVargas Street, Suite 7</p> <p>Santa Fe, New Mexico 87501</p>	4
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1 (Discussion off mic.)
 2 THE CHAIR: Secretary Armijo, Commissioner
 3 Manis is here, but he's not present right now in the
 4 room. We'll let you notice when he comes back.
 5 COMMISSIONER ARMIJO: All-righty.
 6 Commissioner Beck.
 7 COMMISSIONER BECK: Here.
 8 COMMISSIONER ARMIJO: Commissioner Taylor.
 9 COMMISSIONER TAYLOR: Here.
 10 COMMISSIONER ARMIJO: We have a quorum of
 11 eight when Commissioner Manis joins. Actually,
 12 nine. I'm sorry.
 13 THE CHAIR: Thank you. All right.
 14 Could we have Commissioner Beck lead us in
 15 the Pledge of Allegiance?
 16 (pledge of Allegiance conducted.)
 17 THE CHAIR: Commissioner Gipson, I should
 18 have said this earlier. But can you lead us in the
 19 Salute to the Flag?
 20 (Salute to the New Mexico State
 21 Flag conducted.)
 22 THE CHAIR: Thank you. Vice Chair Burt
 23 has joined us as well.
 24 All right. Moving on to Item No. 2,
 25 approval of our agenda.

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1 COMMISSIONER GIPSON: So moved.
 2 THE CHAIR: Do we have a second?
 3 COMMISSIONER BECK: Second.
 4 THE CHAIR: Thank you, Commissioner Beck.
 5 COMMISSIONER BECK: Second.
 6 THE CHAIR: All right. Secretary?
 7 COMMISSIONER ARMIJO: All-righty.
 8 Secretary Armijo votes yes.
 9 Vice Chair Burt?
 10 COMMISSIONER BURT: Yes.
 11 COMMISSIONER ARMIJO: Commissioner
 12 Carrillo.
 13 COMMISSIONER CARRILLO: Yes.
 14 COMMISSIONER ARMIJO: Commissioner Ingham.
 15 COMMISSIONER INGHAM: Yes.
 16 COMMISSIONER ARMIJO: Commissioner
 17 Clahchischilliage.
 18 COMMISSIONER CLAHCHISCHILLIAGE: Yes.
 19 COMMISSIONER ARMIJO: Commissioner Gipson.
 20 COMMISSIONER GIPSON: Yes.
 21 COMMISSIONER ARMIJO: Commissioner Manis.
 22 COMMISSIONER MANIS: Yes.
 23 COMMISSIONER ARMIJO: Commissioner Beck.
 24 COMMISSIONER BECK: Yes.
 25 COMMISSIONER ARMIJO: And Commissioner

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1 Taylor.
 2 COMMISSIONER TAYLOR: Yes.
 3 COMMISSIONER ARMIJO: And Chair Brauer.
 4 THE CHAIR: Yes.
 5 COMMISSIONER ARMIJO: That passes, ten to
 6 zero.
 7 THE CHAIR: Great. Thank you, Secretary.
 8 Item No. 3 is our Open Forum.
 9 Ms. Brown, how many folks do we have in
 10 the --
 11 MS. MISSY BROWN: We have three people who
 12 want to speak for Public Forum.
 13 Our first is Valerie Martinez. Valerie, I
 14 am going to give you the opportunity to speak.
 15 Please state and spell your name for the court
 16 reporter.
 17 THE CHAIR: And before we do that, Missy,
 18 did we include the people who are in person, too,
 19 that might be --
 20 MS. MISSY BROWN: Nobody signed up for in
 21 person. Just three people online.
 22 THE CHAIR: Excellent. Do we have a
 23 sign-in sheet out there?
 24 MS. MISSY BROWN: We did.
 25 THE CHAIR: Okay. Let's go ahead and

9

1 permit that.
 2 MS. MISSY BROWN: We have four speakers.
 3 THE CHAIR: So each speaker will have
 4 three minutes each to provide their public comment.
 5 Before we jump in, we will gently remind
 6 you when your three minutes are up. We just do ask
 7 you to just, you know, oblige the timer and/or,
 8 like, when we ask you to close out, go ahead and
 9 close out. Thank you.
 10 All right. The first person -- Missy, who
 11 was that person again?
 12 MS. MISSY BROWN: The first person is
 13 Valerie Martinez. And, again, Ms. Martinez, if you
 14 could please spell your name for the court reporter.
 15 And I will start timing you after you've done that.
 16 FROM THE PUBLIC: Yes, hello. My name is
 17 Valerie Martinez. V-a-l-e-r-i-e M-a-r-t-i-n-e-z.
 18 And I'm the director of Artful Life.
 19 Thank you so much, members of the PEC, for having me
 20 today.
 21 For the past 12 years, our Artful Life
 22 project teams have been working with the community
 23 of the International District in Albuquerque,
 24 including five youth teams in the district in that
 25 time.

<p style="text-align: right;">10</p> <p>1 And as you may all know, the International 2 District is the most ethnically diverse legislative 3 district in the State of New Mexico. It's also the 4 epicenter of refugee settlement. 5 It is a beautiful community and a 6 community that is deeply challenged by poverty, 7 urban blight, high infant mortality rates. It's an 8 urban heat island, and so residents living there 9 face real challenges. 10 Our youth teams engage with the community. 11 They talk to them about issues of urgency. They 12 talk to them about their dreams for their families 13 and their future. And they use this to envision 14 works of public art, and, with the community, create 15 works of public art in the International District 16 community. 17 You can visit the Artful Life website to 18 see those works of art. 19 International District families are large 20 and multigenerational, often, and their youth often 21 are taking care of their siblings. They're working 22 full time. They're taking care of the elders in 23 their families. And they, many of them, have tried 24 other high schools in Albuquerque and failed there 25 and have found what they need at the Cesar Chavez</p>	<p style="text-align: right;">12</p> <p>1 willing to work with the school and to enable it to 2 continue doing the really remarkable work that it's 3 doing. 4 Thank you so much. 5 THE CHAIR: Thank you, Ms. Martinez. 6 MS. MISSY BROWN: That was perfect timing. 7 Our next speaker is Prairie Boulmier. 8 Please spell your name -- okay. 9 FROM THE PUBLIC: Okay. You can hear me? 10 MS. MISSY BROWN: Yes, we can. 11 FROM THE PUBLIC: All right. My name is 12 Prairie Boulmier. P-r-a-i-r-i-e B-o-u-l-m-i-e-r. 13 And this morning I thought I would just read a 14 letter that came from Melissa Salazar. She's a 15 parent at La Tierra Montessori School of the Arts 16 and Sciences in Española, and she could not make the 17 meeting today. She had a health appointment. 18 And here's her letter: 19 "Many parents continue to be concerned 20 about the administration of La Tierra. Here's a 21 brief update of what has occurred or not since your 22 last special meeting where you made recommendations 23 for Mr. Casados and Ms. Herrera to reach out to 24 parents. 25 "Number one: Two security issues have</p>
<p style="text-align: right;">11</p> <p>1 Community School. 2 Cesar Chavez' hybrid approach to educating 3 their students as well as their wraparound services 4 are extraordinary, and many of the youth that we've 5 worked with talk about the way that this school is 6 really meeting their needs like no other place in 7 Albuquerque. 8 It is extraordinary work, and so that's 9 why I'm speaking in support of this school. I have 10 found the staff, the faculty, the principal, and the 11 students at Cesar Chavez incredibly flexible and 12 responsive, not only to each other's needs, but to 13 the needs of the students. 14 For that reason, I have served on the 15 foundation board at Cesar Chavez for several years. 16 The last thing I want to say is I've been 17 listening in to many of your meetings, especially 18 when the Cesar Chavez school is discussed. And it's 19 been a little bit curious to me that we don't hear 20 more about the extraordinary contributions of this 21 school. And that's why I felt it very necessary to 22 speak today. 23 And I just want to make sure that you 24 understand how much this school means to this 25 community and that you -- I encourage you to be</p>	<p style="text-align: right;">13</p> <p>1 occurred in the last two weeks where students have 2 made threats of harm to the school or school 3 personnel. Parents were informed only that there 4 was a threat, but no details, only that these were 5 contained and addressed. Mr. Casados indicated that 6 it was addressed, and there is no need for any 7 further communication to parents. 8 "Based on the frequency of these threats, 9 I asked Ms. Herrera via phone if there had been any 10 active shooter training, or will there be one 11 scheduled. This is the third security threat this 12 year. She indicated that there had not been any 13 active shooter trainings and that she herself is 14 worried about the safety of the children because of 15 the large amount of windows in the school building. 16 Teachers have told me that the doors to the 17 classrooms are unable to be locked. 18 "Other items of concern: The Spanish 19 bilingual teacher resigned the week of 2/6 and will 20 not be replaced. 21 "Number three: Teachers have been 22 notified through an e-mail directive that they are 23 not allowed to contact parents with any concerns or 24 risk administrative punishment." 25 I'm not going to read the rest of this</p>

14	<p>1 letter because I think that it has gone to you. But 2 I just wanted to highlight for me, personally, as a 3 cofounder of La Tierra, my main concern for the 4 school right now is for its -- the safety of the 5 children and the teachers, should anyone walk up to 6 that school with an intent to harm. A school that 7 is divided and in crisis that cannot guarantee the 8 safety of its students should not be in operation. 9 And to my knowledge, the governing council 10 and the head learner have not made any attempts in 11 all the time that we have been showing up and 12 suiting up, making plans, taking notes, and being an 13 active part of -- of looking for solutions. 14 THE CHAIR: Thank you so much. Can you go 15 ahead and finish up your last part? Thank you. 16 FROM THE PUBLIC: Yeah. So I just wanted 17 to say please, please consider the safety of 18 La Tierra as she discussed the school today. 19 Thank you. 20 THE CHAIR: Okay. Thank you. And was 21 that chime all on hers? Or was that -- 22 MS. MISSY BROWN: It was all on hers, 23 Chair. 24 FROM THE PUBLIC: Yeah. I'm sorry. 25 THE CHAIR: I do want to direct the</p>	16
15	<p>1 Commission that we did receive two different 2 e-mails, it looked like, between last night and this 3 morning. One has the letter that was just referred 4 to. And there's another e-mail in there as well. 5 MS. MISSY BROWN: Our next speaker is 6 Forrest Verde Dudek. 7 Please spell your name for the court 8 reporter, and I will start the timer. 9 FROM THE PUBLIC: Yes. Thank you. Can 10 you hear me? 11 MS. MISSY BROWN: Yes, we can hear you. 12 FROM THE PUBLIC: My name is Forrest, 13 F-o-r-r-e-s-t, Verde, V-e-r-d-e, Dudek, D-u-d-e-k. 14 Thank you for time to speak. 15 I wrote a statement out. And I don't 16 think I'm going to read it. I'm -- I'm just 17 exhausted. And I'm a parent, or a former parent, at 18 La Tierra Montessori. This whole experience has 19 been disheartening and disappointing. 20 I'm coming in front of the PEC during the 21 special meeting last time and the meeting prior to 22 that. I was hoping to have some accountability 23 regarding the assault of my son and the way it has 24 been handled by the head learner, the way it was 25 handled by the governing council.</p>	17
	<p>1 And it has just been a complete and utter 2 failure of this system that my son and his siblings 3 had to leave the school, the school that my family 4 has been a part of since the founding of the school. 5 And the person who assaulted my son is still there 6 on staff with students on a daily basis. 7 And this statement that I wrote, you've 8 all heard it. And the way that the parents were 9 referred to as problems and -- and by the 10 Commission, that we have gripes, and maybe we should 11 just leave the school, it's an insult -- it's 12 insulting to me as a parent trying to advocate for a 13 seven-year-old who was hurt by a staff member. 14 And to come in front of this Commission 15 and to be told that I am the problem as a parent who 16 takes time out of my day, out of my workday, out of 17 my family time, to attend governing council 18 meetings, to attend parent meetings to try to find 19 solutions for this school that's in crisis, and to 20 come in front of this Commission and be told that we 21 as parents are the problem, how is that possible for 22 us to be involved and in these meetings and seeing 23 how this is being run, and this governing council 24 president, Isaac Casados, how he's running the 25 school into the ground, and we come in front of you,</p>	
	<p>1 and we are the problem? 2 And that person is able to lie and go on 3 and tell these accusations to this Commission, and 4 we have no recourse. We have no way to respond to 5 that because we have been shut out. 6 I can't even get a response from the head 7 learner about the withdrawal of my children. I 8 wanted a withdrawal slip because they took my 9 children out of school because I was refusing to 10 bring them to school until the issue was addressed. 11 And no response from the school, no response from 12 the governing council, and, unfortunately, no 13 response from this Commission. 14 And I have nothing else to say. I am just 15 completely disappointed by the utter failure of this 16 system to be able to hold Isaac Casados and the head 17 learner, Patricia Herrera, accountable for the 18 assault of my son, and the individual who assaulted 19 my son. 20 Thank you for your time. 21 THE CHAIR: Thank you, sir. 22 MS. MISSY BROWN: The final public 23 commenter is Roger Montoya. 24 FROM THE FLOOR: Thank you so much for 25 this opportunity. My name is Roger Montoya,</p>	

<p style="text-align: right;">18</p> <p>1 R-o-g-e-r M-o-n-t-o-y-a. 2 Commissioners, Chairman, thank you so much 3 for your work, first of all. About twelve years 4 ago, Prairie Boulmier Darden and I sat in these 5 seats as the La Tierra Montessori School was 6 unanimously chartered. We started off on something 7 that we felt was really important for the community 8 of Española. 9 As a former legislator and committee 10 chair -- committee member -- of the Health and Human 11 Services Committee and the LESC, I understand so 12 critically how important public school choice and 13 charter schools are to the State of New Mexico. I 14 don't know that we fully understood when we wrote 15 the charter together how important the Montessori 16 model could be to a community like Española on the 17 tribal community of Ohkay Owingeh. 18 In my opinion, the biggest challenge has 19 been to find the Montessori fidelity and training in 20 a head learner, who also has the fidelity to school 21 policy and State statute around public education. 22 It has been a very big challenge. 23 There are cases and studies across the 24 nation where schools have been successful. At its 25 best, La Tierra has been a Montessori inspired</p>	<p style="text-align: right;">20</p> <p>1 financial fiduciary responsibility, which is the 2 primary concern of the governance, has been 3 exemplary. 4 I think in closing, one of the main 5 challenges is that in the ten years, we've only had 6 one leader with Montessori training. And to her 7 credit, she's done a good job of bringing that 8 together. 9 The challenge is -- in my opinion -- is 10 that La Tierra Montessori School of the Arts and 11 Sciences is a public school. It is not a private 12 school. And what I can see from my perspective is 13 that the softening of school policy and the sort of 14 cutting of corners and creating a model that is not 15 as compliant is really at the crux of how this 16 school is in dysfunction. 17 In closing, I thank you again. I believe 18 that this school is vitally important and that we 19 can look to the promise of resolve, corrective 20 action. We can fix the challenges that the school 21 faces because it is so critically important. 22 Thank you so much for your time today. 23 THE CHAIR: Thank you, Mr. Montoya. 24 Missy, was that everyone? I thought you 25 said there was three on the phone, or was it just</p>
<p style="text-align: right;">19</p> <p>1 school. The arts and sciences have played a 2 critical role. 3 In fact, from a data perspective, 4 65 children have graduated and -- attended and 5 graduated from the New Mexico School for the Arts. 6 That's a testament to the integrated nature of the 7 school design. 8 As we listen to parents and community 9 members, and, in fact, the co-chair, Ms. Boulmier, 10 about the school being in crisis, you know, the main 11 goal of your role is to support schools like 12 La Tierra. And I commend the work that you do, to 13 find resolve, to bring the communities together. 14 And I think you're doing that today, and I 15 appreciate that. That's part and parcel of why I 16 came in person. 17 To the head learner, Patricia Herrera, and 18 the entire board of governance, the current board, 19 Isaac Casados, in my opinion in watching a myriad -- 20 I think we've had nine head learners in just ten 21 years -- this is the strongest team we have ever 22 seen. 23 The board of governance is the most 24 diverse and reflective of community in the history. 25 The level of compliance, particularly around</p>	<p style="text-align: right;">21</p> <p>1 two on the phone? 2 MS. MISSY BROWN: There were three on the 3 phone: Valerie Martinez, Prairie Boulmier, Forrest 4 Verde Dudek. 5 THE CHAIR: Thank you. I'll be better at 6 counting next time. 7 All right. Moving on to Item No. 4, 8 Consent Agenda. 9 We have the approval of the minutes and 10 transcripts. 11 We also have notifications and requests to 12 amend the charter contract. 13 And then -- yeah, those are the two big 14 things that are on our consent agenda. 15 COMMISSIONER BURT: Move to approve the 16 Consent Agenda. 17 COMMISSIONER GIPSON: Second. 18 THE CHAIR: Madam Secretary, can you do 19 the roll call? 20 COMMISSIONER ARMIJO: Yes. 21 Commissioner Carrillo. 22 COMMISSIONER CARRILLO: Yes. 23 COMMISSIONER ARMIJO: Commissioner Ingham. 24 COMMISSIONER INGHAM: Yes. 25 COMMISSIONER ARMIJO: Commissioner</p>

<p style="text-align: right;">22</p> <p>1 Clahchischilliaige.</p> <p>2 COMMISSIONER CLAHCHISCHILLIAGE: Yes.</p> <p>3 COMMISSIONER ARMIJO: Commissioner Gipson.</p> <p>4 COMMISSIONER GIPSON: Yes.</p> <p>5 COMMISSIONER ARMIJO: Commissioner Manis.</p> <p>6 COMMISSIONER MANIS: Yes.</p> <p>7 COMMISSIONER ARMIJO: Commissioner Beck.</p> <p>8 COMMISSIONER BECK: Yes.</p> <p>9 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>10 COMMISSIONER TAYLOR: Yes.</p> <p>11 COMMISSIONER ARMIJO: Chair Brauer.</p> <p>12 THE CHAIR: Yes.</p> <p>13 COMMISSIONER ARMIJO: Secretary Armijo</p> <p>14 votes yes.</p> <p>15 And Vice Chair Burt.</p> <p>16 COMMISSIONER BURT: Yes.</p> <p>17 COMMISSIONER ARMIJO: That passes, ten to</p> <p>18 zero.</p> <p>19 THE CHAIR: Thank you, Secretary Armijo.</p> <p>20 Since we did not pull anything off of the</p> <p>21 Consent Agenda, we're going to skip No. 5 and move</p> <p>22 to No. 6, Discussion and Possible Action Regarding</p> <p>23 2021-2022 Annual Reports.</p> <p>24 Director Chavez.</p> <p>25 DIRECTOR CORINA CHAVEZ: Thank you,</p>	<p style="text-align: right;">24</p> <p>1 Came from the state of Washington. You guys met him</p> <p>2 last month or the month before that.</p> <p>3 We include the name of the governing board</p> <p>4 chair, the business manager, which is on site, one</p> <p>5 school business manager. She serves only this</p> <p>6 school.</p> <p>7 They serve grades 6 through 12. They have</p> <p>8 an authorized enrollment of 210 students, but</p> <p>9 currently have an enrollment at the end of -- I</p> <p>10 should say not current -- but at the end of '21-'22,</p> <p>11 their enrollment was 153 students.</p> <p>12 They recently moved into the Western</p> <p>13 New Mexico campus, so they're occupying a building</p> <p>14 that was formerly a dormitory, I believe.</p> <p>15 The mission at Aldo Leopold Charter School</p> <p>16 is that the human and natural environment serve as a</p> <p>17 text and lab for learning through direct experience,</p> <p>18 inquiry, and stewardship.</p> <p>19 There's more information about the school,</p> <p>20 which was originally chartered by the PEC in 2010,</p> <p>21 and how the school has a relationship with a</p> <p>22 nonprofit organization, nonprofit foundation, who</p> <p>23 works on helping to support the school's facility.</p> <p>24 Experiential learning is really key at</p> <p>25 Aldo. It's part of the mission, and it's evident</p>
<p style="text-align: right;">23</p> <p>1 Commissioners. Good morning, and welcome to all the</p> <p>2 folks that are visiting.</p> <p>3 And I didn't check to see who is here</p> <p>4 potentially from Aldo Leopold, which is the first</p> <p>5 school that we will talk about.</p> <p>6 When I was visiting the school last week,</p> <p>7 I understood that the head administrator was not</p> <p>8 going to be able to make the meeting because of</p> <p>9 something prior that had been scheduled.</p> <p>10 But I spent a substantial amount of time</p> <p>11 walking through this report, which, by the way,</p> <p>12 should say "Draft"; right? It's a draft annual</p> <p>13 report. And I would like to just walk the</p> <p>14 Commission through it.</p> <p>15 So this is -- first of all, want to</p> <p>16 clarify that this is a report that is long due to</p> <p>17 you all. It is for the '21-'22 school year. And so</p> <p>18 we have been waiting for academic data. And you all</p> <p>19 know that there's been challenges on the PED side</p> <p>20 for getting that data released.</p> <p>21 But this is a draft report that provides</p> <p>22 you with information about the school that I think</p> <p>23 is super helpful.</p> <p>24 So the school is in Silver City.</p> <p>25 Dr. Anthony Smith is the new head administrator.</p>	<p style="text-align: right;">25</p> <p>1 throughout the school.</p> <p>2 You could see evidence of students that</p> <p>3 are off campus, learning in the community and in the</p> <p>4 natural environment.</p> <p>5 They have a really strong relationship</p> <p>6 with the Youth Conservation Corps that provides</p> <p>7 internships for students.</p> <p>8 They also conduct numerous field trips,</p> <p>9 overnight backpacking trips, and they utilize the</p> <p>10 Gila Wilderness as an essential part of their</p> <p>11 curriculum.</p> <p>12 The school has invested time and energy,</p> <p>13 really focusing on safety. So while they're taking</p> <p>14 students into those places, staff know how to</p> <p>15 respond and support kids for being safe.</p> <p>16 The next thing you'll see in the report is</p> <p>17 the demographics, as reported in the S.T.A.R.S.</p> <p>18 '21-'22 end-of-year report.</p> <p>19 So you'll see that the comparison between</p> <p>20 the school, the district, and the State in terms of</p> <p>21 the percentage of students that attend Aldo.</p> <p>22 And then moving on, we are sharing with</p> <p>23 you enrollment percentage by subgroup. So the</p> <p>24 Students with Disabilities, English Learner, Gifted,</p> <p>25 and Economically Disadvantaged student percentages</p>

<p style="text-align: right;">26</p> <p>1 are in your report.</p> <p>2 The next part of the report is really</p> <p>3 informational. It's not specific to the school. It</p> <p>4 just talks about the State Accountability System and</p> <p>5 the assessments that were administered in this year,</p> <p>6 '21-'22.</p> <p>7 And then the following tables are</p> <p>8 percentages of student proficiencies in the core</p> <p>9 subject areas. So we report out on the school</p> <p>10 district and State percentages of proficiency in</p> <p>11 reading, because the school does not serve</p> <p>12 elementary grades. Early Literacy is there, but you</p> <p>13 don't see any scores for Aldo.</p> <p>14 You'll see the math. And look at how they</p> <p>15 shine in the sciences.</p> <p>16 Then we talk about the -- we present</p> <p>17 the percent proficiency in reading by ethnicity. So</p> <p>18 you can see the comparison of subgroups and how Aldo</p> <p>19 does.</p> <p>20 And I just -- one caveat here is we give</p> <p>21 you all of the data. But it could be that the</p> <p>22 number of students are pretty low. We opted towards</p> <p>23 giving you all information.</p> <p>24 In terms of the percent proficiency by</p> <p>25 subgroup, we also see how the school is doing</p>	<p style="text-align: right;">28</p> <p>1 six-year cohort figures. And as to be expected, we</p> <p>2 see that the school is increasing graduation over</p> <p>3 time. The percentages are higher as we go from four</p> <p>4 to six years.</p> <p>5 We also share information about four-year</p> <p>6 graduation by ethnicity and four-year graduation by</p> <p>7 subgroups. So then we report out on the</p> <p>8 Mission-Specific Goals at the school. And the goal</p> <p>9 was written by the school, along with the scale for</p> <p>10 evaluating the goal and reporting out to us the --</p> <p>11 that for Goal No. 1, they met the standard with</p> <p>12 81 percent. And for Goal No. 2, they also met the</p> <p>13 standard with 79 percent.</p> <p>14 COMMISSIONER CARRILLO: Quick question.</p> <p>15 Sorry to interrupt you.</p> <p>16 It's on Page 7 of 11. It's the four-year</p> <p>17 graduation by ethnicity. Why is there no bar for</p> <p>18 either Blacks or Native Americans?</p> <p>19 DIRECTOR CORINA CHAVEZ: I think it's</p> <p>20 because the N is so low.</p> <p>21 COMMISSIONER CARRILLO: Okay. Thank you.</p> <p>22 DIRECTOR CORINA CHAVEZ: Yeah. And just</p> <p>23 to orient Commissioners, I didn't ask the schools to</p> <p>24 come and to sit with you-all to explain the results.</p> <p>25 My understanding was that this was a presentation to</p>
<p style="text-align: right;">27</p> <p>1 relative to district and State. They are doing a</p> <p>2 good job with the economically disadvantaged</p> <p>3 students and maybe have room to grow in some of the</p> <p>4 other areas.</p> <p>5 In terms of percent proficiency in</p> <p>6 mathematics by ethnicity, again, a comparison</p> <p>7 between the school, the district, and the State; and</p> <p>8 by subgroup, also.</p> <p>9 So while we were there, there was some</p> <p>10 reflection on the data and acknowledgment of areas</p> <p>11 that the school might want to increase their efforts</p> <p>12 and/or look at the programming to better serve some</p> <p>13 populations.</p> <p>14 This was tremendously helpful for the</p> <p>15 school to be able to see the data. It makes sense</p> <p>16 that when they are giving students hand-on learning</p> <p>17 experiences related to the science, that students</p> <p>18 are doing really well in the sciences.</p> <p>19 We also provide information about English</p> <p>20 Learner progress towards proficiency, and see that</p> <p>21 although they have a fairly low percentage of EL</p> <p>22 students, they are doing well by them.</p> <p>23 The next area that we present in the</p> <p>24 annual reports is the high school graduation. And</p> <p>25 so we're providing four-year, five-year, and</p>	<p style="text-align: right;">29</p> <p>1 you, and there wasn't going to be interaction back</p> <p>2 and forth. And so that's why if a school leader is</p> <p>3 not here or if you have questions, thank you,</p> <p>4 Commissioner Carrillo, for directing them at me. I</p> <p>5 don't think we're asking schools to explain this.</p> <p>6 They have had copies of the draft. And as</p> <p>7 I explained yesterday, I walked through this report</p> <p>8 with each of the school leaders and fielded any</p> <p>9 questions they had or concerns with the indicator</p> <p>10 ratings with them prior to presenting this</p> <p>11 information to you.</p> <p>12 So on Page 10 is the current charter term</p> <p>13 indicator ratings. You'll see last year's. When I</p> <p>14 say "last year's," I mean '20-'21. And also the</p> <p>15 '21-'22 ratings, just so that -- we're attempting to</p> <p>16 provide you-all information from the entire charter</p> <p>17 term, as requested by Former Chair Burt, so that you</p> <p>18 can know the school's records.</p> <p>19 And, as we discussed yesterday, that some</p> <p>20 of the data is still pending; right? Even with last</p> <p>21 year. And that because the '20-'21 school year was</p> <p>22 modified school visits, you'll see that we asked the</p> <p>23 schools to provide assurances rather than do site</p> <p>24 visits in person to be able to gauge.</p> <p>25 So the school has many greens. They have</p>

<p style="text-align: right;">30</p> <p>1 some Working to Meet standard. 1b, for example, is 2 the State Assessment Requirements. And I want us to 3 take another look at this. I had a discussion 4 yesterday with Dr. Alexis Álvarez about how the 5 State is counting participation rates. 6 And so there is a slight possibility that 7 that one could change. Again, this is a draft 8 report. But my intention was to provide the 9 Commission with as much information as soon as 10 possible, and so that's why you're looking at this 11 report. 12 But I just wanted to highlight that the 13 State Assessment Requirements looked at 14 participation, and that could change. But the 15 school is doing a good job of protecting the rights 16 of students with disabilities, serving English 17 Learners, meeting program requirements. 18 They have some financial compliance 19 indicators that -- that are red. I actually thought 20 on 2c, Responsive to Audit Findings, was a yellow. 21 Oh, no. The explanation for why the 22 school got the colors is down below on Page 11. 23 So for each indicator that is not green, 24 we provide an explanation. So I was just able to 25 check my memory.</p>	<p style="text-align: right;">32</p> <p>1 hoping to accept these. And you mentioned that they 2 were drafts still. And so I -- can you just explain 3 a little bit about how you were sharing those as 4 drafts? Because we want to take action, but we 5 can't accept a draft form. 6 DIRECTOR CORINA CHAVEZ: Absolutely. 7 Well -- so -- and I thought we had talked about the 8 fact that there is not the full set of academic 9 information from the PED. 10 So when we look at the indicator ratings, 11 the first couple say "Pending"; right? And that 12 is -- that is because we're waiting for Vistas to be 13 finalized. 14 So although it is a draft because of that, 15 it is our -- it is our best possible report at this 16 time, pending that mistake that I just discovered. 17 THE CHAIR: Yeah. I think, Director 18 Chavez, the update that you just discovered I think 19 is something that we probably need to have before we 20 can accept this. 21 DIRECTOR CORINA CHAVEZ: Absolutely. So 22 my staff are working on making that change right 23 now. 24 I'll upload a new one. 25 And, again, the indicator that needs to</p>
<p style="text-align: right;">31</p> <p>1 And 2a -- actually, 2a is the one that 2 needs to be yellow. So I apologize. I just 3 discovered a need for -- for correcting this report. 4 There are multiple iterations of the report, and as 5 I mentioned yesterday, while we were on site at the 6 school, we discovered that they had indeed submitted 7 the CAP. We corrected that. But in this version, 8 that's not there. 9 So I will stand to any questions at this 10 point. We have two other schools to review and just 11 want to make sure that the Commission has an 12 opportunity to ask any questions. 13 THE CHAIR: Thank you, Director Chavez. I 14 did want to just remind the Commission, we're going 15 to look at each of these individually. 16 I have one quick question, Director 17 Chavez. I think you mentioned this is a draft. So 18 I think we were wanting to accept these today. But 19 it sounds like there are additional shifts that you 20 need to do in this before we accept this. 21 Is that correct? 22 DIRECTOR CORINA CHAVEZ: I see one 23 indicator in this report that needs to change. 24 THE CHAIR: Okay. Got you. 25 And so I think also -- I think we were</p>	<p style="text-align: right;">33</p> <p>1 turn to yellow is 2a. 2 THE CHAIR: Got you. And then I just want 3 to share, like, we -- I don't know if "Draft" is the 4 right terminology for us to be able to accept the -- 5 I understand that we don't have certain data. But 6 we have to -- my understanding was we were going to 7 accept these and -- in form. But I don't know if we 8 can accept, like, a draft, if that's what you're 9 suggesting. 10 DIRECTOR CORINA CHAVEZ: So the reason I 11 used the word "Draft" was because of the two pending 12 indicators. So if you want to word it differently 13 with your motion, or however you want to accept it, 14 that's why I used the word "Draft." 15 THE CHAIR: Okay. Commissioners, 16 questions? 17 And we're going to focus in on this 18 specific school for now. And if you have 19 additional, like, larger questions, like I just did 20 for Director Chavez, feel free to do that. We can't 21 provide questions or discussion with the school. 22 It's just with the Charter School Division today. 23 Commissioner Carrillo. Then Commissioner 24 Gipson. 25 COMMISSIONER CARRILLO: The first -- and</p>

<p style="text-align: right;">34</p> <p>1 I'm just curious. Is there anybody that's in -- not 2 on the panel, but that might be -- just from the 3 school that's even listening that's present? 4 Just -- it's a yes-or-no question -- from Aldo? 5 (Off-mic discussion.) 6 COMMISSIONER CARRILLO: Just curious about 7 that. So -- and, obviously, this is -- "Get off the 8 desk." What was their thing? 9 (Inaudible off-mic.) 10 COMMISSIONER CARRILLO: Think outside the 11 desk. I love that. I love that. It's evident when 12 we look at the science results, because relative to 13 other schools in the state, I mean, it's off the 14 charts how well they do in science. And I think 15 it's just a testament to when you get kids out of 16 the classroom and excited about what's around them 17 and they're learning with their hands and smelling 18 and seeing, that it produces results. 19 The -- you know, the reading is ahead. 20 You know, 61, that's -- that's all right. 21 None -- I think sometimes the bar in 22 New Mexico, we're used to it being so incredibly 23 low that when we see a 61, which when you think 24 about it is really kind of like a low C; right? 25 We're, like, "Woohoo, 61."</p>	<p style="text-align: right;">36</p> <p>1 what are you doing? What are you doing to really 2 focus on this? And maybe it's someone who is a 3 reading specialist is going to -- maybe the pullouts 4 or whatever they need to do. I just want to know 5 that they're doing something so that these same 6 Native American kids at this school, while they 7 might graduate with a diploma -- because anyone -- 8 let's face it. You can graduate with a D average -- 9 but that they're really proficient in reading, 10 because that's going to be critical for the rest of 11 their lives. 12 I want to let the school know that's 13 something I'm looking at as a Commissioner. Same 14 with English Language Learners. And then math. 15 Across the board, you know, it's interesting that 16 they're doing so well in science, and math is so 17 low. 18 So I would -- I would say that is a 19 critical red flag that this school needs to address. 20 And so this is February 2023. I 21 definitely want to see progress in six months. And 22 maybe it's just some little report they give to the 23 CSD saying, "Hey, look, we're doing all this cool 24 stuff for math, and we've seen our internal scores 25 increase."</p>
<p style="text-align: right;">35</p> <p>1 We're like, "No, that's not where we want 2 to be." 3 But still, I applaud them for that. 4 When we look -- I imagine when I look to 5 populations, and we looked at African-American and 6 Asian, it would seem like the population at the 7 school is so small that it would probably just take 8 one or two kids to do one or two things to 9 dramatically affect outcome. So I'm taking that 10 into account. 11 The challenge I have on the reading side 12 is -- and this is big throughout the state -- is 13 with our Hispanic students and Native Americans. 14 And so, first of all, I'm really glad we're looking 15 at this. And I hope we look at this with every 16 school in a way, because it's what we were 17 discussing yesterday. What do we do with the 18 information when we get it, so when it's time for 19 renewal, no one's surprised? 20 So here -- and I know that Ms. Chavez is 21 listening -- I would say that I'm -- I would use the 22 word "deeply" -- deeply concerned about reading 23 levels for the Hispanics and Native American 24 populations. Caucasians, too. 25 And I would want to know -- I want to know</p>	<p style="text-align: right;">37</p> <p>1 And then so that when we're looking at 2 this next February, we see all of these numbers and 3 a big jump. So that commitment to math is something 4 that I would want to see. 5 Graduation rate is most certainly -- I'm 6 sorry. I just get a kick out of graduation rate, 7 because to graduate, the bar is just so remarkably 8 low. So to me, it's all about proficiency. 9 And they're doing well in a lot of 10 different areas. So it's just kind of integrating 11 maybe math more into daily curriculum. 12 So the "Think outside the desk," man, 13 that's just like the greatest thing ever. So those 14 would be my comments on this report. 15 THE CHAIR: Thank you, Commissioner. 16 Commissioner Gipson. Then Commissioner Burt. Then 17 Commissioner Beck. 18 COMMISSIONER GIPSON: So in light of what 19 we talked about yesterday, about how we see us using 20 these reports and how it is important that something 21 be communicated that has the PEC's name on it so 22 that there's -- you know, there's that evidence. 23 And in light of the fact that this is -- these are 24 listed in our meeting materials as draft -- and 25 yesterday we talked about coming up with a form. So</p>

<p style="text-align: right;">38</p> <p>1 that it -- the form could be populated, it would be 2 easy then to communicate to the school the concerns 3 that the PEC has outlined right there, simple form, 4 it goes.</p> <p>5 And that also gives the director some 6 direction when communicating with the schools, and 7 the school can then -- has the flexibility to 8 communicate with the director in terms of what their 9 plans have been, are ongoing, and she can keep us 10 updated at any meeting during her report time if 11 there's a concern that they're not following through 12 on action plans that they have created.</p> <p>13 I would recommend that we move this item 14 to next month to give us time to create the form. 15 Considering this is draft, I hesitate to take action 16 on something that was listed as a draft to accept 17 it. And that would give us time to populate the 18 form.</p> <p>19 And it's only three schools. So it's not 20 like we're holding off, you know, 50 schools to do 21 this.</p> <p>22 I think that would -- and that way, we're 23 working with every school in the same way, not going 24 back after we have the form and doing these three 25 schools. Just let's get the form and start next</p>	<p style="text-align: right;">40</p> <p>1 COMMISSIONER GIPSON: -- release of 2 academic data, yeah.</p> <p>3 COMMISSIONER BURT: That's where I'm kind 4 of going to. I like the idea of figuring out the 5 process of reviewing annual reports, what this form 6 could look like that goes back out to the school 7 from the PEC. With only three schools instead of 8 once, you get to the big bulk of them. So I feel 9 like it's better to figure out the process now over 10 the next month than just do it today and figure it 11 out later, and they retroactively apply it back to 12 these schools.</p> <p>13 So I'm kind of in the same space. I do -- 14 I did have -- let me go back to the right page. One 15 of the things that I think could be -- one of the -- 16 the only thing -- the one thing -- I mean, I've told 17 Director Chavez this many times. I really like that 18 the team started doing -- every time they rate a 19 school on any indicator on anything is they give an 20 explanation. And I think those are so helpful.</p> <p>21 One of the explanations, though, I 22 think -- I'm wondering if we can, like, flip the way 23 the explanation is given.</p> <p>24 So, like, for example, 4.a. is a Working 25 to Meet on their lottery. Basically, it's the</p>
<p style="text-align: right;">39</p> <p>1 month, and we'll have most likely more schools so 2 that we can -- we can do that.</p> <p>3 So I would -- my recommendation would be 4 to move this item to next month so that we can get 5 the form together. Maybe you can form a 6 subcommittee to create the form.</p> <p>7 THE CHAIR: Thank you, Commissioner 8 Gipson.</p> <p>9 Vice Chair Burt. Then Commissioner Beck.</p> <p>10 COMMISSIONER BURT: I think I'm on the 11 same page as that. I think -- and I -- instead of 12 the -- I think we need to consider what we label it 13 to, because I know it still needs to be -- have 14 things added to it. But we need to have it final 15 and then supplement --</p> <p>16 COMMISSIONER GIPSON: Right.</p> <p>17 COMMISSIONER BURT: -- I think would 18 probably be the better way to do it. So, like, 19 what's there is final.</p> <p>20 And then -- because I think we can make a 21 motion that we accepted it in the final form, but 22 CSD can supplement academic data when --</p> <p>23 COMMISSIONER GIPSON: Or pending --</p> <p>24 COMMISSIONER BURT: Pending, yeah, 25 something like that.</p>	<p style="text-align: right;">41</p> <p>1 lottery policy. And it says it largely meets the 2 CSD standards. But I think what could be more 3 helpful is how did it not meet CSD standard.</p> <p>4 So, like, just flip the explanation, 5 'cause I'm, like, which part of the lottery process 6 didn't meet. Sounds like almost all of it did, but 7 there's something in it that didn't. And that's 8 what I would be interested in knowing, what the part 9 is that didn't.</p> <p>10 Like, is it a small thing that didn't, or 11 is it, like, a big thing that didn't?</p> <p>12 So, yeah, I think those are -- that's 13 going to be my idea, too. I think these are -- I 14 mean, I'm definitely looking for it. I told Chair 15 Brauer that as I'm looking through this, I'm -- 16 like, I just want to -- I'm looking forward to next 17 year when we get two years of the same assessment 18 and we can see growth, because, I mean, proficiency 19 is important, and it's one indicator to show us how 20 students are performing. But for me, it's by far 21 not the most valuable indicator.</p> <p>22 Because I don't know -- not that Aldo is 23 not doing an excellent job. But if the students are 24 coming in and, like, they're high in science as they 25 come into Aldo, and then -- and so the 70 -- it was,</p>

<p style="text-align: right;">42</p> <p>1 like, 79 percent proficiency in science, like, 2 incredible.</p> <p>3 But what if last year, 85 percent of them 4 were sufficient, and, actually, it's going down? 5 Because it's hard to grow students that are already 6 proficient.</p> <p>7 So proficiency is one bar, but I'm 8 definitely looking forward to seeing growth in 9 future years, which I just know it's of no -- 10 there's nothing we can do about it right now today. 11 And that's fine. The world is what it is, and we're 12 in -- we are where we are.</p> <p>13 So I'm just -- I'll be -- I think this 14 report is going to feel better next year, even more 15 so.</p> <p>16 Yeah, that -- and those are really the 17 only, like, concerns that I had with the school. I 18 do think this would definitely be a good example of 19 a school that I would like to see that letter go out 20 from the PEC saying, "Hey, we see that you have 21 significant financial concerns, and we are 22 looking -- we will be looking for improvement on 23 these on your annual report next year."</p> <p>24 I mean, I feel like that's a simple thing 25 to communicate back to the school. And that way the</p>	<p style="text-align: right;">44</p> <p>1 THE CHAIR: Thank you, Vice Chair. 2 Commissioner Beck, and then Commissioner Sherwood 3 (verbatim).</p> <p>4 COMMISSIONER BECK: Yeah. I agree with 5 Commissioner Burt -- Co-Chair Burt and Commissioner 6 Gipson. We need to move on that form for sure.</p> <p>7 And, you know, the idea of the form, from 8 my understanding from yesterday, is not to ask for a 9 plan back or anything like that, just to acknowledge 10 that we see some challenges and so that we have 11 documented that.</p> <p>12 And then I believe Director Chavez came up 13 with a really good idea to have that be part of when 14 they go before the -- their community, make sure 15 that that's part of it. So that's kind of where we 16 were.</p> <p>17 One thing that I noticed from my old days, 18 obviously, you pointed out very accurately that 19 the -- I believe it's the -- or I'm sorry -- Native 20 American, Black, and Asian, I think, are five 21 students totally. So that obviously skews the data 22 a little bit.</p> <p>23 But from my old days in teaching, there 24 was usually -- and I talked to Commissioner Gipson 25 about that. There's usually a direct correlation</p>
<p style="text-align: right;">43</p> <p>1 school knows we saw it, too. You saw it; we saw it. 2 We're all on the same page.</p> <p>3 And -- and let's improve -- which I know, 4 once again, the tough thing about this, too, is -- 5 and this is why I won't -- I don't think I'll 6 support on the form telling them, like, I want to 7 see your plan six months from now, because this was 8 already eight months ago.</p> <p>9 So, really, the school should have -- 10 should, like, correct these things this year. So, 11 like, to tell them, "Hey, now tell me what you're 12 going to do," I mean, really? You should already be 13 doing it. I guess you could tell what you've 14 already done this school year to help with these 15 things.</p> <p>16 But it just feels like a waste of time, 17 because now we're already at the place where you're 18 going to be getting another financial audit coming 19 soon. It's already past the point where, like, your 20 plan to us is going to make an impact.</p> <p>21 So that's where I kind of am. Like, just 22 having the communication, like, "Hey, just so you 23 know, the PEC did look at this. We know that this 24 is an issue, and you know we know. We all know." 25 Clear.</p>	<p style="text-align: right;">45</p> <p>1 between the proficiencies in science and the 2 proficiencies in math. Usually -- we have this 3 little thing that I'm sure one or two of you heard 4 about called STEM. And within there, that's -- S is 5 science and M is math.</p> <p>6 And so it's -- to Commissioner Carrillo's 7 point, it's a red flag in terms of the mathematics 8 piece of it.</p> <p>9 So that would be something that they 10 should definitely look at and see why there's such a 11 disparity there in data.</p> <p>12 Thank you.</p> <p>13 THE CHAIR: Thank you, Commissioner Beck. 14 Commissioner Carrillo.</p> <p>15 COMMISSIONER CARRILLO: Oh. Were you 16 going to let Wayne speak first?</p> <p>17 THE CHAIR: I just talked to Wayne on the 18 side. He doesn't technically work for the school 19 anymore. I just wanted to make sure we're abiding 20 by our protocol. So I think on the -- you know, on 21 a break, we can connect with him.</p> <p>22 COMMISSIONER CARRILLO: That's cool. No, 23 I agree with what Commissioners Burt and Gipson said 24 around having the form. 25 So does this mean we would develop the</p>

<p style="text-align: right;">46</p> <p>1 form in the working session? This form doesn't 2 exist right now.</p> <p>3 COMMISSIONER GIPSON: I make the 4 suggestion to have a subcommittee do it.</p> <p>5 COMMISSIONER CARRILLO: Or is sub. So, 6 anyway, we'll look at the form -- we can look at the 7 form in the working session and then use it? Or -- 8 I mean, didn't we have some sort of a -- not a rule. 9 But didn't we have something that if we're going to 10 introduce something new like that, we had to 11 introduce it, the public sees it, then we can't use 12 it for another 30 days? We did do that.</p> <p>13 So I like the idea of having this at the 14 next meeting. I don't want to wait an additional 15 thirty.</p> <p>16 But just going back to what we had done, 17 as a Commission did, you know, last year. But, 18 anyway, I like the idea of the form, getting it out 19 as quickly as possible. I really don't care what 20 means it is. And even in this case, if we violate 21 our own little thing, get it out for the next month. 22 I think that's a great idea.</p> <p>23 Then I agree completely with there's no 24 have-tos for them. This is informational only. 25 However, after a year, when we do this again, there</p>	<p style="text-align: right;">48</p> <p>1 report out to us in the next meeting. Because that 2 was a real biggy when we were going over this 3 lottery stuff -- I don't know -- 18 months ago or 4 whatever. Because, remember, there were a couple of 5 schools? It's, like, "You are so trying to vet 6 people and weed them out." It was so obvious. I 7 won't name the schools.</p> <p>8 But, no, they need to do that. And then I 9 think that one -- one of the suggestions that we had 10 in that regard was there is something online that 11 they can do with the lottery. And until they're 12 accepted, they don't even have access to all of this 13 other information to be able to give to the school, 14 so that they can't -- there's blinders on no matter 15 what in terms of whether or not they're accepted in 16 the school.</p> <p>17 So I would -- I don't know how others 18 feel. But I would say that, you know, by the next 19 meeting, they need to have that corrected. Because 20 it's lottery season. So -- anyway. So there's 21 that.</p> <p>22 And I'm good. I'm glad we're doing this 23 with these schools today.</p> <p>24 THE CHAIR: Commissioner Gipson, Manis, 25 then Clahchischilliage.</p>
<p style="text-align: right;">47</p> <p>1 needs to be a have-to if we don't see any growth. 2 Okay. I like all the head nods. Those 3 are cool.</p> <p>4 Then I'm curious about Director Chavez. 5 What part of the lottery didn't they meet? Or 6 standard or rule.</p> <p>7 DIRECTOR CORINA CHAVEZ: Thank you, 8 Commissioner Carrillo. What -- the guidance that 9 we've been providing to charter schools is they 10 should separate out the lottery application from the 11 enrollment process; right?</p> <p>12 So if you merge those documents, and you 13 see questions like, "Does the student have an IEP? 14 Does the student have an English Language 15 designation? That sort of a thing? Then it could 16 be perceived as there's a condition for being 17 admitted to the school.</p> <p>18 And so we're asking schools to separate 19 out those two things.</p> <p>20 And they have them combined. It's more 21 efficient for the school. But it doesn't meet the 22 guidance that we're providing.</p> <p>23 COMMISSIONER CARRILLO: So I would say, in 24 that particular case, that needs to be corrected 25 posthaste, like, immediately, and then you can</p>	<p style="text-align: right;">49</p> <p>1 COMMISSIONER GIPSON: Fully embrace the 2 transparency of some -- putting it out there, having 3 a 30-day and then coming back the next month. To 4 me, this is more of an internal process, not a 5 policy procedure thing that -- you know, this isn't 6 a, "Oh, my gosh, you're going to do that kind of 7 thing."</p> <p>8 So I don't see this rising to the level of 9 requiring the -- you know -- it's kind of like, "Oh, 10 you know, anytime a letter is going to go out, we 11 better give them 30 days to look at what that letter 12 is going to look like. We just can't do that."</p> <p>13 This is a -- to me, more of, like I said, 14 an internal working document.</p> <p>15 So, yeah. And I wholeheartedly agree. We 16 talked yesterday that if, in the following year, 17 things haven't changed, that that's what the 18 intervention ladder -- you know, and then a formal 19 letter of concern goes out. Because this is the 20 second year in a row, and things have either stayed 21 the same or gotten worse.</p> <p>22 So that's -- you know, I just wanted to 23 weigh in on the -- having to have a public review of 24 the document.</p> <p>25 THE CHAIR: Thank you, Commissioner.</p>

50	<p>1 Commissioner Manis.</p> <p>2 COMMISSIONER MANIS: I just wanted to echo</p> <p>3 what Commissioner Carrillo was stating about the</p> <p>4 lottery, because we are in lottery season, that it</p> <p>5 would be good to have that corrected for this</p> <p>6 current lottery.</p> <p>7 THE CHAIR: Thank you, Commissioner.</p> <p>8 Commissioner Clahchischilliaage -- Commissioner --</p> <p>9 sorry.</p> <p>10 COMMISSIONER CLAHCHISCHILLIAGE: Can I</p> <p>11 have -- I guess three questions. And they're just</p> <p>12 clarification questions.</p> <p>13 Students with disability. What kind of</p> <p>14 disabilities are they talking about? And this is</p> <p>15 enrollment percentages by subgroup.</p> <p>16 DIRECTOR CORINA CHAVEZ: So I don't go to</p> <p>17 all the visits. I didn't go to this one. I did</p> <p>18 visit them last week for the '22-'23 school year.</p> <p>19 And this is end-of-the-year data from '21-'22.</p> <p>20 So I would need to do some research to let</p> <p>21 you know what types of disabilities this school has</p> <p>22 in their enrolled students.</p> <p>23 What it does is -- what it does is it</p> <p>24 separates out, because in New Mexico for special ed,</p> <p>25 we include both gifted and students with</p>	52	<p>1 S.T.A.R.S. I'm going to ask someone to look that</p> <p>2 up.</p> <p>3 COMMISSIONER CLAHCHISCHILLIAGE: Okay.</p> <p>4 Okay. Thank you.</p> <p>5 Also going to the lottery scholarships. I</p> <p>6 know that Native Americans were not eligible for the</p> <p>7 lottery on scholarships. And it's in statute. I</p> <p>8 was wondering how are these schools addressing that</p> <p>9 area?</p> <p>10 THE CHAIR: Commissioner -- go ahead.</p> <p>11 Sorry.</p> <p>12 DIRECTOR CORINA CHAVEZ: So you're</p> <p>13 probably going to say the same thing I was going to</p> <p>14 say, Chair Brauer. And that is that when we're</p> <p>15 talking about the lottery in this regard, in this</p> <p>16 report we're talking about how students are admitted</p> <p>17 to the school, not the lottery scholarship.</p> <p>18 But I'm a little shocked at what you said.</p> <p>19 And I don't know a whole lot about Lottery</p> <p>20 Scholarship because that is run by the New Mexico</p> <p>21 Higher Ed Department.</p> <p>22 COMMISSIONER CLAHCHISCHILLIAGE: It would</p> <p>23 be interesting to see, though, to know how that</p> <p>24 got -- I guess statute is applied to our charter</p> <p>25 school Native Americans. So -- okay.</p>
51	<p>1 disabilities. So our attempt was to separate out</p> <p>2 that information for you so you had those as</p> <p>3 discrete categories.</p> <p>4 I can go back and look at notes if you</p> <p>5 want me to give you more information on the school's</p> <p>6 special ed. Give me a minute.</p> <p>7 COMMISSIONER CLAHCHISCHILLIAGE: Okay.</p> <p>8 That's fine. My other question was, what about --</p> <p>9 who are economically disadvantaged?</p> <p>10 DIRECTOR CORINA CHAVEZ: Okay. So you're</p> <p>11 asking for the definition of "economically</p> <p>12 disadvantaged"?</p> <p>13 COMMISSIONER CLAHCHISCHILLIAGE: I guess,</p> <p>14 yeah, for the school, yes.</p> <p>15 DIRECTOR CORINA CHAVEZ: Right. Okay. So</p> <p>16 there's a statewide definition that I don't have</p> <p>17 memorized, either. You know about the S.T.A.R.S.</p> <p>18 system --</p> <p>19 COMMISSIONER CLAHCHISCHILLIAGE: I get it.</p> <p>20 DIRECTOR CORINA CHAVEZ: -- that asks</p> <p>21 schools to upload that information and keep that</p> <p>22 information updated with certain reporting periods.</p> <p>23 But great question. I can get you that</p> <p>24 answer in a minute. What I probably need is the</p> <p>25 S.T.A.R.S. manual. Staff also is very familiar with</p>	53	<p>1 COMMISSIONER GIPSON: So it's -- so I</p> <p>2 guess I'm confused.</p> <p>3 The -- because we're public schools,</p> <p>4 statute requires that all schools enter -- all</p> <p>5 students have the same access except -- you know, if</p> <p>6 there's too many students for a particular grade,</p> <p>7 that's when the -- that's when they have to do a</p> <p>8 random lottery, so that it's a blind lottery. The</p> <p>9 only thing they have is name and a contact.</p> <p>10 But they -- and many schools use a</p> <p>11 computer program now that does it. So it truly is,</p> <p>12 you know, a blind lottery system.</p> <p>13 So statute requires that all of our</p> <p>14 schools admit students equally, first come, first</p> <p>15 served.</p> <p>16 COMMISSIONER CLAHCHISCHILLIAGE: Right. I</p> <p>17 guess we're talking about two different --</p> <p>18 COMMISSIONER GIPSON: We are. The Lottery</p> <p>19 Scholarship is for Higher Ed, yeah.</p> <p>20 COMMISSIONER CLAHCHISCHILLIAGE: Uh-huh.</p> <p>21 Thank you.</p> <p>22 THE CHAIR: Thank you, Commissioner.</p> <p>23 Commissioner Ingham, and then Commissioner</p> <p>24 Taylor.</p> <p>25 COMMISSIONER INGHAM: I just had one</p>

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1 question about the lottery. Since the school is
 2 under their cap, it would seem like to me that you
 3 wouldn't need -- unless it was a specific grade,
 4 that it wouldn't -- how they could be -- they would
 5 have to be actually vetting people to not -- not
 6 allow them into the school.

7 But they have room in their school for the
 8 population. So I don't understand how the lottery
 9 really has an effect, unless we are actually not
 10 allowing certain students. So I just don't
 11 understand that.

12 The second thing is I did want to ask,
 13 were they given the opportunity for your survey
 14 after the -- when you said, "This is a draft," have
 15 they responded to the survey, I guess?

16 DIRECTOR CORINA CHAVEZ: Thank you,
 17 Commissioner Ingham.

18 A couple of things. One is you're right.
 19 They are under their cap, so probably everybody that
 20 completes the lottery application could get
 21 admitted, if the facility can hold them; right?

22 Nonetheless, we expect for all schools to
 23 have lottery policies that would not even give the
 24 perception of any sort of bias. And if you combine
 25 the enrollment with the lottery application, which

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1 should only ask the name of the student, the grade
 2 level, and then contact information, so that the
 3 school can contact that student and let them know
 4 that they have been admitted, if a school's lottery
 5 form includes more than that, we're still going to
 6 give the same guidance, because we expect it to be
 7 consistent across the state, whether or not they're
 8 at their cap or not.

9 And whether or not they actually have to
 10 create any sort of lottery process where some
 11 students get in and some students are added to a
 12 waitlist, it doesn't matter. We still expect for
 13 all schools to use the same process.

14 Okay. That was the first part. And then
 15 the second question that you asked? I forget
 16 what --

17 COMMISSIONER INGHAM: Did they complete --

18 DIRECTOR CORINA CHAVEZ: Oh, right. I am
 19 unclear if we gave them a survey. And it doesn't
 20 matter, because I was there last week, sitting down
 21 next to the head administrator reviewing this
 22 report.

23 So the purpose, again, of the survey is
 24 for the school to let us know if there's any sort of
 25 accuracy or any sort of clarification needed on the

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1 ratings.

2 So I did that in person with the head
 3 administrator, Dr. -- Dr. Smith. So I don't think
 4 he needs to complete the survey.

5 But do you -- do you think he still needs
 6 to complete the survey if I sat down with him and he
 7 was good with the report as is?

8 COMMISSIONER INGHAM: No. Okay. I guess
 9 I understand that.

10 If -- I guess -- I can imagine a situation
 11 where they get the information -- and you're right
 12 there, and they really haven't had a chance to
 13 consider how they want to respond, that they would
 14 maybe take advantage of the survey rather than an
 15 in-person interview that would -- that they would be
 16 kind of working off the cuff.

17 And so I -- I guess that's the only
 18 opportunity -- I just think the survey is a great
 19 idea. That gives them an opportunity to respond
 20 and -- thoughtfully, anyway --

21 DIRECTOR CORINA CHAVEZ: Thank you,
 22 Commissioner Ingham.

23 For these three schools, because we were
 24 intimately in conversation with them about their
 25 reports, we also did, like, a follow-up check-in --

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1 certainly, that's the case with Dolores Huerta, you
 2 know -- to make sure that they were good after they
 3 had had a couple of days or a week or more to look
 4 at the report.

5 So -- that answers? Okay. Thank you.

6 THE CHAIR: Thank you. Commissioner
 7 Taylor. Then I want to reserve.

8 COMMISSIONER TAYLOR: So, hopefully, a
 9 quick question, Director Chavez.

10 When were those guidelines published or
 11 made available to -- in regards to the lottery, when
 12 were those made available to the schools? And why
 13 wasn't a school following those directives or
 14 guidelines?

15 DIRECTOR CORINA CHAVEZ: So I'm going to
 16 our website to check. It has a date on it. Give me
 17 one second to get there. You know, there is PEC
 18 website, but the Charter Schools Division also
 19 maintains a website.

20 COMMISSIONER TAYLOR: So one of the
 21 reasons I ask is because I sit on the governing
 22 council of a charter school in Roswell that is
 23 authorized by the district, by the way, not by the
 24 State. And our lottery process last year was
 25 amended to make sure that we complied with those

<p style="text-align: right;">58</p> <p>1 directives.</p> <p>2 So, I mean, it was prior to our lottery</p> <p>3 last year, it seems.</p> <p>4 DIRECTOR CORINA CHAVEZ: It was. It was</p> <p>5 one of the first things I did when I came into this</p> <p>6 position. I'm still not finding the document. Give</p> <p>7 me a second.</p> <p>8 COMMISSIONER TAYLOR: I guess just to</p> <p>9 recognize that it seemed like a fairly simple</p> <p>10 process to -- to -- yeah, to implement. So,</p> <p>11 anyway...</p> <p>12 DIRECTOR CORINA CHAVEZ: Commissioner</p> <p>13 Taylor, if I may? So we revised the lottery</p> <p>14 guidance -- I want to say that it was in 2021. And</p> <p>15 as we did that, we also did an inventory of all</p> <p>16 charter schools. This is sort of like me wearing</p> <p>17 the State Education Department hat as opposed to the</p> <p>18 PEC State-authorized charter school oversight hat.</p> <p>19 This was for all charter schools that we</p> <p>20 provided this guidance.</p> <p>21 We did the inventory. We gave feedback to</p> <p>22 the schools. Whether they listened to it and</p> <p>23 amended their lottery policy, which I'm very happy</p> <p>24 to hear that you all did, was up to them. But we</p> <p>25 are continuing to monitor and give feedback to the</p>	<p style="text-align: right;">60</p> <p>1 draft. And they're listed as a draft. And we don't</p> <p>2 have the form yet. So why not wait till next month</p> <p>3 when we have the form?</p> <p>4 COMMISSIONER CARRILLO: Are we having a</p> <p>5 subcommittee do the form? I'm just kidding with</p> <p>6 you. I know that. I do pay attention. I know</p> <p>7 that. That's fine. I was just kind of looking</p> <p>8 forward to seeing them and discussing them, because</p> <p>9 I enjoy it. I do listen to you, Pattie.</p> <p>10 Okay. We're good.</p> <p>11 THE CHAIR: Director Chavez.</p> <p>12 DIRECTOR CORINA CHAVEZ: Yes. Thank you,</p> <p>13 Chair Brauer. So I think that we -- I don't know</p> <p>14 how long we've been talking about this. But we have</p> <p>15 57 schools. And so if we -- if we spend as much</p> <p>16 time as we have been with this one, it's going to be</p> <p>17 lengthy.</p> <p>18 March, you guys better bring your sleeping</p> <p>19 bags. Just kidding. Just wanted to say that,</p> <p>20 though, to be cognizant of how much time we spend.</p> <p>21 But I wanted to respond to Commissioner</p> <p>22 Clahchischilliage's questions about the indicators</p> <p>23 and how we define.</p> <p>24 So in S.T.A.R.S., students who have a</p> <p>25 qualifying disability or impairment who also have an</p>
<p style="text-align: right;">59</p> <p>1 school when we see that maybe they have not followed</p> <p>2 the feedback that we gave to them when we did the</p> <p>3 initial inventory of their lottery.</p> <p>4 THE CHAIR: Great. Thank you.</p> <p>5 So is there any other questions or</p> <p>6 comments? I don't think there's any other comments</p> <p>7 about this school.</p> <p>8 I wanted to see if the wishes of the PEC</p> <p>9 would be to hear the other two schools' reports, or</p> <p>10 do we want -- was that something we would like to do</p> <p>11 today? Or should we just wait to hear them -- okay.</p> <p>12 So do we need a motion to move on? Do we</p> <p>13 feel like we need a motion to move on or table this?</p> <p>14 COMMISSIONER CARRILLO: Hold on. Why</p> <p>15 don't we want to hear the other reports?</p> <p>16 COMMISSIONER GIPSON: Do you ever listen</p> <p>17 to me?</p> <p>18 COMMISSIONER CARRILLO: I do -- sometimes</p> <p>19 there's this thing that goes "toot-toot" --</p> <p>20 COMMISSIONER GIPSON: These are just</p> <p>21 drafts.</p> <p>22 COMMISSIONER CARRILLO: So we're waiting</p> <p>23 for them.</p> <p>24 COMMISSIONER GIPSON: Correct. It</p> <p>25 wouldn't be appropriate to take action accepting a</p>	<p style="text-align: right;">61</p> <p>1 Individualized Educational Plan, or IEP, in place</p> <p>2 include autism, deaf/blindness, developmentally</p> <p>3 delayed, emotional disturbance, hearing impairment,</p> <p>4 deafness, intellectual disability, multiple</p> <p>5 disabilities, orthopaedic impairment, other health</p> <p>6 impaired, additional Tourette's Syndrome</p> <p>7 information, specific learning disability, speech</p> <p>8 language impairment, traumatic brain injury, and</p> <p>9 visual impairment.</p> <p>10 Those are the definitions of students with</p> <p>11 disabilities, which is, again, distinguished from</p> <p>12 the gifted population, which also falls into on</p> <p>13 special ed.</p> <p>14 So I also want to just say that students</p> <p>15 who come from households who qualify for free or</p> <p>16 reduced lunch or receive some sort of public</p> <p>17 assistance qualify as economically disadvantaged.</p> <p>18 THE CHAIR: Great. Thank you.</p> <p>19 So do we -- do we need a motion to --</p> <p>20 DIRECTOR CORINA CHAVEZ: Chair Brauer, one</p> <p>21 more response to a Commissioner's question about</p> <p>22 when the lottery update was published. That was</p> <p>23 September 17th, 2021.</p> <p>24 THE CHAIR: Great. Thank you.</p> <p>25 Director Chavez, you're pointing out the</p>

<p style="text-align: right;">62</p> <p>1 amount of time around this one school. I think we 2 just had a lot of questions today on this first one 3 and the process that we're going to be using. So I 4 think moving forward, we'll be more efficient, but 5 still stay strident on questions that we have and 6 having discourse for sure.</p> <p>7 With that, let's move on to Item No. 7, 8 Discussion and Possible Action Regarding Breach of 9 Contract by Cesar Chavez Community School, Including 10 Consideration of Corrective Action Plan Presented by 11 the School.</p> <p>12 (Chair consults with counsel.)</p> <p>13 THE CHAIR: So I'd like to -- I'd like to 14 have the Director give an overview and begin the 15 discussion, and then the Cesar Chavez team will have 16 a chance to report out as well.</p> <p>17 DIRECTOR CORINA CHAVEZ: All right. Give 18 me a minute here. I'm managing multiple 19 communications, and I will ask also for my staff 20 person to assist with this. So I'm wondering where 21 we might have a mic in case there's a need for 22 clarification.</p> <p>23 Actually, might have been a good time to 24 take a five-minute break. I'm wondering if you 25 might consider that, just so we can get situated.</p>	<p style="text-align: right;">64</p> <p>1 So thank you.</p> <p>2 THE CHAIR: Thank you, Commissioner Beck. 3 And congratulations. 4 Director Chavez.</p> <p>5 DIRECTOR CORINA CHAVEZ: A great 6 congratulation, Commissioner Beck. And, you know, 7 there's a quick exit right here. That is the 8 quickest route.</p> <p>9 All right. Thank you.</p> <p>10 Commissioners, directing you to your 11 Google folder, this is Item No. 7. And there are 12 three documents that are contained within that. The 13 first one, which is just No. 7, is the actual breach 14 notification that went out on February 6th to the 15 head administrator and to the president of the 16 governing board of Cesar Chavez Community School.</p> <p>17 As you all recall, this is an issue 18 that -- the issue with the school is that during the 19 pandemic when all schools were asked to go remote, 20 Cesar Chavez never came back to in person. And we 21 noticed this, and we brought the concern to the PEC.</p> <p>22 There was some immediate action. There 23 was a visit by the school and its attorney assuring 24 us that there was some in person. And the more we 25 looked at it, the more we realized we actually</p>
<p style="text-align: right;">63</p> <p>1 Yeah, I know.</p> <p>2 THE CHAIR: Of course you had to ask me 3 when I was taking my little break.</p> <p>4 Let's take a five-minute break. We'll be 5 back at 10:21.</p> <p>6 (Recess held, 10:16 a.m. to 10:25 a.m.)</p> <p>7 THE CHAIR: All right. Thank you, 8 Commissioners and Public. We're going to move back 9 in to Item No. 7, Discussion and Possible Action 10 Regarding Breach of Contract by Cesar Chavez 11 Community School, Including Consideration of 12 Corrective Action Plan Presented by the School.</p> <p>13 So, Director Chavez, you're going to give 14 a brief update, and then the school community will 15 have a chance as well to share -- to share as well.</p> <p>16 Before we do that, I wanted to pass the 17 mic over to Commissioner Beck for a super brief 18 update on his part.</p> <p>19 COMMISSIONER BECK: I just want to 20 apologize in advance, because around 1:15, my 21 son-in-law's father is getting honored at the 22 Roundhouse. And I'd really like to attend that.</p> <p>23 So I apologize in advance if I have to get 24 up. I have the little thing right here when she 25 says, "Get going, Dad."</p>	<p style="text-align: right;">65</p> <p>1 didn't have evidence that the school was meeting in 2 person, save for outdoor tutoring that students were 3 engaging in.</p> <p>4 So the February 6th letter that went out 5 to the school from the PEC was providing notice of 6 the breach due to the following failures:</p> <p>7 1. Failure of the school to return to 8 in-person instruction as directed by the Governor 9 and the PED following guidelines set forth by the 10 public health order of August 12, 2022, in violation 11 of the contract. And it references the sections.</p> <p>12 Failure to provide in-person instruction 13 as the primary form of instruction at the facility 14 that the school occupies; and failure to address the 15 needs of its student population such as those 16 identified in the annual report and provide 17 in-person instruction for the 2022-'23 school year 18 impacting the mission and comprehensive educational 19 program of the school, again, referencing the 20 contract sections.</p> <p>21 And possible violation regarding the 22 acceptance of funds for a building as an education 23 facility and yet not having students in the 24 facility.</p> <p>25 So we asked that -- and this was at a</p>

<p style="text-align: right;">66</p> <p>1 special meeting -- that the PEC asked for a 2 Corrective Action Plan within ten days. And because 3 we have such a short timeline, the school had to 4 turn around a Corrective Action Plan pretty quickly 5 to me. I needed to review it and provide feedback 6 to the school.</p> <p>7 And so I just want to start out by saying 8 that there has been some back-and-forth up until, 9 like, yesterday, yet another document. So the tight 10 timeline that we're holding right now is challenging 11 for both the school and the Charter Schools 12 Division.</p> <p>13 Nonetheless, the other documents that you 14 have in your -- in your folder include the CAP that 15 was sent to us on February 14th. And I believe that 16 this is Version No. 2, and there is yet a third one 17 that arrived last night.</p> <p>18 So we looked at it. It wasn't 19 significantly different. I can e-mail it to you, 20 but it's not significantly different that we would 21 change our analysis.</p> <p>22 And so the final document that I want to 23 call your attention to is 7.b., which is an analysis 24 of the Corrective Action Plan.</p> <p>25 I have been blessed to work very closely</p>	<p style="text-align: right;">68</p> <p>1 the Corrective Action Plan.</p> <p>2 MS. MARTICA DAVIS: How about now? Okay. 3 I'll keep my mask off.</p> <p>4 So thank you, Director Chavez. Thank you, 5 Commissioners.</p> <p>6 So just to provide some more context to 7 what Director Chavez reported. So we did do an 8 informal visit to the school on February 14th. Part 9 of the reasoning for our visit was we received 10 two -- well, at that point, we had received one 11 draft of the Corrective Action Plan from the school. 12 And the school did indicate in their Corrective 13 Action Plan their intent to hold in-person classes 14 between the hours of 10:00 a.m. and 4:00 p.m.</p> <p>15 So with that information, we did make a 16 decision to just make an informal -- stop by, drive 17 by the school to see if, in fact, they were already 18 using those hours or operating by those hours.</p> <p>19 When we arrived, we found that the school 20 was not open at that time. And there was a sign -- 21 there were a couple of signs posted on the door of 22 the school, one indicating that the school still 23 remained on remote learning plan, that the school 24 was virtual, and the building was closed to students 25 and only open to staff.</p>
<p style="text-align: right;">67</p> <p>1 with one of my staff persons, Martica Davis, who has 2 taken leave, and she can certainly stand for any 3 questions around the specific details, because this 4 Commission likes to ask really specific details. 5 And I appreciate that, but I don't memorize 6 everything.</p> <p>7 I can tell you that our analysis is that 8 the school is providing a proposal for a hybrid 9 plan. And, ultimately, I personally believe that 10 that's something that might be considered, but that 11 is not what you asked.</p> <p>12 So I don't know that they met the 13 requirements of the breach. I think that -- I also 14 want to share with you that there was some 15 additional concerns that were not addressed in what 16 they sent to us; and that is that there's no 17 evidence that they have returned back to in person 18 at all.</p> <p>19 And there's confusion around the hours of 20 the school. We did go by the school. We did some 21 unannounced -- just check, you know, go to the 22 school, see if they're open. And the school has not 23 been open.</p> <p>24 And I will turn it over to Martica to add 25 some additional information about our analysis of</p>	<p style="text-align: right;">69</p> <p>1 There was an additional sign on the door 2 that listed various operating hours from Monday to 3 Thursday. It was unclear from that schedule if that 4 schedule represented building hours, if they 5 represented instructional hours, or if they 6 represented teacher report hours, or any combination 7 of those things. So it was basically unclear to us 8 if the school was actually operating in person or if 9 at all what degree the building was even open.</p> <p>10 So a follow-up visit was planned to the 11 school the following day, which would have been 12 February 15th, again, another informal drive-by 13 visit. At that time it was observed that the 14 neighborhood schools were open but operating on a 15 two-hour delay. So the neighboring schools -- with 16 the latest starting at 10:30 a.m. -- they were open 17 and in session, but Cesar Chavez Community School 18 was not open.</p> <p>19 The school did post on public platforms 20 that it was fully remote for the day, and the 21 building was not open.</p> <p>22 So concerning the analysis, as Director 23 Chavez reported, we did ultimately end up receiving 24 three versions of the school's Corrective Action 25 Plan, with the latest coming in yesterday evening.</p>

<p style="text-align: right;">70</p> <p>1 The analysis that we provided to you was based on 2 the second version of Cesar Chavez's Corrective 3 Action Plan.</p> <p>4 We did not determine that the Corrective 5 Action Plan addressed your -- our understanding of 6 what was your directive for the school to return to 7 in-person learning immediately. So we did note that 8 in our analysis.</p> <p>9 THE CHAIR: Is that all, Director?</p> <p>10 DIRECTOR CORINA CHAVEZ: Thank you, 11 Martica. I believe that that's our presentation.</p> <p>12 THE CHAIR: And before we -- if the 13 Commissioners are okay with this, we'll have the 14 school present and then we'll take questions.</p> <p>15 Ms. Arness, good to see you.</p> <p>16 MS. TANI ARNESS: Okay. Thank you. Thank 17 you, Chair Brauer, and all the Commissioners. We're 18 happy to be here today. Appreciate you taking the 19 time to meet with us. And, yeah, we want to start 20 saying, first and foremost, that we are really 21 grateful for your willingness to work with us on 22 trying to find a solution that can serve our 23 community, and we have taken your feedback to heart, 24 and we are -- we think that our Corrective Action 25 Plan that we're developing meets the request to</p>	<p style="text-align: right;">72</p> <p>1 you know, respond to that.</p> <p>2 So I think our large concern with regard 3 to our -- one of our most recent visits and the 4 operating hours of the school was that it just was 5 not clear to us at all what the school's true 6 operating hours are with what the building's hours 7 truly are.</p> <p>8 There was conflicting information from the 9 sign that was posted on the school's window. It 10 differed with what was publicly available 11 information from the internet, and it also differed 12 from what was even on the school's website.</p> <p>13 So it was just unclear to us how the 14 school has been operating and on what schedule on an 15 in-person basis. So that's something that we hope 16 to have some clarification on today.</p> <p>17 MS. TANI ARNESS: And I can address -- we 18 did look at that when we got that feedback, and we 19 saw that there was some old information on Google. 20 So we will try to get that clarified. And we 21 believe our website is consistent. But if there's 22 an area that we missed on the website, we are happy 23 to correct that.</p> <p>24 THE CHAIR: Thank you. 25 Commissioner Manis.</p>
<p style="text-align: right;">71</p> <p>1 start having in-person classes.</p> <p>2 It's true we have not started that yet. 3 We are -- our plan is to start that on March 14th 4 for the beginning of Quarter Four, and we were also 5 responding to comment at the last meeting that we 6 should maybe wait to make any changes until we've 7 had our plan approved.</p> <p>8 And so, yeah, we're looking forward to 9 doing that, getting teachers on campus, getting 10 in-person classes happening, and also, you know, 11 working with the online that our community wants as 12 well. So we hope that we can find a good pathway 13 through this, and we are happy to answer questions.</p> <p>14 Oh. And if I could address the hours that 15 are currently posted that we've been doing so far, 16 is 10:00 to 3:30 on Mondays and Tuesdays, and 10:00 17 to 3:00 on Wednesdays and Thursdays.</p> <p>18 So that's why the school was not open at 19 the visit. So we're sorry that we missed you.</p> <p>20 The proposed plan would extend that 10:00 21 to 4:30. So that's some clarification on that.</p> <p>22 THE CHAIR: Great. Thank you. Go ahead, 23 Martica.</p> <p>24 MS. MARTICA DAVIS: Thank you, Chair 25 Brauer. So I did want to sort of give some more --</p>	<p style="text-align: right;">73</p> <p>1 COMMISSIONER MANIS: My question is 2 directed to Martica. You had said that the school 3 had, I guess, stated their intention early on in the 4 process of starting the in-person -- or I may have 5 misheard what you had said.</p> <p>6 MS. MARTICA DAVIS: So some of the 7 background in regards to the visit.</p> <p>8 So we heard your concerns, the concerns of 9 the Commission from the December and January 10 meetings with regard to getting clarification on the 11 operating -- the true operating hours from the 12 school as far as what the contracted hours were for 13 teachers to be in the school as well as how much and 14 what times the school would be providing actual 15 in-person, direct instruction. So those were things 16 that we sought to clarify.</p> <p>17 Unfortunately, we did not receive direct 18 follow-up from the school at any point from 19 between -- since December in regards to what their 20 true operating hours were, what their hours of 21 instruction were going to be, and what their 22 contracted in-person hours for their teachers were 23 going to be. So we did not have that information.</p> <p>24 What we did receive from the school was 25 their Corrective Action Plan on February 14th,</p>

<p style="text-align: right;">74</p> <p>1 Version One at that point. And they said in that 2 plan that they were going to operate between either 3 the hours of 10:00 and 4:00 -- I'd have to look at 4 it -- or 10:00 and 4:30. So that kind of spurred 5 our drive-by. That was their written Corrective 6 Action Plan that they submitted to us.</p> <p>7 COMMISSIONER MANIS: I'm meaning that was 8 what they were saying they were immediately doing 9 that, or they were in the future going to do that?</p> <p>10 MS. MARTICA DAVIS: They didn't specify. 11 But since we didn't have any follow-up with regard 12 to how the school was operating under what hours, 13 that is what spurred the informal visit. We just 14 were not sure.</p> <p>15 COMMISSIONER MANIS: Yeah. I just wanted 16 to clarify whether -- what they had stated. That 17 way I knew for my own edification whether they were 18 stating it was going to be immediate or future or --</p> <p>19 MS. MARTICA DAVIS: They weren't saying 20 anything.</p> <p>21 COMMISSIONER MANIS: Okay. Thank you.</p> <p>22 MR. DAN HILL: Mr. Chair, members of the 23 Commission. This is Dan Hill. I'm the attorney for 24 the school. I want to make clear two things: 25 One, the school heard at the hearing not</p>	<p style="text-align: right;">76</p> <p>1 there was -- I think there were dates in there that 2 suggested that you would begin the first in person 3 starting around the time of this meeting. And I 4 know -- and then going full in person by March 14th, 5 which is the beginning of fourth quarter.</p> <p>6 So my question is would you -- is there 7 still intent to begin that transition, since, you 8 know, it is a month out, and there could be -- you 9 know, from the original idea that you shared in the 10 last meeting, there was a -- there was interest in 11 starting to -- to do the first -- the first run of 12 this and getting students and teachers back in 13 person.</p> <p>14 MS. TANI ARNESS: Yes. In our -- in the 15 last meeting, we had a proposal to do a soft 16 opening, I think we called it. And we have started 17 bringing just a handful of students in attending 18 classes, just a couple of days a week with a couple 19 of teachers. So that's pretty soft, but it -- but 20 there are some students coming on campus, and 21 it's -- we're, you know, helping us anticipate some 22 of the needs; so...</p> <p>23 THE CHAIR: Vice Chair Burt.</p> <p>24 COMMISSIONER BURT: Thanks. I don't have 25 any concern about you not having come back yet.</p>
<p style="text-align: right;">75</p> <p>1 to make any changes until the PEC acted, so that's 2 what they did.</p> <p>3 Second, the CAP specifically says, even if 4 approved, they're not contemplating making a change 5 until March 14th.</p> <p>6 You can sense my frustration. It feels 7 like this was a gotcha moment from CSD. You show up 8 at 4:00 unannounced. School is not in session. You 9 already know the school is in remote. That's 10 undisputed. I'm not sure what that's supposed to 11 show here.</p> <p>12 I think the school has been very 13 transparent in its CAP. The 14th would be the start 14 date. We heard you say, "Don't make changes until 15 acted upon by the Commission," and that's what we 16 acted on.</p> <p>17 If there was a misunderstanding on that, 18 we'll take the blame for that. That's why we're 19 here today.</p> <p>20 THE CHAIR: Thank you, Mr. Hill. I do 21 want to share -- and this is a -- this is a question 22 for you, Ms. Arness.</p> <p>23 I know in the original -- it wasn't a CAP, 24 but it was a -- I don't know what we want to call 25 it -- the tool that you brought in the last meeting,</p>	<p style="text-align: right;">77</p> <p>1 That's why -- that's why we were here. That's why 2 we're doing this. So I'm not worried about it not 3 being open yet.</p> <p>4 And I actually -- I actually think, as a 5 former teacher, it makes sense to do it March 14th 6 at the beginning of a quarter, because I think, for 7 me as a teacher, it would have been really hard to 8 transition, like, mid-quarter when I'm planning -- 9 like, if you do a good job in your backwards 10 planning, you have a set thing in mind. And if it 11 needs to change, like, it just needs time.</p> <p>12 So I think it makes most sense to do it at 13 a natural break. I actually really like this plan. 14 I think it makes sense. I think there's a lot of 15 opportunity -- I see that staff are expected to be 16 on campus all the time at this time. The school 17 will be, like -- and even students who are going to 18 have that remote only, they're still going to be 19 required to come on and get check-ins on campus.</p> <p>20 I mean -- so, really, there's nobody whose 21 not going to be seen on campus at least weekly. And 22 I think that addresses the concerns I had with it 23 being fully remote and not using -- like, all the 24 issues that I was concerned about about not coming 25 back do seem to feel like this is -- this to me is</p>

<p style="text-align: right;">78</p> <p>1 very consistent with what I know the hybrid schools 2 who have shown success are doing very similar. 3 So to me this actually makes a lot of 4 sense. 5 I like the meeting -- the -- there's also 6 the quarterly meetings with the mentors or academic 7 advisers added into this plan as well to look over 8 it. I think that's just important for there as 9 well. 10 To me, I do feel like there's -- I feel 11 like this is a good plan. I imagine over the first 12 quarter that you do this, you'll probably need to 13 make some adjustments, which I think makes sense, 14 because then you can do this quarter, figure it out 15 as a team over the summer what your next school year 16 looks like, and start really building off of it. 17 And it's also, I think, going to be 18 interesting -- I imagine -- like, to have students 19 switch three quarters of the way through the year is 20 going to be challenging. But I also -- I could 21 imagine -- like, at the beginning of the school 22 year, I could imagine more students wanting to come 23 in again as well. 24 So I think a lot is going to have to be 25 considered, like, over the summertime based on what</p>	<p style="text-align: right;">80</p> <p>1 we had our governance council meeting on Wednesday, 2 the 15th. So they wanted to approve the plan and 3 they made some suggestions on wording to make it 4 more clear. 5 So, for instance, on the Mission-Specific, 6 one of the feedback was how -- you know, making sure 7 that we're meeting the mission and et cetera. 8 Rather than convoluting the Corrective Action Plan 9 focused on the hybrid, we just added in that you 10 could look at our amendment documentation from 11 December 16th where it clearly documents each thing 12 that we're doing to meet the mission and the 13 comprehensive education plan, and then, yeah, just 14 clarifying a little bit of the language in the 15 hybrid plan. 16 COMMISSIONER BURT: Okay. When it comes 17 to instructional hours, how are those being 18 documented to make sure that you're meeting the 19 statutory requirement? 20 MS. TANI ARNESS: Those will be the same. 21 Each class is measured in terms of the minutes of 22 the class, and students have to be in the class 23 during that time. So that'll account for our 24 documented hours. 25 COMMISSIONER BURT: So it's not going to</p>
<p style="text-align: right;">79</p> <p>1 you learn over this quarter. But also I can imagine 2 your next school year could look very differently 3 than this quarter. And my hope would be that if 4 there are students who are maybe not coming in as 5 consistently, or they're not -- that you don't use 6 that as a sign to be, like, "Oh, maybe we shouldn't 7 be..." -- because I think next year could be a whole 8 different story. 9 So, like, give it time to, like, allow the 10 students to figure out that, like, hybrid modeling 11 before, like, saying, "No, this wasn't going to work 12 out." 13 The other -- I did have a question about 14 the -- so this is the second draft. And I know you 15 said, Director Chavez, there wasn't much difference 16 between the next one. 17 Could you talk about what that is, like, 18 what -- or -- yeah. Actually, yeah. Thank you. 19 Ms. Arness, could you talk about what is 20 specifically the difference between this one that 21 we're looking at and what changed between the next 22 version? 23 MS. TANI ARNESS: We were actually just 24 putting a little bit more clarifying language in. 25 So I think when we went to our governance council --</p>	<p style="text-align: right;">81</p> <p>1 be necessarily the building hour operations. That's 2 not your instructional hours. Or is that -- 3 MS. TANI ARNESS: No, the instructional 4 hours will be the time students spend in classes. 5 COMMISSIONER BURT: Okay. 6 MR. DAN HILL: If I can, Commissioner 7 Burt? What I want to add, too, with Cesar Chavez, 8 they only do direct instruction. It's, like, not a 9 school that does Edgenuity or self-paced. 10 MS. TANI ARNESS: We use some. 11 MR. DAN HILL: Some. But they're 12 primarily direct instruction, even if it's using the 13 online platform. So that makes it actually a lot 14 easier to calculate instructional hours versus 15 something that's self-paced. 16 COMMISSIONER BURT: What is -- so you -- 17 agreed. I actually agree with that completely, so 18 100 percent. 19 What is the option to use, like, students 20 who need to use a more self-paced? Or is it, like, 21 a credit recovery option? Is that what Edgenuity is 22 used for? 23 MS. TANI ARNESS: Yeah. So both students 24 have that as an option if they would like to use it. 25 We try to monitor. Some students don't do</p>

<p style="text-align: right;">82</p> <p>1 well with Edgenuity. It's not our ideal at all. We 2 like the direct instruction.</p> <p>3 So we strongly encourage students to get 4 as much direct instruction as they can into their 5 day. And then we work with students on their 6 individual learning plans to see what will work for 7 each student.</p> <p>8 COMMISSIONER BURT: And then I'm 9 wondering -- that is definitely qualitative data to 10 ask you about.</p> <p>11 But you did hold a lot of meetings between 12 the last meeting and this one. Can you talk about 13 the reception of the various meetings? Like, did it 14 seem like it was, like, a -- people were looking 15 forward to it? Or were people, like, "I can't 16 believe they're making us do this, we don't want to 17 do it, this isn't good"?</p> <p>18 Very qualitative, obviously, you know.</p> <p>19 MS. TANI ARNESS: I really appreciate your 20 insights come from someone who's on the ground 21 picturing how it's going to roll out. I really 22 appreciate that.</p> <p>23 So, yes. So we got some variety. We 24 were -- actually, I think the strongest feedback we 25 got is, "Don't get rid of online."</p>	<p style="text-align: right;">84</p> <p>1 know, the two, like, hybrid schools, I really would 2 encourage you to just reach out to them as you're 3 going through this process and getting feed -- 4 they've been doing it for a decade now, a 5 decade-plus, and they have data to show what they've 6 done works. So it could just help you with some of 7 the, like, growing pains of moving into it.</p> <p>8 But I've visited both those schools, and 9 I've seen how it -- and, I mean, it really is a, 10 really good viable option for many students.</p> <p>11 And I know for your school, I actually 12 think, when I visited the Rio Rancho Cyber Academy, 13 it tended to be more the -- it was high achieving 14 students attending those schools, because they were 15 wanting to have, like, a different way of doing -- 16 of finishing school quicker.</p> <p>17 But I think the principles of it apply to 18 all students. And still providing a quality 19 education through hybrid learning is -- I mean, 20 there's data to support that it can be very viable 21 for students. So I'd still just encourage you to 22 use those folks who have been doing it for a lot 23 longer --</p> <p>24 MS. TANI ARNESS: Definitely.</p> <p>25 COMMISSIONER BURT: -- and get some tips</p>
<p style="text-align: right;">83</p> <p>1 We had -- for instance, I -- one of the 2 students that came to our community meeting last 3 week asked me to share -- she came to tell the -- 4 the group that she is currently parenting a 5 10-month-old child at home and is pregnant and 6 expecting a second child next month. And she 7 attends her classes daily, and she loves her classes 8 and is grateful for them and came to say, "Please 9 don't get rid of online. This is the only thing I 10 can do, and this is what I've been looking for. And 11 it took me a while to find you and I found you. You 12 know, I need this."</p> <p>13 So, you know, she said, "Yes, please share 14 this. Let people know that there's a need for 15 this."</p> <p>16 So we had several people that came with 17 those types of stories. Like, "This is why I need 18 this. Please don't get rid of it."</p> <p>19 We had other people that said, "Yeah, you 20 know, we might be open to some -- some in person. 21 Like, you know, what are we thinking?"</p> <p>22 And it was kind of fun to brainstorm with 23 them around how that could look and different 24 options that we can build together. So...</p> <p>25 COMMISSIONER BURT: Okay. I still -- you</p>	<p style="text-align: right;">85</p> <p>1 for how they do it successfully, especially with the 2 teachers, too. It's going to be a different way of 3 doing things for them as well.</p> <p>4 MS. TANI ARNESS: Right. Thank you for 5 that. And, yeah, we enjoy hearing from some other 6 schools. We've been in touch with some other 7 schools out of state also doing something similar. 8 So definitely any insights are welcome.</p> <p>9 COMMISSIONER BURT: And the last thing 10 I'll say is it was me who did say I would encourage 11 them not to implement this plan yet until after we 12 reviewed it, because I think that could have caused 13 a lot of turmoil. Like, I do think this is actually 14 a good plan.</p> <p>15 But if it wasn't, and you had already 16 started implementing it, and then we're, like, "Oh, 17 no, don't go do that," and you had already started 18 doing -- it just didn't -- it didn't -- I don't 19 think it would have been a sound decision to start 20 implementing something that needed to get approved 21 by the Commission.</p> <p>22 So that was very -- I very clearly said 23 that last time. So there was no miscommunication on 24 your part. Like, I was very direct when I spoke on 25 that last month.</p>

<p style="text-align: right;">86</p> <p>1 So I didn't have an expectation that you 2 were fully going back yet. 3 MS. TANI ARNESS: Yeah. Thank you for 4 that. And, yeah, we appreciate the chance to take 5 measured steps. 6 THE CHAIR: Thank you, Vice Chair. 7 Commissioner Beck. Then Commissioner 8 Armijo, and then Commissioner Taylor. 9 COMMISSIONER BECK: Thank you, Chair Burt. 10 So from my old school days here, recent 11 school days -- so let's take a U.S. History class. 12 And let's say the class goes from 10:00 to 10:50. 13 And now it is hybrid. 14 What does that look like? What does that 15 look like? 16 MS. TANI ARNESS: So our -- this is an 17 area where I think -- as was just mentioned, we'll 18 be learning and growing and evolving in terms of how 19 this is going to best play out. 20 What I can tell you is that what we're 21 visualizing at this point is that we will definitely 22 be using the technology. The technology piece has 23 been a really important tool for us. And we'll be 24 looking at best ways to have in-person components of 25 that as well.</p>	<p style="text-align: right;">88</p> <p>1 Student B be on their computer on Google Classroom 2 physically in the classroom where the teacher is 3 teaching? 4 MS. TANI ARNESS: So, again, we're working 5 on how all the scheduling is going to play out. We 6 will have the teachers present on campus. We will 7 have the technology present, and we're working out 8 who's in what room and all of that piece. 9 COMMISSIONER BECK: Okay. And the teacher 10 has the ability to look into the students' 11 computers; correct? 12 MS. TANI ARNESS: Uh-huh. 13 COMMISSIONER BECK: Correct. So they can 14 follow if Student B is not doing their assignment 15 and off playing a video game. 16 MS. TANI ARNESS: Correct. That's one of 17 the great things about this technology is it really 18 makes it easy to monitor. Yeah. 19 COMMISSIONER BECK: You're definitely 20 going to have growing pains that quarter. So I 21 agree with co-chair that it's -- it's going to be a 22 challenging fourth quarter for everybody. So 23 patience is a virtue. 24 MS. TANI ARNESS: Thank you. 25 COMMISSIONER BECK: Absolutely. Thank</p>
<p style="text-align: right;">87</p> <p>1 COMMISSIONER BECK: Do you do Google 2 Classroom? 3 MS. TANI ARNESS: Yes. 4 COMMISSIONER BECK: That's what you do. 5 MS. TANI ARNESS: Uh-huh. 6 COMMISSIONER BECK: So Student A would be 7 online the whole time. And I see on the plan that 8 they're required to meet with their teachers on 9 campus at least once a week; is that correct? 10 MS. TANI ARNESS: Uh-huh. 11 COMMISSIONER BECK: Even though they're 12 online. So that would be a separate time from the 13 10:00 to 10:50. 14 MS. TANI ARNESS: Uh-huh. 15 COMMISSIONER BECK: Are they required to 16 meet with all their teachers once a week? 17 MS. TANI ARNESS: We're scheduling how 18 that's going to work. Ideally, that would be, I 19 think, the way to do it. If not all, at least as 20 many as possible. 21 COMMISSIONER BECK: Yeah. That'll be a 22 little challenging. 23 MS. TANI ARNESS: Yeah, that will be. 24 COMMISSIONER BECK: So Student B wants to 25 be there every day at 10:00 to 10:50. Will</p>	<p style="text-align: right;">89</p> <p>1 you. 2 THE CHAIR: Thank you, Commissioner. 3 Secretary Armijo, Commissioner Taylor, and 4 Commissioner Gipson, Manis, and Carrillo. 5 COMMISSIONER ARMIJO: Thank you. So my 6 concern all along has been how the Commission's 7 decisions were going to affect the students, the 8 families, and the community in that area. 9 So I, too, really am excited about this 10 plan going forward. I think it's been well-thought 11 out. 12 I just -- you know, I hear what everybody 13 is saying. I just want to echo what Chair -- 14 Vice Chair Burt said a little while ago, that, you 15 know, starting this in March is great. I think 16 you've done an excellent job of highlighting 17 everything you're going to do and knowing that you 18 are going to have some of those growing pains. 19 So I just -- I'm happy that this was 20 presented to us. I'm looking forward to the school 21 staying -- staying, you know, in this area where it 22 needs to be. And it also will serve, you know, 23 other parts of the -- of the city. I know at the 24 Mark Armijo Academy, we receive students from all 25 across the city who need this kind of support.</p>

<p style="text-align: right;">90</p> <p>1 So, you know, I'm just -- I'm really 2 thrilled that this is -- your plan is -- is so 3 thought out. So thank you for that. 4 And that's all I have to say. Thank you. 5 MS. TANI ARNESS: Thank you, Commissioner. 6 THE CHAIR: Thank you, Secretary Armijo. 7 Commissioner Taylor. 8 COMMISSIONER TAYLOR: Thank you. I want 9 to thank you all for being here today. 10 Question: What percentage of your 11 students do you think will be in the classroom on a 12 daily basis? 13 MS. TANI ARNESS: That is a very good 14 question. And I think what we're anticipating is a 15 little bit of what Commissioner Burt mentioned, is 16 that the transition happening right now, our 17 students tend to not do well with instability. And 18 this may be a little like, whoa, what's happening? 19 So we're thinking that it may start off 20 slower and then build as people get more comfortable 21 with it, which would -- we would anticipate that 22 next year might have a different proportion than we 23 have this year. 24 But part of our plan is to meet with every 25 family and discuss with them the different</p>	<p style="text-align: right;">92</p> <p>1 we've always tried to acknowledge the place that 2 this school has in that community, which is really 3 my only question. 4 One of the great supports that you've -- 5 that you've always had for your community was 6 childcare at the school. And that was -- you know, 7 the story you told -- you know, when you've got an 8 infant, it's tough to get out. But for so many of 9 your other students, it allowed them that 10 opportunity to participate in school because you had 11 child care there. And I always, always admired that 12 commitment that you had for that. 13 So is there any conversation about that as 14 you move -- certainly not this year, because that 15 would probably just set everyone cattywampus -- but, 16 you know, going forward, bringing that back to your 17 community support and maybe encouraging some kids 18 that are out there that, you know -- sometimes you 19 need to focus in the classroom and not have the 20 little one hanging around you at home. 21 MS. TANI ARNESS: Yeah. What we do is we 22 work with our parenting students on different 23 parenting resources. And on TANF, we help -- we sit 24 down with people and help them fill out TANF 25 applications for free childcare. And there is a</p>
<p style="text-align: right;">91</p> <p>1 possibilities and encourage what will work best for 2 the students. 3 So we're very curious about that same 4 question. 5 COMMISSIONER TAYLOR: So, yeah. Thank 6 you. So it's very possible that you would have a 7 high percentage of online-only students for the rest 8 of this year. 9 MS. TANI ARNESS: It is possible, yes. 10 COMMISSIONER TAYLOR: What kind of 11 requirement do you have for the students to be on 12 camera while they're in the classroom? 13 MS. TANI ARNESS: That is a discussion 14 that each class has about how students will be seen 15 and heard in their classroom. The requirement is 16 for participation. It does not have to be 17 necessarily on camera. 18 COMMISSIONER TAYLOR: Okay. Thank you. 19 THE CHAIR: Thank you, Commissioner. 20 Commissioners Gipson, Manis, Carrillo. 21 COMMISSIONER GIPSON: So thanks. Thanks 22 always for all the work you do. I mean, that's -- 23 you know, I'm sorry. There was public comment that 24 said it's -- we don't make note of that. And I -- 25 you know, that bothers me, because I -- you know,</p>	<p style="text-align: right;">93</p> <p>1 childcare center right next door to our school that 2 also has alternate hours, which is great. 3 So we walk students over there and say, 4 "Here's a childcare. Here's the TANF form." 5 So, yeah, that's an important piece. 6 COMMISSIONER GIPSON: Okay, thanks. I 7 appreciate it. 8 THE CHAIR: Commissioner Manis? 9 COMMISSIONER MANIS: So I first wanted to 10 start out by saying whenever I asked my questions to 11 Martica, it wasn't to call you out by any means. I 12 just wanted clarification on that. So I just wanted 13 to address that up front. 14 And I do understand what Vice Chair Burt 15 was saying. And that's -- was totally understood by 16 me, that you wouldn't implement something without us 17 approving it. 18 You had mentioned the soft opening. And I 19 can't recall the exact language that you had used 20 earlier in the meeting, but it seemed to me that you 21 would be requiring some students to come back as 22 part of that soft opening? Or there was an 23 expectation that there would be some -- a few 24 students that would be attending those in person. 25 Is that through solicitation from the</p>

<p style="text-align: right;">94</p> <p>1 students that, you know -- it's a voluntary 2 situation?</p> <p>3 MS. TANI ARNESS: Yeah. That has been 4 voluntary at this point, where we've talked with 5 students and said, "Would it help you? Let's try 6 going on campus." Let see if that helps with 7 whatever is going on for that particular student.</p> <p>8 COMMISSIONER MANIS: Got you. So I know 9 that I've been -- well, maybe many of you don't 10 know. But I teach online, taught online classes now 11 for three years or more.</p> <p>12 So it would be hypocritical for me to say 13 that online classes are ineffective or online 14 instruction is ineffective or those things.</p> <p>15 So I think some of the things that you 16 presented, while they're great in principle, I 17 would -- you know, I respect that you suggest some 18 of the things.</p> <p>19 I think it may be undue burden on you and 20 your students to -- like you -- Commissioner Beck 21 had mentioned, the meeting once a week with -- with 22 each of their teachers, I think that that's going to 23 be way too much of an undue burden on not only the 24 student, but also the teachers that you have and 25 their time; right?</p>	<p style="text-align: right;">96</p> <p>1 students needed to be in person, but the option that 2 they could attend in person and that the instruction 3 was live at the school, so that if the student so 4 chose for that particular day at that particular 5 time that they could show up.</p> <p>6 I use PE as an example, because, to me, 7 that that's a -- it's a great opportunity for a 8 hybrid format if somebody wanted to be there and do 9 their exercise in person -- yoga, whatever it might 10 be, that they could be there in person, or they 11 could do those same things in their home or wherever 12 they so chose to be at that particular time, that 13 it's a great way to have that hybrid format.</p> <p>14 Now, I've taught hybrid as well, where I'm 15 standing up in front of a classroom lecturing, and 16 there's people online, there's people in the 17 classroom. And I can address both simultaneously, 18 and it's not a big deal.</p> <p>19 And so I -- that's what I had suggested as 20 something to think about to be able to offer that. 21 It's not a requirement. But if the student so chose 22 to show up that particular day for that particular 23 class, they could.</p> <p>24 And during that time, if they needed help, 25 they could get help at that time as well, because I</p>
<p style="text-align: right;">95</p> <p>1 Because one-on-one meetings with a teacher 2 in person outside of regular instruction hours, it 3 gets to be cumbersome. Just because I'm -- you 4 know, I'm familiar with office hours myself, I make 5 office hours. And those office hours, while I have 6 them, it's students' option to attend those office 7 hours.</p> <p>8 It's not a requirement. And 99 percent of 9 the time, no students show up, but I do have them 10 available to those students.</p> <p>11 And with that, I also -- you know, if a 12 student -- whenever I'm teaching these online 13 classes, many of the classes that I've taught are 14 asynchronous in nature -- I don't have a scheduled 15 class time that I meet with them -- I still offer 16 the ability to have like a Zoom meeting with them 17 individually.</p> <p>18 Now that is during office hours or by 19 appointment; right? But they're not required to 20 come to a physical location to meet with me because 21 it is an online or hybrid format.</p> <p>22 I think some of the suggestions -- because 23 you and I had had conversation individually about 24 some of my thoughts on hybrid format. And some of 25 my suggestions -- it wasn't necessarily that</p>	<p style="text-align: right;">97</p> <p>1 know that, you know, as part of a class, typically 2 you have activities or things that go on, and you 3 have that time that they could ask questions and get 4 that additional help as needed.</p> <p>5 So that was just my observation. I like a 6 lot of your plan. I think it's more thought-out 7 than it has been in our previous meetings. But I 8 think that there's a step that may be a little bit 9 overboard in terms of undue burden on the staff and 10 students as well. So that was my comment.</p> <p>11 MS. TANI ARNESS: Thank you. Thank you so 12 much for that.</p> <p>13 And I saw the recent people who have 14 taught online going "Uh-huh." So we're definitely 15 going to take that to heart and look at -- I'm 16 taking in your suggestion that we might revise that 17 structure. Thank you for that.</p> <p>18 THE CHAIR: Is it super brief?</p> <p>19 Commissioner Carrillo. I'm going to let 20 Commissioner Beck just share something super brief, 21 and the floor will be yours, because I know he has 22 to go across the street.</p> <p>23 COMMISSIONER BECK: Just a quick thought 24 on the thing for the meeting every teacher every 25 week. I'm sure your students each have an adviser.</p>

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1 Might be just meeting with the adviser once a week
 2 would be a good idea.
 3 MS. TANI ARNESS: I'm on the same brain
 4 wave there. Thank you. Good idea.
 5 THE CHAIR: Thank you, Commissioner Beck.
 6 Commissioner Carrillo.
 7 COMMISSIONER CARRILLO: That was brief.
 8 So my concern right now is that seems like we're
 9 getting all warm and fuzzy about what's next. But
 10 we're supposed to be discussing -- there was a
 11 breach of contract here. And as far as -- I've just
 12 forgotten your last name right now, your attorney.
 13 DIRECTOR CORINA CHAVEZ: Mr. Hill.
 14 COMMISSIONER CARRILLO: Mr. Hill said it
 15 was a gotcha moment. You said you posted this day.
 16 You said you were open this day, and you weren't.
 17 And the minutes clearly state -- and it's fine that,
 18 you know, Vice Chair Burt said, "It was me that said
 19 maybe we should wait."
 20 The Commission did not vote on anything to
 21 wait, not that I recall.
 22 And I'm looking through the minutes.
 23 They're right in front of me. There was no decision
 24 by the Commission giving you permission to wait
 25 until the middle of March before you really started

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1 getting back.
 2 So let's back up just a minute here and
 3 remember that this is a breach of contract. And
 4 even though there is plans to go forward, how many
 5 times have we heard from other schools, "Oh, you
 6 know what? We plan to do this, we plan to do that."
 7 And we're hearing from one of those
 8 schools later today. All of this intention doesn't
 9 mean much -- that's not the word that's in my brain.
 10 But much.
 11 And if you go to the minutes -- okay,
 12 right there. These are the -- this is the court
 13 reporter. It's not summary minutes. This is word
 14 for word, even all our little murmurings that we do
 15 and my "¡Hijole!s" and everything else.
 16 So it's really -- a lot of the discussion
 17 is on -- the page of the minutes is 34, but the --
 18 it's Page 133. And then specifically on the
 19 minutes, Page 134, line 16, "back to school
 20 immediately."
 21 So that has a very specific meaning to me:
 22 "Back to school immediately."
 23 And that's been actually the direction of
 24 this Commission for quite a while, since December,
 25 when we voted down the amendment to change the

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1 nature of the school.
 2 So let's remember that that's what we're
 3 supposed to be discussing here.
 4 I'm glad that they have this, you know,
 5 plan. I'm sorry I sound like a hard-ass.
 6 I'm glad you have a plan for March 14th.
 7 But all of this just going on and on and on, and,
 8 for your particular school, well over a year and a
 9 half to two years long since the Governor said you
 10 were supposed to be back.
 11 And I can't get over the fact that I
 12 really feel like -- and I understand and listened to
 13 the very first woman who spoke, Valerie Martinez
 14 a -- and I understand the importance of the school
 15 to the community.
 16 But some of these other schools that have
 17 remained open in spite of being terrible schools and
 18 violating, you know, the nature of their audits and
 19 different things, they just remain open.
 20 It seems like -- it continues to seem like
 21 we're impotent as a body to hold anybody accountable
 22 to much of anything.
 23 And that's what's starting to be what
 24 this -- almost like this little wave that's coming
 25 over today that I'm a hearing. "Oh, well you have

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1 something really nice today."
 2 But then we heard from -- I don't know
 3 your last name -- from Martica around visiting the
 4 school, and that was referred to as a gotcha moment.
 5 No, it's not. You said you were going to be open,
 6 and you're not.
 7 So it's, like -- I want a school like this
 8 to be open as a -- not as a hybrid, but as your
 9 mission stated in this part of town doing what
 10 you're doing.
 11 And as I think I said, because of the
 12 breach and the continued -- I would believe -- I
 13 think intentions and delays, you know, I would -- we
 14 don't have anything that says suspend or anything
 15 like that.
 16 And, you know, I would say that -- this is
 17 for -- there was another school in the past. This
 18 school needs to have new leadership and a new board,
 19 because this leadership and board have allowed this
 20 to progress, have just basically said you're going
 21 to do whatever you want to do because you know the
 22 Commission is not going to do anything.
 23 You've never said that aloud. I would
 24 imagine sometimes there's a feeling if you're going
 25 for coffee with some board members, that's kind of

<p style="text-align: right;">102</p> <p>1 the -- it's always better to say I'm sorry than to 2 get permission. And it just feels like that's what 3 this is.</p> <p>4 So, you know, I mean, "back to school 5 immediately" means back to school immediately. Get 6 the teachers there. Get the kids there. Have 7 in-person instruction. And I'm not -- I can't get 8 past that.</p> <p>9 So I feel like perhaps given what I've 10 heard this morning, I'm going to be in the minority 11 here, but not letting that one go.</p> <p>12 The three months -- yeah, it was -- yeah, 13 three months after we voted down the amendment and 14 then two months after we issued the directive, and 15 now it's going to be another month to March.</p> <p>16 Why are we here as a Commission? 17 Thank you.</p> <p>18 THE CHAIR: Thank you, Commissioner. 19 Vice Chair Burt. And then I'd like to 20 share some thoughts.</p> <p>21 COMMISSIONER BURT: Yeah. I guess the way 22 I see it is, you know, we did issue a breach. And 23 so the next step is to have the school correct it. 24 That's my -- for me, that's the next step. 25 And so I -- I'm not -- I didn't think</p>	<p style="text-align: right;">104</p> <p>1 And for me, once again, if I look at it in 2 black and white and the contract and -- like, that's 3 where my mind always goes to is what's in black and 4 white. There's no emotion behind it for me. I 5 don't care about, like, what -- I don't care. Like, 6 I just don't have the emotion behind it. It's, for 7 me, what's in black and white.</p> <p>8 I think your contract did state you would 9 be providing in-person instruction at your school. 10 This to me shows 100 percent of the time you will be 11 providing in-person instruction at your school. 12 It's not even sometimes. Like, all of your teachers 13 will be providing in-person instruction at your 14 school.</p> <p>15 So for me that rectifies the breach of 16 contract. So for me that's just, like, the simple 17 part of it. And I'm -- like, I'm ready to move 18 forward to put the school into good standing, not to 19 continue down the path of this.</p> <p>20 So I think that's where I see -- I think 21 if this -- if this had come up today and there 22 wasn't a plan, you're like, "No, we're staying 23 virtual," that's where the Commission can continue 24 down a different path. 25 But I'm grateful for the willingness of</p>
<p style="text-align: right;">103</p> <p>1 today would be to keep the school in trouble because 2 of the actions that have happened historically. We 3 can't go back in time and change it. So for me, 4 today is not about that you did the wrong thing and 5 so you need to stay in bad -- like, you need to stay 6 in bad status because you made a -- you didn't do 7 what we wanted you to do before; right? So for me 8 that's why I'm looking at this, I mean like I think 9 this addresses the breach. I don't think -- I don't 10 want the school to continue to be in breach for 11 forever, because for me that would mean revocation. 12 I don't think this -- I think this plan did and 13 moving to this in March, for me, puts the school 14 back into good standing. I don't see it being a 15 breach of contract anymore. And that's the purpose. 16 That's the purpose of the intervention ladder is not 17 to keep them going down it for forever. It's to go 18 back up to good standing. So trying to figure out 19 how to rectify the situation is the purpose and 20 goal, not to keep going on for forever and reminding 21 you of how -- up, we had to go to mediation with you 22 so you're in bad standing. We had go to this so 23 you're in bad standing. I would like the school get 24 back into a shape where you're in good standing 25 moving forward.</p>	<p style="text-align: right;">105</p> <p>1 the school to get this in place. That's what the 2 purpose of a CAP is. This isn't going to be until 3 it's fully implemented. There's going to be 4 follow-up from CSD for the rest of the school year, 5 probably for the foreseeable future until it's, 6 like, really in place; like, there's good support on 7 back and forth each way.</p> <p>8 I think this is -- for me CAPs are support 9 measures, not as much punitive -- even though I know 10 100 percent they are punitive. I know that. But at 11 the same time I just have always seen a CAP as 12 additionally a support measure. Like, your school 13 came up with this plan; you feel like this could 14 work for your community. I think this could work 15 for your community.</p> <p>16 And I don't think the -- I just -- I've 17 always -- you know, Commissioner Carrillo, you know, 18 every time you say the word "impotent," I always 19 tell you I don't think that's true. It's just not 20 true. But there's limits -- there's always going to 21 be checks and balances and limits to authority, and 22 I'm okay with that, and providing autonomy where 23 it's allowed. 24 But, like, to me, once again, like, in 25 black and white, for me the breach was about not</p>

<p style="text-align: right;">106</p> <p>1 providing any in-person instruction. This addresses 2 that, which makes me supportive of the plan moving 3 forward. 4 And, once again, when it comes to the 5 timeline, I think I'm thinking more of the people 6 and less about the black and white in that case. 7 So I think that's why for me March makes 8 most sense, because it's a quarter. It's the end of 9 a quarter beginning of a new one. Once again, as a 10 parent -- so as a former online learner -- I did my 11 whole MBA online, before COVID. So it was hybrid 12 back then, and we had teachers in person and online. 13 And I did my whole MBA. And, once again, 14 it would be super hypocritical for me to be, like, 15 "But you can't get a good education through a hybrid 16 model." 17 That would invalidate my MBA, and I'm not 18 willing to do that. 19 I think it can work. Before COVID, it was 20 already happening in places. So I think there's 21 models to use. 22 I think for me, today, it's I'm open to 23 accepting the CAP and allowing the -- now, the 24 monitoring from CSD to really start and having the 25 expectation that this gets implemented well,</p>	<p style="text-align: right;">108</p> <p>1 that the system works for some of our students, but 2 we know it doesn't work for all of our students. 3 And, in fact, sometimes people would argue that the 4 system is set up to not work for certain students. 5 When I think about the school, you're 6 working with students that are reengagement students 7 who need additional supports and services for 8 social-emotional learning, for workforce 9 development, so on and so on. And I appreciate 10 everything that you all do for them. 11 But when I think about that first part, 12 what I think about is I'm the student who, when I 13 first used WebCT in 2001, because I had to use that 14 as the online format, I felt like a broken student. 15 I couldn't do it. I still hate Blackboard. I don't 16 know if that's even used anymore. 17 But I just -- I grimace at that. And 18 my -- it's just hard for me to learn that way. And 19 so when I think about your students, I think about 20 the students who are furthest away from opportunity 21 within a hybrid or in a virtual model. And that's 22 why I feel firmly that that's why there needs to be 23 that in person. 24 And so thank you for moving forward in 25 that direction.</p>
<p style="text-align: right;">107</p> <p>1 correctly, thoughtfully, and that CSD is able to 2 see, you know, actually be able to, like, have the 3 evidence that's provided, to where it's tangible 4 that this is what's being followed moving forward. 5 And for me, this being followed would 6 satisfy the breach. 7 THE CHAIR: Thank you. 8 Commissioner Carrillo, I did see your 9 hand. I'm going to share my thoughts real quick. 10 Ms. Arness and team, thanks so much for 11 all the work you put into this. I think this is a 12 lot -- a lot more cohesive than what we saw in the 13 Special Meeting. 14 I also want to thank the Charter School 15 Division for making this a priority and reviewing 16 multiple versions of this, too. I know that we put 17 this on a timeline, and we all know why this is on 18 an urgent timeline. We all can agree as to why that 19 is. I want to appreciate everyone who's provided 20 feedback, reviewed, and resubmitted what you have 21 here. 22 I have just a few questions and a few 23 thoughts. 24 The thought that I have is, you know, I 25 always come from the sense of -- from the viewpoint</p>	<p style="text-align: right;">109</p> <p>1 And I think -- before I was on the 2 Commission, I think there may have been even 3 conversations of we don't -- we don't need to even 4 think about going to in person. So I feel like 5 there's been progress in terms of, like, the 6 relationship that we've had. 7 And for me, it's always -- and Ms. Arness 8 and I in our individual conversations, you already 9 know how I feel about virtual. I know it works for 10 many people. But I oftentimes think about who are 11 the students who are furthest away from capturing 12 that new information and being the students we know 13 they can be. 14 So I feel like this gets us to a pathway 15 to supporting all of your students. 16 A few things that I have. So March 14th 17 is the big -- the big day. I know that oftentimes 18 it's best practice to have a couple of days 19 beforehand to get staff kind of acquainted, like, 20 there's a couple of days the staff -- just to get 21 people back into the reps. I would love to see that 22 or hear about what that plan is. Just so it's not, 23 like, "The 14th, baby, we're all back." 24 But, like, how are we getting set up to 25 actually be productive with our students?</p>

<p style="text-align: right;">110</p> <p>1 Same thing with students. There could be 2 some students -- I still believe again, and this is 3 coming from not necessarily thinking about the -- 4 the amount of thought and work and systems that need 5 to be put in place. But I think you all have this. 6 But I also think do we have to wait for all students 7 to come in. 8 There are probably a few students that 9 could benefit from coming in prior to March 14th as 10 well. So, yeah, I just think about what -- I think 11 there's some good thinking about a soft start, 12 still. Even if it's not in your Corrective Action 13 Plan, I think that there's opportunities to kind of 14 get out some of the kinks and also start to support 15 those students that I mentioned earlier to help them 16 right now. 17 Those are kind of my initial thoughts and 18 just, you know, some questions around how did -- you 19 know, how are you all planning for March 14 to have 20 everyone in person, and what's that look like to get 21 everyone kind of ready to go? 22 MS. TANI ARNESS: Yeah. Thank you for 23 your insights and for your heart for our population. 24 I recognize that and appreciate it. 25 And -- yeah. So we do have an in-service</p>	<p style="text-align: right;">112</p> <p>1 essentially, we're talking about how are we moving 2 Cesar Chavez Community School back to the sense of 3 normalcy that was prior to COVID and to the mandate 4 to shut down and still look -- could you share just 5 a little bit about what would be -- what was the 6 breakdown for, like, students -- because I know it 7 wasn't every single student was not in your school 8 every single day, especially like the one young 9 woman that you mentioned prior. 10 There are additional things that your 11 students need to be doing. Some of them are working 12 full time. And so if you're able to share, I'd love 13 to just hear, like, what -- how does this match up 14 compared to what your school was when you were doing 15 the packet model? 16 MS. TANI ARNESS: Yeah. So our school 17 started in 2004. And it was a using a self-paced 18 packet model at that time, where students came into 19 school oftentimes. But, essentially, they were 20 using paper packets at that time. It wasn't online. 21 And when they completed all of the work in 22 the packets, they got their half credit. So if they 23 took all the packets home and did them all at home 24 and then brought them back to school, they got their 25 half credit.</p>
<p style="text-align: right;">111</p> <p>1 day planned for March 13th. So that's going to be 2 helpful. But we are meeting with staff and working 3 out, like I said, the specifics of the class 4 schedule, talking about our procedures and our 5 meetings. 6 So we have a very full calendar that's 7 going to have to try and fit into this next month to 8 get those pieces in place for sure. 9 THE CHAIR: And one last question I had 10 for you. The one I wrote down, I didn't ask. 11 What -- so you mentioned -- I think it was 12 Commissioner Taylor's question about around what the 13 expectation is for how many students are going to be 14 in person versus stay virtual, basically. And it's 15 still kind of wide open, and it kind of depends. 16 MS. TANI ARNESS: So it's going to be go 17 through the individual learning process. So we meet 18 with students and parents and discuss educational 19 history, academic review, progress, learning styles, 20 needs, factors that influence them outside of just 21 academics. So we take all that into consideration 22 and come to a plan together, and then every quarter 23 revisit that for revisions. 24 THE CHAIR: Yeah. And my question to that 25 is what was it like prior to COVID? Because,</p>	<p style="text-align: right;">113</p> <p>1 So it was very flexible in that way. Our 2 mission has always been to provide a lot of 3 flexibility including alternative scheduling and 4 personalized learning. 5 So we -- that's kind of gone through 6 different phases over the years. We've criticized 7 the packet model after some time, because we thought 8 it was too rote, there wasn't enough learning 9 application, enough community relevance, enough 10 direct instruction and interaction. 11 So we moved -- and that was, you know, a 12 conscious decision to move into a more direct 13 instruction focus. 14 And -- and we think that's a positive 15 thing for our students. I think one of the things 16 that's challenging for reengagement students is 17 because they have so many distractions from school 18 and it's so hard for them to get to school and 19 attendance is generally a big issue. A lot of 20 schools that deal with reengagement resort to canned 21 curricula, because, logistically speaking, it's the 22 easiest, most efficient way to let students do work 23 when they can and not do work when they can, and it 24 gets done when it gets done. 25 And students like that in many ways</p>

<p style="text-align: right;">114</p> <p>1 because it's empowering to them to have that in 2 their own hands. They can go, "Oh, I have a weekend 3 free. I'm going to put 12 hours into my schoolwork 4 and complete a whole bunch of stuff." And they do 5 that, and we see that.</p> <p>6 So, yeah, it's always been our model to 7 try to provide as much flexibility as possible and 8 to provide a self-paced aspect. And our mission has 9 been to always provide a quality of instruction 10 that, you know, allows students to relate more and 11 apply more of the learning and get to more critical 12 thinking in their learning.</p> <p>13 So our focus hasn't been so much on where 14 that learning happens, but that it happens. And so 15 this will be, again, a new chapter, a little bit of 16 a different iteration of that. But we're excited, 17 because I think with the new technology, it opens 18 new doors for that to happen.</p> <p>19 THE CHAIR: Thank you, Ms. Arness. 20 Commissioner Carrillo, and then every 21 Commissioner on this side of the room.</p> <p>22 COMMISSIONER CARRILLO: I don't take the 23 time to tell you thank you for the work as I do to 24 everybody that is -- that I've done to most everyone 25 that comes before us. And I know you care about the</p>	<p style="text-align: right;">116</p> <p>1 bring it up right away, because I'm not as adept 2 as -- as Ms. Chavez is. But, I mean, I also -- I 3 have to think about the performance of the school 4 historically.</p> <p>5 And one of the things I really wanted to 6 bring up right away -- I wish I had multiple screens 7 sometimes -- is the last -- those last sets of 8 numbers for the school, because I know -- you know, 9 I appreciate that there are a lot of -- they're not 10 kids at that stage -- that a lot of the young people 11 at your school, you know, will eventually graduate. 12 Doesn't matter if it's in four, five, six years.</p> <p>13 My concern is that -- I'm all about 14 proficiency and not graduation rates. And as you've 15 probably heard me say, you can graduate with a D 16 average. It means nothing. And the bar in 17 New Mexico is so horrifically low.</p> <p>18 So it's about proficiency. That's what I 19 look to also in considering whether or not this 20 school should stay open. And I know that I, on 21 this -- I see where the tide is here today. And 22 that's fine. I just think it's really important for 23 me to express what I think, and I'll do this stage 24 without using the "I" word, Ms. Burt. 25 So, you know, philosophically, it's like</p>
<p style="text-align: right;">115</p> <p>1 education immensely and your population that you 2 serve, and I'm very, very grateful.</p> <p>3 And so -- and I don't -- I just try to 4 operate here from a position more of when I say 5 principle and reason based on the facts before us, 6 and before me. So that's why I say what I say. But 7 I'm very grateful that you care so much.</p> <p>8 MS. TANI ARNESS: Thank you.</p> <p>9 COMMISSIONER CARRILLO: For the new 10 Commissioners, I just want you to know that it's 11 been a very, very long road. And I'm -- the only 12 reason we're at a breach now, probably, and not at a 13 revocation, is because of procedural stuff that 14 happened last October -- September, October, 15 November, when because we didn't follow -- I think a 16 certain aspect of our ladder, we ended up going to 17 mediation.</p> <p>18 After mediation, we decided that we were 19 going to give them the opportunity to propose an 20 amendment. And then December came along and then we 21 voted down the amendment.</p> <p>22 And so I just want you to know this is not 23 something that's, like, crept up on us or anything. 24 And that's why I make the argument that I make. 25 The -- I would also argue -- and I can't</p>	<p style="text-align: right;">117</p> <p>1 we could go through -- there was a school that was 2 approved the December before I came on the 3 Commission in the southern part of the state. And 4 in looking at -- and this is pre-COVID.</p> <p>5 So in looking at the numbers and looking 6 at the school, I couldn't help but think what on 7 earth was this Commission thinking in renewing this 8 school, not for three, but for five more years? It 9 made zero sense to me.</p> <p>10 And then sometimes we use the argument, 11 "Well, they're serving this population in this part 12 of town."</p> <p>13 It's -- like, it doesn't matter. The 14 charge of any school is to teach kids. And if the 15 learning -- if the teaching and learning are not 16 happening the way they need to be, then the school 17 should not operate.</p> <p>18 We are custodians of taxpayer dollars and 19 a commitment that the charters -- and for the most 20 part in this state, lets face it. Charters 21 outperform districts in so many ways and very, very 22 proud -- even though people at SFPS sometimes call 23 me a traitor -- very proud to be a part of the 24 Commission and working on behalf of charters. And 25 they could learn something from charters. Let me</p>

<p style="text-align: right;">118</p> <p>1 tell you.</p> <p>2 But there's got to be a point at which we</p> <p>3 quit equivocating. It's, like, "Well, we have some</p> <p>4 of these people that are being well served and</p> <p>5 they're doing really well."</p> <p>6 Yeah. But what about the other</p> <p>7 65 percent? When do we start really holding</p> <p>8 people's -- administrators' feet to the fire about</p> <p>9 the other 65 percent?</p> <p>10 And that's what I -- that's why I'm here.</p> <p>11 That's why I'm here.</p> <p>12 So there's one other note here?</p> <p>13 No. I'm good. I'm good.</p> <p>14 THE CHAIR: Thank you, Commissioner</p> <p>15 Carrillo.</p> <p>16 COMMISSIONER CARRILLO: Thank you.</p> <p>17 THE CHAIR: Ms. Arness, were you --</p> <p>18 MS. TANI ARNESS: No. Thank you for your</p> <p>19 comments.</p> <p>20 THE CHAIR: Over here. I'm not sure which</p> <p>21 one. I'm going to just take Commissioner Gipson,</p> <p>22 Beck, then Manis.</p> <p>23 Commissioner Manis, Beck, and then Gipson.</p> <p>24 COMMISSIONER MANIS: So I've been looking</p> <p>25 around at all of our meeting material, and I've been</p>	<p style="text-align: right;">120</p> <p>1 been super easy to implement even in January, to be</p> <p>2 able to have that option for students to come in.</p> <p>3 And so I just am a little bit on the fence</p> <p>4 as far as, like, I understand the frustration. But</p> <p>5 I also understand about moving forward and trying to</p> <p>6 do what's best for the kids in the school. So</p> <p>7 that's all I wanted to say. Thank you.</p> <p>8 THE CHAIR: Thank you, Commissioner Manis.</p> <p>9 MS. TANI ARNESS: Thank you. Can I -- I</p> <p>10 appreciate the sense of urgency. And, again, I know</p> <p>11 it isn't to the degree that maybe some would have</p> <p>12 liked. But I do want to add that part of this is us</p> <p>13 really considering the transition piece. Transition</p> <p>14 is really important for our students, and I think</p> <p>15 it's also the respectful thing for staff.</p> <p>16 So, again, we do have a very limited open</p> <p>17 campus at this point, and we will increase that.</p> <p>18 But I did just want to explain that. And I respect</p> <p>19 your frustration. I know this road has been bumpy.</p> <p>20 And we -- I think there was some misunderstanding</p> <p>21 early on on our part. And so, you know, we want to</p> <p>22 correct this and move forward in service of our</p> <p>23 community.</p> <p>24 THE CHAIR: Thank you. Commissioner Beck?</p> <p>25 Ingham? You still want to -- and then Commissioner</p>
<p style="text-align: right;">119</p> <p>1 looking at the data piece that you were mentioning,</p> <p>2 proficiency, trying to pull that up for this school</p> <p>3 for 2021-2022.</p> <p>4 And it seems to me that looking back at</p> <p>5 the Special -- the meeting minutes -- because that</p> <p>6 was a little bit hard to find -- it was 4.a. in the</p> <p>7 PEC drive -- that, you know, we made -- we had the</p> <p>8 motion by Vice Chair Burt at that time about</p> <p>9 waiting.</p> <p>10 But we had also talked about the urgency.</p> <p>11 And I think Commissioner Carrillo, you had</p> <p>12 appropriately mentioned the urgency piece, that this</p> <p>13 would be something that's going to be implemented</p> <p>14 immediately after the Corrective Action Plan is</p> <p>15 approved, if so approved; right?</p> <p>16 But the breach that is also in the Google</p> <p>17 Drive on -- it's a 7, Breach Notice -- that should</p> <p>18 contain specific actions that should be taken by the</p> <p>19 school by specific dates to correct the issues set</p> <p>20 forth below immediately.</p> <p>21 And I understand your frustration, because</p> <p>22 I -- I feel the same way in certain respects, that</p> <p>23 some of the things could have been implemented --</p> <p>24 especially the hybrid format and the suggestion that</p> <p>25 I had mentioned, I think that that -- it would have</p>	<p style="text-align: right;">121</p> <p>1 Gipson.</p> <p>2 COMMISSIONER BECK: Yeah, real quickly.</p> <p>3 Thank you, Commissioner Carrillo, for</p> <p>4 giving us -- us newbies an understanding of the</p> <p>5 history of this and the frustrations that have gone</p> <p>6 along with it, for sure. It has not been an easy</p> <p>7 road, obviously, for you guys.</p> <p>8 To your other point, the proof will be in</p> <p>9 the pudding if we do approve this. We will be</p> <p>10 looking at the data and the proficiencies and the</p> <p>11 growth, because it is a challenging means of</p> <p>12 teaching and learning. It really is.</p> <p>13 And to you, Ms. Arness, be patient,</p> <p>14 because you're going to try to do a whole culture</p> <p>15 change.</p> <p>16 And my perception to you, Commissioner</p> <p>17 Taylor, is I would be surprised if 10 to 15 percent</p> <p>18 come in in the fourth charter. And I would -- it's</p> <p>19 going to be a slow build. But I think it's an</p> <p>20 important build.</p> <p>21 And my qualitative analysis when I taught</p> <p>22 through this was the kids that were in person did</p> <p>23 significantly better than the kids online, in my</p> <p>24 classes. So be patient, and it's a slow build, but</p> <p>25 in my opinion, it's an important build. Thank you.</p>

<p style="text-align: right;">122</p> <p>1 THE CHAIR: Commissioner Ingham. 2 COMMISSIONER INGHAM: Well, I just had the 3 one question. Last time my memory is is that -- 4 that they originally proposed a change in their 5 charter amendment to their charter to go to fully 6 online. 7 Does it require an amendment to be hybrid? 8 That's really only my question. 9 THE CHAIR: Good question, Commissioner 10 Ingham. 11 I think at this stage, the way that I -- 12 the way that I am interpreting this, it's a -- and, 13 Commissioners, definitely push back on me on this -- 14 is that this is -- this is going back to how their 15 school was operating, and, you know, prior to COVID, 16 where the students have an individual learning plan, 17 Commissioner Ingham. 18 Prior to COVID, they received -- if you 19 can imagine, you come into school. You get a packet 20 of information that you need to complete by the end 21 of the year, okay? So now this is moving toward 22 that same direction, instead of using a packet, 23 using technology as well. Go ahead. 24 COMMISSIONER BURT: Yes, I would say maybe 25 it's not so much that, because that was the 2004</p>	<p style="text-align: right;">124</p> <p>1 be. That's fine. 2 But we did modify our contracts, because 3 of this particular situation. So in the future, 4 when the school comes in for renewal and they're on 5 a new contract, it would be explicit. And for every 6 school that we have moving forward, it's explicit, 7 whether they're virtual, hybrid, in-person only, how 8 much percentage of the time they're in in-person, 9 how much percentage of the time they're online. 10 It's very explicit moving forward. 11 But there was some ambiguity that the 12 attorney was able to argue to get us to this 13 situation. 14 MR. DAN HILL: Mr. Chair, members of the 15 Commission, I would just say the school's position 16 is that an amendment is not required. 17 COMMISSIONER BURT: I would say, from what 18 this is it said in their contract that in-person 19 instruction is being provided at the campus, which 20 this plan outlines that in-person instruction is 21 being provided on campus. For a breach of contract, 22 this seems to fulfill it. 23 THE CHAIR: Thank you for adding that 24 texture. 25 Commissioner Gipson.</p>
<p style="text-align: right;">123</p> <p>1 contract or the 2005, how they started. That's not 2 what their current contract has to do. So if you 3 look at the current contract, I'm going to say two 4 things about it. 5 So the current contract, the part that we 6 looked at is there's a piece of the contract that 7 says that they would be providing in-person 8 instruction at at that facility. And so that's 9 where the breach of contract specifically comes 10 from. 11 We have addressed it in two ways: First, 12 by doing this process with the school, but also in 13 future contracts starting from last year, it's 14 explicit. It's extremely explicit in contracts 15 moving forward because of the argument that there 16 could have been some vagueness in the contract, that 17 there was an argument that was able to be made 18 because of some vagueness. 19 So that's been corrected in contracts 20 moving forward. So their current contract doesn't 21 have that, that we looked at that part, and that was 22 our argument is that it does say that in the 23 contract. 24 Their attorney's job was to argue for the 25 school in another way, which is how it's supposed to</p>	<p style="text-align: right;">125</p> <p>1 COMMISSIONER GIPSON: So before I make the 2 motion, I just want to say you're absolutely correct 3 that this is a breach. We sent that letter of 4 breach. 5 But the notification of a breach 6 anticipates the opportunity for the school to fix 7 it. There was not a notification of revocation, so 8 that the Notice of Breach clearly says there's going 9 to be a Corrective Action Plan. And that's what the 10 school did. 11 I get that we're sitting here -- you know, 12 I've sat through these too many times, where -- 13 where, you know, these frequent fliers, that it's 14 five and six months that we're dealing with the same 15 school. And part of that frustration, I think, is 16 on us that what should have been done through the 17 mediation, it didn't happen. 18 I think the outcome of that was not what 19 was anticipated from the discussion that the 20 Commission had the month before calling for the 21 mediation, so that -- because we didn't address the 22 mediation at our next monthly meeting after the 23 mediation took place. It was just kind of like 24 glossed over. And that's on us. 25 So I -- we can't fault the school for that</p>

<p style="text-align: right;">126</p> <p>1 bump in the road. That's our own bump in the road 2 that it didn't happen. 3 So I think at this point in time, the 4 school is complying with what the letter 5 specifically asked them to do, you know. This is on 6 notice. "And if you don't do it..." then -- then 7 the Commission comes back and, you know, votes, if 8 they see that to be, for a revocation hearing. 9 But the contract is supposed to be that 10 partnership that we try to fix the problem and not 11 get to a revocation hearing. 12 So I'm not comfortable with the speed that 13 this took place in. But I don't think it's entirely 14 all the school's fault that we're sitting here this 15 many months behind. I don't. 16 So -- but we can't go back and fix what 17 happened before, so we just have to move forward. 18 So at this point in time, I'm going to 19 move that the Public Education Commission accept the 20 Corrective Action Plan presented by Cesar Chavez 21 Community School, Document 7a.2, to address the 22 breach of contract by the school and to return to 23 in-person and hybrid instruction starting 24 March 14th, 2023. 25 I further move that the Charter School</p>	<p style="text-align: right;">128</p> <p>1 COMMISSIONER MANIS: Correct, yeah. 2 COMMISSIONER GIPSON: So do you want me to 3 just change the language of the motion to say -- to 4 document "7a.2, as amended"? 5 COMMISSIONER MANIS: Well, no. My concern 6 is -- 7 COMMISSIONER GIPSON: That we won't see 8 the amended. 9 COMMISSIONER MANIS: -- what we've 10 discussed, especially like the concern surrounding 11 the meeting weekly, that if you're considering 12 changing that, that if you have to follow this, it 13 will be an undue burden if you're considering 14 potential changes to that. So that's why I just -- 15 I'm -- 16 COMMISSIONER GIPSON: So I think my -- my 17 response could be -- and I think their attorney 18 might weigh in on this -- is the fact that -- you 19 know -- just a guess -- that just because it's not 20 in this plan doesn't mean they can't alter it, 21 especially if it's a po- -- it's a forward moving 22 change, that they can't -- they still have the 23 flexibility, from what I see, to say, "Hey, you know 24 what? This didn't work, but we're going to do 25 this."</p>
<p style="text-align: right;">127</p> <p>1 Division monitor the progress of the Corrective 2 Action Plan and report progress to the Executive 3 Committee and the PEC when appropriate. 4 Upon completion of the Corrective Action 5 Plan, as confirmed by the Charter School Division, 6 the PEC shall place the school back in good 7 standing. 8 COMMISSIONER BURT: Second. 9 THE CHAIR: Discussion? 10 COMMISSIONER GIPSON: Yeah. 11 THE CHAIR: Commissioner Manis? 12 COMMISSIONER MANIS: My -- my question 13 stems around the -- we don't have the most updated 14 Corrective Action Plan; is that correct? 15 COMMISSIONER GIPSON: Oh, no, you can't. 16 There's a motion. 17 COMMISSIONER BURT: It's in there now. 18 COMMISSIONER MANIS: It is in there now. 19 Okay. But are we -- we've had some discussion -- 20 COMMISSIONER BURT: About them changing 21 it? 22 COMMISSIONER MANIS: Yeah. That's where I 23 just wanted some clarification on the discussion 24 that we've had today, if there's going to be any -- 25 COMMISSIONER BURT: Like, as amended.</p>	<p style="text-align: right;">129</p> <p>1 It doesn't alter the plan to get live more 2 or anything like that. It just enhances their 3 opportunity to do it. They can make that change 4 without it being in black and white in the 5 Corrective Action Plan. 6 And he can't weigh in. I'm sorry. 7 COMMISSIONER BURT: I do have -- so in 8 that specific part in the plan that we concurrently 9 see that we just said we would approve, it says -- I 10 think there's -- there could be enough flexibility 11 for them to make that change without changing this. 12 'Cause it says, "Students and parents who 13 need online-only options will be required to meet 14 with their teachers on campus at least once a week 15 for in-person support and instruction." 16 I think they could say, "They meet with 17 their mentor," and that's included as a teacher. So 18 I think they can make it more specific for their 19 purposes. But for us, I think that could be 20 flexible enough to where we can -- or we could amend 21 it to say, "meet with one teacher on campus." 22 COMMISSIONER BECK: It doesn't say "meet 23 with all their teachers." 24 COMMISSIONER BURT: It doesn't. It just 25 says "their teachers." So I think it could be --</p>

<p style="text-align: right;">130</p> <p>1 allow enough for us to be able to approve it and 2 then be able to do it a little more specifically. 3 COMMISSIONER GIPSON: Unless the 4 Commissioner is looking for something more specific 5 in terms of that contact. But I think what's 6 written there in the plan gives the school enough 7 flexibility to allow for, you know, modifying it -- 8 COMMISSIONER BURT: And the evidence -- 9 the evidence they have to provide is a quarterly 10 meeting agenda, a sample mentor log, and a sample 11 individual learning plan. So I think that also -- 12 that's the evidence that CSD can see to see that 13 they're doing that. 14 COMMISSIONER BECK: Especially the mentor 15 log, great. 16 THE CHAIR: Commissioner Carrillo. 17 COMMISSIONER CARRILLO: I have a question. 18 So because we don't have the final final of the 19 Corrective Action Plan -- 20 THE CHAIR: Commissioner Carrillo, it is 21 in the -- 22 COMMISSIONER BURT: It's 7a. 23 COMMISSIONER CARRILLO: Okay. In terms 24 of -- for the public. That's what I was thinking. 25 I was -- there are two questions I have.</p>	<p style="text-align: right;">132</p> <p>1 I would -- would you, as a friendly 2 amendment, something along the lines of that the 3 school -- I don't know how the language would be -- 4 strong -- that students are strongly encouraged to 5 attend for personal instruction. 6 COMMISSIONER GIPSON: You know, that is 7 so -- 8 COMMISSIONER CARRILLO: All you're saying 9 is you strongly encourage. What is wrong with just 10 making the statement? 11 COMMISSIONER GIPSON: So here's my 12 concern/question about that. How does the Charter 13 School Division ask for evidence and report back to 14 us that, yes, they strongly -- you know, does -- do 15 they just say, "Oh, yeah, we sent them out an 16 e-mail?" Was it strong? Was it forceful? 17 You know, I don't -- I just don't think 18 that's a measurable piece. I understand your 19 concern. I do. But I think that wording just -- 20 you can't. 21 COMMISSIONER CARRILLO: That's why I would 22 leave it to the wordsmith. And the reason I even 23 wrote this note down -- and I can't remember who 24 said it, maybe perhaps it was you, Commissioner 25 Beck -- that the expectation that maybe only 10 to</p>
<p style="text-align: right;">131</p> <p>1 They can maybe be amendments. 2 One is a clarification of the school hours 3 when -- yeah, clarification of the on campus being 4 open hours. That's something that -- 5 COMMISSIONER BURT: It's in there, too, 6 Commissioner Carrillo. It's in the plan. 10:00 to 7 4:30, Monday through Thursday. 8 COMMISSIONER CARRILLO: See, that's the -- 9 obviously, it's no secret I'm a fan of in-person 10 instruction versus the other. So if I were someone 11 trying to get around this, "The building is open, 12 the doors are open, there's an administrator sitting 13 right over there." 14 "Yeah. But where are all your teachers?" 15 COMMISSIONER GIPSON: It says all the 16 teachers will be on campus. 17 COMMISSIONER BURT: It also is requiring 18 all teachers to be on campus starting quarter four. 19 Every teacher is going to be on campus. 20 COMMISSIONER CARRILLO: Okay. Okay. 21 Maybe I printed a previous one accidentally. I'm 22 sorry. 23 The other thing that -- I don't want the 24 school to close, okay? I don't want any school to 25 close.</p>	<p style="text-align: right;">133</p> <p>1 15 percent of the kids would return in person, for 2 me -- 3 COMMISSIONER BECK: To start. 4 COMMISSIONER CARRILLO: I don't care. For 5 me, that is completely unacceptable. That is 6 completely unacceptable that in the fourth quarter, 7 only 10 to 15 percent of the kids to start are going 8 to be in person. So that's what I'm trying to 9 address. 10 COMMISSIONER GIPSON: I get you. 11 COMMISSIONER CARRILLO: And I don't have 12 an answer. 13 COMMISSIONER GIPSON: Because it is the 14 fourth quarter. That's why there's going to be a 15 low expectation. I think if it was the first 16 quarter, there would be a higher expectation. At 17 this point in time, kids are used to being home and 18 things like that. 19 COMMISSIONER CARRILLO: You know, off 20 camera and having a really poor attendance rate. 21 There's a point at which we just make every 22 allowance -- maybe it's a societal thing in general. 23 We make every allowance for a student to -- to not 24 attend, to make excuses, to -- you know, this is an 25 exaggeration, of course -- to drive a packet to</p>

<p style="text-align: right;">134</p> <p>1 their home. I mean, it's like when are kids held 2 responsible for their education in showing up and 3 doing what they're supposed to do and being held 4 accountable? When is that going to start happening 5 again? 6 And maybe not in my lifetime. I'm done 7 diatribing. You don't have to answer that concern. 8 I just want to make sure there's more kids in 9 person, and I don't know how to do that. 10 COMMISSIONER GIPSON: I get that. But I 11 have to say that I would not accept an amendment 12 that had a percentage requirement, because I think 13 the school wouldn't be able to fulfill that. And 14 that would be a -- you know, a (incomprehensible due 15 to simultaneous speaking). 16 COMMISSIONER CARRILLO: Thank you. 17 THE CHAIR: Commissioner Taylor. 18 COMMISSIONER TAYLOR: I would just like to 19 add -- and the truth really is is that at the 20 beginning of next year, they may only have 10 to 21 15 percent enrollment, and five years from now, they 22 may only have 10 or 15 percent show up in class. 23 There's no guideline or anything like that. We're 24 either going to have to be okay with that or not be 25 okay with that.</p>	<p style="text-align: right;">136</p> <p>1 with staff and will be directed to select one to 2 three in-person or hybrid classes with in-person 3 attendance requirements." 4 And the following bullet point says, 5 "Students and parents who need online-only options." 6 It -- to me it gets convoluted, because who are 7 the -- there's students and parents who need online 8 only. But then to me the previous bullet point is 9 all. Like, I could put a -- something there that 10 says, "Student and parents -- well, is that all 11 student and parents? Is that select portion of 12 student and parents? What student and parents? Is 13 it meet to select one to three in-person or hybrid 14 classes? 15 So that's why there's -- to me, there's 16 confusion between those two bullet points that I 17 just -- you're already going to have to be meeting 18 with those parents and students. And that could 19 be -- if you're saying that some are going to be 20 online only, to me there's not a distinction between 21 Bullet 2 and Bullet 3 and how you're identifying 22 that. 23 So that's -- it's -- I like the majority 24 of it. But it's -- it's hard for me to really 25 understand who is going to be participating in what</p>
<p style="text-align: right;">135</p> <p>1 COMMISSIONER GIPSON: I'll also simply add 2 that the school's contract will be up soon, so it 3 can be addressed through renewal and the contract 4 negotiations that, you know, through the ed 5 programming, the Commission could say, "There has to 6 be, you know, 50 percent on campus during the week," 7 or something like that. That's something moving 8 forward based on what the school learns through 9 this -- because I don't remember how many years left 10 the contract is. 11 Is there two more years left? We're not 12 allowed to do sign language. So -- yeah. 13 So it's -- you know, it's soon. So I 14 think that's the conversation based on what we learn 15 through this next year and a half. So... 16 THE CHAIR: Any other discussion about the 17 amendment? 18 Commissioner Manis? 19 COMMISSIONER GIPSON: What amendment? 20 THE CHAIR: Sorry. I apologize. I made a 21 mistake. The motion. I meant the motion. 22 COMMISSIONER MANIS: I still -- I think 23 that there is maybe some ambiguity surrounding 24 the -- the 9 -- cell 9 on the CAP. Because there's 25 one point that says, "Students and parents will meet</p>	<p style="text-align: right;">137</p> <p>1 and how that's going to look. 2 So, yeah, that's -- it's just my point. 3 COMMISSIONER GIPSON: So do -- 4 COMMISSIONER BURT: Do we withdraw the 5 motion and discuss that? 6 COMMISSIONER GIPSON: Do you want to take 7 a break, like, a five-minute break, to find language 8 that would be amenable? And I can amend that after 9 that break. I think Julia has to wordsmith 10 something instead of us trying to do it on the fly 11 and it's going to getting wonked up. 12 THE CHAIR: Commissioner Carrillo. Then I 13 agree, let's take five minutes. 14 COMMISSIONER CARRILLO: Can I say this 15 before the break, because this may throw a wrench in 16 everything. I don't know procedurally. It's -- I 17 would move to add an amendment and then to have the 18 Commission vote on whether or not to accept the -- 19 how does that happen again? I can't remember. 20 If I want to -- I know it would be an 21 unfriendly amendment, but -- which is fine with me. 22 But if the Commissioner wants me -- 23 COMMISSIONER BURT: If you want an 24 amendment, it needs a second. Then it would get 25 voted on.</p>

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1 But you could also -- we -- during this
 2 break come talk about it and see if you could get it
 3 as part of hers.
 4 COMMISSIONER CARRILLO: I want to discuss
 5 it before the five-minute break. But that's an idea
 6 maybe for the future.
 7 I would propose that the school have a --
 8 have a 50 percent in-person attendance rate, that
 9 that be part of the requirement for their CAP.
 10 COMMISSIONER GIPSON: Okay. You're going
 11 to have to propose your own amendment on that.
 12 COMMISSIONER CARRILLO: I just said that.
 13 Would there be a second?
 14 COMMISSIONER BURT: I think you have to
 15 say "I move."
 16 COMMISSIONER CARRILLO: I move that part
 17 of the CAP be that the school has to maintain a
 18 50 percent in-person attendance rate.
 19 Is there a second? Nope? That would die.
 20 That's fine.
 21 COMMISSIONER MANIS: I'll second just for
 22 discussion, okay?
 23 COMMISSIONER CARRILLO: So, obviously, in
 24 making that amendment, I'm, like, really attached to
 25 the idea of the kids are showing up in school. And

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1 I don't know how to get that done, you know.
 2 And maybe it's not the amendment. But I
 3 just -- oh, my God. I just forgot your last name.
 4 Ms. Arness. I'm sorry. It just went whoosh.
 5 And I guess we can't have you comment at
 6 this point. I would just -- respectfully, I would
 7 ask you to please take that view into account. And
 8 I know I'm not the only one that holds the idea of
 9 the value of in-person instruction. And I trust
 10 your expertise to please make more of that happen.
 11 THE CHAIR: I would ask -- I would ask for
 12 us to move as quickly as we can through this
 13 discussion on this amendment.
 14 COMMISSIONER GIPSON: I need clarification
 15 on what he asked.
 16 COMMISSIONER CARRILLO: And I'm going to
 17 withdraw the amendment.
 18 COMMISSIONER MANIS: That's why I
 19 seconded.
 20 COMMISSIONER CARRILLO: I'm withdrawing
 21 the amendment.
 22 COMMISSIONER GIPSON: Oh. You're
 23 withdrawing the amendment.
 24 COMMISSIONER CARRILLO: I withdraw the
 25 amendment.

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1 COMMISSIONER GIPSON: Okay. Then we're
 2 good.
 3 THE CHAIR: Thank you, Commissioner
 4 Carrillo. Let's take a five-minute break, and then
 5 we'll circle back. So we'll come back at 12:06.
 6 (Recess taken, 12:01 p.m. to 12:13 p.m.)
 7 THE CHAIR: We're going to come back and
 8 reconvene.
 9 COMMISSIONER GIPSON: Are you making
 10 changes to the motion?
 11 MS. JULIA BARNES: I don't think so.
 12 We're just changing the document.
 13 COMMISSIONER GIPSON: So am I changing
 14 my --
 15 THE CHAIR: Commissioner Gipson, I'm going
 16 to give a real quick review to the Commissioners
 17 about what we just did.
 18 Over the brief intermission, we worked
 19 with the school and multiple Commissioners to
 20 fine-tune a few pieces of language within -- within
 21 the current CAP. Nothing substantial.
 22 I would like to have -- can we -- it's
 23 on, for those of us who are reviewing, column B,
 24 row 9, was the area in which we made some slight
 25 shifts.

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1 Commissioner Manis, I'm going to have you
 2 just share real quickly, just so that everyone knows
 3 what we shifted there within those three bullets.
 4 Again, it's on column B, row 9.
 5 DIRECTOR CORINA CHAVEZ: Do I need to type
 6 it?
 7 THE CHAIR: No. It's not on there?
 8 MS. JULIA BARNES: It's going to be just
 9 one minute.
 10 COMMISSIONER GIPSON: (Off mic.)
 11 THE CHAIR: I'm sorry. No, we made it
 12 already, Corina. I'm not sure what you're asking.
 13 But it's not on this document, because we didn't
 14 have view -- we only had view capability. We
 15 couldn't edit that. So we had to download that.
 16 MS. JULIA BARNES: 7a.2.
 17 THE CHAIR: So in our Google Drive, it's
 18 7a.2. We might need to refresh.
 19 (Discussion held off mic.)
 20 COMMISSIONER MANIS: Okay. So we're
 21 looking at 9.b. here that, specifically, the second
 22 and third bullet points. I'd like to start off with
 23 the third bullet point, because that's where more
 24 clarification -- what we've discussed during the
 25 meeting, that, "Those students/parents who need the

<p style="text-align: right;">142</p> <p>1 online-only option will be required to meet with 2 their mentor or teacher." 3 Before, it was "teacher." 4 And with this, "on campus at least once a 5 week for in-person support." 6 Previously, it was "in-person support and 7 instruction." 8 And I think the -- based on our 9 conversations during the meeting, it was appropriate 10 for us to make those changes, because it would make 11 an undue burden if they -- if the student/parent had 12 to meet with every teacher every week. So that was 13 the specific thing that we had discussed. 14 The second point was -- 15 COMMISSIONER CARRILLO: Correct me if I 16 didn't hear right. I thought I heard you just say 17 it's an undue burden to ask every student to meet 18 with their -- each of their teachers each week. 19 COMMISSIONER MANIS: In person. Online 20 only, they can meet via Zoom. They can meet -- how 21 I view it, as office hours for an instructor. If 22 you're online only, that instructor, they may have 23 office hours; right? But students don't have to 24 attend. And many times they don't attend, from my 25 experience.</p>	<p style="text-align: right;">144</p> <p>1 instructor every week -- it may just be too much. 2 And if we think of a classroom, say 3 there's ten students in a class, ten minutes times 4 ten students every week, it -- to me, as an 5 instructor, beyond instructional hours, that would 6 get to be a lot required. 7 THE CHAIR: Thank you for that question, 8 Commissioner Carrillo. 9 Commissioner Manis, I'd love for you to go 10 ahead and complete the update so we can move back to 11 the proposed motion. 12 COMMISSIONER MANIS: Sure. The second one 13 was related to -- to me, the second bullet point was 14 confusing, given that the third bullet point has the 15 online aspect. 16 So the second bullet point stated before, 17 "Student/parents will meet with staff and will be 18 directed to select one to three in-person or hybrid 19 classes." 20 We changed, "are directed" to 21 "encouraged," because if you say -- to me, if you 22 say "directed" -- and as we had discussed, it means 23 they have to, it's a requirement. You select one to 24 three in-person classes, and you are required to 25 attend in person for instruction.</p>
<p style="text-align: right;">143</p> <p>1 But they're still required to meet with 2 their mentor to discuss, like, their weekly 3 progress, et cetera. It's not that they have to 4 meet with each individual teacher every week, 5 because if you're having to do that, you're creating 6 a lot of extra meeting time. Beyond instructional 7 hours is what I'm getting at. This is beyond 8 instructional hours. 9 COMMISSIONER CARRILLO: Beyond 10 instructional hours that are online. But what about 11 instructional hours -- how is that being handled -- 12 you know, Mr. Smith is my history instructor, and 13 I'm going to go to school and learn from him in 14 person. 15 COMMISSIONER MANIS: Still have that 16 option -- correct? -- from what I understand. 17 COMMISSIONER CARRILLO: When you said 18 undue burden for the kids, okay, fine. 19 COMMISSIONER MANIS: My thought is that 20 they're taking online only. If they have to meet 21 with every teacher every week -- they're taking 22 online-only for a reason, whether it be they have 23 work requirements, they have family requirements, 24 whatever it might be, that they're not able to take 25 that time, whether it be 10 minutes with every</p>	<p style="text-align: right;">145</p> <p>1 So "encouraged," to us, seemed to be a 2 better or more appropriate word there to have -- 3 allow flexibility for the school. 4 THE CHAIR: Thank you, Commissioner Manis. 5 And the school was here with us, just for 6 the record, and agreed to those -- those subtle 7 amendments to the Corrective Action Plan. 8 Commissioner Gipson, could you repeat the 9 motion, please? 10 Thank you. 11 COMMISSIONER GIPSON: So I move that the 12 Public Education Commission accept the Corrective 13 Action Plan presented by Cesar Chavez Community 14 School, Document 7a.2, to address the breach of 15 contract by the school and to return to in-person 16 and hybrid instruction starting March 14th, 2023. 17 I further move that the -- that the 18 Charter School Division monitor the progress of the 19 Corrective Action Plan and report progress to the 20 Executive Committee and the PEC when appropriate. 21 Upon completion of the Corrective Action 22 Plan, as confirmed by the Charter School Division, 23 the PEC shall place the school back in good 24 standing. 25 THE CHAIR: Thank you, Commissioner</p>

146	<p>1 Gipson.</p> <p>2 Secretary Armijo, can you go ahead and</p> <p>3 take a roll-call vote, please?</p> <p>4 We've already discussed --</p> <p>5 COMMISSIONER CARRILLO: You can't just --</p> <p>6 you change -- you just took a five-minute break to</p> <p>7 change things. We can still discuss.</p> <p>8 I just had a question about the word</p> <p>9 "appropriate," the timing of when CSD feels it's</p> <p>10 appropriate, as opposed to setting a hard time.</p> <p>11 COMMISSIONER GIPSON: Can I address that?</p> <p>12 Because I think it's the -- "when appropriate" is</p> <p>13 when the Charter School Division sees a concern,</p> <p>14 then they would deem it appropriate.</p> <p>15 I don't -- so that if there's -- when</p> <p>16 they're monitoring the school, if they don't see</p> <p>17 anything of concern, they don't bring us anything.</p> <p>18 But if they notice a concern, then it would be</p> <p>19 appropriate, in the Director's Report, to bring it</p> <p>20 to -- or during Executive Committee meeting -- bring</p> <p>21 it. So I don't think it requires -- they already</p> <p>22 have timelines in their Corrective Action Plan.</p> <p>23 COMMISSIONER CARRILLO: Okay. There's a</p> <p>24 point at which they will come us to and say, "Please</p> <p>25 place them back in good standing." All right.</p>	148	<p>1 THE CHAIR: Thank you. Thank you,</p> <p>2 Ms. Arness, Mr. Hill, and team members. We are at</p> <p>3 12:24 right now.</p> <p>4 Before we go to our next item, Item No. 8,</p> <p>5 let's take a -- let's take a lunch break. Would you</p> <p>6 all be okay with 45 minutes?</p> <p>7 COMMISSIONER GIPSON: I'd be okay with</p> <p>8 less. Some of us need to drive home.</p> <p>9 THE CHAIR: Yeah, for sure. Can we do a</p> <p>10 round number of 1:00? Would that be okay? Let's</p> <p>11 come back at 1:00.</p> <p>12 (A recess was taken at 12:24 p.m., and</p> <p>13 reconvened at 1:05 p.m., as follows:)</p> <p>14 THE CHAIR: Commissioners, greater public,</p> <p>15 we're going to go ahead and call our meeting back to</p> <p>16 order.</p> <p>17 The next item on our agenda today is Item</p> <p>18 No. 8, Discussion and Possible Action on Corrective</p> <p>19 Action Plan for La Tierra Montessori School as</p> <p>20 Completed by the School and CSD.</p> <p>21 And so similar to what we did in the past,</p> <p>22 Director Chavez, it would be great to have you give</p> <p>23 us an update. We'll have the school as well provide</p> <p>24 an update.</p> <p>25 I do want to share, those of you who are</p>
147	<p>1 THE CHAIR: Secretary Armijo, can you take</p> <p>2 a roll-call vote, please?</p> <p>3 COMMISSIONER ARMIJO: Yes.</p> <p>4 Secretary Armijo votes yes.</p> <p>5 Vice Chair Burt.</p> <p>6 COMMISSIONER BURT: Yes.</p> <p>7 COMMISSIONER ARMIJO: Commissioner</p> <p>8 Carrillo.</p> <p>9 COMMISSIONER CARRILLO: No.</p> <p>10 COMMISSIONER ARMIJO: Commissioner Ingham.</p> <p>11 COMMISSIONER INGHAM: Yes.</p> <p>12 COMMISSIONER ARMIJO: Commissioner</p> <p>13 Clahchischilliage.</p> <p>14 COMMISSIONER CLAHCHISCHILLIAGE: 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 Beck.</p> <p>20 COMMISSIONER BECK: Yes.</p> <p>21 COMMISSIONER ARMIJO: Commissioner Taylor.</p> <p>22 COMMISSIONER TAYLOR: Yes.</p> <p>23 COMMISSIONER ARMIJO: And Chair Brauer.</p> <p>24 THE CHAIR: Yes.</p> <p>25 COMMISSIONER ARMIJO: Passes, nine to one.</p>	149	<p>1 on Zoom, I think there may have been some hands</p> <p>2 raised. If you're not part of the school or part of</p> <p>3 the Commission, at this stage, we're not taking</p> <p>4 public comment. That happens at the beginning of</p> <p>5 the meeting.</p> <p>6 So if you would like to make public</p> <p>7 comment on this issue, you know, that would be the</p> <p>8 next meeting that we would have, where you can also</p> <p>9 reach out to me if you have additional comments as</p> <p>10 well. But we won't be taking public comments during</p> <p>11 this time, during this item.</p> <p>12 And with that, Director Chavez, you have</p> <p>13 the floor.</p> <p>14 DIRECTOR CORINA CHAVEZ: Thank you, Chair</p> <p>15 Brauer, Commissioners. I see that we have the chair</p> <p>16 of the board and the head administrator. They may</p> <p>17 want to add additional board members who are in the</p> <p>18 audience. We'll ask them at this point if they want</p> <p>19 to promote anybody, and we'll get back in context.</p> <p>20 Isaac, Patricia, do you want any other</p> <p>21 board members to be added to the panel?</p> <p>22 MR. ISAAC CASADOS: Hello, Director</p> <p>23 Chavez. Yes. If we could add Delisha Gordon-Brown</p> <p>24 and Brenda Atencio, Mr. Charlie Riddick.</p> <p>25 DIRECTOR CORINA CHAVEZ: Thank you, Isaac.</p>

<p style="text-align: right;">150</p> <p>1 Commissioners, this is Item No. 8 that 2 we're starting with, which is Discussion and 3 Possible Action on the Corrective Action Plan for 4 La Tierra Montessori. 5 And then Item No. 9 also is about 6 La Tierra Montessori. 7 We ordered them in this way, because the 8 Corrective Action Plan, which you see as the Item 9 8.a., is -- is in your folder. And then there are 10 two amendments that align with the Corrective Action 11 Plan for Item No. 9. 12 So -- so my team has worked closely with 13 La Tierra Montessori on creating this Corrective 14 Action Plan based on the one that they submitted 15 last time. 16 And taking it and putting it in a format 17 that I think you might appreciate. It's easier to 18 read. It talks about actions and processes, the 19 evidence that would be present for us to know how to 20 monitor it, the responsible parties, the completion 21 dates, and then we put the PEC reporting dates in 22 there. 23 So as you know, one of the issues that 24 we've been addressing with La Tierra Montessori is 25 what is the mission statement. There was a change</p>	<p style="text-align: right;">152</p> <p>1 Action Plan and that we would report to you on 2 progress towards meeting that special ed plan. 3 We are asking for the school to modify 4 their employee policy. And we can talk more -- a 5 little bit about that. We are looking at policies 6 and making sure that there's full coverage for the 7 school when the head administrator is out of the 8 office to make sure that staff know who they would 9 go to. 10 And we also wanted to make sure that the 11 school is administering the short cycle assessments 12 that they are proposing. So we have some dates on 13 that, that they're administering the Access 14 assessment which is for English Learners. 15 And then we have been working very closely 16 with Indian Ed and identified that the school is, in 17 fact, a historically defined Indian-impacted school 18 located on Ohkay Owinge land. Although they have a 19 declining Native American population, they are 20 considered Indian-impacted. And so as a result of 21 that, there are several items that need to be put 22 into place. You'll see those as the evidence items 23 listed in Column 2. 24 So working with Indian Ed and with the 25 school, we put those items in there.</p>
<p style="text-align: right;">151</p> <p>1 that was made just prior to signing contract -- the 2 contract with the PEC in the summer. And so there 3 was -- there is an amendment to change that so that 4 it is more accurately reflecting what the leadership 5 at the school wants it to say. 6 Similarly, there was a change in the 7 mission and goals. That was something that they put 8 in the CAP, and so we just carried that forward. 9 There's also some -- an action step on the 10 Montessori training, which is slated to begin as 11 early as March, and so we put some completion dates 12 in April to report back to you all in May. 13 We have some governing board training as 14 another action item that we would want to monitor, 15 and that the school had suggested that we could. 16 You know, that as we have been visiting 17 the school, we have taken special ed staff members 18 with us to the site visits and had them take a look 19 at the special ed program. 20 And in the end, the Special Ed Bureau did 21 issue a Corrective Action Plan. We knew that it was 22 coming. 23 The school received it on February 9th. 24 And so the action step associated with special ed is 25 that the school complete the Special Ed Corrective</p>	<p style="text-align: right;">153</p> <p>1 Similarly, we were able to get a copy of a 2 report that was written by Poms & Associates looking 3 at risk control. And they identified a couple of 4 areas that -- that were of concern for safety: 5 The playground, and loss control and -- 6 oh, excuse me -- yeah. The loss and control safety 7 audit report is something that we can share with you 8 all, but there's items that Poms identified that we 9 want for the school to address. 10 I just want to say that when we first 11 started to note the safety concerns at the school 12 and communicated them to the school, they did put 13 into place some immediate steps that we felt good 14 about. But this is a much more thorough and 15 detailed report that Poms did to let the school know 16 what the specific safety items are. 17 And then the final one was that the school 18 didn't really have clear policies and procedures for 19 management oversight in the absence of the head 20 learner. So we're asking the school to develop that 21 policy. 22 Again, I rely on my staff to do the site 23 visits. I try to go on as many as I can. But I did 24 not go to La Tierra for the past couple of times. 25 Ms. Martica Davis did. So if you have</p>

<p style="text-align: right;">154</p> <p>1 clarifying questions about what she might have seen 2 at the school and about the report that came from 3 Poms & Associates, she would have those details. 4 Otherwise, I will stand for questions. Or maybe you 5 want the school to present. 6 THE CHAIR: It would be great to hear from 7 the school as well. Mr. Casados, Ms. Herrera, the 8 floor is yours. 9 MR. ISAAC CASADOS: Thank you, 10 Mr. Chairman, Vice Chair, the Commission. Thank you 11 so much for your diligence and your time. As we 12 said, it's always important as to -- as we come 13 before this body to be able to present evidentiary 14 support that we are taking the breach issues very, 15 very diligently, that we're correcting those key 16 issues as they are made aware to us. 17 And, as Representative Roger Montoya 18 said -- or Former Representative Roger Montoya had 19 said, as a board having a diverse population, it's 20 very important to us as a board to ensure that that 21 population is represented with the utmost respect. 22 I do want to touch on a couple of issues 23 that were brought up and some public comments that 24 were made. And I know Ms. Herrera will be able to 25 kind of address those a little bit clearer.</p>	<p style="text-align: right;">156</p> <p>1 reservation. So Ms. Herrera has had some pretty 2 extensive conversations with Former Governor Ron 3 Lovato as well as in his capacity as president or 4 CEO of Tsay Corporation, to really address those 5 kind of minute issues that were addressed within the 6 Poms report. 7 So his staff has been navigating that 8 process by doing a full assessment, as well as 9 providing a full mold update, which found that there 10 was no mold within our building. So for us, that's 11 really important to ensure that the safety and the 12 well-being of those children is adhered to as best 13 as we can. 14 So with that, I will go ahead and turn it 15 over to Ms. Herrera. And then if our vice president 16 or secretary have anything to say, I will let them 17 go ahead, if that's allowable, Mr. Chair. 18 Thank you. 19 MS. PATRICIA HERRERA: Good morning, 20 Mr. Chairman, Commissioners. We're excited to begin 21 working on implementing this Corrective Action Plan. 22 As I've stated before, a lot of this, it's been a 23 great learning experience for me. 24 I would just like to address a couple of 25 the concerns once again as they came up in the</p>
<p style="text-align: right;">155</p> <p>1 There was an issue as far as a security 2 threat that was made by a student. We can't 3 necessarily go into -- into full detail. But I can 4 tell you that that student is no longer at the 5 school. And that threat assessment was made -- as 6 you know, there are a number of hoaxes and threats 7 that have been made throughout the state. We saw 8 four of them over the past week, one this morning at 9 Pojoaque High School. 10 And it's something that we take very 11 diligently as we move through this process. And any 12 threat that is either levied against a staff member 13 or another student is elevated immediately, and 14 we're so thankful that Ms. Herrera has taken that 15 initiative on headfirst and been very diligent in 16 that process. 17 The second part that I'd like to really 18 focus in on is a collaborative effort that we've had 19 with not only CSD, Director Chavez, and Special 20 Education as well as the Indian Education 21 Department, but also Poms & Associates, really 22 identifying key areas. We have reached out. 23 Because we are on a tribal reservation, we 24 do not own that building. It is managed and owned 25 by Ohkay Owingeh, which sits on Ohkay Owingeh's</p>	<p style="text-align: right;">157</p> <p>1 Public Comment. 2 There's a chain of command -- and I'm 3 going to be quite frank and honest -- that staff 4 members who were calling outside entities reporting 5 things, telling parents things -- I was getting 6 phone calls on one of the mornings that was 7 investigating something that was related to the 8 first situation. 9 I have never told teachers not to call 10 parents. Parents are the cornerstone of education. 11 It takes a village. And without that communication, 12 our village crumbles. But when you're calling 13 parents and telling them about a matter that has not 14 been fully investigated, it puts a lot of things in 15 jeopardy, especially the investigation. 16 I -- this occurred last week before I even 17 contacted parents of the children that I was 18 concerned about. I felt that it was unprofessional 19 and unethical. And some of those conversations 20 could actually be FERPA violations. 21 I was not pleased about it, and, yes, I 22 did tell my staff to stop calling outside entities. 23 I did not mean, "Don't call your child's teacher." 24 It meant, "Let me do my job first, and then we can 25 follow through."</p>

<p style="text-align: right;">158</p> <p>1 I did speak with a person from Poms & 2 Associates when they came in to do the assessment on 3 our building. I am still waiting for him to call me 4 back and let me know when another associate of his 5 is going to come in to help with the needs 6 assessment for our shelter-in-places and lockdown 7 drills, because my staff needs to be trained in that 8 prior to us going into lockdown. 9 I called a shelter-in-place early on when 10 I came in in October, and a lot of people didn't 11 know what to do. So it was scary for the children 12 and -- but it was handled with stride. 13 This is safe place. 14 Addressed a lot of the issues that came up 15 with Poms & Associates. We've ordered a new bell 16 system. We're still waiting for that to come in. 17 We ordered door alarms for the outside of the 18 building to know if people breach those. 19 Teachers need to be on duty. They need to 20 stay with their children. If they need to go do 21 something or something has come up, they need to 22 make sure there's coverage for their students prior 23 to leaving. 24 Even with the deficits that we've had in 25 our budget, we're doing our best to make sure that</p>	<p style="text-align: right;">160</p> <p>1 corrective action. I've already started calculating 2 hours, and with the help of the outside agency, 3 Margo Hurtado, she is willing to help me work on how 4 many compensatory hours are owed to students. 5 But services are happening. Logs are 6 happening. And IEPs are taking place. In fact, I 7 just got off the phone with a parent, and we were 8 scheduling an IEP. 9 So I think that that might have covered a 10 lot of the things. 11 But this is a safe building. I've been in 12 places where, you know, a lot of things occur. This 13 is a nice little place, and we're going to get it to 14 where it needs to be again. 15 Thank you. 16 THE CHAIR: Thank you, Ms. Herrera. Is 17 there anybody else from the school or governance 18 board that wanted to share anything in addition? 19 MS. BRENDA ATENCIO: Good afternoon, 20 Commission. My name is Brenda Atencio. 21 B-r-e-n-d-a. Last name, Atencio. A-t-e-n-c-i-o. 22 I just want to thank you for your 23 assistance in this matter in working with us to -- 24 to work through this Corrective Action Plan. Also 25 want to thank CSD and just know that we as a board</p>
<p style="text-align: right;">159</p> <p>1 we've ordered things. And the signage, everything 2 else that they've asked for, we're taking care of. 3 I address each issue, and that could be 4 just little things that happen in the office -- in 5 the classrooms or safety issues at the highest 6 level. I've done it for years. And I've been 7 through some scary situations. And I feel that my 8 staff and I, when we had to deal with some of those 9 when I was with the Española Schools, I think that 10 we handled them with grace, and I've been through 11 it. 12 So my professionalism is constantly being 13 questioned. And I have done everything that I can 14 through by the book. And without, you know, giving 15 up any -- any information regarding students, which 16 would be a FERPA violation. Plus I also respect the 17 privacy of the individuals who are teaching here in 18 my building. 19 As far as the bilingual teacher, she 20 resigned on her own accord. 21 We also completed our mold through -- our 22 mold inspection through the pueblo's Tsay 23 Corporation and their providers, and no mold was 24 found in our building. 25 So I've gone through the special education</p>	<p style="text-align: right;">161</p> <p>1 are ready to get to work on this Corrective Action 2 Plan and keep it moving forward for La Tierra, for 3 our students, for our parents, and just thank you. 4 I just wanted to reiterate Ms. Herrera's 5 comments. I'll turn it over if Delisha or Charlie 6 have anything to add. 7 Thank you. 8 MS. DELISHA GORDON-BROWN: I don't have 9 any comments at this time. 10 THE CHAIR: You're on mute, sir. 11 MR. CHARLIE RIDDICK: Okay. My name is 12 Charlie Riddick. And I'm glad to be on the 13 governance board. And have confidence in us, and I 14 know that we got a long way to go, but I believe, 15 and I have faith, that we can get where it's 16 supposed to be at with your assistance and with the 17 help of everybody else, and also with communication. 18 So it came a long way since I've been 19 there. And I had doubt at first. But my faith lets 20 me know that we can get there and get things where 21 it's supposed to be at the school. 22 Church is first what I believe in. And I 23 believe that if the church has come first, we got a 24 big job on our hands that we can accomplish. 25 Thank you.</p>

<p style="text-align: right;">162</p> <p>1 THE CHAIR: Great. Thank you, sir. I 2 would open it up to the Commission for questions and 3 comments. 4 Commissioner Gipson. 5 COMMISSIONER GIPSON: I'll make this 6 quick. So my concern is that at the last meeting, 7 we did not move forward on the Corrective Action 8 Plan because I know I specifically said I can't vote 9 on this because I don't know what the special ed 10 deficiencies are, and I don't know what -- and we 11 were waiting for the Poms & Associates. 12 And we don't have that. We don't know 13 what they are. And there could be an element in that 14 risk assessment, or there should be an element in 15 the special ed audit that would warrant immediate 16 action. 17 Saying that there's going to be 18 corrections to it gives me no clear information that 19 I can -- you know, that would change my mind and -- 20 from last month. Because I don't -- you know, I 21 don't have any additional information. And that's 22 concerning to me. 23 When I was -- when I was on the school's 24 website a couple of -- I want to say about two weeks 25 ago, I was looking through the board minutes. And</p>	<p style="text-align: right;">164</p> <p>1 So I -- I still have -- you know, I have 2 ongoing concerns about safety. I'm really -- you 3 know, this is March. And the school is saying, 4 "We're working on..." -- you know, this is -- you 5 know, I don't want to compare schools. But in a way 6 I'm going to right now. 7 The school that was here before us this 8 morning -- oh, thank you. 9 So what date is that? 10 COMMISSIONER MANIS: This is 12/20. 11 COMMISSIONER GIPSON: 12/20. 12 MS. DELISHA GORDON-BROWN: That is 13 December 20th, yes. 14 COMMISSIONER GIPSON: And see that hole? 15 Oh. Now I've lost my -- oh. So the 16 school that came before us this morning, there 17 wasn't a -- there wasn't really a concern that 18 students weren't being served, you know. We had an 19 issue with how they were being served, in terms of 20 live or not. But there was not a concern that 21 special ed wasn't doing servicing. We've had no 22 information regarding that. 23 This school is in March and is now saying 24 "Oh, yeah, we're getting -- we're getting it 25 together, and we're going to -- we're making sure</p>
<p style="text-align: right;">163</p> <p>1 there were a couple of attachments, pictures that I 2 believe a parent had submitted, maybe through public 3 comment or submitted somehow. And there were -- you 4 know. And I -- the pictures were addressing some 5 safety concerns. 6 And there was one picture where there was 7 a huge hole in the ceiling. I don't know what that 8 room was. I don't know if it was a classroom. I 9 don't know what it was. 10 And I've tried now to run through the 11 minutes to see if I can find that picture, and I 12 can't now. 13 So I don't know if someone from the school 14 can help, you know, perhaps address that issue, 15 because there were at least three or four pictures 16 that someone -- and I believe it was a parent -- had 17 taken of what they believed were serious safety 18 concerns at the school, and they were attached to 19 the minutes. And I deeply regret that I did not 20 capture that in a picture so I could go back to 21 those minutes. 22 But I've been trying to flip through the 23 minutes now, and I can't find those pictures now. 24 They were -- I think they were listed as exhibits in 25 that -- in the one board minutes.</p>	<p style="text-align: right;">165</p> <p>1 that, you know, if there's compensatory hours, and 2 we're -- you know, we're on track." 3 Well, we're three quarters of the way 4 through the school year. And I -- I completely 5 empathize with Ms. Herrera, that she's in an 6 untenable position. She's stretched between teacher 7 and head administrator and in a school that is 8 sinking to even -- I know they -- I know you 9 upgraded the school -- the contract -- to .5 instead 10 of a .1. But that then takes away from her ability 11 to service special ed students. 12 And I do know that you onboarded someone 13 else as well. But it still takes -- it still takes 14 away. And a school that's sinking needs more than a 15 .5 head administrator, I mean, seriously. 16 And, honestly, for a school in this day 17 and age to be sitting here in March and saying, 18 "We're trying to get trained in active shooters 19 and..." -- you know, especially a school that doors 20 don't lock. 21 So, you know, I have -- I have little to 22 no confidence that this school can move forward 23 successfully. They were in a budget crisis because 24 they over-projected. And that's -- that's untenable 25 in a healthy, stable school.</p>

<p style="text-align: right;">166</p> <p>1 But in a school that needs to do servicing 2 and needs to staff appropriately to be able to 3 service the students appropriately, the school can't 4 do that. They can't afford to do that. 5 So, you know, I'm personally at a point 6 where I've got no confidence that this school is 7 providing even a safe environment for the school, 8 let alone -- I know there's commitments to 9 Montessori, but, you know, I'm done with commitments 10 and promises. I was done probably months ago with 11 that. 12 So right now, that's all I have to say. 13 THE CHAIR: Commissioner Beck. 14 COMMISSIONER BECK: Yeah. One of the 15 things that did concern me was -- I believe it was 16 Ms. Herrera's comment that you're getting things 17 done even with the deficit. 18 So it seems like, you know, in a school 19 that's struggling like it is, to also have a 20 significant budget deficit even ties your hands 21 more. And that would -- that's a pretty big concern 22 when you're trying to deal with structural issues 23 for your school and for the playground and for those 24 other areas when you've had some students actually, 25 I guess, leave, which even brings a greater issue</p>	<p style="text-align: right;">168</p> <p>1 said in having zero confidence in the ability of the 2 board and the head admin to continue forward. 3 The -- and it's also -- because I see 4 things like -- and I highlighted these on the plan. 5 We're constantly hearing phrases such as, "We are 6 detailing plans to...", "Our intent is to...", "We 7 are working on..." 8 Well, you know what? It's February 17th, 9 and as far as I'm concerned, time has been up for a 10 while. But time is, like, really up. 11 And we -- again, it's like I said earlier 12 today, you know, at what point do we -- 'cause we 13 are custodians of taxpayer dollars. We are 14 custodians of parents' expectations and the promise 15 to them of delivering education. 16 And every school that we have as a State 17 charter, but the State also and district schools, 18 there's a promise that's made. And I believe that's 19 been just a breach of contract. It's just not 20 happening. 21 And, you know, it's super unfortunate, 22 because I think that the Valley really needs a 23 tuition-free Montessori, or a school like it. And I 24 know McCurdy School is a charter, and they're trying 25 really hard, and they've been doing better and</p>
<p style="text-align: right;">167</p> <p>1 involved with that. 2 But the budget deficit is certainly 3 concerning. 4 THE CHAIR: Commissioner Carrillo. 5 COMMISSIONER CARRILLO: I know I'll have 6 more, but this is just relative to what Ms. Gipson 7 said and Commissioner Beck. 8 So, historically, this just goes way back. 9 It's another situation where my recollection is we 10 were in Ruidoso talking about all these issues maybe 11 in September or August or something of the last 12 year. This is not something new. 13 It really is -- it's very tragic in a 14 sense that when the school was renewed, it just 15 seemed like within eight months, it just imploded, 16 and for a variety of reasons. 17 And I understand relations between admin 18 and the board, the board switched over -- a lot of 19 things. 20 The thing that gives me great pause as to 21 the school's ability to continue is how much 22 learning can possibly be going on amid this 23 environment. And I'm trying to look up -- and 24 they're helping me -- the reports for '21-'22. 25 I would just have to echo what Ms. Gipson</p>	<p style="text-align: right;">169</p> <p>1 better, which is great. 2 But the Valley needs more. But I don't 3 believe that this school offers that any longer, 4 especially since -- especially since it's supposed 5 to be a Montessori, and there's very little 6 adherence to the Montessori or even the staff that 7 can do that. 8 Here it also says, in the report, the -- 9 let's see. It has to do with educational, where 10 "We're working to get the Montessori education and 11 certification..." -- here we are. It's under 12 Evidence, the third item down. 13 My understanding is you're using the 14 Mont- -- the organization that's in Albuquerque, or 15 maybe it's in Los Ranchos or that area, that has to 16 do with Indian Ed that's not even -- my 17 understanding, it's not even a certified Montessori 18 training center. Correct me if I'm wrong with that. 19 Am I wrong? 20 DIRECTOR CORINA CHAVEZ: They are about to 21 become -- they do Montessori training, and they're 22 about to become certified. I don't know their 23 timeline for that, but they do that. 24 COMMISSIONER CARRILLO: They're doing the 25 training, and it's great they're about to become,</p>

<p style="text-align: right;">170</p> <p>1 and we don't know the timeline. We don't know the 2 timeline for anything here.</p> <p>3 I can no longer in good conscience support 4 keeping the doors -- the unlocked doors of this 5 school open.</p> <p>6 THE CHAIR: I just saw that the -- the 7 Poms & Associates is on the Google Drive. But I 8 know we haven't had a chance to review that. I'm 9 wondering -- Martica, I think you said Corina was 10 connected to that, or maybe had something to share 11 that would at least provide, at least to 12 Commissioner Gipson's point, some additional 13 information that we haven't yet --</p> <p>14 DIRECTOR CORINA CHAVEZ: Yes, Chair Brauer 15 and Commissioners. So you know, there's a couple of 16 different documents that have been uploaded. The 17 letter that Special Ed sent to the school, the 18 Corrective Action Plan that Special Ed created, and 19 the Poms & Associates reports.</p> <p>20 THE CHAIR: All right. You know, and --</p> <p>21 DIRECTOR CORINA CHAVEZ: And Martica has 22 read them in detail, so if you have any questions 23 about them.</p> <p>24 THE CHAIR: I think in terms of, like, a 25 process, I'm probably mistaken to ask us to review</p>	<p style="text-align: right;">172</p> <p>1 DIRECTOR CORINA CHAVEZ: So that means 2 that you can go to the place that was provided to 3 you by Dr. Álvarez yesterday.</p> <p>4 COMMISSIONER CARRILLO: It just doesn't -- 5 it gives me demographics, but nothing about 6 proficiency.</p> <p>7 COMMISSIONER BURT: It's on the PED 8 website, but not on Vistas.</p> <p>9 COMMISSIONER CARRILLO: Honestly, I find 10 all the PEC and the PED stuff, like, a layperson 11 trying to find information, very difficult.</p> <p>12 COMMISSIONER BURT: That's been a 13 long-time complaint for people.</p> <p>14 COMMISSIONER CARRILLO: Yeah, no. I 15 understand.</p> <p>16 DIRECTOR CORINA CHAVEZ: Chair Brauer, if 17 I may?</p> <p>18 COMMISSIONER BURT: Commissioner Manis 19 does have it. If he could screen share. He has it 20 up on his screen right now --</p> <p>21 COMMISSIONER CARRILLO: If he wants to 22 screen share. While he's doing that --</p> <p>23 COMMISSIONER BURT: -- so we can see the 24 proficiency data.</p> <p>25 COMMISSIONER CARRILLO: -- I would say --</p>
<p style="text-align: right;">171</p> <p>1 that, but I think it is important to point that out, 2 that they are there for us.</p> <p>3 We probably can't utilize these for today, 4 sadly. But we do have that there for potential 5 other -- other opportunities.</p> <p>6 So I know, for me, I'm trying to review it 7 as I sit here. But -- other -- other comments from 8 the Commission?</p> <p>9 COMMISSIONER CARRILLO: I'm waiting to 10 receive -- because I would just like to see it 11 before we do anything. Because when I went on the 12 website, I couldn't retrieve -- I retrieved the 13 contract and everything, but not '21-'22 14 performance.</p> <p>15 And I know that we're trying to find that 16 now. Because that plays into my decision as well. 17 We can't share -- I can see it, though, can't I? 18 Why can't I see it?</p> <p>19 DIRECTOR CORINA CHAVEZ: Commissioner 20 Carrillo, this morning we started to review some of 21 the '21-'22 reports, and there was a halt on viewing 22 those. So I don't think that I can share with you 23 any reports; is that correct?</p> <p>24 COMMISSIONER BURT: Well, the proficiency 25 data is public online already.</p>	<p style="text-align: right;">173</p> <p>1 you know, I was reminded, while we were talking 2 about special ed, when Ms. Gipson was talking about 3 special ed. When I was -- it was a really difficult 4 decision. But when I was in Santa Fe Public 5 Schools, we had a school where the principal was 6 routinely in violation of federal law relative to 7 IEPs and providing the special ed that kids needed. 8 And there just came that point at which he had to be 9 terminated.</p> <p>10 I'm obviously not going to review any 11 information or anything about the school. You get 12 to that point where you're tired of hearing all the 13 reasons why not, and you just have to do the right 14 thing.</p> <p>15 COMMISSIONER MANIS: Can you see that? 16 COMMISSIONER CARRILLO: Yeah, I can see 17 it.</p> <p>18 COMMISSIONER MANIS: I just highlighted. 19 This is for all grades and all students for the 20 school. And this is the Early Lit, Language Arts, 21 Math, and Science scores, 2021-2022.</p> <p>22 COMMISSIONER CARRILLO: So all this does, 23 unfortunately, to me, is confirm that there's not 24 enough learning going on at this school. It's a 25 violation of the public trust.</p>

<p style="text-align: right;">174</p> <p>1 THE CHAIR: Commissioner Beck. 2 COMMISSIONER GIPSON: He wants know if you 3 can put the Poms thing up. 4 COMMISSIONER BURT: We didn't post it in 5 time. 6 COMMISSIONER GIPSON: So you can't. 7 THE CHAIR: Yeah, for sure. 8 Mr. Casados. 9 MR. ISAAC CASADOS: Yes, Mr. Chair. So 10 what I'd like to point out is as I know Commissioner 11 Carrillo is drawing attention to the '21-'22 12 performance numbers. That was under our former head 13 learner. That's why that former head learner is no 14 longer here. 15 And so it was daunting for us as a board 16 to have to be stuck in a position where we never 17 even saw these numbers as a board. We had asked for 18 this documentation over and over and over again. 19 And thankfully, we have her in that capacity, 20 because it is part of that process. 21 I want to talk about the roof area that 22 came up in conversation with Commissioner Gipson. 23 That is not a student area. That is an area that is 24 in a locked and closed office. The person who took 25 that picture is a contractor who was actually paid</p>	<p style="text-align: right;">176</p> <p>1 But when you don't have the funds to do 2 it, you have to make do with what you have. And 3 we've been trying to do that as very best as we can. 4 And it's been daunting; it's been 5 difficult. And this is not something that really is 6 for -- as volunteers, something that we take very 7 lightly. It's not something that we just kind of 8 say, "Oh, it's not happening." 9 We have addressed every issue, start to 10 finish. 11 Commissioner Carrillo can go back and say, 12 listen, we're moving through this process, and we're 13 promising things. We've done every other issue from 14 the time we began. And I think that's what new 15 Commissioners need to understand as well, is under 16 Chair Burt, if an issue was addressed, we would 17 automatically address and rectify that issue 18 immediately. 19 And I'll have to go back to what I heard 20 in the prior conversation. The Catch-22 issues is a 21 challenge. We constantly get pulled back into this 22 environment because communication was being passed 23 from one person on to a Commissioner or to somebody 24 else, and it gets exacerbated into a completely 25 different new issue that then the board has to</p>
<p style="text-align: right;">175</p> <p>1 to repair that element of the roof and never did. 2 That person has now been referred to the 3 State Auditor's Office for collecting funds for 4 payment of issues that they did not perform. 5 The final thing: As far as the budget, we 6 didn't over-project anything. That came from a PED 7 reduction that hit numerous schools all across the 8 state. 9 Albuquerque Public School system saw a 10 reduction of close to \$6 million out of their 11 budget. We saw a reduction of \$120,000 out of our 12 budget. That's nothing that we were well aware of 13 until the day before school started. 14 So we've had to -- we've had to -- to 15 really buckle down. We've had to. And we've tried 16 to do everything without enforcing a RIF policy, 17 because I think a RIF policy would have been 18 detrimental to the school. 19 And, thankfully, Ms. Herrera has stepped 20 into that capacity to be able to do the job she 21 does. 22 And, listen. I would love to have a 23 full-time special education teacher. I would have 24 loved to have a full-time head learner. I think all 25 of our board would.</p>	<p style="text-align: right;">177</p> <p>1 address another issue. 2 And we've done whatever we can to address 3 the issues quickly and in time, within days. It's 4 not something where we just kind of said, "Well, 5 we're not going to communicate with you." 6 It's important to us to ensure that 7 there's ample communication between our board and 8 the PEC and the Charter Schools Division. 9 And I've said it over and over. Director 10 Chavez and I are on the phone probably twice, two 11 times, three times a week, if not her staff. And if 12 an issue is addressed or an issue is brought up, she 13 contacts me immediately and says, "Hey, Isaac, can 14 you give us an update about this," or, "Can you find 15 information from the head learner?" 16 And within minutes, we're working at a 17 resolution. 18 The diligence we provide to this process 19 is not something we kick the can down the road. 20 It's been issues. If we go back to the prior notice 21 that you gave us, we addressed every one of those 22 issues quickly. 23 So I do take offense to the idea that 24 we've kind of just negated that responsibility. 25 And, as I said, performance numbers, that individual</p>

<p style="text-align: right;">178</p> <p>1 is coming before you now to do a new charter school 2 later on.</p> <p>3 And so I would hope that you look at the 4 numbers that Ms. Herrera is looking at right now and 5 where those scores will increase exponentially, 6 because there's learning now happening in the 7 classroom.</p> <p>8 So with that, I'll defer back to you, 9 Mr. Chair.</p> <p>10 THE CHAIR: Thank you. 11 Commissioner Taylor.</p> <p>12 COMMISSIONER TAYLOR: Thank you. 13 Mr. Casados, I just have a question. Could you just 14 very briefly kind of give us a summary of what is 15 happening with your Montessori teaching program?</p> <p>16 MR. ISAAC CASADOS: Thank you so much, 17 Commissioner Taylor. Appreciate that.</p> <p>18 So one of the key areas that we really 19 wanted to focus in on, because we are in a tribal 20 community, is ensuring that that Montessori 21 accreditation or that training program is comparable 22 to what is happening at the Indigenous Learning 23 Montessori Center or the Keres Learning Center that 24 is located on Cochiti Pueblo.</p> <p>25 We've been working with Povi Mitchell and</p>	<p style="text-align: right;">180</p> <p>1 COMMISSIONER TAYLOR: Okay. All right. 2 Good. Are all of the methods -- all of the 3 Montessori methods being taught in every classroom, 4 or just some?</p> <p>5 MR. ISAAC CASADOS: It is a full 6 Montessori school. So I think, as I alluded to in 7 my prior response back to the PEC, the board has not 8 modified anything from what happened under the 9 former head learner, which was Angela Feathers, who 10 was a certified Montessorian, to what's happening 11 today.</p> <p>12 That instruction is the same; materials 13 are the same; classroom the same. Everything has 14 followed suit to what the programmatic issues were 15 that she had, or that that curricula that she built. 16 That has been implemented from start to finish, and 17 there has been no modification from Ms. Herrera 18 and/or this board to modify that any differently.</p> <p>19 THE CHAIR: Commissioner Manis. 20 COMMISSIONER MANIS: It's interesting that 21 you bring that up, because you had just stated 22 within the last ten to fifteen minutes that what was 23 done in the previous year was not good. And that's 24 why you removed the head learner.</p> <p>25 THE CHAIR: Any other discussion points?</p>
<p style="text-align: right;">179</p> <p>1 her group to devise this plan. And it will start at 2 the beginning of next month on a Saturday.</p> <p>3 And then for six proceeding weeks, every 4 other week, teachers will be put through an 5 extensive and comprehensive Montessori training 6 program.</p> <p>7 For me, I was never trained as a 8 Montessori -- I never went to a Montessori school. 9 So that's a learning gap that we've all had.</p> <p>10 New Mexico, specifically Española, 11 probably has one certified Montessorian in the 12 entire Valley. So this is one of those things, 13 where we have to go out of community in order to 14 pull that knowledge in. And we're thankful to the 15 Indigenous Learning Center, Montessori Learning 16 Center, for providing that education instead of 17 having to take and transplant our staff to Europe or 18 other parts of the country, which can cost anywhere 19 from \$12,000 to \$14,000 per teacher for training.</p> <p>20 COMMISSIONER TAYLOR: So thank you for 21 that. So would you save -- obviously, there's no 22 certified Montessori teacher on site. What --</p> <p>23 MR. ISAAC CASADOS: We do have one. We do 24 have one. The former head learner is still there, 25 correct. She is a kindergarten teacher.</p>	<p style="text-align: right;">181</p> <p>1 Commissioner Carrillo. 2 COMMISSIONER CARRILLO: I mean, I guess 3 one just has to ask the question: If there's a 4 commitment to being a Montessori school, why do you 5 want to change the mission statement to lessen the 6 extent to which you're a Montessori school, as 7 opposed -- the new mission statement being 8 "Montessori-inspired." I mean, that would be like, 9 you know, decaf with skim milk.</p> <p>10 I don't quite get it. So -- anyway. 11 MR. ISAAC CASADOS: Mr. Chair, can I 12 respond to that real quickly?</p> <p>13 THE CHAIR: Sure. And I'm sorry. I can't 14 read who else has their hand up. So -- yeah.</p> <p>15 MR. ISAAC CASADOS: I think one of the big 16 challenges we face in a Montessori environment, 17 specifically in the greater Española area, is 18 there's not one. We have to bring these people in 19 from other parts of the country. It is not a 20 methodology that is normally practiced.</p> <p>21 And I would venture to say that most 22 individuals on the Commission couldn't even talk 23 about what the fundamentals of Montessori are, other 24 than maybe reading a book.</p> <p>25 And so the idea behind this is focusing in</p>

<p style="text-align: right;">182</p> <p>1 on individuals who have that knowledge locally. 2 That's why we went out to the Indigenous Montessori 3 Learning Center. As Representative Montoya talked 4 about this morning, the fidelity was to three key 5 areas: It was to Montessori. It was to be 6 arts-and-science derived. 7 And we believe that the mission statement 8 now provides an equal footing for all three, with 9 Montessori being that inspired classroom and that 10 opportunity to provide a comprehensive learning 11 environment, but also ensuring that that arts 12 component, as well as the science, are the 13 benchmarks of the success of those students. 14 It's important to us to understand that 15 one cannot work without the other. And specifically 16 in this environment, when we've sent 64 kids on to 17 New Mexico School for the Arts, and they've 18 graduated from there, that tells me that the arts 19 component is if not more important than maybe the 20 other two. 21 But we still haven't said, "Hey, let's 22 scrap the science; let's scrap the Montessori." 23 We want to ensure that there's adherence 24 to all three. 25 When Montessori started out -- when Maria</p>	<p style="text-align: right;">184</p> <p>1 from the Montessori-inspired, but we also cannot 2 have our hands tied, the same way you don't want 3 someone to be directed to attend in-person classes, 4 but encouraged to. You all said it earlier today. 5 Simple as that. 6 THE CHAIR: You know, we're about to make 7 a motion. In case anybody would like to have any 8 other questions or have any comments that you'd like 9 to make. 10 So we're going to take -- if there are no 11 other comments or questions before our motion, we're 12 going to take a few minutes of a break -- five 13 minutes? 14 We'll take a five-minute break. We're 15 going to be back at -- well, let's just go for broke 16 and go to 2:00 p.m. We'll come back at 2:00 p.m. 17 (Recess taken, 1:53 p.m. to 2:04 p.m.) 18 THE CHAIR: All right. We're going to 19 reconvene. It's four minutes after 2:00. 20 Commissioner Gipson. 21 COMMISSIONER GIPSON: Yes. So I move that 22 the Public Education Commission issue a Notice of 23 Intent to Revoke the Charter regarding -- of 24 La Tierra Montessori School for the -- is it 25 La Tierra Montessori School for the Arts and</p>
<p style="text-align: right;">183</p> <p>1 Montessori started out in her book, and in every 2 text, she said "I don't know everything, and my 3 process will always be updated." 4 That's what Montessori is all about is 5 ensuring that we take what's happening in community 6 and ensuring that we build a program that addresses 7 the needs of -- and concerns of -- those students. 8 And that's why the science and the arts 9 component are just as integral and just as important 10 as the Montessori component. 11 So with that, Mr. Chair, I'll defer back. 12 THE CHAIR: Ms. Gordon-Brown, go ahead. 13 MS. DELISHA GORDON-BROWN: Yeah. And just 14 to answer Commissioner Carrillo's question why 15 change the mission statement, well, it's the same 16 reason why one of the Commissioners earlier this 17 morning -- excuse me -- requested to remove the 18 words "directed to" from an earlier charter that you 19 all were discussing. It's because it makes you 20 adhere to something. 21 So by being an inspired school, our hands 22 are not binded, and so we can't -- so a year from 23 now, we're not going to go through the same thing 24 that we're in breach of contract because we're not 25 Montessori-certified. We don't want to stray away</p>	<p style="text-align: right;">185</p> <p>1 Science? That's it? Okay. 2 So I move that the Public Education 3 Commission issue a Notice of Intent to Revoke the 4 Charter of La Tierra Montessori School for the Arts 5 and Science regarding the following issues: 6 Section 2, Scope, paragraph 2i and ii: 7 Designated charter representative in its contract 8 negotiations with the PEC for failure to comply with 9 the contract by the present board signed by its 10 designated charter representative. 11 The school representation to PEC that the 12 charter contract was negotiated by a person with 13 authority and approved by the board when the present 14 board now represents they did not have such 15 authority, or, if done appropriately, then the 16 present board has failed to comply with the signed 17 contract and implement it. 18 Further, if there was an issue with 19 authority to enter into charter contract, the school 20 failed to remedy any possible issues related to the 21 contract from the time period May to July 2022, even 22 after being directed to correct these issues by the 23 PEC on August 19th, 2022. 24 Section 4, 1: Purpose; 2: Mission; 4i, 25 Comprehensive Educational Program of the School.</p>

<p style="text-align: right;">186</p> <p>1 The school failed to institute a 2 Montessori program with trained Montessori staff to 3 provide documentation to CSD regarding how the 4 Mission-Specific Goals are being implemented and to 5 fully implement the mission and educational program 6 as negotiated.</p> <p>7 No. -- Section 5, Performance Framework.</p> <p>8 The school failed to set up the 9 Mission-Specific Goals and set up a scoring sheet 10 for the implementation of the Mission-Specific 11 Goals.</p> <p>12 On December 12th, 2022, the school 13 submitted incomplete information to revise the 14 Mission-Specific Goals after the request to correct 15 any errors was made on August 19th, 2022, and CSD 16 met with numerous staff members about the need to 17 implement the Mission-Specific Goals.</p> <p>18 Section 4.5, VI, VII, and IX.</p> <p>19 Comply with -- comply with all provisions 20 of the contract and law, hiring and overseeing the 21 head administrator.</p> <p>22 The new head administrator is a part-time 23 position with that same staff person also providing 24 special education services. There have been 25 numerous complaints that this person is not able to</p>	<p style="text-align: right;">188</p> <p>1 school is being placed on a Corrective Action Plan 2 by the Public Education Department.</p> <p>3 Section 5.2, I and II and IV.</p> <p>4 Participate in state-required assessment 5 and meet state standards of excellence.</p> <p>6 Student results in the 2021-'22 statewide 7 assessments indicate 38 percent of the students 8 scored are proficient or above in ELA, slightly 9 higher than that the state average of 34 percent. 10 27 percent proficient in science, below the state 11 average of 33 percent. Math proficiency is less 12 than 20 percent. Early Literacy proficiency is 13 5 percent.</p> <p>14 La Tierra's 2021-'22 assessment 15 participation rate was low with not more than 16 69 percent of eligible students taking the 17 state-required assessments.</p> <p>18 The notice to the school shall provide a 19 proposed procedure to be used in the revocation 20 hearing and shall provide a date and time for the 21 hearing.</p> <p>22 The notice will also be sent to 23 Ohkay Owingeh Pueblo to notify them of the 24 revocation hearing.</p> <p>25 COMMISSIONER CARRILLO: Second.</p>
<p style="text-align: right;">187</p> <p>1 adequately do both jobs in a manner that results in 2 adequate supervision of the school and staff and 3 adequately do the work of the special education 4 instructor's students.</p> <p>5 Section 4.6, Operation. II, III, and 6 VIII: Comply with all federal and state laws 7 relating to the education of children with 8 disabilities, comply with all laws related to 9 safety, notify the Commission of allegations or 10 inappropriate contact with a student.</p> <p>11 The new head administrator is a part term 12 (verbatim) position, that same staff person also 13 providing special education services. There have 14 been numerous complaints that this person is not 15 able to adequately do both jobs in a manner that 16 results in adequate supervision of the school and 17 staff and adequately do the work of the special 18 education instructor students (verbatim).</p> <p>19 Further, there are reports of two 20 incidents where a student was involved in an 21 altercation with a teacher and the Sheriff was 22 called. There have been complaints that the school 23 has been an unsafe environment.</p> <p>24 Further, Poms & Associates has identified 25 numerous safety concerns at the school, and the</p>	<p style="text-align: right;">189</p> <p>1 COMMISSIONER GIPSON: I thought you were 2 going to ask me to read it again.</p> <p>3 COMMISSIONER CARRILLO: No. Second.</p> <p>4 THE CHAIR: We're opened up to discuss the 5 motion.</p> <p>6 Go ahead, Commissioner Ingham.</p> <p>7 COMMISSIONER INGHAM: Can you describe to 8 me how this procedure goes from here? I'm 9 specifically just wondering what happens to the kids 10 that are attending that school right now. And when 11 does this take effect?</p> <p>12 COMMISSIONER GIPSON: I think the question 13 has to relate to the motion. So --</p> <p>14 COMMISSIONER CARRILLO: Well, then, I 15 would say, as it relates to the motion, when do we 16 expect there to be a hearing, because that's the -- 17 that's the time at which that probably would be 18 addressed, Mr. Ingham's concern would be addressed.</p> <p>19 COMMISSIONER BURT: So I think the process 20 is 30 to 60 days is what is in --</p> <p>21 COMMISSIONER GIPSON: So part of the 22 process, if -- if the -- if the motion to revoke at 23 the hearing is an affirmative, the school is then 24 required to follow certain procedures for the 25 closure of the school.</p>

190	<p>1 They need to identify -- they need to send 2 a letter out to families and staff to notify them of 3 the proceedings. 4 The school always has -- there's the right 5 to appeal that's in there. But the process for that 6 notification and preparing parents, the school is 7 obligated to take steps to make sure that the 8 students are provided the options of where they may 9 go, because the school year will continue. The 10 school would not open the following school year. So 11 they would still be there for the remainder of the 12 school year. 13 And during that time, the school is 14 obligated, as well as we are, to oversee that 15 closure and to make sure that staff is provided all 16 the information they need for, you know, their 17 retirements and so on, and, and successfully 18 transferring information if they get another job. 19 And the same thing with student records 20 and making parents aware of where they can send 21 their students and making that process as smooth as 22 possible so that they're not just left out with, 23 "Now what to we do?" 24 So that is -- you know, it's our 25 obligation to oversee that.</p>	192	<p>1 Commissioner Carrillo. 2 COMMISSIONER CARRILLO: I just want to say 3 that -- I'm sure others feel likewise -- it's with a 4 very heavy heart that we're at this place. Didn't 5 happen overnight. Happened over, like, six months 6 after we renewed. Everything just imploded. And 7 it's with a heavy heart that we're here. 8 THE CHAIR: Secretary Armijo, can you take 9 a roll call, please? 10 COMMISSIONER ARMIJO: Commissioner Gipson. 11 COMMISSIONER GIPSON: Yes. 12 COMMISSIONER ARMIJO: Commissioner Manis. 13 COMMISSIONER MANIS: Yes. 14 COMMISSIONER ARMIJO: Commissioner Beck. 15 COMMISSIONER BECK: Yes. 16 COMMISSIONER ARMIJO: Commissioner Taylor. 17 COMMISSIONER TAYLOR: Yes. 18 COMMISSIONER ARMIJO: Chair Brauer. 19 THE CHAIR: Yes. 20 COMMISSIONER ARMIJO: Secretary Armijo 21 votes yes. 22 Vice Chair Burt. 23 COMMISSIONER BURT: Yes. 24 COMMISSIONER ARMIJO: Commissioner 25 Carrillo.</p>
191	<p>1 And then, of course, there is the physical 2 process after the school year is over of physically, 3 you know, shutting the school down, which the 4 Charter School Division has traditionally contracted 5 the physical part of that to someone, because 6 it's -- you know, getting the desks out of there -- 7 immediately the records, PED takes the records and 8 secures them. But then you've got all the other 9 materials that, you know, have to be provided for. 10 COMMISSIONER CARRILLO: Procedural 11 question: Did I hear you say 30 to 60 days? Is it 12 like no less than 30, no more than 60? 13 My concern is just for the sake of the 14 parents, staff, and everyone, that the hearing be as 15 quickly as possible, to not drag on. 16 COMMISSIONER BURT: And the only thing I 17 know from our counsel is that it is 30 to 60 days. 18 So the hearing should be in that time frame. 19 COMMISSIONER CARRILLO: Okay. 20 THE CHAIR: And it's set out in statute. 21 So we'll follow the process that is in statute, for 22 sure. 23 COMMISSIONER CARRILLO: Okay. Thank you. 24 THE CHAIR: Any other questions? Any 25 other debate points?</p>	193	<p>1 COMMISSIONER CARRILLO: Yes. 2 COMMISSIONER ARMIJO: Commissioner Ingham. 3 COMMISSIONER INGHAM: Yes. 4 COMMISSIONER ARMIJO: And Commissioner 5 Clahchischilliage. 6 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 7 COMMISSIONER ARMIJO: That passes, ten to 8 zero. 9 COMMISSIONER CARRILLO: All right. 10 THE CHAIR: All right. Item No. 9 -- 11 yeah, I would like to hear from a Commissioner to 12 potentially table this item. 13 Commissioner Burt. 14 COMMISSIONER BURT: I move to table Item 15 No. 9. 16 THE CHAIR: Have we got a second? 17 COMMISSIONER GIPSON: No, there's no 18 discussion on a tabling motion. You go right to 19 vote. 20 THE CHAIR: All right. Let's go ahead to 21 the vote. 22 COMMISSIONER ARMIJO: All-righty. 23 Commissioner Clahchischilliage. 24 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 25 COMMISSIONER ARMIJO: Commissioner Gipson.</p>

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1 COMMISSIONER GIPSON: Yes.
 2 COMMISSIONER ARMIJO: Commissioner Manis.
 3 COMMISSIONER MANIS: Yes.
 4 COMMISSIONER ARMIJO: Commissioner Beck.
 5 COMMISSIONER BECK: Yes.
 6 COMMISSIONER ARMIJO: Commissioner Taylor.
 7 COMMISSIONER TAYLOR: Yes.
 8 COMMISSIONER ARMIJO: Chair Brauer.
 9 THE CHAIR: Yes.
 10 COMMISSIONER ARMIJO: Secretary Armijo
 11 votes yes.
 12 Chair Burt.
 13 COMMISSIONER BURT: Yes.
 14 COMMISSIONER ARMIJO: I mean, Vice Chair
 15 Burt. Sorry.
 16 Commissioner Carrillo.
 17 COMMISSIONER CARRILLO: Yes.
 18 COMMISSIONER ARMIJO: And Commissioner
 19 Ingham.
 20 COMMISSIONER INGHAM: Yes.
 21 COMMISSIONER ARMIJO: That passes, ten to
 22 zero.
 23 THE CHAIR: Let's move on to Item No. 10,
 24 Discussion and Possible Action on 2023 Charter
 25 School Renewal Application.

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1 Director Chavez.
 2 DIRECTOR CORINA CHAVEZ: Thank you, Chair
 3 Brauer. And Commissioners, just a favor to ask of
 4 you for our transcriber: Either -- may I ask
 5 Secretary Armijo to say, "So-and-so made the motion,
 6 and so-and-so seconded it," just so that -- or to
 7 speak loudly when you are seconding a motion, just
 8 to make it easier for our transcriber. Thank you.
 9 Okay. So we are on to Item No. 10, which
 10 we discussed yesterday. And that is the 2023
 11 Charter School Renewal Application Action.
 12 During the Work Session, there was some
 13 request to make edits, which were captured. If you
 14 want details on what those were, Ms. Brown can
 15 respond to your questions, for those of you that
 16 were not there.
 17 But the big takeaway on this one is that
 18 the renewal application is largely the same as it
 19 was from the year before. We made just a few
 20 updates, per Commission suggestions, and it's there
 21 in both Word and PDF in your Google folder.
 22 Also you should know that we've already
 23 started to be in contact with the schools that are
 24 up for renewal. For new Commissioners, just so you
 25 know, we keep track of every school that is up for

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1 renewal, whether they are up for renewal with the
 2 PEC or the local district. We invite them to the
 3 renewal trainings. We make recommendations that
 4 they also contact their authorizer.
 5 But we provide information to them. And
 6 they have a choice at renewal time to switch
 7 authorizer.
 8 We're not trying to recruit schools. But
 9 in the past, some have moved over to the PEC, that
 10 it's up to them.
 11 Similarly, schools that you authorize
 12 could choose to renew with the local district.
 13 Any questions about the renewal
 14 application?
 15 COMMISSIONER CARRILLO: Just -- we still,
 16 based on the new Performance Framework, are going to
 17 have all those schools that are in the teal -- some
 18 of them will have the opportunity for a
 19 streamlined -- I can't remember the word we used --
 20 SPEAKER OFF MIC: Expedited.
 21 COMMISSIONER CARRILLO: That's the one.
 22 Is that still going to exist?
 23 DIRECTOR CORINA CHAVEZ: For 2023,
 24 Commissioner Carrillo, because expedited renewal is
 25 largely based on academic performance and lacking

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1 academic data.
 2 COMMISSIONER CARRILLO: Okay. All right.
 3 Thank you.
 4 THE CHAIR: Any other questions?
 5 All right. I'll entertain a motion.
 6 COMMISSIONER CARRILLO: Sure. I'll move
 7 to -- sometimes there is, like, text. Is there text
 8 here I should read? I just to move -- I move to
 9 approve Item No. 10, the changes made to the 2023
 10 Charter School Renewal Application.
 11 COMMISSIONER BECK: Commissioner Beck
 12 seconds that.
 13 COMMISSIONER CARRILLO: That was Steve
 14 Carrillo making the motion.
 15 COMMISSIONER BECK: You didn't say that.
 16 THE CHAIR: Any -- any debate? Let's move
 17 to a roll-call vote.
 18 COMMISSIONER ARMIJO: Thank you.
 19 Commissioner Carrillo made the motion.
 20 Commissioner Beck seconded the motion.
 21 We will start with Commissioner -- excuse
 22 me -- Secretary Armijo votes yes.
 23 Vice Chair Burt.
 24 COMMISSIONER BURT: Yes.
 25 COMMISSIONER ARMIJO: Commissioner

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199	<p>1 Item No. 11: Discussion and Possible Action on the</p> <p>2 PEC's Rules of Procedure.</p> <p>3 So this is something we also worked on</p> <p>4 yesterday. We made -- we discussed a couple of</p> <p>5 different amendments to our current rules procedure.</p> <p>6 I'm going to give the floor to Julia to provide some</p> <p>7 additional context.</p> <p>8 MS. JULIA BARNES: Thank you. These are</p> <p>9 items 11.a. and b.</p> <p>10 I will just flag a couple of things. I</p> <p>11 went ahead and put the rule-making authority</p> <p>12 language as Item -- as 1.b. at the very top of the</p> <p>13 Rules of Procedure. And we'll attach the letter</p> <p>14 from the Attorney General to Senator O'Neill.</p> <p>15 And then I did just want to flag one</p> <p>16 thing. And, actually, Commissioner Gipson, maybe</p> <p>17 you can help me with this.</p> <p>18 There are a couple -- Chair Brauer, when</p> <p>19 you were talking about having a lead and second</p> <p>20 liaison for those various committees, there's not --</p> <p>21 Commissioner Gipson, I wasn't finding a spot about</p> <p>22 that, except that only the lead or primary person</p> <p>23 will get per diem. So it's only in the per diem</p> <p>24 section, unless I'm missing something.</p> <p>25 COMMISSIONER GIPSON: No. But that's</p>	201	<p>1 it's, like, you're not listed as the liaison. But</p> <p>2 it wasn't outlined specifically in our rules,</p> <p>3 either.</p> <p>4 So we put it in there. And we probably</p> <p>5 shouldn't have just put -- we put "primary" in</p> <p>6 there. But, you know, on some of these, it's</p> <p>7 helpful to have one -- it's helpful to have two.</p> <p>8 It's always helpful to have one, but sometimes two.</p> <p>9 So I think that would cover it.</p> <p>10 And -- 'cause -- because there's at least</p> <p>11 one other committee that there should be a</p> <p>12 designated alternate to. PSCOC is supposed to</p> <p>13 have -- because they're very clear on who is a</p> <p>14 member. And the -- there has to be only -- only a</p> <p>15 designated alternate would be able to show to PSCOC.</p> <p>16 You couldn't just -- you know,</p> <p>17 Commissioner Ingham couldn't just call anyone and</p> <p>18 say, "I can't make this meeting, can you fill in</p> <p>19 for me?"</p> <p>20 They have -- they get an official notice</p> <p>21 of who -- the Chair has -- actually, there's a</p> <p>22 document that the Chair has to sign. But it's only</p> <p>23 happening because there's been the change in the</p> <p>24 liaison. I don't think NMPSIA does that, do they?</p> <p>25 COMMISSIONER MANIS: I've never heard of</p>

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1 that. But -- NMPSIA reimburses me on behalf of
2 NMPSIA.

3 COMMISSIONER GIPSON: Right. And PSCOC
4 used to do that, and -- back before my time, somehow
5 the Commission said, "Oh, no, we're going to do the
6 reimbursement."

7 And we did talk at one time and say --
8 because, honestly, the reimbursement would be
9 quicker, you'll attest to that. Because NMPSIA
10 reimburses almost immediately, and PSCOC would
11 probably do the same.

12 He needs -- he would -- I would
13 double-check with them and make sure that that has
14 not -- but I think when I was searching for some
15 other information about a school, I think I still
16 saw that on the website, that there's a spot for a
17 designee. And that would be the -- you know, the
18 alternate.

19 (Comment inaudible off mic.)

20 COMMISSIONER GIPSON: Right. And it has
21 to come directly from the Chair. There's a
22 document. And, actually, I would double-check,
23 because I think there's a document, because,
24 technically, it's the chair of the Commission who's
25 given the seat. And the Chair has to designate

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1 just nice that we're at this point now working out
2 all the kinks and details, and also from where we
3 started. It's really quite an accomplishment to
4 this Commission.

5 COMMISSIONER GIPSON: And I never want to
6 see it again.

7 COMMISSIONER CARRILLO: Never want to see
8 it again. You and I went round and round on some of
9 these in the really early days.

10 So...

11 COMMISSIONER GIPSON: The good old days.

12 COMMISSIONER CARRILLO: The good old days.

13 All right. So I make a motion to approve
14 the PEC Rules and -- Rules of Procedure.

15 Is that sufficient, Julia? Just basic --

16 MS. JULIA BARNES: There's an attachment
17 is my only concern. And there are documents 11.a.
18 and b.

19 COMMISSIONER CARRILLO: Including the
20 documents in 11.a. and b. on said agenda item.

21 COMMISSIONER BECK: Commissioner Beck
22 seconds the motion.

23 THE CHAIR: We're open for debate on the
24 motion. Any debate? Any questions?

25 COMMISSIONER CARRILLO: Just a comment

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1 the -- because I had to sign that David was -- and
2 then I was the -- I was his alternate.

3 Thank God I never had to go. But -- so I
4 think there's an official document that you have to
5 sign for them designating Commissioners in your
6 place. And then -- and then the alternate.

7 MS. JULIA BARNES: That's it.

8 THE CHAIR: Any discussions or questions
9 from the Commission?

10 (No response.)

11 THE CHAIR: I think we can -- yes.

12 COMMISSIONER CARRILLO: I'm going to make
13 a motion. And I'm really happy to make this motion,
14 because this has been a long time coming. And
15 Ms. Gipson --

16 THE CHAIR: Oh, I'm sorry.

17 COMMISSIONER CARRILLO: -- who's not
18 paying attention to a word I'm saying --

19 THE CHAIR: Okay. Sorry, Commissioner
20 Carrillo.

21 COMMISSIONER CARRILLO: Because
22 Ms. Gipson -- no, I was making the motion. And this
23 has -- I was going to say I'm happy to make it,
24 because it's been a long time coming. We started
25 working on this so long ago as a Commission. It's

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1 before we vote. In case there are administrators
2 looking on, this helps you -- I know you might think
3 this was, like, an empty exercise that we spent
4 umpteen number of hours on. But I would say that it
5 gives everyone working with schools so much clarity
6 as to how we're going to operate and what you can
7 expect. This is a very good thing.

8 THE CHAIR: Thank you.

9 Commissioner Beck.

10 COMMISSIONER BECK: I just feel a little
11 bit of guilt that I wasn't here along for the ride,
12 because it was a tremendous amount of work that you
13 guys did. Here we sit as the new Commission going,
14 "Yeah, good."

15 So great -- great work, everybody.

16 And to those -- to those like Commissioner
17 Robbins and those that did that as well. So --

18 THE CHAIR: Vice Chair Burt.

19 COMMISSIONER BURT: Thanks. I think one
20 of the things that I was just -- sorry -- yeah, this
21 might -- I don't think I spoke on this yet, so -- so
22 one of the things that I've wondered is -- and I
23 would say most of the subcommittees that we're on,
24 an enormous amount of time during a day to do.

25 But sometimes I've had to take a day off

<p style="text-align: right;">206</p> <p>1 of work to do it, to, like, do a full-day thing 2 or -- even if it's in a -- a PEC subcommittee. I 3 would propose that we put in there if it's over four 4 hours online, or if it's in person, if the 5 subcommittee meeting is in person, that we also -- 6 the per diem or the reimbursement applies to those 7 meetings as well, because we just did a full-day 8 retreat for our subcommittee to try to get the draft 9 finished. 10 And I took a day off work which is fine. 11 But I spent eight hours doing it and didn't get any 12 reimbursement because it's a subcommittee. And I 13 think it could be something that could be -- I don't 14 think, like -- I think -- but I do think -- I think 15 it could be helpful -- not the short ones. Like, I 16 know the executive committee, we meet every Friday 17 for an hour, hour and a half. Not those. 18 Those where you're taking a substantial 19 amount of your time. And I'm pretty sure the 20 meetings now, if your virtual meeting is four hours 21 or more, you get the \$45. If we're consistent with 22 that for our subcommittee meetings, that we should 23 have that clear that that also applies to those as 24 well. 25 I don't think it's going to be often that</p>	<p style="text-align: right;">208</p> <p>1 COMMISSIONER GIPSON: Yeah, an agenda, so 2 that there can be that documentation for it, because 3 that's usually what they ask for. 4 COMMISSIONER BURT: That sounds like a 5 Sharyn job to me. We can just point over -- yeah, 6 right. No. 7 COMMISSIONER CARRILLO: Do I need to 8 change the motion at all in terms of having to put 9 in new language or -- 10 COMMISSIONER GIPSON: I think we might 11 have to put new language into -- we're amending the 12 rules already. 13 So, I mean, I'll -- I'll ask Julia. But I 14 think it would be safest to document that in the 15 Rules of Procedure, so that if there was a question 16 by DFA, you say, "Well, it's in our rules that this 17 is what we do." 18 COMMISSIONER CARRILLO: So then I would 19 amend my own motion to include the change suggested 20 by Vice Chair Burt relative to subcommittee 21 meetings? 22 Second. 23 COMMISSIONER BECK: Commissioner Beck 24 seconds. Yeah. 25 THE CHAIR: I hear you, Corina. Director</p>
<p style="text-align: right;">207</p> <p>1 it comes out. But if it does, it should be in here 2 included as well. 3 COMMISSIONER GIPSON: Can I just add? I 4 mean, I'm in full agreement with that, because, 5 number one -- and I think you should put in because 6 it was the full day. I put in because I had travel 7 reimbursement, so -- for that, because I had to come 8 up the night before and -- or I came up the morning 9 and stayed over that night because we were so late. 10 So I think that's more than fair and 11 reasonable when you're asking someone to give up 12 half a day on something, that, you know, that 13 there's a minimal amount of -- because this is a 14 minimal compensation. 15 So that's -- you know, for time and 16 effort, you're never going to be -- it's never going 17 to equal. But I think that's more than fair. And I 18 don't think that will be any concern for, you know, 19 reimbursement through DFA with that, because 20 there's -- you know, the only -- the only thing that 21 I'm going to say is they may -- they may ask for, 22 like, a short -- you know, like, either a 23 documentation of who attended, you know, and just a 24 little summary, you know. 25 COMMISSIONER BURT: An agenda.</p>	<p style="text-align: right;">209</p> <p>1 Chavez has asked that maybe we should clarify this 2 with procurement before we do make a decision on 3 this. I tend to agree on that, if that is something 4 we can adopt today. We can amend these at any 5 moment. We have that within these Rules of 6 Procedure. 7 COMMISSIONER BURT: I would say we should 8 adopt it. And if we need to come back, then we'll 9 come back. I don't want to do it where we have to 10 come back, if we don't have to -- if we don't have 11 to come back, I'd rather not come back. 12 COMMISSIONER CARRILLO: I move we don't 13 wait. 14 COMMISSIONER GIPSON: Yeah. Let's do it 15 and apologize later. (Off-mic discussion). 16 THE CHAIR: So, Julia, put it under -- 17 it's on -- it's underneath Per Diem and Mileage, so 18 Section No. 7, and then top of Page 11. 19 And it's No. 4, Commissioner Gipson. 20 Commissioner Ingham. 21 COMMISSIONER INGHAM: Yes, I just want a 22 clarification. So the PSCOC also includes a 23 subcommittee, the Maintenance and Administration and 24 Standards Committee, of which I'm going to be on 25 also. Does that include that? Because that does</p>

210	<p>1 usually require me to come to Santa Fe, and it also 2 requires, most of the time, a half a day. 3 We did do one Zoom meeting, special 4 meeting, earlier this week. But -- but the ones 5 that are standard meetings would require. 6 COMMISSIONER GIPSON: That's part of your 7 liaison role. 8 THE CHAIR: And that -- and I think that 9 probably comes from PSCOC in terms of the 10 reimbursement; right? Or does that come from us? 11 COMMISSIONER GIPSON: NMPSIA gets 12 reimbursed directly. PSCOC used to. Somehow the 13 Commission, before my time, requested that it come 14 out of the 2 percent. I don't know why. 15 And I would suggest that the Commissioner 16 ask if there was any way that -- because I'm sure 17 that PSCOC pays the other reimbursements to the 18 other folks that serve. 19 COMMISSIONER INGHAM: That's interesting. 20 COMMISSIONER GIPSON: I would imagine 21 that; so... 22 COMMISSIONER INGHAM: How about if I 23 contact Mr. Robbins to see if he has any 24 understanding of that? 25 COMMISSIONER GIPSON: He might, but he</p>	212	<p>1 the clarification that that subcommittee would also 2 be -- 3 COMMISSIONER GIPSON: That's technically a 4 subcommittee. So I think there's less concern. 5 COMMISSIONER BURT: That's true, yeah. 6 But I was talking specifically about the internal 7 PEC ones that we designate, and then the Chair lists 8 out. 9 Those are the ones that -- traditionally, 10 from my experience the last two years, I have not 11 applied for a single reimbursement of any 12 subcommittee meeting. That's why I said, like, I 13 spent the whole day, and I just assumed I wasn't 14 going to get anything for it. But I will submit for 15 it. 16 But, yeah, that's right. Because actually 17 the contract negotiations are a subcommittee, and we 18 do get reimbursed. So it doesn't seem like it 19 should be an issue. 20 But I don't think every time we spend an 21 hour doing budget on Zoom, we should do it. But, 22 like, there are some circumstances where we're 23 spending a lot of time. And, like I said, my 24 assumption was, like, I think the default was that 25 we don't get reimbursed for a subcommittee meeting.</p>
211	<p>1 probably doesn't, because I don't think it 2 interested him as much to pursue it. But I think -- 3 I think it's beneficial for the Commissioner, 4 because, like I said, I think they'll reimburse 5 significantly quicker than -- and you'll have to go 6 through less. What do you have to do to get -- you 7 don't have to do what we have to do here. 8 COMMISSIONER INGHAM: So far all I've had 9 to do was I can have the other Martica send an 10 e-mail that says I attended. And also they've 11 accepted the minutes from the meeting as evidence. 12 So so far, I've already -- I've been reimbursed in 13 the past already. So... 14 COMMISSIONER GIPSON: What does he know 15 that -- 'cause I'm still waiting for -- 16 COMMISSIONER INGHAM: Not reimbursed. 17 I've been allowed to put in my reimbursement. 18 COMMISSIONER GIPSON: Correct. But you 19 would actually have the funds in your bank if it was 20 PSCOC directly reimbursing you. I'm just saying. 21 But that's -- but it's your liaison role. So you 22 get reimbursed for that. That's not -- even though 23 it's a subcommittee, it's not the subcommittee we're 24 talking about. Yeah. 25 COMMISSIONER INGHAM: That's why I wanted</p>	213	<p>1 So just to have it clarified that if they're 2 substantial enough, they should be. 3 COMMISSIONER GIPSON: And I'm just going 4 to -- it may actually change some mindset in terms 5 of do we two short or one long? And if the one long 6 is going to be reimbursed, then it kind of assuages 7 the having to meet. So that, you know, makes a 8 little more sense. 9 THE CHAIR: Okay. So I'm going to -- 10 because we're in the debate of a motion, and we kind 11 of veered off of that a little bit -- so I want us 12 to -- so we did make the amendment to Section 7, Per 13 Diem and Mileage, under Part A. And it now reads -- 14 and this is relevant only to what we've been 15 discussing at this moment -- "Commissioners shall be 16 reimbursed as provided in the Per Diem and Mileage 17 Act for related expenses incurred in the discharge 18 of official duties, including attending regular -- 19 noticed regular or special meetings and working 20 group meetings of the Commission. 21 "Subcommittee members shall be reimbursed 22 for subcommittee meetings if the member attends a 23 subcommittee meeting in person or attends a virtual 24 meeting for four hours or longer in duration." 25 So before we move on, I would like to</p>

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1 restate the motion -- or, Commissioner Carrillo, can
 2 you restate the motion again for us?
 3 COMMISSIONER CARRILLO: Sure. I move that
 4 we adopt the Rules and Procedures in Section 11 on
 5 our agenda today, with the changes just spelled out
 6 and reiterated by Chair Brauer.
 7 COMMISSIONER BECK: Commissioner Beck
 8 seconds the motion.
 9 THE CHAIR: Open for debate.
 10 I just have one question. Could you
 11 include the two -- the actual -- both attachments on
 12 11?
 13 COMMISSIONER CARRILLO: So that was
 14 sections 7.a. and 11. Yeah. And then -- and b.
 15 Why am I looking at this and -- it's, like,
 16 different numbers?
 17 THE CHAIR: I think it's like 11.a. and
 18 11.b., Commissioners.
 19 COMMISSIONER CARRILLO: I have -- so --
 20 THE CHAIR: It is.
 21 COMMISSIONER CARRILLO: In the rule, I
 22 have Section 7 as Per Diem and Mileage. Yeah.
 23 THE CHAIR: Yeah. Sorry. The actual
 24 documents within our Google Drive, 11.a. and 11.b.,
 25 not the section.

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1 COMMISSIONER CARRILLO: Got it. I see
 2 what you're saying. 11.a. Got it. As stated.
 3 COMMISSIONER BECK: I second whatever he
 4 did.
 5 COMMISSIONER CARRILLO: ¡Hijole! Okay.
 6 I move that we pass the PEC Rules of
 7 Procedure, Item 11 on the agenda, and a. and b.,
 8 with the changes iterated by Chair Brauer.
 9 COMMISSIONER BECK: Commissioner Beck
 10 seconds the motions.
 11 THE CHAIR: Commissioner Ingham.
 12 COMMISSIONER INGHAM: I thought 11.b. was
 13 the letter from the Attorney General concerning the
 14 rule and not concerning the procedures. So why are
 15 we including that in the procedures? Because it's
 16 11.b., we kind of -- I think it's -- but I don't
 17 thinking it pertains.
 18 THE CHAIR: Yeah. That's there in
 19 reference to -- that's -- we did adopt that as part
 20 of our rules procedure. So it's there as an
 21 amendment -- or an addendum or an attachment to
 22 that.
 23 That's right. Yeah.
 24 Does that make sense, Commissioner? So
 25 it's like -- an appendices of, like, something that

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1 we adopted. That's the next item -- yeah, that's
 2 right.
 3 Commissioner, if you look at Page 1 of --
 4 COMMISSIONER CARRILLO: I got it. I got
 5 it.
 6 THE CHAIR: Are we ready to take a
 7 roll-call vote? Secretary Armijo.
 8 COMMISSIONER ARMIJO: Commissioner Beck.
 9 COMMISSIONER BECK: Yes.
 10 COMMISSIONER ARMIJO: Commissioner Taylor.
 11 COMMISSIONER TAYLOR: Yes.
 12 COMMISSIONER ARMIJO: Chair Brauer.
 13 THE CHAIR: Yes.
 14 COMMISSIONER ARMIJO: Secretary Armijo
 15 votes yes.
 16 Vice Chair Burt.
 17 COMMISSIONER BURT: Yes.
 18 COMMISSIONER ARMIJO: Commissioner
 19 Carrillo.
 20 COMMISSIONER CARRILLO: Yes.
 21 COMMISSIONER ARMIJO: Commissioner Ingham.
 22 COMMISSIONER INGHAM: Yes.
 23 COMMISSIONER ARMIJO: Commissioner
 24 Clahchischilliage.
 25 COMMISSIONER CLAHCHISCHILLIAGE: Yes.

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1 COMMISSIONER ARMIJO: Commissioner Gipson.
 2 COMMISSIONER GIPSON: Yes.
 3 COMMISSIONER ARMIJO: And Commissioner
 4 Manis.
 5 COMMISSIONER MANIS: Yes.
 6 COMMISSIONER ARMIJO: That passes, ten to
 7 zero.
 8 THE CHAIR: Great. Thank you. Item
 9 No. 12, Discussion and Possible Action on PSC -- I
 10 keep on saying "PSC" today -- "PEC Rule Adoption."
 11 Julia, I'm going to pass it over to you.
 12 MS. JULIA BARNES: Commissioners, I think
 13 that you made a decision to do a subcommittee
 14 yesterday, so we're moving forward on that.
 15 The conversation that you identified was
 16 that are there any other actions you can take to
 17 kind of resolve the pending issues with rule-making.
 18 I've tried to identify things that I think
 19 you can do in addition to moving forward to finish
 20 the rule as -- as is going to happen.
 21 The things that I think you can do are to
 22 identify the people affected by and the estimated
 23 cost due to the delays, special meetings, second
 24 times coming forward, redoing contract negotiations.
 25 You can discuss the issues with the

218	<p>1 renewing schools and the schools who contracted last 2 year to make sure they understand that there's a 3 potential timing issue with finalizing those 4 documents.</p> <p>5 You can discuss the issues with the 6 attorneys, in addition to Patty Matthews 7 representing the State charter schools.</p> <p>8 There was a former charter attorney who 9 provided public comment. I think you can reach out 10 to him as well.</p> <p>11 That's a group of about six or seven 12 additional interested attorneys.</p> <p>13 And, finally, I think that there are a 14 series of other people that you could discuss it 15 with, including the Governor's Office, which was 16 raised yesterday, the Interim Secretary of PED, the 17 Attorney General's Office, and Senator O'Neill.</p> <p>18 I'm open to other things that you might 19 want to do to continue to move towards a resolution. 20 We can also put in here -- although the Executive 21 Committee is doing it -- to continue with work with 22 PED and CSD to find a resolution to that -- this 23 potential impasse, both timing and process.</p> <p>24 We can add that here. I'm just trying to 25 put anything -- I think at this point the Executive</p>	220	<p>1 THE CHAIR: Thank you. Commissioner Burt. 2 COMMISSIONER BURT: Yeah. So we're stuck. 3 That's the problem. 4 COMMISSIONER CARRILLO: We're what? 5 COMMISSIONER BURT: We're stuck. We, as a 6 Commission, we can vote all we want to say yes, we 7 want to do it. But the PED is withholding the 8 administrative support we need to do it. So that's 9 what this is addressing is what can we do without 10 that, to try to get that and be able to move forward 11 on the vote that we've taken. 12 It's, like, what else can we do? And 13 these are the steps that we're going to try all 14 these -- directing the Executive Committee to be 15 able to have the authority to take these steps to 16 try to still move forward. 17 So that's what those steps that were 18 listed out. 19 COMMISSIONER CARRILLO: I'm looking at the 20 motions, too, right now. 21 THE CHAIR: I just want to share. We 22 don't have to take all these -- all five of these 23 steps. But we want to ensure that this is a PEC 24 decision and not an Executive Committee decision. 25 COMMISSIONER BECK: Do we need a motion on</p>
219	<p>1 Committee would like to take action that the PEC 2 requests rather than taking action that hasn't been 3 expressly discussed.</p> <p>4 THE CHAIR: I just want to share that the 5 subcommittee on the Rule and Contract is 6 Commissioner Gipson, Commissioner Beck, Commissioner 7 Brauer, and Vice Chair Burt.</p> <p>8 MS. JULIA BARNES: Did you want to put 9 that in the motion?</p> <p>10 THE CHAIR: I wanted to make sure everyone 11 was aware that that was -- I can rephrase that in 12 one of the later items as well.</p> <p>13 Any discussion from the Commission? 14 COMMISSIONER CARRILLO: What? I feel like 15 I'm not the only one who -- what? So what is it? 16 So Item 12, Discussion and Possible Action 17 on Possible PEC Rule Adoption. 18 So I heard a lot. But I don't -- maybe 19 I'm just -- you know, after lunch and stuff, I get a 20 little dense. 21 But what are -- I thought we were going to 22 adopt something -- I know we're going -- having a 23 subcommittee. But I thought that what we were going 24 to do today is basically say, "Yes, we can do this 25 and we're going to," based on --</p>	221	<p>1 that? 2 THE CHAIR: I think it's worth us 3 discussing a little bit more and hearing from the 4 PEC before we make any motion. But I would love to 5 hear which of these actions we feel we would like to 6 take as a Commission. 7 COMMISSIONER CARRILLO: So if it's okay, 8 I'm going to make a motion listed under Motions. I 9 can't, because part of the motions are discussion. 10 COMMISSIONER BURT: He was just saying 11 wait to make a motion and discuss. So don't make a 12 motion yet. 13 COMMISSIONER CARRILLO: The reason I was 14 going to say is it's not like -- 15 COMMISSIONER BURT: Well, if someone wants 16 to ask Director Chavez something, someone wants to 17 ask Julia something, let it just be a discussion 18 first. 19 COMMISSIONER BECK: Julia, could you go 20 over the five steps again, just real quickly? 21 MS. JULIA BARNES: I can. I want to 22 reiterate that I heard from the discussion yesterday 23 that you would like some options, including having 24 some additional people to speak to. So I've just 25 identified those.</p>

<p style="text-align: right;">222</p> <p>1 So the first one of -- the first one would 2 be to continue to meet with PED and CSD on a process 3 to complete the process in a manner acceptable to 4 the PEC, identify the people affected by an 5 estimated cost due to delay, so that we're clear 6 what the issue is for us and those schools that are 7 impacted with it. 8 The groups that I think you can -- the 9 Executive Committee could move forward to continue 10 discussions with the renewing schools and those who 11 renewed last year who are all looking to do new 12 contracts and Performance Frameworks on the 13 possibility of the timeline and the possibility of 14 delay. 15 There are additional attorneys that are 16 involved with charter schools, to reach out to them 17 as well. 18 And then there's one former charter school 19 attorney who provided public comment on the rule 20 previously. He can be included in that group. 21 And, finally, I think the issue can be 22 discussed with the Governor's Office, the Interim 23 Secretary of PED, the Attorney General's Office 24 themselves, and Senator O'Neill. 25 I'm open to more things if you want to do</p>	<p style="text-align: right;">224</p> <p>1 articulating it. 2 I believe what they're saying expressly is 3 that they're willing to provide those things once 4 they have done the rule through their process and 5 their vetting and their approval and their timing. 6 So they are not willing to do it now. 7 COMMISSIONER INGHAM: We couldn't do -- we 8 couldn't do the secondary action. They're going to 9 determine what the secondary action is. 10 My only concern was could we shorten the 11 time frame by -- by finding alternative funding for 12 that submission so that that -- that portion would 13 be completed, and then the next thing is the next 14 thing. And, obviously, we can't address that. 15 But it would seem to me that if we found 16 alternative funding to get the thing started, it 17 might help move the thing along a little more 18 timely. 19 THE CHAIR: Thank you, Commissioner 20 Ingham. 21 That is something that we have also 22 explored as well, trying to think about other means. 23 It's unlikely. Just to -- it's unlikely. 24 Any other discussion before we potentially 25 hear a motion?</p>
<p style="text-align: right;">223</p> <p>1 them. I think that the Executive Committee just 2 didn't want to take action without knowing what all 3 of you-all wanted them to do. 4 COMMISSIONER INGHAM: I just wanted to be 5 clear on -- I understand those actions. But the 6 actions that we're trying to take that the 7 Department is not funding, the first thing is a 8 purchase order for \$1,000 for the initial input of 9 the rule; right? 10 And is there -- is there an opportunity 11 for alternative funding for that \$1,000? Like, I'm 12 willing to kick in my \$100. 13 COMMISSIONER BURT: You know what's funny 14 is I did have conversation. Like, how much is this? 15 I'm just going to pay for it. There's a voucher 16 system that has to come from a State agency. So it 17 can't even be -- 18 MS. JULIA BARNES: I'm not positive about 19 that. 20 COMMISSIONER BURT: So maybe we will start 21 up a GoFundMe. 22 MS. JULIA BARNES: I wanted to clarify one 23 thing, if you don't mind, which is -- well, first, 24 there's an e-mail already uploaded which indicates 25 the PED's position themselves so that we're not</p>	<p style="text-align: right;">225</p> <p>1 COMMISSIONER GIPSON: Well -- so can I 2 just -- my only concern with the motion, I think, is 3 what Commissioner Carrillo had expressed, that it's 4 just a lot of discuss, discuss, discuss. So, you 5 know, I think the Executive Committee has -- you 6 know, I'm -- you know, I don't know whether we have 7 to do all five -- you know, I don't see the purpose 8 of the discuss, discuss, discuss. That's my only 9 opinion on it. 10 I agree with the premise, it's there, that 11 we need to continue to pursue this. Absolutely. 12 But I think the motion is simple with just -- we -- 13 you know, we continue to pursue the rule-making 14 process. Plain and simple. And the steps that need 15 to be taken are the steps that need to be taken. 16 THE CHAIR: Thank you, Commissioner 17 Gipson. 18 I want to share that I'm the one that I 19 wanted this to be coming to the PEC, because I think 20 it's important for us to do this together as a 21 Commission. And when we start talking about going 22 to the Governor's Office, going to the Attorney 23 General's Office, that does not feel like a 24 unilateral decision. And I just want to make sure 25 that we have some level of consensus of this is</p>

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1 something that we want to explore these other --
2 kind of like larger scale moments to advocate for
3 what we need in terms of rule.

4 COMMISSIONER GIPSON: I appreciate that
5 thought. But that just says, "Discuss." It doesn't
6 say, "Go to the Governor's Office." So that if you
7 did go to the Governor's Office, that would require
8 us voting that yes, you do. That's where I -- I
9 appreciate the, you know, wanting to be transparent
10 and so on. But this discussion isn't any action.

11 COMMISSIONER BURT: That's not the
12 intention.

13 COMMISSIONER CARRILLO: Our intention is
14 to plan to. So we would just be really kind of the
15 agenda item here, just 1, 2, and 6. Is that what
16 you're saying, Ms. Gipson?

17 No, but on the motion. I don't plan on
18 making it, because I seem to screw them up.

19 COMMISSIONER GIPSON: I would just think
20 it would be to continue to resolve the -- to work to
21 continue to resolve the issues with the rule-making
22 effort, period.

23 And then all the discussion takes place.
24 Because, like I said, anything that would -- that
25 the Executive Committee could not take action

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1 a whole bunch of stuff there. It would seem to me
2 the motion is simply the very first paragraph and
3 then paren 1. Is that what you're saying?

4 THE CHAIR: Commissioner Burt.

5 COMMISSIONER BURT: I would say the reason
6 why I do think it would be helpful -- it doesn't
7 have to be -- it shouldn't have -- I guess we
8 shouldn't have to do this.

9 But last year when I was speaking, it was
10 portrayed that this was -- it was not the will of
11 the schools. It's not the will of -- that it's an
12 attorney thing, or it's this thing -- so I think
13 having it very clear that the Commission wants
14 this -- it is ten people; it is not one person; it's
15 not just a couple of people. It's the entire
16 Commission.

17 And that way, we can -- when the EC goes
18 and meets with people, we can speak on behalf of the
19 entire Commission, not on an individual opinion.
20 And so I think having that basis behind -- and
21 being, like -- I know this seems like a lot, but
22 there's been contentiousness with it. So trying to
23 eliminate that is, like, this isn't a idea that's
24 just the whim of one person or two people or
25 whatever.

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1 without, you know -- when we did go to the
2 Governor's Office prior, it was the Commission who
3 voted to send a letter to the Governor on that, so
4 that that was on the record and there was that
5 agreement that the Executive Committee can't take
6 any real action unless the Commission has directed
7 them to do that.

8 So you can go discuss all you want.

9 COMMISSIONER BECK: Sure. Yeah. Yeah.
10 So my understanding of this is the full Commission
11 is giving the -- the three people on the Executive
12 Committee the ability to work through these issues
13 so we don't have ten of us dealing with it; we got
14 precise three. And we approve that, that we're
15 allowing them to really, you know, take -- take
16 control of working through this challenge.

17 Correct?

18 That's really what we're doing on this
19 motion.

20 So everything doesn't have to be done by
21 all ten of us. These -- these action -- these
22 actionable points are going to be done by the
23 Executive Committee, making it simpler.

24 THE CHAIR: Commissioner Carrillo.

25 COMMISSIONER CARRILLO: I see Julia typing

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1 THE CHAIR: Commissioner Beck.

2 COMMISSIONER BECK: I see what you're
3 saying. I think you're right, is that the first
4 paragraph and No. 1 are the overreaching parts. And
5 almost 2 through 6 are subsets of different ways of
6 achieving No. 1. I kind of see that as that.

7 COMMISSIONER CARRILLO: So I saw Julia
8 typing-typing and shaking her head.

9 MS. JULIA BARNES: So where I think the
10 Executive Committee and I feel stuck is we're -- at
11 one level, we're meeting with PEC attorneys; we're
12 meeting with CSD; we're meeting with the charter
13 school -- one charter school lawyer so far. And
14 that the continuation at that level of effort
15 potentially is not going to break through this
16 impasse.

17 2 through 6 actually do much more. "Go
18 and say to others, outside of the normal realm, this
19 is still an issue. We thought it was resolved by
20 the -- by the letter by the Attorney General, and
21 that is not an agreed position by all people."

22 So -- and so I think that they are seeking
23 permission to go say, "Governor's Office, we would
24 like to meet with you at the request of ten Public
25 Education Commission members," because it changes

<p style="text-align: right;">230</p> <p>1 the level. As Commissioner Ingham said, "How do you 2 move up? What ladder is there to move up?" 3 And these are the -- it's both up and out, 4 you know, because, in that e-mail, for example, it 5 said, the PED attorneys doubt whether the charter 6 school -- the charter schools are behind this. 7 Well, that is given more gravitas by Patty 8 Matthews saying she represents 20 schools. 9 So I just want to emphasize the need 10 for -- I don't know. And we've tried. We've tried 11 at our level. And I don't mind continuing trying. 12 THE CHAIR: And we do want to continue to 13 try. We want to collaborate with the PED through 14 this process. That's the nature of the agency that 15 we are administratively connected to. So we have 16 to. 17 Director Chavez, and then Commissioner 18 Gipson. 19 DIRECTOR CORINA CHAVEZ: Thank you, Chair 20 Brauer. So I really appreciate the transparency 21 about what the PEC is planning to do. I don't know. 22 So I have a clarifying question, and I also just 23 want to express gratitude for your sentiment of 24 wanting to collaborate. So want to say that. Thank 25 you for wanting to collaborate.</p>	<p style="text-align: right;">232</p> <p>1 COMMISSIONER GIPSON: So I have a question 2 with No. 3, with the -- talking about the 3 rule-making and the possibility of delay. 4 I don't know whether I'm really -- I think 5 there needs to be clarity as to what that delay -- 6 for the Commissioners -- what that delay might be. 7 You know, are we talking about asking 8 schools to -- because we did this one other time, 9 when we were in the process of the -- of changing 10 the Performance Framework. We asked schools to sign 11 a continuance. And the contract just continued. 12 Even that we had renewed them, it just -- they just 13 signed on for that year. They had to voluntarily do 14 it. But is that what could possibly be anticipated 15 here? 16 MS. JULIA BARNES: Yes. Here's -- here's 17 what I think, which is -- and I'll just keep saying 18 this. 19 Right now, you are still on a path to keep 20 your process in place and finish it in place, which 21 means negotiating in April and having contracts 22 prepared, which would be the contract, the 23 Performance Framework, and a published rule after 24 those -- soon after those meetings. 25 You have a -- you're not going to take</p>
<p style="text-align: right;">231</p> <p>1 And then this is a clarifying question for 2 Commissioners Burt and maybe Ms. Barnes, is at some 3 point I heard that somebody had already gone to the 4 Governor's Office and was talking. Maybe it was 5 Matt Pahl after talking with you. I don't know. 6 But can somebody clarify for me if 7 somebody has, in fact, already gone to the 8 Governor's Office, if there's -- who has been 9 contacted about this besides Senator O'Neill's and 10 the AG's Office? 11 THE CHAIR: No Commissioner has gone to 12 the Governor's Office. 13 DIRECTOR CORINA CHAVEZ: Okay. Thank you. 14 THE CHAIR: Commissioner Carrillo. 15 COMMISSIONER CARRILLO: So then I'm not 16 seeing a lot of changes made to the Agenda Item 12's 17 motion. So -- because all the discussion to me is 18 more forceful, more direct. So is that now the 19 motion? 20 COMMISSIONER GIPSON: I still have a 21 question on one of the items. 22 COMMISSIONER CARRILLO: I was curious 23 about that, yeah. 24 THE CHAIR: Commissioner Gipson, I 25 apologize. I skipped you.</p>	<p style="text-align: right;">233</p> <p>1 action the next day. You have a meeting the next 2 day. But you'll take action. Schools will take 3 action. 4 If -- and the way that that can still 5 happen now is these conversations with the 6 subcommittee and interested people are going to 7 happen in March. You guys are going to finish the 8 Performance Framework. That will finish all three 9 documents at your March meeting. 10 You could issue -- you have to issue a 11 notice of intent to do rule-making. You could issue 12 that in March, and then that 30 days would take 13 place for your April meeting, because you have to 14 have a hearing. You have to give 30 days' notice of 15 a hearing. So we have a timing problem. 16 And there still is sufficient time to 17 finish what we're doing, post it, hear it at a 18 hearing in April, and keep going on that path. 19 The concern is we have not heard -- 20 there's both a process and a timing issue. But on 21 the timing issue, with the PED, we received no 22 indication, even if you agree to their process, as 23 to when their due diligence would be finished, when 24 they could fit us into the queue, that there's a 25 really long queue, that there's a whole lot of rules</p>

<p style="text-align: right;">234</p> <p>1 that people want to do.</p> <p>2 And I'm going to say that Chair Brauer</p> <p>3 asked several times in that meeting and did not</p> <p>4 receive any commitment, even if you agreed to their</p> <p>5 process.</p> <p>6 So -- and then it's raised several -- it's</p> <p>7 raised in almost every meeting. Why don't we just</p> <p>8 punt it again, because we will then have</p> <p>9 17 contracts that are basically cobbled together in</p> <p>10 a funky and unusual way that -- and I'm going to go</p> <p>11 back to some of the things you said today. At some</p> <p>12 point you've got to take a stand and say, "This</p> <p>13 should be done the right way."</p> <p>14 And I believe that you all have worked for</p> <p>15 the last year, including CSD, to finish this</p> <p>16 project.</p> <p>17 COMMISSIONER CARRILLO: So just one</p> <p>18 follow-up on that. There's also the possibility of</p> <p>19 a delay, because, from the school side, their legal</p> <p>20 counsel may make advisement that, "Well, without the</p> <p>21 rule, then we shouldn't sign the contract."</p> <p>22 MS. JULIA BARNES: I saw another hand up.</p> <p>23 I'm just going to finish that.</p> <p>24 We put the schools in a really big bind,</p> <p>25 because they need a contract July 1, or they don't</p>	<p style="text-align: right;">236</p> <p>1 attorneys and with Mr. Pahl -- where I heard one of</p> <p>2 them, if not both, where they said the language</p> <p>3 could either be in the contract or the rule.</p> <p>4 My understanding of this rule and whether</p> <p>5 it should exist or not has shifted. It shifted when</p> <p>6 I heard the secretary say, "Yes, we support it."</p> <p>7 It shifted yesterday when I visited with</p> <p>8 Interim Secretary Padilla, and I checked with her,</p> <p>9 and she said, "Yes, let's work with the Commission</p> <p>10 to make it happen."</p> <p>11 For me, I have a different position. And</p> <p>12 I want to work to bring the two entities together to</p> <p>13 have a co-informed process and content.</p> <p>14 I do not think that up till now there has</p> <p>15 been an attempt to get a draft that has been</p> <p>16 informed by both entities.</p> <p>17 So if I were a school, I would not want to</p> <p>18 see this rushed through until it was more fully</p> <p>19 vetted.</p> <p>20 And I like the idea of continuing to</p> <p>21 engage with those that are being affected by it.</p> <p>22 And I don't know what their attorneys are advising</p> <p>23 them. But in my mind, it could be that there is a</p> <p>24 contract in place with a rule that is more fully</p> <p>25 thought through.</p>
<p style="text-align: right;">235</p> <p>1 open.</p> <p>2 COMMISSIONER GIPSON: I know.</p> <p>3 MS. JULIA BARNES: And so I think the</p> <p>4 situation becomes more and more urgent, because they</p> <p>5 are asking for and want the rule, and they suffer</p> <p>6 the most when a contract isn't entered into. And</p> <p>7 then the law says that it goes to the Secretary -- I</p> <p>8 mean, I don't -- it's not an impasse, because we're</p> <p>9 not at an impasse with them. But if they can't get</p> <p>10 it in the way they want it, it goes to the</p> <p>11 Secretary. And what does that even look like?</p> <p>12 COMMISSIONER GIPSON: Right.</p> <p>13 MS. JULIA BARNES: So they are at risk.</p> <p>14 So that's another reason for the delay being really</p> <p>15 difficult.</p> <p>16 COMMISSIONER GIPSON: Thanks.</p> <p>17 THE CHAIR: Director Chavez, then --</p> <p>18 Corina, did you -- then Commissioner Carrillo and</p> <p>19 then Commissioner Ingham.</p> <p>20 DIRECTOR CORINA CHAVEZ: So this is in</p> <p>21 response to Ms. Barnes' statements. I just want to</p> <p>22 say that this has not been on my list of to-dos. I</p> <p>23 know that it is something that was raised a while</p> <p>24 back. And I know -- and I went to one meeting</p> <p>25 where -- again, I asked to be invited with the</p>	<p style="text-align: right;">237</p> <p>1 That said, I want this to be over with.</p> <p>2 So I have sent a text message to both Ms. Barnes and</p> <p>3 Mr. Brauer about when are you available next week?</p> <p>4 I've sent a similar e-mail out to the attorneys.</p> <p>5 When are you available next week?</p> <p>6 I have the names of Gipson, Burt,</p> <p>7 Brauer -- I think I'm skipping someone --</p> <p>8 THE CHAIR: Beck.</p> <p>9 DIRECTOR CORINA CHAVEZ: -- to meet next</p> <p>10 week, because I think that we should move forward</p> <p>11 with this. So I just wanted the Commissioners to</p> <p>12 hear my perspective.</p> <p>13 THE CHAIR: Commissioner Carrillo, then</p> <p>14 Ingham.</p> <p>15 COMMISSIONER CARRILLO: My thought is</p> <p>16 on -- in terms of the possibility of delay, because</p> <p>17 the school's attorneys have been involved, I don't</p> <p>18 really see the possibility of delay, because</p> <p>19 wouldn't their attorneys be advising them that</p> <p>20 it's -- that we've all been working on is just in</p> <p>21 their best interest?</p> <p>22 COMMISSIONER GIPSON: If the rule doesn't</p> <p>23 happen, there's a delay. That's the possibility of</p> <p>24 a delay. If a rule doesn't happen, then the</p> <p>25 contract process gets delayed.</p>

<p style="text-align: right;">238</p> <p>1 As Julia pointed out, there's a very tight 2 timeline. And I think the attorney that was present 3 yesterday made it more than clear that they did not 4 want to recommend to their schools that the contract 5 be signed without the rule in place, because it's 6 their opinion and the opinion to the schools that 7 the rule has to be in place and then the contract 8 goes forward. 9 So the delay could be that I can't -- I 10 can't say what they would -- you know, I can't 11 imagine that an attorney is going to recommend that 12 on June 30 they don't sign the contract. But they 13 could. 14 And then as Julia pointed out, they could 15 then go to the Cabinet Secretary with that. It's 16 never happened before, but that is part of the 17 process. 18 But it's not an impasse. It's usually 19 they go to the Cabinet Secretary if there's an 20 impasse in our contract negotiations. There isn't. 21 So... 22 COMMISSIONER CARRILLO: Wouldn't this, 23 then -- one would think that this would compel all 24 of the parties that we're asking to get involved in 25 a timely fashion, to be involved in a timely</p>	<p style="text-align: right;">240</p> <p>1 Thank you. 2 MS. JULIA BARNES: I think we had a Plan 3 A, and now we're on Plan B., because we attempted to 4 start the rule-making process now. We attempted to 5 start to give notice to the public, and we were told 6 that we could not finish because of the access that 7 we do not have. 8 Plan B puts it off another month, puts off 9 the rule-making another month. 10 Plan C -- I think a Plan C is pretty 11 difficult. And so I think a lot of us -- I'm using 12 the e-mails only, because I'm trying to speak for 13 myself -- I think it's time to up this urgency. So 14 Plan C to me is to start to go talk to all these 15 other people and say the subcommittee is meeting, 16 the subcommittee is finishing its work on all three 17 documents. We are doing our work. 18 This process impasse needs to be resolved. 19 So that to me is Plan C. 20 I know you're looking for what happens if 21 none of that works. And I don't know. And I think 22 at some point, this has to be finished. 23 The New Mexico rules have thousands of 24 pages of rules. It's not that hard. We can get to 25 the end of it.</p>
<p style="text-align: right;">239</p> <p>1 fashion, because what's at stake here. 2 Love the hand gestures, Bekka. Love it. 3 (Inaudible off-mic discussion.) 4 THE CHAIR: Yeah. Commissioner Ingham and 5 Vice Chair Burt. 6 COMMISSIONER INGHAM: So if I'm 7 understanding correctly, can you continue with the 8 contract negotiations? And I'm just used to -- in 9 construction projects when you get to a critical 10 path place, and you can see that there's a strong 11 likelihood of not making this deadline -- I'm 12 just -- I'm just saying there's a strong likelihood 13 of not making this deadline -- what is Plan B? 14 Okay. So I hear a lot of -- I mean, 15 Director Chavez said to include all this in their 16 contracts or to do -- what is it? -- continue their 17 contracts just like we did with the seven schools, 18 if I'm correct; right? The seven schools that have 19 already extended theirs on their old contract, is 20 that an option for the other ten schools? 21 I'm just asking, what is Plan B, because 22 when I've seen this situation in business, I'm just 23 going to say it almost never works out. When you've 24 got this tight a schedule, it almost never works out 25 because we're dealing with bureaucracies.</p>	<p style="text-align: right;">241</p> <p>1 I do want to indicate, though -- and I 2 just want to be clear -- that the subcommittee is 3 going to meet and invite people. So to the extent 4 that Director Chavez wants a meeting with the 5 lawyers, that's not the subcommittee meeting. The 6 subcommittee is going to meet, and I've got some 7 dates proposed, and we can do some Zoom meetings, 8 and those people can be invited and can attend. But 9 we're not going to flip it to the PED schedule. 10 COMMISSIONER INGHAM: But I still didn't 11 hear what happens when -- because the time scale is 12 so short, and everything has to work in just real 13 clear sequence of events. If it gets pushed a 14 month, which it seems almost inevitable to me unless 15 you guys make miraculous progress, then what is -- 16 do the -- do the schools -- what is the consequence 17 for having to renew their contracts? Or is there a 18 consequence for having to renew their contracts as 19 existing until this is -- until this is resolved? 20 I imagine there's a consequence. I 21 imagine there's a whole lot of extra work that 22 everybody has to go through this whole motion. 23 That's why I asked the question about contract 24 negotiations. Can they continue the contract 25 negotiations, put a caveat in that contract</p>

<p style="text-align: right;">242</p> <p>1 negotiation that says, "If we can't get this rule by 2 when we need it..." -- so they can renew their 3 contracts on July 1st -- "...is there a caveat we 4 can put in each one of those contracts, 'This 5 reverts back to yours until we can get this 6 resolved?'"</p> <p>7 It allows you to continue with the 8 contract negotiations. That's what my concern is, 9 is that these contract negotiations, if they're 10 impacted, that could really push into a real 11 disastrous situation, seems to me like what APS has 12 just done, that I would -- I just feel like you 13 always have to have what is -- what is in the worst 14 case scenario, basically. I guess that's what I'm 15 asking, and do we have an option, any options, 16 there?</p> <p>17 MS. JULIA BARNES: You have ten schools 18 that already did that last year. You will then have 19 17 schools that have already done it.</p> <p>20 You've got -- I mean -- and in the last 21 year, we've made no progress.</p> <p>22 So at some point, you would have 56 23 schools on terrible contracts.</p> <p>24 And I'm just going to make one more point. 25 Like, we're not following the existing contract.</p>	<p style="text-align: right;">244</p> <p>1 even a lawyer, and I'm wouldn't -- that's -- 2 COMMISSIONER GIPSON: It's like signing a 3 blank check.</p> <p>4 COMMISSIONER BURT: Yeah. That's an 5 impractical, like, even consideration to make of, 6 "Okay, we'll just go through all of it and just put, 7 like, 'This rule will have all these things,'" but 8 not have the rule done yet.</p> <p>9 So I think we have to do rule first, get 10 that clear. Get the contract. That way they know 11 what they're -- no one's going to sign something 12 they don't know what is there.</p> <p>13 I think that is why we're really pushing 14 to have the rule resolution cleared out, which, for 15 me, could be very simple. And, honestly, like, I 16 was thinking what is Plan B? But, actually, we're 17 already on -- Commissioner Gipson started Plan A in 18 2021.</p> <p>19 COMMISSIONER GIPSON: Yeah. 20 COMMISSIONER BURT: I did Plan B in 2022. 21 Plan C was at the end of 2022 where we 22 started again.</p> <p>23 I think Plan D was trying to get it done 24 with the AG's. 25 I think we're on Plan E. Like, we have</p>
<p style="text-align: right;">243</p> <p>1 It -- we are not following the existing contract. 2 So you have contracts and an Attorney 3 General's opinion that says that you have to do 4 this. And at some point, it's a crisis. For me, 5 17 schools would be enough of a crisis.</p> <p>6 THE CHAIR: Commissioner -- or Vice Chair 7 Burt.</p> <p>8 COMMISSIONER BURT: Thanks. Yeah, I think 9 that's what my mind keeps going to that, too, like, 10 you know, doing contract negotiations even in April 11 instead of March, we're already -- we already pushed 12 it back, which is concerning, because it already 13 puts, like, a clear process into, like, a weary 14 timeline.</p> <p>15 But I think one of the things that I think 16 has been, like, mentioned that I just am -- I just 17 don't understand how it can even possibly happen, is 18 to, like, just do contract negotiations without the 19 rule being done yet. That's definitely, for me, 20 putting the cart before the horse, because if I'm a 21 school I'm not agreeing to anything where there's 22 not -- like, I'm not going to sign a contract saying 23 I'll agree to a future rule, and not knowing that 24 that's -- it's not going to happen. It's just 25 not -- that is not real for anybody. Like, I'm not</p>	<p style="text-align: right;">245</p> <p>1 gone from plan to plan to plan to try to figure out 2 a way that PED would be agreeable to any of the 3 plans. And we're just -- we are in the same spot 4 with them on Plan D that we just tried with the AG's 5 letter, as Commissioner Gipson was in Plan A.</p> <p>6 So that's where -- the difference that has 7 to come is for PED to not stop us anymore. Like, 8 they just need to be supportive of us doing it and 9 not make a big deal about us moving through this 10 process.</p> <p>11 I mean, we were so close, we were so close 12 to just having it done this way before. Like, there 13 was no issue at all. It's just such a weird, weird, 14 weird position to be in.</p> <p>15 And I will -- I'm going to -- we -- I did 16 work with PED policy, with the attorneys, to try to 17 figure out a way in which we would -- and, actually, 18 the PEC -- we talked about, "Okay, have PED 19 promulgate it."</p> <p>20 But we need to be a part of it. They 21 can't just do it for us. We need to do it 22 collaboratively. This is how simple it was that we 23 asked for the collaboration, that at the end of it 24 that the Chair of the PEC would sign off with the 25 Secretary. That's -- that's the only ask we made.</p>

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1 Do the whole PED process, but the PEC chair needs to
2 sign off with the Secretary.

3 No. They wouldn't even do that.

4 So, I mean, like, for it to be that we
5 need to collaborate more -- I just don't know what
6 else we can do. Like, we're at a place where we're,
7 like, I don't know what else we can do. That was,
8 like, the simplest ask. And we've been meeting for
9 a long time. This is not a new thing.

10 We -- I'm actually extremely grateful,
11 because there were conversations that were had in
12 the time that it was an attorney driven thing and
13 the schools didn't matter -- didn't have anything to
14 do with this. So that's why Matt Pahl started
15 coming to all the meetings with me and with Julia to
16 have the charter school perspective of, "No, the
17 schools also want this."

18 So that's why there's been additional
19 advocacy outside the PEC, because it was, like,
20 incorrectly put on that I -- it's, like, I don't
21 know. It just doesn't make sense.

22 So I think that these -- we can't -- we
23 can't just keep saying -- at the end of the day, the
24 burden that we're putting is on the schools, because
25 they're going to be unhappy with continuing their

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1 through all this process at that time.

2 It's really frustrating, because I feel
3 like there's, like, this perception that the PEC is
4 not cooperating or is trying to overstep. This is
5 one place where we're just not. Like, it's not like
6 that. There's nothing trying to go that route.

7 And I think what I've heard in the
8 meetings is that the PED believes it is the only
9 entity that can promulgate rule on any education
10 matter.

11 But that's -- I don't know where -- it
12 just is a frustrating opinion for them to have,
13 because it's, like, this weird power that is being
14 trying to be held. But it's not like a power thing.
15 Like, it's a weird thing, because it's not even,
16 like, a power thing. It's actually -- honestly,
17 it's hindering us; it's making our jobs more
18 difficult to put it in rule. This is harder -- then
19 it's harder for the PEC to just change things.
20 Whereas, if we didn't have it in rule, we could just
21 change things when we want.

22 We're actually making our jobs harder in
23 the future to change things. This is not the easy
24 way to go about helping schools.

25 So I don't know. I feel like we need to

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1 current contract or doing like we did last year,
2 which is continue your current contract and do this
3 amendment to your contract to get you through
4 another year, or just keep on your contract for the
5 whole term.

6 I mean, it's just -- it's so -- it's,
7 like, unprofessional of us to keep doing that to
8 schools. It's such a bad look on us to keep doing
9 that same thing.

10 So that's why I'm just really adamant
11 about trying to get this right, trying to get it
12 done properly to where we have a good process moving
13 forward.

14 And I think there's a way in which it can
15 get done without burdening the schools. I think we
16 are -- we're basically putting the burden on the
17 schools. Honestly, whether -- if the PED doesn't
18 want to deal with it now and keep delaying it and
19 hindering us moving forward, they're going to be the
20 ones with extra work later on when the schools go to
21 them.

22 So it doesn't make sense to just do the
23 work with us now, get it done up ahead instead of
24 waiting till the schools are unhappy. They go to
25 them, and now they have a bunch of extra work going

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1 the ability to move up and talk to other people.
2 And, once again, I think it's just better for the EC
3 to be able to go speak to people on behalf of the
4 Commission and say, like, the Commission needs to
5 move forward on this.

6 Can we please, like, get some additional
7 support to -- because I do think it's just, like,
8 someone at the end of the day who's higher up needs
9 to be like, okay, here's your -- here's --
10 literally, like, PED can just be, like, "Here's the
11 P.O.; here's the Sunshine Portal;" and all this
12 would be over. Like, it would just be done. It's
13 that simple.

14 So I think that's where I'm at. At the
15 end of the day, I think there's someone somewhere
16 else who could apply that pressure because they
17 don't -- the collaboration is not happening between
18 us and them. So I think it's going to have to come
19 from higher up.

20 COMMISSIONER GIPSON: And I think we've
21 made it very clear that the rule intention has never
22 been to make a rule -- or touch anything that PED
23 oversees in terms of education, that we're really --
24 this is just focusing on our statutory authority
25 with charter schools. And we're not going to

<p style="text-align: right;">250</p> <p>1 promulgate a rule that says, "No, you only have to 2 have 800 hours of instruction," and things like 3 that. 4 So we've made it clear that our intention 5 here is not to be some kind of parallel education 6 department that's going to be, you know, doing 7 rule-making on areas that we know we don't -- we -- 8 you know. It's clearly outlined what we have the 9 authority to do, and we don't have the authority to 10 do all of the rest. 11 So, you know, we have -- I know we've 12 certainly made that clear. So I think we just need 13 to move -- do we have the motion made? 14 THE CHAIR: Commissioner Carrillo. 15 COMMISSIONER CARRILLO: So I think every 16 Friday needs to be a field day. That having been 17 said -- for the PED staff as well. Okay? Field 18 day. 19 Okay. I have a couple of notes here. 20 The first is in responses to what 21 Commissioner Ingham said about getting things done, 22 timeline being crunched. And I wrote, "Only in 23 government would four months be a -- have to be in a 24 hurry," okay? Only in government. 25 And then I wrote down here, "Do it right;</p>	<p style="text-align: right;">252</p> <p>1 the Secretary, which clearly specify that it is the 2 Secretary that has the authority to promulgate rule 3 and enforce all rules to exercise its authority and 4 the authority of the Secretary. 5 It doesn't say that about the Commission. 6 But, again, the PED wants to collaborate with you. 7 We want to put forth the rule. And I think you 8 should give it the due diligence that it deserves so 9 that everybody is okay with what's in it. 10 Meanwhile, we could have schools on a 11 temporary contract that has the language you want to 12 include in it without referencing a rule that 13 doesn't exist. 14 THE CHAIR: Commissioner Carrillo. 15 COMMISSIONER CARRILLO: That having been 16 said, and we also have that letter from the AG. So 17 Item 12. PEC Adoption of Rule. 18 I move that the Executive Committee of the 19 Public Education Commission take the following 20 action to continue to resolve process issues with 21 the rule-making effort. 22 1. Continue to meet with PED and CSD 23 staff to resolve a process impasse to complete the 24 rule in a manner acceptable to the PEC. 25 2. Identify and quantify the people</p>
<p style="text-align: right;">251</p> <p>1 do it once; do it now." 2 So in that, I'm making a motion. All 3 right? 4 THE CHAIR: Before you make that motion, I 5 would like to give Director Chavez a chance. 6 COMMISSIONER CARRILLO: I'm so tired of 7 hearing -- no, I'm just kidding. 8 DIRECTOR CORINA CHAVEZ: So thank you, 9 Chair Brauer. 10 So, Commissioner Ingham, your question was 11 what if the rule wasn't in place? The PEC has been 12 authorizing charter schools since approximately 13 2007. And over time, things have evolved. 14 And in fact, contracts weren't even 15 required at one point. Then they were. And for all 16 this time, you've had contracts and no rule. 17 The urgency around this rule is because 18 the draft that Ms. Barnes created references the 19 rule that is yet to be created. So, of course, if I 20 were a charter leader, I wouldn't sign something for 21 something that doesn't -- referencing something that 22 doesn't exist. 23 The other thing I would say is all 24 Commissioners should probably go to statute, 22-2-1, 25 which talks about the Secretary and the powers of</p>	<p style="text-align: right;">253</p> <p>1 affected by and estimated cost due to a delay in 2 negotiations process. 3 3. Meet with the renewing school and 4 renewing schools from last year which might impact 5 the contracting process and discuss the rule-making 6 timeline and possibility of delay. 7 4. Meet the attorneys -- meet with the 8 attorneys representing State charter schools and the 9 former charter school attorney who provided public 10 comment on the previous rule and discuss the 11 rule-making issues. 12 5. Meet with the Governor's Office, the 13 Interim Secretary of the Public Education 14 Department, and the Attorney General's Office, and 15 Senator O'Neill to discuss the rule-making issues. 16 And, finally, explore any options to post 17 the required notices to move forward along PEC 18 timeline. 19 COMMISSIONER GIPSON: Second. 20 COMMISSIONER CARRILLO: So there's a 21 motion by Carrillo and a second by the Honorable 22 Commissioner Gipson. 23 THE CHAIR: So now we're open to debate 24 the motion. 25 (No response.)</p>

254	<p>1 THE CHAIR: Seeing none, let's do a 2 roll-call vote, please, Secretary Armijo. 3 COMMISSIONER ARMIJO: Thank you. 4 Chair Brauer. 5 THE CHAIR: Yes. 6 COMMISSIONER ARMIJO: Secretary Armijo 7 votes yes. 8 Vice Chair Burt. 9 COMMISSIONER BURT: Yes. 10 COMMISSIONER ARMIJO: Commissioner 11 Carrillo. 12 COMMISSIONER CARRILLO: Yes. 13 COMMISSIONER ARMIJO: Commissioner 14 Clahchischilliage. 15 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 16 COMMISSIONER ARMIJO: Commissioner Gipson. 17 COMMISSIONER GIPSON: Yes. 18 COMMISSIONER ARMIJO: Commissioner Manis. 19 COMMISSIONER MANIS: Yes. 20 COMMISSIONER ARMIJO: Commissioner Beck. 21 COMMISSIONER BECK: Yes. 22 COMMISSIONER ARMIJO: Commissioner Taylor. 23 COMMISSIONER TAYLOR: Yes. 24 COMMISSIONER ARMIJO: That passes, ten to 25 zero.</p>	256	<p>1 you were before you came to this job and what you're 2 doing now. 3 And then after that, we will give an 4 update on school site visits. 5 And then I'm going to share some really 6 awesome information with the Commission about the 7 schools' performance. I think you guys will want to 8 see this. I think you're going to love it. So 9 we're going to start with Kyle Wood. 10 MR. KYLE WOOD: Good afternoon, 11 Commissioners. My name is Kyle Wood. I'm a data 12 and financial analyst for Charter Schools Division. 13 Today marks my one-month anniversary with the 14 agency, prior to which I was a teacher at a district 15 charter in Albuquerque called La Academia de 16 Esperanza, where I taught mathematics, economics, 17 and a robotics elective. 18 DIRECTOR CORINA CHAVEZ: Yay, Kyle. 19 MS. JESSICA JUAREZ: Good afternoon, 20 Commissioners. My name is Jessica Juarez. And I am 21 the new business operations specialist. Previously, 22 before this position, I was with the Human Services 23 Department within the Office of Fair Hearings, and 24 there I was a management analyst. 25 So I come with a little bit of legal</p>
255	<p>1 THE CHAIR: Commissioner Ingham, 2 Secretary Armijo. 3 COMMISSIONER ARMIJO: Sorry. Commissioner 4 Ingham. Sorry. 5 COMMISSIONER INGHAM: Yes. 6 COMMISSIONER ARMIJO: Thank you. 7 THE CHAIR: Thank you. 8 All right. Let's move on to Item No. 13, 9 Report from the Charter Schools Division. 10 DIRECTOR CORINA CHAVEZ: Okay. And I know 11 this is everybody's favorite time. But I just want 12 everybody to know that Carrillo is over here telling 13 me I have four minutes, which is totally unfair. 14 I have -- I have created a wonderful team. 15 And so every time that there is a new staff member 16 in the Charter Schools Division, I want to let them 17 know who they are helping me work for; right? 18 So, folks -- they probably don't after 19 that. But, nonetheless, I am extremely proud of the 20 team that I've created that has come to work for the 21 Charter Schools Division that really cares about 22 charter schools and us doing good work. 23 So all of the staff members that have not 24 met the PEC, I invite you to come up, introduce 25 yourself, say hello, tell the Commissioners where</p>	257	<p>1 background, and now I am focusing on education. 2 So I will be the individual who is 3 processing your travel. So sooner rather than 4 later, Marla will be transitioning those duties onto 5 me. So nice to meet everyone. Thank you. 6 DIRECTOR CORINA CHAVEZ: So, Commissioner 7 Gipson -- I know this isn't supposed to be a 8 conversation. But my understanding is that you are 9 in direct communication with Marla. You're 10 submitting something that goes to Marla. And we 11 have the ability to shift it so it goes to Jessica 12 when this happens. 13 But right now, Jessica is working with 14 Marla to do that transitioning, and with Sharyn. So 15 Sharyn is tracking, are there any pending 16 reimbursements. And so I don't know if anybody has 17 not submitted travel. I see some somewhat guilty 18 faces. 19 If you have not submitted your travel 20 reimbursements, please get with it as soon as 21 possible, because we want to get you paid. 22 And remember that we're still aiming for 23 two days after you've traveled for us to get your 24 DocuSign. 25 All right. So wanted to give you all an</p>

<p style="text-align: right;">258</p> <p>1 update on school site visits. And then I'm going to 2 turn it over to Kyle, who's going to share a really 3 beautiful document that he created. I think you 4 guys will be really happy.</p> <p>5 But I just wanted to let you know that the 6 school site visits have started off to a great 7 start. And in accordance with the schedule that we 8 have, we have eleven to schedule. But we've 9 completed visits to Aldo Leopold, Raíces del Saber, 10 THRIVE, Aces. We had a visit scheduled with 11 Las Montañas, but they had a water main break so we 12 are going to have to reschedule and get to 13 Las Cruces at another time.</p> <p>14 We are also, before the end of February, 15 visiting PCA, Amy Biehl, Monte del Sol, Albuquerque 16 Bilingual, and the MASTERS Program.</p> <p>17 Also, Taos Academy, RioGAFA, McCurdy, Red 18 River, and Roots & Wings will be visited during the 19 first week of March.</p> <p>20 These visits have been wonderful. And, 21 again, it's a team that collaborates to look at the 22 school in accordance with the -- the site visit 23 protocol and utilizing the current Performance 24 Framework, not the draft, as our lens for looking at 25 the school.</p>	<p style="text-align: right;">260</p> <p>1 MR. KYLE WOOD: I'm sharing my screen. 2 I'm just waiting for the spreadsheet to get 3 uploaded. Once I see it in there -- I'm a hands-on 4 learner, so if I have the spreadsheet open -- I 5 don't want to be presumptuous. Maybe you all are 6 spreadsheet experts. But I'll walk through it 7 anyway. Thanks for having me.</p> <p>8 They're coming in here, too.</p> <p>9 DIRECTOR CORINA CHAVEZ: Kyle, I just 10 e-mailed it to Missy.</p> <p>11 MR. KYLE WOOD: Okay. Great.</p> <p>12 DIRECTOR CORINA CHAVEZ: It's the one that 13 you sent 2/17 at 3:41 p.m.</p> <p>14 MR. KYLE WOOD: To offer additional 15 context on what Director Chavez was talking about, 16 Dr. Álvarez in Accountability, I had a chat with him 17 yesterday. And according to him, the accountability 18 team and the -- and executive leadership needs some 19 time to verify the proficiency and participation 20 rates as they align to the accountability frameworks 21 that they've been working on to make sure that the 22 data helps to tell a fair story for each and every 23 school.</p> <p>24 We understand that the stakes are high, 25 and we're not operating in a vacuum.</p>
<p style="text-align: right;">259</p> <p>1 Okay. Oh. I think I might not have kept 2 a version of the document that Kyle is going to 3 share. Let me just make sure that I have the 4 latest, and in your folder, or that Missy Brown has 5 it and can put it up.</p> <p>6 But while we're getting the document cued 7 up, I'll let Kyle just give a little background on 8 how he compiled the data for your information.</p> <p>9 And I want for all the Commissioners to 10 recognize that you heard Dr. Álvarez say that we 11 will still finalize the data.</p> <p>12 And I heard you all say how long does it 13 take government to get this done? It takes forever. 14 It takes forever. It takes forever. And you don't 15 want to wait.</p> <p>16 So we thought that it would be important 17 for you to have access to draft information, even 18 though it might not be 100 percent finalized. We 19 wanted to provide you with information about the 20 academic performance of -- of schools.</p> <p>21 So...</p> <p>22 MS. MISSY BROWN: Missy Brown has nothing. 23 What are you talking about?</p> <p>24 DIRECTOR CORINA CHAVEZ: I'm going to send 25 it to Missy Brown. Hold on.</p>	<p style="text-align: right;">261</p> <p>1 And then also, on Wednesday, I believe 2 that you talked about pilot programs. So for the 3 new version of the Academic Performance Framework 4 we've been working with a statistician, Dr. Jody 5 Ernst, in charge of piloting whether the draft 6 targets in this Commission's new academic framework 7 are rigorous and realistic.</p> <p>8 So has -- this file has been uploaded? 9 Okay.</p> <p>10 Are you driving, Missy? 11 Okay. So I guess we can just start with 12 in January, Mr. Goodlaw went through a pretty hefty 13 file. There were a lot of different domains. He 14 talked through achievement, participation, progress, 15 and growth metrics, attendance, graduation rates, 16 and expenditures. He spent a good deal of time 17 talking about their modeling methodology, which can 18 be complex.</p> <p>19 What this file is, this highlights 20 achievement data, in particular proficiency rates 21 for four subjects: English Language Arts, Early 22 Literacy, Math, and Science.</p> <p>23 And I think a couple of hours ago, 24 Commissioner Carrillo, you mentioned how clunky our 25 website and our files can be. So what Director</p>

<p style="text-align: right;">262</p> <p>1 Chavez asked me to do is to help alleviate some of 2 that pain with this file here.</p> <p>3 So any of these blue -- these are all 4 hyperlinks. If they're blue and underlined, they're 5 hyperlinks. So you can click on any of those to 6 dive deeper into ethnicity groups.</p> <p>7 We have our five most populous ethnicity 8 groups, and then we have our three most populous 9 subgroups there for each subject.</p> <p>10 A couple of notes -- do you want to just 11 click on some of those, Missy? Or can you give me 12 the driver capability?</p> <p>13 Okay. Cool. Can you see -- am I driving 14 now? I have slight control. I can't move around. 15 Maybe you can just do it for me.</p> <p>16 Okay. So I know the four minutes -- or 17 the three minutes that you gave us is coming up, 18 so -- what you see here, this -- so there's 55 tabs 19 at the bottom of this spreadsheet.</p> <p>20 For each tab, if you scroll to the upper 21 left, you can go back to the table of contents by 22 clicking on that hyperlink, just to make it easier 23 to navigate.</p> <p>24 As you go into some of these groups or 25 subgroups -- go ahead and click on one for me,</p>	<p style="text-align: right;">264</p> <p>1 that's right -- to protect student privacy and 2 security and all that.</p> <p>3 We did the same thing for enrollment data, 4 for graduation rates, and for English Learner 5 progress.</p> <p>6 So, yeah, we don't have to click on all 7 these. You guys can -- you guys can check these out 8 as you want. If there's anything specific that you 9 would like to see with regard to, like, charts, 10 like, graduation rates over time for a specific 11 school, I would be happy to put that together for 12 you, any specific request.</p> <p>13 DIRECTOR CORINA CHAVEZ: So I think my 14 report is not supposed to be a conversation -- I 15 don't know if Chair Brauer is as strict about it or 16 if it's in the rules and procedures. So I think 17 it's a back-and-forth conversation. But can we take 18 a look at ELA performance, all students?</p> <p>19 MR. KYLE WOOD: Go ahead, Missy. It's -- 20 if you scroll up a little bit, up on the right 21 beneath ELA, there's "All Students ELA" right there.</p> <p>22 DIRECTOR CORINA CHAVEZ: And this is where 23 Commissioner Carrillo really cares about students 24 being able to read. This doesn't take into 25 consideration any demographics, which is why we felt</p>
<p style="text-align: right;">263</p> <p>1 please, Missy -- you will see -- what you see here 2 is every PEC-authorized charter ranked from top to 3 bottom, there's a color scale to the right of the 4 table, green being the top of the scale and red 5 being the bottom of the scale, and various shades in 6 between.</p> <p>7 We have a watermark in purple for the 8 statewide average, so you can see which schools are 9 above the line and which schools are below the line.</p> <p>10 THE CHAIR: Yes, sir.</p> <p>11 MR. KYLE WOOD: Yes.</p> <p>12 So to that point, I do want to mention -- 13 can you go back to the table of contents, please, 14 Missy?</p> <p>15 There are some notes here with regard to 16 masking data. A little bit more.</p> <p>17 Okay. So you'll see here schools with a 18 95 percent proficiency rating or with 95 percent 19 graduation rates may have true figures that are 20 greater than or equal to 95 percent, which is a 21 decision to mask student data due to population 22 size.</p> <p>23 And then the same thing goes for 24 proficiency rating and graduation rates equal to or 25 less than 5 percent. Due to population size --</p>	<p style="text-align: right;">265</p> <p>1 it was really important for you to also have all of 2 the enrollment information.</p> <p>3 So by school, another tab shows you the 4 percentage of students at the school that are low 5 income, and by their race, ethnicity, and other 6 special ed status, et cetera.</p> <p>7 But this shows you, as Kyle said, a 8 ranking of how schools did in terms of their ELA 9 proficiency. Kyle, you could probably add more 10 information about that, or maybe you want to 11 showcase another one.</p> <p>12 MR. KYLE WOOD: I just wanted to make an 13 important distinction is that -- you don't see it on 14 this tab here. But on some of these subgroups you, 15 might see 0 percent. For example -- go back to the 16 table of contents, please, Missy, and check out ELP. 17 Down. Down. ELP Met Target. Down, down, down. 18 There we go. English Learner Progress, ELP Met 19 Target. I believe this has some zeros in there.</p> <p>20 The distinction I wanted to make -- scroll 21 down -- is that if you see a zero, that means that 22 zero percent of their students met their target 23 rate.</p> <p>24 So in the denominator, you'll have total 25 number of English Learners. And then in the</p>

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1 numerator, you'll have the number of students who
2 met target.

3 If there's a school that is not listed in
4 any of these tables, it's because there's no data
5 for that particular category, subject, or subgroup
6 for that school, due to not having that population,
7 or just because there's no data that we have
8 collected yet.

9 DIRECTOR CORINA CHAVEZ: So I'm going to
10 ask Chair Brauer again, because there's questions
11 about this, and I don't know that you want a
12 discussion.

13 COMMISSIONER BECK: I just have a real
14 quick one. Where is this?

15 DIRECTOR CORINA CHAVEZ: You guys have it
16 in the Google Drive, and you guys have been
17 sensitive as to what's in the Google Drive and
18 what's not. If you want me to leave it there, you
19 have access to it, it's there now. It's labeled as
20 "Draft" because, again, the data could change
21 slightly.

22 Mr. Álvarez tells us it's not going to
23 change a lot. But you guys don't want for
24 bureaucracy to verify the data. And this is as
25 close as we can get. It's not going to change much,

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1 Education Commission Liaisons.

2 So what I'm going to do for right now, I'm
3 just going to share, like, our updates on who's
4 leading these different groups. And then, as I do
5 that, Commissioner Gipson, I have one update that I
6 just got from Matt Pahl in text that I wanted to
7 share with you and make that public also with us.

8 But what we'll do, we'll go through the
9 list if that's okay. And if you're new,
10 congratulations. And if you have some new
11 information, that'll be great to share.

12 If you used to be part of this liaison or
13 committee, and you have any information, we'd love
14 to have you share as well.

15 So the first one is the LESC and LFC
16 Liaison. That's going to be Commissioner Gipson.
17 And I'll likely play second or third fiddle at some
18 point with her.

19 One thing I wanted to share, Commissioner
20 Gipson, is that -- and you probably know this
21 already -- Senate Bill 422 is being heard on Monday
22 at 8:30. And it would be great for -- maybe we can
23 synch up to see if one of us can be there. But I
24 think it would be great for us to speak.

25 Okay. Yeah. It's -- it's in the Senate

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1 but it could change slightly.

2 I don't know if you want it to be
3 published. Maybe we put it in another place in the
4 Google Drive. There is a CSD folder. So I'll move
5 it to the CSD folder you have access to, and we
6 won't publish it with all of the meeting materials.

7 MR. KYLE WOOD: As data updates, I can
8 update this as well. So -- (Off-mic comment.)

9 DIRECTOR CORINA CHAVEZ: Correct. It'll
10 be moved to the CSD folder, which is part of the PEC
11 Google Drive.

12 All right.

13 THE CHAIR: Thank you, Kyle. Thank you --
14 thank you to the Charter School Division, too, for
15 sticking it out here with us.

16 All right. So we're going to move on --
17 whose face is up there. It's so hard when you look
18 up there and you see yourself. Does anybody else
19 feel that way? Not as much as I do.

20 (Off-mic discussion.)

21 THE CHAIR: You know, Commissioner Gipson,
22 that was really close to making a joke about my
23 shiny head. I just want to share. That was very
24 close. Very close.

25 So Item 14, Reports from the Public

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1 Education Committee at 8:30 on Monday.

2 COMMISSIONER GIPSON: Can we briefly say
3 what that is? Or would that be out of synch,
4 Ms. Barnes, with OMA?

5 MS. JULIA BARNES: Where are we?

6 COMMISSIONER GIPSON: We're in reports
7 from liaisons and going and speaking about a bill.

8 MS. JULIA BARNES: Let's give it in the
9 Report from the Chair.

10 COMMISSIONER GIPSON: Or even any
11 Commissioner, yeah. Yeah. Okay.

12 THE CHAIR: 422? And that's a report --
13 and, Commissioner, you have the floor to share any
14 updates from the LESC and LFC as well, if you feel
15 that would be okay to share some of the -- about
16 some of the bills.

17 COMMISSIONER GIPSON: They're not
18 meeting -- they don't meet during the Legislative
19 Session.

20 THE CHAIR: Got it. So that doesn't
21 include -- that's too much of a slippery slope to
22 talk about the legislative updates.

23 COMMISSIONER GIPSON: Yeah. Because I do
24 not believe -- this is not even an LESC-sponsored
25 bill. So it wouldn't be appropriate at this moment

270	<p>1 in time to talk about it. It'll be spoken about in 2 another piece of the -- 3 COMMISSIONER CARRILLO: In a Public 4 Charter School Division update. 5 COMMISSIONER GIPSON: I'm sure Wayne will 6 do it, yes. 7 THE CHAIR: Apologies. I'll be a little 8 bit more precise when bringing things up. 9 The New Mexico Indian Education Advisory 10 Council. Secretary Armijo was the lead. 11 Commissioner Clahchischilliage is now the lead. 12 Are there any updates from that commission 13 at this stage? Or from the advisory council? 14 COMMISSIONER ARMIJO: Just because I don't 15 think Commissioner Clahchischilliage has had a 16 chance to go to any meetings, I just want to share 17 that they really haven't had a formal meeting 18 probably since October, and then when they had their 19 conference. 20 But they have been meeting on a weekly 21 basis -- let me get there. Hold on. They have been 22 meeting on a weekly basis to do with the Interim 23 Secretary Padilla, and prior to that with Secretary 24 Steinhaus. And I was not able to make those because 25 they are usually during our work sessions.</p>	272	<p>1 that would be great, and then I can follow up. 2 THE CHAIR: Great. Thank you. 3 The next liaison committee is the 4 New Mexico Coalition of Educational Leaders. I 5 think Commissioner Beck has taken that. 6 I don't think there's any updates yet, but 7 we'll work to see if we can get you signed up. 8 COMMISSIONER BECK: I'll have some updates 9 by July or August, if possible. 10 THE CHAIR: The New Mexico Public School 11 Capital Outlay Council, Commissioner Ingham is going 12 to be the point of contact. And -- and then I 13 wanted to share, Commissioner Gipson, I know that 14 that was one that you put down potentially to be 15 part of, too. Would you like to be whatever we call 16 the backup on that? 17 COMMISSIONER GIPSON: (Inaudible.) 18 THE CHAIR: Great. We'll do that. When 19 the time is right for me to make that official, I 20 would like for you to be the person as well. So, 21 Commissioner Ingham, go ahead. 22 COMMISSIONER INGHAM: Yeah. We had a kind 23 of a emergency meeting -- not really emergency -- 24 but we had a meeting on Tuesday this week enabling 25 PSFA to engage with the Office of Broadband so that</p>
271	<p>1 So I don't know how Commissioner 2 Clahchischilliage will, you know, get the 3 information, except for maybe reading the meeting 4 minutes or reading transcripts from those TED calls 5 with the Interim Secretary. 6 And I don't know if she has anything else 7 to add, if she's had any interaction with anybody 8 from that group. 9 THE CHAIR: Okay, Commissioner. 10 COMMISSIONER CLAHCHISCHILLIAGE: I don't 11 have anything to add. But how -- who will inform 12 them that I'm the rep from PEC to the Indian 13 Education Committee? 14 THE CHAIR: You know, I did that through 15 e-mail a couple of -- maybe last week, I think. And 16 Deputy -- Deputy Director Bekka Burt -- sorry -- 17 Becca Reyes -- sorry about that -- she reached back 18 out to us. Let me make sure you have that. But she 19 did get back to us and said that, you know, she'd be 20 in contact with you. 21 COMMISSIONER CLAHCHISCHILLIAGE: All 22 right. 23 THE CHAIR: Her name is Rebecca Reyes. 24 COMMISSIONER CLAHCHISCHILLIAGE: All 25 right. If you could forward me the information,</p>	273	<p>1 we just enabled that process to continue. 2 And it's going very well. And they are -- 3 they have actually already purchased equipment, and 4 they're -- I think there will be some effect on 5 charter schools, because they're going to put a 6 whole backbone throughout the state. 7 And -- but it is a major, big project. I 8 think it's \$1.8 billion, in the end. It's a huge 9 project. I could be wrong on that amount, but it is 10 a very large project that they're working on in 11 several phases. So that's what's happening. 12 THE CHAIR: Great. Thank you, sir. Thank 13 you, Commissioner. 14 Commissioner Manis, New Mexico Public 15 School Insurance Authority. 16 COMMISSIONER MANIS: I don't have anything 17 to report this month. I was sick during the last 18 meeting. So I attended virtually the -- the regular 19 meeting. But there wasn't anything really 20 noteworthy that I thought to bring before the 21 Commission. Thank you. 22 THE CHAIR: Great. Thank you, 23 Commissioner Manis. 24 Commissioner Carrillo, the New Mexico 25 School Boards Association.</p>

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1 COMMISSIONER CARRILLO: Nothing to report.
2 But I'm kind of bummed that I wasn't on top of this
3 sooner.

4 You know, they have a conference here
5 during Legislature where they meet and they have all
6 sorts of different breakout sessions and stuff like
7 that.

8 And I just looked on it here to see if
9 maybe it was in February or early March. It was
10 February 2nd through 4th. I didn't realize it was
11 that early this year, because I was going to say
12 that any of us could contact Joe Guillen and say,
13 "Could we be a guest at any of their sessions?"

14 And I can't see any reason they would say
15 no, because it's just -- we're all -- you know, it's
16 knowledge. But, anyway -- so I'll be on top of that
17 more in the future.

18 I know that they have their law conference
19 coming up, which is widely attended by people, even
20 outside of the NMSBA, because they do a super-duper
21 job with that.

22 I don't have a lot to report. I still --
23 I think -- not "I think" -- I would like us to be
24 involved in their convention, you know, in December.
25 It's always the last Friday of November, first

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1 Saturday of December, so that we can -- and if we
2 have plenty of lead time, we can do this -- present
3 about all the great things that are happening in our
4 charters and where especially a smaller district
5 could benefit from what's happening.

6 We were discussing this at lunch, which
7 really needed to be 45 minutes and not 30. But we
8 were -- I know. We were discussing this at lunch,
9 because smaller districts have this ability to pilot
10 and pivot in a way that large districts don't.

11 So in so many ways what we're doing with
12 state charters is something that they could learn
13 from and implement.

14 So I would like to not drop the ball on
15 that. I'd like -- I don't know who would present or
16 how it would work, but I would like for us to be a
17 part of that. And I can ask Joe when all of this is
18 over, this session, I can ask, "What do you need
19 from us to make this happen?" Because I think it
20 would be really good.

21 It's at the Embassy Suites. And they
22 really offer a wonderful lunch down there at their
23 convention. They do great. They have a prime rib
24 lunch for everybody at the Embassy Suites at their
25 conventions, because you know I'm all about the

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1 food.

2 THE CHAIR: Thank you, Commissioner.
3 Commissioner Taylor, New Mexico State Library
4 Commission.

5 COMMISSIONER TAYLOR: Yes, sir, thank you.
6 I actually attended my very first New Mexico Library
7 Commission meeting on January 27th.

8 They, too, provided an outstanding lunch,
9 with various drinks, lots of assortment.

10 COMMISSIONER GIPSON: Drinks?

11 COMMISSIONER TAYLOR: The -- the
12 commission -- the people I met were -- were --
13 seemed to be great people.

14 I'm not -- I'm not sure that I made the
15 connection in my mind on why the PEC has a liaison
16 to the New Mexico State Library Commission. I'm
17 happy to be there. They're great people. I could
18 learn a lot.

19 I learned that librarians are not just
20 people that go get your book and sign you out.
21 They're absolutely great resource people, and
22 they're trained in all kinds of areas. And I was
23 totally impressed with that. And they're asking for
24 a very large --

25 COMMISSIONER GIPSON: Donation?

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1 COMMISSIONER TAYLOR: -- sum of money from
2 the Legislature to help distribute to the State
3 Library. So -- good work.

4 COMMISSIONER GIPSON: Can I just say?
5 It's a rollover from the State School Board. That's
6 where the seat was. And they had requested that --
7 no -- that we get off of it. Our prior -- not --
8 before Commissioner Armijo, the Commissioner who
9 served for about two years on it, every time she
10 came back, she said, "They want me off."

11 And we couldn't figure out how we -- you
12 know, how we would do that. We just thought, "Okay,
13 you're just off."

14 But, apparently, there's some statute that
15 makes the seat the State School Board -- the School
16 Board the seat, and that's sticks it.

17 COMMISSIONER TAYLOR: It's statute that --
18 who makes up the Commission, and one of them is --
19 you know, one of them is an appointee from the PEC.

20 I -- they were very congenial, very warm
21 and welcoming. So great people.

22 THE CHAIR: Thank you. And then one
23 that's not on here is the New Mexico Association of
24 School Business Officials, ASBO for short.
25 Commissioner Beck, that is one that you also would

278	<p>1 like to be part of. And so we would welcome you to 2 be part of that, and we can make some connections 3 for that group as well.</p> <p>4 All right. Item No. 15, Report from the 5 chair.</p> <p>6 I'll be super brief, because I know what 7 time it is, and I know many of us have to travel, 8 and some people have to eat dinner tonight before 9 10:00.</p> <p>10 I just wanted to share, it's -- it's 11 always an honor to spend a lot of time with you all. 12 Appreciate it.</p> <p>13 I also appreciate everyone who's teaching 14 me to be better at Open Meetings Act or following 15 Robert's Rules. You can probably see I'm a little 16 bit more loosey-goosey, but I'm trying to get more 17 technical, Commissioner Carrillo. And so I promise 18 I'll continue to get more refined as we move 19 forward.</p> <p>20 But I appreciate everyone's work today.</p> <p>21 The -- I just have one school issue I 22 wanted to raise. It happened this morning for me, 23 and Dan Hill was here as well, to let me know. 24 North Valley Academy. First and foremost, they had 25 a sinkhole on their school site a couple of weeks</p>	280	<p>1 that out as soon as I could. But we will likely 2 have some more conversation around what to do 3 potentially on Monday as well. But, Wayne, I'll let 4 you go, because it sounds like you need to leave 5 sooner rather than later.</p> <p>6 MR. WAYNE SHERWOOD: Yeah. Thank you, 7 Chair Brauer. And, man, three days of this, you 8 guys are awesome. You are tough. Some of you are 9 like, "This is not what I signed up for." 10 Anyway, you guys are doing a great job. 11 You're supporting charter schools. And that's what 12 I'm here, too, supporting charter schools as a 13 former leader and now at the next level. And I feel 14 like I'm learning more with the new Commissioners 15 here, too.</p> <p>16 I guess I kind of feel like you know when 17 you're 17 and 18, and you thought you knew 18 everything. And now I'm, like, 22 and 23 and I'm, 19 like, realizing I know nothing.</p> <p>20 So, anyway, House Bill 143. This is a big 21 one, and Matt would like to see support next week on 22 this one. It is the conflict-of-interest policy. 23 So it is not -- they're not -- this bill isn't 24 affecting the regular public schools. It's only for 25 charter schools.</p>
279	<p>1 ago. And so it has hurt the building pretty 2 significantly. So they're trying to figure out -- 3 they have -- they have, you know, the engineers and 4 everyone out there trying to figure out what to do 5 to be sure the building is safe for students.</p> <p>6 So they had to -- and I just learned about 7 this this morning from a parent that called me that 8 was concerned -- they've been in remote learning 9 this week and will likely be in remote learning at 10 least starting next week. It may be longer.</p> <p>11 After I talked to Dan earlier today when 12 he was here, it sounds like it's a pretty 13 significant issue. And so now, I let the CSD team 14 know. Corina, I think I let you know about 15 North Valley Academy, or I may have talked to 16 Martica. I can't remember. It was right before the 17 meeting.</p> <p>18 But I know that they're going to reach out 19 to the school as well.</p> <p>20 That's the only, like, school issue that's 21 on my mind.</p> <p>22 And then I think, Wayne, you can probably 23 share a little bit more about the Senate bill that 24 we were going to talk about. Matt told me you might 25 have had to leave before 4:00, so I wanted to get</p>	281	<p>1 We have no problem with the conflict of 2 interest if it affects all public schools equally. 3 That's the whole point.</p> <p>4 This -- so this is what Matt says. We and 5 several other groups came up with harsh opposition 6 to the bill. But because the House Government and 7 Indian Affairs Committee did not have a quorum 8 today, they are going to be -- it's going to be 9 heard tomorrow, okay? So it's going to heard on 10 Saturday. It's HB 143. 143.</p> <p>11 Also another bad bill --</p> <p>12 COMMISSIONER CARRILLO: Can I ask a 13 question?</p> <p>14 MR. WAYNE SHERWOOD: Yes.</p> <p>15 COMMISSIONER CARRILLO: So it's a 16 conflict-of-interest policy.</p> <p>17 MR. WAYNE SHERWOOD: Uh-huh.</p> <p>18 COMMISSIONER CARRILLO: So we're all -- 19 nobody's supposed to have a conflict of interest. 20 So what is this -- how are they targeting charters 21 here? What is the language? Like, what --</p> <p>22 MR. WAYNE SHERWOOD: It's like we were 23 talking at lunch. We have these very small 24 districts, or very small charter schools, that are 25 isolated somewhere. And you might have somebody</p>

<p style="text-align: right;">282</p> <p>1 that works for you that is a relative of yours. 2 And -- because there's only six people in town. 3 And, you know, you have to call the plumber to fix 4 the heater at the school, or fix the roof or the 5 sinkhole or whatever else you have, or maybe you 6 have a caterer that comes to the school because 7 they're the only restaurant. 8 I get that we already have a conflict of 9 interest that is being signed. So now this is now 10 going to make it even more restrictive on charter 11 schools, specifically. That's the problem. It's 12 not the conflict of interest. It's what the 13 conflict of interest is being targeted just on 14 charter schools and not on all schools equally. And 15 so that's the big problem. 16 COMMISSIONER CARRILLO: Is that their 17 reasoning? There's been all this abuse with small 18 charters in the rural areas? It just seems stupid 19 to me. 20 MR. WAYNE SHERWOOD: We saw a lot of abuse 21 when we -- 22 COMMISSIONER CARRILLO: I know you don't 23 like it when I use the "s" word. 24 COMMISSIONER GIPSON: It's their answer to 25 the foundation issue. It really is. This is how</p>	<p style="text-align: right;">284</p> <p>1 MR. WAYNE SHERWOOD: This is. But if you 2 guys are going to say it -- but what it is, it's to 3 put a cap on charter schools, which there already is 4 a cap, by the way, that's in statute, and I was 5 talking to Corina about that earlier. But this is 6 now looking at, like -- so Santa Fe right now has 7 two new schools, two new charter schools that are 8 going to go through, looking at going through the 9 process. They've already filled out the 10 application. 11 And if this it bill passes, they wouldn't 12 even get a chance, because the cap is already over 13 10 percent in Santa Fe County right now -- or 14 Santa Fe School District. Not the county, the 15 school district. 16 THE CHAIR: If I can give Wayne just a 17 real quick layman's rundown, like, what this bill is 18 trying to do. And Commissioner Gipson and Wayne, 19 definitely plug in. 20 But I read this yesterday after 21 Commissioner Gipson raised it. It essentially 22 creates -- creates a moratorium on charter schools 23 in places where over 10 percent of the student body 24 in a given district is already choosing to go to a 25 charter school.</p>
<p style="text-align: right;">283</p> <p>1 they figured out their answer to the problem with 2 the audit. This is -- this is how they figured how 3 to answer that. It's ridiculous. It really is, 4 because it doesn't address the concern that the 5 auditor or that we've raised. But this, honestly, 6 is their answer to that. 7 COMMISSIONER CARRILLO: Thank you. 8 MR. WAYNE SHERWOOD: Okay. To move on, 9 senate Bill 422 is being heard in the Senate 10 Education on Monday. And this is the bill that -- I 11 can't remember who asked me -- Steven, it might have 12 been you, Commissioner -- that asked me about 13 this -- or I don't know if it was Commissioner 14 Ingham, you asked me about this. 15 It's going to be heard on Monday. 16 And what this bill is -- is doing, this is 17 another one that we oppose. We are requesting a 18 representative from the PEC to join us to provide 19 commentary in opposition to this bill on Monday at 20 the Senate Education Committee. The designee should 21 reach out to Matt to coordinate. So if you want to 22 reach out to Matt Pahl. He probably will be here 23 any minute. 24 COMMISSIONER BURT: What is the topic of 25 the bill?</p>	<p style="text-align: right;">285</p> <p>1 COMMISSIONER GIPSON: No, no. 2 THE CHAIR: No? 3 COMMISSIONER GIPSON: It's caps. You 4 can't open a charter school if the charter 5 population currently exceeds 10 percent of the 6 traditional schools' student population. So it 7 essentially shuts down APS, Santa Fe, probably Taos, 8 Las Cruces, probably even Española at this point in 9 time, you know. 10 So that it -- it is. It -- someone 11 thought that they were brighter than the average 12 bear and decided to do it this way, as opposed to 13 calling it -- titling it a moratorium, so that 14 people wouldn't pay as much attention. 15 You know, if you have a LegiScan alert or 16 something, you highlight a word. So "moratorium" is 17 one of the words that I always highlight. In case 18 it comes up on any bill, I get a notice that a bill 19 was just dropped that uses the word "moratorium." 20 So it didn't come up. So it was 21 dropped -- it was only dropped on Monday -- this 22 past Monday. 23 MR. WAYNE SHERWOOD: A week ago. 24 COMMISSIONER GIPSON: So this is moving 25 really fast. Because it's 422, you know. But it's</p>

<p style="text-align: right;">286</p> <p>1 also being sponsored by, you know, Senator Stewart. 2 So there is -- you know, there's some back behind 3 that and kind of a need to move it up the ladder. 4 COMMISSIONER CARRILLO: But doesn't the 5 NEA oppose it? 6 COMMISSIONER GIPSON: Oh, I seriously 7 doubt it. 8 COMMISSIONER CARRILLO: I heard NEA 9 opposed it. 10 COMMISSIONER GIPSON: NEA opposes the 11 Cabinet Secretary's change. But NEA would never 12 oppose this, ever. 13 COMMISSIONER CARRILLO: I understand that. 14 You're implying this creates a moratorium. The word 15 I use is monopoly. It's, like, larger districts do 16 not want anybody else taking their kids, their 17 money. And they want -- they just want a monopoly 18 on schools. Shut everybody else out. It's 19 shameful. 20 MR. WAYNE SHERWOOD: And that is a real 21 misnomer that the district schools have, because 22 most charter schools don't take all of their kids 23 from the district schools. These kids come from a 24 lot of different areas. 25 Maybe they're being homeschooled right</p>	<p style="text-align: right;">288</p> <p>1 acronym stands for -- but that's our test that we 2 give our kids, and we can track our kids that way. 3 And from the time they come into the 4 school in the sixth grade, again, they're coming 5 from all over the place, from homeschool, they're 6 coming from online school, they're coming from the 7 district school. They come in at a certain level. 8 And you can see, every single year through their 9 grades all the way into middle school and into high 10 school, they were increasing in their math score. 11 I know it's hard to believe when it's only 12 20 percent. But it's still an improvement. And our 13 new framework is going to be able to show that, 14 because if we take Option 2 in that new framework, 15 I'm going to be able to show you that data. 16 So I won't be using the State data; I'll 17 be using the school data to show that. So I really 18 think that's a big plus in the new framework that 19 we're looking at to be able to show that. 20 So I just wanted to bring that up, that it 21 does help to come to these site visits. It makes 22 a -- when Corina and her team get to visit with the 23 directors and talk to them -- and it's not punitive 24 that they're coming and saying, "We want to help 25 you."</p>
<p style="text-align: right;">287</p> <p>1 now. Maybe they're already on an online school. 2 Aldo had a lot of parents that moved to 3 Grant County because of the school. 4 This happens to many, many charter 5 schools. And they don't -- the districts want to 6 look at it like you're taking 200 kids away from the 7 district, when, in reality, you're not taking 8 200 kids. It probably is much less than 50 percent 9 is what the kids that were in the district would go 10 to the charter school. So that is quite a misnomer. 11 Okay. And then I wanted to finish off by 12 just saying we really want to echo Commissioner 13 Burt's comments on the site visit reports today that 14 we want to make sure that site visits are worthwhile 15 to the school -- they are worthwhile to the school. 16 We want to -- we know that there is a lot 17 of time that has elapsed from the time the data is 18 available to the time of the site visit. And as 19 this morning -- now I can't represent Aldo Leopold, 20 but I was the director when this data was collected. 21 And I can tell you that if we had our new 22 framework that we're proposing for the math, for 23 example -- we saw the math, the State data, and we 24 saw that there was an issue. So we looked at our 25 MAP scores -- or NWEA, I can't tell you what that</p>	<p style="text-align: right;">289</p> <p>1 They are doing a great job. It's a very 2 hard job. The amount of schools that the CSD has to 3 do, oh, wow. That's amazing too. 4 Thank you, guys, for your support, and if 5 you have any questions for me. 6 THE CHAIR: Great. Thank you, Wayne. 7 All right. So this might be where I'm a 8 little bit clunky with the OMA. But, Commissioner 9 Gipson and the rest of the Commissioners, I do think 10 that we should have a voice on Senate Bill 422. 11 I know we don't have this on here to 12 bill -- to have an approval from -- we can't 13 necessarily approve this that you're speaking on 14 behalf of the entire Public Education Commission, 15 since we didn't vote on that. 16 But there's nothing that precludes us, as 17 individual Commissioners, to go and speak on behalf 18 of our voice as a Commissioner; is that correct? 19 COMMISSIONER GIPSON: Correct. And just 20 so Commissioners know, you -- you can provide the 21 comment online. So you don't have to be in person. 22 But there's no specific time. You know, the 23 committee starts. And sometimes even the -- the 24 agenda changes because Senators are meeting before 25 other committees, so they move things around.</p>

<p style="text-align: right;">290</p> <p>1 So you have to be on when it begins and 2 kind of, you know, be listening, because they take 3 the comment before the committee has their hearing, 4 the last -- who's in favor -- so that you have to 5 type your name in. And they'll usually ask who's in 6 favor, and you type your name in and identify 7 yourself. Who's not in favor. And then they'll 8 allow you to speak. 9 But that happens at the beginning, not at 10 the end of that hearing. So you've -- it has to be 11 timely. 12 But I would also strongly recommend you 13 send a letter to -- you know, send an e-mail to all 14 of the members of the Senate Ed Committee and just, 15 you know, reference that bill and speak to the 16 points of how detrimental it is. And, you know, 17 please reach out if they have any questions before 18 the hearing on Monday, but to present your 19 sentiments at that point in time. 20 I think that's also as powerful, not a -- 21 because I think Julia can attest to the fact that 22 they do keep track of how many e-mails come in. 23 They don't like the -- oh, it's all the same. But 24 when individual sentiments, that does -- that gets 25 noted by Legislators. It does.</p>	<p style="text-align: right;">292</p> <p>1 there, and we'll just -- 2 COMMISSIONER GIPSON: No. We do just if 3 you want to. So no one raise their hand. 4 THE CHAIR: Just a really quick one. 5 COMMISSIONER CARRILLO: I'm sorry. Just a 6 really quick one. You probably read about it in the 7 newspaper, and I'm sorry I can't remember exactly 8 the accolades that the kids got. They're going to 9 D.C. It might be robotics or something. Monte del 10 Sol Charter School. 11 They just got -- had in the last couple of 12 weeks some really -- I just really wanted to shout 13 out to them. And I didn't bring my notes because it 14 was in the newspaper about the kids from that 15 school. And it's in the sciences, and I believe the 16 sciences and robotics, just remarkable achievement 17 for kids at Monte del Sol. So shout-out to Monte 18 del Sol. 19 THE CHAIR: Thank you, Commissioner 20 Carrillo. 21 COMMISSIONER GIPSON: "Off-mic." 22 THE CHAIR: I see no one's hands raised or 23 the spirit moving them, so we're going to move on. 24 THE CHAIR: 17. Discussion on New 25 Business Topics for the Next Agenda. Vice Chair.</p>
<p style="text-align: right;">291</p> <p>1 THE CHAIR: And thank you, Commissioner. 2 Would you be okay to connect with Matt Pahl and -- 3 great. Thank you. 4 COMMISSIONER GIPSON: Absolutely, yeah, I 5 will do that. 6 THE CHAIR: What's that? Great. 7 Excellent. 8 And I think maybe you all can synch up -- 9 I'll let Matt know that the three of you -- sadly, I 10 have a dentist appointment on Monday at this time. 11 I'd much rather come up here than do a root canal. 12 It's at 8:30. Senate Education, okay? 13 Great. And if you have a senator on 14 Senate Education -- I think that Julia whispered 15 this to me, and I totally agree. I've reached out 16 to a lot of Senators and Representatives. When 17 they're my own, I feel like I can get a little bit 18 more traction. So when you have somebody who's 19 representing you from home on there, that has even 20 more gravitas, for sure. 21 All right. We're going to move to 16, PEC 22 Comments. This is also a time where there's no 23 discussion, no action items taking place, but just 24 an opportunity for each of you to share your voice. 25 Commissioner Carrillo, how about we start</p>	<p style="text-align: right;">293</p> <p>1 COMMISSIONER BURT: I have one really 2 quick just because I keep forgetting about it. I 3 don't know if it actually has to be on the next 4 agenda, or maybe it's just something that CSD needs 5 to help us, like, start getting thought of, is the 6 National Charter School Conference is coming up in 7 June. And I know it takes some time for y'all to 8 prepare out-of-state travel for however many people 9 are possibly considering thinking about coming. 10 So I don't know if we can put it on the 11 work session for next month. Or if you guys want to 12 start sending out e-mails or whatever you want to do 13 to get us ready for that. 14 DIRECTOR CORINA CHAVEZ: Just sent an 15 e-mail about that today to our procurement. 16 THE CHAIR: This is the National Charter 17 School Alliance. They do the National Charter 18 School Conference. And it's in Austin in June -- I 19 think it's, like, June -- middle of June. 20 And it's -- yeah, last year -- I'll just 21 say really quickly, my experience last year, going 22 to both for first time, like, right, first time in 23 person, because the first year we were here is 24 virtual. And they are not the same virtually. 25 In person, the National Charter School</p>

294	<p>1 Conference is very much like on-the-ground, charter 2 school experience. So, like, what are innovative 3 charter schools doing across the country, what are 4 programs they're using, like, what are charter 5 schools actually doing is predominantly the theme. 6 They do have some authorizer sessions that 7 were really helpful. They were generally run by 8 NACSA, those sessions were. But there were some 9 really helpful ones in there that were 10 authorizer-specific. 11 But the conference itself isn't specific 12 for authorizers. It's much more just broad, but 13 really great to get ideas and information 14 nationally. Yeah. Very expensive. That was the 15 big takeaway I had last year. 16 Then going to the NACSA conference after 17 like honed in on the authorizing, but nationally, 18 which was also once again really valuable to get 19 that experience. 20 So they're very different. Very different 21 tones, too. The National Charter School Conference 22 is much more fun. I don't know if that's, like -- 23 it's very upbeat and, like, really, like fun. 24 COMMISSIONER GIPSON: Austin has great 25 food.</p>	296	<p>1 COMMISSIONER INGHAM: Yes. Absolutely. 2 COMMISSIONER ARMIJO: Commissioner 3 Clahchischilliage. 4 COMMISSIONER CLAHCHISCHILLIAGE: Yes. 5 COMMISSIONER ARMIJO: Commissioner Gipson. 6 COMMISSIONER GIPSON: Yes. 7 COMMISSIONER ARMIJO: Commissioner Manis. 8 COMMISSIONER MANIS: Yes. 9 COMMISSIONER ARMIJO: Commissioner Beck. 10 COMMISSIONER BECK: Yes. 11 COMMISSIONER ARMIJO: Commissioner Taylor. 12 COMMISSIONER TAYLOR: Yes. 13 COMMISSIONER ARMIJO: And Chair Brauer. 14 THE CHAIR: Yes. Thank you, Melissa. 15 COMMISSIONER ARMIJO: That passes. 16 THE CHAIR: Hope you all have a wonderful 17 weekend and safe travels home. 18 (Proceedings concluded at 4:26 p.m.) 19 20 21 22 23 24 25</p>
295	<p>1 COMMISSIONER BURT: NACSA is a little more 2 serious-toned. That's also what I recognize the 3 difference between the two. Both very good. That's 4 the only thing I had. 5 THE CHAIR: Thank you. I see no other 6 hands raised. So I'm going to move to Item No. 18, 7 Adjourn. Do we have a motion? 8 COMMISSIONER BURT: Move to adjourn. 9 COMMISSIONER TAYLOR: Second. 10 THE CHAIR: And we do not vote on that; is 11 that right? 12 COMMISSIONER BURT: We do. 13 THE CHAIR: Roll-call vote, please. 14 COMMISSIONER ARMIJO: The motion from Vice 15 Chair Burt. And then I believe -- who seconded? 16 COMMISSIONER TAYLOR: Taylor, yeah. 17 COMMISSIONER ARMIJO: Commissioner Taylor. 18 Secretary Melissa -- Secretary Armijo 19 votes yes. 20 Vice Chair Burt. 21 COMMISSIONER BURT: Yes. 22 COMMISSIONER ARMIJO: Commissioner 23 Carrillo. 24 COMMISSIONER CARRILLO: Yes. 25 COMMISSIONER ARMIJO: Commissioner Ingham.</p>	297	<p>1 BEFORE THE PUBLIC EDUCATION COMMISSION 2 STATE OF NEW MEXICO 3 4 5 6 7 REPORTER'S CERTIFICATE 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified 9 Court Reporter in the State of New Mexico, do hereby 10 certify that the foregoing pages constitute a true 11 transcript of proceedings had before the said 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the 13 State of New Mexico, in the matter therein stated. 14 In testimony whereof, I have hereunto set my 15 hand on February 17, 2023. 16 17 18 19 20 21 22 23 24 25 Cynthia C. Chapman, RMR-CRR New Mexico Certified Reporter #219 BEAN & ASSOCIATES, INC. 201 Third Street, NW, Suite 1630 Albuquerque, New Mexico 87102 License Expires: 12/31/2023 Job No.: 7862N (CC)</p>

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1 BEFORE THE PUBLIC EDUCATION COMMISSION
2 STATE OF NEW MEXICO

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16
17
18 *Cynthia Chapman*

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